THE CODE OF THE LAWS

OF THE

UNITED STATES OF AMERICA

OF A GENERAL AND PERMANENT CHARACTER

IN FORCE

DECEMBER 7, 1925

AND APPENDIX WITH LAWS TO DECEMBER 6, 1926

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[WITH ANCILLARIES AND INDEX]

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OF THE

UNITED STATES STATUTES AT LARGE

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PREFACE

This Code is the official restatement in convenient form of the general and permanent laws of the United States in force December 7, 1925, now scattered in 25 volumes—i. e., the Revised Statutes of 1878, and volumes 20 to 43, inclusive, of the Statutes at Large. No new law is enacted and no law repealed. It is prima facie the law. It is presumed to be the law. The presumption is rebuttable by production of prior unrepealed Acts of Congress at variance with the Code. Because of such possibility of error in the Code and of appeal to the Revised Statutes and Statutes at Large, a table of statutes repealed prior to December 7, 1925, is published herein together with the Articles of Confederation; The Declaration of Independence; Ordinance of 1787; the Constitution with amendments and index; tables of cross references to the Revised Statutes, the Statutes at Large, the United States Compiled Statutes, Annotated, of the West Publishing Co., and the Federal Statutes, Annotated, of the Edward Thompson Co.; an appendix with the general and permanent laws of the first session of the Sixty-ninth Congress; and finally an exhaustive index of the laws in the Code and appendix.

The first official codification of the general and permanent laws of the United States was made in 1874 and followed by a perfected edition in 1878. From 1897 to 1907 a commission was engaged in an effort to codify the great mass of accumulating legislation. The work of the commission involved an expenditure of over $300,000, but was never carried to completion. More recently the task of codification was undertaken by the late Hon. Edward C. Little as chairman of the Committee on the Revision of the Laws of the House of Representatives, who labored indefatigably from 1919 to the day of his death, June 24, 1924. The volumes which represented the result of his labors were embodied in bills which passed the House of Representatives in three successive Congresses unanimously but failed of action in the Senate.

The Code now set forth has resulted from the hearty cooperation of the Committee of the House of Representatives on the Revision of the Laws, and the Select Committee of the United States Senate consisting of Richard P. Ernst, chairman, George Wharton Pepper, and William Cabell Bruce. Under the auspices of the committees of the House and the Senate the actual work of assembling and classifying the mass of material has been done by the West Publishing Co. and the Edward Thompson Co. These two houses have subordinated their private interests to the public good and have produced a result which would have been impossible without them. Acknowledgment of valuable assistance is given to W. H. McClenon, of the Legislative Reference Division of the Library of Congress, and to the law officers and other representatives of the several departments, bureaus, and commissions of the Government. Appreciation is also expressed of the interest in the work taken by the Committee on the Revision of the Federal Statutes of the American Bar Association.

Scrutiny of this Code is invited. Constructive criticism is solicited. It is the ambition of the Committee on the Revision of the Laws of the House of Representatives gradually to perfect the Code by correcting errors, eliminating obsolete matter, and restating the law with logical completeness and with precision, brevity, and uniformity of expression.

Address criticisms to Chairman of the Committee on the Revision of the Laws of the House of Representatives, Washington, D. C.

WASHINGTON, *June 30, 1926.*

ROY G. FITZGERALD, *Chairman.*

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Chapter 712

THE CODE OF THE LAWS

OF THE

UNITED STATES OF AMERICA

OF A GENERAL AND PERMANENT CHARACTER IN FORCE DECEMBER SEVENTH, NINETEEN HUNDRED AND TWENTY-FIVE, CONSOLIDATED, CODIFIED, SET FORTH, AND PUBLISHED IN NINETEEN HUNDRED AND TWENTY-SIX, IN THE *ONE HUNDRED AND FIFTIETH YEAR OF THE REPUBLIC*, AT ITS FIRST SESSION, BY THE

SIXTY-NINTH CONGRESS

AN ACT

To consolidate, codify, and set forth the general and permanent laws of the United States in force December seventh, one thousand nine hundred and twenty-five

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifty titles hereinafter set forth are intended to embrace the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925, compiled into a single volume under the authority of Congress, and designated "The Code of the Laws of the United States of America."

SEC. 2. In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) The matter set forth in the Code, evidenced as hereinafter in this section provided, shall establish prima facie the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925; but nothing in this Act shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the Code. In case of any inconsistency arising through omission or otherwise between the provisions of any section of this Code and the corresponding portion of legislation heretofore enacted effect shall be given for all purposes whatsoever to such enactments.

(b) Copies of this Act printed at the Government Printing Office and bearing its imprint shall be conclusive evidence of the original of the Code in the custody of the Secretary of State.

(c) The Code may be cited as "U. S. C."

THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA

TITLE 1.—GENERAL PROVISIONS

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2. ACTS AND RESOLUTIONS OF THE CONGRESS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS	21

Chapter 1.—RULES OF CONSTRUCTION.

Sec.
1. Words importing singular number, masculine gender, etc.; extended application.
2. "County" as including "parish," etc.
3. "Vessel" as including all means of water transportation.
4. "Vehicle" as including all means of land transportation.
5. "Company" and "association" as including successors and assigns.

Section 1. Words importing singular number, masculine gender, etc.; extended application.—In determining the meaning of any Act or resolution of Congress, words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person; the word "person" may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an "oath" shall be deemed complied with by making affirmation in judicial form. (R. S. § 1.)

2. "County" as including "parish," etc.—The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States. (R. S. § 2.)

3. "Vessel" as including all means of water transportation.—The word "vessel" includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. (R. S. § 3.)

4. "Vehicle" as including all means of land transportation.—The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land. (R. S. § 4.)

5. "Company" and "association" as including successors and assigns.—The word "company" or "association," when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association," in like manner as if these last-named words, or words of similar import, were expressed. (R. S. § 5.)

Chapter 2.—ACTS AND RESOLUTIONS OF THE CONGRESS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS.

Sec.
21. Enacting clause.
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23. Enacting or resolving words after first section.
24. Numbering of sections; single proposition.
25. Title of appropriation Acts.
26. Printing bills and joint resolutions.
27. Parchment or paper for printing enrolled bills or resolutions.
28. Effect of repeal of repealing Act.
29. Repeal of statute as affecting existing liabilities.
30. Pamphlet copies of Acts and Statutes at Large; contents; admissibility in evidence.
31. Sealing of instruments.

Section 21. Enacting clause.—The enacting clause of all Acts of Congress shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." (R. S. § 7.)

22. Resolving clause.—The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled." (R. S. § 8.)

23. Enacting or resolving words after first section.—No enacting or resolving words shall be used in any section of an Act or resolution of Congress except in the first. (R. S. § 9.)

24. Numbering of sections; single proposition.—Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment. (R. S. § 10.)

25. Title of appropriation Acts.—The style and title of all Acts making appropriations for the support of Government shall be as follows: "An Act making appropriations (here insert the object) for the year ending June 30 (here insert the calendar year)." (R. S. § 11.)

26. Printing bills and joint resolutions.—Every bill or joint resolution in each House of Congress shall, when such bill or resolution passes either House, be printed, and such printed copy shall be called the engrossed bill or resolution as the case may be. Said engrossed bill or resolution shall be signed by the Clerk of the House or the Secretary of the Senate, and shall be sent to the other House, and in that form shall be dealt with by that House, and its officers and, if passed, returned signed by said Clerk or Secretary. When such bill, or joint resolution shall have passed both Houses, it shall be printed and shall then be called the enrolled bill, or joint resolution as the case may be, and shall be signed by the presiding officers of both Houses and sent to the President of the United States. During the last six days of a session such engrossing and enrolling of bills and joint resolutions may be done otherwise than as above prescribed, upon the order of Congress by concurrent resolution. (Nov. 1, 1893, 28 Stat. Appendix 5; Mar. 2, 1895, c. 177, § 1, 28 Stat. 769.)

27. Parchment or paper for printing enrolled bills or resolutions.—Enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality as shall be determined by the Joint Committee on Printing. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 520.)

28. Effect of repeal of repealing Act.—Whenever an Act is repealed, which repealed a former Act, such former Act shall not thereby be revived, unless it shall be expressly so provided. (R. S. § 12.)

29. Repeal of statutes as affecting existing liabilities.—The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. (R. S. § 13.)

30. Pamphlet copies of Acts and Statutes at Large; contents; admissibility in evidence.—The pamphlet copies of the statutes and the bound copies of the Acts of each Congress shall be legal evidence of the laws and treaties therein contained in all the courts of the United States and of the several States therein. The said pamphlet and the Statutes at Large shall contain all laws, joint and concurrent resolutions passed by Congress, and also all conventions, treaties, proclamations, and agreements. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 615.)

31. Sealing of instruments.—In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance. (R. S. § 6.)

TITLE 2.—THE CONGRESS

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Chapter 1.—ELECTION OF SENATORS AND REPRESENTATIVES.

Sec.
1. Time for election of Senators.
2. Number and apportionment of Representatives.
3. Election by districts.
4. Additional Representatives at large.
5. Nominations for Representatives at large.
6. Reduction of representation.
7. Time of election.
8. Vacancies.
9. Voting for Representatives.

Section 1. Time for election of Senators.—At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 4th day of March next thereafter. (June 4, 1914, c. 103, § 1, 38 Stat. 384.)

2. Number and apportionment of Representatives.—The House of Representatives shall be composed of four hundred and thirty-five Members, to be apportioned among the several States as follows:

Alabama, ten.	Nebraska, six.
Arizona, one.	Nevada, one.
Arkansas, seven.	New Hampshire, two.
California, eleven.	New Jersey, twelve.
Colorado, four.	New Mexico, one.
Connecticut, five.	New York, forty-three.
Delaware, one.	North Carolina, ten.
Florida, four.	North Dakota, three.
Georgia, twelve.	Ohio, twenty-two.
Idaho, two.	Oklahoma, eight.
Illinois, twenty-seven.	Oregon, three.
Indiana, thirteen.	Pennsylvania, thirty-six.
Iowa, eleven.	Rhode Island, three.
Kansas, eight.	South Carolina, seven.
Kentucky, eleven.	South Dakota, three.
Louisiana, eight.	Tennessee, ten.
Maine, four.	Texas, eighteen.
Maryland, six.	Utah, two.
Massachusetts, sixteen.	Vermont, two.
Michigan, thirteen.	Virginia, ten.
Minnesota, ten.	Washington, five.
Mississippi, eight.	West Virginia, six.
Missouri, sixteen.	Wisconsin, eleven.
Montana, two.	Wyoming, one.

(Aug. 8, 1911, c. 5, §§ 1, 2, 37 Stat. 13, 14; Jan. 6, 1912, 37 Stat. 1723; Feb. 14, 1912, 37 Stat. 1728.)

3. Election by districts.—In each State entitled under this apportionment to more than one Representative, the Representatives to Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative. (Aug. 8, 1911, c. 5, § 3, 37 Stat. 14.)

4. Additional Representatives at large.—In case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts prescribed by law on August 8, 1911, until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 3; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts prescribed by law on August 8, 1911, until such State shall be redistricted as herein prescribed. (Aug. 8, 1911, c. 5, § 4, 37 Stat. 14.)

5. Nominations for Representatives at large.—Candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State. (Aug. 8, 1911, c. 5, § 5, 37 Stat. 15.)

6. Reduction of representation.—Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State. (R. S. § 22.)

7. Time of election.—The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 4th day of March next thereafter. This section shall not apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State. (R. S. § 25; Mar. 3, 1875, c. 130, § 6, 18 Stat. 400.)

8. Vacancies.—The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively. (R. S. § 26.)

9. Voting for Representatives.—All votes for Representatives in Congress must be by written or printed ballot, or voting machine the use of which has been duly authorized by the State law; and all votes received or recorded contrary to this section shall be of no effect. (R. S. § 27; Feb. 14, 1899, c. 154, 30 Stat. 836.)

Chapter 2.—ORGANIZATION OF CONGRESS.

Sec.
21. Oath of Senators.
22. Oath of President of Senate.
23. Presiding officer of Senate may administer oaths.
24. Secretary of Senate or Chief Clerk may administer oaths.
25. Oath of Speaker, Members, and Delegates.
26. Roll of Representatives-elect.
27. Change of place of meeting.

Section 21. Oath of Senators.—The oath of office shall be administered by the President of the Senate to each Senator who shall be elected, previous to his taking his seat. (R. S. § 28.)

22. Oath of President of Senate.—When a President of the Senate has not taken the oath of office, it shall be administered to him by any Member of the Senate. (R. S. § 29.)

23. Presiding officer of Senate may administer oaths.—The presiding officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate. (Apr. 18, 1876, c. 66, § 1, 19 Stat. 34.)

24. Secretary of Senate or Chief Clerk may administer oaths.—The Secretary of the Senate, and the Chief Clerk thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it. (Apr. 18, 1876, c. 66, § 2, 19 Stat. 34.)

25. Oath of Speaker, Members, and Delegates.—At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other business; and to the Members and Delegates who afterward appear, previous to their taking their seats. (R. S. § 30:)

26. Roll of Representatives-elect.—Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant at Arms of the next preceding House of Representatives. In case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Doorkeeper of the next preceding House of Representatives. (R. S. §§ 31, 32, 33.)

27. Change of place of meeting.—Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper. (R. S. § 34.)

Chapter 3.—COMPENSATION OF MEMBERS.

Sec.
31. Compensation of Members of Congress.
32. Compensation of President of Senate.
33. Senators' salaries payable monthly.
34. Representatives' salaries payable monthly.
35. Salaries payable monthly after taking oath.
36. Salaries of Senators appointed or elected to fill vacancies.
37. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms.
38. Pay of Member dying after commencement of Congress.
39. Deductions for absence.
40. Deductions for withdrawal.
41. Newspapers.
42. Postage.
43. Mileage of Senators, Representatives, and Delegates.
44. Mileage allowance to Delegate from Alaska.
45. Mileage allowance to Resident Commissioners from Philippine Islands.
46. Mileage allowance to Resident Commissioner from Porto Rico.
47. Mode of payment.
48. Certification of salary and mileage accounts.
49. Certificate of salary during recess.
50. Substitute to sign certificates for salary and accounts.
51. Monuments to deceased Senators or Members of House.

Section 31. Compensation of Members of Congress.—The compensation of the Speaker of the House of Representatives shall be at the rate of $15,000 per annum, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of $10,000 per annum each. (Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

32. Compensation of President of Senate.—Whenever there is no Vice President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice President. (R. S. § 36.)

33. Senators' salaries payable monthly.—Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented in the Senate, but who have had no opportunity to be qualified, may receive their compensation monthly, from the beginning of their term, until there shall be a session of the Senate. (Mar. 3, 1833, c. 143, 22 Stat. 632.)

34. Representatives' salaries payable monthly.—Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 26 of this title, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker. (R. S. § 38; Mar. 3, 1875, c. 130, § 1, 18 Stat. 389.)

35. Salaries payable monthly after taking oath.—Each Member and Delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month. (R. S. § 39.)

36. Salaries of Senators appointed or elected to fill vacancies.—Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill vacancies in the Senate shall commence on the day they qualify: *Provided*, That where no appointments have been made to fill such vacancies, the salaries of Senators elected to fill such vacancies shall commence on the day following their election. (Feb. 10, 1923, c. 68, 42 Stat. 1225.)

37. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms.—The salaries of Representatives in Congress, Delegates from Territories, and Resident Commissioners, elected for unexpired terms, shall commence on the date of their election and not before. (R. S. § 51; July 16, 1914, c. 141, § 1, 38 Stat. 458.)

38. Pay of Member dying after commencement of Congress.—When any person who has been elected a Member of or Delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of

$10,000 a year, with any mileage remaining due for actually going to or returning from any session of Congress. Salaries so allowed shall be computed and paid in all cases, for a period of not less than three months from the commencement of the Congress. (R. S. §§ 49, 50; Jan. 20, 1874, c. 11, 18 Stat. 4.)

39. Deductions for absence.—The Secretary of the Senate and Sergeant at Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family. (R. S. § 40.)

40. Deductions for withdrawal.—When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his mileage in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives respectively. (R. S. § 41.)

41. Newspapers.—No Member or Delegate is entitled to any allowance for newspapers. (R. S. § 43.)

42. Postage.—No compensation or allowance shall be made to Senators, Representatives, or Delegates on account of postage. (R. S. § 44.)

43. Mileage of Senators, Representatives, and Delegates.—Each Senator, Representative, and Delegate shall receive mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session. (July 28, 1866, c. 296, § 17, 14 Stat. 323; Jan. 20, 1874, c. 11, 18 Stat. 4.)

44. Mileage allowance to Delegate from Alaska.—The Delegate from Alaska, in lieu of all other allowances, shall, in addition to his salary, receive the sum of $1,500 per annum, which shall cover all mileage and other expenses, except stationery allowance and compensation for clerk hire. (May 7, 1906, c. 2083, § 1, 34 Stat. 170.)

45. Mileage allowance to Resident Commissioners from Philippine Islands.—Each of the Resident Commissioners from the Philippine Islands shall, in addition to the salary allowed by law, receive $2.000 each per annum, in lieu of mileage. (July 1, 1902, c. 1369, § 8, 32 Stat. 694; Aug. 29, 1916, c. 416, § 20, 39 Stat. 552.)

46. Mileage allowance to Resident Commissioner from Porto Rico.—The Resident Commissioner from Porto Rico shall be allowed the sum of $500 as mileage for each session of the House of Representatives. (Mar. 2, 1917, c. 145, § 36, 39 Stat. 963.)

47. Mode of payment.—The compensation of Members and Delegates shall be passed as public accounts, and paid out of the public Treasury. (R. S. § 46.)

48. Certification of salary and mileage accounts.—Salary and mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives; and such certificates shall be conclusive upon all the departments and officers of the Government. (R. S. §§ 47, 48; July 28, 1866, c. 296, § 17, 14 Stat. 323; Jan. 20, 1874, c. 11, 18 Stat. 4.)

49. Certificate of salary during recess.—The Clerk of the House of Representatives is authorized and directed to sign, during the recess of Congress after the first session and until the first day of the second session, the certificates for the monthly compensation of Members and Delegates in Congress, which certificate shall be in the form in use on August 15, 1876, and shall have the like force and effect as is given to the certificate of the Speaker. (Aug. 15, 1876, c. 287, § 1, 19 Stat. 145.)

50. Substitute to sign certificates for salary and accounts.—The Speaker is authorized to designate from time to time some one from among those appointed by him and appropriated for and employed in his office, whose duty it shall be under the direction of the Speaker to sign in his name and for him all certificates required by section 48 of this title for salary and accounts for traveling expenses in going to and returning from Congress of Representatives and Delegates. (Nov 12, 1903, No. 1, 33 Stat. 1.)

51. Monuments to deceased Senators or Members of House.—Whenever any deceased Senator or Member of the House of Representatives shall be actually interred in the Congressional Cemetery, so-called, it shall be the duty of the Sergeant at Arms of the Senate, in the case of a Senator, and of the Sergeant at Arms of the House of Representatives, in the case of a Member of the House, to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are directed and authorized to be supplied in like manner. (May 23, 1876, c. 103, 19 Stat. 54.)

Chapter 4.—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES.

Sec.

61. Limit on rate of compensation of officers and employees of Senate.
62. Limitation on compensation of Sergeant at Arms and Doorkeeper of Senate.
63. Duties of Senate Doorkeeper.
64. Secretary of Senate a disbursing officer.
65. Bond of Secretary of Senate.
66. Fiscal year for adjustment of accounts of Secretary of Senate.
67. Clerks to Senators elect.
68. Payments from contingent fund of Senate.
69. Same; for expenses of committees.
70. Same; Senate resolutions for payment for clerical and messenger service.
71. Motor equipment for Senate.
72. Committee employees after termination of Congress.
73. Clerk for minority members of Committee on Ways and Means.
74. Clerk hire, Members, Delegates, and Resident Commissioners.
75. Bond of Clerk of House of Representatives.
76. Duties of Doorkeeper of House of Representatives.
77. Sergeant at Arms of House of Representatives; additional compensation.
78. Same; duties.
79. Same; symbol of office.
80. Same; disbursement of compensation of Members and Delegates.
81. Same; fiscal year for adjustment of accounts.
82. Same; bond.
83. Same; tenure of office.
84. Same; statement of disbursements.
85. Performance of duties by employees of House.
86. Division of salaries of employees of House of Representatives.
87. Subletting of duties of employees of House of Representatives forbidden.
88. Limit of age of pages in House of Representatives.
89. Certificates to pay rolls of employees in House of Representatives.
90. Removal from office of employees of House of Representatives.
91. Inquiry by Committee on Accounts of House of Representatives.
92. Payment of appropriations for clerk hire for Members, Delegates, and Resident Commissioners.
93. Time of beginning of compensation of clerks to committees of House of Representatives paid during session only.
94. Appointment, duties, and removal of janitors to committees of House of Representatives.
95. Payments from contingent funds of House of Representatives.
96. Payment from moneys of House of Representatives of certain bills.
97. Temporary committee on Accounts of House of Representatives.
98. Contracts for horses for service of House of Representatives.
99. Contracts for horses and mail wagons for House of Representatives.
100. Contracts for packing boxes for House of Representatives.
101. Subletting duties of employees of Senate or House of Representatives.

Sec.
102. Statements of Secretary of Senate and Clerk of House of Representatives.
103. Reports of subordinate disbursing officers of Senate and House of Representatives.
104. Reports of all expenditures of Senate and House of Representatives.
105. Preparation and contents of statement of appropriations.
106. Stationery for Senate and House of Representatives; advertisements for.
107. Same; notice of acceptance of proposals for.
108. Same; contracts for separate parts of stationery.
109. American goods to be preferred in purchases for Senate and House of Representatives.
110. Purchase of paper, envelopes, etc., for stationery rooms of Senate and House of Representatives.
111. Purchase of supplies for Senate and House of Representatives.
112. Purchases of stationery and materials for folding.
113. Detailed reports of receipts and expenditures by Secretary of Senate and Clerk of House of Representatives.
114. Fees for copies from Senate and House Journals.
115. Index to House daily calendar.
116. Accounts of property.
117. Sale of waste paper.
118. Actions against officers for official acts.

61. Limit on rate of compensation of officers and employees of Senate.—No officer or employee of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed. (Aug. 5, 1882, c. 390, § 1, 22 Stat. 270.)

62. Limitation on compensation of Sergeant at Arms and Doorkeeper of Senate.—The Sergeant at Arms and Doorkeeper of the Senate shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, other than the salary prescribed by law. (June 20, 1874, c. 328, § 1, 18 Stat. 85; Mar. 3, 1875, c. 129, § 1, 18 Stat. 344.)

63. Duties of Senate Doorkeeper.—The Doorkeeper of the Senate shall perform the usual services pertaining to his office during the session of Congress, and shall in the recess, under the direction of the Secretary of the Senate, take care of the apartments occupied by the Senate. (R. S. § 73.)

64. Secretary of Senate a disbursing officer.—The moneys which may be appropriated for the compensation of Members and officers, and for the contingent expenses of the Senate, shall be paid at the Treasury, on requisitions drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law, and the Secretary shall be deemed a disbursing officer. (R. S. § 56.)

65. Bond of Secretary of Senate.—The Secretary of the Senate shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the compensation of Members and officers or the contingent expenses of the Senate, give a bond to the United States, with one or more sureties, to be approved by the Secretary of the Treasury, in the penal sum of $20,000, with condition for the faithful application and disbursement of such funds as may be drawn by him from the Treasury as disbursing officer of the Senate, which bond shall be deposited in the office of the Secretary of the Treasury. (R. S. §§ 57, 59; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

66. Fiscal year for adjustment of accounts of Secretary of Senate.—The fiscal year for the adjustment of the accounts of the Secretary of the Senate, for compensation and traveling expenses of Senators, shall extend to and include the third day of July. (R. S. § 237; Oct. 1, 1890, c. 1256, § 9, 26 Stat. 646.)

67. Clerks to Senators elect.—Senators elected, whose term of office begins on the fourth day of March, and whose credentials in due form of law shall have been presented to the Senate, or filed with the Secretary, but who have not been qualified, are authorized to appoint a clerk to serve from the date of the commencement of their terms, respectively, whose compensation shall be paid out of the appropriation for clerks to Senators who are not chairmen of committees. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 766; Feb. 20, 1923, c. 98, 42 Stat. 1266.)

68. Payments from contingent fund of Senate.—No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate. Payments made upon vouchers approved by said Committee shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the department and officers of the Government: *Provided*, That no payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the Senate. (Oct. 2, 1888, c. 1069, § 1, 25 Stat. 546.)

69. Same; for expenses of committees.—When any duty is imposed upon a committee of the Senate involving expenses which are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of the chairman of such committee for any sum paid to him or his order out of said contingent fund by the Secretary of the Senate shall be taken and passed by the General Accounting Office as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish vouchers in detail for the disbursement of such moneys to the Secretary of the Senate, who shall file them with the General Accounting Office. (Mar. 3, 1879, c. 183, § 1, 20 Stat. 419.)

70. Same; Senate resolutions for payment for clerical and messenger service.—All Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed. (July 16, 1914, c. 141, § 1, 38 Stat. 456.)

71. Motor equipment for Senate.—The Secretary of War is authorized in his discretion to transfer without charge to the Sergeant at Arms of the United States Senate such motor equipment as is suitable to the needs of the Senate and which is no longer required for the use of the War Department. (July 11, 1919, c. 6, § 1, 41 Stat. 57.)

72. Committee employees after termination of Congress.—Appropriations for committee employees shall not be available for the payment of any clerk or assistant clerk to a committee who does not, after the termination of the Congress during which he was appointed, perform his duties under the direction of the Clerk of the House. This provision shall not apply to the Committee on Accounts. (Mar. 4, 1925, c. 549, § 1, 43 Stat. 1291.)

73. Clerk for minority members of Committee on Ways and Means.—The position of a clerk for the minority members of the Committee on Ways and Means is hereby established at such rate of compensation as Congress may from time to time appropriate and incumbents thereof shall be appointed by and be subject to the direction of the ranking minority member of that committee. During the period between the expiration of a Congress and the election of the members of the Committee on Ways and Means at the succeeding Congress such clerk shall be appointed by and be subject to the direction of that ranking minority member of the committee of the expiring Congress who is also a member elect of the succeeding Congress. (Mar. 4, 1925, c. 549, § 1, 43 Stat. 1292.)

74. Clerk hire, Members, Delegates, and Resident Commissioners.—The clerk hire for clerks necessarily employed by each Member, Delegate, and Resident Commissioner, in the discharge of his official and representative duties, shall be at the rate of $4,000 per annum and shall be paid in accordance with section 92 of this title, but no person shall receive a salary from such clerk hire at a rate in excess of $3,300 per annum. (R. S. §§ 56, 54; Mar. 3, 1893, No. 21, 27 Stat. 757;

July 16, 1914, c. 141, §§ 1, 6, 38 Stat. 454, 509; Mar. 4, 1915, c. 141, §§ 1, 6, 38 Stat. 997, 1049; May 24, 1924, c. 183, § 1, 43 Stat. 149; June 7, 1924, c. 303, § 1, 43 Stat. 581; Mar. 4, 1925, c. 549, § 1, 43 Stat. 1286.)

75. Bond of Clerk of House of Representatives.—The Clerk of the House of Representatives shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the contingent expenses of the House, give a bond to the United States, with one or more sureties, to be approved by the Secretary of the Treasury, in the penal sum of $20,000, with condition for the faithful application and disbursement of such portions of the contingent fund of the House as shall come into his hands, which bond shall be deposited in the office of the Secretary of the Treasury. (R. S. §§ 58, 59; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

76. Duties of Doorkeeper of House of Representatives.—The Doorkeeper of the House of Representatives shall perform the usual services pertaining to his office during the session of Congress, and shall in the recess, under the direction of the Clerk of the House of Representatives, take care of the apartments occupied by the House of Representatives. (R. S. § 73.)

77. Sergeant at Arms of House of Representatives; additional compensation.—The Sergeant at Arms of the House of Representatives shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith, otherwise than the salary prescribed by law. (June 20, 1874, c. 328, § 1, 18 Stat. 87; Mar. 3, 1875, c. 129, § 1, 18 Stat. 346.)

78. Same; duties.—It shall be the duty of the Sergeant at Arms of the House of Representatives to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House and all processes issued by authority thereof, directed to him by the Speaker, keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law. (Oct. 1, 1890, c. 1256, § 1, 26 Stat. 645.)

79. Same; symbol of office.—The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor. (Oct. 1, 1890, c. 1256, § 2, 26 Stat. 645.)

80. Same; disbursement of compensation of Members and Delegates.—The moneys which have been, or may be, appropriated for the compensation and mileage of Members and Delegates shall be paid at the Treasury on requisitions drawn by the Sergeant at Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law, and he shall be a disbursing officer, but he shall not be entitled to any compensation additional to the salary fixed by law. (Oct. 1, 1890, c. 1256, § 3, 26 Stat. 645.)

81. Same; fiscal year for adjustment of accounts.—The fiscal year for the adjustment of the accounts of the Sergeant at Arms of the House of Representatives for compensation and mileage of Members and Delegates shall extend to and include the 3d day of July. (R. S. § 237; Oct. 1, 1890, c. 1256, § 9, 26 Stat. 646.)

82. Same; bond.—The Sergeant at Arms shall, within twenty days after entering upon the duties of his office, and before receiving any portion of the moneys appropriated for the compensation or mileage of Members and Delegates, give a bond to the United States, with two or more sureties, to be approved by the Secretary of the Treasury in the sum of $50,000, with condition for the proper discharge of the duties of his office, and the faithful keeping, application, and disbursement of such moneys as may be drawn from the Treasury and paid to him as disbursing officer of the United States, and shall, from time to time, renew his official bond as the Secretary of the Treasury shall direct. No Member of Congress shall be approved as surety on such bond. The bond given pursuant to this section shall be deposited in the office of the Secretary of the Treasury. (Oct. 1, 1890, c. 1256, §§ 4, 5, 26 Stat. 646; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

83. Same; tenure of office.—Any person duly elected and qualified as Sergeant at Arms of the House of Representatives shall continue in said office until his successor is chosen and qualified, subject, however, to removal by the House of Representatives. (Oct. 1, 1890, c. 1256, § 6, 26 Stat. 646.)

84. Same; statement of disbursements.—The Sergeant at Arms of the House of Representatives shall prepare and submit to the House of Representatives, at the commencement of each regular session of Congress, a statement in writing exhibiting the several sums drawn by him pursuant to sections 78 and 80 of this title, the application and disbursement of the same, and the balance, if any, remaining in his hands. (Oct. 1, 1890, c. 1256, § 7, 26 Stat. 646.)

85. Performance of duties by employees of House.—Employees of the House of Representatives under the Clerk, Sergeant at Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

86. Division of salaries of employees of House of Representatives.—It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

87. Subletting of duties of employees of House of Representatives forbidden.—It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

88. Limit of age of pages in House of Representatives.—No person shall be appointed or employed as a page in the service of the House of Representatives who is under twelve years or more than eighteen years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

89. Certificates to pay rolls of employees in House of Representatives.—The Clerk, Sergeant at Arms, Doorkeeper, and Postmaster of the House of Representatives shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

90. Removal from office of employees of House of Representatives.—The violation of any of the provisions of sections 85 to 89 of this title shall, upon ascertainment thereof, be deemed to be cause for removal from office. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

91. Inquiry by Committee on Accounts of House of Representatives.—It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the provisions of sections 85 to 90 of this title; and for this purpose they are authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 968.)

92. Payment of appropriations for clerk hire for Members, Delegates, and Resident Commissioners.—Appropriations made by Congress for clerk hire for Members, Delegates, and Resident Commissioners shall be paid by the Clerk of the House of Representatives to one or two persons to be designated by each Member, Delegate, or Resident Commissioner, the names of such persons to be placed upon the roll of employees of the House of Representatives, together with the amount to be paid each; and Representatives, Delegates, and Resident Commissioners elect to Congress shall likewise be entitled to make such designations: *Provided*, That such persons shall be subject to removal at any time by such Member, Delegate, or Resident Commissioner with or without cause. (Jan. 25, 1923, c. 43, 42 Stat. 1217.)

93. Time of beginning of compensation of clerks to committees of House of Representatives paid during session only.—The pay of the clerks to committees of the House of Representatives which have been or may be authorized by the House, who are paid during the session only shall begin from the time such clerks entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairman of the several committees employing clerks for the session only. (June 28, 1886, No. 15, 24 Stat. 342.)

94. Appointment, duties, and removal of janitors to committees of House of Representatives.—Janitors to committees of the House of Representatives shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed. (Mar. 4, 1925, c. 549, § 1, 43 Stat. 1291.)

95. Payments from contingent fund of House of Representatives.—No payment shall be made from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives. Payments from the contingent fund made upon vouchers approved by said committee shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government. No payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the House of Representatives. (Oct. 2, 1888, c. 1069, § 1, 25 Stat. 546; Mar. 4, 1911, c. 240, 36 Stat. 1318.)

96. Payment from moneys of House of Representatives of certain bills.—It shall be unlawful for the Clerk of the House to pay out of any moneys of the House of Representatives any bills for laundry, furniture, supplies, or utensils used in the barber shops of the House Office Building or the House side of the Capitol. (July 16, 1914, c. 141, § 1, 38 Stat. 462.)

97. Temporary committee on accounts of House of Representatives.—The Speaker of the House of Representatives of each Congress shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary committee on accounts, of three members, which said committee on accounts shall have the same powers and perform the same duties in reference to payments made from the contingent fund of the House of Representatives of the next Congress as are authorized by law and the rules of the preceding House of Representatives. Said temporary committee on accounts shall begin to exercise its powers immediately upon the termination of the previous Congress, and shall continue to exercise and discharge said duties until after the meeting and organization of the House of Representatives of the succeeding Congress, and until the appointment of the regular committee on accounts.

All payments made out of the contingent fund of the House of Representatives upon vouchers approved by said temporary committee on accounts shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and auditing officers of the Government. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 768.)

98. Contracts for horses for service of House of Representatives.—In all contracts made for service for the House of Representatives involving the employment of horses, the expense of keeping such horses shall be covered by the contract; and no money appropriated for contingent or other expenses of the House of Representatives shall be expended for stables or forage. (Mar. 3, 1885, c. 360, 23 Stat. 512.)

99. Contracts for horses and mail wagons for House of Representatives.—The appropriations for hire of horses and mail wagons for carrying the mails for the House of Representatives shall be expended under the direction of the Postmaster of the House, under contracts to be let annually to the lowest responsible bidder therefor after due advertisement. (Mar. 3, 1891, c. 541, § 1, 26 Stat. 914.)

100. Contracts for packing boxes for House of Representatives.—Packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 967.)

101. Subletting duties of employees of Senate or House of Representatives.—No employee of Congress, either in the Senate or House, shall sublet to, or hire, another to do or perform any part of the duties or work attached to the position to which he was appointed. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 771.)

102. Statements of Secretary of Senate and Clerk of House of Representatives.—The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year or any part thereof, employed in their respective offices, and those of the messengers of the respective Houses; together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons, or such messengers, have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons, and the appointment of others in their stead, is required for the better dispatch of business.

Second. A detailed statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price;

and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent.

Such statements shall exhibit, also, the several sums drawn by the Secretary and Clerk, respectively, from the Treasury, and the balances, if any, remaining in their hands. (R. S. §§ 60, 61.)

103. Reports of subordinate disbursing officers of Senate and House of Representatives.—The Secretary of the Senate and the Clerk of the House of Representatives shall each require of the disbursing officers acting under their direction or authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time, during the next preceding year, expended by them; and the results of such returns and the sums total shall be communicated annually to Congress, by the Secretary and Clerk, respectively. (R. S. § 62.)

104. Reports of all expenditures of Senate and House of Representatives.—All expenditures of the Senate and House of Representatives shall be made up to the end of each fiscal year, and shall be reported to Congress at the commencement of each regular session. (R. S. § 63.)

105. Preparation and contents of statement of appropriations.—The statement of all appropriations made during each session of Congress shall be prepared under the direction of the Committees on Appropriations of the Senate and House of Representatives, and said statement shall contain a chronological history of the regular appropriation bills passed during the session for which it is prepared. The statement shall indicate the amount of contracts authorized by appropriation Acts in addition to appropriations made therein, and shall also contain specific reference to all indefinite appropriations made each session and shall contain such additional information concerning estimates and appropriations as the committees may deem necessary. (R. S. § 64; Oct. 19, 1888, c. 1210, § 1, 25 Stat. 587; July 19, 1897, c. 9, § 1, 30 Stat. 136; June 7, 1924, c. 303, § 1, 43 Stat. 586.)

106. Stationery for Senate and House of Representatives; advertisements for.—The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress with the necessary stationery. The advertisement must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance. (R. S. §§ 65, 66; Feb. 18, 1875, c. 80, § 1, 18 Stat. 316.)

107. Same; notice of acceptance of proposals for.—All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract, and give such security. And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States. (R. S. § 67; Feb. 18, 1875, c. 80, § 1, 18 Stat. 316.)

108. Same; contracts for separate parts of stationery.—Sections 106 and 107 of this title shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished. (R. S. § 68.)

109. American goods to be preferred in purchases for Senate and House of Representatives.—The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture. (R. S. § 69.)

110. Purchase of paper, envelopes, etc., for stationery rooms of Senate and House of Representatives.—Paper, envelopes, and blank books required by the stationery rooms of the Senate and House of Representatives for sale to Senators and Members for official use may be purchased from the Public Printer at actual cost thereof and payment therefor shall be made before delivery. (June 5, 1920, c. 253, § 1, 41 Stat. 1036.)

111. Purchase of supplies for Senate and House of Representatives.—Supplies for use of the Senate and the House of Representatives may be purchased in accordance with the schedule of contract articles and prices of the General Supply Committee authorized by section 7 of Title 41. (June 5, 1920, c. 253, § 1, 41 Stat. 1036.)

112. Purchases of stationery and materials for folding.—Purchases of stationery and materials for folding shall be made in accordance with sections 106 to 109 of this title.

All contracts and bonds for purchases made under the authority of this section shall be filed with the Committee to Audit and Control the Contingent Expenses of the Senate or the Committee on Accounts of the House of Representatives respectively. (Mar. 3, 1887, c. 392, § 1, 24 Stat. 596.)

113. Detailed reports of receipts and expenditures by Secretary of Senate and Clerk of House of Representatives.—The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers. (R. S. § 70.)

114. Fees for copies from Senate and House Journals.—The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the Journal of the Senate or the executive Journal of the Senate when the injunction of secrecy has been removed, or from the Journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared the sum of 10 cents for each sheet containing one hundred words. (R. S. § 71.)

115. Index to House daily calendar.—The index to the daily calendar of business shall be printed only on Monday of each week. (Mar. 1, 1921, c. 89, § 1, 41 Stat. 1181.)

116. Accounts of property.—The Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant at Arms, the Postmasters of the Senate and House of Representatives, and the Doorkeeper of the House of Representatives, shall, severally, make out and return to Congress, on the first day of each regular session, and at the expiration of their respective

terms of service, a full and complete account of all property belonging to the United States in their possession, respectively, at the time of returning such account. (R. S. § 72.)

117. Sale of waste paper.—It shall be the duty of the Clerk and Doorkeeper of the House of Representatives and the Secretary and Sergeant at Arms of the Senate to cause to be sold all waste paper and useless documents and condemned furniture that may accumulate, in their respective departments or offices, under the direction of the Committee on Accounts of their respective houses and cover the proceeds thereof into the Treasury; and they shall, at the beginning of each regular session of Congress, report to their respective houses the amount of said sales. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 337.)

118. Actions against officers for official acts.—In any action brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the Act of July 28, 1866, entitled "An Act to protect the revenue, and for other purposes," and also all provisions of the sections of former Acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney General. (Mar. 3, 1875, c. 130, § 8, 18 Stat. 401.)

Chapter 5.—LIBRARY OF CONGRESS.

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Section 131. Collections composing Library.—The Library of Congress, composed of the books, maps, and other publications which on December 1, 1873 remained in existence, from the collections theretofore united under authority of law and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, shall be preserved in the Library Building. The law library shall be preserved in the Capitol in the rooms which were on July 4, 1872 appropriated to its use, and in such others as may hereafter be assigned thereto. (R. S. § 80; Feb. 19, 1897, c. 265, § 1, 29 Stat. 545, 546.)

132. Departments of Library.—The Library of Congress shall be arranged in two departments, a general library and a law library. (R. S. § 81.)

133. Joint Committee during recess of Congress.—The portion of the Joint Committee of Congress upon the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress upon the Library. (Mar. 3, 1883, c. 141, § 2, 22 Stat. 592.)

134. Incidental expenses of law library.—The incidental expenses of the law library shall be paid out of the appropriations for the Library of Congress. (R. S. § 83.)

135. Purchase of books for law library.—The Librarian shall make the purchases of books for the law library, under the direction of and pursuant to the catalogue furnished him by the Chief Justice of the Supreme Court. (R. S. § 84.)

136. Librarian of Congress; appointment; bond; rules and regulations.—The Librarian of Congress shall be appointed by the President, by and with the advice and consent of the Senate. He shall, before entering upon the duties of his office, give a bond payable to the United States, in the sum of $20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties according to law, which bond shall be deposited in the office of the Secretary of the Senate. He shall make rules and regulations for the government of the Library. (R. S. § 89; Feb. 19, 1897, c. 265, § 1, 29 Stat. 544, 546.)

137. Use and regulation of law library.—The justices of the Supreme Court shall have free access to the law library; and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulations shall not restrict any person authorized to take books from the Library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general Library. (R. S. § 95.)

138. Law library open, when.—The law library shall be kept open every day so long as either House of Congress is in session. (July 11, 1888, c. 615, § 1, 25 Stat. 262.)

139. Report of Librarian of Congress.—The Librarian of Congress shall make to Congress at the beginning of each regular session, a report for the preceding fiscal year, as to the affairs of the Library of Congress, including the copyright business, and said report shall also include a detailed statement of all receipts and expenditures on account of the Library and said copyright business. (Feb. 19, 1897, c. 265, § 1, 29 Stat. 546.)

140. Employees; fitness.—All persons employed in and about said Library of Congress under the Librarian shall be appointed solely with reference to their fitness for their particular duties. (Feb. 19, 1897, c. 265, § 1, 29 Stat. 545; June 29, 1922, c. 251, § 1, 42 Stat. 715.)

141. Duties of Architect of the Capitol and Librarian of Congress.—The Architect of the Capitol shall have charge of all structural work at the Library Building and on the grounds, including all necessary repairs, the operation, maintenance, and repair of the mechanical plant and elevators, the care and maintenance of the grounds, and the purchasing and supplying of all furniture and equipment for the building. The employees required for the performance of the foregoing duties shall be appointed by the Architect of the Capitol. All other duties

required to be performed on June 29, 1922 by the Superintendent of the Library Building and Grounds shall be performed under the direction of the Librarian of Congress, who shall appoint the employees necessary therefor. (June 29, 1922, c. 251, § 1, 42 Stat. 715.)

142. Office of administrative assistant and disbursing officer in Library of Congress created; appointment; duties; bond.—The position of administrative assistant and disbursing officer is created in the Library of Congress. Appointments thereto shall be made by the librarian. The administrative assistant and disbursing officer shall disburse the appropriations for the Library of Congress and the Botanic Garden and shall perform such services in connection with the duties imposed by sections 141 to 143 of this title upon the librarian as he may direct, and shall give bond payable to the United States in the sum of $30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties. (June 29, 1922, c. 251, § 1, 42 Stat. 715.)

143. Appropriations for Library Building and Grounds.—All appropriations made to the Architect of the Capitol on account of the Library Building and Grounds shall be disbursed for that purpose in the same manner as other appropriations under his control. (June 29, 1922, c. 251, § 3, 42 Stat. 715.)

144. Copies of Statutes at Large.—Ten of the copies of the Statutes at Large, published by Little, Brown & Co., which were deposited in the Library prior to February 5, 1850, shall be retained by the librarian for the use of the justices of the Supreme Court, during the terms of court. (R. S. § 96.)

145. Copies of Journals and documents.—Two copies of the Journals and Documents, and of each book printed by either House of Congress, bound as provided in section 116 of Title 44, PUBLIC PRINTING AND DOCUMENTS, shall be deposited in the Library, and must not be taken therefrom. (R. S. § 97.)

146. Deposit of Journals of Senate and House.—Twenty-five copies of the public Journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of government, to be delivered to Members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the librarian, and giving their responsible receipts for the same, in like manner as for other books. (R. S. § 98.)

147. Bound volumes from files of House of Representatives.—The Clerk of the House of Representatives is authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts on June 6, 1900, in, or that may thereafter have come into or may come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules. (June 6, 1900, c. 791, § 1, 31 Stat. 642.)

148. Transfer to Library of books from executive departments.—The head of any executive department or bureau or any commission of the Government is authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress. (Feb. 25, 1903, c. 755, § 1, 32 Stat. 865.)

149. Transfer of books to other libraries.—The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, including the Public Library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless. (Mar. 4, 1909, c. 297, § 1, 35 Stat. 858.)

150. Sale of copies of card indexes and other publications.—The Librarian of Congress is hereby authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and ten per centum added, and all moneys received by him shall be deposited in the Treasury. (June 28, 1902, c. 1301, § 1, 32 Stat. 480.)

151. Smithsonian Library.—The library collected by the Smithsonian Institution under the provisions of the Act of August 10, 1846, chapter 25, and removed from the building of that institution, with the consent of the Regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided. (R. S. § 99.)

152. Same; how kept and used.—The Smithsonian Institution shall have the use thereof in like manner as before its removal. All the books, maps, and charts of the Smithsonian Library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian Library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of the Institution. (R. S. § 100.)

153. Control of library of House of Representatives.—The library of the House of Representatives shall be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives. No removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 964.)

154. Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations.—A board is hereby created and established, to be known as the Library of Congress Trust Fund Board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury, the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business. (Mar. 3, 1925, c. 423, § 1, 43 Stat. 1107.)

155. Same; expenses.—No compensation shall be paid to the members of the board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them, out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the board shall be sufficient evidence that the expenses are properly allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the

income of any trust fund held by it, shall be estimated for in the annual estimates of the librarian for the maintenance of the Library of Congress. (Mar. 3, 1925, c. 423, § 1, 43 Stat. 1107.)

156. Same; gifts, etc., to.—The board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the board and by the Joint Committee on the Library. (Mar. 3, 1925, c. 423, § 1, 43 Stat. 1107.)

157. Same; trust funds; management of.—The moneys or securities composing the trust funds given or bequeathed to the board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified; and the Treasurer of the United States is hereby authorized to honor the requisitions of the librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe: *Provided, however,* That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it. (Mar. 3, 1925, c. 423, § 1, 43 Stat. 1107.)

158. Same; deposits with Treasurer of United States.—Should any gift or bequest so provide, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 per centum per annum, payable semiannually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified: *Provided, however,* That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of $5,000,000. (Mar. 3, 1925, c. 423, § 1, 43 Stat. 1107.)

159. Same; perpetual succession; suits by or against.—The board shall have perpetual succession, with all the usual powers and obligations of a trustee, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it. (Mar. 3, 1925, c. 423, § 3, 43 Stat. 1108.)

160. Same; gifts, etc., to Library not affected.—Nothing in sections 154 to 163 of this title shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified. (Mar. 3, 1925, c. 423, § 4, 43 Stat. 1108.)

161. Same; gifts, etc., exempt from Federal taxes.—Gifts or bequests to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes. (Mar. 3, 1925, c. 423, § 5, 43 Stat. 1108.)

162. Same; employees; compensation.—Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall not be subject to section 70 of Title 5; nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 63 of Title 5. (Mar. 3, 1925, c. 423, § 6, 43 Stat. 1108.)

163. Same; report to Congress.—The board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations. (Mar. 3, 1925, c. 423, § 7, 43 Stat. 1108.)

Chapter 6.—CONGRESSIONAL INVESTIGATIONS.

Sec.
191. Oaths to witnesses.
192. Refusal of witness to testify.
193. Privilege of witnesses.
194. Witnesses failing to testify.
195. Fees of witnesses in District of Columbia.

Section 191. Oaths to witnesses.—The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination. Any Member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof. (R. S. § 101; June 26, 1884, c. 123, 23 Stat. 60.)

192. Refusal of witness to testify.—Every person who having been summoned as a witness by the authority of either House of Congress, to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100, and imprisonment in a common jail for not less than one month nor more than twelve months. (R. S. § 102.)

193. Privilege of witnesses.—No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. (R. S. § 103.)

194. Witnesses failing to testify.—Whenever a witness summoned as mentioned in section 192 of this title fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action. (R. S. § 104.)

195. Fees of witnesses in District of Columbia.—Witnesses residing in the District of Columbia and not in the service of the government of said District or of the United States, who shall be summoned to give testimony before any committee of the House of Representatives, shall not be allowed exceeding $2 for each day's attendance before said committee. (May 1, 1876, c. 88, 19 Stat. 41.)

Chapter 7.—CONTESTED ELECTIONS.

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201. Notice of intention to contest.
202. Time for answer.
203. Time for taking testimony.
204. Notice of depositions; service.

Sec.
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222. Copy of notice and answer to accompany testimony.
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224. Fees of witnesses.
225. Fees of officers.
226. Limitation of expenses of contest for seat in House.

Section 201. Notice of intention to contest.—Whenever any person intends to contest an election of any Member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice, in writing, to the Member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest. (R. S. § 105.)

202. Time for answer.—Any Member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant. (R. S. § 106.)

203. Time for taking testimony.—In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned Member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period. This section shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned Member is served upon the contestant. (R. S. § 107; Mar. 2, 1875, c. 119, § 2, 18 Stat. 338.)

204. Notice of depositions; service.—The party desiring to take a deposition under the provisions of this chapter shall give the opposite party notice, in writing, of the time and place, when and where the same will be taken, of the name of the witnesses to be examined and their places of residence, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service can not be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. Testimony in rebuttal may be taken on five days' notice. (R. S. § 108.)

205. Testimony taken at several places at same time.—Testimony in contested-election cases may be taken at two or more places at the same time. (R. S. § 109.)

206. Who may issue subpœnas.—When any contestant or returned Member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any referee in bankruptcy or notary public. (R. S. § 110; June 7, 1878, c. 160, 20 Stat. 99; July 1, 1898, c. 541, § 38, 30 Stat. 555.)

207. Contents of subpœna.—The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpœna, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpœna, in order to be examined respecting the contested election. (R. S. § 111.)

208. When justices of the peace may act.—In case none of the officers mentioned in section 206 of this title are residing in the congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two justices of the peace residing within the district; and they may receive such application, and jointly proceed upon it. (R. S. § 112.)

209. Depositions by consent.—It shall be competent for the parties, their agents or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; also, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law, or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions. (R. S. § 113.)

210. Service of subpœna.—Each witness shall be duly served with a subpœna, by a copy thereof delivered to him or left at his usual place of abode, at least five days before the day on which the attendance of the witness is required. (R. S. § 114.)

211. Witnesses need not attend out of county.—No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpœna. (R. S. § 115.)

212. Penalty for failure to attend or testify.—Any person who, having been summoned in the manner above directed, refuses or neglects to attend and testify, unless prevented by sickness or unavoidable necessity, shall forfeit the sum of $20, to be recovered, with costs of suit, by the party at whose instance the subpœna was issued, and for his use, by an action of debt, to any court of the United States, and shall also be liable to an indictment for a misdemeanor, and punishment by fine and imprisonment. (R. S. § 116.)

213. Witnesses outside of district.—Depositions of witnesses residing outside of the district and beyond the reach of a subpœna may be taken before any officer authorized by law to take testimony in contested-election cases in the district in which the witness to be examined may reside. (R. S. § 117.)

214. Party notified may select officer.—The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone. (R. S. § 118.)

215. Depositions taken by party or agent.—At the taking of any desposition under this chapter, either party may appear and act in person, or by agent or attorney. (R. S. § 119.)

216. Examination of witnesses.—All witnesses who attend in obedience to a subpœna, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this chapter, shall then and there be examined on oath by the officer who issued the subpœna, or, in case of his absence, by any other officer who is authorized to issue such subpœna, or by the officer before whom the depositions are to be taken by written consent, or before whom the depositions of witnesses residing outside of the district are to be taken as the case may be, touching all such matters respecting the election about to be contested as shall be proposed by either of the parties or their agents. (R. S. § 120.)

217. Testimony, to what confined.—The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections 201 and 202 of this title. (R. S. § 121.)

218. Testimony, written out and attested.—The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses respectively. (R. S. § 122.)

219. Production of papers.—The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section 212 of this title. All papers thus produced, and all certified or sworn copies of official papers, shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives. (R. S. § 123.)

220. Adjournments.—The taking of the testimony may, if so stated in the notice, be adjourned from day to day. (R. S. § 124.)

221. Notice attached to depositions.—The notice to take depositions, with the proof or acknowledgment of the service thereof, and a copy of the subpœna, where any has been served, shall be attached to the depositions when completed. (R. S. § 125.)

222. Copy of notice and answer to accompany testimony.—A copy of the notice of contest, and of the answer of the returned Member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives. (R. S. § 126.)

223. Testimony sent to Clerk of House of Representatives; printing testimony; briefs.—All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the said Clerk shall proceed to open all the packages of testimony in the case, in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer, under the direction of the said Clerk; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said Clerk shall determine whether such portion of the testimony shall be printed; and the said Clerk shall prepare a suitable index to be printed with the record. And the notice of contest and the answer of the sitting Member shall also be printed with the record.

If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the Clerk shall proceed to open the packages, and shall cause such portions of the testimony to be printed, as he shall determine.

He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions when returned from the Public Printer, and lay the same before the Committee on Elections at the earliest opportunity. As soon as the testimony in any case is printed the Clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the Clerk, within thirty days, a brief of the facts and the authorities relied on to establish his case. The Clerk shall forward by mail two copies of the contestant's brief to the contestee, with like notice.

Upon receipt of the contestee's brief the Clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties respectively, and shall be of like folio as the printed record; and sixty copies thereof shall be filed with the Clerk for the use of the Committee on Elections. (R. S. § 127; Mar. 2, 1875, c. 119, § 1, 18 Stat. 338; Mar. 2, 1887, c. 318, 24 Stat. 445.)

224. Fees of witnesses.—Every witness attending by virtue of any subpœna herein directed to be issued shall be entitled to receive the sum of 75 cents for each day's attendance, and the further sum of 5 cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned. (R. S. § 128.)

225. Fees of officers.—Each judge, justice, chancellor, chief executive officer of a town or city, referee in bankruptcy, notary public, and justice of the peace, who shall be necessarily employed pursuant to the provisions of this chapter, and all sheriffs, constables, or other officers who may be employed to serve any subpœna or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the State wherein such service may be rendered. (R. S. § 129.)

226. Limitation of expenses of contest for seat in House.—No contestee or contestant for a seat in the House of Representatives shall be paid exceeding $2,000 for expenses in election contests; and before any sum whatever shall be paid to a contestant or contestee for expenses of election contest, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 224 of this title. (R. S. § 130; Mar. 3, 1879, c. 182, § 1, 20 Stat. 400.)

Chapter 8.—FEDERAL CORRUPT PRACTICES.

Sec.
241. Definitions.
242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts.
243. Accounts of contributions received.
244. Statements by treasurer filed with Clerk of House of Representatives.
245. Statements by others than political committee filed with Clerk of of House of Representatives.
246. Statements by candidates for Senator, Representative, Delegate, or Resident Commisisoner filed with Secretary of Senate and Clerk of House of Representatives.
247. Statements; verification; filing; preservation; inspection.
248. Limitation upon amount of expenditures by candidate.
249. Promises or pledges by candidate.
250. Expenditures to influence voting.
251. Contributions by national banks or other Federal corporations; penalty.
252. General penalties for violations.
253. Expenses of election contests.
254. State laws not affected.
255. Partial invalidity.
256. Citation.

Section 241. Definitions.—When used in this chapter—

(a) The term "election" includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States. (June 25, 1910, c. 392, §§ 1, 8, 36 Stat. 822; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 302, 43 Stat. 1070.)

242. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts.—(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) All contributions made to or for such committee;

(2) The name and address of every person making any such contribution, and the date thereof;

(3) All expenditures made by or on behalf of such committee; and

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items. (June 25, 1910, c. 392, §§ 2, 3, 36 Stat. 823; Feb. 28, 1925, c. 368, Title III, § 303, 43 Stat. 1071.)

243. Accounts of contributions received.—Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received. (June 25, 1910, c. 392, § 4, 36 Stat. 823; Feb. 28, 1925, c. 368, Title III, § 304, 43 Stat. 1071.)

244. Statements by treasurer filed with Clerk of House of Representatives.—(a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year. (June 25, 1910, c. 392, §§ 5, 6, 36 Stat. 823; Aug. 19, 1911, c. 33, § 1, 37 Stat. 25; Feb. 28, 1925, c. 368, Title III, § 305, 43 Stat. 1071.)

245. Statements by others than political committee filed with Clerk of House of Representatives.—Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election

of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 244 of this title. (June 25, 1910, c. 392, § 7, 36 Stat. 824; Feb. 28, 1925, c. 368, Title III, § 306, 43 Stat. 1072.)

246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives.—(a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 248 of this title need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 307, 43 Stat. 1072.)

247. Statements; verification; filing; preservation; inspection.—A statement required by this chapter to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 308, 43 Stat. 1072.)

248. Limitation upon amount of expenditures by candidate.—(a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of $10,000 if a candidate for Senator, or the sum of $2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate. (June 25, 1910, c. 392, §§ 8, 9, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 309, 43 Stat. 1073.)

249. Promises or pledges by candidate.—It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 310, 43 Stat. 1073.)

250. Expenditures to influence voting.—It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote. (June 25, 1910, c. 392 § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 311, 43 Stat. 1073.)

251. Contributions by national banks or other Federal corporations; penalty.—It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in viola-

tion of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both. (Jan. 26, 1907, c. 420, 34 Stat. 864; Mar. 4, 1909, c. 321, § 83, 35 Stat. 1103; Feb. 28, 1925, c. 368, Title III, § 313, 43 Stat. 1074.)

252. General penalties for violations.—(a) Any person who violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this chapter, except those for which a specific penalty is imposed by section 208 of Title 18, and section 251 of this title, shall be fined not more than $10,000 and imprisoned not more than two years. (June 25, 1910, c. 392, § 11, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Feb. 28, 1925, c. 368, Title III, § 314, 43 Stat. 1074.)

253. Expenses of election contests.—This chapter shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election. (June 25, 1910, c. 392, § 10, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Feb. 28, 1925, c. 368, Title III, § 315, 43 Stat. 1074.)

254. State laws not affected.—This chapter shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws. (June 25, 1910, c. 392, § 8, 36 Stat. 824; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 316, 43 Stat. 1074.)

255. Partial invalidity.—If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 28, 1925, c. 368, Title III, § 317, 43 Stat. 1074.)

256. Citation.—This chapter may be cited as the "Federal Corrupt Practices Act." (Feb. 28, 1925, c. 368, Title III, § 301, 43 Stat. 1070.)

Chapter 9.—OFFICE OF LEGISLATIVE COUNSEL.

Sec.
271. Creation of office.
272. Appointment of legislative counsel; qualifications.
273. Compensation of legislative counsel.
274. Assistant legislative counsel; clerks and employees; office equipment and supplies.
275. Duties of office; rules and regulations.
276. Disbursement of appropriations.
277. Official mail matter.

Section 271. Creation of office.—There shall be an office to be known as the office of the legislative counsel, and to be under the direction of two legislative counsel. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

272. Appointment of legislative counsel; qualifications.—One of the legislative counsel shall be appointed by the President of the Senate, and one by the Speaker of the House of Representatives, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.

273. Compensation of legislative counsel.—The positions of legislative counsel shall be allocated from time to time by the President of the Senate and the Speaker of the House of Representatives, jointly, to the appropriate grade in the compensation schedules of section 673 of Title 5. The rate of compensation of each of the two legislative counsel shall be fixed from time to time, within the limits of such grade, by the President of the Senate and the Speaker of the House of Representatives, respectively. (June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

274. Assistant legislative counsel; clerks and employees; office equipment and supplies.—The legislative counsel shall, subject to the approval of the President of the Senate and the Speaker of the House of Representatives, employ and fix the compensation of such assistant counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the office and as may be appropriated for by Congress. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

275. Duties of office; rules and regulations.—The office of the legislative counsel shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of either House of Congress, but the Library Committee of the Senate and the Library Committee of the House of Representatives, respectively, may determine the preference, if any, to be given to such requests of the committees of either House, respectively. The legislative counsel shall, from time to time, prescribe rules and regulations for the conduct of the work of the office for the committees of each House, subject to the approval of the Library Committee of each House, respectively. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

276. Disbursement of appropriations.—One-half of all appropriations for the office shall be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. (Feb. 24, 1919, c. 18, § 1303, 40 Stat. 1141; June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

277. Official mail matter.—The legislative counsel shall have the same privilege of free transmission of official mail matter as other officers of the United States Government. (June 2, 1924, c. 234, § 1101, 43 Stat. 353.)

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TITLE 3.—THE PRESIDENT

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Chapter 1.—PRESIDENTIAL ELECTIONS.

Sec.
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2. Number of electors.
3. Vacancies in electoral college.
4. Failure to make choice on appointed day.
5. Meeting and vote of electors.
6. Determination of controversy as to appointment of electors.
7. Certificates of appointment of electors.
8. Manner of voting.
9. Making and signing certificates.
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11. Transmission of certificates.
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17. Counting electoral votes in Congress.
18. Preservation of order in joint meeting.
19. Limit of debate in each House.
20. Seats for officers and Members of two Houses in joint meeting.
21. Vacancy in offices of both President and Vice President.
22. Officers eligible to act as President in case of vacancy.
23. Resignation or refusal of office.

Section 1. Time of appointing electors.—The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (R. S. § 131; Jan. 19, 1886, c. 4, § 3, 24 Stat. 2.)

2. Number of electors.—The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (R. S. § 132.)

3. Vacancies in electoral college.—Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (R. S. § 133.)

4. Failure to make choice on appointed day.—Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (R. S. § 134.)

5. Meeting and vote of electors.—The electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct. (Feb. 3, 1887, c. 90, § 1, 24 Stat. 373.)

6. Determination of controversy as to appointment of electors.—If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (Feb. 3, 1887, c. 90, § 2, 24 Stat. 373.)

7. Certificates of appointment of electors.—It shall be the duty of the executive of each State as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 6 of this title to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of government the lists of all persons voted for as President and of all persons voted for as Vice President; and if there shall have been any final determination in a State of a controversy or contest as provided for in section 6 of this title, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full; and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department. (Feb. 3, 1887, c. 90, § 3, 24 Stat. 373.)

8. Manner of voting.—The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (R. S. § 137.)

9. Making and signing certificates.—The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (R. S. § 138.)

10. Sealing and indorsing certificates.—The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein. (R. S. § 139.)

11. Transmission of certificates.—The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge

of and deliver to the President of the Senate, at the seat of government, one of the certificates.

Two. They shall forthwith forward by the post office to the President of the Senate, at the seat of government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble. (R. S. § 140; Oct. 19, 1888, c. 1216, § 1, 25 Stat. 613.)

12. Time for transmission of certificates to President of Senate.—The certificates and lists of votes for President and Vice President of the United States mentioned in this chapter shall be forwarded, in the manner herein provided, to the President of the Senate forthwith after the second Monday in January, on which the electors shall give their votes. (Oct. 19, 1888, c. 1216, § 1, 25 Stat. 613.)

13. District judge's list.—Whenever a certificate of votes from any State has not been received at the seat of government on the fourth Monday of the month of January in which their meeting shall have been held, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of government. (R. S. § 141; Oct. 19, 1888, c. 1216, § 2, 25 Stat. 613.)

14. Absence of President of Senate.—In case there shall be no President of the Senate at the seat of government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate. (R. S. § 143.)

15. Mileage of messengers.—Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, 25 cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of government of the United States. (R. S. § 144.)

16. Forfeiture for messenger's neglect of duty.—Every person who, having been appointed, pursuant to subdivision 1 of section 11 of this title or to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of $1,000. (R. S. § 145.)

17. Counting electoral votes in Congress.—Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this chapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 7 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 6 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 6 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. (Feb. 3, 1887, c. 90, § 4, 24 Stat. 373.)

18. Preservation of order in joint meeting.—While the two Houses shall be in meeting as provided in sections 5 to 7 and 17 to 20, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. (Feb. 3, 1887, c. 90, § 5, 24 Stat. 374.)

19. Limit of debate in each House.—When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and

Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate. (Feb. 3, 1887, c. 90, § 6, 24 Stat. 375.)

20. Seats for officers and Members of two Houses in joint meeting.—At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this chapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. (Feb. 3, 1887, c. 90, § 7, 24 Stat. 375.)

21. Vacancy in offices of both President and Vice President.—In case of removal, death, resignation, or inability of both the President and Vice President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice President is removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting. (Jan. 19, 1886, c. 4, § 1, 24 Stat. 1.)

22. Officers eligible to act as President in case of vacancy.—Section 21 of this title shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively. (Jan. 19, 1886, c. 4, § 2, 24 Stat. 1.)

23. Resignation or refusal of office.—The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State. (R. S. § 151.)

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT.

Sec.
41. Commencement of term of office.
42. President's salary.
43. President's traveling expenses.
44. Vice President's salary.
45. Salary of Secretary to President.
46. Detail of employees of executive departments to office of President.
47. Accommodations for horses, carriages, etc.
48. Public property in and belonging to Executive Mansion.
49. Furniture for White House.
50. Annual statement of public property.
51. Inventory of public property.
52. Annual statement and inventory of stationary and fuel.
53. Protection of the President.

41. Commencement of term of office.—The term of four years for which a President and Vice President shall be elected, shall, in all cases, commence on the 4th day of March next succeeding the day on which the votes of the electors have been given. (R. S. § 152.)

42. President's salary.—The President shall receive in full for his services during the term for which he shall have been elected the sum of $75,000 a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. (R. S. § 153; Mar. 4, 1909, c. 297, § 1, 35 Stat. 859.)

43. President's traveling expenses.—There may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding $25,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely. (June 23, 1906, c. 3523, 34 Stat. 454.)

44. Vice President's salary.—The Vice President shall receive in full for his services during the term for which he shall have been elected the sum of $15,000 a year, to be paid monthly. (R. S. § 154; Feb. 26, 1907, c. 1635, § 4, 34 Stat. 993; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

45. Salary of Secretary to President.—The salary of the Secretary to the President shall be at the rate of $7,500 per annum. (R. S. § 155; Mar. 4, 1913, c. 149, 37 Stat. 913; Mar. 3, 1925, c. 468, § 1, 43 Stat. 1198.)

46. Detail of employees of executive departments to office of President.—Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary. (June 12, 1922, c. 218, 42 Stat. 636; Feb. 13, 1923, c. 72, 42 Stat. 1227; June 7, 1924, c. 292, § 1, 43 Stat. 521; Mar. 3, 1925, c. 468, § 1, 43 Stat. 1198.)

47. Accommodations for horses, carriages, etc.—The Quartermaster General of the Army shall provide suitable accommodations for the horses, carriages, and other vehicles of the President and of the Executive Office, in the stables maintained in the District of Columbia by and for the use of his department. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1404.)

48. Public property in and belonging to Executive Mansion.—The steward, housekeeper, or such other employee of the Executive Mansion as the President may designate, shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and public property therein, and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of $10,000, and to be approved by the Secretary of War. A complete inventory, in proper books, shall be made annually in the month of June, under the direction of the officer in charge of public buildings and grounds, of all the public property in and belonging to the Executive Mansion, showing when purchased, its cost, con-

dition, and final disposition. This inventory shall be submitted to the President for his approval, and shall then be kept for reference in the office of the Director of Public Buildings and Public Parks of the National Capital, which shall furnish a copy thereof to the steward, housekeeper, or other employee responsible for the property. (June 25, 1910, c. 384, § 9, 36 Stat. 773; Feb. 26, 1925, c. 339, § 1, 43 Stat. 983.)

49. Furniture for White House.—All furniture purchased for the use of the President's House shall be, as far as practicable, of domestic manufacture. With a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design, the officer in charge of public buildings and grounds is authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House, all such articles thus donated to become the property of the United States and to be accounted for as such. The said officer in charge of public buildings and grounds is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of Architects, and five members representing the public at large; the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance. (R. S. § 1829; Feb. 23, 1925, c. 377, 43 Stat. 1091.)

50. Annual statement of public property.—It shall be the duty of the officer or officers having in charge the property of the United States in and about the White House to furnish an annual statement to the Architect of the Capitol by the 1st day of December, setting forth the public property in all the buildings, rooms, and grounds under their charge, purchased during each year, and an account of the disposition of such property during the same period, whether by sale or otherwise. (R. S. § 1832.)

51. Inventory of public property.—The Architect of the Capitol shall make out and keep in proper books a complete inventory of all public property in and about the White House, adding thereto, from time to time, an account of such property as may be procured, subsequently to the taking of the first inventory, as well as an account of the sale or other disposal of such property. He shall submit an annual report of such inventories and accounts, on the first Monday of December, to Congress. (R. S. § 1833.)

52. Annual statement and inventory of stationery and fuel.—Sections 50 and 51 of this title shall not apply to the supplies of stationery and fuel in the White House. (R. S. § 1834.)

53. Protection of the President.—The protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States is authorized. (June 23, 1913, c. 3, § 1, 38 Stat. 23; Jan. 22, 1925, c. 87, Title I, 43 Stat. 774; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1026.)

Chapter 3.—WHITE HOUSE POLICE.

Sec.

61. Police force established; control and supervision; privileges, powers, and duties.
62. Personnel; appointment; vacancies.
63. Grades of appointees; salaries; transfers.
64. Members entitled to participate in policemen and firemen's relief fund of District of Columbia.
65. Refunds to members of United States park police force appointed to White House police force.
66. Transfer of members to other departments.
67. Disbursement of funds.

61. Police force established; control and supervision; privileges, powers, and duties.—There is hereby created and established for the protection of the Executive Mansion and Grounds in the District of Columbia a permanent police force, to be known as the White House police. Such force shall be under the sole control of the President and under the direct supervision of such officer as he may designate. The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia, and such additional privileges, powers, and duties as the President may prescribe. (Sept. 14, 1922, c. 308, § 1, 42 Stat. 841.)

62. Personnel; appointment; vacancies.—(a) The White House police force shall consist of one first sergeant with grade corresponding to that of detective sergeant (Metropolitan police), two sergeants with grade corresponding to that of sergeant (Metropolitan police), and thirty privates with grade corresponding to that of private, class three (Metropolitan police), appointed under the direction of the President from the members of the Metropolitan police force and the United States park police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner.

(b) Any vacancy in the Metropolitan police force or in the United States park police force caused by appointments to the White House police force shall be filled in the manner provided by law. (Sept. 14, 1922, c. 308, § 2, 42 Stat. 841.)

63. Grades of appointees; salaries; transfers.—(a) No person shall be appointed a member of the White House police force at a grade lower than the grade held by him as a member of the Metropolitan police force or of the United States park police force at the time of his appointment.

(b) A member of the White House police force shall receive a salary at the rate provided for the corresponding grade in the Metropolitan police force, and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished the United States park police, and he shall be entitled to the same leave allowances as a member of the United States park police force.

(c) The President may transfer a member of the White House police force to the organization of which he was a member at the time of his appointment to such force. (Sept. 14, 1922, c. 308, § 3, 42 Stat. 842.)

64. Members entitled to participate in policemen and firemen's relief fund of District of Columbia.—(a) A member of the United States park police force appointed to the White House police force shall be included within the provisions of section 12 of the act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended, upon payment into the policemen and firemen's relief fund, District of Columbia, of an amount equal to 1½ per centum of the total basic salary received by him since September 1, 1916, as a member of such United States park police force and as a watchman of the United States in any public square or reservation of the District of Columbia.

(b) For the purposes of retirement under such Act service with the United States park police force and service as a watchman of the United States in any public square or reservation of the District of Columbia shall be deemed service with the White House police force.

(c) Any member of the Metropolitan police force appointed to the White House police force shall continue to be subject to the provisions of section 12 of such Act, and appointment of such member to the White House police force or transfer of such member to his former organization shall not affect any right, privilege, or duty of such member under the provisions

of such section of such Act. (Sept. 14, 1922, c. 308, § 4, 42 Stat. 842.)

65. Refunds to members of United States park police force appointed to White House police force.—A member of the United States park police force appointed to the White House police force shall be paid a refund as provided for in section 724 of Title 5, and upon transfer to the United States park police force he shall be paid a refund from the policemen and firemen's relief fund of all money paid by him as salary deductions into such fund, and he shall be reinstated and included within the provisions of chapter 14 of Title 5 upon payment to the Secretary of the Treasury of an amount equal to the amount refunded to him, at the time of such appointment, under the provisions of section 724 of Title 5, plus an amount equal to 2½ per centum of the total basic salary received by him during the period of his service as a member of the White House police force. For the purposes of retirement under chapter 14 of Title 5, service with the White House police force shall be deemed service with the United States park police force. (Sept. 14, 1922, c. 308, § 5, 42 Stat. 842.)

66. Transfer of members to other departments.—The provisions of section 670 of Title 5 shall not apply to persons appointed or transferred under the provisions of this chapter. (Sept. 14, 1922, c. 308, § 6, 42 Stat. 842.)

67. Disbursement of funds.—The amounts necessary for the payment of salaries and for the purchase of uniforms and other equipment of the White House police force shall be disbursed by the officer in charge of public buildings and grounds, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter. (Sept. 14, 1922, c. 308, § 7, 42 Stat. 843.)

TITLE 4.—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

Sec.
1. Flag; stripes and stars on.
2. Same; additional stars.
3. Use of flag for advertising purposes; mutilation of flag.
4. Seal of United States.
5. Same; custody and use of.
6. Permanent seat of government.
7. Public offices; at seat of government.
8. Same; removal from seat of government.
9. Oath by members of legislatures and officers.
10. Same; by whom administered.
11. Assent to purchase of lands for forts.

Section 1. Flag; stripes and stars on.—The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field. (R. S. § 1791.)

2. Same; additional stars.—On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission. (R. S. § 1792.)

3. Use of flag for advertising purposes; mutilation of flag.—Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing or any advertisement of any nature upon any flag, standard, colors or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors or ensign upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view or give away or have in possession for sale or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, colors or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign," as used herein, shall include any flag, standard, colors, ensign or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard or ensign of the United States of America. (Feb. 8, 1917, c. 34, 39 Stat. 900.)

4. Seal of United States.—The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States. (R. S. § 1793.)

5. Same; custody and use of.—The Secretary of State shall have the custody and charge of such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor. (R. S. §§ 203, 1794.)

6. Permanent seat of government.—All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States. (R. S. § 1795.)

7. Public offices; at seat of government.—All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. (R. S. § 1796.)

8. Same; removal from seat of government.—In case of the prevalence of a contagious or epidemic disease at the seat of government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business. (R. S. § 4798.)

9. Oath by members of legislatures and officers.—Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: "I, A B, do solemnly swear that I will support the Constitution of the United States." (R. S. § 1836.)

10. Same; by whom administered.—Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner as, by the law of the State, he is directed to record or certify the oath of office. (R. S. § 1837.)

11. Assent to purchase of lands for forts.—The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, without such consent having been obtained. (R. S. § 1838.)

TITLE 5.—EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES

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Chapter 1.—PROVISIONS APPLICABLE TO DEPARTMENTS AND OFFICERS GENERALLY.

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Section 1. Application of provisions of chapter.—The provisions of this chapter shall apply to the following executive departments:

First. The Department of State.
Second. The Department of War.
Third. The Department of the Treasury.
Fourth. The Department of Justice.
Fifth. The Post Office Department.
Sixth. The Department of the Navy.
Seventh. The Department of the Interior.
Eighth. The Department of Agriculture.
Ninth. The Department of Commerce.
Tenth. The Department of Labor. (R. S. § 158; Feb. 9, 1889, c. 122, § 1, 25 Stat. 659; Feb. 14, 1903, c. 552, § 1, 32 Stat. 825; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

2. Word "department."—The word "department" when used alone in this chapter, and chapters 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this title, means one of the executive departments enumerated in the preceding section. (R. S. § 159; Feb. 9, 1889, c. 122, § 1, 25 Stat. 659; Feb. 14, 1903, c. 552, § 1, 32 Stat. 825; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

3. Salaries of heads of executive departments.—The compensation of the heads of executive departments who are members of the President's Cabinet shall be at the rate of $15,000 per annum each. (R. S. § 160; Feb. 26, 1907, c. 1635, § 4, 34 Stat. 993; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

4. Vacancies in office of department heads; temporarily filling.—In case of the death, resignation, absence, or sickness of the head of any department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such head until a successor is appointed, or such absence or sickness shall cease. (R. S. § 177.)

5. Vacancies in subordinate offices.—In case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, whose appointment is not vested in the head of the department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such bureau, shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease. (R. S. § 178.)

6. Discretionary authority of President as to vacancies.—In any of the cases mentioned in the sections 4 and 5 of this title except the death, resignation, absence, or sickness of the Attorney General, the President may, in his discretion, authorize and direct the head of any other department or any other officer in either department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease. (R. S. § 179.)

7. Temporary appointments to vacancies limited.—A vacancy occasioned by death or resignation must not be temporarily filled under the provisions of sections 4, 5, and 6 of this title for a longer period than thirty days. (R. S. § 180; Feb. 6, 1891, c. 113, 26 Stat. 733.)

8. Restriction on manner of temporary appointments to fill vacancies.—No temporary appointment, designation, or assignment of one officer to perform the duties of another, in the cases covered by sections 4 and 5 of this title, shall be made otherwise than as provided by those sections, except to fill a vacancy happening during a recess of the Senate. (R. S. § 181.)

9. Extra compensation for duties performed while filling vacancies.—An officer performing the duties of another office, during a vacancy, as authorized by sections 4, 5 and 6 of this title, is not by reason thereof entitled to any other compensation than that attached to his proper office. (R. S. § 182.)

10. Commissions.—The President is authorized to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointments have been advised and consented to by the Senate. (R. S. § 1773.)

11. Same; officers under Secretaries of departments.—The commissions of all officers under the direction and control of the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Agriculture shall be made out and recorded in the respective departments under which they are to serve, and the department seal affixed thereto, any laws to the contrary notwithstanding. The said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. (Mar. 3, 1875, c. 131, § 14, 18 Stat. 420; Mar. 28, 1896, c. 73, 29 Stat. 75; Mar. 3, 1905, c. 1422, 33 Stat. 990; Mar. 4, 1913, c. 141, 37 Stat. 736.)

12. Same; judicial officers and other officers under Attorney General.—The commissions of all judicial officers, including marshals and attorneys of the United States, appointed by the President, by and with the advice and consent of the Senate, and all other commissions prepared prior to August 8, 1888, at the Department of State upon the requisition of the Attorney General, shall be made out and recorded in the Department of Justice, and shall be under the seal of said department and countersigned by the Attorney General, any laws to the contrary notwithstanding. The said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. (Aug. 8, 1888, c. 786, 25 Stat. 387.)

13. Notification of appointments.—Whenever the President, without the advice and consent of the Senate, designates, authorizes, or employs any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and the Secretary of the Treasury shall thereupon communicate such notice to the General Accounting Office. (R. S. § 1774; June 10, 1921, c. 18, §§ 301-318, 42 Stat. 23-27.)

14. Notification of nominations or rejections.—The Secretary of the Senate shall, at the close of each session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to the General Accounting Office, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session. (R. S. § 1775.)

15. Disability imposed by the fourteenth amendment removed.—The disability imposed by section three of the fourteenth amendment to the Constitution of the United States incurred prior to June 6, 1898, is hereby removed. (June 6, 1898, c. 389, 30 Stat. 432.)

16. Oath of office.—The oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States shall be as follows: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." This section shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments. The provisions of this section shall in no

manner affect any right, duty, claim, obligation, or penalty existing or incurred on or before May 13, 1884; and all and every such right, duty, claim, obligation, and penalty shall be heard, tried and determined, and effect shall be given thereto, in the same manner as if this section had not been passed. (R. S. §§ 1756, 1757; May 13, 1884, c. 46, §§ 2, 3, 23 Stat. 22.)

17. Same; renewal by Department of Agriculture employees.—Employees of the Department of Agriculture who, upon original appointment, have subscribed to the oath of office required by section 16 of this title shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Secretary of Agriculture the public interests require such renewal. (Jan. 31, 1925, c. 124, § 3, 43 Stat. 803.)

18. Same; who may administer.—The oath of office required by section 16 of this title may be taken before any officer who is authorized either by the laws of the United States or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. (R. S. § 1758.)

19. Same; chief clerks of departments to administer without compensation.—The chief clerks of the several executive departments and of the various bureaus and offices thereof in Washington, District of Columbia, are authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion. (Aug. 29, 1890, c. 820, 26 Stat. 371.)

20. Same; to employees administered without compensation.—No officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein. (Aug. 29, 1890, c. 820, 26 Stat. 371.)

21. Same; custody of.—The oath of office taken by any person pursuant to the requirements of section 16 of this title, shall be delivered in by him to be preserved among the files of the House of Congress, department, or court to which the office in respect to which the oath is made may appertain. (R. S. § 1759.)

22. Departmental regulations.—The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it. (R. S. § 161.)

23. Supervision of subordinate clerks.—Each chief clerk in the several departments, and bureaus, and other offices connected with the departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed. (R. S. § 173.)

24. Distribution of duties.—Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. He shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business. (R. S. § 174.)

25. Duty of chief on receipt of report.—Each head of a department, chief of a bureau, or other superior officer, shall, upon receiving each monthly report of his chief clerk, rendered pursuant to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report. (R. S. § 175.)

26. Hours of business.—From the 1st day of October until the 1st day of April, in each year, all the bureaus and offices in the State, War, Treasury, Navy, and Post Office Departments and in the General Land Office, shall be open for the transaction of the public business at least eight hours in each day; and from the 1st day of April until the 1st day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law. (R. S. § 162.)

27. Recording clocks.—No recording clocks for recording time of clerks or other employees in any of the executive departments at Washington, shall be used in any of such departments at Washington. (Feb. 24, 1899, c. 187, § 1, 30 Stat. 864.)

28. Closing department on decease of ex-official.—The executive departments of the Government shall not be closed as a mark to the memory of any deceased ex-official of the United States. (Mar. 3, 1893, c. 211, § 4, 27 Stat. 715.)

29. Hours of labor in executive departments.—It shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order. The heads of the departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their departments, respectively; but in case of an extension it shall be without additional compensation. (Mar. 3, 1893, c. 211, § 5, 27 Stat. 715; Mar. 15, 1898, c. 68, § 7, 30 Stat. 316.)

30. Leaves of absence; annual leave; sick leave.—The head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee, such leave to be exclusive of Sundays and legal holidays. Where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year. This section shall not be construed to prevent the head of any executive department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness. Nor shall it be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave. (Mar. 3, 1893, c. 211, § 5, 27 Stat. 715; Mar. 15, 1898, c. 68, § 7, 30 Stat. 316; July 7, 1898, c. 571, § 1, 30 Stat. 653; Feb. 24, 1899, c. 187, § 4, 30 Stat. 890.)

31. Monthly reports as to condition of business; extension of hours of service of employees.—It shall be the duty of the head of each executive department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business. (Mar. 15, 1898, c. 68, § 7, 30 Stat. 316.)

32. Quarterly reports as to condition of business.—It shall be the duty of the head of each executive department, or other Government establishment at the seat of government, not under an executive department, to make at the expiration of each quarter of the fiscal year a written report to the President as to the condition of the public business in his executive department or Government establishment, and whether any branch thereof is in arrears. (Mar. 15, 1898, c. 68, § 7, 30 Stat. 316.)

33. Women clerks.—Women may, in the discretion of the head of any department, be appointed to any of the clerkships therein authorized by law, upon the same requisites and conditions, and with the same compensations, as are prescribed for men. (R. S. § 165.)

34. Restoration to positions of employees called into active military service.—All officers and enlisted men of the National Guard and of the Medical Reserve Corps of the Army who are Government employees and who respond to the call of the President for service shall, at the expiration of the military service to which they are called, be restored to the positions occupied by them at the time of the call. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 624.)

35. Preference in appointments to honorably discharged soldiers, sailors, and marines, and widows and wives thereof.—Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. In making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such and to the wives of injured soldiers, sailors and marines who themselves are not qualified, but whose wives are qualified to hold such positions. (R. S. § 1754; Mar. 3, 1919, c. 97, § 6, 40 Stat. 1293; July 11, 1919, c. 6, § 1, 41 Stat. 37.)

36. Employment of wives of soldiers and sailors.—The wife of a soldier or sailor who served in the World War shall not be disqualified for any position or appointment under the Government because she is a married woman. (Aug. 31, 1918, c. 166, § 5, 40 Stat. 956.)

37. Diminution or increase of number of clerks.—In making any reduction of force in any of the executive departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors. (Aug. 15, 1876, c. 287, § 3, 19 Stat. 169.)

38. Details of officers, employees, or clerks within department.—Each head of a department may, from time to time, alter the distribution among the various bureaus and offices of his department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the department, and in no case be for a period of time exceeding one hundred and twenty days. Details so made may, on expiration, be renewed from time to time by written order of the head of the department, in each particular case, for periods of not exceeding one hundred and twenty days. (R. S. § 166; May 28, 1896, c. 252, § 3, 29 Stat. 179.)

39. Same; outside District for duty within District.—It shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the Military or Naval Establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are specially provided by law, for duty in any bureau, office, or other division of any executive department in the District of Columbia, except temporary details for duty connected with their respective offices. (Aug. 5, 1882, c. 389, § 4, 22 Stat. 255; June 22, 1906, c. 3514, § 6, 34 Stat. 449.)

40. Same; details for duty in Treasury Department.—Nothing in section 39 of this title shall be construed to prevent the Secretary of the Treasury from detailing one officer from the Special Agency Service, and one from the Customs Service, respectively, for duty at the Treasury Department at Washington, nor to prevent the Commissioner of Internal Revenue from detailing one revenue agent for duty in his office. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 229.)

41. Same; detail of officers of Coast Guard.—Nothing in section 39 of this title shall be construed to prohibit the detailing of officers of the Coast Guard in the District of Columbia for such periods as the Secretary of the Treasury may deem necessary, but the number of officers so detailed shall not exceed ten. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1309.)

42. Same; persons in classified service in District for service outside District.—Persons in the classified service in the District of Columbia shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made. This section shall not be deemed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice. (Mar. 3, 1917, c. 163, § 5, 39 Stat. 1121; Mar. 3, 1921, c. 124, § 5, 41 Stat. 1308.)

43. Authority to employ clerks and other employees.—Each head of a department is authorized to employ in his department such number of employees of the various classes recognized by chapter 13 of this title as may be appropriated for by Congress from year to year. (R. S. § 169; Mar. 4, 1923, c. 265, 42 Stat. 1488.)

44. Disbursing clerks.—The disbursing clerks authorized by law in the several departments shall be appointed by the heads of the respective departments; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the Solicitor of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct. (R. S. § 176; Mar. 3, 1883, c. 128, § 1, 22 Stat. 553.)

45. Officers, clerks, and employees.—No civil officer, clerk, agent, draughtsman, copyist, messenger, assistant messenger, mechanic, engineer, watchman, laborer, or other employee shall be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except as provided by section 43 of this title. (Aug. 15, 1876, c. 287, § 5, 19 Stat. 169; Aug. 5, 1882, c. 389, § 4, 22 Stat. 255; Mar. 4, 1923, c. 265, 42 Stat. 1488.)

46. Payment for services from appropriations for contingent expenses or for specific or general purposes.—No civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation

provided for in chapter 13 of this title. (Aug. 5, 1882, c. 389, § 4, 22 Stat. 255; Mar. 4, 1923, c. 265, 42 Stat. 1488.)

47. Penalty for violations of sections 45 and 46 of this title.—Any person violating the provisions of sections 45 and 46 of this title shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year. (Aug. 23, 1912, c. 350, § 5, 37 Stat. 414.)

48. Legal assistance in examination of witnesses.—Whenever any head of a department or bureau having made application pursuant to section 94 of this title, for a subpœna to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his department or bureau, he shall give notice thereof to the Attorney General and of all facts necessary to enable the Attorney General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney General to provide for such service. (R. S. § 187.)

49. Employment of attorneys or counsel.—No head of a department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same. (R. S. § 189.)

50. Disposition of moneys accruing from lapsed salaries or unused appropriations for salaries.—All moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury. Any person violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year. (Aug. 5, 1992, c. 389, § 4, 22 Stat. 255; Aug. 23, 1912, c. 350, § 5, 37 Stat. 414.)

51. Extra compensation to clerks.—No money shall be paid to any clerk employed in any department at an annual salary, as compensation for extra services, unless expressly authorized by law. (R. S. § 170.)

52. Unauthorized office, no salary for.—No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law. (R. S. § 1760.)

53. Detective agency employees not to be employed.—No employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia. (Mar. 3, 1893, c. 208, § 1, 27 Stat. 591.)

54. Publicity experts not to be employed without specific appropriation.—No money appropriated by any act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose. (Oct. 22, 1913, c. 32, 38 Stat. 212.)

55. Experts; compensated without specific provision for.—Except as otherwise provided in section 53 of Title 31, no part of any money appropriaetd in any Act shall be used for compensation or payment of expenses of accountants or other experts inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia, unless authority for employment of such services or payment of such expenses is stated in specific terms in the Act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons, aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed. (Apr. 6, 1914, c. 52, § 5, 38 Stat. 335.)

56. Salaries to certain recess appointees.—No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. The provisions of this section shall not apply to any person appointed as an original member of the Board of Tax Appeals, if such appointment was made prior to December 1, 1924. (R. S. § 1761; June 7, 1924, c. 377, 43 Stat. 669.)

57. Apportionment of compensation.—All officers, agents, and employees of the United States, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum compensation of such officers respectively for the time only which they actually serve, whether the same be under one or more appointments, or before or after confirmation. And no such officer, agent, or employee shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate, provided by law. This section shall be applied and enforced in regard to all officers, agents, and employees of the United States whomsoever, as well as those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise. (R. S. § 2687.)

58. Double salaries.—Unless otherwise specifically authorized by law, no money appropriated by any act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum. (R. S. § 1763; May 10, 1916, c. 117, § 6, 39 Stat. 120; Aug. 29, 1916, c. 417, 39 Stat. 582.)

59. Same; exceptions; retired officers and enlisted men of Army, Navy, Marine Corps, or Coast Guard, or officers and enlisted men of militia.—Section 58 of this title shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia. (May 10, 1916, c. 117, § 6, 39 Stat. 120; Aug. 29, 1916, c. 417, 39 Stat. 582.)

60. Same; exceptions; employees of Library of Congress.—No additional compensation paid to employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the Library of Congress Trust Fund Board or the Librarian of Congress, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall be construed as a double salary under the provisions of section 58 of this title. (Mar. 3, 1925, c. 423, § 6, 43 Stat. 1108.)

61. Same; school teachers and employees in District of Columbia.—Section 58 of this title shall not apply to teachers of the public schools of the District of Columbia when employed by any of the executive departments or independent establishments of the United States Government; nor to teachers in the public schools of the District of Columbia who are also employed as teachers of night schools and vocation schools; nor to employees of the school garden department of the public schools of the District of Columbia; nor to employees of the community center department of the public schools of the District of Columbia. (Oct. 6, 1917, c. 79, § 9, 40 Stat. 384; July 8, 1918, c. 139, § 1, 40 Stat. 823; June 5, 1920, c. 253, § 1, 41 Stat. 1017.)

62. Holding other lucrative office.—No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars

shall be appointed to or hold any other office to which compensation is attached unless specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement. (July 31, 1894, c. 174, § 2, 28 Stat. 205; May 31, 1924, c. 214, 43 Stat. 245.)

63. Same; retired officers of Army or Navy employed on river and harbor improvements.—Section 62 of this title shall not be so construed as to prevent the employment of any retired officer of the Army or Navy to do work under the direction of the Chief of Engineers of the United States Army in connection with the improvement of rivers and harbors of the United States, or the payment by the proper officer of the Treasury of any amounts agreed upon as compensation for such employment. (June 3, 1896, c. 314, § 7, 29 Stat. 235.)

64. Same; retired officers of Army, etc., in Bureau of the Budget.—Section 62 of this title shall not be construed as having application to retired officers of the Army, Navy, Marine Corps, or Coast Guard who may be appointed to the offices created by section 16 of Title 31, within the meaning of precluding payment to such officers of the difference in pay prescribed for such offices and their retired pay. (Feb. 17, 1922, c. 55, 42 Stat. 373.)

65. Same; employees of Library of Congress.—Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the Library of Congress Trust Fund Board or the Librarian of Congress, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall not be subject to the provisions of section 62 of this title. (Mar. 3, 1925, c. 423, § 6, 43 Stat. 1108.)

66. Receiving salary from source other than United States.—No Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine. (Mar. 3, 1917, c. 163, § 1, 39 Stat. 1106.)

67. Same; employees of Department of Agriculture and Forest Service.—Officials and employees of the Department of Agriculture engaged in activities of the Department of Agriculture described in section 563 of this title, and paid in whole or in part out of funds contributed as provided in said section 563, and the persons, corporations, or associations making contributions as provided in said section 563 shall not be subject to the provisions of section 66 of this title; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to said section 66. (July 24, 1919, c. 26, 41 Stat. 270.)

68. Same; immigration officials.—Nothing in section 66 of this title shall prevent receiving reimbursements for services of immigration officials incident to the inspection of aliens in foreign contiguous territory, and such reimbursements shall be credited to the appropriation, "Expenses of regulating immigration." (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1424.)

69. Extra services.—No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law. (R. S. § 1764.)

70. Extra allowances.—No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation. (R. S. § 1765.)

71. Extra compensation or perquisites.—No civil officer of the Government shall receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law. This section shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as allowed by law for the performance of services not covered by their salaries or fees. (June 20, 1874, c. 328, § 3, 18 Stat. 109.)

72. Additional compensation to persons employed under general or lump-sum appropriation.—It shall not be lawful to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This section shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments. (Aug. 1, 1914, c. 223, § 12, 38 Stat. 680.)

73. Actual traveling expenses only allowed.—Except as otherwise provided by law, only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies. All allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this section. (Mar. 3, 1875, c. 133, § 1, 18 Stat. 452; June 30, 1876, c. 159, 19 Stat. 65; June 10, 1922, c. 212, § 12, 42 Stat. 631.)

74. Expenses for subsistence; traveling on duty.—Unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties. (Apr. 6, 1914, c. 52, § 1, 38 Stat. 318.)

75. Same; engaged in field work or traveling on official business.—Except as otherwise expressly provided by law, the heads of executive departments and other Government estab-

lishments are authorized to prescribe per diem rates of allowance not exceeding $4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. The annual estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances. (Aug. 1, 1914, c. 223, § 13, 38 Stat. 680.)

76. Free tuition in schools for children of employees of United States.—The children of employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition. (June 29, 1922, c. 249, § 1, 42 Stat. 689; Feb. 28, 1923, c. 148, § 1, 42 Stat. 1347; June 7, 1924, c. 302, § 1, 43 Stat. 558; Mar. 3, 1925, c. 477, § 1, 43 Stat. 1233.)

77. Restrictions on payment of expenses of carriages or vehicles for personal or official use.—No part of any money appropriated by any Act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the executive departments, and the Secretary to the President, and other than those used for transportation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the executive departments or other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used. (Mar. 18, 1904, c. 716, § 3, 33 Stat. 142; Feb. 3, 1905, c. 297, § 4, 33 Stat. 687.)

78. Restrictions on payments for purchase or operation of passenger-carrying vehicles.—No appropriation made in any Act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor. There shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law. In the estimates for each fiscal year there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used. (July 16, 1914, c. 141, § 5, 38 Stat. 508.)

79. Same; river and harbor improvements.—Section 78 of this title shall not be construed as applying to the purchase, maintenance, and repair of motor boats, trucks, and other vehicles needed in carrying out the various projects adopted by Congress for the improvement, preservation, and protection of rivers and harbors. (Mar. 4, 1915, c. 142, § 10, 38 Stat. 1054.)

80. Same; field work of Department of Agriculture.—Nothing in section 78 of this title shall be construed to apply to the hire of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the field work of the Department of Agriculture, or to the maintenance, repair, or operation of vehicles so hired. (Aug. 11, 1916, c. 313, 39 Stat. 491.)

81. Same; vehicles transferred by Secretary of War to Secretary of Agriculture.—Section 78 of this title shall not apply to vehicles transferred by the Secretary of War to the Department of Agriculture, under the provisions of section 5 of Title 23 and section 561 of Title 16. (Mar. 15, 1920, c. 100, § 6, 41 Stat. 531.)

82. Officers in arrears.—No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the General Accounting Office, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties. (R. S. § 1766; June 10, 1921, c. 18, 42 Stat. 23.)

83. Restrictions on paying fees or dues in societies.—No money appropriated by any Act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation. This section shall not be so construed as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law. (June 26, 1912, c. 182, § 8, 37 Stat. 184; Mar. 4, 1913, c. 145, 37 Stat. 854.)

84. Annual or monthly compensation.—Where the compensation of any person in the service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the 31st of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry. For one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited. (June 30, 1906, c. 3914, § 6, 34 Stat. 763.)

85. Compensation for clerks or secretaries of retired officials.—Except as provided by chapter 14 of this title, no allowance or compensation for clerks or secretaries of officials of the United States retired from active service shall be authorized. (July 1, 1898, c. 546, § 1, 30 Stat. 644.)

86. Holidays; for per diem employees.—The employees of the Navy Yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, to wit: The 1st day of January, the 22d day of February, the day of each year which is celebrated as "Memorial" or "Decoration Day," the

4th day of July, the 25th day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days. (Jan. 6, 1885, No. 5, 23 Stat. 516; Feb. 23, 1887, No. 6, 24 Stat. 644.)

87. **Same; Labor Day.**—The first Monday of September in each year, being the day celebrated and known as Labor's Holiday, is made a legal public holiday, to all intents and purposes, in the same manner as Christmas, the 1st day of January, the 22d day of February, the 30th day of May, and the 4th day of July are now made by law public holidays. (June 28, 1894, c. 118, 28 Stat. 96.)

88. **Removal of office.**—Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress. (R. S. § 1776.)

89. **Preservation of copies of Statutes at Large.**—The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the statutes distributed to any such officers. (R. S. § 1777.)

90. **Statutes furnished judges to remain public property.**—All statutes furnished by the United States to district judges, district attorneys, and clerks of the United States courts under this or any other law, shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 336.)

91. **Evidence furnished by departments in suits in Court of Claims.**—In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any department, or any bureau, officer, or agent of a department, or where the matter or thing on which the claim is based has been passed upon and decided by any department, bureau, or officer authorized to adjust it, the Attorney General shall transmit to such department, bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the department, bureau, or officer, shall furnish to the Attorney General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the department, bureau, or officer. Such department, bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the department, bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any Act of Congress, or upon any section or clause of such Act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such Act, section, or clause by the department, bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a department, or where such regulation has, in the opinion of the department, bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the department, bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively. (R. S. § 188.)

92. **Taking oaths or acknowledgments.**—In all cases in which, under the laws of the United States, oaths or acknowledgments might be taken or made on June 22, 1874, before any justice of the peace of any State or Territory, or in the District of Columbia, they may be also taken or made by or before any notary public duly appointed in any State, District, or Territory, or any of the United States commissioners, and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace. (R. S. § 1778.)

93. **Oaths to witnesses.**—Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Coast Guard, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Coast Guard board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation. (R. S. § 183; Mar. 2, 1901, c. 809, § 3, 31 Stat. 951; Feb. 13, 1911, c. 43, 36 Stat. 898; Jan. 28, 1915, c. 20, § 1, 38 Stat. 800.)

94. **Subpœnas to witnesses.**—Any head of a department or bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpœna for a witness being within the jurisdiction of such court, to appear at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim. (R. S. § 184.)

95. **Witnesses' fees.**—Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States. (R. S. § 185.)

96. **Compelling testimony.**—If any witness, after being duly served with such subpœna, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpœna issued may proceed, upon proper process, to enforce obedience to the subpœna, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpœna ad testificandum issued by such court. (R. S. § 186.)

97. **Oaths to expense accounts.**—Chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, and chiefs of field parties, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

98. **Civil pension roll prohibited.**—Except as provided in chapter 14 of this title, the establishment of an honorable service roll, or the exemption of any of the officers, clerks, and per-

sons in the public service from the existing laws respecting employment in such service, is prohibited. (Feb. 24, 1899, c. 187, § 4, 30 Stat. 890.)

99. Ex-officers or employees not to prosecute claims in departments.—It shall not be lawful for any person appointed as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee. (R. S. § 190.)

100. Prosecution of claims for supplies for Military Establishment.—It shall be unlawful for any person who, as a commissioned officer of the Army, or officer or employee of the United States, has at any time since April 6, 1917, been employed in any bureau of the Government and in such employment been engaged on behalf of the United States in procuring or assisting to procure supplies for the Military Establishment, or who has been engaged in the settlement or adjustment of contracts or agreements for the procurement of supplies for the Military Establishment, within two years next after his discharge or other separation from the service of the Government, to solicit employment in the presentation or to aid or assist for compensation in the prosecution of claims against the United States arising out of any contracts or agreements for the procurement of supplies for said bureau, which were pending or entered into while the said officer or employee was associated therewith. A violation of this provision of this chapter shall be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both. (July 11, 1919, c. 8, subchapter IV, 41 Stat. 131.)

101. Advertising practice before departments or offices of Government.—It shall be unlawful for any person, firm, or corporation practicing before any department or office of the Government to use the name of any Member of either House of Congress or of any officer of the Government in advertising the said business. (Apr. 27, 1916, c. 89, § 1, 39 Stat. 54.)

102. Expenditures for newspapers.—The amount expended in any one year for newspapers, for any department, except the Department of State, including all the bureaus and offices connected therewith, shall not exceed $100, except where otherwise specifically authorized by law. No executive officer, other than the heads of departments, shall apply more than $30, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office. (R. S. §§ 192, 1779; June 22, 1906, c. 3514, § 7, 34 Stat. 449.)

103. Expenditures for transportation of remains of deceased employees.—The heads of departments shall not authorize any expenditure in connection with transportation of remains of deceased employees, except when otherwise specifically provided by law. (June 7, 1897, c. 3, § 1, 30 Stat. 86.)

104. Annual reports of expenditure of contingent funds.—The head of each department, and any bureau of the Government, shall make a report to Congress, at the beginning of each regular session, giving a detailed statement of the manner in which the contingent fund for his department, and for the bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. He shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress. (R. S. § 193; Mar. 3, 1877, c. 102, § 1, 19 Stat. 306; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

105. Reports of traveling expenses of officers and employees at Washington.—It shall be the duty of the head of each executive department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees, who in the discharge of their regular duties are required to constantly travel) of such executive department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case. (May 22, 1908, c. 186, § 4, 35 Stat. 244.)

106. Time of making annual reports.—Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year. (R. S. § 195.)

107. Department reports; furnishing to printer.—The head of each department, except the Department of Justice, shall furnish to the Public Printer copies of the documents usually accompanying his annual report. (R. S. § 196.)

108. Copy for annual reports and accompanying documents.—Appropriations made for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. All of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents or the Comptroller of the Currency. (July 1, 1916, c. 209, § 3, 39 Stat. 336.)

109. Inventories of property.—The Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor shall keep, in proper books, a complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their charge, adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any of such property, except supplies of stationery and fuel in the public offices and books, pamphlets, and papers in the Library of Congress. (R. S. § 197; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241; Feb. 9, 1889, c. 122, § 1, 25, Stat. 659; Feb. 14, 1903, c. 552, § 1, 32 Stat. 825; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

110. Transfer of miscellaneous books to District Public Library.—Any books of a miscellaneous character no longer required for the use of any executive department, or bureau,

or commission of the Government, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof. (Feb. 25, 1903, c. 755, § 1, 32 Stat. 865.)

111. Custody of files and records of war agencies.—Except as otherwise provided by law the President is authorized to transfer to the custody and care of such of the departments or independent establishments as he may determine the files and records of the agencies created for the period of the World War upon the discontinuance of such activities. (July 19, 1919, c. 24, § 4, 41 Stat. 233.)

112. Disposition of useless papers.—Except as otherwise provided by law, whenever there shall be in any one of the executive departments of the Government, or in the various public buildings under the control of such departments, an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such department and have no permanent value or historical interest, it shall be the duty of the head of such department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers.

Upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation.

If such joint committee report that such files of papers, or any part thereof are not needed or useful in the transaction of the current business of such department, and have no permanent value or historical interest, then it shall be the duty of such head of the department to sell as waste paper, or otherwise dispose of such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress. (Mar. 3, 1881, c. 130, § 1, 21 Stat. 412; Aug. 5, 1882, c. 389, § 1, 22 Stat. 228; Feb. 16, 1889, c. 171, 25 Stat. 672; Mar. 2, 1895, c. 189, § 1, 28 Stat. 933.)

113. Prohibition of contributions or presents to superiors.—No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R. S. § 1784.)

114. Foreign decorations.—Except as otherwise provided in chapter 33 of Title 10, no decoration, or other thing, the acceptance of which may be authorized by consent of Congress, by any officer of the United States, from any foreign government, shall be publicly shown or exposed upon the person of the officer so receiving the same. (Jan. 31, 1881, c. 32, § 2, 21 Stat. 604.)

115. Same; delivery through State Department.—Any present, decoration, or other thing, which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress. (Jan. 31, 1881, c. 32, § 3, 21 Stat. 604.)

Cross reference: See also section 1423 of Title 10.

116. Medals for services; duplicates on loss or destruction.—In any case where the President of the United States has, under any Act or resolution of Congress, caused any medal to be made and presented to any officer or person in the United States on account of distinguished or meritorious services, on a proper showing made by such person to the satisfaction of the President that such medal has been lost or destroyed through no fault of the beneficiary, and that diligent search has been made therefor, the President is authorized to cause to be prepared and delivered to such person a duplicate of such medal, the cost of which shall be paid out of any money in the Treasury not otherwise appropriated. (Apr. 15, 1904, No. 23, 33 Stat. 588.)

117. United States Geographic Board; payment of expenditures.—All expenditures of United States Geographic Board shall be paid upon vouchers approved by it and signed by its secretary, who shall act as its disbursing agent without bond. (Feb. 13, 1923, c. 72, 42 Stat. 1241.)

Chapter 2.—DEPARTMENT OF STATE.

Sec.

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154. Distribution of duties of officers, clerks, and employees.
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166. Fees for copies of records.
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168. Same; copies for States.

Section 151. Establishment of department.—There shall be at the seat of government an executive department to be known as the Department of State, and a Secretary of State, who shall be the head thereof. (R. S. § 199.)

Cross reference: Salary of Secretary; see section 3 of this title.

152. Undersecretary of State and Assistant Secretaries of State.—There shall be in the Department of State an Undersecretary of State and four Assistant Secretaries of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretaries of State shall be without numerical distinction of rank. (R. S. § 200; June 20, 1874, c. 328, § 1, 18 Stat. 90; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1082; Mar. 1, 1919, c. 86, § 1, 40 Stat. 1224; Jan. 3, 1923, c. 21, 42 Stat. 1068; May 24, 1924, c. 182, § 22, 43 Stat. 146.)

153. Chief of Bureau of Accounts as disbursing clerk.—The Chief of the Bureau of Accounts may be appointed by the head of the department disbursing clerk of the Department of State. (Mar. 3, 1875, c. 129, § 1, 18 Stat. 349.)

154. Distribution of duties of officers, clerks, and employees.—The Secretary of State may prescribe duties for the Undersecretary of State, the Assistant Secretaries, and the solicitor, not interfering with his duties as an officer of the Department of Justice, and the clerks of bureaus, as well as for all the other employees in the department, and may make changes and transfers therein when, in his judgment, it becomes necessary. (June 20, 1874, c. 328, § 1, 18 Stat. 90.)

155. Personal services other than those provided for.—There shall not be employed in the Department of State or in connection with said department in the District of Columbia any personal services other than those which shall be appropriated for. (June 22, 1906, c. 3514, § 1, 34 Stat. 402; Mar. 4, 1923, c. 265, 42 Stat. 1488.)

156. Management of foreign affairs.—The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the department, and he shall conduct the business of the department in such manner as the President shall direct. (R. S. § 202.)

157. Foreign trade relations.—Estimates for appropriations for defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be expended under the direction of the Secretary of State, shall include in detail salaries for all persons to be employed and paid in the Department of State at Washington, District of Columbia. (Aug. 5, 1909, c. 7, 36 Stat. 119.)

158. Custody of seals and property.—The Secretary of State shall have the custody and charge of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property which on June 22, 1874, remained in and appertained to the department, or thereafter acquired for it. (R. S. § 203.)

159. Promulgation of laws.—Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals. (R. S. § 204; Dec. 28, 1874, c. 9, § 2, 18 Stat. 294.)

160. Amendments to Constitution.—Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States. (R. S. § 205.)

161. State statutes to be procured.—The Secretary of State shall procure from time to time such of the statutes of the several States as may not be in his office. (R. S. § 206.)

162. Information as to work of Department of Commerce.—A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the Secretary of Commerce; and to prepare from the dispatches of consular officers, for transmission to the Secretary of Commerce, such information as pertains to the work of the Department of Commerce; and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistants as may from time to time be authorized by law. (Feb. 14, 1903, c. 552, § 11, 32 Stat. 830.)

163. Reports of information relating to commerce.—The Secretary of State shall annually lay before Congress:

First. A statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have been communicated to the department, including all commercial information contained in the official publications of other governments, which he shall deem sufficiently important.

Second. A synopsis of so much of the information which may have been communicated to him by diplomatic and consular officers during the preceding year as he may deem valuable for public information; specifying the names of any consuls or commercial agents who may have been remiss in transmitting commercial information.

Third. A full list of all consular officers.

Fourth. A report of any rates or tariffs of fees to be received by diplomatic or consular officers, which may have been prescribed by the President during the year preceding.

Fifth. A statement of such fees as may have been collected, accounted for, and reported by the various diplomatic and consular officers during the preceding year.

Sixth. A statement of the lists of passengers arriving in the United States from foreign places, returned to him quarterly by the collectors of customs.

Seventh. A statement of the names of any consular officers, not citizens of the United States, to whom salaries have been paid during the year preceding, together with the circumstances under which they were appointed. (R. S. § 208.)

164. Statement of expenditures from contingent fund.—The annual statement of expenditures from the contingent fund required to be made by the Secretary of State, must include all the contingent expenses of foreign intercourse and of all the missions abroad, except such expenditures as are settled upon the certificate of the President. (R. S. § 209.)

165. Copies of Acts and treaties furnished to printer.—The Secretary of State shall furnish to the Public Printer a correct copy of every Act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval; also of every treaty between the United States and any foreign government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster General, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster General. (R. S. § 210.)

166. Fees for copies of records.—For making out and authenticating copies of records in the Department of State, a fee of 10 cents for each sheet containing one hundred words shall be paid by the person requesting such copies, except where they are requested by an officer of the United States in a matter relating to his office. (R. S. § 213.)

167. Territorial papers; collection, etc., for States by chief of division of publications; clerical assistants.—The chief of division of publications of the Department of State (hereinafter referred to as the editor), under the direction of the Secretary of State, and upon the request of the governor of any State or of any organization duly authorized by him, is authorized and directed to have collected, edited, copied, and suit-

ably arranged for publication, the official papers of the Territory from which such State was formed, on March 3, 1925, in the national archives, as listed in Parker's "Calendar of Papers in Washington Archives Relating to the Territories of the United States (to 1873)," being publication numbered 148 of the Carnegie Institution of Washington, together with such additional papers of like character that may be found. The heads of the several executive departments and independent establishments are directed to cooperate with the editor in such work by giving access to the records and by providing facilities for having them copied. The editor is authorized to employ such clerical assistants as may be necessary, and, under the direction of the Secretary of State and without regard to the Classification Act of 1923 and the civil service laws and regulations made thereunder, to engage the services of not more than five persons who are specially qualified for the editorial work necessary in arranging such Territorial papers for publication. For the salaries of such persons and assistants and all other expenses incurred in connection with such work, there is authorized to be appropriated the sum of $20,000 for the fiscal year ending June 30, 1926, and the same sum for each of the two succeeding fiscal years. (Mar. 3, 1925, c. 419, § 1, 43 Stat. 1104.)

168. Same; copies for States.—The Secretary of State shall, upon application, furnish without charge to the proper authorities of the several States for publication, a copy of such papers, or any part thereof, as arranged by the editor. (Mar. 3, 1925, c. 419, § 2, 43 Stat. 1104.)

Chapter 8.—DEPARTMENT OF WAR.

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Cross reference: Militia Bureau of War Department; see Title 32, NATIONAL GUARD.

Section 181. Establishment of department.—There shall be at the seat of government an executive department to be known as the Department of War, and a Secretary of War, who shall be the head thereof. (R. S. § 214.)

Cross reference: Salary of Secretary; see section 3 of this title.

182. Assistant Secretary of War.—There shall be in the Department of War an Assistant Secretary of War, who shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive a salary of $10,000 per annum, payable monthly. He shall perform such duties in the Department of War as shall be prescribed by the Secretary of War, or as may be required by law. (Mar. 5, 1890, c. 26, 26 Stat. 17; June 3, 1916, c. 134, § 5 [5a]; June 4, 1920, c. 227, subchapter 1, § 5, 41 Stat. 765; Feb. 12, 1925, c. 225, Title I, 43 Stat. 802.)

Cross reference: See also section 1193 of Title 10, ARMY.

183. Temporary performance of duties of Secretary of War.—The President may authorize and direct the commanding general of the Army or the chief of any military bureau of the War Department to perform the duties of the Secretary of War under the provisions of section 6 of this title, and section 576 of Title 10 shall not be held or taken to apply to the officer so designated by reason of his temporarily performing such duties. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 238.)

184. The War Council.—The Secretary of War, the Assistant Secretary of War, the General of the Army, and the Chief of Staff shall constitute the War Council of the War Department, which council shall from time to time meet and consider policies affecting both the military and munitions problems of the War Department. Such questions shall be presented to the Secretary of War in the War Council, and his decision with reference to such questions of policy, after consideration of the recommendations thereon by the several members of the War Council, shall constitute the policy of the War Department with reference thereto. (June 3, 1916, c. 134, § 5 [5b]; June 4, 1920, c. 227, subchapter 1, § 5, 41 Stat. 765.)

185. Assistant and chief clerk; duties.—There shall be in the Department of War an assistant and chief clerk, who shall be appointed by the Secretary of War. The assistant and chief clerk shall be employed in the department as the Secretary may deem proper. The assistant and chief clerk shall sign such official papers and documents as the Secretary may direct. (R. S. § 215; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1094; June 30, 1922, c. 253, Title I, 42 Stat. 716; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1377.)

186. Same; duties when vacancy exists in office of Secretary of War.—The assistant and chief clerk, whenever the Secretary of War shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the department. (R. S. § 215; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241.)

187. Same; duties during absence of Secretary.—When, from illness or other cause, the Secretary of War is temporarily absent from the War Department, he may authorize the assistant and chief clerk of the department to sign requisitions upon the Treasury Department, and other papers requiring the signature of the Secretary; the same, when signed by the assistant and chief clerk during such temporary absence, to be of the same force and effect as if signed by the Secretary of War himself. (Mar. 4, 1874, c. 44, 18 Stat. 19.)

188. Detail of clerks and employees.—It shall not be lawful to detail clerks or other civilian employees authorized for the Office of the General Staff for duty, temporary or otherwise, in any office or bureau of the War Department at Washington, District of Columbia, or to detail clerks or other employees from the War Department for service in the Office of the General Staff. (June 22, 1906, c. 3514, § 1, 34 Stat. 418.)

189. Assignment of clerks and employees to duty in War Department.—No clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau of the War Department. (June 15, 1917, c. 29, § 1, 40 Stat. 189; June 30, 1922, c. 253, Title I, 42 Stat. 724; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1384; June 7, 1924, c. 291, Title I, 43 Stat. 482; Feb. 12, 1925, c. 225, Title I, 43 Stat. 896.)

190. Management of military affairs.—The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct. (R. S. § 216.)

191. Custody of departmental records and property.—The Secretary of War shall have the custody and charge of all the books, records, papers, furniture, fixtures, and other property appertaining to the department. (R. S. § 217.)

192. Record and Pension Office of War Department; chief; pay, rank, and allowances; charge of military and hospital records, etc.—The Record and Pension Office of the War Department is established. The President is authorized to select an officer of the Army whom he may consider to be especially well qualified for the performance of the duties hereinafter specified and, by and with the advice and consent of the Senate, to appoint him in the Army to be chief of said office, who shall have the rank, pay, and allowances of a colonel, and shall, under the Secretary of War, have charge of the military and hospital records of the volunteer armies and the pension and other business of the War Department connected therewith. (May 9, 1892, c. 62, 27 Stat. 27.)

193. Same; military records of Revolution and of War of 1812.—The military records of the American Revolution and of the War of 1812 shall be transferred to and be preserved in the Record and Pension Office of the War Department, and they shall be properly indexed and arranged for use. All military records, such as muster and pay rolls, orders, and reports relating to the personnel or the operations of the armies of the Revolutionary War and of the War of 1812, on August 18, 1894 in any of the executive departments, shall be transferred to the Secretary of War to be preserved, indexed and prepared for publication. The Secretary of War is authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, including all troops acting under State authority. All such military records in the possession or custody of any official of the United States shall be transferred to the War Department. (July 27, 1892, c. 267, 27 Stat. 275; Aug. 18, 1894, c. 301, § 1, 28 Stat. 403; Mar. 2, 1913, c. 94, §§ 1, 2, 37 Stat. 723.)

194. Same; military records of wars prior to Civil War.—The military rolls and records of the Indian wars or any other wars prior to the Civil War, preserved on April 28, 1904 in the Interior or other departments, are transferred to the War Department, to be preserved in the Record and Pension Office of that department, and that they shall be properly indexed and arranged for use. (Apr. 28, 1904, No. 35, 33 Stat. 591.)

195. Same; roster of Union and Confederate Armies.—Under the direction of the Secretary of War the Chief of the Record and Pension Office shall compile, from such official records as are in the possession of the United States and from such other authentic records as may be obtained by loan from the various States and other official sources, a complete roster of the officers and enlisted men of the Union and Confederate Armies. (Feb. 25, 1903, c. 755, § 1, 32 Stat. 884.)

196. Returns and muster rolls of volunteer forces.—All returns and muster rolls of organizations of the volunteer forces and of militia organizations while in the service of the United States shall be rendered to The Adjutant General of the Army, and upon the muster out of such organizations the records pertaining to them shall be transferred to and filed in The Adjutant General's Office. And regimental and all other medical officers serving with volunteer troops, or with militia organizations in the service of the United States, in the field or elsewhere, shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, in The Adjutant General's Office, as provided for herein for other reports, returns, and muster rolls. (Apr. 25, 1914, c. 71, § 9, 38 Stat. 350.)

197. Transcripts of military history for governors.—The Secretary of War shall, upon the application of the governor of any State, furnish to such governor a transcript of the military history of any regiment or company of his State, under such regulations as the Secretary of War may prescribe, at the expense of such State. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 788.)

198. Collecting flags.—The Secretary of War shall from time to time cause to be collected and transmitted to him, at the seat of government, all such flags, standards, and colors as are taken by the Army from the enemies of the United States. (R. S. § 218.)

199. Duplicates of lost or destroyed certificates of discharge from military service.—Whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge. Such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case. (R. S. § 224; July 1, 1902, c. 1353, 32 Stat. 629.)

200. Certificates of discharge in true names of persons enlisting or serving under assumed names.—The Secretary of War is authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army during the War of the Rebellion, or any war between the United States and any other nation or people, and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by, or on behalf of, persons entitled to them; but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence. (Apr. 14, 1890, c. 80, 26 Stat. 55; June 25, 1910, c. 393, 36 Stat. 824; Aug. 22, 1912, c. 329, 37 Stat. 324.)

201. Sale of surplus charts.—Any surplus charts of the northwestern lakes may be sold to navigators upon such terms as the Secretary of War may prescribe. (R. S. § 226.)

202. Disposition of colors, standards, and guidons of demobilized organizations of United States Army.—The Secretary of War is authorized to dispose of all colors, standards, and guidons of demobilized organizations of the United States Army in the following manner: Any which were used during their service by such organizations and which were brought into the service of the United States from the National Guard of any State may be returned to that State upon request therefor from the governor thereof; and all others may be sent, upon request of the governor thereof, to whatever State the Secretary of War may determine to have furnished the ma-

jority of men to any such organization at the time of its formation. Where it is impossible to determine what State furnished a majority of the men of an organization at the time of its formation, or where any organization was so cosmopolitan in its original makeup that it is impossible to identify it with any particular State, the colors of such organization will be turned in to the Quartermaster General for such national use as the Secretary of War may direct. The title to all such colors, standards, and guidons shall remain in the United States. The Secretary of War shall require assurance that proper provision has been or will be made for the care and preservation of such colors, standards, and guidons before returning or sending the same as herein authorized. (Mar. 4, 1921, c. 166, § 2, 41 Stat. 1438.)

203. Distribution of captured war devices and trophies; method of distribution; exceptions.—The Secretary of War is authorized and directed to apportion and distribute pro rata among the several States and Territories, and possessions of the United States and the District of Columbia in corresponding ratio as the total number of men serving in the armed forces of the United States, as hereinafter provided, from each State, Territory, or possession of the United States and the District of Columbia bears to the total number of men so serving from all States, Territories, possessions, and the District of Columbia, all guns and howitzers with their respective carriages, machine guns, and other war devices and trophies suitable for distribution and captured by or surrendered to the armed forces of the United States from the armed forces of Germany and allied nations, with the exception of such guns, howitzers, carriages, machine guns, and other war devices and trophies as may be required for experimental purposes, or for actual use by the armed forces of the United States; and the further exception of such of the devices aforementioned as may be required for display in national museums, at national homes for disabled volunteer soldiers, or for monumental purposes in Arlington National Cemetery and in other national cemeteries, national parks, and national monuments wheresoever situated. (June 7, 1924, c. 312, § 1, 43 Stat. 597.)

204. Same; basis of distribution; notice to States, etc.—For the purposes of sections 203 to 207 of this title the reports compiled prior to June 7, 1924 under the direction of the Secretary of War, showing the number of men in the armed forces of the United States accredited to each State, Territory, and possession of the United States, and to the District of Columbia, either by enlistment or by the process of the selective service act, or otherwise drawn into and becoming an integral part of the armed forces of the United States during the period April 7, 1917 to November 11, 1918, and the allotment of war trophies suitable for distribution among the several States, Territories, and possessions, and the District of Columbia, shall serve as the basis of distribution. As soon as practicable after June 7, 1924, the Secretary of War shall cause the chief executive of each of the several States, Territories, and possessions, and the Commissioners of the District of Columbia to be informed of the character and quantity of war devices and trophies apportioned thereto, and shall invite each such chief executive and the Commissioners of the District of Columbia to designate such material as will be accepted free on board common carrier at the point of storage and to designate the point or points to which the accepted material is to be shipped without expense to the United States, other than that of packing and loading at the point of storage. (June 7, 1924, c. 312, § 2, 43 Stat. 597.)

205. Same; shipments; how made.—Shipment of the apportionment of each State, Territory, and possession, and the District of Columbia accepted shall be made as soon as practicable after the chief executive, or the commissioners thereof, as the case may require, shall have informed the Secretary of War that such State, Territory, possession, or District will accept and take possession thereof as hereinbefore provided for and will relieve the United States of all responsibility for the safe delivery of the material and of all charges, costs, and expenses whatsoever connected with the transportation thereof. If the chief executive or the commissioners of any State, Territory, possession, or District, shall not, within one year after notification of the character and quantity of the apportionment, file with the Secretary of War such acceptance and agreement, such apportionment, or any part thereof, shall be sold as surplus property as it then is and where it then is, or shall be destroyed—all as the Secretary of War, in his discretion, shall determine; and like action shall be taken in respect of the rejected portion of any apportionment accepted in part only, and war devices and trophies considered by the Secretary of War as unsuitable for distribution. (June 7, 1924, c. 312, § 3, 43 Stat. 598.)

206. Same; charges for shipment.—All charges for apportioning, segregating, packing, and loading war trophies and devices for distribution to the designated point or points within each of the several States, Territories, and possessions, and the District of Columbia, as provided for herein, and for transportation to national museums, national homes for disabled volunteer soldiers, national cemeteries, and national parks, and for the disposition of undistributed war devices and trophies shall be paid by the United States Government from an appropriation to be made for that purpose; but no part of such appropriation shall be expended in cleaning, painting, or otherwise reconditioning war devices and trophies prior to shipment. (June 7, 1924, c. 312, §§ 4, 6, 43 Stat. 598.)

207. Same; rules and regulations.—The Secretary of War is authorized to make all rules and regulations to carry into effect sections 203 to 206 of this title. (June 7, 1924, c. 312, § 5, 43 Stat. 598.)

208. Claims for damages to private property from military operations; adjustment.—The Secretary of War is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of one thousand dollars, occasioned by heavy gunfire and target practice of troops, and for damages to vessels, wharves, and other private property, found to be due to maneuvers or other military operations for which the Government is responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (Aug. 24, 1912, c. 391, § 1, 37 Stat. 586.)

209. Same; duties of General Accounting Office.—Settlement of claims for damages to and loss of private property incident to the training, practice, and operations of the Army shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages. (Oct. 6, 1917, c. 79, § 1, 40 Stat. 364; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

210. Same; presentation and approval.—Claims of inhabitants of France or of any other European country not an enemy or ally of an enemy for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War. Such claims shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur. Appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the

claims herein described. This section does not supersede other modes of indemnity in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States. (Apr. 18, 1918, c. 57, 40 Stat. 532.)

211. Sale of surplus motor trucks and automobiles.—In addition to the delivery of the property authorized, to be delivered to the Public Health Service, the Department of Agriculture and the Post Office Department of the Government, the Secretary of War is authorized to sell any surplus supplies including motor trucks and automobiles on July 11, 1919, owned by and in the possession of the Government for the use of the War Department to any State or municipal subdivision thereof, or to any corporation or individual upon such terms as may be deemed best. (July 11, 1919, c. 8, 41 Stat. 105.)

212. Sale of dental outfits.—The Secretary of War is authorized and directed to sell at public or private sale, under such rules and regulations as he may prescribe, all dental outfits in excess of the needs of the Government, preferentially to persons who served in the Army, Navy, Marine Corps, Coast Guard, or the American Red Cross of the United States during the World War and who are at the time of such sale licensed to practice dentistry; but not more than one set of dental supplies shall be sold at private sale to any one person. (Apr. 17, 1920, c. 150, 41 Stat. 554.)

213. Transfer of motor vehicles to branches of Government service; payment for from appropriations.—The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment. In case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage, shall be determined upon and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly. It shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible. No transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service. (July 19, 1919, c. 24, § 5, 41 Stat. 233.)

214. Equipment for Metropolitan Police.—The War Department may, in its discretion, furnish the commissioners, for use of the police, upon requisition, such worn mounted equipment as may be required. (June 29, 1922, c. 249, § 1, 42 Stat. 692; Feb. 28, 1923, c. 148, § 1, 42 Stat. 1349; June 7, 1924, c. 302, § 1, 43 Stat. 560; Mar. 3, 1925, c. 477, § 1, 43 Stat. 1235.)

215. Reports of Secretary of War; unexpended balances to Congress.—The Secretary of War shall make an annual report to Congress containing a statement of the appropriations of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation. (R. S. § 228.)

216. Same; annual statement of expenditures for contingent expenses.—The annual report of the Secretary of War as to the expenditure of contingent funds required by section 104 of this title shall include a statement of the expenditure of the moneys appropriated for the contingent expenses of the military establishment. (R. S. § 229; Mar. 2, 1895, c. 177, § 1, 28 Stat. 787.)

217. Same; bids for works.—Whenever the Secretary of War invites proposals for any works, or for any materials or labor for any work, he shall report to Congress, at its next session, all bids therefor, with the names of the bidders. (R. S. § 230.)

218. War Department contracts; regulations for bids.—The Secretary of War is hereby authorized to prescribe rules and regulations to be observed in the preparation and submission and opening of bids for contracts under the War Department. And he may require every bid to be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of War or the officer authorized to make a contract in the premises, give bond, with good and sufficient sureties, to furnish the supplies proposed or to perform the service required. If after the acceptance of a bid and a notification thereof to the bidder he fails within the time prescribed by the Secretary of War or other duly authorized officer to enter into a contract and furnish a bond with good and sufficient security for the proper fulfillment of its terms, the Secretary or other authorized officer shall proceed to contract with some other person to furnish the supplies or perform the service required, and shall forthwith cause the difference between the amount specified by the bidder in default in the proposal and the amount for which he may have contracted with another party to furnish the supplies or perform the service for the whole period of the proposal to be charged up against the bidder and his guarantor or guarantors, and the sum may be immediately recovered by the United States for the use of the War Department in an action of debt against either or all of such persons. (Apr. 10, 1878, c. 58, 20 Stat. 36; Mar. 3, 1883, c. 120, 22 Stat. 487.)

Chapter 4.—DEPARTMENT OF TREASURY.

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Section 241. Establishment of department.—There shall be at the seat of government an executive department to be known

as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof. (R. S. § 233.)

Cross reference: Salary of secretary; see section 3 of this title.

242. **General duties of Secretary of Treasury.**—The Secretary of the Treasury shall, from time to time, digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall superintend the collection of the revenue; shall, from time to time, prescribe the forms of keeping and rendering all public accounts and making returns; shall grant, under the limitations herein established, or to be provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law; shall make report and give information to either branch of the legislature in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally shall perform all such services relative to the finances as he shall be directed to perform. (R. S. § 248.)

243. **Restrictions upon Secretary of Treasury.**—No person appointed to the office of Secretary of the Treasury, or Treasurer, or Register, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information. (R. S. § 243.)

244. **Undersecretary of Treasury; salary; duties.**—There shall be in the Department of the Treasury an Undersecretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate. The compensation of the Undersecretary of the Treasury shall be at the rate of $10,000 per annum. He shall perform such duties in the office of the Secretary as may be prescribed by the Secretary of the Treasury or by law. (Feb. 17, 1922, c. 55, 42 Stat. 366; Jan. 3, 1923, c. 22, 42 Stat. 1087; Apr. 4, 1924, c. 84, Title I, 43 Stat. 64; Jan. 22, 1925, c. 87, Title I, 43 Stat. 764.)

245. **Same; performance of duties of Secretary.**—The Undersecretary of the Treasury, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease. (Feb. 17, 1922, c. 55, 42 Stat. 366; Jan. 3, 1923, c. 22, 42 Stat. 1087; Apr. 4, 1924, c. 84, Title I, 43 Stat. 64.)

246. **Assistant Secretaries of Treasury.**—There shall be in the Department of the Treasury three Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 234; July 11, 1890, c. 667, § 1, 26 Stat. 236; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1083; Oct. 6, 1917, c. 79, § 1, 40 Stat. 347.)

247. **Same; duties.**—The Assistant Secretaries of the Treasury shall examine letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury, and perform such other duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law. (R. S. § 245.)

248. **Same; signing warrants.**—The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate authority to the Assistant Secretaries of the Treasury to sign in his stead, and he may in like manner delegate such authority to a clerk in his office to sign in his name, all warrants for the payment of money into the Public Treasury and all warrants for the disbursement from the Public Treasury of money certified by the General Accounting Office to be due upon accounts duly audited and settled by them; also all accountable warrants placing money in the Treasury to the credit of disbursing and other fiscal officers, and all appropriations, repay, and transfer warrants. The warrants so signed by either of the Assistant Secretaries of the Treasury or by the designated clerk shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself. (R. S. § 246; Mar. 2, 1910, c. 71, § 1, 36 Stat. 231; June 10, 1921, c. 18 § 304, 42 Stat. 24.)

249. **Chief clerk and superintendent to be chief executive officer of department.**—The chief clerk and superintendent of the Treasury Department, shall be the chief executive officer of the department, and may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary, Undersecretary, and Assistant Secretaries of the department. (Mar. 3, 1917, c. 163, § 1, 39 Stat. 1083; Feb. 17, 1922, c. 55, 42 Stat. 367; Jan. 3, 1923, c. 22, 42 Stat. 1088; Apr. 4, 1924, c. 84, Title I, 43 Stat. 64; Jan. 22, 1925, c. 87, Title I, 43 Stat. 764.)

250. **Deputy disbursing clerk.**—The deputy disbursing clerk shall have authority to sign checks in the name of the disbursing clerk; he shall give bond to the disbursing clerk in such sum as the said disbursing clerk may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed hereunder shall be made to cover and apply to the acts of the deputy disbursing clerk. (June 17, 1910, c. 297, § 1, 36 Stat. 487.)

251. **Government actuary; salary.**—The salary of the Government actuary, so long as the position is held by the incumbent on June 2, 1924, shall be at the rate of $7,500 a year. (June 2, 1924, 4:01 p. m., c. 234, § 1102, 43 Stat. 353.)

252. **Salaries to Treasury Department officers holding over.**—The Secretary of the Treasury is authorized and directed to pay to all officers under the Treasury Department whose terms of office have expired or shall expire before the appointment and qualification of their successors, and who have been performing or shall perform the duties of their respective offices after the date of such expiration, the salary, compensation, fees, or emoluments authorized or provided by law in each case for the respective incumbents of the offices. No such payment shall be made for any services rendered by any such officer wrongfully holding after the appointment and qualification of his successor. (Mar. 2, 1895, c. 187, § 1, 28 Stat. 843.)

253. **Enforcement of laws relating to Treasury Department; detail of persons paid from certain appropriations for.**—The Secretary of the Treasury is authorized to use for, and in connection with, the enforcement of the laws relating to the Treasury Department and the several branches of the public service under its control, not exceeding at any one time four persons paid from the appropriation for the collection of customs, four persons paid from the appropriation for salaries and expenses of internal-revenue agents or from the appropriation for the foregoing purpose, and four persons paid from the appropriation for suppressing counterfeiting and other crimes, but not exceeding six persons so detailed shall be employed at any one time hereunder. Nothing herein contained shall be construed to deprive the Secretary of the Treasury from making any detail otherwise authorized by existing law. (June 12,

1917, c. 27, § 1, 40 Stat. 118; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1374.)

254. Restrictions upon clerks in department.—Every clerk employed in the Treasury Department who carries on any trade or business in the funds or debts of the United States, or of any State, or in any kind of public property, or who takes or applies to his own use any emolument or gain for negotiating or transacting any business in the department, shall be deemed guilty of a misdemeanor, and punished by a fine of $500 and removal from office. (R. S. § 244.)

255. Division of bookkeeping and warrants.—There shall be in the office of the Secretary of the Treasury a division of bookkeeping and warrants, which shall be under the direction of the Secretary of the Treasury. Upon the books of this division shall be kept all accounts of receipts and expenditures of public money except those relating to the postal revenues and expenditures therefrom. It shall be the duty of the Secretary of the Treasury to make appropriate rules and regulations for carrying out the provisions of this section. (July 31, 1894, c. 174, §§ 10, 22, 28 Stat. 208, 210.)

256. Commencement of fiscal year.—The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant at Arms of the House of Representatives for compensation and mileage of Members and Delegates, shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year, as thus established. (R. S. § 237; Oct. 1, 1890, c. 1256, § 9, 26 Stat. 646.)

257. Contingent expenses of Treasury Department; control of appropriations for.—The Secretary of the Treasury is authorized to place the control and expenditure of the various appropriations made for contingent expenses of the Treasury Department at Washington, District of Columbia, under such officer or officers of the Treasury Department as he may from time to time determine proper or necessary. (June 25, 1910, c. 385, 36 Stat. 776.)

258. Same; accounts of expenditures for.—No account for contingent expenses at any of the bureaus of the Department of the Treasury shall be allowed, except on the certificate of the officer or officers designated by the preceding section that such expenses are necessary and proper, and that the prices paid are just and reasonable; and the superintendent shall keep a full, just, and accurate account in detail of all amounts expended under the head of contingent expenses for the several bureaus of the Department of the Treasury. (R. S. § 240; June 25, 1910, c. 385, 36 Stat. 776.)

259. Accounts of receipts of internal revenue.—Separate accounts shall be kept at the Department of the Treasury of all moneys received from internal duties or taxes in each of the respective States, Territories, and collection districts, and of the amount of each species of duty and tax that shall accrue; so as to exhibit, as far as may be, the amount collected from each source of revenue, with the moneys paid as compensation and for allowances to the collectors and deputy collectors, inspectors, and other officers employed in each of the respective States, Territories, and collection districts. The said Secretary shall annually, in the month of December, lay before Congress an abstract, in tabular form, of said accounts. (R. S. § 239, 261; Feb. 18, 1875, c. 80. § 1, 18 Stat. 317.)

260. Accounts of expenditures for furniture and repairs.—The expenditure for furniture and repairs for the bureaus of the Department of the Treasury shall be made by the officer or officers designated by section 257 of this title, subject to the approval of the Secretary of the Treasury; and it shall be the duty of such officer or officers to keep a just and accurate account in detail of all the amounts paid for the purchase of furniture, and also for the repairs thereof, as well as a full statement of the disposal of the old furniture. (R. S. § 241; June 25, 1910, c. 385, 36 Stat. 776.)

261. Rules for government of agents representing claimants.—The Secretary of the Treasury may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. And such Secretary may after due notice and opportunity for hearing suspend, and disbar from further practice before his department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement. (July 7, 1884, c. 334, § 3, 23 Stat. 258.)

262. Reports of Secretary of Treasury.—The Secretary of the Treasury shall make the following annual reports to Congress:

First. A report on the subject of finance, containing estimates of the public revenue and public expenditures for the fiscal year then current, and plans for improving and increasing the revenues from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

Second. A report containing a statement of all contracts for supplies or services which have been made by him or under his direction during the year preceding, and also a statement of the expenditure of the moneys appropriated for the discharge of miscellaneous claims not otherwise provided for, paid at the Treasury. (R. S. § 257.)

263. Same; postal revenues and expenditures.—The Secretary of the Treasury shall include in his annual report, in the statements of actual and estimated receipts and expenditures of the Government, the revenues from and expenditures on account of the postal service. (Sept. 30, 1890, c. 1126, § 1, 26 Stat. 511.)

264. Same; receipts and expenditures of public moneys.—It shall be the duty of the Secretary of the Treasury annually to lay before Congress, on the first day of the regular session thereof, an accurate, combined statement of the receipts and expenditures during the last preceding fiscal year of all public moneys, including those of the Post-Office Department, designating the amount of the receipts, whenever practicable, by ports, districts, and States, and the expenditures, by each separate head of appropriation. (July 31, 1894, c. 174, § 15, 28 Stat. 210.)

265. Same; estimates of revenue and expenditures.—The Secretary of the Treasury shall each year prepare and submit in his annual report to Congress estimates of the public revenue and the public expenditures for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year. (Feb. 26, 1907, c. 1635, 34 Stat. 949.)

266. Same; claims allowed.—The Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the presiding officer of the Senate, who shall

lay the same before their respective Houses for consideration. (July 7, 1884, c. 334, § 1, 23 Stat. 254.)

267. Same; officers delinquent in rendering accounts.—The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers and administrative departments and offices of the Government as were, respectively, at any time during the last preceding fiscal year delinquent in rendering or transmitting accounts to the proper offices in Washington and the cause therefor, and in each case indicating whether the delinquency was waived, together with such officers, including postmasters and officers of the Post Office Department, as were found upon final settlement of their accounts to have been indebted to the Government, with the amount of such indebtedness in each case, and who, at the date of making report, had failed to pay the same into the Treasury of the United States. (July 31, 1894, c. 174, § 12, 28 Stat. 209; May 28, 1896, c. 252, § 4, 29 Stat. 179.)

268. Same; appropriations for Departments of War and Navy.—The Secretary of the Treasury shall lay before Congress at the commencement of each regular session, accompanying his annual statement of the public expenditure, the reports which may be made to him by the officers charged with the examination of the accounts of the Department of War and the Department of the Navy, respectively, showing the application of the money appropriated for those departments for the preceding year. (R. S. § 260.)

269. Accounts of amounts expended for contingent expenses of Treasury buildings.—The Secretary of the Treasury shall transmit to Congress, at the commencement of each regular session, a copy of each of the accounts kept by the officer or officers designated under section 257 of this title of all amounts expended under the head of contingent expenses for the several bureaus of the Department of the Treasury, and of all amounts paid for furniture and repairs of furniture, and of the disposal of old furniture. (R. S. § 262.)

270. Quarterly publication of statement of receipts and expenditures.—The Secretary of the Treasury at the expiration of thirty days from the end of each quarter, shall cause to be published in some newspaper at the seat of government a statement of the whole receipts of such quarter, specifying the amount received from customs, from public lands, and from miscellaneous sources, and, also, the whole amount of payments made during the said quarter, specifying the general head of appropriation, whether for the civil list, the Army, the Navy, Indian Affairs, fortifications, or pensions. (R. S. § 266.)

271. Monthly publication of weekly statement of Treasurer.—The Secretary of the Treasury shall cause to be published in some newspaper at the seat of government, on the first day of each month, the last preceding weekly statement of the Treasurer of the United States, showing the amount to his credit in the different banks, in the mint, or other depositories, the amount for which drafts have been given, and those remaining unpaid, and the balance remaining subject to his draft; and he shall also specially note any changes that have been made in the depositories of the Treasury during the preceding month, and report to Congress, at the commencement of its next session, the reasons for such changes. (R. S. § 267.)

272. Statements of receipts and expenditures in naval service.—It shall be the duty of the Secretary of the Treasury to transmit to Congress, annually, a tabular statement showing in detail the receipts and expenditures in the naval service under each appropriation, as made up and determined by the General Accounting Office, upon the accounts of disbursing-officers rendered for settlement. (June 19, 1878, c. 311, § 1, 20 Stat. 167.)

273. Balances in hands of disbursing agents; report of amounts lost or unaccounted for.—There shall be appended to statements mentioned in section 272 of this title an account of balances in the hands of disbursing agents at the close of each fiscal year, and a report of any amounts lost or unaccounted for by voucher. (June 19, 1878, c. 311, § 2, 20 Stat. 167.)

Chapter 5.—DEPARTMENT OF JUSTICE.

Sec.

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Section 291. Establishment of department.—There shall be at the seat of government an executive department to be known as the Department of Justice, and an Attorney General, who shall be the head thereof. (R. S. § 346.)

Cross reference: Salary of Attorney General, see section 3 of this title.

292. Seal.—The seal heretofore provided for the office of the Attorney General shall be, with such change as the President shall approve, the seal of the Department of Justice. (R. S. § 353.)

293. Solicitor General.—There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties, called the Solicitor General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $10,000 a year. In case of a vacancy in the office of Attorney General, or of his absence or disability, the Solicitor General shall have power to exercise all the duties of that

office. (R. S. § 347; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1110; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1025.)

294. Assistant to Attorney General.—The President is authorized to appoint, by and with the advice and consent of the Senate, an assistant to the Attorney General, whose salary shall be at the rate of $9,000 per annum. (Mar. 3, 1903, c. 1006, § 1, 32 Stat. 1062; Oct. 22, 1913, c. 32, 38 Stat. 218; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1025.)

295. Assistant Attorneys General.—There shall be in the Department of Justice six officers, learned in the law, called the Assistant Attorneys General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall assist the Attorney General and Solicitor General in the performance of their duties. Each of them is entitled to a salary of $7,500 a year. (R. S. § 348; July 11, 1890, c. 667, § 1, 26 Stat. 265; July 16, 1914, c. 141, § 1, 38 Stat. 497; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1110; Mar. 1, 1919, c. 86, § 1, 40 Stat. 1254.)

296. Assistant Attorney General in charge of customs matters; deputy; special attorneys.—There shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney General, who shall exercise the functions of his office under the supervision and control of the Attorney General of the United States, and who shall be paid a salary of $8,000 per annum; and there shall also be appointed by the Attorney General of the United States a Deputy Assistant Attorney General, and four attorneys. Said attorneys shall act under the immediate direction of said Assistant Attorney General, or, in case of his absence or a vacancy in his office, under the direction of said Deputy Assistant Attorney General, and said Assistant Attorney General, Deputy Assistant Attorney General, and attorneys shall have charge of the interests of the Government in all matters of reappraisement and classification of imported goods and of all litigation incident thereto, and shall represent the Government in all the courts and before all tribunals wherein the interests of the Government require such representation.

But the Attorney General may, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such special attorneys and counselors at law in the conduct of customs cases as he may think necessary to assist said Assistant Attorney General in the discharge of any of the duties incumbent upon him and his said subordinates, and shall stipulate with such attorneys and counsel the amount of compensation and shall have supervision of their conduct and proceedings. (June 10, 1890, c. 407, § 30, 26 Stat. 142; Aug. 5, 1909, c. 6, § 28, 36 Stat. 108; Feb. 27, 1925, c. 364, 43 Stat. 1014.)

297. Solicitors for departments.—There shall be in the Department of Justice a solicitor for each of the State, Treasury, Interior, Commerce, and Labor Departments, and a Solicitor of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate. The officers named in this section shall exercise their functions under the supervision and control of the head of the Department of Justice. (R. S. §§ 349, 350; June 19, 1878, c. 329, § 1, 20 Stat. 205; Mar. 3, 1891; c. 541, § 1, 26 Stat. 945; Mar. 18, 1904, c. 716, § 1, 33 Stat. 135; Mar. 4, 1913, c. 141, § 7, 37 Stat. 738; July 16, 1914, c. 141, § 1, 38 Stat. 497.)

298. Special assistant to Attorney General to assist in postal cases.—The employment of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases or matters affecting the postal revenues, is authorized. (July 28, 1916, c. 261, § 1, 39 Stat. 413.)

299. Officials for investigation of official matters in Departments of Justice and State.—For investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties. (Mar. 1, 1921, c. 89, § 1, 41 Stat. 1175; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1410; June 1, 1922, c. 204, Title II, 42 Stat. 613; Jan. 3, 1923, c. 21, Title II, 43 Stat. 217; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1027.)

300. Officials for detection and prosecution of crimes.—For the detection and prosecution of crimes against the United States, and for the acquisition, collection, classification, and preservation of criminal identification records and their exchange with the officials of States, cities, and other institutions, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties. (Mar. 1, 1921, c. 89, § 1, 41 Stat. 1175; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1410; June 1, 1922, c. 204, Title II, 42 Stat. 613; Jan. 3, 1923, c. 21, Title II, 43 Stat. 217; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1027.)

301. Officials for investigation of official acts, records, and accounts of marshals, attorneys, clerks of courts, United States commissioners, referees, and trustees.—For the investigation of the official acts, records, and accounts of marshals, attorneys, and clerks of the United States courts, and the territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time, and for the investigation of the official acts, records, and accounts of referees and trustees, when requested by the presiding judge of such courts, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties. (Mar. 1, 1921, c. 89, § 1, 41 Stat. 1175; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1410; June 1, 1922, c. 204, Title II, 42 Stat. 613; Jan. 3, 1923, c. 21, Title II, 43 Stat. 217; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1027.)

302. Traveling expenses and subsistence of officers.—Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, District, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed $6 per day while absent from the seat of government, the account thereof to be verified by affidavit. (R. S. § 370; March 4, 1923, c. 273, 42 Stat. 1503.)

303. Opinions and advice of Attorney General; to President.—The Attorney General shall give his advice and opinion upon questions of law, whenever required by the President. (R. S. § 354; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241.)

304. Same; to heads of executive departments.—The head of any executive department may require the opinion of the Attorney General on any questions of law arising in the administration of his department. (R. S. § 356.)

305. Publication of opinions.—The Attorney General shall from time to time cause to be edited, and printed at the Government Printing Office, an edition of one thousand copies of such of the opinions of the law officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume 8 of such opinions, published, by Robert Farnham, in the year 1868. Each volume shall contain proper headnotes, a complete and full index, and such footnotes as the Attorney General may approve. Such volumes shall be distributed in such manner as the Attorney General may from time to time prescribe. (R. S. § 383.)

306. Legal services for departments.—The officers of the Department of Justice, under the direction of the Attorney Gen-

eral, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of departments, and the heads of bureaus and other officers in the departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section 312 of this title. (R. S. § 361.)

307. Legal advice to War and Navy Departments.—Whenever a question of law arises in the administration of the Department of War or the Department of the Navy, the cognizance of which is not given by statute to some other officer from whom the head of the department may require advice, it shall be sent to the Attorney General, to be by him referred to the proper officer in his department, or otherwise disposed of as he may deem proper. (R. S. § 357.)

308. Reference of questions to subordinates.—Any question of law submitted to the Attorney General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred. If the opinion given by such officer is approved by the Attorney General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney General. (R. S. § 358.)

309. Conduct and argument of cases by Attorney General and Solicitor General.—Except when the Attorney General in particular cases otherwise directs, the Attorney General and Solicitor General shall conduct and argue suits and writs of error and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested, and the Attorney General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States is interested, or may direct the Solicitor General or any officer of the Department of Justice to do so. (R. S. § 359.)

310. Conduct of legal proceedings.—The Attorney General or any officer of the Department of Justice, or any attorney or counselor specially appointed by the Attorney General under any provision of law, may, when thereunto specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which district attorneys may be by law authorized to conduct, whether or not he or they be residents of the district in which such proceeding is brought. (June 30, 1906, c. 3935, 34 Stat. 816.)

311. Performance of duty by officers of department.—The Attorney General may require any solicitor or officer of the Department of Justice to perform any duty required of the department or any officer thereof. (R. S. § 360.)

312. Counsel to aid district attorneys.—The Attorney General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings. (R. S. § 363.)

313. Attendance of counsel.—Whenever the head of a department or bureau gives the Attorney General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such department or bureau, the Attorney General shall provide for such service. (R. S. § 364.)

314. Counsel fees restricted.—No compensation shall be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney General that such services were actually rendered, and that the same could not be performed by the Attorney General, or Solicitor General, or the officers of the Department of Justice, or by the district attorneys. (R. S. § 365.)

315. Appointment and oath of special attorneys or counsel.—Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such department, as a special assistant to the Attorney General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law. Foreign counsel employed by the Attorney General in special cases shall not be required to take the oath required by this section. (R. S. § 366; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1029.)

316. Interest of United States in pending suits.—The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States. (R. S. § 367.)

317. Superintending district attorneys and marshals.—The Attorney General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney General may direct. (R. S. § 362.)

318. Accounts of district attorneys.—The Attorney General shall exercise general supervisory powers over the accounts of district attorneys, marshals, clerks, and other officers of the courts of the United States. (R. S. § 368.)

319. Requisitions.—The Attorney General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the General Accounting Office. (R. S. § 369.)

320. Disbursement of moneys.—All moneys drawn out of the Treasury upon the requisition of the Attorney General shall be disbursed by such one of the clerks in the Department of Justice as the Attorney General may designate. (R. S. § 371.)

321. Disbursement of salaries of judges.—Except as otherwise provided in section 505 of Title 28, judges receiving salaries from the Treasury of the United States shall be paid monthly by the disbursing officer of the Department of Justice and to him all certificates of nonabsence or of the cause of absence of judges in the Territories shall be sent. Interstate Commerce Commissioners and other officers, who on July 31, 1894 were paid as judges are, shall be paid monthly by the proper disbursing officer or officers. (July 31, 1894, c. 174, § 13, 28 Stat. 210.)

322. Records of office of Solicitor of Treasury.—The Solicitor of the Treasury shall have charge, within the Department of Justice, of the books, papers, and records formerly appertain-

ing to the office of agent of the Treasury, or to the superintendence of the collection of outstanding direct taxes and internal duties which have been transferred to him by the act of May 29, 1830, and remain in his charge; and of the seal adopted for the office of the Solicitor of the Treasury. (R. S. § 372.)

323. Bonds for suit; liability of district attorney on receiving.—Whenever the Solicitor of the Treasury receives information from a collector of duties that such collector has delivered any bond for duties to a district attorney for suit, the Solicitor of the Treasury shall make such entry thereof as that the attorney may duly appear chargeable therewith, until the amount has been paid to the United States, or he has obtained judgment thereon and delivered execution to the marshal, or otherwise been duly discharged therefrom. (R. S. § 373.)

324. Same; examination of reports of district attorneys and collectors.—The Solicitor of the Treasury shall make constant and strict examinations and comparisons of the reports made by collectors of bonds for duties delivered by them to district attorneys for suit, and of the returns made by district attorneys of such bonds so received by them. (R. S. § 374.)

325. Same; false reports of.—Whenever it appears that any collector has made return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or has returned any bond as in suit for the whole amount thereof, when part thereof has been paid to him, or as in suit for more than is actually due thereon, the Solicitor of the Treasury shall, immediately upon discovery thereof, communicate the facts to the President of the United States. (R. S. § 375.)

326. Discovery of frauds.—The Solicitor of the Treasury, under the direction of the Secretary of the Treasury, shall take cognizance of all frauds or attempted frauds upon the revenue, and shall exercise a general supervision over the measures for their prevention and detection, and for the prosecution of persons charged with the commission thereof. (R. S. § 376.)

327. Solicitor of Treasury; rules respecting suits.—The Solicitor of the Treasury shall establish such regulations, not inconsistent with law, with the approbation of the Secretary of the Treasury, for the observance of collectors of the customs, and, with the approbation of the Attorney General, for the observance of district attorneys and marshals respecting suits in which the United States are parties, as may be deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States. This section shall not apply to suits for taxes, forfeitures, or penalties arising under the internal-revenue laws. (R. S. § 377.)

328. Same; report of moneys recovered.—The Solicitor of the Treasury shall report all moneys recovered or collected under his direction to the officer from whom the bond or other evidence of debt was received, who shall give proper credit therefor; and he shall report in like manner all credits allowed by due course of law on any suits under his direction. (R. S. § 378.)

329. Same; instructions to district attorneys.—The Solicitor of the Treasury shall have power to instruct the district attorneys, marshals, and clerks of the district courts in all matters and proceedings appertaining to suits in which the United States is a party or interested, except suits for taxes, penalties, or forfeitures under the internal-revenue laws, and to cause them, or either of them, to report to him from time to time any information he may require in relation to the same. (R. S. § 379.)

330. Same; suits involving national banks.—All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts under the direction and supervision of the Solicitor of the Treasury. (R. S. § 380.)

331. Duties of United States attorneys.—In the prosecution of any suit for money due the Post Office Department, the United States attorney conducting the same shall obey the directions which may be given him by the Department of Justice. (R. S. § 381.)

332. Proceedings in equity in cases of Post Office Department.—When proceedings at law for money due the Post Office Department are fruitless, the Department of Justice may direct the institution of a suit in chancery, in any United States district court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant. (R. S. § 382.)

333. Report of business and statistics.—It shall be the duty of the Attorney General to make to Congress, at the commencement of each regular session, a report of the business of the Department of Justice for the last preceding fiscal year, and of any other matters appertaining thereto that he may deem proper, including a statement of the several appropriations which may be placed under its control, the amount appropriated, and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district; also the statistics of crime under the laws of the United States, and a statement of the number of causes, civil and criminal, pending during the preceding year in each of the several courts of the United States. (R. S. § 384.)

334. Report of expenditure of contingent fund.—The Attorney General shall annually report to Congress, in detail, the items, amounts, and causes of expenditure of the contingent expenses of this department. (June 20, 1874, c. 328, § 1, 18 Stat. 109.)

335. Report of payments from appropriations.—The Attorney General shall include in his annual report a statement of all payments or expenditures during any fiscal year out of any appropriation fund subject to requisitions by him. (June 30, 1879, c. 52, § 3, 21 Stat. 44.)

336. Report of additional attorneys and counsel employed.—The Attorney General shall make an annual report to Congress of the names of all persons employed or retained as attorneys or counselors at law to assist any district attorneys in the performance of their duties, stating where and upon what business each was employed, and the compensation paid to each. (R. S. § 385.)

337. Report of assistants to district attorneys.—The Attorney General shall, in his annual report to Congress each year, except as provided in section 591 of Title 28, include a statement in detail showing for the preceding fiscal year the number of assistant district attorneys employed, the salaries of each; the number of clerical assistants employed for each district attorney, the salaries of each; the amount expended for necessary subsistence, and actual and necessary traveling expenses of each district attorney and his assistants; the number of office deputies and clerical assistants employed for each marshal, the salaries paid to each; the amount expended for necessary subsistence and actual and necessary traveling expenses of each marshal and his office deputies, and the number of field deputy marshals employed by each marshal and the amount of fees earned by and the compensation paid to each of them out of such fees. (May 28, 1896, c. 252, § 23, 29 Stat. 185.)

338. Distribution of statutes and reports to judges.—The Department of Justice shall be charged with the distribution to the various judges and courts of the statutes, reports, and other judicial documents provided by law. (R. S. § 386.)

339. **Register of statutes and reports distributed.**—A register of the statutes of the United States and reports of the Supreme Court shall be kept, under the authority of the head of the Department of Justice, showing the quantity of each kind received by him from the Secretary of the Interior; and it shall be his duty to cause to be entered in such register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress in his annual report. (R. S. § 387.)

Chapter 6.—POST OFFICE DEPARTMENT.

Sec.

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390. Same; cost of mail matter franked by departments and independent establishments.
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Section 361. Establishment.—There shall be at the seat of government an executive department to be known as the Post Office Department, and a Postmaster General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed. (R. S. § 388.)

Cross reference: Salary of Postmaster General, see section 8 of this title.

362. **Seal.**—The Postmaster General shall keep the seal adopted for his department, which shall be affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies which may be required from his department. (R. S. § 395.)

363. **Assistant Postmasters General.**—There shall be in the Post Office Department four Assistant Postmasters General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner. (R. S. § 389; Mar. 3, 1891, c. 841, § 1, 26 Stat. 944.)

364. **Solicitor for Post Office Department.**—There shall be employed in the Post Office Department a Solicitor for the Post Office Department, who shall be appointed by the Postmaster General. (R. S. § 390; July 16, 1914, c. 141, § 1, 38 Stat. 497.)

Cross reference: Special assistant to Attorney General to assist in postal cases; see section 298 of this title.

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

"I, A. B. do hereby solemnly swear (or affirm, as the case may be,) that I will faithfully perform all the duties required of me and abstain from everything forbidden by the laws in relation to the establishment of post offices and post roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control; and I also further swear (or affirm) that I will support the Constitution of the United States; so help me God."

This oath or affirmation may be taken before any officer civil or military holding a commission under the United States, and such officer is authorized to administer and certify such oath or affirmation. (R. S. §§ 391, 392; Mar. 5, 1874, c. 46, 18 Stat. 19.)

366. **Purchasing agent.**—There shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post Office Department, who shall hold office for four years unless sooner removed by the President, and who shall give bond to the United States in such sum as the Postmaster General may determine, and report direct to the Postmaster General; and who shall, under such regulations, not inconsistent with existing law, as the Postmaster General shall prescribe, and subject to his direction and control, have supervision of the purchase of all supplies for the Postal Service.

The purchasing agent, in making purchases for supplies necessary for the Post Office Department, shall advertise, as provided by law, and award contracts for such supplies to the lowest responsible bidder in pursuance of existing law. The purchasing agent shall have recorded in a book to be kept for that purpose a true and faithful abstract of all bids made for furnishing supplies to the Post Office Department, giving the name of the party bidding, the terms of the offer, the sum to be paid, and he shall keep on file and preserve all such bids until the end of the contract term to which they relate. Each bidder shall have the right to be present, either in person or by attorney, when the bids are opened, and shall have the right to examine and inspect all bids. All purchases, advertisements, and contracts for supplies for the Post Office Department shall be made by the purchasing agent in the name of the Postmaster General subject to his approval, and in purchasing such supplies preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal. There shall be separate proposals and separate contracts for each class of material furnished. These records shall be open at all times for the inspection of Congress, and for the inspection of those who may be interested in such contracts made, or to be made, to furnish supplies to the Post Office Department. (Apr. 28, 1904, c. 1759, § 3, 33 Stat. 440.)

367. **No postal material or supplies manufactured by convict labor.**—No contract shall be entered into by the Post Office Department for purchase of material or supplies to be manufactured by convict labor. (Apr. 28, 1904, c. 1759, § 1, 33 Stat. 435.)

368. **District and central offices for distribution of supplies.**—In order to promote economy in the distribution of supplies, and in auditing and accounting, the Postmaster General may designate districts and central offices in such districts through which supplies shall be distributed and accounts audited, but in no case shall the postmaster at the central station be given

authority to abolish offices, to change officers or employees in offices included in such district. (Mar. 3, 1917, c. 163, § 1, 39 Stat. 1110.)

369. Duties of Postmaster General.—It shall be the duty of the Postmaster General:

First. To establish and discontinue post offices.

Second. To instruct all persons in the Postal Service with reference to their duties.

Third. To decide on the forms of all official papers.

Fourth. To prescribe the manner of keeping and stating accounts.

Fifth. To enforce the prompt rendition of returns relative to accounts.

Sixth. To control, according to law, and subject to the settlement of the General Accounting Office, all expenses incident to the service of the department.

Seventh. To superintend the disposal of the moneys of the department.

Eighth. To direct the manner in which balances shall be paid over; issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the department and execute all laws relative to the Postal Service. (R. S. § 396; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

370. Detail of clerks from Postal Service to department.—It shall not be lawful to detail clerks or other employees, paid from general appropriations for the postal service, from any branch of said postal service, whether located at the seat of government or elsewhere, to any of the offices or bureaus of the Post Office Department at Washington. (Mar. 15, 1898, c. 68, § 9, 30 Stat. 317.)

371. Property in charge of department.—The Postmaster General shall make out and keep, in proper books, full and complete inventories and accounts of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by him and under his charge; and shall add thereto, from time to time, an account of such property as may be procured subsequently to the taking of the same, and also an account of the sale or disposal of any such property, and to report the same to Congress during the first week of each annual session. But this section shall not apply to the supplies of stationery and fuel. (R. S. § 397.)

372. Postal arrangements with foreign countries.—For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail matter conveyed between the United States and foreign countries. (R. S. § 398.)

373. Same; publication.—The Postmaster General shall transmit a copy of each postal convention concluded with foreign governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication; and the printed proof sheets of all such conventions shall be revised at the Post Office Department. (R. S. § 399.)

374. Blank agency.—The Postmaster General may establish a blank agency for the Post Office Department, to be located at Washington, District of Columbia. (R. S. § 400.)

375. Foreign dead letters.—The action of the Post Office Department respecting foreign dead letters shall be subject to conventional stipulations with the respective foreign administrations. (R. S. § 401.)

376. Date of orders, entries, contracts.—Every order, entry, or memorandum whatever, on which any action is to be based, allowance made, or money paid, and every contract, paper, or obligation made by or with the Post Office Department, shall have its true date affixed to it; and every paper relating to contracts or allowances filed in the department shall have the date when it was filed indorsed upon it. (R. S. § 402.)

377. Form of bonds and contracts.—All bonds taken and contracts entered into by the Post Office Department shall be made to and with the United States of America. (R. S. § 403.)

378. Orders and regulations as to accounts.—All orders and regulations of the Postmaster General which may originate a claim, or in any manner affect the accounts of the Postal Service, shall be certified to the General Accounting Office. (R. S. § 405; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

379. Warrant on quarterly statement of General Accounting Office.—Upon the certified quarterly statement by the General Accounting Office of the payments by postmasters on account of the Postal Service, the Postmaster General shall issue his warrant to the Treasurer to carry the amount to the credit of the postal revenues and to the debit of the proper appropriations upon the books of the Bureau of Accounts in the Post Office Department. (R. S. § 406; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

380. Revenues and collections.—The postal revenues and all debts due the Post Office Department shall, when collected, be paid into the Treasury of the United States under the direction of the Postmaster General, and the Treasurer, Assistant Treasurer, or designated depository receiving such payment shall give the depositor a duplicate receipt therefor, to be retained by him in his office as a voucher, and shall forward the original to the Bureau of Accounts in the Post Office Department, to be placed to the credit of the depositor in audit of his accounts by the General Accounting Office. (R. S. § 407; Jan. 22, 1894, c. 17, 28 Stat. 28; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

381. Deposits into Treasury.—All deposits on account of the Postal Service shall be brought into the Treasury by warrants of the Postmaster General, countersigned by the Comptroller General of the United States; and no credit shall be allowed for any deposit until such warrant has been issued. (R. S. § 408; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

382. Signing warrants and drafts.—The Postmaster General may from time to time designate any officer in the Post Office Department and employees in the office of the Third Assistant Postmaster General to sign warrants, collection and transfer drafts in his stead, and such warrants and drafts when so signed shall be of the same validity as if signed by the Postmaster General. (Mar. 3, 1903, c. 1009, § 6, 32 Stat. 1176; Mar. 2, 1907, c. 2513, 34 Stat. 1206.)

383. Remitting fines, penalties, and forfeitures.—In all cases of fine, penalty, forfeiture, or disability, or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Postmaster General may prescribe such general rules and modes of proceeding as shall appear to be expedient, for the government of the Bureau of Accounts in the Post Office Department, in ascertaining the fact in each case in which the Comptroller of the Bureau of Accounts shall certify to him that the interests of the department probably require the exercise of his powers over fines, penalties, forfeitures and liabilities; and upon the fact being ascertained, the General Accounting Office may, with the written consent of the Postmaster General, mitigate or remit such fine, penalty, or forfeiture, remove such disability, or compromise, release, or discharge such claim for such sum of money and damages, and on such terms as the Comptroller of the Bureau of Accounts in the Post Office Department shall deem just and expedient. (R. S. § 409; June 10, 1921, c. 18, § 306, 42 Stat. 24.)

384. Same; balances due United States for public moneys under laws relating to Postal Service.—The provisions of section 383 of this title shall extend in all cases pending on March 4, 1925, or which may thereafter arise to balances due to the United States through accountability for public moneys under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, excepting the class of cases cognizable under section 49 of Title 39. (Mar. 4, 1925, c. 531, 43 Stat. 1266.)

385. Discharge of judgment debtors.—The Postmaster General may discharge from imprisonment any person confined in jail on any judgment in a civil case, obtained in behalf of the department, if it be made to appear that the defendant has no property of any description. (R. S. § 410.)

386. Same; subsequent execution.—The release provided for by section 385 of this title shall not bar a subsequent execution against the property of the defendant on the same judgment. (R. S. § 411.)

387. Reports of Postmaster General.—The Postmaster General shall make the following annual reports to Congress:

First. A report of the finances of the department for the preceding year, showing the amount of balance due the department at the beginning of the year, the amount of postage which accrued within the year, the amount of engagements and liabilities and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

Second. A report of the amount expended in the department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

The Postmaster General shall cause all of such reports to be printed at the Government Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law. (R. S. § 413; Mar. 3, 1897, c. 385, § 1, 29 Stat. 647.)

388. Same; estimates of revenues and expenditures.—The Postmaster General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditures in the Postal Service for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal year. (May 27, 1908, c. 206, 35 Stat. 418.)

389. Same; mail transportation.—The Postmaster General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts and expenditures of such roads as may, in his judgment be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same; and he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable. (Mar. 3, 1879, c. 180, § 6, 20 Stat. 358.)

390. Same; cost of mail matter franked by departments and independent establishments.—The Postmaster General shall in his annual report submit a detailed statement of the cost to the postal establishment of the matter mailed under frank by each department and independent establishment of the Government and the revenue which would be derived therefrom if carried at the ordinary rates of postage. (June 5, 1920, c. 253, § 1, 41 Stat. 1037.)

391. Same; publication in Official Postal Guide.—The annual report of the Postmaster General shall not be published in the Official Postal Guide. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 253.)

392. Adjustment and settlement of certain claims for damages to person or property by Postmaster General.—When any damage is done to person or property by or through the operation of the Post Office Department in any branch of its service and such damage is found by the Postmaster General upon investigation to be a proper charge against the United States, the Postmaster General is invested with power to adjust and settle any claim for such damage when his award for such damage in any case does not exceed $500. (June 16, 1921, c. 23, § 4, 42 Stat. 63.)

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GENERAL PROVISIONS

Section 411. Establishment of department.—There shall be at the seat of government an executive department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof. (R. S. § 415.)

Cross reference: Salary of Secretary; see section 3 of this title.

412. Duties of Secretary generally.—The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment. (R. S. § 417.)

413. Custody of records and property.—The Secretary of the Navy shall have the custody and charge of all the books, records, and other property remaining in and appertaining to the Department of the Navy on December 1, 1873, or thereafter acquired by it. (R. S. § 418.)

414. Transfer, collection, and classification of naval records.—All naval records, such as muster and pay rolls, orders, and reports relating to the personnel and operations of the Navy of the United States, from the beginning of the Navy Department to the War of the Rebellion, 1861, including operations against the French Navy, Tripolitan war, War of 1812, operations against pirates in the West Indies, Florida war, and the war with Mexico, in any of the executive departments, on April 27, 1904, shall be transferred to the Secretary of the Navy, to be preserved.

All records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the War of the Revolution in any of the executive departments on June 29, 1906, shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication.

The Secretary of the Navy is authorized and directed to collect or copy and classify, with a view to publication, the scattered naval records of the Revolutionary War. All such records in the possession or custody of any official of the United States shall be transferred to the Navy Department. (Apr. 27, 1904, c. 1630, § 1, 33 Stat. 403; June 29, 1906, c. 3590, 34 Stat. 579; Mar. 2, 1913, c. 94, § 1, 37 Stat. 723.)

415. Employment of civilian expert aids.—It shall not be lawful for the Secretary of the Navy to employ in the Navy Department, at Washington, District of Columbia, and pay out of the appropriations for new ships, any civilian expert aids, additional draftsmen, writers, copyists, and model makers, except as may be specifically authorized. (Mar. 18, 1904, c. 716, § 1, 33 Stat. 117.)

416. Payment of cash rewards to civilian employees for useful suggestions.—The Secretary of the Navy is authorized, in his discretion and under such rules and regulations as he may prescribe, to pay cash rewards to civilian employees of the Navy Department or the Naval Establishment or other persons in civil life when due to a suggestion or series of suggestions by them there results an improvement or economy in manufacturing process or plant or naval material. Such sums as may be awarded to employees or other persons in civil life in accordance with this section shall be paid them out of current naval appropriations in addition to their usual compensation. No employee or other person in civil life shall be paid a reward under this section until he has properly executed an agreement to the effect that the use by the United States of the suggestion or series of suggestions made by him shall not form the basis of a further claim of any nature from the United States by him, his heirs, or assigns. (July 1, 1918, c. 114, 40 Stat. 718.)

417. Loan of scientific instruments.—The Secretary of the Navy is authorized, in his discretion, to loan any scientific instruments in the possession of any of the bureaus under his charge, and not in use, to persons taking observations, or making investigations in connection with, or for the use of, the Signal Service under such regulations as he may prescribe, taking such security for the safe-keeping and return of such instruments on demand as he may deem necessary. (Oct. 19, 1888, c. 1210, § 3, 25 Stat. 600.)

418. Collection, preservation, and display of captured flags.—The Secretary of the Navy shall from time to time cause to be collected and transmitted to him at the seat of government all flags, standards, and colors taken by the Navy from the enemies of the United States. All such flags, standards, and colors shall be delivered to the President, for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper. (R. S. §§ 428, 1554, 1555.)

419. Acceptance, care, and preservation of gifts to vessels.—The Secretary of the Navy is authorized to accept and care for such gifts in the form of silver, colors, books, or other articles of equipment or furniture as, in accordance with custom, may be presented to vessels of the Navy by States, municipalities, or otherwise. The necessary expense incident to the care and preservation of gifts of this character which have been or may be accepted shall be defrayed from the appropriation "Equipment of vessels." (May 20, 1908, c. 182, 35 Stat. 171.)

420. Assistant Secretary of Navy; appointment.—An Assistant Secretary of the Navy shall be appointed, from civil life, by the President, by and with the advice and consent of the Senate. (July 11, 1890, c. 667, § 1, 26 Stat. 254.)

421. Duties of Assistant Secretary.—The Assistant Secretary of the Navy shall perform such duties as may be prescribed by the Secretary of the Navy or required by law. (Mar. 3, 1891, c. 541, § 1, 26 Stat. 934.)

CHIEF OF NAVAL OPERATIONS

422. Appointment, powers, and duties generally.—There shall be a Chief of Naval Operations, who shall be an officer on the active list of the Navy appointed by the President, by and with the advice and consent of the Senate, from among the officers of the line of the Navy not below the grade of captain for a period of four years, who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet, and with the preparation and readiness of plans for its use in war. (Mar. 3, 1915, c. 83, 38 Stat. 929.)

423. Acting as Secretary of Navy.—During the temporary absence of the Secretary and the Assistant Secretary of the Navy, the Chief of Naval Operations shall be next in succession to act as Secretary of the Navy. (Mar. 3, 1915, c. 83, 38 Stat. 929.)

424. Rank, title, and pay.—The Chief of Naval Operations, while so serving as such Chief of Naval Operations, shall have the rank and title of admiral, to take rank next after the Admiral of the Navy, and shall, while so serving as Chief of Naval Operations, except as otherwise provided in section 12 of Title 37, Pay and Allowances, receive the pay of $10,000 per annum, and shall receive the allowances which are or may be prescribed by or in pursuance of law for the grade of general in the Army. If an officer of the grade of captain be appointed Chief of Naval Operations, he shall have the rank and title of admiral, as above provided, while holding that position. (Mar. 3, 1915, c. 83, 38 Stat. 929; Aug. 29, 1916, c. 417, 39 Stat. 558; July 1, 1918, c. 114, 40 Stat. 716.)

425. Retired rank and pay.—Should an officer, while serving as Chief of Naval Operations, be retired from active service, he shall be retired with the lineal rank and the retired pay to which he would be entitled had he not been serving as Chief of Naval Operations. (Aug. 29, 1916, c. 417, 39 Stat. 558.)

426. Assistants.—To assist the Chief of Naval Operations in performing the duties of his office there shall be assigned for this exclusive duty not less than fifteen officers of and above the rank of lieutenant commander of the Navy or major of the Marine Corps. (Aug. 29, 1916, c. 417, 39 Stat. 558.)

427. Force and effect of orders.—All orders issued by the Chief of Naval Operations in performing the duties assigned him shall be performed under the authority of the Secretary of the Navy, and his orders shall be considered as emanating from the Secretary, and shall have full force and effect as such. (Aug. 29, 1916, c. 417, 39 Stat. 558.)

JUDGE ADVOCATE GENERAL AND BUREAUS

428. Judge Advocate General; appointment; term; duties.—The President of the United States is authorized to appoint, for the term of four years, by and with the advice and consent of the Senate, from the officers of the Navy or the Marine Corps, a Judge Advocate General of the Navy. And the office of the said Judge Advocate General shall be in the Navy Department, where he shall, under the direction of the Secretary of the Navy, receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and boards for the examination of officers for retirement and promotion in the naval service, and perform such other duties as have heretofore been performed by the Solicitor and Naval Judge Advocate General. (June 8, 1880, c. 129, 21 Stat. 164; June 5, 1896, c. 331, 29 Stat. 251; July 1, 1918, c. 114, 40 Stat. 717.)

429. Bureaus; establishment and distribution of business.—Except as otherwise provided in this chapter, the business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus:

First. A Bureau of Yards and Docks.

Second. A Bureau of Navigation.

Third. A Bureau of Ordnance.

Fourth. A Bureau of Construction and Repair.

Fifth. A Bureau of Engineering.

Sixth. A Bureau of Supplies and Accounts.

Seventh. A Bureau of Medicine and Surgery.

Eighth. A Bureau of Aeronautics. (R. S. § 419; July 19, 1892, c. 206, § 1, 27 Stat. 243, 245; June 30, 1914, c. 130, 38 Stat. 408; June 4, 1920, c. 228, § 1, 41 Stat. 828; July 12, 1921, c. 44, § 8, 42 Stat. 140.)

430. Duties of bureaus; orders; records.—The several bureaus shall retain the charge and custody of the books of records and accounts pertaining to their respective duties, and all of the duties of the bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such. (R. S. § 420.)

431. Estimates for expenses.—All estimates for specific, general, and contingent expenses of the department, and of the several bureaus, shall be furnished to the Secretary of the Navy by the chiefs of the respective bureaus. (R. S. § 430.)

432. Chiefs of bureaus; appointments generally.—The chiefs of the several bureaus in the Department of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned in sections 433 to 438 of this title, or from officers having the rank of captain in the staff corps of the Navy, on the active list, and shall hold their offices for the term of four years. (R. S. § 421; Mar. 3, 1889, c. 413, § 7, 30 Stat. 1006.)

433. Yards and Docks.—The Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service. (R. S. § 422; June 29, 1906, c. 3590, 34 Stat. 564.)

434. Navigation and Ordnance.—The Chiefs of the Bureau of Navigation, and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy, not below the grade of commander. (R. S. § 422; June 30, 1914, c. 130, 38 Stat. 408.)

435. Construction and Repair.—The Chief of the Bureau of Construction and Repair shall be appointed from the list of officers of the Navy, not below the rank of lieutenant commander, and shall be a skillful naval constructor. Any naval constructor having the rank of captain, commander, or lieutenant commander shall be eligible as Chief of the Bureau of Construction and Repair. (R. S. § 423; Mar. 3, 1893, c. 212, § 1, 27 Stat. 716.)

436. Engineering.—The Chief of the Bureau of Engineering shall be appointed from the line of officers of the Navy not below the grade of lieutenant commander, and shall be a skillful engineer. (R. S. § 424; June 7, 1900, c. 859, § 1, 31 Stat. 702; June 4, 1920, c. 228, 41 Stat. 828.)

437. Supplies and Accounts.—The Chief of the Bureau of Supplies and Accounts shall be appointed from the list of paymasters of the Navy of not less than ten years' standing. (R. S. § 425; July 19, 1892, c. 206, 27 Stat. 243.)

438. Medicine and Surgery.—The Chief of the Bureau of Medicine and Surgery shall be appointed from the list of the surgeons of the Navy. (R. S. § 426.)

439. Aeronautics.—There shall be a Chief of the Bureau of Aeronautics, appointed by the President, by and with the advice and consent of the Senate, from among the officers of the active list of the Navy or Marine Corps who shall within one year after his appointment qualify as an aircraft pilot or observer, for a period of four years, and who shall, while holding such position, have the corresponding rank and receive the same pay and allowances as are or may be prescribed by or in pursuance of law for chiefs of bureaus of the Department of the Navy. (July 12, 1921, c. 44, § 8, 42 Stat 140.)

440. Chiefs of bureaus; titles of.—The chiefs of the Bureau of Medicine and Surgery, Supplies and Accounts, Engineering, and Construction and Repair shall have, respectively, the title of Surgeon General, Paymaster General, Engineer in Chief, and Chief Constructor. (R. S. § 1471; July 19, 1892, c. 206, 27 Stat. 243, 245; June 4, 1920, c. 228, 41 Stat. 828.)

441. Rank, pay, and allowances of chiefs of bureaus and Judge Advocate General.—Chiefs of bureaus of the Navy Department, including the Judge Advocate General of the Navy, shall, while so serving, have corresponding rank and shall receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus of the War Department and the Judge Advocate General of the Army. (July 1, 1918, c. 114, 40 Stat. 717.)

442. Officers retired from position of chief of bureau.—Officers who have been or who shall be retired from the position of chiefs of the bureaus in the Navy Department shall have the rank of rear admiral. (R. S. § 1473; May 13, 1908, c. 166, 35 Stat. 128.)

443. Chief of bureau subsequently retired.—Any officer of the Navy who is now serving or shall hereafter serve as chief of a bureau in the Navy Department, and shall subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the retirement of such bureau chief, and any officer of the Navy who prior to July 1, 1922, has served four years as chief of a bureau in the Navy Department and shall be retired subsequent to the completion of such period of service for physical disability due to wounds inflicted by the enemy while in the performance of his duty shall be retired with the rank, pay, and allowances now authorized by law for the retirement of a chief of bureau. (May 13, 1908, c. 166, 35 Stat. 128; July 1, 1922, c. 259, 42 Stat. 811.)

444. Assistant to Judge Advocate General.—An officer of the line of the Navy or Marine Corps may be detailed as assistant to the Judge Advocate General of the Navy, who shall, under similar conditions to those prescribed in section 445, perform the duties of the Judge Advocate General. (Aug. 29, 1916, c. 417, 39 Stat. 558.)

445. Assistants to chiefs of bureaus; Yards and Docks and Construction and Repair.—An officer of the Corps of Civil Engineers may be detailed as assistant to the Chief of the Bureau of Yards and Docks and an officer of the Corps of Naval Constructors as assistant to the Chief of Bureau of Construction and Repair; and, in case of death, resignation, absence, or sickness of the chief of bureau, shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (Aug. 29, 1916, c. 417, 39 Stat. 558.)

446. Navigation.—An officer of the Navy not below the rank of commander may be detailed as assistant to the Chief of the Bureau of Navigation in the Navy Department, and, in case of the death, resignation, absence, or sickness of the chief of the bureau, shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (Mar. 3, 1893, c. 212, § 1, 27 Stat. 717.)

447. Ordnance.—A line officer of the Navy may be detailed temporarily as assistant to the Chief of the Bureau of Ordnance in the Navy Department, and in the case of the death, resignation, absence, or sickness of the chief of the bureau shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease, provided that, in case of the death, sickness, or absence on duty of the chief of the bureau and the assistant thereto, the chief clerk shall act as chief of the bureau. (May 4, 1898, c. 234, § 1, 30 Stat. 373.)

448. Engineering.—A line officer of the Navy may be detailed as assistant to the Chief of the Bureau of Engineering in the Navy Department, and in case of death, resignation, absence, or sickness of the chief of the bureau shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (Mar. 3, 1905, c. 1481, 33 Stat. 1111; June 4, 1920, c. 228, 41 Stat. 828.)

449. Supplies and Accounts.—An officer of the Supply Corps of the Navy may be detailed as assistant to the Chief of the Bureau of Supplies and Accounts in the Navy Department, and such officer shall, in case of the death, resignation, absence, or sickness of the chief of the bureau, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (July 26, 1894, c. 165, § 1, 28 Stat. 132; July 11, 1919, c. 9, 41 Stat. 147.)

450. Civilian assistant to Chief of Bureau of Supplies and Accounts.—There shall be a civilian assistant to the Chief of the Bureau of Supplies and Accounts, who shall perform the duties of chief clerk, and in case of the death, resignation, sickness, or absence of both the Paymaster General of the Navy and his assistant, unless otherwise directed by the President, as provided by section 6 of this title, such civilian assistant shall become the acting chief of the bureau. (Mar. 18, 1904, c. 716, § 1, 33 Stat. 121.)

451. Assistant to Bureau of Medicine and Surgery.—A surgeon, assistant surgeon, or passed assistant surgeon, may be detailed as assistant to the Bureau of Medicine and Surgery. (R. S. § 1375.)

452. Assistant Chief of Bureau of Aeronautics.—An officer of the active list of the Navy, or Marine Corps, may be detailed as Assistant Chief of the Bureau of Aeronautics, and, in case of the death, resignation, absence, or sickness of the chief of the bureau shall, until otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (July 12, 1921, c. 44, § 8, 42 Stat. 140.)

453. Pay of assistants to chiefs of bureaus and Judge Advocate General.—Any officer of the naval service who is, pursuant to law, detailed to duty as assistant to a chief of bureau of the Navy Department or as assistant to the Judge Advocate General of the Navy, shall, while so serving, receive the highest pay of his rank. (Mar. 4, 1925, c. 536, § 15, 43 Stat. 1275.)

454. Bureau of Supplies and Accounts; duty as to accounts and reports.—It shall be the duty of the Bureau of Supplies and Accounts to cause property accounts to be kept of all the supplies pertaining to the Navy Establishment, and to report annually to Congress the money value of the supplies on hand at the various stations at the beginning of the fiscal year, the dispositions thereof, and of the purchases, and the expenditures of supplies for the year, and the balances remaining on hand at the end thereof. (Mar. 2, 1889, c. 371, § 1, 25 Stat. 817.)

455. Bureau of Aeronautics; duties.—The Bureau of Aeronautics shall be charged with matters pertaining to naval aeronautics as may be prescribed by the Secretary of the Navy, and all of the duties of said bureau shall be performed under the authority of the Secretary of the Navy, and its orders shall be considered as emanating from him, and shall have full force and effect as such. (July 12, 1921, c. 44, § 8, 42 Stat. 140.)

456. Detail of officers to Bureau of Aeronautics.—Not to exceed 30 per centum of the officers in each grade below that of rear admiral who fail to qualify as aircraft pilots or as aircraft observers within one year after the date of their detail into the Bureau of Aeronautics shall be permitted to remain detailed in this bureau. (July 12, 1921, c. 44, 42 Stat. 141.)

HYDROGRAPHIC OFFICE

457. Establishment and duties.—There shall be a Hydrographic Office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally. (R. S. § 431; May 4, 1898, c. 234, 30 Stat. 374; Mar. 4, 1913, c. 148, 37 Stat. 899; June 30, 1914, c. 130, 38 Stat. 408.)

458. Sale of maps, charts, and books.—The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation, in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators' sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe. (R. S. § 432; Jan. 12, 1895, c. 23, § 77, 28 Stat. 621.)

459. Disposition of receipts from sale of maps, charts, etc.—All sums received from the sale of maps, charts, and other publications issued by the Hydrographic Office after June 30, 1921, shall be covered into the Treasury of the United States as miscellaneous receipts. (May 29, 1920, c. 214, § 1, 41 Stat. 665.)

460. Branch hydrographic offices.—The Secretary of the Navy is authorized to establish branch hydrographic offices at

Duluth, in the State of Minnesota, Sault Sainte Marie, in the State of Michigan, and Buffalo, in the State of New York, the same to be conducted under the provisions of sections 457 to 459 of this title. (June 4, 1897, c. 2, 30 Stat. 39.)

NAVAL OBSERVATORY AND NAUTICAL ALMANAC

461. Naval Observatory; appointment of superintendent.—The Superintendent of the Naval Observatory shall be, until further legislation by Congress, a line officer of the Navy of a rank not below that of captain. (Mar. 8, 1901, c. 852, § 1, 31 Stat. 1122.)

462. Pay of superintendent.—The officer of the Navy employed as Superintendent of the Naval Observatory at Washington shall be entitled to receive the shore-duty pay of his grade, and no other. (R. S. § 434.)

463. Nautical Almanac; supervision.—The Secretary of the Navy may place the supervision of the Nautical Almanac in charge of any officer or professor of mathematics in the Navy who is competent for that service. Such officer or professor, when so employed, shall be entitled to receive the shore-duty pay of his grade, and no other. (R. S. § 436.)

464. Exchange of data; employees.—The Secretary of the Navy is hereby authorized to arrange for the exchange of data with such foreign almanac offices as he may from time to time deem desirable with a view to reducing the amount of duplication of work in preparing the different national nautical and astronomical almanacs and increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris and Nautical Almanac: *Provided*, That any such arrangement shall be terminable on one year's notice: *Provided further*, That the work of the Nautical Almanac office during the continuance of any such arrangement shall be conducted so that in case of emergency the entire portion of the work intended for the use of navigators may be computed by the force employed by that office, and without any foreign cooperation whatsoever: *Provided further*, That any employee of the Nautical Almanac office who may be authorized in any annual appropriation bill and whose services in whole or in part can be spared from the duty of preparing for publication the annual volumes of the American Ephemeris and Nautical Almanac may be employed by said office in the duty of improving the tables of the planets, moon, and stars, to be used in preparing for publication the annual volumes of the office. (Aug. 22, 1912, c. 335, 37 Stat. 342.)

465. Board of Visitors, Naval Observatory; appointment of director of Nautical Almanac.—There shall be appointed by the President, by and with the advice and consent of the Senate, from persons not officers of the United States a board of six visitors to the Naval Observatory, four to be astronomers of high professional standing and two to be eminent citizens of the United States. Appointments to this board shall be made for periods of three years, but provision shall be made by initial appointments for shorter terms so that two members shall retire in each year. Members of this board shall serve without compensation, but the Secretary of the Navy shall pay the actual expenses necessarily incurred by members of the board in the discharge of such duties as are assigned to them by the Secretary of the Navy or are otherwise imposed upon them. The Board of Visitors shall make an annual visitation to the observatory at a date to be determined by the Secretary of the Navy, and may make such other visitations not exceeding two in number annually by the full board or by a duly appointed committee as may be deemed needful or expedient by a majority of the board. The Board of Visitors shall report to the Secretary of the Navy at least once in each year the result of its examinations of the Naval Observatory as respects the condition of buildings, instruments, and apparatus, and the efficiency with which its scientific work is prosecuted, and shall also report as respects the expenditures in the administration of the observatory. The Board of Visitors shall prepare and submit to the Secretary of the Navy regulations prescribing the scope of the astronomical and other researches of the observatory and the duties of its staff with reference thereto. When an appointment or detail is to be made to the office of astronomical director, director of the Nautical Almanac, astronomer, or assistant astronomer, the Board of Visitors may recommend to the Secretary of the Navy a suitable person to fill such office, but such recommendation shall be determined only by a majority vote of the members present at a regularly called meeting of the board held in the city of Washington. (Mar. 3, 1901, c. 852, § 1, 31 Stat. 1122.)

ANNUAL REPORTS TO CONGRESS

466. Duty of Secretary to make; in general.—The Secretary of the Navy shall make annual reports to Congress upon the following subjects:

A statement of the appropriations of the preceding fiscal year for the Department of the Navy, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the 30th day of June preceding such report, remained unexpended. Such report shall be accompanied by estimates of the probable demands which may remain on each appropriation. A statement showing the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the Navy, or in receiving and securing stores and materials for those purposes, and for the purchase of material and stores for the same purpose; and showing the cost or estimated value of the stores on hand, under this appropriation, in the navy yards, at the commencement of the next preceding fiscal year; and the cost or estimated value of articles received and expended during the year; and the cost or estimated value of the articles belonging to this appropriation which may be on hand in the navy yards at the close of the next preceding fiscal year. A statement of all acts done by him in making sale of any vessel or materials of the Navy; specifying all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts. (R. S. § 429; June 22, 1910, c. 331, 36 Stat. 591.)

467. As to expenditures for civilian employees.—The Secretary of the Navy shall report to Congress, at each regular session, the amount expended during the prior fiscal year, from the appropriations for the pay of the Navy, Bureaus of Navigation, Ordnance, Yards and Docks, Medicine and Surgery, Supplies and Accounts, Construction and Repair, Engineering, and Aeronautics, for civilians employed on clerical duty, or in any other capacity than as ordinary mechanics and workingmen, and to submit, under the estimates for pay of the Navy and for the respective bureaus enumerated above, specific estimates for such civilian employees for each fiscal year. (Jan. 30, 1883, c. 43, § 3, 23 Stat. 295; July 19, 1892, c. 206, § 1, 27 Stat. 243, 245; June 30, 1914, c. 130, 38 Stat. 408; June 4, 1920, c. 228, § 1, 41 Stat. 828; July 12, 1921, c. 44, § 8, 42 Stat. 140.)

468. As to repairs or changes on vessels.—The Secretary of the Navy shall report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than $300,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress. It shall be the duty of the Secretary of the Navy to report to Congress at

the beginning of each regular session thereof, in addition to the report directed to be made as above, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of $300,000 in any one fiscal year. (Mar. 2, 1907, c. 2512, 34 Stat. 1195; Mar. 3, 1909, c. 255, 35 Stat. 769; Aug. 29, 1916, c. 417, 39 Stat. 605.)

Chapter 8.—DEPARTMENT OF INTERIOR.

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494. Exchange of automobiles.
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496. Purchase of supplies and equipment or procurement of services for bureaus and offices of Interior Department.

Section 481. Establishment.—There shall be at the seat of government an executive department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof. (R. S. § 437.)

Cross reference: Salary of Secretary; see section 3 of this title.

482. First Assistant and Assistant Secretaries of Interior.—There shall be in the Department of the Interior a First Assistant Secretary of the Interior, and an Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 438; Mar. 3, 1885, c. 360, 23 Stat. 497; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1102.)

483. Same; duties of Assistant Secretary.—The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law. He is authorized to sign such official papers and documents as the Secretary may direct. (R. S. § 439; Mar. 28, 1918, c. 29, 40 Stat. 499.)

484. Chief clerk.—The chief clerk of the Department of the Interior shall be the chief executive officer of the department and may be designated by the Secretary to sign official papers and documents, including the authorization of expenditures from the contingent and other appropriations for the department, its bureaus and offices, section 675 of Title 31 to the contrary notwithstanding. (May 24, 1922, c. 199, 42 Stat. 552; Jan. 24, 1923, c. 42, 42 Stat. 1174; June 5, 1924, c. 264, 43 Stat. 391; Mar. 3, 1925, c. 462, 43 Stat. 1142.)

485. Duties of Secretary.—The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

First. The public lands, including mines.

Second. The Indians.

Third. Pensions and bounty-lands.

Fourth. Education.

Fifth. St. Elizabeths Hospital.

Sixth. Columbia Institution for Deaf. (R. S. § 441; Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.)

486. Secretary to exercise certain powers over the Territories.—The Secretary of the Interior shall exercise all the powers and perform all the duties in relation to the Territories of the United States that were, prior to March 1, 1873, by law or by custom exercised and performed by the Secretary of State. (R. R. § 442.)

487. Expenditures of department.—The Secretary of the Interior shall sign all requisitions for the advance or payment of money, out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his department; subject, however, to adjustment and control by the proper accounting officers of the General Accounting Office. (R. S. § 444; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

488. Records; copies.—The Secretary of the Interior, the head of any bureau, office, or institution, or any officer of that department, may, when not prejudicial to the interests of the Government, furnish authenticated or unauthenticated copies of any official books, records, papers, documents, maps, plats, or diagrams within his custody, and charge therefor the following fees: For all written copies, at the rate of 15 cents for each hundred words therein; for each photolithographic copy, 25 cents where such copies are authorized by law; for photographic copies, 15 cents for each sheet; and for tracings or blue prints the cost of the production thereof to be determined by the officer furnishing such copies, and in addition to these fees the sum of 25 cents shall be charged for each certificate of verification and the seal attached to authenticated copies. There shall be no charge for the making or verification of copies required for official use by the officers of any branch of the Government. Only a charge of 25 cents shall be made for furnishing authenticated copies of any rules, regulations, or instructions printed by the Government for gratuitous distribution. (Aug. 24, 1912, c. 370, § 1, 37 Stat. 497.)

489. Same; inspection and copying.—Nothing in sections 488 to 492 of this title shall be construed to limit or restrict in any manner the authority of the Secretary of the Interior to prescribe such rules and regulations as he may deem proper governing the inspection of the records of said department and its various bureaus by the general public, and any person having any particular interest in any of such records may be permitted to take copies of such records under such rules and regulations as may be prescribed by the Secretary of the Interior. (Aug. 24, 1912, c. 370, § 2, 37 Stat. 498.)

490. Same; authenticated copies as evidence.—All authenticated copies furnished under section 488 of this title shall be admitted in evidence equally with the originals thereof. (Aug. 24, 1912, c. 370, § 3, 37 Stat. 498.)

491. Same; attestation of copies by official seal.—All officers who furnish authenticated copies under section 488 of this title shall attest their authentication by the use of an official seal, which is hereby authorized for that purpose. (Aug. 24, 1912, c. 370, § 4, 37 Stat. 498.)

492. Same; disposition of receipts.—All sums received under the provisions of section 488 of this title shall be deposited in the Treasury to the credit of miscellaneous receipts. (Aug. 24, 1912, c. 370, § 6, 37 Stat. 498.)

493. Agents or attorneys representing claimants before department.—The Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner, deceive, mislead, or threaten any claimant, or prospective claimant, by word, cir-

cular, letter, or by advertisement. (July 4, 1884, c. 181, § 5, 23 Stat. 101.)

494. Exchange of automobiles.—The Secretary of the Interior may exchange automobiles in part payment for new machines used for the same purpose as those proposed to be exchanged. (Mar. 2, 1917, c. 146, § 1, 39 Stat. 973.)

495. Annual reports of department and its bureaus.—The annual reports of the department and of all its bureaus and establishments, including the Bureau of Reclamation, shall not exceed a total of one thousand two hundred and fifty pages. (May 24, 1922, c. 199, 42 Stat. 554; Jan. 24, 1923, c. 42, 42 Stat. 1176; June 5, 1924, c. 264, 43 Stat. 392; Mar. 3, 1925, c. 462, 43 Stat. 1143.)

496. Purchase of supplies and equipment or procurement of services for bureaus and offices of Interior Department.—The purchase of supplies and equipment or the procurement of services for the Department of the Interior, the bureaus and offices thereof, including Howard University and the Columbia Institution for the Deaf, at the seat of government, as well as those located in the field outside the District of Columbia, may be made in open market without compliance with sections 5 and 16 of Title 41, in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $100 in any instance. (May 24, 1922, c. 199, 42 Stat. 553; Jan. 24, 1923, c. 42, 42 Stat. 1176; June 5, 1924, c. 264, 43 Stat. 392; Mar. 3, 1925, c. 462, 43 Stat. 1143.)

Chapter 9.—DEPARTMENT OF AGRICULTURE.

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Section 511. Establishment of department.—There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants. (R. S. § 520.)

512. Executive department; Secretary.—The Department of Agriculture shall be an executive department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent to the Senate. The provisions of chapter 1 of this title shall be applicable to said department; and all laws and parts of laws relating to the Department of Agriculture in existence February 9, 1889, as far as the same are applicable and not in conflict with this chapter, and only so far, are continued in full force and effect. (Feb. 9, 1889, c. 122, §§ 1, 4, 25 Stat. 659.)

Cross reference: Salary of Secretary; see section 3 of this title.

513. Seal.—The Secretary of Agriculture is authorized and directed to procure a proper seal, with such suitable inscriptions and devices as he may approve, to be known as the official seal of the Department of Agriculture, and to be kept and used to verify official documents, under such rules and regulations as he may prescribe. (Aug. 8, 1894, c. 238, § 1, 28 Stat. 272.)

514. General duties of Secretary.—The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists. (R. S. § 526.)

515. Duties of former Commissioner of Agriculture transferred to Secretary.—The authority granted to the Commissioner of Agriculture by the act of May 29, 1884, establishing the Bureau of Animal Industry, and by the provisions of the appropriation act for the Agricultural Department, approved July 18, 1888, relating to said bureau, is vested in the Secretary of Agriculture; and the said Secretary is authorized and directed to perform all the duties named in said acts. (July 14, 1890, c. 707, 26 Stat. 288.)

516. Custody of property and records.—The Secretary of Agriculture shall have charge, in the building and premises appropriated to the department, of the library, furniture, fixtures, records, and other property appertaining to it, or acquired for use in its business. (R. S. § 525.)

517. Assistant Secretary.—There shall be in the Department of Agriculture an Assistant Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary. The Assistant Secretary of Agriculture is authorized to perform such duties

in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture. (Feb. 9, 1889, c. 122, § 2, 25 Stat. 659; June 30, 1906, c. 3913, 34 Stat. 670.)

518. Solicitor to supervise legal work.—The legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor. (May 26, 1910, c. 256, 36 Stat. 416.)

519. Chief clerk.—The Secretary of Agriculture shall appoint a chief clerk. (R. S. § 523; Feb. 10, 1925, c. 200, 43 Stat. 822.)

520. Same; bond.—The chief clerk, before entering upon his duties, shall give bond to the Treasurer of the United States, in the sum of five thousand dollars, conditioned to render a true and faithful account to the Treasurer quarter-yearly of all moneys which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. (R. S. § 524; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

521. Oaths, affirmations, and affidavits taken by officers, agents, or employees of department; use and effect of.—Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee. (Jan. 31, 1925, c. 124, § 1, 43 Stat. 803.)

522. Same; fee for administering or taking.—No officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this section and sections 17 and 521 of this title. (Jan. 31, 1925, c. 124, § 2, 43 Stat. 803.)

523. Watchmen.—All duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises of said department in the city of Washington, District of Columbia, shall have and perform the same powers and duties, while on duty in and about said premises, as the Metropolitan police of the District of Columbia. (Mar. 4, 1909, c. 301, 35 Stat. 1057.)

524. Bureaus; laws relating to Plant Industry.—All existing statutes relating to the Division of Soils, reorganized into the Bureau of Soils; the Division of Forestry, reorganized into the Bureau of Forestry; the Division of Chemistry, reorganized into the Bureau of Chemistry; and the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, the Division of Agrostology and Experimental Gardens and Grounds, reorganized into the Bureau of Plant Industry, not otherwise repealed, shall remain in effect as applying to the respective bureaus into which the divisions named have been reorganized. (June 3, 1902, c. 985, 32 Stat. 303.)

525. Disbursing clerk; deputy.—The Chief of Division of Accounts and Disbursements in the Department of Agriculture shall be the administrative officer of the fiscal affairs of the department.

The deputy disbursing clerk shall have authority to sign checks in the name of the disbursing clerk; he shall give bond to the United States in such sum as the Secretary of the Treasury may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed shall also be made to cover and apply to the acts of the deputy disbursing clerk. (Mar. 4, 1911, c. 238, 36 Stat. 1258.)

526. Promotions of laborers without examination.—All classified laborers whose positions were transferred from the lump funds to the statutory rolls by Act March 3, 1905, c. 1405, 33 Stat. 861, and who were by the last clause of such Act placed in the classified service without further examination in the grades and at the rates of compensation provided therein, are eligible for promotion without further examination. (June 30, 1906, c. 3913, 34 Stat. 695.)

527. Appointments, promotions, and changes in salaries.—The Secretary of Agriculture is authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the department as may be for the best interests of the service. (Mar. 4, 1907, c. 2907, 34 Stat. 1280.)

528. Salaries; how paid.—The Secretary of Agriculture is authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other. (Mar. 4, 1907, c. 2907, 34 Stat. 1280.)

529. Assignment of pay.—The Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department. (Mar. 4, 1909, c. 301, 35 Stat. 1057.)

530. Details; employees from office of Secretary.—Details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office. (Mar. 4, 1907, c. 2907, 34 Stat. 1280.)

531. Same; law clerks.—Law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington. (Mar. 4, 1911, c. 238, 36 Stat. 1236.)

532. Same; from and to library and bureaus and offices.—Employees of the library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and officers of the department engaged in library work may also be temporarily detailed to the library. (Mar. 4, 1911, c. 238, 36 Stat. 1261.)

533. Same; from and to Division of Accounts and Disbursements and bureaus and offices.—Employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed. (Aug. 10, 1912, c. 284, 37 Stat. 294.)

534. Leaves of absence; employees outside Washington.—The employees of the Department of Agriculture, outside of the city of Washington, may, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and

meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year. (May 23, 1908, c. 192, 35 Stat. 267.)

535. Same; employees in Alaska, Hawaii, Porto Rico, and Guam.—Employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed thirty days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed thirty days additional in any one year. (June 30, 1914, c. 131, 38 Stat. 441.)

536. Same; employees assigned to duty in Virgin Islands.—Employees of the Department of Agriculture assigned to permanent duty in the Virgin Islands shall be entitled to the same privileges as to leave of absence as are conferred upon employees assigned to Alaska, Hawaii, Porto Rico, and Guam by section 535 of this title, and if any employee of the agricultural experiment stations of the United States in Alaska, Hawaii, Porto Rico, Guam, or the Virgin Islands shall elect to postpone the taking of any or all of the annual leave to which he may be entitled under said section 535, he may, in the discretion of the Secretary of Agriculture, subject to the interests of the public service, be allowed to take at one time unused annual leave which may have accumulated within not to exceed four years, and be paid at the rate prevailing during the year such leave of absence has accumulated. (July 24, 1919, c. 26, 41 Stat. 262.)

537. Leave of absence to agricultural experiment station employees in Alaska, Hawaii, and Porto Rico.—The employees of the experiment stations in Alaska, Hawaii, and Porto Rico may in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended in the discretion of the Secretary of Agriculture not to exceed fifteen days additional in any one year. (June 30, 1906, c. 3913, 34 Stat. 694.)

538. Traveling expenses.—The Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased. (Mar. 4, 1907, c. 2907, 34 Stat. 1281.)

539. Same; on transfer between stations.—Officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture. (Mar. 4, 1911, c. 238, 36 Stat. 1265.)

540. Same; per diem in lieu of subsistence, etc.—When officials and employees of the Department of Agriculture are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe. (Aug. 10, 1912, c. 284, 37 Stat. 300.)

541. Same; reimbursement for street-car fares.—Officials and employees of the Department of Agriculture may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street-car fares at their official headquarters when expended in the transaction of official business. (Aug. 10, 1912, c. 284, 37 Stat. 300.)

542. Purchases for bureaus from appropriations for contingent expenses.—The Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation for contingent expenses and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to such appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department. (Aug. 10, 1912, c. 284, 37 Stat. 296.)

543. Reimbursement of appropriation for salaries and compensation of employees in mechanical shops.—The Secretary of Agriculture may, by transfer settlements through the General Accounting Office, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work. (May 11, 1922, c. 185, 42 Stat. 508.)

544. Sale of waste paper.—The Secretary of Agriculture is authorized to sell as waste paper, or otherwise to dispose of the accumulation of department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless. (Mar. 4, 1907, c. 2907, 34 Stat. 1281.)

545. Exchange of typewriters and computing machines.—The Secretary of Agriculture may exchange typewriters and computing, addressing, and duplicating machines purchased from any lump-fund appropriation of the Department of Agriculture. (Aug. 10, 1912, c. 284, 37 Stat. 296.)

546. Exchange of scientific apparatus and laboratory equipment.—The Secretary of Agriculture may exchange general scientific apparatus and laboratory equipment purchased from any appropriation of the Department of Agriculture. (June 30, 1914, c. 131, 38 Stat. 441.)

547. Exchange of motor-propelled vehicles.—The Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles and boats in part payment for new motor-propelled or horse-drawn passenger-carrying vehicles authorized to be purchased by him, to be used for the same purposes as those proposed to be exchanged. He shall, on the first day of each regular session of Congress, make a report to Congress, for the fiscal year last closed showing, as to each exchange hereunder, the make of the vehicle, the period of its use, the allowance therefor, and the vehicle, make thereof, and price, including exchange value, paid or to be paid, for each vehicle procured through such exchange. The Secretary of Agriculture may also exchange used parts, accessories, tires, or equipment of motor-propelled and horse-drawn vehicles in part payment for new parts, accessories, tires, or equipment of such vehicles authorized to be purchased by him, to be used for the same purposes as those proposed to be exchanged. (Mar. 4, 1917, c. 179, 39 Stat. 1167; May 31, 1920, c. 217 41 Stat. 728; Feb. 10, 1925, c. 200, 43 Stat. 850.)

548. Exchange of books.—The Secretary of Agriculture may exchange books and periodicals of the library not needed for permanent use for other books and periodicals. (Mar. 4, 1915, c. 144, 38 Stat. 1107.)

549. Sale or exchange of animals or animal products.—The Secretary of Agriculture is authorized to sell in the open market or to exchange for other livestock such animals or animal products as cease to be needed in the work of the department, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall

be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, c. 144, 38 Stat. 1114.)

550. American bison for municipalities or public institutions.—The Secretary of Agriculture may, in his discretion and under such conditions as he may prescribe, supply to any municipality or public institution not more than one American bison from any surplus which may exist in any herd under the control of the Department of Agriculture; and, in order to aid in the propagation of the species, animals may be loaned to or exchanged with other owners of American bison. (July 24, 1919, c. 26, 41 Stat. 270.)

551. Sale of copies of card index of publications.—The Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies. He may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. He may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Department of Agriculture in connection with its administration of sections 362, 363, 366, 368, 369, and 371 of Title 7, and charge for the same a price covering the additional expenses involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. (May 23, 1908, c. 192, 35 Stat. 264, 266; Mar. 4, 1915, c. 144, 38 Stat. 1109.)

552. Sale of photographic prints and maps.—The Secretary of Agriculture may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blue prints, and forest maps at cost and 10 per centum additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

553. Sale of prints and lantern slides.—The Secretary of Agriculture is authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States. (Mar. 4, 1907, c. 2907, 34 Stat. 1281.)

554. Loan, rental or sale of films.—The Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films. In the sale or rental of films educational institutions or associations for agricultural education not organized for profit shall have preference. All moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1917, c. 179, 39 Stat. 1157; May 31, 1920, c. 217, 41 Stat. 718.)

555. Sale of samples of pure sugars.—The Secretary of Agriculture may furnish, upon application, samples of pure sugars, naval stores, microscopical specimens, and other products to State and municipal officers, educational institutions, and other parties and charge for the same a price to cover the cost thereof, such price to be determined and established by the Secretary, and the money received from sales to be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, c. 144, 38 Stat. 1101.)

556. Sale of kelp.—The product obtained from experimentation at the Government kelp plant at Summerfield, California, may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts. (May 31, 1920, c. 217, 41 Stat. 714.)

557. Reports.—The Secretary of Agriculture shall annually make a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it. His report in detail of moneys expended by him or under his direction shall be made to Congress on or before the 15th day of December in each year. (R. S. §§ 528, 529.)

558. Same; additional statement of expenditures.—In addition to the proper vouchers and accounts for the sums appropriated for the Department of Agriculture to be furnished to the accounting officers of the Treasury, the Secretary of Agriculture shall, at the commencement of each regular session, present to Congress a detailed statement of the expenditure of all appropriations for said department for the last preceding fiscal year. (Mar. 3, 1885, c. 338, § 2, 23 Stat. 356; Aug. 11, 1916, c. 313, 39 Stat. 492.)

559. Same; amount paid for quarters.—The Secretary of Agriculture shall submit annually to Congress in his estimates of appropriations a statement showing what proportion of this appropriation is paid for the quarters occupied by the various branches of the department. (Aug. 11, 1916, c. 313, 39 Stat. 469.)

560. Same; suppression of contagious diseases among domestic animals.—The Secretary of Agriculture shall report annually to Congress, at the commencement of each session, a list of the names of all persons employed, an itemized statement of all expenditures under section 391 of title 7 and sections 112 to 115, 117 to 119, and 130 of title 21, and full particulars of the means adopted and carried into effect for the suppression of contagious, infectious, or communicable diseases among domestic animals. (May 29, 1884, c. 60, § 11, 23 Stat. 33.)

561. Same; estimates for executive officers.—The Secretary of Agriculture shall annually transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture, and shall include with such estimates a statement of all executive officers, clerks, and employees below the grade of clerk who may have been employed during the last completed fiscal year on any lump-fund appropriation for the department and the salary or compensation of each. (Aug. 11, 1916, c. 313, 39 Stat. 492.)

562. Same; completed investigations; report of duplicated services.—The Secretary of Agriculture is to submit to Congress at the beginning of each regular session a report showing what investigations devolved upon the Department of Agriculture have been completed during the preceding fiscal year, and also showing what services, if any, devolved upon the department are being performed or duplicated, in whole or in part, by any other department, bureau, or agency of the Government. (Aug. 11, 1916, c. 313, 39 Stat. 492; Mar. 3, 1921, c. 127, 41 Stat. 1347.)

563. Cooperation with State and other agencies; expenditures.—In carrying on the activities of the Department of Agriculture involving cooperation with State, county and municipal agencies, associations of farmers, individual farmers, universi-

ties, colleges, boards of trade, chambers of commerce, or other local associations of business men, business organizations, and individuals within the State, Territory, district or insular possession in which such activities are to be carried on, moneys contributed from such outside sources, except in the case of the authorized activities of the Forest Service, shall be paid only through the Secretary of Agriculture or through State, county or municipal agencies, or local farm bureaus or like organizations, cooperating for the purpose with the Secretary of Agriculture. (July 24, 1919, c. 26, 41 Stat. 270.)

564. Same; salaries of employees of department.—The officials and the employees of the Department of Agriculture engaged in the activities described in section 563 of this title and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to section 66 of this title; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to said section 66. (July 24, 1919, c. 26, 41 Stat. 270.)

Chapter 10.—DEPARTMENT OF COMMERCE.

Sec.
591. Establishment of department; Secretary; seal.
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Section 591. Establishment of department; Secretary; seal.—There shall be at the seat of government an executive department to be known as the Department of Commerce, and a Secretary of Commerce, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose term and tenure of office shall be like that of the heads of the other executive departments; and the provisions of chapter 1 of this title shall be applicable to said department. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal. (Feb. 9, 1889, c. 122, § 3, 25 Stat. 659; Feb. 14, 1903, c. 552, § 1, 32 Stat. 825; Feb. 26, 1907, c. 1635, § 4, 34 Stat. 993; Feb. 17, 1909, c. 137, §§ 1, 2, 35 Stat. 626; Mar. 4, 1909, c. 297, § 1, 35 Stat. 861; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1111; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

Cross reference: Salary of Secretary; see section 3 of this title.

592. Assistant Secretary.—There shall be in said department an Assistant Secretary of Commerce, to be appointed by the President. He shall perform such duties as shall be prescribed by the Secretary or required by law. (Feb. 14, 1903, c. 552, § 2, 32 Stat. 826; Mar. 4, 1913, c. 141, 37 Stat. 736; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1111.)

593. Chief clerk and superintendent.—There shall be in said department a chief clerk and superintendent who shall be chief executive officer of the department and who may be designated by the Secretary of Commerce to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretary of the department. (Feb. 14, 1903, c. 552, § 2, 32 Stat. 826; Jan. 5, 1923, c. 24, Title I, 42 Stat. 1110; May 28, 1924, c. 204, Title III, 43 Stat. 224; Feb. 27, 1925, c. 364, Title III, 43 Stat. 1033.)

594. Disbursing clerk.—There shall also be in said department a disbursing clerk. (Feb. 14, 1903, c. 552, § 2, 32 Stat. 826.)

595. Assignment of salaries.—The Secretary of Commerce is authorized, under such regulations as he may prescribe, to permit officers and employees of the several bureaus and divisions of the Department of Commerce to assign their salaries while absent from Washington, District of Columbia, and employed in the field. (June 17, 1910, c. 297, § 1, 36 Stat. 524.)

596. Powers and duties of department.—It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. (Feb. 14, 1903, c. 552, § 3, 32 Stat. 826.)

597. Bureaus in department.—The following named offices, bureaus, divisions, and branches of the public service, and all that pertains to the same, shall be under the jurisdiction and supervision of the Department of Commerce:

1. The Bureau of Lighthouses.
2. The Steamboat Inspection Service.
3. The Bureau of Navigation.
4. The United States Shipping Commissioners.
5. The National Bureau of Standards.
6. The Coast and Geodetic Survey.
7. The Bureau of Foreign and Domestic Commerce.
8. The Census Office.
9. The Bureau of Fisheries, and the office of Commissioner of Fisheries.
10. The Patent Office.
11. The Bureau of Mines.

(Feb. 14, 1903, c. 552, §§ 4, 12, 32 Stat. 826, 830; June 17, 1910, c. 301, § 4, 36 Stat. 537; Aug. 23, 1912, c. 350, 37 Stat. 407; Mar. 4, 1913, c. 141, § 3, 37 Stat. 757; Jan. 5, 1923, c. 23, § 1, 42 Stat. 1109.)

598. Same; records, etc.—The official records and papers on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service transferred to the Department of Commerce, together with the furniture in use in such bureau, office, department, or branch of the public service, are transferred to the Department of Commerce. (Feb. 14, 1903, c. 552, § 4, 32 Stat. 826.)

599. Duties and powers vested in department.—All duties performed and all power and authority possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service transferred to the Department of Commerce, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch or division of the public service, whether of an appellate or revisory character or otherwise, shall be vested in and exercised by the Secretary of Commerce. (Feb. 14, 1903, c. 552, § 10, 32 Stat. 829.)

600. Same; merchant vessels, shipping, navigation, etc.—All duties, power, authority and jurisdiction, whether supervisory, appellate, or otherwise, formerly imposed or conferred upon the Secretary of the Treasury by acts of Congress relating to merchant vessels or yachts, their measurement, numbers, names, registers, enrollments, licenses, commissions, records, mortgages, bills of sale, transfers, entry, clearance, movements and transportation of their cargoes and passengers, owners, officers, seamen, passengers, fees, inspection, equipment for the better security of life, and by acts of Congress relating to tonnage

tax, boilers on steam vessels, the carrying of inflammable, explosive or dangerous cargo on vessels, the use of petroleum or other similar substances to produce motive power and relating to the remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provision of law relating to vessels or seamen or to informer's shares of such fines, and by acts of Congress relating to the Commissioner and Bureau of Navigation, Shipping Commissioners, their officers and employees, Steamboat Inspection Service and any of the officials thereof, are transferred to and imposed and conferred upon the Secretary of Commerce from and after the time of the transfer of the Bureau of Navigation, the Shipping Commissioners and the Steamboat Inspection Service to the Department of Commerce. (Feb. 14, 1903, c. 552, § 10, 32 Stat. 829.)

601. Statistical information.—The Secretary of Commerce shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his department; and he shall have the power and authority to rearrange the statistical work of the bureaus and offices confided to the Department of Commerce, and to consolidate any of the statistical bureaus and offices above described. He shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and he may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise. (Feb. 14, 1903, c. 552, § 4, 32 Stat. 826.)

602. Transfer of statistical or scientific work.—The President is authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post Office Department, the Department of the Navy or the Department of the Interior, to the Department of Commerce; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division or other branch of the public service, or the part thereof which is so transferred. All power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the Department of Commerce, or the Secretary thereof, as the case may be, as to the whole or part of such office, bureau, division or other branch of the public service so transferred. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.)

603. Custody of buildings; officers transferred.—The Secretary of Commerce shall have charge, in the buildings or premises occupied by or appropriated to the Department of Commerce, of the library, furniture, fixtures, records, and other property pertaining to it or acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the Department of Commerce within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time. Where any office, bureau, or branch of the public service transferred to the Department of Commerce is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use. All officers, clerks, and employees employed on February 14, 1903 in or by any of the bureaus, offices, departments, or branches of the public service transferred to the Department of Commerce are each and all transferred to said department, except where otherwise provided by law. All laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service transferred to and made a part of the Department of Commerce shall, so far as the same are not in conflict with the provisions of this chapter, remain in full force and effect until otherwise provided by law. (Feb. 14, 1903, c. 552, § 9, 32 Stat. 829.)

604. Annual and special reports.—The Secretary of Commerce shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department, and describing the work done by the department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities, of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent. (Feb. 14, 1903, c. 552, § 8, 32 Stat. 829.)

605. Lease of Commerce Building.—The Secretary of Commerce is authorized, in his discretion, to enter into a contract for the lease for a period not to exceed five years with an option for a period of five additional years, of the Commerce Building, occupied on March 1, 1919, by the Department of Commerce, at an annual rental not to exceed $65,500. (Mar. 1, 1919, c. 86, § 1, 40 Stat. 1262.)

Chapter 11.—DEPARTMENT OF LABOR.

Sec.
611. Establishment of department; Secretary; seal.
612. Assistant Secretary.
613. Second Assistant Secretary; appointment; duties.
614. Private secretary to Second Assistant Secretary.
615. Chief clerk; disbursing clerk.
616. Bureaus and offices in department.
617. Library, records, etc., of department.
618. Rented quarters.
619. Mediation of labor disputes; duties, powers, etc., transferred to department.
620. Report and investigations.
621. Same; records and papers and furniture transferred to department.
622. Same; laws operative.

Section 611. Establishment of department; Secretary; seal.—There shall be an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate, and whose tenure of office shall be like that of the heads of the other executive departments. The provisions of chapter 1 of this title shall be applicable to said department. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve and judicial notice shall be taken of the said seal. (June 3, 1888, c. 389, § 1, 25 Stat. 182; Feb. 26, 1907, c. 1635, § 4, 34 Stat. 993; Feb. 17, 1909, c. 137, §§ 1, 2, 35 Stat. 626; Mar. 4, 1909, c. 297, § 1, 35 Stat. 861; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

Cross reference: Salary of Secretary; see section 3 of this title.

612. Assistant Secretary.—There shall be in said department an Assistant Secretary of Labor, to be appointed by the President. He shall perform such duties as shall be prescribed by the Secretary or required by law. (Mar. 4, 1913, c. 141, § 2, 37 Stat. 736.)

613. Second Assistant Secretary; appointment; duties.—There shall be in said department an additional Secretary, who shall be known and designated as Second Assistant Secretary of Labor. He shall be appointed by the President. He shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of the Assistant Secretary shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 4 of this title, unless otherwise directed by the President, as provided by section 6 of this title. (June 30, 1922, c. 254, § 1, 42 Stat. 766; Feb. 27, 1925, c. 364, Title IV, 43 Stat. 1048.)

614. Private secretary to Second Assistant Secretary.—There shall be in said Department of Labor one private secretary to the Second Assistant Secretary of Labor. (June 30, 1922, c. 254, § 2, 42 Stat. 766; Feb. 27, 1925, c. 364, Title IV, 43 Stat. 1048.)

615. Chief clerk; disbursing clerk.—There shall be in said department a chief clerk and a disbursing clerk. (Mar. 4, 1913, c. 141, § 2, 37 Stat. 736.)

616. Bureaus and offices in department.—The following-named offices, bureaus, divisions, and branches of the public service, and all that pertains to the same, shall be under the jurisdiction and supervision of the Department of Labor.

1. The office of the Commissioner General of Immigration, the Bureau of Immigration and the Bureau of Naturalization, the Commissioners of Immigration, the Division of Information, and the Immigration Service at Large.

2. The Bureau of Labor Statistics and the office of the Commissioner of Labor Statistics.

3. The Children's Bureau.

4. The Women's Bureau. (Feb. 14, 1903, c. 552, § 4, 32 Stat. 826; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737; June 5, 1920, c. 248, § 1, 41 Stat. 987.)

617. Library, records, etc., of department.—The Secretary of Labor shall have charge in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or acquired for use in its business. He shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time. (Mar. 4, 1913, c. 141, § 6, 37 Stat. 738.)

618. Rented quarters.—Where any office, bureau, or branch of the public service transferred to the Department of Labor is occupying rented buildings or premises, it may continue to do so until other suitable quarters are provided for its use. (Mar. 4, 1913, c. 141, § 6, 37 Stat. 738.)

619. Mediation of labor disputes; duties, powers, etc., transferred to department.—The Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and all duties performed and all power and authority on March 4, 1913, possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall be vested in and exercised by the head of the said Department of Labor. (Mar. 4, 1913, c. 141, § 8, 37 Stat. 738.)

620. Report and investigations.—The Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department and describing the work done by the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by Congress, or which he himself may deem necessary. (Mar. 4, 1913, c. 141, § 9, 37 Stat. 738.)

621. Same; records and papers and furniture transferred to department.—The official records and papers on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service transferred to the Department of Labor, together with the furniture in use in such bureau, office, department, or branch of the public service, are transferred to the Department of Labor. (Mar. 4, 1913, c. 141, § 5, 37 Stat. 737.)

622. Same; laws operative.—All laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this chapter, remain in full force and effect, to be executed under the direction of the Secretary of Labor. (Mar. 4, 1913, c. 141, § 6, 37 Stat. 738.)

Chapter 12.—CIVIL SERVICE COMMISSION AND CLASSIFIED CIVIL SERVICE.

Sec.

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648. Same; efficiency ratings for classified service in executivt departments.
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650. Same; information furnished to by departments.
651. Same; records, and papers transferred to.
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Section 631. Regulation of admissions to civil service.—The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their

duties, and establish regulations for the conduct of persons who may receive appointments in the civil service. (R. S. § 1753.)

632. Civil Service Commission; appointment; removal.—The President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as civil service commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

The President may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

Each of said commissioners shall be paid, in addition to his salary, his necessary traveling expenses incurred in the discharge of his duty as a commissioner. (Jan. 16, 1883, c. 27, § 1, 22 Stat. 403.)

633. Rules.—It shall be the duty of said commissioners:

(1) **Preparation of.**—First. To aid the President, as he may request, in preparing suitable rules for carrying this section and sections 632, 635, 637, 638, and 640 to 642 of this title, into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modification thereof, into effect.

(2) **Provisions of.**—Second. Among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

1. Competitive examinations.

First. For open, competitive examinations for testing the fitness of applicants for the public service classified on January 16, 1883, or thereafter, or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

2. Selection of officers, etc., according to results of examinations.

Second. All the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

3. Apportionment of appointments; applications for examinations.

Third. Appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

4. Probation before absolute appointment.

Fourth. There shall be a period of probation before any absolute appointment or employment aforesaid.

5. Contributions for political purposes.

Fifth. No person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

6. Political coercion by officers.

Sixth. No person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

7. Noncompetitive examinations in certain cases.

Seventh. There shall be noncompetitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

8. Notice of appointments, rejections, transfers, resignations, and removals; exceptions to be set forth with rules.

Eighth. Notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission. Any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

(3) **Regulations for examinations, and records.**—Third. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

(4) **Investigations and reports.**—Fourth. Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this section and sections 632, 635, 637, 638, and 640 to 642 of this title.

(5) **Annual reports.**—Fifth. Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of sections 632, 633, 635, 637, 638 and 640 to 642. (Jan. 16, 1883, c. 27, § 2, 22 Stat. 403.)

634. Oaths to witnesses.—Members of the Civil Service Commission and its duly authorized representatives are authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 372.)

635. Chief examiner; secretary; employees; boards of examiners.—Said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be paid in addition to his salary, his necessary traveling expenses incurred in the discharge of his duty. The commission shall have a secretary, to be appointed by the President. It may, when necessary, employ a stenographer, and a messenger. The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of

examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same. (Jan. 16, 1883, c. 27, § 3, 22 Stat. 404; June 12, 1922, c. 218, 42 Stat. 637.)

636. Detail of employees.—The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force. (Mar. 3, 1925, c. 468, § 1, 43 Stat. 1200.)

637. Violation of duties by commissioners or officers, etc.—Any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than $100, nor more than $1,000, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment. (Jan. 16, 1883, c. 27, § 5, 22 Stat. 405.)

638. Appointments and promotions in classified service; examinations.—No officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the classes of employees existing on January 16, 1883, or that may thereafter exist, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. Nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by section 35 of this title, nor to take from the President any authority not inconsistent with sections 632, 633, 635, 637, 638, 640 to 642 of this title, conferred by section 631 of this title; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. (Jan. 16, 1883, c. 27, § 7, 22 Stat. 406.)

639. Deputy collectors of internal revenue and deputy marshals.—Any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of sections 632, 633, 635, 637, 638, 640, 641, and 642 of this title, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to said sections, rules, or regulations aforesaid. (Oct. 22, 1913, c. 32, 38 Stat. 208.)

640. Habitual users of intoxicants.—No person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of sections 632, 633, 635, 637, 638, and 640 to 642 of this title are applicable. (Jan. 16, 1883, c. 27, § 8, 22 Stat. 406.)

641. Members of same family.—Whenever there are already two or more members of a family in the public service in the grades covered by sections 632, 633, 635, 637, 638, and 640 to 642 of this title, no other member of such family shall be eligible to appointment to any of said grades. (Jan. 16, 1883, c. 27, § 9, 22 Stat. 406.)

642. Recommendations by Senators or Representatives.—No recommendation of any person who shall apply for office or place under the provisions of sections 632, 633, 635, 637, 638, and 640 to 642 of this title which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under said sections. (Jan. 16, 1883, c. 27, § 10, 22 Stat. 406.)

643. Applications for examinations; certificate of residence.—Every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia, shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government. (July 11, 1890, c. 667, § 1, 26 Stat. 235.)

644. Place of examinations; persons afflicted with tuberculosis; certificate of health; appointments from same family.—All examinations of applicants for positions in the Government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination. The Civil Service Commission shall hold examinations of applicants temporarily absent from the places of their legal residence or domicile in the District of Columbia and elsewhere in the United States where examinations are usually held, upon proof satisfactory to the commission that such applicants are bona fide residents of the States or Territories in which such applicants claim to have legal residence or domicile. Nothing herein shall be so construed as to abridge the existing law of apportionment or change the requirements of existing law as to legal residence or domicile of such applicants. No person afflicted with tuberculosis shall be appointed and each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician. In no instance shall more than one person be appointed from the same family. (July 2, 1909, c. 2, § 7, 36 Stat. 3; Mar. 27, 1918, c. 27, 40 Stat. 459; Mar. 3, 1919, c. 97, § 7, 40 Stat. 1293.)

645. Civil service status of soldiers, sailors, and marines.—The period of time during which soldiers, sailors, and marines, both enlisted and drafted men, who, prior to entering the service of their country, had a civil service status, and whose names appear upon the eligible list of the Civil Service Commission, shall not be counted against them in the determination of their

eligibility for appointment under the law, rules and regulations of the Civil Service Commission in effect on March 1, 1919, and at the time of demobilization their civil service status shall be the same as when they entered the service. (Mar. 1, 1919, c. 86, § 1, 40 Stat. 1224.)

646. **Bureau of Efficiency.**—The division of efficiency of the Civil Service Commission shall be an independent establishment and shall be known as the Bureau of Efficiency. (Feb. 28, 1916, c. 37, § 1, 39 Stat. 15.)

647. **Same; chief of bureau reports.**—The Chief of the Bureau of Efficiency shall be appointed by the President and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division together with a detailed statement of expenditures showing the persons employed, their duties, and the compensation paid to each. (Mar. 4, 1915, c. 141, § 1, 38 Stat. 1007, 1008.)

648. **Same; efficiency ratings for classified service in executive departments.**—The Bureau of Efficiency shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Bureau of Efficiency for record in accordance with the provisions of this section. In the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year. (Aug. 23, 1912, c. 350, § 4, 37 Stat. 413; Feb. 28, 1916, c. 37, § 1, 39 Stat. 15.)

649. **Same; reports as to needs of personnel in departments.**—The Bureau of Efficiency shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of progress of work at the beginning of each regular session. (Mar. 4, 1913, c. 142, § 1, 37 Stat. 750; Feb. 28, 1916, c. 37, § 1, 39 Stat. 15.)

650. **Same; information furnished to by departments.**—Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose. (Mar. 3, 1917, c. 163, § 1, 39 Stat. 1081.)

651. **Same; records and papers transferred to.**—Not later than June 30, 1919, all books, records, and papers relating to the investigations of duplication of statistical and other work and to the work of the statistical clearing house of the Central Bureau of Planning and Statistics shall be transferred to the Bureau of Efficiency. (July 11, 1919, c. 6, § 1, 41 Stat. 36.)

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652. **Removals from classified civil service only for cause.**—No person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same. Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said Postal Service, or the presenting by any such person or groups or persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with. (Aug. 24, 1912, c. 389, § 6, 37 Stat. 555.)

Chapter 13.—CLASSIFICATION OF CIVILIAN POSITIONS.

Sec.
661. Citation.
662. Definitions.
663. Personnel Classification Board; members; chairman; details to board; cooperation of Civil Service Commission, etc.; rules and regulations; grades and subdivisions thereof.
664. Allocation of positions to grades and fixing of rates of compensation by department heads; review and revision by board.
665. Application of compensation schedules.
666. Rules governing fixing of compensation schedules.
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668. Existing preferences in appointment, etc., not affected.
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673. Compensation schedules enumerated.
674. Estimates of expenditures and appropriations in Budget to conform to classifications; rates of compensation, when effective.
675. Average of salaries not to exceed average rate for grade during 1926.
676. Salaries for year 1926 of persons in field service.

Section 661. **Citation.**—This chapter may be cited as "The Classification Act of 1923." (Mar. 4, 1923, c. 265, § 1, 42 Stat. 1488.)

662. **Definitions.**—The term "compensation schedules" means the schedules of positions, grades, and salaries, as contained in section 673 of this title.

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library

of Congress, Library Building and Grounds, Government Printing Office, and the Smithsonian Institution.

The term "the head of the department" means the officer or group of officers in the department who are not subordinate or responsible to any other officer of the department.

The term "board" means the Personnel Classification Board established by section 663.

The term "position" means a specific civilian office or employment, whether occupied or vacant, in a department other than the following: Offices or employments in the Postal Service; teachers, librarians, school attendance officers, and employees of the community center department under the Board of Education of the District of Columbia; officers and members of the metropolitan police, the fire department of the District of Columbia, and the United States park police; and the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey.

The term "employee" means any person temporarily or permanently in a position.

The term "service" means the broadest division of related offices and employments.

The term "grade" means a subdivision of a service, including one or more positions for which approximately the same basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work.

The term "class" means a group of positions to be established under this chapter sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees, and the same schedule of compensation is made to apply with equity.

The term "compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for service in a position. (Mar. 4, 1923, c. 265, § 2, 42 Stat. 1488.)

663. Personnel Classification Board; members; chairman; details to board; cooperation of Civil Service Commission, etc.; rules and regulations; grades and subdivisions thereof.—There is established an ex officio board, to be known as the Personnel Classification Board, to consist of the Director of the Bureau of the Budget or an alternate from that bureau designated by the director, a member of the Civil Service Commission or an alternate from that commission designated by the commission, and the Chief of the United States Bureau of Efficiency or an alternate from that bureau designated by the chief of the bureau. The Director of the Bureau of the Budget or his alternate shall be chairman of the board.

Subject to the approval of the President, the heads of the departments shall detail to the board, at its request, for temporary service under its direction, officers or employees possessed of special knowledge, ability, or experience required in the classification and allocation of positions. The Civil Service Commission, the Bureau of the Budget, and the Bureau of Efficiency shall render the board such cooperation and assistance as the board may require for the performance of its duties under this chapter.

The board shall make all necessary rules and regulations not inconsistent with the provisions of this chapter and provide such subdivisions of the grades contained in section 673 of this title and such titles and definitions as it may deem necessary according to the kind and difficulty of the work. Its regulations shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the titles given to said classes. In performing the foregoing duties, the board shall follow as nearly as practicable the classification made pursuant to the Executive order of October 24, 1921. The board may from time to time designate additional classes within the several grades and may combine, divide, alter, or abolish existing classes. Department heads shall promptly report the duties and responsibilities of new positions to the board. The board shall make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service. (Mar. 4, 1923, c. 265, § 3, 42 Stat. 1489.)

664. Allocation of positions to grades and fixing of rates of compensation by department heads; review and revision by board.—After consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall fix the rate of compensation of each employee thereunder, in accordance with the rules prescribed in section 666 of this title. Such allocations shall be reviewed and may be revised by the board and shall become final upon their approval by said board. Whenever an existing position or a position created by law after March 4, 1923 shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for such position the range of compensation prescribed for a grade, or a class thereof, comparable therewith as to qualifications and duties.

In determining the rate of compensation which an employee shall receive, the principle of equal compensation for equal work irrespective of sex shall be followed. (Mar. 4, 1923, c. 265, § 4, 42 Stat. 1489.)

665. Application of compensation schedules.—The compensation schedules shall apply only to civilian employees in the departments within the District of Columbia and shall not apply to employees in positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or craft and skilled and semiskilled laborers, except such as are under the direction and control of the custodian of a public building or perform work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character. (Mar. 4, 1923, c. 265, § 5, 42 Stat. 1489.)

666. Rules governing fixing of compensation schedules.—In determining the compensation to be established initially for the several employees the following rules shall govern:

1. In computing the existing compensation of an employee, any bonus which the employee receives shall be included.

2. If the employee is receiving compensation less than the minimum rate of the grade or class thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

5. If the employee is not a veteran of the Civil War, or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation.

6. All new appointments shall be made at the minimum rate of the appropriate grade or class thereof. (Mar. 4, 1923, c. 265, § 6, 42 Stat. 1490.)

667. **Increases in compensation.**—Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings, to the next higher rate within the salary range of the grade. In no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted. (Mar. 4, 1923, c. 265, § 7, 42 Stat. 1490.)

668. **Existing preferences in appointments, etc., not affected.**—Nothing in this chapter shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order in force March 4, 1923. (Mar. 4, 1923, c. 265, § 8, 42 Stat. 1490.)

669. **Efficiency ratings.**—The board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction. The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board after consultation with the department heads.

Reductions in compensation and dismissals for inefficiency shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board. (Mar. 4, 1923, c. 265, § 9, 42 Stat. 1490.)

670. **Transfer or promotion of employees.**—Subject to such rules and regulations as the President may from time to time prescribe, and regardless of the department or independent establishment in which the position is located, an employee may be transferred from a position in one grade to a vacant position within the same grade at the same rate of compensation, or promoted to a vacant position in a higher grade at a higher rate of compensation, in accordance with civil service rules, any provision of existing statutes to the contrary notwithstanding. Nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States. (June 22, 1906, c. 3514, § 5, 34 Stat. 449; Oct. 6, 1917, c. 79, §§ 6, 7, 40 Stat. 383; Mar. 28, 1918, c. 28, § 2, 40 Stat. 459; Mar. 4, 1923, c. 265, § 10, 42 Stat. 1491.)

671. **Temporary appointments not made permanent.**—Nothing contained in this chapter shall be construed to make permanent any temporary appointments under existing law. (Mar. 4, 1923, c. 265, § 11, 42 Stat. 1491.)

672. **Readjustment of rates of compensation.**—It shall be the duty of the board to make a study of the rates of compensation provided in this chapter for the various services and grades with a view to any readjustment deemed by said board to be just and reasonable. Said board shall, after such study and at such subsequent times as it may deem necessary, report its conclusions to Congress with any recommendations it may deem advisable. (Mar. 4, 1923, c. 265, § 12, 42 Stat. 1491.)

673. **Compensation schedules enumerated.**—The compensation schedules be as follows:

PROFESSIONAL AND SCIENTIFIC SERVICE

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing.

Grade one, in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified, but little or no experience.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade two, in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individually or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Grade three, in this service, which may be referred to as the associate professional grade, shall include all classes of positions the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience.

The annual rates of compensation for positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

Grade four, in this service, which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization.

The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, $4,600, $4,800, and $5,000, unless a higher rate is specifically authorized by law.

Grade five in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties of which are to act as assistant head of a large professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to act as head of a small professional or scientific organization, or to serve as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be $5,200, $5,400, $5,600, $5,800, and $6,000, unless a higher rate is specifically authorized by law.

Grade six in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the scientific and administrative head of a major professional or scientific bureau, or as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems.

The annual rates of compensation for positions in this grade shall be $6,000, $6,500, $7,000, and $7,500, unless a higher rate is specifically authorized by law.

Grade seven in this service, which may be referred to as the special professional grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade six.

The annual rate of compensation for positions in this grade shall be $7,500, unless a higher rate is specifically authorized by law.

SUBPROFESSIONAL SERVICE

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade one in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rates of compensation for positions in this grade shall be $900, $960, $1,020, $1,080, $1,140, $1,200, and $1,260.

Grade two, in this service, which may be referred to as the under-subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade three, in this service, which may be referred to as the junior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade four in this service, which may be referred to as the assistant subprofessional grade shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade five in this service, which may be referred to as the main subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate work of a professional, scientific, or technical character requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees performing duties of an inferior grade in the subprofessional service.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade six in this service, which may be referred to as the senior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade five of this service.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade seven in this service, which may be referred to as the principal subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but responsible work of a professional, scientific, or technical character requiring a working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade six of this service.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade eight in this service, which may be referred to as the chief subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade seven of this service.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade one in this service, which may be referred to as the under clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work.

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade two, in the service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade three in this service, which may be referred to as the assistant clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of a specialized subject matter or the exercise of independent judgment or to supervise a small section performing simple clerical operations.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade four, in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and an acquaintance with

office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade five, in this service, which may be referred to as the senior clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work requiring considerable training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and a thorough knowledge of office procedure and practice, or to supervise a large stenographic section or any large section performing simple clerical operations or to supervise a small section engaged in difficult but routine office work.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade six in this service, which may be referred to as the principal clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work, requiring extended training and experience, the exercise of independent judgment or knowledge of a specialized and complex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade seven in this service, which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a small independent establishment or a minor bureau or division of an executive department, or to supervise a large or important office organization engaged in difficult and specialized work.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Grade eight in this service, which may be referred to as the associate administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $2,700, $2,800, $2,900, $3,000, $3,100, $3,200, and $3,300.

Grade nine in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring considerable specialized training and experience and the exercise of independent judgment, or as chief clerk, to supervise the general business operations of a large independent establishment or a major bureau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

Grade ten in this service, which may be referred to as the senior administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, the most difficult and responsible office work along specialized, and technical lines, requiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,300, $3,400, $3,500, $3,600, $3,700, $3,800, and $3,900.

Grade eleven, in this service, which may be referred to as the assistant chief administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines, requiring extended training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or to supervise the general business operations of an executive department, or to supervise a large and important office organization engaged in work involving extended training and considerable experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,800, $4.000, $4,200, $4,400, $4,600, $4,800, and $5,000, unless a higher rate is specifically authorized by law.

Grade twelve in this service, which may be referred to as the chief administrative grade, shall include all classes of positions the duties of which are to supervise the design and installation of office systems, methods and procedures, or to be head of a small bureau in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $5,200, $5,400, $5,600, $5,800, and $6,000, unless a higher rate is specifically authorized by law.

Grade thirteen, in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to act as chief of a large bureau or a bureau having important administrative or investigative functions in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $6,000, $6,500, $7,000, and $7,500, unless a higher rate is specifically authorized by law.

Grade fourteen in this service, which may be referred to as the special executive grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade 13.

The annual rate of compensation for positions in this grade shall be $7,500, unless a higher rate is specifically authorized by law.

CUSTODIAL SERVICE

The custodial service shall include all classes of positions the duties of which are to supervise or to perform manual work involved in the custody, maintenance, and protection of public buildings, premises, and equipment, the transportation of public officers, employees or property, and the transmission of official papers.

Grade one, in this service, which may be referred to as the junior messenger grade, shall include all classes of positions

the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rates of compensation for positions in this grade shall be $600, $630, $660, $690, $720, $750, and $780.

Grade two, in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $900, $960, $1,020, $1,080, and $1,140: *Provided*, That charwomen working part time be paid at the rate of 40 cents an hour and head charwomen at the rate of 45 cents an hour.

Grade three, in this service, which may be referred to as the minor custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial or manual office work with some degree of responsibility, such as guarding office or storage buildings; operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment; supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be $1,020, $1,080, $1,140, $1,200, and $1,260.

Grade four in this service, which may be referred to as the under custodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers; directly supervising a small detachment of watchmen or building guards; firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes; or performing general semimechanical new or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade five in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade six in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; to supervise a large force of unskilled laborers; to repair office appliances; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade seven in this service, which may be referred to as the main custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to have general supervision over large forces of watchmen and building guards; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade eight in this service, which may be referred to as the senior custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade nine in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade ten in this service, which may be referred to as the chief custodial grade, shall include all classes of positions, the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

CLERICAL-MECHANICAL SERVICE

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Government Printing Office, the Bureau of Engraving and Printing, the Mail Equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.

Grade one shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 45 to 50 cents an hour.

Grade two shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade one.

The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

Grade three shall include all classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill, or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

Grade four shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be 80 to 90 cents an hour.

Grade five shall include all classes of positions in this service the duties of which are to be responsible for the administration of a major division of a large bureau or establishment with varied work.

The rates of compensation for classes of positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3.500, and $3,600 a year. (Mar. 4, 1923, c. 265, § 13, 42 Stat. 1491; June 7, 1924, c. 378, 43 Stat. 669.)

674. Estimates of expenditures and appropriations in Budget to conform to classifications; rates of compensation, when effective.—The estimates of the expenditures and appropriations set forth in the Budget to be transmitted by the President to Congress on the first day of the next ensuing regular session shall conform to the classification herein provided, and the rates of salary in the compensation schedules shall not become effective until the first day of the fiscal year estimated for in such Budget. (Mar. 4, 1923, c. 265, § 14, 42 Stat. 1499.)

675. Average of salaries not to exceed average rate for grade during 1926.—In expending appropriations or portions of appropriations contained in the various Acts making appropriations for the fiscal year ending June 30, 1926, for the payment for personal services in the District of Columbia in accordance with this chapter, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such chapter, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 666 of this title, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by this chapter, and is specifically authorized by other law. (Jan. 22, 1925, c. 87, 43 Stat. 764; Feb. 10, 1925, c. 200, 43 Stat. 822; Feb. 11, 1925, c. 209, 43 Stat. 861; Feb. 12, 1925, c. 225, 43 Stat. 892; Feb. 27, 1925, c. 364, 43 Stat. 1014; Mar. 3, 1925, c. 462, 43 Stat. 1141; Mar. 3, 1925, c. 468, 43 Stat. 1212; Mar. 4, 1925, c. 549, 43 Stat. 1301.)

676. Salaries for year 1926 of persons in field service.—Those civilian positions in the field services under the several executive departments and independent establishments, the compensation of which was fixed or limited by law but adjusted for the fiscal year 1925 under the authority and appropriations contained in the Act entitled "An Act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several executive departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services," approved December 6, 1924 (43 Stat. 604), may be paid under the applicable appropriations for the fiscal year 1926 at rates not in excess of those permitted for them under the provisions of such Act of December 6, 1924. (Jan. 22, 1925, c. 87, Title I, 43 Stat. 764.)

Chapter 14.—RETIREMENT OF CIVIL SERVICE EMPLOYEES.

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736. Same; application to employees separated from the service subsequent to August 20, 1920.
737. Employees continued in service without approval of Civil Service Commission or reemployed subsequent to retirement; credit for service, but no annuity; removal of suspension of annuity.
738. Disability retirement not affected.

Section 691. Employees eligible for retirement.—All employees in the classified civil service of the United States who have on August 20, 1920, or shall have on any date thereafter, reached the age of seventy years and rendered at least fifteen years of service computed as prescribed in sections 707 and 708 of this title, shall be eligible for retirement on an annuity as provided in sections 698 to 706 of this title. Mechanics, city and rural letter carriers, and post-office clerks shall be eligible for retirement at sixty-five years of age, and railway postal clerks at sixty-two years of age, if said mechanics, city and rural letter carriers, post-office clerks, and railway postal clerks shall have rendered at least fifteen years of service computed as prescribed in sections 707 and 708. (May 22, 1920, c. 195, § 1, 41 Stat. 614.)

692. Same; extension of chapter to nonclassified employees; employees who may be excluded from operation of chapter.—The provisions of sections 691 to 693 and 697 to 731 of this title shall include superintendents of United States national cemeteries, employees of the Superintendent of the United States Capitol Buildings and Grounds, the Library of Congress, and the Botanic Gardens, excepting persons appointed by the President and confirmed by the Senate, and may be extended by Executive order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States not classified on May 22, 1920. The President shall have power, in his discretion, to exclude from the operation of said sections any employee or group of employees in the classified civil service whose tenure of office or employment is intermittent or of uncertain duration. (May 22, 1920, c. 195, § 1, 41 Stat. 614.)

693. Same; employees of District of Columbia.—All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners, or by other competent authority including those receiving per diem compensation paid out of general appropriations, but whose services are continuous, and including public-school employees, excepting school officers and teachers, shall be included in the provisions of sections 691 to 693 and 697 to 731 of this title, but members of the police and fire departments shall be excluded therefrom. (May 22, 1920, c. 195, § 1, 41 Stat. 614.)

694. Same; definitions.—In the administration of sections 691 to 693 and 697 to 731 of this title the expression "all employees in the classified civil service of the United States," as used in sections 691 to 693 and 697 of this title shall be construed to include all persons who have been or may be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under the civil service rules promulgated by the President, or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointment of individuals to positions within such service.

The expression "classified civil service" as the same occurs in other acts of Congress shall receive a like construction to that herein given. (Mar. 27, 1922, c. 116, 42 Stat. 470.)

695. Same; temporary employees of Treasury Department; payments to.—The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the agreed compensation in each case to all persons temporarily employed by the Department of the Treasury, prior to January 14, 1925, who had, before such employment, reached the age for retirement, or who had been retired, from the Government service under the provisions of sections 691 to 693 and 697 to 731 of this title. In case of the death (either before or after January 14, 1925) of any person entitled to compensation under the provisions of this section, and section 696 of this title, the amount of such compensation shall be paid to the widow, or if no widow, then to the children, or if no children, then to the estate of such person. (Jan. 14, 1925, c. 77, § 1, 43 Stat. 748.)

696. Same; credit to accounts of disbursing officers for such payments.—The Comptroller General is authorized and directed, notwithstanding the provisions of sections 691 to 693 and 697 to 731 of this title, to credit the accounts of all disbursing officers or agents of the Department of the Treasury with the amounts paid prior to January 14, 1925 in good faith for temporary services to such persons who had reached the age for retirement or who had been retired. (Jan. 14, 1925, c. 77, § 2, 43 Stat. 749.)

697. Same; other employees excluded.—Postmasters, and such employees of the Lighthouse Service as come within the provisions of section 763 of Title 33 shall not be included in the provisions of sections 691 to 693 and 697 to 731 of this title. (May 22, 1920, c. 195, § 1, 41 Stat. 614.)

698. Classifications and rates.—For the purpose of determining the amount of annuity which retired employees shall receive, the following classifications and rates shall be established: (May 22, 1920, c. 195, § 2, 41 Stat. 614.)

699. Class A; amount of annuity.—Class A shall include all employees to whom sections 691 to 693 and 697 to 731 apply who shall have served the United States for a total period of thirty years or more. The annuity to a retired employee in this class shall equal 60 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. In no case shall an annuity in this class exceed $720 per annum or be less than $360 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 614.)

700. Class B; amount of annuity.—Class B shall include all employees to whom sections 691 to 693 and 697 to 731 of this title apply who shall have served the United States for a total period of twenty-seven years or more, but less than thirty years. The annuity to a retired employee in this class shall equal 54 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. In no case shall an annuity in this class exceed $648 per annum, or be less than $324 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

701. Class C; amount of annuity.—Class C shall include all employees to whom sections 691 to 693 and 697 to 731 of this title apply who shall have served the United States for a total period of twenty-four years or more, but less than twenty-seven years. The annuity to a retired employee in this class shall equal 48 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. In no case shall an annuity in this class exceed $576 per annum, or be less than $288 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

702. Class D; amount of annuity.—Class D shall include all employees to whom sections 691 to 693 and 697 to 731 of this title apply who shall have served the United States for a total period of twenty-one years or more, but less than twenty-four years. The annuity to a retired employee in this class shall equal 42 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. In no case shall an annuity in this class exceed $504 per annum, or be less than $252 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

703. Class E; amounts of annuity.—Class E shall include all employees to whom sections 691 to 693 and 697 to 731 of this title apply who shall have served the United States for a total period of eighteen years or more, but less than twenty-one years. The annuity to a retired employee in this class shall equal 36 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. In no case shall an annuity in this class exceed $432 per annum or be less than $216 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

704. Class F; amount of annuity.—Class F shall include all employees to whom sections 691 to 693 and 697 to 731 of this title apply who shall have served the United States for a total period of fifteen years or more, but less than eighteen years. The annuity to a retired employee in this class shall equal 30 per centum of such employee's average annual basic salary,

pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. In no case shall an annuity in this class exceed $360 per annum, or be less than $180 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

705. Class G; amount of annuity.—Class G shall include charwomen, laborers, and other employees whether classified or unclassified, who are employed on a regular annual basis and whose basic salary, pay, or compensation is at a rate less than $600 per annum. The annuity to any retired employee shall be determined according to the method prescribed in the foregoing schedules, except that no annuity shall be granted after May 22, 1920 to exceed the per centum nor the maximum provided for the respective periods of service. It is provided that this class of employees shall otherwise be subject to the provisions of sections 691 to 693 and 697 to 731 of this title. (May 22, 1920, c. 195, § 2; June 17, 1922, c. 222, 42 Stat. 651.)

706. Basic salary, pay, or compensation defined.—The term "basic salary, pay, or compensation" wherever used in sections 691 to 693 and 697 to 731 of this title, shall be so construed as to exclude from the operation of said sections all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the positions as fixed by law or regulation. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

707. Computation of period of service.—For the purposes of sections 691 to 693 and 697 to 731 of this title and subject to the provisions of section 723 of this title, the period of service shall be computed from the date of original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government, and shall also include service performed under authority of the United States beyond seas, and honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee who is eligible for and elects to receive a pension under any law, or compensation under the provisions of chapter 11 of title 38, the period of his or her military or naval service upon which such pension or compensation is based shall not be included for the purpose of assignment to classes defined in sections 698 to 706 of this title, but nothing contained in sections 691 to 693 and 697 to 731 of this title shall be so construed as to affect in any manner his or her right to a pension, or to compensation under the provisions of chapter 11 of title 38, in addition to the annuity herein provided. (May 22, 1920, c. 195, § 3, 41 Stat. 615.)

708. Same; exclusion of periods of separation from service.—In computing length of service for the purposes of sections 691 to 693 and 697 to 731 of this title, all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded, and in the case of substitutes in the Postal Service only periods of active employment shall be included. (May 22, 1920, c. 195, § 3, 41 Stat. 616.)

709. Powers and duties of Commissioner of Pensions; appeal to Secretary of Interior.—For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, is authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of sections 691 to 693 and 697 to 731 of this title into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under sections 691 to 693 and 697 to 731 of this title, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior. (May 22, 1920, c. 195, § 4, 41 Stat. 616.)

710. Retirement for disability; employees entitled to; application; medical examination.—Any employee to whom sections 691 to 693 and 697 to 731 of this title apply who shall have served for a total period of not less than fifteen years, and who, before reaching the retirement age as fixed in sections 691 to 693 and 697 of this title, becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his or her own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity under the provisions of sections 698 to 706 of this title. No employee shall be retired under the provisions of this section and sections 711 to 714 until examined by a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose and found to be disabled in the degree and in the manner specified herein. (May 22, 1920, c. 195, § 5, 41 Stat. 616.)

711. Same; medical examination; restoration to service.—Every annuitant retired under the provisions of sections 710 to 714, unless the disability for which retired is permanent in character, shall, at the expiration of one year from the date of such retirement and annually thereafter until reaching the retirement age as defined in sections 691 to 693 and 697 of this title, be examined under direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any; if the annuitant recovers and is restored to his or her former earning capacity before reaching the retirement age, payment of the annuity shall be discontinued from the date of the medical examination showing such recovery; if the annuitant fails to appear for examination as required under sections 710 to 714, payment of the annuity shall be suspended until continuance of the disability has been satisfactorily established. The Commissioner of Pensions is authorized to order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under sections 710 to 714. (May 22, 1920, c. 195, § 5, 41 Stat. 616.)

712. Same; medical examination; fees for.—Fees for examinations made under the provisions of sections 710 to 714 of this title by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering sections 691 to 693 and 697 to 731 of this title. (May 22, 1920, c. 195, § 5, 41 Stat. 616.)

713. Same; discontinuance of annuity; refund of excess of contributions over.—In all cases where the annuity is discontinued under the provisions of sections 710 to 714 of this title before the annuitant has received a sum equal to the total amount of his or her contributions with accrued interest, the difference shall be paid to the retired employee, or to his or her estate, upon application therefore in such form and manner as the Commissioner of Pensions may direct. (May 22, 1920, c. 195, § 5, 41 Stat. 617.)

714. Compensation under chapter and compensation for injuries for same period not allowed.—No person shall be entitled to receive an annuity under the provisions of sections

691 to 693 and 697 to 731 of this title, and compensation under the provisions of chapter 15 of this title covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either said sections 691 to 693 and 697 to 731 or said chapter 15 for any part of the same period of time. (May 22, 1920, c. 195, § 5, 41 Stat. 617.)

715. Notice to employee of retirement; retention in service after reaching retirement age.—All employees to whom sections 691 to 693 and 697 to 731 of this title apply shall, on August 20, 1920, if of retirement age, or thereafter on arriving at retirement age as defined in sections 691 to 693 and 697 of this title, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government to notify such employees under his direction of the date of such separation from the service at least sixty days in advance thereof. No person employed in the executive departments within the District of Columbia, retired under the provisions of sections 691 to 693 and 697 to 731 during the fiscal year ending June 30, 1921, shall be replaced by additional employees, but if the exigencies of the service so require, places made vacant by such retirement may be filled by promotion or transfer of eligible employees already in the service. If before July 21, 1920, or not less than thirty days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he or she is employed certifies to the Civil Service Commission that by reason of his or her efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon approval and certification by the Civil Service Commission, and at the end of the two years he or she may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on. After August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement defined in sections 691 to 693 and 697 of this title for more than four years. (May 22, 1920, c. 195, § 6, 41 Stat. 617.)

716. Application for retirement; when to be made.—Every employee who becomes eligible for retirement because of age as provided in sections 691 to 693 and 697 to 731 of this title shall, before July 21, 1920, or 30 days before reaching the retirement age, or at any time thereafter, file with the Commissioner of Pensions, in such form as he may prescribe, an application for an annuity, supported by a certificate from the head of the department, branch, or independent office of the Government in which the applicant has been employed, stating the age and period or periods of service of the applicant and salary, pay, or compensation received during such periods, as shown by the official records. In the case of an employee who is to be continued in the civil service of the United States beyond the retirement age as provided in section 715 of this title, he or she may make application for retirement at any time within such period of continuance in the service; but nothing contained in sections 691 to 693 and 697 to 731 of this title shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he or she is employed such retirement would promote the best interests of the service. (May 22, 1920, c. 195, § 7, 41 Stat. 617.)

717. Same; determination; certificate of retirement.—Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior. (May 22, 1920, c. 195, § 7, 41 Stat. 618.)

718. Commencement and duration of annuity.—Annuities granted under sections 691 to 693 and 697 to 731 of this title for retirement on account of age shall commence from the date of separation from the service on or after August 20, 1920, and shall continue during the life of the annuitant. Annuities granted for disability under the provisions of sections 710 to 714 of this title shall be subject to the limitations specified in said sections. (May 22, 1920, c. 195, § 7, 41 Stat. 618.)

719. Deductions from salaries; amount; civil-service retirement and disability fund.—There shall be deducted and withheld monthly from the basic salary, pay, or compensation of each employee to whom sections 691 to 693 and 697 to 731 of this title apply, a sum equal to 2½ per centum of such employee's basic salary, pay, or compensation. The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as "the civil-service retirement and disability fund," and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in sections 691 to 693 and 697 to 731 of this title. (May 22, 1920, c. 195, § 8, 41 Stat. 618.)

720. Investment of fund.—The Secretary of the Treasury is directed to invest from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement and disability fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 724 of this title. (May 22, 1920, c. 195, § 8, 41 Stat. 618.)

721. Contributions, donations, etc., to supplement contributions by employees.—The Secretary of the Treasury is authorized and empowered in carrying out the provisions of sections 691 to 693 and 697 to 731 of this title to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, bequests, or otherwise, and to receive, invest, and disburse for the purposes of sections 691 to 693 and 697 to 731 of this title all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally or any special class of employees. (May 22, 1920, c. 195, § 8, 41 Stat. 618.)

722. Consent of employees to deductions deemed given.—Every employee coming within the provisions of sections 691 to 693 and 697 to 731 of this title shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided in sections 719 to 721 of this title, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he or she shall be entitled under the provisions of sections 691 to 693 and 697 to 731, notwithstanding the provisions of section 43 of this title or of any law, rule, or regulations affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom sections 691 to 693 and 697 to 731 apply. (May 22, 1920, c. 195, § 9, 41 Stat. 618.)

723. Transfer of employee from unclassified to classified status or reinstatement of former employee; deposit of deductions from salaries.—Upon the transfer of any employee from an unclassified to a classified status, or upon the reinstate-

ment of a former employee, credit for past service rendered subsequent to August 20, 1920, or for any part thereof, shall be granted only upon deposit with the Treasurer of the United States of the amount of such deductions with interest as provided in sections 691 to 693 and 697 to 731 of this title as would have been made for the periods of actual service, or part thereof, for which credit is to be given, but such interest shall not be computed for periods of separation from the service. Failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to May 22, 1920, and to which he or she would otherwise be entitled. (May 22, 1920, c. 195, § 10, 41 Stat. 618.)

724. Return of deductions to employee on transfer from classified to unclassified status or separation from service or death of employee; records; application for return of deductions; rules and regulations.—In the case of an employee in the classified civil service of the United States who shall be transferred to an unclassified position, and in the case of any employee to whom sections 691 to 693 and 697 to 731 of this title apply who shall become absolutely separated from the service before becoming eligible for retirement on an annuity, the total amount of deductions of salary, pay, or compensation with accrued interest computed at the rate of 4 per centum per annum, compounded on June 30 of each fiscal year shall, upon application, be returned to such employee. All moneys so returned to an employee must be redeposited with interest before such employee may derive any benefit under the provisions of said sections, upon reinstatement or retransfer to a classified position; and in case an annuitant shall die without having received in annuites an amount equal to the total amount of the deductions from his or her salary, pay, or compensation, together with interest thereon at 4 per centum per annum compounded as herein provided up to the time of his or her death, the excess of the said accumulated deductions over the said annuity payments shall be paid in one sum to his or her legal representatives upon the establishment of a valid claim therefor; and in case an employee shall die without having reached the retirement age or without having established a valid claim for annuity, the total amount of deductions with accrued interest as herein provided shall be paid to the legal representatives of such employee. If in case of death the amount of deductions to be paid under the provisions of this section does not exceed $300, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor or administrator, the payment may be made, after the expiration of three months from date of death, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person. The refund provided for in this section shall be paid to all members of the United States park police force, who, on May 27, 1924, are entitled to such refund, by reason of contributions previously made by them to the civil service retirement fund.

Each executive department, and each independent establishment of the Government not within the jurisdiction of any executive department, shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom said sections apply. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder. (May 22, 1920, c. 195, § 11, 41 Stat. 619; Feb. 14, 1922, c. 51, § 1, 42 Stat. 364; May 27, 1924, c. 199, § 8, 43 Stat. 176.)

725. Times for payment of annuities.—Annuities granted under the terms of sections 691 to 693 and 697 to 731 of this title shall be due and payable monthly on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments. (May 22, 1920, c. 195, § 12, 41 Stat. 619.)

726. Reports by heads of executive departments and independent establishments of names and grades of employees.—It shall be the duty of the head of each executive department and the head of each independent establishment of the Government not within the jurisdiction of any executive department to report to the Civil Service Commission, in such manner as said commission may prescribe, the name and grade of each employee to whom sections 691 to 693 and 697 to 731 of this title apply in or under said department or establishment who shall be at any time in a nonpay status, showing the dates such employee was in a nonpay status, and the amount of salary, pay, or compensation lost by the employee by reason of such absence. (May 22, 1920, c. 195, § 13, 41 Stat. 619; Feb. 14, 1922, c. 51, § 2, 42 Stat. 365.)

727. Record by commission of appointments, transfers, changes in grades, etc.—The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under sections 691 to 693 and 697 to 731 of this title, and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder, and shall prepare and keep all needful tables and records required for carrying out the provisions of said sections, including data showing the mortality experience of the employees in the service and the percentage of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under said sections. (May 22, 1920, c. 195, § 13, 41 Stat. 619; Feb. 14, 1922, c. 51, § 2, 42 Stat. 365.)

728. Report of Commissioner of Pensions.—The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them. (May 22, 1920, c. 195, § 13, 41 Stat. 620; Feb. 14, 1922, c. 51, § 2, 42 Stat. 365.)

729. Annuities not subject to assignment, execution, levy, or other legal process.—None of the moneys mentioned in sections 691 to 693 and 697 to 731 of this title shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process. (May 22, 1920, c. 195, § 14, 41 Stat. 620.)

730. Estimates of appropriations necessary.—The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary to continue sections 691 to 693 and 697 to 731 of this title in full force and effect. (May 22, 1920, c. 195, § 15, 41 Stat. 620.)

731. Board of actuaries; duties, etc.—The Commissioner of Pensions, with the approval of the Secretary of the Interior, is authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of sections 691 to 693 and 697 to 731 of this title, with authority to recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis. It shall be the duty of the Commissioner of Pensions to submit with his annual report to Congress the recommendations of the board of actuaries. It shall be the duty of the board of actuaries to make a valuation of the "civil-service retirement and disability fund" at the end of the first year following May 22, 1920, and at intervals of every five years thereafter, or oftener, if deemed necessary by the Commissioner of Pensions. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior. (May 22, 1920, c. 195, § 16, 41 Stat. 620.)

732. Actuaries; compensation; traveling expenses of board of actuaries.—The Commissioner of Pensions, with the approval of the Secretary of the Interior, is authorized to fix the compensation of two actuaries, exclusive of the Government actuary, within the amount of the appropriation made therefor by Congress. The actual necessary travel and other expenses of the board of actuaries shall be paid within the amount appropriated therefor by Congress. (June 5, 1924, c. 264, 43 Stat. 414; Mar. 3, 1925, c. 462, 43 Stat. 1164.)

733. Annuities to employees involuntarily separated from the service before reaching age of 70 years; deferred annuity; persons entitled to; deductions.—Any employee fifty-five years of age or over to whom the provisions of sections 691 to 693 and 697 to 731 of this title apply, who shall have served for a total period of not less than fifteen years and who, before reaching the retirement age as fixed in sections 691 to 693 and 697 of this title shall become involuntarily separated from the service, unless removed for cause on charges of misconduct or delinquency preferred against him, shall be granted an annuity certificate in the manner provided in sections 716 to 718 which will entitle said employee, upon reaching retirement age, to an annuity as provided in sections 697 to 706 equal to the annuity he would have received upon such separation from the service had he been of full retirement age. The deductions made under the provisions of sections 719 to 721, from such employee's salary, pay, or compensation prior to separation from the service shall remain in the "civil-service retirement and disability fund" subject to the provisions of section 724. Sept. 22, 1922, c. 428, § 1, 42 Stat. 1047.)

734. Same; immediate annuity in lieu of deferred annuity; conditions and computation.—Any employee coming within the provisions of section 733 of this title shall have the right to apply for an immediate annuity in lieu of deferred annuity at the age of retirement; and if otherwise entitled, such immediate annuity shall be granted under the following conditions:

If the employee is eligible for retirement upon reaching the age of seventy years, his immediate annuity is to be found by multiplying the annuity which he would receive were he then seventy years of age by the decimal 0.951945 raised to a power the exponent of which is the number of years his age at such separation from the service is less than seventy years.

For mechanics, city and rural letter carriers, and post-office clerks, who are eligible for retirement at sixty-five years of age, the immediate annuity is found by deducting 47/900 of the annuity he would receive were he then sixty-five years of age for each year his age at such separation is less than sixty-five years.

For railway postal clerks, who are eligible for retirement at sixty-two years of age, the immediate annuity is to be found by deducting 47/630 of the annuity he would receive were he then sixty-two years of age for each year his age at separation is less than sixty-two years.

For the purpose of computing annuities as provided in this section fractional parts of a year in respect to the age of the applicant shall be disregarded. (Sept. 22, 1922, c. 428, § 2, 42 Stat. 1047.)

735. Same; effect of reemployment.—In case such former employee be reemployed by the Government in a position affected by the provisions of sections 691 to 693 and 697 to 731 of this title, the annuity certificate issued under the provisions of sections 733 to 738 shall be canceled and all rights and benefits under sections 733 to 738 shall terminate from and after the date of such reemployment. (Sept. 22, 1922, c. 428, § 3, 42 Stat. 1048.)

736. Same; application to employees separated from the service subsequent to August 20, 1920.—Sections 733 to 738 of this title shall include former employees coming within the provisions of sections 691 to 693 and 697 to 731, who have been separated from the service subsequent to August 20, 1920, under the conditions defined in section 733 of this title. In the case of an employee who has withdrawn from the "civil service retirement and disability fund" his deductions under the provisions of section 724 of this title, such employee shall be required to return the amount so withdrawn with interest compounded at the rate of 4 per centum per annum before he shall be entitled to the benefits of sections 733 to 738. (Sept. 22, 1922, c. 428, § 4, 42 Stat. 1048.)

737. Employees continued in service without approval of Civil Service Commission or reemployed subsequent to retirement; credit for service, but no annuity; removal of suspension of annuity.—Any employee otherwise entitled to the benefits of sections 691 to 693 and 697 to 731 of this title, who, prior to September 22, 1922, has been continued in the service without the approval of the Civil Service Commission as provided in section 715 of this title, or, who has been reemployed in the civil service subsequent to retirement, shall be entitled to credit for such subsequent service and to receive salary, pay, or compensation therefor at the regular rates, but shall not be entitled to annuity covering the same time; and sections 691 to 693 and 697 to 731 of this title shall operate as a direction to the Commissioner of Pensions to remove suspension of annuity in all such cases, and shall be warrant for the proper fiscal officer of the Government to make payment or adjustment of salary, pay, or compensation, earned by such employee. (Sept. 22, 1922, c. 428, § 5, 42 Stat. 1048.)

738. Disability retirement not affected.—Nothing contained in sections 733 to 738 of this title shall modify the provisions of sections 710 to 714 of this title. (Sept. 22, 1922, c. 428, § 6, 42 Stat. 1048.)

Chapter 15.—COMPENSATION FOR INJURIES TO EMPLOYEES OF UNITED STATES.

Sec.

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Section 751. Disability or death of employee; willful misconduct.—The United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death. (Sept. 7, 1916, c. 458, § 1, 39 Stat. 742.)

752. Time of accrual of right.—During the first three days of disability the employee shall not be entitled to compensation except as provided in section 759 of this title. No compensation shall at any time be paid for such period. (Sept. 7, 1916, c. 458, § 2, 39 Stat. 743.)

753. Total disability.—If the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to 66⅔ per centum of his monthly pay, except as hereinafter provided. (Sept. 7, 1916, c. 458, § 3, 39 Stat. 743.)

754. Partial disability; affidavit.—If the disability is partial the United States shall pay to the disabled employee during such disability a monthy compensation equal to 66⅔ per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him. (Sept. 7, 1916, c. 458, § 4, 39 Stat. 743.)

755. Same; employee to seek other employment.—If a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation. (Sept. 7, 1916, c. 458, § 5, 39 Stat. 743.)

756. Monthly compensation for total and for partial disability; increase on basis of expectancy of productive capacity; decrease on account of age.—The monthly compensation for total disability shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity. (Sept. 7, 1916, c. 458, § 6, 39 Stat. 743.)

757. Person receiving not to be paid for other services; pensions.—As long as the employee is in receipt of compensation under this chapter, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States. (Sept. 7, 1916, c. 458, § 7, 39 Stat. 743.)

758. Employee having annual or sick leave to his credit.—If at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased. (Sept. 7, 1916, c. 458, § 8, 39 Stat. 743.)

759. Medical, surgical, and hospital service; transportation expenses.—Immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund. (Sept. 7, 1916, c. 458, § 9, 39 Stat. 743.)

760. Compensation to heirs in case of death.—If death results from the injury within six years the United States shall pay to the following persons for the following periods a

monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, 35 per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, 35 per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto 10 per centum for each child, not to exceed a total of 66⅔ per centum for such a widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, 25 per centum for one child and 10 per centum additional for each additional child, not to exceed a total of 66⅔ per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per centum; if both are wholly dependent, 20 per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above precentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of 66⅔ per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, 20 per centum to such dependent; if more than one are wholly dependent, 30 per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, 10 per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of 66⅔ per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes stepparents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 762.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (Sept. 7, 1916, c. 458, § 10, 39 Stat. 744.)

761. Payment to personal representative where death results within six years; transportation of remains; burial expenses.—If death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury. (Sept. 7, 1916, c. 458, § 11, 39 Stat. 745.)

762. Computation of monthly pay of employee.—In computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account. (Sept. 7, 1916, c. 458, § 12, 39 Stat. 746.)

763. Wage-earning capacity.—In the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account. (Sept. 7, 1916, c. 458, § 13, 39 Stat. 746.)

764. Payment of lump sum; determination of amount.—In cases of death or of permanent total or permanent partial dis-

ability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. (Sept. 7, 1916, c. 458, § 14, 39 Stat. 746.)

765. Notice of injury.—Every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail. (Sept. 7, 1916, c. 458, § 15, 39 Stat. 746.)

766. Same; requisites.—The notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice. (Sept. 7, 1916, c. 458, § 16, 39 Stat. 746.)

767. Same; failure to give.—Unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury. (Sept. 7, 1916, c. 458, § 17, 39 Stat. 746.)

768. Written claim.—No compensation under this chapter shall be allowed to any person, except as provided in section 788 of this title, unless he or some one on his behalf shall, within the time specified in section 770 of this title, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate. (Sept. 7, 1916, c. 458, § 18, 39 Stat. 746.)

769. Same; form and requisites; waiver.—Every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section. (Sept. 7, 1916, c. 458, § 19, 39 Stat. 746.)

770. Time for making claims.—All original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. (Sept. 7, 1916, c. 458, § 20, 39 Stat. 747; June 13, 1922, c. 219, 42 Stat. 650.)

771. Physical examinations; refusal to submit to.—After the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this chapter shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him. (Sept. 7, 1916, c. 458, § 21, 39 Stat. 747.)

772. Same; disagreement between physicians.—In case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination. (Sept. 7, 1916, c. 458, § 22, 39 Stat. 747.)

773. Same; physicians' fees.—Fees for examinations made on the part of the United States under sections 771 and 772 of this title by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 771, shall be paid out of the appropriation for the work of the commission. (Sept. 7, 1916, c. 458, § 23, 39 Stat. 747.)

774. Report to commission as to injury.—Immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require. (Sept. 7, 1916, c. 458, § 24, 39 Stat. 747.)

775. Assignment of claim for compensation.—Any assignment of a claim for compensation under this chapter shall be void and all compensation and claims therefor shall be exempt from all claims of creditors. (Sept. 7, 1916, c. 458, § 25, 39 Stat. 747.)

776. Subrogation of United States to employee's right of action; assignment by employee; disposition of moneys collected from person liable.—If an injury or death for which compensation is payable under this chapter is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this chapter.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expense of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury. (Sept. 7, 1916, c. 458, § 26, 39 Stat. 747.)

777. Adjustment in case of receipt by employee of money or property in satisfaction of liability of third person.—If an injury or death for which compensation is payable under this chapter is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury. (Sept. 7, 1916, c. 458, § 27, 39 Stat. 747.)

778. United States Employees' Compensation Commission.—The United States Employees' Compensation Commission shall be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this chapter. (Sept. 7, 1916, c. 458, § 28, 39 Stat. 748.)

779. Same; other official bodies discontinued; reports from other departments to; transfer of clerks and employees.—Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this chapter, all commissions and independent bureaus, by or in which payments for compensation were provided, on September 7, 1916, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section 774 of this title, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees on September 7, 1916, exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, are transferred to, and become employees of, the commission at their present grades and salaries. (Sept. 7, 1916, c. 458, § 28a, 39 Stat. 748.)

780. Same; subpœnas for witnesses.—The commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission. (Sept. 7, 1916, c. 458, § 29, 39 Stat. 748.)

781. Same; assistants, clerks, and other employees; civil service.—Assistants, clerks, and other employees of the commission shall be appointed from lists of eligibles to be supplied by the Civil Service Commission, and in accordance with the civil service law. (Sept. 7, 1916, c. 458, § 30, 39 Stat. 748.)

782. Same; estimates of appropriations.—The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission. (Sept. 7, 1916, c. 458, § 31, 39 Stat. 749.)

783. Same; rules and regulations.—The commission is authorized to make necessary rules and regulations for the enforcement of this chapter, and shall decide all questions arising under this chapter. (Sept. 7, 1916, c. 458, § 32, 39 Stat. 749.)

784. Same; reports.—The commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation. (Sept. 7, 1916, c. 458, § 33, 39 Stat. 749.)

785. Employees' compensation fund.—There is authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is authorized to be permanently appropriated for the payment of the compensation provided by this chapter, including the medical, surgical, and hospital services and supplies provided by section 759 of this title, and the transportation and burial expenses provided by sections 759 and 761 of this title. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund. (Sept. 7, 1916, c. 458, § 35, 39 Stat. 749.)

786. Findings and award by commission; payment of compensation.—The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this chapter. Compensation when awarded shall be paid from the employees' compensation fund. (Sept. 7, 1916, c. 458, § 36, 39 Stat. 749.)

787. Same; review.—If the original claim for compensation has been made within the time specified in section 770 of this title, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. In the absence of fraud or mistake in mathematical calculation, the finding of facts in, and the decision of the commission upon, the merits of any claim presented under or authorized by this chapter if supported by competent evidence shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States. Any award made by the Compensation Commission for disability or death resulting from a personal injury sustained prior to June 5, 1924, shall be valid, if such award would be valid if made in respect to an injury sustained thereafter. (Sept. 7, 1916, c. 458, § 37, 39 Stat. 749; June 5, 1924, c. 261, § 1, 43 Stat. 389.)

788. Same; cancellation; recovery of compensation paid.—If any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund. (Sept. 7, 1916, c. 458, § 38, 39 Stat. 749.)

789. Penalty for perjury.—Whoever makes, in any affidavit required under section 754 of this title or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. (Sept. 7, 1916, c. 458, § 39, 39 Stat. 749.)

790. Terms defined.—Wherever used in this chapter—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section 778 of this title.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

The term "injury" includes, in addition to injury by accident, any disease proximately caused by the employment.

The term "compensation" includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: *Provided, however,* That this shall not in any way reduce the amount of the monthly compensation payable in case of disability or death. (Sept. 7, 1916, c. 458, § 40, 39 Stat. 750; June 5, 1924, c. 261, § 2, 43 Stat. 389.)

791. Injuries which occurred prior to September 7, 1916; injuries for which Panama Railroad Company liable.—For injuries which occurred prior to September 7, 1916, compensation shall be paid under the law then in force. If an injury or death for which compensation is payable under this chapter is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company. (Sept. 7, 1916, c. 458, § 41, 39 Stat. 750.)

792. Transfer of administration of chapter as concerning employees of Alaska Railroad.—The President may, from time to time, transfer the administration of this chapter, so far as employees of the Alaska Railroad are concerned, to the officer designated by him as the successor of the chairman of the Alaskan Engineering Commission, including the powers and duties of the chairman of said commission, provided in section 793 of this title; in which case the payments authorized in said section to be made out of appropriations for the Alaskan Engineering Commission shall be made out of appropriations for the Alaska Railroad, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund. (Mar. 4, 1925, c. 561, § 5, 43 Stat. 1356.)

793. Transfer of administration of chapter to other bodies; regulations as to payment; employees of Panama Canal and of Alaskan Engineering Commission.—The President may, from time to time, transfer the administration of this chapter so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this chapter shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections 771 and 772 of this title, and the reasonable traveling and other expenses and loss of wages payable to employees under section 771, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of the appropriation for the work of the commission.

In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section 768. In the case of alien employees of the Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section 756 of this title on the monthly compensation for disability and the minimum limit established by clause (K) of section 760 of this title on the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the chairman of the Alaskan Engineering Commission to pay the compensation provided by this chapter, including the medical, surgical, and hospital services and supplies provided by section 759 of this title and the transportation and burial expenses provided by sections 759 and 761 of this title, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund. (Sept. 7, 1916, c. 458, § 42, 39 Stat. 750.)

794. Chapter applicable to employees of District of Columbia.—All of the provisions of this chapter are extended to employees of the government of the District of Columbia so far as they may be applicable, except to those members of the police and fire departments of the District of Columbia who are pensioned or pensionable under the provisions of the District of Columbia Appropriation Act approved September 1, 1916. Such compensation as the commission may award to employees of the government of the District of Columbia shall be paid in the manner provided by law for the payment of the general expenses of the government of the District of Columbia. The Commissioners of the District of Columbia shall submit annually to Congress, through the Secretary of the Treasury, estimates of appropriations necessary for the foregoing purposes. (July 11, 1919, c. 7, § 11, 41 Stat. 104.)

795. Compensation paid to employees of United States Shipping Board Emergency Fleet Corporation.—The compensation paid by the United States Shipping Board Emergency Fleet Corporation to or on account of employees for disability or death resulting from personal injuries sustained while in the performance of their duties shall be in full satisfaction of the claims of such employees or their legal representatives against the United States. (Dec. 24, 1919, c. 17, 41 Stat. 377.)

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TITLE 6.—OFFICIAL AND PENAL BONDS

Sec.
1. Custody.
2. Examination as to sufficiency of sureties.
3. Renewal; continuance of liability.
4. Notice of delinquency of principal.
5. Limitation of actions against sureties.
6. Surety companies as sureties.
7. Same; appointment of agents; service of process.
8. Same; deposit of copy of charter.
9. Same; quarterly statements.
10. Same; jurisdiction of suits on bonds.
11. Same; nonpayment of judgment.
12. Same; estoppel to deny corporate powers.
13. Same; failure to comply with sections 6 to 13.
14. Rate of premium on bond; premiums not to be paid by United States.
15. Bonds or notes of United States in lieu of recognizance, stipulation, bond, guaranty, or undertaking; place of deposit; return to depositor; contractors' bonds.

Section 1. Custody.—All bonds of the Treasurer of the United States, collectors of internal revenue, collectors, comptrollers of customs, surveyors, and other officers of the customs, either as such officers or as disbursing officers of the Treasury, bonds of the Secretary of the Senate, Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, shall be placed in the custody of the Secretary of the Treasury and filed as he may direct; and the duties required by law on March 2, 1895 of the Comptroller of the Treasury in regard to such bonds, as the successor of the Commissioner of Customs and First Comptroller of the Treasury, shall be performed by the Secretary of the Treasury. (Mar. 2, 1895, c. 177, § 5, 28 Stat. 807; Sept. 21, 1922, c. 356, Title IV, § 523, 42 Stat. 974.)

2. Examination as to sufficiency of sureties.—Every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary. (Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

3. Renewal; continuance of liability.—Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1 to 3 of this title, or of that part of section 27 of title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in said sections shall be construed to repeal or modify section 38 of Title 39. (Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

4. Notice of delinquency of principal.—Whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, District of Columbia, addressed to said sureties respectively and directed to the respective post offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond. (Aug. 8, 1888, c. 787, § 1, 25 Stat. 387.)

5. Limitation of actions against sureties.—If, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness. (Aug. 8, 1888, c. 787, § 2, 25 Stat. 387.)

6. Surety companies as sureties.—Whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States, or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings. Such recognizance, stipulation, bond, or undertaking shall be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same. No officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company. (Aug. 13, 1894, c. 282, § 1, 28 Stat. 279.)

7. Same; appointment of agents; service of process.—No such company shall do business under the provisions of sections 6 to 13 of this title beyond the limits of the State or Territory under whose laws it was incorporated and in which its principal office is located, nor beyond the limits of the District of Columbia, when such company was incorporated under its laws or the laws of the United States and its principal office is located in said District, until it shall by a written power of attorney appoint some person residing within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, who shall be a citizen of the State, Territory, or District of Columbia, wherein such court is held, as its agent, upon whom may be served all lawful process against such company, and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the clerk of the district court of the United States for such district at each place where a term of such court is or may be held, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under sections 6 to 13. If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company

to appoint another agent in his place as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to the company, and state such fact in his return. A judgment, decree, or order of a court entered or made after service of process as aforesaid shall be as valid and binding on such company as if served with process in said district. (Aug. 13, 1894, c. 282, § 2, 28 Stat. 279.)

8. Same; deposit of copy of charter.—Every company, before transacting any business under sections 6 to 13 of this title, shall deposit with the Secretary of the Treasury of the United States a copy of its charter or articles of incorporation, and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities. If the said Secretary of the Treasury shall be satisfied that such company has authority under its charter to do the business provided for in sections 6 to 13, and that it has a paid-up capital of not less than $250,000, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under sections 6 to 13. (Aug. 13, 1894, c. 282, § 3, 28 Stat. 279; Mar. 23, 1910, c. 109, 36 Stat. 241.)

9. Same; quarterly statements.—Every such company shall, in the months of January, April, July, and October of each year, file with the said Secretary of the Treasury a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section 8. The said Secretary of the Treasury shall have the power, and it shall be his duty, to revoke the authority of any such company to transact any new business under sections 6 to 13 of this title whenever in his judgment such company is not solvent or is conducting its business in violation of sections 6 to 13. He may institute inquiry at any time into the solvency of said company and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security. (Aug. 13, 1894, c. 282, § 4, 28 Stat. 279; Mar. 23, 1910, c. 109, 36 Stat. 241.)

10. Same; jurisdiction of suits on bonds.—Any surety company doing business under the provisions of sections 6 to 13 of this title may be sued in respect thereof in any court of the United States which has or may have jurisdiction of actions or suits upon such recognizance, stipulation, bond, or undertaking, in the district in which such recognizance, stipulation, bond, or undertaking was made or guaranteed, or in the district in which the principal office of such company is located. For the purposes of sections 6 to 13 such recognizance, stipulation, bond, or undertaking shall be treated as made or guaranteed in the district in which the office is located, to which it is returnable, or in which it is filed, or in the district in which the principal in such recognizance, stipulation, bond, or undertaking resided when it was made or guaranteed. (Aug. 13, 1894, c. 282, § 5, 28 Stat. 280.)

11. Same; nonpayment of judgment.—If any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond, or undertaking made or guaranteed by it under the provisions of sections 6 to 13 of this title, from which no appeal, writ of error, or supersedeas has been taken for thirty days after the rendition of such judgment or decree, it shall forfeit all right to do business under sections 6 to 13. (Aug. 13, 1894, c. 282, § 6, 28 Stat. 280.)

12. Same; estoppel to deny corporate powers.—Any company which shall execute or guarantee any recognizance, stipulation, bond, or undertaking under the provisions of sections 6 to 13 of this title shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute or guarantee such instrument or assume such liability. (Aug. 13, 1894, c. 282, § 7, 28 Stat. 280.)

13. Same; failure to comply with sections 6 to 13.—Any company doing business under the provisions of sections 6 to 13 of this title which shall fail to comply with any of its provisions shall forfeit to the United States for every such failure not less than $500 nor more than $5,000, to be recovered by suit in the name of the United States in the same courts in which suit may be brought against such company under the provisions of sections 6 to 13, and such failure shall not affect the validity of any contract entered into by such company. (Aug. 13, 1894, c. 282, § 8, 28 Stat. 280.)

14. Rate of premium on bond; premiums not to be paid by United States.—Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than 35 per centum in excess of the rate of premium charged for a like bond during the calendar year 1908. The United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States. (Aug. 5, 1909, c. 7, 36 Stat. 125.)

15. Bonds or notes of United States in lieu of recognizance, stipulation, bond, guaranty, or undertaking; place of deposit; return to depositor; contractors' bonds.—Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond," with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder, and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal reserve bank, or other depositary duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor. In case a person or persons supplying a contractor with labor or material as provided by section 270 of Title 40 shall file with the obligee, at any time after a default in the performance of any contract subject to said section 270, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said section 270 for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof. Nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said section 270 or by this section to the United States for default upon any obligation of said penal

bond. All laws inconsistent with this section are hereby so modified as to conform to the provisions hereof. Nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect. The term "person" in this section means an individual, a trust or estate, a partnership, or a corporation; the term "Secretary" means the Secretary of the Treasury. (Feb. 24, 1919, c. 18, § 1320, 40 Stat. 1148; Nov. 23, 1921, c. 136, § 1329, 42 Stat. 318; June 2, 1924, 4.01 p. m., c. 234, §§ 2, 1029, 43 Stat. 253, 349.)

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS

See Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

ADMIRALTY SUITS AGAINST UNITED STATES

See Title 46, SHIPPING.

ADULTERATION

See Title 7, AGRICULTURE; Title 21, FOOD AND DRUGS.

AGRICULTURAL CREDIT CORPORATIONS

See Title 12, BANKS AND BANKING.

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Chapter 1.—GRAIN FUTURES ACT.

Sec.
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6. Prohibition against dealings in grain futures; general exceptions.
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13. Violations generally; false reports; punishment.
14. Violations previous to November 1, 1922, not punishable.
15. Provisions of Interstate Commerce Act made applicable.
16. Cooperation by Secretary with other agencies, Government, State, etc.; appointment, removal and compensation of officers and agents; expenses; appropriation.
17. Effect of partial invalidity of chapter.

Section 1. Short title of chapter.—This chapter shall be known by the short title of "The Grain Futures Act." (Sept. 21, 1922, c. 369, § 1, 42 Stat. 998.)

2. Definitions; "contract of sale"; "person"; "grain"; "future delivery"; "board of trade"; "interstate commerce."—For the purposes of this chapter "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. The word "grain" shall be construed to mean wheat, corn, oats, barley, rye, flax, and sorghum. The term "future delivery," as used herein, shall not include any sale of cash grain for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia. (Sept. 21, 1922, c. 369, § 2, 42 Stat. 998.)

3. When transaction deemed in interstate commerce; "State" defined.—For the purposes of this chapter (but not in any wise limiting the definition of interstate commerce in the preceding section) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the grain trade whereby grain and grain products and by-products thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this chapter. For the purpose of this section the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Sept. 21, 1922, c. 369, § 2, 42 Stat. 998.)

4. Liability of principal for act of agent.—The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. (Sept. 21, 1922, c. 369, § 2, 42 Stat. 998.)

5. Resolution declaring dangerous tendency of dealings in grain futures.—Transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of grain on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein. (Sept. 21, 1922, c. 369, § 3, 42 Stat. 999.)

6. Prohibition against dealings in grain futures; general exceptions.—It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication

any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or

(b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided in this chapter, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: *Provided*, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice. (Sept. 21, 1922, c. 369, § 4, 42 Stat. 999.)

7. Designation of board of trade as "contract market"; conditions and requirements.—The Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements:

(a) When located at a terminal market where cash grain of the kind specified in the contracts of sale of grain for future delivery to be executed on such board is sold in sufficient volumes and under such conditions as fairly to reflect the general value of the grain and the differences in value between the various grades of such grain, and where there is available to such board of trade official inspection service approved by the Secretary of Agriculture for the purpose.

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any grain by the dealers or operators upon such board.

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of section 9 of this chapter. (Sept. 21, 1922, c. 369, § 5, 42 Stat. 1000.)

8. Application for designation as "contract market"; suspension or revocation of designation; composition of commission; review by circuit court of appeals.—Any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 7 of this chapter. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: *Provided*, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be ex-

pedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided further*, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested. (Sept. 21, 1922, c. 369, § 6, 42 Stat. 1001.)

9. Exclusion of persons from privilege of "contract markets"; procedure for exclusion; review by circuit court of appeals.—If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this chapter, or is attempting to manipulate the market price of any grain in violation of the provisions of section 7 of this chapter, or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, District of Columbia, or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. (Sept. 21, 1922, c. 369, § 6, 42 Stat. 1001.)

10. Review by Supreme Court on certiorari.—In proceedings under sections 8 and 9 of this chapter the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 347 of Title 28, Judicial Code and Judiciary. (Sept. 21, 1922, c. 369, § 6, 42 Stat. 1001.)

11. Vacation on request of designation as "contract market"; redesignation.—Any board of trade that has been designated a contract market in the manner provided in this chapter may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least ninety days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such board of trade as a contract market, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became effective the said board of trade can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner in this chapter provided for an original application. (Sept. 21, 1922, c. 369, § 7, 42 Stat. 1002.)

12. Investigations and reports by Secretary, generally.—For the efficient execution of the provisions of this chapter, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade, whether prior or subsequent to the enactment of this chapter, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any board of trade or of the transactions of any person found guilty of violating the provisions of this chapter under the proceedings prescribed in section 9 of this chapter: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of grain and grain products and by-products, including supply and demand for these commodities, cost to the consumer, and handling and transportation charges. He shall likewise compile and furnish to producers, consumers, and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the grain markets, together with information on supply, demand, prices and other conditions in this and other countries that affect the markets. (Sept. 21, 1922, c. 369, § 8, 42 Stat. 1003.)

13. Violations generally; false reports; punishment.—Any person who shall violate the provisions of section 6 of this chapter, or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution. (Sept. 21, 1922, c. 369, § 9, 42 Stat. 1003.)

14. Violations previous to November 1, 1922, not punishable.—No fine or imprisonment shall be imposed for any violation of this chapter occurring before the 1st day of November, 1922. (Sept. 21, 1922, c. 369, § 11, 42 Stat. 1003.)

15. Provisions of Interstate Commerce Act made applicable.—For the purpose of securing effective enforcement of the provisions of this chapter, the provisions, including penalties, of section 12 of Title 49, Transportation, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this chapter, and to persons subject to its provisions. (Sept. 21, 1922, c. 369, § 6, 42 Stat. 1101.)

16. Cooperation by Secretary with other agencies, Government, State, etc.; appointment, removal, and compensation of officers and agents; expenses; appropriation.—The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this chapter in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes. (Sept. 21, 1922, c. 369, § 12, 42 Stat. 1003.)

17. Effect of partial invalidity of chapter.—*If any provision* of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Sept. 21, 1922, c. 369, § 10, 42 Stat. 1003.)

Chapter 2.—COTTON STANDARDS ACT.

Sec.
51. Short title of chapter.
52. Use of nonofficial standards prohibited; sales by sample excepted.
53. Licensing classifiers; revocation and suspension of license.
54. Classification by Department of Agriculture; certification thereof; effect of certificate; regulations for classification.
55. Charges for licenses and classifications; disposition of moneys.
56. Establishment of cotton standards; furnishing copies of established standards sold.
57. Disposition of proceeds of sale of cotton and of copies of standards.
58. General inspection and sampling of cotton.
59. Offenses in relation to cotton standards.
60. Penalties for violations.
61. General regulations, investigations, tests, etc., by Secretary.
62. Definitions; "person"; "commerce"; "cotton."
63. Liability of principal for act of agent.
64. Appropriation for expenses; appointed by Secretary of officers and agents; compensation.
65. Effect of partial invalidity.

Section 51. Short title of chapter.—This chapter shall be known by the short title of "United States Cotton Standards Act." (Mar. 4, 1923, c. 288, § 1, 42 Stat. 1517.)

52. Use of nonofficial standards prohibited; sales by sample excepted.—It shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after August 1, 1923, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after August 1, 1923, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after August 1, 1923, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this chapter by a name, description, or designation, or any system of names, description, or designation not used in said standards: *Provided*, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards. (Mar. 4, 1923, c. 288, § 2, 42 Stat. 1517.)

53. Licensing classifiers; revocation and suspension of license.—The Secretary of Agriculture may, upon presentation of satisfactory evidence of competency, issue to any person a license to grade or otherwise classify cotton and to certificate the grade or other class thereof in accordance with the official cotton standards of the United States. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after reasonable opportunity afforded to the licensee for a hearing, that such licensee is incompetent or has knowingly or carelessly classified cotton improperly, or has violated any provision of this chapter or the regulations thereunder so far as the same may relate to him, or has used his license or allowed it to be used for any improper purpose. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without a hearing. (Mar. 4, 1923, c. 288, § 3, 42 Stat. 1517.)

54. Classification by Department of Agriculture; certification thereof; effect of certificate; regulations for classification.—Any person who has custody of or a financial interest in any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture, as may be designated for the purpose pursuant to the regulations of the Secretary of Agriculture for a determination of the true classification of such cotton or samples, including the comparison thereof, if requested, with types or other samples submitted for the purpose. The final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as prima facie evidence of the true classification or comparison of such cotton or samples when involved in any transaction or shipment in commerce. The Secretary of Agriculture shall fix rules and regulations for submitting samples of cotton for classification providing that all samples shall be numbered so that no one interested in the transaction involved shall be known by any classifier engaged in the classification of such cotton samples. (Mar. 4, 1923, c. 288, § 4, 42 Stat. 1517.)

55. Charges for licenses and classifications; disposition of moneys.—The Secretary of Agriculture may cause to be collected such charges as he may find to be reasonable for licenses issued to classifiers of cotton under section 53 and for determinations made under section 54 of this chapter, and the amounts so collected shall be used by the Secretary of Agriculture in paying expenses of the Department of Agriculture connected therewith. (Mar. 4, 1923, c. 288, § 5, 42 Stat. 1518.)

56. Establishment of cotton standards; furnishing copies of established standards sold.—The Secretary of Agriculture is authorized to establish from time to time standards for the classification of cotton by which its quality or value may be judged or determined for commercial purposes, which shall be known as the official cotton standards of the United States. Any such standard or change or replacement thereof shall become effective only on and after a date specified in the order of the Secretary of Agriculture establishing the same, which date shall be not less than one year after the date of such order: *Provided*, That the official cotton standards established, effective August 1, 1923, under the United States Cotton Futures Act, constituting chapter 13 of Title 26, Internal Revenue, shall be at the same time the official cotton standards for the purpose of this chapter unless and until changed or replaced under this chapter. Whenever any standard or change or replacement thereof shall become effective under this chapter, it shall also, when so specified in the order of the Secretary of Agriculture, become effective for the purposes of the United States Cotton

Futures Act constituting chapter 13 of Title 26, Internal Revenue, and supersede any inconsistent standard established under said sections. Whenever the official cotton standards of the United States established under this chapter shall be represented by practical forms the Department of Agriculture shall furnish copies thereof, upon request, to any person, and the cost thereof, as determined by the Secretary of Agriculture, shall be paid by the person making the request. The Secretary of Agriculture may cause such copies to be certified under the seal of the Department of Agriculture and may attach such conditions to the purchase and use thereof, including provision for the inspection, condemnation, and exchange thereof by duly authorized representatives of the Department of Agriculture, as he may find to be necessary to the proper application of the official cotton standards of the United States. (Mar. 4, 1923, c. 288, § 6, 42 Stat. 1518.)

57. Disposition of proceeds of sale of cotton and of copies of standards.—Any moneys received from or in connection with the sale of cotton purchased for the preparation of the copies mentioned in the preceding section, and condemned as unsuitable for such use or with the sale of such copies may be expended for the purchase of other cotton for such use. (Mar. 4, 1923, c. 288, § 6, 42 Stat. 1518.)

58. General inspection and sampling of cotton.—In order to carry out the provisions of this chapter, the Secretary of Agriculture is authorized to cause the inspection, including the sampling, of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found, or of any cotton with respect to which a determination of the true classification is requested under section 54 of this chapter. (Mar. 4, 1923, c. 288, § 7, 42 Stat. 1518.)

59. Offenses in relation to cotton standards.—It shall be unlawful for any person (a) with intent to deceive or defraud, to make, receive, use, or have in his possession any simulate or counterfeit practical form or copy of any standard or part thereof established under this chapter; or (b) without the written authority of the Secretary of Agriculture, to make, alter, tamper with, or in any respect change any practical form or copy of any standard established under this chapter; or (c) to display or use any such practical form or copy after the Secretary of Agriculture shall have caused it to be condemned. (Mar. 4, 1923, c. 288, § 8, 42 Stat. 1519.)

60. Penalties for violations.—(a) Any person who shall knowingly violate any provision of sections 52 or 59 of this chapter, or (b) any person licensed under this chapter who, for the purposes of or in connection with any transaction or shipment in commerce, shall knowingly classify cotton improperly, or shall knowingly falsify or forge any certificate of classification, or shall accept money or other consideration, either directly or indirectly, for any neglect or improper performance of duty as such licensee, or (c) any person who shall knowingly influence improperly or attempt to influence improperly any person licensed under this chapter in the performance of his duties as such licensee relating to any transaction or shipment in commerce, or (d) any person who shall forcibly assault, resist, impede, or interfere with or influence improperly or attempt to influence improperly any person employed under this chapter in the performance of his duties, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not exceeding $1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. (Mar. 4, 1923, c. 288, § 9, 42 Stat. 1519.)

61. General regulations, investigations, tests, etc., by Secretary.—For the purposes of this chapter the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made, including the investigation and determination of some practical method whereby repeated and unnecessary sampling and classification of cotton may be avoided, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary. (Mar. 4, 1923, c. 288, § 10, 42 Stat. 1519.)

62. Definitions; "person"; "commerce"; "cotton."—Wherever used in this chapter, (a) the word "person" imports the plural or the singular, as the case demands, and includes an individual, a partnership, a corporation, or two or more persons having a joint or common interest; (b) the word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia; and (c) the word "cotton" means cotton of any variety produced within the continental United States, including linters. (Mar. 4, 1923, c. 288, § 11, 42 Stat. 1519.)

63. Liability of principal for act of agent.—When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, officer, or other person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of such person as well as that of such agent, officer, or other person. (Mar. 4, 1923, c. 288, § 11, 42 Stat. 1519.)

64. Appropriation for expenses; appointment by Secretary of officers and agents; compensation.—There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this chapter; and the Secretary of Agriculture is authorized, within the limits of such appropriations, to appoint, remove, and fix the compensations of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this chapter in the District of Columbia and elsewhere. (Mar. 4, 1923, c. 288, § 12, 42 Stat. 1519.)

65. Effect of partial invalidity.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and the application of such provision to other persons and circumstances shall not be affected thereby. (Mar. 4, 1923, c. 288, § 13, 42 Stat. 1520.)

Chapter 3.—GRAIN STANDARDS ACT.

Sec.
71. Short title of chapter.
72. Definitions; "person"; "interstate or foreign commerce."
73. Liability of principal for act of agent.
74. Establishment of grain standards by Secretary; promulgation.
75. Designation of official grain standards.
76. Compulsory use of official standards; exceptions; inspection and grading after shipment; appeal.
77. Misrepresentation respecting grade; reexamination by Secretary of inspected grain; hearing and publication of findings.
78. Appeal to Secretary from official grading; fees for reinspection; conclusiveness of findings on appeal.
79. License to inspect and grade; State inspectors.
80. Revocation and suspension of license.
81. Disqualification to act as inspector or departmental agent.
82. Records and reports by inspectors.
83. Semiannual reports by Secretary.
84. Adoption by Secretary of rules and regulations generally.
85. Violations generally; punishment.
86. Interference with execution of official duties; punishment.
87. Effect of partial invalidity of chapter.

Section 71. Short title of chapter.—This chapter shall be known by the short title of the "United States Grain Standards Act." (Aug. 11, 1916, c. 313, § 1, 39 Stat. 482.)

72. Definitions; "person"; "interstate or foreign commerce."—The word "person," wherever used in this chapter, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the words "in interstate or foreign commerce," wherever used in this chapter, mean, "from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District." (Aug. 11, 1916, c. 313, § 1, 39 Stat. 482.)

73. Liability of principal for act of agent.—When construing and enforcing the provisions of this chapter, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (Aug. 11, 1916, c. 313, § 1, 39 Stat. 482.)

74. Establishment of grain standards by Secretary; promulgation.—The Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than ninety days in advance of such date or dates, by such means as he deems proper. (Aug. 11, 1916, c. 313, § 2, 39 Stat. 482.)

75. Designation of official grain standards.—The standards fixed and established as authorized in the preceding section shall be known as the official grain standards of the United States. (Aug. 11, 1916, c. 313, § 3, 39 Stat. 483.)

76. Compulsory use of official standards; exceptions; inspection and grading after shipment; appeal.—Whenever standards shall have been fixed and established under this chapter for any grain no person thereafter shall ship or deliver for shipment in interstate or foreign commerce any such grain which is sold, offered for sale, or consigned for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this chapter and the grade by which it is sold, offered for sale, or consigned for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any person may sell, offer for sale, or consign for sale, ship or deliver for shipment in interstate or foreign commerce any such grain by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold, offered for sale, or consigned for sale by grade may be shipped or delivered for shipment in interstate or foreign commerce without inspection at point of shipment by an inspector licensed under this chapter, to or through any place at which an inspector licensed under this chapter is located, subject to be inspected by a licensed inspector at the place to which shipped or at some convenient point through which shipped for inspection, which inspection shall be under such rules and regulations as the Secretary of Agriculture shall prescribe, and subject further to the right of appeal from such inspection, as provided in section 78 of this chapter: *And provided further*, That any such grain sold, offered for sale, or consigned for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped in interstate or foreign commerce without inspection from a place at which there is no inspector licensed under this chapter to a place at which there is no such inspector, subject to the right of either party to the transaction to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this chapter, described, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States. (Aug. 11, 1916, c. 313, § 4, 39 Stat. 483.)

77. Misrepresentation respecting grade; reexamination by Secretary of inspected grain; hearing and publication of findings.—No person, except as permitted in section 76 of this chapter, shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this chapter; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this chapter, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold, offered for sale, or consigned for sale under any name, description, or designation which is false or misleading, he may publish his findings. (Aug. 11, 1916, c. 313, § 5, 39 Stat. 483.)

78. Appeal to Secretary from official grading; fees for reinspection; conclusiveness of findings on appeal.—Whenever standards shall have been fixed and established under this chapter for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, or which has been shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may, either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this chapter, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him, which fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agri-

culture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings. (Aug. 11, 1916, c. 313, § 6, 39 Stat. 484.)

79. License to inspect and grade; State inspectors.—The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce, under this chapter and the rules and regulations prescribed thereunder. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, partnership, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for shipment or delivery for shipment in interstate or foreign commerce, which has been inspected or graded by him, or by any person acting under his authority, is of one of the grades of the official grain standards of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has, or which may hereafter have a State grain inspection department established by the laws of such State, the Secretary of Agriculture shall issue licenses to the persons duly authorized and employed to inspect and grade grain under the laws of such State. (Aug. 11, 1916, c. 313, § 7, 39 Stat. 484.)

80. Revocation and suspension of license.—The Secretary of Agriculture may suspend or revoke any license issued by him under this chapter whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this chapter, or has issued any false certificate of grade, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has violated any provision of this chapter or of the rules and regulations made thereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, c. 313, § 7, 39 Stat. 484.)

81. Disqualification to act as inspector or departmental agent.—No person licensed by the Secretary of Agriculture to inspect or grade grain or employed by him in carrying out any of the provisions of this chapter shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse. (Aug. 11, 1916, c. 313, § 7, 39 Stat. 484.)

82. Records and reports by inspectors.—The Secretary of Agriculture shall require every inspector licensed under this chapter to keep complete and correct records of all grain graded and inspected by him and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. (Aug. 11, 1916, c. 313, § 7, 39 Stat. 484.)

83. Semiannual reports by Secretary.—The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year shall make publication of a summary of such facts as are ascertained, showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to any elevator or warehouse and the amount and grade of grain delivered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type. (Aug. 11, 1916, c. 313, § 7, 39 Stat. 484.)

84. Adoption by Secretary of rules and regulations generally.—The Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this chapter. (Aug. 11, 1916, c. 313, § 8, 39 Stat. 485.)

85. Violations generally; punishment.—Any person who shall knowingly violate any of the provisions of sections 76 or 79 to 83, inclusive, of this chapter, or any inspector licensed under this chapter who shall knowingly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly give any false certificate of grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, c. 313, § 9, 39 Stat. 485.)

86. Interference with execution of official duties; punishment.—Every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this chapter or the rules and regulations made thereunder shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, c. 313, § 10, 39 Stat. 485.)

87. Effect of partial invalidity of chapter.—If any clause, sentence, paragraph, or part of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, c. 313, § 11, 39 Stat. 485.)

Chapter 4.—NAVAL STORES ACT.

Sec.
91. Short title of chapter.
92. Definitions.
93. Establishment of "official naval stores standards."
94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.
95. Prohibition of acts deemed injurious to commerce in naval stores.
96. Punishment for violation of prohibition.
97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.
98. Appropriation for and expenses in enforcement of chapter.
99. Effect of partial invalidity of chapter.

Section 91. Short title of chapter.—For convenience of reference, this chapter may be designated and cited as "The Naval Stores Act." (Mar. 3, 1923, c. 217, § 1, 42 Stat. 1435.)

92. Definitions.—When used in this chapter—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia. (Mar. 3, 1923, c. 217, § 2, 42 Stat. 1435.)

93. Establishment of official naval stores standards.—For the purposes of this chapter the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 92 hereof and the rosin types, prepared, prior to March 3, 1923, and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this chapter or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards," and shall be the standards by which all naval stores in commerce shall be graded and described. (Mar. 3, 1923, c. 217, § 3, 42 Stat. 1435.)

94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.—The Secretary of Agriculture shall provide, if practicable, any interested persons with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court. (Mar. 3, 1923, c. 217, § 4, 42 Stat. 1436.)

95. Prohibition of acts deemed injurious to commerce in naval stores.—The following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter, or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such. (Mar. 3, 1923, c. 217, § 5, 42 Stat. 1436.)

96. Punishment for violation of prohibition.—Any person willfully violating any provision of section 95 of this chapter shall, on conviction, be punished for each offense by a fine not exceeding $5,000 or by imprisonment for not exceeding one year or both. (Mar. 3, 1923, c. 217, § 6, 42 Stat. 1436.)

97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.—The Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this chapter. He shall report to the Department of Justice for appropriate action any violation of this chapter coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this chapter. (Mar. 3, 1923, c. 217, § 7, 42 Stat. 1436.)

98. Appropriation for and expenses in enforcement of chapter.—There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this chapter, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere. (Mar. 3, 1923, c. 217, § 8, 42 Stat. 1436.)

99. Effect of partial invalidity of chapter.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Mar. 3, 1923, c. 217, § 9, 42 Stat. 1437.)

Chapter 5.—IMPORTATION OF ADULTERATED SEEDS ACT.

Sec.
111. General prohibition against importation; exceptions.
112. When seed deemed adulterated.
113. When seed deemed unfit for seeding.
114. Violations of chapter; punishment; sale of seeds imported for manufacture.

Section 111. General prohibition against importation; exceptions.—The importation into the United States of seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy, vetch, rye grass, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this chapter, is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: *Provided, however,* That such seed may be delivered to the owner or consignee thereof under bond, to be recleaned in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this chapter for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: *Provided further,* That this chapter shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, oats, rye, or wheat not intended for seeding purposes, when shipped in bond through the United States or imported for the purpose of manufacture. (Aug. 24, 1912, c. 382, § 1, 37 Stat. 506; Aug. 11, 1916, c. 313, 39 Stat. 453.)

112. When seed deemed adulterated.—Seed shall be considered adulterated within the meaning of this chapter—

First. When seed of red clover contains more than 3 per centum by weight of seed of yellow trefoil or any other seed of similar appearance to and of lower market value than seed of red clover.

Second. When seed of alfalfa contains more than 3 per centum by weight of seed of yellow trefoil, burr clover, and sweet clover, singly or combined.

Third. When any kind or variety of the seeds, or any mixture described in section 111 of this chapter, contains more than 5 per centum by weight of seed of another kind or variety of lower market value and of similar appearance: *Provided,* That the mixture of the seed of white and alsike clover, red and alsike clover, or alsike clover and timothy, shall not be deemed an adulteration under this section. (Aug. 24, 1912, c. 382, § 2, 37 Stat. 507.)

113. When seed deemed unfit for seeding.—Seed shall be considered unfit for seeding purposes within the meaning of this chapter—

First. When any kind or variety of clover or alfalfa seed contains more than one seed of dodder to 5 grams of clover or alfalfa seed, respectively.

Second. When any kind or variety of the seeds or any mixture described in section 111 of this chapter contains more than 3 per centum by weight of seeds of weeds.

Third. When any kind or variety or mixture of the seeds described in section 111 of this chapter contains less than 65 per centum of live pure seed as distinguished from dead seed, chaff, dirt, other seeds, or foreign matter: *Provided, however,* That seed of Kentucky blue grass and seed of Canada blue grass shall not be considered unfit for seeding purposes when they contain 50 per centum or more of live pure seed. (Aug. 24, 1912, c. 382, § 3, 37 Stat. 507; Aug. 11, 1916, c. 313, 39 Stat. 453.)

114. Violations of chapter; punishment; sale of seed imported for manufacture.—Any person or persons who shall knowingly violate the provisions of this chapter shall be deemed guilty of a misdemeanor and shall pay a fine of not exceeding $500 and not less than $200: *Provided,* That any person or persons who shall knowingly sell for seeding purposes seeds or grain which were imported under the provisions of this chapter for the purpose of manufacture shall be deemed guilty of a violation of this chapter. (Aug. 24, 1912, c. 382, § 4, 37 Stat. 507.)

Chapter 6.—INSECTICIDES ACT.

Sec.
121. Short title of chapter.
122. Definitions generally; "insecticide"; "Paris green"; "lead arsenate"; "fungicide."
123. "Territory"; "person"; defined.
124. Liability of principal for act of agent.
125. Manufacture of adulterated or misbranded articles prohibited; punishment.
126. Transportation or sale of adulterated or misbranded articles prohibited; punishment; exception; articles for export.
127. General rules and regulations; collection and examination of specimens.
128. Examinations of specimens; notice to interested party and hearing; certification to district attorney; publication.
129. District attorney to prosecute violations.
130. When articles deemed adulterated.
131. When articles deemed "misbranded"; labels.
132. Guaranty of wholesaler, etc., as protection to retailer; liability of guarantor.
133. Seizure and condemnation of adulterated or misbranded articles; disposition of articles or proceeds; procedure; jury trial.
134. Importation of articles; examination of samples; exclusion if adulterated, etc.; destruction or exportation; provisional delivery to consignee; bond; charges and lien.

Section 121. Short title of chapter.—This chapter shall be known and referred to as "The Insecticide Act". (Apr. 26, 1910, c. 191, § 13, 36 Stat. 335.)

122. Definitions generally; "insecticide"; "Paris green"; "lead arsenate"; "fungicide."—The term "insecticide" as used in this chapter shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris green" as used in this chapter shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this chapter shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" as used in this chapter shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever. (Apr. 26, 1910, c. 191, § 6, 36 Stat. 332.)

123. "Territory"; "person"; defined.—The term "Territory," as used in this chapter, shall include the District of Alaska and the insular possessions of the United States. The word "person," as used in this chapter, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. (Apr. 26, 1910, c. 191, § 12, 36 Stat. 335.)

124. Liability of principal for act of agent.—When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting

for or employed by any corportation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person. (Apr. 26, 1910, c. 191, § 12, 36 Stat. 335.)

125. Manufacture of adulterated or misbranded articles prohibited; punishment.—It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any insecticide, Paris green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this chapter; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed $200 for the first offense, and upon conviction for each subsequent offense be fined not to exceed $300, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. (Apr. 26, 1910, c. 191, § 1, 36 Stat. 331.)

126. Transportation or sale of adulterated or misbranded articles prohibited; punishment; exception; articles for export.—The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any insecticide, or Paris green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this chapter is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this chapter, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded insecticide, or Paris green, or lead arsenate, or fungicide, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and upon conviction for each subsequent offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this chapter when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said articles shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this chapter. (Apr. 26, 1910, c. 191, § 2, 36 Stat. 331.)

127. General rules and regulations; collection and examination of specimens.—The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations for carrying out the provisions of this chapter, including the collection and examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides manufactured or offered for sale in the District of Columbia or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country or intended for shipment to any foreign country, or which may be submitted for examination by the director of the experiment station of any State, Territory, or the District of Columbia (acting under the direction of the Secretary of Agriculture), or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. (Apr. 26, 1910, c. 191, § 3, 36 Stat. 331.)

128. Examinations of specimens; notice to interested party and hearing; certification to district attorney; publication.—The examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides shall be made in the Department of Agriculture, by such bureau or bureaus as may be directed by the Secretary, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this chapter; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this chapter, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this chapter have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. (Apr. 26, 1910, c. 191, § 4, 36 Stat. 332.)

129. District attorney to prosecute violations.—It shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this chapter, or to whom any director of experiment station or agent of any State, Territory, or the District of Columbia, under authority of the Secretary of Agriculture, shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as provided in this chapter. (Apr. 26, 1910, c. 191, § 5, 36 Stat. 332.)

130. When articles deemed adulterated.—For the purpose of this chapter an article shall be deemed to be adulterated—

Paris green.—In the case of Paris green: First, if it does not contain at least 50 per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than 3½ per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Lead arsenate.—In the case of lead arsenate: First, if it contains more than 50 per centum of water; second, if it contains total arsenic equivalent to less than 12½ per centum of arsenic oxid (As_2O_5); third, if it contains arsenic in water-soluble forms equivalent to more than 0.75 per centum of arsenic oxid (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: *Provided, however*, That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

Other insecticides or fungicides.—In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any

valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling or mitigating insects, shall be injurious to such vegetation when used. (Apr. 26, 1910, c. 191, § 7, 36 Stat. 332.)

131. When articles deemed "misbranded"; labels.—The term "misbranded" as used in this chapter shall apply to all insecticides, Paris greens, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides which are falsely branded as to the State, Territory, or country in which they are manufactured or produced.

For the purpose of this chapter an article shall be deemed to be misbranded—

Insecticides, Paris greens, lead arsenates, and fungicides; imitation of other article, or misleading label or brand.—In the case of insecticides, Paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Insecticides (other than Paris greens and lead arsenates) and fungicides; statements on labels.—In the case of insecticides (other than Paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: *Provided, however,* That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present. (Apr. 26, 1910, c. 191, § 8, 36 Stat. 333.)

132. Guaranty of wholesaler, etc., as protection to retailer; liability of guarantor.—No dealer shall be prosecuted under the provisions of this chapter when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this chapter, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this chapter. (Apr. 26, 1910, c. 191, § 9, 36 Stat. 334.)

133. Seizure and condemnation of adulterated or misbranded articles; disposition of articles or proceeds; procedure; jury trial.—Any insecticide, Paris green, lead arsenate, or fungicide that is adulterated or misbranded within the meaning of this chapter and is being transported from one State, Territory, or District, to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or if it be imported from a foreign country for sale, shall be liable to be proceeded against in any district court of the United States within the district wherein the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, within the meaning of this chapter, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this chapter or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this chapter or the laws of any State, Territory, or District, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. (Apr. 26, 1910, c. 191, § 10, 36 Stat. 334.)

134. Importation of articles; examination of samples; exclusion if adulterated, etc.; destruction or exportation; provisional delivery to consignee; bond; charges and lien.—The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time, samples of insecticides, Paris greens, lead arsenates, and fungicides which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any insecticide, or Paris green, or lead arsenate, or fungicide offered to be imported into the United States is adulterated or misbranded within the meaning of this chapter, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further,* That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (Apr. 26, 1910, c. 191, § 11, 36 Stat. 334.)

Chapter 7.—INSECT PESTS GENERALLY.

Sec.
141. Transportation or removal of insect pests prohibited.
142. Mailing parcels, etc., containing insect pests; punishment.
143. Regulations for mailing, transportation, etc., for scientific purposes.
144. Punishment for unlawful transportation or removal.
145. Mexican pink bollworm; establishment of zones free from cotton culture; cooperation with Mexican officials.

Section 141. Transportation or removal of insect pests prohibited.—No railroad, steamboat, express, stage, or other transportation company shall knowingly transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid. (Mar. 3, 1905, c. 1501, § 1, 33 Stat. 1269.)

142. Mailing parcels, etc., containing insect pests; punishment.—Any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ, or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of aiding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than $5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court: *Provided*, That nothing in this chapter shall authorize any person to open any letter or sealed matter of the first class not addressed to himself. (Mar. 3, 1905, c. 1501, § 2, 33 Stat. 1270.)

143. Regulations for mailing, transportation, etc., for scientific purposes.—It shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections 141 and 142 of this chapter may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections 141 and 142 of this chapter may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster General, and nothing in this chapter shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this chapter, prohibiting or regulating the admission into that State of insects from a foreign country. (Mar. 3, 1905, c. 1501, § 3, 33 Stat. 1270.)

144. Punishment for unlawful transportation or removal.—Any person, company, or corporation who shall knowingly violate the provisions of section 141 of this chapter shall, for each offense, be fined, upon conviction thereof, not more than $5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court. (Mar. 3, 1905, c. 1501, § 4, 33 Stat. 1270.)

145. Mexican pink bollworm; establishment of zones free from cotton culture; cooperation with Mexican officials.—On account of the menace to cotton culture in the United States arising from the existence of the pink bollworm in Mexico, the Secretary of Agriculture, in order to prevent the establishment and spread of such worm in Texas and other parts of the United States, is authorized to make surveys to determine its actual distribution in Mexico; to establish, in cooperation with the States concerned, a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico; and to cooperate with the Mexican Government or local Mexican authorities in the extermination of local infestations near the border of the United States. (Oct. 6, 1917, c. 79, § 1, 40 Stat. 374.)

Chapter 8.—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS.

Sec.
151. "Person" defined.
152. "Nursery stock" defined.
153. Liability of principal for act of agent.
154. General restriction on importation of nursery stock; exceptions.
155. Importation for scientific purposes permitted.
156. Notification of arrival at port of entry; forwarding without notification forbidden; inspection before shipment.
157. Marking packages, etc., for entry.
158. Marking packages, etc., for interstate shipment; inspection.
159. Regulations by Secretary restricting importation of plants, etc., other than "nursery stock"; notice and hearing before adoption of regulations.
160. Regulations by Secretary restricting importation from insect-infested locality; hearing and promulgation of regulations; when quarantine effective.
161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; notice and hearings; promulgation.
162. General rules and regulations by Secretary.
163. General violations of chapter; forgery, alterations, etc., of certificates; punishment; proof of violations by common carrier.
164. Duty of United States attorneys to prosecute.
165. Federal Horticultural Board.
166. State terminal inspection; transmission of mailed packages for State inspection; nonmailable matter; punishment for violations; rules and regulations by Postmaster General.
167. Provision relating to District of Columbia regarding shipment, inspection, seizure, destruction, etc., of plants, etc.; punishment.

Section 151. "Person" defined.—The word "person" as used in this chapter shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. (Aug. 20, 1912, c. 308, § 11, 37 Stat. 319.)

152. "Nursery stock" defined.—For the purpose of this chapter the term "nursery stock" shall include all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds,

fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots. (Aug. 20, 1912, c. 308, § 6, 37 Stat. 317.)

153. **Liability of principal for act of agent.**—When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. (Aug. 20, 1912, c. 308, § 11, 37 Stat. 319.)

154. **General restriction on importation of nursery stock; exceptions.**—It shall be unlawful for any person to import or offer for entry into the United States any nursery stock unless and until a permit shall have been issued therefor by the Secretary of Agriculture, under such conditions and regulations as the said Secretary of Agriculture may prescribe, and unless such nursery stock shall be accompanied by a certificate of inspection, in manner and form as required by the Secretary of Agriculture, of the proper official of the country from which the importation is made, to the effect that the stock has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests: *Provided*, That the Secretary of Agriculture shall issue the permit for any particular importation of nursery stock when the conditions and regulations as prescribed in this chapter shall have been complied with: *Provided further*, That nursery stock may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe: *And provided further*, That nursery stock imported from countries where no official system of inspection for such stock is maintained may be admitted upon such conditions and under such regulations as the Secretary of Agriculture may prescribe. (Aug. 20, 1912, c. 308, § 1, 37 Stat. 315.)

155. **Importation for scientific purposes permitted.**—Any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 160 of this chapter may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe. (Mar. 4, 1913, c. 145, 37 Stat. 853.)

156. **Notification of arrival at port of entry; forwarding without notification forbidden; inspection before shipment.**—It shall be the duty of the Secretary of the Treasury promptly to notify the Secretary of Agriculture of the arrival of any nursery stock at port of entry. The person receiving such stock at port of entry shall, immediately upon entry and before such stock is delivered for shipment or removed from the port of entry, advise the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or the District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, of the name and address of the consignee, the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown. No person shall ship or offer for shipment from one State or Territory or District of the United States into any other State or Territory or District, any nursery stock imported into the United States without notifying the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, immediately upon the delivery of the said stock for shipment, of the name and address of the consignee, of the nature and quantity of stock it is proposed to ship, and the country and locality where the same was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. (Aug. 20, 1912, c. 308, § 2, 37 Stat. 316.)

157. **Marking packages, etc., for entry.**—No person shall import or offer for entry into the United States any nursery stock unless the case, box, package, crate, bale, or bundle thereof shall be plainly and correctly marked to show the general nature and quantity of the contents, the country and locality where the same was grown, the name and address of the shipper, owner, or person shipping or forwarding the same, and the name and address of the consignee. (Aug. 20, 1912, c. 308, § 3, 37 Stat. 316.)

158. **Marking packages, etc., for interstate shipment; inspection.**—No person shall ship or deliver for shipment from one State or Territory or District of the United States into any other State or Territory or District any such imported nursery stock the case, box, package, crate, bale, or bundle whereof is not plainly marked so as to show the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where such stock was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. (Aug. 20, 1912, c. 308, § 4, 37 Stat. 316.)

159. **Regulations by Secretary restricting importation of plants, etc., other than "nursery stock"; notice and hearing before adoption of regulations.**—Whenever the Secretary of Agriculture shall determine that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section 152 of this chapter may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests, he shall promulgate his determination, specifying the class of plants and plant products the importation of which shall be restricted and the country and locality where they are grown, and thereafter, and until such promulgation is withdrawn, such plants and plant products imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of the foregoing sections of this chapter: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section 152 of this chapter may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests he shall, after due notice, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney. (Aug. 20, 1912, c. 308, § 5, 37 Stat. 316.)

160. **Regulations by Secretary restricting importation from insect-infested locality; hearing and promulgation of regulations; when quarantine effective.**—Whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease or of any injurious insect, new to or not theretofore widely prevalent or distributed within and throughout the United States, the Secretary of Agriculture shall determine that it is necessary to forbid the importation into the United States of any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products from a country or locality where such disease or insect infestation exists, he shall promulgate such determination, specifying the country and locality and the class of nursery stock or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products which, in his opinion, should be

excluded. Following the promulgation of such determination by the Secretary of Agriculture, and until the withdrawal of the said promulgation by him, the importation of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the said promulgation from the country and locality therein named, regardless of the use for which the same is intended, is hereby prohibited; and until the withdrawal of the said promulgation by the Secretary of Agriculture, and notwithstanding that such class of nursery stock, or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products be accompanied by a certificate of inspection from the country of importation, no person shall import or offer for entry into the United States from any country or locality specified in such promulgation, any of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products named therein, regardless of the use for which the same is intended: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to forbid the importation into the United States of the articles named in this section he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That the quarantine provisions of this section, as applying to the white-pine blister rust, potato wart, and the Mediterranean fruit fly, shall become and be effective on August 20, 1912. (Aug. 20, 1912, c. 308, § 7, 37 Stat. 317.)

161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; notice and hearings; promulgation.—The Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. No person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter provided. It shall be unlawful to move, or allow to be moved, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District; and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney. (Mar. 4, 1917, c. 179, 39 Stat. 1165.)

162. General rules and regulations by Secretary.—The Secretary of Agriculture shall make and promulgate such rules and regulations as may be necessary for carrying out the purposes of this chapter. (Aug. 20, 1912, c. 308, § 9, 37 Stat. 318.)

163. General violations of chapter; forgery, alterations, etc., of certificates; punishment; proof of violations by common carrier.—Any person who shall violate any of the provisions of this chapter, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this chapter or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court: *Provided*, That no common carrier shall be deemed to have violated the provisions of any of the foregoing sections of this chapter on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants or plant products as such from one State, Territory, or District of the United States into or through any other State, Territory, or District. (Aug. 20, 1912, c. 308, § 10, 37 Stat. 318.)

164. Duty of United States attorneys to prosecute.—It shall be the duty of the United States attorneys diligently to prosecute any violations of this chapter which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means. (Aug. 20, 1912, c. 308, § 10, 37 Stat. 318.)

165. Federal Horticultural Board.—For the purpose of carrying out the provisions of this chapter there shall be appointed by the Secretary of Agriculture from bureaus and offices in the Department of Agriculture existing August 20, 1912, including the Bureau of Entomology, the Bureau of Plant Industry, and the Forest Service, a Federal Horticultural Board consisting of five members, of whom not more than two shall be appointed from any one bureau or office, and who shall serve without additional compensation. (Aug. 20, 1912, c. 308, § 12, 37 Stat. 319.)

166. State terminal inspection; transmission of mailed packages for State inspection; nonmailable matter; punishment for violations; rules and regulations by Postmaster General.—When any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to

prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plant or plant products are found upon inspection to be free from injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection the State inspector shall so notify the postmaster at the place of inspection, who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction.

It shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than $100.

The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (Mar. 4, 1915, c. 144, 38 Stat. 1113.)

167. Provision relating to District of Columbia regarding shipment, inspection, seizure, destruction, etc., of plants, etc.; punishment.—*Prohibition against shipment generally.*—In order further to control and eradicate and to prevent the dissemination of dangerous plant diseases and insect infections and infestations no plant or plant products for or capable of propagation, including nursery stock, hereinafter referred to as plants and plant products, shall be moved or allowed to be moved, shipped. transported, or carried by any means whatever into or out of the District of Columbia, except in compliance with such rules and regulations as shall be prescribed by the Secretary of Agriculture as hereinafter provided.

Eradication by owner.—Whenever the Secretary of Agriculture, after investigation, shall determine that any plants and plant products in the District of Columbia are infested or infected with insect pests and diseases and that any place, articles, and substances used or connected therewith are so infested or infected, written notice thereof shall be given by him to the owner or person in possession or control thereof, and such owner or person shall forthwith control or eradicate and prevent the dissemination of such insect pest or disease and shall remove, cut, or destroy such infested and infected plants, plant products, and articles and substances used or connected therewith, which are hereby declared to be nuisances, within the time and in the manner required in said notice or by the rules and regulations of the Secretary of Agriculture.

Eradication by Secretary of Agriculture.—Whenever such owner or person can not be found, or shall fail, neglect, or refuse to comply with the foregoing provisions of this section, the Secretary of Agriculture is hereby authorized and required to control and eradicate and prevent dissemination of such insect pest or disease and to remove, cut, or destroy infested or infected plants and plant products and articles and substances used or connected therewith, and the United States shall have an action of debt against such owner or persons for expenses incurred by the Secretary of Agriculture in that behalf.

Inspection.—Employees of the Federal Horticultural Board are hereby authorized and required to inspect places, plants, and plant products and articles and substances used or connected therewith whenever the Secretary of Agriculture shall determine that such inspections are necessary for the purposes of this section.

Entry upon premises; opening packages; destruction of plants, etc.—For the purpose of carrying out the provisions and requirements of this section and of the rules and regulations of the Secretary of Agriculture made hereunder, and the notices given pursuant thereto, employees of the Federal Horticultural Board shall have power with a warrant to enter into or upon any place and open any bundle, package, or other container of plants or plant products whenever they shall have cause to believe that infections or infestations of plant pests and diseases exist therein or thereon, and when such infections or infestations are found to exist, after notice by the Secretary of Agriculture to the owner or person in possession or control thereof and an opportunity by said owner or person to be heard, to destroy the infected or infested plants or plant products contained therein.

Search warrants.—The Police Court or the Municipal Court of the District of Columbia shall have power, upon information supported by oath or affirmation showing probable cause for believing that there exists in any place, bundle, package, or other container in the District of Columbia any plant or plant product which is infected or infested with plant pests or disease, to issue warrants for the search for and seizure of all such plants and plant products.

Rules and regulations.—It shall be the duty of the Secretary of Agriculture, and he is hereby required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section, and any person who shall move or allow to be moved, or shall ship, transport, or carry, by any means whatever, any plant or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under this section, shall be punished, as is provided in section 163 of this chapter. (May 31, 1920, c. 217, 41 Stat. 727.)

Chapter 9.—PACKERS AND STOCKYARDS.

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221. Accounts and records of business; punishment for failure to keep.
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GENERAL DEFINITIONS

Section 181. Short title of chapter.—This chapter may be cited as the "Packers and Stockyards Act." (Aug. 15, 1921, c. 64, § 1, 42 Stat. 159.)

182. "Person"; "Secretary"; "meat food products"; "livestock"; "livestock products"; "commerce"; defined.—When used in this chapter—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "meat food products" means all products and by-products of the slaughtering and meat-packing industry—if edible;

(4) The term "livestock" means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term "livestock products" means all products and by-products (other than meats and meat food products) of the slaughtering and meat-packing industry derived in whole or in part from livestock; and

(6) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia. (Aug. 15, 1921, c. 64, § 2, 42 Stat. 159.)

183. When transaction deemed in commerce; "State" defined.—For the purpose of this chapter (but not in any wise limiting the definition in the preceding section) a transaction in respect to any article shall be considered to be in commerce if such article is part of that current of commerce usual in the livestock and meat-packing industries, whereby livestock, meats, meat food products, livestock products, dairy products, poultry, poultry products, or eggs, are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughter of livestock within the State and the shipment outside the State of the products resulting from such slaughter. Articles normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this chapter. For the purpose of this section the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Aug. 15, 1921, c. 64, § 2, 42 Stat. 159.)

PACKERS GENERALLY

191. Packer defined.—When used in this chapter—

The term "packer" means any person engaged in the business (a) of buying livestock in commerce for purposes of slaughter, or (b) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or (c) of manufacturing or preparing livestock products for sale or shipment in commerce, or (d) of marketing meats, meat food products, livestock products, dairy products, poultry, poultry products, or eggs, in commerce; but no person engaged in such business of manufacturing or preparing livestock products or in such marketing business shall be considered a packer unless—

(1) Such person is also engaged in any business referred to in clause (a) or (b) above, or unless

(2) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, any interest in any business referred to in clause (a) or (b) above, or unless

(3) Any interest in such business of manufacturing or preparing livestock products, or in such marketing business is owned or controlled, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, by any person engaged in any business referred to in clause (a) or (b) above, or unless

(4) Any person or persons jointly or severally, directly or indirectly, through stock ownership or control or otherwise, by themselves or through their agents, servants, or employees, own or control in the aggregate 20 per centum or more of the voting power or control in such business of manufacturing or preparing livestock products, or in such marketing business and also 20 per centum or more of such power or control in any business referred to in clause (a) or (b) above. (Aug. 15, 1921, c. 64, § 201, 42 Stat. 160.)

192. Unlawful practices enumerated.—It shall be unlawful for any packer to:

(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in commerce; or

(b) Make or give, in commerce, any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject, in commerce, any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(c) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any article for the purpose or with the effect of apportioning the supply in commerce between any such packers, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly in commerce; or

(d) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(e) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(f) Conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce; or

(g) Conspire, combine, agree or arrange with any other person to do, or aid or abet the doing of, any act made un-

lawful by subdivision (a), (b), (c), (d), or (e). (Aug. 15, 1921, c. 64, § 202, 42 Stat. 161.)

193. General procedure before Secretary for violations; complaint; hearing; intervention; report and order; service of process.—(a) Whenever the Secretary has reason to believe that any packer has violated or is violating any provision of sections 191 to 195 inclusive of this chapter, he shall cause a complaint in writing to be served upon the packer, stating his charges in that respect, and requiring the packer to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the packer a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may on application be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the packer, be adjourned for a period not exceeding fifteen days.

(b) If, after such hearing, the Secretary finds that the packer has violated or is violating any provisions of sections 191 to 195 inclusive of this chapter covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the packer an order requiring such packer to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture.

(c) Until a transcript of the record in such hearing has been filed in a circuit court of appeals of the United States, as provided in section 194 of this chapter, the Secretary at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the packer to be heard, may amend or set aside the report or order, in whole or in part.

(d) Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 45 of Title 15, COMMERCE AND TRADE. (Aug. 15, 1921, c. 64, § 203, 42 Stat. 161.)

194. Conclusiveness of order; appeal and review; temporary and final injunction.—(a) An order made under section 193 of this chapter shall be final and conclusive unless within thirty days after service the packer appeals to the circuit court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer will pay the costs of the proceedings if the court so directs.

(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, and the report and order. If before such transcript is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(c) At any time after such transcript is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(d) The evidence so taken or admitted, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way.

(e) The court may affirm, modify, or set aside the order of the Secretary.

(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

(g) If the circuit court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the packer, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(h) The circuit court of appeals shall have exclusive jurisdiction to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 347 of Title 28, JUDICIAL CODE AND JUDICIARY, if such writ is duly applied for within sixty days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the circuit court of appeals, in so far as such decree operates as an injunction unless so ordered by the Supreme Court.

(i) For the purposes of sections 191 to 195 of this chapter the term "circuit court of appeals," in case the principal place of business of the packer is in the District of Columbia, means the Court of Appeals of the District of Columbia. (Aug. 15, 1921, c. 64, § 204, 42 Stat. 162.)

195. Punishment for violation of order.—Any packer, or any officer, director, agent, or employee of a packer, who fails to obey any order of the Secretary issued under the provisions of section 193 of this chapter, or such order as modified—

(1) After the expiration of the time allowed for filing a petition in the circuit court of appeals to set aside or modify such order, if no such petition has been filed within such time; or

(2) After the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the circuit court of appeals and no such writ has been applied for within such time; or

(3) After such order, or such order as modified, has been sustained by the courts as provided in section 194 of this chapter; shall on conviction be fined not less than $500 nor more than $10,000, or imprisoned for not less than six months nor more than five years, or both. Each day during which such failure continues shall be deemed a separate offense. (Aug. 15, 1921, c. 64, § 205, 42 Stat. 163.)

STOCKYARDS AND STOCKYARD DEALERS

201. "Stockyard owner"; "stockyard services"; "market agency"; "dealer"; defined.—When used in this chapter—

(a) The term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard;

(b) The term "stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, buying or selling on a commission basis or otherwise, market-

ing, feeding, watering, holding, delivery, shipment, weighing, or handling in commerce, of livestock:

(c) The term "market agency" means any person engaged in the business of (1) buying or selling in commerce livestock at a stockyard on a commission basis or (2) furnishing stockyard services; and

(d) The term "dealer" means any person, not a market agency, engaged in the business of buying or selling in commerce livestock at a stockyard, either on his own account or as the employee or agent of the vendor or purchaser. (Aug. 15, 1921, c. 64, § 301, 42 Stat. 163.)

202. "Stockyard" defined; determination by Secretary as to particular yard.—(a) When used in sections 201 to 217, inclusive, of this chapter the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. Sections 201 to 217 inclusive of this chapter shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of sections 201 to 217 inclusive of this chapter until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition. (Aug. 15, 1921, c. 64, § 302, 42 Stat. 163.)

203. Registration of stockyard dealer or market agency; penalty for failure to register.—After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 202 of this chapter by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless he has registered with the Secretary under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged, and the kinds of stockyard services, if any, which he furnishes at such stockyard. Whoever violates the provisions of this section shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States. (Aug. 15, 1921, c. 64, § 303, 42 Stat. 163.)

204. Bond and suspension of registrants.—The Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing the Secretary finds any registrant is insolvent or has violated any provision of this chapter he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction. (Feb. 10, 1925, c. 200, 43 Stat. 851.)

205. General duty as to services.—It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard. (Aug. 15, 1921, c. 64, § 304, 42 Stat. 164.)

206. Rates and charges generally; discrimination.—All rates or charges made for any stockyard services furnished at a stockyard by a stockyard owner or market agency shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful. (Aug. 15, 1921, c. 64, § 305, 42 Stat. 164.)

207. Schedule of rates; filing and exhibition; change in rates; suspension; penalties.—(a) Within sixty days after the Secretary has given public notice that a stockyard is within the definition of section 202 of this chapter, by posting copies of such notice in the stockyard, the stockyard owner and every market agency at such stockyard shall file with the Secretary, and print and keep open to public inspection at the stockyard, schedules showing all rates and charges for the stockyard services furnished by such person at such stockyard. If a market agency commences business at the stockyard after the expiration of such sixty days such schedules must be filed before any stockyard services are furnished.

(b) Such schedules shall plainly state all such rates and charges in such detail as the Secretary may require, and shall also state any rules or regulations which in any manner change, affect, or determine any part or the aggregate of such rates or charges, or the value of the stockyard services furnished. The Secretary may determine and prescribe the form and manner in which such schedules shall be prepared, arranged, and posted, and may from time to time make such changes in respect thereto as may be found expedient.

(c) No changes shall be made in the rates or charges so filed and published, except after ten days' notice to the Secretary and to the public filed and published as aforesaid, which shall plainly state the changes proposed to be made and the time such changes will go into effect; but the Secretary may, for good cause shown, allow changes on less than ten days' notice, or modify the requirements of this section in respect to publishing, posting, and filing of schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

(d) The Secretary may reject and refuse to file any schedule tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the Secretary shall be void and its use shall be unlawful.

(e) Whenever there is filed with the Secretary any schedule, stating a new rate or charge, or a new regulation or practice affecting any rate or charge, the Secretary may either upon complaint or upon his own initiative without complaint, at once, and if he so orders without answer or other formal pleading by the person filing such schedule, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate, charge, regulation, or practice, and pending such hearing and decision thereon the Secretary, upon filing with such schedule and delivering to the person filing it a statement in writing of his reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, regulation, or practice, but not for a longer period than thirty days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, regulation, or practice goes into effect, the Secretary may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing can not be concluded within the period of suspension the Secretary may extend the time of suspension for a further period not exceeding thirty days, and if the proceeding has not been concluded and an order made at the expiration of such thirty days, the proposed change of rate, charge, regulation, or practice shall go into effect at the end of such period.

(f) After the expiration of the sixty days referred to in subdivision (a) no person shall carry on the business of a

stockyard owner or market agency unless the rates and charges for the stockyard services furnished at the stockyard have been filed and published in accordance with this section and the orders of the Secretary made thereunder; nor charge, demand, or collect a greater or less or different compensation for such services than the rates and charges specified in the schedules filed and in effect at the time; nor refund or remit in any manner any portion of the rates or charges so specified (but this shall not prohibit a cooperative association of producers from bona fide returning to its members, on a patronage basis, its excess earnings on their livestock, subject to such regulations as the Secretary may prescribe); nor extend to any person at such stockyard any stockyard services except such as are specified in such schedules.

(g) Whoever fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall be liable to a penalty of not more than $500 for each such offense, and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(h) Whoever willfully fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall on conviction be fined not more than $1,000, or imprisoned not more than one year, or both. (Aug. 15, 1921, c. 64, § 306, 42 Stat. 164.)

208. Unreasonable or discriminatory practices generally.—It shall be the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services, and every unjust, unreasonable, or discriminatory regulation or practice is prohibited and declared to be unlawful. (Aug. 15, 1921, c. 64, § 307, 42 Stat. 165.)

209. Liability to individuals for violations; enforcement generally.—(a) If any stockyard owner, market agency, or dealer, violates any of the provisions of sections 205, 206, 207, or 208 of this chapter, or of any order of the Secretary made under sections 201 to 217 inclusive of this chapter, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as provided in section 210 of this chapter, or (2) by suit in any district court of the United States of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies. (Aug. 15, 1921, c. 64, § 308, 42 Stat. 165.)

210. Proceedings before Secretary for violations generally; action to enforce order of Secretary.—(a) Any person complaining of anything done or omitted to be done by any stockyard owner, market agency, or dealer (hereinafter in this section referred to as the "defendant") in violation of the provisions of sections 205, 206, 207, or 208 of this chapter, or of an order of the Secretary made under sections 201 to 217 inclusive of this chapter, may, at any time within ninety days after the cause of action accrues, apply to the Secretary by petition which shall briefly state the facts, whereupon the complaint thus made shall be forwarded by the Secretary to the defendant, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be specified by the Secretary. If the defendant within the time specified makes reparation for the injury alleged to be done he shall be relieved of liability to the complainant only for the particular violation thus complained of. If the defendant does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the Secretary to investigate the matters complained of in such manner and by such means as he deems proper.

(b) The Secretary, at the request of the livestock commissioner, board of agriculture, or other agency of a State or Territory, having jurisdiction over stockyards in such State or Territory, shall investigate any complaint forwarded by such agency in like manner and with the same authority and powers as in the case of a complaint made under subdivision (a).

(c) The Secretary may at any time institute an inquiry on his own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made to or before the Secretary, by any provision of sections 201 to 217 inclusive of this chapter, or concerning which any question may arise under any of the provisions of sections 201 to 217 inclusive of this chapter, or relating to the enforcement of any of the provisions of sections 201 to 217 inclusive of this chapter. The Secretary shall have the same power and authority to proceed with any inquiry instituted upon his own motion as though he had been appealed to by petition, including the power to make and enforce any order or orders in the case or relating to the matter or thing concerning which the inquiry is had, except orders for the payment of money.

(d) No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

(e) If after hearing on a complaint the Secretary determines that the complainant is entitled to an award of damages, the Secretary shall make an order directing the defendant to pay to the complainant the sum to which he is entitled on or before a day named.

(f) If the defendant does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the defendant or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the suit. (Aug. 15, 1921, c. 64, § 309, 42 Stat. 165.)

211. Order of Secretary as to charges or practices; prescribing rates and practices generally.—Whenever after full hearing upon a complaint made as provided in section 210 of this chapter, or after full hearing under an order for investigation and hearing made by the Secretary on his own initiative, either in extension of any pending complaint or without any complaint whatever, the Secretary is of the opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency, for or in connection with the furnishing of stockyard services, is or will be unjust, unreasonable, or discriminatory, the Secretary—

(a) May determine and prescribe what will be the just and reasonable rate or charge, or rates or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged, and what regulation or practice is or will be just, reasonable, and nondiscriminatory to be thereafter followed; and

(b) May make an order that such owner or operator (1) shall cease and desist from such violation to the extent to which the Secretary finds that it does or will exist; (2) shall not thereafter publish, demand, or collect any rate or charge for the furnishing of stockyard services other than the rate or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be; and (3) shall conform to and observe the regulation or practice so prescribed. (Aug. 15, 1921, c. 64, § 310, 42 Stat. 166.)

212. Prescribing rates and practices to prevent discrimination between intrastate and interstate commerce.—Whenever in any investigation under the provisions of sections 210 to 217 inclusive of this chapter, or in any investigation instituted by petition of the stockyard owner or market agency concerned, which petition is hereby authorized to be filed, the Secretary after full hearing finds that any rate, charge, regulation, or practice of any stockyard owner or market agency, for or in connection with the buying or selling on a commission basis or otherwise, receiving, marketing, feeding, holding, delivery, shipment, weighing, or handling, not in commerce, of livestock, causes any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate commerce in livestock on the one hand and interstate or foreign commerce in livestock on the other hand, or any undue, unjust, or unreasonable discrimination against interstate or foreign commerce in livestock, which is hereby forbidden and declared to be unlawful, the Secretary shall prescribe the rate, charge, regulation, or practice thereafter to be observed, in such manner as, in his judgment, will remove such advantage, preference, or discrimination. Such rates, charges, regulations, or practices shall be observed while in effect by the stockyard owners or market agencies parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding. (Aug. 15, 1921, c. 64, § 311, 42 Stat. 167.)

213. Prevention of unfair, discriminatory, or deceptive practices.—(a) It shall be unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, buying or selling on a commission basis or otherwise, feeding, watering, holding, delivery, shipment, weighing or handling, in commerce at a stockyard, of livestock.

(b) Whenever complaint is made to the Secretary by any person, or whenever the Secretary has reason to believe, that any stockyard owner, market agency, or dealer is violating the provisions of subdivision (a), the Secretary after notice and full hearing may make an order that he shall cease and desist from continuing such violation to the extent that the Secretary finds that it does or will exist. (Aug. 15, 1921, c. 64, § 312, 42 Stat. 167.)

214. When orders effective generally.—Except as otherwise provided in this chapter all orders of the Secretary under sections 201 to 217 inclusive of this chapter, other than orders for the payment of money, shall take effect within such reasonable time, not less than five days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, according as is prescribed in the order, unless such order is suspended or modified or set aside by the Secretary or is suspended or set aside by a court of competent jurisdiction. (Aug. 15, 1921, c. 64, § 313, 42 Stat. 167.)

215. Failure to obey orders generally; punishment.—(a) Any stockyard owner, market agency, or dealer who knowingly fails to obey any order made under the provisions of sections 211, 212, or 213 of this chapter shall forfeit to the United States the sum of $500 for each offense. Each distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States.

(b) It shall be the duty of the various district attorneys, under the direction of the Attorney General, to prosecute for the recovery of forfeitures. The costs and expense of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. (Aug. 15, 1921, c. 64, § 314, 42 Stat. 167.)

216. Court proceedings to enforce orders; injunction.—If any stockyard owner, market agency, or dealer fails to obey any order of the Secretary other than for the payment of money while the same is in effect, the Secretary, or any party injured thereby, or the United States by its Attorney General, may apply to the district court for the district in which such person has his principal place of business for the enforcement of such order. If after hearing the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person, his officers, agents, or representatives from further disobedience of such order or to enjoin upon him or them obedience to the same. (Aug. 15, 1921, c. 64, § 315, 42 Stat. 167.)

217. Proceedings for suspension of orders.—For the purposes of sections 201 to 217 inclusive of this chapter, the provisions of all laws relating to the suspending or restraining the enforcement, operation, or execution of, or the setting aside in whole or in part the orders of the Interstate Commerce Commission, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of sections 201 to 217 inclusive of this chapter, and to any person subject to the provisions of sections 201 to 217 inclusive of this chapter. (Aug. 15, 1921, c. 64, § 316, 42 Stat. 168.)

COMMON PROVISIONS

221. Accounts and records of business; punishment for failure to keep.—Every packer, stockyard owner, market agency, and dealer shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Whenever the Secretary finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the Secretary may prescribe the manner and form in which such accounts, records, and memoranda shall be kept, and thereafter any such person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary shall upon conviction be fined not more than $5,000, or imprisoned not more than three years, or both. (Aug. 15, 1921, c. 64, § 401, 42 Stat. 168.)

222. Federal Trade Commission powers adopted for enforcement of chapter.—For the efficient execution of the provisions of this chapter, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 46, 48, 49, and 50 of Title 15, Commerce and Trade, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this chapter and to any person subject to the provisions of this chapter, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this chapter in any part of the United States. (Aug. 15, 1921, c. 64, § 402, 42 Stat. 168.)

223. Responsibility of principal for act or omission of agent.—When construing and enforcing the provisions of this chapter, the act, omission, or failure of any agent, officer, or other person acting for or employed by any packer, stockyard owner, market agency, or dealer, within the scope of his employment or office, shall in every case also be deemed the act,

omission, or failure of such packer, stockyard owner, market agency, or dealer, as well as that of such agent, officer, or other person. (Aug. 15, 1921, c. 64, § 403, 42 Stat. 168.)

224. Attorney General to institute court proceedings for enforcement.—The Secretary may report any violation of this chapter to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. (Aug. 15, 1921, c. 64, § 404, 42 Stat. 168.)

225. Other laws unaffected.—Nothing contained in this chapter, except as otherwise provided herein, shall be construed—

(a) To prevent or interfere with the enforcement of, or the procedure under, the provisions of sections 1 to 27 inclusive, sections 61 to 65 inclusive, Title 15, "Commerce and Trade," or the provisions of chapter 1, Title 49, "Transportation," or

(b) To alter, modify, or repeal such sections or any part or parts thereof, or

(c) To prevent or interfere with any investigation, proceeding, or prosecution begun and pending on August 15, 1921. (Aug. 15, 1921, c. 64, § 405, 42 Stat. 168.)

226. Powers of Interstate Commerce Commission unaffected.—Nothing in this chapter shall affect the power or jurisdiction of the Interstate Commerce Commission, nor confer upon the Secretary concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission. (Aug. 15, 1921, c. 64, § 406, 42 Stat. 169.)

227. Powers of Federal Trade Commission restricted.—So long as this chapter remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this chapter is made subject to the jurisdiction of the Secretary except when the Secretary of Agriculture, in the exercise of his duties hereunder, shall request of the said Federal Trade Commission that it make investigations and report in any case. (Aug. 15, 1921, c. 64, § 406, 42 Stat. 169.)

228. General authority of Secretary as to rules, regulations, and expenditures.—The Secretary may make such rules, regulations and orders as may be necessary to carry out the provisions of this chapter and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel and other supplies and expenses as shall be necessary to the administration of this chapter in the District of Columbia and elsewhere, and as may be appropriated for by Congress, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated such sums as may be necessary for such purpose. (Aug. 15, 1921, c. 64, § 407, 42 Stat. 169.)

229. Effect of partial invalidity.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Aug. 15, 1921, c. 64, § 408, 42 Stat. 169.)

Chapter 10.—WAREHOUSES.

Sec.
241. Short title of chapter.
242. Terms defined; "warehouse"; "person"; "warehouseman"; "receipt."
243. Investigation of warehousing, weighing, classifying, and certification of agricultural products; inspection of warehouses; prescribing duties of warehousemen.
244. License to warehouseman generally.
245. Term of license; renewal.
246. Suspension and revocation of license of warehouseman generally.
247. Bond of applicant for warehouse license; additional bond.
248. License to person not warehouseman; bond; general duties of person so licensed.
249. Action on bond by person injured.
250. Designation as bonded warehouse.
251. Fee for inspection of warehouse or for license; disposition of moneys.
252. License to classify, grade, or weigh agricultural products.
253. Suspension and revocation of license to classify, grade, or weigh.
254. Discrimination by warehouseman prohibited.
255. Deposits of products deemed made subject to chapter.
256. Inspection and grading of products stored.
257. Standards for agricultural products.
258. Mingling products stored.
259. Receipts for products stored generally.
260. Contents of receipts.
261. Issuance of further receipt, original outstanding.
262. Delivery of products stored on demand; conditions to delivery.
263. Cancellation of receipt on delivery of product stored.
264. Records of products stored; reports to Secretary of Agriculture; general compliance with provisions of chapter, rules and regulations.
265. Examination of stored products; publication of findings.
266. Publication of general investigation of warehousing, names and locations of bonded warehouses, and revocation of licenses.
267. Examination of books, records, etc., of warehousemen.
268. Rules and regulations by Secretary of Agriculture.
269. State and other laws not affected; enforcement of State laws.
270. Punishment generally for violation of provisions of chapter; reimbursement of owner of products converted.
271. Employment by Secretary of temporary assistance.
272. Effect of partial invalidity of chapter.
273. Rights reserved.

Section 241. Short title of chapter.—This chapter shall be known by the short title of "United States Warehouse Act." (Aug. 11, 1916, c. 313, § 1, 39 Stat. 486.)

242. Terms defined; "warehouse"; "person"; "warehouseman"; "receipt."—The term "warehouse" as used in this chapter shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this chapter, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. (Feb. 23, 1923, c. 106, 42 Stat. 1282.)

243. Investigation of warehousing, weighing, classifying, and certification of agricultural products; inspection of warehouses; prescribing duties of warehousemen.—The Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this chapter, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this chapter; to determine whether warehouses for which licenses are applied for or have been issued under this chapter are suitable for the proper storage of any agricultural product or products; to classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this chapter; and to prescribe, within the limitations of this chapter, the duties of the warehousemen conducting warehouses licensed under this chapter with respect to their care of and responsibility for agricultural products stored therein. (Aug. 11, 1916, c. 313, § 8, 39 Stat. 486.)

244. License to warehouseman generally.—The Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this chapter and such rules and regulations as may be made thereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this chapter and the rules and regulations prescribed thereunder. (Aug. 11, 1916, c. 313, § 4, 39 Stat. 486.)

245. Term of license; renewal.—Each license issued under sections 244 and 248 of this chapter shall terminate as therein provided, or in accordance with the terms of this chapter and the regulations thereunder, and may from time to time be modified or extended by written instrument. (Feb. 23, 1923, c. 106, 42 Stat. 1282.)

246. Suspension and revocation of license of warehouseman generally.—The Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this chapter, for any violation of or failure to comply with any provision of this chapter or of the rules and regulations made thereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

247. Bond of applicant for warehouse license; additional bond.—Each warehouseman applying for a license to conduct a warehouse in accordance with this chapter, shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this chapter and the rules and regulations prescribed thereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this chapter, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire insurance. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked. (Feb. 23, 1923, c. 106, 42 Stat. 1283.)

248. License to person not warehouseman; bond; general duties of person so licensed.—The Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this chapter and the rules and regulations prescribed thereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this chapter and the rules and regulations thereunder affecting warehousemen licensed under this chapter, and shall otherwise be subject to this chapter and such rules and regulations to the same extent as is provided for warehousemen licensed thereunder. (Aug. 11, 1916, c. 313, 39 Stat. 487.)

249. Action on bond by person injured.—Any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 247 or 248 of this chapter, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach. (Aug. 11, 1916, c. 313, 39 Stat. 487.)

250. Designation as bonded warehouse.—Upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this chapter, for the conduct of a warehouse, such warehouse shall be designated as bonded thereunder; but no warehouse shall be designated as bonded under this chapter, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 247, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this chapter for the conduct of such warehouse remains unsuspended and unrevoked. (Aug. 11, 1916, c. 313, 39 Stat. 487.)

251. Fee for inspection of warehouse or for license; disposition of moneys.—The Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this chapter when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding $2 per annum for each license or renewal thereof issued to a warehouseman under this chapter. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. (Aug. 11, 1916, c. 313, 39 Stat. 487.)

252. License to classify, grade, or weigh agricultural products.—The Secretary of Agriculture may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this chapter, according to condition, grade or otherwise and to certificate the condition, grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample or classify and weigh the same and to certificate the condition, grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this chapter and of the rules and regulations prescribed thereunder so far as the same relate to him. (Feb. 23, 1923, c. 106, 42 Stat. 1283.)

253. Suspension and revocation of license to classify, grade, or weigh.—Any license issued to any person to inspect, sample or classify or to weigh any agricultural product or products under this chapter may be suspended, or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this chapter or of the rules and regulations prescribed thereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (Feb. 23, 1923, c. 106, 42 Stat. 1283.)

254. Discrimination by warehouseman prohibited.—Every warehouseman conducting a warehouse licensed under this chapter shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary

and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities. (Aug. 11, 1916, c. 313, 39 Stat. 488.)

255. Deposits of products deemed made subject to chapter.—Any person who deposits agricultural products for storage in a warehouse licensed under this chapter shall be deemed to have deposited the same subject to the terms of this chapter and the rules and regulations prescribed thereunder. (Aug. 11, 1916, c. 313, 39 Stat. 488.)

256. Inspection and grading of products stored.—Any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this chapter shall be inspected and graded by a person duly licensed to grade the same under this chapter. (Feb. 23, 1923, c. 106, 42 Stat. 1283.)

257. Standards for agricultural products.—The Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority or any other Act of Congress shall be, and are hereby, adopted for the purposes of this chapter as the official standards of the United States for the agricultural products to which they relate. (Feb. 23, 1923, c. 106, 42 Stat. 1284.)

258. Mingling products stored.—Every warehouseman conducting a warehouse licensed under this chapter shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades. (Aug. 11, 1916, c. 313, 39 Stat. 488.)

259. Receipts for products stored generally.—For all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this chapter original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof. (Aug. 11, 1916, c. 313, 39 Stat. 488.)

260. Contents of receipts.—Every receipt issued for agricultural products stored in a warehouse licensed under this chapter shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may by fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States Warehouse Act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this chapter as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, That the Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable. (Feb. 23, 1923, c. 106, 42 Stat. 1284.)

261. Issuance of further receipt, original outstanding.—While an original receipt issued under this chapter is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this chapter. (Aug. 11, 1916, c. 313, 39 Stat. 489.)

262. Delivery of products stored on demand; conditions to delivery.—A warehouseman conducting a warehouse licensed under this chapter, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman. (Aug. 11, 1916, c. 313, 39 Stat. 489.)

263. Cancellation of receipt on delivery of product stored.—A warehouseman conducting a warehouse licensed under this chapter shall plainly cancel upon the face thereof each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

264. Records of products stored; reports to Secretary of Agriculture; general compliance with provisions of chapter, rules, and regulations.—Every warehouseman conducting a warehouse licensed under this chapter shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this chapter and the rules and regulations made thereunder. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

265. Examination of stored products; publication of findings.—The Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this chapter. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this chapter and the rules and regulations made thereunder, the Secretary may publish his findings. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

266. Publication of general investigation of warehousing, names and locations of bonded warehouses, and revocation of licenses.—The Secretary of Agriculture from time to time may publish the results of any investigations made under section 243 of this chapter; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this chapter and list of all licenses terminated under this chapter and the causes therefor. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

267. Examination of books, records, etc., of warehousemen.—The Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this chapter and of the warehousemen conducting such warehouses relating thereto. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

268. Rules and regulations by Secretary of Agriculture.—The Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this chapter. (Aug. 11, 1916, c. 313, 39 Stat. 490.)

269. State and other laws not affected; enforcement of State laws.—Nothing in this chapter shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this chapter; nor shall this chapter be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers in force February 23, 1923, in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States. (Feb. 23, 1923, c. 106, 42 Stat. 1285.)

270. Punishment generally for violation of provisions of chapter; reimbursement of owner of products converted.—Every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this chapter, or who shall violate or fail to comply with any provision of section 250 of this chapter, or who shall issue or utter a false or fraudulent receipt or certificate, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this chapter or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than one year, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. Any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this chapter, or who shall classify, grade or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof fined not more than $500 or imprisoned for not more than six months, or both, in the discretion of the court. (Feb. 23, 1923, c. 106, 42 Stat. 1285.)

271. Employment by Secretary of temporary assistance.—The Secretary of Agriculture is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this chapter. (Aug. 11, 1916, c. 313, 39 Stat. 491.)

272. Effect of partial invalidity of chapter.—If any clause, sentence, paragraph, or part of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, c. 313, 39 Stat. 491.)

273. Rights reserved.—The right to amend, alter, or repeal this chapter is hereby expressly reserved. (Aug. 11, 1916, c. 313, 39 Stat. 491.)

Chapter 11.—HONEYBEES.

Sec.
281. Importations of honeybees prohibited; exceptions.
282. Punishment for unlawful importation.

Section 281. Importation of honeybees prohibited; exceptions.—In order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of the honeybee (Apis mellifica) in its adult stage is hereby prohibited, and all adult honeybees offered for import into the United States shall be destroyed if not immediately exported: *Provided*, That such adult honeybees may be imported into the United States for experimental or scientific purposes by the United States Department of Agriculture: *And provided further*, That such adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall determine that no diseases dangerous to adult honeybees exist, under rules and regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture. (Aug. 31, 1922, c. 301, § 1, 42 Stat. 833.)

282. Punishment for unlawful importation.—Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction

thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. (Aug. 31, 1922, c. 301, § 2, 42 Stat. 834)

Chapter 12.—ASSOCIATIONS OF PRODUCERS OF AGRICULTURAL PRODUCTS.

Sec.
291. Authorization of associations; powers generally.
292. Monopolizing or restraining trade and unduly enhancing prices prohibited; remedy and procedure.

Section 291. Authorization of associations; powers generally.—Persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members. (Feb. 18, 1922, c. 57 § 1, 42 Stat. 388.)

292. Monopolizing or restraining trade and unduly enhancing prices prohibited; remedy and procedure.—If the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof. (Feb. 18, 1922, c. 57, § 2, 42 Stat. 388.)

Chapter 13.—AGRICULTURAL AND MECHANICAL COLLEGES.

COLLEGE-AID LAND APPROPRIATION

Sec.
301. Land grant in aid of colleges generally.
302. Method of apportionment and selection; issuance of land scrip.
303. Expenses of management, etc., to be paid by State.
304. Investment of proceeds of sale of land or scrip.
305. Conditions of grant.
306. Land scrip; time of location.
307. Fees for locating land scrip.
308. Reports by State governors of sale of scrip.

COLLEGE-AID ANNUAL APPROPRIATION

321. Secretary of Interior to administer annual college-aid appropriation.
322. Annual appropriation generally.
323. Racial discrimination by colleges restricted.
324. Time, manner, etc., of annual payments.
325. State to replace funds misapplied, etc.; restrictions on use of funds; reports by colleges.
326. Ascertainment and certification of amounts due States; certificates withheld from States; appeal to Congress.
327. Reports by Secretary of Interior of disbursements and certificates withheld.
328. Power to amend, repeal, etc., reserved.

AGRICULTURAL EXTENSION-WORK APPROPRIATION

341. Cooperative extension work by colleges authorized.
342. "Cooperative agricultural work" defined; cooperation with Secretary of Agriculture.
343. Appropriation for extension work generally; contribution by State.
344. Time and manner of payment; reports by State officers of receipts and disbursements.
345. State to replace funds misapplied, etc.; restrictions on use of funds; reports by colleges.
346. Ascertainment and certification of amounts due States; certificates withheld from States; appeal to Congress.
347. Reports to Congress by Secretary of Agriculture.
348. Power to amend, repeal, etc., reserved.

COLLEGE-AID LAND APPROPRIATION

Section 301. Land grant in aid of colleges generally.—There is granted, July 2, 1862, to the several States, for the purposes hereinafter mentioned in sections 302 to 308, inclusive, of this chapter, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860: *Provided*, That no mineral lands shall be selected or purchased under the provisions of sections 301 to 308, inclusive, of this chapter. (July 2, 1862, c. 130, § 1, 12 Stat. 503.)

302. Method of apportionment and selection; issuance of land scrip.—The land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at $1.25 per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at $1.25 per acre, to which said State may be entitled under the provisions of sections 301 to 308, inclusive, this chapter, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in sections 301 to 308, inclusive, of this chapter, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at $1.25, or less, per acre: *And provided further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before July 2, 1863. (July 2, 1862, c. 130, § 2, 12 Stat. 503, 504.)

303. Expenses of management, etc., to be paid by State.—All the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter in sections 304 to 308, inclusive, of this chapter mentioned. (July 2, 1862, c. 130, § 3, 12 Stat. 504.)

304. Investment of proceeds of sale of land or scrip.—All moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than 5 per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 305 of this chapter), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of sections 301 to 308, inclusive, of this chapter, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. (Mar. 3, 1883, c. 102, 22 Stat. 484.)

305. Conditions of grant.—The grant of land and land scrip authorized in the foregoing sections of this chapter shall be made on the following conditions, to which, as well as to the provisions hereinbefore in this chapter contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in section 304 of this chapter, except that a sum, not exceeding 10 per centum upon the amount received by any State under the foregoing provisions of this chapter, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the foregoing provisions of this chapter shall provide, within five years from the time of its acceptance as provided in subdivision seven of this section, at least not less than one college, as described in section 304 of this chapter, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the foregoing provisions of this chapter, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of the foregoing provisions of this chapter.

Seventh. No State shall be entitled to the benefits of the foregoing provisions of this chapter unless it shall express its acceptance thereof by its legislature within three years from July 2, 1862: *Provided*, That when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the foregoing provisions of this chapter, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as heretofore prescribed in this chapter: *Provided further*, That any State which has prior to July 23, 1866, expressed its acceptance of the foregoing provisions of this chapter shall have the period of five years within which to provide at least one college, as described in section 304 of this chapter, after July 2, 1867. (July 2, 1862, c. 130, §5, 12 Stat. 504; July 23, 1866, c. 200, 14 Stat. 208.)

306. Land scrip; time of location.—Land scrip issued under the foregoing provisions of this chapter shall not be subject to location until after the 1st day of January, 1863. (July 2, 1862, c. 130, § 6, 12 Stat. 505.)

307. Fees for locating land scrip.—The land officers shall receive the same fees for locating land scrip issued under the foregoing provisions of this chapter as is on July 2, 1862, allowed for the location of military bounty land warrants under laws existing at that time: *Provided*, That their maximum compensation shall not be thereby increased. (July 2, 1862, c. 130, § 7, 12 Stat. 505.)

308. Reports by State governors of sale of scrip.—The governors of the several States to which scrip shall be issued under the foregoing provisions of this chapter shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds. (July 2, 1862, c. 130, § 8, 12 Stat. 505.)

COLLEGE-AID ANNUAL APPROPRIATION

321. Secretary of Interior to administer annual college-aid appropriation.—The Secretary of the Interior is hereby charged with the proper administration of sections 322 to 328 inclusive of this chapter. (Aug. 30, 1890, c. 841, § 4, 26 Stat. 419.)

322. Annual appropriation generally.—There is annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as provided in section 324 of this chapter, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of sections 301 to 308 and sections 323 to 328, inclusive, of this chapter, $50,000 to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts. (Aug. 30, 1890, c. 841, § 1, 26 Stat. 417; Mar. 4, 1907, c. 2907, 34 Stat. 1281.)

323. Racial discrimination by colleges restricted.—No money shall be paid out under sections 321 to 328, inclusive, of this chapter to any State or Territory for the support or maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of sections 321 to 328, inclusive, of this chapter if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of sections 301 to 308, inclusive, of this chapter, and also in which an educational institution of like character has been established, or may be hereafter established, and is on August 30, 1890, aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money prior to August 30, 1890, under sections 301 to 308, inclusive, of this chapter, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under sections 321 to 328, inclusive, of this chapter between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of sections 321 to 328, inclusive, of this chapter and subject to its provisions, as much as it would have been if it had been included under sections 301 to 308 of this chapter, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students. (Aug. 30, 1890, c. 841, § 1, 26 Stat. 417.)

324. Time, manner, etc., of annual payments.—The sums appropriated by sections 322 to 328, inclusive, of this chapter to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the 1st day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by sections 322 to 328, inclusive, of this chapter are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation made by sections 322 to 328, inclusive, of this chapter, as shall become due to any State before the adjournment of the regular session of legislature meeting next after August 30, 1890, shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. (Aug. 30, 1890, c. 841, § 2, 26 Stat. 418.)

325. State to replace funds misapplied, etc.; restrictions on use of funds; reports by colleges.—If any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in sections 322 to 328, inclusive, of this chapter, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under sections 322 to 328, inclusive, of this chapter. (Aug. 30, 1890, c. 841, § 3, 26 Stat. 418.)

326. Ascertainment and certification of amounts due States; certificates withheld from States; appeal to Congress.—On or before the 1st day of July in each year, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under sections 322 to 328 inclusive of this chapter, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. (Aug. 30, 1890, c. 841, § 4, 26 Stat. 419.)

327. Reports by Secretary of Interior of disbursements and certificates withheld.—The Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the

appropriation of any State or Territory has been withheld, and if so, the reasons therefor. (Aug. 30, 1890, c. 841, § 5, 26 Stat. 419.)

328. Power to amend, repeal, etc., reserved.—Congress may at any time amend, suspend, or repeal any or all of the provisions of sections 322 to 328, inclusive, of this chapter. (Aug. 30, 1890, c. 841, § 6, 26 Stat. 419.)

AGRICULTURAL EXTENSION WORK APPROPRIATION

341. Cooperative extension work by colleges authorized.—In order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State receiving, May 8, 1914, or which may thereafter receive, the benefits of the foregoing provisions of this chapter, agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State in which two or more such colleges have been prior to May 8, 1914, or thereafter may be established the appropriations in section 343 hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct: *Provided further*, That, pending the inauguration and development of the cooperative extension work herein authorized, nothing in sections 341 to 348, inclusive, of this chapter shall be construed to discontinue either the farm management work or the farmers' cooperative demonstration work as conducted May 8, 1914, by the Bureau of Plant Industry of the Department of Agriculture. (May 8, 1914, c. 79, § 1, 38 Stat. 372.)

342. "Cooperative agricultural work" defined; cooperation with Secretary of Agriculture.—Cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of sections 341 to 348, inclusive, of this chapter. (May 8, 1914, c. 79, § 2, 38 Stat. 373.)

343. Appropriation for extension work generally; contribution by State.—For the purpose of paying the expenses of said cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $480,000 for each year, $10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of sections 341 to 348, inclusive, of this chapter: *Provided*, That there is also permanently appropriated for each year the sum of $4,100,000 in addition to the sum of $480,000 hereinbefore provided: *Provided further*, That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under sections 341 to 348, inclusive, of this chapter shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. Such additional sum shall be used only for the purposes hereinbefore stated in the preceding section, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each State bears to the total rural population of all the States as determined by the next preceding Federal census: *Provided further*, That no payment out of the additional appropriation herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the cooperative agricultural extension work provided for in sections 341 to 348, inclusive, of this chapter. (May 8, 1914, c. 79, § 3, 38 Stat. 373.)

344. Time and manner of payment; reports by State officers of receipts and disbursements.—The sums appropriated in the preceding section for extension work shall be paid in equal semiannual payments on the 1st day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture. (May 8, 1914, c. 79, § 4, 38 Stat. 374.)

345. State to replace funds misapplied, etc.; restrictions on use of funds; reports by colleges.—If any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in sections 341 to 348, inclusive, of this chapter, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in sections 341 to 348, inclusive, of this chapter, and not more than 5 per centum of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in sections 341 to 348, inclusive, of this chapter, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States. (May 8, 1914, c. 79, § 5, 38 Stat. 374.)

346. Ascertainment and certification of amounts due States; certificates withheld from States; appeal to Congress.—On or before the 1st day of July in each year the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under sections 341 to 348, inclusive, of this chapter, and the amount which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. (May 8, 1914, c. 79, § 6, 38 Stat. 374.)

347. Reports to Congress by Secretary of Agriculture.—The Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the coopera-

tive agricultural extension work in all of the States receiving the benefits of sections 341 to 348, inclusive, of this chapter, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor. (May 8, 1914, c. 79, § 7, 38 Stat. 374.)

348. Power to amend, repeal, etc., reserved.—Congress may at any time alter, amend, or repeal any or all of the provisions of sections 341 to 348, inclusive, of this chapter. (May 8, 1914, c. 79, § 8, 38 Stat. 374.)

Chapter 14. — AGRICULTURAL EXPERIMENT STATIONS.

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Section 361. Secretary of Agriculture to administer chapter.—The Secretary of Agriculture is charged with the proper administration of this chapter. (Feb. 24, 1925, c. 308, § 4, 43 Stat. 971.)

362. Authorization of agricultural experiment stations; division of appropriation between colleges of same State.—In order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which hereafter may be established, in accordance with the provisions of sections 301 to 308 inclusive of chapter 13 of this title, a department to be known and designated as an "agricultural experiment station": *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter in this chapter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct. (Mar. 2, 1887, c. 314, § 1, 24 Stat. 440.)

363. General scope of researches and experiments.—It shall be the object and duty of agricultural experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories. (Mar. 2, 1887, c. 314, § 2, 24 Stat. 440.)

364. Examination of soils.—As far as practicable, all agricultural experiment stations shall devote a portion of their work to the examination and classification of the soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities. (Mar. 2, 1889, c. 373, 25 Stat. 840.)

365. Issuance and mailing by stations of bulletins or reports; free postage.—Bulletins or reports of progress shall be published at agricultural experiment stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe. (Mar. 2, 1887, c. 314, § 4, 24 Stat. 441.)

366. Annual reports by stations to governors.—It shall be the duty of agricultural experiment stations, annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States. (Feb. 24, 1925, c. 308, § 3, 43 Stat. 971.)

367. Secretary to prescribe form of financial report by stations and to coordinate departmental work with that of stations.—The Secretary of Agriculture shall prescribe the form of the annual financial statement required under this chapter, ascertain whether the expenditures are in accordance with its provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in this chapter, and make report thereon to Congress. (Feb. 10, 1925, c. 200, 43 Stat. 824.)

368. General advice and assistance by Secretary.—In order to secure, as far as practicable, uniformity of methods and results in the work of agricultural experiment stations, it shall be the duty of the Secretary of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this chapter. (Mar. 2, 1887, c. 314, § 3, 24 Stat. 441.)

369. General annual appropriation for stations.—There shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the endowment and maintenance of agricultural experiment stations established prior to March 16, 1906, or which may thereafter be established in accordance with the provisions of this chapter $30,000, to be applied only to paying the necessary expenses of conducting

original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories. (Mar. 16, 1906, c. 951, § 1, 34 Stat. 63.)

370. Additional appropriation.—For the more complete endowment and maintenance of agricultural experiment stations, established prior to February 24, 1925, or which may thereafter be established, in accordance with the provisions of this chapter there is hereby authorized to be appropriated, in addition to the amounts received on February 24, 1925, by such agricultural experiment stations the sum of $20,000 for the fiscal year ending June 30, 1926; $30,000 for the fiscal year ending June 30, 1927; $40,000 for the fiscal year ending June 30, 1928; $50,000 for the fiscal year ending June 30, 1929; $60,000 for the fiscal year ending June 30, 1930; and $60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this section shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches. (Feb. 24, 1925, c. 308, § 1, 43 Stat. 970.)

371. Legislative assent to grant.—The grants of moneys authorized by this chapter are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such installments of the appropriations in this chapter made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after February 4, 1925, shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury. (Feb. 4, 1925, c. 308, § 2, 43 Stat. 971.)

372. Governor's assent when legislature not in session.—As to such installments of the appropriations as may be due June 7, 1888, or may thereafter become due, when the legislature may not be in session, the governor of the State or Territory to be affected thereby may make the required assent, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in this chapter until the termination of the next regular session of the legislature of such State or Territory. (June 7, 1888, c. 373, 25 Stat. 176.)

373. Time and manner of payments; reports of expenditures to Secretary.—The sums by this chapter authorized to be appropriated to the States and Territories for the endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture. (Feb. 24, 1925, c. 308, § 2, 43 Stat. 971.)

374. Replacement by State, etc., of moneys misapplied.—If any portion of the moneys received by the designated officer of any State or Territory for the endowment, support, and maintenance of agricultural experiment stations as provided in this chapter shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory. (Feb. 24, 1925, c. 308, § 3, 43 Stat. 971.)

375. Use of funds for purchase, repairs, etc., of buildings, or for purchase or rental of lands, restricted.—No portion of the appropriation authorized by section 369 of this chapter exceeding 5 per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. No portion of the appropriation authorized by section 370 of this chapter exceeding 10 per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land. (Mar. 16, 1906, c. 951, § 3, 34 Stat. 63; Feb. 24, 1925, c. 308, § 3, 43 Stat. 971.)

376. Certification of amounts due States, etc.; withholding certificate; appeal to Congress.—On or before the 1st day of July in each year the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this chapter and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this chapter and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. (Feb. 24, 1925, c. 308, § 4, 43 Stat. 971.)

377. Unexpended part of annual appropriation.—Whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any agricultural experiment station that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support. (Mar. 2, 1887, c. 314, § 6, 24 Stat. 441.)

378. Stations established separate from colleges; agricultural college given preference over other colleges.—In States having colleges entitled to the benefits of this chapter and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established under the provisions of sections 301 to 308 of this chapter an agricultural department or experimental station, in connection with any university, college, or institution not distinctly an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this chapter made, to such sepa-

rate agricultural college or school, and no legislature shall by contract express or implied disable itself from so doing. (Mar. 2, 1887, c. 314, § 8, 24 Stat. 441.)

379. Relation of college to State, etc., unaffected.—Nothing in this chapter shall be construed to impair or modify the legal relation existing between any of the colleges affected thereby and the government of the States or Territories in which they are respectively located. (Mar. 2, 1887, c. 314, § 7, 24 Stat. 441.)

380. Report to Congress by Secretary.—The Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor. (Feb. 24, 1925, c. 308, § 5, 43 Stat. 972.)

381. Expenditures by Secretary in administration of chapter.—The Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationary, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he may find essential in carrying out the objects of this chapter. (Mar. 2, 1901, c. 805, 31 Stat. 935.)

382. Power to amend, repeal, etc., reserved.—Congress may at any time amend, suspend, or repeal any and all of the provisions of this chapter. (Feb. 24, 1925, c. 308, § 6, 43 Stat. 972.)

383. Payment to Georgia Experiment Station authorized.—The Secretary of Agriculture is hereby authorized and directed to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury is authorized and directed to pay all appropriations, to the Georgia Experiment Station, authorized by this chapter in accordance with the Act of the General Assembly of Georgia, approved December 29, 1888, establishing the Georgia Experiment Station, and the Act of August 18, 1906 (Georgia laws, 1906, p. 1161): *Provided*, That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in this chapter. (Oct. 1, 1918, c. 178, 40 Stat. 998.)

384. Card index of agricultural literature; copies to be furnished by Secretary.—The Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Department of Agriculture in connection with its administration of this chapter, and charge for the same a price covering the additional expenses involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, c. 144, 38 Stat. 1109.)

Chapter 15.—BUREAU OF ANIMAL INDUSTRY.

Sec.
391. Establishment of bureau; appointment of chief; general duties.
392. Sale or exchange of animals not needed; disposition of moneys.
393. Sale of pathological and zoological specimens; disposition of moneys.
394. Overtime of employees engaged in enforcement of Meat Inspection Act.

Section 391. Establishment of bureau; appointment of chief; general duties.—There shall be in the Department of Agriculture a Bureau of Animal Industry. The Secretary of Agriculture is authorized to appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country. (May 29, 1884, c. 60, § 1, 23 Stat. 31.)

392. Sale or exchange of animals not needed; disposition of moneys.—The Secretary of Agriculture is authorized to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau: *Provided*, That all moneys received from the sale of such animals or animal products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts. (Aug. 10, 1912, c. 284, 37 Stat. 274.)

393. Sale of pathological and zoological specimens; disposition of moneys.—The Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts. (Mar. 4, 1913, c. 145, 37 Stat. 837.)

394. Overtime of employees engaged in enforcement of Meat Inspection Act.—The Secretary of Agriculture is authorized, in his discretion, to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of the Meat Inspection Act constituting sections 71 to 93, inclusive, of chapter 4 of Title Food and Drugs Act, for all overtime work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work. (July 24, 1919, c. 26, 41 Stat. 241.)

Chapter 16.—BUREAU OF DAIRYING.

Sec.
401. Establishment of bureau.
402. Chief of bureau; appointment and duties.
403. Transfer of activities of Department of Agriculture to bureau; employment of clerks, etc.
404. Appropriation for bureau authorized.

Section 401. Establishment of bureau.—There is established in the Department of Agriculture a bureau to be known as the Bureau of Dairying. (May 29, 1924, c. 208, § 1, 43 Stat. 243.)

402. Chief of bureau; appointment and duties.—A Chief of the Bureau of Dairying shall be appointed by the Secretary of Agriculture, who shall be subject to the general direction of the Secretary of Agriculture. He shall devote his time to the investigation of the dairy industry, and the dissemination of information for the promotion of the dairy industry. (May 29, 1924, c. 208, § 2, 43 Stat. 243.)

403. Transfer of activities of Department of Agriculture to bureau; employment of clerks, etc.—For the purpose of enabling the Secretary of Agriculture and the Chief of the Bureau of Dairying to carry out the purposes of this chapter, the Secretary of Agriculture is hereby authorized to transfer to the Bureau of Dairying such activities of the Department of Agriculture as he may designate which relate primarily to the dairy industry, and to employ such additional persons in the city of Washington and elsewhere, as may be necessary. (May 29, 1924, c. 208, § 3, 43 Stat. 243.)

404. Appropriation for bureau authorized.—For the purpose of carrying out the provisions of this chapter and the activities of the Bureau of Dairying, such sums of money as Congress may deem necessary are hereby authorized to be appropriated. (May 29, 1924, c. 208, § 4, 43 Stat. 243.)

Chapter 17.—MISCELLANEOUS MATTERS.

Sec.
411. Establishment of Bureau of Agricultural Economics; transfer of powers.
412. July acreage cotton crop report.
413. Semimonthly cotton crop reports.
414. Certification of condition, etc., of agricultural products shipped in interstate commerce; certificate as evidence.
415. Purchase of seeds and plants for distribution.
416. Letting contract for packeting, etc., of seeds, etc., for distribution.
417. Distribution of farmers' bulletins.
418. Annual report by Secretary on work of agricultural experiment stations and of college extension work; publication and distribution.
419. Sale by Secretary of Agriculture of products of agricultural experiment stations in Alaska and insular possessions; disposition of moneys.
420. Power to administer oaths, examine witnesses, or require production of books, etc.

Section 411. Establishment of Bureau of Agricultural Economics; transfer of powers.—The powers conferred prior to May 11, 1922, and the duties imposed by law on the Bureau of Markets, Bureau of Markets and Crop Estimates, and the Office of Farm Management and Farm Economics of the Department of Agriculture shall be exercised and performed by the Bureau of Agricultural Economics. (May 11, 1922, c. 185, 42 Stat. 532.)

412. July acreage cotton crop report.—The Secretary of Agriculture is directed to cause the Bureau of Agricultural Economics of the Department of Agriculture to issue a report, on or about the first Monday in July of each year, showing by States and in total the number of acres of cotton then in cultivation in the United States. (May 27, 1912, c. 135, § 1, 37 Stat. 118.)

413. Semimonthly cotton crop reports.—The Secretary of Agriculture shall discontinue acreage reports based upon farmers' intention to plant cotton and shall cause to be issued between July 1 and December 1 semimonthly reports as to the condition, progress, and probable production of cotton. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting committee or board consisting of five members or more to be designated by him, not less than three of which shall be supervisory field statisticians of the Department of Agriculture located in different sections of the cotton-growing States, experienced in estimating cotton production and who have first-hand knowledge of the condition of the cotton crop based on recent field observations, and a majority of which committee or board shall be familiar with the methods and practices of producing cotton: *Provided*, That the foregoing reports as of the following dates, August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, and December 1, shall be released simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at eleven o'clock antemeridian of the eighth day following that to which the respective reports relate. When such date of release falls on Sunday or a legal holiday, the report shall be issued at eleven o'clock antemeridian of the next succeeding workday. (May 3, 1924, c. 149, § 1, 43 Stat. 115.)

414. Certification of condition, etc., of agricultural products shipped in interstate commerce; certificate as evidence.—The Secretary of Agriculture is authorized to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained. (Feb. 10, 1925, c. 200, 43 Stat. 844.)

415. Purchase of seeds and plants for distribution.—Purchase and distribution by the Secretary of Agriculture of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation. (Apr. 25, 1896, c. 140, § 1, 29 Stat. 106.)

416. Letting contract for packeting, etc., of seeds, etc., for distribution.—The Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. (May 11, 1922, c. 185, 42 Stat. 517.)

417. Distribution of farmers' bulletins.—In the distribution of farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as such Senators, Representatives, or Delegates shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators, Representatives, and Delegates in Congress of the title and character of each such bulletin, with the total number to which each Senator, Representative, and Delegate may be entitled for such distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the 31st day of May in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution, or in making up congressional quotas for the next fiscal year. (June 30, 1906, c. 3913, 34 Stat. 690.)

418. Annual report by Secretary on work of agricultural experiment stations and of college extension work; publication and distribution.—There shall be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under chapter 14 of this title, on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under sections 341 to 348, inclusive, of chapter 13 of this title, and there shall be printed annually eight thousand copies of said report, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture. (Mar. 4, 1915, c. 144, 38 Stat. 1110.)

419. Sale by Secretary of Agriculture of products of agricultural experiment stations in Alaska and insular possessions; disposition of moneys.—The Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts. (Feb. 10, 1925, c. 200, 43 Stat. 824.)

420. Power to administer oaths, examine witnesses, or require production of books, etc.—In the performance of the duties required of the Bureau of Economics in the administration or enforcement of provisions of Acts (United States Cotton Futures Act, chapter 13 of Title 26; United States Grain Standards Act, chapter 3 of this title; United States Warehouse Act, chapter 10 of this title; Standard Container Act, Title 15, Commerce and Trade, sections 251 to 256, inclusive, and the Acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative specifically authorized in writing by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers. (July 24, 1919, c. 26, 41 Stat. 267.)

AGRICULTURAL AND MECHANICAL COLLEGES

See Title 7, AGRICULTURE.

AIR MAIL

See chapter 13 of Title 39, POSTAL SERVICE.

ALASKA

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

ALCOHOLISM

See chapter 7 of Title 20, EDUCATION.

ALIEN ENEMIES

See Title 50, WAR.

TITLE 8.—ALIENS AND CITIZENSHIP

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CROSS REFERENCE

Enemy aliens, see Title 50, War.

Chapter 1.—CITIZENSHIP.

Sec.
1. Citizens; who are.
2. Same; persons born in Oregon.
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10. Same; women marrying citizens; effect of repeal of former law.
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12. Same; Civil War.
13. Protection to naturalized citizens abroad.
14. Release of citizens imprisoned by foreign governments.
15. Expatriation; right of.
16. Same; during time of war.
17. Same; presumption.
18. Repatriation of expatriated citizens.

Section 1. Citizens; who are.—All persons born in the United States and not subject to any foreign power are declared to be citizens of the United States. (R. S. § 1992.)

2. Same; persons born in Oregon.—All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States. (R. S. § 1995.)

3. Same; Indians; Indians serving in Military or Naval Establishments during World War.—All Indians born within the territorial limits of the United States are declared to be citizens of the United States. The granting of citizenship to Indians shall not in any manner affect the right of any Indian to tribal or other property.

Every American Indian, who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or may receive an honorable discharge, if not a citizen on November 6, 1919, and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination, except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian, or his interest in tribal or other Indian property. (R. S. § 2312; Feb. 8, 1887, c. 119, § 6, 24 Stat. 390; Mar. 3, 1901, c. 868, 31 Stat. 1447; May 8, 1906, c. 2348, 34 Stat. 182; Nov. 6, 1919, c. 95, 41 Stat. 350; Mar. 3, 1921, c. 119, § 3, 41 Stat. 1250; June 2, 1924, c. 233, 43 Stat. 253.)

4. Same; Hawaiians.—All persons who were citizens of the Republic of Hawaii on August 12, 1898, are declared to be citizens of the United States. (Apr. 30, 1900, c. 339, § 4, 31 Stat. 141.)

5. Same; Porto Ricans.—All citizens of Porto Rico, as defined by section 733 of Title 48, and all natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described retained his political status held on March 2, 1917, by making a declaration, under oath, of his decision to do so within six months from said date before the district court in the district in which he resided, the declaration to be in form as follows:

"I, , being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may have been absent from the island during said six months the term of this proviso were availed of by transmitting a declaration, under oath, in the form herein provided within six months from March 2, 1917, to the executive secretary of Porto Rico. Any person who was born in Porto Rico of an alien parent and was permanently residing in that island may, if of full age, within six months from March 2, 1917, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States. (Mar. 2, 1917, c. 145, § 5, 39 Stat. 953.)

6. Same; children of citizens born outside of United States.—All children born out of the limits and jurisdiction of the United States, whose fathers may be at the time of their birth citizens of the United States, are declared to be citizens of the United States; but the right of citizenship shall not descend to children whose fathers never resided in the United States. All such children who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority. Duplicates of any evidence, registration, or other acts required by this section shall be filed with the Department of State for record. (R. S. § 1993; Mar. 2, 1907, c. 2534, §§ 6, 7, 34 Stat. 1229.)

7. Citizenship of children of persons naturalized under certain laws.—The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof. (R. S. § 2172.)

8. Same; children, born abroad, of alien parents, by naturalization of parent.—A child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent, where such naturalization or resumption takes place during the minority of such child. The citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States. (Mar. 2, 1907, c. 2534, § 5, 34 Stat. 1229.)

9. Same; citizenship of women citizens of United States as affected by marriage; marriage to alien ineligible to citizenship; citizenship at termination of marriage status; effect of continuous residence outside of United States; expatriation laws not affected.—A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under section 17 of this title. Nothing herein shall be construed to repeal or amend the provisions of section 15 of this title or of section 17 with reference to expatriation. The repeal of section 8 of Act March 2, 1907, chapter 2534, Thirty-fourth Statutes, page 1228, which provided that "any American woman who marries a foreigner shall take the nationality of her husband," and that "at the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein," shall not restore citizenship lost thereunder, nor terminate citizenship resumed thereunder; and any woman who had resumed thereunder citizenship lost by marriage shall, from September 22, 1922, have for all purposes the citizenship status as immediately preceding her marriage. (Sept. 22, 1922, c. 411, §§ 3, 7, 42 Stat. 1022.)

10. Same; women marrying citizens; effect of repeal of former law.—The repeal of section 1994 of the Revised Statutes of 1874, providing that "any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen", shall not terminate citizenship acquired or retained thereunder. Nor shall the repeal of section 4 of Act March 2, 1907, chapter 2534, Thirty-fourth Statutes, page 1229, providing that "any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation", terminate citizenship acquired or retained thereunder, nor restore citizenship lost thereunder. (Sept. 22, 1922, c. 411, § 6, 42 Stat. 1022.)

11. Forfeiture of citizenship for desertion or avoidance of draft.—Every person who deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 12 of this title. The provisions of this section and said section 12 shall not apply to any person deserting the military or naval service of the United States in time of peace. The loss of rights of citizenship heretofore imposed by law upon deserters from the military or naval service may be mitigated or remitted by the President where the offense was committed in time of peace and where the exercise of such clemency will not be prejudicial to the public interests. (R. S. § 1998; Aug. 22, 1912, c. 336, § 1, 37 Stat. 356.)

12. Same; Civil War.—All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the President, dated March 11, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof. No soldier or sailor, however, who faithfully served according to his enlistment until April 19, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; and this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, by the loss of citizenship and of the right to hold office, in consequence of his desertion. (R. S. §§ 1996, 1997.)

13. Protection to naturalized citizens abroad.—All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens. (R. S. § 2000.)

14. Release of citizens imprisoned by foreign governments.—Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress. (R. S. § 2001.)

15. Expatriation; right of.—Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic. (R. S. § 1999.)

16. Same; during time of war.—No American citizen shall be allowed to expatriate himself when the country is at war. (Mar. 2, 1907, c. 2534, § 2, 34 Stat. 1228.)

17. Same; presumption.—Any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign State in conformity with its laws, or when he has taken an oath of allegiance to any foreign State.

When any naturalized citizen shall have resided for two years in the foreign State from which he came, or for five years in any other foreign State it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said year. Such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe. Duplicates of any evidence, registration, or other acts required by this section shall be filed with the Department of State for record. (Mar. 2, 1907, c. 2534, §§ 2, 7, 34 Stat. 1229.)

18. Repatriation of expatriated citizens.—Any person who, while a citizen of the United States and during the World War in Europe, entered the military or naval service of any country at war with a country against whom the United States declared war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization. (June 29, 1906, c. 3592, § 4, 34 Stat. 596; June 25, 1910, c. 401, § 3, 36 Stat. 830; May 9, 1918, c. 69, §§ 1-3, 40 Stat. 542-548.)

Chapter 2.—ELECTIVE FRANCHISE.

Sec.
31. Race, color, or previous condition not to affect right to vote.
32. Interference with freedom of elections.

Section 31. Race, color, or previous condition not to affect right to vote.—All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding. (R. S. § 2004.)

32. Interference with freedom of elections.—No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (R. S. § 2003.)

Chapter 3.—CIVIL RIGHTS.

Sec.
41. Equal rights under the law.
42. Property rights of citizens.
43. Civil action for deprivation of rights.
44. Exclusion of jurors on account of race or color.
45. Same; jurisdiction of prosecutions.
46. Same; review of proceedings.
47. (1) Conspiracies; preventing officer from performing duties. (2) Same; to intimidate party, witness or juror, or obstruct justice. (3) Same; to deprive citizen of rights or privileges.
48. Same; action for neglect to prevent.
49. Prosecution of violation of certain laws.
50. Commissioners; appointment of persons to execute warrants.
51. Marshal; to obey precepts; refusing to receive or execute process.
52. Fees; certain officers.
53. Same; persons appointed to execute process.
54. Speedy trial.
55. Aid of military and naval forces.
56. Peonage abolished.

Section 41. Equal rights under the law.—All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R. S. § 1977.)

42. Property rights of citizens.—All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R. S. § 1978.)

43. Civil action for deprivation of rights.—Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R. S. § 1979.)

44. Exclusion of jurors on account of race or color.—No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000. (Mar. 1, 1875, c. 114, § 4, 18 Stat. 336.)

45. Same; jurisdiction of prosecutions.—The district courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of the preceding section. The district attorneys, marshals, and deputy marshals of the United States, and United States commissioners with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of the preceding section, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or Territorial court, as by law has cognizance of the offense, and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases. Nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise; and any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000. Judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively. (Mar. 1, 1875, c. 114, § 3, 18 Stat. 336.)

46. Same; review of proceedings.—All cases arising under the provisions of section 44 of this title in the courts of the United States shall be reviewable by the Supreme Court of the

United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (Mar. 1, 1875, c. 114, § 5, 18 Stat. 337.)

47. **(1) Conspiracies; preventing officer from performing duties.**—If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Same; to intimidate party, witness or juror, or obstruct justice.—If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Same; to deprive citizen of rights or privileges.—If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (R. S. § 1980.)

48. **Same; action for neglect to prevent.**—Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R. S. § 1981.)

49. **Prosecution of violation of certain laws.**—The district attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of chapter 3 of Title 18, or of sections 246, 428, 443 to 445 of said Title 18, or of section 51 of this title, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. (R. S. § 1982.)

50. **Commissioners; appointment of persons to execute warrants.**—The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (R. S. §§ 1983, 1984.)

51. **Marshal; to obey precepts; refusing to receive or execute process.**—Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of the preceding section. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of $1,000, for the benefit of the party aggrieved thereby. (R. S. §§ 1985, 5517.)

52. **Fees; certain officers.**—The district attorneys, marshals, their deputies, and the clerks of the courts of the United States and territorial courts shall be authorized to charge and collect, in cases under the foregoing sections the same fees as they are allowed to charge and collect for like services in other cases; and where the proceedings are before a commissioner he shall be entitled to a fee of $10 for his services in each case, inclusive of all services incident to the arrest and examination. (R. S. § 1986; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099.)

53. Same; persons appointed to execute process.—Every person appointed to execute process under section 50 of this title shall be entitled to a fee of $5 for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (R. S. § 1987.)

54. Speedy trial.—Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of chapter 3 of Title 18, or of sections 246, 428, 443 to 445, of said Title 18, or of section 51 of this title, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (R. S. § 1988.)

55. Aid of military and naval forces.—It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding sections, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title. (R. S. § 1989.)

56. Peonage abolished.—The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void. (R. S. § 1990.)

Chapter 4.—FREEDMEN.

Sec.
61. Laws continued in force.
62. Laws enforced by Secretary of War.
63. Claims for pay or bounty; payment.
64. Retained bounty fund; application for payments.
65. Who deemed wife and children of colored soldiers.

Section 61. Laws continued in force.—All laws and parts of laws pertaining to the collection and payment of bounty, prize money, and other legitimate claims of colored soldiers, sailors, and marines, or their heirs, shall remain in force until otherwise ordered by Congress. (R. S. § 2032.)

62. Laws enforced by Secretary of War.—The Secretary of War is authorized to carry into effect all laws and parts of laws referred to in the preceding section, and to this end he may employ such clerical force as he deems necessary. (R. S. § 2033.)

63. Claims for pay or bounty; payment.—All sums due upon certificates issued, or which may be issued in settlement of claims for pay, bounty, prize money, or other moneys due to colored soldiers, sailors, or marines, or their legal representatives, shall be paid in the same manner as similar claims are paid to white soldiers, sailors, and marines, but no such certificate shall be issued until it shall have been ascertained that the application is made by the original claimant, or, if he be dead, by his true living legal representative, nor until the identity of such claimant or representative as the case may be, shall have been duly established. If an agent or attorney be employed, the allowance for his services shall not in any case exceed that contemplated in the scale of fees and allowances fixed by joint resolution July 26, 1866, Numbered 86, section 2, Fourteenth Statutes, page 368, and no power of attorney, transfer or assignment of the amount of such claims, or any part thereof, shall in any case be recognized. (Mar. 3, 1879, c. 182, § 2, 20 Stat. 402; Feb. 1, 1888, c. 4, § 1, 25 Stat. 9.)

64. Retained bounty fund; application for payments.—The unexpended balance of the retained fund in the custody of the Freedmen's Bureau prior to July 1, 1902, is covered into the Treasury as "Miscellaneous receipts." Upon application by parties entitled to any portion of the money so covered in, the Secretary of the Treasury is authorized and directed to pay the amount found due in the same manner and from the same appropriation as claims for bounty to volunteer soldiers are now paid. (July 1, 1902, c. 1351, 32 Stat. 556.)

65. Who deemed wife and children of colored soldiers.—In determining who is the wife or child of any colored soldier, within the meaning of this chapter, evidence that the soldier and the woman claimed to be his wife cohabited or associated as husband and wife, and so continued to cohabit or associate at the time of enlistment, or evidence that a form of marriage, whether such marriage was authorized or recognized by law or not, was entered into by them, and that the parties thereafter lived together as husband and wife, and so continued to live together at the time of the enlistment, shall be deemed sufficient proof of marriage; and the children born of any such marriage shall be taken to be the children embraced within the provisions of this chapter, whether such marriage was or was not dissolved at the time of the enlistment. (R. S. § 2037.)

Chapter 5.—ALIEN OWNERSHIP OF LAND.

Sec.
71. Acquisition or ownership of land in Territories by aliens.
72. Same; lands previously acquired.
73. Same; acquisition by inheritance or in collection of debts.
74. Same; conveyance by aliens before escheat proceedings.
75. Same; escheat proceedings.
76. Same; condemnation and sale of lands.
77. Same; public lands.
78. Same; real estate in District of Columbia.
79. Same; real estate in District of Columbia; treaties.
80. Same; real estate in District of Columbia; alien-owned corporations.
81. Same; real estate in District of Columbia; forfeiture of property.
82. Same; real estate in District of Columbia; foreign legations.
83. Public lands in Hawaii; right to acquire in general.
84. Same; conveyance or other transfer to alien.
85. Same; preference right to purchase land to persons declaring intention to become citizens.
86. Same; sale of agricultural land to persons declaring intention to become citizens.

Section 71. Acquisition or ownership of land in Territories by aliens.—No alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the manner provided by law shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided. The prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty, shall continue to exist so long as such treaties are in force, and no longer. (Mar. 2, 1887, c. 363, § 1, 29 Stat. 618.)

72. Same; lands previously acquired.—Sections 71 to 77 of this title shall not apply to land owned in any of the Territories of the United States by aliens, which was acquired on or before March 3, 1887, so long as it is held by the then owners, their heirs or legal representatives, nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States. If any such resident alien shall cease to be a bona fide resident of the United States then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This section and sections 71, 73 to 77 shall not be construed to prevent any persons not citizens of the United States from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim, in any of the Territories of the United States. (Mar. 2, 1897, c. 363, § 2, 29 Stat. 618.)

73. Same; acquisition by inheritance or in collection of debts.—Sections 71 to 77 of this title shall not prevent aliens from acquiring lands or any interests therein by inheritance or in the ordinary course of justice in the collection of debts, nor from acquiring liens on real estate or any interest therein, nor from lending money and securing the same upon real estate or any interest therein; nor from enforcing any such lien, nor from acquiring and holding title to such real estate, or any interest therein, upon which a lien may have heretofore or may hereafter be fixed, or upon which a loan of money may have been heretofore or hereafter may be made and secured. All lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided. (Mar. 2, 1897, c. 363, § 3, 29 Stat. 618.)

74. Same; conveyance by aliens before escheat proceedings.—Any alien who shall hold lands in any of the Territories of the United States in contravention of the provisions of sections 71 to 77 of this title may nevertheless convey his title thereto at any time before the institution of escheat proceedings as hereinafter provided. If any such conveyance shall be made by such alien, either to an alien or to a citizen of the United States, in trust and for the purpose and with the intention of evading the provisions of said sections, such conveyance shall be null and void, and any such lands so conveyed shall be forfeited and escheat to the United States. (Mar. 2, 1897, c. 363, § 4, 29 Stat. 618.)

75. Same; escheat proceedings.—It shall be the duty of the Attorney General of the United States, when he shall be informed or have reason to believe that land in any of the Territories of the United States are being held contrary to the provisions of sections 71 to 77 of this title, to institute or cause to be instituted suit in behalf of the United States in the district court of the Territory in the district where such land or a part thereof may be situated, praying for the escheat of the same on behalf of the United States to the United States. Before any such suit is instituted the Attorney General shall give or cause to be given ninety days' notice by registered letter of his intention to sue, or by personal notice directed to or delivered to the owner of said land, or the person who last rendered the same for taxation, or his agent, and to all other persons having an interest in such lands of which he may have actual or constructive notice. In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county. (Mar. 2, 1897, c. 363, § 5, 29 Stat. 619.)

76. Same; condemnation and sale of lands.—If it shall be determined upon the trial of any such escheat proceedings that the lands are held contrary to the provisions of sections 71 to 77 of this title, the court trying said cause shall render judgment condemning such lands and shall order the same to be sold as under execution; and the proceeds of such sale, after deducting costs of such suit, shall be paid to the clerk of such court so rendering judgment, and said fund shall remain in the hands of such clerk for one year from the date of such payment, subject to the order of the alien owner of such lands, or his heirs or legal representatives; and if not claimed within the period of one year, such clerk shall pay the same into the treasury of the Territory in which the lands may be situated, for the benefit of the available school fund of said Territory. The defendant in any such escheat proceedings may, at any time, before final judgment, suggest and show to the court that he has conformed with the law, either becoming a bona fide resident of the United States, or by declaring his intention of becoming a citizen of the United States, or by the doing or happening of any other act which, under the provisions of sections 71 to 77, would entitle him to hold or own real estate, which being admitted or proved, such suit shall be dismissed on payment of costs and a reasonable attorney fee to be fixed by the court. (Mar. 2, 1897, c. 363, § 6, 29 Stat. 619.)

77. Same; public lands.—Sections 71 to 76 of this title shall not in any manner be construed to authorize aliens to acquire title from the United States to any of the public lands of the United States or to in any manner affect or change the laws regulating the disposal of the public lands of the United States. (Mar. 2, 1897, c. 363, § 7, 29 Stat. 619.)

78. Same; real estate in District of Columbia.—Aliens shall have the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as are conferred upon aliens in respect of real estate in the Territories of the United States by sections 71 to 77 of this title. (Feb. 23, 1905, c. 733, 33 Stat. 733.)

79. Same; real estate in District of Columbia; treaties.—It shall be unlawful on and after March 3, 1887, for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to acquire, hold, or own real estate so acquired, or any interest therein, in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created. The prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty shall continue to exist so long as such treaties are in force, and no longer. (Mar. 3, 1887, c. 340, § 1, 24 Stat. 476.)

80. Same; real estate in District of Columbia; alien-owned corporations.—No corporation or association of which over 50 percentum of the stock is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall on and after March 3, 1887, acquire or hold or own any real estate so acquired in the District of Columbia. (Mar. 3, 1887, c. 340, § 2, 24 Stat. 477; June 30, 1902, c. 1329, 32 Stat. 530.)

81. Same; real estate in District of Columbia; forfeiture of property.—All property acquired, held, or owned in violation of the provisions of sections 79 and 80 of this title shall be forfeited to the United States, and it shall be the duty of the

Attorney General to enforce every such forfeiture by bill in equity or other proper process. In any suit or proceeding that may be commenced to enforce the provisions of said sections, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in the said sections mentioned. (Mar. 3, 1887, c. 340, § 4, 24 Stat. 477.)

82. Same; real estate in District of Columbia; foreign legations.—Sections 79 to 81 inclusive of this title shall not apply to or operate in the District of Columbia, so far as relates to the ownership of legations, or the ownership of residences by representatives of foreign governments, or attachés thereof. (Mar. 9, 1888, c. 30, 25 Stat. 45.)

83. Public lands in Hawaii; right to acquire in general.—No person, including individuals, partnership, corporation, and association, who is an alien, shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement in public lands in Hawaii, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention, and taken and held under any such certificate, lease, or agreement, shall continue to hold, or become entitled to a homestead lease or patent to the land, unless he becomes a citizen within five years after so taking. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

84. Same; conveyance or other transfer to alien.—No public land in Hawaii for which any certificate of occupation, right of purchase lease, or cash freehold or special homestead agreement is issued or any part thereof, or interest therein or control thereof, shall, without the written consent of the Commissioner of Public Lands of the Territory of Hawaii, and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise, transferred to, or acquired or held by, or for the benefit of any alien. The prohibitions of this section shall not apply to transfers or acquisitions by inheritance or between tenants in common. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

85. Same; preference right to purchase land to persons declaring intention to become citizens.—The Commissioner of Public Lands of the Territory of Hawaii, with the approval of the governor, may give to any person who has legally declared his intention to become a citizen of the United States, and thereafter becomes such, and who has, or whose predecessors in interest have improved any parcel of public lands and resided thereon continuously for the ten years next preceding the application to purchase, a preference right to purchase so much of such parcels and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested citizens to be appointed by the governor. In the determination of such purchase price, the commissioner may, if he deems it just and reasonable, disregard the value of the improvements on such parcel and adjoining land. If such parcel of public lands is reserved for public purposes, either for the use of the United States or the Territory of Hawaii, the commissioner may, with the approval of the governor, grant to such person a preference right to purchase public lands which are of similar character, value, and area, and which are situated in the same land district. The privilege granted by this section shall not extend to any original lessee or to an assignee of an entire lease of public lands. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

86. Same; sale of agricultural land to persons declaring intention to become citizens.—The Commissioner of Public Lands of the Territory of Hawaii shall, with the approval of the board of public lands, sell to any person who has legally declared his intention to become a citizen of the United States, for residence purposes lots and tracts of agricultural lands, not exceeding three acres in area. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

Chapter 6.—IMMIGRATION.

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103. Same; administration of alien contract labor laws.
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105. Division of information in Bureau of Immigration; distribution of aliens; State agents.
106. Registry of aliens by Bureau of Immigration.
107. Commissioners of immigration; appointment.
108. Immigration officers; duties.
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REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL

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138. Importation of aliens for immoral purposes; attempt to reenter after deportation; penalty.
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QUOTA AND NONQUOTA IMMIGRANTS

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(b) Persons entitled to; petition for; form and contents.
(c) Verification of petition; documentary evidence accompanying.
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(b) Issue by Commissioner General with approval of Secretary of Labor; life of permit; form and contents of permit; photograph attached.
(c) Extension of life of permit.
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224. Definitions.
225. Appropriation authorized.
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227. Certain aliens temporarily admitted under Act May 19, 1921, and under bond in excess of quotas may remain.
228. Certain aliens arriving in excess of quota permitted to remain.
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BUREAU OF IMMIGRATION, IMMIGRATION OFFICERS, AND IMMIGRATION STATIONS

Section 101. Commissioner General of Immigration; Assistant Commissioner General of Immigration; appointment; reports; quarters.—The office of the Commissioner General of Immigration is created and established, and the President by and with the advice and consent of the Senate, is authorized and directed to appoint such officer. He shall be an officer in the Department of Labor, and shall perform all his duties under the direction of the Secretary of Labor, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing as the Secretary of Labor shall require. The Secretary shall provide him with a suitable, furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. There shall be an assistant commissioner gen-

eral who shall act as chief clerk and actuary. (Mar. 3, 1891, c. 551, § 7, 26 Stat. 1085; Mar. 2, 1895, c. 177, § 1, 28 Stat. 780; Apr. 28, 1904, No. 34, 33 Stat. 591; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737; Feb. 5, 1917, c. 29, § 23, 39 Stat. 892; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1118; Mar. 28, 1922, c. 117, Title II, 42 Stat. 486; Jan. 5, 1923, c. 24, Title II, 42 Stat. 1127.)

102. Same; administration of immigration laws; rules and regulations; contracts for support of distressed aliens; detail of immigration officers.—The Commissioner General of Immigration under the direction of the Secretary of Labor shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this section and sections 105, 108, 109, 113, 115, 116, 132, 134, 136 to 139, 142 to 166, 168, 169, 171, 173, 175, 177, and 178 of this title and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of the provisions of such sections, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose. It shall be the duty of the Commissioner General of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgement, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purpose of said sections, detail immigration officers for service in foreign countries; and, upon his request, approved by the Secretary of Labor, the Secretary of the Treasury may detail medical officers of the United States Public Health Service for the performance of duties in foreign countries in connection with their enforcement. (Apr. 28, 1904, No. 34, 33 Stat. 591; Feb. 5, 1917, c. 29, § 23, 39 Stat. 892.)

103. Same; administration of alien contract labor laws.—The Commissioner General of Immigration, in addition to his other duties, shall have charge, under the Secretary of Labor, of the administration of alien contract labor laws. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 780.)

104. Same; administration of Chinese exclusion laws.—The Commissioner General of Immigration, in addition to his other duties, shall have charge, under the supervision and direction of the Secretary of Labor, of the administration of the Chinese exclusion laws. (June 6, 1900, c. 791, § 1, 31 Stat. 611.)

105. Division of information in Bureau of Immigration; distribution of aliens; State agents.—There shall be maintained a division of information in the Bureau of Immigration; and the Secretary of Labor shall provide such clerical and other assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted. (Feb. 5, 1917, c. 29, § 30, 39 Stat. 895.)

106. Registry of aliens by Bureau of Immigration.—It shall be the duty of the Bureau of Immigration to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after June 29, 1906, of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. It shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof. (June 29, 1906, c. 3592, § 1, 34 Stat. 596.)

107. Commissioners of immigration; appointment.—The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 390; Aug. 1, 1914, c. 223, § 1, 38 Stat. 666; June 5, 1920, c. 235, § 1, 41 Stat. 936.)

108. Immigration officers; duties.—The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Labor. (Feb. 5, 1917, c. 29, § 23, 39 Stat. 892.)

109. Same; appointment; compensation.—Immigrant inspectors and other immigration officers, clerks, and employees shall be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of sections 632, 633, 635, 637, 638, and 640 to 642 of Title 5. The Secretary of Labor, in the enforcement of the law excluding contract laborers and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service when not so engaged, without reference to the provisions of said sections, or to the various laws relative to the compilation of the Official Register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw annually from the appropriation for the enforcement of

the laws regulating the immigration of aliens into the United States $100,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the General Accounting Office shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Labor certifies that an itemized account would not be for the best interests of the Government. Nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by section 107 of this title, or the official status of such commissioners appointed prior to February 5, 1917. (Feb. 5, 1917, c. 29, § 24, 39 Stat. 893.)

110. Arrest without warrant of aliens by employees of Bureau of Immigration.—Any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, shall have power without warrant (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States; and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens. (Feb. 27, 1925, c. 364, Title IV, 43 Stat. 1049.)

111. Special immigrant inspectors at Washington.—Special immigrant inspectors, not to exceed three, may be detailed for duty in the bureau at Washington. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 780.)

112. Same; officers and clerk enforcing alien contract labor laws.—Sections 39 or 46 of Title 5 shall not be construed to prevent the Secretary of Labor from detailing two officers and one clerk employed for the special duty of enforcing the alien contract labor provisions of the immigration laws, in pursuance of section 109 of this title for duty at the Department of Labor at Washington. (Mar. 3, 1901, c. 853, 31 Stat. 1155; Mar. 4, 1915, c. 147, § 1, 38 Stat. 1151.)

113. Detail of inspectors and matrons on vessels carrying immigrant or emigrant passengers.—The Secretary of Labor is authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage. (Feb. 5, 1917, c. 29, § 11a, 39 Stat. 882.)

114. Lease of immigrant station at Charleston.—The Secretary of Labor is authorized, in his discretion, to lease for other than governmental purposes the property known as the Charleston immigration station, with the improvements thereon; and said Secretary shall fix the amount of rental per annum to be paid therefor, which rental shall be a fair and just sum for property of like character, situation, and value and prescribe such conditions regarding the uses to be made of said property as he shall deem proper. All expenses of maintenance and repairs on the building and dock at said station shall be borne by the lessee or lessees. Any lease executed under this resolution may be terminated and the property reoccupied under such conditions as the Secretary of Labor may prescribe. (Aug. 15, 1919, c. 50, 41 Stat. 280.)

115. Disposal of privileges at immigrant stations; sale of liquors.—All exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of to the lowest responsible and capable bidder, after public competition, notice of such competitive bidding having been made in two newspapers of general circulation for a period of two weeks subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, may prescribe, and all receipts accruing from the disposal of privileges shall be paid into the Treasury of the United States. No such contract shall be awarded to an alien. No intoxicating liquors shall be sold at any such immigration station. (Feb. 5, 1917, c. 29, § 26, 39 Stat. 894.)

116. Local jurisdiction over immigrant stations.—For the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations. (Feb. 5, 1917, c. 29, § 27, 39 Stat. 894.)

117. Use of hospital at Ellis Island by Public Health Service.—The Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island immigration station for the care of Public Health Service patients, free of expense for physical upkeep, but with a charge of actual cost for fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations. (Jan. 3, 1923, c. 22, 42 Stat. 1101; Apr. 4, 1924, c. 84, Title I, 43 Stat. 75; Jan. 22, 1925, c. 87, Title I, 43 Stat. 775.)

118. Motor vehicles for enforcement of immigration and Chinese exclusion laws.—The purchase, exchange, use, maintenance, and operation of motor vehicles, and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe. (June 12, 1917, c. 27, § 1, 40 Stat. 170; Mar. 28, 1922, c. 117, Title II, 42 Stat. 487; Jan. 5, 1923, c. 24, Title II, 42 Stat. 1127; May 28, 1924, c. 204, Title IV, 43 Stat. 240; Feb. 27, 1925, c. 364, Title IV, 43 Stat. 1049.)

REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL

131. Control of immigration.—The jurisdiction, supervision, and control over the immigration of aliens into the United States, its waters, Territories and any place subject to the jurisdiction thereof, are vested in the Department of Labor. (Feb. 14, 1903, c. 552, § 7, 32 Stat. 828.)

132. Tax on aliens entering United States; lien of tax on vessels, etc.—There shall be levied, collected, and paid a tax of $8 for every alien, including alien seamen regularly admitted as provided by law to enter the United States; but children

under sixteen years of age who accompany their father or their mother shall not be subject to said tax. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle or when collection from the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance, or vehicle bringing such alien to the United States is impracticable. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. The tax shall not be levied on account of aliens who enter the United States after an uninterrupted residence of at least one year immediately preceding such entrance in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, for a temporary stay, nor on account of otherwise admissible residents or citizens of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory, and the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and regulations and prescribe the conditions necessary to prevent abuse of these exceptions. The Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, by agreement with transportation lines, as provided in section 160 of this title, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory. The tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands. In the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application, upon a blank which shall be furnished and explained to him, be refunded to the alien. (Feb. 5, 1917, c. 29, § 2, 39 Stat. 875.)

133. Head tax on aliens and other moneys covered into Treasury.—All head tax, all fines, rentals collected, and moneys received under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 982.)

134. Refunding head tax.—The Commissioner General of Immigration, with the approval of the Secretary of Labor, shall have power to refund head tax collected under Act March 3, 1903, chapter 1012, section 1, Thirty-second Statutes, page 1213, upon presentation of evidence showing conclusively that such collection was erroneously made. (Feb. 3, 1905, c. 297, § 1, 33 Stat. 684.)

135. No tax or charge by State on immigrants.—No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country. (R. S. § 2164.)

136. Aliens excluded.—The following classes of aliens shall be excluded from admission into the United States:

(a) Idiots, imbeciles, etc.—All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism—

(b) Paupers, etc.—Paupers; professional beggars; vagrants—

(c) Tubercular or other diseased persons.—Persons afflicted with tuberculosis in any form or with a loathsome or contagious or dangerous contagious disease—

(d) Mental or physical defectives.—Persons not comprehended within any of the classes enumerated in paragraphs a, b, or c, who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living—

(e) Criminals.—Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude: *Provided*, That nothing in sections 136 or 137 of this title shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission of an offense purely political—

(f) Polygamists.—Polygamists or persons who practice polygamy or believe in or advocate the practice of polygamy—

(g) Prostitutes, procurers, or pimps.—Prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution—

(h) Contract laborers.—Persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country: *Provided*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed cannot be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *And provided further*, That the provisions of sections 136 to 139 of this title applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges, or seminaries, persons belonging to any recognized learned profession, or persons employed as domestic servants: *And provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone: *And provided further*, That nothing in the contract-labor provisions of sections 136 to 139 shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by Act of Congress, from bringing into the United States, under contract, such otherwise admissable alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any

business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons—

(i) Public charges.—Persons likely to become a public charge—

(j) Persons previously deported.—Persons who have been deported under any of the provisions of this subchapter, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission—

(k) Persons whose transportation is paid by others, etc.—Persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly: *Provided*, That the provisions of this subchapter, relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory—

(l) Stowaways.—Stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor—

(m) Children under sixteen.—All children under sixteen years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible—

(n) Asiatics.—Unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under sixteen years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 155 of this title—

(o) Illiterates.—All aliens over sixteen years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over fifty-five years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. The following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in the reading-test provisions of sections 136 or 137 of this title shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by Act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons: *And provided further*, That an alien who could not read, if otherwise admissible, was properly admitted where, within five years after June 5, 1920, a citizen of the United States who had served in the military or naval forces of the United States during the war with the Imperial German Government, requested that such alien be admitted, and with the approval of the Secretary of Labor, married such alien at a United States immigration station—

(p) Aliens returning to unrelinquished domicile.—Aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe—

(q) Bonds for admission and return of inadmissible aliens.—The Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission—

(r) Accredited officials of foreign governments, etc.—Nothing in sections 132, 136 to 139, 142 to 165, 168, 169, 171,

173, or 175 of this title shall be construed to apply to accredited officials of foreign governments, nor to their suites, families, or guests. (Feb. 5, 1917, c. 29, § 3, 39 Stat. 875; June 5, 1920, c. 243, 41 Stat. 981.)

137. Other aliens excluded.—In addition to the aliens who are by law otherwise excluded from admission into the United States, the following persons shall also be excluded from admission into the United States:

(a) Anarchists.—Aliens who are anarchists—

(b) Aliens opposed to, or disbelieving in, organized forms of government.—Aliens who disbelieve in, or advise, advocate, or teaches, disbelief in or opposition to all organized government, association, society, or group, that advises, advocates, or teaches, disbelief in or opposition to all organized government—

(c) Aliens believing in, advising, etc., overthrow by force or violence of United States Government, or all forms of law, unlawful assaulting or killing of any Government officers, unlawful damage, etc., to property, or sabotage.—Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States, or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage—

(d) Aliens writing, publishing, etc., written or printed matter, advising, etc., opposition to organized forms of government, overthrow by force or violence of United States Government or all forms of law, unlawful assaulting or killing of Government officers, unlawful damage, etc., to property, or sabotage.—Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching, opposition to all organized government, or advising, advocating, or teaching: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage—

(e) Aliens members of or affiliated with organization, etc., writing, etc., written or printed matter described in preceding paragraph.—Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (d).

(f) What constitutes advising, advocacy, teaching, or affiliation.—For the purpose of this section: (1) the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and (2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

(g) Deportation.—Any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in this section shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in this subchapter. The provisions of this section shall be applicable to the classes of aliens mentioned therein irrespective of the time of their entry into the United States.

(h) Same; reentry; punishment.—Any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this section, thereafter return to or enter the United States or attempt to return to or enter the United States shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not more than five years; and shall, upon the termination of such imprisonment, be taken into custody, upon the warrant of the Secretary of Labor, and deported in the manner provided in this subchapter. (Oct. 16, 1918, c. 186, §§ 1–3, 40 Stat. 1012; June 5, 1920, c. 251, 41 Stat. 1008.)

138. Importation of aliens for immoral purposes; attempt to reenter after deportation; penalty.—The importation into the United States of any alien for the purpose of prostitution, or for any other immoral purpose, is forbidden; and whoever shall, directly or indirectly, import, or attempt to import into the United States any alien for the purpose of prostitution or for any other immoral purpose, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place, for the purpose of prostitution or for any other immoral purpose, any alien, in pursuance of such illegal importation, shall in every such case be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment for a term of not more than ten years and by a fine of not more than $5,000. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occurs. Any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this subchapter which relate to prostitutes, procurers, or other like immoral persons, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than two years. In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against each other. (Feb. 5, 1917, c. 29, § 4, 39 Stat. 878.)

139. Contract laborers; prepaying transportation or assisting importation; forfeiture and punishment.—It shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the second proviso of paragraph (h) of section 136 of this title or have been imported with the permission of the Secretary of Labor in accordance with said paragraph (h), and for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, as debts of like amount are now recovered in the courts

of the United States. For every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of $1,000, or by imprisonment for a term of not less than six months nor more than two years; and under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid. The Department of Justice, with the approval of the Department of Labor, may from any fines or penalties received pay rewards to persons other than Government employees who may furnish information leading to the recovery of any such penalties, or to the arrest and punishment of any person, as in this section provided. (Feb. 5, 1917, c. 29, § 5, 39 Stat. 879.)

140. Same; reward to informer.—The Secretary of Labor is authorized to pay to an informer who furnishes original information that section 139 preceding has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per centum, where it appears that the recovery was had in consequence of the information thus furnished. (Oct. 19, 1888, c. 1210, § 1, 25 Stat. 566; Apr. 29, 1904, No. 34, 33 Stat. 591.)

141. Contracts for labor or service of aliens, previous to importation, void.—All contracts or agreements, express or implied, parol, or special, which may be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect. (Feb. 26, 1885, c. 164, § 2, 23 Stat. 332.)

142. Advertisements of employment to aliens, etc.—It shall be unlawful and be deemed a violation of section 139 of this title to induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit, any alien to come into the United States by promise of employment through advertisements printed, published, or distributed in any foreign country, whether such promise is true or false, and either the civil or criminal penalty or both imposed by said section shall be applicable to such a case. (Feb. 5, 1917, c. 29, § 6, 39 Stat. 879.)

143. Solicitation of immigration by transportation companies.—It shall be unlawful for any person, association, society, company, partnership, corporation, or others engaged in the business of transporting aliens to or within the United States, including owners, masters, officers, and agents of vessels, directly or indirectly, by writing, printing, oral representation, payment of any commissions to an alien coming into the United States, allowance of any rebates to an alien coming into the United States, or otherwise, to solicit, invite, or encourage or attempt to solicit, invite, or encourage, any alien to come into the United States, and anyone violating any provision hereof shall be subject to either the civil or the criminal prosecution, or both, prescribed by section 139 of this title; or if it shall appear to the satisfaction of the Secretary of Labor that any owner, master, officer, or agent of a vessel has brought or caused to be brought to a port of the United States any alien so solicited, invited, or encouraged to come by such owner, master, officer, or agent, such owner, master, officer, or agent shall pay to the collector of customs of the customs district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $400 for each and every such violation; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded; but clearance may be granted prior to the determination of such questions upon the deposit with the collector of customs of a sum sufficient to cover such fine. Whenever it shall be shown to the satisfaction of the Secretary of Labor that the provisions of this section are persistently violated by or on behalf of any transportation company, it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions. This section shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, confined strictly to stating the sailing of their vessels and terms and facilities of transportation therein. Under this section and sections 139 and 142 of this title it shall be presumed from the fact that any person, company, partnership, corporation, association, or society induces, assist, encourages, solicits, or invites, or attempts to induce, assist, encourage, solicit, or invite, the importation, migration, or coming of an alien from a country foreign to the United States that the offender had knowledge of such person's alienage. (Feb. 5, 1917, c. 29, § 7, 39 Stat. 879.)

144. Bringing in or harboring or concealing certain aliens.—Any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor or attempt to conceal or harbor, or assist or abet another to conceal or harbor, in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $2,000 and by imprisonment for a term not exceeding five years for each and every alien so landed or brought in or attempted to be landed or brought in. (Feb. 5, 1917, c. 29, § 8, 39 Stat. 880.)

145. Bringing in aliens subject to disability, or afflicted with disease.—It shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 136 of this title, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted

at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $250, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of said section 136 because unable to read, or who is excluded by its terms as a native of that portion of the Continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed.

If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 154 of this title, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported. No vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fines [or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs]. Nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisions or exceptions to section 136 of this title exempted from the excluding provisions of said section. (Feb. 5, 1917, c. 29, § 9, 39 Stat. 880; May 26, 1924, c. 190, § 26, 43 Stat. 166.)

146. Prevention of unauthorized landing of aliens; prima facie proof of landing.—(a) It shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section 102 of this title, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $200 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor, it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of $1,000, which shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

(b) Proof that the alien failed to present himself at the time and place designated by the immigration officers shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers. (Feb. 5, 1917, c. 29, § 10, 39 Stat. 881; May 26, 1924, c. 190, § 27, 43 Stat. 167.)

147. Detention of aliens for observation and examination; inspectors to report condition of vessels.—For the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 136 of this title, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject aliens to an observation and examination sufficient to determine whether or not they belong to the said excluded classes by reason of being afflicted in the manner indicated. In order to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section. It shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports. (Feb. 5, 1917, c. 29, § 11, 39 Stat. 881.)

148. Lists of alien passengers arriving or departing; record of resident aliens and citizens leaving for foreign country.—Upon the arrival of any alien by water at any port within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read or write; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether in possession of $50, and if less, how much; whether going to join a relative or friend, and, if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane; whether ever supported by charity; whether a polygamist; whether an

anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled; and if so, for how long and from what cause; whether coming with the intent to return to the country whence such alien comes after temporarily engaging in laboring pursuits in the United States; and such other items of information as will aid in determining whether any such alien belongs to any of the excluded classes enumerated in section 136 of this title; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. It shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possessions to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; if native born, the place and date of birth, or if naturalized the city or town in which naturalization has been had; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 150 of this title. In the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date. It shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence: and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized. (Feb. 5, 1917, c. 29, § 12, 39 Stat. 882.)

149. Grouping of alien passengers in lists; identification tickets.—All aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and other items of information required by law, are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States under sections 136 and 137 of this title, and that also according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. The surgeon of said vessel sailing therewith shall also sign each of said lists or manifest and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer or other officer authorized to administer oaths. If any changes in the condition of such aliens occur or develop during the voyage of the vessel on which they are traveling, such changes shall be noted on the manifest before the verification thereof. (Feb. 5, 1917, c. 29, § 13, 39 Stat. 884.)

150. Refusal or failure to furnish lists of alien passengers.—It shall be unlawful for the master or commanding officer of any vessel bringing aliens into or carrying aliens out of the United States to refuse or fail to deliver to the immigration officials the accurate and full manifests or statements or information regarding all aliens on board or taken on board such vessel required by this subchapter, and if it shall appear to the satisfaction of the Secretary of Labor that there has been such a refusal or failure, or that the lists delivered are not accurate and full, such master or commanding officer shall pay to the collector of customs at the port of arrival or departure the sum of $10 for each alien concerning whom such accurate and full manifest or statement or information is not furnished, or concerning whom the manifest or statement or information is not prepared and sworn to as prescribed by this subchapter. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while it remains unpaid, nor shall such fine be remitted or refunded; but clearance may be granted prior to the determi-

nation of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. (Feb. 5, 1917, c. 29, § 14, 39 Stat. 884.)

151. Inspection of alien passengers on arrival; temporary removal for examination.—Upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels, the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this subchapter bind the said vessels, transportation lines, masters, agents, owners, or consignees. Where removal is made to premises owned or controlled by the United States, said vessels, transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safe-keeping of such aliens. Whenever a temporary removal of aliens is made the vessels or transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 154 of this title. Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in that section. (Feb. 5, 1917, c. 29, § 15, 39 Stat. 885.)

152. Physical and mental examination of alien passengers; regulations.—The physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor. All aliens arriving at ports of the United States shall be examined by not less than two such medical officers at the discretion of the Secretary of Labor, and under such administrative regulations as he may prescribe and under medical regulations prepared by the Surgeon General of the United States Public Health Service. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry designated by the Secretary of Labor, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. Any alien certified for insanity or mental defect may appeal to the board of medical officers of the United States Public Health Service, which shall be convened by the Surgeon General of the United States Public Health Service, and said alien may introduce before such board one expert medical witness at his own cost and expense. The inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this section, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors at the discretion of the Secretary of Labor and under such regulations as he may prescribe. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this subchapter, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 231 of Title 18. All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in sections 136 and 137 of this title. Any commissioner of immigration or inspector in charge shall also have power to require by subpœna the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpœna issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this subchapter shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than one year, or by a fine of not more than $2,000, or both; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall, on conviction thereof, be punished by imprisonment for not more than ten years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all

cases where an appeal to the Secretary of Labor is permitted by this subchapter, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. (Feb. 5, 1917, c. 29, § 16, 39 Stat. 885.)

153. Boards of special inquiry; appointment.—Boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public, but the immigrant may have one friend or relative present under such regulations as may be prescribed by the Secretary of Labor. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decisions of any two members of the board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Labor. The decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section 158 of this title, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 136 of this title. (Feb. 5, 1917, c. 29, § 17, 39 Stat. 887.)

154. Immediate deportation of aliens brought in violation of law; cost of maintenance and return.—All aliens brought to this country in violation of law shall be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came, on the vessels bringing them, unless in the opinion of the Secretary of Labor immediate deportation is not practicable or proper. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. It shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to fail to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien, or to take any security for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this subchapter, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 136 of this title; and if it shall appear to the satisfaction of the Secretary of Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions, or any of the provisions of section 151 of this title, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of said sections; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any aliens found to have come in violation of any provision of this subchapter if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this subchapter or other laws of the United States; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this subchapter, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 152 of this title, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien shall be treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him: *Provided further*, That upon the certificate of an examining medical officer to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of the laws regulating immigration of aliens into the United States, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon

the certificate of an examining medical officer to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens. (Feb. 5, 1917, c. 29, § 18, 39 Stat. 887; Feb. 27, 1925, c. 364, Title IV, 43 Stat. 1049.)

155. Deportation within certain time of aliens entering or found in United States in violation of law.—At any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this subchapter, or in violation of any other law of the United States; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who, after February 5, 1917, is sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section 138 of this title; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported. The marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this subchapter shall not invest such female with United States citizenship if the marriage of such alien female shall be solemnized after her arrest or after the commission of acts which make her liable to deportation under this subchapter. The provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within thirty days thereafter, due notice having first been given to representatives of the State, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this subchapter; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment. The provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States; and shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof. Any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provisions of this subchapter, or of any law or treaty, the decision of the Secretary of Labor shall be final. (Feb. 5, 1917, c. 29, § 19, 39 Stat. 889.)

156. Ports to which aliens to be deported; cost of deportation.—The deportation of aliens provided for in this subchapter shall, at the option of the Secretary of Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of the laws regulating immigration of aliens into the United States, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of the laws regulating immigration of aliens into the United States. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from said appropriation. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this subchapter shall be punished by the imposition of the penalties prescribed in section 154 of this title. When in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and

attendance, the said Secretary shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed. Pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States. (Feb. 5, 1917, c. 29, § 20, 39 Stat. 890.)

157. Deportation of certain specified aliens; enumeration of persons to be deported; manner of deportation; decision of Secretary of Labor final; readmission denied.—Aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 155 and 156 of this title, if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States, to wit:

(1) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following sections, the judgment on such conviction having become final, namely:

(a) Act June 15, 1917, chapter 30, Fortieth Statutes, 217, entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," as amended by Act May 16, 1918, chapter 75, Fortieth Statutes, 553, being sections 25, 27, 31 to 39, 98, 130 to 133, 252 to 255, 270, 362, and 611 to 633 of Title 18, sections 213, 220 to 222, 231 to 235, inclusive, of Title 22 and the provisions of chapter 4 of Title 50;

(b) Act October 6, 1917, chapter 83, Fortieth Statutes, 385, entitled "An Act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the sale, manufacture, distribution, storage, use, and possession of the same, and for other purposes," being chapter 8 of Title 50;

(c) Act May 22, 1918, chapter 81, Fortieth Statutes, 559, entitled "An Act to prevent in time of war departure from or entry into the United States contrary to the public safety," being sections 223 to 226 of Title 22;

(d) Act April 20, 1918, chapter 59, Fortieth Statutes, 533, entitled "An Act to punish the willful injury or destruction of war material, or of war premises, or utilities used in connection with war material, and for other purposes," being chapter 6 of Title 50;

(e) Act May 18, 1917, chapter 15, Fortieth Statutes, 76 entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States";

(f) Act February 14, 1917, chapter 64, Thirty-ninth Statutes, 919, entitled "An Act to punish persons who make threats against the President of the United States," being section 89 of Title 18;

(g) Act October 6, 1917, chapter 106, Fortieth Statutes, 411, entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes," and any amendments thereto;

(h) Section 6 of the Penal Code, being section 6 of Title 18;

(2) All aliens who have been or may hereafter be convicted of any offense against section 25 of Title 18 committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 25, or of any offense committed during said period against sections 1 to 6, and 15 of Title 15. In every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this section the decision of the Secretary of Labor shall be final. All persons who shall be expelled under any of the provisions of this section shall be excluded from readmission into the United States. (May 10, 1920, c. 174, §§ 1–3, 41 Stat. 593, 594.)

158. Admission of aliens liable to be excluded on giving bond or cash deposit.—Any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the United States and to all States, Territories, counties, towns, municipalities, and districts thereof, holding the United States and all States, Territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. In lieu of such bond, such alien may deposit in cash with the Secretary of Labor such amount as the Secretary of Labor may require, which amount shall be deposited by said Secretary in the United States Postal Savings Bank, a receipt therefor to be given the person furnishing said sum, showing the fact and object of its receipt and such other information as said Secretary may deem advisable. All accruing interest on said deposit during the time shall be held in the United States Postal Savings Bank shall be paid to the person furnishing the sum for deposit. In the event of such alien becoming a public charge, the Secretary of Labor shall dispose of said deposit in the same manner as if same had been collected under a bond as provided in this section. In the event of the permanent departure from the United States, the naturalization, or the death of such alien, the said sum shall be returned to the person by whom furnished, or to his legal representatives. The admission of such alien shall be a consideration for the giving of such bond, undertaking, or cash deposit. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, town, or municipality in which such alien becomes a public charge. (Feb. 5, 1917, c. 29, § 21, 39 Stat. 891.)

159. Temporary detention and admission or deportation, in case of contagious disorder, of wife or minor child of naturalized alien or resident alien.—Whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment, they may be accorded treatment in hospital until cured and then be admitted, or if it shall be determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, thereupon be admitted. If the person sending for wife or minor children is naturalized, a wife to whom married or a minor child born subsequent to such husband or father's naturalization shall be admitted without detention for treatment in hospital, and with respect to a wife to whom married or a minor

child born prior to such husband or father's naturalization the provisions of this section shall be observed, even though such person is unable to pay the expense of treatment, in which case the expense shall be paid from the appropriation for the enforcement of the laws regulating immigration of aliens into the United States. (Feb. 5, 1917, c. 29, § 22, 39 Stat. 891.)

160. Landing stations for alien passengers transported from Canada or Mexico.—No person, company, or transportation line engaged in carrying alien passengers for hire from Canada or Mexico to the United States, whether by land or water, shall be allowed to land any such passengers in the United States without providing suitable and approved landing stations, conveniently located, at the point or points of entry. The Commissioner General of Immigration is hereby authorized and empowered to prescribe the conditions, not inconsistent with law, under which the above-mentioned landing stations shall be deemed suitable within the meaning of this section. Any person, company, or transportation line landing an alien passenger in the United States without compliance with the requirement herein set forth shall be deemed to have violated section 144 of this title, and upon conviction shall be subject to the penalty therein prescribed. (Feb. 5, 1917, c. 29, § 23, 39 Stat. 892.)

161. Interior immigrant stations.—For the purpose of making effective the provisions of section 102 of this title relating to the protection of aliens from fraud and loss, and also the provisions of section 105 of this title relating to the distribution of aliens, the Secretary of Labor shall establish and maintain immigrant stations at such interior places as may be necessary, and, in the discretion of the said Secretary, aliens in transit from ports of landing to such interior stations shall be accompanied by immigrant inspectors. (Feb. 5, 1917, c. 29, § 23, 39 Stat. 892.)

162. Discrimination in rules and contracts for entry and inspection of aliens.—In prescribing rules and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory, due care shall be exercised to avoid any discriminatory action in favor of foreign transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this subchapter which would apply were they bringing such aliens directly to seaports of the United States, and no alien applying for admission from foreign contiguous territory shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this subchapter, or that he entered, or has resided in, such territory more than two years prior to the date of his application for admission to the United States. (Feb. 5, 1917, c. 29, § 23, 39 Stat. 893.)

163. Aiding or assisting certain aliens to enter; penalty.—Any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment. (Feb. 5, 1917, c. 29, § 28, 39 Stat. 894.)

164. Jurisdiction of district courts; duties of district attorneys.—The district courts of the United States are invested with full jurisdiction of all causes, civil and criminal, arising under any of the provisions of this subchapter. It shall be the duty of the United States district attorney of the proper district to prosecute every such suit when brought by the United States under this subchapter. Such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with such violation may be found. No suit or proceeding for a violation of the provisions of this subchapter shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor. (Feb. 5, 1917, c. 29, § 25, 39 Stat. 893.)

165. Signing alien on ship's articles with intent to permit landing in violation of laws.—Any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessel, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. (Feb. 5, 1917, c. 29, § 31, 39 Stat. 895.)

166. Landing of excluded seamen prohibited; temporary landing; deportation within three years.—No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States. Any alien seaman who shall land in a port of the United States contrary to the provisions of this subchapter shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation provided in section 156 of this title. (Feb. 5, 1917, c. 29, § 34, 39 Stat. 896; May 26, 1924, c. 190, § 19, 43 Stat. 164.)

167. (a) Detention of seamen on board vessel until after inspection; detention or deportation; penalty; clearance to vessels.—The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspec-

tion in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

(b) Prima facie evidence of failure to detain or deport.—Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor.

(c) Deportation; procedure.—If the Secretary of Labor finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the Secretary of Labor. (*May* 26, 1924, c. 190, § 20 (a-c), 43 Stat. 164.)

168. Paying off or discharging excluded aliens employed on vessels; landing to allow reshipping.—It shall be unlawful to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens. In case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this subchapter to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival. (Feb. 5, 1917, c. 29, § 33, 39 Stat. 896.)

169. Employment on passenger vessels of aliens afflicted with idiocy, etc.—It shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $50, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted. (Feb. 5, 1917, c. 29, § 35, 39 Stat. 896.)

170. Treatment in hospitals of alien seamen afflicted with certain diseases.—Alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in the preceding section shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed and the collector of customs so notified by the immigration official in charge. Alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed. In cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against. (Dec. 26, 1920, c. 4, 41 Stat. 1082.)

171. Lists of aliens employed on vessels arriving from foreign ports; reports of aliens illegally landed.—Upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required. No such vessel shall

be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded. Clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine. (Feb. 5, 1917, c. 29, § 36, 39 Stat. 896.)

172. Posting of laws by agents of steamship companies.—All steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of Labor that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding $500, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States. (Mar. 3, 1893, c. 206, § 8, 27 Stat. 570; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

173. Definitions; alien; "United States"; seaman; person.—The word "alien" wherever used in this subchapter shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include citizens of the islands under the jurisdiction of the United States.

The term "United States" shall be construed to mean the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone or any insular possession of the United States and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this subchapter shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

The term "seaman" shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

The word "person" shall be construed to import both plural and the singular, as the case may be, and shall include corporations, companies, and associations.

When construing and enforcing the provisions of this subchapter, the act, omission, or failure of any director, officer, agent, or employee of any corporation, company, or association acting within the scope of his employment or office shall in every case be deemed to be the act, omission, or failure of such corporation, company, or association, as well as that of the person acting for or in behalf of such corporation, company, or association. (Feb. 5, 1917, c. 29, §§ 1, 37, 39 Stat. 874, 897; June 2, 1924, c. 233, 43 Stat. 253.)

174. Finality of decisions of immigration officers.—In every case where an alien is excluded from admission into the United States under any law or treaty, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Labor. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 390; Feb. 14, 1903, c. 552, 32 Stat. 828; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

175. Application of laws to Philippine Islands.—The provisions of this subchapter shall be enforced in the Philippine Islands by officers of the general government thereof, unless and until it is superseded by an act passed by the Philippine Legislature and approved by the President of the United States to regulate immigration in the Philippine Islands as authorized in section 1013 of Title 48. (Feb. 5, 1917, c. 29, § 1, 39 Stat. 874; June 2, 1924, c. 233, 43 Stat. 253.)

176. Disposition of moneys received or paid for expenses of detained aliens.—Moneys collected by the Immigration Service on account of hospital expenses of persons detained under the immigration laws and regulations at Ellis Island Immigration Station shall be covered into the Treasury as miscellaneous receipts. All moneys paid into the Treasury to reimburse the Immigration Service for expenses of detained aliens paid from the appropriation for expenses of regulating immigration, shall be credited to the appropriation for the expenses of regulating immigration for the fiscal year in which the expenses were incurred. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1442; Jan. 3, 1923, c. 22, 42 Stat. 1101; Apr. 4, 1924, c. 84, Title I, 43 Stat. 75; Jan. 22, 1925, c. 87, Title I, 43 Stat. 775.)

177. International conference for regulation of immigration of aliens; special commissioners.—The President of the United States is authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration. (Feb. 5, 1917, c. 29, § 29, 39 Stat. 894.)

178. Laws unaffected; effect on repealed laws.—This subchapter shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, except as provided in section 155 of this title, nor to repeal, alter or amend section 1013 of Title 48, nor to repeal, alter or amend sections 151 to 162, inclusive, and 171, of Title 46, and the amendments thereto, except as provided in section 147 of this title. Nothing contained in this subchapter shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing on February 5, 1917, except as mentioned in section 155. As to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this chapter are continued in force and effect. (Feb. 5, 1917, c. 29, § 38, 39 Stat. 897.)

179. Blank forms of manifests and crew lists.—The Public Printer is authorized to print for sale to the public by the Superintendent of Public Documents, upon prepayment, additional copies of blank forms of manifests and crew lists to be prescribed by the Secretary of Labor pursuant to the provisions of sections 148 to 150 and 171 of this title. (May 26, 1924, c. 190, § 21 (b), 43 Stat. 165.)

QUOTA AND NONQUOTA IMMIGRANTS

201. Citation.—This subchapter may be cited as the "Immigration Act of 1924." (May 26, 1924, c. 190, § 1, 43 Stat. 153.)

202. (a) Immigration visas; authority to issue; contents.—A consular officer upon the application of any immigrant (as

defined in the following section) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this subchapter or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 207 of this title, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 205 of this title) or a nonquota immigrant (as defined in section 204 of this title); (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

(b) Photograph of immigrant.—The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed.

(c) Period of validity of visa.—The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United State and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

(d) Notation on passport of number of visa.—If an immigrant is required by any law or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa issued under this subchapter, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefor. This subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 213 of this title, from obtaining an immigration visa.

(e) Entry on manifests or passenger lists of data concerning visas; surrender of visas at ports of inspection and transmittal to Department of Labor.—The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

(f) Visas not to be issued, when.—No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this subchapter, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

(g) Visas not to entitle inadmissible aliens to entry.—Nothing in this subchapter shall be construed to entitle an immigrant, to whom an immigration visa has been issued, to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

(h) Fee for visa.—A fee of $9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts.

(i) Reduction or abolition of visa fees.—Notwithstanding existing law fixing the fees to be collected for visas of passports of aliens and for executing applications for such visas, the President is authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in this subchapter, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries. (May 26, 1924, c. 190, § 2, 43 Stat. 153; Feb. 25, 1925, c. 316, 43 Stat. 976.)

203. "Immigrant" defined.—When used in this subchapter the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provision of a present existing treaty of commerce and navigation. (May 26, 1924, c. 190, § 3, 43 Stat. 154.)

204. "Nonquota immigrant" defined.—When used in this subchapter the term "nonquota immigrant" means—

(a) An immigrant who is the unmarried child under eighteen years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 209 of this title;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under eighteen years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under eighteen years of age, if accompanying or following to join him; or

(e) An immigrant who is a bona fide student at least fifteen years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learn-

ing fails to make such reports promptly the approval shall be withdrawn. (May 26, 1924, c. 190, § 4, 43 Stat. 155.)

205. "Quota immigrant" defined.—When used in this subchapter the term "quota immigrant" means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this subchapter as a nonquota immigrant or a nonimmigrant shall not be admitted as a nonquota immigrant or a nonimmigrant by reason of relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration. (May 26, 1924, c. 190, § 5, 43 Stat. 155.)

206. (a) Enumeration of preferences within quotas.—In the issuance of immigration visas to quota immigrants preference shall be given—

(1) To a quota immigrant who is the unmarried child under twenty-one years of age, the father, the mother, the husband, or the wife, of a citizen of the United States who is twenty-one years of age or over; and

(2) To a quota immigrant who is skilled in agriculture, and his wife, and his dependent children under the age of sixteen years, if accompanying or following to join him. The preference provided in this paragraph shall not apply to immigrants of any nationality the annual quota for which is less than 300.

(b) Percentage of preferences.—The preference provided in subdivision (a) shall not in the case of quota immigrants of any nationality exceed 50 per centum of the annual quota for such nationality. Nothing in this section shall be construed to grant to the class of immigrants specified in paragraph (1) of subdivision (a) a priority in preference over the class specified in paragraph (2).

(c) Time for giving of preference.—The preference provided in this section shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month. (May 26, 1924, c. 190, § 6, 43 Stat. 155.)

207. (a) Duplicate applications for visas; form of.—Every immigrant applying for an immigration visa shall make application therefor in duplicate in such form as shall be by regulations prescribed.

(b) Contents.—In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race; the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents has ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a nonquota immigrant, the facts on which he bases such claim; and (3) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws, as may be by regulations prescribed.

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(c) Copies of dossier and other records.—The immigrant shall furnish, if available, to the consular officer, with his application, two copies of his "dossier" and prison record and military record, two certified copies of his birth certificate, and two copies of all other available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall be permanently attached to each copy of the application and become a part thereof. An immigrant having an unexpired permit issued under the provisions of section 210 of this title shall not be subject to this subdivision.

(d) Statement as to membership in classes of aliens excluded.—In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) whether or not he is a member of each class of individuals excluded from admission to the United States under the immigration laws, and such classes shall be stated on the blank in such form as shall be by regulations prescribed, and the immigrant shall answer separately as to each class.

(e) Statement as to exemption from exclusion.—If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

(f) Signature to and verification of application; one copy to be immigration visa when visaed; disposition of other copy.—Each copy of the application shall be signed by the immigrant in the presence of the consular officer and verified by the oath of the immigrant administered by the consular officer. One copy of the application, when visaed by the consular officer, shall become the immigration visa, and the other copy shall be disposed of as may be by regulations prescribed.

(g) Verification of application by immigrant under age of eighteen.—In the case of an immigrant under eighteen years of age the application may be made and verified by such individual as shall be by regulations prescribed.

(h) Fee for furnishing and verification of application.—A fee of $1 shall be charged for the furnishing and verification of each application, which shall include the furnishing and verification of the duplicate, and shall be covered into the Treasury as miscellaneous receipts. (May 26, 1924, c. 190, § 7, 43 Stat. 156.)

208. Nonquota immigration visas; when and how issued.—A consular officer may, subject to the limitations provided in sections 202 and 209 of this title, issue an immigration visa to a nonquota immigrant as such upon satisfactory proof, under regulations prescribed under this subchapter, that the applicant is entitled to be regarded as a nonquota immigrant. (May 26, 1924, c. 190, § 8, 43 Stat. 157.)

209. (a) Issuance of nonquota and quota visas to relatives; authority to issue.—In case of any immigrant claiming in his application for an immigration visa to be a nonquota immigrant by reason of relationship under the provisions of subdivision (a) of section 204 of this title, or to be entitled to preference by reason of relationship to a citizen of the United States under the provisions of section 206 of this title, the consular officer shall not issue such immigration visa or grant such preference until he has been authorized to do so as hereinafter in this section provided.

(b) Persons entitled to; petition for; form and contents.—Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a nonquota immigrant under the provisions of subdivision (a) of section 204 or is entitled to preference as a relative under section 206, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and ad-

dress; (2) if a citizen by birth, the date and place of his birth; (3) if a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (5) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed; (6) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge; and (7) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

(c) Verification of petition; documentary evidence accompanying.—The petition shall be made under oath administered by any individual having power to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer. The petition shall be supported by any documentary evidence required by regulations prescribed under this subchapter. Application may be made in the same petition for admission of more than one individual.

(d) Supporting statements accompanying.—The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner has been personally known for at least one year, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants for whose admission application is made. These statements shall be attested in the same way as the petition.

(e) Action of Commissioner General, Secretary of Labor, and Secretary of State.—If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect of whom the petition is made is entitled to be admitted to the United States as a nonquota immigrant under subdivision (a) of section 204 or is entitled to preference as a relative under section 206, he shall, with the approval of the Secretary of Labor, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa or grant the preference.

(f) Effect on rights of nonquota immigrants.—Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, to enter the United States as a nonquota immigrant, if, upon arrival in the United States, he is found not to be a nonquota immigrant. (May 26, 1924, c. 190, § 9, 43 Stat. 157.)

210. (a) Reentry permits; persons entitled to; application for; form and contents; verification; photograph accompanying.—Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) Issue by Commissioner General with approval of Secretary of Labor; life of permit; form and contents of permit; photograph attached.—If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall, with the approval of the Secretary of Labor, issue the permit, specifying therein the length of time, not exceeding one year, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

(c) Extension of life of permit.—On good cause shown the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions, as shall be by regulations prescribed.

(d) Fee for permit.—For the issuance of the permit, and for each extension thereof, there shall be paid a fee of $3, which shall be covered into the Treasury as miscellaneous receipts.

(e) Surrender of permit on return to United States.—Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) Effect of permit on rights of alien.—A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning. (May 26, 1924, c. 190, § 10, 43 Stat. 158.)

211. (a) Annual quota based on nationality; national origin; minimum quota.—The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be one hundred.

(b) Annual quota for fiscal year beginning July 1, 1927; minimum quota.—The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to one hundred and fifty thousand as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be one hundred.

(c) Determination of national origin.—For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under the following section is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 204 of this title) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

(d) Inhabitants in continental United States in 1920.—For the purpose of subdivisions (b) and (c) the term "inhabitants in continental United States in 1920" does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 204 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines.

(e) Determination of national origin; by whom made; procedure; presidential proclamation of quotas.—The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President

shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of ninety days after the date of the proclamation. After the making of a proclamation under this subdivision the quotas proclaimed therein shall continue with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 212 of this title. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

(f) Immigration visas limited to quotas; monthly issue.—There shall be issued to quota immigrants of any nationality (1) no more immigration visas in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration visas than 10 per centum of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the Commissioner General, with the approval of the Secretary of Labor, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality.

(g) Issue of visa to nonquota immigrant as quota immigrant.—Nothing in this subchapter shall prevent the issuance (without increasing the total number of immigration visas which may be issued) of an immigration visa to an immigrant as a quota immigrant even though he is a nonquota immigrant. (May 26, 1924, c. 190, § 11, 43 Stat. 159.)

212. (a) Nationality; determination of.—For the purposes of this subchapter nationality shall be determined by country of birth, treating as separate countries the colonies, dependencies, or self-governing dominions, for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a child under twenty-one years of age not born in the United States, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration visa, and the nationality of a child under twenty-one years of age not born in the United States, accompanied by both alien parents not born in the United States, shall be determined by the country of birth of the father if the father is entitled to an immigration visa; and (2) if a wife is of a different nationality from her alien husband and the entire number of immigration visas which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration visa, unless the total number of immigration visas which may be issued to quota immigrants of the nationality of the husband for the calendar month has already been issued. An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes.

(b) Statement of resident individuals of various nationalities.—The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall prepare a statement showing the number of individuals of the various nationalities resident in continental United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of subdivision (a) of section 211 of this title. In the case of a country recognized by the United States, but for which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of said section 211 as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890 and which was not included in the enumeration for the country to which such colony or dependency belonged, or in the case of territory administered under a protectorate, the number of individuals born in such colony, dependency, or territory, and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of said section 211 as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged or which administers such protectorate.

(c) Effect of changes in political boundaries in foreign countries.—In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the Governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, (1) such officials, jointly, shall estimate the number of individuals resident in continental United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered or administered under a mandate, and revise (for the purposes of subdivision (a) of section 211 of this title) the population basis as to each country involved in such change of political boundary, and (2) if such changes in political boundaries occur after the determination provided for in subdivision (c) of said section 211 has been proclaimed, such officials, jointly, shall revise such determination, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary. For the purpose of such revision and for the purpose of determining the nationality of an immigrant, (A) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (B) territory so surrendered or administered under a mandate shall be treated as a separate country. Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power.

(d) Statements, etc., made annually.—The statements, estimates, and revisions provided in this section shall be made annually, but for any fiscal year for which quotas are in effect as proclaimed under subdivision (e) of section 211 of this title, shall be made only (1) for the purpose of determining the nationality of immigrants seeking admission to the United States during such year, or (2) for the purposes of clause (2) of subdivision (c) of this section.

(e) Annual report to President of quota of nationalities; proclamation of quotas.—Such officials shall, jointly, report annually to the President the quota of each nationality under subdivision (a) of section 211 of this title, together with the statements, estimates, and revisions provided for in this section. The President shall proclaim and make known the quotas

so reported and thereafter such quotas shall continue, with the same effect as if specifically stated herein, for all fiscal years except those years for which quotas are in effect as proclaimed under subdivision (e) of section 211 of this title, and shall be final and conclusive for every purpose. (May 26, 1924, c. 190, § 12, 43 Stat. 160.)

213. (a) Persons not to be admitted.—No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a nonquota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

(b) Readmission of legally admitted aliens who have temporarily departed without visas.—In such classes of cases and under such conditions as may be by regulations prescribed immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

(c) Aliens ineligible to citizenship.—No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (e) of section 204 of this title, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 203 of this title.

(d) Aliens inadmissible under clauses 2 and 3 of subdivision (a) of this section.—The Secretary of Labor may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

(e) Same; exhaustion of permitted visas issuable to quota immigrants.—No quota immigrant shall be admitted under subdivision (d) if the entire number of immigration visas which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration visas has not been issued, then the Secretary of State, upon the admission of a quota immigrant under subdivision (d), shall reduce by one the number of immigration visas which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary of State finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

(f) Fines not to be remitted or refunded.—Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 216 of this title. (May 26, 1924, c. 190, § 13, 43 Stat. 161.)

214. Deportation; procedure; alien children under age of sixteen.—Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this subchapter to enter the United States, or to have remained therein for a longer time than permitted under this subchapter or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 155 and 156 of this title. The Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any alien child who, when under sixteen years of age was prior to May 26, 1924, temporarily admitted to the United States and who was within the United States on that date, and either of whose parents was a citizen of the United States. (May 26, 1924, c. 190, § 14, 43 Stat. 162.)

215. Admission of persons excepted from definition of immigrant and nonquota immigrants; maintenance of exempt status.—The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 203 of this title, or declared to be a nonquota immigrant by subdivision (e) of section 204 of this title, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 203, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States. (May 26, 1924, c. 190, § 15, 43 Stat. 162.)

216. Unlawful bringing of alien into United States by water; penalty; amount; clearance to vessels; remission or refundment.—(a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a nonquota immigrant.

(b) If it appears to the satisfaction of the Secretary of Labor that any immigrant has been so brought, such person or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary of Labor that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired immigration visa, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant the visa in whose immigration visa specified him as being a nonquota immigrant. (May 26, 1924, c. 190, § 16, 43 Stat. 163.)

217. Contracts with transportation lines; rules and regulations; entry from contiguous territory.—The Commissioner General, with the approval of the Secretary of Labor, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the

entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this subchapter which would apply were they bringing such aliens directly to ports of the United States. No alien applying for admission from or through foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this subchapter, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States. (May 26, 1924, c. 190, § 17, 43 Stat. 163.)

218. Unused immigration visas; additional not to issue in lieu of.—If a quota immigrant of any nationality having an immigration visa is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the immigration visa, or if an alien of any nationality having an immigration visa issued to him as a quota immigrant is found not to be a quota immigrant, no additional immigration visa shall be issued in lieu thereof to any other immigrant. (May 26, 1924, c. 190, § 18, 43 Stat. 164.)

219. Reentry permits; preparation, printing and distribution.—Permits issued under section 210 of this title shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this subchapter. (May 26, 1924, c. 190, § 21 (a), 43 Stat. 165.)

220. (a) Offenses in connection with documents; forging, counterfeiting, etc., immigration visas or permits; penalty.—Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration visa or permit, or (2) utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary of Labor or other proper officer, knowingly (3) possesses any blank permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, (5) makes any print, photograph, or impression in the likeness of any immigration visa or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary of Labor for the printing of immigration visas or permits, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) False personation of another; using assumed or fictitious name; unlawful sale, etc., of visa or permit; penalty.—Any individual who (1) when applying for an immigration visa or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, an immigration visa or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

(c) False statements; penalty.—Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both. (May 26, 1924, c. 190, § 22, 43 Stat. 165.)

221. Burden of proof upon entry of alien or in deportation proceedings.—Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor. (May 26, 1924, c. 190, § 23, 43 Stat. 165.)

222. Rules and regulations.—The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this subchapter; but all such rules and regulations, in so far as they relate to the administration by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor. (May 26, 1924, c. 190, § 24, 43 Stat. 166.)

223. Quota law additional to other immigration laws.—The provisions of this subchapter are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this subchapter. An alien, although admissible under the provisions of this subchapter, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this subchapter, and an alien, although admissible under the provisions of the immigration laws other than this subchapter, shall not be admitted to the United States if he is excluded by any provision of this subchapter. (May 26, 1924, c. 190, § 25, 43 Stat. 166.)

224. Definitions.—As used in this subchapter—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands; and the term "continental United States" means the States and the District of Columbia;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include citizens of the islands under the jurisdiction of the United States;

(c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under any of sections 11, 12, 359, 363, and 366 of this title, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

(d) The term "immigration visa" means an immigration visa issued by a consular officer under the provisions of this subchapter;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this subchapter, for the purpose of issuing immigration visas under this subchapter. In case of the Canal Zone and the insular possessions of the United States the term "consular officer" (except as used in section 222 of this title) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this subchapter;

(f) The term "immigration laws" includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or explusion of aliens;

(g) The term "person" includes individuals, partnerships, corporations, and associations;

(h) The term "Commissioner General" means the Commissioner General of Immigration;

(i) The term "application for admission" has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

(j) The term "permit" means a permit issued under section 210 of this title;

(k) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

(l) The terms "child," "father," and "mother," do not include a child or parent by adoption unless the adoption took place before January 1, 1924;

(m) The terms "wife" and "husband" do not include a wife or husband by reason of a proxy or picture marriage. (May 26, 1924, c. 190, § 28, 43 Stat. 168; June 2, 1924, c. 233, 43 Stat. 253.)

225. Appropriation authorized.—The appropriation of such sums as may be necessary for the enforcement of this subchapter is authorized. (May 26, 1924, c. 190, § 29, 43 Stat. 169.)

226. Partial invalidity; effect of.—If any provision of this subchapter, or the application thereof to any person or circumstances, is held invalid, the remainder thereof, and the application of such provision to other persons or circumstances, shall not be affected thereby. (May 26, 1924, c. 190, § 82, 43 Stat. 169.)

227. Certain aliens temporarily admitted under Act May 19, 1921, and under bond in excess of quotas may remain.—Aliens who entered the United States before March 7, 1922, in excess of quotas fixed under authority of Act May 19, 1921, chapter 8, Forty-second Statutes, page 5, entitled "An Act to limit the immigration of aliens into the United States," and were temporarily admitted under bond, may, if otherwise admissible, and if not subject to deportation for other causes, be permitted by the Secretary of Labor to remain in the United States without regard to the provisions of such Act of May 19, 1921. In the case of any alien so permitted to remain the bond shall be canceled. (Dec. 27, 1922, c. 15, 42 Stat. 1065.)

228. Certain aliens arriving in excess of quota permitted to remain.—The following aliens arriving in excess of quotas fixed under authority of Act May 19, 1921, chapter 8, Forty-second Statutes, page 5, entitled "An Act to limit the immigration of aliens into the United States," as amended and extended, were, if otherwise admissible and if not subject to deportation for other causes, properly permitted to enter and remain in the United States without regard to the provisions of such Act of May 19, 1921, as amended and extended:

(1) Aliens admitted prior to June 7, 1924, in excess of quota and charged to the quota of a later month;

(2) Aliens admitted prior to said date under a construction of such Act of May 19, 1921, required by court decision;

(3) Aliens arriving in the United States after May 26 and before July 1, 1924, who departed for the United States from the last port outside the United States or outside foreign contiguous territory on or before May 26, 1924, believing in good faith that they would be admitted pursuant to a construction of such Act of May 19, 1921, required by court decision; and

(4) Aliens temporarily admitted prior to June 7, 1924, under bond to relieve cases of extreme hardship. (June 7, 1924, c. 379, 43 Stat. 669.)

229. Act May 19, 1921, chapter 8, in force for imposition, collection, and enforcement of penalties; deportation of aliens entering in violation thereof.—Act May 19, 1921, chapter 8, Forty-second Statutes, page 5, entitled "An Act to limit the immigration of aliens into the United States," as amended and extended, shall, notwithstanding its expiration on June 30, 1924, remain in force thereafter for the imposition, collection, and enforcement of all penalties that may have accrued thereunder, and any alien who prior to July 1, 1924, may have entered the United States in violation of such Act or regulations made thereunder may be deported in the same manner as if such Act had not expired. (May 26, 1924, c. 190, § 30, 43 Stat. 169.)

230. Certain alien residents conscripted or volunteering for service during World War lawfully readmitted.—Notwithstanding the provisions of section 136 of this title, aliens lawfully resident in the United States who enlisted or were conscripted for the military or naval service of the United States, or of any one of the nations cobelligerent of the United States in the World War; and aliens lawfully resident in the United States who enlisted for service with Czechoslovak, Polish, or other independent forces attached to the United States Army or to the army or navy of any one of the cobelligerents of the United States in the World War, who within one year after the termination of the war applied for readmission to this country, after being honorably discharged or granted furlough abroad by the proper military or naval authorities, or after being rejected on final examination in connection with their enlistment or conscription were, within two years after the termination of the war, lawfully readmitted into the United States; and any alien of either of the foregoing descriptions who would otherwise have been excluded under said section 136 on the ground that he was idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he was afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, was lawfully readmitted where it was proved that the disability was acquired while the alien was serving in the military or naval forces of the United States or of any one of the nations cobelligerent of the United States in the World War or in an independent force of the kind hereinbefore described, if such alien returned to a port of the United States within two years after the termination of the war. (Oct. 19, 1918, c. 190, 40 Stat. 1014.)

Chapter 7.—EXCLUSION OF CHINESE.

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299. Deportation officer.

Section 261. Control of exclusion of Chinese.—The authority, power and jurisdiction by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are conferred upon the Secretary of Labor, and the authority, power and jurisdiction in relation thereto previously vested by law or treaty in the collectors of customs and the collectors of internal revenue, are vested in such officers under the control of the Commissioner General of Immigration, as the Secretary of Labor may designate therefor. (Feb. 14, 1903, c. 552, § 7, 32 Stat. 828.)

262. Same; officer enforcing Chinese exclusion law at Washington.—Nothing in sections 39 or 46 of Title 5 shall be construed to prevent the Secretary of Labor from detailing one officer employed in the enforcement of the Chinese exclusion laws for duty at the Department of Labor at Washington. (June 6, 1900, c. 791, § 1, 31 Stat. 611; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; Mar. 4, 1913, c. 141, 37 Stat. 736.)

263. Coming of Chinese laborers to United States suspended.—The coming of Chinese laborers to the United States is suspended, and it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States. (May 6, 1882, c. 126, § 1, 22 Stat. 58; July 5, 1884, c. 220, 23 Stat. 115; May 5, 1892, c. 60, § 1, 27 Stat. 25; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

264. Same; exemptions.—The preceding section shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who came into the same before the expiration of ninety days after May 6, 1882, nor shall sections 263 and 279 of this title apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to such officer under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor, at the port in the United States at which such vessel shall arrive, the evidence hereinafter in this chapter required of his being one of the laborers in this section mentioned. (May 6, 1882, c. 126, § 3, 22 Stat. 59; July 5, 1884, c. 220, 23 Stat. 115; Sept. 13, 1888, c. 1015, § 10, 25 Stat. 478.)

265. Chinese other than laborers; certificates of identity.—Every Chinese person, other than a laborer, who may be entitled to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this section to come within the United States. If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid. Nothing in this section shall be construed as embracing within the meaning of the word "merchant," hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. The certificate provided for in this section, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be visaed by the indorsement of the diplomatic representatives of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same. Such certificate visaed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to such officer under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities. (May 6, 1882, c. 126, § 6, 22 Stat. 60; July 5, 1884, c. 220, 23 Stat. 116; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

266. Lists of Chinese passengers by masters of vessels arriving from foreign ports.—The master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to such officer under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time, such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign government, traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or willful neglect of any such master to

comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo. (May 6, 1882, c. 126, § 8, 22 Stat. 60; July 5, 1884, c. 220, 23 Stat. 117; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; Mar. 4, 1913, c. 141, § 8, 37 Stat. 737.)

267. Same; comparison with certificates before landing allowed.—Before any Chinese passengers are landed from any such vessel, such officers under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law. (May 6, 1882, c. 126, § 9, 22 Stat. 60.)

268. Forfeitures of vessels.—Every vessel whose master shall knowingly violate any of the provisions of this chapter shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found. (May 6, 1882, c. 126, § 10, 22 Stat. 61; July 5, 1884, c. 220, 23 Stat. 115.)

269. Bringing or landing Chinese persons not entitled to enter; penalty.—Any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding $1,000, and imprisoned for a term not exceeding one year. (May 6, 1882, c. 126, § 11, 22 Stat. 61; July 5, 1884, c. 220, 23 Stat. 117.)

270. Certificates of identity under Act May 6, 1882, void.—Every certificate issued prior to October 1, 1888, in pursuance of the provisions of sections 4 and 5 of the Act of May 6, 1882, chapter 126, Twenty-second Statutes, page 59, for the purpose of properly identifying Chinese laborers who were in the United States on the 17th day of November, 1880, or who came into the same before the expiration of ninety days after the passage of said Act is declared void and of no effect, and the Chinese laborer claiming admission, by virtue thereof shall not be permitted to enter the United States. (Oct. 1, 1888, c. 1064, § 2, 25 Stat. 504.)

271. Chinese not to enter by land without certificate; payment of charges for maintenance or return of Chinese persons.—No Chinese person shall be permitted to enter the United States by land without producing to the proper officer as mentioned in section 265 of this title the certificate required by said section of Chinese persons seeking to land from a vessel, and the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States, who may not have been permitted to land from any vessel by reason of any provision of this chapter. All charges for maintenance or return of Chinese persons applying for admission to the United States shall be paid or reimbursed to the United States by the person, company, partnership or corporation bringing such Chinese to a port of the United States as applicants for admission. (May 6, 1882, c. 126, § 12, 22 Stat. 61; July 5, 1884, c. 220, 23 Stat. 117; Sept. 13, 1888, c. 1015, § 13, 25 Stat. 479; Aug. 24, 1912, c. 355, § 1, 37 Stat. 476.)

272. Persons exempted from application of exclusion law.—The preceding sections of this chapter shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate mentioned therein, and shall exempt them and their body and household servants from the provisions of such sections as to other Chinese persons. (May 6, 1882, c. 126, § 13, 22 Stat. 61; July 5, 1884, c. 220, 23 Stat. 118.)

273. Persons to whom exclusion law is applicable; "Chinese laborers" defined.—The provisions of the preceding sections of this chapter shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in said sections shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining. (May 6, 1882, c. 126, § 15, 22 Stat. 61; July 5, 1884, c. 220, 23 Stat. 118.)

274. Violations of law punishable.—Any violation of any of the provisions of this chapter, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding $1,000, or by imprisonment for not more than one year, or both such fine and imprisonment. (May 6, 1882, c. 126, 22 Stat. 58; July 5, 1884, c. 220, 23 Stat. 118.)

275. Return of Chinese laborers after departure permitted conditionally.—No Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in sections 276 and 277 of this title. (Sept. 13, 1888, c. 1015, § 5, 25 Stat. 477; Oct. 1, 1888, c. 1064, § 1, 25 Stat. 504; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

276. Same; conditions under which they may return.—No Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading the provisions of this section, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability. (Sept. 13, 1888, c. 1015, § 6, 25 Stat. 477; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

277. Same; identification of laborers; certificates; ports of entry.—A Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to such officer under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor, of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said officer a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said officer such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Labor, and for any false swearing in relation thereto he shall incur the penalties of perjury. He shall also permit the officer to take a full description of his person, which description such officer shall retain and mark with a number. And if, after hearing the proofs and investigating all the circumstances of the case, such officer shall decide to issue a certificate of return, he shall at such time, and place as he may designate, sign and give to the person applying, a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return. If this last named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of such officer under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States. And no Chinese laborer shall be permitted to reenter the United States without producing to the proper officer at the port of such entry the return certificate herein required. A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Labor. (Sept. 13, 1888, c. 1015, § 7, 25 Stat. 477; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428; Mar. 4, 1913, c. 141, § 8, 37 Stat. 738.)

278. Same; regulations.—The Secretary of Labor is authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this chapter, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles 2 and 3 of the unratified treaty between the United States and the Empire of China, signed March 12, 1888, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles. And he is further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued. (Sept. 13, 1888, c. 1015, § 8, 25 Stat. 478; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

279. Same; landing Chinese in contravention of law.—The master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this chapter, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than $500 nor more than $1,000, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court. (Sept. 13, 1888, c. 1015, § 9, 25 Stat. 478; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

280. Same; masters of vessels in distress excepted from penalty prescribed.—The foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessels shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port. (May 6, 1882, c. 126, § 3; 22 Stat. 59; July 5, 1884, c. 220, 23 Stat. 115; Sept. 13, 1888, c. 1015, § 10, 25 Stat. 478; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

281. Same; altering name in or forging certificate, or false personation.—Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate under sections 265, 277, and 287 of this title, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term of not more than five years. (Sept. 13, 1888, c. 1015, § 11, 25 Stat. 478; May 6, 1882, c. 126, § 7, 22 Stat. 60; May 5, 1892, c. 60, § 8, 27 Stat. 26; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

282. Same; arrest and removal of Chinese unlawfully in United States.—Any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came. But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district. A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district or any officer having authority of a marshal under the provisions of this section. And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are invested with the same authority in reference to carrying out the provisions of sections 275 and 281 to 283 of this title, as a marshal or deputy marshal of the United States, and shall be entitled to the same fees as compensation as marshals and deputy marshals are authorized to charge and collect, to be audited and paid by the same officers. (Sept. 13, 1888, c. 1015, § 13, 25 Stat. 479; Mar. 5, 1892, c. 60, § 2, 27 Stat. 25; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

283. Same; diplomatic and consular officers excepted.—Sections 275 to 282 of this title shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Labor, without production of other evidence than that of personal identity. (Sept. 13, 1888, c. 1015, § 14, 25 Stat. 479; Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

284. Arrested person to prove right to remain.—Any Chinese person or person of Chinese descent arrested under the provisions of this chapter shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States. (May 5, 1892, c. 60, § 3, 27 Stat. 25.)

285. Removal of Chinese not entitled to be or remain in United States.—Any Chinese person or person of Chinese descent, when convicted and adjudged to be not lawfully en-

titled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China. (May 5, 1892, c. 60, § 2, 27 Stat. 25.)

286. Habeas corpus by Chinese denied landing; bail.—On an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay. (May 5, 1892, c. 60, § 5, 27 Stat. 25.)

287. Certificates of residence; arrest and deportation of laborers without.—It shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before May 5, 1892, to apply to such officers under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor, of their respective districts within six months after November 3, 1893, for a certificate of residence; and any Chinese laborer within the limits of the United States who shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any such officers under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided hereafter; unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the 5th of May, 1892; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge. No Chinese person convicted in any court of the States or Territories prior to November 3, 1893, or of the United States of a felony shall be permitted to register under the provisions of this section; but all such persons who were subject to deportation at that date for failure or refusal to comply with this section shall be deported from the United States as provided, upon any appropriate proceedings pending or which may be hereafter instituted. The order of deportation shall be executed by the United States marshal of the district within which such order is made and he shall execute same with all convenient despatch. Pending the execution of such order, such Chinese person shall remain in the custody of the United States marshal and shall not be admitted to bail. (May 5, 1892, c. 60 § 6, 27 Stat. 25; Nov. 3, 1893, c. 14, §§ 1, 2, 28 Stat. 7, 8; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; May 4, 1913, c. 141, § 3, 37 Stat. 737.)

288. Regulations for execution of sections 284 to 287.—The Secretary of Labor shall make such rules and regulations as may be necessary for the efficient execution of this section and sections 284 to 287 of this title, and shall prescribe the necessary forms and furnish the necessary blanks to enable such officers under the control of the Commissioner General of Immigration as the Secretary of Labor shall designate therefor to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants, such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of Labor, and a duplicate thereof shall be filed in the office of such officer for the district within which such Chinaman makes application. (May 5, 1892, c. 60, § 7, 27 Stat. 26; Mar. 4, 1913, c. 141, § 8, 37 Stat. 738.)

289. "Laborer" and "merchant" defined; proof for entrance of merchant.—The words "laborer" or "laborers," wherever used in this section and sections 284 to 288 of this title, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant," as employed in such sections, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

The certificate provided for in section 287 of this title shall contain the photograph of the applicant, together with his name, local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of such officers under the control of the Commissioner General of Immigration as the Secretary of Labor shall designate therefor.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of Labor. (Nov. 3, 1893, c. 14, § 2, 28 Stat. 8; May 4, 1913, c. 141, § 3, 37 Stat. 737.)

290. Commissioner for hearing on arrest of Chinese persons.—It shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing. (Mar. 3, 1901, c. 845, § 1, 31 Stat. 1093.)

291. Same; fees.—A United States commissioner shall be entitled to receive a fee of $5 for hearing and deciding a case arising under the Chinese-exclusion laws. (Mar. 3, 1901, c. 845, § 2, 31 Stat. 1093.)

292. Warrants of arrest.—No warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United

States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, such officers under the control of the Commissioner General of Immigration as the Secretary of Labor may designate therefor, or immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued. (Mar. 3, 1901, c. 845, § 3, 31 Stat. 1093; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

293. Exclusion of Chinese from Hawaii; entry into United States from Hawaii.—There shall be no immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; no Chinese, by reason of anything contained in the joint resolution providing for the annexing of the Hawaiian Islands approved July 7, 1898, shall be allowed to enter the United States from the Hawaiian Islands. (July 7, 1898, No. 55, § 1, 30 Stat. 751.)

294. Certificates of residence for Chinese in Hawaii at time of annexation.—Chinese in the Hawaiian Islands on April 30, 1900, may within one year thereafter obtain certificates of residence as required by section 287 of this title, and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates. No Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands. (Apr. 30, 1900, c. 339, § 101, 31 Stat. 161.)

295. Laws made applicable to island territory.—The provisions of law contained in this chapter shall apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory; but they shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the Territory of Alaska shall be considered a part of the mainland under this section. (Apr. 29, 1902, c. 641, § 1, 32 Stat. 176; Apr. 27, 1904, c. 1630, § 5, 33 Stat. 428.)

296. Regulations for execution of law.—The Secretary of Labor is authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this chapter, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of this chapter. (Apr. 29, 1902, c. 641, § 2, 32 Stat. 176; Apr. 28, 1904, No. 34, 33 Stat. 591.)

297. Certificates of residence in insular territory; regulations for Philippines.—It shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States on April 29, 1902 (Hawaii excepted), to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Legislature is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same. (Apr. 29, 1902, c. 641, § 4, 32 Stat. 177; Aug. 29, 1916, c. 416, § 12, 39 Stat. 548.)

298. Bertillon system of identification.—So much of the amounts appropriated to prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but the foregoing provision shall not apply to officials, teachers, students, merchants, or travelers for curiosity or pleasure, or Chinese laborers in transit across the territory of the United States in the course of their journey to or from other countries. (Apr. 28, 1904, c. 1762, § 1, 33 Stat. 478.)

299. Deportation officer.—All Chinese persons ordered deported under judicial writs shall be delivered by the marshal of the district or his deputy into the custody of any officer designated for that purpose by the Secretary of Labor, for conveyance to the frontier or seaboard for deportation in the same manner as aliens deported under the immigration laws. (June 23, 1913, c. 3, § 1, 38 Stat. 65.)

Chapter 8.—THE COOLY TRADE.

Sec.
331. Cooly trade prohibited.
332. Same; forfeiture of vessels.
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Section 331. Cooly trade prohibited.—No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor. (R. S. § 2158.)

332. Same; forfeiture of vessels.—If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the district courts of the United States for the district where the vessel may be found, seized, or carried. (R. S. § 2159.)

333. Building vessels to engage in cooly trade; penalty.—Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provsions of section 331 of this title, shall be liable to a fine not exceeding $2,000, and be imprisoned not exceeding one year. (R. S. § 2160.)

334. Punishment for engaging in cooly trade.—Every citizen of the United States who, contrary to the provisions of section 331 of this title, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding $2,000 and be imprisoned not exceeding one year. (R. S. § 2161.)

335. Voluntary emigration of "coolies" excepted.—Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section 331 of this title, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained. (R. S. § 2162.)

336. Same; inquiry and certificate by consular officer.—In determining whether the immigration of any subject of China, Japan, or any oriental country, to the United States, is free and voluntary, as provided by the preceding section, it shall be the duty of the consul general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul general or consul shall not deliver the required permit or certificate. (Mar. 3, 1875, c. 141, § 1, 18 Stat. 477.)

337. Examination of vessels.—The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies"; and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law. (R. S. § 2163.)

338. Involuntary transportation of Chinese, Japanese, etc., for purpose of holding to service; penalty; contracts void.—If any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding $2,000 and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void. (Mar. 3, 1875, c. 141, § 2, 18 Stat. 477.)

339. Contracting to supply cooly labor.—If any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of cooly or other person brought into the United States in violation of section 331 of this title, or of any other section of the laws prohibiting the cooly trade or of this chapter, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding $500 and imprisoned for a term not exceeding one year. (Mar. 3, 1875, c. 141, § 4, 18 Stat. 477.)

Chapter 9.—NATURALIZATION.

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BUREAU OF NATURALIZATION AND SERVICE

Section 351. Bureau of Naturalization; commissioner and deputy commissioner.—The Bureau of Naturalization is created and established with a Commissioner of Naturalization and a Deputy Commissioner of Naturalization. (June 29, 1906, c. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

352. Same; supervision of naturalization of aliens.—The Bureau of Naturalization shall have charge, under the direction and control of the Secretary of Labor, of all matters concerning the naturalization of aliens. (June 29, 1906, c. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

353. Same; powers of commissioner and deputy commissioner.—The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions. (June 29, 1906, c. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

354. Same; administration of oaths by members of bureau and service.—Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

355. Same; report of expenditures.—A detailed report of the expenditures under the appropriations for the Bureau of Naturalization shall be annually submitted to Congress at the beginning of each regular session thereof. (Mar. 4, 1900, c. 299, § 1, 35 Stat. 982.)

356. Regulations for execution of law; certified copies of papers as evidence.—The Secretary of Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this chapter. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of sections 372 to 383, 386 to 394, 396 to 415 of this title shall be admitted in evidence equally with the originals in any and all proceedings under said sections and in all cases in which the originals thereof might be admissible as evidence. (June 29, 1906, c. 3592, § 26, 34 Stat. 606.)

JURISDICTIONAL

357. Jurisdiction of naturalization courts.—Exclusive jurisdiction to naturalize aliens as citizens of the United States is conferred upon the following specified courts:

United States district courts in the States, United States district courts for the Territories of Hawaii and Alaska, the Supreme Court of the District of Columbia; also all courts of record in any State or Territory having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

The naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts. (June 29, 1906, c. 3592, § 3, 34 Stat. 596; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

358. Same; District Court of the United States for Porto Rico; residence in Porto Rico.—The District Court of the United States for Porto Rico shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. (Mar. 2, 1917, c. 145, § 41, 39 Stat. 965.)

GENERAL AND SPECIFIC LIMITATIONS OF NATURALIZATION

359. Racial limitation of naturalization; free white persons and Africans.—The provisions of this chapter shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent, and nothing in sections 376 to 378, 387 to 395 or 406 of this title shall repeal or in any way enlarge this section, except as specified in sections 388 to 390, 392 to 394 of this title, and under the limitation therein defined. (R. S. § 2169; Feb. 18, 1875, c. 80, § 1, 18 Stat. 318; May 9, 1918, c. 69, 40 Stat. 547.)

360. Admission of persons not citizens owing permanent allegiance to the United States.—All the applicable provisions of the naturalization laws of the United States shall apply to

and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. (June 29, 1906, c. 3592, § 30, 34 Stat. 606.)

361. Residence period necessary.—No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. § 2170.)

362. Naturalization within thirty days preceding general election prohibited.—No person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. (June 29, 1906, c. 3592, § 6, 34 Stat. 598.)

PERSONS INADMISSIBLE TO CITIZENSHIP

363. Persons inadmissible to citizenship; Chinese.—No State court or court of the United States shall admit Chinese to citizenship. (May 6, 1882, c. 126, § 14, 22 Stat. 61.)

364. Same; anarchists or polygamists.—No person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States. (June 29, 1906, c. 3592, § 7, 34 Stat. 598.)

365. Same; persons unable to speak English.—No alien shall be naturalized or admitted as a citizen of the United States who can not speak the English language. This requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States. The requirements of this section shall not apply to any alien who has prior to June 29, 1906, declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration; nor shall they apply to aliens who shall, after June 29, 1906, declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands. (June 29, 1906, c. 3592, § 8, 34 Stat. 599.)

366. Same; aliens withdrawing intention to become citizens to avoid service under Selective Draft Act not to be naturalized.—A citizen or subject of a country neutral in the World War who had declared his intention to become a citizen of the United States, and who was relieved from liability to military service under the Selective Draft Act (Act May 18, 1917, c. 15, 40 Stat. 76) upon his making a declaration, in accordance with regulations prescribed by the President, withdrawing his intention to become a citizen of the United States, which operated to cancel his declaration of intention to become an American citizen, shall forever be debarred from becoming a citizen of the United States. (May 18, 1917, c. 15, § 2, 40 Stat. 77; July 9, 1918, c. 143, subchapter XII, § 4, 40 Stat. 885.)

Cross reference. For immigration restrictions upon persons ineligible to citizenship see section 213 (c) of this title.

NATURALIZATION OF WOMEN

367. Naturalization of women; sex or marriage not a bar.—The right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman. (Sept. 22, 1922, c. 411, § 1, 42 Stat. 1021.)

368. Same; women marrying citizens or persons becoming naturalized; procedure.—Any woman who marries a citizen of the United States after September 22, 1922, or any woman whose husband is naturalized after that date, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition. (Sept. 22, 1922, c. 411, § 2, 42 Stat. 1022.)

369. Same; women who have lost citizenship by marrying aliens eligible to citizenship; procedure.—A woman who, before September 22, 1922, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided in the preceding section. No certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after September 22, 1922. (Sept. 22, 1922, c. 411, § 4, 42 Stat. 1022.)

370. Same; women married to persons ineligible to citizenship.—No woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status. (Sept. 22, 1922, c. 411, § 5, 42 Stat. 1022.)

371. Same; wife of alien declarant becoming insane before naturalization; minor children.—When any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws be naturalized without making any declaration of intention. (Feb. 24, 1911, c. 151, 36 Stat. 929.)

NATURALIZATION PROCEEDINGS IN GENERAL

372. Proceedings for naturalization.—An alien may be admitted to become a citizen of the United States in the manner indicated under sections 372 to 394 of this title and not otherwise. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

373. Declaration of intention.—He shall declare on oath before the clerk of any court authorized to naturalize aliens, or his authorized deputy, in the district in which such alien resides, at least two years prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien. No alien who, in

conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

374. Same; not to be made on election day, etc.—It shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding any election in the jurisdiction of the court. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

375. Same; not required from widow and minor children of aliens dying after declaration of intention.—When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this chapter, be naturalized without making any declaration of intention. (June 29, 1906, c. 3592, § 4, 34 Stat. 597.)

376. Same; alien seamen declarants deemed citizens for purposes of protection.—Every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon merchant or fishing vessels of the United States of more than twenty tons burden, as described under sections 388 and 393 of this title, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen. Nothing contained in this chapter shall be taken nor construed to repeal or modify any portion of sections 365, 366 of Title 33, or of sections 481, 569, 596, 597, 599, 601, 656, 672, 673, 683, 688, 701, 703, 712, or 713 of Title 46, to promote the welfare of American seamen. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

377. Same; certain aliens erroneously exercising rights and performing duties of citizenship prior to July 1, 1914.—Any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1914, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law. (May 19, 1918, c. 69, § 1, 40 Stat. 545.)

378. Alien enemies to be naturalized only under specified conditions.—No alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject. No alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require. Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien. The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization. (May 9, 1918, c. 69, § 1, 40 Stat. 545.)

379. Petition for naturalization; when required to be filed; allegations; verification by citizen witnesses.—Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before June 29, 1906, he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or the District of Columbia in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

380. Same; certificate of arrival and declaration of intention to be made a part.—At the time of filing his petition there shall be filed with the clerk of the court a certificate from the

Department of Labor, if the petitioner arrived in the United States after June 29, 1906, stating the date, place, and manner of his arrival in the United States and the declaration of intention of such petitioner which certificate and declaration shall be attached to and made a part of such petition. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

Cross reference. For registry of aliens arriving in the United States see section 106 of chapter 6 of this title.

381. Oath renouncing foreign allegiance and to support Constitution and laws.—He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

382. Evidence of residence, character and attachment to principles of Constitution; evidence of witnesses.—It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States, five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

383. Same; evidence of certain period of residence by deposition.—In case the petitioner has not resided in the State, Territory, or the District of Columbia for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Naturalization. (June 29, 1906, c. 3592, § 10, 34 Stat. 599; May 4, 1918, c. 141 § 3, 37 Stat. 737; May 9, 1918, c. 69, §§ 1, 3, 40 Stat. 544, 548.)

384. Same; aliens serving on vessels of foreign registry.—Service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

385. Same; residence in Hawaiian Islands prior to April 30, 1900, equivalent to residence in United States; validating records, etc.—For the purposes of naturalization under the laws of the United States residence in the Hawaiian Islands prior to April 30, 1900, shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to April 30, 1900; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands.

All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to June 29, 1906, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this section further validated or legalized. (Apr. 30, 1900, c. 339, § 100, 31 Stat. 161; May 27, 1910, c. 258, § 9, 36 Stat. 448.)

386. Renunciation of title or orders of nobility.—In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court. (June 29, 1906, c. 3592, § 4, 34 Stat. 596.)

387. Citizenship training of applicants for naturalization; reimbursement for publishing citizenship textbook.—For the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, as provided in this subdivision, authority is given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

388. Filipino declarants honorably discharged from Navy, Marine Corps, or Naval Auxiliary Service; Porto Ricans or aliens serving in Army, Navy, Marine Corps, Coast Guard, or United States Government vessels, etc.; residence.—Any native-born Filipino of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturaliza-

tion without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of sections 388 to 390, and 392 to 394 of this title, it is shown that such residence can not be established. (May 9, 1918, c. 69, § 1, 40 Stat. 542.)

389. Alien declarant honorably discharged from Army, Navy, etc., subsequently accepted conditionally in military or naval service; residence considered residence within United States.—Any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization. (May 9, 1918, c. 69, § 1, 40 Stat. 542.)

390. Aliens in military service of United States on May 9, 1918, filing "overseas petition"; oath of allegiance.—Any alien, who, on May 9, 1918, was in the military service of the United States, and who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section 131 of title 22 after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section 399 of this title. (May 9, 1918, c. 69, § 1, 40 Stat. 543.)

391. Persons serving in military or naval forces at termination of World War; persons honorably discharged therefrom; residence.—Any person who was serving in the military or naval forces of the United States at the termination of the World War, and any person who before the termination of said war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

392. Aliens serving in military or naval forces during World War; declaration of intention; residence.—Any alien who served in the military or naval service of the United States during the time this country was engaged in the World War, might file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States. (May 9, 1918, c. 69, § 1, 40 Stat. 543.)

393. Certain aliens or persons owing permanent allegiance; jurisdiction of courts; evidence of residence, etc.—Any alien, or any person owing permanent allegiance to the United States embraced within sections 388 to 390, 392 to 394 of this title, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section 357 of this title, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed. (May 9, 1918, c. 69, § 1, 40 Stat. 543.)

394. Hearing of certain petitions for naturalization within thirty days of election.—Any petition for naturalization filed under the provisions of sections 388 to 390, 392 to 394 of this title, may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. (May 9, 1918, c. 69, § 1, 40 Stat. 543.)

395. Effect of repeal of section 2166, Revised Statutes, upon aliens serving in Army prior to January 1, 1900, and honorably discharged therefrom.—As to all aliens who, prior to January 1, 1900, served in the armies of the United States, and who were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States—which read as follows: "Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the Regular or the Volunteer Forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States"—shall be and remain in full force and effect. (May 9, 1918, c. 69, § 2, 40 Stat. 547.)

396. Time for filing petition for naturalization; stated days for final action thereon; change of name.—Petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition. No person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith. (June 29, 1906, c. 3592, § 6, 34 Stat. 598.)

397. Public notice of filing of petition and of hearing thereon; witnesses.—The clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpœna for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned. (June 29, 1906, c. 3592, § 5, 34 Stat. 598.)

398. Final hearing on petition in open court; final order under hand of court; examination of applicant and witnesses.—Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court. (June 29, 1906, c. 3592, § 9, 34 Stat. 599.)

399. Appearance by United States and proceedings in opposition to naturalization.—The United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings. (June 29, 1906, c. 3592, § 11, 34 Stat. 599.)

DUTIES OF CLERKS OF COURTS; NATURALIZATION FEES

400. Duties of clerks of courts; filing declaration of intention; forwarding duplicate certificate and names of aliens denied citizenship; penalty.—It shall be the duty of the clerk of each and every court exercising jurisdiction in naturalization matters to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions of this section he shall forfeit and pay to the United States the sum of $25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk. (June 29, 1906, c. 3592, § 12, 34 Stat. 599.)

401. Same; responsibility for blank certificates of citizenship; return of defaced certificates; penalty.—Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of $50, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned. (June 29, 1906, c. 3592, § 12, 34 Stat. 599.)

402. Fees; disposition of; clerical assistance.—The clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, $1.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, $2; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, $2.

Except as hereinafter mentioned in this section, the clerk of any court collecting such fees is authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are required to render the Bureau of Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the General Accounting Office, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpœnaing and paying the legal fees of any witnesses for whom he may request a subpœna, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such

purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

The clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of $3,000, and all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said bureau as in case of other fees to which the United States may be entitled under the provisions of this chapter.

The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by the naturalization laws upon the clerks of courts from fees received by such clerks in naturalization proceedings.

Payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Labor may prescribe. In case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of $6,000 in any fiscal year the Secretary of Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance.

The whole amount allowed for a fiscal year to the clerk of a court and his assistants from naturalization fees and any appropriation made for carrying on the work of the Bureau of Naturalization shall be based upon and not exceed the one-half of the gross receipts of said clerk from naturalization fees during the fiscal year immediately preceding, unless the naturalization business of the clerk of any court during the year shall be in excess of the naturalization business of the preceding year, in which event the amount allowed may be increased to an amount equal to one-half the estimated gross receipts of the said clerk from naturalization fees during the current fiscal year. The provisions of this section relating to the retention as compensation by clerks of courts of naturalization fees shall not apply to clerks of United States courts who by law are to receive a salary in lieu of fees or other emoluments. (June 29, 1906, c. 3592, § 13, 34 Stat. 600; June 25, 1910, c. 401, § 1, 36 Stat. 829; June 12, 1917, c. 27, § 1, 40 Stat. 171; Feb. 26, 1919, c. 49, §§ 1, 2, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

403. Same; when United States is at war.—During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section 402 of this title. (May 9, 1918, c. 69, § 1, 40 Stat. 544.)

404. Declarations of intention and petitions as records of court; reference in certificate to record.—The declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate. (June 29, 1906, c. 3592, § 14, 34 Stat. 601.)

VALIDATING OR CANCELING NATURALIZATION CERTIFICATES

405. Cancellation of certificates of citizenship fraudulently or illegally procured; aliens returning to country of nativity or residing permanently in foreign country; certified copy of order canceling certificate.—It shall be the duty of the United States district attorneys for the respective districts, or the Commissioner or Deputy Commissioner of Naturalization, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this chapter shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of sections 356, 357, 360, 362, 364, 365, 372 to 383, 386 to 394, 396 to 405, and 407 to 415 of this title, but to all certificates of citizenship which may have been issued prior to ninety days after June 29, 1906, by any court exercising jurisdiction in naturalization proceedings under prior laws. (June 29, 1906, c. 3592, § 15, 34 Stat. 601; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737; May 9, 1918, c. 69, § 1, 40 Stat. 544.)

406. Validation of certificates of naturalization granted prior to December 31, 1918.—All certificates of naturalization

granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention filed prior to September 27, 1906, are declared to be valid in so far as the declaration of intention is concerned, but shall not be further validated or legalized by the provisions of this section. (May 9, 1918, c. 69, § 3, 40 Stat.)

407. Certificates of naturalization failing to show compliance with requirements of Act March 3, 1903, validated.—Naturalization certificates issued after the time of the taking effect of Act March 3, 1903, Thirty-second Statutes, page 1222, which fail to show that the courts issuing said certificates complied with the requirements of section 39 of said Act, but which were otherwise lawfully issued, are declared to be as valid as though said certificates complied with said section. In all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said Act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate. (June 29, 1906, c. 3624, § 1, 34 Stat. 630.)

NATURALIZATION FORMS

408. Naturalization forms supplied courts on requisition; certificates to be consecutively numbered.—The courts specified in sections 357 and 358 of this title shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Naturalization with such blank forms as may be required in the naturalization of aliens. All certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said bureau. (June 29, 1906, c. 3592, § 3, 34 Stat. 596.)

409. Forms.—Substantially the following forms shall be used in the proceedings to which they relate:

Declaration of Intention

(Invalid for all purposes seven years after the date hereof)

————, ss:

I, —— ——, aged —— years, occupation ——, do declare on oath (affirm) that my personal description is: color ——, complexion ——, height ——, weight ——, color of hair ——, color of eyes ——, other visible distinctive marks ——; I was born in —— on the —— day of ——, anno Domini ——; I now reside at ——; I emigrated to the United States of America from —— on the vessel ——; my last foreign residence was ——. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ——, of which I am now a citizen (subject); I arrived at the (port) of —— in the State (Territory or the District of Columbia) of —— on or about the —— day of —— anno Domini ——; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) —— ——.

Subscribed and sworn to (affirmed) before me this —— day of ——, anno Domini ——.

—— ——.

[L. S.] (Official character of attestor.)

Petition for Naturalization

—— Court of ——

In the matter of the petition of —— —— to be admitted as a citizen of the United States of America

To the —— Court:

The petition of —— —— respectfully shows:

First. My full name is —— ——.

Second. My place of residence is number —— street, city of ——, State (Territory or the District of Columbia) of ——.

Third. My occupation is ——.

Fourth. I was born on the —— day of —— at ——.

Fifth. I emigrated to the United States from ——, on or about the —— day of ——, anno Domini ——, and arrived at the port of ——, in the United States, on the vessel ——.

Sixth. I declared my intention to become a citizen of the United States on the —— day of —— at ——, in the —— court of ——.

Seventh. I am —— married. My wife's name is —— ——. She was born in —— and now resides at ——. I have —— children, and the name, date, and place of birth and place of residence of each of said children is as follows: ——; ——; ——.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to ——, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since ——, anno Domini ——, and in the State (Territory or the District of Columbia) of —— for one year at least next preceding the date of this petition, to wit, since —— day of ——, anno Domini ——.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the —— court of —— at ——, and the said petition was denied by the said court for the following reasons and causes, to wit, ——, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated ——.

(Signature of petitioner) —— ——.

————, ss:

—— ——, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of its own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this —— day of ——, anno Domini ——.

[L. S.]

—— ——,

Clerk of the —— Court.

Affidavit of Witnesses

—— Court of ——

In the matter of the petition of —— —— to be admitted a citizen of the United States of America

————, ss:

—— ——, occupation ——, residing at ——, and ——, occupation ——, residing at ——, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known —— ——, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously

immediately preceding the date of filing his petition, and of the State (Territory or the District of Columbia) in which the above-entitled application is made for a period of —— years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

——.

——.

Subscribed and sworn to before me this —— day of ——, nineteen hundred and ——.

[L. S.] ——,

(Official character of attestor.)

Certificate of Naturalization

Number ——.

Petition, volume ——, page ——.

Stub, volume ——, page ——.

(Signature of holder) ——.

Description of holder: Age, ——; height, ——; color, ——; complexion, ——; color of eyes, ——; color of hair, ——; visible distinguishing marks, ——. Name, age, and place of residence of wife, ——, ——, ——. Names, ages, and places of residence of minor children, ——, ——, ——; ——, ——, ——; ——, ——, ——.

——, ss:

Be it remembered, that at a —— term of the —— court of ——, held at —— on the —— day of ——, in the year of our Lord nineteen hundred and ——, ——, who previous to his (her) naturalization was a citizen or subject of ——, at present residing at number —— street, —— city (town), —— State (Territory or the District of Columbia), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that —he was entitled to be so admitted, it was thereupon ordered by the said court that —he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the —— day of ——, in the year of our Lord nineteen hundred and ——, and of our independence the ——.

[L. S.] ——,

(Official character of attestor.)

Stub of Certificate of Naturalization

No. of certificate, ——.

Name —— ——; age, ——.

Declaration of intention, volume ——, page ——.

Petition, volume ——, page ——.

Name, age, and place of residence of wife, ——, ——, ——.

Names, ages, and places of residence of minor children, ——, ——, ——

the provisions of sections 356, 357, 360, 362, 364, 365, 372, 383, 386 to 394, 396 to 405, and 407 to 415 of this title, unless the indictment is found or the information is filed within five years next after the commission of such crime. (June 29, 1906, c. 3592, § 24, 34 Stat. 603.)

416. Prior laws in effect for prosecution of offenses against naturalization laws.—For the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to May 9, 1918, the statutes and laws then in force and since repealed shall remain in full force and effect. (May 9, 1918, c. 69, § 2, 40 Stat. 547.)

Cross reference. For other offenses against the naturalization laws see chapter 4 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

AMBASSADORS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

AMERICAN LEGION

See Title 36, PATRIOTIC SOCIETIES AND OBSERVANCES.

AMERICAN NATIONAL RED CROSS

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

AMERICAN PRINTING HOUSE FOR THE BLIND

See Title 20, EDUCATION.

AMERICAN WAR MOTHERS

See Title 36, PATRIOTIC SOCIETIES AND OBSERVANCES.

ANCHORAGE REGULATIONS

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

ANIMALS

See Title 7, AGRICULTURE; Title 16, CONSERVATION; Title 45, RAILROADS.

ANTITRUST LAWS

See Title 15, COMMERCE AND TRADE.

APPORTIONMENT

See Title 2, CONGRESS.

APPROPRIATIONS

See Title 31, MONEY AND FINANCE.

TITLE 9.—ARBITRATION

Sec.
1. "Maritime transactions" and "commerce" defined; exceptions to operation of title.
2. Validity, irrevocability, and enforcement of agreements to arbitrate.
3. Stay of proceedings where issue therein referable to arbitration.
4. Failure, etc., to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination.
5. Appointment of arbitrators or umpire.
6. Application heard as motion.
7. Witnesses before arbitrators; fees; compelling attendance.
8. Proceedings begun by libel in admiralty and seizure of vessel or property.
9. Award of arbitrators; confirmation; jurisdiction; procedure.
10. Same; vacation; grounds; rehearing.
11. Same; modification or correction; grounds; order.
12. Notice of motions to vacate or modify; service; stay of proceedings.
13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement.
14. Citation of title.
15. Contracts not affected.

CROSS REFERENCE

Disputes between carriers and employees; see chapter 6 of Title 45, RAILROADS.

Section 1. "Maritime transactions" and "commerce" defined; exceptions to operation of title.—"Maritime transactions," as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; "commerce," as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce. (Feb. 12, 1925, c. 213, § 1, 43 Stat. 883.)

2. Validity, irrevocability, and enforcement of agreements to arbitrate.—A written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract. (Feb. 12, 1925, c. 213, § 2, 43 Stat. 883.)

3. Stay of proceedings where issue therein referable to arbitration.—If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration. (Feb. 12, 1925, c. 213, § 3, 43 Stat. 883.)

4. Failure, etc., to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination.—A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the judicial code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof. (Feb. 12, 1925, c. 213, § 4, 43 Stat. 883.)

5. Appointment of arbitrators or umpire.—If in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator. (Feb. 12, 1925, c. 213, § 5, 43 Stat. 884.)

6. Application heard as motion.—Any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided. (Feb. 12, 1925, c. 213, § 6, 43 Stat. 884.)

7. Witnesses before arbitrators; fees; compelling attendance.—The arbitrators selected either as prescribed in this title or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book,

record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpœnas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner provided on February 12, 1925, for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States. (Feb. 12, 1925, c. 213, § 7, 43 Stat. 884.)

8. Proceedings begun by libel in admiralty and seizure of vessel or property.—If the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award. (Feb. 12, 1925, c. 213, § 8, 43 Stat. 884.)

9. Award of arbitrators; confirmation; jurisdiction; procedure.—If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. (Feb. 12, 1925, c. 213, § 9, 43 Stat. 885.)

10. Same; vacation; grounds; rehearing.—In either of the following cases the United States court in and for the district wherein the ward was made may make an order vacating the award upon the application of any party to the arbitration—

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators. (Feb. 12, 1925, c. 213, § 10, 43 Stat. 885.)

11. Same; modification or correction; grounds; order.—In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties. (Feb. 12, 1925, c. 213, § 11, 43 Stat. 885.)

12. Notice of motions to vacate or modify; service; stay of proceedings.—Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award. (Feb. 12, 1925, c. 213, § 12, 43 Stat. 885.)

13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement.—The party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered. (Feb. 12, 1925, c. 213, § 13, 43 Stat. 886.)

14. Citation of title.—This title may be referred to as "The United States Arbitration Act." (Feb. 12, 1925, c. 213, § 14, 43 Stat. 886.)

15. Contracts not affected.—This title shall not apply to contracts made prior to February 12, 1925. (Feb. 12, 1925, c. 213, § 15, 43 Stat. 886.)

ARID LANDS

See Title 43, PUBLIC LANDS.

ARMORIES AND ARSENALS

See Title 50, WAR.

TITLE 10.—ARMY

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Chapter 1.—COMPOSITION, ORGANIZATION, AND GOVERNMENT OF THE ARMY GENERALLY.

Sec.
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5. Organization of Army; corps areas and Army areas or departments.
6. Appointment of chiefs and assistant chiefs; terms of office.
7. Filling office of chief during absence.
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9. Establishment and purpose of Army War College.
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12. Bands at recruiting depots.
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14. Corporal buglers and buglers first class.
15. Use of Army as posse comitatus.

Section 1. National forces; persons liable to perform military duty.—All able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of eighteen and forty-five years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States. (Apr. 22, 1898, c. 187, § 1, 30 Stat. 361.)

2. Composition of Army of United States.—The Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps. (June 4, 1920, c. 227, subchapter I, § 1, 41 Stat. 759.)

3. Regular Army defined.—The Regular Army is the permanent military establishment, which is maintained both in peace and war according to law. (Apr. 22, 1898, c. 187, § 3, 30 Stat. 361.)

4. Composition of Regular Army.—The Regular Army of the United States shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Service, the Corps of Engineers, the Signal Corps, which shall be designated as the combatant arms or the line of the Army; the General Staff Corps; The Adjutant General's Department; the Inspector General's Department; the Judge Advocate General's Department; the Quartermaster Corps; the Finance Department; the Medical Department; the Ordnance Department; the Chemical Warfare Service; the officers of the Bureau of Insular Affairs; the officers and enlisted men under the jurisdiction of the Militia Bureau; the chaplains; the professors and cadets of the United States Military Academy; the present military store-keeper; detached officers; detached enlisted men; unassigned recruits; the Indian Scouts; the officers and enlisted men of the retired list; and such other officers and enlisted men as are now or may hereafter be provided for. (June 4, 1920, c. 227, subchapter I, § 2, 41 Stat. 759.)

5. Organization of Army; corps areas and army areas or departments.—The organized peace establishment, including the Regular Army, the National Guard and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. The Army shall at all times be organized, so far as practicable into brigades, divisions and army corps, and whenever the President may deem it expedient, into armies. For purposes of administration, training and tactical control, the continental area of the United States shall be divided on a basis of military population into corps areas. Each corps area shall contain at least one division of the National Guard or Organized Reserves, and such other tropps as the President may direct. The President is authorized to group any or all corps areas into army areas or departments. (June 4, 1920, c. 227, subchapter I, § 3, 41 Stat. 759.)

6. Appointment of chiefs and assistant chiefs; term of office.—Except as otherwise herein prescribed, chiefs and assistants to the chiefs of the several branches shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, and such appointments shall not create vacancies. Appointment as chief of any branch shall be made from among officers commissioned in grades not below that of colonel, and as assistant from among officers of not less than fifteen years' commissioned service, who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment: *Provided*, That the chiefs of the several branches shall make recommendations to the Secretary of War for the appointment of their assistants: *Provided further*, That in making the first appointment to any such office created by this title, the chief of a branch may be selected from among officers of not less than

twenty-two years' commissioned service. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 702.)

7. Filling office of chief during absence.—During the absence of the Quartermaster General, or the chief of any military bureau of the War Department, the President is authorized to empower some officer of the department or corps whose chief is absent to take charge thereof, and to perform the duties of Quartermaster General, or chief of the department or corps, as the case may be, during such absence. (R. S. § 1132; Feb. 27, 1877, c. 69, § 1, 19 Stat. 242.)

8. Assignment of officers and men to branches of Army.—Officers and enlisted men shall be assigned to the several branches of the Army as hereafter directed, a suitable proportion of each grade in each branch, but the President may increase or diminish the number of officers or enlisted men assigned to any branch by not more than a total of 30 per centum of said officers or 15 per centum of said enlisted men: *Provided*, That the total number authorized in any grade is not exceeded: *Provided further*, That the number of enlisted men authorized for any branch shall include such number of Philippine Scouts as may be organized in that branch: *Provided further*, That no officer shall be transferred from one branch of the service to another under the provisions of this section without his own consent. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762; June 30, 1922, c. 253, 42 Stat. 723.)

9. Establishment and purpose of Army War College.—The establishment of the Army War College is authorized, having for its object the direction and coordination of the instruction in the various service schools, extension of the opportunities for investigation and study in the Army and militia of the United States, and the collection and dissemination of military information. (May 26, 1900, c. 586, § 1, 31 Stat. 209.)

10. Band leaders.—Nothing contained in section 591 of this title shall prevent the appointment of qualified band leaders for authorized bands. (June 30, 1922, c. 253, Title I, 42 Stat. 723.)

11. Army Band leader.—The Secretary of War is hereby authorized to appoint a warrant officer of the Regular Army leader of the Army Band, who, while holding such appointment, shall receive, in lieu of any and all pay and allowances as warrant officer, the base pay and the allowances of a captain of the Regular Army in the third pay period and shall be entitled to longevity pay provided for an officer for each three years of service under such appointment plus any previous active commissioned service under a Federal appointment which the appointee may have had, but shall not be entitled to pass to a higher pay period. The leader of the Army Band may be relieved from his appointment as such and returned to his former status at the discretion of the Secretary of War. Upon retirement he shall be retired as a warrant officer and shall receive the retired pay to which he would have been entitled had he not been appointed and received the pay and allowances of leader of the Army Band: *Provided*, That no back pay or allowances shall be allowed to the leader of the Army Band by reason of the provision of this section: *And provided further*, That nothing contained in this section shall operate to increase the authorized number of commissioned officers or warrant officers of the Regular Army nor to decrease the number of warrant officers authorized by law. (Mar. 3, 1925, c. 412, 43 Stat. 1100.)

12. Bands at recruiting depots.—One of the companies at each recruiting depot shall have the organization of an infantry band, to which recruits showing an aptitude for music may be attached for examination and instruction before assignment to organizations in the Army. (Mar. 3, 1909, c. 252, 35 Stat. 745.)

13. Annual reports as to organization of Army.—The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organizations pertaining to each branch of the service. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

14. Corporal buglers and buglers first class.—There are created in the Army the grades of corporal bugler, and bugler, first class; and for each battalion and squadron headquarters of units in which the grade of bugler was authorized on July 9, 1918, there shall be one corporal bugler, and for each company, battery, troop, or organization in which the grade of bugler was authorized on July 9, 1918, there shall be one bugler, first class. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893.)

15. Use of Army as posse comitatus.—It shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding $10,000 or imprisonment not exceeding two years or by both such fine and imprisonment. (June 18, 1878, c. 263, § 15, 20 Stat. 152.)

Chapter 2.—GENERAL STAFF CORPS.

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22. Composition of General Staff Corps.
23. Composition of War Department General Staff.
24. Composition of General Staff with troops.
25. Eligibility to detail and period of duty.
26. General Staff Corps eligible list.
27. Line officers subject to detail; previous service with troops.
28. Officers commissioned in a staff corps subject to detail in General Staff Corps; previous service with troops.
29. What constitutes duty with troops.
30. Acting General Staff officers.
31. Additional members of General Staff Corps.
32. Restriction on duties of members of General Staff Corps.
33. Duties of Chief of Staff.
34. Duties of War Department General Staff.
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36. Submission to Congress of plans affecting national defense, etc.; accompaniment by study prepared by War Department General Staff.
37. Plans for initial organization and territorial distribution of Organized Reserves and National Guard.
38. Policies and regulations for government of Organized Reserves and National Guard.

Section 21. Creation of General Staff Corps.—There is established a General Staff Corps, to be composed of officers detailed from the Army at large. (Feb. 14, 1903, c. 553, § 1, 32 Stat. 830.)

22. Composition of General Staff Corps.—The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff and the General Staff with troops. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 762.)

23. Composition of War Department General Staff.—The War Department General Staff shall consist of the Chief of Staff and four assistants to the Chief of Staff selected by the President from the general officers of the line, and eighty-eight other officers of grades not below that of captain. (June 4, 1920, c. 227, § 5, 41 Stat. 762.)

24. Composition of General Staff with Troops.—The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, army corps, divisions, and brigades, and as military attachés abroad. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763.)

25. Eligibility to detail and period of duty.—In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved,

and such details shall be limited to officers whose names are borne on the list of General Staff Corps eligibles. (June 3, 1916, c. 134, § 5, 39 Stat. 167; June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763.)

26. General Staff Corps eligible list.—The initial eligible list shall be prepared by a board consisting of the General of the Army, the commandant of the General Staff College, the commandant of the General Service Schools, and two other general officers of the line, selected by the Secretary of War, who are not then members of the General Staff Corps. This board shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes who are recommended by them as qualified by education, military experience, and character for General Staff duty;

(a) Those officers graduated from the Army Staff College or the Army War College prior to July 1, 1917, who, upon graduation, were specifically recommended for duty as commander or chief of staff of a division or higher tactical unit, or for detail in the General Staff Corps;

(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit, or have demonstrated by actual service in the World War that they are qualified for General Staff duty.

After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided*, That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763; Sept. 22, 1922, c. 423, § 1, 42 Stat. 1032.)

27. Line officers subject to detail; previous service with troops.—In time of peace no officer of the line shall be or remain detailed as a member of the General Staff Corps unless he has served for two of the next preceding six years in actual command of troops of one or more of the combatant arms. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

28. Officers commissioned in a staff corps subject to detail in General Staff Corps; previous service with troops.—An officer commissioned in a staff corps shall not be or remain detailed as a member of the General Staff Corps unless he has served for one of the next preceding five years with troops of one or more of the combatant arms. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

29. What constitutes duty with troops.—In the administration of the provisions of the two next preceding sections all duty performed between April 6, 1917, and July 1, 1920, inclusive, or as a student at service schools, other than those of the noncombatant branches, at any time, shall be regarded as satisfying the requirements of service with combatant arms. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

30. Acting General Staff officers.—If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763; Sept. 22, 1922, c. 423, § 1, 42 Stat. 1032.)

31. Additional members of General Staff Corps.—In order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763; Sept. 22, 1922, c. 423, § 1, 42 Stat. 1032.)

32. Restriction on duties of members of General Staff Corps.—Members of the General Staff Corps shall be confined strictly to the discharge of duties of the general nature of those specified for them in this chapter of this title, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to establish bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764.)

33. Duties of Chief of Staff.—The Chief of Staff shall preside over the War Department General Staff and, under the direction of the President, or of the Secretary of War under the direction of the President, shall cause to be made, by the War Department General Staff, the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army of the United States, and for the use of the military forces for national defense. He shall transmit to the Secretary of War the plans and recommendations prepared for that purpose by the War Department General Staff and advise him in regard thereto; upon the approval of such plans or recommendations by the Secretary of War, he shall act as the agent of the Secretary of War in carrying the same into effect. (June 3, 1916, c. 134, § 5, 39 Stat. 167; June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764.)

34. Duties of War Department General Staff.—The duties of the War Department General Staff shall be to prepare plans for national defense and the use of the military forces for that purpose, both separately and in conjunction with the naval forces, and for the mobilization of the manhood of the Nation and its material resources in an emergency; to investigate and report upon all questions affecting the efficiency of the Army of the United States, and its state of preparation for military operations; and to render professional aid and assistance to the Secretary of War and the Chief of Staff. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763.)

35. Duties of General Staff with Troops.—The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them; to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals, and in supervising the execution of such instructions. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764.)

36. Submission to Congress of plans affecting national defense, etc.; accompaniment by study prepared by War Department General Staff.—Whenever any plan or recommendation involving legislation by Congress affecting national defense or the reorganization of the Army is presented by the Secretary of War to Congress, or to one of the committees of Congress, the same shall be accompanied, when not incompatible with the public interest, by a study prepared in the appropriate division of the War Department General Staff, including the comments

and recommendations of said division for or against such plan, and such pertinent comments for or against the plan as may be made by the Secretary of War, the Chief of Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764.)

37. Plans for initial organization and territorial distribution of Organized Reserves and National Guard.—Subject to revision and approval by the Secretary of War, the plans and regulations under which the initial organization and territorial distribution of the National Guard and the Organized Reserves shall be made, shall be prepared by a committee of the branch or division of the War Department General Staff, hereinafter provided for, which is charged with the preparation of plans for the national defense and for the mobilization of the land forces of the United States. For the purpose of this task said committee shall be composed of members of said branch or division of the General Staff and an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard. (June 4, 1920, c. 227, subchapter I, § 3, 41 Stat. 760.)

38. Policies and regulations for government of Organized Reserves and National Guard.—All policies and regulations affecting the organization, distribution and training of the National Guard and the Organized Reserves, and all policies and regulations affecting the appointment, assignment, promotion, and discharge of reserve officers, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard, and whose names are borne on lists of officers suitable for such duty, submitted by the governors of the several States and Territories. For the purposes specified herein, they shall be regarded as additional members of the General Staff while so serving. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763.)

Chapter 3.—ADJUTANT GENERAL'S DEPARTMENT.

Sec.
41. Composition of Adjutant General's Department.
42. Functions of Personnel Bureau.
Returns and muster rolls of volunteer forces rendered to Adjutant General; see section 156 of Title 5.

Section 41. Composition of Adjutant General's Department.—The Adjutant General's Department shall consist of The Adjutant General with the rank of major general, one assistant with the rank of brigadier general, who shall be Chief of the Personnel Bureau, and seventy-one officers in grades from colonel to captain, inclusive. (June 4, 1920, c. 227, subchapter I, § 6, 41 Stat. 765; June 30, 1922, c. 253, 42 Stat. 723.)

42. Functions of Personnel Bureau.—The Personnel Bureau shall be charged, under such regulations as may be prescribed by the Secretary of War, with the operating functions of procurement, assignment, promotion, transfer, retirement, and discharge of all officers and enlisted men of the Army: *Provided*, That territorial commanders and the chiefs of the several branches of the Army shall be charged with such of the above-described duties within their respective jurisdictions as may be prescribed by the Secretary of War. (June 4, 1920, c. 227, subchapter I, § 6, 41 Stat. 765.)

Chapter 4.—INSPECTOR GENERAL'S DEPARTMENT.

Sec.
51. Composition of Inspector General's Department.
52. Appointment of expert accountant.

Section 51. Composition of Inspector General's Department.—The Inspector General's Department shall consist of one Inspector General with the rank of major general and forty-three officers in grades from colonel to captain, inclusive. (June 4, 1920, c. 227, subchapter I, § 7, 41 Stat. 765; June 30, 1922, c. 253, 42 Stat. 723.)

52. Appointment of expert accountant.—One expert accountant for the Inspector General's Department, shall be appointed in case of vacancy, by the Secretary of War. (Feb. 24, 1891, c. 284, 26 Stat. 773.)

Chapter 5.—JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Sec.
61. Composition of Judge Advocate General's Department.
62. Duties of Judge Advocate General.
63. Duties of judge advocates.
64. Filling vacancies in grade of captain.

Section 61. Composition of Judge Advocate General's Department.—The Judge Advocate General's Department shall consist of one Judge Advocate General with the rank of major general and eighty officers in grades from colonel to captain, inclusive. (June 4, 1920, c. 227, subchapter I, § 8, 41 Stat. 765; June 30, 1922, c. 253, 42 Stat. 723.)

62. Duties of Judge Advocate General.—The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as were formerly performed by the Judge Advocate General of the Army. (R. S. § 1199.)

63. Duties of judge advocates.—Judge advocates shall perform their duties under the direction of the Judge Advocate General. (R. S. § 1201.)

64. Filling vacancies in grade of captain.—Any vacancy in the grade of captain in the Judge Advocate General's Department, not filled by transfer or detail from another branch, may, in the discretion of the President, be filled by appointment from reserve judge advocates between the ages of thirty and thirty-six years, and such appointee shall be placed upon the promotion list immediately below the junior captain on said list. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

Chapter 6.—QUARTERMASTER CORPS.

Sec.
71. Composition of Quartermaster Corps.
72. Duties of Quartermaster General.
73. Transportation for National Museum and Government departments.
74. Limitations on issue of reserve supplies or equipment.
75. Rations furnished to landing parties of seamen or mariner co-operating with land troops.
76. Equipment, etc., furnished to landing parties of seamen or marines cooperating with land troops.
77. Technical experts employed in Quartermaster General's office.

Section 71. Composition of Quartermaster Corps.—The Quartermaster Corps shall consist of one Quartermaster General with the rank of major general, three assistants with the rank of brigadier general, seven hundred and thirty-five officers in grades from colonel to second lieutenant, inclusive, and eight thousand nine hundred and twenty-eight enlisted men. (June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766; June 30, 1922, c. 253, 42 Stat. 723.)

72. Duties of Quartermaster General.—The Quartermaster General, under the authority of the Secretary of War, shall be charged with the purchase and procurement for the Army of all supplies of standard manufacture and of all supplies common to two or more branches but not with the purchase or the procurement of special or technical articles to be used or issued exclusively by other supply departments; with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities other than fortifications connected with the Army; with the storage and issue of supplies; with the operation of utilities; with the acquisition of all real estate and the issue of licenses in connection with Government reservations; with the transportation of the Army by land and water, including the transportation of troops and supplies by mechanical or animal means; with the furnishing of

means of transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe: *Provided*, That special and technical articles used or issued exclusively by other branches of the service may be purchased or procured with the approval of the Assistant Secretary of War by the branches using or issuing such articles, and the chief of each branch may be charged with the storage and issue of property pertaining thereto: *Provided further*, That utilities pertaining exclusively to any branch of the Army may be operated by such branches. (June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766.)

73. Transportation for National Museum and Government departments.—The Quartermaster General and his officers, under his instructions, wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of Army supplies, the amount paid for such transportation to be refunded or paid by the bureau to which such property or stores pertain. (July 5, 1884, c. 217, 23 Stat. 111.)

74. Limitations on issue of reserve supplies or equipment.—No issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or one million men. (June 7, 1924, c. 291, Title I, 43 Stat. 509; Feb. 12, 1925, c. 225, Title I, 43 Stat. 924.)

75. Rations furnished to landing parties of seamen or marines cooperating with land troops.—The officers of the Quartermaster Corps shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with the land troops, and during the time such detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same. (R. S. § 1143.)

76. Equipment, etc., furnished to landing parties of seamen or marines cooperating with land troops.—The officers of the Quartermaster Corps shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp equipage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage. (R. S. § 1135.)

77. Technical experts employed in Quartermaster General's office.—The services of technical experts and such other services as the Secretary of War may deem necessary may be employed in the office of the Quartermaster General, to be paid from the appropriation for "Incidental expenses of the Army": *Provided*, That there shall be included in the Budget for each fiscal year a statement of the number of persons so employed, their duties, and the amount paid to each. (June 7, 1924, c. 291, Title I, 43 Stat. 490; Feb. 12, 1925, c. 225, Title I, 43 Stat. 904.)

Chapter 7.—MEDICAL DEPARTMENT.

THE DEPARTMENT GENERALLY

Sec.
81. Composition of Medical Department.

MEDICAL CORPS

91. Composition of Medical Corps.
92. Appointment of medical officers.
93. Examinations for appointment of medical officers.
94. Assignment of medical officers to duty.
95. Right of command.
96. Medical attendance for families of officers and men.
97. Promotion on completion of specified term of service.
98. Service credits for purposes of promotion.
99. Service credits for purposes of promotion of certain officers.
100. Length of service of officers losing files.
101. Examination of officers for promotion.
102. Failure of first lieutenant or captain to pass examination for promotion; honorable discharge or retirement.
103. Failure of major to pass examination for promotion; reexamination; retirement on second failure.
104. Cooperation of medical officers with line officers in superintending cooking by enlisted men.
105. Detail of medical officers to military relief division of Red Cross.
106. Detail of medical officer to first-aid department of Red Cross.
107. Appointment of contract surgeons.
108. Authority of contract surgeons in charge of hospital.

DENTAL CORPS

121. Composition of Dental Corps.
122. Appointments in Dental Corps.
123. Eligibility for appointment.
124. Examination for appointment.
125. Examining and review boards.
126. Promotion on completing specified term of service.
127. Credit for service as contract dental surgeons and acting dental surgeons before June 3, 1916.
128. Service credits for purposes of promotion of certain officers.
129. Length of service of officers losing files.

VETERINARY CORPS

141. Appointment in Veterinary Corps.
142. Number of officers.
143. Promotion on completion of specified term of service.
144. Service credits for purposes of promotion.
145. Service credits for purposes of promotion of certain officers.
146. Length of service of officers losing files.

MEDICAL ADMINISTRATIVE CORPS

151. Appointment in Medical Administrative Corps.
152. Number of officers of corps.
153. Promotion on completion of specified term of service.
154. Service credits for purposes of promotion of certain officers.
155. Length of service of officers losing files.

ARMY NURSE CORPS

161. Composition of corps.
162. Appointment and removal.
163. Rules and regulations.
164. Relative rank of members.

THE DEPARTMENT GENERALLY

Section 81. Composition of Medical Department.—The Medical Department shall consist of one Surgeon General with the rank of major general, two assistants with the rank of brigadier general, the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Administrative Corps, a number of enlisted men which shall be 5 per centum of the actual strength, commissioned and enlisted, of the Regular Army, the Army Nurse Corps as constituted by law, and such contract surgeons as are authorized by law. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 766.)

MEDICAL CORPS

91. Composition of Medical Corps.—The Medical Corps shall consist of nine hundred and eighty-three commissioned officers below the grade of brigadier general. (June 3, 1916, c. 134, § 10, 39 Stat. 171; July 9, 1918, c. 143, 40 Stat. 866; June 30, 1922, c. 253, 42 Stat. 721, 722.)

92. Appointment of medical officers.—Appointments in the Medical Corps shall be made in the grade of first lieutenant from reserve medical officers between the ages of twenty-three and thirty-two years. (June 4, 1920, c. 227, subchapter I, § 24e, 41 Stat. 774.)

93. Examinations for appointment of medical officers.—No person shall receive an appointment as first lieutenant in the Medical Corps unless he shall have been examined and

approved by an Army medical board consisting of not less than three officers of the Medical Corps designated by the Secretary of War. (Apr. 23, 1908, c. 150, § 4, 35 Stat. 67.)

94. Assignment of medical officers to duty.—Medical officers of the Army may be assigned by the Secretary of War to such duties as the interests of the service may demand. (July 27, 1892, c. 270, § 3, 27 Stat. 277.)

95. Right of command.—Officers of the Medical Corps of the Army shall not be entitled, in virtue of their rank, to command in the line or in other staff corps. (R. S. § 1169.)

96. Medical attendance for families of officers and men.—The medical officers of the Army and contract surgeons shall whenever practicable attend the families of the officers and soldiers free of charge. (July 5, 1884, c. 217, 23 Stat. 112.)

97. Promotion on completion of specified term of service.—An officer of the Medical Corps shall be promoted to the grade of captain after three years' service, to the grade of major after twelve years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

98. Service credits for purposes of promotion.—For purposes of promotion there shall be credited to officers of the Medical Department all active commissioned service in the Regular Army whenever rendered; and also all such service rendered since April 6, 1917, in the Army or in the National Guard when in active service under a call by the President, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

99. Service credits for purposes of promotion of certain officers.—For purposes of promotion after July 1, 1920, any person appointed in the Medical Corps to fill vacancies existing on July 1, 1920, having served as an officer of the Army at some time between April 6, 1917, and June 4, 1920, shall be considered as having had, on the date of appointment, service equal to that of the junior officer of his grade and corps in the Regular Army on June 4, 1920. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

100. Length of service of officers losing files.—The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

101. Examination of officers for promotion.—No officer of the Medical Corps below the rank of lieutenant colonel shall be promoted therein until he shall have successfully passed an examination before an Army medical board consisting of not less than three officers of the Medical Corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service. (Apr. 23, 1908, c. 150, § 5, 35 Stat. 67.)

102. Failure of first lieutenant or captain to pass examination for promotion; honorable discharge or retirement.—Should a first lieutenant or captain of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall be honorably discharged from the service with one year's pay. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted. (Apr. 23, 1908, c. 150, § 5, 35 Stat. 67.)

103. Failure of major to pass examination for promotion; reexamination; retirement on second failure.—Any major of the Medical Corps on the active list of the Army who at his first examination for promotion to the grade of lieutenant colonel in said corps, has been or shall hereafter be found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank in said corps as are or may become eligible to promotion under existing law during the period of his suspension; and any officer suspended from promotion, as hereinbefore provided, shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty, he shall be retired, with the rank to which his seniority entitles him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason, he shall be retired without promotion. (Mar. 3, 1909, c. 252, 35 Stat. 737.)

104. Cooperation of medical officers with line officers in superintending cooking by enlisted men.—The officers of the Medical Department of the Army shall unite with the officers of the line under such rules and regulations as shall be prescribed by the Secretary of War in superintending the cooking done by the enlisted men; and the Surgeon General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier. (R. S. § 1174; Feb. 27, 1877, c. 69, § 1, 19 Stat. 243.)

105. Detail of medical officers to military relief division of Red Cross.—The President is authorized to detail not more than five officers of the Medical Department for duty with the military relief division of the American National Red Cross. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

106. Detail of medical officer to first-aid department of Red Cross.—The Secretary of War is hereby authorized to detail an officer of the Medical Corps to take charge of the first-aid department of the American Red Cross. (Mar. 3, 1911, c. 209, 36 Stat. 1041.)

107. Appointment of contract surgeons.—In emergencies the Surgeon General of the Army, with the approval of the Secretary of War, may appoint as many contract surgeons as may be necessary. (Feb. 2, 1901, c. 192, § 18, 31 Stat. 752.)

108. Authority of contract surgeon in charge of hospital.—When a contract surgeon is in charge of a hospital he shall have the same authority as a commissioned medical officer. (Apr. 23, 1904, c. 1485, 33 Stat. 266.)

DENTAL CORPS

121. Composition of Dental Corps.—The Dental Corps of the Army shall consist of one hundred and fifty-eight commissioned officers of the same grade and proportionally distributed among such grades as are or may be provided by law for the Medical Corps, who shall have the rank, pay, promotion and allowances of officers of corresponding grades in the Medical Corps, including the right to retirement as in the case of other officers. (Oct. 6, 1917, c. 101, 40 Stat. 397; June 30, 1922, c. 253, 42 Stat. 721.)

122. Appointments in Dental Corps.—Appointments in the Dental Corps shall be made in the grade of first lieutenant from reserve dental officers. (June 4, 1920, c. 227, subchapter I, § 24e, 41 Stat. 771.)

123. Eligibility for appointment.—To be eligible for appointment in the Dental Corps, a candidate must be a citizen of the United States, of good moral character, between the ages of twenty-three and thirty-two years, a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation. (Mar. 3, 1911, c. 209, 36 Stat. 1054; June 4, 1920, c. 227, subchapter I, § 24e, 41 Stat. 771.)

124. Examination for appointment.—Appointees in the Dental Corps shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects of a standard dental college course. (Mar. 3, 1911, c. 209, 36 Stat. 1054; Oct. 6, 1917, c. 101, 40 Stat. 397.)

125. Examining and review boards.—Dental examining and review boards shall consist of one officer of the Medical Corps and two officers of the Dental Corps. (Oct. 6, 1917, c. 101, 40 Stat. 397.)

126. Promotion on completing specified term of service.—An officer of the Dental Corps shall be promoted to the grade of captain after three years' service, to the grade of major after twelve years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

127. Credit for service as contract dental surgeons and acting dental surgeons before June 3, 1916.—To officers of the Dental Corps shall be credited their service as contract dental surgeons and acting dental surgeons rendered prior to June 3, 1916. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

128. Service credits for purposes of promotion of certain officers.—For purposes of future promotion, any person appointed in the Dental Corps to fill vacancies existing on July 1, 1920, having served as an officer of the Army at some time between April 6, 1917, and June 4, 1920, shall be considered as having had, on the date of appointment, service equal to that of the junior officer of his grade and corps in the Regular Army on June 4, 1920. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

129. Length of service of officers losing files.—The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

VETERINARY CORPS

141. Appointments in Veterinary Corps.—Appointments in the Veterinary Corps shall be made in the grade of second lieutenant from reserve veterinary officers between the ages of twenty-one and thirty years. (June 4, 1920, c. 227, subchapter I, § 24e, 41 Stat. 771.)

142. Number of officers.—The number of officers of the Veterinary Corps shall be one hundred and twenty-six. (June 30, 1922, c. 253, 42 Stat. 716.)

143. Promotion on completion of specified term of service.—An officer of the Veterinary Corps shall be promoted to the grade of first lieutenant after three years' service, to the grade of captain after seven years' service, to the grade of major after fourteen years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

144. Service credits for purposes of promotion.—To officers of the Veterinary Corps shall be credited their governmental veterinary service rendered prior to June 3, 1916. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 771.)

145. Service credits for purposes of promotion of certain officers.—For purposes of future promotion, any person appointed in the Veterinary Corps to fill vacancies existing on July 1, 1920, having served as an officer of the Army at some time between April 6, 1917, and June 4, 1920, shall be considered as having had, on the date of appointment, sufficient service to bring him to his grade under the rules established in section 143 of this title. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

146. Length of service of officers losing files.—The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

MEDICAL ADMINISTRATIVE CORPS

151. Appointment in Medical Administrative Corps.—Appointments in the Medical Administrative Corps shall be made in the grade of second lieutenant from enlisted men of the Medical Department between the ages of twenty-one and thirty-two years, who have had at least two years' service. (June 4, 1920, c. 227, subchapter I, § 24e, 41 Stat. 774.)

152. Number of officers of corps.—There shall be seventy-two officers of the Medical Administrative Corps. (June 30, 1922, c. 253, 42 Stat. 716.)

153. Promotion on completion of specified term of service.—An officer of the Medical Administrative Corps shall be promoted to the grade of first lieutenant after five years' service, and to the grade of captain after ten years' service. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

154. Service credits for purposes of promotion of certain officers.—For purposes of future promotion, any person appointed in the Medical Administrative Corps to fill vacancies existing on July 1, 1920, having served as an officer of the Army at some time between April 6, 1917, and June 4, 1920, shall be considered as having had, on the date of appointment, sufficient service to bring him to his grade under the rules established in section 153 of this title. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

155. Length of service of officers losing files.—The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

ARMY NURSE CORPS

CROSS REFERENCE

Members of Nurse Corps as persons subject to military law; see section 1473 of this title.

161. Composition of corps.—The Nurse Corps (female) of the Medical Department of the Army shall be known as the Army Nurse Corps, and shall consist of one superintendent, who shall be a graduate of a hospital-training school having a course of instruction of not less than two years; of as many chief nurses, nurses, and reserve nurses as may from time to time be needed and prescribed or ordered by the Secretary of War, and, in the discretion of the Secretary of War, of not exceeding six assistant superintendents, and, for each Army

or separate military force beyond the continental limits of the United States, one director and not exceeding two assistant directors of nursing service, all of whom shall be graduates of hospital-training schools and shall have passed such professional, moral, mental, and physical examination as shall be prescribed by the Secretary of War. (July 9, 1918, c. 143, subchapter V, § 1, 40 Stat. 879.)

162. Appointment and removal.—The superintendent shall be appointed by, and, at his discretion, be removed by, the Secretary of War. All other members of said corps shall be appointed by, and, at his discretion, be removed by, the Surgeon General by and with the approval of the Secretary of War; but the assistant superintendents, the directors, the assistant directors, and the chief nurses shall be appointed by promotion from other members of the corps, and shall, upon being relieved from duty as such, unless removed for incompetency or misconduct, revert to the grades in the corps from which they were promoted. (July 9, 1918, c. 143, subchapter V, § 3, 40 Stat. 879.)

163. Rules and regulations.—Rules and regulations prescribing the duties of the members of the Army Nurse Corps shall be prescribed by the Surgeon General of the United States Army, subject to the approval of the Secretary of War. (July 9, 1918, c. 143, subchapter V, § 2, 40 Stat. 879.)

164. Relative rank of members.—The members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director and assistant directors, the relative rank of captain; chief nurses, the relative rank of first lieutenant; head nurses and nurses, the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have authority in and about military hospitals next after the officers of the Medical Department. The Secretary of War shall make the necessary regulations prescribing the rights and privileges conferred by such relative rank. (June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

Chapter 8.—FINANCE DEPARTMENT.

Sec.
171. Composition of Finance Department.
172. Duties of Chief of Finance.
173. Delegation of duties by disbursing officers.
174. Supervision of disbursements by disbursing officers.
175. Reports of inspections of disbursements.
176. Right of command.

Section 171. Composition of Finance Department.—There is hereby created a Finance Department. The Finance Department shall consist of one Chief of Finance with the rank of major general, ninety-eight officers in grades from colonel to second lieutenant, inclusive, and four hundred and two enlisted men. (June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766; June 30, 1922, c. 253, 42 Stat. 723; Feb. 24, 1925, c. 307, 43 Stat. 970.)

172. Duties of Chief of Finance.—The Chief of Finance, under the authority of the Secretary, shall be charged with the disbursement of all funds of the War Department, including the pay of the Army and the mileage for officers and the accounting therefor; and with such other fiscal and accounting duties as may be required by law, or assigned to him by the Secretary of War. (June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766.)

173. Delegation of duties by disbursing officers.—Under such regulations as may be prescribed by the Secretary of War, officers of the Finance Department, accountable for public moneys, may intrust moneys to other officers for the purpose of having them make disbursements as their agents, and the officer to whom the moneys are intrusted, as well as the officer who intrusts the moneys to him, shall be held pecuniarily responsible therefor to the United States. (June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766.)

174. Supervision of disbursements by disbursing officers.—It shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose: *Provided*, That no officer so detailed shall be in any way connected with the department or corps making the disbursement. (Apr. 20, 1874, c. 117, § 1, 18 Stat. 33.)

175. Reports of inspections of disbursements.—The reports of inspections pursuant to section 174 of this title shall be made out and forwarded to Congress with the annual report of the Secretary of War. (Apr. 20, 1874, c. 117, § 2, 18 Stat. 33.)

176. Right of command.—Officers of the Finance Department shall not be entitled in virtue of their rank to command in the line or in other staff corps. (R. S. § 1183.)

Chapter 9.—CORPS OF ENGINEERS.

Sec.
181. Composition of Corps of Engineers; organization into tactical units.
182. Officers to command tactical units of Engineer Corps.
183. Assignment of officers to other than engineer duty.
184. Training and duties of enlisted men.
185. Disbursement of appropriations for work in charge of Engineer officers.
186. Officers on river and harbor duty paid from appropriation for work in hand.
187. Employment of draftsmen, etc., in office of Chief of Engineers.

Section 181. Composition of Corps of Engineers; organization into tactical units.—The Corps of Engineers shall consist of one Chief of Engineers with the rank of major general, one assistant with the rank of brigadier general, four hundred and twenty officers in grades from colonel to second lieutenant, inclusive, and five thousand three hundred and fifty-seven enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe. (June 4, 1920, c. 227, subchapter I, § 11, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723.)

182. Officers to command tactical units of Engineer Corps.—Appropriate officers to command the tactical units of Engineer soldiers shall be detailed from the Corps of Engineers. (R. S. § 1156.)

183. Assignment of officers to other than engineer duty.—Engineers shall not assume nor be ordered on any duty beyond the line of their immediate profession, except by the special order of the President. (R. S. § 1158.)

184. Training and duties of enlisted men.—The enlisted men of the Engineer Corps shall be instructed in and perform the duties of sappers, miners, and pontoniers, and shall aid in giving practical instruction in those branches at the Military Academy. They may be detailed by the Chief of Engineers to oversee and aid laborers upon fortifications and other works in charge of the Engineer Corps, and, as fort keepers, to protect and repair finished fortifications. (R. S. § 1157.)

185. Disbursement of appropriation for work in charge of Engineer officers.—It shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; but no compensation shall be allowed him for such disbursement. (R. S. § 1153.)

186. Officers on river and harbor duty paid from appropriation for work in hand.—Officers of the Corps of Engineers, when on duty under the Chief of Engineers, connected solely

with the work of river and harbor improvements may, while so employed, be paid their pay and rental allowance from the appropriations for the work or works upon which they are employed. (Feb. 27, 1911, c. 166, § 5, 36 Stat. 957.)

187. Employment of draftsmen, etc., in office of Chief of Engineers.—The services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations: *Provided*, That the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each. (Feb. 12, 1925, c. 225, 43 Stat. 912.)

Chapter 10.—ORDNANCE DEPARTMENT.

Sec.
191. Composition of Ordnance Department.
192. Duties of Chief of Ordnance generally.
193. Depots of ordnance and ordnance stores; establishment.
194. Orders of commanding officers for supplies; duty of Chief of Ordnance to execute.
195. Reports by Chief of Ordnance to Secretary of War.
196. Returns by ordnance officers, storekeepers, etc., to Chief of Ordnance.
197. Employment of draftsmen, etc., in office of Chief of Ordnance.

Section 191. Composition of Ordnance Department.—The Ordnance Department shall consist of one Chief of Ordnance with the rank of major general, two assistants with the rank of brigadier general, two hundred and forty-five officers in grades from colonel to second lieutenant, inclusive, and two thousand and nine enlisted men. (June 4, 1920, c. 227, subchapter I, § 12, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723.)

192. Duties of Chief of Ordnance generally.—It shall be the duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores, for the use of the armies of the United States; to direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition-wagons, traveling forges, artificers' wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service. (R. S. § 1164.)

193. Depots of ordnance and ordnance stores; establishment of.—The Chief of Ordnance, under the direction of the Secretary of War, may establish depots of ordnance and ordnance stores in such parts of the United States, and in such numbers, as may be deemed necessary. (R. S. § 1165.)

194. Orders of commanding officers for supplies; duty of Chief of Ordnance to execute.—The Chief of Ordnance, or the senior officer of that corps for any district, shall execute all orders of the Secretary of War, and, in time of war, the orders of any general or field officer commanding an army, garrison, or detachment, for the supply of all ordnance and ordnance stores for garrison, field, or siege service. (R. S. § 1166.)

195. Reports by Chief of Ordnance to Secretary of War.—The Chief of Ordnance shall, half-yearly, or oftener if so directed, make a report to the Secretary of War of all the officers and enlisted men in his department of the service, and of all ordnance and ordnance stores under his control. (R. S. § 1167; Feb. 27, 1877, c. 69, § 1, 19 Stat. 242.)

196. Returns by ordnance officers, storekeepers, etc., to Chief of Ordnance.—Every officer of the Ordnance Department, every ordnance storekeeper, every post ordnance sergeant, each keeper of magazines, arsenals, and armories, every assistant and deputy of such, and all other officers, agents, or persons who shall have received or may be entrusted with any stores or supplies, shall half-yearly, or oftener if so directed, and in such manner and on such forms as may be directed or prescribed by the Chief of Ordnance, make true and correct returns to the Chief of Ordnance of all ordnance arms, ordnance stores, and all other supplies and property of every kind, received by or entrusted to them and each of them, or which may in any manner come into their and each of their possession or charge. (R. S. § 1167; Feb. 27, 1877, c. 69, § 1, 19 Stat. 242; Feb. 25, 1903, c. 755, § 1, 32 Stat. 885.)

197. Employment of draftsmen, etc., in office of Chief of Ordnance.—The services of skilled draftsmen, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications and for the arming and equipping of the National Guard, to be paid from such appropriations: *Provided*, That the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each. (Feb. 12, 1925, c. 225, 43 Stat. 915.)

Chapter 11.—SIGNAL CORPS.

Sec.
211. Composition of Signal Corps.
212. Duties of Chief Signal Officer.
213. Employment of draftsmen, etc., in Signal Office.

Section 211. Composition of Signal Corps.—The Signal Corps shall consist of one Chief Signal Officer with the rank of major general, two hundred and ten officers in grades from colonel to second lieutenant, inclusive, and two thousand two hundred and thirty-two enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe. (June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723.)

212. Duties of Chief Signal Officer.—The Chief Signal Officer shall have charge, under the direction of the Secretary of War, of all military signal duties, and of books, papers, and devices connected therewith, including telegraph and telephone apparatus and the necessary meteorological instruments for use on target ranges, and other military uses; the construction, repair, and operation of military telegraph lines, and the duty of collecting and transmitting information for the Army by telegraph or otherwise, and all other duties usually pertaining to military signaling; and the operations of said corps shall be confined to strictly military matters. (Oct. 1, 1890, c. 1266, § 2, 26 Stat. 653.)

213. Employment of draftsmen, etc., in Signal Office.—The service of skilled draftsmen and such other service as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations: *Provided*, That the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each. (Feb. 12, 1925, c. 225, 43 Stat. 906.)

Chapter 12.—CHEMICAL WARFARE SERVICE.

Sec.
221. Creation and organization of Chemical Warfare Service.
222. Duties of Chief of Chemical Warfare Service.
223. Employment of chemists, etc., in office of chief.

Section 221. Creation and organization of Chemical Warfare Service.—There is hereby created a Chemical Warfare Service. The Chemical Warfare Service shall consist of one Chief of the Chemical Warfare Service with the rank, pay and allowances of a major general, seventy officers in grades from colonel to second lieutenant, inclusive, and five hundred and thirty-six enlisted men. (June 4, 1920, c. 227, subchapter I, § 12, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 723; Feb. 24, 1925, c. 307, 43 Stat. 970.)

222. Duties of Chief of Chemical Warfare Service.—The Chief of the Chemical Warfare Service under the authority of

the Secretary of War shall be charged with the investigation, development, manufacture, or procurement and supply to the Army of all smoke and incendiary materials, all toxic gases, and all gas-defense appliances; the research, design, and experimentation connected with chemical warfare and its material; and chemical projectile filling plants and proving grounds; the supervision of the training of the Army in chemical warfare, both offensive and defensive, including the necessary schools of instruction; the organization, equipment, training, and operation of special gas troops, and such other duties as the President may from time to time prescribe. (June 4, 1920, c. 227, subchapter I, § 12, 41 Stat. 768.)

223. Employment of chemists, etc., in office of chief.—The services of chemists and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of the Chemical Warfare Service to carry into effect the appropriation for Chemical Warfare Service, to be paid from such appropriation: *Provided*, That the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each. (Feb. 12, 1925, c. 225, 43 Stat. 916.)

Chapter 13.—CHAPLAINS.

Sec.
231. Appointment and qualifications of chaplains.
232. Examination for appointment.
233. Number of chaplains in Army.
234. Chief of chaplains; appointment, rank, term of office, and duties.
235. Status of chaplains as officers of Army.
236. Rank of chaplains; promotions on completion of specified term of service.
237. Service credits for purposes of promotion.
238. Duty as to religious services.
239. Facilities for performance of duties.

Section 231. Appointment and qualifications of chaplains.—Appointments as chaplains shall be made from among persons duly accredited by some religious denomination or organization, and of good standing therein, between the ages of twenty-three and forty-five years. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

232. Examination for appointment.—No person in civil life shall be appointed a chaplain until he shall have passed satisfactorily such examination as to his moral, mental and physical qualifications as may be prescribed by the President. (Mar. 2, 1899, c. 352, § 7, 30 Stat. 979.)

233. Number of chaplains in Army.—There shall be one hundred and twenty-five chaplains in the Regular Army. (June 30, 1922, c. 253, 42 Stat. 721.)

234. Chief of chaplains; appointment, rank, term of office, and duties.—One chaplain of rank not below that of major may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of colonel while so serving. His duties shall include investigation into the qualifications of candidates for appointment as chaplain, and general coordination and supervision of the work of chaplains. (June 4, 1920, c. 227, subchapter I, § 15, 41 Stat. 769.)

235. Status of chaplains as officers of Army.—Chaplains shall have rank without command, and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions. (R. S. § 1122.)

236. Rank of chaplains; promotion on completion of specified term of service.—Chaplains shall have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than five years, first lieutenant; five to fourteen years, captain; fourteen to twenty years, major; over twenty years, lieutenant colonel. (June 4, 1920, c. 227, subchapter I, § 15, 41 Stat. 769.)

237. Service credits for purposes of promotion.—For purposes of future promotion, persons appointed to fill vacancies existing on July 1, 1920, shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in section 236 of this title. (June 4, 1920, c. 227, subchapter I, § 15, 41 Stat. 769.)

238. Duty as to religious services.—All chaplains shall, when it may be practicable, hold appropriate religious services, for the benefit of the commands to which they may be assigned to duty, at least once on each Sunday, and shall perform appropriate religious burial services at the burial of officers and soldiers who may die in such commands. (R. S. § 1125.)

239. Facilities for performance of duties.—It shall be the duty of commanders of regiments, hospitals, and posts to afford to chaplains, assigned to the same for duty, such facilities as may aid them in the performance of their duties. (R. S. § 1127.)

Chapter 14.—CAVALRY.

Sec.
251. Composition of Cavalry.
252. Cavalry dismounted.
253. Negro regiments.

Section 251. Composition of Cavalry.—The Cavalry shall consist of one Chief of Cavalry with the rank of major general, six hundred and sixty-five officers in grades from colonel to second lieutenant, inclusive, and eight thousand nine hundred and twenty-eight enlisted men, organized into Cavalry units as the President may direct. (June 4, 1920, c. 227, subchapter I, § 18, 41 Stat. 770; June 30, 1922, c. 253, 42 Stat. 723.)

252. Cavalry dismounted.—Any portion of the Cavalry force may be armed and drilled as Infantry or dismounted Cavalry, at the discretion of the President. (R. S. § 1105.)

253. Negro regiments.—The enlisted men of two regiments of Cavalry shall be colored men. (R. S. § 1104.)

Chapter 15.—FIELD ARTILLERY.

Sec.
261. Definition of Field Artillery.
262. Composition of Field Artillery.

CROSS REFERENCE

Field Artillery School; see chapter 28 of this title.

Section 261. Definition of Field Artillery.—The Field Artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery. (Jan. 25, 1907, c. 397, § 4, 34 Stat. 861.)

262. Composition of Field Artillery.—The Field Artillery shall consist of one Chief of Field Artillery with the rank of major general, one thousand three hundred and thirty officers in grades from colonel to second lieutenant, inclusive, and sixteen thousand five hundred and eighteen enlisted men, organized into Field Artillery units as the President may direct. (June 4, 1920, c. 227, subchapter I, § 19, 41 Stat. 770; June 30, 1922, c. 253, 42 Stat. 723.)

Chapter 16.—COAST ARTILLERY CORPS.

Sec.
271. Definition of Coast Artillery.
272. Composition of Coast Artillery Corps.
273. Detail of warrant officers or enlisted men to office of Chief of Coast Artillery.
274. Army Mine Planter Service established; composition of mine planter crews.
275. Number of warrant officers in Army Mine Planter Service.

Section 271. Definition of Coast Artillery.—The Coast Artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses. (Jan. 25, 1907, c. 397, § 3, 34 Stat. 861.)

272. Composition of Coast Artillery Corps.—The Coast Artillery Corps shall consist of one Chief of Coast Artillery with the rank of major general, eight hundred and forty officers in grades from colonel to second lieutenant, inclusive, the warrant officers of the Army Mine Planter Service as authorized by law, and thirteen thousand three hundred and ninety-three enlisted men, organized into such Coast Artillery units as the President may direct. (June 4, 1920, c. 227, subchapter I, § 20, 41 Stat. 770; June 30, 1922, c. 253, 42 Stat. 723.)

273. Detail of warrant officers or enlisted men to office of Chief of Coast Artillery.—Not to exceed eight warrant officers or enlisted men of the Coast Artillery Corps may be detailed upon duties of a technical or military nature in the office of the Chief of Coast Artillery. (Mar. 3, 1921, c. 124, § 1, 41 Stat. 1279.)

274. Army Mine Planter Service established; composition of mine planter crews.—There shall be in the Coast Artillery Corps of the Regular Army a service to be known as the Army Mine Planter Service, which shall consist, for each mine planter in the service of the United States, of one master, one first mate, one second mate, one chief engineer, and one assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and two oilers, four firemen, four deck hands, one cook, one steward, and one assistant steward, who shall be appointed from enlisted men of the Coast Artillery Corps under such regulations as the Secretary of War may prescribe. (July 9, 1918, c. 143, subchapter IX, 40 Stat. 881.)

275. Number of warrant officers in Army Mine Planter Service.—The number of warrant officers in the Army Mine Planter Service shall not exceed forty. (June 30, 1922, c. 253, Title I, 42 Stat. 723.)

Chapter 17.—INFANTRY.

Sec.
281. Composition of Infantry.
282. Negro regiments.
283. Porto Rico regiment made part of Regular Army.

Section 281. Composition of Infantry.—The Infantry shall consist of one Chief of Infantry with the rank of major general; two thousand nine hundred and forty officers in grades from colonel to second lieutenant, inclusive, and forty-nine thousand one hundred and seven enlisted men, organized into such Infantry units as the President may direct. All tank units shall form a part of the Infantry. (June 4, 1920, c. 227, subchapter I, § 17, 41 Stat. 769; June 30, 1922, c. 253, 42 Stat. 723.)

282. Negro regiments.—The enlisted men of two regiments of Infantry shall be colored men. (R. S. § 1108.)

283. Porto Rico regiment made part of Regular Army.—The Porto Rico Regiment of Infantry and the officers and enlisted men of such regiment shall become a part of the Infantry branch of the Army. (June 4, 1920, c. 227, subchapter I, § 21, 41 Stat. 770.)

Chapter 18.—AIR SERVICE.

Sec.
291. Establishment and composition of Air Service.
292. Number of officers detailed to duty involving flying.
293. Educational qualifications for Air Service.
294. Command of flying units.
295. Aerial operations controlled by Army Air Service.
296. Aviation schools; instruction for aviation students.
297. Aviation students enlisted or appointed as flying cadets; number.
298. Detail of officers for instruction in aeronautic engineering.
299. Commissioning flying cadets on completing course; discharge before completing course.
300. Additional pay for flying duty.
301. Additional pay for military aviators and junior military aviators.
302. Officers entitled to additional pay for aviation duty.
303. Base pay of flying cadets.
304. Allowances of flying cadets.
305. Mileage of officers traveling on aviation duty.
306. Per diem allowance for additional expenses of fliers making aerial surveys of rivers, harbors, etc.
307. Bond for indemnity against injuries caused by exhibition flights.
308. Compensation for death by aviation accident.
309. Employment of draftsmen and engineers in Air Service.

CROSS REFERENCES

Airplanes; contracts for production and purchase; see Title 50, WAR.
Aviation fields; see section 1341 of this title.
Expenses of air travel by officers and contract surgeons without troops; see section 750 of this title.

Section 291. Establishment and composition of Air Service.—There is created an Air Service. The Air Service shall consist of one Chief of the Air Service with the rank of major general, one assistant with the rank of brigadier general, one thousand and sixty officers in grades from colonel to second lieutenant, inclusive, and six thousand two hundred and fifty enlisted men, including not to exceed five hundred flying cadets, such part of whom as the President may direct being formed into tactical units, organized as he may prescribe: *Provided*, That not to exceed 10 per centum of the officers in each grade below that of brigadier general who fail to qualify as aircraft pilots or as observers within one year after the date of detail or assignment shall be permitted to remain detailed or assigned to the Air Service. (June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768; June 30, 1922, c. 253, 42 Stat. 724.)

292. Number of officers detailed to duty involving flying.—Exclusive of the Army Air Service, the number of officers detailed to duty involving flying shall not at any one time exceed one-half of 1 per centum of the total authorized commissioned strength of the Army. (June 10, 1922, c. 212, § 20, 42 Stat. 632.)

293. Educational qualifications for Air Service.—No person otherwise qualified for service as a flying cadet, pilot, or other officer in the aviation service, shall be barred from such service by reason of not being equipped with a college education. (July 9, 1918, c. 143, 40 Stat. 849.)

294. Command of flying units.—Flying units shall in all cases be commanded by flying officers. (June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768.)

295. Aerial operations controlled by Army Air Service.—The Army Air Service shall control all aerial operations from land bases for construction and experimentation and for the training of personnel. (June 5, 1920, c. 240, 41 Stat. 954.)

296. Aviation schools; instruction for aviation students.—The Secretary of War is authorized and directed to establish and maintain at one or more established flying schools courses of instruction for aviation students. (July 11, 1919, c. 8, 41 Stat. 109.)

297. Aviation students enlisted or appointed as flying cadets; number.—Aviation students shall be enlisted in or appointed to the grade of flying cadet, Air Service, which grade is hereby established: *Provided*, That the total number of flying cadets shall not at any time exceed one thousand three hundred, of whom five hundred may be enlisted. (July 11, 1919, c. 8, 41 Stat. 109; June 30, 1922, c. 253, Title I, 42 Stat. 724.)

298. Detail of officers for instruction in aeronautic engineering.—The Secretary of War is authorized to detail such officers of the Army as he may select, not exceeding twenty-five at any one time, to attend and pursue courses of aeronautic engineering or associate study at such schools, colleges, and universities as he may select, and to pay tuition for the officers so detailed and to provide them with necessary text-books and technical supplies from any moneys available for the Air Service of the Army not otherwise specifically appropriated. (May 10, 1920, c. 175, §§ 1, 2, 41 Stat. 594.)

299. Commissioning flying cadets on completing course; discharge before completing course.—Upon completion of a course prescribed for flying cadets, each flying cadet, if he so desire,

may be discharged and commissioned as a second lieutenant in the Officers' Reserve Corps: *Provided*, That the Secretary of War is authorized to discharge at any time any flying cadet whose discharge shall have been recommended by a board of not less than three officers. (July 11, 1919, c. 8, 41 Stat. 109.)

300. Additional pay for flying duty.—Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights; and no person shall receive additional pay for aviation duty except as prescribed in this section, and except flying cadets as prescribed in section 303 of this title. (June 4, 1920, c. 227, subchapter I, § 13, 41 Stat. 768.)

301. Additional pay for military aviators and junior military aviators.—In lieu of the 50 per centum increase of pay provided for in section 300 of this title any officer or enlisted man upon whom the rating of junior military aviator, or military aviator, was conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while, on duty which requires him to participate regularly and frequently in aerial flights, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and in addition an increase of 50 per centum of the pay of his grade and length of service under his commission in case of a junior military aviator, and 75 per centum of the pay of his grade and length of service under his commission in case of a military aviator. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

302. Officers entitled to additional pay for aviation duty.—The authorization for increase of flying pay contained in section 300 of this title, shall be construed to include any officer of any branch of the service who may be ordered by proper authority to perform duty requiring him to participate regularly and frequently in aerial flights. (June 30, 1922, c. 253, Title I, 42 Stat. 724.)

303. Base pay of flying cadets.—The base pay of a flying cadet shall be $75 per month, including extra pay for flying risk as provided by law. (July 11, 1919, c. 8, 41 Stat. 109.)

304. Allowances of flying cadets.—The ration allowance of a flying cadet shall not exceed $1 per day, and his other allowances shall be those of a private, first class, Air Service. (July 11, 1919, c. 8, 41 Stat. 109.)

305. Mileage of officers traveling on aviation duty.—Mileage to officers of the Army traveling on duty in connection with aviation shall be paid from the appropriation for the work in connection with which the travel is performed. (July 9, 1918, c. 143, 40 Stat. 849.)

306. Per diem allowance for additional expenses of fliers making aerial surveys of rivers, harbors, etc.—To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day. (Mar. 3, 1925, c. 467, § 5, 43 Stat. 1190.)

307. Bond for indemnity against injuries caused by exhibition flights.—None of the funds appropriated for the Air Service shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War Department and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1398; June 7, 1924, c. 291, Title I, 43 Stat. 492; Feb. 12, 1925, c. 225, Title I, 43 Stat. 908.)

308. Compensation for death by aviation accident.—There shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this section on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under section 903 of this title. (July 18, 1914, c. 186, § 3, 38 Stat. 515.)

309. Employment of draftsmen and engineers in Air Service.—The services of aeronautical engineers, skilled draftsmen, and such technical and other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Air Service to carry into effect the various appropriations for aeronautical purposes, to be paid from such appropriations: *Provided*, That the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each. (Feb. 12, 1925, c. 225, 43 Stat. 908.)

Chapter 19.—PHILIPPINE SCOUTS.

Sec.
321. Organization.
322. Eligibility as officers of militia.
323. Appointment of officers.
324. Officers commissioned prior to July 1, 1920, and not recommissioned in Regular Army continued in service.
325. Computation of period of service of officers.
326. Promotions; classification and elimination of officers.
327. Retired pay of officers.
328. Attendance on course of preparatory instruction pursuant to detail under section 386 or 1180 as active duty.
329. Ratification of administrative action as to pay of retired officers on duty mentioned in next preceding section.
330. Duty mentioned in section 328 performed prior to March 3, 1925.
331. Detail of retired officers to educational institutions.
332. Promotion on retired list.
333. Number of enlisted men.
334. Pay and allowances of enlisted men.
335. Philippine Scouts cooperating with Philippine Constabulary.

Section 321. Organization.—The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed by law, organized similarly to those of the Regular Army, the officers to be detailed from those authorized in section 482 of this title. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

322. Eligibility as officers of militia.—Officers of the Philippine Scouts shall be eligible to appointment as officers in the militia or other locally created armed forces in the Philippine Islands which may be drafted into the service of the United States; and any such officer of the Philippine Scouts so appointed as an officer in said drafted forces shall not thereby vacate his commission in the Philippine Scouts, and in case his commission in said Philippine Scouts shall terminate while holding a commission in said drafted forces as aforesaid, he shall thereupon be eligible to reappointment as an officer of said Philippine Scouts notwithstanding his retention of a commission in said drafted forces. (Mar. 30, 1918, c. 36, § 1, 40 Stat. 500.)

323. Appointment of officers.—After July 1, 1920, no appointments as officers of Philippine Scouts shall be made except of citizens of the Philippine Islands, who may be appointed in the

grade of second lieutenant, under such regulations as the President may prescribe. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

324. Officers commissioned prior to July 1, 1920, and not recommissioned in Regular Army continued in service.—Officers of the Philippine Scouts holding commissions as such on July 1, 1920, who were not then recommissioned in the Regular Army shall continue to serve under their commissions as officers of Philippine Scouts. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

325. Computation of period of service of officers.—In computing period of service for any purpose officers of the Philippine Scouts shall be credited with all time served as commissioned officers in the drafted forces mentioned in section 322 of this title. (Mar. 30, 1918, c. 36, § 2, 40 Stat. 500.)

326. Promotions; classification and elimination of officers.—Officers commissioned in the Philippine Scouts shall be subject to promotion, classification, and elimination, as hereinafter prescribed for officers of the Regular Army. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

327. Retired pay of officers.—Officers of the Philippine Scouts on the retired list on June 4, 1920, shall thereafter receive the same pay as a retired second lieutenant of equal service, except as otherwise provided in section 332 of this title. After June 4, 1920, officers of the Philippine Scouts shall be retired under the same conditions, and those thereafter placed on the retired list shall receive the same retired pay, as other officers of like grades and length of service, and shall be equally eligible for advancement on account of active duty performed since retirement. (June 4, 1920, c. 227, subchapter I, § 22, 41 Stat. 770.)

328. Attendance on course of preparatory instruction pursuant to detail under section 386 or 1181 as active duty.—Duty performed by retired officers of the Philippine Scouts, pursuant to War Department orders issued under section 386 or section 1181 of this title, respectively, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of sections 973 and 974 of this title. (Mar. 3, 1925, c. 411, § 2, 43 Stat. 1099.)

329. Ratification of administrative action as to pay of retired officers on duty mentioned in next preceding section.—Any administrative action taken prior to March 3, 1925, by the War Department dependent for validity upon the construction of sections 973 and 974 of this title mentioned in section 328 of this title, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and any pay otherwise due to any retired officers of the Philippine Scouts but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable. (Mar. 3, 1925, c. 411, § 5, 43 Stat. 1100.)

330. Duty mentioned in section 328 performed prior to March 3, 1925.—Duty performed before March 3, 1925, by retired officers of the Philippine Scouts, pursuant to War Department orders purporting to have been issued under section 386 or section 1181 of this title, respectively, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers, within the meaning of sections 973 and 974 of this title. (Mar. 3, 1925, c. 411, § 3, 43 Stat. 1100.)

331. Detail of retired officer to educational institutions.—The authority for detail of retired officers of the Regular Army contained in sections 386 and 1181 of this title shall, in either case, be construed to include authority to so detail retired officers of the Philippine Scouts. (Mar. 3, 1925, c. 411, § 1, 43 Stat. 1099.)

332. Promotion on retired list.—Officers and former officers of the Philippine Scouts who were placed on the retired list prior to June 4, 1920, shall be entitled to promotion on the retired list for active duty performed prior to July 1, 1922, subsequent to retirement, in accordance with the provisions of section 1011 of this title, and to the same pay and benefits received by other officers of the Army of like grade and length of service on the retired list. (June 10, 1922, c. 212, § 17, 42 Stat. 632.)

333. Number of enlisted men.—The total number of enlisted men in the Philippine Scouts shall not exceed twelve thousand. (Feb. 2, 1901, c. 192, § 36, 31 Stat. 757.)

334. Pay and allowances of enlisted men.—The pay, rations, and clothing allowances to be authorized for the enlisted men shall be fixed by the Secretary of War, and shall not exceed those authorized for the Regular Army. (Feb. 2, 1901, c. 192, § 36, 31 Stat. 757.)

335. Philippine Scouts cooperating with Philippine Constabulary.—Any companies of Philippine Scouts ordered to assist the Philippine Constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine Constabulary, as herein provided: *Provided*, That when the Philippine Scouts shall be ordered to assist the Philippine Constabulary said scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary. (Jan. 30, 1903, c. 334, § 2, 32 Stat. 783.)

Chapter 20.—RESERVE FORCES.

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341. Location and designation of units comprised entirely within State or Territory.
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ORGANIZED RESERVES

CROSS REFERENCE

Preparation of plans, policies, and regulations affecting organization, distribution, training, and so forth; see sections 37 and 38 of this title.

Section 341. Location and designation of units comprised entirely within State or Territory.—Subject to general regulations approved by the Secretary of War, the location and designation of units of the Organized Reserves entirely comprised within the limits of any State or Territory shall be determined by a board, a majority of whom shall be reserve officers, including reserve officers who hold or have held commissions in the National Guard and recommended for this duty by the governor of the State or Territory concerned. (June 3, 1916, c. 134, § 3 [3a]; June 4, 1920, c. 227, subchapter I, § 3, 41 Stat. 760.)

342. Preservation of names, numbers, flags, etc., of units serving in World War.—In the initial organization of the Organized Reserves, the names, numbers and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War between April 6, 1917, and November 11, 1918, shall be preserved as such as far as practicable. (June 4, 1920, c. 227, subchapter I, § 3a, 41 Stat. 760.)

OFFICERS' RESERVE CORPS

351. Organization of Officers' Reserve Corps.—For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers, of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

352. Appointment of reserve officers.—Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent of the Senate. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

353. Qualifications and eligibility; grade of appointment.—In time of peace a reserve officer must at the time of his appointment be a citizen of the United States or of the Philippine Islands, between the ages of twenty-one and sixty years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time, may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade. Any person commissioned in the National Guard and recognized as a National Guard officer by the Secretary of War may upon his own application be appointed as a reserve officer in the grade held by him in the National Guard. No other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, officers of the National Guard recognized as such by the Secretary of War, graduates of the Reserve Officers' Training Corps, as provided in section 354 of this title, warrant officers and enlisted men of the Regular Army, National Guard, and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

354. Appointment of graduates of Reserve Officers' Training Corps.—The President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer of the Army of the United States any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 441 of this title, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section 441, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army of the United States during a period of at least five years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

355. Form of commission.—All persons appointed reserve officers shall be commissioned in the Army of the United States. (June 6, 1924, c. 275, § 3, 43 Stat. 470.)

356. Contemporaneous commissions in Officers' Reserve Corps and National Guard.—Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

357. Recommission of officers called for service in grade lower than reserve commission.—Any officer of the Officers' Reserve Corps called for service with his consent in a lower grade than that held by him in said Reserve Corps shall, subject to such physical examination as may be prescribed, be considered eligible for recommission in such lower grade. (May 12, 1917, c. 12, 40 Stat. 74.)

358. Period of service; right to discharge on termination of war.—Appointment in every case except as provided in section 359 of this title shall be for a period of five years, but an appointment in force at the outbreak of war or made in time of war shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

359. Period of service by National Guard officer commissioned as reserve officer.—Officers of the National Guard, federally recognized as such under the provisions of Title 32,

who are appointed reserve officers under the provisions of section 351 of this title, shall be appointed for the period during which such recognition shall continue in effect and terminating at the expiration thereof in lieu of the five-year period hereinbefore prescribed, and in time of peace shall be governed by such special regulations appropriate for this class of reserve officers as the Secretary of War may prescribe. (June 6, 1924, c. 275, § 3, 43 Stat. 470.)

360. Promotions and transfers.—Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

361. Right of reserve officers to pay and allowances.—A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive pay and allowances as provided in sections 362 and 366 of this title, and mileage from his home to his first station and from his last station to his home. (June 4, 1920, c. 227, subchapter I, § 32, 41 Stat. 776.)

362. Rate of pay of reserve officers on active duty.—When officers of the Reserve Force of the Army are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. (June 10, 1922, c. 212, § 3, 42 Stat. 627.)

363. Longevity pay for reserve officers.—Reserve officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in section 681 of this title. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey or the Public Health Service, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions. (June 10, 1922, c. 212, § 3, 42 Stat. 627; May 31, 1924, c. 224, § 1, 43 Stat. 250.)

364. Right of reserve officers to retirement and retired pay.—No reserve officer appointed pursuant to this chapter of this title shall be entitled to retirement or to retired pay. (June 4, 1920, c. 227, subchapter I, §§ 32, 34, 41 Stat. 775, 776.)

365. Pensions in cases of disability.—Reserve officers appointed pursuant to this chapter of this title shall be eligible for pensions only for disability incurred in line of duty in active service or while serving with the Army pursuant to the provisions of this chapter of this title. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

366. Allowances of reserve officers and reserve warrant officers on active duty.—Reserve officers and reserve warrant officers of the Army while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the regular service under section 711 et seq. of this title. (Mar. 4, 1923, c. 281, § 1, 42, Stat. 1507.)

367. Mileage allowance limited.—The mileage allowance to members of the Officers' Reserve Corps when called into active service for training for fifteen days or less shall not exceed 4 cents per mile. (June 30, 1922, c. 253, Title I, 42 Stat. 725; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1381; June 7, 1924, c. 291, Title I, 43 Stat. 506; Feb. 12, 1925, c. 225, Title I, 43 Stat. 921.)

368. Mileage exempt from land-grant deductions.—Section 870 of this title providing for land-grant deductions shall not apply to travel at 4 cents per mile performed by members of the Officers' Reserve Corps. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1381.)

369. Ordering reserve officers to active duty.—To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than fifteen days in any calendar year without his own consent. (June 4, 1920, c. 227, subchapter I, § 32, 41 Stat. 776.)

370. Assignment to duty in locality of residence.—So far as practicable reserve officers shall be assigned to units in the locality of their places of residence. (Sept. 22, 1922, c. 423, § 2, 42 Stat. 1033.)

371. Government employees as reserve officers; leaves of absence when ordered to duty.—All officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year; and when relieved from duty, they shall be restored to the positions held by them when ordered to duty. (May 12, 1917, c. 12, 40 Stat. 72.)

RESERVE OFFICERS' TRAINING CORPS

381. Establishment of training corps.—The President is authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, one or more units in number, which shall consist of a senior division organized at universities and colleges granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics under the act of Congress donating lands for the establishment of colleges where the leading objects shall be practical instruction in agriculture and the mechanic arts, including military tactics, and at those essentially military schools not conferring academic degrees, specially designated by the Secretary of War as qualified, and a junior division organized at all other public and private educational institutions, and each division shall consist of units of the several arms, corps, or services in such number and such strength as the President may prescribe: *Provided*, That no such unit shall be established or maintained at any institution until an officer of the Regular Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students, except that in the case of units other than infantry, cavalry or artillery, the minimum number shall be fifty: *Provided further*, That except at State institutions described in this section, no unit shall be established or maintained in an educational institution until the authorities of the same agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course, when entered upon by any student, shall as regards such student, be a prerequisite for graduation unless he is relieved of this obligation by regulations to be prescribed by the Secretary of War. (June 4, 1920, c. 227, subchapter I, § 33, 41 Stat. 776.)

382. Eligibility to membership.—Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less

than fourteen years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age. (June 3, 1916, c. 134, § 44, 39 Stat. 192.)

383. Admission of medical, dental, and veterinary students to training corps.—Any medical, dental, or veterinary student may be admitted to a Medical, Dental, or Veterinary Corps unit of the Reserve Officers' Training Corps for a course of training at the rate of ninety hours of instruction per annum for the four collegiate years. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

384. Admission of reserve officers being medical, dental, or veterinary students.—Any reserve officer who is also a medical, dental, or veterinary student may be admitted to a Medical, Dental, or Veterinary Corps unit for training, under such rules and regulations as the Secretary of War may prescribe. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

385. Courses of training.—The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of such corps shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training or to devote at least an average of three hours per week per academic year to such military training, except as provided in sections 383 and 384 of this title. (June 4, 1920, c. 227, subchapter I, § 33, 41 Stat. 777.)

386. Detail of instructors.—The President is hereby authorized to detail such numbers of officers, warrant officers, and enlisted men of the Regular Army, either active or retired, as may be necessary for duty as professors of military science and tactics, assistant professors of military science and tactics, and military instructors at educational institutions where one or more units of the Reserve Officers' Training Corps are maintained. In time of peace retired officers, retired warrant officers, or retired enlisted men shall not be detailed under the provisions of this section without their consent, and no officer on the active list shall be detailed for duty at a school or college, not including schools of the service, where officers on the retired list can be secured who are competent for such duty. Retired officers below the grade of brigadier general and retired warrant officers and enlisted men shall, when on active duty, receive full pay and allowances. (June 4, 1920, c. 227, subchapter I, § 33, 41 Stat. 777.)

387. Commutation of subsistence for members of senior division of training corps.—When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for advanced training by the president of the institution and by the professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished at the expense of the United States commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

388. Service credits for computing commutation of subsistence.—In the interpretation and execution of section 387 of this title, credit shall be given as for service in the senior division of the Reserve Officers' Training Corps to any member of that division for any period or periods of time during which such member has received or shall have received at an educational institution under the direction of an officer of the Army, detailed as professor of military science and tactics, a course of military training substantially equivalent to that prescribed by regulations under this section for the corresponding period or periods of training of the senior division, Reserve Officers' Training Corps. (Sept. 8, 1916, c. 478, 39 Stat. 853.)

389. Equipment and supplies.—The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, transportation, arms, ammunition, supplies, tentage, equipment, and uniforms belonging to the United States as he may deem necessary, and to forage at the expense of the United States public animals so issued, to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War, and to authorize such expenditures from proper Army appropriations as he may deem necessary for the efficient maintenance of the Reserve Officers' Training Corps. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, except for uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction, and for its return when required. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 777.)

390. Commutation for uniforms.—The Secretary of War may, in his discretion and under such regulations as he may prescribe, permit institutions at which one or more units of the Reserve Officers' Training Corps are maintained to furnish their own uniforms and receive as commutation therefor the sum allotted by the Secretary of War to such institutions for uniforms. (June 5, 1920, c. 240, 41 Stat. 967.)

ENLISTED RESERVE CORPS

421. Composition of Enlisted Reserve Corps.—The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

422. Organization and equipment.—The President may form any or all members of the Enlisted Reserve Corps into tactical organizations similar to those of the Regular Army, similarly armed, uniformed, and equipped, and composed so far as practicable of men residing in the same locality, may officer them by the assignment of reserve officers or officers of the Regular Army, active or retired, and may detail such personnel of the Army as may be necessary for the administration of such organizations and the care of Government property issued to them. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

423. Persons eligible for enlistment.—Enlistments shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

424. Period of enlistment.—The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one year periods and who, in time of peace, shall be entitled to discharge within ninety days if they make application therefor. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

425. War as extending enlistment period.—All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination unless sooner terminated by the President. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

426. Performance of active duty.—Members of the Enlisted Reserve Corps may be placed on active duty, as individuals or organizations, in the discretion of the President, but except in

time of a national emergency expressly declared by Congress no reservist shall be ordered to active duty in excess of the number permissible under appropriations made for this specific purpose, nor for a longer period than fifteen days in any one calendar year without his own consent. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

427. Pay and allowances on active duty.—While on active duty members of the Enlisted Reserve Corps shall receive the same pay and allowances as other enlisted men of like grades and length of service. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

MILITARY TRAINING CAMPS

441. Reserve Officers' Training Corps camps.—The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a longer period than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit, to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit, or in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and to admission to military hospitals at such camps, and to furnish medical attendance and supplies; to use the troops of the Regular Army, and such Government property as he may deem necessary, for the military training of the members of such corps while in attendance at such camps; and to prescribe regulations for the government of such camps. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

442. Civilian military training camps.—The Secretary of War is authorized to maintain, upon military reservations or elsewhere, schools or camps for the military instruction and training, with a view to their appointment as reserve officers or noncommissioned officers, of such warrant officers, enlisted men, and civilians as may be selected upon their own application; to use for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accoutrements, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish at the expense of the United States uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, or in lieu of furnishing such transportation and subsistence to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp, and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and medical attendance and supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instructions at said camps, for cash and at cost price, plus 10 per centum, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time for the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers, warrant officers, and enlisted men of the Regular Army in such numbers and upon such duties as he may designate. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 779.)

443. Pay for attendance at training camps.—Members of the Reserve Officers' Training Corps, or other persons authorized by the Secretary of War to attend advanced course camps, shall be paid for attendance at such camps at the rate prescribed for soldiers of the seventh grade of the Regular Army. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

444. Commutation of subsistence for medical, dental, or veterinary students attending training camps.—If any medical, dental, or veterinary student admitted to a Medical, Dental, or Veterinary Corps unit of the Reserve Officers' Training Corps, as provided in section 383 of this title, has at the end of two years of training been selected by the professor of military science and tactics and the head of the institution for advanced training, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years. (June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

445. Members of the graduating class at Military Academy as instructors.—The service of graduates of the Military Academy may be utilized during the months of June, July, August, and September of the year in which they graduate as instructors at the citizens' training camps, and their graduation leave may be taken at the termination of their services as instructors at these camps. (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

INJURIES IN LINE OF DUTY

451. Pay and allowances continued during hospital treatment; transportation on discharge.—Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders who may be undergoing hospital treatment for injuries so sustained shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense, and to a continuation of the pay and allowances whether in money or in kind, they were receiving at the time of such injuries, until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

452. Hospital treatment, etc., in cases of injury by voluntary participation in flying.—Members of the Officers' Reserve Corps and Enlisted Reserve Corps injured while voluntarily participating in aerial flights in Government-owned aircraft by proper

authority as an incident to their military training, shall, under regulations prescribed as aforesaid, be entitled, from the date such injury was sustained, to the same medical and hospital treatment at Government expense, pay and allowances, and transportation to their homes, as if such injury had occurred while on active duty under proper orders. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

453. Pay and allowances in hospital limited to six months.—Any person described in sections 451 and 452 of this title, injured as aforesaid, who shall remain disabled for more than six months, shall, during the period of disability in excess of six months and until fit for transportation to his home, be entitled to medical and hospital treatment and to subsistence at Government expense, and when fit for transportation shall be entitled to transportation to his home at Government expense, but shall not during such period in excess of six months be entitled to other compensation. Any expenditures heretofore made by the Government in caring for persons injured under the conditions specified herein are hereby validated. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

454. Hospital treatment, etc., in cases of injury at training camps.—Members of the Reserve Officers' Training Corps and members of the civilian military training camps injured in line of duty while at camps of instruction under the provisions of sections 441 and 442 of this title, shall be entitled to medical and hospital treatment and transportation to their homes as in the case of persons described in sections 451 and 452 of this title, and subsistence at Government expense until furnished such transportation, under such regulations as the President may prescribe. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

455. Burial expenses of persons dying in hospitals.—If the death of any person mentioned in sections 451 and 452 of this title occurs while he is undergoing the training or medical and hospital treatment contemplated in this section, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed $100, as may be fixed in regulations prescribed by the President. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

Chapter 21.—COMMISSIONED OFFICERS.

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GENERAL PROVISIONS

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Retirement of officers; see section 931 et seq. of this title.

Section 481. Authorized number of officers in Army.—On and after January 1, 1923, there shall be not to exceed a total of twelve thousand officers in the Army and on and after that date the authorized number in each grade shall be as prescribed. (Sept. 14, 1922, c. 307, § 1, 42 Stat. 840.)

482. Authorized number of officers in the several grades.—On and after January 1, 1923, there shall be twenty-one major generals and forty-six brigadier generals of the line; four hundred and twenty colonels, five hundred and seventy-seven lieutenant colonels, one thousand five hundred and seventy-five majors, three thousand one hundred and fifty captains, two thousand nine hundred and sixty-seven first lieutenants and one thousand seven hundred and seventy-one second lieutenants, and these numbers shall not be exceeded except as hereinafter provided; nine hundred and eighty-three officers of the Medical Corps, one hundred and fifty-eight officers of the Dental Corps, one hundred and twenty-six officers of the Veterinary Corps, seventy-two officers of the Medical Administrative Corps, and one hundred and twenty-five chaplains; professors as authorized by chapter 28 of this title, and the military storekeeper,

who shall have the rank, pay and allowances of major; and the numbers herein prescribed shall not be exceeded, and shall include the officers of Philippine Scouts who shall continue to be carried on the promotion list and who shall be promoted to grades from first lieutenant to colonel, inclusive, in the same manner as prescribed by law for other officers on the promotion list. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 760; June 30, 1922, c. 253, Title I, 42 Stat. 721.)

483. General officers of line and staff.—Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line. Officers commissioned to and holding in the Army an office other than that of general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 760.)

484. Appointments in grade of second lieutenant.—Except as otherwise provided in sections 64, 92, and 122 of this title, appointments shall be made in the grade of second lieutenant, first, from graduates of the United States Military Academy; second, from warrant officers and enlisted men of the Regular Army between the ages of twenty-one and thirty years, who have had at least two years' service; and, third, from reserve officers, and from officers, warrant officers and enlisted men of the National Guard, members of the Enlisted Reserve Corps and graduates of technical institutions approved by the Secretary of War, all between the ages of twenty-one and thirty years. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

485. Reappointment of former officers.—Former officers of the Regular Army may be reappointed to the active list, if found competent for active duty, and shall be commissioned in the grades determined by the places assigned to them on the promotion list under the provisions of section 553 of this title. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

486. Commissioning graduates of Military Academy.—When any cadet of the United States Military Academy has gone through all its classes and received a regular diploma from the academic staff, he may be promoted and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy and the duties of which he may have been judged competent to perform; and in case there shall not at the time be a vacancy in such arm or corps, he may, at the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant until a vacancy shall happen. (May 17, 1886, c. 338, 24 Stat. 50.)

487. Officers permanently commissioned in branches of service or detailed for duty therein.—Officers of all grades in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Corps of Engineers, and Medical Department; officers above the grade of captain in the Signal Corps, Judge Advocate General's Department, Quartermaster Corps, Ordnance Department and Chemical Warfare Service, all chaplains and professors, and the military storekeeper shall be permanently commissioned in their respective branches. All officers of the General Staff Corps, Inspector General's Department, Bureau of Insular Affairs and Militia Bureau shall be obtained by detail from officers of corresponding grades in other branches. Other officers may be either detailed, or with their own consent, be permanently commissioned, in the branches to which they are assigned for duty. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 760.)

488. Posthumous commissions for persons dying after appointment or completion of training for commissioned grade.—That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade, or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school and, through no fault of his own, was unable to accept the commission for such grade by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death. (Mar. 3, 1925, c. 484, § 1, 43 Stat. 1255.)

489. Posthumous commissions for persons in service in World War dying after recommendation for appointment or promotion.—That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for appointment or for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such approval, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such approval to the date of his death. (Mar. 3, 1925, c. 484, § 2, 43 Stat. 1255.)

490. Posthumous commissions for officers dying after passing examination for promotion.—That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any officer of the Army of the United States who, after having been examined and found duly qualified for promotion, died or shall die, in line of duty after the occurrence of the vacancy entitling him, by virtue of seniority, to such promotion and before the issue or acceptance of a commission therefor; and any such commission shall issue with rank as of the date of said vacancy, and any such officer's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission, from the date of such vacancy to the date of his death. (Mar. 3, 1925, c. 484, § 3, 43 Stat. 1255.)

491. Posthumous commissions as affecting right to gratuity, pay, etc.—No person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of sections 488, 489, or 490 of this chapter. (Mar. 3, 1925, c. 484, § 4, 43 Stat. 1256.)

492. Assignments to regiments.—Officers of grades in each arm of the service shall be assigned to regiments, and transferred from one regiment to another, as the interests of the service may require, by orders from the War Department. (Oct. 1, 1890, c. 1241, § 2, 26 Stat. 562.)

493. Transfer of officers.—Upon his own application any officer may be transferred to another branch without loss of rank or change of place on the promotion list. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

494. Officers carried as additional numbers.—Any officer appointed under the provisions of law to a grade in which no vacancy exists, shall be an additional number in that grade until absorbed, and no longer. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

495. Civil employment interfering with military duties.—No officer of the Army shall be employed on civil works or internal improvements, or be allowed to engage in the service of any

incorporated company, or be employed as acting paymaster or disbursing agent of the Indian department, if such extra employment requires that he shall be separated from his company, regiment, or corps, or if it shall otherwise interfere with the performance of the military duties proper. (R. S. § 1224; Feb. 27, 1877, c. 69, § 1, 19 Stat. 243.)

496. Length of tour of duty in Philippines or Canal Zone.—No officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1078.)

497. Superintendence of cooking.—The line officers of the Army shall superintend the cooking done for the enlisted men. (R. S. § 1234.)

498. Aides of general officers.—Each major general shall have three aides, who may be selected by him from captains or lieutenants of the Army, and each brigadier general shall have two aides, who may be selected by him from lieutenants of the Army. (R. S. § 1098.)

499. Disabled emergency officers retained in service during treatment.—The President is authorized and directed to retain in service disabled emergency officers until their treatment for physical reconstruction has reached a point where they will not be further benefited by retention in a military hospital or in the military service. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786.)

500. Record of service in Army Register.—In every Official Army Register issued, the lineal rank of all officers of the line of the Army shall be given separately for the different arms of the service; and if the officer be promoted from the ranks, or shall have served in the Volunteer Army, either as an enlisted man or officer, his service as a private and noncommissioned officer shall be given, and in addition thereto the record of his service as volunteer. (June 18, 1878, c. 263, § 2, 20 Stat. 149.)

501. Length of service; time spent as cadet at Military or Naval Academy.—In computing for any purpose the length of service of any officer of the Army who was appointed to the United States Military Academy or the United States Naval Academy after August 24, 1912, the time spent at either academy shall not be counted. (June 7, 1924, c. 291, Title I, 43 Stat. 481; Feb. 12, 1925, c. 225, Title I, 43 Stat. 896.)

502. System of examining enlisted men for promotion.—The President is authorized to prescribe a system of examination of enlisted men of the Army, by such boards as may be established by him, to determine their fitness for promotion to the grade of second lieutenant. (July 30, 1892, c. 328, § 1, 27 Stat. 336.)

503. Examining boards.—The members and recorder of such boards as may be established by the President, under the provisions of the preceding section, shall be sworn in every case to discharge their duties honestly and faithfully; and the boards may examine witnesses, and take depositions, for which purpose they shall have such powers of a court of inquiry as may be necessary. (July 30, 1892, c. 328, § 2, 27 Stat. 336.)

504. Certification and appointment of candidates.—The vacancies in the grade of second lieutenant authorized by section 484 of this title to be filled by appointments from the Army, shall be filled by the appointment of competitors favorably recommended under this and the two next preceding sections, in the order of merit established by the final examinations. Each man who passes the final examination shall receive a certificate of eligibility, setting forth the subjects in which he is proficient and the especial grounds upon which the recommendation is based: *Provided*, That not more than two examinations shall be accorded to the same competitor. (July 30, 1892, c. 328, § 3, 27 Stat. 336.)

RANK AND PRECEDENCE GENERALLY

511. Determination of relative rank in line of Army.—Unless special assignment is made by the President under the provisions of the One hundred and nineteenth Article of War, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment, and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active Federal service and service under the provisions of sections 63, 64 and 65 of Title 32 of which he may have performed in the grade in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age. (Feb. 28, 1925, c. 371, § 5, 43 Stat. 1078.)

512. Service credits in determining relative rank in Army.—In determining relative rank, active duty performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, shall be credited to the same extent as service under a Regular Army commission. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

513. Temporary rank in time of war.—In time of war any officer of the Regular Army may be appointed to higher temporary rank without vacating his permanent commission, such appointments in grades below that of brigadier general being made by the President alone, but all other appointments of officers in time of war shall be in the Officers' Reserve Corps. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

514. Detail, rating, or assignment as affecting rank of officer.—No detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

BREVET RANK

521. Authority to issue brevet commissions.—The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army, for distinguished conduct and public service in presence of the enemy. (R. S. § 1209.)

522. Dating brevet commissions.—Brevet commissions shall bear date from the particular action or service for which the officers were brevetted. (R. S. § 1210.)

523. Precedence and right of command.—Brevet rank shall be considered strictly honorary, and shall confer no privilege of precedence or command not provided for in the statutes which embody the rules and articles governing the Army of the United States. (Feb. 27, 1890, c. 20, § 3, 26 Stat. 14.)

524. Authority to assign officer to command according to brevet rank.—Officers may be assigned to duty or command according to their brevet rank by special assignment of the President. (R. S. § 1211.)

525. Conditions of assignment to command according to brevet rank.—Officers of the Army shall only be assigned to duty or command according to their brevet rank when actually engaged in hostilities. (Mar. 3, 1883, c. 93, § 1, 22 Stat. 457.)

526. Brevet rank for service against Indians.—The President of the United States is authorized and empowered, at his discretion, to nominate, and by and with the advice and consent of the Senate, to appoint to brevet rank all officers of the United

States Army, on the active or retired list on February 27, 1890, who by their department commander, and with the concurrence of the commanding general of the Army, have been or may be recommended for gallant service in action against hostile Indians since January 1, 1867. (Feb. 27, 1890, c. 20, § 1, 26 Stat. 13.)

527. **Date of brevet commission for service against Indians.**—Such brevet commissions as may be issued under section 521 of this title shall bear date only from the 27th day of February, 1890: *Provided, however,* That the date of the particular heroic act for which the officer is promoted shall appear in his commission. (Feb. 27, 1890, c. 20, § 2, 26 Stat. 13.)

528. **Uniform and official title of brevet officers.**—No officer shall be entitled, on account of having been brevetted, to wear, while on duty, any uniform other than that of his actual rank; and no officer shall be addressed in orders or official communications by any title other than that of his actual rank. (R. S. § 1212.)

DETACHED DUTY

CROSS REFERENCES

Details to Bureau of Budget limited; see section 848 of this title.
Details to duty at educational institutions; see section 1181 of this title.
Details to office of Assistant Secretary of War; see section 1194 of this title.

531. **Officers carried on detached officers' list.**—All officers authorized by law and not assigned to duty with any branch or bureau herein provided for shall be carried on the Detached Officers' List. (June 4, 1920, c. 227, subchapter I, § 25, 41 Stat. 775.)

532. **Service with troops; proportionate amount required.**—In time of peace every officer serving in a grade below that of brigadier general shall perform duty with troops of one or more of the combatant arms for at least one year in every period of five consecutive years, except that officers of less than one year's commissioned service in the Regular Army may be detailed as students at service schools. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

533. **What constitutes service with troops.**—In the administration of the provisions of section 532 all duty performed between April 6, 1917, and July 1, 1920, inclusive, or as a student at service schools, other than those of the noncombatant branches, at any time, shall be regarded as satisfying the requirements of service with combatant arms. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

534. **Exception of certain officers from requirement of service with troops.**—When in his judgment efficiency demands such action, the President is authorized to except officers of the Medical Corps, Ordnance Department, and Chemical Warfare Service from the provision of section 532 requiring duty with troops of one or more of the combatant arms. The President is further authorized to except from the provisions of said section requiring duty with troops of one or more of the combatant arms such officers of the Judge Advocate General's Department as were on June 6, 1924, engaged in patent litigation in which the Government is involved. (June 6, 1924, c. 275, § 2, 43 Stat. 470.)

535. **Detail of officers as students, observers, and investigators.**—The Secretary of War is hereby authorized, in his discretion, to detail not to exceed 2 per centum of the commissioned officers of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals and other places, as shall be best suited to enable such officers to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided,* That no expense shall be incurred by the United States in addition to the pay and allowances of the officers so detailed, except for the cost of tuition at such technical, professional, and other educational institutions. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786.)

536. **Recruiting service.**—No officer on the active list shall be detailed for recruiting service where officers on the retired list can be secured who are competent for such duty. (June 4, 1920, c. 227, subchapter I, § 33, 41 Stat. 777.)

537. **Command of Philippine Constabulary.**—Officers of the Army of the United States may be detailed for service as chief and assistant chiefs, the said assistant chiefs not to exceed in number four, of the Philippine Constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided,* That the difference between the pay and allowances of brigadier general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury. (Jan. 30, 1903, c. 334, § 1, 32 Stat. 783.)

538. **Work on highways.**—See section 643 of this title.

539. **Details of officers requested by Cuba or Panama.**—The consent of Congress is hereby granted to the acceptance by officers of the Army, in the discretion of the President, of such military details under the Governments of Cuba and Panama as may be requested by the Presidents of these Republics: *Provided,* That such details shall not exceed five in number: *And provided further,* That no officer so detailed shall receive any present, emolument, office, or title of any kind whatever from the Government of Cuba or Panama. (Apr. 19, 1910, c. 174, 36 Stat. 324.)

PROMOTION

CROSS REFERENCES

Chaplains; see sections 236, 237 of this title.
Enlisted men promoted to commissioned rank; see section 484 of this title.
Dental Corps; see section 126 et seq. of this title.
Medical Administrative Corps; see section 153 et seq. of this title.
Medical Corps; see section 97 et seq. of this title.
Philippine Scouts; see section 326 of this title.
Reserve officers; see section 360 of this title.
Retired officers, promotion for active service after retirement; see sections 1011–1014 of this title.
Retirement of officer on failure to pass physical examination for promotion; see section 932 of this title.
Veterinary Corps; see section 143 et seq. of this title.

551. **Appointment of general officers of the line.**—Major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 760.)

552. **Rule of promotion in grades below brigadier general.**—Vacancies in grades below that of brigadier general shall be filled by the promotion of officers in the order in which they stand on the promotion list, without regard to the branches in which they are commissioned. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

553. **Promotion list.**—For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list, on which shall be carried the names of all officers of the Regular Army and Philippine Scouts below the grade of colonel, except officers of the Medical Department, chaplains, professors, the military

storekeeper and certain second lieutenants of the Quartermaster Corps hereinafter specified. The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest commissioned service, and so on. In computations for the purpose of determining the position of officers on the promotion list there shall be credited all active commissioned service in the Army performed while under appointment from the United States Government, whether in the regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission; also commissioned service in the National Guard while in active service since April 6, 1917, under a call by the President; and also commissioned service in the Marine Corps when detached for service with the Army by order of the President. In determining position on the promotion list, and relative rank, commissioned service in the Regular Army or the Philippine Scouts, if continuous to June 4, 1920, shall be counted as having begun on the date of original commission. The original promotion list shall be formed by a board of officers appointed by the Secretary of War, consisting of one colonel of each of six branches of the service in which officers are permanently commissioned under the terms of section 487 of this title, and one officer who, as a member of the personnel branch of the General Staff, has made a special study of merging the present promotion lists into a single list. The steps in the formation of the original promotion list shall be as follows:

First, officers below the grade of colonel in the Corps of Engineers, Signal Corps, Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Porto Rico Regiment, and Philippine Scouts, who were originally appointed in the Regular Army or Philippine Scouts prior to April 6, 1917, shall be arranged without changing the present order of officers on the lineal lists of their own branches, but otherwise as nearly as practicable according to length of commissioned service. The following shall be omitted:

(a) Officers who, as a result of voluntary transfer, occupy positions on the lineal list other than those they would have held if their original commissions had been in their present branches;

(b) Officers of other branches appointed in the Field Artillery or the Coast Artillery Corps to fill vacancies created by the reorganization of the Artillery in the year 1907;

(c) Officers appointed in the Regular Army since January 1, 1903, while serving as officers of the Porto Rico Provisional Regiment of Infantry or Philippine Scouts;

(d) Former officers of the Regular Army or Philippine Scouts who have been reappointed in these forces and who are now below normally placed officers of less commissioned service than theirs.

Officers of classes (a), (b), and (c) shall be placed on the list in the positions they would have occupied if they had remained in their original branches of the service. Officers of class (d) shall be placed on the list in the position that would normally be occupied by an officer of continuous service equal to the total active commissioned service of such officers in the Army.

Second, officers of the Judge Advocate General's Department, Quartermaster Corps, and Ordnance Department shall be placed on the list according to length of commissioned service, except those second lieutenants of the Quartermaster Corps who are found not qualified for promotion as provided in section 571 of this title.

Third, captains and lieutenants of the Regular Army and Philippine Scouts, originally appointed since April 6, 1917, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point.

Fourth, persons appointed as captains or lieutenants to fill vacancies created by the increase of the commissioned personnel in the year 1920, shall be placed according to commissioned service rendered prior to November 11, 1918, among the officers referred to in the next preceding clause; and where such commissioned service is equal, officers now in the Regular Army shall precede persons appointed to fill said vacancies, and the latter shall be arranged according to age.

Fifth, persons appointed as lieutenant colonels or majors to fill vacancies created by the increase of the commissioned personnel in the year 1920, shall be placed immediately below all officers of the Regular Army who, on July 1, 1920, were promoted to those grades respectively to fill said vacancies: *Provided*, That the board charged with the preparation of the promotion list may in its discretion, assign to any such officer a position on the list higher than that to which he would otherwise be entitled, but not such as to place him above any officer of greater age, whose commissioned service commenced prior to April 6, 1917, and who would precede him on the list under the general provisions of this section.

Any former officer of the Regular Army and any retired officer who may hereafter be appointed to the active list in the manner provided by law shall be placed on the promotion list in accordance with his total active commissioned service; except that former officers appointed to field grades on July 1, 1920, to fill vacancies as aforesaid, may be placed as provided in the next preceding paragraph of this section. A reserve judge advocate appointed in the Regular Army shall be placed as provided in section 64 of this title.

Other officers on original appointment shall be placed at the foot of the list. The place of any officer on the promotion list once established shall not thereafter be changed, except as the result of the sentence of a court-martial. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 771.)

554. Promotions limited to vacancies in grades; exceptions to rule.—There shall be no promotions or appointments to any grade or to the branches of the Medical Department or chaplains that would cause the numbers authorized by this title for such grade or branch to be exceeded, except that the colonels, exclusive of those in the Medical Department and professors, remaining on the active list on January 1, 1923, and not included in the four hundred and twenty junior colonels on that date shall be carried as additional numbers so long as they remain in that grade and shall not prevent promotions due to vacancies occurring among the four hundred and twenty authorized colonels. (June 30, 1922, c. 253, Title I, 42 Stat. 722.)

555. Officers discharged in grade of captain and recommissioned in grade of first lieutenant.—So long as there shall remain in the grade of first lieutenant any officer discharged in the grade of captain and recommissioned in the grade of first lieutenant who, having served as an officer of the United States Army at any time between April 6, 1917, and June 4, 1920, was appointed in the grade of captain in the Regular Army in filling the vacancies created by the increase of the commissioned personnel in the year 1920, promotions of officers on the promotion list to the grade of captain shall be made solely from such officers. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1384.)

556. Examination for promotion.—Officers shall be promoted without examination as to their professional fitness, but physical examination shall be required for promotion to all grades below that of brigadier general: *Provided*, That officers of the Medical, Dental, and Veterinary Corps shall be examined for promotion. Officers of said three corps shall be examined in accordance with laws governing examination of officers of the

Medical Corps, second lieutenants of the Veterinary Corps being subject to the same provisions as first lieutenants. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

DISMISSAL OR OTHER TERMINATION OF OFFICE

571. Annual classification; retirement or discharge of officers in class B.—In September of each and every year, the President shall convene a board of not less than five general officers, which shall arrange all officers in two classes, namely: Class A, consisting of officers who should be retained in the service, and class B, of officers who should not be retained in the service. Until otherwise finally classified, all officers shall be regarded as belonging to class A, and shall be promoted according to the provisions of section 553 of this title to fill any vacancies which may occur prior to such final classification. No officer shall be finally classified in class B until he shall have been given an opportunity to appear before a court of inquiry. In such court of inquiry he shall be furnished with a full copy of the official records upon which the proposed classification is based and shall be given an opportunity to present testimony in his own behalf. The record of such court of inquiry shall be forwarded to the final classification board for reconsideration of the case, and after such consideration the finding of said classification board shall be final and not subject to further revision except upon the order of the President. Whenever an officer is placed in class B, a board of not less than three officers shall be convened to determine whether such classification is due to his neglect, misconduct or avoidable habits. If the finding is affirmative, he shall be discharged from the Army; if negative, he shall be placed on the unlimited retired list with pay at the rate of 2½ per centum of his active pay multiplied by the number of complete years of commissioned service, or service which under the provisions of chapter 26 of this title is counted as its equivalent, unless his total commissioned service or equivalent service shall be less than ten years, in which case he shall be honorably discharged with one year's pay. The maximum retired pay of an officer retired under the provisions of this section prior to January 1, 1924, shall be 75 per centum of active pay, and of one retired on or after that date, 60 per centum. If an officer is thus retired before the completion of thirty years' commissioned service, he may be employed on such active duty as the Secretary of War considers him capable of performing until he has completed thirty years' commissioned service. The first board convened under this section shall also report the names of those second lieutenants of the Quartermaster Corps who were commissioned on the reorganization of the Quartermaster Corps in 1916, who are not qualified for further promotion. The officers so reported shall continue in the grade of second lieutenant for the remainder of their service and the others shall be placed upon the promotion list according to their commissioned service, as hereinbefore provided. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 773.)

572. Court-martial sentence is prerequisite to dismissal from service.—No officer in the military service shall in time of peace be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof. (R. S. § 1229.)

573. Trial of officers dismissed by President.—When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial, to try such officer on the charges on which he shall have been dismissed. And if a court-martial is not so convened within six months from the presentation of such application for trial, or if such court, being convened, does not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void. (R. S. § 1230.)

574. Officers dropped for absence without leave.—The President is authorized to drop from the rolls of the Army any officer who is absent from duty three months without leave, or who has been absent in confinement in a prison or penitentiary for more than three months after final conviction by a civil court of competent jurisdiction; and no officer so dropped shall be eligible for reappointment. (Jan. 19, 1911, c. 22, 36 Stat. 894.)

575. Officers dropped for desertion.—The President is authorized to drop from the rolls of the Army for desertion any officer who is absent from duty three months without leave; and no officer so dropped shall be eligible for reappointment. (R. S. § 1229.)

576. Accepting or holding civil office.—No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated. (R. S. § 1222.)

577. Accepting or holding diplomatic or consular office.—Any officer of the Army who accepts or holds any appointment in the Foreign Service of the Government shall be considered as having resigned his place in the Army, and it shall be filled as a vacancy. (R. S. § 1223.)

578. Discharge of supernumerary officers.—Any officer who is supernumerary to the permanent organization of the Army as provided by law may, at his own request, be honorably discharged from the Army, and shall thereupon receive one year's pay for each five years of his service, but no officer shall receive more than three years' pay in all. (June 30, 1882, c. 254, § 1, 22 Stat. 118.)

579. Restoration of dismissed officers.—No officer of the Army who has been or may be dismissed from the service by the sentence of a general court-martial, formally approved by the proper reviewing authority, shall ever be restored to the military service, except by a reappointment confirmed by the Senate. (R. S. § 1228.)

Chapter 22.—WARRANT OFFICERS.

Sec.
591. Appointment of warrant officers; number authorized.
592. Restriction on filling of vacancies in grade.
593. Rank of warrant officers.
594. Right to retirement.

CROSS REFERENCES

Army band leader; see section 11 of this title.
Pay and allowances of warrant officers; see chapter 25 of this title.
Warrant officers in Army Mine Planter Service; see sections 274 and 275 of this title.

Section 591. Appointment of warrant officers; number authorized.—In addition to those authorized for the Army Mine Planter Service, there shall be not more than six hundred warrant officers, including band leaders, who shall be warrant officers. Appointments shall be made by the Secretary of War from among noncommissioned officers who have had at least ten years' enlisted service; enlisted men who served as officers of the Army at some time between April 6, 1917, and November 11, 1918, and whose total service in the Army, enlisted and commissioned, amounts to five years; persons serving or who have served as Army field clerks or field clerks, Quartermaster Corps; and, in the case of those who are to be assigned to duty as band leaders, from among persons who served as Army band leaders at some time between April 6, 1917, and November 11, 1918, or enlisted men possessing suitable qualifications. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761; June 30, 1922, c. 253, Title I, 42 Stat. 723.)

592. Restriction on filling of vacancies in grade.—No vacancies in the grade of warrant officer, exclusive of warrant officers in the Mine Planter Service, shall be filled until the number in such grade is reduced to six hundred, and thereafter the number shall not be increased above six hundred. (June 30, 1922, c. 253, Title I, 42 Stat. 723.)

593. Rank of warrant officers.—Warrant officers other than those of the Army Mine Planter Service shall take rank next below second lieutenants and among themselves according to the dates of their respective warrants. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761.)

594. Right to retirement.—Warrant officers, other than those of the Army Mine Planter Service shall be entitled to retirement under the same conditions as commissioned officers. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761.)

Chapter 28.—ENLISTED FORCE.

GENERAL PROVISIONS

Sec.
602. Enlisted strength of Army.
603. Enlisted strength exclusive of soldiers under sentence.
604. Grades of enlisted men.
605. Rating enlisted men as specialists.
606. Tour of duty in Canal Zone or Philippine Islands.
607. Detached enlisted men.
608. Officers using enlisted men as servants.
609. Employment away from post in competition with local civilians.
610. Exemption from arrest on civil process.
611. Indian scouts.

RECRUITING AND ENLISTMENT

621. Age limits and general qualifications for enlistment.
622. Character required for enlistment.
623. Honest and faithful service as prerequisite to reenlistment.
624. Preceding sections construed.
625. Citizenship of recruits.
626. Citizens of Porto Rico.
627. Enlistment of minors.
628. Periods of enlistments and reenlistments respectively.
629. Lost time not counted in enlistment period.
630. Rank and grade of noncommissioned officer on reenlistment.
631. Rank and grade on reenlistment after temporary commissioned service.
632. Temporary sergeants and corporals for recruit depots.
633. Enlistment allowances.

DETAILS

641. Details to recruit depots and military prison.
642. Remount detachments at remount depots.
643. Work on highways.
644. Detail as reporters for courts-martial, courts of inquiry, etc.

DISCHARGE FROM ENLISTMENT

651. Purchase of discharge.
652. Discharge on account of dependent relations.
653. Discharge of minors.

GENERAL PROVISIONS

CROSS REFERENCES

Appointment of enlisted men to cadetships at the Military Academy; see section 1092 of this title.

Promotion of enlisted men to commissioned rank; see sections 484 and 502–504 of this title.

Rights of enlisted men to retirement and retired pay; see chapter 27 of this title.

Section 602. Enlisted strength of Army.—The total authorized number of enlisted men, not including the Philippine Scouts, shall be one hundred and twenty-five thousand. (June 30, 1922, c. 253, Title I, 42 Stat. 724; June 7, 1924, c. 291, Title I, 43 Stat. 481; Feb. 12, 1925, c. 225, Title I, 43 Stat. 896.)

603. Enlisted strength exclusive of soldiers under sentence.—The authorized enlisted strength of the Army and of organizations thereof shall be exclusive of soldiers under sentences which include confinement and dishonorable discharge. (Apr. 27, 1914, c. 72, 38 Stat. 354.)

604. Grades of enlisted men.—On and after July 1, 1920, the grades of enlisted men shall be such as the President may from time to time direct, with monthly base pay at the rate prescribed by section 9 of Title 37, PAY AND ALLOWANCES. Of the total authorized number of enlisted men, those in the first grade shall not exceed 0.79 per centum, those in the second grade 2.1 per centum, those in the third grade 3.4 per centum, those in the fourth grade 9.2 per centum, those in the fifth grade 9.5 per centum, those in the sixth grade 25 per centum. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761; June 6, 1924, c. 275, § 1, 43 Stat. 470.)

605. Rating enlisted men as specialists.—Under such regulations as the Secretary of War may prescribe, enlisted men of the sixth and seventh grades may be rated as specialists, and receive extra pay therefor per month, as prescribed in section 9 of Title 37, PAY AND ALLOWANCES. Of the total authorized number of enlisted men in the sixth and seventh grades, those rated as specialists of the first class shall not exceed 0.7 per centum; of the second class, 1.4 per centum; of the third class, 1.9 per centum; of the fourth class, 4.7 per centum; of the fifth class, 5 per centum; of the sixth class, 15.2 per centum. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761; June 6, 1924, c. 275, § 1, 43 Stat. 470.)

606. Tour of duty in Canal Zone or Philippine Islands.—No enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1078.)

607. Detached enlisted men.—All enlisted men authorized by law and not assigned to duty with any branch or bureau herein provided for shall be carried on the Detached Enlisted Men's List. (June 4, 1920, c. 227, subchapter I, § 25, 41 Stat. 775.)

608. Officers using enlisted men as servants.—No officer shall use an enlisted man as a servant in any case whatever. (R. S. § 1232.)

609. Employment away from post in competition with local civilians.—No enlisted man in the active service of the United States in the Army, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions. (June 3, 1916, c. 134, § 35, 39 Stat. 188.)

610. Exemption from arrest on civil process.—No enlisted man shall, during his term of service, be arrested on mesne process, or taken or charged in execution for any debt, unless it was contracted before his enlistment, and amounted to $20 when first contracted. (R. S. § 1237.)

611. Indian scouts.—The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander: *Provided*, That a proportionate number of noncommissioned officers may be appointed. (R. S. § 1112; Aug. 12, 1876, c. 263, 19 Stat. 131.)

RECRUITING AND ENLISTMENT

CROSS REFERENCES

Detail for Recruiting Service; see scetion 641 of this title.

Fraudulent enlistment, punishment; see sections 1526 and 1527 of this title.

Oath of enlistment; see section 1581 of this title.

Reading certain articles of war to recruits; see section 1582 of this title.

621. Age limits and general qualifications for enlistment.—Recruits enlisting in the Army must be effective and able-

bodied men, and between the ages of eighteen and thirty-five years, at the time of their enlistment. This limitation as to age shall not apply to soldiers reenlisting. (R. S. § 1116; Mar. 2, 1899, c. 352, § 4, 30 Stat. 978.)

622. Character required for enlistment.—No insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of a felony shall be enlisted or mustered into the military service. (R. S. § 1118; Feb. 27, 1877, c. 69, § 1, 19 Stat. 242.)

623. Honest and faithful service as prerequisite to reenlistment.—No soldier shall be again enlisted in the Army whose service during his last preceding term of enlistment has not been honest and faithful. (Aug. 1, 1894, c. 179, § 2, 28 Stat. 216.)

624. Preceding sections construed.—The provisions of sections 622 and 623 of this title shall not be construed to preclude the reenlistment or muster into the Army of any person who has deserted, or may desert, from the military service of the United States in time of peace, or of any soldier whose service during his last preceding term of enlistment has not been honest and faithful, whenever the reenlistment or muster into the military service of such person or soldier shall, in view of the good conduct of such person or soldier subsequent to such desertion or service, be authorized by the Secretary of War. (Aug. 22, 1912, c. 336, § 1, 37 Stat. 356.)

625. Citizenship of recruits.—In time of peace no person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, shall be enlisted for the first enlistment in the Army. (Aug. 1, 1894, c. 179, § 2, 28 Stat. 216.)

626. Citizens of Porto Rico.—Citizens of Porto Rico shall be eligible for enlistment in the Regular Army. (Mar. 2, 1903, c. 975, 32 Stat. 934.)

627. Enlistment of minors.—No person under the age of eighteen years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control. (June 3, 1916, c. 134, § 27, 39 Stat. 186.)

628. Periods of enlistments and reenlistments, respectively.—Original enlistments in the Regular Army shall be for a period of one or three years at the option of the soldier, and reenlistments shall be for a period of three years. (June 4, 1920, c. 227, subchapter I, § 27, 41 Stat. 775.)

629. Lost time not counted in enlistment period.—An enlistment shall not be regarded as complete until the soldier shall have made good any time in excess of one day lost by unauthorized absences, or on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct, or while in confinement awaiting trial or disposition of his case if the trial results in conviction, or while in confinement under sentence. (Apr. 27, 1914, c. 72, 38 Stat. 354.)

630. Rank and grade of noncommissioned officer on reenlistment.—Any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within twenty days after the date of such discharge. (June 3, 1916, c. 134, § 27, 39 Stat. 185.)

631. Rank and grade on reenlistment after temporary commissioned service.—Any enlisted man of the Army of the United States who has been, or shall hereafter be, discharged to accept a commission in any component part of the Army of the United States, and who shall tender himself for enlistment within three months after the termination of his commissioned service, shall, subject to such examination for enlistment as is provided by law or regulation, be accepted and be restored to the grade held by him before being discharged to accept such commission. (Mar. 30, 1918, c. 37, 40 Stat. 501.)

632. Temporary sergeants and corporals for recruit depots.—The Secretary of War may authorize the temporary appointment of such number of sergeants and corporals in the companies at the general recruiting depots as may be necessary for the proper control and instruction of the varying number of recruits attached to such companies. (Mar. 3, 1909, c. 252, 35 Stat. 741.)

633. Enlistment allowances.—On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. (June 10, 1922, c. 212, § 9, 42 Stat. 629.)

DETAILS

641. Details to recruit depots and Disciplinary Barracks.—The Secretary of War shall be authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots and the United States Disciplinary Barracks, and of the enlisted men so detached, and while performing such duty, there shall be allowed for each depot one who shall have the rank, pay, and allowances of a regimental sergeant major, and for the Disciplinary Barracks one who shall have the rank, pay, and allowances of battalion or squadron sergeant major, and for each recruit and prison company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectively belong. (June 12, 1906, c. 3078, 34 Stat. 242; Aug. 29, 1916, c. 418, § 1, 39 Stat. 624.)

642. Remount detachments at remount depots.—From the enlisted force of the Army provided by law the President may authorize the organization of remount detachments at each of the remount depots, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such remount depots: *Provided*, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army as authorized by law. (Mar. 3, 1911, c. 209, 36 Stat. 1049.)

643. Work on highways.—No enlisted man of the Army shall be detailed for work on the roads which come within the provisions of the Act of February 28, 1919, chapter 69, Fortieth Statutes 1202, except by his own consent. (Feb. 28, 1919, c. 69, § 9, 40 Stat. 1202.)

644. Detail as reporters for courts-martial, courts of inquiry, etc.—Enlisted men may be detailed to serve as stenographic reporters for general courts-martial, courts of inquiry, military commissions, and retiring boards, and while so serving shall receive extra pay at the rate of not exceeding 5 cents for each one hundred words taken in shorthand and transcribed, such extra pay to be met from the annual appropriation for expenses of courts-martial, and so forth. (Aug. 24, 1912, c. 391, § 1, 37 Stat. 575.)

DISCHARGE FROM ENLISTMENT

CROSS REFERENCE

Rules governing discharge; see section 1580 of this title.

651. Purchase of discharge.—In time of peace the President may, in his discretion and under such rules and upon such con-

ditions as he shall prescribe, permit any enlisted man to purchase his discharge from the Army.

The purchase money to be paid under this section shall be paid to a paymaster of the Army and be deposited in the Treasury to the credit of one or more of the current appropriations for the support of the Army, to be indicated by the Secretary of War, and be available for the payment of expenses incurred during the fiscal year in which the discharge is made. (June 16, 1890, c. 426, § 4, 26 Stat. 158.)

652. Discharge on account of dependent relations.—When by reason of death or disability of a member of the family of an enlisted man, occurring after his enlistment, members of his family become dependent upon him for care or support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States. (June 4, 1920, c. 227, subchapter I, § 29, 41 Stat. 775.)

653. Discharge of minors.—Upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary of War within six months after the date of his enlistment, any man enlisted after July 1, 1925, in the Army under twenty-one years of age who has enlisted without the written consent of his parent or guardian, if any, shall be discharged with the form of discharge certificate and the travel and other allowances to which his service after enlistment shall entitle him. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 896.)

Chapter 24.—CIVILIAN EMPLOYEES.

Sec.
661. Assignment of Army field clerks, messengers, and laborers to duty.
662. Appointment of Army field clerks, and field clerks, Quartermaster Corps, discontinued.
663. Appointment of civilians employed in hostess and library service.
664. Laundresses.

CROSS REFERENCES

Detail of civilian employees to office of Assistant Secretary of War; see section 1194 of this title.

Employment of technical experts, draftsmen in offices of chiefs; see sections 77, 187, 197, 223, and 309 of this title.

Field clerks, and field clerks, Quartermaster Corps, subject to military law; see section 1473 of this title.

Section 661. Assignment of Army field clerks, messengers, and laborers to duty.—Army field clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve. (June 30, 1921, c. 33, § 1, 42 Stat. 75.)

662. Appointment of Army field clerks, and field clerks, Quartermaster Corps, discontinued.—No further appointments as Army field clerks or field clerks, Quartermaster Corps, shall be made. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761.)

663. Appointment of civilians employed in hostess and library service.—Civilians employed in the hostess and library services and paid from the appropriation for military post exchanges may be appointed by the Secretary of War without reference to civil-service rules and regulations. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1380.)

664. Laundresses.—Women shall not be allowed to accompany troops as laundresses. (June 18, 1878, c. 263, § 5, 20 Stat. 150.)

Chapter 25.—PAY AND ALLOWANCES.

BASE PAY

Sec.
671. General officers.
672. Commissioned officers below grade of brigadier general; pay periods and rates of pay.
673. Warrant officers and enlisted men.

LONGEVITY PAY

681. Commissioned officers; periodical increments; limit of amount.
682. Warrant officers and enlisted men; periodical increments; limit of amount.
683. Service credits generally in computing longevity pay of officers.
684. Time served as cadet at Military or Naval Academy.
685. Service credits in computing longevity pay of enlisted men.

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692. Additional pay for aides.
693. Commissioned officers on field duty.
694. War-time pay of officer exercising command higher than his grade.
695. Certificate of merit granted to enlisted man.
696. Medal of honor, distinguished-service cross, or distinguished-service medal awarded to enlisted man.
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Base pay of flying cadets, see section 308 of this title.
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Section 671. General officers.—See Title 37, PAY AND ALLOWANCES, section 12.

672. Commissioned officers below grade of brigadier general; pay periods and rates of pay.—See Title 37, PAY AND ALLOWANCES, section 1.

673. Warrant officers and enlisted men.—See Title 37, PAY AND ALLOWANCES, section 13.

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CROSS REFERENCE

Increase after retirement; see section 974 of this title.

681. Commissioned officers; periodical increments; limit of amount.—See Title 37, PAY AND ALLOWANCES, section 1.

682. Warrant officers and enlisted men; periodical increments; limit of amount.—See Title 37, PAY AND ALLOWANCES, section 13.

683. Service credits generally in computing longevity pay of officers.—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers in the service on June 30, 1922, there shall be included in the computation all active duty performed while under appointment or enlistment from the United States Government, whether in the Regular, provisional or temporary forces, and service as a contract surgeon serving full time; and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785; June 10, 1922, c. 212, § 1, 42 Stat. 625.)

684. Time served as cadet at Military or Naval Academy.—In computing the length of service of any officer of the Army

who was appointed to the United States Military Academy or the United States Naval Academy after August 24, 1912, the time spent at either academy shall not be counted. (June 7, 1924, c. 291, Title I, 43 Stat. 481; Feb. 12, 1925, c. 225, Title I, 43 Stat. 896.)

685. Service credits in computing longevity pay of enlisted men.—See Title 37, PAY AND ALLOWANCES, section 15.

ADDITIONAL PAY FOR SPECIAL SERVICE, QUALIFICATIONS, OR MERIT

CROSS REFERENCES

Additional pay for aviation duty; see sections 300, 301 and 302 of this title.

Additional pay for services of enlisted men acting as reporters for courts-martial, courts of inquiry, and so forth; see section 644 of this title.

Pay for specialists' ratings of enlisted men; see Title 37, PAY AND ALLOWANCES, section 9.

691. Brevet rank as affecting pay.—Brevets conferred upon commissioned officers shall not entitle them to any increase of pay. (R. S. § 1264.)

692. Additional pay for aides.—Aides shall receive pay in addition to the pay of their rank, as follows: Aide to major general, $200 a year; and aide to brigadier general, $150 a year. (R. S. § 1261; June 10, 1922, c. 212, § 21, 42 Stat. 633.)

693. Commissioned officers on field duty.—See Title 37, PAY AND ALLOWANCES, section 2.

694. War-time pay of officer exercising command higher than his grade.—In time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade, shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier general shall not be paid in any case by reason of such assignment. (Apr. 26, 1898, c. 191, § 7, 30 Stat. 365.)

695. Certificate of merit granted to enlisted man.—A certificate of merit granted to an enlisted man for distinguished service shall entitle him, from the date of such service, to additional pay at the rate of $2 per month while he is in the military service, although such service may not be continuous; but the additional pay herein authorized for holders of the certificate of merit shall not be paid to them beyond the date of the award of the distinguished-service medal in lieu thereof as provided by section 1408 of this title. (Feb. 9, 1891, c. 122, § 2, 26 Stat. 737; July 9, 1918, c. 143, 40 Stat. 870.)

696. Medal of honor, distinguished-service cross, or distinguished-service medal awarded to enlisted man.—Each enlisted man of the Army to whom there has been or shall be awarded a medal of honor, a distinguished-service cross, or a distinguished-service medal shall, for each such award, be entitled to additional pay at the rate of $2 per month from the date of the distinguished act or service on which the award is based, and each bar, or other suitable device, in lieu of a medal of honor, a distinguished-service cross, or a distinguished-service medal, as hereinafter provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the distinguished act or service for which the bar is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous; but when the award is in lieu of the certificate of merit, as provided for in section 1408 hereof, the additional pay shall begin with the date of the award. (July 9, 1918, c. 143, 40 Stat. 871.)

697. Enlisted men having special qualifications in use of arms, etc.—See Title 37, PAY AND ALLOWANCES, section 27.

698. Military telegraphers.—Enlisted men who qualify, as expert military telegraphers, shall receive $5 a month; as first-class military telegraphers $3 a month; as military telegraphers $2 a month; all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named. (June 3, 1916, c. 134, § 28, 39 Stat. 186; July 9, 1918, c. 143, subchapter XVII, § 5, 40 Stat. 890; June 4, 1920, c. 227, subchapter I, § 28, 41 Stat. 775.)

QUARTERS AND SUBSISTENCE

Rations for flying cadets, see section 304 of this title.

Allowances for Philippine Scouts, see section 334 of this title.

711. Money allowances for subsistence and rental of quarters for general officers.—See Title 37, PAY AND ALLOWANCES, section 12.

712. Money allowance for rental of quarters for commissioned officers below grade of brigadier general.—See Title 37, PAY AND ALLOWANCES, section 10.

713. Money allowance for subsistence of commissioned officers below grade of brigadier general.—See Title 37, PAY AND ALLOWANCES, section 9.

714. Subsistence of officers traveling under orders without troops.—See Title 37, PAY AND ALLOWANCES, section 20.

715. Money allowance for subsistence and rental of quarters for warrant officers.—See Title 37, PAY AND ALLOWANCES, section 19.

716. Quarters and subsistence for enlisted men; commutation of rations.—See Title 37, PAY AND ALLOWANCES, section 19.

717. Heat or light in kind for persons receiving allowance for rental of quarters.—Heat or light in kind shall not be issued to any person in the Army while such person is receiving an allowance for rental of quarters under the provisions of Title 37, PAY AND ALLOWANCES. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1385.)

718. Availability of public quarters; determination by Secretary of War.—The Secretary of War may determine where and when there are no public quarters available within the meaning of this chapter of this title. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1069.)

719. Right to quarters or allowance therefor during officer's temporary absence from station on field duty.—Officers temporarily absent on duty in the field shall not lose their right to quarters or commutation thereof at their permanent station while so temporarily absent. (Feb. 27, 1893, c. 168, 27 Stat. 480.)

720. Expenses of officers on ordnance duty at proving grounds.—Officers not occupying public quarters at the proving ground, while employed on ordnance duty thereat, shall receive a money allowance for necessary expenses at the rate of $2.50 per diem while so employed: *Provided*, That the occupancy by such officers, providing themselves with quarters elsewhere, of one room in the building at the proving ground locally known as the brick house shall not be construed as occupancy of public quarters within the meaning of the law authorizing allowance and commutation of quarters. (Mar. 3, 1915, c. 76, § 1, 38 Stat. 889.)

721. Housing of officers serving in Canal Zone.—Officers of the Army pertaining to the United States troops serving in the Canal Zone shall not be required to pay rent for the occupancy of houses of the Panama Canal to which they may be assigned. (July 9, 1918, c. 143, 40 Stat. 855.)

722. Quarters for servants.—No allowance shall be made for claims for quarters for servants. (June 23, 1879, c. 35, 21 Stat. 31.)

723. Heat and light for quarters.—The heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the

United States under such regulations as the Secretary of War may prescribe. (Mar. 2, 1907, c. 2511, 34 Stat. 1167.)

724. Rations; determination of component parts.—The President is authorized to prescribe the kinds and quantities of the component articles of the army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require. (Feb. 2, 1901, c. 192, § 40, 31 Stat. 758.)

725. Emergency or reserve ration.—The emergency or reserve ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War. (Mar. 2, 1907, c. 2511, 34 Stat. 1165.)

726. Sick diet in hospital.—Such quantities of fresh or preserved fruits, milk, butter, and eggs as may be necessary for the proper diet of the sick, may be allowed in hospitals. They shall be provided under such rules as the Surgeon General, with the approval of the Secretary of War, shall prescribe. (R. S. § 1175.)

727. Subsistence of Army patients in Canal Zone hospitals.—The Canal Zone hospitals, having cared for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, shall be paid the subsistence of the said patients, except commissioned officers, out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 909.)

MILEAGE AND TRAVEL EXPENSES

CROSS REFERENCES

Mileage allowances of officers traveling on aviation duty; see section 305 of this title.

Mileage of reserve officers; see sections 366–368 of this title.

741. Mileage or travel expenses of officers traveling under orders without troops.—See Title 37, PAY AND ALLOWANCES, section 20.

742. Mileage of Engineer officers traveling on Government-aided railroads.—In determining the mileage of officers of the Corps of Engineers traveling without troops on duty connected with works under their charge, no deduction shall be made for such travel as may be necessary on free or bond-aided or land-grant railways. (Sept. 19, 1890, c. 907, § 15, 26 Stat. 456.)

743. Mileage on change of station of officer while on leave of absence.—When the station of an officer is changed while he is on leave of absence he will on joining the new station be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater he will be entitled to mileage for a distance equal to that from the old to the new station only. (June 12, 1906, c. 3078, 34 Stat. 246.)

744. Mileage for graduates of Military Academy to first station.—A graduate of the Military Academy shall receive mileage as authorized by law for officers of the Army from his home to the station which he first joins for duty. (Aug. 9, 1912, c. 275, 37 Stat. 252.)

745. Mileage for ordnance officers; fund chargeable with payment.—Mileage to officers of the Ordnance Department traveling on duty in connection with that department shall be paid from the appropriation for the work in connection with which the travel is performed. (May 12, 1917, c. 12, 40 Stat. 65.)

746. Mileage for expert accountant, Inspector General's Department.—The expert accountant, Inspector General's Department, shall receive mileage at the same rates and under the same conditions as is provided by law for officers of the Army. (Aug. 24, 1912, c. 391, § 1, 37 Stat. 575.)

747. Computation of mileage allowance; certificate of necessity for travel.—Mileage of officers of the Army shall be computed over the shortest usually traveled routes between the points named in the order, and the necessity for such travel in the military service shall be certified to by the officer issuing the order and stated in said order. (Mar. 3, 1883, c. 93, § 1, 22 Stat. 456; June 12, 1906, c. 3078, 34 Stat. 246.)

748. Allowance for sea travel.—For all sea travel actual expenses only shall be paid to officers, contract surgeons, and to the expert accountant of the Inspector General's Department, when traveling on duty under competent orders, with or without troops, and the amount so paid shall not include any shore expenses at port of embarkation or debarkation; but for the purpose of determining allowances for all travel under orders, or for officers and enlisted men on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States. (June 12, 1906, c. 3078, 34 Stat. 246.)

749. Use of Army vehicles.—In the performance of their official and military duties officers of the Army are authorized, under such regulations as may be established by the Secretary of War, to use means of transportation provided for the transportation of the Army and its supplies. (Mar. 3, 1911, c. 209, 36 Stat. 1051.)

750. Expenses of air travel by officers and contract surgeons without troops.—Actual and necessary expenses only, not to exceed $8 per day, shall be paid to officers of the Army and contract surgeons when traveling by air on duty without troops under competent orders. (July 11, 1919, c. 8, 41 Stat. 109.)

751. Travel allowance on discharge of officer; enlisted men discharged in Philippine Islands.—When an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment or to the place of his original muster into the service 4 cents per mile: *Provided*, That any officer or enlisted man in the service of the United States who was discharged in the Philippine Islands and there reentered the service through commission or enlistment shall, when discharged, except by way of punishment for an offense, receive for travel allowances from the place of his discharge to the place in the United States of his last preceding appointment or enlistment, or to his home if he was appointed or enlisted at a place other than his home, 4 cents per mile: *Provided further*, That for sea travel on discharge actual expenses only shall be paid to officers and transportation and subsistence only shall be furnished to enlisted men. (Mar. 2, 1901, c. 803, 31 Stat. 902.)

752. Travel allowance to enlisted men on discharge.—An enlisted man discharged from the Army, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service: *Provided*, That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportation in kind and subsistence en route shall be allowed: *Provided further*, That enlisted men under the age of eighteen discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance

thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment. (Sept. 22, 1922, c. 409, 42 Stat. 1021.)

753. Application of preceding section.—The preceding section shall be held to apply to any enlisted man for whom the law authorizes travel allowances as an incident to entry upon and relief from active duty with the Army who was called into active service on or after April 6, 1917. (Sept. 29, 1919, c. 65, 41 Stat. 288.)

754. Travel expenses of enlisted men incident to entry on or relief from active duty.—In the discretion of the Secretary of War, and under such regulations as he may prescribe, travel pay at the rate prescribed by law for discharged soldiers may be given to all enlisted men for whom the law authorizes travel allowances as an incident to their entry upon and relief from active duty with the Army. (July 9, 1918, c. 143, 40 Stat. 860.)

755. Reimbursement of enlisted men for expenses of travel under orders.—Under such regulations and within such maximum rates as may be prescribed by the Secretary of War enlisted men may be reimbursed for actual expenses of travel, including subsistence and lodging, incurred while traveling under competent orders and not embraced in the movement of troops, or they may be paid a flat per diem therefor in lieu of such reimbursement. (Apr. 20, 1918, c. 60, 40 Stat.)

756. Transportation in kind for dependents on change of station.—When any commissioned officer or noncommissioned officer of the grade of color sergeant and above, having a wife or dependent child or children, is ordered to make a permanent change of station, the United States, except as otherwise provided in section 21 of Title 37, shall furnish transportation in kind from funds appropriated for the transportation of the Army, to his new station for the wife and dependent child or children: *Provided*, That transportation supplied the wife or dependent child or children of such officer, to or from stations beyond the continental limits of the United States, shall not be other than by Government transport, if such transportation is available. (May 18, 1920, c. 190, § 12, 41 Stat. 604.)

757. Money allowance in lieu of transportation in kind for dependents.—See Title 37, PAY AND ALLOWANCES, section 21.

758. Transportation of disabled soldiers traveling on furlough from hospital.—The Secretary of War, under such regulations and restrictions as he may provide, is authorized to issue to all wounded and otherwise disabled soldiers under treatment in any Army or other hospital, who are given furloughs at any time, a furlough certificate, which certificate shall be signed by the commanding officer at such hospital. This furlough certificate when presented by such furloughed soldier to the agent of any railroad or steamship company over whose lines said soldier may travel to and from his home during the furlough period shall entitle said soldier to purchase a ticket from the point of departure to point of destination and return at the rate of 1 cent per mile, and on presentation of such certificate on which such ticket has been issued the railroad or steamship company issuing such ticket shall be entitled to receive from the Treasury of the United States the difference between the amount paid for such ticket at the rate of 1 cent per mile and the regular scheduled rate for such ticket. (June 5, 1920, c. 240, 41 Stat. 975.)

LIMIT OF AGGREGATE OF PAY AND ALLOWANCES OF OFFICERS

771. Limit of aggregate of pay and allowances for general officers.—See section 12 of Title 37, PAY AND ALLOWANCES.

772. Limit of aggregate of pay and allowances for commissioned officers below grade of brigadier general.—See section 11 of Title 37, PAY AND ALLOWANCES.

SPECIAL RATES OF PAY AND ALLOWANCES

CROSS REFERENCE

Leaves of absence and sick leave allowable to nurses; see section 850 of this title.

781. Army Nurse Corps.—See Title 37, PAY AND ALLOWANCES, section 22.

782. Reserve nurses on active duty.—Reserve nurses, when upon active duty, will receive the same pay as nurses who have served in the corps for periods corresponding to the full period of their active service. (July 9, 1918, c. 143, subchapter V, § 4, 40 Stat. 879; Feb. 28, 1919, c. 80, 40 Stat. 1211.)

783. Transportation and travel allowances for nurses.—Members of the Nurse Corps shall receive transportation and necessary expenses when traveling under orders, and, during illness, such medical care as may be prescribed in regulations by the Secretary of War. (July 9, 1918, c. 143, subchapter V, § 6, 40 Stat. 879.)

784. Pay and allowances of field clerks.—Army field clerks and field clerks Quartermaster Corps, whose total pay and allowances do not exceed $2,500 per annum, shall be paid an increase at the rate of $240 per annum: *Provided*, That such Army field clerks and field clerks Quartermaster Corps, whose total pay and allowances exceed $2,500 but do not exceed $2,740 per annum, shall be paid such additional amount as will make their total pay and allowances not to exceed $2,740 per annum: *Provided further*, That this section shall not be construed to reduce the pay and allowances of any Army field clerk or field clerk Quartermaster Corps. (May 18, 1920, c. 190, § 5, 41 Stat. 602.)

785. Quarters and subsistence allowances for field clerks.—See Title 37, PAY AND ALLOWANCES, section 5.

786. Pay and allowances of Indian scouts.—Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of enlisted men of the seventh grade. (R. S. § 1276.)

787. Pay and allowances of contract surgeons.—See Title 37, PAY AND ALLOWANCES, section 5.

OFFICERS' MOUNTS

801. Authorized number of mounts.—The number of horses for which forage, bedding, shoeing, shelter, and medicines may be allowed are as follows: To a major general, three horses; to a brigadier general, three horses; to a colonel, two horses; to a lieutenant colonel, two horses; to a major, two horses; to a captain (mounted), two horses; to a lieutenant (mounted), two horses; to an adjutant, two horses. (June 18, 1878, c. 263, § 8, 20 Stat. 150.)

802. Mounts furnished to officers below grade of major.—The United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted. (May 11, 1908, c. 163, 35 Stat. 108.)

803. Money allowance to officers owning mounts.—In case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of $150 per annum if he provides one mount and $200 per annum if he provides two mounts. (May 11, 1908, c. 163, 35 Stat. 108.)

804. Allowance of forage, bedding, etc.—Officers of the Army, wherever on duty in the military service of the United States, shall be allowed forage, bedding, shoeing, and shelter for their authorized number of horses. (Mar. 3, 1909, c. 252, 35 Stat. 742.)

805. Separation of officer from mounts as affecting allowance of forage, etc.—When an officer is separated from his authorized number of owned horses through the nature of the military service upon which employed, they shall not be deprived of forage, bedding, shelter, shoeing, or medicines therefor, because of such separation. (Mar. 23, 1910, c. 115, 36 Stat. 252.)

806. Commutation of forage, etc.—When forage in kind can not be furnished by the proper departments, then and in all such cases, officers entitled to forage may commute the same according to existing regulations. (R. S. § 1270; Feb. 27, 1877, c. 69, § 1, 19 Stat. 243.)

807. Transportation of mounts in excess of number authorized; reimbursement of Government.—Private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts. (Apr. 27, 1914, c. 72, 38 Stat. 365.)

808. Transportation from point of purchase to station of officer.—Transportation may be furnished for the owned horses of an officer, not exceeding the number authorized by law, from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station. (Mar. 23, 1910, c. 115, 36 Stat. 255.)

809. Mounts of officers ordered for duty to Alaska or overseas; transportation to remount depot.—Under such regulations as the Secretary of War may direct, the authorized horses of mounted officers ordered for duty over the seas or to Alaska may be transported at public expense to remount depots or elsewhere in the United States for safekeeping during the absence of such officers. (July 9, 1918, c. 143, 40 Stat. 859.)

810. Transportation of mounts of deceased officers.—Under such regulations as the Secretary of War may prescribe, authorized mounts of officers who die in the service may, within ninety days after the death of the officer, be transported at public expense from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors, or such mount may be disposed of as directed by such representatives or executors. (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

811. Purchase by Quartermaster Corps in lieu of transportation.—When a mounted officer is ordered to duty beyond the seas or to make a change of station in the United States in which the cost of transportation for his authorized number of owned horses exceeds the sum at the time allowed for that purpose in the Army Regulations, the Secretary of War is authorized, under such regulations in respect to inspection and valuation as he may prescribe in his discretion to permit the purchase of said horses by the Quartermaster Corps, at a price not exceeding the average contract price paid for horses during the preceding fiscal year, the exact price to be fixed by a board of officers. (Mar. 23, 1910, c. 115, 36 Stat. 254.)

TRANSPORTATION OF BAGGAGE AND EFFECTS

821. Reimbursement of Government for excess baggage carried.—Baggage in excess of regulation change of station allowances may be shipped with such allowances, and reimbursement collected for transportation charges on such excess. (Mar. 23, 1910, c. 115, 36 Stat. 255.)

822. Baggage of deceased civilian employees.—Under such regulations as the Secretary of War may prescribe, transportation at public expense may be provided for the baggage of civilian employees who die in the service from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors. (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

823. Baggage of enlisted men discharged for disability in line of duty.—When an enlisted man having ten or more years' service in the Army is discharged on account of disability incurred in the line of duty, transportation of his authorized change of station allowance of baggage from his last duty station to his home in addition to other travel allowances fixed by law may be authorized by the Secretary of War. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 633.)

CLOTHING FOR TROOPS

831. Determination as to quantity and kind of clothing to be issued.—The President may prescribe the quantity and kind of clothing which shall be issued annually to the troops of the United States. (R. S. § 1296.)

832. Commutation in lieu of uniforms.—The Secretary of War shall fix annually the rate of commutation of uniforms. (June 7, 1924, c. 291, Title I, 43 Stat. 507; Feb. 12, 1925, c. 225, Title I, 43 Stat. 922.)

833. Settlement of clothing accounts.—The settlement of clothing accounts of enlisted men, including charges for clothing drawn in excess of clothing allowance and payments of amounts due them when they draw less than their allowance, shall be made at such periods and under such regulations as may be prescribed by the Secretary of War. (June 30, 1921, c. 33, § 1, 42 Stat. 82.)

834. Replacement of infected clothing destroyed by order of medical officers.—The Secretary of War may, on the recommendation of the Surgeon General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion. (R. S. § 1298.)

835. Payment of clothing balance on discharge of enlisted man.—Clothing balances accumulating to the soldier's credit under section 833 of this title shall, when payable to him upon his discharge, be paid out of the appropriation for pay of the Army for the then current fiscal year. (R. S. § 1308; June 12, 1906, c. 3078, 34 Stat. 246.)

ABSENCE FROM DUTY AS AFFECTING RIGHT TO PAY

CROSS REFERENCE

Military Academy, leaves of absence to officers; see sections 1143–1145 of this title.

841. Pay of officers during absence from duty generally.—Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable. (R. S. § 1265.)

842. Leave of absence with pay allowable to officers.—All officers on duty shall be allowed in the discretion of the Secretary of War, sixty days' leave of absence without deduction of pay or allowance: *Provided*, That the same be taken once in two years: *And provided further*, That the leave of absence may be extended to three months, if taken once only in three years, or four months if taken only once in four years. (July 29, 1876, c. 239, 19 Stat. 102.)

843. Leave of absence allowable to instructors at service schools.—The provisions of section 1144 of this title, authorizing leaves of absence to certain officers of the Military Academy, during the period of the suspension of the ordinary academic studies, without deduction from pay and allowances, be, and

are hereby, extended to include officers on duty exclusively as instructors at the service schools on approval of the officer in charge of said schools. (Mar. 23, 1910, c. 115, 36 Stat. 244.)

844. Travel time added to leave; officers serving in Territorial possessions returning to United States.—Leaves of absence which may be granted officers serving in the Territory of Alaska or without the limits of the United States, for the purpose of returning thereto, shall be regarded as taking effect on the dates such officers reached the United States, and as terminating on the dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October 13, 1898. (Mar. 2, 1901, c. 803, 31 Stat. 902.)

845. Travel time added to leave; officers serving in Philippine Islands not returning to United States.—Leaves to be absent from the Philippine Islands, other than to return to the United States, which may be granted officers of the Army serving in said islands and sailing from Manila, shall be regarded as taking effect on the dates such officers reach Manila, and as terminating on the dates of their departure from Manila in returning to their stations. (Mar. 2, 1907, c. 2511, 34 Stat. 1171.)

846. Pay during captivity.—Every noncommissioned officer and private of the Regular Army, and every officer, noncommissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law. (R. S. § 1288.)

847. Pay during sickness due to misconduct.—No officer, enlisted man or other person in active military service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War. (Apr. 27, 1914, c. 72, 38 Stat. 353.)

848. Pay of officers detailed to service in Bureau of Budget.—No commissioned officer of the Army shall be deprived of his right to pay and allowances while serving on such duty as the President may direct in the coordination of the business of the Government, as now being conducted by him under the general supervision of the Director of the Bureau of the Budget: *Provided*, That the number of officers detailed to this duty shall not at any time exceed twenty-six. (June 7, 1924, c. 291, Title I, 43 Stat. 481; Feb. 12, 1925, c. 225, Title I, 43 Stat. 895.)

849. Officers dropped from rolls; forfeiture of pay.—Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due. (R. S. § 1266.)

850. Leaves of absence allowable to members of Nurse Corps; sick leave.—Members of the Army Nurse Corps shall be entitled to cumulative leave of absence with pay at the rate of thirty days for each calendar year of service in said corps, not exceeding, however, one hundred and twenty days at one time, and in addition thereto sick leave not exceeding thirty days in any one calendar year in cases of illness or injury incurred in the line of duty. (July 9, 1918, c. 143, subchapter V, § 5, 40 Stat. 879.)

851. Volunteer service counted in computing leave of absence in Regular Army.—Officers appointed to the Regular Army from the Volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after their appointment in the Regular Army, be entitled to the leave credits which accrued to them as Volunteer officers where such leave credits were not availed of during their Volunteer service. (June 30, 1902, c. 1328, 32 Stat. 508.)

852. Accumulated leaves to civilian employees of Ordnance Department.—Hereafter any civilian employee of the Ordnance Department who is a citizen of the United States and employed at any station outside the continental limits of the United States may, in the discretion of the Secretary of War, after at least two years' continuous, faithful, and satisfactory service abroad, and subject to the interests of the public service, be granted accrued leave of absence, with pay, for each year of service, and if an employee should elect to postpone the taking of any or all of the leave to which he may be entitled in pursuance hereof such leave may be allowed to accumulate for a period of not exceeding four years, the rate of pay for accrued leave to be the rate obtaining at the time the leave is granted. (May 12, 1917, c. 12, 40 Stat. 65.)

PAYMENT OF AND DEDUCTIONS FROM PAY OR ALLOWANCES

861. Officers to be paid monthly.—The sums allowed to officer for pay, rental allowances and subsistence shall be paid in monthly payments. (R. S. § 1268.)

862. Promptness required in payment of troops.—The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable. (R. S. § 1189.)

863. Loss of official papers showing amounts due enlisted men.—The pay due enlisted men of the Army shall not be withheld from them by reason of the fact that their service records or other official papers showing the status of their accounts with respect to pay have been lost or not returned from overseas and, under such regulations as may be prescribed by the Secretary of War, these men may be paid upon their personal affidavit as to date of last payment and condition of their accounts; and payments made in accordance with such regulations shall be passed by the accounting officers of the Treasury to the credit of the disbursing officers making them. (July 11, 1919, c. 8, 41 Stat. 110.)

864. Advance payment to troops embarking for Philippine Islands.—Troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation. (May 26, 1898, c. 363, § 1, 30 Stat. 420; July 7, 1898, c. 584, 30 Stat. 721.)

865. Computation of pay for month or fraction of month.—Where the compensation of any person in the military service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the 31st of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of said month, both days inclusive; and any person entering said service during the month of February and serving until the

end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited. (June 12, 1906, c. 3078, 34 Stat. 248.)

866. **Arrears of pay, bounty, etc., for service in war with Spain.**—No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the war with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914. (Dec. 22, 1911, c. 6, 37 Stat. 49.)

867. **Arrears of pay, bounty, etc., for Civil War service.**—No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912: *Provided*, That no agent or attorney shall demand or accept, for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after December 22, 1911, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding $500 or imprisonment for a period not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department. (Dec. 22, 1911, c. 6, 37 Stat. 49.)

868. **Payment of amount due deceased officer or enlisted man.**—Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than $500 and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. (June 30, 1906, c. 3914, § 1, 34 Stat. 750.)

869. **Payment to indorsees of officers' pay accounts.**—Section 492 of Title 31 shall not be construed as precluding officers of the Finance Department from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by any officer of the Army if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: *Provided further*, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account. (Mar. 2, 1913, c. 93, 37 Stat. 710.)

870. **Payment and settlement of mileage accounts.**—Payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the Finance Department of the Army under the direction of the Secretary of War. The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army: *Provided*, That officers who so desire may, upon application to the Quartermaster General, be furnished under their orders transportation requests for the entire journey by land, exclusive of sleeping and parlor car accommodations, or by water; and the transportation so furnished shall, if travel was performed under a mileage status, be a charge against the officer's mileage account, to be deducted at the rate of 3 cents per mile by the officer paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster Corps 3 cents per mile for transportation furnished, except over any railroad which is a free or 50 per centum land-grant railroad, for the credit of the appropriation for the transportation of the Army and its supplies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any 50 per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster Corps: *And provided further*, That when transportation is furnished by the Quartermaster Corps, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the officer paying the same 3 cents per mile for the distance for which transportation has been or should have been furnished. (June 12, 1906, c. 3078, 34 Stat. 246.)

871. **Deductions for damage to arms, equipment, or implements.**—The cost of repairs or damages done to arms, equipment, or implements, shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier. (R. S. § 1303.)

872. **Deductions for deficiency of or injury to military supplies.**—In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies, the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part. (R. S. § 1304.)

873. **Deductions for laundry work and other necessaries for recruits.**—Traders and laundrymen at depots for recruits in the Army may furnish such recruits, on credit, with laundry work and such articles as may be necessary for their cleanliness and comfort, at a total cost not to exceed $7 in value per man. Pay rolls shall be made out showing the amounts the recruits respectively owe to the traders and laundrymen, and signed by them before leaving the depot, and the traders and laundrymen shall be paid on such rolls, the amount paid for each recruit to be noted accordingly on the service record of the recruit, in order that it may be withheld, after he joins his company, by the disbursing officer, at the first subsequent payment, under such rules and regulations as may be adopted by the War Department: *Provided*, That this provision shall apply only to recruits on their enlistment, and the credit shall only be allowed on the written order of the regular recruiting officer at said station. (June 30, 1882, c. 254, § 3, 22 Stat. 122.)

874. Deductions for excess of clothing allowance.—The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him every six months on the pay roll, or on his final statements, if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service. (R. S. § 1302.) And see section 833.

875. Deductions for articles purchased by enlisted men from Army stores on credit.—The amount due from any enlisted man for articles designated by the inspectors general of the Army, and sold to him on credit by officers of the Quartermaster Corps, shall be deducted from the payment made to him next after such sale shall have been reported to the Finance Department. (R. S. § 1300.)

876. Suspended sentence of dishonorable discharge; effect as to accrual of pay.—Pay and allowances shall not accrue to a soldier under sentence of dishonorable discharge, during such period as the execution of the sentence of discharge may be suspended under authority of the Articles of War, and pay which has heretofore been forfeited under such suspended sentence shall not be held to have accrued to the Soldiers' Home under the operation of section 44 of Title 24, but shall be covered back into the Treasury of the United States. (Mar. 4, 1915, c. 143, § 1, 38, Stat. 1065.)

877. Withholding pay of officers.—The pay of officers of the Army may be withheld under section 82 of Title 5 on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary of War. (July 16, 1892, c. 195, § 1, 27 Stat. 177.)

878. Final payment to officer on discharge; certificates of nonindebtedness to United States.—Officers who at any time were accountable or responsible for public property shall be required, before final payment is made to them on discharge from the service, to obtain certificates of nonindebtedness to the United States from only such of the bureaus of the War Department to which the property for which they were accountable or responsible pertains, and the certificate from the Chief of the Division of Bookkeeping and Warrants, Treasury Department, and such certificates, accompanied by the affidavits of officers, of nonaccountability or nonresponsibility to other bureaus of the War Department, certified to by the commanding officer of the regiment or independent organization, shall warrant their final payment: *Provided*, That officers who have not been responsible at any time for public property shall be required to make affidavit of that fact, certified to by their commanding officers, which shall be accepted as sufficient evidence to warrant their final payment on their discharge from the service. (Jan. 12, 1899, c. 46, § 2, 30 Stat. 784.)

ASSIGNMENT OF PAY; ALLOTMENTS

891. Assignments by commissioned officers.—All commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations and restrictions as the Secretary of War may prescribe. (Mar. 2, 1907, c. 2511, 34 Stat. 1159.)

892. Assignments by contract surgeons.—Contract surgeons and contract dental surgeons on duty in Alaska, Hawaii, the Philippine Islands, and Porto Rico may transfer or assign their pay accounts, when due and payable, in the methods now provided by regulations for commissioned officers of the Army. (Apr. 23, 1904, c. 1485, 33 Stat. 266.)

893. Assignments by noncommissioned officers and privates.—No assignment of pay by a noncommissioned officer or private previous to his discharge shall be valid. (R. S. § 1291.)

894. Allotments authorized.—The Secretary of War is authorized to permit, under such regulations as he may prescribe, any officer or enlisted man on the active list of the Army, any retired officer or enlisted man of the Army on active duty, and any permanent civilian employee under the jurisdiction of the War Department on duty outside of the continental limits of the United States, to make allotments of his pay for the support of his wife, children, or dependent relatives, or for such other purposes as the Secretary of War may deem proper. All allotments of pay of officers, enlisted men, and civilian employees that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments; and, if erroneous payment is made because of the failure of an officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Chief of Finance from the officer who fails to make such report, if such collection is practicable. Nothing herein shall be construed to invalidate allotments in force on October 6, 1917. (Oct. 6, 1917, c. 81, 40 Stat. 384.)

MISCELLANEOUS PROVISIONS

902. Pay and allowances of officer discharged and recommissioned in lower grade.—The discharge and recommission of officers in the next lower grade shall not operate to reduce the pay or allowances which they were receiving at the time of such discharge, or to deprive them of credit for service then counted for purposes of pay. (Sept. 14, 1922, c. 307, § 1, 42 Stat. 841.)

903. Allowance on death of officer or enlisted man to widow or person designated.—Hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Army or on the retired list when on active duty, the Chief of Finance of the Army shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of War shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Army: *Provided*, That nothing in this section shall be construed as making the provisions thereof applicable to officers or enlisted men of any forces or troops of the Army of the United States other than those of the Regular Army, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent appointments in the Regular Army: *And provided further*, That none of the funds appropriated for the purposes of this section shall be used for the payment of such six months' pay to any married child or unmarried child over twenty-one years of age of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man. (Dec. 17, 1919, c. 6, §§ 1, 2, 41 Stat. 367; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1385.) See section 308 of this title as to death by aviation accident.

904. Uniforms, accouterments, and equipment for officers at cost.—Uniforms, accouterments, and equipment shall, upon the

request of any officer of the Army, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of War may prescribe. (Aug. 31, 1918, c. 166, § 9, 40 Stat. 957.)

905. Right of Army musicians to furnish music in competition with civilian musicians.—Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians. (May 11, 1908, c. 163, 35 Stat. 110.)

906. Deposit of soldiers' savings.—Any enlisted man of the Army may deposit his savings, in sums not less than $5, with any finance officer, who shall furnish him a deposit book, in which shall be entered the name of the finance officer and of the soldier, and the amount, date, and place of such deposit. The amount so deposited shall be accounted for in the same manner as other public funds, and shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man on discharge from the service shall be made out of the fund created by said deposits, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposits be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same. (R. S. § 1305; June 12, 1906, c. 3078, 34 Stat. 246.)

907. Interest on deposits.—For any sums not less than $5 so deposited for the period of six months, or longer, the soldier, on his final discharge, shall be paid interest at the rate of 4 per centum per annum. (R. S. § 1306; Mar. 3, 1883, c. 93, § 1, 22 Stat. 456.)

908. Regulations governing deposits.—The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War. (R. S. § 1307.)

909. Dependents defined.—See Title 37, PAY AND ALLOWANCES, section 4.

910. Reduction of pay; provision against.—See Title 37, PAY AND ALLOWANCES, section 16.

911. Application of title to certain persons serving with Army but not as commissioned officers.—See Title 37, PAY AND ALLOWANCES, section 1.

912. Particular provisions in force.—Nothing in this chapter of this title shall operate to change in any way provisions of this title, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men; nor additional pay for aides; nor extra pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress. (June 10, 1922, c. 212, § 21, 42 Stat. 633.)

913. Free tuition for soldiers in schools in District of Columbia.—Soldiers of the United States not residents of the District of Columbia who are on duty at stations adjacent to the District of Columbia shall be admitted for special instruction to the day schools and night schools of the District of Columbia without payment of tuition. (Mar. 28, 1918, c. 28, § 1, 40 Stat. 470.)

914. Free tuition in schools for children of officers and men.—The children of officers and men of the United States Army stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition. (Mar. 3, 1925, c. 477, § 1, 43 Stat. 1233.)

915. Allowance to Indian scouts for horses.—Indian scouts, when they furnish their own horses and horse-equipments, shall be entitled to receive 40 cents per day for their use and risk so long as thus employed. (Aug. 12, 1876, c. 263, 19 Stat. 131.)

Chapter 26.—RETIREMENT.

RETIREMENT FOR INCAPACITY

Sec.
931. Retirement wholly from service or from active service only.
932. Failure of officer to pass physical examination for promotion.
933. Disability found by retiring board to be incident of service.
934. Disability found by retiring board not to be incident of service.
935. Periodical examination of officers retired for disability.
936. Restoration of retired officers to active list.

RETIREMENT FOR AGE OR LENGTH OF SERVICE

941. Right to retirement after forty years of commissioned service.
942. Right of officer to retirement after forty years of military service.
943. Right of officer to retirement after thirty years of service.
944. Power of President to order retirement of officer forty-five years in service or at age of sixty-two.
945. Compulsory retirement of officers when sixty-four years old.
946. Right of officer to retirement in rank above colonel.
947. Right of enlisted men to retirement.

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

951. Service in provisional or temporary forces.
952. Period of cadetship at Military or Naval Academy.
953. Service credits of officers discharged and recommissioned in lower grade.
954. Service by enlisted men as commissioned officers of Philippine Scouts.
955. Temporary commissioned service by enlisted men.
956. Double credits for foreign service by enlisted men.

RETIRING BOARDS

961. Composition of board.
962. Oath of members of board.
963. Inquiry into and determination of facts.
964. Finding cause of incapacity.
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RETIRED PAY

971. Rate of pay of retired officers.
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RETIREMENT FOR INCAPACITY

Section 931. Retirement wholly from service or from active service only.—When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided. (R. S. § 1245.)

932. Failure of officer to pass physical examination for promotion.—Should an officer fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in line of duty he shall be retired with the rank to which his seniority entitled him to be promoted. (Oct. 1, 1890, c. 1241, § 3, 26 Stat. 562.)

933. Disability found by retiring board to be incident of service.—When a retiring board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed on the list of retired officers. (R. S. § 1251.)

934. Disability found by retiring board not to be incident of service.—When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register. (R. S. § 1252.)

935. Periodical examination of officers retired for disability.—The Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from such disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 629.)

936. Restoration of retired officers to active list.—Retired officers of the Regular Army may be reappointed to the active list, if found competent for active duty, and shall be commissioned in the grades determined by the places assigned to them on the promotion list under the provisions of section 554 of this title. (June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

RETIREMENT FOR AGE OR LENGTH OF SERVICE

941. Right to retirement after forty years of commissioned service.—When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. (R. S. § 1243.)

942. Right of officer to retirement after forty years of military service.—When an officer has served forty years either as an officer or soldier in the regular or volunteer service, or both, he shall, if he make application therefor to the President, be retired from active service and placed on the retired list. (June 30, 1882, c. 254, § 1, 22 Stat. 118.)

943. Right of officer to retirement after thirty years of service.—When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be retired, and placed on the retired list. (R. S. § 1243.)

944. Power of President to order retirement of officer forty-five years in service or at age of sixty-two.—When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service at the discretion of the President. (R. S. § 1244.)

945. Compulsory retirement of officers when sixty-four years old.—When an officer is sixty-four years of age, he shall be retired from active service and placed on the retired list. (June 30, 1882, c. 254, § 1, 22 Stat. 118.)

946. Right of officer to retirement in rank above colonel.—No officer holding a rank above that of colonel shall be retired except for disability or on account of having reached the age of sixty-four years until he shall have served at least one year in such rank. (June 12, 1906, c. 3078, 34 Stat. 245.)

947. Right of enlisted men to retirement.—When an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list: *Provided*, That in computing the necessary thirty years' time all service in the Army, Navy, and Marine Corps shall be credited. (Mar. 2, 1907, c. 2515, § 1, 34 Stat. 1217.)

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

951. Service in provisional or temporary forces.—In determining rights of retirement of officers of the Regular Army, active duty performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, shall be credited to the same extent as service under a Regular Army commission. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

952. Period of cadetship at Military or Naval Academy.—In computing for any purpose the length of service of any officer of the Army who was appointed to the United States Military Academy or the United States Naval Academy after August 24, 1912, the time spent at either academy shall not be counted. (June 7, 1924, c. 291, Title I, 43 Stat. 481; Feb. 12, 1925, c. 225, Title I, 43 Stat. 896.)

953. Service credits of officers discharged and recommissioned in lower grade.—The discharge and recommission of officers in the next lower grade shall not operate to deprive them of credit for service counted at the time of such discharge for purposes of retirement. (Sept. 14, 1922, c. 307, § 1, 42 Stat. 841.)

954. Service by enlisted men as commissioned officers of Philippine Scouts.—All enlisted men of the Regular Army who have been appointed commissioned officers of Philippine Scouts subsequent to March 2, 1903, and who, upon their muster out, have returned to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and they shall be entitled to all continuous service pay and to count, in computing the time necessary to enable them to retire, as enlisted men. (June 12, 1906, c. 3078, 34 Stat. 248.)

955. Temporary commissioned service by enlisted men.—In computing service for retirement, any enlisted man accepted

for reenlistment under the provisions of section 632 of this title, shall be credited with all time served with the forces of the United States, and his service shall be deemed continuous, notwithstanding the interruption thereof by the changes of status provided for in said section 632. (Mar. 30, 1918, c. 37, 40 Stat. 501.)

956. Double credits for foreign service by enlisted men.—In computing the length of service for retirement, credit shall be given soldiers for double the time of their actual service in China, Cuba, the Philippine Islands, the island of Guam, Alaska, and Panama; but double credit shall not be given for service rendered subsequent to April 23, 1904, in Porto Rico or the Territory of Hawaii, nor shall credit for double time for foreign service be given to those who enlisted after August 24, 1912: *Provided*, That nothing in this provision shall be so construed as to forfeit credit for double time accrued prior to August 24, 1912. (Apr. 23, 1904, c. 1485, 33 Stat. 264; Aug. 24, 1912, c. 391, § 1, 37 Stat. 575.)

RETIRING BOARDS

961. Composition of board.—The Secretary of War, under the direction of the President, shall, from time to time, assemble an Army retiring board, consisting of not more than nine nor less than five officers, two-fifths of whom shall be selected from the Medical Corps. The board, excepting the officers selected from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of. (R. S. § 1246.)

962. Oath of members of board.—The members of said board shall be sworn in every case to discharge their duties honestly and impartially. (R. S. § 1247.)

963. Inquiry into and determination of facts.—A retiring board may inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose. (R. S. § 1248.)

964. Finding cause of incapacity.—When the board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service. (R. S. § 1249.)

965. Revision by President.—The proceedings and decision of the board shall be transmitted to the Secretary of War, and shall be laid by him before the President for his approval or disapproval and orders in the case. (R. S. § 1250.)

966. Right of officers to hearing.—Except in cases where an officer may be retired by the President upon his own application, or by reason of his having served forty-five years, or of his being sixty-two years old, no officer shall be retired from active service, nor shall an officer, in any case, be wholly retired from the service without a full and fair hearing before an Army retiring board, if, upon due summons, he demands it. (R. S. § 1253.)

RETIRED PAY

CROSS REFERENCES

Pay of officers retired after being placed in Class B; see section 571 of this title.

Retired pay of officers of Philippine Scouts; see section 327 of this title.

971. Rate of pay of retired officers.—Officers retired from active service shall receive 75 per centum of the pay of the rank upon which they are retired. (R. S. § 1274.)

972. Basis for computing retired pay of officers and warrant officers; change of base pay as affecting previous retirements.—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay computed as authorized by section 681 on the basis of pay provided in section 672 of this title: *Provided*, That nothing contained in this chapter or in chapter 26 of this title shall operate to reduce the pay of officers, warrant officers, and enlisted men on the retired list on June 30, 1922; and nothing contained in the first sentence of this section or in any other section of this chapter shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922: *Provided further*, That the pay saved to an officer by section 902 or 916 of this title shall be construed as the pay provided in chapter 26 of this title for the purpose of computing retired pay. (June 10, 1922, c. 212, §§ 1, 17, 42 Stat. 625, 632; May 31, 1924, c. 224, § 6, 43 Stat. 252.)

973. Pay and allowances of retired officers, warrant officers, and men on active duty.—Retired officers of the Army below the grade of brigadier general and retired warrant officers and enlisted men shall, when on active duty, receive full pay and allowances. (June 10, 1922, c. 212, § 17, 42 Stat. 632.)

974. Active duty by retired officer counted in computing retired pay.—Any retired officer of the Army who has been detailed to active duty and who has since his retirement served on active detail shall be entitled to increases of longevity pay, to be computed as provided by law for the computation of longevity pay, for the time of his service before retirement and on active detail since his retirement. (May 12, 1917, c. 12, 40 Stat. 48.)

975. Attendance on course of preparatory instruction pursuant to detail under section 386 or 1181 as active duty.—Duty performed by retired officers of the Regular Army, pursuant to War Department orders issued under section 386 or section 1181 of this title, respectively, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of sections 973 and 974 of this title. (Mar. 3, 1925, c. 411, § 2, 43 Stat. 1099.)

976. Ratification of administrative action as to pay of officers on duty mentioned in next preceding section.—Any administrative action taken prior to March 3, 1925, by the War Department dependent for validity upon the construction of sections 973 and 974 of this title mentioned in the next preceding section, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and any pay otherwise due to any retired officers of the Regular Army but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable. (Mar. 3, 1925, c. 411, § 5, 43 Stat. 1100.)

977. Retired pay of certain warrant officers of Mine Planter Service.—Warrant officers of the Army Mine Planter Service retired in reducing the strength of the Army in 1922 shall receive retired pay at the rate of 2½ per centum of their active pay, multiplied by the number of complete years of such service, in case of those of less than twenty years' service, and at the rate of 3 per centum of their active pay, multiplied by the number of complete years of such service, in the case of those of more than twenty years' service, not exceeding 75 per centum of their active pay: *Provided*, That in computing longevity pay under the provision of this section service on boats in the service of the Quartermaster Department as well as service in the Regular Army shall be counted. (Mar. 3, 1925, c. 413, 43 Stat. 1101.)

978. Pay of officers retired in reduction of commissioned personnel.—The pay of officers retired in the reduction of the commissioned personnel in the year 1922 shall, in case of those of more than ten years' and less than twenty years' commissioned service, be at the rate of 2½ per centum of their active pay multiplied by the number of complete years of such

commissioned service; and in case of those of more than twenty years' commissioned service be at the rate of 3 per centum of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per centum. (June 30, 1922, c. 253, Title I, 42 Stat. 722.)

979. Pay of officer retired as warrant officer in lieu of discharge with one year's pay.—Any officer of less than ten years' commissioned service but of more than twenty years' service accredited toward retirement or for increased pay for length of service, having elected retirement as a warrant officer in lieu of discharge with one year's pay in the reduction of the commissioned personnel of the Army in the year 1922, shall receive retired pay at the rate of 2 per centum of the pay of a warrant officer multiplied by the number of years of such accredited service. (June 30, 1922, c. 253, Title I, 42 Stat. 723.)

980. Rate of pay of retired enlisted men.—When an enlisted man is placed on the retired list, pursuant to section 947 of this title, he shall receive 75 per centum of the pay and allowances he may then be in receipt of, and said allowances shall be as follows: $9.50 per month in lieu of rations and clothing and $6.25 per month in lieu of quarters, fuel, and light. (Mar. 2, 1907, c. 2515, § 1, 34 Stat. 1217.)

981. Retired enlisted men with commissioned service in World War.—Retired enlisted men of the Army who served honorably as commissioned officers of the Army of the United States at some time between April 6, 1917, and November 11, 1918, shall be entitled to receive the pay of retired warrant officers of the Army: *Provided*, That such enlisted men retired prior to July 1, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired prior to that date, and that any such enlisted man retired subsequent to June 30, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired subsequent to that date: *Provided further*, That nothing in this section shall operate to prevent any person from receiving the pay and allowances of his grade, rank, or rating on the retired list when such pay and allowances exceed the pay to which he would be entitled under this section by virtue of his commissioned service. (June 6, 1924, c. 275, § 8, 43 Stat. 472.)

982. Computation of retired pay of enlisted men.—On and after July 1, 1922, retired enlisted men of the Army shall have their retired pay computed as authorized by law on the basis of pay provided in this chapter of this title. (June 10, 1922, c. 212, § 9, 42 Stat. 629.)

ACTIVE DUTY BY RETIRED OFFICERS

CROSS REFERENCES

Detail of retired officers as instructors of Reserve Officers' Training Corps; see section 386 of this title.

Detail of retired officers as professors in colleges; see section 1181 of this title.

What constitutes active duty for pay purposes; see section 974, et seq., of this title.

991. Duties to which retired officers may be assigned generally.—The Secretary of War may assign retired officers of the Army, with their consent, to active duty in recruiting, for service in connection with the Organized Militia in the several States and Territories upon the request of the governor thereof, as military attachés, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with troops; and such officers while so assigned shall receive the full pay and allowances of their respective grades. (Apr. 23, 1904, c. 1485, 33 Stat. 264.)

992. Recall of retired officers to active duty in time of war.—In time of war retired officers may be employed on active duty in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grades. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

993. Assignment to duty with Quartermaster Corps.—Assignments which have been or may hereafter be made of retired officers of the Army to active duty as acting quartermasters shall be regarded as assignments to staff duties not involving service with troops within the meaning of section 901 of this title. (May 12, 1917, c. 12, 40 Stat. 48.)

994. Assignment to duty as road commissioners for Alaska.—Hereafter the Secretary of War may, in his discretion, assign suitable retired officers of the Army to active duty as members of the board of road commissioners for Alaska, and in the case of any officer so assigned the provisions of so much of section 991 of this title as relates to the assignment of retired officers to active duty shall apply. (Mar. 3, 1911, c. 209, 36 Stat. 1052.)

995. Assignment to command of post temporarily without officers.—When by reason of the movement of troops a post is temporarily left without its regular garrison and with no commissioned officer on duty thereat, the Secretary of War may assign a retired officer of the Army, with his consent, to active duty in charge of such post. The officer so assigned shall perform the duties of commanding officer and also any necessary staff duties at such post, and shall, while in the performance of such duties, receive the full pay and allowances of his grade, subject to the limitations imposed by section 973 of this title. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 627.)

996. Assignment to duty at Soldiers' Home.—Retired officers of the Army may be assigned to duty at the Soldiers' Home. (R. S. § 1259; Feb. 27, 1877, c. 69, § 1, 19 Stat. 243; Mar. 3, 1883, c. 134, § 7, 22 Stat. 565.)

997. Eligibility to duty as engineer officers.—When retired officers of the Army, any portion of whose active service was in the Corps of Engineers, are called back into active service they shall be eligible to fill any position required by law to be filled by an officer of the Corps of Engineers. (June 15, 1917, c. 31, 40 Stat. 231.)

998. Detail of retired officer as adjutant general of District of Columbia Militia.—The President of the United States may detail as adjutant general of the District of Columbia Militia any retired officer of the Army who may be nominated to the President by the brigadier general commanding the District of Columbia Militia, said retired officer while so detailed to have the active service pay and allowances of his rank in the Regular Army. (June 6, 1900, c. 811, 31 Stat. 671.)

999. Status of retired officers on active duty.—When any retired officer of the Army is, in the discretion of the President, employed on active duty and assigned to duty in an arm, corps, department, or organization, he shall, for all purposes, except promotion, be considered an officer of such arm, corps, department, or organization while so serving, and shall be an extra number therein. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893.)

PROMOTION OF OFFICERS ON RETIRED LIST

1011. Active duty performed by retired officers.—Except as provided in the next following section any retired officer, who has been detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of colonel, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed to active duty since his retirement. (June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

1012. Active duty performed after June 30, 1922.—Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. (June 10, 1922, c. 224, § 6, 43 Stat. 252.)

1013. Active duty prior to July 1, 1922; attendance on course of preparatory instructions.—Duty performed prior to July 1, 1922, by retired officers of the Regular Army and duty performed prior to June 10, 1922, by retired officers of the Philippine Scouts, pursuant to War Department orders issued or purporting to have been issued under sections 386 or 1181, respectively, of this title, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of promotion of such retired officers on the retired list, within the meaning of sections 1011 and 1012 of this title. (Mar. 3, 1925, c. 411, § 4, 43 Stat. 1100.)

1014. Commissions to officers promoted on retired list.—Commissioned officers of the Army, Navy, and Marine Corps on the retired list whose rank has been or shall hereafter be advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank. (Mar. 4, 1911, c. 266, 36 Stat. 1354.)

MISCELLANEOUS PROVISIONS

1021. Number of retired officers on limited list.—The whole number of officers of the Army on the retired list shall not at any time exceed three hundred and fifty, and any less number to be allowed thereon may be fixed by the President in his discretion: *Provided*, That officers who have been placed on the retired list by special authority of Congress and officers retired for physical disability shall not form part of the limited retired list established hereby. (R. S. § 1258; Feb. 16, 1891, c. 238, 26 Stat. 763; Sept. 17, 1919, c. 61, 41 Stat. 286.)

1022. Transfers from limited to unlimited list.—When officers who have been placed on the limited retired list as established by section 1021 of this title, shall have attained the age of sixty-four years they shall be transferred from said limited retired list to the unlimited list of officers retired by operation of law because of having attained said age of sixty-four years. (Feb. 16, 1891, c. 238, 26 Stat. 763.)

1023. Rights and liabilities of retired officers.—Officers retired from active service shall be entitled to wear the uniform of the rank on which they may be retired. They shall continue to be borne on the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach thereof. (R. S. § 1256.)

1024. Status of retired officers.—Officers retired from active service shall be withdrawn from command and from the line of promotion. (R. S. § 1255.)

1025. Rank on retirement generally.—Officers retired from active service shall be retired upon the actual rank held by them at the date of retirement. (R. S. § 1254.)

1026. Rank on retirement after service as chief.—Any officer who shall have served four years as chief of a branch, and who may subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the grade held by him as such chief. (June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762.)

1027. Advanced rank for service on Panama Canal.—Such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank for such service by any provision of law, shall be advanced one grade in rank upon retirement. (Mar. 4, 1915, c. 167, § 3, 38 Stat. 1191.)

1028. Right to retirement for service on Panama Canal.—Any officer of the Army to be benefited by the provisions of section 1027 of this title, may at any time, on his own application, be retired by the President at 75 per centum of the pay of the rank upon which he is retired. (Mar. 4, 1915, c. 167, § 6, 38 Stat. 1191.)

Chapter 27.—MILITARY ACADEMY.

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SUPERVISION AND GOVERNMENT OF ACADEMY GENERALLY

1041. Supervision of the academy.—The supervision and charge of the academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty. (R. S. § 1331.)

1042. Immediate government and military command.—The superintendent and, in his absence, the next in rank, shall have the immediate government and military command of the academy, and shall be commandant of the military post of West Point. (R. S. § 1311.)

1043. Course of instruction.—The course of instruction at the United States Military Academy shall be four years. (Mar. 30, 1920, c. 112, 41 Stat. 548.)

1044. Suspension of academic duties on Sunday.—The Secretary of War shall so arrange the course of studies at the academy, that the cadets shall not be required to pursue their studies on Sunday. (R. S. § 1324.)

BOARD OF VISITORS

1051. Creation of board.—There shall be appointed every year a Board of Visitors to the Military Academy. (R. S. § 1327; Aug. 9, 1912, c. 275, 37 Stat. 257.)

1052. Composition of board; mode of appointment.—The Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof. (Aug. 9, 1912, c. 275, 37 Stat. 257.)

1053. Duties of visitors.—It shall be the duty of the Board of Visitors to inquire into the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the academy. The visitors shall report to Congress, within twenty days after the meeting of the session next succeeding the time of their appointment, their action as such visitors, with their views and recommendations concerning the academy. (R. S. § 1328; Aug. 9, 1912, c. 275, 37 Stat. 257.)

1054. Visitations; expenses of visitors.—The members of the board appointed as provided in the next preceding section shall visit the Military Academy annually at such time as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately as the said committees may elect during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board not to exceed $5 per day and their actual expenses of travel by the shortest mail routes. (Aug. 9, 1912, c. 275, 37 Stat. 257.)

MILITARY AND ACADEMIC STAFF

1061. Enumeration of officers and faculty.—The United States Military Academy at West Point, in the State of New York, shall be constituted as follows: There shall be one superintendent; one commandant of cadets; one senior instructor in the tactics of artillery; one senior instructor in the tactics of cavalry; one senior instructor in the tactics of infantry; one professor and one assistant professor of civil and military engineering; one professor and one assistant professor of natural and experimental philosophy; one professor and one assistant professor of mathematics; one professor and one assistant professor of chemistry, mineralogy, and geology; one professor and one assistant professor of drawing; one adjutant; one master of the sword; and one teacher of music. (R. S. § 1309; Feb. 18, 1896, c. 22, 29 Stat. 8.)

1062. Selection and detail of officers.—The superintendent and commandant of cadets may be selected, and all other officers on duty at the academy may be detailed from any arm of the service. (R. S. § 1314.)

1063. Appointment of officers and professors.—The superintendent, the commandant of cadets, and the professors shall be appointed by the President. The assistant professors, acting assistant professors, and the adjutant shall be officers of the Army, detailed and assigned to such duties by the Secretary of War, or cadets, assigned by the superintendent, under the direction of the Secretary of War. (R. S. § 1313.)

1064. Eligibility of graduates to academic staff.—No graduate of the Military Academy shall be assigned or detailed to serve at said academy as a professor, instructor, or assistant to either within two years after his graduation. (July 26, 1894, c. 167, 28 Stat. 151.)

1065. Commandant of cadets.—The commandant of the cadets shall have the immediate command of the battalion of cadets, and shall be instructor in the tactics of artillery, cavalry, and infantry. (R. S. § 1312.)

1066. Local rank of superintendent and commandant of cadets.—The superintendent and the commandant of cadets, while serving as such, shall have, respectively, the local rank of colonel and lieutenant colonel of engineers. (R. S. § 1310.)

1067. Quartermaster and commissary for cadets.—That the Secretary of War be hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets, by whom all purchases and issues of supplies of all kinds for the cadets, and all provisions for the mess, shall be made, and that all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost; and such officer so assigned shall perform all the duties of purveying and supervision for the mess, as formerly done by the purveyor, without other compensation. (Aug. 7, 1876, c. 255, 19 Stat. 126.)

1068. Assistant to commissary of cadets.—The Secretary of War is hereby authorized to detail a quartermaster sergeant to act as assistant to the commissary of cadets. (June 30, 1882, c. 255, 22 Stat. 123.)

1069. Professor of ordnance and gunnery.—The position of one professor of ordnance and science of gunnery shall be filled by the detail of an officer of the Army, who, while so serving, shall have the title and status of other professors. (Mar. 2, 1907, c. 2508, 34 Stat. 1063.)

1070. Assistant professors of ordnance and gunnery.—One assistant professor is authorized for the department of ordnance and gunnery. (Mar. 3, 1911, c. 207, 36 Stat. 1016.)

1071. Professor of modern languages.—There shall be in the Military Academy one, and only one, professor of modern languages. (June 23, 1879, c. 35, § 4, 21 Stat. 34.)

1072. Associate professor of modern languages.—The Secretary of War shall assign an officer of the Army to the Mili-

tary Academy as associate professor of modern languages, and such officer, while so serving, shall receive the pay and allowances of a major. (Mar. 3, 1903, c. 995, 32 Stat. 1012.)

1073. Professor of military hygiene.—Any officer detailed from the Medical Corps of the Army as senior medical officer of the post at the Military Academy, whose rank shall not be below that of lieutenant colonel, shall be the professor of military hygiene. (Apr. 19, 1910, c. 174, 36 Stat. 312.)

1074. Professor of law.—The Secretary of War may, in his discretion, assign any officer of the Army as professor of law. (June 1, 1880, c. 115, 21 Stat. 153.)

1075. Assistant professor of law.—There may be assigned to the department of law one assistant professor. (Jan. 16, 1895, c. 29, 28 Stat. 630.)

1076. Associate professor of mathematics.—There shall be appointed at the Military Academy from the Army, in addition to the professors authorized by the existing laws, an associate professor of mathematics. (Mar. 1, 1893, c. 186, 27 Stat. 515.)

1077. Professor of English and history.—The head of the department of English and history shall have the same status as the professors at the head of the other departments of instruction at the Military Academy, and the President of the United States is authorized, by and with the consent of the Senate, to appoint a civilian in the department of English and history, United States Military Academy, a professor at the Military Academy, with the rank, pay, allowances, title, and status of the other professors: *Provided further*, That the provisions of law relating to retirement for disability in line of duty shall not apply in the case of this professor until after he shall have served fifteen years at the Military Academy. (Apr. 19, 1910, c. 174, 36 Stat. 312.)

1078. Assistant professors of English and history.—Two assistant professors shall be authorized in the department of English and history, one for English and one for history. (Aug. 9, 1912, c. 275, 37 Stat. 252.)

1079. Rank and right of command of academic staff.—The professors and the associate professor of the United States Military Academy shall have the actual rank in the United States Army assigned to them by assimilation in the regulations of the Military Academy prescribed by the President of the United States, and they shall exercise command only in the academic department of the United States Military Academy. (June 28, 1902, c. 1300, 32 Stat. 409.)

1080. Retirement of professors.—The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army. (R. S. § 1333.)

1081. Right of academic staff to command in Army.—The academic staff as such shall not be entitled to any command in the Army separate from the academy. (R. S. § 1314.)

1082. Custodian of gymnasium.—The custodian of gymnasium shall be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule 2, clause 3, civil-service rules, who shall be qualified to act as trainer for the various cadet athletic teams. (Mar. 3, 1911, c. 207, 36 Stat. 1019.)

1083. Chaplain.—The duties of chaplain at the Military Academy shall be performed by a clergyman to be appointed by the President for a term of four years, and the said chaplain shall be eligible for reappointment for an additional term or terms. (Feb. 18, 1896, c. 22, 29 Stat. 8.)

1084. Filling vacancies.—The President of the United States is authorized to fill any vacancy occurring at said academy by reason of death, or other cause, of any person appointed by him. (Mar. 3, 1875, c. 135, § 1, 18 Stat. 466.)

1085. Master of the sword.—The master of the sword shall act as instructor of military gymnastics and physical culture at the Military Academy, and shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a major: *Provided, however*, That whenever a vacancy shall occur in the office of master of the sword and instructor of military gymnastics and physical culture the said office shall cease and determine, and the duties thereunto pertaining shall thereafter be performed by an officer of the line of the Army to be selected for that purpose by the Secretary of War. (Mar. 2, 1901, c. 804, 31 Stat. 914; May 29, 1917, c. 22, 40 Stat. 90.)

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CADETS

1091. Number, territorial distribution, and appointment.—The Corps of Cadets of the United States Military Academy shall consist of two from each congressional district, two from each Territory, four from the District of Columbia, two from natives of Porto Rico, four from each State at large, and eighty-two from the United States at large, twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as "honor schools," upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department, and two of whom shall be selected from persons recommended by the Vice President. They shall be appointed by the President and shall, with the exception of the eighty-two appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed. (July 9, 1918, c. 143, subchapter XXII, 40 Stat. 894.)

1092. Appointment of enlisted men of Regular Army and National Guard.—The President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men in number as nearly equal as practicable of the Regular Army and the National Guard between the ages of nineteen and twenty-two years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed one hundred and eighty at any one time. (May 4, 1916, c. 110, § 2, 39 Stat. 62.)

1093. Filipino cadets authorized.—The Secretary of War is hereby authorized to permit not exceeding four Filipinos, to be designated, one for each class, by the Governor General of the Philippine Islands, to receive instruction at the United States Military Academy at West Point: *Provided*, That the Filipinos undergoing instruction, as herein authorized, shall receive the same pay, allowances, and emoluments as are authorized by law for cadets at the Military Academy appointed from the United States, to be paid out of the same appropriations: *And provided further*, That said Filipinos undergoing instruction on graduation shall be eligible only to commissions in the Philippine Scouts. And the provisions of section 1321, Revised Statutes, are modified in the case of the Filipinos undergoing instruction, so as to require them to engage to serve for eight years, unless sooner discharged, in the Philippine Scouts. (May 28, 1908, c. 214, 35 Stat. 441; Aug. 11, 1916, c. 314, 39 Stat. 493.)

1094. Age for admission.—Appointees shall be admitted to the academy only between the ages of seventeen and twenty-two years. (Mar. 30, 1920, c. 112, 41 Stat. 548.)

1095. Physical examination of candidates.—Any candidate designated as principal or alternate for appointment as cadet may present himself at any time for physical examination at West Point, New York, or other prescribed places, as may be designated by the Secretary of War. (Aug. 9, 1912, c. 275, 37 Stat. 252.)

1096. Examination as to preliminary education.—Appointees shall be examined under regulations to be framed by the Secretary of War before they shall be admitted to the academy and shall be required to be well versed in such subjects as he may, from time to time, prescribe. (Mar. 2, 1901, c. 804, 31 Stat. 911.)

1097. Time for admission to academy.—Cadets appointed to the Military Academy at West Point, New York, may be admitted on the 1st day of March in place of the 1st day of June. (Mar. 2, 1907, c. 2508, 34 Stat. 1063.)

1098. Appointment in advance of time of admission.—Cadets shall be appointed one year in advance of the time of their admission to the academy, except in cases where, by reason of death or other cause, a vacancy occurs which cannot be provided for by such appointment in advance; but no pay or other allowance shall be given to any appointee until he shall have been regularly admitted, as herein provided; and all appointments shall be conditional, until such provisions shall have been complied with. (R. S. § 1317.)

1099. Oath or affirmation on admission.—Each cadet shall, previous to his admission to the academy, take and subscribe an oath or affirmation in the following form:

"I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States."

And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service. (R. S. § 1320.)

1100. Failure of cadet to graduate with class as affecting admission of successor.—Whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor. (Mar. 30, 1920, c. 112, 41 Stat. 548.)

1101. Engagement for period of service.—Each cadet shall sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage to serve eight years unless sooner discharged. (R. S. § 1321.)

1102. Place and character of service.—Cadets shall be subject at all times to do duty in such places and on such service as the President may direct. (R. S. § 1323.)

1103. Reexamination of cadet found deficient in one subject.—Whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the academic board within ten days after being officially notified of such failure. The examination demanded shall be held within sixty days from the date of such application, and if the cadet being otherwise qualified shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be readmitted to the academy: *Provided*, That any cadet who fails to pass any required examination shall have no more than one reexamination. (Aug. 11, 1916, c. 314, 39 Stat. 493.)

1104. Effect of discharge for deficiency.—No cadet who is reported as deficient, in either conduct or studies, and recommended to be discharged from the academy, shall, unless upon recommendation of the academic board, be returned or reappointed, or appointed to any place in the Army before his class shall have left the academy and received their commissions. (R. S. § 1325.)

1105. Cadet battalion.—The Corps of Cadets shall be arranged into companies, according to the directions of the superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians. The corps shall be taught and trained in all the duties of a private soldier, noncommissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp. (R. S. § 1322.)

1106. Uniforms, accouterments, and equipment.—Uniforms, accouterments, and equipment shall, upon the request of any cadet at the Military Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of War may prescribe. (Aug. 31, 1918, c. 166, § 9, 40 Stat. 957.)

ENLISTED MEN

1111. Number of enlisted men in Engineer detachment.—There shall be maintained at the United States Military Academy an Engineer detachment, which shall consist of one first sergeant, one quartermaster sergeant, eight sergeants, ten corporals, two cooks, two musicians, thirty-eight first-class privates, and thirty-eight second-class privates: *Provided*, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army authorized by law. (Aug. 9, 1912, c. 275, 37 Stat. 254.)

1112. Number of enlisted men in general Army service and Cavalry detachments.—The detachments of enlisted men at the Military Academy, formerly designated as the general Army service (Quartermaster's Department), and the Cavalry detachment, shall be fixed at such numbers, not exceeding two hundred and fifteen enlisted men in both detachments, as in the opinion of the Secretary of War the necessities of the public service may from time to time require; but the number of enlisted men of the Army shall not be increased on account of the provision of this section. (Feb. 10, 1897, c. 214, 29 Stat. 519.)

PROPERTY, BUILDINGS, AND GROUNDS

1121. Purchase of supplies for departments of instruction.—All technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best. (June 30, 1922, c. 253, Title I, 42 Stat. 753; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1414.)

1122. Sale of surplus or unserviceable machinery, supplies, apparatus, etc.—When any machinery, apparatus, implements, supplies, or materials which have been heretofore or may hereafter be purchased or acquired from appropriations made for the support of the United States Military Academy are no longer needed or are no longer serviceable, they may be sold in such manner as the superintendent may direct; and that the proceeds shall be turned into the Treasury as miscellaneous receipts. (Mar. 4, 1919, c. 124, 40 Stat. 1347.)

1123. Charges for use of wharf and ferry slip.—The Secretary of War is authorized to have collected from vessels using the wharf and ferry slip at West Point, New York, such wharfage dues as he may deem just, reasonable, and necessary, the same to be paid at the time of landing to the post quartermaster or his authorized agent. (Mar. 4, 1915, c. 146, 38 Stat. 1137.)

1124. Proceeds of gas.—All proceeds of sales of gas shall be paid into the post fund. (Mar. 1, 1893, c. 186, 27 Stat. 520.)

1125. Memorial hall.—The memorial hall shall be a receptacle of statues, busts, mural tablets, and portraits of distinguished and deceased officers and graduates of the Military Academy, of paintings of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and to prevent the introduction of unworthy subjects into this hall the selection of each shall be made by

not less than two-thirds of the members of the entire academic board of the United States Military Academy, the vote being taken by ayes and nays and to be so recorded. (July 23, 1892, c. 237, § 6, 27 Stat. 263.)

1126. Buildings for religious worship.—The Secretary of War, in his discretion, may authorize the erection of a building for religious worship by any denomination, sect, or religion on the West Point Military Reservation: *Provided*, That the erection of such building will not interfere with the uses of said reservation for military purposes. Said building shall be erected without any expense whatever to the Government of the United States, and shall be removed from the reservation, or its location changed by the denomination, sect, or religious body erecting the same whenever, in the opinion of the Secretary of War, public or military necessity shall require it, and without compensation for such building or any other expense whatever to the Government. (July 8, 1898, c. 636, 30 Stat. 722.)

1127. Contingent fund.—All funds arising from the rent of the hotel on academy grounds, and other incidental sources, are hereby made a special contingent fund to be expended under the supervision of the superintendent of the academy, and he is required to account for the same annually, accompanied by proper vouchers to the Secretary of War. (May 1, 1888, c. 212, 25 Stat. 112.)

PAY AND ALLOWANCES

1131. Superintendent; commandant of cadets.—The Superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant colonel. (R. S. § 1334.)

1132. Adjutant.—The adjutant of the Military Academy shall have the pay of an adjutant of a Cavalry regiment. (R. S. § 1335.)

1133. Professors and instructors generally.—Each of the professors of the Military Academy whose service as professor at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors 10 per centum of their current yearly pay for each and every term of five years' service in the Army and at the academy: *Provided*, That such addition shall in no case exceed 40 per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army. (R. S. § 1336; June 23, 1879, c. 35, § 4, 21 Stat. 34.)

1134. Associate professor of mathematics.—The associate professor of mathematics shall have the pay and allowances of a major, and the position shall be filled by the detail of an officer from the Army at large. (Mar. 3, 1905, c. 1404, 33 Stat. 850.)

1135. Assistant professors; senior assistant instructors of tactics.—Each assistant professor and each senior assistant instructor of Cavalry, Artillery, and Infantry tactics shall receive the pay of a captain. (R. S. § 1337; Feb. 27, 1877, c. 69, § 1, 19 Stat. 244.)

1136. Assistant instructors of tactics commanding cadet companies.—The assistant instructors of tactics commanding cadet companies at West Point shall receive the same pay and allowances as assistant professors in the other branches of study. (Mar. 3, 1875, c. 135, 18 Stat. 467.)

1137. Chaplain.—The chaplain of the Military Academy shall, while serving, receive the same pay and allowances as are allowed to a captain mounted. (Feb. 18, 1896, c. 22, 29 Stat. 8.)

1138. Quarters, fuel, and light for civilian instructors.—The civilian instructors employed in the departments of modern languages and tactics shall be entitled to public quarters, fuel, and light. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 919.)

1139. Quarters, fuel, and light for chapel organist and choirmaster.—The chapel organist and choirmaster shall be entitled to public quarters when available and to the same allowances with respect to fuel and light as those of a second lieutenant when occupying public quarters. (Aug. 11, 1916, c. 314, 39 Stat. 497.)

1140. Military Academy band.—The teacher of music shall receive the pay and have the rank of a first lieutenant, not mounted; the enlisted band sergeant and assistant leader shall receive $972 per year; and of the enlisted musicians of the band, fifteen shall each receive $51 per month, fifteen shall receive $44 per month, and the remaining twenty shall each receive $38 per month, and each of the aforesaid enlisted men shall also be entitled to the clothing, fuel, rations, and other allowances of musicians of the Regular Army; and the said teacher of music, the band sergeant and assistant leader, and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other officers or enlisted men of the Army. (June 27, 1918, c. 108, 40 Stat. 623.)

1141. Overseer of waterworks.—From any appropriation that may be made for waterworks a sum not to exceed 75 cents per day may be paid as extra-duty pay to the overseer, when such overseer is a soldier detailed for that duty. (Mar. 2, 1901, c. 804, 31 Stat. 920.)

1142. Additional pay for enlisted men on special duty.—The noncommissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office, shall receive $50 a year additional pay. (R. S. § 1341.)

1143. Leave of absence granted by Secretary of War to superintendent.—The Secretary of War may grant the superintendent of the academy leave of absence without deduction from pay or allowances for the same period that the superintendent may grant leave of absence to other officers of the academy under the provisions of section 1144 of this title. (Aug. 9, 1912, c. 275, 37 Stat. 263.)

1144. Leaves of absence granted by superintendent.—Leaves of absence may be granted by the superintendent, under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the academy, for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances. (R. S. § 1330.)

1145. Leave of absence to constructing quartermaster.—The constructing quartermaster, United States Military Academy, is hereby exempted from all laws and regulations relative to employment and to granting leaves of absence to employees with pay while employed on construction work at the Military Academy. (June 30, 1922, c. 253, Title I, 42 Stat. 754; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1416; June 7, 1924, c. 291, Title I, 43 Stat. 505; Feb. 12, 1925, c. 225, Title I, 43 Stat. 919.)

1146. Pay and allowances of cadets.—Cadets at the Military Academy shall receive the same pay and allowances as are now or may be provided by law for midshipmen in the Navy. (June 10, 1922, c. 212, § 19, 42 Stat. 632.)

1147. Traveling expenses of candidates for cadetships.—The actual and necessary traveling expenses of candidates while proceeding from their homes to the Military Academy for qualification as cadets shall, if admitted, be credited to their accounts and paid after admission from the appropriation for the transportation of the Army and its supplies. (June 28, 1902, c. 1300, 32 Stat. 409.)

1148. Rations or commutation for cadets.—Cadets shall be entitled to one ration per day, or commutation therefor, such

commutation to be at the rate of $1.08 per ration. (June 28, 1902, c. 1300, 32 Stat. 409; May 28, 1908, c. 214, 35 Stat. 460; June 30, 1921, c. 33, § 1, 42 Stat. 77.)

1149. Credit to new cadets for clothing and equipment issue.—Each new cadet shall, upon admission to the United States Military Academy, be credited with the sum of $250 to cover the cost of his initial clothing and equipment issue, to be deducted subsequently from his pay. (June 30, 1921, c. 33, § 1, 42 Stat. 95.)

1150. Pay after graduation and before qualification under commission.—Every cadet who has graduated or may graduate at the West Point Military Academy, and who has been or may be commissioned a second lieutenant in the Army of the United States, under the laws appointing such graduates to the Army, shall be allowed full pay as second lieutenant from the date of his graduation to the date of his acceptance of and qualification under his commission and during his graduation leave, in accordance with the uniform practice which has prevailed since the establishment of the Military Academy. (Dec. 20, 1886, c. 2, 24 Stat. 351.)

MISCELLANEOUS PROVISIONS

1161. Military Academy band.—The Military Academy band shall hereafter consist of one teacher of music, who shall be the leader of the band, one enlisted band sergeant and assistant leader, and of fifty enlisted musicians. (June 27, 1918, c. 108, 40 Stat. 623.)

1162. Government publications furnished to library.—The library of the United States Military Academy is constituted a designated depository of Government publications, and the Superintendent of Documents shall supply one copy of said publications, in the same form as supplied to other depositories, to said library. (Jan. 12, 1895, c. 23, § 98, 28 Stat. 624.)

1163. Hazing.—The Superintendent of the United States Military Academy, subject to the approval of the Secretary of War, shall make appropriate regulations for putting a stop to the practice of hazing, such regulations to prescribe dismissal, suspension, or other adequate punishments for infractions of the same, and to embody a clear definition of hazing.

Any cadet who shall be charged with offenses under such regulations which would involve his dismissal from the academy shall be granted, upon his written request, a trial by a general court-martial, and any cadet dismissed from the academy for hazing shall not thereafter be reappointed to the Corps of Cadets nor be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. (Apr. 19, 1910, c. 174, 36 Stat. 323.)

Chapter 28.—SERVICE SCHOOLS, POST SCHOOLS, AND MILITARY INSTRUCTION IN EDUCATIONAL INSTITUTIONS.

Sec.
1171. Cavalry School at Fort Riley.
1172. Post and garrison schools for enlisted men.
1173. Second lieutenants assigned to Field Artillery School at Fort Sill for instruction.
1174. School detachments of enlisted men at service schools.
1175. Translator for Army service schools.
1176. Instruction of soldiers in addition to military training.
1177. Vocational training.
1178. Application by retired officer for detail as professor in college.
1179. Sale of Army stores to educational institutions.
1180. Military equipment for certain schools and colleges.
1181. Detail of officers, warrant officers, and enlisted men to certain schools and colleges.

Section 1171. Cavalry School at Fort Riley.—The Secretary of War is hereby authorized and directed to establish upon the military reservation at Fort Riley a permanent school of instruction for drill and practice for the Cavalry of the Army of the United States, and which shall be the depot to which all recruits for such service shall be sent. (Jan. 29, 1887, c. 72, § 1, 24 Stat. 372.)

1172. Post and garrison schools for enlisted men.—Schools shall be established at all posts, garrisons, and permanent camps at which troops are stationed, in which the enlisted men may be instructed in the common English branches of education, and especially in the history of the United States; and the Secretary of War may detail such officers and enlisted men as may be necessary to carry out this provision. It shall be the duty of the post or garrison commander to set apart a suitable room or building for school and religious purposes. (R. S. § 1231.)

1173. Second lieutenants assigned to Field Artillery School at Fort Sill for instruction.—Officers in the grade of second lieutenant in the Field Artillery may be assigned, for the period of one year, to batteries stationed at the School of Fire for Field Artillery at Fort Sill, Oklahoma, for the purpose of pursuing courses of practical instruction in Field Artillery. (May 12, 1917, c. 12, 40 Stat. 41.)

1174. School detachments of enlisted men at service schools.—From the enlisted force of the Army provided by law the President may authorize the organization of school detachments at each of the service schools, and may authorize the appointment therein of such noncommissioned officers, mechanics, artificers, farriers, horseshoers, and cooks as may be necessary for the administration of such school: *Provided*, That nothing herein shall be construed as to authorize an increase in the total number of enlisted men of the Army authorized by law. (Mar. 3, 1909, c. 252, 35 Stat. 733.)

1175. Translator for Army service schools.—Not exceeding $100 per month may be used for the payment of one translator, to be appointed by the commandant of the Army service schools with the approval of the Secretary of War. (May 12, 1917, c. 12, 40 Stat. 41.)

1176. Instruction of soldiers in addition to military training.—In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers. (June 3, 1916, c. 134, § 27, 39 Stat. 186.)

1177. Vocational training.—The Secretary of War may, in his discretion, in order to carry out the provision of section 1176 of this title authorizing vocational education for enlisted men consisting in either agriculture or the mechanic arts, select one or more and not exceeding three regiments of Infantry, Cavalry, or Field Artillery to be stationed at a regimental post within the continental limits of the United States on or before July 1, 1917, and may transfer from such regiment to other organizations any enlisted man or men who do not desire educational or vocational training and instruction such as is contemplated by said section and may transfer thereto from other organizations a number of enlisted men to be selected under such rules and regulations as he may prescribe who do desire such instruction and training or may receive recruits thereto sufficient to bring the enlisted strength of the regiment up to that authorized by law. During such part of the year begin-

ning July 1, 1917, and thereafter as the enlisted men of the regiment so selected shall not be engaged on field service or in field training they shall be under training or instruction nine hours of each day, or as near that number of hours as possible, Sundays and holidays excepted, at least three hours of each day to be devoted to military training and six hours of each day, or as nearly that as possible, to educational and vocational training and instruction such as is contemplated by said section. The educational and vocational training to be had under civilian instructors employed for that purpose under such rules and regulations as the Secretary of War shall prescribe. Said civilian instructors, as well as the discipline of the said post, shall be under the jurisdiction of the military authorities, under such rules and regulations as the Secretary of War may prescribe. (May 12, 1917, c. 12, 40 Stat. 59.)

1178. Application by retired officer for detail as professor in college.—Any retired officer may, on his own application, be detailed to serve as professor in any college. But while so serving such officer shall be allowed no additional compensation. (R. S. § 1260; Feb. 27, 1877, c. 69, § 1, 19 Stat. 242.)

1179. Sale of Army stores to educational institutions.—Under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor of military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, matériel of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added: *Provided*, That all moneys received from the sale of stores, supplies, matériel of war, and military publications to educational institutions to which an officer of the Army is detailed as professor of military science and tactics shall respectively revert to that appropriation out of which they were originally expended and shall be applied to the purposes for which they are appropriated by law. (July 17, 1914, c. 149, 38 Stat. 512.)

1180. Military equipment for certain schools and colleges.—The Secretary of War is authorized, under such regulations as he may prescribe, to issue such arms, tentage, and equipment as he shall deem necessary for proper military training to schools and colleges, other than those provided for in section 381 of this title, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

1181. Detail of officers, warrant officers, and enlisted men to certain schools and colleges.—The Secretary of War is authorized to detail such available active or retired officers, warrant officers, and enlisted men of the Regular Army as he may deem necessary to said schools and colleges, other than those provided for in section 381 of this title: *Provided*, That while so detailed they shall receive active pay and allowances: *Provided further*, That in time of peace retired officers, warrant officers, or enlisted men shall not be detailed under the provisions of this section without their consent. (June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

Chapter 29.—SUPPLIES, STORES, AND SERVICES.

PROCUREMENT OF STORES, SUPPLIES, AND SERVICES

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PROCUREMENT OF STORES, SUPPLIES, AND SERVICES

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Section 1191. Authority to make purchases, and so forth; settlement with contractors and purchasing agents.—All purchases and contracts for supplies or services for the military service shall be made by or under the direction of the chief officers of the Department of War. And all agents or contractors for supplies or services as aforesaid shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject, nevertheless, to the inspection and revision of the General Accounting Office. (R. S. § 3714; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

1192. Regulations governing purchase, transportation, storage, and distribution.—The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Quartermaster Corps of the Army, and the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store rent and storage necessary for the safe-keeping of all military stores and supplies. (R. S. § 219.)

1193. Supervisory authority of Assistant Secretary of War.—In addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under the direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs. Under the direction of the Secretary of War chiefs of branches of the Army charged with the procurement of supplies for the Army shall report direct to the Assistant Secretary of War regarding all matters of procurement. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764, 765.)

1194. Detail of officers and civilian employees to office of Assistant Secretary of War.—There shall be detailed to the office of the Assistant Secretary of War from the branches engaged in procurement such number of officers and civilian employees as may be authorized by regulations approved by the Secretary of War. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 765.)

1195. Manufacture at Government arsenals and factories.—The Assistant Secretary of War shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis. And all appropriations for manufacture of matériel pertaining to approved projects, which are placed with arsenals of Government-owned factories or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year. (June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 765.)

1196. Purchase of subsistence stores generally.—So much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations, and the proceeds of all sales of subsistence supplies shall hereafter be exempt from being covered into the Treasury and shall be immediately available for the purchase of fresh supplies. (Mar. 3, 1875, c. 131, § 1, 18 Stat. 410. See section 1281 of this title.)

1197. Purchase of exceptional subsistence stores for officers and enlisted men.—Exceptional articles of subsistence stores for officers and enlisted men, which are to be paid for by them, regardless of condition upon arrival at posts, may, under regulations to be prescribed by the Secretary of War, be obtained by open purchase without advertising. (Feb. 12, 1895, c. 83, 28 Stat. 658.)

1198. Stipulation in contract as to place of delivery of subsistence supplies.—Contracts for subsistence supplies for the Army, made by the Quartermaster General, on public notice, shall provide for a complete delivery of such articles, on inspection, at such places as shall be stipulated. (R. S. § 3715; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591; Apr. 27, 1914, c. 72, 38 Stat. 356.)

1199. Secrecy as to ordnance articles purchased.—Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient. (May 11, 1908, c. 163, 35 Stat. 125.)

1200. Letting contracts for quartermaster supplies; reports to Secretary of War.—All purchases of regular and miscellaneous supplies for the Army furnished by the Quartermaster Corps for immediate use shall be made by the officers of such corps branch, under direction of the Secretary of War, at the places nearest the points where they are needed, the conditions of cost and quality being equal: *Provided*, That all purchases of said supplies, except in cases otherwise provided for, and except in cases of emergency, which must be at once reported to the Secretary of War for his approval, shall be made by contract after public notice of not less than ten days for small amounts for immediate use, and of not less than from thirty to sixty days whenever, in the opinion of the Secretary of War, the circumstances of the case and conditions of the service shall warrant such extension of time. The award in every case shall be made to the lowest responsible bidder for the best and most suitable article, the right being reserved to reject any and all bids. (July 5, 1884, c. 217, 23 Stat. 109; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591.)

1201. Advertisement for proposals; considerations governing letting of contracts.—Except in cases of emergency or where it is impracticable to secure competition, or in cases otherwise provided for, the purchase of all supplies for the use of the various departments, and posts of the Army and of the branches of the Army service shall only be made after advertisement; and said supplies shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered. (Mar. 2, 1901, c. 803, 31 Stat. 905. See section 218 of Title 5.)

1202. Advertisement for quartermaster supplies; preference given to domestic products.—The Quartermaster Corps of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal, and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast, to the extent of the consumption required by the public service there. In advertising for Army supplies the Quartermaster Corps shall require

all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories; and the advertisements for such supplies shall be published in newspapers of the cities of San Francisco, in California, and Portland, in Oregon. (R. S. § 3716.)

1203. Advertisement not required for purchase of medical supplies.—So much of section 5 of Title 41 as requires advertisement before purchase shall not apply to the purchase of medicines and medical supplies for the Medical Department of the Army. (Feb. 27, 1893, c. 168, 27 Stat. 485.)

1204. Advertisement not required for purchase of motor ambulances.—The Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and materials for the Army. (June 5, 1920, c. 240, 41 Stat. 967.)

1205. Purchase or procurement of supplies or services in open market.—The purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed $500; but every such purchase exceeding $100 shall be promptly reported to the Secretary of War for approval, under such regulations as he may prescribe. (June 12, 1906, c. 3078, 34 Stat. 258.)

1206. Purchase of horses in open market.—When practicable, horses for public use in the Army shall be purchased in open market at all military posts or stations, when needed, within a maximum price to be fixed by the Secretary of War. (June 30, 1922, c. 253, Title I, 42 Stat. 731.)

1207. Marking supplies with name of contractor.—Every person who shall furnish supplies of any kind to the Army shall be required to mark and distinguish the same with the name of the contractor furnishing such supplies, in such manner as the Secretary of War may direct; and no supplies of any kind shall be received, unless so marked and distinguished. (R. S. § 3731.)

1208. Material for sacks for artillery cartridges imported free of duty.—When, in the opinion of the Secretary of War, it is necessary to purchase material abroad for the manufacture of sacks for artillery cartridges, it shall be admitted free of duty. (Mar. 15, 1898, c. 69, 30 Stat. 326.)

CONTRACTS REQUIRED TO BE IN WRITING

1221. Contracts of Quartermaster Corps.—Whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Quartermaster General, or by officers of the Quartermaster Corps authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Quartermaster General. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1078.)

1222. Contracts of Ordnance Department.—Whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief of Ordnance, or by officers under him authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties with their names at the end thereof. In all other cases contracts shall be prepared under such regulations as may be prescribed by the Chief of Ordnance. (Mar. 23, 1910, c. 115, 36 Stat. 261.)

1223. Contracts of Signal Corps.—Whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief Signal Officer, or by officers of the Signal Corps authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief Signal Officer. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 622.)

1224. Contracts of Medical Department.—Whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Surgeon General or by officers of the Medical Department authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties, but in all other cases contracts shall be prepared under such regulations as may be prescribed by the Surgeon General. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 639.)

1225. Contracts of Air Service.—Whenever contracts which are not to be performed within six months are made on behalf of the Government by the Chief of Air Service or by officers of the Air Service authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief of Air Service. (June 30, 1922, c. 253, Title I, 42 Stat. 737.)

SALES TO SOLDIERS, VETERANS, AND CIVILIAN EMPLOYEES

1231. Sale price of quartermaster supplies.—Authorized sales of clothing and other quartermaster supplies shall be for cash or on credit at the average current prices, plus all overhead costs, to be determined and fixed by the Secretary of War. (June 30, 1922, c. 253, Title I, 42 Stat. 729.)

1232. Sale of rations to officers in field.—Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any quartermaster, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Finance Department. (R. S. § 1145.)

1233. Sale of Navy stores to officers and men of Army.—The officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 630.)

1234. Sale of quartermaster property to officers of Navy and Marine Corps for use in public service.—Articles of serviceable quartermaster property may be sold by the Quartermaster General of the Army to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the Army. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1079.)

1235. Sale of subsistence stores to veterans receiving medical treatment.—Honorably discharged officers and enlisted men of the Army who are being cared for and are receiving medical treatment from the Public Health Service shall, while undergoing such care and treatment, be permitted to purchase subsistence stores and articles of other authorized supplies, except articles of the uniform, from the Army, Navy, and Marine Corps at the same price as charged the officers and enlisted men of the Army, Navy, and Marine Corps. (June 5, 1920, c. 240, 41 Stat. 976.)

1236. Sale of medical supplies to civilian employees.—Civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army. (Apr. 23, 1904, c. 1485, 33 Stat. 273.)

SALES, TRANSFERS, AND LOANS TO OTHER DEPARTMENTS, BUREAUS OR ORGANIZATIONS

Transfer of mounted equipment to metropolitan police, see section 214 of Title 5.

Transfer of motor vehicles to branches of Government service, see section 218 of Title 5.

1251. Transfer of surplus explosives to other departments of Government.—The Secretary of War is authorized to turn over on request from other executive departments of the Gov-

ernment, in his discretion, from time to time, without charge therefor, such ammunition, explosives, and other ammunition components as may prove to be or shall become surplus or unsuitable for the purposes of the War Department and as shall be suitable for use in the proper activities of other executive departments. (July 11, 1919, c. 8, subchapter IV, 41 Stat. 130.)

1252. Loan of tents.—No loan of tents shall be made except to the Grand Army of the Republic, the United Confederate Veterans, the United Spanish War Veterans, and to recognized organizations of veterans of the late World War by whatever name they may be known. (Mar. 2, 1913, No. 11, 37 Stat. 1025; July 26, 1919, c. 28, 41 Stat. 272.)

1253. Price charged for subsistence supplies.—When under the Army Regulations subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employees thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned, or by the employee to whom the sale is made. When the transaction is between two bureaus of the War Department the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the Quartermaster Corps and another executive department of the Government or employees thereof, the price to be charged shall include the contract or invoice price and 10 per centum additional to cover wastage in transit, and the cost of transportation. (Mar. 3, 1911, c. 209, 36 Stat. 1047.)

1254. Sale of medical supplies and equipment to Red Cross.—With the approval of the Secretary of War and at rates of charge of not less than the contract prices paid therefor plus 25 per centum to cover the cost of purchase, inspection, and so forth, the Medical Department of the Army may sell for cash to the American National Red Cross such medical supplies and equipments as can be spared without detriment to the military service. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1080.)

1255. Loan to Red Cross of articles required for instruction and practice.—The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of equipment for medical and other establishments on hand, belonging to the Government and which can be temporarily spared, such articles as may appear to be required for instruction and practice by organizations formed by the American National Red Cross, for the purpose of rendering aid to the Army and Navy in war. (May 8, 1914, No. 15, § 1, 38 Stat. 771.)

1256. Safe-keeping and return of articles loaned to Red Cross.—The regulations prescribed by the Secretary of War, in pursuance of the authority granted by section 1255 of this title, shall provide for the immediate return of the articles of equipment loaned the American National Red Cross when called for by the authority which issued them; and the Secretary of War shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required. (May 8, 1914, No. 15, § 2, 38 Stat. 771.)

1257. Transfer of material to Chief of Engineers.—The Secretary of War is authorized and empowered, in his discretion, to transfer, free of charge, to the Chief of Engineers, United States Army, for use in the execution, under his direction, of any civil work or works authorized by Congress, such material, supplies, instruments, vehicles, machinery, or other equipment pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes. (June 5, 1920, c. 252, § 8, 41 Stat. 1015.)

SALES OR LEASES TO PUBLIC

Sale of dental outfits, see section 212 of Title 5.

1261. Stores unsuitable for public service.—The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged, or unsuitable for the public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him. (R. S. § 1241.)

1262. Sale of surplus war material to States and foreign governments.—The Secretary of War is hereby authorized, in his discretion, to sell to any State or foreign government with which the United States is at peace, upon such terms as he may deem expedient, any matériel, supplies, or equipment pertaining to the Military Establishment, except foodstuffs, as or may be found to be surplus, which are not needed for military purposes and for which there is no adequate domestic market. (June 5, 1920, c. 240, 41 Stat. 949.)

1263. Real property required for Army storage.—The President is hereby authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to sell or lease real property or any interest therein or appurtenant thereto acquired by the United States of America since April 6, 1917, for storage purposes for the use of the Army, which in the judgment of the President or the head of such department is no longer needed for use by the United States of America, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate any such sale or lease. (July 11, 1919, c. 8, subchapter II, 41 Stat. 129.)

1264. Disposal of proceeds of sale or lease under section 1263.—All moneys received by the United States as the proceeds of any sale or lease under section 1263 of this title shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts" and a full report of the same shall be submitted annually to Congress. (July 11, 1919, c. 8, subchapter II, 41 Stat. 130.)

EXCHANGE AND INTERCHANGE OF PROPERTY

1271. Exchange of used machinery, etc., in part payment for new articles generally.—Sewing machines and other labor-saving machinery used in the manufacture of clothing and equipage, motor trucks and passenger-carrying vehicles, and band instruments, may be exchanged in part payment for new machines, vehicles, and instruments used for the same purpose as those proposed to be exchanged. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 635.)

1272. Motor vehicles, aircraft, etc.—Subject to the approval of the Secretary of War, motor-propelled vehicles, airplanes, engines, parts thereof, balloons, and appurtenances may be exchanged in part payment for new equipment of the same or similar character to be used for the same purposes as those proposed to be exchanged. (July 9, 1918, c. 143, 40 Stat. 849.)

1273. Typewriters and adding machines for Signal Corps.—The Signal Corps may exchange typewriters and adding machines in the purchase of similar equipment. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1064.)

1274. Interchange of supplies between Army and Navy.—The interchange without compensation therefor, of military stores, supplies, and equipment of every character, including real estate owned by the Government, is hereby authorized between the Army and the Navy upon the request of the head of one service and with the approval of the head of the other service. (July 11, 1919, c. 9, 41 Stat. 132.)

DISPOSAL OF PROCEEDS OF SALES, ETC.

1281. Proceeds of subsistence supplies and stores.—All moneys arising from sales of subsistence supplies or stores, authorized by law and regulations, shall be covered into the Treasury to the credit of the proper appropriation and shall remain available throughout the fiscal year following that in which the sales were effected, for the purposes of that appropriation from which such supplies or stores were authorized to

be supplied at the time of the sales. (Apr. 27, 1914, c. 72, 38 Stat. 361.) See section 1196 of this title.

1282. Proceeds of serviceable Signal Corps supplies.—All moneys arising from the disposition of serviceable Signal Corps supplies and equipment, authorized by law and regulations, shall constitute one fund on the books of the Treasury Department and be available during the fiscal year in which their disposition was effected and the year following, for the replacement of Signal Corps supplies and equipment. (Apr. 27, 1914, c. 72, 38 Stat. 353.)

1283. Proceeds of serviceable quartermaster's supplies and stores.—All moneys arising from disposition of serviceable quartermaster's supplies or stores other than subsistence supplies authorized by law and regulations, shall remain available throughout the fiscal year following that in which the disposition was effected, for the purposes of that appropriation from which such supplies were authorized to be supplied at the time of the disposition. (Mar. 23, 1910, c. 115, 36 Stat. 257.)

1284. Proceeds of material supplied to Army by Engineer Department.—The provision of section 1283 of this title, making moneys arising from the disposition of serviceable quartermaster material available for the purposes of the appropriation throughout the fiscal year following that in which the disposition was effected, is hereby extended to apply to material supplied to the Army by the Engineer Department. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893.)

1285. Proceeds of serviceable medical and hospital supplies.—All moneys arising from dispositions of serviceable medical and hospital supplies authorized by law and regulation shall constitute one fund on the books of the Treasury Department, which shall be available to replace medical and hospital supplies throughout the fiscal year in which the dispositions were effected and throughout the following fiscal year. (June 12, 1906, c. 3078, 34 Stat. 256.)

1286. Money from sale of ice, electric current, and laundry work.—All funds derived from the sale of ice or as receipts from the sale of electric current or laundry work under the appropriations of the Quartermaster Corps shall be deposited in the Treasury of the United States as miscellaneous receipts. (Nov. 4, 1918, c. 201, § 1, 40 Stat. 1028.)

1287. Proceeds of operation of public utilities.—In case of actual or threatened hostilities, any proceeds received from the operation of a public utility, in connection with Engineer operations in the field overseas, shall be available for the purpose of such utility until the close of the fiscal year following that in which the proceeds are received, and a detailed report of such proceeds and application thereof shall be rendered to Congress on forms conforming as far as practicable to those used by American companies in reports to the Interstate Commerce Commission. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893.)

1288. Receipts from transfers of military stores to Insular Department of Philippines.—All funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred and the following year for the procurement of like military stores to replace those so transferred. (June 12, 1906, c. 3078, 34 Stat. 258.)

1289. Deductions from carriers' accounts.—Moneys arising from deductions made from carriers on account of the loss of or damage to military stores in transit shall be credited to the proper appropriation or funds out of which such or similar stores shall be replaced. (Mar. 2, 1905, c. 1307, 33 Stat. 840.)

REPORTS, RETURNS, AND ACCOUNTING

1301. Regulations for accounting.—The accounting for Army supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 635.)

1302. Affidavit of company commander in examination of liability.—In settling the accounts of the commanding officer of a company for clothing and other military supplies, the affidavit of any such officer may be received to show the loss of vouchers or company books, or any matter or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident or lost in actual service, without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case. (Feb. 27, 1877, c. 69, § 1, 19 Stat. 241.)

1303. Power to administer oaths to officers settling accounts.—The Secretary of War is authorized to detail one or more of the employees of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster's stores, and ordnance, which oaths shall be administered without expense to the parties taking them. (R. S. § 225.)

MISCELLANEOUS PROVISIONS

1311. Use of surplus war material on civil works.—The Secretary of War is authorized and empowered, in his discretion, to transfer, free of charge, to the Chief of Engineers, United States Army, for use in the execution, under his direction, of any civil work or works authorized by Congress, such material, supplies, instruments, vehicles, machinery, or other equipment pertaining to the Military Establishment as are or may be found to be surplus and no longer required for military purposes. (June 5, 1920, c. 252, § 8, 41 Stat. 1015.)

1312. Fidelity bonds required of certain officers.—All officers of the Quartermaster Corps, and Finance Department, the chief medical purveyor and assistant medical purveyors, and all storekeepers shall, before entering upon the duties of their respective offices, give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed. But the Quartermaster General shall not be liable for any money or property that may come into the hands of the subordinate officers of his department. (R. S. § 1191, Feb. 27, 1877, c. 69, § 1, 19 Stat. 243.)

1313. Waiver of bond.—The provisions of section 1312 of this title may, in the discretion of the Secretary of War, be waived in the cases of officers of the Quartermaster Corps who are not accountable for public funds or public property. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 626.)

1314. Renewal of bonds.—All disbursing officers of the Finance Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct. (R. S. § 1192.)

1315. Prohibition against officers dealing in quartermaster stores.—No officer belonging to the Quartermaster Corps, or doing the duty of a quartermaster or assistant quartermaster, shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors general of the Army, and furnished for sale to officers and enlisted men, or of tobacco furnished for sale to enlisted men, or of any other article intended for or appertaining to said department or service, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolu-

ment for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law. (R. S. §§ 1138, 1150.)

1316. Clothing and equipment of soldiers as Government property.—The clothes, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accouterments, so furnished, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same. The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift. (R. S. § 3748.)

1317. Arms, accouterments, etc., in possession of persons not soldiers.—The clothing, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima facie evidence of such sale, barter, exchange, pledge, loan, or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same. (R. S. § 1242.)

1318. Encouragement of breeding of horses for Army.—The Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes. He shall report annually to Congress at the commencement of each session, a statement of all expenditures under appropriations for horses for the Army and the United States Military Academy, and for the encouragement of the breeding of riding horses suitable for the Army, and full particulars of means adopted and carried into effect for the encouragement of the breeding of such horses. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 901.)

1319. Collecting forwarding charges on Government radiograms or telegrams.—The Signal Corps, in its operation of military telegraph lines, cables, or radio stations, is authorized in the discretion of the Secretary of War to collect forwarding charges due connecting commercial telegraph or radio companies for the transmission of Government radiograms or telegrams over their lines, and to this end, under such regulations as may be prescribed by the Secretary of War, it can present vouchers to disbursing officers for payment or file claims with the General Accounting Office for the amount of such forwarding charges. (May 12, 1917, c. 12, 40 Stat. 43; June 10, 1921, c. 18, 42 Stat. 23.)

1320. Orders for ordnance material deemed obligations.—All orders or contracts for manufacture of material pertaining to approved projects, which are placed with arsenals or other ordnance establishments and which are chargeable to armament of fortifications appropriations, shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers. (May 21, 1920, c. 194, § 6, 41 Stat. 613.)

Chapter 30.—MILITARY POSTS AND CAMPS; QUARTERS AND BARRACKS; TRAINING STATIONS.

Sec.

1331. Establishment of military posts.
1332. Location of military headquarters.
1333. Expenditures requiring approval of Secretary of War.
1334. Purposes of expenditures authorized at posts.
1335. Expenditures for post gardens and exchanges.
1336. Letting contracts for erection or repair of buildings, etc.
1337. Limit of cost of officers' quarters.
1338. Limit of cost of Artillery barracks and quarters for seacoast defenses.
1339. Authorization of permanent barracks or quarters and other structures.
1340. Quarters for hospital stewards; designation of posts and letting of contract.
1341. Reservation of public lands for aviation purposes.
1342. Donations of land for aviation fields and remount stations.
1343. Acquisition and improvement of North Island for aviation purposes.
1344. Land for permanent mobilization, training and supply stations.
1345. Rooms for post-office purposes at posts.
1346. Permission to Y. M. C. A. to erect buildings.
1347. Permission to Red Cross to erect buildings.
1348. Roads across and ferry landings on military reservations; driving animals across reservations.
1349. Licenses to take sand and gravel from Fort Douglas Military Reservation.
Abandoned military reservations, see Title 43.

Section 1331. Establishment of military posts.—No military post within the United States shall be established without the express authority of Congress. (Mar. 2, 1905, c. 1307, 33 Stat. 836.)

1332. Location of military headquarters.—When the economy of the service requires, the Secretary of War shall direct the establishment of military headquarters at points where suitable buildings are owned by the Government. (June 23, 1879, c. 35, § 8, 21 Stat. 35.)

1333. Expenditures requiring approval of Secretary of War.—No expenditure exceeding $5,000 shall be made upon any building or military post or grounds about the same without the approval of the Secretary of War, upon detailed estimates submitted to him. (May 12, 1917, c. 12, 40 Stat. 74.)

1334. Purposes of expenditures authorized at posts.—There may be expended from the appropriation for regular supplies the amounts required for the necessary equipments of the bakehouse to carry on post bakeries; for the necessary furniture, textbooks, paper, and equipments of the post schools; for the tableware and mess furniture for kitchens and mess halls; each and all for the use of the enlisted men of the Army. (June 13, 1890, c. 423, 26 Stat. 152.)

1335. Expenditures for post gardens and exchanges.—No money appropriated for the support of the Army shall be expended for post gardens or exchanges, but this proviso shall not be construed to prohibit the use by post exchanges of public buildings or public transportation when, in the opinion of the Quartermaster General, not required for other purposes. (July 16, 1892, c. 195, 27 Stat. 178.)

1336. Letting contracts for erection or repair of buildings, etc.—The erection, construction, and repair of all buildings and other public structures in the charge of the Quartermaster Corps shall, as far as may be practicable, be made by contract, after due legal advertisement. (Feb. 27, 1893, c. 168, 27 Stat. 484.)

1337. Limit of cost of officers' quarters.—No money appropriated for military posts shall be expended for the construction of quarters for officers of the Army, or for barracks and quarters for the artillery the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed, in the case of quarters of a general officer, the sum of $15,000, of a colonel or an officer above the rank of captain, $12,000, and of an officer of and below the rank of captain, $9,000. (June 25, 1910, c. 384, § 1, 36 Stat. 721.)

1338. Limit of cost of artillery barracks and quarters for seacoast defenses.—For the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not be expended at any one point more than $1,200 per man for each man required for one relief to man the guns at the post up to eighty-three men, the permanent strength of a company, on June 6, 1900, enlisted and commissioned, and for each man required beyond this number $600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure. (June 6, 1900, c. 791, § 1, 31 Stat. 624.)

1339. Authorization of permanent barracks or quarters and other structures.—Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed $20,000, shall be erected unless by special authority of Congress. It shall be the duty of all officers of the United States having any of the title papers (property purchased, or about to be purchased, for erection of public buildings) in their possession, to furnish them forthwith to the Attorney General. No public money shall be expended until the written opinion of the Attorney General shall be had. (R. S. § 1136; Feb. 27, 1877, c. 69, § 1, 19 Stat. 242.)

1340. Quarters for hospital stewards; designation of posts and letting of contracts.—The posts at which quarters for hospital stewards shall be constructed shall be designated by the Secretary of War, and such quarters shall be built by contract, after legal advertisement, whenever the same is practicable. (Feb. 27, 1893, c. 168, 27 Stat. 484.)

1341. Reservation of public lands for aviation purposes.—By order of the President any Government property or unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations or fields for testing and experimental work. (July 9, 1918, c. 143, 40 Stat. 848.)

1342. Donations of land for aviation fields and remount stations.—The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field and remount station, the terms of the donation also to authorize the use of the property donated for any other service of the United States which may hereafter appear desirable. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 622.)

1343. Acquisition and improvement of North Island for aviation purposes.—The provisions of section 255 of Title 40 shall not apply to the expenditure of any appropriations for improvements thereon for aviation purposes on North Island, in the harbor of San Diego, California, possession of the whole of which was taken by the President on behalf of the United States for use for national defense and in connection therewith as sites for permanent aviation stations for the Army and Navy and for aviation school purposes.

The Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the said island over and beyond any rights thereto in the United States to the District Court of the United States for the Southern District of California; the proceedings to be prosecuted in accordance with the laws of the State of California relating to the condemnation of property for public use. Either party may take an appeal from the judgment of such court direct to the Supreme Court of the United States within ninety days after such judgment is rendered. Upon the final ascertainment of the value of any right, title, or interest adjudged to be in any private claimants to the said island there shall be paid into court the value of the same as so determined, together with interest thereon at the rate of 6 per centum per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. The amount so paid shall by distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is appropriated therefor, to be disbursed under orders of the Secretary of War. (July 27, 1917, c. 42, 40 Stat. 247.)

1344. Land for permanent mobilization, training, and supply stations.—The Secretary of War is hereby authorized to accept for the United States from any person such tract or tracts of land suitable and desirable in his judgment for permanent mobilization, training, and supply stations and he is directed to investigate and report to Congress as soon as practicable what additional tracts are necessary for said purposes for use by the National Guard and by the Regular Army, and the probable cost of the same. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 623.)

1345. Rooms for post-office purposes at posts.—At all military posts where post offices have been established, the Secretary of War shall assign proper and suitable room or rooms for post-office purposes. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 629.)

1346. Permission to Y. M. C. A. to erect buildings.—Authority is given to the Secretary of War, in his discretion, to grant permission by revocable license to the International Committee of Young Men's Christian Associations of North America to erect and maintain, on the military reservations within the United States or its island possessions, such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require, under such regulations as the Secretary of War may impose. (May 31, 1902, c. 943, 32 Stat. 282.)

1347. Permission to Red Cross to erect buildings.—Authority is given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster. June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

1348. Roads across and ferry landings on military reservations; driving animals across reservations.—The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and Territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon. (July 5, 1884, c. 214, § 6, 23 Stat. 104.)

1349. Licenses to take sand and gravel from Fort Douglas Military Reservation.—The Secretary of War is hereby authorized to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation, Utah, to persons and corporations within said State, to be used for industrial and manufacturing purposes, at such reasonable prices as may be fixed by the Secretary of War. (May 5, 1920, c. 167, 41 Stat. 588.)

1350. Sale of intoxicating liquors.—The sale of or dealing in beer, wine or any intoxicating liquors by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States, is prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect. (Feb. 2, 1901, c. 192, § 38, 31 Stat. 758.)

Chapter 31.—TRANSPORTATION OF TROOPS AND SUPPLIES; ARMY TRANSPORT SERVICE.

Sec.
1361. Control of transportation systems in time of war.
1362. Preference to shipments of troops, etc.
1363. Control and supervision of transportation of troops, etc.
1364. Purchase of means of transportation by Quartermaster Corps.
1365. Vessels employed for transporting supplies for Army and Navy.
1366. Inspection of Army transports; detail of naval officers.
1367. Civilian passengers and commercial cargoes on Army transports in trans-Atlantic service.
1368. Commercial cargoes consigned to Guam on Army transports.
1369. Porto Rican officials carried on Army transports.
1370. Officers, etc., of Coast Guard Service and Y. M. C. A. secretaries and supplies carried on Army transports.
1371. Persons carried to Guam on Army transports.
1372. Sale of vessels in transport service.
1373. Discontinuance of transport service.
1374. Transportation of Army stores by private parties.
1375. Charges for transportation by land-grant railroads subject to regulation by Congress.
1376. Transportation without charge by certain land-grant railroads.

Section 1361. Control of transportation systems in time of war.—The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 645.)

1362. Preference to shipments of troops, etc.—In time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned. (Aug. 29, 1916, c. 417, 39 Stat. 604.)

1363. Control and supervision of transportation of troops, etc.—The transportation of troops, munitions of war, equipments, military property, and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint. (R. S. § 220.)

1364. Purchase of means of transportation by Quartermaster Corps.—Except as otherwise provided, all purchases of horses, mules, or oxen, wagons, carts, drays, ships and other seagoing vessels, also all other means of transportation, shall be made by the Quartermaster Corps, by contract, after due legal advertisement except in cases of extreme emergency. (July 5, 1884, c. 217, 23 Stat. 110; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591.)

1365. Vessels employed for transporting supplies for Army and Navy.—Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made as otherwise provided by law: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies. (Apr. 28, 1904, c. 1766, § 1, 33 Stat. 518.)

1366. Inspection of Army transports; detail of naval officers.—The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War. (R. S. § 1437.)

1367. Civilian passengers and commercial cargoes on Army transports in trans-Atlantic service.—In the joint discretion of the Secretary of War and chairman of the Shipping Board, and when space is available, civilian passengers and shipments of commercial cargo may be transported on Army transports in the trans-Atlantic service, at such times as space is not available on commercial lines, at rates not less than those charged by commercial steamship companies, between the same ports, for the same class of accommodations, the receipts from which shall be covered into the Treasury of the United States to the credit of miscellaneous receipts. (June 5, 1920, c. 240, 41 Stat. 960.)

1368. Commercial cargoes consigned to Guam on Army transports.—When there is cargo space available without displacing military supplies, transportation may be provided for merchandise of American production consigned to residents and mercantile firms of the island of Guam, rates and regulations therefor to be prescribed by the Secretary of War. (Mar. 3, 1911, c. 209, 36 Stat. 1051.)

1369. Porto Rican officials carried on Army transports.—When, in the opinion of the Secretary of War, accommodations are available, transportation on Army transports may be provided for the members and employees of the Porto Rican Government and their families on official business without expense to United States. (June 30, 1921, c. 33, § 1, 42 Stat. 81.)

1370. Officers, etc., of Coast Guard Service and Y. M. C. A. secretaries and supplies carried on Army transports.—Hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be furnished the officers, employees, and enlisted men of the Coast Guard Service, and their families without expense to the United States, and also secretaries and supplies of the Army and Navy department of the Young Men's Christian Association. (Mar. 3, 1911, c. 209, 36 Stat. 1051.)

1371. Persons carried to Guam on Army transports.—When, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawaiian governments, officers of the War Department, Members of Congress, other officers of the Government while traveling on official business, and without expense to the United States, for the families of those persons herein authorized to be transported, and when accommodations are available, transportation may be provided for general passengers to the island of Guam, rates, and regulations therefor to be prescribed by the Secretary of War. (Mar. 2, 1907, c. 2511, 34 Stat. 1170.)

1372. Sale of vessels in transport service.—No steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained. (Mar. 2, 1905, c. 1307, 33 Stat. 837.)

1373. Discontinuance of transport service.—No action looking to the discontinuance of the transport service shall be taken without further action of Congress. (Mar. 2, 1903, c. 975, 32 Stat. 939.)

1374. Transportation of Army stores by private parties.—All transportation of stores by private parties for the Army shall be done by contract, after due legal advertisement, except in cases of emergency, which must be at once reported to the Secretary of War for his approval. (July 5, 1884, c. 217, 23 Stat. 109.)

1375. Charges for transportation by land-grant railroads subject to regulation by Congress.—Payment shall be made at such rates as the Secretary of War shall deem just and reasonable and shall not exceed 50 per centum of the full amount of compensation, computed on the basis of the tariff or lower

special rates for like transportation performed for the public at large, for the transportation of property or troops of the United States over any railroad which under land-grant acts was aided in its construction by a grant of land on condition that said railroad shall be and remain a public highway for the use of the United States, and for which adjustment of compensation is required in accordance with decisions of the Supreme Court construing such land-grant acts, or over any railroad which was aided in its construction by a grant of land on condition that such railroad should be a post route and military road, subject to such regulations as Congress may impose restricting the charge for such Government transportation, and such payment shall be accepted as in full for all demands for such service. (June 7, 1924, c. 291, Title I, 43 Stat. 486.)

1376. Transportation without charge by certain land-grant railroads.—No money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road, for such transportation, nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States: *Provided*, That the foregoing provision shall not apply to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster General shall be satisfied that this condition has been faithfully complied with. (Mar. 3, 1875, c. 133, § 1, 18 Stat. 453.)

Chapter 32.—UNIFORM OF ARMY.

Sec.
1391. Power to prescribe uniform.
1392. Right of honorably discharged officers of volunteers to bear title and to wear uniform.
1393. Protection of the uniform.
1394. Right of honorably discharged veterans of World War to retain uniform.

Section 1391. Power to prescribe uniform.—The President may prescribe the uniform of the Army. (R. S. § 1296.)

1392. Right of honorably discharged officers of volunteers to bear title and to wear uniform.—All officers who have served during the rebellion or in the war with Spain, or since, as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. But these privileges shall not entitle any officer to command, pay, or emoluments. (R. S. § 1226; Feb. 2, 1901, c. 192, § 34, 31 Stat. 757.)

1393. Protection of the uniform.—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, Marine Corps, or Coast Guard: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War or the Secretary of the Navy may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, Marine Corps, or Coast Guard, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, Marine Corps, or Coast Guard, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, Marine Corps, or Coast Guard in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, Marine Corps, or Coast Guard: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War or the Secretary of the Navy to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, Marine Corps, or Coast Guard, or any insignia of rank similar thereto.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment. (June 3, 1916, c. 134, § 125, 39 Stat. 216; Aug. 29, 1916, c. 418, § 1, 39 Stat. 649; June 4, 1920, c. 228, § 8, 41 Stat. 836.)

1394. Right of honorably discharged veterans of World War to retain uniforms.—Any person who served in the United States Army, Navy, or Marine Corps in the World War may, upon honorable discharge and return to civil life, permanently

retain one complete suit of outer uniform clothing, including the overcoat, and such articles of personal apparel and equipment as may be authorized, respectively, by the Secretary of War or the Secretary of the Navy, and may wear such uniform clothing after such discharge: *Provided*, That the uniform above referred to shall include some distinctive mark or insignia to be prescribed, respectively, by the Secretary of War or the Secretary of the Navy, such mark or insignia to be issued, respectively, by the War Department or Navy Department to all enlisted personnel so discharged. The word "Navy" shall include the officers and enlisted personnel of the Coast Guard who have served with the Navy during the World War. The provisions of this section shall apply to all persons who served in the United States Army, Navy, or Marine Corps during the World War honorably discharged since April 6, 1917. (Feb. 28, 1919, c. 70, §§ 1, 2, 40 Stat. 1202, 1203.)

Chapter 33.—MILITARY DECORATIONS AND BADGES.

Sec.

1401. Rules and regulations governing awards of medals, etc.
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1422 Foreign decorations received before entering military service of United States.
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1425. Unlawful wearing, manufacture, or sale of medals, etc.
1426. Army corps badges for Civil War service.
1427. Right to wear badges of military societies.

Section 1401. Rules and regulations governing awards of medals, etc.—The President is authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this title relating to the award of medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices hereinafter provided for, and to execute the full purpose and intention thereof. (July 9, 1918, c. 143, 40 Stat. 872.)

1402. Medals of honor authorized.—Three thousand medals of honor shall be prepared, with suitable emblematic devices, upon the design of the medal of honor heretofore issued, or upon an improved design, together with appropriate rosettes or other insignia to be worn in lieu of the medal, and to be presented by direction of the President, and in the name of Congress, to such officers, noncommissioned officers, and privates as have most distinguished, or may most distinguish, themselves by their gallantry in action. (Apr. 23, 1904, c. 1485, 33 Stat. 274.)

1403. Acts justifying award of medal of honor.—The President is authorized to present, in the name of the Congress, a medal of honor only to each person who, while an officer or enlisted man of the Army, shall, in action involving actual conflict with an enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. (July 9, 1918, c. 143, 40 Stat. 870.)

1404. Award of medal of honor to Civil War veterans.—Whenever it shall appear from official records in the War Department that any officer or enlisted man of the Army so distinguished himself in action in the Civil War as to entitle him to the award of the congressional medal of honor, the fact that the person who so distinguished himself has since become separated from the military service, or that the award of the medal to him was not specifically recommended or applied for while he was in the said service, shall not be held to prevent the award and presentation of the medal to such person. (Apr. 23, 1904, c. 1485, 33 Stat. 274.)

1405. Rosettes or knots and ribbons for Civil War medal-of-honor men; replacement in case of loss, etc.—The Secretary of War is authorized to issue to any person to whom a medal of honor has been awarded, or may be awarded for meritorious conduct in the Civil War, a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the War Department is hereby made available for the purposes of this section: *Provided*, That whenever a ribbon issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor. (May 2, 1896, No. 51, 29 Stat. 473.)

1406. Distinguished-service crosses for extraordinary heroism in war.—The President is authorized to present, but not in the name of Congress, a distinguished-service cross of appropriate design and a ribbon, together with a rosette or other device, to be worn in lieu thereof, to any person who, while serving in any capacity with the Army of the United States since the 6th day of April, 1917, has distinguished, or who shall hereafter distinguish, himself or herself by extraordinary heroism in connection with military operations against an armed enemy. (July 9, 1918, c. 143, 40 Stat. 870.)

1407. Distinguished-service medals for exceptionally meritorious service.—The President is authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device, to be worn in lieu thereof, to any person who, while serving in any capacity with the Army of the United States since the 6th day of April, 1917, has distinguished, or who shall distinguish, himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility. (July 9, 1918, c. 143, 40 Stat. 870.)

1408. Distinguished-service medals in lieu of certificates of merit.—The distinguished-service medal shall be issued to all enlisted men of the Army to whom the certificate of merit has been granted up to and including the 9th day of July, 1918, under the provisions of previously existing law, in lieu of such certificate of merit. (July 9, 1918, c. 143, 40 Stat. 870.)

1409. Time limit on award of medals, crosses, etc.—Except as otherwise prescribed herein, no medals of honor, distinguished-service cross, distinguished-service medal, or bar or other suitable device in lieu of either of said medals or of said cross, shall be issued to any person after more than three years from the date of the act justifying the award thereof, nor unless a specific statement or report distinctly setting forth the distinguished service and suggesting or recommending official recognition thereof shall have been made at the

time of the distinguished service or within two years thereafter, nor unless it shall appear from official records in the War Department that such person has so distinguished himself as to entitle him thereto; but in case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award may nevertheless be made and the medal or cross or the bar or other emblem or device presented, within three years from the date of the act justifying the award thereof, to such representative of the deceased as the President may designate; but no medal, cross, bar, or other device, hereinbefore authorized, shall be awarded or presented to any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable; but in cases of officers and enlisted men in the Army on the 9th day of July, 1918, for whom the award of the medal of honor has been recommended in full compliance with then existing regulations but on account of services which, though insufficient fully to justify the award of the medal of honor, appear to have been such as to justify the award of the distinguished-service cross or distinguished-service medal hereinbefore provided for, such cases may be considered and acted upon under the provisions of this title authorizing the award of the distinguished-service cross and distinguished-service medal, notwithstanding that said services may have been rendered more than three years before said cases shall have been considered as authorized by this title but all consideration of and action upon any of said cases shall be based exclusively upon official records now on file in the War Department; and in the cases of officers and enlisted men in the Army on the 9th day of July, 1918, who have been mentioned in orders, then a part of official records, for extraordinary heroism or especially meritorious services, such as to justify the award of the distinguished-service cross or the distinguished-service medal hereinbefore provided for, such cases may be considered and acted on under the provisions of this title, notwithstanding that said act or services may have been rendered more than three years before said cases shall have been considered as authorized by this title, but all consideration of and action upon any said cases shall be based exclusively upon official records of the War Department. (July 9, 1918, c. 143, 40 Stat. 871.)

1410. Award of medals and crosses by commanding generals.—The President is authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to the commanding general of a separate army or higher unit in the field, the power conferred upon him by this title to award the medal of honor, the distinguished-service cross, and the distinguished-service medal. (July 9, 1918, c. 143, 40 Stat. 872.)

1411. Bars to be worn with medals or crosses; additional acts of valor.—No more than one medal of honor or one distinguished-service cross or one distinguished-service medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of a medal of honor or a distinguished-service cross or a distinguished-service medal, respectively, the President may award a suitable bar or other suitable device, to be worn as he shall direct. (Jan. 24, 1920, c. 55, § 1, 41 Stat. 398.)

1412. Star for gallantry not warranting medal or cross.—For each citation of an officer or enlisted man for gallantry in action, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter. (Jan. 24, 1920, c. 55, § 1, 41 Stat. 398.)

1413. Spanish War and Mexican border medals for members of National Guard.—The Secretary of War is authorized and directed to procure a bronze medal, with suitable device and ribbon, to be presented to each of the several officers and enlisted men, and families of such as may be dead, of the National Guard who, under the orders of the President of the United States, served not less than ninety days in the War with Spain, and who have received an honorable discharge from the service, and who served on the Mexican border in the years 1916 and 1917 and who are not eligible to receive the Mexican service badge heretofore authorized by the President: *Provided*, That such medals shall not be issued to men who have, subsequent to such service, been dishonorably discharged from the service or deserted. (July 9, 1918, c. 143, 40 Stat. 873.)

1414. Mexican border medals for service at points other than on Mexican border.—The Mexican border medal and ribbon issued to National Guard officers and enlisted men under the provisions of section 1413 of this title shall be issued to National Guard officers and enlisted men who at the same time served as such in the field under the call of the National Guard to such Mexican border service but were stationed for service at points other than on the Mexican border: *Provided*, That such medals shall not be issued to men who have subsequent to such service been dishonorably discharged from the service or deserted. (June 5, 1920, c. 240, 41 Stat. 973.)

1415. Medals for members of Texas cavalry brigades.—The Secretary of War is authorized and directed to procure a bronze medal of appropriate design, with a bar and ribbon, together with a rosette or other device to be worn in lieu thereof, to be presented to each of the several officers and enlisted men of the two brigades of cavalry organized by the State of Texas, under authority from the War Department of date of December 8, 1917, who served therein prior to November 11, 1918: *Provided*, That such medals shall not be presented to men who have, subsequent to such service, been dishonorably discharged from the service, or deserted: *Provided further*, That the several officers and enlisted men to whom such medals may be presented are hereby authorized to wear, on occasions of ceremony, the uniform lawfully prescribed to be worn by them at the time of their service: *Provided*, This section shall not be considered as conferring upon the members of said organizations the benefits of part III of chapter 12 of Title 38 or to confer a pensionable status to the members of said organizations, and that this section shall not be deemed to constitute a precedent for the future granting of such rights. (Apr. 16, 1924, c. 117, 43 Stat. 100.)

1416. Replacement of lost medals, crosses, etc.—Whenever a medal, cross, bar, ribbon, rosette, or other device presented under the provisions of this title shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, such medal, cross, bar, ribbon, rosette, or device shall be replaced without charge therefor. (July 9, 1918, c. 143, 40 Stat. 871.)

1417. Supply for replacement of Civil War medals of honor.—The Secretary of War is authorized and directed to use so many of the medals and rosettes or other insignia provided for by section 1402 of this title as may be necessary to replace the medals that have been issued for distinguished service in the Civil War. (Apr. 23, 1904, c. 1485, 33 Stat. 274.)

1418. Disposal of replaced medals of honor.—The holders of medals of honor for meritorious conduct in the Civil War, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of section 1417 of this title; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said section, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time. (Feb. 27, 1907, No. 17, 34 Stat. 1422.)

1419. Eliminations from medal of honor list.—In any case in which the board convened pursuant to law, for the purpose of investigating and reporting upon past awards or issues of

the so-called congressional medal of honor by or through the War Department, with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action shall have found and reported that said medal was issued for any cause other than that hereinbefore specified, the name of the recipient of the medal so issued shall be stricken permanently from the official medal of honor list. It shall be a misdemeanor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. (June 3, 1916, c. 134, § 122, 39 Stat. 214.)

1420. Certificates of merit discontinued.—After July 9, 1918, the award of the certificate of merit for distinguished service shall cease. (July 9, 1918, c. 143, 40 Stat. 870.)

1421. Certificates of honorable services for military telegraphers in Civil War.—The Secretary of War is authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late Civil War, and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: *Provided*, That this section shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for. (Jan. 26, 1897, c. 92, 29 Stat. 497.)

1422. Foreign decorations received before entering military service of United States.—American citizens who have received, since August 1, 1914, decorations or medals for distinguished service in the armies or in connection with the field service of those nations engaged in war against the Imperial German Government, shall, on entering the military service of the United States, be permitted to wear such medals or decorations. (July 9, 1918, c. 143, 40 Stat. 872.

1423. Foreign decorations awarded to officers or men while serving in United States Army.—Any officer or enlisted man of the military forces of the United States is hereby authorized to accept and wear any medal or decoration heretofore bestowed before July 9, 1918, by the Government of any of the nations concurrently engaged with the United States in the World War. (July 9, 1918, c. 143, 40 Stat. 872.) See sections 114 and 115 of Title 5.

1424. Expenditure authorized for medals, crosses, etc.—The Secretary of War is authorized to expend from the appropriations for contingent expenses of his department from time to time so much as may be necessary to defray the cost of the medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices hereinbefore provided for. (July 9, 1918, c. 143, 40 Stat. 871.)

1425. Unlawful wearing, manufacture, or sale of medals, etc.—The wearing, manufacture, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, or any of the services medals or badges awarded by the War Department, or the ribbon, button, or rosette thereof of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment. (Feb. 24, 1923, c. 110, 42 Stat. 1286.)

1426. Army corps badges for Civil War service.—All persons who have served as officers, noncommissioned officers, privates, or other enlisted men, in the Regular Army, Volunteer or militia forces of the United States, during the War of the Rebellion, and have been honorably discharged from the service, or still remain in the same, shall be entitled to wear, on occasions of ceremony, the distinctive Army badge ordered for or adopted by the Army corps and division, respectively, in which they served. (R. S. § 1227.)

1427. Right to wear badges of military societies.—The distinctive badges adopted by military societies of men who served in the Armies and Navies of the United States in the War of the Revolution, the War of 1812, the Mexican War, the War of the Rebellion, the Spanish-American War, and the incident insurrection in the Philippines, the Chinese relief expedition of 1900, and the Regular Army and Navy Union, respectively, may be worn upon all occasions of ceremony by officers and enlisted men of the Army and Navy of the United States, who are members of said organizations in their own right. (Sept. 25, 1890, No. 50, 26 Stat. 681; May 11, 1894, No. 26, 28 Stat. 583; Feb. 2, 1901, c. 192, § 41, 31 Stat. 758; Jan. 12, 1903, No. 2, 32 Stat. 1229; Mar. 2, 1907, No. 18, 34 Stat. 1423.)

Chapter 34.—DESERTION.

Sec.
1431. Compensation for arresting deserters.
1432. Forfeiture of right to pension.
1433. Effect of quitting command at termination of Civil War.
1434. Removal of record of charge against soldiers in World War.
1435. Removal of record of charge against soldiers in Civil War.
1436. Charge based on second enlistment by soldier in Civil War before expiration of or discharge from first enlistment.
1437. Return to duty by soldier in Civil War after desertion as restoring right to pension.
1438. Removal of record of charge against soldiers in Mexican War.
1439. Right to pay, allowances and bounty after removal of charge.
1440. Cases excepted from provisions for removal of charge.
1441. Restoration of status by removal of charge.
1442. Applications for removal of charge.

Section 1431. Compensation for arresting deserters.—No greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for services in the apprehension, securing and delivering of deserters, and the expenses incident to their pursuit. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 900.)

1432. Forfeiture of right to pension.—Any soldier who deserts shall, besides incurring the penalties attaching to the crime of desertion under section 1530 hereof, forfeit all right to pension which he might otherwise have acquired. (May 11, 1908, c. 163, 35 Stat. 110.)

1433. Effect of quitting command at termination of Civil War.—No soldier shall be taken or held to be a deserter from the Army who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of any forfeiture incurred by any such soldier of his pension; but this section shall be construed solely as a removal of any disability such soldier may have incurred by the loss of his citizenship in consequence of his desertion. (R. S. § 4749.)

1434. Removal of record of charge against soldiers in World War.—In all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion standing against him on March 4, 1925, on the rolls and records of the Army, Navy, or Marine Corps has since such charge was entered served honorably in the World War, either in the military or naval forces of the Allies or in the Army, Navy,

or Marine Corps or in other branches of the military service of the United States prior to November 11, 1918, the President is hereby authorized, in his discretion, to cause an entry to be made on said rolls and records of the Army, Navy, or Marine Corps, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: *Provided*, That nothing contained in this section shall operate to entitle any officer or enlisted man to back pay or allowances of any kind or to a pension for any service rendered prior to the World War. (Mar. 4, 1925, c. 536, § 2, 43 Stat. 1270.)

1435. Removal of record of charge against soldiers in Civil War.—The Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the Civil War upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any State or United States court on habeas corpus or other judicial proceedings, and in such case such soldier shall not be entitled to any bounty or allowance, or pay for any time such soldier was not in the performance of military duty. (Mar. 2, 1891, c. 498, 26 Stat. 824.)

1436. Charge based on second enlistment by soldier in Civil War before expiration of or discharge from first enlistment.—The charge of desertion now standing on the rolls and records in the office of The Adjutant General of the Army against any Regular or Volunteer soldier who served in the late War of the Rebellion by reason of his having enlisted in any regiment, troop, or company, or in the United States Navy or Marine Corps, without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment; that the absence from the service did not exceed four months, and that such soldier served faithfully under his reenlistment. (Mar. 2, 1889, c. 390, § 3, 25 Stat. 870.)

1437. Return to duty by soldier in Civil War after desertion as restoring right to pension.—Whenever it shall appear from the official records in the office of The Adjutant General, United States Army, that any Regular or Volunteer soldier of the Civil War was formally restored to duty from desertion by the commander competent to order his trial for the offense, or, having deserted and being charged with desertion, was, on return to the service, suffered, without such formal restoration, to resume his place in the ranks of his command, serving faithfully thereafter until the expiration of his term, such soldier shall not be deemed to rest under any disability, because of such desertion, in the prosecution of any claim for pension on account of disease contracted, or wounds or injuries received in the line of his duty as a soldier. (Mar. 2, 1889, c. 390, § 4, 25 Stat. 870.)

1438. Removal of record of charge against soldiers in Mexican War.—The Secretary of War be, and he hereby is, authorized and directed to amend the military record of any soldier who enlisted for the war with Mexico, upon proper application, where the rolls and records of The Adjutant General's office show the charge of desertion against him, when such rolls and records show the facts set out in the following cases:

First. That said soldier served faithfully the full term of his enlistment, or having served faithfully for six months or more, and until the 4th day of July, anno Domini 1848, left his command without having received a discharge.

Second. That such soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command within a reasonable time, and served faithfully until discharged. (Mar. 2, 1889, c. 390, § 6, 25 Stat. 870.)

1439. Right to pay, allowances, and bounty after removal of charge.—When the charge of desertion shall be removed under the provisions of sections 1435–1438 of this title, from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: *Provided, however*, That said provisions shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority, nor shall they be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months. (Mar. 2, 1889, c. 390, § 5, 25 Stat. 870.)

1440. Cases excepted from provisions for removal of charge.—The provisions of sections 1435–1438 of this title shall not be so construed as to relieve any soldier from the charge of desertion who left his command from disaffection or disloyalty to the Government, or to evade the dangers and hardships of the service, or whilst in the presence of the enemy (not being sick or wounded), or while in arrest or under charges for breach of military duty, or in case of a soldier of the Mexican War, who did not actually reach the seat of war. (Mar. 2, 1889, c. 390, § 7, 25 Stat. 870.)

1441. Restoration of status by removal of charge.—When such charge of desertion is removed under the provisions of sections 1436–1439 of this title, the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts may require, and an honorable discharge shall be issued in those cases where the soldier has received none; and he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made; and in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers: *Provided*, That sections 1436–1439 of this title shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty. (Mar. 2, 1889, c. 390, § 8, 25 Stat. 870.)

1442. Applications for removal of charge.—All applications for relief under sections 1435–1438 of this title shall be made to and filed with the Secretary of War. (Mar. 2, 1889, c. 390, § 9, 25 Stat. 871; July 27, 1892, c. 273, 27 Stat. 278; Mar. 2, 1895, c. 181, 28 Stat. 814.)

Chapter 35.—UNITED STATES DISCIPLINARY BARRACKS.

Sec.
1451. Name of Military Prison changed to Disciplinary Barracks.
1452. Persons to be confined in penitentiaries and Disciplinary Barracks, respectively.
1453. Government and control of Disciplinary Barracks.
1454. Officers, guards, etc.
1455. Commandant's powers and duties.
1456. Military training of offenders.
1457. Remission of unexecuted portions of sentences; restoration to duty.
1458. Branch disciplinary barracks.
1459. Manufacture of supplies for Army.
1460. Donation to dishonorably discharged prisoners.
1461. Compensation for arrest of escaped prisoners.

Section 1451. Name of Military Prison changed to Disciplinary Barracks.—The United States Military Prison, Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1084.).

1452. Persons to be confined in penitentiaries and Disciplinary Barracks, respectively.—Persons sentenced to confinement upon conviction by courts-martial or other military tribunals of crimes or offenses which, under some statute of the United States or under some law of the State, Territory, District, or other jurisdiction in which the crime or offense may be committed, are punishable by confinement in a penitentiary, including persons sentenced to confinement upon conviction by courts-martial or other military tribunals of two or more acts or omissions, any one of which, under the statute or other law hereinbefore mentioned, constitutes or includes a crime or offense punishable by confinement in a penitentiary, may be confined at hard labor, during the entire period of confinement so adjudged, in any United States, State, Territorial, or District penitentiary, or in any other penitentiary directly or indirectly under the jurisdiction of the United States; and all persons sentenced to confinement upon conviction by courts-martial or other military tribunals who are not confined in a penitentiary may be confined and detained in the United States Disciplinary Barracks. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1084.)

1453. Government and control of Disciplinary Barracks.—The government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention therein shall be vested in The Adjutant General of the Army under the direction of the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

1454. Officers, guards, etc.—The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said Disciplinary Barracks such number of enlisted men of the Staff Corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said Disciplinary Barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose; and said guards shall be organized as infantry, with noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed by law for infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

1455. Commandant's powers and duties.—The commandant of the United States Disciplinary Barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement and detention therein; shall govern such offenders and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty or their reenlistment as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; and may shorten the daily time of hard labor of those who by their obedience, honesty, industry, and general good conduct earn such favors—all under such regulations as the Secretary of War may from time to time prescribe. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

1456. Military training of offenders.—The Secretary of War shall provide for placing under military training those offenders sent to the United States Disciplinary Barracks for confinement and detention therein whose record and conduct are such as to warrant the belief that upon the completion of a course of military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; may provide for the organization of offenders so placed under military training into disciplinary companies and higher units, organized as infantry, with noncommissioned officers, except color sergeants, selected or appointed from the enlisted men assigned to duty for that purpose pursuant to the provisions of section 1454 hereof; and may provide for uniforming, arming, and equipping such organizations. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

1457. Remission of unexecuted portions of sentences; restoration to duty.—Whenever he shall deem such action merited the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States Disciplinary Barracks for confinement and detention therein, and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to duty, and may authorize the reenlistment of those who have been discharged or upon their written application to that end order their restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive the enlistment contract for a period equal to the one not served under said contract. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

1458. Branch disciplinary barracks.—The Secretary of War may, from time to time, designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the Military Establishment as a branch disciplinary barracks for the confinement and detention of offenders whom it is impracticable to send to the United States Disciplinary Barracks at Fort Leavenworth, Kansas; and all branch disciplinary barracks and all offenders sent thereto for confinement and detention therein shall be subject to the laws respecting the United States Disciplinary Barracks at Fort Leavenworth, Kansas, and the offenders sent thereto for confinement and detention therein. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1086.)

1459. Manufacture of supplies for Army.—The Secretary of War shall cause to be fabricated at the United States Disciplinary Barracks such supplies for the Army as can be economically and properly manufactured at the said Disciplinary Barracks. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 389.)

1460. Donation to dishonorably discharged prisoners.—A donation of $10 shall be made to each prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 900.)

1461. Compensation for arrest of escaped prisoners.—No greater sum than $50 for each escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for services in the apprehension, securing and delivering of escaped military prisoners, and the expenses incident to their pursuit. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 900.)

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Section 1471. Enactment of Articles of War.—The articles included in this chapter shall be known as the Articles of War and shall at all times and in all places govern the Armies of the United States. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 787.)

I. PRELIMINARY PROVISIONS

1472. Definitions (article 1).—The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

(a) The word "officer" shall be construed to refer to a commissioned officer;

(b) The word "soldier" shall be construed as including a noncommissioned officer, a private, or any other enlisted man;

(c) The word "company" shall be understood as including a troop or battery; and

(d) The word "battalion" shall be understood as including a squadron. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 787.)

1473. Persons subject to military law (article 2).—The following persons are subject to these articles and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles: *Provided*, That nothing contained in this chapter of this title except as specifically provided in article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction unless otherwise specifically provided by law.

(a) All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks Quartermaster Corps, and soldiers belonging to the Regular Army of the United States; all volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft or order to obey the same;

(b) Cadets;

(c) Officers and soldiers of the Marine Corps when detached for service with the Armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

(d) All retainers to the camp and all persons accompanying or serving with the Armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the Armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

(e) All persons under sentence adjudged by courts-martial;

(f) All persons admitted into the Regular Army Soldiers' Home at Washington, District of Columbia. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 787.)

II. COURTS-MARTIAL

1474. Courts-martial classified (article 3).—Courts-martial shall be of three kinds, namely:

First, general courts-martial;

Second, special courts-martial; and

Third, summary courts-martial. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

A. Composition

1475. Who may serve on courts-martial (article 4).—All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial. When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of the minority membership thereof. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

1476. General courts-martial (article 5).—General courts-martial may consist of any number of officers not less than five. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

1477. Special courts-martial (article 6).—Special courts-martial may consist of any number of officers not less than three. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

1478. Summary courts-martial (article 7).—A summary court-martial shall consist of one officer. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

B. By Whom Appointed

1479. General courts-martial (article 8).—The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. The law member, in addition to his duties as a member, shall perform such other duties as the President may by regulations prescribe. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

1480. Special courts-martial (article 9).—The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or

persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

1481. Summary courts-martial (article 10).—The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

1482. Appointment of trial judge advocates and counsel (article 11).—For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and a defense counsel and for each general court-martial one or more assistant trial judge advocates and one or more assistant defense counsel when necessary: *Provided, however*, That no officer who has acted as member, trial judge advocate, assistant trial judge advocate, defense counsel, or assistant defense counsel in any case shall subsequently act as staff judge advocate to the reviewing or confirming authority upon the same case. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

C. Jurisdiction

1483. General courts-martial (article 12).—General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy: *Provided further*, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interest of the service shall so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses set out in article 13; but the limitations upon jurisdiction as to persons and upon punishing power set out in said article shall be observed. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

1484. Special courts-martial (article 13).—Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

1485. Summary courts-martial (article 14).—Summary courts-martial shall have power to try any person subject to military law, except an officer, a member of the Army Nurse Corps, a warrant officer, an Army field clerk, a field clerk Quartermaster Corps, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may by regulations except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

Summary courts-martial shall not have power to adjudge confinement in excess of one month, restriction to limits for more than three months, or forfeiture or detention of more than two-thirds of one month's pay. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

1486. Jurisdiction not exclusive (article 15).—The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be triable by such military commissions, provost courts, or other military tribunals. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

1487. Officers, how triable (article 16).—Officers shall be triable only by general and special courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

D. Procedure

1488. Trial judge advocate to prosecute; counsel to defend (article 17).—The trial judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall under the direction of the court prepare the record of its proceedings. The accused shall have the right to be represented in his defense before the court by counsel of his own selection, civil counsel if he so provides, or military if such counsel be reasonably available, otherwise by the defense counsel duly appointed for the court pursuant to article 11. Should the accused have counsel of his own selection, the defense counsel and assistant defense counsel, if any, of the court, shall, if the accused so desires, act as his associate counsel. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

1489. Challenges (article 18).—Members of a general or special court-martial may be challenged by the accused or the trial judge advocate for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time. Challenges by the trial judge advocate shall ordinarily be presented and decided before those by the accused are offered. Each side shall be entitled to one peremptory challenge; but the law member of the court shall not be challenged except for cause. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

1490. Oaths (article 19).—The trial judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: "You, A B, do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority or duly announced by the court, except to the trial judge advocate and assistant trial judge advocate: neither will you disclose or discover the vote or opinion of any particular member

of the court-martial upon a challenge or upon the findings or sentence, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God."

When the oath or affirmation has been administered to the members of a general or special court-martial the president of the court shall administer to the trial judge advocate and to each assistant trial judge advocate, if any, an oath or affirmation in the following form: "You, A B, do swear (or affirm) that you will faithfully and impartially perform the duties of a trial judge advocate, and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God."

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath of affirmation in the following form: "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In the case of affirmation the closing sentence of adjuration will be omitted. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

1491. Continuances (article 20).—A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

1492. Refusal or failure to plead (article 21).—When an accused arraigned before a court-martial fails or refuses to plead, or answers foreign to the purpose, or after a plea of guilty makes a statement inconsistent with the plea, or when it appears to the court that he entered a plea of guilty improvidently or through lack of understanding of its meaning and effect, the court shall proceed to trial and judgment as if he had pleaded not guilty. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

1493. Process to obtain witnesses (article 22).—Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

1494. Refusal to appear or testify (article 23).—Every person not subject to military law who, being duly subpœnaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses: *Provided further*, That every person not subject to military law, who before any court-martial, military tribunal, or military board, or in connection with, or in relation to any proceedings or investigation before it or had under any of the provisions of this chapter of this title is guilty of any of the acts made punishable as offenses against public justice by any provision of chapter 6 of Title 18, shall be punished as therein provided. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

1495. Compulsory self-incrimination prohibited (article 24).—No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

1496. Depositions; when admissible (article 25).—A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

1497. Depositions; before whom taken (article 26).—Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

1498. Courts of inquiry; records of, when admissible (article 27).—The record of the proceedings of a court of inquiry may, with the consent of the accused, be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

1499. Certain acts to constitute desertion (article 28).—Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

Any person subject to military law who quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

1500. Court to announce action (article 29).—Whenever the court has acquitted the accused upon all specifications and charges, the court shall at once announce such result in open court. Under such regulations as the President may prescribe, the findings and sentence in other cases may be similarly announced. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

1501. Closed sessions (article 30).—Whenever a general or special court-martial shall sit in closed session, the trial judge advocate and the assistant trial judge advocate, if any, shall withdraw; and when their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel, if there be any. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 793.)

1502. Method of voting (article 31).—Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who will forthwith announce the result of the ballot to the members of the court. The law member of the court, if any, or if there be no law member of the court, then the president, may rule in open court upon the interlocutory questions, other than challenges, arising during the proceedings: *Provided*, That unless such ruling be made by the law member of the court if any member object thereto the court shall be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: *And provided further*, That if any such ruling be made by the law member of the court upon any interlocutory question other than an objection to the admissibility of evidence offered during the trial, and any member object to the ruling, the court shall likewise be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: *Provided further, however*, That the phrase, "objection to the admissibility of evidence offered during the trial," as used in the next preceding proviso hereof, shall not be construed to include questions as to the order of the introduction of witnesses or other evidence, nor of the recall of witnesses for further examination, nor as to whether expert witnesses shall be admitted or called upon any question, nor as to whether the court shall view the premises where an offense is alleged to have been committed, nor as to the competency of witnesses, as, for instance, of children, witnesses alleged to be mentally incompetent, and the like, nor as to the insanity of accused, or whether the existence of mental disease or mental derangement on the part of the accused has become an issue in the trial, or accused required to submit to physical examination, nor whether any argument or statement of counsel for the accused or of the trial judge advocate is improper, nor any ruling in a case involving military strategy or tactics or correct military action; but, upon all these questions arising on the trial, if any member object to any ruling of the law member, the court shall be cleared and closed and the question decided by majority vote of the members in the manner aforesaid. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 793.)

1503. Contempts (article 32).—A military tribunal may punish as for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder: *Provided*, That such punishment shall in no case exceed one month's confinement, or a fine of $100, or both. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 793.)

1504. Records; general courts-martial (article 33).—Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the trial judge advocate; but in case the record can not be authenticated by the president and trial judge advocate, by reason of the death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by an assistant trial judge advocate, if there be one, in lieu of the trial judge advocate; otherwise by another member of the court. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 793.)

1505. Records; special and summary courts-martial (article 34).—Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may from time to time prescribe. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794.)

1506. Disposition of records; general courts-martial (article 35).—The trial judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been acted upon, be transmitted to the Judge Advocate General of the Army. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794.)

1507. Disposition of records; special and summary courts-martial (article 36).—After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of summary courts-martial may be destroyed. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794.)

1508. Irregularities; effect of (article 37).—The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles: *Provided further*, That the omission of the words "hard labor" in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case

where it is authorized by the Executive order prescribing maximum punishments. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794.)

1509. President may prescribe rules (article 38).—The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794.)

E. LIMITATIONS UPON PROSECUTIONS

1510. As to time (article 39).—Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this Code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794.)

1511. As to number (article 40).—No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

No authority shall return a record of trial to any court-martial for reconsideration of—

(a) An acquittal; or

(b) A finding of not guilty of any specification; or

(c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or

(d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.

And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any particular in which a return of the record of trial for such reconsideration is hereinbefore prohibited. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795.)

F. PUNISHMENTS

1512. Cruel and unusual punishments prohibited (article 41).—Cruel and unusual punishments of every kind, including flogging, branding, marking, or tattooing on the body, are prohibited. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795.)

1513. Places of confinement; when lawful (article 42).—Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted is recognized as an offense of a civil nature and so punishable by penitentiary confinement for more than one year by some statute of the United States, of general application within the continental United States, excepting section 468 of Title 18, or by the law of the District of Columbia, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is more than one year: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795.)

1514. Death sentence; when lawful (article 43).—No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of all the members of said court-martial present at the time the vote is taken, and for an offense in these articles expressly made punishable by death; nor sentenced to life imprisonment, nor to confinement for more than ten years, except by the concurrence of three-fourths of all of the members present at the time the vote is taken. All other convictions and sentences, whether by general or special court-martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795.)

1515. Cowardice; fraud; accessory penalty (article 44).—When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

1516. Maximum limits (article 45).—Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not exceed such limit or limits as the President may from time to time prescribe: *Provided*, That in time of peace the period of confinement in a penitentiary shall in no case exceed the maximum period prescribed by the law which, under article 42 of these articles, permits confinement in a penitentiary, unless in addition to the offense so punishable under such law the accused shall have been convicted at the same time of one or more other offenses. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY

1517. Action by convening authority (article 46).—Under such regulations as may be prescribed by the President every record of trial by general court-martial or military commission received by a reviewing or confirming authority shall be re-

ferred by him, before he acts thereon, to his staff judge advocate or to the Judge Advocate General. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

1518. Powers incident to power to approve (article 47).—The power to approve the sentence of a court-martial shall be held to include:

(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to approve or disapprove the whole or any part of the sentence.

(c) The power to remand a case for rehearing, under the provisions of article 50½. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

1519. Confirmation; when required (article 48).—In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

(a) Any sentence respecting a general officer.

(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;

(c) Any sentence extending to the suspension or dismissal of a cadet; and

(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50½, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

1520. Powers incident to power to confirm (article 49).—The power to confirm the sentence of a court-martial shall be held to include:

(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to confirm or disapprove the whole or any part of the sentence.

(c) The power to remand a case for rehearing, under the provisions of article 50½. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 797.)

1521. Mitigation or remission of sentences (article 50).—The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence.

Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division, may approve or confirm and commute (but not approve or confirm without commuting), mitigate, or remit and then order executed as commuted, mitigated, or remitted any sentence which under these articles requires the confirmation of the President before the same may be executed.

The power of remission or mitigation shall extend to all uncollected forfeitures adjudged by sentence of court-martial. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 797.)

1522. Review; hearing (article 50½).—The Judge Advocate General shall constitute, in his office, a board of review consisting of not less than three officers of the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46, article 48, or article 51 is submitted to the President, such record shall be examined by the board of review. The board shall submit its opinion, in writing, to the Judge Advocate General, who shall, except as herein otherwise provided, transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

Except as herein provided, no authority shall order the execution of any other sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence; except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or that errors of law have been committed injuriously affecting the substantial rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated in whole or in part in accord with such holding and the recommendations of the Judge Advocate General thereon, and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own dissent therefrom,

directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed injuriously affecting the substantial rights of the accused, unless, in accord with such action, and the recommendations of the Judge Advocate General thereon, the findings or sentence are approved in part only, or the record is returned for revision, or unless the case is dismissed by order of the reviewing or confirming authority. After any such rehearing had on the order of the President, the record of trial shall, after examination by the board of review, be transmitted by the Judge Advocate General, with the board's opinion and his recommendations, directly to the Secretary of War for the action of the President.

Every record of trial by general court-martial, examination of which by the board of review is not hereinbefore in this article provided for, shall nevertheless be examined in the Judge Advocate General's Office; and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove or vacate, in whole or in part any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office a board of review, or more than one. Such Assistant Judge Advocate General and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General, the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 797.)

1523. Suspension of sentences of dismissal or death (article 51).—The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 799.)

1524. Suspension of sentences (article 52).—The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War or the commanding officer holding general court-martial jurisdiction over any such offender, may at any time thereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted, subject to like power of suspension. The death or honorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 799.)

1525. Execution or remission; confinement in disciplinary barracks (article 53).—When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

III. PUNITIVE ARTICLES

A. Enlistment; Muster; Returns

1526. Fraudulent enlistment (article 54).—Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

1527. Officer making unlawful enlistment (article 55).—Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

1528. False muster (article 56).—Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who know-

ingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

1529. False returns; omission to render returns (article 57).—Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

B. DESERTION; ABSENCE WITHOUT LEAVE

1530. Desertion (article 58).—Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

1531. Advising or aiding another to desert (article 59).—Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

1532. Entertaining a deserter (article 60).—Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

1533. Absence without leave (article 61).—Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

C. DISRESPECT; INSUBORDINATION; MUTINY

1534. Disrespect toward the President, Congress, Secretary of War, governors, legislature (article 62).—Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

1535. Disrespect toward superior officer (article 63).—Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

1536. Assaulting or willfully disobeying superior officer (article 64).—Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

1537. Insubordinate conduct toward noncommissioned officer (article 65).—Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a warrant officer or a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a warrant officer or a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

1538. Mutiny or sedition (article 66).—Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

1539. Failure to suppress mutiny or sedition (article 67).—Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer, shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

1540. Quarrels; frays; disorders (article 68).—All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks, Quartermaster Corps, and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer, nurse, band leader, warrant officer, field clerk, or noncommissioned officer, or draws a weapon upon or otherwise threatens or does violence to him, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

D. ARREST; CONFINEMENT

1541. Arrest or confinement (article 69).—Any person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest as circumstances may require; but when charged with a minor offense only such person shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 802.)

1542. Charges; action upon (article 70).—Charges and specifications must be signed by a person subject to military law,

and under oath either that he has personal knowledge of, or has investigated, the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

No charge will be referred for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides.

Before directing the trial of any charge by general court-martial the appointing authority will refer it to his staff judge advocate for consideration and advice.

When any person subject to military law is placed in arrest or confinement immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct. When a person is held for trial by general court-martial the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 802.)

1543. Refusal to receive and keep prisoners (article 71).—No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 802.)

1544. Report of prisoners received (article 72).—Every commander of a guard to whose charge a prisoner is committed shall, within twenty-four hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

1545. Releasing prisoner without proper authority (article 73).—Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

1546. Delivery of offenders to civil authorities (article 74).—When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

E. War Offenses

1547. Misbehavior before the enemy (article 75).—Any officer or soldier who, before the enemy, misbehaves himself, runs away, or shamefully abandons or delivers up or by any misconduct, disobedience, or neglect endangers the safety of any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

1548. Subordinates compelling commander to surrender (article 76).—Any person subject to military law who compels or attempts to compel any commander of any garrison, fort, post, camp, guard, or other command, to give it up to the enemy or to abandon it shall be punishable with death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

1549. Improper use of countersign (article 77).—Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

1550. Forcing a safeguard (article 78).—Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803.)

1551. Captured property to be secured for public service (article 79).—All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1552. Dealing in captured or abandoned property (article 80).—Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned

property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1553. Relieving, corresponding with, or aiding the enemy (article 81).—Whosoever relieves or attempts to relieve the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial or military commission may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1554. Spies (article 82).—Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

F. Miscellaneous Crimes and Offenses

1555. Military property; willful or negligent loss, damage, or wrongful disposition (article 83).—Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1556. Waste or unlawful disposition of military property issued to soldiers (article 84).—Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1557. Drunk on duty (article 85).—Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1558. Misbehavior of sentinel (article 86).—Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1559. Personal interest in sale of provisions (article 87).—Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

1560. Intimidation of persons bringing provisions (article 88).—Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessaries to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1561. Good order to be maintained and wrongs redressed (article 89).—All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1562. Provoking speeches or gestures (article 90).—No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1563. Dueling (article 91).—Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1564. Murder; rape (article 92).—Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1565. Various crimes (article 93).—Any person subject to military law who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1566. Frauds against the Government (article 94).—Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim

against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed. And if any officer, being guilty, while in the military service of the United States, of embezzlement of ration savings, post exchange, company, or other like funds, or of embezzlement of money or other property intrusted to his charge by an enlisted man or men, receives his discharge, or is dismissed, or is dropped from the rolls, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not been so discharged, dismissed, or dropped from the rolls. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

1567. Conduct unbecoming an officer and gentleman (article 95).—Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 806.)

1568. General article (article 96).—Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 806.)

IV. COURTS OF INQUIRY

1569. When and by whom ordered (article 97).—A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

1570. Composition (article 98).—A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

1571. Challenges (article 99).—Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available. (June 4, 1920, c. 227, subchapter II, § 1, 41, Stat. 807.)

1572. Oath of members and recorders (article 100).—The recorder of a court of inquiry shall administer to the members the following oath: "You, A. B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God." After which the president of the court shall administer to the recorder the following oath: "You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

In case of affirmation the closing sentence of adjuration will be omitted. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

1573. Powers; procedure (article 101).—A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the trial judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

1574. Opinion on merits of case (article 102).—A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

1575. Record of proceedings; how authenticated (article 103).—Each court of inquiry shall keep a record of its proceed-

ings, which shall be authenticated by the signature of the president and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

V. MISCELLANEOUS PROCEEDINGS

1576. Disciplinary powers of commanding officers (article 104).—Under such regulations as the President may prescribe, the commanding officer of any detachment, company, or higher command may, for minor offenses impose disciplinary punishments upon persons of his command without the intervention of a court-martial unless the accused demands trial by court-martial.

The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges for not exceeding one week, extra fatigue for not exceeding one week, restriction to certain specified limits for not exceeding one week, and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard; except that in time of war or grave public emergency a commanding officer of the grade of brigadier general or of higher grade may, under the provisions of this article also impose upon an officer of his command below the grade of major a forfeiture of not more than one-half of such officer's monthly pay for one month. A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 808.)

1577. Injuries to property; redress of (article 105).—Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 808.)

1578. Arrest of deserters by civil officials (article 106).—It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 808.)

1579. Soldiers to make good time lost (article 107).—Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

1580. Soldiers; separation from the service (article 108).—No enlisted man, lawfully inducted into the military service of the United States, shall be discharged, from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

1581. Oath of enlistment (article 109).—At the time of his enlistment ever soldier shall take the following oath or affirmation: "I, ————, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War." This oath or affirmation may be taken before any officer. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

1582. Certain articles to be read and explained (article 110).—Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States. (June 4, 1920 c. 227, subchapter II, § 1, 41 Stat. 809.)

1583. Copy of record of trial (article 111).—Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

1584. Effects of deceased persons; disposition of (article 112).—In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if

present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor for file with said court's final report upon its transactions to the War Department; and as soon as practicable after the collection of such effects said summary court shall transmit such effects and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than thirty days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions, to the War Department for transmission to the General Accounting Office for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

1585. Inquests (article 113).—When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 810.)

1586. Authority to administer oaths (article 114).—Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry, or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 810.)

1587. Appointment of reporters and interpreters (article 115).—Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same, in the first instance, in shorthand. Under like regulations the president of a court-martial or military commission, or court of inquiry, or a summary court, may appoint an interpreter, who shall interpret for the court or commission. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 810.)

1588. Powers of assistant trial judge advocate and of assistant defense counsel (article 116).—An assistant trial judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court. An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

1589. Removal of civil suits (article 117).—When any civil or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 36 of Title 28, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

1590. Officers, separation from service (article 118).—No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

1591. Rank and precedence among Regulars, Militia, and Volunteers (article 119).—In time of war or public danger, when two or more officers of the same grade are on duty

in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

1592. Command when different corps or commands happen to join (article 120).—When different corps or commands of the military forces of the United States happen to join or do duty together, the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

1593. Complaints of wrongs (article 121).—Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

ARMY AND NAVY HOSPITALS

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

ARTICLES OF WAR

See Title 10, ARMY.

ASSAY OFFICES

See Title 31, MONEY AND FINANCE.

ASYLUMS

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

ATTORNEY GENERAL

See chapter 5 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

AUDIT SYSTEM

See Title 31, MONEY AND FINANCE.

BAIL AND RECOGNIZANCE

See Title 28, JUDICIAL CODE AND JUDICIARY.

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TITLE 11.—BANKRUPTCY

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Chapter 1.—DEFINITIONS.

Section 1. Meaning of words and phrases.—The words and phrases used in this title and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: (1) "A person against whom a petition has been filed" shall include a person who has filed a voluntary petition; (2) "adjudication" shall mean the date of the entry of a decree that the defendant, in a bankruptcy proceeding, is a bankrupt, or if such decree is appealed from, then the date when such decree is finally confirmed; (3) "appellate courts" shall include the circuit courts of appeals of the United States, the Court of Appeals of the District of Columbia, the supreme courts of the Territories, and the Supreme Court of the United States; (4) "bankrupt" shall include a person against whom an involuntary petition or an application to set a composition aside or to revoke a discharge has been filed, or who has filed a voluntary petition, or who has been adjudged a bankrupt; (5) "clerk" shall mean the clerk of a court of bankruptcy; (6) "corporations" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships, and shall include limited or other partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association; (7) "court" shall mean the court of bankruptcy in which the proceedings are pending, and may include the referee; (8) "courts of bankruptcy" shall include the district courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of Alaska, Hawaii, and Porto Rico; (9) "creditor" shall include anyone who owns a demand or claim provable in bankruptcy, and may include his duly authorized agent, attorney, or proxy; (10) "date of bankruptcy," or "time of bankruptcy," or "commencement of proceedings," or "bankruptcy," with reference to time, shall mean the date when the petition was filed; (11) "debt" shall include any debt, demand, or claim provable in bankruptcy; (12) "discharge" shall mean the release of a bankrupt from all of his debts which are provable in bankruptcy, except such as are excepted by this title; (13) "document" shall include any book, deed, or instrument in writing; (14) "holiday" shall include Christmas, the Fourth of July, the twenty-second of February, and any day appointed by the President of the United States or the Congress of the United States as a holiday or as a day of public fasting or thanksgiving; (15) a person shall be deemed insolvent within the provisions of this title whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, shall not, at a fair valuation, be sufficient in amount to pay his debts; (16) "judge" shall mean a judge of a court of bankruptcy, not including the referee; (17) "oath" shall include affirmation; (18) "officer" shall include clerk, marshal, receiver, referee, and trustee, and the imposing of a duty upon or the forbidding of an act by any officer shall include his successor and any person authorized by law to perform the duties of such officer; (19) "persons" shall include corporations, except where otherwise specified, and officers, partnerships, and women, and when used with reference to the commission of acts which are herein forbidden shall include persons who are participants in the forbidden acts, and the agents, officers, and members of the board of directors or trustees, or other similar controlling bodies of corporations; (20) "petition" shall mean a paper filed in a court of bankruptcy or with a clerk or deputy clerk by a debtor praying for the benefits of this title, or by creditors, alleging the commission of an act of bankruptcy by a debtor therein named; (21) "referee" shall mean the referee who has jurisdiction of the case or to whom the case has been referred, or anyone acting in his stead; (22) "conceal" shall include secrete, falsify, and mutilate; (23) "secured creditor" shall include a creditor who has security for his debt upon the property of the bankrupt of a nature to be assignable under this title, or who owns such a debt for which some indorser, surety, or other persons secondarily liable for the bankrupt has such security upon the bankrupt's assets; (24) "States" shall include Alaska, Hawaii, Porto Rico, and the District of Columbia; (25) "transfer" shall include the sale and every other and different mode of disposing of or parting with property, or the possession of property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security; (26) "trustee" shall include all of the trustees of an estate; (27) "wage earner" shall mean an individual who works for wages, salary, or hire, at a rate of compensation not exceeding $1,500 per year; (28) words importing the masculine gender may be applied to and include corporations, partnerships, and women; (29) words importing the plural number may be applied to and mean only a single person or thing; (30) words importing the singular number may be applied to and mean several persons or things. (July 1, 1898, c. 541, § 1, 30 Stat. 544; Apr. 12, 1900, c. 191, § 34, 31 Stat. 85; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838.)

Chapter 2.—CREATION OF COURTS OF BANKRUPTCY AND THEIR JURISDICTION.

Section 11. Courts; jurisdiction and powers.—The courts of bankruptcy as defined in the previous chapter, viz., the district courts of the United States in the several States, the Supreme Court of the District of Columbia, and the United States courts in the District of Alaska, Hawaii, and Porto Rico, are made courts of bankruptcy, and are invested, within their respective territorial limits as established on July 1, 1898, or as they may be thereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they were on July 1, 1898, or may be thereafter held, to (1) adjudge persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or the greater portion thereof, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States and have property within their jurisdictions; (2) allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates; (3) appoint receivers or the marshals, upon application of parties in interest, in case the courts shall find it absolutely necessary; for the preservation of

estates, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified; (4) arraign, try, and punish bankrupts, officers, and other persons, and the agents, officers, members of the board of directors or trustees, or other similar controlling bodies, of corporations for violations of the provisions contained in this title, in accordance with the laws of procedure of the United States in force on July 1, 1898, or such as may be thereafter enacted, regulating trials for the alleged violation of laws of the United States; (5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, as provided in section 76 of this title; (6) bring in and substitute additional persons or parties in proceedings in bankruptcy when necessary for the complete determination of a matter in controversy; (7) cause the estates of bankrupts to be collected, reduced to money and distributed, and determine controversies in relation thereto, except as herein otherwise provided; (8) close estates, whenever it appears that they have been fully administered, by approving the final accounts and discharging the trustees, and reopen them whenever it appears they were closed before being fully administered; (9) confirm or reject compositions between debtors and their creditors, and set aside compositions and reinstate the cases; (10) consider and confirm, modify or overrule, or return, with instructions for further proceedings, records and findings certified to them by referees; (11) determine all claims of bankrupts to their exemptions; (12) discharge or refuse to discharge bankrupts and set aside discharges and reinstate the cases; (13) enforce obedience by bankrupts, officers, and other persons to all lawful orders, by fine or imprisonment or fine and imprisonment; (14) extradite bankrupts from their respective districts to other districts; (15) make such orders, issue such process, and enter such judgments in addition to those specifically provided for as may be necessary for the enforcement of the provisions of this title; (16) punish persons for contempts committed before referees; (17) pursuant to the recommendation of creditors, or when they neglect to recommend the appointment of trustees, appoint trustees, and upon complaints of creditors, remove trustees for cause upon hearings and after notices to them; (18) tax costs, whenever they are allowed by law, and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against estates, in proceedings in bankruptcy; (19) transfer cases to other courts of bankruptcy and (20) exercise ancillary jurisdiction over persons or property within their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceedings pending in any other court of bankruptcy.

Nothing in this section contained shall be construed to deprive a court of bankruptcy of any power it would possess were certain specific powers not herein enumerated. (July 1, 1898, c. 541, § 2, 30 Stat. 545; Apr. 12, 1900, c. 191, § 34, 31 Stat. 85; Feb. 5, 1903, c. 487, § 1, 32 Stat. 797; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; June 25, 1910, c. 412, §§ 1, 2, 36 Stat. 838, 839.)

Chapter 3.—BANKRUPT.

Sec.
21. Acts of bankruptcy.
22. Bankrupts; who may become.
23. Same; partners.
24. Same; exemptions.
25. Same; duties.
26. Same; death or insanity.
27. Same; protection and detention.
28. Same; extradition.
29. Same; suits by and against.
30. Compositions; when confirmed.
31. Same; when set aside.
32. Discharges; when granted.
33. Same; when revoked.
34. Co-debtors of bankrupts.
35. Debts not affected by a discharge.

Section 21. Acts of bankruptcy.—(a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for a receiver or trustee for his property or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or (5) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

(b) A petition may be filed against a person who is insolvent and who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to hinder, delay, or defraud his creditors or for the purpose of giving a preference as hereinbefore provided, or a general assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment.

(c) It shall be a complete defense to any proceedings in bankruptcy instituted under the first subdivision of this section to allege and prove that the party proceeded against was not insolvent as defined in this title at the time of the filing the petition against him, and if solvency at such date is proved by the alleged bankrupt the proceedings shall be dismissed, and under said subdivision one the burden of proving solvency shall be on the alleged bankrupt.

(d) Whenever a person against whom a petition has been filed as hereinbefore provided under the second and third subdivisions of this section takes issue with and denies the allegation of his insolvency, it shall be his duty to appear in court on the hearing, with his books, papers, and accounts, and submit to an examination, and give testimony as to all matters tending to establish solvency or insolvency, and in case of his failure to so attend and submit to examination the burden of proving his solvency shall rest upon him.

(e) Whenever a petition is filed by any person for the purpose of having another adjudged a bankrupt, and an application is made to take charge of and hold the property of the alleged bankrupt, or any part of the same, prior to the adjudication and pending a hearing on the petition, the petitioner or applicant shall file in the same court a bond with at least two good and sufficient sureties who shall reside within the jurisdiction of said court, to be approved by the court or a judge thereof, in such sum as the court shall direct, conditioned for the payment, in case such petition is dismissed, to the respondent, his or her personal representatives, all costs, expenses, and damages occasioned by such seizure, taking, and detention of the property of the alleged bankrupt.

If such petition be dismissed by the court or withdrawn by the petitioner, the respondent or respondents shall be allowed

all costs, counsel fees, expenses, and damages occasioned by such seizure, taking, or detention of such property. Counsel fees, costs, expenses, and damages shall be fixed and allowed by the court, and paid by the obligors in such bond. (July 1, 1898, c. 541, § 3, 30 Stat. 546; Feb. 5, 1903, c. 487, § 2, 32 Stat. 797.)

22. Bankrupts; who may become.—(a) Any person, except a municipal, railroad, insurance, or banking corporation, shall be entitled to the benefits of this title as a voluntary bankrupt.

(b) Any natural person, except a wage earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation, owing debts to the amount of $1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this title.

The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States. (July 1, 1898, c. 541, § 4, 30 Stat. 547; Feb. 5, 1903, c. 487, § 3, 32 Stat. 797; June 25, 1910, c. 412, §§ 3, 4, 36 Stat. 839.)

23. Same; partners.—(a) A partnership, during the continuation of the partnership business, or after its dissolution and before the final settlement thereof, may be adjudged a bankrupt.

(b) The creditors of the partnership shall appoint the trustee; in other respects so far as possible the estate shall be administered as herein provided for other estates.

(c) The court of bankruptcy which has jurisdiction of one of the partners may have jurisdiction of all the partners and of the administration of the partnership and individual property.

(d) The trustee shall keep separate accounts of the partnership property and of the property belonging to the individual partners.

(e) The expenses shall be paid from the partnership property and the individual property in such proportions as the court shall determine.

(f) The net proceeds of the partnership property shall be appropriated to the payment of the partnership debts, and the net proceeds of the individual estate of each partner to the payment of his individual debts. Should any surplus remain of the property of any partner after paying his individual debts, such surplus shall be added to the partnership assets and be applied to the payment of the partnership debts. Should any surplus of the partnership property remain after paying the partnership debts, such surplus shall be added to the assets of the individual partners in the proportion of their respective interests in the partnership.

(g) The court may permit the proof of the claim of the partnership estate against the individual estates, and vice versa, and may marshal the assets of the partnership estate and individual estates so as to prevent preferences and secure the equitable distribution of the property of the several estates.

(h) In the event of one or more but not all of the members of a partnership being adjudged bankrupt, the partnership property shall not be administered in bankruptcy, unless by consent of the partner or partners not adjudged bankrupt; but such partner or partners not adjudged bankrupt shall settle the partnership business as expeditiously as its nature will permit, and account for the interest of the partner or partners adjudged bankrupt. (July 1, 1898, c. 541, § 5, 30 Stat. 547.)

24. Same; exemptions.—The provisions of this title shall not affect the allowance to bankrupts of the exemptions which are prescribed by the State laws in force at the time of the filing of the petition in the State wherein they have had their domicile for the six months or the greater portion thereof immediately preceding the filing of the petition. (July 1, 1898, c. 541, § 6, 30 Stat. 548.)

25. Same; duties.—The bankrupt shall (1) attend the first meeting of his creditors, if directed by the court or a judge thereof to do so, and the hearing upon his application for a discharge, if filed; (2) comply with all lawful orders of the court; (3) examine the correctness of all proofs of claims filed against his estate; (4) execute and deliver such papers as shall be ordered by the court; (5) execute to his trustee transfers of all his property in foreign countries; (6) immediately inform his trustee of any attempt, by his creditors or other persons, to evade the provisions of this title, coming to his knowledge; (7) in case of any person having to his knowledge proved a false claim against his estate, disclose that fact immediately to his trustee; (8) prepare, make oath to, and file in court within ten days, unless further time is granted, after the adjudication, if an involuntary bankrupt, and with the petition if a voluntary bankrupt, a schedule of his property, showing the amount and kind of property, the location thereof, its money value in detail, and a list of his creditors, showing their residences, if known, if unknown, that fact to be stated, the amounts due each of them, the consideration thereof, the security held by them, if any, and a claim for such exemptions as he may be entitled to, all in triplicate, one copy of each for the clerk, one for the referee, and one for the trustee; and (9) when present at the first meeting of his creditors, and at such other times as the court shall order, submit to an examination concerning the conducting of his business, the cause of his bankruptcy, his dealings with his creditors and other persons, the amount, kind, and whereabouts of his property, and, in addition, all matters which may affect the administration and settlement of his estate; but no testimony given by him shall be offered in evidence against him in any criminal proceeding.

He shall not be required to attend a meeting of his creditors, or at or for an examination at a place more than one hundred and fifty miles distant from his home or principal place of business, or to examine claims except when presented to him, unless ordered by the court, or a judge thereof, for cause shown, and the bankrupt shall be paid his actual expenses from the estate when examined or required to attend at any place other than the city, town, or village of his residence. (July 1, 1898, c. 541, § 7, 30 Stat. 548.)

26. Same; death or insanity.—The death or insanity of a bankrupt shall not abate the proceedings, but the same shall be conducted and concluded in the same manner, so far as possible, as though he had not died or become insane. In case of death the widow and children shall be entitled to all rights of dower and allowance fixed by the laws of the State of the bankrupt's residence. (July 1, 1898, c. 541, § 8, 30 Stat. 549.)

27. Same; protection and detention.—(a) A bankrupt shall be exempt from arrest upon civil process except in the following cases: (1) When issued from a court of bankruptcy for contempt or disobedience of its lawful orders; (2) when issued from a State court having jurisdiction, and served within such State, upon a debt or claim from which his discharge in bankruptcy would not be a release, and in such case he shall be exempt from such arrest when in attendance upon a court of bankruptcy or engaged in the performance of a duty imposed by the provisions of this title.

(b) The judge may, at any time after the filing of a petition by or against a person, and before the expiration of one month after the qualification of the trustee, upon satisfactory proof by the affidavits of at least two persons that such bankrupt is about to leave the district in which he resides or has his principal place of business to avoid examination, and that his departure will defeat the proceedings in bankruptcy, issue a warrant to the marshal, directing him to bring such bankrupt forthwith before the court for examination. If upon hearing the evidence of the parties it shall appear to the court or a judge thereof that the allegations are true and that it is

necessary, he shall order such marshal to keep such bankrupt in custody not exceeding ten days, but not imprison him, until he shall be examined and released or give bail conditioned for his appearance for examination, from time to time, not exceeding in all ten days, as required by the court, and for his obedience to all lawful orders made in reference thereto. (July 1, 1898, c. 541, § 9, 30 Stat. 549.)

28. Same; extradition.—Whenever a warrant for the apprehension of a bankrupt shall have been issued, and he shall have been found within the jurisdiction of a court other than the one issuing the warrant, he may be extradited in the same manner in which persons under indictment were extradited on July 1, 1898, from one district within which a district court has jurisdiction to another. (July 1, 1898, c. 541, § 10, 30 Stat. 549.)

29. Same; suits by and against.—(a) A suit which is founded upon a claim from which a discharge would be a release, and which is pending against a person at the time of the filing of a petition against him, shall be stayed until after an adjudication or the dismissal of the petition; if such person is adjudged a bankrupt, such action may be further stayed until twelve months after the date of such adjudication, or, if within that time such person applies for a discharge, then until the question of such discharge is determined.

(b) The court may order the trustee to enter his appearance and defend any pending suit against the bankrupt.

(c) A trustee may, with the approval of the court, be permitted to prosecute as trustee any suit commenced by the bankrupt prior to the adjudication, with like force and effect as though it had been commenced by him.

(d) Suits shall not be brought by or against a trustee of a bankrupt estate subsequent to two years after the estate has been closed. (July 1, 1898, c. 541, § 11, 30 Stat. 549.)

30. Compositions; when confirmed.—(a) A bankrupt may offer, either before or after adjudication, terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of estates, at which meeting the judge or referee shall preside; and action upon the petition for adjudication shall be delayed until it shall be determined whether such composition shall be confirmed.

(b) An application for the confirmation of a composition may be filed in the court of bankruptcy after, but not before, it has been accepted in writing by a majority in number of all creditors whose claims have been allowed, which number must represent a majority in amount of such claims, and the consideration to be paid by the bankrupt to his creditors, and the money necessary to pay all debts which have priority and the cost of the proceedings, have been deposited in such place as shall be designated by and subject to the order of the judge.

(c) A date and place, with reference to the convenience of the parties in interest, shall be fixed for the hearing upon each application for the confirmation of a composition, and such objections as may be made to its confirmation.

(d) The judge shall confirm a composition if satisfied that (1) it is for the best interests of the creditors; (2) the bankrupt has not been guilty of any of the acts or failed to perform any of the duties which would be a bar to his discharge; and (3) the offer and its acceptance are in good faith and have not been made or procured except as herein provided, or by any means, promises, or acts herein forbidden.

(e) Upon the confirmation of a composition, the consideration shall be distributed as the judge shall direct, and the case dismissed. Whenever a composition is not confirmed, the estate shall be administered in bankruptcy as herein provided. (July 1, 1898, c. 541, § 12, 30 Stat. 549; June 25, 1910, c. 412, § 5, 36 Stat. 839.)

31. Same; when set aside.—The judge may, upon the application of parties in interest filed at any time within six months after a composition has been confirmed, set the same aside and reinstate the case if it shall be made to appear upon a trial that fraud was practiced in the procuring of such composition, and that the knowledge thereof has come to the petitioners since the confirmation of such composition. (July 1, 1898, c. 541, § 13, 30 Stat. 550.)

32. Discharges; when granted.—(a) Any person may, after the expiration of one month and within the next twelve months subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending; if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

(b) The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing, made by him to any person or his representative for the purpose of obtaining credit from such person; or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property, with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by the court. A trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

(c) The confirmation of a composition shall discharge the bankrupt from his debts, other than those agreed to be paid by the terms of the composition and those not affected by a discharge. (July 1, 1898, c. 541, § 14, 30 Stat. 550; Feb. 5, 1903, c. 487, § 4, 32 Stat. 797; June 25, 1910, c. 412, § 6, 36 Stat. 839.)

33. Same; when revoked.—The judge may, upon the application of parties in interest who have not been guilty of undue laches, filed at any time within one year after a discharge shall have been granted, revoke it upon a trial if it shall be made to appear that it was obtained through the fraud of the bankrupt, and that the knowledge of the fraud has come to the petitioners since the granting of the discharge, and that the actual facts did not warrant the discharge. (July 1, 1898, c. 541, § 15, 30 Stat. 550.)

34. Co-debtors of bankrupts.—The liability of a person who is a co-debtor with, or guarantor or in any manner a surety for, a bankrupt shall not be altered by the discharge of such bankrupt. (July 1, 1898, c. 541, § 16, 30 Stat. 550.)

35. Debts not affected by a discharge.—A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (first) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (second) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious

injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (third) have not been duly scheduled in time for proof and allowance, with the name of the creditor, if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (fourth) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity; or (fifth) are for wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of commencement of the proceedings in bankruptcy; or (sixth) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment. (July 1, 1898, c. 541, § 17, 30 Stat. 550; Feb. 5, 1903, c. 487, § 5, 32 Stat. 798; Mar. 2, 1917, c. 153, 39 Stat. 999; Jan. 7, 1922, c. 22, 42 Stat. 354.)

Chapter 4.—COURTS AND PROCEDURE THEREIN.

Sec.
41. Process, pleadings, and adjudications.
42. Jury trials.
43. Oaths, affirmations.
44. Evidence.
45. Reference after adjudication.
46. Jurisdiction; United States and State courts.
47. Same; appellate jurisdiction.
48. Appeals and writs of error.
49. Arbitration.
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51. Designation of newspapers.
52. Offenses.
53. Rules, forms, and orders.
54. Computation of time.
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Section 41. Process, pleadings, and adjudications.—(a) Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpœna, shall be made upon the person therein named as defendant in the same manner that service of such process was had on July 1, 1898, upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within fifteen days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a week for two consecutive weeks, and the return day shall be ten days after the last publication unless the judge shall for cause fix a longer time.

(b) The bankrupt, or any creditor, may appear and plead to the petition within five days after the return day, or within such further time as the court may allow.

(c) All pleadings setting up matters of fact shall be verified under oath.

(d) If the bankrupt, or any of his creditors, shall appear, within the time limited, and controvert the facts alleged in the petition, the judge shall determine, as soon as may be, the issues presented by the pleadings, without the intervention of a jury, except in cases where a jury trial is given by the provisions of this title, and make the adjudication or dismiss the petition.

(e) If on the last day within which pleadings may be filed none are filed by the bankrupt or any of his creditors, the judge shall on the next day, if present, or as soon thereafter as practicable, make the adjudication or dismiss the petition.

(f) If the judge is absent from the district, or the division of the district in which the petition is pending, on the next day after the last day on which pleadings may be filed, and none have been filed by the bankrupt or any of his creditors, the clerk shall forthwith refer the case to the referee.

(g) Upon the filing of a voluntary petition the judge shall hear the petition and make the adjudication or dismiss the petition. If the judge is absent from the district, or the division of the district in which the petition is filed at the time of the filing, the clerk shall forthwith refer the case to the referee. (July 1, 1898, c. 541, § 18, 30 Stat. 551; Feb. 5, 1903, c. 487, § 6, 32 Stat. 798.)

42. Jury trials.—(a) A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury, in respect to the question of his insolvency, except as herein otherwise provided, and any act of bankruptcy alleged in such petition to have been committed, upon filing a written application therefor at or before the time within which an answer may be filed. If such application is not filed within such time, a trial by jury shall be deemed to have been waived.

(b) If a jury is not in attendance upon the court, one may be specially summoned for the trial, or the case may be postponed.

(c) The right to submit matters in controversy, or an alleged offense under the provisions of this title, to a jury shall be determined and enjoyed, except as provided in this title, according to the United States laws in force in relation to trials by jury. (July 1, 1898, c. 541, § 19, 30 Stat. 551; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

43. Oaths, affirmations.—(a) Oaths required by this title, except upon hearings in court, may be administered by (1) referees; (2) officers authorized to administer oaths in proceedings before the courts of the United States, or under the laws of the State where the same are to be taken; and (3) diplomatic or consular officers of the United States in any foreign country.

(b) Any person conscientiously opposed to taking an oath may, in lieu thereof, affirm. Any person who shall affirm falsely shall be punished as for the making of a false oath. (July 1, 1898, c. 541, § 20, 30 Stat. 551.)

44. Evidence.—(a) A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under the provisions of this title. The wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt.

(b) The right to take depositions in proceedings under this title shall be determined and enjoyed according to the United States laws in force relating to the taking of depositions, except as herein provided.

(c) Notice of the taking of depositions shall be filed with the referee in every case. When depositions are to be taken in opposition to the allowance of a claim notice shall also be served upon the claimant, and when in opposition to a discharge notice shall also be served upon the bankrupt.

(d) Certified copies of proceedings before a referee, or of papers, when issued by the clerk or referee, shall be admitted as evidence with like force and effect as certified copies of the records of district courts of the United States are admitted as evidence.

(e) A certified copy of the order approving the bond of a trustee shall constitute conclusive evidence of the vesting in him of the title to the property of the bankrupt, and if recorded shall impart the same notice that a deed from the bankrupt to the trustee if recorded would have imparted had not bankruptcy proceedings intervened.

(f) A certified copy of an order confirming or setting aside a composition, or granting or setting aside a discharge, not revoked, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and of the fact that the order was made.

(g) A certified copy of an order confirming a composition shall constitute evidence of the revesting of the title of his property in the bankrupt, and if recorded shall impart the same notice that a deed from the trustee to the bankrupt if recorded would impart. (July 1, 1898, c. 541, § 21, 30 Stat. 551; Feb. 5, 1903, c. 487, § 7, 32 Stat. 798.)

45. Reference after adjudication.—(a) After a person has been adjudged a bankrupt the judge may cause the trustee to proceed with the administration of the estate, or refer it (1) generally to the referee or specially with only limited authority to act in the premises or to consider and report upon specified issues; or (2) to any referee within the territorial jurisdiction of the court, if the convenience of parties in interest will be served thereby, or for cause, or if the bankrupt does not do business, reside, or have his domicile in the district.

(b) The judge may, at any time, for the convenience of parties or for cause, transfer a case from one referee to another. (July 1, 1898, c. 541, § 22, 30 Stat. 552.)

46. Jurisdiction; United States and State courts.—(a) The United States district courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

(b) Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 96, subdivision b, of this title; section 107, subdivision e, of this title; and section 110, subdivision e, of this title. (July 1, 1898, c. 541, § 23, 30 Stat. 552; Feb. 5, 1903, c. 487, § 8, 32 Stat. 798; June 25, 1910, c. 412, § 7, 36 Stat. 840.)

47. Same; appellate jurisdiction.—(a) The circuit courts of appeals of the United States, and the supreme courts of the Territories, in vacation in chambers and during their respective terms are invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases.

(b) The several circuit courts of appeals shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised on due notice and petition by any party aggrieved.

(c) The Court of Appeals of the District of Columbia shall have the same appellate and supervisory jurisdiction over proceedings, controversies, and cases in bankruptcy in the District of Columbia that a circuit court of appeals has over such proceedings, controversies, and cases within its circuit and shall exercise that jurisdiction in the same manner as a circuit court of appeals is required to exercise it. (July 1, 1898, c. 541, § 24, 30 Stat. 553; Feb. 13, 1925, c. 229, §§ 1, 5, 13, 43 Stat. 936, 937, 941.)

48. Appeals and writs of error.—(a) Appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit court of appeals of the United States, in the following cases, to wit, (1) from a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of $500 or over. Such appeal shall be taken within ten days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

(b) Trustees shall not be required to give bond when they take appeals or sue out writs of error.

(c) Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof and issue writs of certiorari pursuant to the provisions of the United States laws in force on July 1, 1898, or such as may be thereafter enacted. (July 1, 1898, c. 541, § 25, 30 Stat. 553; Feb. 13, 1925, c. 229, §§ 1, 13, 43 Stat. 936, 941.)

49. Arbitration.—(a) The trustee may, pursuant to the direction of the court, submit to arbitration any controversy arising in the settlement of the estate.

(b) Three arbitrators shall be chosen by mutual consent, or one by the trustee, one by the other party to the controversy, and the third by the two so chosen, or if they fail to agree in five days after their appointment the court shall appoint the third arbitrator.

(c) The written finding of the arbitrators, or a majority of them, as to the issues presented, may be filed in court and shall have like force and effect as the verdict of a jury. (July 1, 1898, c. 541, § 26, 30 Stat. 553.)

50. Compromises.—The trustee may, with the approval of the court, compromise any controversy arising in the administration of the estate upon such terms as he may deem for the best interests of the estate. (July 1, 1898, c. 541, § 27, 30 Stat. 553.)

51. Designation of newspapers.—Courts of bankruptcy shall by order designate a newspaper published within their respective territorial districts, and in the county in which the bankrupt resides or the major part of his property is situated, in which notices required to be published by this title and orders which the court may direct to be published shall be inserted. Any court may in a particular case, for the convenience of parties in interest, designate some additional newspaper in which notices and orders in such case shall be published. (July 1, 1898, c. 541, § 28, 30 Stat. 554.)

52. Offenses.—(a) A person shall be punished, by imprisonment for a period not to exceed five years, upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee.

(b) A person shall be punished, by imprisonment for a period not to exceed two years, upon conviction of the offense of having knowingly and fraudulently (1) concealed while a bankrupt, or after his discharge, from his trustee any of the property belonging to his estate in bankruptcy; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat the provisions of this title; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

(c) A person shall be punished by fine, not to exceed $500, and forfeit his office, and the same shall thereupon become vacant, upon conviction of the offense of having knowingly

(1) acted as a referee in a case in which he is directly or indirectly interested; or (2) purchased, while a referee, directly or indirectly, any property of the estate in bankruptcy of which he is referee; or (3) refused, while a referee or trustee, to permit a reasonable opportunity for the inspection of the accounts relating to the affairs of, and the papers and records of, estates in his charge by parties in interest when directed by the court so to do.

(d) A person shall not be prosecuted for any offense arising under this title unless the indictment is found or the information is filed in court within one year after the commission of the offense. (July 1, 1898, c. 541, § 29, 30 Stat. 554.)

53. Rules, forms, and orders.—All necessary rules, forms, and orders as to procedure and for carrying the provisions of this title into force and effect shall be prescribed, and may be amended from time to time, by the Supreme Court of the United States. (July 1, 1898, c. 541, § 30, 30 Stat. 554.)

54. Computation of time.—Whenever time is enumerated by days in this title, or in any proceeding in bankruptcy, the number of days shall be computed by excluding the first and including the last, unless the last fall on a Sunday or holiday, in which event the day last included shall be the next day thereafter which is not a Sunday or a legal holiday. (July 1, 1898, c. 541, § 31, 30 Stat. 554.)

55. Transfer of cases.—In the event petitions are filed against the same person, or against different members of a partnership, in different courts of bankruptcy each of which has jurisdiction, the cases shall be transferred, by order of the courts relinquishing jurisdiction, to and be consolidated by the one of such courts which can proceed with the same for the greatest convenience of parties in interest. (July 1, 1898, c. 541, § 32, 30 Stat. 554.)

Chapter 5.—OFFICERS, THEIR DUTIES AND COMPENSATION.

Sec.
61. Creation of two offices.
62. Referees; appointment, removal, and districts of.
63. Same; qualifications.
64. Same; oaths.
65. Same; number.
66. Same; jurisdiction.
67. Same; duties.
68. Same; compensation.
69. Same; contempts before.
70. Same; records.
71. Same; absence or disability.
72. Trustees; appointment.
73. Same; qualifications.
74. Same; death or removal.
75. Same; duties.
76. Compensation of trustees, receivers, and marshals.
77. Accounts and papers of trustees.
78. Bonds of referees and trustees.
79. Duties of clerks.
80. Fees of clerks and marshals.
81. Duties of Attorney General.
82. Statistics of bankruptcy proceedings.

Section 61. Creation of two offices.—The offices of referee and trustee are created. (July 1, 1898, c. 541, § 33, 30 Stat. 555.)

62. Referees; appointment, removal, and districts of.—Courts of bankruptcy shall, within the territorial limits of which they respectively have jurisdiction, (1) appoint referees, each for a term of two years, and may, in their discretion, remove them because their services are not needed or for other cause; and (2) designate, and from time to time change, the limits of the districts of referees, so that each county, where the services of a referee are needed, may constitute at least one district. (July 1, 1898, c. 541, § 34, 30 Stat. 555.)

63. Same; qualifications.—Individuals shall not be eligible to appointment as referees unless they are, respectively, (1) competent to perform the duties of that office; (2) not holding any office of profit or emolument under the laws of the United States or of any State other than commissioners of deeds, justices of the peace, masters in chancery, or notaries public; (3) not related by consanguinity or affinity, within the third degree as determined by the common law, to any of the judges of the courts of bankruptcy, or of the justices or judges of the appellate courts of the districts wherein they may be appointed; and (4) residents of, or have their offices in, the territorial districts for which they are to be appointed. (July 1, 1898, c. 541, § 35, 30 Stat. 555.)

64. Same; oaths.—Referees shall take the same oath of office as that prescribed for judges of United States courts. (July 1, 1898, c. 541, § 36, 30 Stat. 555.)

65. Same; number.—Such number of referees shall be appointed as may be necessary to assist in expeditiously transacting the bankruptcy business pending in the various courts of bankruptcy. (July 1, 1898, c. 541, § 37, 30 Stat. 555.)

66. Same; jurisdiction.—Referees respectively are invested, subject always to a review by the judge, within the limits of their districts as established from time to time, with jurisdiction to (1) consider all petitions referred to them by the clerks and make the adjudications or dismiss the petitions; (2) exercise the powers vested in courts of bankruptcy for the administering of oaths to and the examination of persons as witnesses and for requiring the production of documents in proceedings before them, except the power of commitment; (3) exercise the powers of the judge for the taking possession and releasing of the property of the bankrupt in the event of the issuance by the clerk of a certificate showing the absence of a judge from the judicial district, or the division of the district, or his sickness, or inability to act; (4) perform such part of the duties, except as to questions arising out of the applications of bankrupts for compositions or discharges, as are by this title conferred on courts of bankruptcy and as shall be prescribed by rules or orders of the courts of bankruptcy of their respective districts, except as herein otherwise provided; and (5) upon the application of the trustee during the examination of the bankrupts, or other proceedings, authorize the employment of stenographers at the expense of the estates at a compensation not to exceed 10 cents per folio for reporting and transcribing the proceedings. (July 1, 1898, c. 541, § 38, 30 Stat. 555.)

67. Same; duties.—(a) Referees shall (1) declare dividends and prepare and deliver to trustees dividend sheets showing the dividends declared and to whom payable; (2) examine all schedules of property and lists of creditors filed by bankrupts and cause such as are incomplete or defective to be amended; (3) furnish such information concerning the estates in process of administration before them as may be requested by the parties in interest; (4) give notices to creditors as herein provided; (5) make up records embodying the evidence, or the substance thereof, as agreed upon by the parties in all contested matters arising before them, whenever requested to do so by either of the parties thereto, together with their findings therein, and transmit them to the judges; (6) prepare and file the schedules of property and lists of creditors required to be filed by the bankrupts, or cause the same to be done, when the bankrupts fail, refuse, or neglect to do so; (7) safely keep, perfect, and transmit to the clerks the records, herein required to be kept by them, when the cases are concluded; (8) transmit to the clerks such papers as may be on file before them whenever the same are needed in any proceedings in courts, and in like manner secure the return of such papers after they have been used, or, if it be impracticable to transmit the original papers, transmit certified copies thereof by mail; (9) upon application of any party in interest, preserve the evidence taken or the substance thereof as agreed

upon by the parties before them when a stenographer is not in attendance; and (10) whenever their respective offices are in the same cities or towns where the courts of bankruptcy convene, call upon and receive from the clerks all papers filed in courts of bankruptcy which have been referred to them.

(b) Referees shall not (1) act in cases in which they are directly or indirectly interested; (2) practice as attorneys and counselors at law in any bankruptcy proceedings; or (3) purchase, directly or indirectly, any property of an estate in bankruptcy. (July 1, 1898, c. 541, § 39, 30 Stat. 555.)

68. Same; compensation.—(a) Referees shall receive as full compensation for their services, payable after they are rendered, a fee of $15 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 25 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1 per centum commissions on all moneys disbursed to creditors by the trustee, or one-half of 1 per centum on the amount to be paid to creditors upon the confirmation of a composition.

(b) Whenever a case is transferred from one referee to another the judge shall determine the proportion in which the fee and commissions therefor shall be divided between the referees.

(c) In the event of the reference of a case being revoked before it is concluded, and when the case is specially referred, the judge shall determine what part of the fee and commissions shall be paid to the referee. (July 1, 1898, c. 541, § 40, 30 Stat. 556; Feb. 5, 1903, c. 487, § 9, 32 Stat. 799.)

69. Same; contempts before.—(a) A person shall not, in proceedings before a referee, (1) disobey or resist any lawful order, process, or writ; (2) misbehave during a hearing or so near the place thereof as to obstruct the same; (3) neglect to produce, after having been ordered to do so, any pertinent document; or (4) refuse to appear after having been subpœnaed, or, upon appearing, refuse to take the oath as a witness, or, after having taken the oath, refuse to be examined according to law. No person shall be required to attend as a witness before a referee at a place outside of the State of his residence, and more than one hundred miles from such place of residence, and only in case his lawful mileage and fee for one day's attendance, shall be first paid or tendered to him.

(b) The referee shall certify the facts to the judge, if any person shall do any of the things forbidden in this section. The judge shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if it is such as to warrant him in so doing, punish such person in the same manner and to the same extent as for a contempt committed before the court of bankruptcy, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of, or in the presence of, the court. (July 1, 1898, c. 541, § 41, 30 Stat. 556.)

70. Same; records.—(a) The records of all proceedings in each case before a referee shall be kept as nearly as may be in the same manner as records were kept on July 1, 1898, in equity cases in district courts of the United States.

(b) A record of the proceedings in each case shall be kept in a separate book or books, and shall, together with the papers on file, constitute the records of the case.

(c) The book or books containing a record of the proceedings shall, when the case is concluded before the referee, be certified to by him, and, together with such papers as are on file before him, be transmitted to the court of bankruptcy and shall there remain as a part of the records of the court. (July 1, 1989, c. 541, § 42, 30 Stat. 556.)

71. Same; absence or disability.—Whenever the office of a referee is vacant, or its occupant is absent or disqualified to act, the judge may act, or may appoint another referee, or another referee holding an appointment under the same court may, by order of the judge, temporarily fill the vacancy. (July 1, 1898, c. 541, § 43, 30 Stat. 557.)

72. Trustees; appointment.—The creditors of a bankrupt estate shall, at their first meeting after the adjudication or after a vacancy has occurred in the office of trustee, or after an estate has been reopened, or after a composition has been set aside or a discharge revoked, or if there is a vacancy in the office of trustee, appoint one trustee or three trustees of such estate. If the creditors do not appoint a trustee or trustees as herein provided, the court shall do so. (July 1, 1898, c. 541, § 44, 30 Stat. 557.)

73. Same; qualifications.—Trustees may be (1) individuals who are respectively competent to perform the duties of that office, and reside or have an office in the judicial district within which they are appointed, or (2) corporations authorized by their charters or by law to act in such capacity and having an office in the judicial district within which they are appointed. (July 1, 1898, c. 541, § 45, 30 Stat. 557.)

74. Same; death or removal.—The death or removal of a trustee shall not abate any suit or proceeding which he is prosecuting or defending at the time of his death or removal, but the same may be proceeded with or defended by his joint trustee or successor in the same manner as though the same had been commenced or was being defended by such joint trustee alone or by such successor. (July 1, 1898, c. 541, § 46, 30 Stat. 557.)

75. Same; duties.—(a) Trustees shall respectively (1) account for and pay over to the estates under their control all interest received by them on property of such estates; (2) collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest; and such trustees, as to all property in the custody or coming into the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a creditor holding a lien by legal or equitable proceedings thereon; and also, as to all property not in the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a judgment creditor holding an execution duly returned unsatisfied; (3) deposit all money received by them in one of the designated depositories; (4) disburse money only by check or draft on the depositories in which it has been deposited; (5) furnish such information concerning the estates of which they are trustees and their administration as may be requested by parties in interest; (6) keep regular accounts showing all amounts received and from what sources and all amounts expended and on what accounts; (7) lay before the final meeting of the creditors detailed statements of the administration of the estates; (8) make final reports and file final accounts with the courts fifteen days before the days fixed for the final meetings of the creditors; (9) pay dividends within ten days after they are declared by the referees; (10) report to the courts, in writing, the condition of the estates and the amounts of money on hand, and such other details as may be required by the courts, within the first month after their appointment and every two months thereafter, unless otherwise ordered by the courts; and (11) set apart the bankrupt's exemptions and report the items and estimated value thereof to the court as soon as practicable after their appointment.

(b) Whenever three trustees have been appointed for an estate. the concurrence of at least two of them shall be necessary to the validity of their every act concerning the administration of the estate.

(c) The trustee shall, within thirty days after the adjudication, file a certified copy of the decree of adjudication in the office where conveyances of real estate are recorded in every

county where the bankrupt owns real estate not exempt from execution, and pay the fee for such filing, and he shall receive a compensation of 50 cents for each copy so filed, which, together with the filing fee, shall be paid out of the estate of the bankrupt as a part of the cost and disbursements of the proceedings. (July 1, 1898, c. 541, § 47, 30 Stat. 557; Feb. 5, 1903, c. 487, § 10, 32 Stat. 799; June 25, 1910, c. 412, § 8, 36 Stat. 840.)

76. Compensation of trustees, receivers, and marshals.—(a) Trustees shall receive for their services, payable after they are rendered, a fee of $5 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and such commissions on all moneys disbursed or turned over to any person, including lien holders, by them, as may be allowed by the courts, not to exceed 6 per centum on the first $500 or less, 4 per centum on moneys in excess of $500 and less than $1,500, 2 per centum on moneys in excess of $1,500 and less than $10,000, and 1 per centum on moneys in excess of $10,000. And in case of the confirmation of a composition after the trustee has qualified the court may allow him, as compensation, not to exceed one-half of 1 per centum of the amount to be paid the creditors on such composition.

(b) In the event of an estate being administered by three trustees instead of one trustee or by successive trustees, the court shall apportion the fees and commissions between them according to the services actually rendered, so that there shall not be paid to trustees for the administering of any estate a greater amount than one trustee would be entitled to.

(c) The court may, in its discretion, withhold all compensation from any trustee who has been removed for cause.

(d) Receivers or marshals appointed pursuant to section 11, subdivision 3, of this title shall receive for their services, payable after they are rendered, compensation by way of commissions upon the moneys disbursed or turned over to any person, including lien holders, by them, and also upon the moneys turned over by them or afterwards realized by the trustees from property turned over in kind by them to the trustees, as the court may allow, not to exceed 6 per centum on the first $500 or less, 4 per centum on moneys in excess of $500 and less than $1,500, 2 per centum on moneys in excess of $1,500 and less than $10,000, and 1 per centum on moneys in excess of $10,000. In case of the confirmation of a composition such commissions shall not exceed one-half of 1 per centum of the amount to be paid creditors on such compositions. When the receiver or marshal acts as a mere custodian and does not carry on the business of the bankrupt as provided in clause 5 of section 11, of this title, he shall not receive nor be allowed in any form or guise more than 2 per centum on the first $1,000 or less, and one-half of 1 per centum on all above $1,000 on moneys disbursed by him or turned over by him to the trustee and on moneys subsequently realized from property turned over by him in kind to the trustee. Before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section 94 of this title.

(e) Where the business is conducted by trustees, marshals, or receivers, as provided in clause 5 of section 11, the court may allow such officers additional compensation for such services by way of commissions upon the moneys disbursed or turned over to any person, including lien holders, by them, and, in cases of receivers or marshals, also upon the moneys turned over by them or afterwards realized by the trustees from property turned over in kind by them to the trustees; such commissions not to exceed 6 per centum on the first $500 or less, 4 per centum on moneys in excess of $500 and less than $1,500, 2 per centum on moneys in excess of $1,500 and less than $10,000, and 1 per centum on moneys in excess of $10,000. In case of the confirmation of a composition such commissions shall not exceed one-half of 1 per centum of the amount to be paid creditors on such composition. Before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section 94. (July 1, 1898, c. 541, § 48, 30 Stat. 557; Feb. 5, 1903, c. 487, § 11, 32 Stat. 799; June 25, 1910, c. 412, § 9, 36 Stat. 840.)

77. Accounts and papers of trustees.—The accounts and papers of trustees shall be open to the inspection of officers and all parties in interest. (July 1, 1898, c. 541, § 49, 30 Stat. 558.)

78. Bonds of referees and trustees.—(a) Referees, before assuming the duties of their offices, and within such time as the district courts of the United States having jurisdiction shall prescribe, shall respectively qualify by entering into bond to the United States in such sum as shall be fixed by such courts, not to exceed $5,000, with such sureties as shall be approved by such courts, conditioned for the faithful performance of their official duties.

(b) Trustees, before entering upon the performance of their official duties, and within ten days after their appointment, or within such further time, not to exceed five days, as the court may permit, shall respectively qualify by entering into bond to the United States, with such sureties as shall be approved by the courts, conditioned for the faithful performance of their official duties.

(c) The creditors of a bankrupt estate, at their first meeting after the adjudication, or after a vacancy has occurred in the office of trustee, or after an estate has been reopened, or after a composition has been set aside or a discharge revoked, if there is a vacancy in the office of trustee, shall fix the amount of the bond of the trustee; they may at any time increase the amount of the bond. If the creditors do not fix the amount of the bond of the trustee as herein provided the court shall do so.

(d) The court shall require evidence as to the actual value of the property of sureties.

(e) There shall be at least two sureties upon each bond.

(f) The actual value of the property of the sureties, over and above their liabilities and exemptions, on each bond shall equal at least the amount of such bond.

(g) Corporations organized for the purpose of becoming sureties upon bonds, or authorized by law to do so, may be accepted as sureties upon the bonds of referees and trustees whenever the courts are satisfied that the rights of all parties in interest will be thereby amply protected.

(h) Bonds of referees, trustees, and designated depositories shall be filed of record in the office of the clerk of the court and may be sued upon in the name of the United States for the use of any person injured by a breach of their conditions.

(i) Trustees shall not be liable, personally or on their bonds, to the United States, for any penalties or forfeitures incurred by the bankrupts under this title, of whose estates they are respectively trustees.

(j) Joint trustees may give joint or several bonds.

(k) If any referee or trustee shall fail to give bond, as herein provided and within the time limited, he shall be deemed to have declined his appointment, and such failure shall create a vacancy in his office.

(l) Suits upon referees' bonds shall not be brought subsequent to two years after the alleged breach of the bond.

(m) Suits upon trustees' bonds shall not be brought subsequent to two years after the estate has been closed. (July 1, 1898, c. 541, § 50, 30 Stat. 558.)

79. Duties of clerks.—Clerks shall respectively (1) account for, as for other fees received by them, the clerk's fee paid in each case and such other fees as may be received for certified copies of records which may be prepared for persons other than officers; (2) collect the fees of the clerk, referee, and

trustee in each case instituted before filing the petition, except the petition of a proposed voluntary bankrupt which is accompanied by an affidavit stating that the petitioner is without, and can not obtain, the money with which to pay such fees; (3) deliver to the referees upon application all papers which may be referred to them, or, if the offices of such referees are not in the same cities or towns as the offices of such clerks, transmit such papers by mail, and in like manner return papers which were received from such referees after they have been used; (4) and within ten days after each case has been closed pay to the referee, if the case was referred, the fee collected for him, and to the trustee the fee collected for him at the time of filing the petition. (July 1, 1898, c. 541, § 51, 30 Stat. 558.)

80. Fees of clerks and marshals.—(a) Clerks shall respectively charge and collect for their service to each estate, a filing fee of $10, except when a fee is not required from a voluntary bankrupt, which said fee shall be paid into the Treasury of the United States in the manner provided by law.

(b) Marshals shall respectively charge the estate where an adjudication in bankruptcy is made, except as herein otherwise provided, for the performance of their services in proceedings in bankruptcy, the same fees, and account for them in the same way, as they are entitled to charge for the performance of the same or similar services in other cases in accordance with laws in force on July 1, 1898, or such as may be thereafter enacted, fixing the compensation of marshals. (July 1, 1898, c. 541, § 52, 30 Stat. 559; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099.)

81. Duties of Attorney General.—The Attorney General shall annually lay before Congress statistical tables showing for the whole country, and by States, the number of cases during the year of voluntary and involuntary bankruptcy; the amount of the property of the estates; the dividends paid and the expenses of administering such estates; and such other like information as he may deem important. (July 1, 1898, c. 541, § 53, 30 Stat. 559.)

82. Statistics of bankruptcy proceedings.—Officers shall furnish in writing and transmit by mail such information as is within their knowledge, and as may be shown by the records and papers in their possession, to the Attorney General, for statistical purposes, within ten days after being requested by him to do so. (July 1, 1898, c. 541, § 54, 30 Stat. 559.)

Chapter 6.—CREDITORS.

Sec.
91. Creditors' meetings.
92. Same; voters at.
93. Proof and allowance of claims.
94. Creditors; notices to.
95. Bankruptcy petitions; filing and dismissal.
96. Preferred creditors.

Section 91. Creditors' meetings.—(a) The court shall cause the first meeting of the creditors of a bankrupt to be held, not less than ten or more than thirty days after the adjudication, at the county seat of the county in which the bankrupt has had his principal place of business, resided, or had his domicile; or if that place would be manifestly inconvenient as a place of meeting for the parties in interest, or if the bankrupt is one who does not do business, reside, or have his domicile within the United States, the court shall fix a place for the meeting which is the most convenient for parties in interest. If such meeting should by any mischance not be held within such time, the court shall fix the date, as soon as may be thereafter, when it shall be held.

(b) At the first meeting of creditors the judge or referee shall preside, and, before proceeding with the other business, may allow or disallow the claims of creditors there presented, and may publicly examine the bankrupt or cause him to be examined at the instance of any creditor.

(c) The creditors shall at each meeting take such steps as may be pertinent and necessary for the promotion of the best interests of the estate and the enforcement of the provisions of this title.

(d) A meeting of creditors, subsequent to the first one, may be held at any time and place when all of the creditors who have secured the allowance of their claims sign a written consent to hold a meeting at such time and place.

(e) The court shall call a meeting of creditors whenever one-fourth or more in number of those who have proven their claims shall file a written request to that effect; if such request is signed by a majority of such creditors, which number represents a majority in amount of such claims, and contains a request for such meeting to be held at a designated place, the court shall call such meeting at such place within thirty days after the date of the filing of the request.

(f) Whenever the affairs of the estate are ready to be closed a final meeting of creditors shall be ordered. (July 1, 1898, c. 541, § 55, 30 Stat. 559.)

92. Same; voters at.—(a) Creditors shall pass upon matters submitted to them at their meetings by a majority vote in number and amount of claims of all creditors whose claims have been allowed and are present, except as otherwise provided in this title.

(b) Creditors holding claims which are secured or have priority shall not, in respect to such claims, be entitled to vote at creditors' meetings, nor shall such claims be counted in computing either the number of creditors or the amount of their claims, unless the amounts of such claims exceed the values of such securities or priorities, and then only for such excess. (July 1, 1898, c. 541, § 56, 30 Stat. 560.)

93. Proof and allowance of claims.—(a) Proof of claims shall consist of a statement under oath, in writing, signed by a creditor setting forth the claim, the consideration therefor, and whether any, and, if so what, securities are held therefor, and whether any, and, if so what, payments have been made thereon, and that the sum claimed is justly owing from the bankrupt to the creditor.

(b) Whenever a claim is founded upon an instrument of writing, such instrument, unless lost or destroyed, shall be filed with the proof of claim. If such instrument is lost or destroyed, a statement of such fact and of the circumstances of such loss or destruction shall be filed under oath with the claim. After the claim is allowed or disallowed, such instrument may be withdrawn by permission of the court, upon leaving a copy thereof on file with the claim.

(c) Claims after being proved may, for the purpose of allowance, be filed by the claimants in the court where the proceedings are pending or before the referee if the case has been referred.

(d) Claims which have been duly proved shall be allowed, upon receipt by or upon presentation to the court, unless objection to their allowance shall be made by parties in interest, or their consideration be continued for cause by the court upon its own motion.

(e) Claims of secured creditors and those who have priority may be allowed to enable such creditors to participate in the proceedings at creditors' meetings held prior to the determination of the value of their securities or priorities, but shall be allowed for such sums only as to the courts seem to be owing over and above the value of their securities or priorities.

(f) Objections to claims shall be heard and determined as soon as the convenience of the court and the best interests of the estates and the claimants will permit.

(g) The claims of creditors who have received preferences, voidable under section 96, subdivision (b), of this title, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section 107, subdivision (e), of this title, have been made or given, shall not be allowed unless such

creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances.

(h) The value of securities held by secured creditors shall be determined by converting the same into money according to the terms of the agreement pursuant to which such securities were delivered to such creditors or by such creditors and the trustee, by agreement, arbitration, compromise, or litigation, as the court may direct, and the amount of such value shall be credited upon such claims, and a dividend shall be paid only on the unpaid balance.

(i) Whenever a creditor whose claim against a bankrupt estate is secured by the individual undertaking of any person fails to prove such claim, such person may do so in the creditor's name, and if he discharge such undertaking in whole or in part he shall be subrogated to that extent to the rights of the creditor.

(j) Debts owing to the United States, a State, a county, a district, or a municipality as a penalty or forfeiture shall not be allowed, except for the amount of the pecuniary loss sustained by the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby and such interest as may have accrued thereon according to law.

(k) Claims which have been allowed may be reconsidered for cause and reallowed or rejected in whole or in part, according to the equities of the case, before but not after the estate has been closed.

(l) Whenever a claim shall have been reconsidered and rejected, in whole or in part, upon which a dividend has been paid, the trustee may recover from the creditor the amount of the dividend received upon the claim if rejected in whole, or the proportional part thereof if rejected only in part.

(m) The claim of any estate which is being administered in bankruptcy against any like estate may be proved by the trustee and allowed by the court in the same manner and upon like terms as the claims of other creditors.

(n) Claims shall not be proved against a bankrupt estate subsequent to one year after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within thirty days before or after the expiration of such time, then within sixty days after the rendition of such judgment. The right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer. (July 1, 1898, c. 541, § 57, 30 Stat. 560; Feb. 5, 1903, c. 487, § 12, 32 Stat. 799.)

94. Creditors; notices to.—(a) Creditors shall have at least ten days' notice by mail, to their respective addresses as they appear in the list of creditors of the bankrupt, or as afterwards filed with the papers in the case by the creditors, unless they waive notice in writing, of (1) all examinations of the bankrupt; (2) all hearings upon applications for the confirmation of compositions; (3) all meetings of creditors; (4) all proposed sales of property; (5) the declaration and time of payment of dividends; (6) the filing of the final accounts of the trustee, and the time when and the place where they will be examined and passed upon; (7) the proposed compromise of any controversy; (8) the proposed dismissal of the proceedings, and (9) there shall be thirty days' notice of all applications for the discharge of bankrupts.

(b) Notice to creditors of the first meeting shall be published at least once and may be published such number of additional times as the court may direct; the last publication shall be at least one week prior to the date fixed for the meeting. Other notices may be published as the court shall direct.

(c) All notices shall be given by the referee, unless otherwise ordered by the judge. (July 1, 1898, c. 541, § 58, 30 Stat. 561; June 25, 1910, c. 412, § 9½, 36 Stat. 841.)

95. Bankruptcy petitions; filing and dismissal.—(a) Any qualified person may file a petition to be adjudged a voluntary bankrupt.

(b) Three or more creditors who have provable claims against any person which amount in the aggregate, in excess of the value of securities held by them, if any, to $500 or over; or if all of the creditors of such person are less than twelve in number, then one of such creditors whose claim equals such amount may file a petition to have him adjudged a bankrupt.

(c) Petitions shall be filed in duplicate, one copy for the clerk and one for service on the bankrupt.

(d) If it be averred in the petition that the creditors of the bankrupt are less than twelve in number, and less than three creditors have joined as petitioners therein, and the answer avers the existence of a larger number of creditors, there shall be filed with the answer a list under oath of all the creditors, with their addresses, and thereupon the court shall cause all such creditors to be notified of the pendency of such petition and shall delay the hearing upon such petition for a reasonable time, to the end that parties in interest shall have an opportunity to be heard; if upon such hearing it shall appear that a sufficient number have joined in such petition, or if prior to or during such hearing a sufficient number shall join therein, the case may be proceeded with, but otherwise it shall be dismissed.

(e) In computing the number of creditors of a bankrupt for the purpose of determining how many creditors must join in the petition, such creditors as were employed by him at the time of the filing of the petition or are related to him by consanguinity or affinity within the third degree, as determined by the common law, and have not joined in the petition, shall not be counted.

(f) Creditors other than original petitioners may at any time enter their appearance and join in the petition, or file an answer and be heard in opposition to the prayer of the petition.

(g) A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors, and to that end the court shall, before entertaining an application for dismissal, require the bankrupt to file a list, under oath, of all his creditors, with their addresses, and shall cause notice to be sent to all such creditors of the pendency of such application, and shall delay the hearing thereon for a reasonable time to allow all creditors and parties in interest opportunity to be heard. (July 1, 1898, c. 541, § 59, 30 Stat. 561; June 25, 1910, c. 412, § 10, 36 Stat. 841.)

96. Preferred creditors.—(a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required.

(b) If a bankrupt shall have procured or suffered a judgment to be entered against him in favor of any person or have made a transfer of any of his property, and if, at the time of the transfer, or of the entry of the judgment, or of the recording or registering of the transfer if by law recording or registering thereof is required, and being within four months before the filing of the petition in bankruptcy or after the filing thereof and before the adjudication, the bankrupt be insolvent and the

judgment or transfer then operate as a preference, and the person receiving it or to be benefited thereby, or his agent acting therein, shall then have reasonable cause to believe that the enforcement of such judgment or transfer would effect a preference, it shall be voidable by the trustee and he may recover the property or its value from such person. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

(c) If a creditor has been preferred, and afterwards in good faith gives the debtor further credit without security of any kind for property which becomes a part of the debtor's estates, the amount of such new credit remaining unpaid at the time of the adjudication in bankruptcy may be set off against the amount which would otherwise be recoverable from him.

(d) If a debtor shall, directly or indirectly, in contemplation of the filing of a petition by or against him, pay money or transfer property to an attorney and counselor at law, solicitor in equity, or proctor in admiralty for services to be rendered, the transaction shall be reexamined by the court on petition of the trustee or any creditor and shall only be held valid to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the trustee for the benefit of the estate. (July 1, 1898, c. 541, § 60, 30 Stat. 562; Feb. 5, 1903, c. 487, § 13, 32 Stat. 799; June 25, 1910, c. 412, § 11, 36 Stat. 842.)

Chapter 7.—ESTATES.

Sec.
101. Depositories for money.
102. Expenses of administration.
103. Debts provable against.
104. Debts which have priority.
105. Declaration and payment of dividends.
106. Unclaimed dividends.
107. Liens, conveyances, transfers, and assignments; validity of.
108. Set-offs and counterclaims.
109. Property; seizure to avoid deterioration.
110. Same; title.
111. Records; duty of clerks to keep; inspection.
112. Restriction of compensation of referees, receivers, and trustees.

Section 101. Depositories for money.—Courts of bankruptcy shall designate, by order, banking institutions as depositories for the money of bankrupt estates, as convenient as may be to the residences of trustees, and shall require bonds to the United States, subject to their approval, to be given by such banking institutions, and may from time to time as occasion may require, by like order increase the number of depositories or the amount of any bond or change such depositories. (July 1, 1898, c. 541, § 61, 30 Stat. 562.)

102. Expenses of administration.—The actual and necessary expenses incurred by officers in the administration of estates shall, except where other provisions are made for their payment, be reported in detail, under oath, and examined and approved or disapproved by the court. If approved, they shall be paid or allowed out of the estates in which they were incurred. (July 1, 1898, c. 541, § 62, 30 Stat. 562.)

103. Debts provable against.—(a) Debts of the bankrupt may be proved and allowed against his estate which are (1) a fixed liability, as evidenced by a judgment or an instrument in writing, absolutely owing at the time of the filing of the petition against him, whether then payable or not, with any interest thereon which would have been recoverable at that date or with a rebate of interest upon such as were not then payable and did not bear interest; (2) due as costs taxable against an involuntary bankrupt who was at the time of the filing of the petition against him plaintiff in a cause of action which would pass to the trustee and which the trustee declines to prosecute after notice; (3) founded upon a claim for taxable costs incurred in good faith by a creditor before the filing of a petition in an action to recover a provable debt; (4) founded upon an open account, or upon a contract express or implied; and (5) founded upon provable debts reduced to judgments after the filing of the petition and before the consideration of the bankrupt's application for a discharge, less costs incurred and interest accrued after the filing of the petition and up to the time of the entry of such judgments.

(b) Unliquidated claims against the bankrupt may, pursuant to application to the court, be liquidated in such manner as it shall direct, and may thereafter be proved and allowed against the estate. (July 1, 1898, c. 541, § 63, 30 Stat. 562.)

104. Debts which have priority.—(a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

(b) The debts to have priority, except as herein provided, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expenses of such recovery; (3) the cost of administration, including the fees and mileage payable to witnesses as on July 1, 1898, or thereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow; (4) wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of the commencement of proceedings, not to exceed $300 to each claimant; and (5) debts owing to any person who by the laws of the States or the United States is entitled to priority.

(c) In the event of the confirmation of a composition being set aside, or a discharge revoked, the property acquired by the bankrupt in addition to his estate at the time the composition was confirmed or the adjudication was made shall be applied to the payment in full of the claims of creditors for property sold to him on credit, in good faith, while such composition or discharge was in force, and the residue, if any, shall be applied to the payment of the debts which were owing at the time of the adjudication. (July 1, 1898, c. 541, § 64, 30 Stat. 563; Feb. 5, 1903, c. 487, § 14, 32 Stat. 800; June 15, 1906, c. 3333, 34 Stat. 267.)

105. Declaration and payment of dividends.—(a) Dividends of an equal per centum shall be declared and paid on all allowed claims, except such as have priority or are secured.

(b) The first dividend shall be declared within thirty days after the adjudication, if the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as have not been, but probably will be, allowed equals 5 per centum or more of such allowed claims. Dividends subsequent to the first shall be declared upon like terms as the first and as often as the amount shall equal 10 per centum or more and upon closing the estate. Dividends may be declared oftener and in smaller proportions if the judge

shall so order. The first dividend shall not include more than 50 per centum of the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as probably will be allowed. The final dividend shall not be declared within three months after the first dividend shall be declared.

(c) The rights of creditors who have received dividends, or in whose favor final dividends have been declared, shall not be affected by the proof and allowance of claims subsequent to the date of such payment or declarations of dividends; but the creditors proving and securing the allowance of such claims shall be paid dividends equal in amount to those already received by the other creditors if the estate equals so much before such other creditors are paid any further dividends.

(d) Whenever a person shall have been adjudged a bankrupt by a court without the United States and also by a court of bankruptcy, creditors residing within the United States shall first be paid a dividend equal to that received in the court without the United States by other creditors before creditors who have received a dividend in such court shall be paid any amounts.

(e) A claimant shall not be entitled to collect from a bankrupt estate any greater amount than shall accrue pursuant to the provisions of this title. (July 1, 1898, c. 541, § 65, 30 Stat. 563; Feb. 5, 1903, c. 487, § 15, 32 Stat. 800.)

106. Unclaimed dividends.—(a) Dividends which remain unclaimed for six months after the final dividend has been declared shall be paid by the trustee into court.

(b) Dividends remaining unclaimed for one year shall, under the direction of the court, be distributed to the creditors whose claims have been allowed but not paid in full, and after such claims have been paid in full the balance shall be paid to the bankrupt. In case unclaimed dividends belong to minors such minors may have one year after arriving at majority to claim such dividends. (July 1, 1898, c. 541, § 66, 30 Stat. 564.)

107. Liens, conveyances, transfers, and assignments; validity of.—(a) Claims which for want of record or for other reasons would not have been valid liens as against the claims of the creditors of the bankrupt shall not be liens against his estate.

(b) Whenever a creditor is prevented from enforcing his rights as against a lien created, or attempted to be created, by his debtor, who afterwards becomes a bankrupt, the trustee of the estate of such bankrupt shall be subrogated to and may enforce such rights of such creditor for the benefit of the estate.

(c) A lien created by or obtained in or pursuant to any suit or proceeding at law or in equity, including an attachment upon mesne process or a judgment by confession, which was begun against a person within four months before the filing of a petition in bankruptcy by or against such person shall be dissolved by the adjudication of such person to be a bankrupt if (1) it appears that said lien was obtained and permitted while the defendant was insolvent and that its existence and enforcement will work a preference, or (2) the party or parties to be benefited thereby had reasonable cause to believe the defendant was insolvent and in contemplation of bankruptcy, or (3) that such lien was sought and permitted in fraud of the provisions of this title; or if the dissolution of such lien would militate against the best interests of the estate of such person the same shall not be dissolved, but the trustee of the estate of such person, for the benefit of the estate, shall be subrogated to the rights of the holder of such lien and empowered to perfect and enforce the same in his name as trustee with like force and effect as such holder might have done had not bankruptcy proceedings intervened.

(d) Liens given or accepted in good faith and not in contemplation of or in fraud upon the provisions of this title, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall, to the extent of such present consideration only, not be affected by anything herein.

(e) All conveyances, transfers, assignments, or incumbrances of his property or any part thereof, made or given by a person adjudged a bankrupt under the provisions of this title within four months prior to the filing of the petition, with the intent and purpose on his part to hinder, delay, or defraud his creditors, or any of them, shall be null and void as against the creditors of such debtor, except as to purchasers in good faith and for a present fair consideration; and all property of the debtor conveyed, transferred, assigned, or encumbered as aforesaid shall, if he be adjudged a bankrupt, and the same is not exempt from execution and liability for debts by the law of his domicile, be and remain a part of the assets and estate of the bankrupt and shall pass to his said trustee, whose duty it shall be to recover and reclaim the same by legal proceedings or otherwise for the benefit of the creditors. And all conveyances, transfers, or incumbrances of his property made by a debtor at any time within four months prior to the filing of the petition against him, and while insolvent, which are held null and void as against the creditors of such debtor by the laws of the State, Territory, or District in which such property is situate, shall be deemed null and void under the provisions of this title against the creditors of such debtor if he be adjudged a bankrupt, and such property shall pass to the assignee and be by him reclaimed and recovered for the benefit of the creditors of the bankrupt. For the purpose of such recovery any court of bankruptcy as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

(f) That all levies, judgments, attachments, or other liens, obtained through legal proceedings against a person who is insolvent, at any time within four months prior to the filing of a petition in bankruptcy against him, shall be deemed null and void in case he is adjudged a bankrupt, and the property affected by the levy, judgment, attachment, or other lien shall be deemed wholly discharged and released from the same, and shall pass to the trustee as a part of the estate of the bankrupt, unless the court shall, on due notice, order that the right under such levy, judgment, attachment, or other lien shall be preserved for the benefit of the estate; and thereupon the same may pass to and shall be preserved by the trustee for the benefit of the estate as aforesaid. And the court may order such conveyance as shall be necessary to carry the purposes of this section into effect. Nothing herein contained shall have the effect to destroy or impair the title obtained by such levy, judgment, attachment, or other lien, of a bona fide purchaser for value who shall have acquired the same without notice or reasonable cause for inquiry. (July 1, 1898, c. 541, § 67, 30 Stat. 564; Feb. 5, 1903, c. 487, § 16, 32 Stat. 800; June 25, 1910, c. 412, § 12, 36 Stat. 842.)

108. Set-offs and counterclaims.—(a) In all cases of mutual debts or mutual credits between the estate of a bankrupt and a creditor the account shall be stated and one debt shall be set off against the other, and the balance only shall be allowed or paid.

(b) A set-off or counterclaim shall not be allowed in favor of any debtor of the bankrupt which (1) is not provable against the estate; or (2) was purchased by or transferred to him after the filing of the petition, or within four months before such filing, with a view to such use and with knowledge or notice that such bankrupt was insolvent, or had committed an act of bankruptcy. (July 1, 1898, c. 541, § 68, 30 Stat. 565.)

109. Property; seizure to avoid deterioration.—A judge may, upon satisfactory proof, by affidavit, that a bankrupt against

whom an involuntary petition has been filed and is pending has committed an act of bankruptcy, or has neglected or is neglecting, or is about to so neglect his property that it has thereby deteriorated or is thereby deteriorating or is about thereby to deteriorate in value, issue a warrant to the marshal to seize and hold it subject to further orders. Before such warrant is issued the petitioners applying therefor shall enter into a bond in such an amount as the judge shall fix, with such sureties as he shall approve, conditioned to indemnify such bankrupt for such damages as he shall sustain in the event such seizure shall prove to have been wrongfully obtained. Such property shall be released, if such bankrupt shall give bond in a sum which shall be fixed by the judge, with such sureties as he shall approve, conditioned to turn over such property, or pay the value thereof in money to the trustee, in the event he is adjudged a bankrupt pursuant to such petition. (July 1, 1898, c. 541, § 69, 30 Stat. 565.)

110. Same; title.—(a) The trustee of the estate of a bankrupt, upon his appointment and qualification, and his successor or successors, if he shall have one or more, upon his or their appointment and qualification, shall in turn be vested by operation of law with the title of the bankrupt, as of the date he was adjudged a bankrupt, except in so far as it is to property which is exempt, to all (1) documents relating to his property; (2) interests in patents, patent rights, copyrights, and trade-marks; (3) powers which he might have exercised for his own benefit, but not those which he might have exercised for some other person; (4) property transferred by him in fraud of his creditors; (5) property which prior to the filing of the petition he could by any means have transferred or which might have been levied upon and sold under judicial process against him. When any bankrupt shall have any insurance policy which has a cash surrender value payable to himself, his estate, or personal representatives, he may, within thirty days after the cash surrender value has been ascertained and stated to the trustee by the company issuing the same, pay or secure to the trustee the sum so ascertained and stated, and continue to hold, own, and carry such policy free from the claims of the creditors participating in the distribution of his estate under the bankruptcy proceedings, otherwise the policy shall pass to the trustee as assets; and (6) rights of action arising upon contracts or from the unlawful taking or detention of, or injury to, his property.

(b) All real and personal property belonging to bankrupt estates shall be appraised by three disinterested appraisers; they shall be appointed by, and report to, the court. Real and personal property shall, when practicable, be sold subject to the approval of the court; it shall not be sold otherwise than subject to the approval of the court for less than 75 per centum of its appraised value.

(c) The title to property of a bankrupt estate which has been sold, as provided in this title, shall be conveyed to the purchaser by the trustee.

(d) Whenever a composition shall be set aside, or discharge revoked, the trustee shall, upon his appointment and qualification, be vested as provided in this title with the title to all of the property of the bankrupt as of the date of the final decree setting aside the composition or revoking the discharge.

(e) The trustee may avoid any transfer by the bankrupt of his property which any creditor of such bankrupt might have avoided, and may recover the property so transferred, or its value, from the person to whom it was transferred, unless he was a bona fide holder for value prior to the date of the adjudication. Such property may be recovered or its value collected from whoever may have received it, except a bona fide holder for value. For the purpose of such recovery any court of bankruptcy as defined in this title, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

(f) Upon the confirmation of a composition offered by a bankrupt, the title to his property shall thereupon revest in him. (July 1, 1898, c. 541, § 70, 30 Stat. 565; Feb. 5, 1903, c. 487, § 16, 32 Stat. 800.)

111. Records; duty of clerks to keep; inspection.—The clerks of the several district courts of the United States shall prepare and keep in their respective offices complete and convenient indexes of all petitions and discharges in bankruptcy filed prior to July 1, 1898, or thereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to charge and collect for such certificates the same fees as now allowed by law for certificates as to judgments in said courts. Bankruptcy indexes and dockets shall at all times be open to inspection and examination by all persons or corporations without any fee or charge therefor. (July 1, 1898, c. 541, § 71; Feb. 5, 1903, c. 487, § 17, 32 Stat. 800; Feb. 11, 1925, c. 204, § 8, 43 Stat. 858.)

112. Restriction of compensation of referees, receivers, and trustees.—Neither the referee, receiver, nor trustee shall in any form or guise receive, nor shall the court allow him, any other or further compensation for his services than that expressly authorized and prescribed in this title. (July 1, 1898, c. 541, § 72; Feb. 5, 1903, c. 487, § 18, 32 Stat. 800; June 25, 1910, c. 412, § 13, 36 Stat. 842.)

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Chapter 1.—THE COMPTROLLER OF THE CURRENCY.

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CROSS REFERENCE

See also Title 31, MONEY AND FINANCE.

Section 1. Bureau of Comptroller of the Currency.—There shall be in the Department of the Treasury a bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of a national currency secured by United States bonds and, under the general supervision of the Federal Reserve Board, of all Federal reserve notes, the chief officer of which bureau shall be called the Comptroller of the Currency and shall perform his duties under the general directions of the Secretary of the Treasury. (R. S. § 324; Dec. 23, 1913, c. 6, § 10, 38 Stat. 261.)

2. Comptroller of the Currency; appointment; term; salary.—The Comptroller of the Currency shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; and he shall be entitled to a salary of $5,000 a year. (R. S. § 325.)

3. Oath and bond of comptroller.—The Comptroller of the Currency shall, within fifteen days from the time of notice of his appointment, take and subscribe the oath of office; and he shall give to the United States a bond in the penalty of $100,000, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. (R. S. § 326.)

4. Deputy comptroller.—There shall be in the Bureau of the Comptroller of the Currency a Deputy Comptroller of the Currency, to be appointed by the Secretary, who shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in the office or during the absence or inability of the comptroller. The deputy comptroller shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of $50,000. (R. S. § 327.)

5. Assistant deputy comptroller.—An assistant deputy comptroller shall be appointed by the Secretary of the Treasury, and shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in the office of comptroller and deputy comptroller or during the absence or inability of the comptroller and the deputy comptroller, and said assistant deputy comptroller shall give a like bond in the penalty of $50,000. (Mar. 4, 1909, c. 297, § 1, 35 Stat. 867.)

6. Additional deputy comptroller.—In addition to the two Deputy Comptrollers of the Currency provided for in the two preceding sections, there shall be in the Bureau of the Comptroller of the Currency a third Deputy Comptroller of the Currency who shall be appointed in the same manner and shall take a like oath of office and give a like bond as the deputy comptrollers provided for in the two preceding sections. Under the direction of the Comptroller of the Currency, such additional deputy comptroller shall have charge of the administration of the provisions of chapter 9 of this title relating to the organization and operation of national agricultural credit corporations and shall perform such other duties as shall be assigned to him by the Comptroller of the Currency. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

7. Chief of examining division.—The Comptroller of the Currency may designate a national bank examiner to act as chief of the examining division in his office. (Feb. 17, 1922, c. 55, 42 Stat. 375; Jan. 3, 1923, c. 22, 42 Stat. 1096.)

8. Clerks.—The Comptroller of the Currency shall employ, from time to time, the necessary clerks, to be appointed and classified by the Secretary of the Treasury, to discharge such duties as the comptroller shall direct. (R. S. § 328.)

9. Additional examiners, clerks, and other employees.—The Comptroller of the Currency is authorized to employ such additional examiners, clerks, and other employees as he deems necessary to carry out the provisions of chapter 9 and to assign to duty in the office of his bureau in Washington such examiners and assistant examiners as he shall deem necessary to assist in the performance of the work of that bureau. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

10. Salaries of deputy comptrollers, examiners, and other employees as part of administration expenses.—The salaries of the two deputy comptrollers provided for by law, prior to March 4, 1923, and of all national bank examiners and assistant examiners assigned to duty in the office of the bureau in Washington in connection with the supervision of national banks shall be considered part of the expenses of the examinations provided for by section 481 of this title; and the salaries of such additional deputy comptroller and of all examiners, assistant examiners, clerks, and other employees appointed under chapter 9 and assigned to duty in connection with the administration of chapter 9 shall be considered part of the expenses of the administration of this chapter: *Provided, however*, That the salary of the additional deputy comptroller provided for by section 6 of this title shall be considered partly an expense of the administration of chapter 9 in proportions to be determined from time to time by the Comptroller of the Currency with a view to a fair apportionment of such expense, until such time as it shall be necessary for such additional deputy comptroller to give his full time to the administration of that chapter. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

11. Interest in national banks.—It shall not be lawful for the Comptroller or the Deputy Comptroller of the Currency, either directly or indirectly, to be interested in any association issuing

national currency under the laws of the United States. (R. S. § 329.)

12. Seal of comptroller.—The seal devised by the Comptroller of the Currency for his office, and approved by the Secretary of the Treasury, shall continue to be the seal of office of the comptroller, and may be renewed when necessary. A description of the seal, with an impression thereof, and a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State. (R. S. § 330; Feb. 18, 1875, c. 80, § 1, 18 Stat. 317.)

13. Rooms for Currency Bureau.—There shall be assigned, from time to time, to the Comptroller of the Currency, by the Secretary of the Treasury, suitable rooms in the Treasury Building for conducting the business of the Currency Bureau, containing safe and secure fireproof vaults, in which the comptroller shall deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his department; and the comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the business of his office. (R. S. § 331.)

14. Report of comptroller.—The Comptroller of the Currency shall make an annual report to Congress, at the commencement of its session, exhibiting—

First. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to such associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

Fourth. A statement exhibiting under appropriate heads the resources and liabilities and condition of the banks, banking companies, and savings banks organized under the laws of the several States and Territories; such information to be obtained by the comptroller from the reports made by such banks, banking companies, and savings banks to the legislatures or officers of the different States and Territories, and, where such reports can not be obtained, the deficiency to be supplied from such other authentic sources as may be available.

Fifth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year. (R. S. § 333; Feb. 18, 1875, c. 80, § 1, 18 Stat. 317.)

15. Inclusion in report of expenses of liquidation of national banks.—The Comptroller of the Currency is hereby directed to include in his annual report to the Speaker of the House of Representatives, expenses incurred during each year, in liquidation of each failed national bank separately. (Apr. 28, 1902, c. 594, § 1, 32 Stat. 138.)

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ORGANIZATION AND GENERAL PROVISIONS

Section 21. Formation of national banking associations; incorporators; articles of association.—Associations for carrying on the business of banking under this chapter may be formed by any number of natural persons, not less in any case than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the Comptroller of the Currency, to be filed and preserved in his office. (R. S. § 5133.)

22. Organization certificate.—The persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specifically state:

First. The name assumed by such association; which name shall be subject to the approval of the Comptroller of the Currency.

Second. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or District, and the particular county and city, town, or village.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders and the number of shares held by each of them.

Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this chapter. (R. S. § 5134.)

23. Acknowledgment and filing of certificate.—The organization certificate shall be acknowledged before a judge of some court of record, or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. (R. S. § 5135.)

24. Corporate powers of associations.—Upon duly making and filing articles of association and an organization certificate a national banking association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until ninety-nine years from July 1, 1922, or from the date of its organization if organized after July 1, 1922, unless it shall be sooner dissolved by the act of its shareholders owning two-thirds of its stock, or unless its franchise shall become forfeited by reason of violation of law, or unless it shall be terminated by Act of Congress hereafter enacted.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business

conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this chapter.

But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking. (R. S. § 5136; July 1, 1922, c. 257, § 1, 42 Stat. 767.)

25. Repeal of Acts relating to extension of period of corporate succession; operation of paragraph 2 of preceding section.—All Acts or parts of Acts providing for the extension of the period of succession of national banking associations for twenty years are repealed as of July 1, 1922, and the provisions of paragraph second of the preceding section shall apply to all national banking associations now organized and operating under any law of the United States. (July 1, 1922, c. 257, § 2, 42 Stat. 767.)

26. Comptroller to determine if associations can commence business.—Whenever a certificate is transmitted to the Comptroller of the Currency, as provided in this chapter, and the association transmitting the same notifies the comptroller that at least 50 per centum of its capital stock has been duly paid in, and that such association has complied with all the provisions of this chapter required to be complied with before an association shall be authorized to commence the business of banking, the comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each is the owner in good faith, and generally whether such association has complied with all the provisions of this chapter required to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors, and by the president or cashier of the association, a statement of all the facts necessary to enable the comptroller to determine whether the association is lawfully entitled to commence the business of banking. (R. S. § 5168.)

27. Certificate of authority to commence banking.—If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it appears that such association is lawfully entitled to commence the business of banking, the comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions required to be complied with before commencing the business of banking, and that such association is authorized to commence such business. But the comptroller may withhold from an association his certificate authorizing the commencement of business, whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this chapter. (R. S. § 5169.)

28. Publication of certificate.—The association shall cause the certificate issued under the preceding section to be published in some newspaper printed in the city or county where the association is located, for at least sixty days next after the issuing thereof; or, if no newspaper is published in such city or county, then in the newspaper published nearest thereto. (R. S. § 5170.)

29. Power to hold real property.—A national banking association may purchase, hold, and convey real estate for the following purposes, and, excepting as provided otherwise in section 371 of this title, for no others:

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years. (R. S. § 5137.)

30. Change of name or location.—Any national banking association may change its name or the place where its operations of discount and deposit are to be carried on, to any other place within the same State, not more than thirty miles distant with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association. A duly authenticated notice of the vote and of the new name or location selected shall be sent to the office of the Comptroller of the Currency; but no change of name or location shall be valid until the comptroller shall have issued his certificate of approval of the same. (May 1, 1886, c. 73, § 2, 24 Stat. 18.)

31. Rights and liabilities as affected by change of name.—All debts, liabilities, rights, provisions, and powers of the association under its old name shall devolve upon and inure to the association under its new name. (May 1, 1886, c. 73, § 3, 24 Stat. 19.)

32. Liabilities and suits as affected by change of name or location.—Nothing contained in the two preceding sections shall be so construed as in any manner to release any national banking association under its old name or at its old location from any liability, or affect any action or proceeding in law in which said association may be or become a party or interested. (May 1, 1886, c. 73, § 4, 24 Stat. 19.)

33. Consolidation of banks; capital stock; dissenting shareholders.—Any two or more national banking associations located within the same county, city, town, or village may, with the approval of the Comptroller of the Currency, consolidate into one association under the charter of either existing banks, on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each association proposing to consolidate, and be ratified and confirmed by the affirmative vote of the shareholders of each such association owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper published in the place where the said association is located, and if no newspaper is published in the place, then in a paper published nearest thereto, and after sending such notice to each shareholder of record by registered mail at least ten days prior to said meeting: *Provided*, That the capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national bank in the place in which it is located: *And provided further*, That when such consolidation shall have been effected and approved by the comptroller any shareholder of either of the associations so consolidated who has not voted for such con-

solidation may give notice to the directors of the association in which he is interested within twenty days from the date of the certificate of approval of the comptroller that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors, and the third by the two so chosen; and in case the value so fixed shall not be satisfactory to the shareholder he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of the reappraisal; otherwise the appellant shall pay said expenses, and the value so ascertained and determined shall be deemed to be a debt due and be forthwith paid to said shareholder from said bank, and the share so paid shall be surrendered and after due notice sold at public auction within thirty days after the final appraisement provided for in this section. (Nov. 7, 1918, c. 209, § 1, 40 Stat. 1043.)

34. Effect of consolidation on rights and liabilities.—Associations consolidating with another association under the provisions of the preceding section shall not be required to deposit lawful money for their outstanding circulation, but their assets and liabilities shall be reported by the association with which they have consolidated. And all the rights, franchises, and interests of the said national bank so consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national bank into which it is consolidated without any deed or other transfer, and the said consolidated national bank shall hold and enjoy the same and all rights of property, franchises, and interests in the same manner and to the same extent as was held and enjoyed by the national bank so consolidated therewith. (Nov. 7, 1918, c. 209, § 2, 40 Stat. 1044.)

35. Organization of State banks as national banking associations.—Any bank incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a national banking association under the provisions of the existing laws may, by the vote of the shareholders owning not less than 51 per centum of the capital stock of such bank or banking association, with the approval of the Comptroller of the Currency be converted into a national banking association, with any name approved by the Comptroller of the Currency: *Provided, however,* That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of 51 per centum of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the association until others are elected or appointed in accordance with the provisions of the statutes of the United States. When the comptroller has given to such bank or banking association a certificate that the provisions of this chapter have been complied with, such bank or banking association, and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this and the following chapter for associations originally organized as national banking associations. (R. S. § 5154; Dec. 23, 1913, c. 6, § 8, 38 Stat. 258.)

36. Organization of State banks having branches as national banking associations.—It shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother bank, and each branch, to be regulated by the amount of capital assigned to and used by each. (R. S. § 5155.)

37. Associations governed by chapter.—The provisions of this chapter, which are expressed without restrictive words, as applying to "national banking associations," or to "associations," apply to all associations organized to carry on the business of banking under any Act of Congress. (R. S. § 5157.)

38. "The National Bank Act."—The Act entitled "An Act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be known as "The National Bank Act." (June 20, 1874, c. 343, § 1, 18 Stat. 123.)

39. Reservation of rights of associations organized under Act of 1863.—Nothing in this chapter shall affect any appointments made, acts done, or proceedings had or commenced prior to the 3d day of June, 1864, in or toward the organization of any national banking association under the Act of February 25, 1863; but all associations which, on the 3d day of June, 1864, were organized or commenced to be organized under that Act, shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this chapter, notwithstanding all the steps prescribed by this chapter for the organization of associations were not pursued, if such associations were duly organized under that Act. (R. S. § 5156.)

CAPITAL, STOCK, AND STOCKHOLDERS

51. Requisite amount of capital.—No association shall be organized with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed three thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than $200,000. (R. S. § 5138; Mar. 14, 1900, c. 41, § 10, 31 Stat. 48.)

52. Par value and incidents of stock; transfer of shares.—The capital stock of each association shall be divided into shares of $100 each, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. (R. S. § 5139.)

53. When capital stock paid in; installments; proof.—At least 50 per centum of the capital stock of every association

shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in installments of at least 10 per centum each, on the whole amount of the capital, as frequently as one installment at the end of each succeeding month from the time it shall be authorized by the Comptroller of the Currency to commence business; and the payment of each installment shall be certified to the comptroller, under oath, by the president or cashier of the association. (R. S. § 5140.)

54. **Failure to pay installments; remedy; effect if reduction of capital results.**—Whenever any shareholder, or his assignee, fails to pay any installment on the stock when the same is required by the preceding section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, or, if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from the capital stock of the association. If any such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by law, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount; in default of which a receiver may be appointed, according to the provisions of section 192 of this title, to close up the business of the association. (R. S. § 5141.)

55. **Enforcing payment of deficiency in capital stock; assessments; liquidation; receivership.**—Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section 192 of this title. *And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto), to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders. (R. S. § 5205; June 30, 1876, c. 156, § 4, 19 Stat. 64.)

56. **Prohibition on withdrawal of capital; unearned dividends.**—No association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it continues its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any associations, on which interest is past due and unpaid for a period of six months, unless the same are well secured, and in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock of the association under section 59 of this title. (R. S. § 5204.)

57. **Increase of capital by provision in articles of association.**—Any association formed under this chapter may, by its articles of association, provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this chapter. But the maximum of such increase to be provided in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase is paid in, and notice thereof has been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association. (R. S. § 5142.)

58. **Increase of capital by vote of shareholders.**—Any national banking association may, with the approval of the Comptroller of the Currency, by the vote of shareholders owning two-thirds of the stock of such association, increase its capital stock, in accordance with existing laws, to any sum approved by the said comptroller, notwithstanding the limit fixed in its original articles of association and determined by said comptroller; and no increase of the capital stock of any national banking association either within or beyond the limit fixed in its original articles of association shall be made except in the manner herein provided. (May 1, 1886, c. 73, § 1, 24 Stat. 18.)

59. **Reduction of capital by vote of shareholders.**—Any association formed under this chapter may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this chapter to authorize the formation of associations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and such reduction has been approved by the said Comptroller of the Currency and by the Federal Reserve Board. (R. S. § 5143; Dec. 23, 1913, c. 6, § 28, 38 Stat. 274.)

60. **Dividends and surplus funds.**—The directors of any association may, semiannually, declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to 20 per centum of its capital stock. (R. S. § 5199.)

61. **Right of shareholders to vote.**—In all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or bookkeeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote. (R. S. § 5144.)

62. **List of shareholders.**—The president and cashier of every national banking association shall cause to be kept at all

times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business hours of each day in which business may be legally transacted. A copy of such list, on the first Monday of July of each year, verified by the oath of such president or cashier, shall be transmitted to the Comptroller of the Currency. (R. S. § 5210.)

63. Individual liability of shareholders.—The shareholders of every national banking association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under State laws, having not less than $5,000,000 of capital actually paid in, and a surplus of 20 per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their shares; and such surplus of 20 per centum shall be kept undiminished, and be in addition to the surplus provided for in this chapter; and if at any time there is a deficiency in such surplus of 20 per centum, such association shall not pay any dividends to its shareholders until the deficiency is made good; and in case of such deficiency, the Comptroller of the Currency may compel the association to close its business and wind up its affairs under the provisions of this chapter relating to dissolution and receivership. (R. S. § 5151.)

64. Individual liability of shareholders; transfer of shares.—The stockholders of every national banking association shall be held individually responsible for all contracts, debts, and engagement of such association, each to the amount of his stock therein, at the par value thereof in addition to the amount invested in such stock. The stockholders in any national banking association who shall have transferred their shares or registered the transfer thereof within sixty days next before the date of the failure of such association to meet its obligations, or with knowledge of such impending failure, shall be liable to the same extent as if they had made no such transfer, to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way any recourse which such shareholders might otherwise have against those in whose names such shares are registered at the time of such failure. (Dec. 23, 1913, c. 6, § 23, 38 Stat. 273.)

65. Enforcement of shareholders' individual liability by creditors on liquidation.—When any national banking association shall have gone into liquidation under the provisions of section 181 of this title, the individual liability of the shareholders provided for by section 63 of this title may be enforced by any creditor of such association, by bill in equity, in the nature of a creditor's bill, brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established. (June 30, 1876, c. 156, § 2, 19 Stat. 63.)

66. Personal liability of representatives of stockholders.—Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be, if living and competent to act and hold the stock in his own name. (R. S. § 5152.)

DIRECTORS

71. Election.—The affairs of each association shall be managed by not less than five directors, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence the business of banking; and afterward at meetings to be held on such day in January of each year as is specified therefor in the articles of association. The directors shall hold office for one year, and until their successors are elected and have qualified. (R. S. § 5145.)

72. Qualifications.—Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, or within fifty miles of the location of the office of the association, for at least one year immediately preceding their election, and must be residents of such State or within a fifty-mile territory of the location of the association during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place. (R. S. § 5146; Feb. 28, 1905, c. 1163, 33 Stat. 818; Mar. 1, 1921, c. 100, 41 Stat. 1199.)

73. Oath.—Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate or willingly permit to be violated any of the provisions of this title, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypotheeated, or in any way pledged, as security for any loan or debt. The oath shall be taken before a notary public, properly authorized and commissioned by the State in which he resides, or before any other officer having an official seal and authorized by the State to administer oaths, except that the oath shall not be taken before any such notary public or other officer who is an officer of the director's bank. The oath, subscribed by the director making it, and certified by the notary public or other officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency and shall be filed and preserved in his office for a period of ten years. (R. S. § 5147; Feb. 20, 1925, c. 274, 43 Stat. 955.)

74. Vacancies.—Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. (R. S. § 5148.)

75. Proceedings where no election held on proper day.—If, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so. (R. S. § 5149.)

76. Election of president of board.—One of the directors, to be chosen by the board, shall be the president of the board. (R. S. § 5150.)

REGULATION OF THE BANKING BUSINESS; POWERS AND DUTIES OF NATIONAL BANKS

81. Place of business.—The usual business of each national banking association shall be transacted at an office or banking house located in the place specified in its organization certificate. (R. S. § 5190.)

82. Limit on indebtedness incurred by bank.—No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

Fifth. Liabilities incurred under the provisions of chapter 3.

Sixth. Liabilities incurred under the provisions of chapter 10, of Title 15, COMMERCE AND TRADE.

Seventh. Liabilities created by the indorsement of accepted bills of exchange payable abroad actually owned by the indorsing bank and discounted at home or abroad.

Eighth. Liabilities incurred under the provisions of sections 1031–1034 of this title. (R. S. § 5202; Dec. 23, 1913, c. 6, § 13, 38 Stat. 264; Sept. 7, 1916, c. 461, 39 Stat. 753; Apr. 5, 1918, c. 45, § 20, 40 Stat. 512; Oct. 22, 1919, c. 79, § 2, 41 Stat. 297; Mar. 4, 1923, c. 252, Title V, § 504, 42 Stat. 1481.)

83. Loans on or purchase by bank of own stock.—No association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or, in default thereof, a receiver may be appointed to close up the business of the association, according to section 192 of this title. (R. S. § 5201.)

84. Limit of liability of any person to bank.—The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per centum of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per centum of its unimpaired surplus fund: *Provided, however*, That (1) the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptance of the kinds described in section 346, (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same, (3) the discount of notes secured by shipping documents, warehouse receipts or other such documents conveying or securing title covering readily marketable nonperishable staples, including livestock, when the actual market value of the property securing the obligation is not at any time less than 115 per centum of the face amount of the notes secured by such documents and when such property is fully covered by insurance, and (4) the discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section. The total liabilities to any association, of any person or of any corporation, or firm, or company, or the several members thereof upon any note or notes purchased or discounted by such association and secured by bonds, notes, or certificates of indebtedness as described in (4) hereof shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per centum of such capital stock and surplus fund of such association and the total liabilities to any association of any person or of any corporation, or firm, or company, or the several members thereof for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, except transactions (1), (2), and (4), shall not at any time exceed 25 per centum of the amount of the association's paid-in and unimpaired capital stock and surplus. The exception made under (3) hereof shall not apply to the notes of any one person, corporation or firm or company, or the several members thereof for more than six months in any consecutive twelve months. (R. S. § 5200, June 22, 1906, c. 3516, 34 Stat. 451; Sept. 24, 1918, c. 176, § 6, 40 Stat. 967; Oct. 22, 1919, c. 79, § 1, 41 Stat. 296.)

"Bonds" as including notes issued under Victory Liberty Loan Act.—See section 753(d) of Title 31, MONEY AND FINANCE.

85. Rate of interest on loans, discounts and purchases.—Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, or Territory, or District, the bank may take, receive, reserve, or charge a rate not exceeding 7 per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the purchase, discount, or sale of a bona fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest. (R. S. § 5197.)

86. Usurious interest; penalty for taking; venue of suit.—The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same: *Provided*, That such action is commenced within two years from the time the usurious transaction occurred. (R. S. § 5198.)

87. Restriction on use by bank of its circulating notes.—No association shall, either directly or indirectly, pledge or hypothecate any of its notes of circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock. (R. S. § 5203.)

88. Restriction on use by bank of notes of other banks.—No association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of

deposits, or in any other mode pay or put in circulation, the notes of any bank or banking association which are not, at any such time, receivable, at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall any association knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States. (R. S. § 5206.)

89. Duty of bank to receive circulating notes of other banks in payment of debts.—Every national banking association formed or existing under this chapter, shall take and receive at par, for any debt or liability to it, any and all notes or bills issued by any lawfully organized national banking association. But this provision shall not apply to any association organized for the purpose of issuing notes payable in gold. (R. S. § 5196.)

90. Depositaries of public moneys and financial agents of Government.—All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That the Secretary shall, on or before the 1st of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided*, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections. (R. S. § 5153; Mar. 3, 1901, c. 871, § 1, 31 Stat. 1448; Mar. 4, 1907, c. 2913, § 3, 34 Stat. 1290; Dec. 23, 1913, c. 6, § 27, 38 Stat. 274; Aug. 4, 1914, c. 225, 38 Stat. 682.)

91. Transfers by bank and other acts in contemplation of insolvency.—All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void; and no attachment, injunction or execution, shall be issued against such association or its property before final judgment in any suit, action, or proceeding, in any State, county, or municipal court. (R. S. § 5242.)

92. Acting as insurance agent or broker; procuring loans on real estate.—In addition to the powers now vested by law in national banking associations organized under the laws of the United States any such association located and doing business in any place the population of which does not exceed five thousand inhabitants, as shown by the last preceding decennial census, may, under such rules and regulations as may be prescribed by the Comptroller of the Currency, act as the agent for any fire, life, or other insurance company authorized by the authorities of the State in which such bank is located to do business in said State, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said association and the insurance company for which it may act as agent; and may also act as the broker or agent for others in making or procuring loans on real estate located within one hundred miles of the place in which said bank may be located, receiving for such services a reasonable fee or commission: *Provided, however*, That no such bank shall in any case guarantee either the principal or interest of any such loans or assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal: *And provided further*, That the bank shall not guarantee the truth of any statement made by an assured in his application for insurance. (Sept. 7, 1916, c. 461, 39 Stat. 753.)

93. Violation of provisions of chapter; forfeiture of franchise; personal liability of directors.—If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this chapter, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper district, or Territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation. (R. S. § 5239.)

94. Venue of suits.—Actions and proceedings against any association under this chapter may be had in any district or Territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases. (R. S. § 5198; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

OBTAINING AND ISSUING CIRCULATING NOTES

101. Delivery of circulating notes; deposit of bonds.—Upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section 175 of this title, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided*

further, That the circulating notes furnished to national banking associations under the provisions of this section shall be of the denominations prescribed by law: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per centum bonds issued under the provisions of section 11 of chapter 41, of Act of March 14, 1900 (Thirty-first Statutes, page 48), for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money. (Mar. 14, 1900, c. 41, § 12, 31 Stat. 49; Oct. 5, 1917, c. 74, § 2, 40 Stat. 342.)

102. "United States bonds" as including registered bonds.—The term "United States bonds," as used throughout this chapter, shall be construed to mean registered bonds of the United States. (R. S. § 5158.)

103. Denominations of notes; limitation on amount of $1 and $2 notes.—Any national banking association, upon compliance with the provisions of law applicable thereto, shall be entitled to receive from the Comptroller of the Currency, or to issue or reissue, or place in circulation notes in denominations of $1, $2, $5, $10, $20, $50, and $100 in such proportion as to each of said denominations as the bank may elect: *Provided, however*, That no bank shall receive or have in circulation at any one time more than $25,000 in notes of the denominations of $1 and $2. (Oct. 5, 1917, c. 74, § 3, 40 Stat. 342.)

104. Printing notes; form.—In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom and numbered such quantity of circulating notes in blank, or bearing engraved signatures of officers as herein provided, of the denominations of $1, $2, $5, $10, $20, $50, $100, $500, and $1,000, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they are secured by United States bonds deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the written or engraved signatures of the president or vice president and cashier; and shall bear such devices and such other statements and shall be in such form as the Secretary of the Treasury shall, by regulation, direct. (R. S. § 5172; May 30, 1908, c. 229, § 11, 35 Stat. 551; Dec. 23, 1913, c. 6, § 27, 38 Stat. 274; Aug. 4, 1914, c. 225, 38 Stat. 682; Mar. 3, 1919, c. 101, § 4, 40 Stat. 1315.)

105. Printing charter numbers on notes.—The Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him. (June 20, 1874, c. 343, § 5, 18 Stat. 124.)

106. Distinctive paper for printing.—The national-bank notes shall be printed under the direction of the Secretary of the Treasury, and upon the distinctive or special paper which has been, or may hereafter be, adopted by him for printing United States notes. (Mar. 3, 1875, c. 130, § 1, 18 Stat. 372.)

107. Custody of plates and dies; payment of expenses.—The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws respecting the procuring of such notes, and all other expenses of the bureau of the currency, shall be paid out of the proceeds of the taxes or duties assessed and collected on the circulation of national banking associations under this chapter. (R. S. § 5173.)

108. Examination of plates, dies, and other material; destruction of obsolete material.—The Comptroller of the Currency shall cause to be examined, each year, the plates, dies, bed pieces, and other material from which the national-bank circulation is printed, in whole or in part, and file in his office annually a correct list of the same. Such material as shall have been used in the printing of the notes of associations which are in liquidation, or have closed business, shall be destroyed under such regulations as shall be prescribed by the Comptroller of the Currency and approved by the Secretary of the Treasury. The expenses of any such examination or destruction shall be paid out of any appropriation made by Congress for the special examination of national banks and bank-note plates. (R. S. § 5174; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

109. Issuance of notes by banks; obligation; signatures of officers; demands for which notes shall be received.—Any association receiving circulating notes under this chapter may, if its promise to pay such notes on demand is expressed thereon attested by the written or engraved signatures of the president or vice president and the cashier thereof in such manner as to make them obligatory promissory notes payable on demand at its place of business, issue, and circulate the same as money. Such written or engraved signatures of the president or vice president and the cashier of such association may be attached to such notes either before or after the receipt of such notes by such association. And such notes shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. (R. S. § 5182; Jan. 13, 1920, c. 38, 41 Stat. 387.)

110. Issue by banks of unauthorized notes; prohibition.—No national banking association shall issue post notes or any other notes to circulate as money than such as are authorized by the provisions of this chapter. (R. S. § 5183; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

REDEMPTION AND REPLACEMENT OF CIRCULATING NOTES

121. Redemption of notes by Treasurer of United States; reserve in Treasury; disposition of notes unfit for use; expenses.—Every national banking association organized under the provisions of this chapter, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per centum of its circulation, to be held and used for the redemption of such circulation, which sum shall in no case be counted as a part of its legal reserve; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the 1st day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes

equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer. (June 20, 1874, c. 343, § 3, 18 Stat. 123; Dec. 23, 1913, c. 6, § 20, 38 Stat. 271.)

122. Deposits made with Treasurer to redeem circulating notes; disposition.—All deposits received by the Treasurer of the United States from national banks, made to redeem the circulating notes of such banks, shall be covered into the Treasury as a miscellaneous receipt, and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe from the appropriation known as "National-bank notes, redemption account," but the provisions of this section shall not apply to the deposits received under section 121 of this title, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to 5 per centum of its circulation, to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public-debt statement as debt of the United States bearing no interest. (July 14, 1890, c. 708, § 6, 26 Stat. 289.)

123. Redemption of notes by bank at own counter.—Every national banking association shall redeem its circulating notes at its own counter, at par, in lawful money on demand. (R. S. § 5195, June 20, 1874, c. 343, § 3, 18 Stat. 123.)

124. Destroying and replacing notes unfit for use.—It shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to the association other blank circulating notes to an equal amount. Such worn-out or mutilated notes, after a memorandum has been entered in the proper books, in accordance with such regulations as may be established by the comptroller, as well as all circulating notes which shall have been paid or surrendered to be canceled, shall be macerated in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, one by the Treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. A certificate of such maceration, signed by the parties so appointed, shall be made in the books of the comptroller, and a duplicate thereof forwarded to the association whose notes are thus canceled. (R. S. § 5184, June 23, 1874, c. 455, § 1, 18 Stat. 206.)

125. Redemption of lost or stolen notes.—The provisions of this chapter, providing for the redemption of national-bank notes, shall apply to all national-bank notes that have been or may be issued to, or received by, any national bank, notwithstanding such notes may have been lost by or stolen from the bank and put in circulation without the signature or upon the forged signature of the president or vice president and cashier. (July 28, 1892, c. 317, 27 Stat. 322.)

126. Return to Treasury of notes of failed or liquidating banks for redemption.—It shall be the duty of the Treasurer, designated depositaries, and national-bank depositaries of the United States to assort and return to the Treasury for redemption the notes of such national banks as have failed or gone into voluntary liquidation for the purpose of winding up their affairs, and such as shall hereafter so fail or go into liquidation. (June 20, 1874, c. 343, § 8, 18 Stat. 125.)

127. Clerical force for redemption of circulating notes.—That to carry into effect the provisions of section 3 of the Act entitled "An Act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," approved June 20, 1874, the Secretary of the Treasury is authorized to appoint a force to be employed under his direction in the office of the Treasurer of the United States and in the office of the Comptroller of the Currency in connection with the redemption of circulating notes as shall be provided for in the appropriation bill for each fiscal year. At the end of each month the Secretary of the Treasury shall reimburse the Treasury to the full amount paid out under the provisions of this section by transfer of said amount from the deposit of national banking associations with the Treasurer of the United States; and at the end of each fiscal year shall transfer from said deposit to the Treasury of the United States such sum as may have been actually expended under his direction for stationery, rent, fuel, light and other necessary incidental expenses which have been incurred in carrying into effect the provisions of the said section of the above-named Act. (Mar. 3, 1875, c. 130, § 3, 18 Stat. 399.)

PROCEEDINGS ON FAILURE OF BANK TO REDEEM CIRCULATING NOTES

As to receiverships, see section 191 of this title.

131. Protest of notes; waiver.—Whenever any national banking association fails to redeem in the lawful money of the United States any of its circulating notes, upon demand of payment duly made during the usual hours of business, at the office of such association, or at its designated place of redemption, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association whose notes are presented for payment offers to waive demand and notice of the protest, and, in pursuance of such offer, makes, signs, and delivers to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the nonpayment thereof. The notary public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency, retaining a copy thereof. If, however, satisfactory proof is produced to the notary public that the payment of the notes demanded is restrained by order of any court of competent jurisdiction, he shall not protest the same. When the holder of any notes causes more than one note or package to be protested on the same day, he shall not receive pay for more than one protest. (R. S. § 5226; June 20, 1874, c. 343, § 3, 18 Stat. 123.)

132. Examination of conditions by special agent; forfeiture of bonds.—On receiving notice that any national banking association has failed to redeem any of its circulating notes, as

specified in the preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent, of whose appointment immediate notice shall be given to such association, who shall immediately proceed to ascertain whether it has refused to pay its circulating notes in the lawful money of the United States, when demanded, and shall report to the comptroller the fact so ascertained. If, from such protest, and the report so made, the comptroller is satisfied that such association has refused to pay its circulating notes and is in default, he shall, within thirty days after he has received notice of such failure, declare the bonds deposited by such association forfeited to the United States, and they shall thereupon be so forfeited. (R. S. § 5227.)

133. Continuing business after default.—After a default on the part of an association to pay any of its circulating notes has been ascertained by the comptroller, and notice thereof has been given by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits. (R. S. § 5228; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

134. Notice by comptroller to holders to present notes for payment; redemption; cancellation of bonds.—Immediately upon declaring the bonds of an association forfeited for nonpayment of its notes, the comptroller shall give notice, in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association, to present them for payment at the Treasury of the United States; and the same shall be paid as presented in lawful money of the United States; whereupon the comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid. (R. S. § 5229.)

135. Disposition of redeemed notes; perpetuation of evidence of payment.—The Secretary of the Treasury may, from time to time, make such regulations respecting the disposition to be made of circulating notes after presentation at the Treasury of the United States for payment, and respecting the perpetuation of the evidence of the payment thereof, as may seem to him proper. (R. S. § 5232.)

136. Cancellation of redeemed notes.—All notes of national banking associations presented at the Treasury of the United States for payment shall, on being paid, be canceled. (R. S. § 5233.)

137. Sale of bonds at auction; lien on assets.—Whenever the comptroller has become satisfied, by the protest or the waiver and admission specified in section 131, or by the report provided for in section 132, that any association has refused to pay its circulating notes, he may, instead of canceling its bonds, cause so much of them as may be necessary to redeem its outstanding notes to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to the association. For any deficiency in the proceeds of all the bonds of an association, when thus sold, to reimburse to the United States the amount expended in paying the circulating notes of the association, the United States shall have a paramount lien upon all its assets; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same. (R. S. § 5230.)

138. Sale of bonds at private sale.—The comptroller may, if he deems it for the interest of the United States, sell at private sale any of the bonds of an association shown to have made default in paying its notes, and receive therefor either money or the circulating notes of the association. But no such bonds shall be sold by private sale for less than par, nor for less than the market value thereof at the time of sale; and no sales of any such bonds, either public or private, shall be complete until the transfer of the bonds shall have been made with the formalities prescribed by sections 170–172. (R. S. § 5231.)

RESERVE CITIES; LAWFUL RESERVES

141. Central reserve and reserve cities; designation.—The cities of New York and Chicago are hereby designated as central reserve cities, and the following cities are designated as reserve cities:

Boston	Louisville	St. Louis
Albany	Memphis	Lincoln
Brooklyn and Bronx	Nashville	Omaha
Buffalo	Cincinnati	Kansas City, Kans.
Philadelphia	Cleveland	Topeka
Pittsburgh	Columbus	Wichita
Baltimore	Toledo	Helena
Washington	Indianapolis	Denver
Richmond	Chicago	Pueblo
Atlanta	Peoria	Muskogee
Jacksonville	Detroit	Oklahoma City
Birmingham	Grand Rapids	Tulsa
New Orleans	Milwaukee	Seattle
Dallas	Minneapolis	Spokane
El Paso	St. Paul	Portland
Fort Worth	Cedar Rapids	Los Angeles
Galveston	Des Moines	Oakland
Houston	Dubuque	San Francisco
San Antonio	Sioux City	Ogden
Waco	Kansas City, Mo.	Salt Lake City
Little Rock	St. Joseph	

The Federal Reserve Board may at any time reclassify cities so designated as reserve and central reserve cities, may add to the number so classified or terminate the designation of any cities as such. (R. S. § 5191; Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

142. Banks in reserve cities; reserves.—National banking associations located in reserve cities or central reserve cities shall maintain reserves provided for in section 462 for banks so located. (R. S. § 5191; Dec. 23, 1913, c. 6, §§ 19, 27, 38 Stat. 270; Aug. 4, 1914, c. 225, 38 Stat. 225; Aug. 15, 1914, c. 252, 38 Stat. 691; June 21, 1917, c. 32, § 10, 40 Stat. 239.)

143. Banks in Alaska and insular possessions; lawful money reserves.—Every national banking association located in Alaska or in a dependency or insular possession or any part of the United States outside of the continental United States, and not a member of the Federal reserve system, shall at all times have on hand in lawful money of the United States an amount equal to at least 15 per cent of the aggregate amount of its deposits in all respects. Whenever the lawful money of any such association shall fall below 15 per cent of its deposits such association shall not increase its liabilities by making any new loans or discounts other than by discounting or purchasing bills of exchange payable at sight nor make any dividends of its profits until the required proportion between the aggregate amount of its deposits and its lawful money of the United States has been restored. And the Comproller of the Currency shall notify any such association whose lawful money reserve shall be below the amount required to be kept on hand to make good such reserve, and if such association shall fail for thirty days thereafter so to make good its lawful money the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association as provided in section 192. (R. S. § 5191.)

144. Certain balances counted toward reserves in Alaska and insular possessions.—Three-fifths of the reserve of 15 per

cent which banks located in Alaska or in a dependency or insular possession or any part of the United States outside of the continental United States, and not a member of the Federal reserve system, shall be required to keep, may consist of balances due to an association from associations approved by the Comptroller of the Currency located in any one of the central reserve or reserve cities enumerated in section 141 or in any other reserve city as now or hereafter defined as provided for by section 224 of this title. (R. S. § 5192.)

145. Treasury notes.—Treasury notes issued in accordance with the provisions of the Act of July 14, 1890 (chapter 708, Twenty-sixth Statutes, page 389), when held by any national banking association, may be counted as a part of its lawful reserve. (July 14, 1890, c. 708, § 2, 26 Stat. 289.)

146. Gold and silver certificates.—Gold certificates, issued under sections 429 of Title 31, Money and Finance, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing house in which such certificates shall not be receivable in the settlement of clearing-house balances. The provisions of section 582 of this title shall be applicable to such gold certificates. (July 12, 1882, c. 290, § 12, 22 Stat. 165.)

FORMATION OF ASSOCIATIONS TO ISSUE GOLD NOTES

151. Organization of associations to issue gold notes.—Associations may be organized in the manner prescribed by this chapter for the purpose of issuing notes payable in gold; and upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States, in the manner prescribed for other associations, it shall be lawful for the Comptroller of the Currency to issue to the association making the deposit circulating notes of different denominations, but none of them of less than $5, and not exceeding in amount 80 per centum of the par value of the bonds deposited, which shall express the promise of the association to pay them, upon presentation at the office at which they are issued, in gold coin of the United States, and shall be so redeemable. (R. S. § 5185; Jan. 19, 1875, c. 19, 18 Stat. 302.)

152. Lawful money reserve of associations issuing gold notes; receiving notes of other associations.—Every association organized under the preceding section shall at all times keep on hand not less than 25 per centum of its outstanding circulation, in gold or silver coin of the United States; and shall receive at par in the payment of debts the gold notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this title: *Provided*, That, in applying the same to associations organized for issuing gold notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States; and the circulation of such associations shall not be within the limitation of circulation mentioned in this title. (R. S. § 5186.)

153. Conversion of gold banks into currency banks.—Any national gold bank organized under the provisions of the laws of the United States, may, in the manner and subject to the provisions prescribed by section 35, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section 21, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations: *Provided*, That all certificates of organization which shall be issued under this section shall bear the date of the original organization of each bank respectively as a gold bank. (Feb. 14, 1880, c. 25, 21 Stat. 66.)

BANK EXAMINATIONS; REPORTS

161. Reports to Comptroller of the Currency; publication.—Every association shall make to the Comptroller of the Currency not less than three reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day by him specified, and shall be transmitted to the comptroller within five days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the comptroller shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the comptroller. The comptroller shall also have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition. (R. S. § 5211; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; Dec. 28, 1922, c. 18, 42 Stat. 1067.)

162. Verification of reports.—The oath or affirmation required by section 161, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, or any other officer having an official seal, authorized in such State to administer oaths, shall be a sufficient verification as contemplated by said section 161: *Provided*, That the officer administering the oath is not an officer of the bank. (Feb. 26, 1881, c. 82, 21 Stat. 352.)

163. Report of dividends and net earnings.—In addition to the reports required by the preceding section, each association shall report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend, and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the association. (R. S. § 5212.)

164. Penalty for failure to make reports.—Every association which fails to make and transmit any report required under either of the two preceding sections shall be subject to a penalty of $100 for each day after the periods, respectively, therein mentioned, that it delays to make and transmit its report. Whenever any association delays or refuses to pay the penalty herein imposed, after it has been assessed by the Comptroller of the Currency, the amount thereof may be retained by the Treasurer of the United States, upon the order of the Comptroller of the Currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation. All sums of money collected for penalties under this section shall be paid into the Treasury of the United States. (R. S. § 5213.)

165. Limitation of visitorial powers.—No association shall be subject to any visitorial powers other than such as are authorized by this chapter, or are vested in the courts of justice. (June 3, 1864, c. 106, § 54, 13 Stat. 116.)

MISCELLANEOUS PROVISIONS REGARDING UNITED STATES BONDS IN RELATION TO NATIONAL BANKS

168. Taking up bonds; return of circulating notes.—Any association that may desire to reduce its capital or to close up its business and dissolve its organization, may take up its bonds upon returning to the comptroller its circulating notes in the proportion hereinafter required, or may take up any excess of bonds upon which no circulating notes have been delivered. (R. S. § 5160.)

169. Exchange of coupon for registered bonds.—To facilitate a compliance with the preceding section, the Secretary of the Treasury is authorized to receive from any association, and cancel, any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run. (R. S. § 5161.)

170. Transfers of bonds; manner of making.—All transfers of United States bonds, made by any association under the provisions of this chapter shall be made to the Treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier, or some other officer of the association making the deposit. A receipt shall be given to the association, by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that the bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. (R. S. § 5162.)

171. Registry of transferred bonds.—The Comptroller of the Currency shall keep in his office a book in which he shall cause to be entered, immediately upon countersigning it, every transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, presented for his signature. He shall state in such entry the name of the association from whose accounts the transfer is made, the name of the party to whom it is made, and the par value of the bonds transferred. (R. S. § 5163.)

172. Notice of transfers.—The Comptroller of the Currency shall, immediately upon countersigning and entering any transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, advise by mail the association from whose accounts the transfer is made, of the kind and numerical designation of the bonds, and the amount thereof so transferred. (R. S. § 5164.)

173. Examination of registry and bonds.—The Comptroller of the Currency shall have at all times, during office hours, access to the books of the Treasurer of the United States for the purpose of ascertaining the correctness of any transfer or assignment of the bonds deposited by an association, presented to the comptroller to countersign; and the Treasurer shall have the like access to the book mentioned in section 171 of this title, during office hours, to ascertain the correctness of the entries in the same; and the comptroller shall also at all times have access to the bonds on deposit with the Treasurer, to ascertain their amount and condition. (R. S. § 5165.)

174. Annual examination of bonds by associations.—Every association having bonds deposited in the office of the Treasurer of the United States shall, once or oftener in each fiscal year, examine and compare the bonds pledged by the association with the books of the Comptroller of the Currency and with the accounts of the association, and, if they are found correct, to execute to the Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of the certificate. Such examination shall be made at such time or times, during the ordinary business hours, as the Treasurer and the comptroller, respectively, may select, and may be made by an officer or agent of such association, duly appointed in writing for that purpose; and his certificate before mentioned shall be of like force and validity as if executed by the president or cashier. A duplicate of such certificate, signed by the Treasurer, shall be retained by the association. (R. S. § 5166.)

175. Custody of bonds and collection of interest.—The bonds transferred to and deposited with the Treasurer of the United States, by any association, for the security of its circulating notes, shall be held exclusively for that purpose, until such notes are redeemed, except as provided in this chapter. The Comptroller of the Currency shall give to any such association powers of attorney to receive and appropriate to its own use the interest on the bonds which it has so transferred to the Treasurer; but such powers shall become inoperative whenever such association fails to redeem its circulating notes. Whenever the market or cash value of any bonds thus deposited with the Treasurer is reduced below the amount of the circulation issued for the same, the comptroller may demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association, to be deposited with the Treasurer as long as such depreciation continues. And the comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the Treasurer by any association, for other bonds of the United States authorized to be received as security for circulating notes, if he is of opinion that such an exchange can be made without prejudice to the United States; and he may direct the return of any bonds to the association which transferred the same, in sums of not less than $1,000, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the association offering to surrender circulating notes are equal to the amount required for the circulating notes not surrendered by such association, and that the amount of bonds in the hands of the Treasurer is not diminished below the amount required to be kept on deposit with him, and that there has been no failure by the association to redeem its circulating notes, nor any other violation by it of the provisions of this chapter, and that the market or cash value of the remaining bonds is not below the amount required for the circulation issued for the same. (R. S. § 5167.)

176. Withdrawal of notes on deposit of money and withdrawal of bonds.—Any association organized under this chapter, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in section 2; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000. (June 20, 1874, c. 343, § 4, 18 Stat. 124.)

177. Amount of bonds required on deposit; reduction of amount or retirement in full of circulating notes.—National banks now organized, having a capital of $150,000, or less, shall not be required to keep on deposit or deposit with the Treasurer of the United States United States bonds in excess of one-fourth of their capital stock as security for their circulating notes; but such banks shall keep on deposit or deposit with the Treasurer of the United States the amount of bonds as herein required. And such of those banks having on deposit bonds

in excess of that amount are authorized to reduce their circulation by the deposit of lawful money as provided by law: *Provided*, That the national banks which shall hereafter make deposits of lawful money for the retirement in full of their circulation shall at the time of their deposit be assessed for the cost of transporting and redeeming their notes then outstanding, a sum equal to the average cost of the redemption of national-bank notes during the preceding year, and shall thereupon pay such assessment. And all national banks which have heretofore made or shall hereafter make deposits of lawful money for the reduction of their circulation shall be assessed and shall pay an assessment in the manner specified in section 121 of this title, for the cost of transporting and redeeming their notes redeemed from such deposits subsequently to June 30, 1881. (July 12, 1882, c. 290, § 8, 22 Stat. 164; Mar. 14, 1900, c. 41, § 12, 31 Stat. 49.)

178. Withdrawal of notes on deposit of money and withdrawal of bonds or other securities.—Any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section 176 of this title, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than $9,000,000 of lawful money shall be so deposited during any calendar month for this purpose.

Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of securities other than bonds of the United States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national-bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: *Provided*, That the deposits under this section to retire notes secured by the deposit of securities other than bonds of the United States shall not be covered into the Treasury, as required by section 122 of this title, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit. (July 12, 1882, c. 290, § 9, 22 Stat. 164; Mar. 14, 1900, c. 41, § 12, 31 Stat. 49; Mar. 4, 1907, c. 2913, § 4, 34 Stat. 1290; May 30, 1908, c. 229, § 10, 35 Stat. 551.)

VOLUNTARY DISSOLUTION

181. Voluntary dissolution.—Any association may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock. (R. S. § 5220.)

182. Notice of intent to dissolve.—Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in the city or town in which the association is located, or if no newspaper is there published, then in the newspaper published nearest thereto, that the association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment. (R. S. § 5221.)

183. Deposit of money to redeem outstanding circulation.—Within six months from the date of the vote to go into liquidation, the association shall deposit with the Treasurer of the United States, lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for money thus deposited, and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received; and the money shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account. (R. S. § 5222.)

184. Exemption as to an association consolidating with another.—An association which is in good faith winding up its business for the purpose of consolidating with another association shall not be required to deposit lawful money for its outstanding circulation; but its assets and liabilities shall be reported by the association with which it is in process of consolidation. (R. S. § 5223.)

185. Reassignment of bonds and redemption of notes.—Whenever a sufficient deposit of lawful money to redeem the outstanding circulation of an association proposing to close its business has been made, the bonds deposited by the association to secure payment of its notes shall be reassigned to it, in the manner prescribed by section 170. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed at the Treasury of the United States. And if any such bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction in New York City, and, after providing for the redemption and cancellation of said circulation and the necessary expenses of the sale, to pay over any balance remaining to the bank or its legal representative. (R. S. § 5224; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

186. Destruction of redeemed notes.—Whenever the Treasurer has redeemed any of the notes of an association which has commenced to close its affairs under the five preceding sections, he shall cause the notes to be mutilated and charged to the redemption account of the association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and macerated in the manner prescribed in section 124. (R. S. § 5225; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

RECEIVERSHIP

191. General grounds for appointment of receiver.—Whenever any national banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section 94, or whenever any creditor of any national banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and has remained unpaid for the space of thirty days, or whenever the comptroller shall become satisfied of the insolvency of a national banking association, he may, after due examination of its affairs, in either case, appoint a receiver who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section 192. (June 30, 1876, c. 156, § 1, 19 Stat. 63.)

Enforcement of shareholders' individual liability by creditors on liquidation; see section 65 of this title.

192. Default in payment of circulating notes.—On becoming satisfied, as specified in sections 131 and 132, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he deems proper. Such receiver, under the direction of the comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, may sell all the real and personal property of such association, on

such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders. Such receiver shall pay over all money so made to the Treasurer of the United States, subject to the order of the comptroller, and also make report to the comptroller of all his acts and proceedings.

Provided, That the comptroller may, if he deems proper, deposit any of the money so made in any regular Government depositary, or in any State or national bank either of the city or town in which the insolvent bank was located, or of a city or town as adjacent thereto as practicable; if such deposit is made he shall require the depositary to deposit United States bonds or other satisfactory securities with the Treasurer of the United States for the safe-keeping and prompt payment of the money so deposited. Such depositary shall pay upon such money interest at such rate as the comptroller may prescribe, not less, however, than 2 per centum per annum upon the average monthly amount of such deposits. (R. S. § 5234; May 15, 1916, c. 121, 39 Stat. 121.)

193. Notice to present claims.—The comptroller shall, upon appointing a receiver, cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof. (R. S. § 5235.)

194. Dividends on adjusted claims; distribution of assets.—From time to time, after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association, the comptroller shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and, as the proceeds of the assets of such association are paid over to him, shall make further dividends on all claims previously proved or adjudicated; and the remainder of the proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held. (R. S. § 5236.)

195. Injunction by bank denying failure to redeem notes.—Whenever an association against which proceedings have been instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, denies having failed to do so, it may, at any time within ten days after it has been notified of the appointment of an agent, as provided in section 132, apply to the nearest district, or territorial court of the United States to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal. (R. S. § 5237.)

196. Fees and expenses.—All fees for protesting the notes issued by any national banking association shall be paid by the person procuring the protest to be made, and such association shall be liable therefor; but no part of the bonds deposited by such association shall be applied to the payment of such fees. All expenses of any preliminary or other examinations into the condition of any association shall be paid by such association. All expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof. (R. S. § 5238.)

197. Shareholders' meeting; continuance of receivership; appointment of agent; winding up business; distribution of assets.—Whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 192 and other sections of this Code, and when, as provided in section 194 thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims, and all expenses of the receivership and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto. At such meeting the shareholders shall determine whether the receiver shall be continued and shall wind up the affairs of such association, or whether an agent shall be elected for that purpose, and in so determining the said shareholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value and number of shares shall be necessary to determine whether the said receiver shall be continued, or whether an agent shall be elected. In case such majority shall determine that the said receiver shall be continued, the said receiver shall thereupon proceed with the execution of his trust, and shall sell, dispose of, or otherwise collect the assets of the said association, and shall possess all the powers and authority, and be subject to all the duties and liabilities originally conferred or imposed upon him by his appointment as such receiver, so far as the same remain applicable. In case the said meeting shall, by the vote of a majority of the stock in value and number of shares, determine that an agent shall be elected, the said meeting shall thereupon proceed to elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the person who shall receive votes representing at least a majority of stock in value and number shall be declared the agent for the purposes hereinafter provided; and whenever any of the shareholders of the association shall, after the election of such agent, have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of each and every claim that may thereafter be proved and allowed by and before a competent court, and for the faithful performance of all and singular the duties of such trust, the comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said comptroller and said receiver, or either of them; and for this purpose said comptroller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; and upon the execution and delivery of such instrument to the said agent the said comptroller and the said receiver shall by virtue of this chapter be discharged from any and all liabilities to such association and to each and all the creditors and shareholders thereof. Upon receiving such deed, assignment, transfer, or other instrument the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof for the benefit of the shareholders of such association, and he may in his own name, or in the name of such association, sue and be sued and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was carried

on, and shall at the conclusion of his trust render to such district or circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the sureties upon said bond.

And in case any such agent so elected shall refuse to serve, or die, resign, or be removed, any shareholder may call a meeting of the shareholders of such association in the town, city, or village where the business of the said association was carried on, by giving notice thereof for thirty days in a newspaper published in said town, city, or village, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and shall have executed a bond to the shareholders conditioned for the faithful performance of his duties, in the penalty fixed by the shareholders at said meeting, with two sureties, to be approved by a judge of a court of record, and file said bond in the office of the clerk of a court of record in the county where the business of said association was carried on, he shall have all the rights, powers, and duties of the agent first elected as hereinbefore provided. At any meeting held as hereinbefore provided administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians of minors and trustees of other persons may so act and sign for their ward or wards or cestui que trust. The proceeds of the assets or property of any such association which may be undistributed at the time of such meeting or may be subsequently received shall be distributed as follows:

First. To pay the expenses of the execution of the trust to the date of such payment.

Second. To repay any amount or amounts which have been paid in by any shareholder or shareholders of such association upon and by reason of any and all assessments made upon the stock of such association by the order of the Comptroller of the Currency in accordance with the provisions of the statutes of the United States; and

Third. The balance ratably among such stockholders, in proportion to the number of shares held and owned by each. Such distribution shall be made from time to time as the proceeds shall be received and as shall be deemed advisable by the said comptroller or said agent. (June 30, 1876, c. 156, § 3, 19 Stat. 63; Aug. 3, 1892, c. 360, 27 Stat. 345; Mar. 2, 1897, c. 354, 29 Stat. 600.)

198. Purchase by receiver of property of bank; request to comptroller.—Whenever the receiver of any national bank duly appointed by the Comptroller of the Currency, and who shall have duly qualified and entered upon the discharge of his trust, shall find it in his opinion necessary, in order to fully protect and benefit his said trust, to the extent of any and all equities that such trust may have in any property, real or personal, by reason of any bond, mortgage, assignment, or other proper legal claim attaching thereto, and which said property is to be sold under any execution, decree of foreclosure, or proper order of any court of jurisdiction, he may certify the facts in the case, together with his opinion as to the value of the property to be sold, and the value of the equity his said trust may have in the same, to the Comptroller of the Currency, together with a request for the right and authority to use and employ so much of the money of said trust as may be necessary to purchase such property at such sale. (Mar. 29, 1886, c. 28, § 1, 24 Stat. 8.)

199. Approval of request.—Such request, if approved by the Comptroller of the Currency, shall be, together with the certificate of facts in the case, and his recommendation as to the amount of money which, in his judgment, should be so used and employed, submitted to the Secretary of the Treasury, and if the same shall likewise be approved by him, the request shall be by the Comptroller of the Currency allowed, and notice thereof, with copies of the request, certificate of facts, and indorsement of approvals, shall be filed with the Treasurer of the United States. (Mar. 29, 1886, c. 28, § 2, 24 Stat. 8.)

200. Payment.—Whenever any such request shall be allowed as hereinbefore provided, the said Comptroller of the Currency shall be, and is, empowered to draw upon and from such funds of any such trust as may be deposited with the Treasurer of the United States for the benefit of the bank in interest, to the amount as may be recommended and allowed and for the purpose for which such allowance was made: *Provided, however*, That all payments to be made for or on account of the purchase of any such property and under any such allowance shall be made by the Comptroller of the Currency direct, with the approval of the Secretary of the Treasury, for such purpose only and in such manner as he may determine and order. (Mar. 29, 1886, c. 28, § 3, 24 Stat. 8.)

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DEFINITIONS, ORGANIZATION, AND GENERAL PROVISIONS AFFECTING SYSTEM

Section 221. Definitions.—Wherever the word "bank" is used in this chapter, the word shall be held to include State

bank, banking association, and trust company, except where national banks or Federal reserve banks are specifically referred to.

The terms "national bank" and "national banking association" used in this chapter shall be held to be synonymous and interchangeable. The term "member bank" shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by this chapter. The term "board" shall be held to mean Federal Reserve Board; the term "district" shall be held to mean Federal reserve district; the term "reserve bank" shall be held to mean Federal reserve bank. (Dec. 23, 1913, c. 6, § 1, 38 Stat. 251.)

222. Federal reserve districts.—The Federal reserve districts now in existence are continued and shall be known as Federal reserve districts. Such districts may be readjusted and new districts may from time to time be created by the Federal Reserve Board, not to exceed twelve in all: *Provided*, That the districts shall be apportioned with due regard to the convenience and customary course of business and shall not necessarily be coterminous with any State or States. Federal reserve districts shall as now comprise the continental United States, exclusive of Alaska, and may be designated by number. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

223. Federal reserve cities.—The Federal reserve cities now in existence are continued. A Federal reserve district shall continue to contain only one Federal reserve city. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

224. Status of reserve cities under former statutes.—The organization of reserve districts and Federal reserve cities shall not be construed as changing the present status of reserve cities and central reserve cities, except in so far as this chapter changes the amount of reserves that may be carried with approved reserve agents located therein. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

225. Federal reserve banks.—The Federal reserve banks now in existence in the various Federal reserve cities are continued. Each bank shall include in its title the name of the city in which it is situated, as "Federal Reserve Bank of Chicago." (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

226. "Federal Reserve Act."—The short title of the Act of December 23, 1913 (chapter 6, section 1, Thirty-eighth Statutes, page 251), shall be the "Federal Reserve Act." (Dec. 23, 1913, c. 6, § 1, 38 Stat. 251.)

FEDERAL RESERVE BOARD

241. Creation; membership; salaries.—A Federal Reserve Board is hereby created which shall consist of eight members, including the Secretary of the Treasury and the Comptroller of the Currency, who shall be members ex officio, and six members appointed by the President of the United States, by and with the advice and consent of the Senate. In selecting the six appointive members of the Federal Reserve Board, not more than one of whom shall be selected from any one Federal reserve district, the President shall have due regard to a fair representation of the financial, agricultural, industrial and commercial interests, and geographical divisions of the country. The six members of the Federal Reserve Board appointed by the President and confirmed as aforesaid shall devote their entire time to the business of the Federal Reserve Board and shall each receive an annual salary of $12,000, payable monthly, together with actual necessary traveling expenses, and the Comptroller of the Currency, as ex officio member of the Federal Reserve Board, shall, in addition to the salary now paid him as Comptroller of the Currency, receive the sum of $7,000 annually for his services as a member of said board. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260; June 3, 1922, c. 205, 42 Stat. 620.)

242. Ineligibility to hold office in member banks; qualifications and terms of office of members; governor and vice governor; office for board; oath of office.—The Secretary of the Treasury and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank. The appointive members of the Federal Reserve Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed. Of the six members thus appointed by the President, one shall be designated by the President to serve for two, one for four, one for six, one for eight, and the balance of the members for ten years, and thereafter each member so appointed shall serve for a term of ten years, unless sooner removed for cause by the President. Of the six persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal Reserve Board. The governor of the Federal Reserve Board, subject to its supervision, shall be the active executive officer. The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board. Each member of the Federal Reserve Board shall within fifteen days after notice of appointment make and subscribe to the oath of office. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260; Mar. 3, 1919, c. 101, § 2, 40 Stat. 1315; June 3, 1922, c. 205, 42 Stat. 620.)

243. Assessments upon Federal reserve banks to pay expenses.—The Federal Reserve Board shall have power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and the salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding half year. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260.)

244. Chairman of board; qualifications of members; vacancies.—The Secretary of the Treasury shall be ex officio chairman of the Federal Reserve Board. No member of the Federal Reserve Board shall be an officer or director of any bank, banking institution, trust company, or Federal reserve bank nor hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement. Whenever a vacancy shall occur, other than by expiration of term, among the six members of the Federal Reserve Board appointed by the President, as above provided, a successor shall be appointed by the President, with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of the member whose place he is selected to fill. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260; June 3, 1922, c. 205, 42 Stat. 620.)

245. Vacancies during recess of Senate.—The President shall have power to fill all vacancies that may happen on the Federal Reserve Board during the recess of the Senate by granting commissions which shall expire with the next session of the Senate. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260; June 3, 1922, c. 205, 42 Stat. 620.)

246. Powers of Secretary of Treasury as affected by chapter.—Nothing in this chapter contained shall be construed as taking away any powers heretofore vested by law in the Secretary of the Treasury which relate to the supervision, management, and control of the Treasury Department and bureaus under such department, and wherever any power vested by this chapter in the Federal Reserve Board or the Federal reserve agent appears to conflict with the powers of

the Secretary of the Treasury, such powers shall be exercised subject to the supervision and control of the Secretary. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260.)

247. Reports to Congress.—The Federal Reserve Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress. (Dec. 23, 1913, c. 6, § 10, 38 Stat. 260.)

248. Enumerated powers.—The Federal Reserve Board shall be authorized and empowered:

(*a*) *Examination of accounts and affairs of banks; publication of weekly statements.*—To examine at its discretion the accounts, books, and affairs of each Federal reserve bank and of each member bank and to require such statements and reports as it may deem necessary. The said board shall publish once each week a statement showing the condition of each Federal reserve bank and a consolidated statement for all Federal reserve banks. Such statements shall show in detail the assets and liabilities of the Federal reserve banks, single and combined, and shall furnish full information regarding the character of the money held as reserve and the amount, nature, and maturities of the paper and other investments owned or held by Federal reserve banks. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 261.)

(*b*) *Permitting or rediscounting of paper at specified rate.*—To permit, or, on the affirmative vote of at least five members of the Reserve Board to require Federal reserve banks to rediscount the discounted paper of other Federal reserve banks at rates of interest to be fixed by the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*c*) *Suspending reserve requirements; establishing graduated tax on deficiency in gold reserve.*—To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirement specified in this chapter: *Provided*, That it shall establish a graduated tax upon the amounts by which the reserve requirements of this chapter may be permitted to fall below the level hereinafter specified: *And provided further*, That when the gold reserve held against Federal reserve notes falls below 40 per centum, the Federal Reserve Board shall establish a graduated tax of not more than 1 per centum per annum upon such deficiency until the reserves fall to 32½ per centum, and when said reserve falls below 32½ per centum, a tax at the rate increasingly of not less than 1½ per centum per annum upon each 2½ per centum or fraction thereof that such reserve falls below 32½ per centum. The tax shall be paid by the reserve bank, but the reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*d*) *Supervising and regulating issue and retirement of notes.*—To supervise and regulate through the bureau under the charge of the Comptroller of the Currency the issue and retirement of Federal reserve notes, and to prescribe rules and regulations under which such notes may be delivered by the comptroller to the Federal reserve agents applying therefor. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*e*) *Adding to or reclassifying reserve and central reserve cities.*—To add to the number of cities classified as reserve and central reserve cities under existing law in which national banking associations are subject to the reserve requirements set forth in section 20 of this chapter, or to reclassify existing reserve and central reserve cities or to terminate their designation as such. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*f*) *Suspending or removing officers or directors of reserve banks.*—To suspend or remove any officer or director of any Federal reserve bank, the cause of such removal to be forthwith communicated in writing by the Federal Reserve Board to the removed officer or director and to said bank. (Dec. 23, 1923, c. 6, § 11, 38 Stat. 262.)

(*g*) *Requiring writing off of doubtful or worthless assets of banks.*—To require the writing off of doubtful or worthless assets upon the books and balance sheets of Federal reserve banks. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*h*) *Suspending operations of or liquidating or reorganizing banks.*—To suspend, for the violation of any of the provisions of this chapter, the operations of any Federal reserve bank, to take possession thereof, administer the same during the period of suspension, and, when deemed advisable, to liquidate or reorganize such bank. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*i*) *Requiring bonds of agents; safeguarding property in hands of agents.*—To require bonds of Federal reserve agents, to make regulations for the safeguarding of all collateral, bonds, Federal reserve notes, money or property of any kind deposited in the hands of such agents, and said board shall perform the duties, functions, or services specified in this chapter, and make all rules and regulations necessary to enable said board effectively to perform the same. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*j*) *Exercising supervision over reserve banks.*—To exercise general supervision over said Federal reserve banks. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*k*) *Permitting national banks to act as trustees, etc.*—To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located.

Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with national banks, the granting to and the exercise of such powers by national banks shall not be deemed to be in contravention of State or local law within the meaning of this chapter.

National banks exercising any or all of the powers enumerated in this subsection (k) shall segregate all assets held in any fiduciary capacity from the general assets of the bank and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this subsection. Such books and records shall be open to inspection by the State authorities to the same extent as the books and records of corporations organized under State law which exercise fiduciary powers, but nothing in this chapter shall be construed as authorizing the State authorities to examine the books, records, and assets of the national bank which are not held in trust under authority of this subsection.

No national bank shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the bank awaiting investment shall be carried in a separate account and shall not be used by the bank in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Federal Reserve Board.

In the event of the failure of such bank the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the bank.

Whenever the laws of a State require corporations acting in a fiduciary capacity, to deposit securities with the State authorities for the protection of private or court trusts, national banks so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law.

National banks in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement.

National banks shall have power to execute such bond when so required by the laws of the State.

In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such national bank may take the necessary oath or execute the necessary affidavit.

It shall be unlawful for any national banking association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court.

In passing upon applications for permission to exercise the powers enumerated in this subsection, the Federal Reserve Board may take into consideration the amount of capital and surplus of the applying bank, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly: *Provided*, That no permit shall be issued to any national banking association having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers. (Dec. 23, 1923, c. 6, § 11, 38 Stat. 264; Sept. 26, 1918, c. 177, § 2, 40 Stat. 968.)

(*l*) *Employing attorneys, experts, assistants and clerks; salaries and fees; civil-service rules as applicable.*—To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of section 632 of Title 5, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service. (Dec. 23, 1913, c. 6, § 11, 38 Stat. 262.)

(*m*) *Rules and regulations for transfer of funds and charges therefor among banks; clearing houses.*—The Federal Reserve Board shall make and promulgate from time to time regulations governing the transfer of funds and charges therefor among Federal reserve banks and their branches, and may at its discretion exercise the functions of a clearing house for such Federal reserve banks, or may designate a Federal reserve bank to exercise such functions, and may also require each such bank to exercise the functions of a clearing house for its member banks. (Dec. 23, 1913, c. 6, § 16, 38 Stat. 265.)

FEDERAL ADVISORY COUNCIL

261. Creation; membership; compensation; meetings; officers; procedure; quorum; vacancies.—There is hereby created a Federal Advisory Council, which shall consist of as many members as there are Federal reserve districts. Each Federal reserve bank by its board of directors shall annually select from its own Federal reserve district one member of said council, who shall receive such compensation and allowances as may be fixed by his board of directors subject to the approval of the Federal Reserve Board. The meetings of said advisory council shall be held at Washington, District of Columbia, at least four times each year, and oftener if called by the Federal Reserve Board. The council may in addition to the meetings above provided for hold such other meetings in Washington, District of Columbia, or elsewhere, as it may deem necessary, may select its own officers and adopt its own methods of procedure, and a majority of its members shall constitute a quorum for the transaction of business. Vacancies in the council shall be filled by the respective reserve banks, and members selected to fill vacancies, shall serve for the unexpired term. (Dec. 23, 1913, c. 6, § 12, 38 Stat. 263.)

262. Powers.—The Federal Advisory Council shall have power, by itself or through its officers, (1) to confer directly with the Federal Reserve Board on general business conditions; (2) to make oral or written representations concerning matters within the jurisdiction of said board; (3) to call for information and to make recommendations in regard to discount rates, rediscount business, note issues, reserve conditions in the various districts, the purchase and sale of gold or securities by reserve banks, open-market operations by said banks, and the general affairs of the reserve banking system. (Dec. 23, 1913, c. 6, § 12, 38 Stat. 263.)

CAPITAL AND STOCK OF FEDERAL RESERVE BANKS; DIVIDENDS AND EARNINGS

281. Capital.—No Federal reserve bank shall commence business with a subscribed capital less than $4,000,000. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

282. Subscription to capital stock by national banking association.—Every national banking association within each Federal reserve district shall be required to subscribe to the capital stock of the Federal reserve bank for that district in a sum equal to 6 per centum of the paid-up capital stock and surplus of such bank, one-sixth of the subscription to be payable on call of the Federal Reserve Board, one-sixth within three months and one-sixth within six months thereafter, and the remainder of the subscription, or any part thereof, shall be subject to call when deemed necessary by the Federal Reserve Board, said payments to be in gold or gold certificates. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

283. Public subscription to capital stock.—No individual, copartnership, or corporation other than a member bank of its district shall be permitted to subscribe for or to hold at any time more than $25,000 par value of stock in any Federal reserve bank. Such stock shall be known as public stock and may be transferred on the books of the Federal reserve bank by the chairman of the board of directors of such bank. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

284. Stock allotted to United States.—Stock of a Federal reserve bank allotted to the United States shall be held by the Secretary of the Treasury and disposed of for the benefit of the United States in such manner, at such times, and at such price, not less than par, as the Secretary of the Treasury shall determine. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

285. Nonvoting stock.—Stock not held by member banks shall not be entitled to voting power. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

286. Transfers of stock; rules and regulations.—The Federal Reserve Board is hereby empowered to adopt and promulgate rules and regulations governing the transfers of said stock. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 251.)

287. Value of shares of stock; increase and decrease of stock; member banks as shareholders; surrender of shares.—The capital stock of each Federal reserve bank shall be divided into shares of $100 each. The outstanding capital stock shall be increased from time to time as member banks increase their capital stock and surplus or as additional banks become members, and may be decreased as member banks reduce their capital stock or surplus or cease to be members. Shares of the capital stock of Federal reserve banks owned by member banks shall not be transferred or hypothecated. When a member bank increases its capital stock or surplus, it shall thereupon subscribe for an additional amount of capital stock of the Federal reserve bank of its district equal to 6 per centum of the said increase, one-half of said subscription to be paid in the manner hereinbefore provided for original subscription, and one-half subject to call of the Federal Reserve Board. A bank applying for stock in a Federal reserve bank at any time after the organization thereof must subscribe for an amount of the capital stock of the Federal reserve bank equal to 6 per centum of the paid-up capital stock and surplus of said applicant bank, paying therefor its par value plus one-half of 1 per centum a month from the period of the last dividend. When the capital stock of any Federal reserve bank shall have been increased either on account of the increase of capital stock of member banks or on account of the increase in the number of member banks, the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing the increase in capital stock, the amount paid in, and by whom paid. When a member bank reduces its capital stock it shall surrender a proportionate amount of its holdings in the capital of said Federal reserve bank, and when a member bank voluntarily liquidates it shall surrender all of its holdings of the capital stock of said Federal reserve bank and be released from its stock subscription not previously called. In either case the shares surrendered shall be canceled and the member bank shall receive in payment therefor, under regulations to be prescribed by the Federal Reserve Board, a sum equal to its cash-paid subscriptions on the shares surrendered and one-half of 1 per centum a month from the period of the last dividend, not to exceed the book value thereof, less any liability of such member bank to the Federal reserve bank. (Dec. 23, 1913, c. 6, § 5, 38 Stat. 257.)

288. Cancellation of stock held by member bank on insolvency; certificate of reduction of capital of reserve bank.—If any member bank shall be declared insolvent and a receiver appointed therefor, the stock held by it in said Federal reserve bank shall be canceled, without impairment of its liability, and all cash-paid subscriptions on said stock, with one-half of 1 per centum per month from the period of last dividend, not to exceed the book value thereof, shall be first applied to all debts of the insolvent member bank to the Federal reserve bank, and the balance, if any, shall be paid to the receiver of the insolvent bank. Whenever the capital stock of a Federal reserve bank is reduced, either on account of a reduction in capital stock of any member bank or of the liquidation or insolvency of such bank, the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing such reduction of capital stock and the amount repaid to such bank. (Dec. 23, 1913, c. 6, § 6, 38 Stat. 258.)

289. Dividends on stock of reserve banks; franchise tax on net earnings; surplus fund.—After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of 6 per centum on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met, the net earnings shall be paid to the United States as a franchise tax except that the whole of such net earnings, including those for the year ending December 31, 1918, shall be paid into a surplus fund until it shall amount to 100 per centum of the subscribed capital stock of such bank, and that thereafter 10 per centum of such net earnings shall be paid into the surplus. (Dec. 23, 1913, c. 6, § 7, 38 Stat. 258; Mar. 3, 1919, c. 101, § 1, 40 Stat. 1314.)

290. Disposition of net earnings paid as franchise tax; disposition of surplus fund on dissolution or insolvency of reserve bank.—The net earnings derived by the United States from Federal reserve banks shall, in the discretion of the Secretary, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury. Should a Federal reserve bank be dissolved or go into liquidation, any surplus remaining, after the payment of all debts, dividend requirements as hereinbefore provided, and the par value of the stock, shall be paid to and become the property of the United States and shall be similarly applied. (Dec. 23, 1913, c. 6, § 7, 38 Stat. 258.)

DIRECTORS OF FEDERAL RESERVE BANKS; RESERVE AGENTS AND ASSISTANTS

301. Powers and duties of board of directors.—Every Federal reserve bank shall be conducted under the supervision and control of a board of directors.

The board of directors shall perform the duties usually appertaining to the office of directors of banking associations and all such duties as are prescribed by law.

Said board shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and shall, subject to the provisions of law and the orders of the Federal Reserve Board, extend to each member bank such discounts, advancements and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254.)

302. Number of members; classes.—Such board of directors shall be selected as hereinafter specified and shall consist of nine members, holding office for three years, and divided into three classes, designated as classes A, B, and C.

Class A shall consist of three members, who shall be chosen by and be representative of the stock-holding banks.

Class B shall consist of three members, who at the time of their election shall be actively engaged in their district in commerce, agriculture or some other industrial pursuit.

Class C shall consist of three members who shall be designated by the Federal Reserve Board. When the necessary subscriptions to the capital stock have been obtained for the organization of any Federal reserve bank, the Federal Reserve Board shall appoint the class C directors and shall designate one of such directors as chairman of the board to be selected. Pending the designation of such chairman, the organization committee shall exercise the powers and duties appertaining to the office of chairman in the organization of such Federal reserve bank. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254.)

303. Qualifications and disabilities.—No Senator or Representative in Congress shall be a member of the Federal Reserve Board or an officer or a director of a Federal reserve bank.

No director of class B shall be an officer, director, or employee of any bank.

No director of class C shall be an officer, director, employee, or stockholder of any bank. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254.)

304. Class A and class B directors; selection.—Directors of class A and class B shall be chosen in the following manner:

The Federal Reserve Board shall classify the member banks of the district into three general groups or divisions, designating each group by number. Each group shall consist as nearly

as may be of banks of similar capitalization. Each member bank shall be permitted to nominate to the chairman of the board of directors of the Federal reserve bank of the district one candidate for director of class A and one candidate for director of class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within fifteen days after its completion, be furnished by the chairman to each member bank. Each member bank by a resolution of the board or by an amendment to its by-laws shall authorize its president, cashier, or some other officer to cast the vote of the member bank in the elections of class A and class B directors.

Within fifteen days after receipt of the list of candidates the duly authorized officer of a member bank shall certify to the chairman his first, second, and other choices for director of class A and class B, respectively, upon a preferential ballot upon a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each such officer shall make a cross opposite the name of the first, second, and other choices for a director of class A and for a director of class B, but shall not vote more than one choice for any one candidate. No officer or director of a member bank shall be eligible to serve as a class A director unless nominated and elected by banks which are members of the same group as the member bank of which he is an officer or director.

Any person who is an officer or director of more than one member bank shall not be eligible for nomination as a class A director except by banks in the same group as the bank having the largest aggregate resources of any of those of which such person is an officer or director.

Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254; Sept. 26, 1918, c. 177, § 1, 40 Stat. 968.)

305. Class C directors; selection; "Federal reserve agent."—Class C directors shall be appointed by the Federal Reserve Board. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as "Federal reserve agent." He shall be a person of tested banking experience and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Federal Reserve Board, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Federal Reserve Board and shall act as its official representative for the performance of the functions conferred upon it by this chapter. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C shall be appointed by the Federal Reserve Board as deputy chairman to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third class C director shall preside at meetings of the board. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254; June 21, 1917, c. 32, § 2, 40 Stat. 232.)

306. Assistants to Federal reserve agent.—Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal Reserve Board shall require such bonds of the assistant Federal reserve agents as it may deem necessary for the protection of the United States. Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent. (June 21, 1917, c. 32, § 2, 40 Stat. 232.)

307. Compensation of directors.—Directors of Federal reserve banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, which amount shall be paid by the respective Federal reserve banks. Any compensation that may be provided by boards of directors of Federal reserve banks for directors, officers or employees shall be subject to the approval of the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254.)

308. Terms of directors; vacancies.—At the first meeting of the full board of directors of each Federal reserve bank, it shall be the duty of the directors of classes A, B, and C, respectively, to designate one of the members of each class whose term of office shall expire in one year from the 1st of January nearest to date of such meeting, one whose term of office shall expire at the end of two years from said date, and one whose term of office shall expire at the end of three years from said date. Thereafter every director of a Federal reserve bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the several classes of directors of Federal reserve banks may be filled in the manner provided for the original selection of such directors, such appointees to hold office for the unexpired terms of their predecessors. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254.)

STATE BANKS AS MEMBERS OF SYSTEM

321. Application for membership.—Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal reserve system, may make application to the Federal Reserve Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

322. Determination on application.—In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this chapter. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

323. Stock in Federal reserve banks; method of payment.—Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this chapter. (Dec. 23, 1913, c 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

324. Laws applicable on becoming members.—All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this chapter and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within ten days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit or otherwise. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

325. Examinations.—As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 30 Stat. 232.)

326. Acceptance of examinations and reports by State authorities; special examinations.—Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however*, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

327. Surrender of stock and cancellation of memberships.—If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

328. Withdrawals from membership.—Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however*, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 25 per centum of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash-paid subscription with interest at the rate of one-half of 1 per centum per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.)

329. Capital stock required as condition precedent to membership.—No applying bank shall be admitted to membership in a Federal reserve bank unless (a) it possesses a paid-up, unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of chapter 2 of this title, or (b) it possesses a paid-up, unimpaired capital of at least 60 per centum of the amount sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of chapter 2 of this title and, under penalty of loss of membership complies with rules and regulations which the Federal Reserve Board shall prescribe fixing the time within which and the method by which the unimpaired capital of such bank shall be increased out of net income to equal the capital which would have been required if such bank had been admitted to membership under the provisions of clause (a) of this paragraph: *Provided*, That every such rule or regulation shall require the applying bank to set aside annually not less than 20 per centum of its net income of the preceding year as a fund exclusively applicable to such capital increase. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232; Mar. 4, 1923, c. 252, Title IV, § 401, 42 Stat. 1478.)

330. Laws applicable on becoming members; discounts for State banks.—Banks becoming members of the Federal reserve system under authority of this section shall be subject to the provisions of this section and to those of this chapter which relate specifically to member banks, but shall not be subject to examination under the provisions of sections 481 and 482 of this title. Subject to the provisions of this chapter and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal reserve system shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 257; June 21, 1917, c. 32, § 3, 40 Stat. 232; July 1, 1922, c. 274, 42 Stat. 821.)

331. Certifying checks on State banks admitted as members.—It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so

certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal reserve system upon hearing by the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 9, 38 Stat. 259; June 21, 1917, c. 32, § 3, 40 Stat. 232.

POWERS AND DUTIES OF FEDERAL RESERVE BANKS

341. General enumeration of powers.—Upon the filing of the organization certificate with the Comptroller of the Currency the organization of a Federal reserve bank shall become a body corporate and as such, and in the name designated in such organization certificate, shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for a period of twenty years from its organization unless it is sooner dissolved by an Act of Congress, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity.

Fifth. To appoint by its board of directors, such officers and employees as are not otherwise provided for in this chapter, to define their duties, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees.

Sixth. To prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

Seventh. To exercise by its boards of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this chapter and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this chapter.

Eighth. Upon deposit with the Treasurer of the United States of any bonds of the United States in the manner provided by existing law relating to national banks, to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited, such notes to be issued under the same conditions and provisions of law as relate to the issue of circulating notes of national banks secured by bonds of the United States bearing the circulating privilege, except that the issue of such notes shall not be limited to the capital stock of such Federal reserve bank.

But no Federal reserve bank shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Comptroller of the Currency to commence business under the provisions of this chapter. (Dec. 23, 1913, c. 6, § 4, 38 Stat. 254.)

342. Deposits; exchange and collection; member and nonmember banks; charges.—Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks, and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this chapter shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Federal Reserve Board, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks. (Dec. 23, 1913, c. 6, § 13, 38 Stat. 263; June 21, 1917, c. 32, § 4, 40 Stat. 234.)

343. Discount of obligations arising out of actual commercial transactions.—Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this chapter. Nothing in this chapter contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States. Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than ninety days, exclusive of grace. (Dec. 23, 1913, c. 6, § 13, 38 Stat. 263; Sept. 7, 1916, c. 461, 39 Stat. 752; Mar. 4, 1923, c. 252, Title IV, § 402, 42 Stat. 1479.)

344. Discount or purchase of bills to finance agricultural shipments.—Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which are drawn to finance the domestic shipment of nonperishable, readily marketable staple agricultural products and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided*, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further*, That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of ninety days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof. (Mar. 4, 1923, c. 252, Title IV, § 402, 42 Stat. 1478.)

345. Limitation on amount of obligation given for agricultural purposes which may be rediscounted.—The aggregate of such notes, drafts, and bills bearing the signature or indorsement of any one borrower, whether a person, company, firm, or

corporation, rediscounted for any one bank shall at no time exceed 10 per centum of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values. (Dec. 23, 1913, c. 6, § 13, 38 Stat. 263; Mar. 3, 1915, c. 93, 38 Stat. 958; Sept. 7, 1916, c. 461, 39 Stat. 752.)

346. Discount of acceptances.—Any Federal reserve bank may discount acceptances of the kinds hereinafter described, which have a maturity at the time of discount of not more than ninety days' sight, exclusive of days of grace, and which are indorsed by at least one member bank: *Provided*, That such acceptances if drawn for an agricultural purpose and secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight exclusive of days of grace. (Dec. 23, 1913, c. 6, § 13, 38 Stat. 263; Mar. 3, 1915, c. 93, 38 Stat. 958; Sept. 7, 1916, c. 461, 39 Stat. 752; Mar. 4, 1923, c. 252, Title IV, § 403, 42 Stat. 1479.)

347. Advances to member banks on their notes.—Any Federal reserve bank may make advances to its member banks on their promissory notes for a period not exceeding fifteen days at rates to be established by such Federal reserve banks, subject to the review and determination of the Federal Reserve Board, provided such promissory notes are secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks under the provisions of this chapter, or by the deposit or pledge of bonds or notes of the United States. (Dec. 23, 1913, c. 6, § 13, 38 Stat. 263; Mar. 3, 1915, c. 93, 38 Stat. 958; Sept. 7, 1916, c. 461, 39 Stat. 752; Mar. 4, 1923, c. 252, Title IV, §§ 402, 403, 42 Stat. 1478, 1479.)

348. Discount of obligations given for agricultural purposes or based upon livestock; collateral security for Federal reserve notes.—Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Federal Reserve Board, discount notes, drafts, and bills of exchange issued or drawn for an agricultural purpose, or based upon livestock, and having a maturity, at the time of discount, exclusive of days of grace, not exceeding nine months, and such notes, drafts, and bills of exchange may be offered as collateral security for the issuance of Federal reserve notes under the provisions of sections 411–422 of this chapter: *Provided*, That notes, drafts, and bills of exchange with maturities in excess of six months shall not be eligible as a basis for the issuance of Federal reserve notes unless secured by warehouse receipts or other such negotiable documents conveying or securing title to readily marketable staple agricultural products or by chattel mortgage upon livestock which is being fattened for market. (Mar. 4, 1923, c. 252, Title IV, § 404, 42 Stat. 1479.)

349. Rediscount for intermediate credit banks of obligations given for agricultural purposes.—Any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Federal Reserve Board, rediscount such notes, drafts, and bills mentioned in the preceding section for any Federal intermediate credit bank, except that no Federal reserve bank shall rediscount for a Federal intermediate credit bank any such note or obligation which bears the indorsement of a nonmember State bank or trust company which is eligible for membership in the Federal reserve system, in accordance with sections 321 to 331. (Mar. 4, 1923, c. 252, Title IV, § 404, 42 Stat. 1479.)

350. Purchase and sale of debentures and like obligations of intermediate credit banks and agricultural credit corporations.—Any Federal reserve bank may also buy and sell debentures and other such obligations issued by a Federal intermediate credit bank or by a national agricultural credit corporation, but only to the same extent as and subject to the same limitations as those upon which it may buy and sell bonds issued under Title I of the Federal Farm Loan Act. (Mar. 4, 1923, c. 252, Title IV, § 404, 42 Stat. 1479.)

351. Obligations of cooperative marketing association as issued or drawn for agricultural purposes.—Notes, drafts, bills of exchange or acceptances issued or drawn by cooperative marketing associations composed of producers of agricultural products shall be deemed to have been issued or drawn for an agricultural purpose, within the meaning of the three preceding sections, if the proceeds thereof have been or are to be advanced by such association to any members thereof for an agricultural purpose, or have been or are to be used by such association in making payments to any members thereof on account of agricultural products delivered by such members to the association, or if such proceeds have been or are to be used by such association to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members: *Provided*, That the express enumeration in this paragraph of certain classes of paper of cooperative marketing associations as eligible for rediscount shall not be construed as rendering ineligible any other class of paper of such associations which is now eligible for rediscount. (Mar. 4, 1923, c. 252, Title IV, § 404, 42 Stat. 1479.)

352. Limitation on amount of obligations of certain maturities which may be discounted and rediscounted.—The Federal Reserve Board may, by regulation, limit to a percentage of the assets of a Federal reserve bank the amount of notes, drafts, acceptances, or bills having a maturity in excess of three months, but not exceeding six months, exclusive of days of grace, which may be discounted by such bank, and the amount of notes, drafts, bills, or acceptances having a maturity in excess of six months, but not exceeding nine months, which may be rediscounted by such bank. (Mar. 4, 1923, c. 252, Title IV, § 404, 42 Stat. 1479.)

353. Purchase and sale of cable transfers, acceptances, and bills.—Any Federal reserve bank may, under rules and regulations prescribed by the Federal Reserve Board, purchase and sell in the open market, at home or abroad, either from or to domestic or foreign banks, firms, corporations, or individuals, cable transfers and bankers' acceptances and bills of exchange of the kinds and maturities by this chapter made eligible for rediscount, with or without the indorsement of a member bank. (Dec. 23, 1913, c. 6, § 14, 38 Stat. 264.)

354. Transactions involving gold coin, bullion, and certificates.—Every Federal reserve bank shall have power to deal in gold coin and bullion at home or abroad, to make loans thereon, exchange Federal reserve notes for gold, gold coin, or gold certificates, and to contract for loans of gold coin or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of United States bonds or other securities which Federal reserve banks are authorized to hold. (Dec. 23, 1913, c. 6, § 14, 38 Stat. 264.)

355. Purchase and sale of obligations of National, State, and municipal governments.—Every Federal reserve bank shall have power to buy and sell, at home or abroad, bonds and notes of the United States, and bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding six months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage and

reclamation districts, such purchases to be made in accordance with rules and regulations prescribed by the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 14, 38 Stat. 274.)

356. Purchase of commercial paper from member banks and sale of same.—Every Federal reserve bank shall have power to purchase from member banks and to sell, with or without its indorsement, bills of exchange arising out of commercial transactions, as hereinbefore defined. (Dec. 23, 1913, c. 6, § 14, 38 Stat. 264.)

357. Establishment of rates of discount.—Every Federal reserve bank shall have power to establish from time to time, subject to review and determination of the Federal Reserve Board, rates of discount to be charged by the Federal reserve bank for each class of paper, which shall be fixed with a view of accommodating commerce and business. (Dec. 23, 1913, c. 6, § 14, 38 Stat. 264; Apr. 13, 1920, c. 128, 41 Stat. 550; Mar. 4, 1923, c. 252, § 407, 42 Stat. 407.)

358. Establishment of accounts for purpose of open-market operations; correspondents and agencies.—Every Federal reserve bank shall have power to establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by said board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Federal Reserve Board to open and maintain banking accounts for such foreign correspondents or agencies. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Federal Reserve Board, any other Federal reserve bank may, with the consent and approval of the Federal Reserve Board, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board. (Dec. 23, 1913, c. 6, § 14, 38 Stat. 264; Sept. 7, 1916, c. 461, 39 Stat. 754; June 21, 1917, c. 32, § 6, 40 Stat. 235.)

359. Purchase and sale of acceptances of intermediate credit banks and agricultural credit corporations.—Every Federal reserve bank shall have power to purchase and sell in the open market, either from or to domestic banks, firms, corporations, or individuals, acceptances of Federal intermediate credit banks and of national agricultural credit corporations, whenever the Federal Reserve Board shall declare that the public interest so requires. (Mar. 4, 1923, c. 252, Title IV, §§ 405, 407, 42 Stat. 1480.)

360. Receiving checks and drafts on deposit at par; charges for collections, exchange, and clearances.—Every Federal reserve bank shall receive on deposit at par from member banks or from Federal reserve banks checks and drafts drawn upon any of its depositors, and when remitted by a Federal reserve bank, checks and drafts drawn by any depositor in any other Federal reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank. Nothing herein contained shall be construed as prohibiting a member bank from charging its actual expense incurred in collecting and remitting funds, or for exchange sold to its patrons. The Federal Reserve Board shall, by rule, fix the charges to be collected by the member banks from its patrons whose checks are cleared through the Federal reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the Federal reserve bank. (Dec. 23, 1913, c. 6, § 16, 38 Stat. 265.)

361. Bills receivable, bills of exchange, discounts, etc.; regulations by Reserve Board.—The discount and rediscount and the purchase and sale by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange, and of acceptances authorized by this chapter, shall be subject to such restrictions, limitations, and regulations as may be imposed by the Federal Reserve Board. (Sept. 7, 1916, c. 461, 39 Stat. 753.)

POWERS AND DUTIES OF MEMBER BANKS

371. Loans on farm lands and improved real estate.—Any national banking association not situated in a central reserve city may make loans secured by improved and unencumbered farm land situated within its Federal reserve district or within a radius of one hundred miles of the place in which such bank is located, irrespective of district lines, and may also make loans secured by improved and unencumbered real estate located within one hundred miles of the place in which such bank is located, irrespective of district lines; but no loan made upon the security of such farm land shall be made for a longer time than five years, and no loan made upon the security of such real estate as distinguished from farm land shall be made for a longer time than one year nor shall the amount of any such loan, whether upon such farm land or upon such real estate, exceed 50 per centum of the actual value of the property offered as security. Any such bank may make such loans, whether secured by such farm land or such real estate, in an aggregate sum equal to 25 per centum of its capital and surplus or to one-third of its time deposits and such banks may continue hereafter as heretofore to receive time deposits and to pay interest on the same.

The Federal Reserve Board shall have power from time to time to add to the list of cities in which national banks shall not be permitted to make loans secured upon real estate in the manner described in this section. (Dec. 23, 1913, c. 6, § 24, 38 Stat. 273; Sept. 7, 1916, c. 461, 39 Stat. 754.)

372. Acceptance of drafts or bills relating to shipments.—Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per centum of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per centum of its paid-up and unimpaired capital stock and surplus: *Provided further*, That the aggregate of acceptances growing out of domestic transactions shall in no event

exceed 50 per centum of such capital stock and surplus. (Mar. 3, 1915, c. 93, 38 Stat. 958; Sept. 7, 1916, c. 461, 39 Stat. 752; June 21, 1917, c. 32, § 5, 40 Stat. 233.)

373. Acceptance of drafts or bills drawn by banks in foreign countries or dependencies of United States for purpose of dollar exchange.—Any member bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be prescribed by the Federal Reserve Board by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies or insular possessions. Such drafts or bills may be acquired by Federal reserve banks in such amounts and subject to such regulations, restrictions, and limitations as may be prescribed by the Federal Reserve Board: *Provided, however,* That no member bank shall accept such drafts or bills of exchange referred to in this paragraph for any one bank to an amount exceeding in the aggregate 10 per centum of the paid-up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title by some other adequate security: *Provided further,* That no member bank shall accept such drafts or bills in an amount exceeding at any time the aggregate of one-half of its paid-up and unimpaired capital and surplus. (Sept. 7, 1916, c. 461, 39 Stat. 754.)

374. Acting as agent for nonmember bank in getting discounts from reserve bank.—No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this chapter, except by permission of the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270.)

375. Purchases from directors; sales to directors.—Any member bank may contract for, or purchase from, any of its directors or from any firm of which any of its directors is a member, any securities or other property, when (and not otherwise) such purchase is made in the regular course of business upon terms not less favorable to the bank than those offered to others, or when such purchase is authorized by a majority of the board of directors not interested in the sale of such securities or property, such authority to be evidenced by the affirmative vote or written assent of such directors: *Provided, however,* That when any director, or firm of which any director is a member, acting for or on behalf of others, sells securities or other property to a member bank, the Federal Reserve Board by regulation may, in any or all cases, require a full disclosure to be made, on forms to be prescribed by it, of all commissions or other considerations received, and whenever such director or firm, acting in his or its own behalf, sells securities or other property to the bank the Federal Reserve Board, by regulation, may require a full disclosure of all profit realized from such sale.

Any member bank may sell securities or other property to any of its directors, or to a firm of which any of its directors is a member, in the regular course of business on terms not more favorable to such director or firm than those offered to others, or when such sale is authorized by a majority of the board of directors of a member bank to be evidenced by their affirmative vote or written assent: *Provided, however,* That nothing in this subsection contained shall be construed as authorizing member banks to purchase or sell securities or other property which such banks are not otherwise authorized by law to purchase or sell. (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272; June 21, 1917, c. 32, § 11, 40 Stat. 240; Sept. 26, 1918, c. 177, § 5, 40 Stat. 970.)

376. Rate of interest paid to directors, etc.—No member bank shall pay to any director, officer, attorney, or employee a greater rate of interest on the deposits of such director, officer, attorney, or employee than that paid to other depositors on similar deposits with such member bank. (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272; June 21, 1917, c. 32, § 11, 40 Stat. 240; Sept. 26, 1918, c. 177, § 5, 40 Stat. 970.)

DEPOSITARIES AND FISCAL AGENTS

391. Federal reserve banks as Government depositaries and fiscal agents.—The money held in the general fund of the Treasury, except the 5 per centum fund for the redemption of outstanding national-bank notes and the funds provided in this chapter for the redemption of Federal reserve notes may upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits. (Dec. 23, 1923, c. 6, § 15, 38 Stat. 265.)

392. Depositaries of Government funds as confined to banks in Federal reserve system; member banks as depositaries.—No public funds of the Philippine Islands, or of the postal savings, or any Government funds, shall be deposited in the continental United States in any bank not belonging to the system established by this chapter: *Provided, however,* That nothing in this chapter shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositories. (Dec. 23, 1913, c. 6, § 15, 38 Stat. 265.)

393. Federal reserve banks as depositaries for and fiscal agents of agricultural credit corporations or intermediate credit banks.—The Federal reserve banks are hereby authorized to act as depositories for and fiscal agents of any national agricultural credit corporation or Federal intermediate credit bank. (Mar. 4, 1923, c. 252, Title IV, § 406, 42 Stat. 1480.)

FEDERAL RESERVE NOTES

411. Issuance to reserve banks; nature of obligation; redemption.—Federal reserve notes, to be issued at the discretion of the Federal Reserve Board for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are hereby authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or in gold or lawful money at any Federal reserve bank. (Dec. 23, c. 6, § 16, 38 Stat. 265.)

412. Application for notes; collateral required.—Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of sections 342 to 347 and 372 of this title, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of sections 353 to 358 of this title, or bankers' acceptances purchased under the provisions of said sections, or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for. The Federal reserve agent shall each day notify the Federal Reserve Board of all

issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 265; Sept. 7, 1916, c. 461, 39 Stat. 754; June 21, 1917, c. 32, § 7, 40 Stat. 236.)

413. Reserves against deposits and notes; circulation of notes; return of notes to bank of issue for credit or redemption; retirement, and destruction.—Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per centum against its deposits and reserves in gold of not less than 40 per centum against its Federal reserve notes in actual circulation: *Provided, however,* That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued, or upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per centum upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 266; June 21, 1917, c. 32, § 7, 40 Stat. 236.)

414. Gold deposits in Treasury for redemption of issued notes; authority of Reserve Board respecting issuance of notes; interest; lien.—The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per centum of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security; but such deposit of gold shall be counted and included as part of the 40 per centum reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under sections 441 to 448 of this chapter upon security of United States 2 per centum Government bonds, become a first and paramount lien on all the assets of such bank. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 266; June 21, 1917, c. 32, § 7, 40 Stat. 236.)

415. Reduction of liability for outstanding notes by depositing notes and collateral; reissue of deposited notes; use of collateral for redemption.—Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 267; June 21, 1917, c. 32, § 7, 40 Stat. 236.)

416. Withdrawal of collateral deposited to protect notes; substitution of other collateral or retirement of notes.—Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 267; June 21, 1917, c. 36, § 7, 40 Stat. 236.)

417. Custody and safe-keeping of notes issued to and collateral deposited with reserve agent.—All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of this chapter shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal

reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law. (Sept. 21, 1917, c. 32, § 7, 40 Stat. 236.)

418. Printing of notes; denomination and form.—In order to furnish suitable notes for circulation as Federal reserve notes, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of $5, $10, $20, $50, $100, $500, $1,000, $5,000, $10,000 as may be required to supply the Federal reserve banks. Such notes shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this chapter and shall bear the distinctive numbers of the several Federal reserve banks through which they are issued. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 267; Sept. 26, 1918, c. 177, § 3, 40 Stat. 969.)

419. Place of deposit of notes prior to delivery to banks.—When such notes have been prepared, they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each Federal reserve bank and shall be held for the use of such bank subject to the order of the Comptroller of the Currency for their delivery, as provided by this chapter. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 267.)

420. Control and direction of plates and dies by comptroller; expense of issue and retirement of notes paid by banks.—The plates and dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such notes, and all other expenses incidental to their issue and retirement, shall be paid by the Federal reserve banks, and the Federal Reserve Board shall include in its estimate of expenses levied against the Federal reserve banks a sufficient amount to cover the expenses herein provided for. (Dec. 23, 1923, c. 6, § 16, 38 Stat. 267.)

421. Examination of plates and dies.—The examination of plates, dies, bed pieces, and so forth, and regulations relating to such examination of plates, dies, and so forth, of national-bank notes provided for in section 108, is hereby extended to include notes herein provided for. (Dec. 23, 1913, c. 6, § 16, 38 Stat. 267.)

422. Appropriations and paper for printing notes; reimbursement of United States for printing notes.—Any appropriation heretofore made out of the general funds of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by Act of May 30, 1908, and any distinctive paper that may be on hand at the time of the passage of this chapter may be used in the discretion of the Secretary for the purposes of this chapter, and should the appropriations heretofore made be insufficient to meet the requirements of this chapter in addition to circulating notes provided for by existing law, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated for the purpose of furnishing the notes aforesaid: *Provided, however,* That nothing in this section contained shall be construed as exempting national banks or Federal reserve banks from their liability to reimburse the United States for any expenses incurred in printing and issuing circulating notes. (Dec. 23, 1913, c. 6, § 16, 38 Stat. 267.)

CIRCULATING NOTES AND BONDS SECURING SAME

441. Retirement of circulating notes by member banks; application for sale of bonds securing circulation.—At any time during a period of twenty years from December 23, 1915, any member bank desiring to retire the whole or any part of its circulating notes, may file with the Treasurer of the United States an application to sell for its account, at par and accrued interest, United States bonds securing circulation to be retired. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

442. Purchase of bonds by reserve banks.—The Treasurer shall, at the end of each quarterly period, furnish the Federal Reserve Board with a list of such applications, and the Federal Reserve Board may, in its discretion, require the Federal reserve banks to purchase such bonds from the banks whose applications have been filed with the Treasurer at least ten days before the end of any quarterly period at which the Federal Reserve Board may direct the purchase to be made: *Provided,* That Federal reserve banks shall not be permitted to purchase an amount to exceed $25,000,000 of such bonds in any one year, and which amount shall include bonds acquired under section 341 of this chapter by the Federal reserve bank.

Provided further, That the Federal Reserve Board shall allot to each Federal reserve bank such proportion of such bonds as the capital and surplus of such bank shall bear to the aggregate capital and surplus of all the Federal reserve banks. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

443. Transfer of bonds purchased; payment; cancellation of circulating notes of member banks.—Upon notice from the Treasurer of the amount of bonds so sold for its account, each member bank shall duly assign and transfer, in writing, such bonds to the Federal reserve bank purchasing the same, and such Federal reserve bank shall, thereupon, deposit lawful money with the Treasurer of the United States for the purchase price of such bonds, and the Treasurer shall pay to the member bank selling such bonds any balance due after deducting a sufficient sum to redeem its outstanding notes secured by such bonds, which notes shall be canceled and permanently retired when redeemed. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

444. Issuance of circulating notes to reserve banks purchasing bonds.—The Federal reserve banks purchasing such bonds shall be permitted to take out an amount of circulating notes equal to the par value of such bonds. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

445. Form of circulating notes issued to reserve banks; conditions of issuance.—Upon the deposit with the Treasurer of the United States of bonds so purchased, or any bonds with the circulating privilege acquired under section 341 of this chapter, any Federal reserve bank making such deposit in the manner provided by existing law, shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited. Such notes shall be the obligations of the Federal reserve bank procuring the same, and shall be in form prescribed by the Secretary of the Treasury, and to the same tenor and effect as national-bank notes now provided by law. They shall be issued and redeemed under the same terms and conditions as national-bank notes except that they shall not be limited to the amount of the capital stock of the Federal reserve bank issuing them. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

446. Exchange by reserve banks of bonds bearing circulating privilege for those without such privilege.—Upon application of any Federal reserve bank, approved by the Federal Reserve Board, the Secretary of the Treasury may issue, in exchange for United States 2 per centum gold bonds bearing the circulation privilege, but against which no circulation is outstanding, one-year gold notes of the United States without

the circulation privilege, to an amount not to exceed one-half of the 2 per centum bonds so tendered for exchange, and thirty-year 3 per centum gold bonds without the circulation privilege for the remainder of the 2 per centum bonds so tendered: *Provided*, That at the time of such exchange the Federal reserve bank obtaining such one-year gold notes shall enter into an obligation with the Secretary of the Treasury binding itself to purchase from the United States for gold at the maturity of such one-year notes, an amount equal to those delivered in exchange for such bonds, if so requested by the Secretary, and at each maturity of one-year notes so purchased by such Federal reserve bank, to purchase from the United States such an amount of one-year notes as the Secretary may tender to such bank, not to exceed the amount issued to such bank in the first instance, in exchange for the 2 per centum United States gold bonds; said obligation to purchase at maturity such notes shall continue in force for a period not to exceed thirty years. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

447. Form of bonds; conditions of issuance.—For the purpose of making the exchange herein provided for, the Secretary of the Treasury is authorized to issue at par Treasury notes in coupon or registered form as he may prescribe in denominations of $100, or any multiple thereof, bearing interest at the rate of 3 per centum per annum, payable quarterly, such Treasury notes to be payable not more than one year from the date of their issue in gold coin of the present standard value, and to be exempt as to principal and interest from the payment of all taxes and duties of the United States except as provided by this and the following chapter, as well as from taxes in any form by or under State, municipal, or local authorities. And for the same purpose the Secretary is authorized and empowered to issue United States gold bonds at par, bearing 3 per centum interest payable thirty years from date of issue, such bonds to be of the same general tenor and effect and to be issued under the same general terms and conditions as the United States 3 per centum bonds without the circulation privilege now issued and outstanding. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

448. Exchange of one-year gold notes for 3 per centum gold bonds.—Upon application of any Federal reserve bank, approved by the Federal Reserve Board, the Secretary may issue at par such 3 per centum bonds in exchange for the one-year gold notes herein provided for. (Dec. 23, 1913, c. 6, § 18, 38 Stat. 268.)

BANK RESERVES

461. Demand and time deposits defined.—Demand deposits within the meaning of this chapter shall comprise all deposits payable within thirty days, and time deposits shall comprise all deposits payable after thirty days, all savings accounts and certificates of deposit which are subject to not less than thirty days notice before payment, and all postal savings deposits. (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270.)

462. Balance which member banks must keep in reserve banks.—Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per centum of the aggregate amount of its demand deposits and 3 per centum of its time deposits.

(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per centum of the aggregate amount of its demand deposits and 3 per centum of its time deposits: *Provided, however*, That if located in the outlying districts of a reserve city or in territory added to such city by the extension of its corporate charter, it may, upon the affirmative vote of five members of the Federal Reserve Board, hold and maintain the reserve balances specified in paragraph (a) hereof.

(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 13 per centum of the aggregate amount of its demand deposits and 3 per centum of its time deposits: *Provided, however*, That if located in the outlying districts of a central reserve city or in territory added to such city by the extension of its corporate charter, it may, upon the affirmative vote of five members of the Federal Reserve Board, hold and maintain the reserve balances specified in paragraphs (a) or (b) thereof. (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270; Sept. 26, 1918, c. 177, § 4, 40 Stat. 970.)

463. Limitation on amount of balance with State bank or trust company.—No member bank shall keep on deposit with any State bank or trust company which is not a member bank a sum in excess of 10 per centum of its own paid-up capital and surplus. (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270; Aug. 15, 1914, c. 252, 39 Stat. 691; June 21, 1917, c. 32, § 10, 40 Stat. 239.)

464. Checking against and withdrawal of reserve balance.—The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total balance required by law is fully restored. (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270; Aug. 15, 1914, c. 252, 39 Stat. 691; June 21, 1917, c. 32, § 10, 40 Stat. 239.)

465. Basis for ascertaining deposits against which required balance is determined.—In estimating the balances required by this chapter, the net difference of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which required balances with Federal reserve banks shall be determined. (Dec. 23, 1913, c. 6, § 19, 39 Stat. 270; Aug. 15, 1914, c. 252, 38 Stat. 691; June 21, 1917, c. 32, § 10, 40 Stat. 239.)

466. Reserves of banks in Alaska or insular possessions.—National banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Reserve Board, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this chapter. (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270; Aug. 15, 1914, c. 252, 38 Stat. 691; June 21, 1917, c. 32, § 10, 40 Stat. 239.)

467. Deposits of gold coin or gold certificates with United States Treasurer.—The Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any assistant treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any

Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: *Provided, however*, That any expense incurred in shipping gold to or from the Treasury or Subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

Nothing in this section shall be construed as amending section 429 of title 31, Money and Finance, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under that section. (June 21, 1917, c. 328, § 8, 40 Stat. 238.)

BANK EXAMINATIONS

481. Appointment of examiners; examination of member banks, State banks, and trust companies; reports.—The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall appoint examiners who shall examine every member bank other than those expressly excepted by section 330 of this title, at least twice in each calendar year and oftener if considered necessary: *Provided, however*, That the Federal Reserve Board may authorize examination by the State authorities to be accepted in the case of State banks and trust companies and may at any time direct the holding of a special examination of State banks or trust companies that are stockholders in any Federal reserve bank. The examiner making the examination of any national bank, or of any other member bank, shall have power to make a thorough examination of all the affairs of the bank and in doing so he shall have power to administer oaths and to examine any of the officers and agents thereof under oath and shall make a full and detailed report of the condition of said bank to the Comptroller of the Currency. (R. S. § 5240; Feb. 19, 1875, c. 89, 18 Stat. 329; Dec. 23, 1913, c. 6, § 21, 38 Stat. 271.)

482. Salaries of examiners; expense of examinations.—The Federal Reserve Board, upon the recommendation of the Comptroller of the Currency, shall fix the salaries of all bank examiners and make report thereof to Congress. The expense of the examinations herein provided for shall be assessed by the Comptroller of the Currency upon the banks examined in proportion to assets or resources held by the banks upon the dates of examination of the various banks. (R. S. § 5240; Feb. 19, 1875, c. 89, 18 Stat. 329; Dec. 23, 1913, c. 6, § 21, 38 Stat. 271.)

483. Special examination of member banks; information of condition furnished to Federal Reserve Board.—In addition to the examinations made and conducted by the Comptroller of the Currency, every Federal reserve bank may, with the approval of the Federal reserve agent or the Federal Reserve Board, provide for special examination of member banks within its district. The expense of such examinations shall be borne by the bank examined. Such examinations shall be so conducted as to inform the Federal reserve bank of the condition of its member banks and of the lines of credit which are being extended by them. Every Federal reserve bank shall at all times furnish to the Federal Reserve Board such information as may be demanded concerning the condition of any member bank within the district of the said Federal reserve bank. (R. S. § 5240; Feb. 19, 1875, c. 89, 18 Stat. 329; Dec. 23, 1913, c. 6, § 21, 38 Stat. 271.)

484. Limitation on visitorial powers.—No bank shall be subject to any visitorial powers other than such as are authorized by law, or vested in the courts of justice or such as shall be or shall have been exercised or directed by Congress, or by either House thereof or by any committee of Congress or of either House duly authorized. (R. S. § 5240; Feb. 19, 1875, c. 89, 18 Stat. 329; Dec. 23, 1913, c. 6, § 21, 38 Stat. 271.)

485. Examination of Federal reserve banks.—The Federal Reserve Board shall, at least once each year, order an examination of each Federal reserve bank, and upon joint application of ten member banks the Federal Reserve Board shall order a special examination and report of the condition of any Federal reserve bank. (R. S. § 5240; Feb. 19, 1875, c. 89, 18 Stat. 329; Dec. 23, 1913, c, 6, § 21, 38 Stat. 271.)

CIVIL LIABILITY OF FEDERAL RESERVE AND MEMBER BANKS, SHAREHOLDERS, AND OFFICERS

501. Liability of Federal reserve or member bank for certifying check when amount of deposit was inadequate.—It shall be unlawful for any officer, director, agent, or employee of any Federal reserve bank, or of any member bank as defined in this chapter, to certify any check drawn upon such Federal reserve bank or member bank unless the person, firm, or corporation drawing the check has on deposit with such Federal reserve bank or member bank, at the times such check is certified, an amount of money not less than the amount specified in such check. Any check so certified by a duly authorized officer, director, agent, or employee shall be a good and valid obligation against such Federal reserve bank or member bank; but the act of any officer, director, agent, or employee of any such Federal reserve bank or member bank in violation of this section shall, in the discretion of the Federal Reserve Board, subject such Federal reserve bank to the penalties imposed by section 248, subsection (h), and shall subject such member bank if a national bank to the liabilities and proceedings on the part of the Comptroller of the Currency provided for in section 192, and shall, in the discretion of the Federal Reserve Board, subject any other member bank to the penalties imposed by section 331 for the violation of any of the provisions of this chapter. (R. S. § 5208; Sept. 26, 1918, c. 177, § 7, 40 Stat. 972.)

502. Liability of shareholders of reserve banks on contracts, etc.—The shareholders of every Federal reserve bank shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of their subscriptions to such stock at the par value thereof in addition to the amount subscribed, whether such subscriptions have been paid up in whole or in part, under the provisions of this chapter. (Dec. 23, 1913, c. 6, § 2, 38 Stat. 252.)

503. Liability of directors and officers of member banks.—If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of sections 375, 376, 593, 594, 595 or regulations of the board made under authority thereof, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member

bank, its shareholders, or any other persons shall have sustained in consequence of such violation. (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272; June 21, 1917, c. 32, § 11, 40 Stat. 240; Sept. 26, 1918, c. 177, § 5, 40 Stat. 970.)

RESERVE-BANK BRANCHES

521. Reserve bank branches; establishment; directors.—The Federal Reserve Board may permit or require any Federal reserve bank to establish branch banks within the Federal reserve district in which it is located or within the district of any Federal reserve bank which may have been suspended. Such branches, subject to such rules and regulations as the Federal Reserve Board may prescribe, shall be operated under the supervision of a board of directors to consist of not more than seven nor less than three directors, of whom a majority of one shall be appointed by the Federal reserve bank of the district, and the remaining directors by the Federal Reserve Board. Directors of branch banks shall hold office during the pleasure of the Federal Reserve Board. (Dec. 23, 1913, c. 6, § 3, 38 Stat. 253; June 21, 1917, c. 32, § 1, 40 Stat. 232.)

522. Federal reserve branch bank buildings.—No Federal reserve bank shall have authority hereafter to enter into any contract or contracts for the erection of any branch bank building of any kind or character, or to authorize the erection of any such building, if the cost of the building proper, exclusive of the cost of the vaults, permanent equipment, furnishings, and fixtures, is in excess of $250,000: *Provided*, That nothing herein shall apply to any building under construction prior to June 3, 1922. (June 3, 1922, c. 205, 42 Stat. 621; Feb. 6, 1923, c. 60, 42 Stat. 1223.)

Chapter 4.—TAXATION.

FEDERAL RESERVE BANKS

Sec.
531. Exemption from taxation.

NATIONAL BANK CIRCULATION

541. Tax on circulating notes generally.
542. Tax on circulating notes secured by 2 per centum bonds.
543. Tax on circulating notes secured by Panama Canal 2 per centum bonds; bonds to have all rights and privileges of other 2 per centum bonds.
544. Half-yearly return of circulation.
545. Penalty for failure to make return.
546. Enforcing tax on circulation.
547. Refunding excess tax.
548. State taxation.

STATE BANK CIRCULATION

561. Bank and banker defined.
562. Tax on own circulating notes.
563. Tax on notes of others used as circulation.
564. Returns; payment of tax; penalties.
565. Circulation, when exempted from tax.
566. Semiannual returns.
567. Failure to make return; commissioner to estimate.
568. State banks converted into national banks; returns.
569. Provisions as applicable to national banks.
570. Insolvent banks as exempt from tax.

FEDERAL RESERVE BANKS

Section 531. Exemption from taxation.—Federal reserve banks, including the capital stock and surplus therein, and the income derived therefrom shall be exempt from Federal, State, and local taxation, except taxes upon real estate. (Dec. 23, 1913, c. 6, § 7, 38 Stat. 258; Mar. 3, 1919, c. 101, § 1, 40 Stat. 1314.)

NATIONAL BANK CIRCULATION

541. Tax on circulating notes generally.—In lieu of all existing taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one-half of 1 per centum each half year upon the average amount of its notes in circulation. (R. S. § 5214; Mar. 3, 1883, c. 121, § 1, 22 Stat. 488.)

542. Tax on circulating notes secured by 2 per centum bonds.—Every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per centum per annum, issued under the provisions of the Act of March 14, 1900 (chapter 41, Thirty-first Statutes, page 46), to secure the circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per centum bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 541 of this title. (Mar. 14, 1900, c. 41, § 13, 31 Stat. 49.)

543. Tax on circulating notes secured by Panama Canal 2 per centum bonds; bonds to have all rights and privileges of other 2 per centum bonds.—Every national banking association having on deposit, as provided by law, bonds issued under the provisions of section 8 of Act of June 28, 1902 (chapter 1302, Thirty-second Statute, page 484), to secure its circulating notes, shall pay to the Treasurer of the United States. in the months of January and July, a tax of one-fourth of 1 per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per centum bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 541 of this title. (Dec. 21, 1905, c. 3, § 1, 34 Stat. 5.)

544. Half-yearly return of circulation.—In order to enable the Treasurer to assess the duties imposed by the preceding section, each association shall, within ten days from the 1st days of January and July of each year, make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average amount of its notes in circulation, for the six months next preceding the most recent 1st day of January or July. Every association which fails so to make such return shall be liable to a penalty of $200, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States. (R. S. § 5215; Mar 3, 1883, c. 121, § 1, 22 Stat. 488.)

545. Penalty for failure to make return.—Whenever any association fails to make the half-yearly return required by the preceding section, the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association, by the Comptroller of the Currency. (R. S. § 5216; Mar. 3, 1883, c. 121, § 1, 22 Stat. 488.)

546. Enforcing tax on circulation.—Whenever an association fails to pay the duties imposed by the three preceding sections, the sums due may be collected in the manner provided for the collection of United States taxes from other corporations; or the Treasurer may reserve the amount out of the interest. as it may become due, on the bonds deposited with him by such defaulting association. (R. S. § 5217.)

547. Refunding excess tax.—In all cases where an association has paid or may pay in excess of what may be or has been found due from it, on account of the duty required to be paid to the Treasurer of the United States, the association may state an account therefor, which, on being certified by the Treasurer of the United States, and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury. (R. S. § 5218.)

548. State taxation.—The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several

States may tax said shares, or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided*, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

(c) In case of a tax on the net income of an association, the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

(d) In case the dividends derived from the said shares are taxed, the tax shall not be a greater rate than is assessed upon the net income from other moneyed capital.

2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or the dividends on such shares owned by such nonresidents, shall be taxed in the taxing district where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

4. The provisions of section 5219 of the Revised Statutes of the United States as in force prior to March 4, 1923, shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section. (R. S. § 5219; Mar. 4, 1923, c. 267, 42 Stat. 1499.)

STATE BANK CIRCULATION

561. Bank and banker defined.—Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or as a banker. (R. S. § 3407.)

562. Tax on own circulating notes.—Every person, firm, association other than national bank associations, and every corporation, State bank, or State banking association, shall pay a tax of 10 per centum on the amount of their own notes used for circulation and paid out by them. (Feb. 8, 1875, c. 36, § 19, 18 Stat. 311.)

563. Tax on notes of others used as circulation.—Every such person, firm, association, corporation, State bank, or State banking association, and also every national banking association, shall pay a like tax of 10 per centum on the amount of notes of any person, firm, association other than a national banking association, or of any corporation, State bank, or State banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them. (Feb. 8, 1875, c. 36, § 20, 18 Stat. 311.)

564. Returns; payment of tax; penalties.—The amount of such circulating notes, and of the tax due thereon, shall be returned, and the tax paid at the same time, and in the same manner, and with like penalties for failure to return and pay the same, as provided by law for the return and payment of taxes on deposits, capital, and circulation, imposed by the existing provisions of internal revenue law. (Feb. 8, 1875, c. 36, § 21, 18 Stat. 311.)

565. Circulation, when exempted from tax.—Whenever the outstanding circulation of any bank, association, corporation, company, or person is reduced to an amount not exceeding 5 per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation. (R. S. § 3411.)

566. Semiannual returns.—A true and complete return of the monthly amount of circulation, as aforesaid, and of the monthly amount of notes of persons, town, city, or municipal corporation, State banks, or State banking associations paid out as aforesaid for the previous six months, shall be made and rendered in duplicate on the 1st day of December and the 1st day of June, by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto, under the oath of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax, as aforesaid; and one copy shall be transmitted to the collector of the district in which any such bank, association, corporation, or company is situated, or in which such person has his place of business, and one copy to the Commissioner of Internal Revenue. (R. S. § 3414; Mar. 3, 1883, c. 121, § 1, 22 Stat. 488.)

567. Failure to make return; commissioner to estimate.—In default of the returns provided in the preceding section, the amount of circulation, and notes of persons, town, city, and municipal corporations, State banks, and State banking associations paid out, as aforesaid, shall be estimated by the Commissioner of Internal Revenue, upon the best information he can obtain. And for any refusal or neglect to make return and payment, any such bank, association, corporation, company, or person so in default shall pay a penalty of $200, besides the additional penalty and forfeitures provided in other cases. (R. S. § 3415; Mar. 3, 1883, c. 121, § 1, 22 Stat. 488.)

568. State banks converted into national banks; returns.—Whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, by any agreement or understanding whatever with the representatives of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed 5 per centum of the capital before such conversion of such State bank or banking association. (R. S. § 3416.)

569. Provisions as applicable to national banks.—The provisions of this subdivision of chapter 4, relating to the tax on the circulation of banks, and to their returns, except as contained in sections 565 and 568, and such parts of sections 566 and 567 as relate to the tax of 10 per centum on certain notes,

shall not apply to associations which are taxed under and by virtue of chapter 2 of this title. (R. S. § 3417; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Mar. 3, 1883, c. 121, § 1, 22 Stat. 488.)

570. Insolvent banks as exempt from tax.—Whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors. (Mar. 1, 1879, c. 125, § 22, 20 Stat. 351; Mar. 3, 1883, c. 121, § 1, 22 Stat. 488.)

Chapter 5.—CRIMES AND OFFENSES.

IN GENERAL

Sec.
581. Unauthorized issue of circulating notes.
582. Receipt of United States or bank notes as collateral.
583. Use of word "national"; penalty for unauthorized use.

FEDERAL RESERVE AND MEMBER BANKS, OFFICERS, EMPLOYEES, AND EXAMINERS

591. Unlawful certification of checks.
592. Embezzlement, etc.
593. Loans and gratuities.
594. Bank examiners; performance of other services for compensation; disclosure of information.
595. Officers, directors, and employees; commissions and gifts for procuring loans, etc.

CROSS REFERENCE

See also Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

IN GENERAL

Section 581. Unauthorized issue of circulating notes.—No officer acting under the provisions of chapter 2 shall countersign or deliver to any national banking association, or to any other company or person, any circulating notes contemplated by chapter 2, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed guilty of a high misdemeanor, and shall be fined not more than double the amount so countersigned and delivered, and imprisoned not less than one year and not more than fifteen years. (R. S. § 5187.)

582. Receipt of United States or bank notes as collateral.—No national banking association shall hereafter offer or receive United States notes or national-bank notes as security or as collateral security for any loan of money, or for a consideration agree to withhold the same from use, or offer or receive the custody or promise of custody of such notes as security, or as collateral security, or consideration for any loan of money. Any association offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not more than $1,000 and a further sum equal to one-third of the money so loaned. The officer or officers of any association who shall make any such loan shall be liable for a further sum equal to one-quarter of the money loaned; and any fine or penalty incurred by a violation of this section shall be recoverable for the benefit of the party bringing such suit. (R. S. § 5207.)

583. Use of word "national"; penalty for unauthorized use.—All banks not organized and transacting business under the national currency laws, or under Chapter 2, and all persons or corporations doing the business of bankers, brokers, or savings institutions, except savings banks authorized by Congress to use the word "national" as a part of their corporate name, are prohibited from using the word "national" as a portion of the name or title of such bank, corporation, firm, or partnership; and any violation of this prohibition shall subject the party chargeable therewith to a penalty of $50 for each day during which it is committed or repeated. (R. S. § 5243.)

FEDERAL RESERVE AND MEMBER BANKS, OFFICERS, EMPLOYEES, AND EXAMINERS

591. Unlawful certification of checks.—Any officer, director, agent, or employee of any Federal reserve bank or member bank who shall willfully violate the provisions of this section and section 501 of this title, or who shall resort to any device, or receive any fictitious obligation. directly or collaterally, in order to evade the provisions thereof, or who shall certify a check before the amount thereof shall have been regularly entered to the credit of the drawer upon the books of the bank, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any district court of the United States, be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, in the discretion of the court. (R. S. § 5208; Sept. 26, 1918, c. 177, § 7, 40 Stat. 972.)

592. Embezzlement, etc.—Any officer, director, agent, or employee of any Federal reserve bank, or of any member bank as defined in sections 221 to 225 of this title, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of such Federal reserve bank or member bank, or who, without authority from the directors of such Federal reserve bank or member bank, issues or puts in circulation any of the notes of such Federal reserve bank or member bank, or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such Federal reserve bank or member bank, with intent in any case to injure or defraud such Federal reserve bank or member bank, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such Federal reserve bank or member bank, or the Comptroller of the Currency, or any agent or examiner appointed to examine the affairs of such Federal reserve bank or member banks, or the Federal Reserve Board; and every receiver of a national banking association who, with like intent to defraud or injure, embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of his trust, and every person who, with like intent, aids or abets any officer, director, agent, employee, or receiver in any violation of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States shall be fined not more than $5,000 or shall be imprisoned for not more than five years, or both, in the discretion of the court.

Any Federal reserve agent, or any agent or employee of such Federal reserve agent, or of the Federal Reserve Board, who embezzles, abstracts, or willfully misapplies any moneys, funds, or securities intrusted to his care, or without complying with or in violation of the provisions of chapter 3, issues or puts in circulation any Federal reserve notes, shall be guilty of a misdemeanor and upon conviction in any district court of the United States shall be fined not more than $5,000 or imprisoned for not more than five years, or both, in the discretion of the court. (R. S. § 5209; Sept. 26, 1918, c. 177, § 7, 40 Stat. 972.)

593. Loans and gratuities.—No member bank and no officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any bank examiner. Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both; and may be fined a further sum equal to the money so loaned or gratuity given.

Any examiner accepting a loan or gratuity from any bank examined by him or from an officer, director, or employee thereof shall be deemed guilty of a misdemeanor and shall be imprisoned one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as a national-bank examiner. (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272; June 21, 1917, c. 32, § 11, 40 Stat. 240; Sept. 26, 1918, c. 177, § 5, 40 Stat. 970.)

594. Bank examiners; performance of other services for compensation; disclosure of information.—No national-bank examiner shall perform any other service for compensation while holding such office for any bank or officer, director, or employee thereof.

No examiner, public or private, shall disclose the names of borrowers or the collateral for loans of a member bank to other than the proper officers of such bank without first having obtained the express permission in writing from the Comptroller of the Currency, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress, or of either House, duly authorized. Any bank examiner violating the provisions of this section shall be imprisoned not more than one year or fined not more than $5,000, or both. (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272; June 21, 1917, c. 32, § 11, 40 Stat. 240; Sept. 26, 1918, c. 177, § 5, 40 Stat. 970.)

595. Officers, directors, and employees; commissions and gifts for procuring loans, etc.—Except as herein provided, any officer, director, employee, or attorney of a member bank who stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value from any person, firm, or corporation, for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation, any loan from or the purchase or discount of any paper, note, draft, check, or bill of exchange by such member bank shall be deemed guilty of a misdemeanor and shall be imprisoned not more than one year or fined not more than $5,000, or both. (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272; June 21, 1917, c. 32, § 11, 40 Stat. 240; Sept. 26, 1918, c. 177, § 5, 40 Stat. 970.)

Chapter 6.—FOREIGN BANKING.

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631. False representations as to liability of United States for acts of corporation; punishment.

ESTABLISHMENT BY NATIONAL BANKS OF FOREIGN BRANCHES AND INVESTMENTS IN BANKS DOING FOREIGN BUSINESS

Section 601. Authorization; conditions and regulations.—Any national banking association possessing a capital and surplus of $1,000,000 or more may file application with the Federal Reserve Board for permission to exercise, upon such conditions and under such regulations as may be prescribed by the said board, either or both of the following powers:

First. To establish branches in foreign countries or dependencies or insular possessions of the United States for the furtherance of the foreign commerce of the United States, and to act if required to do so as fiscal agents of the United States.

Second. To invest an amount not exceeding in the aggregate 10 per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered or incorporated under the laws of the United States or of any State thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions.

Until January 1, 1921, any national banking association, without regard to the amount of its capital and surplus, may file application with the Federal Reserve Board for permission, upon such conditions and under such regulations as may be prescribed by said board, to invest an amount not exceeding in the aggregate 5 per centum of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any State thereof and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country: *Provided, however*, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per centum of its capital and surplus.

Such application shall specify the name and capital of the banking association filing it, the powers applied for, and the place or places where the banking or financial operations proposed are to be carried on. The Federal Reserve Board shall have power to approve or to reject such application in whole or in part if for any reason the granting of such application is deemed inexpedient, and shall also have power from time to time to increase or decrease the number of places where

such banking operations may be carried on. (Dec. 23, 1913, c. 6, § 25, 38 Stat. 273; Sept. 7, 1916, c. 461, 39 Stat. 755; Sept. 17, 1919, c. 60, § 2, 41 Stat. 286.)

602. Reports and examinations.—Every national banking association operating foreign branches shall be required to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and every member bank as defined in section 221 of this title investing in the capital stock of banks or corporations described in the preceding section shall be required to furnish information concerning the condition of such banks or corporations to the Federal Reserve Board upon demand, and the Federal Reserve Board may order special examinations of the said branches, banks, or corporations at such time or times as it may deem best. (Dec. 23, 1913, c. 6, § 25, 38 Stat. 273; Sept. 7, 1916, c. 461, 39 Stat. 755; Sept. 17, 1919, c. 60, § 4, 41 Stat. 286.)

603. Restrictions imposed by Reserve Board on banks purchasing stock in corporations doing foreign business.—Before any national bank shall be permitted to purchase stock in any corporation described in section 601 of this title, the said corporation shall enter into an agreement or undertaking with the Federal Reserve Board to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said board may prescribe for the place or places wherein such business is to be conducted. If at any time the Federal Reserve Board shall ascertain that the regulations prescribed by it are not being complied with, said board is hereby authorized and empowered to institute an investigation of the matter and to send for persons and papers, subpœna witnesses, and administer oaths in order to satisfy itself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the national bank or banks which may be stockholders therein, to comply with the regulations laid down by the said Federal Reserve Board, such national banks may be required to dispose of stock holdings in the said corporation upon reasonable notice. (Dec. 23, 1913, c. 6, § 25, 38 Stat. 273; Sept. 7, 1916, c. 461, 39 Stat. 755.)

604. Accounts of foreign branches; profit and loss.—Every national banking association operating foreign branches shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accrued at each branch as a separate item. (Dec. 23, 1913, c. 6, § 25, 38 Stat. 273; Sept. 7, 1916, c. 461, 39 Stat. 755.)

605. Interlocking directors, officers, and employees.—Any director or other officer, agent, or employee of any member bank may, with the approval of the Federal Reserve Board, be a director or other officer, agent, or employee of any bank or corporation in the capital stock of which such member bank shall have invested as hereinbefore provided without being subject to the provisions of section 19, title 15, Commerce and Trade. (Dec. 23, 1913, c. 6, § 25, 38 Stat. 273; Sept. 7, 1916, c. 461, 39 Stat. 755.)

ORGANIZATION OF CORPORATIONS TO DO FOREIGN BANKING

611. Formation authorized; fiscal agents; depositaries in insular possessions.—Corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five: *Provided*, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use any corporation organized under this section as depositaries in Panama and the Panama Canal Zone, or in the Philippine Islands and other insular possessions and dependencies of the United States. (Dec. 24, 1919, c. 18, 41 Stat. 378; Feb. 27, 1921, c. 73, 41 Stat. 1145.)

612. Articles of association; contents.—The persons described in the preceding section shall enter into articles of association which shall specify in general terms the objects for which the association is formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

613. Signing of articles of association; forwarding to and filing by Federal Reserve Board; organization certificate; contents.—Such articles of association shall be signed by all of the persons intending to participate in the organization of the corporation and, thereafter, shall be forwarded to the Federal Reserve Board and shall be filed and preserved in its office. The persons signing the said articles of association shall, under their hands, make an organization certificate which shall specifically state:

First. The name assumed by such corporation, which shall be subject to the approval of the Federal Reserve Board.

Second. The place or places where its operations are to be carried on.

Third. The place in the United States where its home office is to be located.

Fourth. The amount of its capital stock and the number of shares into which the same shall be divided.

Fifth. The names and places of business or residence of the persons executing the certificate and the number of shares to which each has subscribed.

Sixth. The fact that the certificate is made to enable the persons subscribing the same, and all other persons, firms, companies, and corporations, who or which may thereafter subscribe to or purchase shares of the capital stock of such corporation, to avail themselves of the advantages of this section. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

614. Organization certificate; acknowledgment; forwarding to, filing, and approval by Federal Reserve Board; permit to do business; body corporate; name; seal; corporate succession; contracts; suits; directors, officers, and employees; by-laws.—The person signing the organization certificate shall duly acknowledge the execution thereof before a judge of some court of record or notary public, who shall certify thereto under the seal of such court or notary, and thereafter the certificate shall be forwarded to the Federal Reserve Board to be filed and preserved in its office. Upon duly making and filing articles of association and an organization certificate, and after the Federal Reserve Board has approved the same and issued a permit to begin business, the association shall become and be a body corporate, and as such and in the name designated therein shall have power to adopt and use a corporate seal, which may be changed at the pleasure of its board of directors; to have succession for a period of twenty years unless sooner dissolved by the act of the shareholders owning two-thirds of the stock or by an Act of Congress or unless its franchises become forfeited by some violation of law; to make contracts; to sue and be sued, complain, and defend in any court of law or equity; to elect or appoint directors, all of whom shall be citizens of the United States; and, by its board of directors, to appoint such officers and employees as may be deemed proper,

define their authority and duties, require bonds of them, and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure and appoint others to fill their places; to prescribe, by its board of directors, by-laws not inconsistent with law or with the regulations of the Federal Reserve Board regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

615. Powers of corporation.—Each corporation organized as provided in the preceding sections shall have power, under such rules and regulations as the Federal Reserve Board may prescribe:

(*a*) *Dealings in drafts, checks, bills of exchange, acceptances, and other evidences of indebtedness; purchase and sale of securities; letters of credit; purchase and sale of coin, bullion, and exchange; borrowing and loaning money; issue of debentures, bonds, and notes; deposits; limitation of liabilities; reserves.*—To purchase, sell, discount, and negotiate, with or without its indorsement or guaranty, notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell, with or without its indorsement or guaranty, securities, including the obligations of the United States or of any State thereof but not including shares of stock in any corporation except as herein provided; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to issue debentures, bonds, and promissory notes under such general conditions as to security and such limitations as the Federal Reserve Board may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding ten times its capital stock and surplus; to receive deposits outside of the United States and to receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States; and generally to exercise such powers as are incidental to the power conferred by this chapter or as may be usual, in the determination of the Federal Reserve Board, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the powers specifically granted herein. Nothing contained in this section shall be construed to prohibit the Federal Reserve Board, under its power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time. Whenever a corporation organized under this section receives deposits in the United States authorized by this section it shall carry reserves in such amounts as the Federal Reserve Board may prescribe, but in no event less than 10 per centum of its deposits.

(*b*) *Branches or agencies.*—To establish and maintain for the transaction of its business branches or agencies in foreign countries, their dependencies or colonies, and in the dependencies or insular possessions of the United States, at such places as may be approved by the Federal Reserve Board and under such rules and regulations as it may prescribe, including countries or dependencies not specified in the original organization certificate.

(*c*) *Purchase of stock in other corporations.*—With the consent of the Federal Reserve Board to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this section, or under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency, or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Federal Reserve Board may be incidental to its international or foreign business: *Provided, however,* That, except with the approval of the Federal Reserve Board, no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per centum of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per centum of its capital and surplus may be so invested: *Provided further,* That no corporation organized hereunder shall purchase, own, or hold stock or certificates of ownership in any other corporation organized hereunder or under the laws of any State which is in substantial competition therewith, or which holds stock or certificates of ownership in corporations which are in substantial competition with the purchasing corporation.

Nothing contained herein shall prevent corporations organized hereunder from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations organized under this section shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the Federal Reserve Board. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

616. Place of carrying on business; when business may be begun.—No corporation organized under this subdivision of chapter 6 shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business: *And provided further,* That except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this section until it has been duly authorized by the Federal Reserve Board to commence business as a corporation organized under the provisions of this section. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

617. Engaging in commerce or trade in commodities; price fixing; forfeiture of charter; acts forbidden to directors, officers, agents, or employees.—No corporation organized under this subdivision of chapter 6 shall engage in commerce or trade in commodities except as specifically provided in this section, nor shall it either directly or indirectly control or fix or attempt to control or fix the price of any such commodities. The charter of any corporation violating this provision shall be subject to forfeiture in the manner hereinafter provided in this section. It shall be unlawful for any director, officer, agent, or employee of any such corporation to use or to conspire to use the credit, the funds, or the power of the corporation to fix or control the price of any such commodities, and any such person violating this provision shall be liable to a fine of not less than $1,000 and not exceeding $5,000 or imprisonment not less than one year and not exceeding five years, or both, in the discretion of the court. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

618. Capital stock; amount; when paid in; outstanding liabilities.—No corporation shall be organized under the provisions of this subdivision of chapter 6 with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per centum on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its business operations until the whole of the capital stock shall be paid in: *Provided,*

however, That whenever $2,000,000 of the capital stock of any corporation is paid in the remainder of the corporation's capital stock or any unpaid part of such remainder may, with the consent of the Federal Reserve Board and subject to such regulations and conditions as it may prescribe, be paid in upon call from the board of directors; such unpaid subscriptions, however, to be included in the maximum of 10 per centum of the national bank's capital and surplus which a national bank is permitted under the provisions of this subdivision of chapter 6 to hold in stock of corporations engaged in business of the kind described in this chapter: *Provided further*, That no such corporation shall have liabilities outstanding at any one time upon its debentures, bonds, and promissory notes in excess of ten times its paid-in capital and surplus.

The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote, but any such increase of capital shall be fully paid in within ninety days after such approval: and may be reduced in like manner, provided that in no event shall it be less than $2,000,000. No corporation, except as herein provided, shall during the time it shall continue its operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. Any national banking association may invest in the stock of any corporation organized under the provisions of this subdivision of chapter 6, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this chapter shall not exceed 10 per centum of the subscribing bank's capital and surplus. (Dec. 24, 1919, c. 18, 41 Stat. 378; June 14, 1921, c. 22, 42 Stat. 28.)

619. Capital stock; by whom held; holding office in or being employed by other corporation.—A majority of the shares of the capital stock of any such corporation shall at all times be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States. The provisions of section 19, title 15, Commerce and Trade, shall be construed to apply to the directors, other officers, agents, or employees of corporations organized under the provisions of this subdivision: *Provided, however*, That nothing herein contained shall (1) prohibit any director or other officer, agent, or employee of any member bank, who has procured the approval of the Federal Reserve Board from serving at the same time as a director or other officer, agent, or employee of any corporation organized under the provisions of this section whose capital stock such member bank shall have invested; or (2) prohibit any director or other officer, agent, or employee of any corporation organized under the provisions of this subdivision, who has procured the approval of the Federal Reserve Board, from serving at the same time as a director or other officer, agent or employee of any other corporation in whose capital stock such first-mentioned corporation shall have invested under the provisions of this section. (Dec. 24, 1919, c. 18; 41 Stat. 378.)

620. Members of Federal Reserve Board without interest in corporation.—No member of the Federal Reserve Board shall be an officer or director of any corporation organized under the provisions of this subdivision, or of any corporation engaged in similar business organized under the laws of any State, nor hold stock in any such corporation, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

621. Liability of shareholders on unpaid subscriptions; membership of corporation in Federal reserve bank prohibited.—Shareholders in any corporation organized under the provisions of this subdivision shall be liable for the amount of their unpaid stock subscriptions. No such corporation shall become a member of any Federal reserve bank. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

622. Forfeiture of rights and privileges; dissolution; liability of directors and officers.—Should any corporation organized under this subdivision violate or fail to comply with any of its provisions, all of its rights, privileges, and franchises derived herefrom may thereby be forfeited. Before any such corporation shall be declared dissolved, or its rights, privileges, and franchises forfeited, any noncompliance with or violation of such laws shall, however, be determined and adjudged by a court of the United States of competent jurisdiction, in a suit brought for that purpose in the district or Territory in which the home office of such corporation is located, which suit shall be brought by the United States at the instance of the Federal Reserve Board or the Attorney General. Upon adjudication of such noncompliance or violation, each director and officer who participated in, or assented to, the illegal act or acts shall be liable in his personal or individual capacity for all damages which the said corporation shall have sustained in consequence thereof. No dissolution shall take away or impair any remedy against the corporation, its stockholders, or officers for any liability or penalty previously incurred. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

623. Voluntary liquidation.—Any corporation organized under this subdivision of chapter 6 may go into voluntary liquidation and be closed by a vote of its shareholders owning two-thirds of its stock. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

624. Receivers.—Whenever the Federal Reserve Board shall become satisfied of the insolvency of any corporation organized under this subdivision of chapter 6, it may appoint a receiver who shall take possession of all of the property and assets of the corporation and exercise the same rights, privileges, powers, and authority with respect thereto as are now exercised by receivers of national banks appointed by the Comptroller of the Currency of the United States: *Provided, however*, That the assets of the corporation subject to the laws of other countries or jurisdiction shall be dealt with in accordance with the terms of such laws. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

625. Stockholders' meetings; books and records; reports; examination.—Every corporation organized under the provisions of this subdivision shall hold a meeting of its stockholders annually upon a date fixed in its by-laws, such meeting to be held at its home office in the United States. Every such corporation shall keep at its home office books containing the names of all stockholders thereof, and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the Federal Reserve Board. Every such corporation shall make reports to the Federal Reserve Board at such times and in such form as it may require; and shall be subject to examination once a year and at such other times as may be deemed necessary by the Federal Reserve Board by examiners appointed by the Federal Reserve Board, the cost of such examinations, including the compensation of the examiners, to be fixed by the Federal Reserve Board and to be paid by the corporation examined. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

626. Dividends; surplus fund.—The directors of any corporation organized under the provisions of this subdivision of chapter 6 may, semiannually, declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry one-tenth of its net profits of the preceding half year to its surplus fund until the same shall amount to

20 per centum of its capital stock. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

627. State taxation.—Any corporation organized under the provisions of this subdivision of chapter 6 shall be subject to tax by the State within which its home office is located in the same manner and to the same extent as other corporations organized under the laws of that State which are transacting a similar character of business. The shares of stock in such corporation shall also be subject to tax as the personal property of the owners or holders thereof in the same manner and to the same extent as the shares of stock in similar State corporations. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

628. Extension of corporate existence.—Any corporation organized under the provisions of this subdivision of chapter 6 may at any time within the two years next previous to the date of the expiration of its corporate existence, by a vote of the shareholders owning two-thirds of its stock, apply to the Federal Reserve Board for its approval to extend the period of its corporate existence for a term of not more than twenty years, and upon certified approval of the Federal Reserve Board such corporation shall have its corporate existence for such extended period unless sooner dissolved by the act of the shareholders owning two-thirds of its stock, or by an Act of Congress or unless its franchise becomes forfeited by some violation of law. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

629. Conversion of banking corporations into corporations authorized by this subdivision; procedure.—Any bank or banking institution, principally engaged in foreign business, incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a corporation under the provisions of this subdivision may, by the vote of the shareholders owning not less than two-thirds of the capital stock of such bank or banking association, with the approval of the Federal Reserve Board, be converted into a Federal corporation of the kind authorized by this subdivision with any name approved by the Federal Reserve Board: *Provided, however*, That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of at least two-thirds of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a Federal corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a Federal corporation. The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed in accordance with the provisions of this section. When the Federal Reserve Board has given to such corporation a certificate that the provisions of this subdivision of chapter 6 have been complied with, such corporation and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this subdivision of chapter 6 for corporations originally organized hereunder. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

630. Offenses by officers of corporation; punishment.—Every officer, director, clerk, employee, or agent of any corporation organized under this subdivision of chapter 6 who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, evidences of indebtedness or assets of any character of such corporation; or who, without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of such corporation with intent, in either case, to injure or defraud such corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer or such corporation, the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any such corporation and every clerk or employee of such receiver who shall embezzle, abstract, or willfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his possession or under his control in the execution of his trust or the performance of the duties of his employment; and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver; and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation organized under this subdivision of chapter 6, or receiver or clerk or employee of such receiver as aforesaid in any violation of this section, shall upon conviction thereof be imprisoned for not less than two years nor more than ten years, and may also be fined not more than $5,000, in the discretion of the court. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

631. False representations as to liability of United States for acts of corporation; punishment.—Whoever being connected in any capacity with any corporation organized under this subdivision of chapter 6 represents in any way that the United States is liable for the payment of any bond or other obligation, or the interest thereon, issued or incurred by any corporation organized hereunder, or that the United States incurs any liability in respect of any act or omission of the corporation, shall be punished by a fine of not more than $10,000 and by imprisonment for not more than five years. (Dec. 24, 1919, c. 18, 41 Stat. 378.)

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INTRODUCTORY

Section 641. "Federal Farm Loan Act"; administration by Federal Farm Loan Board.—The Act of July 17, 1916 (chapter 245, section 1, Thirty-ninth Statutes, page 360), as amended by Act of March 4, 1923 (chapter 252, section 1), to include Federal intermediate credit banks may be cited as the "Federal Farm Loan Act." Its administration shall be under the direction and control of the Federal Farm Loan Board hereinafter created. (July 17, 1916, c. 245, § 1, 39 Stat. 360; Mar. 4, 1923, c. 252, Title I, § 1, 42 Stat. 1454.)

642. "First mortgage" and "farm loan bonds" defined.—Wherever the term "first mortgage" is used in this chapter it shall be held to include such classes of first liens on farm

lands as shall be approved by the Federal Farm Loan Board, and the credit instruments secured thereby. The term "farm loan bonds" shall be held to include all bonds secured by collateral deposited with a farm loan registrar under the terms of this chapter; they shall be distinguished by the addition of the words "Federal," or "joint stock," as the case may be. (July 17, 1916, c. 245, § 2, 39 Stat. 360.)

FEDERAL FARM LOAN BOARD

651. **Federal Farm Loan Bureau; creation; supervision by board.**—There shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this chapter, and of all acts amendatory, to be known as the Federal Farm Loan Bureau, under the general supervision of a Federal Farm Loan Board. (July 17, 1916, c. 245, § 3, 39 Stat. 360.)

652. **Composition of board; number of members; appointment; salaries; expenses.**—The Federal Farm Loan Board shall consist of seven members, including the Secretary of the Treasury, who shall be a member and chairman ex officio, and six members to be appointed by the President of the United States, by and with the advice and consent of the Senate. Of the six members to be appointed by the President, not more than three shall be appointed from one political party, and all six of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal Farm Loan Board; they shall receive an annual salary of $10,000 payable monthly, together with actual necessary traveling expenses. One of the additional members of the Federal Farm Loan Board, hereby provided for, shall be appointed for a term expiring August 6, 1929, and one for a term expiring August 6, 1931, and thereafter the terms of all members of the Federal Farm Loan Board shall be as in the following section otherwise provided for. (July 17, 1916, c. 245, § 3, 39 Stat. 360; Mar. 4, 1923, c. 252, Title III, § 301, 42 Stat. 1473.)

653. **Terms of office; oath; farm loan commissioner.**—One of the members of the Federal Farm Loan Board to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the farm loan commissioner, who shall be the active executive officer of said board. Each member of the Federal Farm Loan Board shall within fifteen days after notice of his appointment take and subscribe to the oath of office. (July 17, 1916, c. 245, § 3, 39 Stat. 360.)

654. **Eligibility of members; restriction on right to engage in other business.**—No member of the Federal Farm Loan Board shall, during his continuance in office, be an officer or director of any other institution, association, or partnership engaged in banking, or in the business of making land mortgage loans or selling land mortgages. Before entering upon his duties as a member of the Federal Farm Loan Board each member shall certify under oath to the President that he is eligible under this section. (July 17, 1916, c. 245, § 3, 39 Stat. 360.)

655. **Filling vacancies on board.**—The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal Farm Loan Board; if such vacancy shall be filled during the recess of the Senate a commission shall be granted which shall expire at the end of the next session. (July 17, 1916, c. 245, § 3, 39 Stat. 360.)

656. **Registrars, appraisers, and examiners; appointment; restriction on right to engage in other business.**—The Federal Farm Loan Board shall appoint a farm loan registrar in each land bank district to receive applications for issues of farm loan bonds and to perform such other services as are prescribed by this chapter, and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office. It shall also appoint one or more land bank appraisers for each land bank district and as many land bank examiners as it shall deem necessary. Farm loan registrars, deputy registrars, land bank appraisers, and land bank examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land mortgage loans or selling land mortgages: *Provided*, That this limitation shall not apply to persons employed by the board temporarily to do special work. (July 17, 1916, c. 245, § 3, 39 Stat. 361; Apr. 20, 1920, c. 154, § 1, 41 Stat. 570.)

657. **Salaries and expenses; provision for payment.**—The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this chapter, or any subsequent amendments thereof, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks, as follows:

The Federal Farm Loan Board shall, prior to the 1st days of January and July of each year, estimate the expenses and salaries of the Federal Farm Loan Board, its officers and employees, farm loan registrars and deputy registrars, examiners, and reviewing appraisers, and apportion the same among the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks on such equitable basis as the Federal Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank, and make an assessment upon each of such banks pursuant to such apportionment, payable on the 1st days of January and July next ensuing. The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States under the miscellaneous receipts title "Assessments on Federal and joint-stock land banks and Federal intermediate credit banks, salaries and expenses Federal Farm Loan Board," to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress: *Provided*, That the present legal status as to assessments against Federal intermediate credit banks shall continue until June 30, 1926, without appropriations by Congress.

If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Federal Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next six months' period when assessment is made for such period. (July 17, 1916, c. 245, § 3, 39 Stat. 361; Mar. 4, 1923, c. 252, Title III, § 302, 42 Stat. 1473; Mar. 4, 1925, c. 524, § 3, 43 Stat. 1262.)

658. **Appraisers and inspectors; compensation; manner of payment.**—Federal land bank appraisers, and appraisers or inspectors of Federal intermediate credit banks, shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks they serve, in such proportion and in such manner as the Federal Farm Loan Board shall order. (July 17, 1916, c. 245, § 3, 39 Stat. 361; Mar. 4, 1923, c. 252, Title III, § 302, 42 Stat. 1473; Mar. 4, 1925, c. 524, § 3, 43 Stat. 1262.)

659. Attorneys, experts, and other employees; employment; salaries and fees.—The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in sections 652, 653, and 655 to 659 of this title and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal Farm Loan Board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of sections 632, 635, 637, 638, and 640 to 642 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT EMPLOYEES, or any rule or regulation made in pursuance thereof and may be classified without regard to chapter 13 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT EMPLOYEES: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service. (July 17, 1916, c. 245, § 3, 39 Stat. 361; Mar. 4, 1925, c. 524, § 4, 43 Stat. 1268.)

660. Statements of salaries paid by land banks.—Every Federal land bank shall semiannually submit to the Federal Farm Loan Board a schedule showing the salaries or rates of compensation paid to its officers and employees. (July 17, 1916, c. 245, § 3, 39 Stat. 361.)

661. Annual report.—The Federal Farm Loan Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress. (July 17, 1916, c. 245, § 3, 39 Stat. 361.)

662. Examinations and reports; appraisals of farm land; amortization tables.—The Federal Farm Loan Board shall from time to time require examinations and reports of condition of all land banks established under the provisions of this chapter and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this chapter, and shall prepare and publish amortization tables which shall be used by national farm loan associations and land banks organized under this chapter. (July 17, 1916, c. 245, § 3, 39 Stat. 361.)

663. Statements of condition of loan associations and land banks.—The Federal Farm Loan Board shall prescribe a form for the statement of condition of national farm loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board. (July 17, 1916, c. 245, § 3, 39 Stat. 361.)

664. Bulletins and circulars.—It shall be the duty of the Federal Farm Loan Board to prepare from time to time bulletins setting forth the principal features of this chapter and through the Department of Agriculture or otherwise to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this chapter, instructing farmers how to organize and conduct farm loan associations, and advising investors of the merits and advantages of farm loan bonds; and to disseminate in its discretion information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said board is hereby authorized to use a reasonable portion of the organization fund provided in section 1001 of this chapter for the object specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects. (July 17, 1916, c. 245, § 3, 39 Stat. 361.)

ORGANIZATION OF FEDERAL LAND BANKS

671. Federal land bank districts; boundaries.—As soon as practicable the Federal Farm Loan Board shall divide the continental United States, excluding Alaska, into twelve districts, which shall be known as Federal land bank districts, and may be designated by number. Said districts shall be apportioned with due regard to the farm loan needs of the country, but no such district shall contain a fractional part of any State. The boundaries thereof may be readjusted from time to time in the discretion of said board. (July 17, 1916, c. 245, § 4, 39 Stat. 362.)

672. Establishment; titles; branches; Porto Rico and Alaska; loans by branches.—The Federal Farm Loan Board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this chapter are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico, and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $10,000 to any one borrower and shall be subject to the restrictions and provisions of this chapter, except that each such branch bank may loan direct to borrowers, and subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per centum in excess of the rate borne by the last preceding issue of farm loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years. (July 17, 1916, c. 245, § 4, 39 Stat. 362; Feb. 27, 1921, c. 78, 41 Stat. 1148; Mar. 4, 1923, c. 252, Title III, § 303, 42 Stat. 1474.)

673. Temporary directors; bonds; officers; attorneys and employees.—Each Federal land bank shall be temporarily managed by five directors appointed by the Federal Farm Loan Board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal Farm Loan Board shall fix. They shall choose from their number, by majority vote, a president, a vice president, a secretary and a treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal Farm Loan Board. (July 17, 1916, c. 245, § 4, 39 Stat. 362.)

674. Organization certificates; contents.—Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state:

First. The name assumed by such bank.

Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That every Federal land bank organized under this chapter shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm loan associations and stock-

holders who may secure loans through agents of Federal land banks in accordance with the provisions of this chapter.

Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this chapter. The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the farm loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection. (July 17, 1916, c. 245, § 4, 39 Stat. 362.)

675. Changes in organization certificate.—The Federal Farm Loan Board is authorized to direct such changes in or additions to any such organization certificate, not inconsistent with this chapter, as it may deem necessary or expedient. (July 17, 1916, c. 245, § 4, 39 Stat. 363.)

676. Time of commencement of corporate existence of land banks; powers enumerated.—Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by Act of Congress or under the provisions of this chapter.

Third. To make contracts.

Fourth. To sue and be sued, complain, interplead, and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them, and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal Farm Loan Board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described. (July 17, 1916, c. 245, § 4, 39 Stat. 363.)

677. Time of election of directors.—After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter authorized, shall have reached the sum of $100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section. (July 17, 1916, c. 245, § 4, 39 Stat. 363.)

678. Directors; number and qualifications; local and district directors; election and appointment.—The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of seven members. Three of said directors shall be known as local directors and shall be chosen by and be representative of national farm loan associations, and borrowers through agencies; three shall be known as district directors and shall be appointed by the Federal Farm Loan Board and represent the public interest. The term of office of local and district directors shall be three years. (July 17, 1916, c. 245, § 4, 39 Stat. 363; Mar. 4, 1923, c. 252, Title III, § 304, 42 Stat. 1474.)

679. Divisions of districts; local directors; nomination of candidates.—At least two months before each election, the Federal Farm Loan Board shall divide each land bank district into three divisions, as nearly equal as possible, according to number of borrowers and the voting strength of national farm loan associations and borrowers through agencies, and the farm loan commissioner shall thereupon notify each association and agency in writing that an election is to be held for one local director from each of said divisions and requesting each association and agency to nominate one candidate for each division. Within ten days of receipt of such notice each national farm loan association and borrower through agencies shall forward nominations of residents of their respective divisions for one director for such division to said farm loan commissioner. The farm loan commissioner shall then prepare a list of candidates for local directors, consisting of the ten persons receiving the highest number of votes from national farm loan associations and borrowers through agencies for each division. (July 17, 1916, c. 245, § 4, 39 Stat. 363; Mar. 4, 1923, c. 252, Title III, § 304, 42 Stat. 1474.)

680. Local directors; election.—At least one month before said election the farm loan commissioner shall mail to each national farm loan association and to each borrower through agencies the list of candidates for their respective divisions. The directors of each national farm loan association shall cast the vote of said association for one of the candidates on said list and shall forward said vote to the said farm loan commissioner within ten days after said list of candidates is received. In voting under this section each association shall be entitled to cast a number of votes equal to the total voting strength of the stockholders in association meetings, and each borrower through agencies shall be entitled to cast one vote for each share of stock held by him in the Federal land bank not exceeding twenty shares, and shall forward said vote to the said farm loan commissioner within ten days after said list of candidates is received. The candidate receiving the highest number of votes in his division shall be declared elected as local director of the Federal land bank district from his division. In case of a tie, the farm loan commissioner shall determine the choice. The nominations from which the list of candidates is prepared, and the votes of the respective associations and borrowers through agencies for such candidates, as counted, shall be tabulated and preserved, subject to examination by any candidate, for at least one year after the result of the election is announced. (July 17, 1916, c. 245, § 4, 39 Stat. 363; Mar. 4, 1923, c. 252, Title III, § 304, 42 Stat. 1475.)

681. District directors; director at large; appointment and election; vacancies.—The Federal Farm Loan Board shall designate one of the district directors to serve until December 31, 1924, one to serve till December 31, 1925, and one to serve till December 31, 1926. After their first appointment each district director shall be appointed for a term of three years. At the first regular meeting of the board of directors of each Federal land bank the local directors shall designate one of their members to serve till December 31, 1924, one to serve till December 31, 1925, and one to serve till December 31, 1926. Thereafter each local director shall be chosen as hereinbefore provided and shall hold office for a term of three years. Any vacancies that may occur in the board of directors shall be filled for the unexpired term in the manner provided herein for the original selection of such directors. At the same time that the associations and borrowers through agencies nominate the candidates for the local directors, each association and each borrower through agencies shall also nominate one candidate for director at large for the entire district, and from the three persons having the greatest number of votes for nominee for director at large, the Federal Farm Loan Board shall select a director at large, whose term of office shall terminate on the 31st day

of December, 1925, and every three years thereafter. Such seventh director may be removed by the Federal Farm Loan Board for neglect of duty, incapacity for the work, or malfeasance in office, after charges duly preferred and a hearing had thereon, and in such cases the associations of the district shall in like manner nominate candidates for another director at large, to fill the vacancy, for whom the Federal Farm Loan Board shall in same manner select a successor, but any person who is removed can not be nominated to succeed himself. The board of directors thus selected shall, upon qualification, immediately take over the management of each bank. (July 17, 1916, c. 245, § 4, 39 Stat. 363; Mar. 4, 1923, c. 252, Title III, § 304, 42 Stat. 1475.)

682. Qualifications of directors.—Directors of Federal land banks shall have been, for at least two years, residents of the district for which they are appointed or elected, and a local director shall be a resident of his division when elected. No district director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land-mortgage loans. (July 17, 1916, c. 245, § 4, 39 Stat. 363; Mar. 4, 1923, c. 252, Title III, § 304, 42 Stat. 1476.)

683. Directors, officers, and employees; compensation and allowances.—Directors of the Federal land bank shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of the Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal Farm Loan Board. (July 17, 1916, c. 245, § 4, 39 Stat. 363; Mar. 4, 1923, c. 252, Title III, § 304, 42 Stat. 1476.)

CAPITAL STOCK OF FEDERAL LAND BANKS

691. Minimum amount of capital; regulation of subscriptions.—Every Federal land bank shall have, before beginning business, a subscribed capital of not less than $750,000. The Federal Farm Loan Board is authorized to prescribe the times and conditions of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

692. Shares; value; who may subscribe.—The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the government of any State or of the United States. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

693. Transfer of stock held by national farm loan associations.—Stock held by national farm loan associations shall not be transferred or hypothecated, and the certificates therefor shall so state. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

694. Dividends; voting stock.—Stock owned by the Government of the United States in Federal land banks shall receive no dividends, but all other stock shall share in dividend distributions without preference. Each national farm loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm loan commissioner, as directed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

695. Subscriptions to stock; subscriptions by United States for unsubscribed balance.—It shall be the duty of the Federal Farm Loan Board, as soon as practicable after July 17, 1916, to open books of subscription for the capital stock of a Federal land bank in each Federal land bank district. If within thirty days after the opening of said books any part of the minimum capitalization of $750,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon thirty days' notice with the approval of the Federal Farm Loan Board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated. Thereafter no stock shall be issued except as hereinafter provided. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

696. Retirement of original stock.—After the subscriptions to capital stock by national farm loan associations shall amount to $750,000 in any Federal land bank, said bank shall apply semiannually to the payment and retirement of the shares of stock which were issued to represent the subscriptions to the original capital 25 per centum of all sums thereafter subscribed to capital stock until all such original capital stock is retired at par. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

697. Proportion held in quick assets.—At least 25 per centum of that part of the capital of any Federal land bank for which stock is outstanding in the name of national farm loan associations shall be held in quick assets, and may consist of cash in the vaults of said land bank, or in deposits in member banks of the Federal reserve system, or in readily marketable securities which are approved under rules and regulations of the Federal Farm Loan Board: *Provided*, That not less than 5 per centum of such capital shall be invested in United States Government bonds. (July 17, 1916, c. 245, § 5, 39 Stat. 364.)

LAND BANKS AS GOVERNMENT DEPOSITARIES AND AGENTS

701. Land banks and joint stock land banks as depositaries and agents; bonds; investment of funds.—All Federal land banks and joint stock land banks organized under this chapter, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. And the Secretary of the Treasury shall require of the Federal land banks and joint stock land banks thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. No Government funds deposited under the provisions of this section shall be invested in mortgage loans or farm loan bonds. (July 17, 1916, c. 245, § 6, 39 Stat. 365.)

NATIONAL FARM LOAN ASSOCIATIONS GENERALLY

711. Organization; articles of association; signature; copies for land banks.—Corporations, to be known as national farm loan associations, may be organized by persons desiring to borrow money on farm mortgage security under the terms of this chapter. Such persons shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the

district, to be filed and preserved in its office. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

712. Directors; officers; loan committee.—Every national farm loan association shall elect, in the manner prescribed for the election of directors of national banking associations, a board of not less than five directors, who shall hold office for the same period as directors of national banking associations. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three members. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

713. Compensation and qualifications of directors.—The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be approved by the Federal Farm Loan Board. All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

714. Secretary-treasurer; powers and duties; bond; reports; misconduct in office.—It shall be the duty of the secretary-treasurer of every national farm loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage as in this chapter prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association. It shall be the duty of the secretary-treasurer, acting under the direction of the national farm loan association, to collect, receipt for, and transmit to the Federal land bank payments of interest, amortization installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond to be prescribed and approved by the Federal Farm Loan Board for the proper performance of the duties imposed upon him under this chapter, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal Farm Loan Board upon forms to be provided for that purpose. Upon request from said board said secretary-treasurer shall furnish information regarding the condition of the national farm loan association for which he is acting, and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made through the national farm loan association of which he is an officer are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent. No such secretary-treasurer shall engage in the making of land mortgage loans eligible at a Federal land bank through or for any other land mortgage company or agency, and the making of any such loan by any secretary-treasurer shall forthwith work a forfeiture of his office. (July 17, 1916, c. 245, § 7, 39 Stat. 365; Mar. 4, 1923, c. 252, Title III, § 305, 42 Stat. 1476.)

715. Expenses of secretary-treasurer; payment.—The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm loan associations, and the salary of the secretary-treasurer, shall be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per centum per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

716. Number of incorporators; organization; directors; consolidation of offices of secretary and treasurer.—Ten or more natural persons who are the owners, or about to become the owners, of farm land qualified as security for a mortgage loan under section 771 of this chapter, may unite to form a national farm loan association. They shall organize subject to the requirements and the conditions specified in this subdivision and in sections 671–683 of this chapter, so far as the same may be applicable: *Provided*, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

717. Report and affidavit accompanying articles of association.—When the articles of association are forwarded to the Federal land bank of the district as provided in this subdivision, they shall be accompanied by the written report of the loan committee as required in section 751 of this chapter, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section 771 of this chapter as the basis of a mortgage loan; that the loan desired by each person is not more than $10,000, nor less than $100, and that the aggregate of the desired loans is not less than $20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to 5 per centum of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post office address. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

718. Investigation of solvency of applicants for incorporation.—Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter should be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal Farm Loan Board with their recommendation. If said recommendation is unfavorable, the charter shall be refused. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

719. Grant or refusal of charter.—If said recommendation is favorable, the Federal Farm Loan Board shall thereupon grant a charter to the applicants therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank: *Provided*, That said Federal Farm Loan Board may for good cause shown in any case refuse to grant a charter. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

720. Loans to associations.—Upon receipt of its charter such national farm loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this chapter. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

721. Loans to members; subscriptions to stock of land banks as collateral; retirement of stock.—Whenever any na-

tional farm loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of 5 per centum of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may, in the discretion of the directors, and with the approval of the Federal Farm Loan Board, be paid off at par and retired, and it shall be so paid off and retired upon full payment of the mortgage loan. In such case the national farm loan association shall pay off at par and retire the corresponding shares of its stock which were issued when said land bank stock was issued. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

722. Reduction of capital stock of Federal land banks.—The capital stock of a Federal land bank shall not be reduced to an amount less than 5 per centum of the principal of the outstanding farm loan bonds issued by it. (July 17, 1916, c. 245, § 7, 39 Stat. 365.)

CAPITAL STOCK OF NATIONAL FARM LOAN ASSOCIATIONS

731. Par value of shares.—The shares in national farm loan associations shall be of the par value of $5 each. (July 17, 1916, c. 245, § 8, 39 Stat. 367.)

732. Voting stock.—Every shareholder shall be entitled to one vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of shareholders: *Provided*, That the maximum number of votes which may be cast by any one shareholder shall be twenty. (July 17, 1916, c. 245, § 8, 39 Stat. 367.)

733. Borrowers only to be members; amount of stock to be held by borrower; stock held as collateral; retirement of stock.—No persons but borrowers on farm land mortgages shall be members or shareholders of national farm loan associations. Any person desiring to borrow on farm land mortgage through a national farm loan association shall make application for membership and shall subscribe for shares of stock in such farm loan association to an amount equal to 5 per centum of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan. If the application for membership is accepted and the loan is granted, the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each $100 of the face of his loan, or any major fractional part thereof. Said capital stock shall be paid off at par and retired upon full payment of said loan. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding. (July 17, 1916, c. 245, § 8, 39 Stat. 367.)

734. Increase of stock.—Every national farm loan association formed under this chapter shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of securing additional loans for its members and providing for the issue of shares to borrowers in accordance with the provisions of this chapter. Such increases shall be included in the quarterly reports to the Federal Farm Loan Board. (July 17, 1916, c. 245, § 8, 39 Stat. 367.)

NATIONAL FARM LOAN ASSOCIATIONS; SPECIAL PROVISIONS

741. Right of members to loans.—Any person whose application for membership is accepted by a national farm loan association shall be entitled to borrow money on farm land mortgage upon filing his application in accordance with section 733 and otherwise complying with the terms of this chapter whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal Farm Loan Board shall, in its discretion, otherwise determine. (July 17, 1916, c. 245, § 9, 39 Stat. 368.)

742. Loans to members to pay for shares; repayment.—Any person desiring to secure a loan through a national farm loan association under the provisions of this chapter may, at his option, borrow from the Federal land bank through such association the sum necessary to pay for shares of stock subscribed for by him in the national farm loan association, such sum to be made a part of the face of the loan and paid off in amortization payments: *Provided, however*, That such addition to the loan shall not be permitted to increase said loan above the limitation imposed in subsection 5 of section 771. (July 17, 1916, c. 245, § 9, 39 Stat. 368.)

743. Commissions on interest payments; deduction from dividends; loans by land banks to associations; rate of interest.—Subject to rules and regulations prescribed by the Federal Farm Loan Board, any national farm loan association shall be entitled to retain as a commission from each interest payment on any loan indorsed by it an amount to be determined by said board not to exceed one-eighth of 1 per centum semiannually upon the unpaid principal of said loan, any amounts so retained as commissions to be deducted from dividends payable to such farm loan association by the Federal land bank, and to make application to the land bank of the district for loans not exceeding in the aggregate one-fourth of its total stock holdings in said land bank. The Federal land banks shall have power to make such loans to associations applying therefor and to charge interest at a rate not exceeding 6 per centum per annum. (July 17, 1916, c. 245, § 9, 39 Stat. 368.)

744. Individual liability of shareholders.—Shareholders of every national farm loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares. (July 17, 1916, c. 245, § 9, 39 Stat. 368.)

745. New members.—After a charter has been granted to a national farm loan association, any natural person who is the owner, or about to become the owner, of farm land qualified under section 771 of this chapter as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock of such association for each $100 of the face of his proposed loan or any major fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 771 of this chapter. (July 17, 1916, c. 245, § 9, 39 Stat. 368.)

APPRAISAL FOR FARM LOANS

751. Investigation by loan committee of character and solvency of applicant; sufficiency of security offered; report.—Whenever an application for a mortgage loan is made through a national farm loan association, the loan committee provided for in section 712 of this chapter, shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered, and cause written report to be made of the result of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable, and the loan committee is unanimous in its approval thereof. (July 17, 1916, c. 245, § 10, 39 Stat. 369; Apr. 20, 1920, c. 154, § 2, 41 Stat. 570.)

752. Submission to land bank of report and loan application; weight given appraisal.—The written report required in the preceding section shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal. (July 17, 1916, c. 245, § 10, 39 Stat. 369.)

753. Submission to land bank appraisers of report and loan application.—Before any mortgage loan is made by any Federal land bank. or joint stock land bank, it shall refer the application and written report of the loan committee to one or more of the land bank appraisers appointed under the authority of section 656 of this chapter, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable. (July 17, 1916, c. 245, § 10, 39 Stat. 369.)

754. Forms for reports.—Forms for appraisal reports for farm loan associations and land banks shall be prescribed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 10, 39 Stat. 369.)

755. Examinations by land bank appraisers as to farm loan bonds and first mortgages.—Land bank appraisers shall make such examinations and appraisals and conduct such investigations, concerning farm loan bonds and first mortgages, as the Federal Farm Loan Board shall direct. (July 17, 1916, c. 245, § 10, 39 Stat. 369.)

756. Borrowers as appraisers or members of loan committees.—No borrower under this chapter shall be eligible as an appraiser under this subdivision, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any national farm loan association shall appoint a substitute to act in his place in passing upon such loan. (July 17, 1916, c. 245, § 10, 39 Stat. 369.)

POWERS OF NATIONAL FARM LOAN ASSOCIATIONS

761. Enumerated powers.—Every national farm loan association shall have power:

First. *Indorsing mortgages.*—To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district. (July 17, 1916, c. 245, § 11, 39 Stat. 369).

Second. *Receiving advances from banks and loaning to shareholders.*—To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section 771 of this chapter. (July 17, 1916, c. 245, § 11, 39 Stat. 369.)

Third. *Fixing charges for applications for loans.*—To fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association: *Provided*, That such charges shall not exceed amounts to be fixed by the Farm Loan Board, and shall in no case exceed 1 per centum of the amount of the loan applied for; to acquire and dispose of property, real and personal, that may be necessary or convenient for the transaction of its business. (July 17, 1916, c. 245, § 11, 39 Stat. 369; Apr. 20, 1920, c. 154, § 3, 41 Stat. 570.)

Fourth. *Issuing interest-bearing certificates against deposits of current funds.*—To issue certificates against deposits of current funds bearing interest for not longer than one year at not to exceed 4 per centum per annum after six days from date, convertible into farm loan bonds when presented at the Federal land bank of the district in the amount of $25 or any multiple thereof. Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm loan bonds issued by a Federal land bank or in first mortgages as defined by this chapter. (July 17, 1916, c. 245, § 11, 39 Stat. 369.)

RESTRICTIONS ON LOANS OF FEDERAL LAND BANKS BASED ON FIRST MORTGAGES

771. Restrictions enumerated.—No Federal land bank organized under this chapter shall make loans except upon the following terms and conditions:

First. *Security by first mortgage.*—Said loans shall be secured by duly recorded first mortgages on farm land within the land bank district in which the bank is situated. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Second. *Agreement for repayment on amortization plan.*—Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of farm loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding 1 per centum per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than five years nor more than forty years: *Provided*, That after five years from the date upon which a loan is made the mortgagor may, upon any regular installment date, make, in advance, any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan, under the rules and regulations of the Federal Farm Loan Board: *And provided further*, That before the first issues of farm loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank, subject to the provisions and limitations of this chapter. (July 17, 1916, c. 245, § 12, 39 Stat. 370; Apr. 20, 1920, c. 154, § 4, 41 Stat. 570.)

Third. *Maximum interest rate.*—No loan on mortgage shall be made under this chapter at a rate of interest exceeding 6 per centum per annum, exclusive of amortization payments. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Fourth. *Purposes of loans enumerated.*—Such loans may be made for the following purposes and for no other:

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment, fertilizers, and livestock necessary for the proper and reasonable operation of the mortgaged farm; the term "equipment" to be defined by the Federal Farm Loan Board.

(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal Farm Loan Board.

(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred prior to January 1, 1922. (July 17, 1916, c. 245, § 12, 39 Stat. 370; Apr. 20, 1920, c. 154, § 4, 41 Stat. 570; Mar. 4, 1923, c. 252, Title III, § 306, 42 Stat. 1476.)

Fifth. *Limitation on amount of loans; appraisal; reappraisal.*—No such loan shall exceed 50 per centum of the value of the land mortgaged and 20 per centum of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section 751 of this chapter. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be a principal factor.

A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions

of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Sixth. *Persons entitled to loans; sales; death of mortgagor.*—No such loans shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the Federal land bank may permit said mortgage and the stock interests of the vendor to be assumed by the purchaser. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option within sixty days of such death, to assume the mortgage and stock interests of the deceased. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Seventh. *Maximum and minimum of loans.*—The amount of loans to any one borrower shall in no case exceed a maximum of $25,000, nor shall any one loan be for a less sum than $100, but preference shall be given to applications for loans of $10,000 and under. (July 17, 1916, c. 245, § 12, 39 Stat. 370; Mar. 4, 1923, c. 252, Title III, § 307, 42 Stat. 1476.)

Eighth. *Form of applications for loans.*—Every applicant for a loan under the terms of this chapter shall make application on a form to be prescribed for that purpose by the Federal Farm Loan Board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Ninth. *Interest on defaulted payments; payment of taxes and liens; insurance.*—Every borrower shall pay simple interest on defaulted payments at the rate of 8 per centum per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 8 per centum per annum. Every borrower shall undertake to keep insured to the satisfaction of the Federal Farm Loan Board all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and at the option of the mortgagor and subject to general regulations of the Federal Farm Loan Board, sums so received may be used to pay for reconstruction of the buildings destroyed. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Tenth. *Agreement by borrowers as to use of loans.*—Every borrower who shall be granted a loan under the provisions of this chapter shall enter into an agreement, in form and under conditions to be prescribed by the Federal Farm Loan Board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to pay for his stock in the farm loan association, and the land bank holding such mortgage may permit said loan to be used for any purpose specified in subsection fourth of this section. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

Eleventh. *Loans not invalidated by unauthorized acts by banks or associations.*—No loan or the mortgage securing the same shall be impaired or invalidated by reason of the exercise of any power by any Federal land bank or national farm loan association in excess of the powers herein granted or any limitations thereon. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

772. Loans to be current funds or farm loan bonds.—Funds transmitted to farm loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm loan bonds, at the option of the borrower. (July 17, 1916, c. 245, § 12, 39 Stat. 370.)

773. Mortgages on farm lands under United States reclamation projects.—The term "first mortgage," as used in section 771, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in sections 372, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491 and 498 of Title 43, PUBLIC LANDS: *Provided*, That such lands are otherwise eligible for loans under this chapter: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes. (May 15, 1922, c. 190, § 3, 42 Stat. 542.)

POWERS OF FEDERAL LAND BANKS GENERALLY

781. Enumerated powers.—Every Federal land bank shall have power, subject to the limitations and requirements of this chapter—

First. *Issuing and selling farm loan bonds.*—To issue, subject to the approval of the Federal Farm Loan Board, and to sell farm loan bonds of the kinds authorized in this chapter, to buy the same for its own account, and to retire the same at or before maturity. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Second. *Investing funds in farm first mortgages.*—To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land bank district within which it is organized or for which it is acting. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Third. *Receipt and deposit of mortgages as collateral for bonds; collection of moneys payable under mortgages and bonds.*—To receive and to deposit in trust with the farm loan registrar for the district, to be by him held as collateral security for farm loan bonds, first mortgages upon farm land qualified under section 771 of this chapter, and to empower national farm loan associations, or duly authorized agents, to collect and immediately pay over to said land banks the dues, interest, amortization installments and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Fourth. *Acquiring and disposing of property.*—To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal Farm Loan Board in writing. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Fifth. *Depositing securities and funds with reserve banks.*—To deposit its securities, and its current funds subject to check, with any member bank of the Federal reserve system, and to receive interest on the same as may be agreed. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Sixth. *Receiving deposits from associations.*—To accept deposits of securities or of current funds from national farm loan associations holding its shares, but to pay no interest on such deposits. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Seventh. *Borrowing money.*—To borrow money, to give security therefor, and to pay interest thereon. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Eighth. *Buying and selling United States bonds.*—To buy and sell United States bonds. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

Ninth. *Charging fees for loans.*—To charge applicants for loans and borrowers, under rules and regulations promulgated by the Federal Farm Loan Board, reasonable fees not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans. The borrower may pay such fees and charges or he may arrange with the Federal land bank making the loan to advance the same, in which case said expenses shall be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the limitations provided in section 771. (July 17, 1916, c. 245, § 13, 39 Stat. 372.)

RESTRICTIONS ON FEDERAL LAND BANKS

791. Enumeration of restrictions.—No Federal land bank shall have power—

First. *Limiting deposits.*—To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this chapter. (July 17, 1916, c. 245, § 14, 39 Stat. 372.)

Second. *Loaning on first mortgages except through associations.*—To loan on first mortgage except through national farm loan associations as provided in sections 720, 721 and sections 733, 734 of this chapter, or through agents as provided in sections 801–808. (July 17, 1916, c. 245, § 14, 39 Stat. 372.)

Third. *Accepting other than first mortgages.*—To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by sections 771–773 of this chapter, and those taken as additional security for existing loans. (July 17, 1916, c. 245, § 14, 39 Stat. 372.)

Fourth. *Issuing excess of bonds; receiving excess of mortgages from associations.*—To issue or obligate itself for outstanding farm loan bonds in excess of twenty times the amount of its capital and surplus, or to receive from any national farm loan association additional mortgages when the principal remaining unpaid upon mortgages already received from such association shall exceed twenty times the amount of its capital stock owned by such association. (July 17, 1916, c. 245, § 14, 39 Stat. 372.)

Fifth. *Demanding unauthorized commissions.*—To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this chapter. (July 17, 1916, c. 245, § 14, 39 Stat. 372.)

LOANS BY FEDERAL LAND BANKS THROUGH AGENTS

801. Loans; when authorized.—Whenever it shall appear to the Federal Farm Loan Board that national farm loan associations have not been formed, and are not likely to be formed, in any locality, because of peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

802. Manner of making.—Loans authorized by the preceding section shall be subject to the same conditions and restrictions as if the same were made through national farm loan associations, and each borrower shall contribute 5 per centum of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

803. Who may be employed as agent.—No agent other than a duly incorporated bank, trust company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this subdivision. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

804. Expenses of and commissions to agents.—Federal land banks may pay to such agents the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers; and in addition may allow said agents not to exceed one-half of 1 per centum per annum upon the unpaid principal of said loan, such commission to be deducted from dividends payable to the borrower on his stock in the Federal land bank. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

805. Expenses of agents added to loans.—Actual expenses paid to agents under the provisions of this subdivision shall be added to the face of the loan and paid off in amortization payments subject to the limitations provided in subsection ninth of section 781 of this chapter. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

806. Collecting interest and payments.—Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

807. Indorsement of loans; liability thereon.—Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof, and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed ten times its capital and surplus. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

808. When loans to cease.—If at any time the district represented by any agent under the provisions of this subdivision shall, in the judgment of the Federal Farm Loan Board, be adequately served by national farm loan associations, no further loans shall be negotiated therein by agents under this subdivision. (July 17, 1916, c. 245, § 15, 39 Stat. 373.)

JOINT-STOCK LAND BANKS

811. Power to organize; organization; directors.—Corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm mortgage security and issuing farm loan bonds, may be formed by any number of natural persons not less than ten. They shall be organized subject to the requirements and under the conditions set forth in sections 671–683 of this chapter, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank shall consist of not less than five members. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

812. Individual liability of shareholders.—Shareholders of every joint-stock land bank organized under this chapter shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

813. Powers, duties, and liabilities; stock.—Except as otherwise provided, joint-stock land banks shall have the powers of, and be subject to all the restrictions and conditions imposed on, Federal land banks by this chapter, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

814. Limitation on amount of issue of bonds; transacting banking business.—No joint-stock land bank shall have power to issue or obligate itself for outstanding farm loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this chapter. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

815. Minimum capital stock required.—No joint-stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed, one-half thereof paid in cash and the balance subject to call by the board of directors, and a charter has been issued to it by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

816. Issuing bonds before payment of stock.—No joint-stock land bank shall issue any bonds until after the capital stock is entirely paid up. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

817. Form of bonds.—Farm loan bonds issued by joint-stock land banks shall be so engraved as to be readily distinguished in form and color from farm loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal Farm Loan Board shall direct. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

818. Interest rates; restrictions on mortgage loans.—Joint-stock land banks shall not be subject to the provisions of subsection (b) of section 831 of this chapter as to interest rates on mortgage loans or farm loan bonds, nor to the provisions of subsections first, fourth, sixth, seventh, and tenth of section 771 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office, or within some one State contiguous to such State. Such joint-stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section 771 of this chapter. (July 17, 1916, c. 245, § 16, 39 Stat, 374.)

819. Limitation on interest rates.—Joint-stock land banks shall in no case charge a rate of interest on farm loans exceeding by more than 1 per centum the rate of interest established for the last series of farm loan bonds issued by them. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

820. Unauthorized commissions or charges.—Joint-stock land banks shall in no case demand or receive, under any form or pretense, any commission or charge not specifically authorized in this chapter. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

821. Bonds; power to issue; form and contents.—Each joint-stock land bank organized under this chapter shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this chapter. Such bonds shall be in form prescribed by the Federal Farm Loan Board, and it shall be stated in such bonds that such bank is organized under this subdivision of this chapter, is under Federal supervision, and operates under the provisions of this chapter. (July 17, 1916, c. 245, § 16, 39 Stat. 374.)

822. Voluntary liquidation.—Any joint-stock land bank organized and doing business under the provisions of this chapter may go into voluntary liquidation by making provision, to be approved by the Federal Farm Loan Board, for the payment of its liabilities: *Provided*, That such method of liquidation shall have been duly authorized by a vote of at least two-thirds of the shareholders of such joint-stock land bank at a regular meeting, or at a special meeting called for that purpose, of which at least ten days' notice in writing shall have been given to stockholders. (May 29, 1920, c. 215, 41 Stat. 691.)

823. Assets of liquidating bank; purchase by land or joint stock land bank; assumption of liabilities.—For the purpose of assisting in any such liquidation authorized as in the preceding section provided, any Federal land bank or joint-stock land bank may, with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of any joint-stock land bank, and in such transaction any Federal land bank may waive the provisions of this chapter requiring such bank to acquire its loans only through national farm loan associations or agents, and those relating to status of borrower, purposes of loan, and also the limitation as to the amount of individual loans. No Federal land bank shall assume the obligations of any joint-stock land bank in such manner as to make its outstanding obligations more than twenty times its capital stock except by creation of a special reserve equal to one-twentieth of the amount of such additional obligations assumed. No joint-stock land bank shall assume the obligations of any other joint-stock land bank in such manner as to make its outstanding obligations more than fifteen times the amount of its capital and surplus, except by creation of a special reserve equal to one-fifteenth of the amount of such additional obligations assumed. (May 29, 1920, c. 215, 41 Stat. 691; Mar. 4, 1925, c. 524, § 5, 43 Stat. 1263.)

POWERS OF FEDERAL FARM LOAN BOARD GENERALLY

831. Enumeration.—The Federal Farm Loan Board shall have power—

(*a*) *Organizing and chartering banks and loan associations; authorizing increase of stock.*—To organize and charter Federal land banks, and to charter national farm loan associations and joint-stock land banks subject to the provisions of this chapter, and in its discretion to authorize them to increase their capital stock. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*b*) *Reviewing and altering interest rates.*—To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this chapter, said rate to be uniform so far as practicable. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*c*) *Granting or refusing authority to issue bonds.*—To grant or refuse to Federal land banks, or joint-stock land banks, authority to make any specific issue of farm loan bonds. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*d*) *Making rules and regulations as to charges on loans.*—To make rules and regulations respecting the charges made to borrowers on loans under this chapter for expenses in appraisal, determination of title, and recording. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*e*) *Requiring reports, etc.; examining banks and associations.*—To require reports and statements of condition and to make examinations of all banks or associations doing business under the provisions of this chapter. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*f*) *Prescribing form and terms of bonds and surety bonds.*—To prescribe the form and terms of farm loan bonds, and the form, terms, and penal sums of all surety bonds required under this chapter and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*g*) *Regulating payments between banks.*—To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm loan bonds issued by each land bank and actually outstanding at the time of such requirement. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*h*) *Suspending or removal of directors, registrars, appraisers, and examiners.*—To suspend or to remove for cause any district director or any registrar, appraiser, examiner, or other official appointed by said board under authority of sections 651–664 of this chapter, the cause of such suspension or

removal to be communicated forthwith in writing by the Federal Farm Loan Board to the person suspended or removed, and in case of a district director to the proper Federal land bank. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*i*) *Exercising supervisory authority over banks.*—To exercise general supervisory authority over the Federal land banks, the national farm loan associations, and the joint-stock land banks herein provided for. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

(*j*) *Incidental powers.*—To exercise such incidental powers as shall be necessary or requisite to fulfill its duties and carry out the purposes of this chapter. (July 17, 1916, c. 245, § 17, 39 Stat. 375.)

APPLICATIONS FOR FARM LOAN BONDS

841. Application; to whom made; collateral security; schedule.—Any Federal land bank, or joint-stock land bank, which shall have voted to issue farm loan bonds under this chapter, shall make written application to the Federal Farm Loan Board, through the farm loan registrar of the district, for approval of such issue. With said application said land bank shall tender to said farm loan registrar as collateral security first mortgages on farm lands qualified under the provisions of section 771, sections 801–807, or sections 811–821 of this chapter, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such further information as may be prescribed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 18, 39 Stat. 375.)

842. Verifying schedule; transmission to Loan Board; investigation and appraisal of securities tendered.—Upon receipt of the application provided for in the preceding section said farm loan registrar shall verify the schedule also provided for in the preceding section and shall transmit said application and said schedule to the Federal Farm Loan Board, giving such further information pertaining thereto as he may possess. The Federal Farm Loan Board shall forthwith cause to be made such investigation and appraisement of the securities tendered as it shall deem wise, and it shall grant in whole or in part, or reject entirely, such application. (July 17, 1916, c. 245, § 18, 39 Stat. 375.)

843. Transmission of decisions of Loan Board to land bank and farm loan registrar; information by registrar to board of issue of loan bonds.—The Federal Farm Loan Board shall promptly transmit its decision as to any issue of farm loan bonds to the land bank applying for the same and to the farm loan registrar of the district. Said registrar shall furnish, in writing, such information regarding any issue of farm loan bonds as the Federal Farm Loan Board may at any time require. (July 17, 1916, c. 245, § 18, 39 Stat. 375.)

844. Approval by Loan Board of issue of bonds.—No issue of farm loan bonds shall be authorized unless the Federal Farm Loan Board shall approve such issue in writing. (July 17, 1916, c. 245, § 18, 39 Stat. 375.)

ISSUE OF FARM LOAN BONDS

851. Duties of registrars on approval of bond issue.—Whenever any farm loan registrar shall receive from the Federal Farm Loan Board notice that it has approved any issue of farm loan bonds under the provisions of sections 841–844 he shall forthwith take such steps as may be necessary, in accordance with the provisions of this chapter, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor. (July 17, 1916, c. 245, § 19, 39 Stat. 376.)

852. Rejection of application; return of collateral security.—Whenever the Federal Farm Loan Board shall reject entirely any application for an issue of farm loan bonds, the first mortgages and bonds tendered to the farm loan registrar as collateral security therefor shall be forthwith returned to said land bank by him. (July 17, 1916, c. 245, § 19, 39 Stat. 376.)

853. Disposition of collateral security on approval of application.—Whenever the Federal Farm Loan Board shall approve an issue of farm loan bonds, the farm loan registrar having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security, and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm loan bonds shall transfer to said registrar, by assignment, in trust, all first mortgages and bonds which are to be held by said registrar as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this chapter and reserving the right of substitution of other mortgages qualified under sections 771 and 811–821 of this chapter. Said mortgages and bonds shall be deposited in such deposit vault or bank as the Federal Farm Loan Board shall approve, subject to the control of said registrar and in his name as trustee for the bank issuing the farm loan bonds and for the prospective holders of said farm loan bonds. (July 17, 1916, c. 245, § 19, 39 Stat. 376.)

854. Mortgages acceptable as collateral security.—No mortgage shall be accepted by a farm loan registrar from a land bank as part of an offering to secure an issue of farm loan bonds, either originally or by substitution, except first mortgages made subject to the conditions prescribed in said sections 771, 801–808, and 811–821. (July 17, 1916, c. 245, § 19, 39 Stat. 376.)

855. Amount of issue as affected by amount of collateral security; United States bonds or cash in lieu of security withdrawn.—It shall be the duty of each farm loan registrar to see that the farm loan bonds delivered by him and outstanding do not exceed the amount of collateral security pledged therefor. Such registrar may, in his discretion, temporarily accept, in place of mortgages withdrawn, United States Government bonds or cash. (July 17, 1916, c. 245, § 19, 39 Stat. 376.)

856. Additional security.—The Federal Farm Loan Board may, at any time, call upon any land bank for additional security to protect the bonds issued by it. (July 17, 1916, c. 245, § 19, 39 Stat. 376.)

FORM OF FARM LOAN BONDS

861. Denominations; minimum and maximum periods; interest coupons; rates of interest.—Bonds provided for in this chapter shall be issued in denominations of $40, $100, $500, $1,000, and such larger denominations as the Federal Farm Loan Board may authorize; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after the minimum period specified in the bonds, which shall not be longer than ten years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal Farm Loan Board. They shall bear a rate of interest not to exceed 5½ per centum per annum, but no bonds issued or sold after June 30, 1923, shall bear a rate of interest to exceed 5 per centum per annum. (July 17, 1916, c. 245, § 20, 39 Stat. 377.)

862. Rules and regulations as to payment.—The Federal Farm Loan Board shall prescribe rules and regulations concerning the circumstances and manner in which farm loan bonds shall be paid and retired under the provisions of this chapter. (July 17, 1916, c. 245, § 20, 39 Stat. 377.)

863. Delivery to banks.—Farm loan bonds shall be delivered through the registrar of the district to the bank applying for the same. (July 17, 1916, c. 245, § 20, 39 Stat. 377.)

864. Preparation; custody of plates and dies; exchange for registered bonds; reexchange for coupons.—In order to furnish farm loan bonds for delivery at the Federal land banks and joint stock land banks, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this chapter, as the Federal Farm Loan Board may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the Federal Farm Loan Board. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. Any expenses incurred in the preparation, custody, and delivery of such farm loan bonds shall be paid by the Secretary of the Treasury from any funds in the Treasury not otherwise appropriated: *Provided, however,* That the Secretary shall be reimbursed for such expenditures by the Federal Farm Loan Board through assessment upon the farm land banks in proportion to the work executed. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 20, 39 Stat. 377; Apr. 20, 1920, c. 154, § 5, 41 Stat. 571; Mar. 4, 1921, c. 151, 41 Stat. 1362; Aug. 13, 1921, c. 63, 42 Stat. 159.)

SPECIAL PROVISIONS OF FARM LOAN BONDS

871. Land banks as bound by acts of officers and Loan Board in issue of bonds.—Each land bank shall be bound in all respects by the acts of its officers in signing and issuing farm loan bonds and by the acts of the Federal Farm Loan Board in authorizing their issue. (July 17, 1916, c. 245, § 21, 39 Stat. 377.)

872. Liability of land banks for interest and principal of loan bonds.—Every Federal land bank issuing farm loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm loan bond coupons, for interest payments due upon any farm loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided,* That such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent land banks liable therefor in proportion to the amount of farm loan bonds which each may have outstanding at the time of such assessment. (July 17, 1916, c. 245, § 21, 39 Stat. 377.)

873. Record on minutes of land banks respecting liability.—Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm loan bonds as provided in this subdivision. (July 17, 1916, c. 245, § 21, 39 Stat. 377.)

874. Signing and attesting bonds; certificate of farm loan commissioner.—Every farm loan bond issued by a Federal land bank shall be signed by its president or vice president and attested by its secretary or assistant secretary. For the purpose of signing such bonds the board of directors of any Federal land bank is authorized to select a vice president who need not be a member of the board of directors; such bonds shall also contain in the face thereof a certificate signed by the farm loan commissioner to the effect that it is issued under the authority of the Federal Farm Loan Act, has the approval in form and issue of the Federal Farm Loan Board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of United States Government bonds, or indorsed first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (July 17, 1916, c. 245, § 21, 39 Stat. 377; Apr. 20, 1920, c. 154, § 6, 41 Stat. 571.)

875. Consolidated bonds; authority of land banks to issue and sell.—Whenever it shall appear desirable to issue consolidated bonds of the twelve Federal land banks and to sell them through a common selling agency, and the Federal land banks shall, by resolution, consent to the same, the banks may issue and sell said bonds as hereinafter provided. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

876. Signing and attesting consolidated bonds; recitals.—Every bond so issued shall be signed by the farm loan commissioner and attested by the secretary of the Federal Farm Loan Board, and their signatures may be either written or engraved thereon and shall recite in the face of the bond the fact that it is the joint and several obligation of the twelve Federal land banks, and shall in all respects be governed by the provisions of the Federal Farm Loan Act not inconsistent herewith. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

877. Consolidated bonds; when payable.—The consolidated bonds issued under this provision shall be made payable at any Federal land bank, and may be made payable at any Federal reserve bank or banks designated in the face of the bond. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

878. Land banks as bound by acts of officers in issue of consolidated bonds.—Each Federal land bank on whose behalf consolidated bonds shall be issued under this provision shall in all respects be bound by the act of the farm loan commissioner and the Secretary of the Federal Farm Loan Board. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476; Mar. 4, 1925, c. 524, § 6, 43 Stat. 1264.)

879. Participation of land bank in consolidated issue as dependent on assumption of liability respecting loan bonds.—Every Federal land bank, before participation in a consolidated issue, as herein provided, shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on Federal farm loan bonds as provided in section 873 and be bound by the action of the farm loan commissioner and the secretary of the Federal Farm Loan Board in executing the same. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

880. Certificate of farm loan commissioner.—Every farm loan bond issued hereunder shall contain on the face thereof a certificate signed by the farm loan commissioner to the effect that it is issued under the authority of this chapter, has the approval in form and issue of the Federal Farm Loan Board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security consisting of obligations of the United States Government, or indorsed first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

881. Prerequisites to participation of land bank in consolidated issue; payment of bonds and coupons.—When any Federal land bank shall desire to participate in a consolidated issue of farm loan bonds it shall make application to the Federal Farm Loan Board for the approval on its behalf of such issue and tender to the registrar approved farm mortgages, or obligations of the United States Government, as security therefor, and no banks shall participate in such consolidated issue until such application has been approved by the Federal Farm Loan Board. Each bank shall pay when due, without notice, all bonds and coupons issued on its behalf hereunder. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

882. Failure to pay proportion of interest or principal of consolidated issue; liability of participating banks.—If any Federal land bank shall fail to pay its proportion of interest or principal as prescribed in section 881, the Federal Farm

Loan Board shall immediately call upon the other Federal land banks for the amount necessary to make said payment, the assessments to be made in proportion to the capital stock of each, which assessments shall be forthwith paid by said banks. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1264.)

883. Bond committee.—The presidents of the twelve Federal land banks shall constitute the bond committee of the Federal land banks and shall select a chairman from among their number. The vice president may act in place of the president on the president's request or in case he fails to act. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

884. Duties of bond committee as to issue of consolidated bonds.—When an issue of consolidated bonds is contemplated, the bond committee shall determine the amount of such issue, the rate of interest which it is to bear, and the participation of the several banks therein, and submit their recommendations to the Federal Farm Loan Board for approval. When approved by the Federal Farm Loan Board the bonds shall be executed by the farm loan commissioner and the secretary of the Federal Farm Loan Board, as herein provided. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

885. Expenses of bond committee and bond sale.—The expenses of the bond committee and of the sale of bonds shall be charged against the several land banks in proportion to their participation in the proceeds. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

886. Compensation of members of bond committee.—The presidents of the Federal land banks shall receive no additional compensation for their services as members of the bond committee, but shall be paid necessary traveling expenses. (Mar. 4, 1923, c. 252, Title III, § 308, 42 Stat. 1476.)

APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS

891. Payments upon mortgages pledged as collateral for loan bond issue; application of payments; cancellation of mortgages.—Whenever any Federal land bank, or joint stock land bank, shall receive any interest, amortization or other payments upon any first mortgage or bond pledged as collateral security for the issue of farm loan bonds, it shall forthwith notify the farm loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record and transmit such canceled mortgage to the original maker thereof, or his heirs, administrators, executors, or assigns. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

892. Withdrawal of collateral and substitution of other security.—Upon written application by any Federal land bank, or joint stock land bank, to the farm loan registrar, it may be permitted, in the discretion of said registrar, to withdraw any mortgages or bonds pledged as collateral security under this chapter, and to substitute therefor other similar mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

893. Place and mode of payment of loan bonds or interest; cancellation on payment.—Whenever any farm loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal Farm Loan Board, payment of any farm loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

894. Withdrawal of collateral security on surrender of loan bonds.—When any land bank shall surrender to the proper farm loan registrar any farm loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm loan bonds to an amount equal to the farm loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

895. Interest payments on hypothecated first mortgages.—Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm loan bonds as they become due. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

896. Face value of bonds or interest coupons to holders.—Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this chapter, the full face value thereof shall be paid to the holder. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

897. Payments on principal of first mortgages held as collateral as constituting trust fund.—Amortization and other payments on the principal of first mortgages held by a farm loan registrar as collateral security for the issue of farm loan bonds shall constitute a trust fund in the hands of the Federal land bank or joint stock land bank receiving the same, and shall be applied or employed as follows:

In the case of a Federal land bank—

(a) To pay off farm loan bonds issued by or in behalf of said bank as they mature.

(b) To purchase at or below par Federal farm loan bonds.

(c) To loan on first mortgages on farm lands within the land bank district, qualified under this chapter as collateral security for an issue of farm loan bonds.

(d) To purchase United States Government bonds.

In the case of a joint stock land bank—

(a) To pay off farm loan bonds issued by said bank as they mature.

(b) To purchase at or below par farm loan bonds.

(c) To loan on first mortgages qualified under sections 811–821 of this chapter.

(d) To purchase United States Government bonds. (July 17, 1916, c. 245, § 22, 39 Stat. 378; Mar. 4, 1923, c. 252, Title III, § 309, 42 Stat. 1477.)

898. Deposit of trust fund with registrars as substituted collateral security.—The farm loan bonds, first mortgages, United States Government bonds, or cash constituting the trust fund provided for in the preceding section, shall be forthwith deposited with the farm loan registrar as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

899. Notice to registrars of disposition of payments on principal of mortgages.—Every Federal land bank, or joint-stock land bank, shall notify the farm loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm loan bonds, and said registrar is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid. (July 17, 1916, c. 245, § 22, 39 Stat. 378.)

RESERVES AND DIVIDENDS OF LAND BANKS

901. Amount carried to reserve account; making good impairment; debit to reserve account.—Every Federal land bank,

and every joint-stock land bank, shall semiannually carry to reserve account 25 per centum of its net earnings until said reserve account shall show a credit balance equal to 20 per centum of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per centum shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per centum of the outstanding capital stock, 5 per centum of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account. (July 17, 1916, c. 245, § 23, 39 Stat. 379.)

902. Dividends on balance of net earnings; investment of reserves.—After deducting the 25 per centum or the 5 per centum hereinbefore directed to be deducted for credit to reserve account, any Federal land bank or joint-stock land bank may declare a dividend to shareholders of the whole or any part of the balance of its net earnings. The reserves of land banks shall be invested in accordance with rules and regulations to be prescribed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 23, 39 Stat. 379.)

RESERVE AND DIVIDENDS OF NATIONAL FARM LOAN ASSOCIATIONS

911. Reserves; amount.—Every national farm loan association shall, out of its net earnings, semiannually carry to reserve account a sum not less than 10 per centum of such net earnings until said reserve account shall show a credit balance equal to 20 per centum of the outstanding capital stock of said association. (July 17, 1916, c. 245, § 24, 39 Stat. 379.)

912. Making good impairment of reserve.—Whenever the reserve provided for in the preceding section shall have been impaired, said credit balance of 20 per centum shall be fully restored before any dividends are paid. After said reserve has reached said sum of 20 per centum, 2 per centum of the net earnings shall be annually added thereto. (July 17, 1916, c. 245, § 24, 39 Stat. 379.)

913. Dividends on balance of net earnings.—After deducting the 10 per centum or the 2 per centum hereinbefore directed to be credited to reserve account, said association may, at its discretion, declare a dividend to shareholders of the whole or any part of the balance of said net earnings. (July 17, 1916, c. 245, § 24, 39 Stat. 379.)

914. Investment of reserves.—The reserves of farm loan associations shall be invested in accordance with rules and regulations to be prescribed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 24, 39 Stat. 379.)

915. Disposition of reserve on liquidation.—Whenever any farm loan association shall be voluntarily liquidated a sum equal to its reserve account as herein required shall be paid to and become the property of the Federal land bank in which such loan association may be a shareholder. (July 17, 1916, c. 245, § 24, 39 Stat. 379.)

DEFAULTED FARM LOANS

921. Notice to associations or agents of default under mortgage; making good.—If there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this chapter, the National Farm Loan Association through which said mortgage was received by said Federal land bank shall be notified of said default. Said association may thereupon be required, within thirty days after such notice, to make good such default, either by the payment of the amount unpaid thereon in cash or by the substitution of an equal amount of Federal farm loan bonds, with all unmatured coupons attached. (July 17, 1916, c. 245, § 25, 39 Stat. 380; Mar. 4, 1923, c. 252, Title III, § 310, 42 Stat. 1477.)

EXEMPTION FROM TAXATION

931. Land banks and loan associations; exemption from taxation; exceptions; first mortgages and bonds as instrumentalities of Government.—Every Federal land bank and every national farm loan association, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 761 and section 781 of this chapter. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm loan bonds issued under the provisions of this chapter, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation. (July 17, 1916, c. 245, § 26, 39 Stat. 380.)

932. Shares in joint stock banks included in valuation of personalty for State taxation.—Nothing herein shall prevent the shares in any joint-stock land bank from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the bank is located; but such assessment and taxation shall be in manner and subject to the conditions and limitations contained in section 548 with reference to the shares of national banking associations. (July 17, 1916, c. 245, § 26, 39 Stat. 380.)

933. Real property subject to taxation.—Nothing herein shall be construed to exempt the real property of Federal and joint-stock land banks and national farm loan associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed. (July 17, 1916, c. 245, § 26, 39 Stat. 380.)

INVESTMENT IN FARM LOAN BONDS

941. Fiduciary and trust funds; security for public deposits.—Farm loan bonds issued under the provisions of this chapter by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits. (July 17, 1916, c. 245, § 27, 39 Stat. 380.)

942. Buying and selling by member banks of Federal reserve system.—Any member bank of the Federal reserve system may buy and sell farm loan bonds issued under the authority of this chapter. (July 17, 1916, c. 245, § 27, 39 Stat. 380.)

943. Buying and selling by reserve banks.—Any Federal reserve bank may buy and sell farm loan bonds issued under this chapter to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under subsection (b) of section 355. (July 17, 1916, c. 245, § 27, 39 Stat. 380.)

EXAMINATIONS

951. Land bank examiners; appointment; number.—The Federal Farm Loan Board shall appoint as many land bank examiners as in its judgment may be required to make careful examinations of the banks and associations permitted to do business under this chapter. (July 17, 1916, c. 245, § 28, 39 Stat. 381.)

952. Powers, duties, liabilities, and penalties; examinations; reports.—Land bank examiners shall be subject to the same requirements, responsibilities and penalties as are applicable to national bank examiners. Whenever directed by the Federal Farm Loan Board, said examiners shall examine the condition of any national farm loan association and report the same to the farm loan commissioner. They shall examine and report the condition of every Federal land bank and joint-stock

land bank at least twice each year. (July 17, 1916, c. 245, § 28, 39 Stat. 381.)

953. Salaries of examiners.—Land bank examiners shall receive salaries to be fixed by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 28, 39 Stat. 381.)

DISSOLUTION AND APPOINTMENT OF RECEIVERS

961. Insolvency of farm loan associations; receivers; powers and duties.—Upon receiving satisfactory evidence that any national farm loan association has failed to meet its outstanding obligations of any description the Federal Farm Loan Board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper: *Provided*, That no national farm loan association shall be declared insolvent by said board until the total amount of defaults of current interest and amortization installments on loans indorsed by national farm loan associations shall amount to at least $150,000 in the Federal land bank district, unless such association shall have been in default for a period of two years. Such receiver, under the direction of the Federal Farm Loan Board, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal Farm Loan Board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as the Federal Farm Loan Board or said court shall direct. (July 17, 1916, c. 245, § 29, 39 Stat. 381.)

962. Disposition of moneys collected by receiver; reports.—Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal Farm Loan Board, and also make report to said board of all his acts and proceedings. The Secretary of the Treasury shall have authority to deposit at interest any money so received. (July 17, 1916, c. 245, § 29, 39 Stat. 381.)

963. Insolvency of land banks; receivers; powers and duties.—Upon default of any obligation, Federal land banks and joint stock land banks may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, and proceedings shall thereupon be had in accordance with the provisions of this section regarding national farm loan associations. (July 17, 1916, c. 245, § 29, 39 Stat. 381.)

964. Insolvency of farm loan associations; cancellation of stock held in land banks; application of payments on stock; reduction of stock of land banks.—If any national farm loan association shall be declared insolvent and a receiver shall be appointed therefor by the Federal Farm Loan Board, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability and all payments on such stock, with accrued dividends, if any, since the date of the last dividend shall be first applied to all debts of the insolvent farm loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm loan association: *Provided*, That in estimating said debts contingent liabilities incurred by national farm loan associations under the provisions of this chapter on account of default of principal or interest of indorsed mortgages shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the Federal Farm Loan Board, and if said receiver and said land bank can not agree, then by the decision of the farm loan commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due said national farm loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced, the board of directors shall cause to be executed a certificate to the Federal Farm Loan Board, showing such reduction of capital stock, and, if said reduction shall be due to the insolvency of a national farm loan association, the amount repaid to such association. (July 17, 1916, c. 245, § 29, 39 Stat. 381.)

965. Voluntary liquidation; consent of Farm Loan Board; consolidation of farm loan associations.—No national farm loan association, Federal land bank or joint stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board, but national farm loan associations may consolidate under rules and regulations promulgated by the Federal Farm Loan Board. (July 17, 1916, c. 245, § 29, 39 Stat. 381.)

966. Liquidation of farm loan associations; cancellation of stock and issue of new stock to borrowers; personal liability of stockholders.—Upon liquidation of any national farm loan association, the stock in the Federal land bank held by such association shall be canceled and the Federal land bank shall thereupon issue to the borrowers through such association an amount of stock in the Federal land bank equal to the amount of stock held by such borrowers in the liquidated association, such stock to be held by the bank as collateral to the loans of such borrowers and to be paid off and retired at par in the same manner as stock held by borrowers in farm loan associations, and the Federal land bank shall pay to the borrowers holding such stock the same dividends as are paid to national farm loan associations by such bank. The personal liability of the stockholders in such liquidated association to the association shall survive such liquidation and shall be vested in the bank in that district, which may enforce the same as fully as the association could if in existence. (Mar. 4, 1923, c. 252, Title III, § 311, 42 Stat. 1478.)

STATE LEGISLATION IMPAIRING SECURITY OF FARM LOANS

971. Examination of State laws as to conveying and recordation.—It shall be the duty of the farm loan commissioner to make examination of the laws of every State of the United States and to inform the Federal Farm Loan Board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loans secured by any such mortgages. (July 17, 1916, c. 245, § 30, 39 Stat. 382.)

972. First mortgages as basis of issue of bonds; assistance in examinations.—Pending the making of such examination in the case of any State, the Federal Farm Loan Board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this chapter, said Federal Farm Loan Board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary. (July 17, 1916, c. 245, § 30, 39 Stat. 382.)

973. Statement by Loan Board; noncompliance of State laws with requirements of board.—At the request of the executive of any State the Federal Farm Loan Board shall pre-

pare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State. (July 17, 1916, c. 245, § 30, 39 Stat. 382.)

PENALTIES

981. False statements in applications for loans; willful overvaluation of land; acceptance of loan or gratuity by examiners.—Any applicant for a loan under this chapter who shall knowingly make any false statement in his application for such loan, and any member of a loan committee or any appraiser provided for in this chapter who shall willfully overvalue any land offered as security for loans under this chapter, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both. Any examiner appointed under this chapter who shall accept a loan or gratuity from any land bank or national farm loan association examined by him, or from any person connected with any such bank or association in any capacity, shall be punished by a fine of not exceeding $5,000, or by imprisonment not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this chapter. No examiner, while holding such office, shall perform any other service for compensation for any bank or banking or loan association, or for any person connected therewith in any capacity. (July 17, 1916, c. 245, § 31, 39 Stat. 382.)

982. Falsely making, forging, or counterfeiting bonds or coupons; passing false bonds or coupons; falsely altering.—Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any land bank or national farm loan association, now or hereafter authorized and acting under the laws of the United States; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both. (July 17, 1916, c. 245, § 31 Stat. 382.)

983. Charging or receiving unauthorized fee or commission; disclosing names of borrowers.—Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm loan association, a Federal land bank, or a joint-stock land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank organized under this chapter shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No land bank or national farm loan association organized under this chapter shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm loan association or land bank without first having obtained express permission in writing from the farm loan commissioner or from the board of directors of such association or bank, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both. (July 17, 1916, c. 245, § 31, 39 Stat. 382.)

984. Fraud and embezzlement.—Any person connected in any capacity with any national farm loan association, Federal land bank, or joint stock land bank, who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree thereof, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a national farm loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both. (July 17, 1916, c. 245, § 31, 39 Stat. 382.)

985. False pretenses as to character of bonds or coupons.—Any person who shall deceive, defraud, or impose upon, or who shall attempt to deceive, defraud, or impose upon, any person, firm, or corporation by making any false pretense or representation regarding the character, issue, security, or terms of any farm loan bond, or coupon, issued under the terms of this chapter; or by falsely pretending or representing that any farm loan bond, or coupon, issued under the terms of this chapter by one class of land banks is a farm loan bond, or coupon, issued by another class of banks; or by falsely pretending or representing that any farm loan bond, or coupon, issued under the terms of this chapter, or anything contained in said farm loan bond, or coupon, is anything other than, or different from, what it purports to be on the face of said bond or coupon, shall be fined not exceeding $500 or imprisoned not exceeding one year, or both. (July 17, 1916, c. 245, § 31, 39 Stat. 382.)

986. Arrest of violators of act.—The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction, any person or persons violating any of the provisions of this section. (July 17, 1916, c. 245, § 31, 39 Stat. 382.)

GOVERNMENT DEPOSITS IN LAND BANKS

991. Government deposits in land banks authorized; purchase of farm loan bonds by Secretary of Treasury; continuance of temporary organization of land banks.—The Secretary of the Treasury is authorized in his discretion, upon the request of the Federal Farm Loan Board, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918,

and June 30, 1919, respectively, to purchase at par and accrued interest with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm loan bonds issued by such bank.

Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase at par and accrued interest for the purpose of redemption or resale any bonds so purchased from it and held in the Treasury.

The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the termination of the pending war, shall upon thirty days' notice from the Secretary of the Treasury be redeemed or repurchased by such bank at par and accrued interest.

The temporary organization of any Federal land bank as provided in sections 671–683 shall be continued so long as any farm loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm loan associations shall equal the amount of stock held in such bank by the Government of the United States.

Until such time as the aggregate paid-in capital stock of the twelve Federal land banks shall be $50,000,000, or more, the Secretary of the Treasury may in his discretion make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same, within fifteen days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the twelve Federal land banks on the last day of the preceding month, and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per centum per annum the rate borne by the last bond issue of the land bank receiving such deposits. (July 17, 1916, c. 245, § 32, 39 Stat. 384; Jan. 18, 1918, c. 9, § 1, 40 Stat. 431; July 1, 1921, c. 39, 42 Stat. 105.)

ORGANIZATION EXPENSES

1001. Appropriation for expenses.—The sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal Farm Loan Board, for the purpose of carrying into effect the provisions of this chapter, including the rent and equipment of necessary offices. (July 17, 1916, c. 245, § 33, 39 Stat. 384.)

LIMITATION OF COURT DECISIONS

1011. Effect of partial invalidity of chapter.—If any clause, sentence, paragraph, or part of this chapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (July 17, 1916, c. 245, § 34, 39 Stat. 384.)

AMENDMENTS TO CHAPTER

1021. Reservation of right to amend.—The right to amend, alter, or repeal this chapter is hereby expressly reserved. (July 17, 1916, c. 245, § 35, 39 Stat. 384.)

Chapter 8.—FEDERAL INTERMEDIATE CREDIT BANKS.

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ORGANIZATION

Section 1021. Charters to intermediate credit banks; number; name.—The Federal Farm Loan Board shall have power to grant charters for twelve institutions to be known and styled as "Federal Intermediate Credit Banks." (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454.)

1022. Location; officers and directors; employees.—Federal Intermediate Credit Banks shall be established in the same cities as the twelve Federal land banks. The officers and directors of the several Federal land banks shall be ex officio officers and directors of the several Federal Intermediate Credit Banks hereby provided for and shall have power to employ and pay all clerks, bookkeepers, accountants and other help necessary to carry on the business authorized by this title. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454.)

1023. Corporate powers; suits by or against.—Each Federal Intermediate Credit Bank shall have all the usual powers of corporations, and shall have power to sue and be sued both in law and equity, and for purposes of jurisdiction shall be deemed a citizen of the State where it is located. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454.)

1024. Fiscal agents for United States.—Federal Intermediate Credit Banks, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and perform such duties as shall be prescribed by the Secretary of the Treasury. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454.)

1025. Insolvency; receivers.—Upon default of any obligation any Federal Intermediate Credit Bank may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, and proceedings shall thereupon be had in accordance with the provisions of sections 961 to 965, inclusive, of this chapter regarding National Farm Loan Associations. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454.)

1026. Application for charters.—The charters to Federal Intermediate Credit Banks shall be granted upon application of the directors of the Federal Land Banks which application shall be in such form as the Federal Farm Loan Board shall prescribe. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454.)

DISCOUNTS AND LOANS

1031. Powers enumerated.—Federal Intermediate Credit Banks, when chartered and established, shall have power, subject solely to such restrictions, limitations, and conditions as may be imposed by the Federal Farm Loan Board not inconsistent with the provisions of this chapter—

(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers, organized under the laws of any State or of the Government of the United States, and/or any other Federal Intermediate Credit Bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock.

(2) To buy or sell, with or without recourse, debentures issued by any other Federal Intermediate Credit Bank; and

(3) To make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products, or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on livestock: *Provided*, That no such loan or advance shall exceed 75 per centum of the market value of the products covered by said warehouse receipts and/or shipping documents, or of the livestock covered by said mortgages. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1454; Mar. 4, 1925, c. 524, § 7, 43 Stat. 1264.)

1032. Purchase or discount of paper from or for national banks, State banks, trust companies, savings institutions, or corporations making loans for agricultural or livestock purposes; limitation upon amount.—No paper shall be purchased from or discounted for any national bank, State bank, trust company, or savings institution under section 1031, if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company or savings institution, whether direct or contingent (other than bona fide deposit liabilities), exceeds the amount of such liability permitted under the laws of the jurisdiction creating the same; or exceeds twice the paid in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under section 1031 be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes or for the raising, breeding, fattening, or marketing of livestock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the amount of such liabilities permitted under the laws of the jurisdiction creating the same; or exceeds ten times the paid in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal Intermediate Credit Bank upon paper discounted or purchased under section 1031, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitations herein contained. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1455.)

1033. Maturity and sale of loans, advances, or discounts.—Loans, advances, or discounts made under section 1031 shall have a maturity at the time they are made or discounted by the Federal Intermediate Credit Bank of not less than six months nor more than three years. Any Federal Intermediate Credit Bank may in its discretion sell loans or discounts made under section 1031 with or without its indorsement. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1455.)

1034. Rates of interest or discount charges; rediscount of paper of other Intermediate Credit Banks.—Rates of interest or discount charged by the Federal Intermediate Credit Banks upon such loans and discounts shall be subject to the approval of the Federal Farm Loan Board. On the majority vote of the members of the Federal Farm Loan Board any Federal Intermediate Credit Bank shall be required to rediscount the discounted paper of any other Federal Intermediate Credit Bank at rates of interest to be fixed by the Federal Farm Loan Board. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1455; Mar. 4, 1925, c. 524, § 7, 43 Stat. 1264.)

ISSUE OF DEBENTURES

1041. Collateral trust debentures or other similar obligations; issue and sale; maturity; security for; amounts.—Federal Intermediate Credit Banks, when chartered and established, shall have power, subject to the approval of the Federal Farm Loan Board, to borrow money and to issue and to sell collateral trust debentures or other similar obligations with a maturity at the time of issue of not more than five years, which shall be secured by at least a like face amount of cash, or notes or other such obligations discounted or purchased or representing loans made under section 1031: *Provided*, That no Federal Intermediate Credit Bank shall have power to issue or obligate itself for debentures or other obligations under the provisions of this section; section 1042 or 1043 in excess of ten times the amount of the paid-up capital and surplus of such bank. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1456.)

1042. Preparation and issue of debentures or other obligations; interest rates.—The provisions of chapter 7 relating to the preparation and issue of farm loan bonds shall, so far as applicable, govern the preparation and issue of debentures or other such obligations issued under this section, section 1041 or 1043; but the Federal Farm Loan Board shall prescribe rules and regulations governing the receipt, custody, substitution, and release of collateral instruments securing such debentures or other obligations, the right of substitution being hereby granted. Rates of interest upon debentures and other such obligations issued under this section, section 1041 or 1043 shall, subject to the approval of the Federal Farm Loan Board, be fixed by the Federal Intermediate Credit Bank making the issue, not exceeding 6 per centum per annum. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1456.)

1043. Liability of United States Government; form and contents of debentures or other obligations.—The United States Government shall assume no liability, direct or indirect, for any debentures or other obligations issued under the two preceding sections and all such debentures and other obligations shall contain conspicuous and appropriate language, to be prescribed in form and substance by the Federal Farm Loan Board and approved by the Secretary of the Treasury, clearly indicating that no such liability is assumed. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1456.)

DISCOUNT RATES

1051. Establishment of discount rates.—Before making any discounts under the provisions of this chapter, each Federal Intermediate Credit Bank shall establish and promulgate a rate of discount to be approved by the Federal Farm Loan Board. Any Federal Intermediate Credit Bank which has made an issue of debentures under the provision of this chapter may thereafter establish, with the approval of the Federal Farm Loan Board a rate of discount not exceeding by more than 1 per centum per annum the rate borne by its last preceding issue of debentures: *Provided*, That the Federal Farm Loan Board may classify loans and debentures according to maturity, and if debentures of different classes sell at a different rate the Federal Intermediate Credit Banks may differentiate in rates on like classes of loans in the same ratio. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1456; Mar. 4, 1925, c. 524, § 2, 43 Stat. 1262.)

1052. Rate of interest charged original borrower on note or obligation discounted.—No organization entitled to the privileges of this title, shall, without the approval of the Federal Farm Loan Board, be allowed to discount with any Federal Intermediate Credit Bank any note or other obligation, upon which the original borrower has been charged a rate of interest exceeding by more than 1½ per centum per annum the discount rate of the Federal Intermediate Credit Bank at the time such loan was made. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1456.)

1053. Purchase by credit banks of debentures or obligations issued by it.—A Federal Intermediate Credit Bank may, subject to the approval of the Federal Farm Loan Board, buy in the open market at or below par for its own account and retire at or before maturity any debentures or obligations issued by it. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1456.)

CAPITAL STOCK

1061. Amount; shares; subscriptions to by United States.—For the purpose of exercising the powers conferred by this chapter, each Federal Intermediate Credit Bank shall have a subscribed capital stock of $5,000,000. Capital stock of such amount shall be divided into shares of $5 each and shall be subscribed, held, and paid by the Government of the United States. It shall be the duty of the Secretary of the Treasury to subscribe to such capital stock on behalf of the United States, such subscription to be subject to call in whole or in part by directors of the said banks upon thirty days' notice to the Secretary of the Treasury and with the approval of the Federal Farm Loan Board. The Secretary of the Treasury is authorized and directed to take out shares as called and to pay for the same out of any money in the Treasury not otherwise appropriated. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1457.)

APPLICATION OF EARNINGS

1062. Apportionment of joint expenses of Federal Land Banks; Joint-Stock Land Banks, and Federal Intermediate Credit Banks; expenses of Federal Farm Loan Bureau apportioned to Credit Banks.—The Federal Farm Loan Board shall equitably apportion the joint salaries and expenses incurred in behalf of the Federal Land Banks, Joint Stock Land Banks, and Federal Intermediate Credit Banks, and shall assess against each Federal Intermediate Credit Bank its proportionate share of the salaries and expenses of the Federal Farm Loan Bureau made necessary in connection with the operation of this provision. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1457; Mar. 4, 1925, c. 524, § 1, 43 Stat. 1262.)

1072. Net earnings; disposition; surplus on insolvency or liquidation.—After all necessary expenses of a Federal Intermediate Credit Bank have been paid or provided for, the net earnings shall be divided into equal parts and one-half thereof shall be paid to the United States and the balance shall be paid into a surplus fund until it shall amount to 100 per centum of the subscribed capital stock of such bank and that thereafter 10 per centum of such earnings shall be paid into the surplus. After the aforesaid requirements have been fully met, the then net earnings shall be paid to the United States as a franchise tax. The net earnings derived by the United States from Federal Intermediate Credit Banks shall, in the discretion of the Secretary of the Treasury, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury. Should a Federal Intermediate Credit Bank be dissolved or go into liquidation, after the payment of all debts and other obligations as hereinbefore provided, any surplus remaining shall be paid to and become the property of the United States and shall be similarly applied. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1457.)

LIABILITY ON DEBENTURES OR OTHER SUCH OBLIGATIONS

1081. Nature of liability.—Any Federal Intermediate Credit Bank issuing debentures or other such obligations under this chapter shall be primarily liable therefor, and shall also be liable, upon presentation of the coupons for interest payments due upon any such debentures or obligations issued by any other Federal Intermediate Credit Bank and remaining unpaid in consequence of the default of the other Federal Intermediate Credit Bank. Any Federal Intermediate Credit Bank shall likewise be liable for such portion of the principal of debentures or obligations so issued as are not paid after the assets of such other Federal Intermediate Credit Bank have been liquidated and distributed. Such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent Federal Intermediate Credit Banks liable therefor in proportion to the amount of capital stock, surplus, and debentures or other such obligations which each may have outstanding at the time of such assessment. Every Federal Intermediate Credit Bank shall, by appropriate action of its

board of directors duly recorded in its minutes, obligate itself to become liable on debentures and other such obligations as provided in this section. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1458.)

EXAMINATIONS AND REPORTS

1091. Confidential information and examinations by Comptroller of Currency for Credit Banks; examination and audit of Credit Banks.—In order to enable each Federal Intermediate Credit Bank to carry out the purpose of this chapter the Comptroller of the Currency is hereby authorized and directed, upon the request of any Federal Intermediate Credit Bank, (1) to furnish for the confidential use of such bank such reports, records, and other information, as he may have available, relating to the financial condition of national banks through or for which the Federal Intermediate Credit Bank has made or contemplates making discounts, and (2) to make through his examiners, for the confidential use of the Federal Intermediate Credit Bank, examinations of organizations through or for which the Federal Intermediate Credit Bank has made or contemplates making discounts or loans: *Provided*, That no such examination shall be made without the consent of such organization except where such examination is required by law: *Provided*, That any organization, except State banks, trust companies and savings associations, shall, as a condition precedent to securing rediscount privileges with the Federal Intermediate Credit Bank of its district, file with such bank its written consent to its examination as may be directed by the Federal Farm Loan Board by land bank examiners; and State banks, trust companies and savings associations may be in like manner required to file their written consent that reports of their examination by constituted authorities may be furnished by such authorities upon request to the Federal Intermediate Credit Bank of their district. Each Federal Intermediate Credit Bank shall be examined and audited at least once each year by the Federal Farm Loan Board, and the results of such examination and audit shall be made public by the board. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1458.)

1092. Reports to Federal Farm Loan Board.—Every Federal Intermediate Credit Bank shall make to the Federal Farm Loan Board not less than three reports during each year as requested by the board and according to the form which may be prescribed by the board, verified by the oath or affirmation of the president, or secretary, or treasurer, of each Federal Intermediate Credit Bank and attested by the signature of at least three of the directors. Each report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the Federal Intermediate Credit Bank at the close of business on any past day specified by the Federal Farm Loan Board within five days from the receipt of a request or requisition therefor from the board, and in the same form in which it is made to the Federal Farm Loan Board shall be published in a newspaper published in the place where such Federal Intermediate Credit Bank is established, or if there is no newspaper in the place, then in the one published nearest thereto, in the same county, at the expense of the bank; and such proof of publication shall be furnished as may be required by the Federal Farm Loan Board. The Federal Farm Loan Board shall also have power to call for special reports from any particular Federal Intermediate Credit Bank whenever in its judgment the same are necessary for a full and complete knowledge of is [its] condition. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1458.)

1093. Investigations and reports by land bank appraisers for Credit Banks.—Land bank appraisers are authorized, upon the request of any Federal Intermediate Credit Bank and with the approval of the Federal Farm Loan Board, to investigate and make a written report upon the products covered by warehouse receipts or shipping documents, and the live stock covered by mortgages, which are security for notes or other such obligations representing any loan to any organization, under this chapter. Land bank examiners are authorized, upon the request of any Federal Intermediate Credit Bank and with the approval of the Federal Farm Loan Board, to examine and make a written report upon the condition of any organization, except national banks, to which the Federal Intermediate Credit Bank contemplates making any such loan. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1458.)

1094. Cost of examinations.—The Federal Farm Loan Board shall assess the cost of all examinations made by the examiners of the board under the provisions of this chapter, upon the bank, trust company, savings institution, or organization investigated, in accordance with the regulations to be prescribed by the board. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1458.)

RULES AND REGULATIONS

1101. Authority of Federal Farm Loan Board.—The Federal Farm Loan Board is authorized to make such rules and regulations, not inconsistent with law, as it deems necessary for the efficient execution of the provisions of this chapter. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

TAX EXEMPTION

1111. Enumeration of exemptions.—The privileges of tax exemption accorded under section 931 shall apply also to each Federal Intermediate Credit Bank, including its capital, reserve, or surplus, and the income derived therefrom, and the debentures issued under this title shall be deemed and held to be instrumentalities of the Government and shall enjoy the same tax exemptions as are accorded farm loan bonds in said section. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

PENALTY PROVISIONS

1121. Enumeration of various acts by officers or employees of Credit Banks made offenses; punishment.—Any officer, director, agent, or employee of a Federal Intermediate Credit Bank who embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or credits of such bank, or who, without authority from such bank, draws any order or bill of exchange, makes any acceptance, issues, puts forth, or assigns any note, debenture, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such bank with intent in any case to injure or defraud such bank or any other company or person, or to deceive any officer of such bank or the Federal Farm Loan Board, or any agent or examiner appointed to examine the affairs of such bank; and every receiver of such bank who with like intent to defraud or injure embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of such bank, and every person who with like intent aids or abets any officer, director, agent, employee, or receiver in any violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States, shall be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, at the discretion of the court. (Mar. 4, 1923, c. 22, Title I, § 2, 42 Stat. 1459.)

1122. False statements to Credit Banks; punishment.—Whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance, or extension or renewal of an advance, or any release or substitution of security from such bank, or for the purpose of influencing in any other way the action of such bank, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than

five years, or both. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1123. Overvaluation of property offered as security; punishment.—Whoever willfully overvalues any property offered as security for any such advance shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1124. Offenses by examiners; punishment.—Any examiner appointed under chapters 7 and 8 who shall accept a loan or gratuity from any organization examined by him, or from any person connected with any such organization in any capacity, or who shall disclose the names of borrowers to other than the proper officers of such organization, without first having obtained express permission in writing from the Farm Loan Commissioner or from the board of directors of such organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or of either House thereof, or any committee of Congress or of either House duly authorized, shall be punished by a fine of not exceeding $5,000 or by imprisonment of not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of chapters 7 and 8. No examiner while holding such office shall perform any other service for compensation for any bank or banking or loan association or for any person connected therewith in any capacity. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1125. Taking of fees and gifts by officers and employees; punishment.—Whoever, being an officer, director, employee, agent or attorney of a Federal Intermediate Credit Bank, stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value, from any person, firm, or corporation for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation any loan from any such corporation or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such corporation, shall be deemed guilty of a misdemeanor and shall upon conviction thereof be imprisoned for not more than one year and fined not more than $5,000, or both. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1126. Forgery and like offenses relating to obligations of Credit Banks; punishment.—Any person who shall falsely make, forge, or counterfeit or cause or procure to be falsely made, forged, or counterfeited or willingly aid or assist in falsely making, forging, or counterfeiting any debenture, coupon, or other obligation in imitation of or purporting to be in imitation of the debenture, coupon, or other obligation issued by any Federal Intermediate Credit Bank, or any person who shall pass, utter, or publish or attempt to pass, utter, or publish any false, forged, or counterfeited, debenture, coupon, or other obligation purporting to be issued by any such bank knowing the same to be falsely made, forged, or counterfeited, or any person who shall falsely alter or cause or procure to be falsely altered or shall willingly aid or assist in falsely altering any such debenture, coupon, or other obligation or who shall pass, utter, or publish as true any falsely altered or spurious debenture, coupon, or other obligation issued or purporting to have been issued by any such bank knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not to exceed five years, or both. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1127. False representations as to debentures or other obligations issued by credit corporations; punishment.—Any person who shall deceive, defraud, or impose upon or who shall attempt to deceive, defraud, or impose upon any person, partnership, corporation, or association by making any false pretense or representation concerning the character, issue, security, contents, conditions, or terms of any debenture, coupon, or other obligation issued under the terms of this chapter, shall be fined not exceeding $500, or imprisoned not to exceed one year, or both. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1128. Unlawful use of words "Federal Intermediate Credit Bank"; punishment.—All corporations not organized under the provisions of this chapter are prohibited from using the words "Federal Intermediate Credit Bank" as part of their corporate name, and any violation of this prohibition shall subject the party charged therewith to a civil penalty of $50 for each day during which the violation continues. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1459.)

1129. Taking of unauthorized fees, commissions, or other consideration by credit banks.—No Federal Intermediate Credit Bank shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. (Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1461.)

Chapter 9.—NATIONAL AGRICULTURAL CREDIT CORPORATIONS.

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FORMATION

Section 1151. Purpose; incorporators; articles of association; signing and filing.—Corporations for the purpose of providing credit facilities for the agricultural and livestock industries of the United States, to be known as National Agricultural Credit Corporations, may be formed by any number of natural persons not less in any case than five. Such persons shall enter into articles of association which shall specify the object for which the corporation is formed. Such articles of association shall be signed by the persons intending to participate in the organization of the corporation and be forwarded to the Comptroller of the Currency to be filed and preserved in his office. (Mar. 4, 1923, c. 252, Title II, § 201, 42 Stat. 1461.)

REQUISITES OF ARTICLES AND CERTIFICATE

1161. Organization certificate; contents.—Persons signing such articles of association shall make an organization certificate which shall specifically state the name of the corporation to be organized, the place where its office is to be located, the State or States in which its operations are to be carried on, the amount of its capital stock, and the number of shares into which the same shall be divided, and that the certificate is made to enable the subscribers to avail themselves of the advantages of this chapter. (Mar. 4, 1923, c. 252, Title II, § 201, 42 Stat. 1466.)

1162. Name of corporation.—The name of each corporation organized under this chapter shall include the words "National Agricultural Credit Corporation." (Mar. 4, 1923, c. 252, Title II, § 201, 42 Stat. 1461.)

1163. Acknowledgment of organization certificate and articles of association.—The organization certificate and articles of association shall be acknowledged before some judge of a court of record or notary public and shall, together with the acknowledgment thereof duly authenticated by the seal of such court or notary, be transmitted to the Comptroller of the Currency, who shall file, record, and carefully preserve the same in his office. (Mar. 4, 1923, c. 252, Title II, § 201, 42 Stat. 1461.)

CORPORATE POWERS

1171. Corporate powers in general; directors and officers.—Upon making and filing the articles of association and organization certificate with the Comptroller of the Currency, and when the Comptroller of the Currency has approved the same and issued a written permit to begin business, the corporation shall be and become a body corporate, and shall have power—

(1) To adopt and use a corporate seal.

(2) To have succession for a period of fifty years unless sooner dissolved by the act of shareholders owning two-thirds of its stock or by Act of Congress or unless its charter shall be forfeited for violation of law.

(3) To make contracts.

(4) To sue and be sued, complain and defend in any court of law or equity, and for purposes of jurisdiction shall be deemed a citizen of the State where it is located.

(5) To elect or appoint directors and by its board of directors to appoint such officers and employees as may be deemed proper; to define their authority and duties; to fix their salaries; in its discretion to require bonds of any of them and to fix the penalty thereof; and to dismiss at pleasure any of such officers or employees.

(6) To prescribe by its board of directors by-laws not inconsistent with law or the regulations of the Comptroller of the Currency defining the manner in which its general business may be conducted, its shares of stock be transferred, its directors and officers be elected or appointed, its property transferred, and the privileges granted to it by law be exercised and enjoyed.

(7) To exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this chapter, and such incidental powers as shall be necessary to carry on the business for which it is incorporated, within the limitations prescribed by this chapter, but such corporation shall transact no business except such as is incidental and necessarily preliminary to its organization until authorized in writing by the Comptroller of the Currency to commence business under the provisions of this chapter.

(8) The affairs of each National Agricultural Credit Corporation shall be managed by not less than five directors, who shall be elected by the stockholders at a meeting to be held at any time before the corporation is authorized by the Comptroller of the Currency to commence business, and afterwards at meetings to be held on such day in January of each year as may be provided in the articles of association. The directors so elected shall hold office for one year, and until their successors are elected and have qualified. Every director and other officer of the corporation shall, before entering upon the duties of his office, take and subscribe an oath before a notary public or other official having a seal and authorized to administer oaths, conditioned for the faithful performance of the duties of his office. Such oath shall be in such form as may be prescribed by the Comptroller of the Currency, and shall be filed in the

office of the Comptroller of the Currency. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. (Mar. 4, 1923, c. 252, Title II, § 202, 42 Stat. 1461.)

1172. Additional powers under regulation of Comptroller.—Each National Agricultural Credit Corporation shall have power, under such rules and regulations as the Comptroller of the Currency may prescribe—

(1) To make advances upon, to discount, rediscount, or purchase, and to sell or negotiate, with or without its indorsement or guaranty, notes, drafts, or bills of exchange, and to accept drafts or bills of exchange, which—

(A) Are issued or drawn for an agricultural purpose, or the proceeds of which have been or are to be used for an agricultural purpose;

(B) Have a maturity, at the time of discount, purchase, or acceptance, not exceeding nine months; and

(C) Are secured at the time of discount, purchase, or acceptance by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, or by chattel mortgages or other like instruments conferring a first and paramount lien upon livestock which is being fattened for market.

(2) To make advances upon or to discount, rediscount, or purchase, and to sell or negotiate with or without its indorsement or guaranty, notes secured by chattel mortgages conferring a first and paramount lien upon maturing or breeding livestock or dairy herds, and having a maturity at the time of discount, rediscount, or purchase not exceeding three years.

(3) To subscribe for, acquire, own, buy, sell, and otherwise deal in Treasury certificates of indebtedness, bonds or other obligations of the United States to such extent as its board of directors may determine.

(4) To act, when requested by the Secretary of the Treasury, as fiscal agent of the United States, and to perform such services as the Secretary of the Treasury may require in connection with the issue, sale, redemption or repurchase of bonds, notes, Treasury certificates of indebtedness, or other obligations of the United States.

(5) To purchase, hold, acquire, and dispose of shares of the capital stock of any corporation organized under the provisions of section 1221 of this chapter, in an amount not to exceed at any time 20 per centum of its paid-in and unimpaired capital and surplus.

(6) To purchase, hold, and convey real estate for the following purposes, and for no others:

(A) Such as shall be necessary for its accommodation in the transaction of its business.

(B) Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

(C) Such as shall be conveyed to it in satisfaction of loans or advances made or debts previously contracted in the course of its dealings.

(D) Such as it shall purchase at sales under judgments, decrees, or mortgages held by the corporation or shall purchase to secure debts due to it.

(7) To act as custodian, trustee, or agent for holders of notes, drafts, or bills of exchange sold or negotiated under paragraphs (1) and (2) of subdivision (a) of this section or under sections 1221 and 1222.

(8) To issue, subject to such regulations as the Comptroller of the Currency may prescribe, collateral trust notes or debentures, with a maturity not exceeding three years, and to pledge as security for such notes or debentures any notes, drafts, bills of exchange, or other securities held by the corporation under the terms of this chapter. The regulations of the Comptroller of the Currency may prescribe the form of notes or debentures, and of notes, drafts, bills of exchange, warehouse receipts, chattel mortgages, or other instruments which may be pledged as security therefor, the provisions which may be made with regard to release, substitution, or exchange of such securities, and with regard to protection, supervision, inspection, and reinspection of the agricultural commodities of livestock pledged or mortgaged as security therefor. (Mar. 14, 1923, c. 252, Title II, § 203, 42 Stat. 1462.)

DEBENTURES AND OTHER OBLIGATIONS; LIABILITY; SECURITY

1181. Liability of United States for debentures and other obligations issued by credit corporations.—The United States Government shall assume no liability, direct or indirect, for any debentures or other obligations issued under this chapter, and all such debentures and other obligations shall contain conspicuous and appropriate language, to be prescribed in form and substance by the Comptroller of the Currency and approved by the Secretary of the Treasury, clearly indicating that no such liability is assumed. (Mar. 4, 1923, c. 252, Title II, § 208, 42 Stat. 1462.)

1182. Additional real-estate security for obligations.—Any obligation referred to in paragraphs (1) or (2) of section 1172, which is secured by chattel mortgage upon livestock of an estimated market value at least equal to the face amount of such obligation, may be additionally secured by mortgage or deed of trust upon real estate or by other securities, under such regulations as may be made by the Comptroller of the Currency. (Mar. 4, 1923, c. 252, Title II, § 203, 42 Stat. 1462.)

LIMITATIONS

1191. Restrictions on amount of indebtedness and on advances, etc., to single person; dealings in livestock restricted.—Except as hereinafter provided in section 1222 of this chapter, no National Agricultural Credit Corporation shall incur liabilities, whether direct or contingent, in excess of ten times its paid in and unimpaired capital and surplus; nor shall any such corporation make advances to or hold notes or other direct obligations of any person or corporation, or have outstanding acceptances for any person or corporation, in an amount exceeding 20 per centum of the paid in and unimpaired capital and surplus of such corporation, unless such advances, notes, acceptances, or other obligations are adequately secured by warehouse receipts representing readily marketable and nonperishable agricultural commodities, in which event the amount of such advances to, or notes or other direct obligations of, or acceptances for, such one person, association, or corporation shall not exceed 50 per centum of such paid in and unimpaired capital and surplus. No such corporation shall purchase, own, or deal in any livestock except livestock taken in the course of liquidation of obligations held by it. (Mar. 4, 1923, c. 252, Title II, § 204, 42 Stat. 1464.)

INTEREST RATES

1201. Charges on loans and discounts.—Any National Agricultural Credit Corporation may charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate allowed by the laws of the State in which such corporation is located. (Mar. 4, 1923, c. 252, Title II, § 205, 42 Stat. 1464.)

1202. Exacting unlawful interest.—The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal repre-

sentative, may recover back in an action in the nature of an action for debt twice the amount of the interest thus paid from the corporation taking or receiving the same, provided such action is commenced within two years from the time the usurious interest was collected. (Mar. 4, 1923, c. 252, Title II, § 205, 42 Stat. 1464.)

CAPITAL STOCK

1211. Amount; payment as condition to grant of certificate to do business.—No National Agricultural Credit Corporation shall be permitted to commence business with a paid-in capital of less than $250,000, and no permit to begin business shall be issued to any such corporation by the Comptroller of the Currency until there shall have been filed with him a certificate signed by the president or treasurer and by individuals comprising a majority of the board of directors of such corporation showing that at least 50 per centum of the authorized capital stock of such corporation has been paid in in cash; and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per centum each on the whole amount of the capital, and the entire authorized capital stock shall be paid in within six months from the date upon which such corporation shall be authorized by the Comptroller of the Currency to commence business. The payment of each installment shall be certified to the Comptroller of the Currency under oath by the president or cashier of such corporation. (Mar. 4, 1923, c. 252, Title II, § 206, 42 Stat. 1464.)

1212. Increase or reduction; withdrawal of paid in capital.—The capital stock of any such corporation may be increased at any time with the approval of the Comptroller of the Currency by a vote of two-thirds of the holders of its issued and outstanding capital stock, or by written consent of all of its shareholders without a meeting and without a formal vote; and may be reduced in like manner: *Provided*, That in no event shall such capital stock be reduced to an amount less than one-tenth of its then outstanding indebtedness, direct or contingent, or to an amount less than $250,000, nor without at the same time reducing proportionately outstanding liabilities. No National Agricultural Credit Corporation, except as herein provided, shall withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its paid-in capital, and section 56 prohibiting the payment of unearned dividends or the withdrawal of capital of national banks, shall be held to apply to National Agricultural Credit Corporations. (Mar. 4, 1923, c. 252, Title II, § 206, 42 Stat. 1464.)

1213. Transfer of shares.—The provisions and limitations contained in section 52, relative to transfer of the shares of the capital stock of national banks, shall apply to National Agricultural Credit Corporations. (Mar. 4, 1923, c. 252, Title II, § 206, 42 Stat. 1464.)

1214. Collection of unpaid subscriptions.—Whenever any shareholder or his assign fails, upon demand of the Comptroller of the Currency, to pay his subscription or any part thereof on stock of any National Agricultural Credit Corporation subscribed to by him, the directors of the corporation, after fifteen days' notice, shall proceed in the manner prescribed by section 54 for the collection of unpaid subscriptions to stock of national banks. (Mar. 4, 1923, c. 252, Title II, § 206, 42 Stat. 1464.)

1215. Shareholders voting by proxy.—Section 61, which relates to the right of shareholders of national banks to vote by proxy, shall be held to apply to shareholders of National Agricultural Credit Corporations. (Mar. 4, 1923, c. 252, Title II, § 206, 42 Stat. 1464.)

REDISCOUNT CORPORATIONS

1221. Rediscount powers.—National Agricultural Credit Corporations having an authorized capital stock of $1,000,000 or over may be organized under the provisions of this chapter, to exercise all the powers enumerated in section 1172, except that in lieu of the powers conferred in paragraphs (1) and (2) of such section, such corporations shall have powers—

(1) Upon the indorsement of any National Agricultural Credit Corporation, or of any bank or trust company which is a member of the Federal Reserve System, to rediscount for such corporation, bank, or trust company, notes, drafts, bills of exchange, and acceptances, which conform to the requirements of paragraphs (1) and (2) of section 1172. Such indorsement shall be deemed to be a waiver of demand notice and protest by such corporation as to its own indorsement exclusively.

(2) To discount or purchase notes, drafts, or bills of exchange issued or drawn by cooperative associations of producers of agricultural products, provided such notes, drafts, or bills of exchange are secured at the time of discount or purchase by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, and have a maturity at the time of discount or purchase not exceeding nine months.

(3) To sell or negotiate with or without recourse any note, draft, or bill of exchange discounted or purchased hereunder. (Mar. 4, 1923, c. 252, Title II, § 207, 42 Stat. 1465).

1222. Limitations upon indebtedness.—National Agricultural Credit Corporations organized under the provisions of this section, shall not be subject to the limitations contained in section 1191, but the Comptroller of the Currency may, by general regulations, from time to time prescribe the amount of indebtedness, direct or contingent, which such corporations may incur, and the aggregate amount of paper of different types which such corporations may rediscount for any one corporation. (Mar. 4, 1923, c. 252, Title II, § 207, 42 Stat. 1465.)

1223. Deposit of bonds or securities.—Corporations with powers limited, as provided in this section, shall not be subject to the requirements, as to deposit of bonds or other obligations of the United States, as provided in section 1231 of this chapter. (Mar. 4, 1923, c. 252, Title II, § 207, 42 Stat. 1465.)

PERMIT TO BEGIN BUSINESS

1231. Deposit of bonds or obligations of United States as condition to issue of permit.—No National Agricultural Credit Corporation, except corporations with powers limited as provided in sections 1221 and 1222, shall commence business until it has deposited with the Federal Reserve Bank of the district wherein it has its place of business, bonds or other obligations of the United States in an aggregate face amount at least 25 per centum of its paid-in capital stock. Each such corporation shall at all times keep on deposit with such Federal Reserve Bank an amount of such bonds or other obligations of the United States at least equal in face value to 7½ per centum of the aggregate indebtedness of such corporation, direct or contingent, said amount to include the 25 per centum deposited as hereinbefore by this section provided. Except as hereinafter provided, such bonds or other obligations shall be held by such Federal Reserve Bank, subject to the direction and control of the Comptroller of the Currency, in trust for the equal and pro rata protection and benefit of all holders of notes, debentures, drafts, bills of exchange, or acceptances upon which such corporation may be directly or contingently liable. Upon receipt of proper evidence that the amount of such bonds or other obligations of the United States so deposited exceeds 7½ per centum of such aggregate indebtedness, the Comptroller of the Currency may release such excess, provided that the amount remaining on deposit shall in no event be reduced below 25 per centum of the paid-in capital stock of such corporation. Under such regulations as the Comptroller of the Currency may prescribe, a Federal Reserve Bank may, upon request of the corporation which deposited the same, sell any such bonds or obligations for account of such corporation,

and permit such corporation to use the proceeds thereof for the protection or preservation of any property pledged or mortgaged as security for obligations owned or indorsed by the corporation. If by reason of such sale the face amount of such bonds or other obligations of the United States remaining on deposit with such Federal Reserve Bank shall be less than 7½ per centum of such aggregate indebtedness of the corporation, no further advances shall be made, or notes, drafts, or bills of exchange discounted, rediscounted, accepted, or purchased, by such corporation until sufficient additional bonds or other obligations of the United States have been deposited to make good the deficiency. (Mar. 4, 1923, c. 252, Title II, § 208, 42 Stat. 1466.)

1232. Determination as to grant of permit.—In determining whether to grant permission to do business to any National Agricultural Credit Corporation, the Comptroller of the Currency shall take into account the extent to which the laws of the State or States in which the corporation will do business afford adequate protection to advances made upon the security of warehouse receipts covering agricultural commodities or chattel mortgages upon livestock with respect to (1) bonding, licensing, and inspection of warehouses; (2) recordation of chattel mortgages or deeds of trust on livestock; (3) recordation of brands or other identifying marks on livestock; (4) reporting and recording of interstate shipments and slaughter of livestock; and (5) right of mortgagee to release a portion of the mortgaged property without prejudice to the priority of lien as against junior lienors or other creditors of the mortgagor. (Mar. 4, 1923, c. 252, Title II, § 208, 42 Stat. 1466.)

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

1241. Supervision by Comptroller of Currency.—All National Agricultural Credit Corporations shall be under the supervision of the Comptroller of the Currency, who shall be charged with the execution of all laws of the United States relating to the organization, regulation, and control of such corporations. The Comptroller of the Currency shall exercise the same general power of supervision over such corporations as he exercises over national banks organized under the laws of the United States. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1242. Assessment of credit corporations to pay administration expenses.—The Comptroller of the Currency shall have power to levy semiannually upon the National Agricultural Credit Corporations operating under the provisions of this chapter, in proportion to their total assets, an assessment sufficient to pay the expenses of the administration of this chapter for the ensuing half year, together with any deficit carried forward from the preceding half year. Each such corporation shall pay the amount so assessed against it to the Treasurer of the United States subject to the order of the Comptroller of the Currency to be disbursed by the Comptroller in payment of expenses incurred in the administration of this chapter. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1243. Examiners of National Agricultural Credit Corporations; appointment; compensation; laws applicable.—The Comptroller of the Currency shall have power to appoint and fix the compensation of examiners to examine National Agricultural Credit Corporations or to use national bank examiners for this purpose. All examiners appointed by him shall be subject to existing provisions of law relating to national bank examiners and to the provisions of chapter 3 which prohibit national bank examiners from performing any service for compensation for any bank or officer and from disclosing the names of borrowers or the collateral for loans without obtaining the written consent of the Comptroller of the Currency, and such provisions shall be held to apply to examiners appointed to examine corporations organized under the provisions of this chapter. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1244. Expenses of examinations.—The expense of all of the examinations of National Agricultural Credit Corporations shall be assessed by the Comptroller of the Currency upon the corporations examined in proportion to assets or resources held by the corporations upon the dates of examination of the various corporations: *Provided*, That a minimum charge of $50 shall be made for each such examination. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1245. Loans or gratuities to examiners.—The provisions of chapter 3 which prohibit any member bank from making loans or granting a gratuity to any national bank examiner shall be applicable to National Agricultural Credit Corporations. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1246. Reports to Comptroller of Currency.—National Agricultural Credit Corporations shall be required to make reports to the Comptroller of the Currency at the time and in the manner required by sections 161, 162 and 163, and shall be subject to the provisions, so far as the same may be held by said comptroller to be applicable, of section 164. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1247. Licenses to act as inspectors of livestock as basis for loans; suspension or revocation; false representations as to holding of license.—The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect livestock as a basis for loans. The Secretary of Agriculture may suspend or revoke any license issued by him under this subdivision whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent, or has knowingly or carelessly made false or erroneous inspection reports with respect to any livestock, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has in any other manner shown himself to be unfit to act as a livestock inspector. Pending investigation the Secretary of Agriculture, whenever he deems it necessary, may suspend a license temporarily without a hearing. It shall be unlawful for any person other than a holder of a license duly issued under this subdivision, or any person whose license has been suspended or revoked under the terms of this subdivision, to represent that he is a Federally licensed livestock inspector, and any violation of this provision shall be punishable by a fine of not more than $1,000, or by imprisonment for not more than one year, or both. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1248. False statements in inspection reports.—Any inspector licensed under the provisions of section 1247 who makes any statement in any inspection report or to any person for the purpose of obtaining for himself, or any other person, any advance on the security of the livestock inspected, knowing the same to be false, or who willfully overvalues any security by which an advance is secured, shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than five years, or both. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

1249. Allotment to Department of Agriculture of amounts necessary for administration of functions vested therein.—The Comptroller of the Currency shall allot to the Department of Agriculture from time to time such sums as may be estimated to be necessary for the administration of the functions vested in that department by this chapter, and may ratably assess the same from time to time against National Agricultural credit Corporation. (Mar. 4, 1923, c. 252, Title II, § 209, 42 Stat. 1467.)

BANKS OF FEDERAL RESERVE SYSTEM AS STOCKHOLDERS

1251. Right to file application for stock; discretion of Comptroller of Currency.—Any member bank of the Federal Reserve System may file application with the Comptroller of

the Currency for permission to invest an amount not exceeding in the aggregate 10 per centum of its paid-in capital stock and surplus in the stock of one or more of the National Agricultural Credit Corporations, and upon approval of such application may purchase such stock. The Comptroller of the Currency shall have discretion to approve or reject such application in whole or in part. (Mar. 4, 1923, c. 252, Title II, § 210, 42 Stat. 1469.)

TAXATION

1261. Scope of authority of State to tax.—Taxation by a State of the shares in National Agricultural Credit Corporations, or of dividends derived therefrom, or of the income of said corporations, or real estate owned by them, shall be such only as is or may be authorized by law in the case of national banking associations; and taxation by a State of the debentures or other obligations of such corporations shall not be at a higher rate than the rate applicable to other moneyed capital in the hands of individual citizens thereof. (Mar. 4, 1923, c. 252, Title II, § 211, 42 Stat. 1469.)

DEPOSITS

1271. Deposits in Federal reserve member banks.—The moneys of National Agricultural Credit Corporations may be kept on deposit subject to check in any member bank of the Federal reserve system. (Mar. 4, 1923, c. 252, Title II, § 212, 42 Stat. 1469.)

CONVERSION OF CORPORATIONS

1281. Conversion of State agricultural or livestock financing corporations into National Agricultural Credit Corporations.—Any agricultural or livestock financing corporation incorporated by special law of any State or organized under the general laws of any State and having an unimpaired capital sufficient to entitle it to become a National Agricultural Credit Corporation may, by the vote of the shareholders owning not less than 51 per centum of the capital stock of such corporation, with the approval of the Comptroller of the Currency, be converted into a National Agricultural Credit Corporation under this chapter, with any name approved by the Comptroller of the Currency: *Provided*, That the said conversion shall not be in contravention of the State law. (Mar. 4, 1923, c. 252, Title II, § 213, 42 Stat. 1469.).

1282. Articles of association and organization certificate.—In cases provided for in the preceding section the articles of association and organization certificate may be executed by a majority of the directors of the corporation, and the certificate shall declare that the owners of 51 per centum of the capital stock have authorized the directors to make such certificate and to change or convert the corporation into a National Agricultural Credit Corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a National Agricultural Credit Corporation. The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed. (Mar. 4, 1923, c. 252, Title II, § 213, 42 Stat. 1469.)

1283. Powers, duties, and liabilities of converted corporation.—When the Comptroller of the Currency has given the corporation a certificate that the provisions of this chapter have been complied with, such corporation, and all its stockholders, owners, and employees, shall have the same powers and privileges and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this chapter for corporations originally organized as National Agricultural Credit Corporations. (Mar. 4, 1923, c. 252, Title II, § 213, 42 Stat. 1469.)

CONSOLIDATION OF CORPORATIONS

1291. Procedure for consolidation; capital stock.—Any two or more National Agricultural Credit Corporations, with the approval of the Comptroller of the Currency, may consolidate into one corporation under the charter of either or any of the existing corporations on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each corporation proposing to consolidate, such agreement to be ratified and confirmed by the affirmative vote of the shareholders of each of such corporations owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper published in the place where the said corporation is located, and if no newspaper is published in the place then in a paper published nearest thereto, and after sending such notice to each shareholder of record by registered mail at least ten days prior to said meeting: *Provided*, That the capital stock of such consolidated corporation shall not be less than $250,000 paid in if the corporations consolidated are organized to exercise the powers covered by section 1180, or less than $1,000,000 paid in if the corporations consolidated are those organized under section 1221. (Mar. 4, 1923, c. 252, Title II, § 214, 42 Stat. 1470.)

1292. Dissenting stockholders.—When the consolidation provided for in the preceding section shall have been effected and approved by the Comptroller of the Currency any shareholder of either of the corporations so consolidated who has not voted for such consolidation may give notice to the board of directors of the corporation in which he is interested, within twenty days from the date of the certificate of approval of the Comptroller of the Currency, that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors, and the third by the two so chosen; and in case the value so affixed shall not be satisfactory to the shareholder, he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value affixed by said committee, the corporation shall pay the expense of the reappraisal, otherwise the appellant shall pay said expense; and the value so ascertained and determined shall be deemed to be a debt due and be forthwith paid to said shareholder by said corporation, and the shares so paid shall be surrendered and after due notice sold at public auction within thirty days after the final appraisement provided for by this chapter. (Mar. 4, 1923, c. 252, Title II, § 214, 42 Stat. 1470.)

1293. Effect of consolidation.—Where corporations consolidate under the provisions of this chapter, all of the rights, franchises, and interest of said corporations shall be consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, and shall be deemed to be transferred to and vested in the corporation into which it is consolidated without any deed or other transfer, and the said consolidated corporation shall hold and enjoy the same and all rights of property, franchises, and interest, in the same manner and to the same extent as they were held and enjoyed by the corporations so consolidated therewith. (Mar. 4, 1923, c. 252, Title II, § 214, 42 Stat. 1470.)

INSOLVENCY, RECEIVERSHIP, AND LIQUIDATION

1301. Receiver; appointment; powers.—Whenever any National Agricultural Credit Corporation shall be dissolved and its rights, privileges, and franchises declared forfeited as prescribed in the preceding section, or whenever any creditor of any such corporation shall have obtained a judgment against it in any court of record and made application accompanied by a certificate from the clerk of the court, stating that such judgment has been rendered and has remained unpaid for the space of thirty days or whenever the Comptroller of the Currency shall become satisfied of the insolvency of such corporation, he may, after due examination of its affairs in either case, appoint a receiver who shall proceed to wind up the affairs of such corporation. The receiver so appointed shall exercise the powers and be subject to the restrictions of receivers of national banks; and the Comptroller of the Currency shall have the same powers and duties in connection with the administration of such receivership as he has in reference to the receivership of national banks. (Mar. 4, 1923, c. 252, Title II, § 215, 42 Stat. 1471.)

1302. Shareholders' agents; powers.—Shareholders' agents for shareholders of National Agricultural Credit Corporations may be appointed in the manner prescribed by section 197, and shall have the same general powers and duties and be subject to the same restrictions as shareholders' agents of a national bank. (Mar. 4, 1923, c. 252, Title II, § 215, 42 Stat. 1471.)

1303. Voluntary liquidation.—Any National Agricultural Credit Corporation may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the corporation by its president or cashier to the Comptroller of the Currency and publication thereof to be made for a period of two months in a newspaper published in the city or town in which the corporation is located, or if no newspaper is there published, in the newspaper published nearest thereto, that the corporation is closing up its affairs and notifying the creditors to present their claims against the corporation for payment. All such claims shall be presented to and approved by a liquidating agent to be appointed by the board of directors of such corporation, with the approval of the Comptroller of the Currency, and the affairs of such corporation shall be liquidated by such agent and under the supervision of the Comptroller of the Currency. (Mar. 4, 1923, c. 252, Title II, § 215, 42 Stat. 1471.)

PENALTY PROVISIONS

1311. Enumeration of various acts by officers, agents, or employees; punishment.—Any officer, director, agent, or employee of a National Agricultural Credit Corporation who embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or credits of such corporation, or who, without authority from the directors, draws any order or bill of exchange, makes any acceptance, issues, puts forth, or assigns any note, debenture, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such corporation with intent in any case to injure or defraud such corporation or any other company or person, or to deceive any officer of such corporation or the Comptroller of the Currency, or any agent or examiner appointed to examine the affairs of such corporation; and every receiver of such corporation who with like intent to defraud or injure embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of the corporation, and every person who with like intent aids or abets any officer, director, agent, employee, or receiver in any violation of this section shall be deemed guilty of a misdemeanor, and upon conviction in any district court of the United States, shall be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, at the discretion of the court. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1312. False statements; punishment.—Whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance, or extension or renewal of an advance, or any release or substitution of security, from a National Agricultural Credit Corporation, or for the purpose of influencing in any other way the action of such corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1313. Overvaluation of property offered as security; punishment.—Whoever willfully overvalues any property offered as security for any such advance shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1314. Offenses by examiners; punishment.—Any examiner appointed under this chapter who shall accept a loan or gratuity from any organization examined by him, or from any person connected with any such organization in any capacity, or who shall disclose the names of borrowers to other than the proper officers of such organization, without first having obtained expressed permission in writing from the Comptroller of the Currency or from the board of directors of such organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or of either House thereof, or any committee of Congress or of either House duly authorized, shall be punished by a fine of not exceeding $5,000 or by imprisonment of not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this chapter. No examiner while holding such office shall perform any other service for compensation for any bank or banking or loan association or for any person connected therewith in any capacity. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1315. Taking of fees and gifts by officers; punishment.—Whoever, being an officer, director, employee, agent or attorney of a National Agricultural Credit Corporation stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value from any person, firm, or corporation for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation any loan from any such corporation or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such corporation, shall be deemed guilty of a misdemeanor and upon conviction shall be imprisoned for not more than one year or fined not more than $5,000, or both. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1316. Forgery and like offenses relating to obligations of credit corporations; punishment.—Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any debentures, coupons, or other obligations in imitation of or purporting to be an imitation of the debentures, coupons, or other obligations issued by any National Agricultural Credit Corporation, and any person who shall pass, utter, or publish or attempt to pass, utter, or publish any false, forged, or counterfeited debenture, coupon, and other obligation purporting to be issued by any

such corporation knowing the same to be falsely made, forged, or counterfeited, and any person who shall falsely alter or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such debenture, coupon, or other obligation, or who shall pass, utter, or publish as true any falsely altered or spurious debenture, coupon, or other obligation issued or purporting to have been issued by any such corporation knowing the same to be falsely altered or spurious shall be punished by a fine of not exceeding $5,000 or by imprisonment not to exceed five years, or both. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1317. False representations as to debenture or other obligations issued by credit banks; punishment.—Any person who shall deceive, defraud, or impose upon or who shall attempt to deceive, defraud, or impose upon any person, partnership, corporation, or association by making any false pretense or representation concerning the character, issue, security, contents, conditions, or terms of any debenture, coupon, or other obligation issued under the terms of this chapter, shall upon conviction be fined not exceeding $500, or imprisoned not to exceed one year, or both. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

1318. Unlawful use of words "National Agricultural Credit Corporation"; punishment.—All corporations not organized under the provisions of this chapter are prohibited from using the words "National Agricultural Credit Corporation" as part of their corporate name, and any violation of this prohibition shall subject the party charged therewith to a civil penalty of $50 for each day during which the violation continues. (Mar. 4, 1923, c. 252, Title II, § 216, 42 Stat. 1471.)

PARTIAL INVALIDITY; AMENDMENTS AND REPEALS

1321. Partial invalidity of chapter.—If any clause, sentence, paragraph, or part of this chapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment is rendered. (Mar. 4, 1923, c. 252, Title V, § 507, 42 Stat. 1482.)

1322. Amendment or repeal of chapter.—The right to amend, alter, or repeal the provisions of this chapter is hereby expressly reserved. (Mar. 4, 1923, c. 252, Title II, § 217, 42 Stat. 1473.)

BEES

See Title 7, AGRICULTURE.

BELLEAU WOOD MEMORIAL ASSOCIATION

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

BILLS OF LADING

See Title 49, TRANSPORTATION.

BIRDS

See Title 16, CONSERVATION.

BOILER INSPECTION

See Title 33, NAVIGATION AND NAVIGABLE WATERS; Title 45, RAILROADS.

BONDED WAREHOUSES

See Title 19, CUSTOMS DUTIES; Title 26, INTERNAL REVENUE.

BONDS

See Title 6, OFFICIAL AND PENAL BONDS.

BONUS

See Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

BOUNTY LANDS

See Title 43, PUBLIC LANDS.

BOY SCOUTS OF AMERICA

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

BRANDS AND MARKS

See Title 15, COMMERCE AND TRADE; Title 21, FOOD AND DRUGS.

BUDGET

See Title 31, MONEY AND FINANCE.

BUILDINGS

See Title 40, PUBLIC BUILDINGS, PROPERTY, AND GROUNDS.

BUREAU OF DAIRYING

See Chapter 17 of Title 7, AGRICULTURE.

BUREAU OF ENGRAVING AND PRINTING

See Title 31, MONEY AND FINANCE.

BUREAU OF FISHERIES

See Title 16, CONSERVATION.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

See Title 15, COMMERCE AND TRADE.

BUREAU OF IMMIGRATION

See Title 8, ALIENS AND CITIZENSHIP.

BUREAU OF INSULAR AFFAIRS

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

BUREAU OF LABOR STATISTICS

See Title 29, LABOR.

BUREAU OF MINES

See Title 30, MINERAL LANDS AND MINING.

BUREAU OF NAVIGATION

See Title 46, SHIPPING.

BUREAU OF STANDARDS

See Title 15, COMMERCE AND TRADE.

BUREAU OF THE MINT

See Title 31, MONEY AND FINANCE.

CANALS

Wages on canal boats; see Title 46, SHIPPING.

CANAL ZONE

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

CAPITAL

See Title 4, FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES.

CAPITOL

See Title 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS.

CARRIERS

See Title 46, SHIPPING; Title 49, TRANSPORTATION.

CEMETERIES

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

TITLE 13.—CENSUS

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Chapter 1.—BUREAU OF THE CENSUS.

Sec.
1. Permanent establishment.
2. Director of the Census; duties.
3. Duties as to Official Register.
4. Printing and distribution of bulletins, etc.
5. Civil service; preferences.
6. Citizenship of employees.
7. Division of Cotton and Tobacco Statistics.
8. Copies of old records for States or cities.

Section 1. Permanent establishment.—The Census Office temporarily established in the Department of the Interior in accordance with an Act entitled "An Act to provide for taking the twelfth and subsequent censuses," approved March 3, 1899, is made a permanent office. (Mar. 6, 1902, c. 139, § 1, 32 Stat. 51.)

2. Director of the Census; duties.—The permanent Census Office shall be in charge of a Director of the Census, appointed by the President, by and with the advice and consent of the Senate. It shall be his duty to superintend and direct the taking of censuses of the United States and to perform such other duties as may be imposed upon him by law. (Mar. 6, 1902, c. 139, § 3, 32 Stat. 51.)

3. Duties as to Official Register.—The Director of the Census shall cause to be compiled, edited, indexed and published, on or before the first Monday in October of each year an Official Register of the United States which shall contain a full and complete list of all persons occupying administrative and supervisory positions in each executive and judicial department of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The Register shall show the name; official title; salary, compensation and emoluments; legal residence and place of employment for each person listed therein: *Provided, however*, That the Official Register shall not contain the name of any postmaster, assistant postmaster or officer of the Army, Navy and Marine Corps.

To enable the Director of the Census to compile and publish the Official Register of the United States, the Executive Office, the judiciary, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment and commission of the Government shall, as of the 1st day of July of each year, supply to the Director of the Census the data required by this section, upon forms approved and furnished by him, in due time to permit the publication of the Official Register as herein provided; and no extra compensation shall be allowed to any officer, clerk, or employee of the Bureau of the Census for compiling the Official Register. (Mar. 6, 1902, c. 139, § 7, 32 Stat. 52; June 7, 1906, c. 3048, 34 Stat. 219; Mar. 3, 1925, c. 421, § 2 (a, b), 43 Stat. 1105.)

4. Printing and distribution of bulletins, etc.—The Director of the Census is authorized and directed to have printed, published, and distributed, from time to time, bulletins and reports of the preliminary and other results of the various investigations authorized by law; and all of said printing and binding shall be done by the Public Printer at the Government Printing Office. (Mar. 6, 1902, c. 139, § 11, 32 Stat. 53.)

5. Civil service; preferences.—All employees of the Census Office, except unskilled laborers, are placed under the provisions of sections 632, 633, 635, 637, 638, 640, 641 and 642 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES, and the rules established thereunder. Persons who have served as soldiers in any war in which the United States may have been engaged, who have been honorably discharged from the service of the United States and the widows of such soldiers, shall have preference in the matter of employment. All new appointments to the permanent clerical force in the Census Office shall be made in accordance with the requirements of sections 632, 633, 635, 637, 638, 640, 641 and 642 aforesaid. (Mar. 6, 1902, c. 139, § 5, 32 Stat. 51.)

6. Citizenship of employees.—All employees of the Census Office shall be citizens of the United States. (Mar. 6, 1902, c. 139, § 10, 32 Stat. 53.)

7. Division of Cotton and Tobacco Statistics.—There shall be in the official organization of the bureau a separate, distinct, and independent division called the Division of Cotton and Tobacco Statistics. (May 10, 1916, c. 117, § 1, 39 Stat. 110.)

8. Copies of old records for States or cities.—The Director of the Census is authorized, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish such governor or municipal officer with copies of so much of the files or records of the eleven decennial enumerations from 1790 to 1890, inclusive, as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States, to be placed to the credit of and in addition to the appropriation made for the taking of the census. (Jan. 12, 1903, c. 90, 32 Stat. 767.)

Chapter 2.—THE DECENNIAL CENSUS.

Sec.
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22. Decennial census period.
23. Employees during census period; appointment and preferences.
24. Duties of additional employees; disbursing clerk.
25. Compensation on piece-price basis.
26. Examination and selection of employees; transfers.
27. Scope of decennial census; statistics; by whom collected.
28. Designation of supervisors and districts; vacancies.
29. Duties of supervisors; enumerators.
30. Compensation of supervisors; allowances.
31. Duties of enumerator; commission.
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35. Interpreters.
36. Compensation of enumerators; expenses.
37. Residence of supervisors and enumerators.
38. Payment for services on death of supervisor or enumerator.
39. Special agents; appointment, duties, compensation, and allowances.
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43. Receiving compensation for appointment; penalty.
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45. Duty to furnish correct information; penalty.
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48. Restriction on use of information.
49. Enforcement of fines and penalties.
50. Authorization of expenditures for expenses.
51. Printing or publishing.
52. Information from other departments.
53. Additional census of agriculture and livestock.
54. Additional statistics of manufactured products.
55. Copies of returns, data, etc., for States, courts and others.

Section 21. Time and place of taking.—A census of the population, agriculture, manufactures, forestry and forest products, and mines and quarries of the United States shall be taken by the Director of the Census in the year 1920 and every ten years thereafter. The census provided for in this section shall include each State, the District of Columbia, Alaska, Hawaii, and Porto Rico. A census of Guam and Samoa shall be taken in the same year by the respective governors of said islands and a census of the Panama Canal Zone by the Governor of the Canal Zone in accordance with plans prescribed or approved by the Director of the Census. (Mar. 3, 1919, c. 97, § 1, 40 Stat. 1291.)

22. Decennial census period.—The period of three years beginning the 1st day of July next preceding the census provided for in the foregoing section shall be known as the decennial census period, and the reports upon the inquiries provided for in said section shall be completed and published within such period. (Mar. 3, 1919, c. 97, § 2, 40 Stat. 1292.)

23. Employees during census period; appointment and preferences.—During the decennial census period, and no longer, there may be employed in the Census Office, in addition to the force provided for by the Act making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor and for other purposes for the fiscal year immediately preceding the decennial census period, an assistant director, who shall be an experienced practical statistician; a chief statistician, who shall be a person of known and tried experience in statistical work; a disbursing clerk; an appointment clerk; a private secretary to the director; four stenographers; eight expert chiefs of division; and ten statistical experts. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate. The chief statistician, the disbursing clerk, the appointment clerk, the chiefs of divisions, and the private secretary to the director shall be appointed without examination by the Secretary of Commerce upon the recommendation of the Director of the Census. The statistical experts and the stenographers shall be appointed in conformity with sections 632, 633, 635, 637, 638, 640, 641 and 642 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES, and rules thereunder: *Provided*, That whenever practicable women and honorably discharged soldiers and sailors shall be employed in the positions herein provided for in this section. (Mar. 3, 1919, c. 97, § 3, 40 Stat. 1292.)

24. Duties of additional employees; disbursing clerk.—The assistant director shall perform such duties as may be prescribed by the Director of the Census. In the absence of the director, the assistant director shall serve as director, and in the absence of the director and assistant director, the chief clerk shall serve as director.

The appointment clerk shall perform the duties assigned him by the Director of the Census. The disbursing clerk of the Census Office shall, at the beginning of the decennial census period, give bond to the Secretary of the Treasury in the sum of $100,000, surety to be approved by the Solicitor of the Treasury, which bond shall be conditioned that the said officer shall render, quarter yearly, a true and faithful account to the General Accounting Office of all moneys and properties which shall be received by him by virtue of his office during the said decennial census period. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. (Mar. 3, 1919, c. 97, § 4, 40 Stat. 1292; June 10, 1918, c. 18, § 304, 42 Stat. 24.)

25. Compensation on piece-price basis.—Employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the director. (Mar. 3, 1919, c. 97, § 6, 40 Stat. 1292.)

26. Examination and selection of employees; transfers.—The additional clerks and other employees employed in the Census Office during the decennial census period shall be subject to such special test examinations as the Director of the Census may prescribe, subject to the approval of the United States Civil Service Commission, these examinations to be conducted by the United States Civil Service Commission, to be open to all applicants without regard to political party affiliations, and to be held at such places in each State as may be designated by the Civil Service Commission. Certifications shall be made by the Civil Service Commission upon request of the Director of the Census from the eligible registers so established, in conformity with the law of apportionment as now provided for the classified service, and selections therefrom shall be made by the Director of the Census, in the order of rating: *Provided*, That the requirement as to conformity with the law of apportionment shall not apply to messenger boys, unskilled laborers, and charwomen: *And provided further*, That no person afflicted with tuberculosis shall be appointed and that each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician: *And provided further*, That in no instance shall more than one person be appointed from the same family: *And provided further*, That when the exigencies of the service require, the director may appoint for temporary employment not exceeding six months' duration from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint for not exceeding six months' duration persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil-service examination: *And provided further*, That employees in other branches of the departmental classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions in any department held by them at date of transfer to the Census Office without examination, but no employee so transferred shall within one year after such transfer receive higher salary than he is receiving at the time of the transfer: *And provided further*, That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by the preceding section: *And provided further*, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this chapter shall terminate, and such officers and employees shall not be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this chapter: *And provided further*, That in the selection of the additional clerks and employees employed in the Census Office during the decennial census period the Director of the Census is authorized to use, so far as is practicable, the reemployment registers established by Executive order of November 29, 1918, so far as the same applies to permanent appointments by competition. (Mar. 3, 1919, c. 97; § 7, 40 Stat. 1293.)

27. Scope of decennial census; statistics; by whom collected.—The Fourteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, to forestry and forest products, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, place of abode, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of

birth of parents, nationality or mother tongue of all persons born in foreign countries, nationality or mother tongue of parents of foreign birth, number of years in the United States, citizenship, occupation, whether or not employer or employee, whether or not engaged in agriculture, school attendance, literacy, tenure of home and the encumbrance thereon, and the name and address of each blind or deaf and dumb person.

The schedules relating to agriculture shall include name, color, sex, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland, value of farm and improvements, and the encumbrance thereon, value of farm implements, number of livestock on farms, ranges, and elsewhere, and the acreage of crops and the quantities of crops and other farm products for the year ending December 31 next preceding the enumeration. Inquiries shall be made as to the quantity of land reclaimed by irrigation and drainage and the crops produced; also as to the location and character of irrigation and drainage enterprises, and the capital invested in such enterprises.

The schedules of inquiries relating to manufactures, to forestry and forest products, and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, corporate, or other form; character of business or kind of goods manufactured; amount of capital actually invested; number of proprietors, firm members, copartners and officers, and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures; principal miscellaneous expenses; quantity and value of products; time in operation during the year; character and quantity of power used; and character and number of machines employed.

The census of manufactures, of forestry and forest products, and of mines and quarries shall relate to the year ending December 31, next preceding the enumeration of population, and shall be confined to manufacturing establishments and mines and quarries which were in active operation during all or a portion of that year. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood, household, and hand industries.

Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

The number, form, and subdivision of inquiries provided for in this section shall be determined by the Director of the Census. (Mar. 3, 1919, c. 97, § 8, 40 Stat. 1294.)

28. Designation of supervisors and districts; vacancies.—The Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at each decennial census, designate the number, whether one or more, of supervisors of census for each State, the District of Columbia, Alaska, Hawaii, and Porto Rico, and shall define the districts within which they are to act; except that the Director of the Census, in his discretion, need not designate supervisors for Alaska, Hawaii, and Porto Rico, but in lieu thereof may employ special agents as provided in this chapter. The supervisors shall be appointed by the Secretary of Commerce upon the recommendation of the Director of the Census: *Provided*, That the whole number of supervisors shall not exceed four hundred: *Provided further*, That so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the congressional districts: *And provided further*, That if in any supervisor's district the supervisor has not been appointed and qualified ninety days preceding the date fixed for the commencement of the enumeration, or if any vacancy shall occur thereafter, either through death, removal, or resignation of a supervisor, or from any other cause, the Director of the Census may appoint a temporary supervisor or detail an employee of the Census Office to act as supervisor for that district. (Mar. 3, 1919, c. 97, § 9, 40 Stat. 1295.)

29. Duties of supervisors; enumerators.—Each supervisor of census shall be charged with the performance within his own district of the following duties: To consult with the Director of Census in regard to the division of his district into subdivisions most convenient for the purpose of the enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census; to designate to the director suitable persons and with his consent to employ such persons as enumerators, one or more for each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns, to use all diligence in causing the same to be corrected or supplied; to forward the completed returns of the enumerators to the director at such time and in such manner as shall be prescribed, and to make up and forward to the director the accounts of each enumerator in his district for service rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct if so found by the supervisor, and said accounts so certified shall be accepted and paid by the director. The duties imposed upon the supervisor by this chapter shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census. (Mar. 8, 1919, c. 97, § 10, 40 Stat. 1295.)

30. Compensation of supervisors; allowances.—Each supervisor of the census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of $1,500, and in addition thereto $1 for each thousand or major fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That of the above-named compensation a sum not to exceed $600, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine: *Provided further*, That in emergencies arising in connection with the work of preparation for or during the progress of the enumeration in his district, or in connection with the reenumeration of any subdivision, a supervisor may, in the discretion of the Director of the Census, be allowed actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding $4 per day during his necessary absence from his usual place of residence: *And provided further*, That an appropriate allowance to supervisors for clerk hire may be made when deemed necessary by the Director of the Census. (Mar. 8, 1919, c. 97, § 11, 40 Stat. 1296.)

31. Duties of enumerator; commission.—Each enumerator shall be charged with the collection in his subdivision of the facts and statistics required by the population and agricultural schedules and such other schedules as the Director of the Census may determine shall be used by him in connection with the census, as provided in section 27. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this chapter, as of date January 1 of the year in which the enumeration shall be made; and in case no person shall be found at the usual place of

abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this chapter, then it shall be lawful for the enumerator to obtain the required information as nearly as may be practicable from the family or families or person or persons living nearest to such place of abode who may be competent to answer such inquiries. It shall be the duty also of each enumerator to forward the original schedules, properly filled out and duly certified, to the supervisor of his district as his returns under the provisions of this chapter; and in the event of discrepancies or deficiencies being discovered in these schedules he shall use all diligence in correcting or supplying the same. In case an enumeration district embraces all or any part of any incorporated borough, village, town, or city, and also other territory not included within the limits of such incorporated borough, village, town, or city, it shall be the duty of the enumerator to clearly and plainly distinguish and separate, upon the population schedules, the inhabitants of such borough, village, town, or city from the inhabitants of the territory not included therein. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of the district to which he belongs a commission, signed by the supervisor, authorizing him to perform the duties of enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed. (Mar. 3, 1919, c. 97, § 12, 40 Stat. 1296.)

32. Enumeration districts and assignments.—The territory assigned to each supervisor shall be divided into as many enumeration districts as may be necessary to carry out the purposes of this chapter, and, in the discretion of the Director of the Census, two or more enumeration districts may be given to one enumerator, and the boundaries of all the enumeration districts shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguishable lines. Enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates. (Mar. 3, 1919, c. 97, § 13, 40 Stat. 1296.)

33. Removal of enumerator.—Any supervisor of census may, with the approval of the Director of the Census, remove any enumerator in his district and fill the vacancy thus caused or otherwise occurring. (Mar. 3, 1919, c. 97, § 14, 40 Stat. 1297.)

34. Incomplete or erroneous enumeration.—Whenever it shall appear that any portion of the census provided for in this chapter has been negligently or improperly taken, and is by reason thereof incomplete or erroneous, the Director of the Census may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew. (Mar. 3, 1919, c. 97, § 14, 40 Stat. 1297.)

35. Interpreters.—The Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorizations shall be given for such employment in any district until due and proper effort has been made to employ an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. It shall be the duty of such interpreters to accompany the enumerators and faithfully translate the latters' inquiries and the replies thereto, but in no case shall any such interpreter perform the duties of the enumerator unless commissioned as such by the Director of the Census. The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed $5 per day for each day actually and necessarily employed. (Mar. 3, 1919, c. 97, § 15, 40 Stat. 1297.)

36. Compensation of enumerators; expenses.—The compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than 2 nor more than 4 cents for each inhabitant; not less than 20 nor more than 30 cents for each establishment of productive industry reported; not less than 20 nor more than 30 cents for each farm reported; not less than 20 nor more than 50 cents for each irrigation or drainage enterprise reported; and 10 cents for each barn and inclosure containing livestock not on farms. In other subdivisions the Director of the Census may fix a mixed rate of not less than $1 nor more than $2 per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported. In other subdivisions per diem rates shall be fixed by the director according to the difficulty of enumeration, having special reference to the regions to be canvassed and the sparsity of settlement or other considerations pertinent thereto. The compensation allowed to an enumerator in any such district shall not be less than $3 nor more than $6 per day of eight hours' actual field work, and no payment shall be made for time in excess of eight hours for any one day. The subdivisions or enumeration districts to which the several rates of compensation shall apply shall be designated by the Director of the Census at least two weeks in advance of the enumeration. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Director of the Census; and the decision of the director as to the amount due any enumerator shall be final. (Mar. 3, 1919, c. 97, § 16, 40 Stat. 1297.)

37. Residence of supervisors and enumerators.—Within the limits of continental United States each supervisor to be appointed or selected under this chapter shall be an actual resident of the district, and each enumerator to be appointed or selected under this chapter shall, so far as practicable, be an actual resident of the subdivision within which his duties are to be performed; but an enumerator may be appointed if he be an actual resident of the city, township, or other civil division of which the subdivision in which his duties are to be performed is a part. (Mar. 3, 1919, c. 97, § 16, 40 Stat. 1297.)

38. Payment for services on death of supervisor or enumerator.—In the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census is authorized to pay to the widow or legal representative of such supervisor or enumerator such sum as he may deem just and fair for the services rendered by such supervisor or enumerator. (Mar. 3, 1919, c. 97, § 17, 40 Stat. 1298.)

39. Special agents; appointment, duties, compensation, and allowances.—Special agents may be appointed by the Director of the Census to carry out the provisions of this chapter, sections 3, 77, 101, 111, 112, and statutes supplemental thereto; and such special agents shall perform such duties in connection with the enforcement of said chapter, sections, or statutes as may be required of them by the Director of the Census. The special agents thus appointed shall receive compensation at rates to be fixed by the Director of the Census, such compensation, however, not to exceed $6 per diem except as hereinafter provided: *Provided*, That during the decennial census period the Director of the Census may fix the compensation of not to exceed twenty-five special agents, who shall be persons of known and tried experience in statistical work, at an amount not to exceed $10 per diem: *Provided further*, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis without limitation as to the amount earned per diem: *And provided further*, That the special agents appointed under this section shall be entitled to necessary traveling expenses and an allowance in

lieu of subsistence not to exceed $4 per diem during necessary absence from their usual places of residence; but no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census shall have power, and is authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office; and the special agents and employees of the Census Office so appointed or employed shall perform such duties in connection with the enforcement of this chapter as may be required of them by the Director of the Census or by the supervisors of the districts to which they are assigned, and when engaged in the work of enumeration or reenumeration shall have like authority with and perform the same duties as the enumerators in respect to the subjects committed to them under this chapter. (Mar. 3, 1919, c. 97, § 18, 40 Stat. 1298.)

40. Oath or affirmation.—Every supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee shall take and subscribe to an oath or affirmation, to be prescribed by the Director of the Census. (Mar. 3, 1919, c. 97, § 19, 40 Stat. 1298.)

41. Qualification of employees.—All appointees and employees provided for in this chapter shall be appointed or employed and examined, if examination is required by this chapter, solely with reference to their fitness to perform the duties required of them by the provisions of this chapter, and without reference to their political party affiliations. (Mar. 3, 1919, c. 97, § 19, 40 Stat. 1298.)

42. Enumeration; commencement and completion.—The enumeration of the population required by section 21 shall be taken as of the 1st day of January, and it shall be the duty of each enumerator to commence the enumeration of his district on the day following, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made and to forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district: *Provided*, That in any city having two thousand five hundred inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof. (Mar. 3, 1919, c. 97, § 20, 40 Stat. 1298.)

43. Receiving compensation for appointment; penalty.—If any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as supervisor, enumerator, or clerk, or other employee, or shall in any way receive or secure to himself any part of the compensation paid to any supervisor, enumerator, clerk, or other employee, he shall be deemed guilty of a felony, and upon conviction thereof shall be fined not more than $3,000 and be imprisoned not more than five years. (Mar. 3, 1919, c. 97, § 21, 40 Stat. 1299.)

44. Offenses by census officials.—Any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee who, having taken and subscribed the oath of office required by this chapter, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $500; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provisions of this chapter, section 111 or statutes supplemental thereto, he shall be guilty of a felony, and shall upon conviction thereof be fined not to exceed $1,000 or be imprisoned not to exceed two years, or both so fined and imprisoned in the discretion of the court; or if he shall willfully and knowingly swear or affirm falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this chapter, sections 3, 77, 101, 111, and 112 or statutes supplemental thereto, he shall be deemed guilty of perjury, and upon conviction thereof shall be fined not exceeding $2,000 or imprisoned not exceeding five years, or both; or if he shall willfully and knowingly make a false certificate or a fictitious return he shall be guilty of a felony, and upon conviction of either of the last-named offenses he shall be fined not exceeding $2,000 or be imprisoned not exceeding five years, or both; or if any person who is or has been an enumerator shall knowingly or willfully furnish or cause to be furnished, directly or indirectly, to the Director of the Census or to any supervisor of the census any false statement or false information with reference to any inquiry for which he was authorized and required to collect information he shall be guilty of a felony, and upon conviction thereof shall be fined not exceeding $2,000 or be imprisoned not exceeding five years, or both. (Mar. 3, 1919, c. 97, § 22, 40 Stat. 1299.)

45. Duty to furnish correct information; penalty.—It shall be the duty of all persons over eighteen years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the families to which they belong or are related, and to the farm or farms of which they or their families are the occupants; and any person over eighteen years of age who, under the conditions stated in this section shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $100. And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other building; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions stated in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $500. (Mar. 3, 1919, c. 97, § 23, 40 Stat. 1299.)

46. Causing inaccurate enumeration; penalty.—And it is made unlawful for any individual, committee, or other organization of any kind whatsoever, to offer or render to any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other officer or employee of the Census Office engaged in making an enumeration of population, either directly

or indirectly, any suggestion, advice, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, either as to the number of persons resident in any district or community, or in any other respect; and any individual, or any officer or member of any committee or other organization of any kind whatsoever, who directly or indirectly offers or renders any such suggestion, advice, information, or assistance, with such unlawful intent or purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000. (Mar. 3, 1919, c. 97, § 23, 40 Stat. 1299.)

47. Duty to furnish information as to organization, etc.; penalty.—It shall be the duty of every owner, official, agent, person in charge, or assistant to the person in charge of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, to answer completely and correctly to the best of his knowledge all questions relating to his respective company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census schedule prepared by the Director of the Census under the authority of this chapter, sections 77, 111, 112 or statutes supplemental thereto, and any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions, or by willfully giving answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $10,000, or imprisoned for a period not exceeding one year, or both so fined and imprisoned. (Mar. 3, 1919, c. 97, § 24, 40 Stat. 1300.)

48. Restriction on use of information.—The information furnished under the provisions of the next preceding section shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Census Office whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports. (Mar. 3, 1919, c. 97, § 25, 40 Stat. 1300.)

49. Enforcement of fines and penalties.—All fines and penalties imposed by this chapter may be enforced by indictment or information in any court of competent jurisdiction. (Mar. 3, 1919, c. 97, § 26, 40 Stat. 1300.)

50. Authorization of expenditures for expenses.—The Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding $4 per day during their necessary absence from the Census Office, or, instead of such an allowance, their actual subsistence expenses, not to exceed $5 per day; and he may authorize the incidental, miscellaneous, and contingent expenses necessary for the carrying out of this chapter, as herein provided, and not otherwise, including advertising in newspapers, the purchase of manuscripts, books of reference, and periodicals, the rental of sufficient quarters in the District of Columbia and elsewhere and the furnishing thereof, and expenditures necessary for compiling, printing, publishing, and distributing the results of the census, the purchase of necessary paper and other supplies, the purchase, rental, exchange, construction, and repair of mechanical appliances, the compensation of such permanent and temporary clerks as may be employed under the provisions of this chapter and statutes supplemental thereto, and all other expenses incurred under authority conveyed in this chapter. (Mar. 3, 1919, c. 97, § 27, 40 Stat. 1300.)

51. Printing or publishing.—The Director of the Census is authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of this chapter, to wit: Blanks, schedules, circulars, pamphlets, envelopes, work sheets, and other items of miscellaneous printing; he is further authorized to have printed by the Public Printer, in such editions as the director may deem necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this chapter, sections 77, 101, 111, or 112, or statutes supplemental thereto, and to publish and distribute said bulletins and reports. (Mar. 3, 1919, c. 97, § 28, 40 Stat. 1301.)

52. Information from other departments.—The Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is authorized to call upon any other department or office of the Government for information pertinent to the work provided for in this chapter. (Mar. 3, 1919, c. 97, § 30, 40 Stat. 1301.)

53. Additional census of agriculture and livestock.—There shall be in the year 1925, and once every ten years thereafter, a census of agriculture and livestock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of the 1st day of January and shall relate to the preceding calendar year. The Director of the Census may appoint enumerators or special agents for the purpose of this census in accordance with the provisions of section 111. (Mar. 3, 1919, c. 97, § 31, 40 Stat. 1301.)

54. Additional statistics of manufactured products.—The Director of the Census is authorized and directed to collect and publish, for the years 1921, 1923, 1925, and 1927, and for every tenth year after each of said years, statistics of the products of manufacturing industries; and the director is authorized to prepare such schedules as in his judgment may be necessary. (Mar. 3, 1919, c. 97, § 32, 40 Stat. 1301.) (Statistics of manufactures are also provided for in sections 27 and 112.)

55. Copies of returns, data, etc., for States, courts, and others.—The Director of the Census is authorized, at his discretion, upon the written request of the governor of any State or Territory or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies and $1 additional for certification; and the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and $1 for supplying a certificate; and the Director of the Census is authorized to furnish transcripts of tables and other records and to prepare special statistical compilations for State or local officials, private concerns, or individuals upon the payment of the actual cost of such work: *Provided, however*, That in no case shall information furnished under the authority of this chapter be used to the detriment of the person or persons to whom such information relates. All moneys received by the Bureau of the Census in payment for labor and materials used in furnishing transcripts of census records or special statistical compilations from such records shall be deposited to the credit of the appropriation for collecting statistics. (Mar. 3, 1919, c. 97, § 33, 40 Stat. 1301.)

Chapter 3.—COLLECTION OF STATISTICS.

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TOBACCO STATISTICS

Section 61. Semiannual reports.—The Director of the Census is authorized and directed to collect and publish statistics of the quantity of leaf tobacco in all forms in the United States in the possession of all persons who are dealers or manufacturers, other than the original growers of tobacco, to be summarized and returned by the holder to the Director of the Census as of the dates of October 1 and April 1 of each year, provided that the Director of the Census shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns to the Commissioner of Internal Revenue, manufactured less than fifty thousand pounds of tobacco, or from any manufacturer of cigars who, during the preceding calendar year manufactured less than two hundred and fifty thousand cigars, or from any manufacturer of cigarettes who during the preceding calendar year manufactured less than one million cigarettes, or from any dealer in leaf tobacco who, on the average, had less than fifty thousand pounds in stock at the ends of the four quarters of the preceding calendar year, and every manufacturer of tobacco who, in the preceding calendar year, according to the return of the Commissioner of Internal Revenue manufactured more than fifty thousand pounds of tobacco, and every manufacturer of cigars who, during the preceding calendar year, manufactured more than two hundred and fifty thousand cigars, and every manufacturer of cigarettes who, during the preceding calendar year, manufactured more than one million cigarettes, and every dealer in or manufacturer of leaf tobacco who, on an average, during the preceding calendar year, had more than fifty thousand pounds in stock, at the ends of the four quarters of the preceding calendar year, shall, under oath, make written reports of the amounts held by them, as provided in sections 61, 63, and 65. (Apr. 30, 1912, c. 102, § 1, 37 Stat. 106.)

62. Types of tobacco to be specified; blanks.—The Director of the Census shall specify the types of tobacco to be included in the reports of the holders thereof, and he shall specify the several types separately in making his reports. In securing reports by types, the Director of the Census shall follow substantially the classification of general types as recognized and adopted by the Department of Agriculture. The Director of the Census shall prepare appropriate blanks upon which such reports shall be made and shall send a copy of same to any person subject to make reports under sections 61 and 65, not more than fifteen nor less than ten days prior to the 1st days of October and April in each year, together with a written or printed demand that such person make the report required. (Apr. 30, 1912, c. 102, § 2, 37 Stat. 107.)

63. Report required; penalty for failure.—All persons subject to the provisions of sections 61 and 65 shall, within ten days after the 1st day of October and 1st day of April in each year, make written report to the Director of the Census the number of pounds of each of the several types of leaf tobacco owned by him as of the said dates, respectively. If any such person shall fail to make said report within the time prescribed, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $300 or more than $1,000. If any such person so liable to make such reports shall fail to make the same within the dates above specified, and thereafter the Director of the Census shall demand such report in writing, which demand shall be forwarded by registered mail, then if such person shall fail to make such report within twenty days after such demand so made, he shall also be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than six months, in the discretion of the court. The depositing of the notice by the Director of the Census in any post office shall be held to be prima facie evidence of the delivery of the notice to the holder of tobacco, from which date the period of twenty days shall begin to run. The president, general manager, or other chief officer of any corporation failing to make such reports as required by sections 61, 63, and 65 shall be subject to the same penalties as are prescribed in this section. (Apr. 30, 1912, c. 102, § 3, 37 Stat. 107.)

64. Penalty for false report.—Any person who shall make a false report to the Director of the Census as to the types or amounts of tobacco held or owned by him shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not more than six months, in the discretion of the court. The president, general manager, or other officer of any corporation making such false report shall be subject to the same penalty as prescribed in this section. (Apr. 30, 1912, c. 102, § 4, 37 Stat. 107.)

65. "Person" defined.—The word "person" as used in the four preceding sections shall be held to embrace also any partnership, corporation, or association. (Apr. 30, 1912, c. 102, § 5, 37 Stat. 107.)

66. Restriction on use of information.—The information furnished under the provisions of sections 61, 62, 63, and 65 shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Director of the Census whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports. (Apr. 30, 1912, c. 102, § 6, 37 Stat. 107.)

67. Cooperation of Commissioner of Internal Revenue.—The Director of the Census shall have access to the records of the Commissioner of Internal Revenue for the purpose of obtaining the information required in sections 61, 62, 63, and 65, and the Commissioner of Internal Revenue shall cooperate with the Director of the Census in effectuating the purposes and provisions of sections 61 to 68, inclusive. (Apr. 30, 1912, c. 102, § 7, 37 Stat. 107.)

68. Publication of reports.—The Director of the Census shall make and publish his reports under sections 61 to 68, inclusive,

at a date as early as practicable after the 1st day of October and the 1st of April in each year. (Apr. 30, 1912, c. 102, § 8, 37 Stat. 108.)

69. Methods of acquiring information.—The Director of the Census may procure the information for the tobacco reports required by this subdivision of this chapter, by mail or by special agents or by other employees of the Bureau of the Census. (May 10, 1916, c. 117, §-1, 39 Stat. 110.)

COTTON STATISTICS

CROSS REFERENCE

Statistics as to raw and prepared cotton are also provided for in section 84

71. Collection and publication.—The Director of the Census is authorized and directed to collect and publish statistics concerning the amount of cotton ginned; the quantity of raw cotton consumed in manufacturing establishments of every character; the quantity of baled cotton on hand; the number of active consuming cotton spindles; the number of active spindle hours, and the quantity of cotton imported and exported, with the country of origin and destination. (Apr. 2, 1924, c. 80, § 1, 43 Stat. 31.)

72. Contents and distribution of reports; publication by Department of Agriculture.—The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1: *Provided*, That the Director of the Census may limit the canvasses of August 1 and August 16, to those sections of the cotton-growing States in which cotton has been ginned. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle hours, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported.

All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics mentioned in this and the preceding section and the said Department of Agriculture shall publish the same in connection with each of its reports concerning cotton. (Apr. 2, 1924, c. 80, § 2, 43 Stat. 31.)

73. Information as confidential; penalty for disclosure.—The information furnished by any individual establishment under the provisions of sections 71 to 75, inclusive, shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of sections 71 to 76, inclusive, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court. (Apr. 2, 1924, c. 80, § 3, 43 Stat. 31.)

74. Duty to furnish correct information; penalty.—It shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton ginned, consumed, or on hand, and the number of cotton-consuming spindles, and active spindle hours. The request of the Director of the Census for information concerning the quantity of cotton ginned or consumed, stocks of cotton on hand, and number of spindles and spindle hours may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court. (Apr. 2, 1924, c. 80, § 4, 43 Stat. 32.)

75. Foreign cotton statistics.—In addition to the information regarding cotton in the United States provided for in sections 71, 72, and 74, the Director of the Census shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States. (Apr. 2, 1924, c. 80, § 5, 43 Stat. 32.)

76. Simultaneous publication of cotton reports.—The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at eleven o'clock antemeridian on the eighth day following that on which the respective reports relate. When such date of release falls on Sunday or a legal holiday the reports shall be issued at eleven o'clock antemeridian on the next succeeding workday. (Apr. 2, 1924, c. 80, § 6, 43 Stat. 32.)

77. Cotton production statistics; weekly bulletins.—The Director of the Census shall annually collect the statistics of the cotton production of the country as returned by the ginners and bulletins giving the results of the same shall be issued weekly beginning September 1 of each year and continued till February 1 following. The director is authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section. (Mar. 6, 1902, c. 139, § 9, 32 Stat. 52.)

COTTONSEED STATISTICS

81. Collection and publication.—The Director of the Census is authorized and directed to collect and publish monthly statistics concerning the quantity of cottonseed received at oil mills, the quantity of seed crushed in such mills, the quantity of crude cottonseed products and refined oil produced, the quantities of these products shipped out of the mills and the

quantities of these products and of cottonseed on hand, the quantities of crude and refined cottonseed oil held by refiners, by manufacturers of compound lard, butterine, oleomargarine, and soap, and by brokers, exporters, and warehousemen, engaged in handling crude and refined cottonseed oil, and the quantity of cottonseed and cottonseed products imported and exported: *Provided*, That the cost of the collection and publication of the statistics provided for in this section shall not exceed $10,000 per annum. (Aug. 7, 1916, c. 274, § 1, 39 Stat. 436.)

82. Information as confidential; penalty for disclosure.—The information furnished by any individual establishment under the provisions of this subdivision shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than one year, or both. (Aug. 7, 1916, c. 274, § 2, 39 Stat. 437.)

83. Duty to furnish correct information; penalty.—It shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cottonseed-oil mill, manufacturing establishment, refinery, or warehouse, where cottonseed products are produced, manufactured, or stored, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cottonseed received, consumed, or on hand, and the quantity of crude and refined oil, cake and meal, hulls, and linters produced, and the quantity of these products shipped and on hand. The request of the Director of the Census for information concerning the quantity of cottonseed received, consumed, and on hand, the quantity of crude oil shipped, and the quantity of crude oil consumed and stocks on hand may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as prima facie evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cottonseed oil or manufacturing establishment, refinery, or warehouse, where cottonseed and cottonseed products are manufactured or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information provided for in this section or shall willfully give answers that are false shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000. (Aug. 7, 1916, c. 274, § 3, 39 Stat. 437.)

84. Explosive and medicated cotton products.—The Director of the Census is authorized and directed to collect and publish quarterly statistics of raw and prepared cotton and linters, cotton waste, and hull fiber consumed in the manufacture of guncotton and explosives of all kinds, and of absorbent and medicated cotton, and the quantity held in such establishments at the end of each quarter. The statistics herein provided for are in addition to those now collected in compliance with sections 71 to 76, inclusive, the provisions of said sections being made applicable to and governing the collection and publication of the data. (Aug. 7, 1916, c. 274, § 4, 39 Stat. 437.)

HIDE AND LEATHER STATISTICS

91. Collection and publications.—The Director of the Census is authorized and directed to collect and publish statistics monthly concerning—

(a) The quantities and classes of hides and skins, owned or stored, and the quantities and classes of such products disposed of during the preceding census month by packers, abattoirs, butchers, tanners, jobbers, dealers, wholesalers, importers, and exporters;

(b) The quantities and classes of hides and skins in the process of tanning or manufacture, the quantities and amount of finished product for the preceding month;

(c) The quantities and classes of leather owned or stored and manufactured during the preceding census month by tanners, jobbers, dealers, wholesalers, importers, exporters, and establishments cutting or consuming leather. (June 5, 1920, c. 263, § 1, 41 Stat. 1057.)

92. Information as confidential; penalty for disclosure.—The information furnished by any individual establishment under the provisions of this subdivision shall be considered as strictly confidential and shall be used only for the statistical purposes for which it is supplied. Any employee of the Bureau of Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both. (June 5, 1920, c. 263, § 2, 41 Stat. 1057.).

93. Duty to furnish correct information; penalty.—It shall be the duty of every owner, president, or treasurer, secretary, director, or other officer or agent of any abattoir and of any packing, tanning, jobbing, dealing, wholesaling, importing, or exporting establishment where hides and skins are stored or sold, or leather is tanned, treated, finished, or stored or any establishment is engaged in the cutting of leather or in the production of boots and shoes, gloves, saddlery, harness, or other manufactures of leather goods, wherever leather is consumed, when requested by the Director of the Census or by any special agent or other employee of the Census Office acting under the instructions of said director to furnish completely and accurately to the best of his knowledge, all the information authorized to be collected by section 91. The demand of the Director of the Census for such information shall be made in writing or by a visiting representative and if made in writing shall be forwarded by registered mail and the registry receipt of the Post Office Department shall be accepted as prima facie evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any establishment required to furnish information under the provisions of this subdivision, who under the conditions hereinbefore stated shall refuse or willfully neglect to furnish any of the information provided for in this section or shall willfully give answers that are false, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000. (June 5, 1920, c. 263, § 3, 41 Stat. 1057.)

BIRTHS AND DEATHS

101. Annual collection of vital statistics; compensation.—There shall be a collection of the statistics of the births and deaths in registration areas annually, the data for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed 4 cents for each birth or death reported; or a minimum compensation of $25 may be allowed, in the discretion of the director, in States or cities registering less than five hundred deaths or five hundred births during the preceding year. (Mar. 6, 1902, c. 139, § 8, 32 Stat. 52; Apr. 27, 1904, c. 1626, 33 Stat. 362.)

MISCELLANEOUS STATISTICS

CROSS REFERENCE

Statistics of manufactures are also provided for in sections 27 and 54.

111. Special statistics; agents.—The Director of the Census is authorized decennially to collect statistics relating to the defective, dependent, and delinquent classes; to crime, including judicial statistics pertaining thereto, provided that such statistics shall include information upon the following questions, namely: Age, sex, color, race, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to these subjects as the director in his discretion may deem proper; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to transportation by water, and express business; to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries; to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions; to the fishing industry in cooperation with the Bureau of Fisheries; and every five years to collect statistics relating to street railways, electric light and power, telephone, and telegraph business. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under the subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as "Special Reports of the Census Office." For the purpose of securing the statistics required by this section the Director of the Census may appoint special agents when necessary, and such special agents shall receive compensation as provided in section 39. (Mar. 6, 1902, c. 139, § 7, 32 Stat. 52; June 7, 1906, c. 3048, 34 Stat. 218.)

112. Statistics of manufactures, etc.—In the year 1925, and every ten years thereafter, there shall be a collection of the statistics of manufactures, confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood and mechanical industries; and the director is authorized to prepare such schedules as in his judgment may be necessary to carry out the provisions of this section; and the Director of the Census shall make, from time to time, any additional special collections of statistics relating to any branch of agriculture, manufacture, mining, transportation, fisheries, or any other branch of industry that may be required of him by Congress. (Mar. 6, 1902, c. 139, § 9, 32 Stat. 52.)

CHEMICAL WARFARE SERVICE

See Title 10, ARMY.

CHILDREN'S BUREAU

See Title 42, PUBLIC HEALTH.

CHINA TRADE ACT

See Title 15, COMMERCE AND TRADE.

CHINESE EXCLUSION

See Title 8, ALIENS AND CITIZENSHIP.

CIRCUIT COURTS OF APPEALS

See Title 28, JUDICIAL CODE AND JUDICIARY.

CITIZENSHIP

See Title 8, ALIENS AND CITIZENSHIP.

CIVILIAN MILITARY TRAINING CAMPS

See Title 10, ARMY.

CIVIL RIGHTS

See Title 8, ALIENS AND CITIZENSHIP.

CIVIL SERVICE COMMISSION

See chapter 12 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

CLAIMS

See Title 31, MONEY AND FINANCE.

CLASSIFIED CIVIL SERVICE

See chapters 12 to 14 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

CLEARANCE AND ENTRY OF VESSELS

See Title 46, SHIPPING.

CLERKS OF COURTS

See Title 28, JUDICIAL CODE AND JUDICIARY.

COAST AND GEODETIC SURVEY

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

TITLE 14.—COAST GUARD

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Chapter 1.—GENERAL PROVISIONS.

Sec.
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30. Uniforms, accouterments, and equipment for officers and cadets.
31. Purchase of quartermaster supplies.
32. Sales of ration supplies to officers' messes.
33. Contracts for rations.
34. Detail of enlisted men for duty in District of Columbia.
35. Enlisted men; term of enlistment.
36. Annual report by commandant.
37. Report by Secretary to Congress.
38. Laws relating to Life Saving Service and Revenue Cutter Service made applicable to Coast Guard.

Section 1. Establishment of Coast Guard; control of organization generally; cooperation with Navy.—The Coast Guard as heretofore established in lieu of the Revenue Cutter Service and the Life Saving Service, existing prior to January 28, 1915, is continued. The Coast Guard shall constitute a part of the military forces of the United States and shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. When subject to the Secretary of the Navy in time of war the expense of the Coast Guard shall be paid by the Navy Department: *Provided*, That no provision of this chapter shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President. (Jan. 28, 1915, c. 20, § 1, 38 Stat. 800.)

2. Computation of length of service generally.—In computing length of service for any purpose all creditable service in the Army, Navy, Marine Corps, Revenue Cutter Service, and Life Saving Service shall be included, counting part of a year as a whole year where stations were operated only part of a year. (Jan. 28, 1915, c. 20, § 3, 38 Stat. 801.)

3. Cooperation with Navy; Coast Guard when subject to Navy regulations.—Whenever, in time of war, the Coast Guard operates as a part of the Navy in accordance with law, the personnel of that service shall be subject to the laws prescribed for the government of the Navy: *Provided*, That in the initiation, prosecution, and completion of disciplinary action, including remission and mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the department having jurisdiction of the person of such offender at the various stages of such action: *Provided further*, That any punishment imposed and executed in accordance with the provisions of this section shall not exceed that to which the offender was liable at the time of the commission of his offense. (Aug. 29, 1916, c. 417, 39 Stat. 600.)

4. Cooperation with Navy; reimbursement of Navy for Coast Guard expenses.—Whenever, in accordance with law, the expenses of the Coast Guard are paid by the Navy Department, any naval appropriations from which payments are so made shall be reimbursed from available appropriations made by Congress for the expenses of the Coast Guard. (Aug. 29, 1916, c. 417, 39 Stat. 600.)

5. Composition of Coast Guard.—In the Coast Guard there shall be a commandant, captains, commanders, lieutenant commanders, lieutenants, lieutenants (junior grade), ensigns, engineer in chief, captains (engineering), commanders (engineering), lieutenant commanders (engineering), lieutenants (engineering), lieutenants (junior grade) (engineering), ensigns (engineering), constructors, cadet and cadet engineers, warrant officers, petty officers, and other enlisted men, district superintendents, keepers, and surfmen. The district superintendents shall be commissioned as such, keepers shall be warrant officers, and surfmen shall be enlisted men, of which enlisted men the number one surfmen shall be petty officers.

There shall be in the administrative service of the Coast Guard two chiefs of division, to be appointed by the Secretary of the Treasury, together with such clerical and technical positions and the incumbents therein as now exist. There may be such other clerical and technical assistance as may from time to time be authorized by Congress.

All duties performed, prior to January 28, 1915, by the Revenue Cutter Service and the Life Saving Service and by law continued to be performed by the Coast Guard, together with all duties that may thereafter be imposed upon the Coast Guard, shall, unless otherwise provided by law, be administered by the commandant, under the direction of the Secretary of the Treasury. (Jan. 28, 1915, c. 20, §§ 2, 4, 38 Stat. 801, 802; Jan. 12, 1923, c. 25, § 1, 42 Stat. 1130.)

6. Commissioned officers; appointment by President generally.—The commissioned officers of the Coast Guard shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 2751.)

7. Precedence as between Coast Guard and naval officers when cooperating.—Whenever the personnel of the Coast Guard, or any part thereof, is operating with the personnel of the Navy in accordance with law, precedence between commissioned officers of corresponding grades in the two services shall be determined by the date of commissions in those grades. (Aug. 29, 1916, c. 417, 39 Stat. 600.)

8. Precedence between line and engineering officers.—In the Coast Guard the precedence between line and engineer officers of the same rank shall be determined by length of continuous service as a commissioned officer. (Apr. 16, 1908, c. 145, § 10, 35 Stat. 63.)

9. Relative rank of commissioned officers with respect to Army and Navy.—The commissioned officers of the Coast Guard shall rank and be of corresponding grade as follows:

Captains and captains (engineering) with captains in the Navy and colonels in the Army;

Commanders and commanders (engineering) with commanders in the Navy and lieutenant colonels in the Army;

Lieutenant commanders and lieutenant commanders (engineering) with lieutenant commanders in the Navy and majors in the Army;

Lieutenants and lieutenants (engineering) with lieutenants in the Navy and captains in the Army;

Lieutenants (junior grade) and lieutenants (junior grade) (engineering) with lieutenants (junior grade) in the Navy and first lieutenants in the Army;

Ensigns and ensigns (engineering) with ensigns in the Navy and second lieutenants in the Army. (Apr. 12, 1902, c. 501, 32 Stat. 100; Apr. 16, 1908, c. 145, 35 Stat. 61, 63; Jan. 28, 1915, c. 20, 38 Stat. 800; June 5, 1920, c. 235, 41 Stat. 879; Jan. 12, 1923, c. 25, 42 Stat. 1130.)

10. Distribution in grades of permanent commissioned officers.—The number of permanent commissioned line officers of the Coast Guard authorized by law shall be distributed in grades, as follows: One commandant, seven captains, twelve commanders, thirty-five lieutenant commanders, thirty-seven lieutenants, and seventy-seven lieutenants (junior grade) and ensigns; and the number of permanent commissioned engineer officers authorized by law shall be distributed in grades, as follows: One engineer in chief, three captains (engineering), six commanders (engineering), twelve lieutenant commanders (engineering), twenty-two lieutenants (engineering), and forty-two lieutenants (junior grade) (engineering) and ensigns (engineering). Promotions to the grades of captain, captain (engineering), and commander (engineering), shall be made from the next lower grade by seniority: *Provided*, That lieutenants and lieutenants (junior grade), both line and engineering, may be promoted, subject to examination as provided by law, without regard to number or length of service in grade, to such grades in the Coast Guard not above lieutenant commander or lieutenant commander (engineering) as correspond to the permanent ranks and grades that may be attained in accordance with law by line officers of the Regular Navy of the same length of total commissioned service, and officers thus promoted shall be extra numbers in their respective grades, which extra numbers shall not at any one time exceed the following, respectively: Twenty lieutenant commanders, fifteen lieutenants, fifteen lieutenant commanders (engineering), and eight lieutenants (engineering), but no officer shall be promoted under this proviso who would thereby be advanced in rank ahead of an officer in the same grade and corps whose name stands above his on the official precedence list: *Provided further*, That captains and captains (engineering) shall have the rank of, and be of corresponding grade to, captains in the Navy, and commanders (engineering) shall have the rank of, and be of corresponding grade to, commanders in the Navy. (Jan. 12, 1923, c. 25, § 1, 42 Stat. 1130.)

11. Commandant; appointment; rank, pay, etc.; appointment as additional number in grade of captain.—The President is authorized to appoint in the Coast Guard, by and with the advice and consent of the Senate, one commandant for a period of four years who may be reappointed for further periods of four years each, who shall act as chief of the Coast Guard. The commandant shall be selected from the active list of line officers not below the grade of commander and shall have, while serving as commandant, the rank, pay, and allowances of a rear admiral (lower half) of the Navy: *Provided*, That an officer whose term of service as commandant has expired may be appointed a captain and shall be an additional number in that grade; but if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as commandant and be an additional number in such grade: *Provided further*, That the position vacated by an officer appointed commandant shall be filled by promotion according to law. (Apr. 16, 1908, c. 145, § 1, 35 Stat. 61; Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130.)

12. Engineer in chief; appointment; rank, pay, etc.; appointment as additional number in grade of commander (engineering).—The President is authorized to appoint in the Coast Guard, by and with the advice and consent of the Senate, one engineer in chief for a period of four years who may be reappointed for further periods of four years each. The engineer in chief, while so serving, shall have the rank, pay, and allowances of a captain (engineering) in the Coast Guard, and the engineer in chief shall be selected from the active list of engineer officers not below the grade of lieutenant commander (engineering): *Provided*, That an officer whose term of service as engineer in chief has expired may be appointed a commander (engineering) and shall be an additional number in that grade; but if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as engineer in chief and be an additional number in such grade: *And provided further*, That the position vacated by an officer appointed engineer in chief shall be filled by promotion according to law. (Apr. 16, 1908, c. 145, § 1, 35 Stat. 61; Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130.)

13. Sale of clothing to enlisted men.—The Secretary of the Treasury is authorized to purchase from the appropriation for the maintenance of the Coast Guard uniform clothing for the enlisted men of said service, the same to be sold to the crews of vessels in service: *Provided*, That the actual cost of the clothing thus sold to enlisted persons shall be withheld from their pay and repaid to said appropriation. (July 1, 1898, c. 546, § 1, 30 Stat. 604.)

14. Ensign (engineering); appointment; probationary term.—Appointments into the grade of ensign (engineering) in the Coast Guard shall be as prior to June 23, 1906, except that, before being commissioned, the candidate who has successfully passed the required examinations shall serve a probationary term of not less than six months as a cadet engineer to determine his fitness for a commission in said service: *Provided*, That no person shall be commissioned an ensign (engineering) who is less than twenty-one or more than twenty-six years of age, nor until he shall have served the probationary term herein required. (June 23, 1906, c. 3520, § 3, 34 Stat. 452.)

15. Cadets; number; qualifications; examinations; obligation; dismissal.—The number of cadets of the line allowed in the Coast Guard shall be such as to provide for filling the vacancies that may occur in the grade of ensign in said service: *Provided*, That a person to be eligible for appointment as a cadet of the line shall produce satisfactory evidence of good moral character, shall be not less than eighteen nor more than

twenty-four years of age at the time of appointment, and shall pass a satisfactory physical examination by a board of officers of the Public Health Service, and a satisfactory educational examination, which must in all cases be written and strictly competitive, by a board of commissioned officers of the Coast Guard, both examinations to be conducted under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That no person who has been dismissed or compelled to resign from the Military Academy or from the Naval Academy of the United States for hazing, or for any other improper conduct, shall be eligible for appointment as a cadet in the Coast Guard: *Provided further*, That no person shall become a cadet of the line who does not obligate himself, in such manner as the Secretary of the Treasury may prescribe, to serve at least three years as an officer in said service after graduation, if his services be so long required: *And provided further*, That the Secretary of the Treasury may summarily dismiss from the service any cadet who, during his probationary term, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the service. (June 23, 1906, c. 3520, § 2, 34 Stat. 452.)

16. Lieutenant commanders (engineering); duties; promotion to grade.—Lieutenant commanders (engineering) shall perform duty in connection with the construction and inspection of the machinery of vessels and such other duties as the Secretary of the Treasury may prescribe. When a vacancy occurs in such grade it shall be filled by promotion from the active list of lieutenants (engineering) in the order of seniority. (Apr. 16, 1908, c. 145, §§ 1-2, 35 Stat. 61-62.)

17. Commanders; duties; promotion to grade.—Commanders shall perform duty in connection with the construction of vessels and the inspection of their armament and crews and such other duties as the Secretary of the Treasury or the President may prescribe. When a vacancy occurs in such grade it shall be filled by promotion from the active list of lieutenant commanders in the order of seniority. (Apr. 16, 1908, c. 145, §§ 1-2, 35 Stat. 61-62.)

18. Promotion of commissioned officers generally; examinations.—When any commissioned officer of the Coast Guard is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement.

No commissioned officer shall be promoted to a higher grade or rank on the active list, except to commandant or to engineer in chief, until his mental, moral, and professional fitness to perform all the duties of such higher grade or rank have been established to the satisfaction of a board of examining officers appointed by the President, and until he has been examined by a board of medical officers and pronounced physically qualified to perform all the duties of such higher grade or rank. (Apr. 12, 1902, c. 501, § 8, 32 Stat. 101; Jan. 12, 1923, c. 25, § 3, 42 Stat. 1131.)

19. Constructor; appointment; rank.—The President is authorized to appoint, by and with the consent of the Senate, one constructor for the Coast Guard who shall have the relative rank of a lieutenant. (June 1, 1898, c. 546, 30 Stat. 604; Apr. 12, 1902, c. 501, § 1, 32 Stat. 100.)

20. Commissioning lieutenant (engineering) a constructor.—A lieutenant (engineering), to be selected for his special ability in naval construction from the present list of lieutenants (engineering) by the Secretary of the Treasury, may be commissioned a constructor for engineering duty in the Coast Guard with the rank now provided by law for a lieutenant (engineering): *Provided*, That the vacancy created in the list of lieutenants (engineering) by such transfer shall not be filled by promotion or otherwise, but the number of lieutenants (engineering) now authorized by law shall be reduced by one, and that no additional expense shall be incurred by reason of commissioning such lieutenant (engineering) a constructor. (June 23, 1906, c. 3520, § 6, 34 Stat. 453.)

21. Grades and ratings of warrant and petty officers and enlisted men.—The grades and ratings of warrant officers, chief petty officers, petty officers and other enlisted persons in the Coast Guard shall be the same as in the Navy, in so far as the duties of the Coast Guard may require. (May 18, 1920, c. 190, § 8, 41 Stat. 603.)

22. Assignments to duty generally.—Any commissioned or warrant officer, petty officer, or other enlisted man in the Coast Guard may be assigned to any duty which may be necessary for the proper conduct of the Coast Guard. (Aug. 29, 1916, c. 417, 39 Stat. 601.)

23. Appointment of warrant and petty officers.—No warrant or petty officer shall be appointed or rated as such without a suitable examination or period of probation to determine his fitness for his grade or rating. (Apr. 16, 1908, c. 145, § 8, 35 Stat. 62.)

24. Promotion of ensigns and district superintendents; service requirement; necessity for vacancies in higher grade.—An ensign, an ensign (engineering), or a district superintendent with the rank of ensign, shall be required to complete three years' service in his grade, after which he shall be eligible for promotion to the next higher grade without regard to the number already in that higher grade: *Provided*, That nothing in this section shall be construed to prevent promotions to fill vacancies in the grade of lieutenant (junior grade) or lieutenant (junior grade) (engineering) as provided by law. (Apr. 16, 1908, c. 145, § 9, 35 Stat. 63; Jan. 12, 1923, c. 25, § 4, 42 Stat. 1131.)

25. Probationary term of cadets.—The probationary term of cadets shall be three years. However, until such time as the grade of ensign shall be filled there may be advanced to that grade any cadet of the line who has served not less than two years as such cadet and is recommended for advancement by the Secretary of the Treasury. (Feb. 26, 1908, c. 755, 32 Stat. 869; June 23, 1906, c. 3520, § 3, 34 Stat. 452.)

26. Administration of oaths generally.—The presidents and recorders of Coast Guard courts and commanding officers of vessels of the Coast Guard are authorized to administer oaths of allegiance and such other oaths as may be necessary for the proper conduct of said service; and commanding officers of vessels of the Coast Guard are authorized to administer oaths generally in Alaska. (Apr. 16, 1908, c. 145, § 12, 35 Stat. 63.)

27. Officers authorized to administer oaths for recruiting, etc.—Such commissioned and warrant officers of the Coast Guard as may be designated by the commandant of the Coast Guard are authorized to administer such oaths as may be necessary in connection with recruiting and for the proper conduct of said service. (June 5, 1920, c. 235, § 1, 41 Stat. 880.)

28. Instruction in aviation at Army or naval aviation schools.—At the request of the Secretary of the Treasury the Secretaries of War and Navy are authorized to receive officers and enlisted men of the Coast Guard for instruction in aviation at any aviation school maintained by the Army or Navy, and such officers and enlisted men shall be subject to the regulations governing such schools. (Aug. 29, 1916, c. 417, 39 Stat. 601.)

29. Aviation stations; school for instructions; appointment and pay of instructors.—For the purpose of saving life and property along the coasts of the United States and at sea contiguous thereto, and to assist in the national defense, the Secretary of the Treasury is authorized to establish, equip, and maintain aviation stations, not exceeding ten in number, at

such points on the Atlantic and Pacific coasts, the Gulf of Mexico, and the Great Lakes as he may deem advisable, and to detail for aviation duty in connection therewith officers and enlisted men of the United States Coast Guard. At one of these stations there may be instituted a school for the purpose of special instruction in aeronautics, and the Secretary of the Treasury is hereby authorized to employ one expert instructor in aeronautics, at a salary of $4,000 per annum, and one assistant instructor, also skilled in aeronautics, at a salary of $3,000 per annum. (Aug. 29, 1916, c. 417, 39 Stat. 601.)

30. Uniforms, accouterments, and equipment for officers and cadets.—Uniforms, accouterments, and equipment shall, upon the request of any officer of the Coast Guard while operating with the Navy or cadets at the Coast Guard Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of the Navy may prescribe. (Jan. 12, 1919, c. 8, 40 Stat. 1054.)

31. Purchase of quartermaster supplies.—Officers and enlisted men of the Coast Guard shall be permitted to purchase quartermaster supplies from the Army, Navy, and Marine Corps at the same price as is charged the officers and enlisted men of the Army, Navy, and Marine Corps. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 506.)

32. Sales of ration supplies to officers' messes.—Ration supplies may be purchased by the cabin, wardroom, and warrant officers' messes and payment therefor made in cash to the commissary officer; the prices to be charged for such supplies shall not be less than the invoice prices, and the cash received from such sales shall be accounted for on the ration return and may be expended for the general mess. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 620.)

33. Contracts for rations.—The Secretary of the Treasury may cause contracts to be made for the supply of rations for the officers and men of the Coast Guard cutters. (R. S. § 2756.)

34. Detail of enlisted men for duty in District of Columbia.—Not more than ten enlisted men at one time may be detailed to duty in the District of Columbia. (June 5, 1920, c. 235, § 1, 41 Stat. 879.)

35. Enlisted men; term of enlistment.—All persons composing the enlisted force of the Coast Guard shall be enlisted for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the service. (May 26, 1906, c. 2556, § 1, 34 Stat. 200.)

36. Annual report by commandant.—The Commandant of the Coast Guard shall submit to the Secretary of the Treasury, for transmission to Congress, an annual report of the expenditures of the moneys appropriated for the maintenance of the Coast Guard and of the operations of the Coast Guard during the year. (Jan. 28, 1915, c. 20, § 5, 38 Stat. 802.)

37. Report by Secretary to Congress.—The Secretary of the Treasury shall submit to Congress at the beginning of each regular session thereof a detailed statement of the expenditures for the Coast Guard. (Oct. 2, 1888, c. 1069, 25 Stat. 511.)

38. Laws relating to Life Saving Service and Revenue Cutter Service made applicable to Coast Guard.—Except as hereafter modified, all laws existing January 28, 1915, relating either to the Life Saving Service or the Revenue Cutter Service shall remain of force as far as applicable to the Coast Guard, and the offices, positions, operations, and duties shall in all respects be held and construed to impose the same duties upon the positions and their incumbents in the Coast Guard as were imposed January 28, 1915, upon the corresponding positions and incumbents in the said two organizations existing January 28, 1915. (Jan. 28, 1915, c. 20, § 2, 38 Stat. 801.)

Chapter 2.—COAST GUARD CUTTERS.

Sec.

51. Authority of Secretary of Treasury as to use of vessels for protection of revenue.
52. Use of vessels for protection of revenue; authority of President.
53. Detail of Coast Guard vessels for patrol duty.
54. Change of stations of vessels, etc.
55. Vessels for use on Mississippi and Ohio Rivers and tributaries.
56. Transfer of naval vessels to Coast Guard.
57. Building Coast Guard vessels at navy yards.
58. Officers and crew of vessels.
59. Detail of surgeons, etc., of Public Health Service on Coast Guard cutters.
60. Aid to vessels on lakes.
61. Aid to fishing crews.
62. Tug to aid vessels on north Pacific coast.
63. Vessel for removal of derelicts, etc.
64. Ensigns and pendants for Coast Guard cutters, etc.; wrongful display by others; penalty.
65. Use of vessels for private purpose; penalty for wrongful use.
66. Customs duties of officers of cutters.
67. Additional customs duties under direction of Secretary of Treasury.
68. Stopping vessels; immunity of Coast Guard officer.
69. Sale of useless cutters.
70. Reports to collector of customs, etc.

Section 51. Authority of Secretary of Treasury as to use of vessels for protection of revenue.—The Secretary of the Treasury may direct the performance of any service by the Coast Guard vessels which, in his judgment, is necessary for the protection of the revenue. (R. S. § 2758.)

52. Use of vessels for protection of revenue; authority of President.—The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the Coast Guard cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the Coast Guard, and not otherwise. (R. S. § 2747.)

53. Detail of Coast Guard vessels for patrol duty.—The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance. (R. S. § 1536.)

54. Change of stations of vessels, etc.—The Secretary of the Treasury is authorized from time to time to make such transfer and change of stations of Coast Guard cutters as he may deem desirable for the best interests of the service, and in his discretion to direct any Coast Guard cutter to cruise in any waters to perform the duties of the Coast Guard Service. (Apr. 21, 1910, c. 182, § 2, 36 Stat. 326.)

55. Vessels for use on Mississippi and Ohio Rivers and tributaries.—The Secretary of the Treasury is authorized and directed to purchase or construct and equip three light-draft river steamboats, including lifeboats and such other life-saving appliances and equipment as may be necessary, to be used in rescuing lives and property and in distributing food and clothing to marooned people during flood times on the Mississippi and Ohio Rivers and their tributaries, for patrolling said waters for the enforcement of navigation and motor-boat laws, and for rendering aid to vessels in distress. (Aug. 29, 1916, c. 417, 39 Stat. 601.)

56. Transfer of naval vessels to Coast Guard.—The Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard. (Apr. 21, 1924, c. 136, § 1, 43 Stat. 105.)

57. Building Coast Guard vessels at navy yards.—The Secretary of the Navy, at the request of the Secretary of the Treasury, is authorized to build any Coast Guard vessels

authorized, at such navy yards as the Secretary of the Navy may designate. (Aug. 29, 1916, c. 417, 39 Stat. 601.)

58. **Officers and crew of vessels.**—The Secretary of the Treasury may assign to each Coast Guard cutter such officers as are necessary in his opinion to perform the duties required of that vessel. Vessels shall have such number of petty officers and other enlisted men as in the opinion of the Secretary are required to make them efficient for their service. (R. S. § 2749.)

59. **Detail of surgeons, etc., of Public Health Service on Coast Guard cutters.**—The Secretary of the Treasury is authorized to detail for duty on Coast Guard cutters such surgeons and other persons of the Public Health Service as he may deem necessary. (June 24, 1914, c. 124, 38 Stat. 387.)

60. **Aid to vessels on lakes.**—The Coast Guard cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes. (R. S. § 2759.)

61. **Aid to fishing crews.**—In the discretion of the Secretary of the Treasury, any of the Coast Guard cutters in commission may be used to extend medical and surgical aid to the crews of American vessels engaged in the deep-sea fisheries, under such regulations as the Secretary of the Treasury may from time to time prescribe. (June 24, 1914, c. 124, 38 Stat. 387.)

62. **Tug to aid vessels on north Pacific coast.**—A first-class ocean-going tug, equipped with wireless-telegraph apparatus, surfboats, and such other modern life and property saving appliances as may be deemed useful in assisting vessels and rescuing persons and property from the perils of the sea, manned and operated by the Coast Guard, under such regulations as the Secretary of the Treasury may prescribe, shall cooperate with the Coast Guard station at or near Neah Bay, in the State of Washington. (Apr. 19, 1906, c. 1640, §§ 1-3, 34 Stat. 123.)

63. **Vessel for removal of derelicts, etc.**—A steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, shall be operated and maintained by the Coast Guard under such regulations as the Secretary of the Treasury may prescribe. (May 12, 1906, c. 2454, 34 Stat. 190.)

64. **Ensigns and pendants for Coast Guard cutters, etc.; wrongful display by others; penalty.**—The cutters and boats employed in the service of the Coast Guard shall be distinguished from other vessels by an ensign and pendant, with such marks thereon as shall be prescribed by the President. If any vessel or boat, not employed in the service of the Coast Guard, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending shall be liable to a penalty of $100. (R. S. § 2764.)

65. **Use of vessels for private purpose; penalty for wrongful use.**—Coast Guard cutters shall be used exclusively for the public service, and in no way for private purposes. Any person using any vessel in the Coast Guard for private purposes, in violation of law, shall upon conviction thereof be fined $1,000. (July 7, 1884, c. 332, 23 Stat. 199; Jan. 28, 1915, c. 20, § 6, 38 Stat. 802.)

66. **Customs duties of officers of cutters.**—The officers of the Coast Guard cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination. (R. S. § 2760.)

67. **Additional customs duties under direction of Secretary of Treasury.**—The officers of Coast Guard cutters shall perform, in addition to the duties herinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law. (R. S. § 2762.)

68. **Stopping vessels; immunity of Coast Guard officer.**—Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the Coast Guard, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail. (R. S. § 2765.)

69. **Sale of useless cutters.**—The President may from time to time cause such of the Coast Guard cutters as have become unfit for further service to be sold; and the proceeds shall be paid into the Treasury: *Provided*, That the Secretary of the Treasury may apply, in the purchase or construction of Coast Guard cutters, any unexpended balance of the proceeds of Coast Guard cutters sold by him under the authority of this section. (R. S. § 2748.)

70. **Reports to collector of customs, etc.**—The commanding officer of any Coast Guard cutter shall make a weekly return to the collector, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know. (R. S. § 2761.)

Chapter 3.—COAST GUARD STATIONS.

Sec.

91. General duties of commandant as regards stations.
92. Regulations for stations generally.
93. Discontinuance of stations.
94. Stations at lighthouses.
95. Time of manning stations, etc.; establishment, etc., of districts and divisions.
96. Acquisition of sites for Coast Guard stations, etc.
97. Transfer of apparatus.
98. Division of Coast Guard stations into districts.
99. Detail of officers for inspection of stations.
100. District superintendent as chief officer of district.
101. District superintendents as disbursing and customs officers; bond.
102. Promotion to fill vacancy of district superintendent and of keeper.
103. Appointment of keepers.
104. Powers and duties of keepers generally; residence.
105. Appointments made only for fitness.
106. Gratuities to widow or dependent of deceased officer, etc.
107. Transfer of books from Treasury Department library for use at stations.
108. Sale of condemned articles, etc.
109. Disposition of proceeds of sale.
110. Compensation of volunteer crews and volunteers; duties.
111. Investigation of shipwrecks accompanied with loss of life.
112. Ammunition for Lyle gun and repair of apparatus at station on Farallone Islands.

Section 91. General duties of commandant as regards stations.—It shall be the duty of the commandant to supervise the

organization and government of the employees of the service; to prepare and revise regulations therefor as may be necessary; to fix the number of surfmen to be employed at the several stations within the provisions of law; to supervise the expenditure of all appropriations made for the support and maintenance of the Coast Guard; to examine the accounts of disbursements of the district superintendents, and to certify the same to the General Accounting Office; to examine the property returns of the keepers of the several stations, and see that all public property thereto belonging is properly accounted for; to acquaint himself, as far as practicable, with all means employed in foreign countries which may seem to advantageously affect the interests of the service, and to cause to be properly investigated all plans, devices, and inventions for the improvement of life-saving apparatus for use at the stations, which may appear to be meritorious and available; to exercise supervision over the selection of sites for new stations the establishment of which may be authorized by law, or for old ones the removal of which may be made necessary by the encroachment of the sea or by other causes; to prepare and submit to the Secretary of the Treasury estimates for the support of the service; and to collect and compile the statistics of marine disasters. (June 18, 1878, c. 265, § 7, 20 Stat. 164.)

92. Regulations for stations generally.—The Secretary of the Treasury is authorized to make all necessary regulations for the government of the Coast Guard not inconsistent with law. (June 20, 1874, c. 344, § 8, 18 Stat. 127.)

93. Discontinuance of stations.—The Secretary of the Treasury is authorized to discontinue any Coast Guard station or house of refuge whenever in his judgment the interest of commerce and humanity no longer requires its existence. (May 4, 1882, c. 117, § 2, 22 Stat. 56.)

94. Stations at lighthouses.—The Secretary of the Treasury may establish such stations at such lighthouses as, in his judgment, he shall deem best, and the keepers of such lights shall take charge of such boats and apparatus as may be put in their charge respectively, as a part of their official duties. (R. S. § 4245.)

95. Time of manning stations, etc.; establishment, etc., of districts and divisions.—The Secretary of the Treasury in time of peace and the Secretary of the Navy in time of war may, in his discretion, man any Coast Guard station during the entire year, or any portion thereof, maintain any house of refuge as a Coast Guard station, and change, establish, and fix the limits of Coast Guard districts and divisions. (Aug. 29, 1916, c. 417, 39 Stat. 601.)

96. Acquisition of sites for Coast Guard stations, etc.—The Secretary of the Treasury is hereby authorized whenever he shall deem it advisable, to acquire, by donation or purchase in behalf of the United States, the right to use and occupy sites for Coast Guard stations and houses of refuge, the establishment of which has been, or shall hereafter be, authorized by Congress. (Mar. 3, 1875, c. 130, § 1, 18 Stat. 372.)

97. Transfer of apparatus.—The commandant may transfer the apparatus, appliances, equipments, and supplies of any discontinued station or house of refuge to such other stations or houses of refuge as may need them, and may also transfer any portion of the apparatus, appliances, equipments, and supplies of one station or house of refuge to another whenever in his judgment the interests of the service may require it. (May 4, 1882, c. 117, § 3, 22 Stat. 56.)

98. Division of Coast Guard stations into districts.—The sea and lake coasts of the United States are divided into thirteen districts as follows: First district, coasts of Maine, New Hampshire, and Massachusetts to the south end of Plum Island; second district, coast of Massachusetts from the south end of Plum Island to Woods Hole, except the islands of Nantucket, Muskeget, and Marthas Vineyard; third district, coast of Massachusetts from Woods Hole, west, coasts of Rhode Island and Connecticut to the Thames River, together with Nantucket, Marthas Vineyard, and Fishers Island; fourth district, coast of Long Island, New York; fifth district, coast of New Jersey; sixth district, coast between Delaware and Chesapeake Bays; seventh district, coast from Cape Henry, Virginia, to Key West, Florida; eighth district, Gulf coasts of the United States; ninth district, embracing the coasts bordering on Lakes Ontario, Erie, and Huron to Hammond Bay; tenth district, embracing the coast bordering on Lake Huron, west of Hammond Bay, Bois Blanc, Mackinac, and Beaver Islands; the coast bordering on the east side of Lake Michigan; and a station at Louisville, Kentucky; eleventh district, embracing the coast bordering on the west side of Lake Michigan and the coast bordering on Lake Superior; twelfth district, embracing the coast of California, and the coast of Oregon to the south side of Umpqua River; thirteenth district, embracing the coast of Oregon from the south side of Umpqua River and the coasts of Washington and Alaska. (June 6, 1900, c. 791, § 1, 31 Stat. 596; Mar. 1, 1905, c. 1293, § 2, 33 Stat. 819.)

99. Detail of officers for inspection of stations.—The Secretary of the Treasury may detail such officer or officers of the Coast Guard as may be necessary, to act as inspector and assistant inspectors, who shall perform such duties in connection with the conduct of the service as may be required of them by the commandant. (June 18, 1878, c. 265, § 8, 20 Stat. 164.)

100. District superintendent as chief officer of district.—The district superintendents shall be the chief officers and first in authority in their respective districts, subject to the authority of the commandant. (Jan. 28, 1915, c. 20, § 4, 38 Stat. 802.)

101. District superintendents as disbursing and customs officers; bond.—All district superintendents of Coast Guard stations shall be disbursing officers and paymasters for their respective districts, and shall give such bonds as the Secretary of the Treasury may require, and shall have the powers and perform the duties of inspectors of customs and shall perform such other duties as the Secretary of the Treasury may designate. (May 4, 1882, c. 117, § 4, 22 Stat. 56.)

102. Promotion to fill vacancy of district superintendent and of keeper.—Whenever a vacancy occurs in the grade of boatswain (life-saving) of a Coast Guard station or house of refuge, it shall be filled by promotion and appointment from the grade of surfman, and whenever a vacancy shall occur in the grade of district superintendent the vacancy shall be filled by promotion and appointment from the grade of boatswain (life-saving). (Jan. 28, 1915, c. 20, § 4, 38 Stat. 802.)

103. Appointment of keepers.—The Secretary of the Treasury is authorized to appoint the several keepers of all Coast Guard stations and houses of refuge. (May 4, 1882, c. 117, § 5, 22 Stat. 57.)

104. Powers and duties of keepers generally; residence.—The keepers of Coast Guard stations and houses of refuge shall have the powers of inspectors of customs, but shall receive no additional compensation for duties performed as such: *Provided*, That said keepers shall have authority and be required to take charge of and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorized to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury; and keepers of Coast Guard stations and houses of refuge shall be required to reside continually at or in the immediate vicinity of their respective stations. (June 18, 1878, c. 265, § 4, 20 Stat. 163.)

105. Appointments made only for fitness.—The appointment of district superintendents, inspectors, and keepers and crews of Coast Guard stations shall be made solely with reference to their fitness, and without reference to their political or party affiliations. (May 4, 1882, c. 117, § 10, 22 Stat. 58.)

106. Gratuities to widow or dependents of deceased officer, etc.—If any officer, warrant officer, or enlisted man, on the active list in the Coast Guard, shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any. (May 4, 1882, c. 117, § 8, 22 Stat. 57; Mar. 26, 1908, c. 99, § 3, 35 Stat. 46; Jan. 28, 1915, c. 20, 38 Stat. 801.)

107. Transfer of books from Treasury Department library for use at stations.—That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer, from time to time, from the Treasury Department library to the Coast Guard stations of the United States, such books as in his judgment may be no longer needed for use in said library. (Dec. 11, 1908, c. 1, 35 Stat. 581.)

108. Sale of condemned articles, etc.—The Secretary of the Treasury is hereby authorized to dispose of, to the best advantage, after due condemnation by board of survey, such articles or materials belonging to the Coast Guard stations as may, from long continued use or other cause, become unserviceable. (June 20, 1874, c. 344, § 9, 18 Stat. 127.)

109. Disposition of proceeds of sale.—All moneys received from the sale of old stations and equipments and other material condemned by a board of survey as unserviceable may be expended in rebuilding or improving and equipping stations. (June 18, 1878, c. 265, § 3, 20 Stat. 163.)

110. Compensation of volunteer crews and volunteers; duties.—The compensation of the enrolled members of volunteer crews of lifeboat stations, Coast Guard, is extended to occasions of actual and deserving service at any shipwreck, or in the relief of any vessel in distress, and such persons as may volunteer to take the place of any absent or disabled enrolled members of a crew, and who shall be accepted by the keeper, may be paid therefor, in the discretion of the Secretary of the Treasury, a sum not to exceed $8 each on every such occasion: *Provided*, That all crews and volunteers who may be present at a wreck shall be required to use their utmost endeavors to save life and properly care for the bodies of such as may perish, and, when such efforts are no longer necessary, to save property and protect the same, under the direction of the senior keeper present or of the superintendent of the district, until the arrival of persons legally authorized to take charge; and for the time employed in so saving and protecting property volunteers shall be entitled to compensation not to exceed $3 per day each, in the discretion of the Secretary of the Treasury. (June 18, 1878, c. 265, § 10, 20 Stat. 165.)

111. Investigation of shipwrecks accompanied with loss of life.—Upon the occurrence of any shipwreck within the scope of the operations of the Coast Guard, attended with loss of life, the commandant shall cause an investigation of all the circumstances connected with said disaster and loss of life to be made, with a view of ascertaining the cause of the disaster, and whether any of the officers or men of the Coast Guard have been guilty of neglect or misconduct in the premises; and any officer or clerk in the employment of the Treasury Department who may be detailed to conduct such investigation, or to examine into any alleged incompetency or misconduct of any of the officers or employees of the Coast Guard, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation. (June 18, 1878, c. 265, § 9, 20 Stat. 164.)

112. Ammunition for Lyle gun and repair of apparatus at station on Farallone Islands.—The Secretary of the Treasury is authorized to furnish ammunition for the Lyle gun, placed at the Farallone Islands, off the coast of California, and make repairs to the apparatus from time to time as necessary. (May 30, 1908, c. 231, § 1, 35 Stat. 553.)

Chapter 4.—PAY AND ALLOWANCES.

Sec.
121. Pay and allowances generally.
122. Constructor; pay and allowances.
123. District superintendents; pay and allowances.
124. Civil instructors; pay and allowances.
125. Surgeon; pay and allowances.
126. Travel on Government-owned vessels.
127. Rank, pay, or allowances unaffected by Act of January 12, 1923, c. 25.
128. Officers' pay accounts; verification.
129. Allotment of pay.

Section 121. Pay and allowances generally.—Commissioned officers, warrant officers, petty officers, and other enlisted men of the Coast Guard shall receive the same pay, allowances, and increases as now are, herein are, or hereafter may be prescribed for corresponding grades or ratings and length of service in the Navy. And they are entitled to the pay and allowances as provided in Title 37, PAY AND ALLOWANCES. (May 18, 1920, c. 190, § 8, 41 Stat. 603; June 10, 1922, c. 212, 42 Stat. 625–633.)

122. Constructor; pay and allowances.—A constructor, after ten years' commissioned service in the Revenue Cutter Service and Coast Guard, shall have the rank, pay, and allowances of a lieutenant commander, and after twenty years' commissioned service the rank, pay, and allowances of a commander. (Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130.)

123. District superintendents; pay and allowances.—The senior district superintendent, the three district superintendents next in order of seniority, the four district superintendents next below these three in order of seniority, and the junior five district superintendents shall have the rank, pay, and allowances of lieutenant commander, lieutenant, lieutenant (junior grade), and ensign in the Coast Guard, respectively. (May 18, 1920, c. 190, § 8, 41 Stat. 603.)

124. Civil instructors; pay and allowances.—The Secretary of the Treasury is authorized to employ two civilian instructors in the Coast Guard, one at a salary of $2,000 per annum and one at a salary of $1,800 per annum.

A civilian instructor in the Coast Guard, after five years' service as such, shall have the pay and allowances of a lieutenant (junior grade), and after ten years of such service shall have the pay and allowances of a lieutenant in the Coast Guard. (June 23, 1906, c. 3520, § 4, 34 Stat. 453; July 1, 1918, c. 113, § 1, 40 Stat. 640.)

125. Surgeon; pay and allowances.—A surgeon, with the rank of lieutenant, after fifteen years' service in the Coast Guard shall have the pay and allowances of a lieutenant commander. (Apr. 16, 1908, c. 145, § 7, 35 Stat. 62.)

126. Travel on Government-owned vessels.—Officers of the Coast Guard performing travel by Government-owned vessels for which no transportation fare is charged shall only be entitled to reimbursement of actual and necessary expenses incurred. (Jan. 22, 1925, c. 87, Title I, 43 Stat. 772.)

127. Rank, pay, or allowances unaffected by Act of January 12, 1923, c. 25.—Nothing contained in this title, sections 10, 11, 12, and 18, shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as provided by law prior to January 12, 1923. (Jan. 12, 1923, c. 25, § 5, 42 Stat. 1131.)

128. Officers' pay accounts; verification.—It shall not be necessary for any commissioned officer of the Coast Guard to make oath to his pay accounts. (June 23, 1906, c. 3520, § 5, 34 Stat. 453.)

129. Allotment of pay.—The Secretary of the Treasury is authorized to permit officers and others of the Coast Guard to make allotments from their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other proper purposes, during such time as they may be absent at sea, on distant duty, or under other circumstances warranting such action. (June 11, 1896, c. 420, § 1, 29 Stat. 421.)

Chapter 5.—OFFENSES OF OFFICERS AND ENLISTED MEN.

Sec.
141. "Deck courts."
142. Limitation to punishment by commander of vessel.
143. Coast Guard courts; composition; jurisdiction as to crimes and punishment; approval of sentence by President or Secretary of Treasury.
144. Offenses not within jurisdiction of Coast Guard tribunals; turning offenders over to civil courts.
145. Concurrent jurisdiction of civil courts; turning over offenders.
146. Place of imprisonment.
147. Deserters; arrest; rewards; reenlistment.

Section 141. "Deck courts."—"Deck courts," to consist of one commissioned officer only, may be ordered by or under the direction of the Secretary of the Treasury for the trial of enlisted men in the Coast Guard for minor offenses now triable by Coast Guard courts; and said courts shall be governed in their organization and procedure substantially in accordance with naval "deck courts," and shall have the same power to impose punishment. (June 5, 1920, c. 235, § 1, 41 Stat. 880.)

142. Limitation to punishment by commander of vessel.—No commander of a vessel of the Coast Guard shall inflict upon any commissioned or warrant officer under his command any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period be necessary to bring the offender to trial; nor shall he inflict or cause to be inflicted upon any other person under his command for a single offense, or at any one time, any other punishment than confinement, with or without single irons, on board ship; confinement, on bread and water, with or without single irons, on board ship; deprivation of liberty on shore for a period not exceeding three months; extra duties, and, in case of absence without leave falling short of desertion, forfeiture of two days' pay for each day of unauthorized absence: *Provided*, That such confinement shall not continue longer than ten days, unless further confinement be necessary to bring the offender to trial, and, when on bread and water, a full ration shall be served every third day: *Provided*, That all punishments inflicted by the commander or by his order, except reprimand, shall be fully entered upon the ship's log. (May 26, 1906, c. 2556, § 2, 34 Stat. 200.)

143. Coast Guard courts; composition; jurisdiction as to crimes and punishment; approval of sentence by President or Secretary of Treasury.—Offenses against the discipline of the Coast Guard too grave in character to be adequately dealt with directly by the commanding officer, as hereinbefore provided, may be punished by Coast Guard courts, to be convened by or under the direction of the Secretary of the Treasury. Such courts shall consist of not less than three commissioned officers of the Coast Guard, and shall, under rules approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with naval courts, but the jurisdiction of Coast Guard courts shall be limited to the following offenses, namely: Disobeying lawful order of superior officer, refusing to obey lawful order of superior officer; striking, assaulting, or attempting or threatening to strike or assault a superior officer while in the execution of the duties of his office; drunkenness on duty; drunkenness; gambling; misappropriation of mess funds; misuse of Government property or supplies; fraudulently signing vouchers; theft in an amount under $100; scandalous conduct tending to the destruction of good morals; desertion; absence from duty without leave or after leave has expired; neglect of duty; conduct unbecoming an officer and a gentleman; malicious or willful destruction of public property; aiding or enticing others to desert; smuggling liquor on board a vessel of the Coast Guard; cruelty toward or oppression or maltreatment of any subordinate person in the service; using obscene or abusive language; violating or refusing obedience to any lawful order or regulation issued by the Secretary of the Treasury or the President. Such courts shall have power to impose upon a commissioned officer none other than the following punishments, namely: Summary dismissal from the service; suspension from duty for a period of two years or any part thereof upon reduced pay, which shall in no case be less than one-half nor more than three-fourths of the duty pay of such officer; reduction of rank in his own grade; retention of his present number on the official register for a specified time; imprisonment for a period not to exceed two years; official reprimand. The only punishments that may be imposed by such courts upon any person in the Coast Guard other than a commissioned officer shall be the following, namely: Dishonorable discharge; forfeiture of not to exceed two months' pay; imprisonment on land for a period not to exceed one year; confinement aboard ship not to exceed one month; confinement in single irons, on bread and water, or on diminished rations, not exceeding thirty days, but a full ration shall in all cases be given at least every third day; confinement in single irons; reduction to next inferior rating; deprivation of liberty for a period not to exceed three months; extra duties, and the imposing of these punishments will be regulated in accordance with rules prescribed by the Secretary of the Treasury. A commissioned officer of the said service may be designated by the convening authority as official prosecutor to prosecute the case in the interest of the Government, and whose general powers and duties will be prescribed by the Secretary of the Treasury. The proceedings, findings, and sentences of Coast Guard courts shall be subject to review by the Secretary of the Treasury, as the convening authority, and the records of such courts shall be filed in the division of Coast Guard, Treasury Department, and no sentence of such court shall be carried into effect until approved by the said Secretary: *Provided*, That in the case of a commissioned officer a sentence of dismissal shall not be carried into effect until ap-

proved by the President of the United States. (May 26, 1906, c. 2556, § 3, 34 Stat. 200.)

144. Offenses not within jurisdiction of Coast Guard tribunals; turning offenders over to civil courts.—For offenses against the laws of the United States other than those specified in the foregoing six sections, offenders shall be turned over to the civil authorities for trial. (May 26, 1906, c. 2556, § 7, 34 Stat. 201.)

145. Concurrent jurisdiction of civil courts; turning over offenders.—The jurisdiction conferred by the foregoing five sections for the punishment of offenses against the discipline of the Coast Guard shall not be regarded as exclusive, but offenders may, in the discretion of the Secretary of the Treasury, be turned over to the civil authorities for trial by any court having jurisdiction of the offense. (May 26, 1906, c. 2556, § 6, 34 Stat. 201.)

146. Place of imprisonment.—The Secretary of the Treasury may designate, as the place of execution of the sentence of a Coast Guard court involving imprisonment, any prison or penitentiary that receives Federal prisoners. (May 26, 1906, c. 2556, § 4, 34 Stat. 201.)

147. Deserters; arrest; rewards; reenlistment.—It shall be lawful for the commanding officer of a vessel of the Coast Guard to apprehend and arrest or cause to be apprehended and arrested, by the force under his command, a deserter from the Coast Guard wherever found, and shall have authority to call upon all persons to assist in such arrest, and all persons so assisting are hereby invested with the power and authority of deputy United States marshals, and shall deliver the offender on board of the vessel from which he deserted: *Provided*, That a reward for the apprehension and delivery of a deserter from the Coast Guard as hereinbefore provided, not to exceed $15, may be offered by the commanding officer of the vessel from which the person deserted, and this reward, or any part thereof, may be deducted and paid from money due said deserter: *Provided*, That no person who has deserted from the Coast Guard shall afterwards be employed in said service, or enlisted in any other military or naval service under the United States, unless he shall have delivered himself aboard the vessel from which he deserted, or been apprehended, and the disability shall have been removed by a board of commissioned officers of the said service convened for a consideration of the case, and the action of the said board shall have been approved by the Secretary of the Treasury. (May 26, 1906, c. 2556, § 5, 34 Stat. 201.)

Chapter 6.—RETIREMENT AND DISABILITY; ALLOWANCE TO DEPENDENTS.

Sec.
161. Commandant; retirement; rank and pay.
162. Engineer in chief; retirement; rank and pay.
163. Pay and allowances while on active duty.
164. Recall to active duty during war or emergency generally.
165. Temporary advancement in rank while on active duty.
166. Promotion for active duty after June 30, 1922.
167. Pay of retired officers generally.
168. Disabilities due to vicious habits.
169. Disabilities in course of duty or from age; assignment to special duties.
170. Retiring board; proceedings generally.
171. Retirement for failure in physical examination for promotion.
172. Retirement for disability generally.
173. Retirement on account of age.
174. Retirement of commissioned officers on forty years' length of service; advance in rank.
175. Retirement on thirty years' service; pay; assignment to special duties.
176. Pensions generally.
177. Disabilities received in cooperation with Navy; pension.

Section 161. Commandant; retirement; rank and pay.—Any officer who shall after January 12, 1923, serve as commandant shall, when retired, be retired with the rank of commandant and with the pay of a rear admiral (lower half) of the Navy on the retired list. (Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130.)

162. Engineer in chief; retirement; rank and pay.—An officer who shall after January 12, 1923, serve as engineer in chief shall, when retired, be retired with the rank of engineer in chief and with the pay of a captain (engineering) on the retired list. (Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130.)

163. Pay and allowances while on active duty.—Retired officers of the Coast Guard below the grade of brigadier general or commodore and retired warrant officers and enlisted men, shall, when on active duty, receive full pay and allowances. (June 10, 1922, c. 212, § 17, 42 Stat. 632; May 31, 1924, c. 224, § 6, 43 Stat. 252.)

164. Recall to active duty during war or emergency generally.—During the existence of war or of a national emergency declared by the President to exist, any commissioned or warrant officer of the Coast Guard of the United States on the retired list may, in the discretion of the Secretary of the Navy, be ordered to active duty at sea or on shore; and any retired officer performing such active duty in time of war or national emergency, declared as aforesaid, shall be entitled to promotion on the retired list to the grade or rank, not above that of lieutenant commander in the Coast Guard, and shall thereafter receive the pay and allowances thereof, which his total active service as an officer both prior and subsequent to retirement, in the manner rendered by him, would have enabled him to attain in due course of promotion had such service been rendered continuously on the active list during the period of time last past, except as provided in the following section. (July 1, 1918, c. 114, 40 Stat. 717.)

165. Temporary advancement in rank while on active duty.—During the existence of war or of a national emergency, declared as aforesaid, any commissioned or warrant officer of the Coast Guard of the United States on the retired list, while on active duty, may be temporarily advanced to and commissioned in such higher grade or rank on the retired list, not above that of lieutenant commander in the Coast Guard, as the President may determine, and any officer so advanced shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank on the active list: *Provided*, That any such commissioned or warrant officer who has been so temporarily advanced in grade or rank shall, upon his relief from active duty, or in any case not later than six months after the termination of the war or of the national emergency, declared as aforesaid, revert to the grade or rank on the retired list and to the pay and allowance status which he would have held had he not been so temporarily advanced: *Provided further*, That nothing in this or the second preceding section shall operate to reduce the pay and allowances now allowed by law to retired officers. (July 1, 1918, c. 114, 40 Stat. 717.)

166. Promotion for active duty after June 30, 1922.—Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. (June 10, 1922, c. 212, § 17, 42 Stat. 632; May 31, 1924, c. 224, § 6, 43 Stat. 252.)

167. Pay of retired officers generally.—All officers borne upon the retired list prior to April 12, 1902, or thereafter, shall receive 75 per centum of the duty pay, salary, and increase of the rank upon which they have been or may be retired: *Provided*, That no longevity increase of pay shall be allowed for any length of service accruing after retirement. (Apr. 12, 1902, c. 501, § 9, 32 Stat. 101.)

168. Disabilities due to vicious habits.—When a board finds that an officer is incapacitated for active service, and that such incapacity is the result of his own vicious habits and not due

to any incident of service, and its decision shall be approved by the President, the officer shall be dropped from the service. (Apr. 12, 1902, c. 501, § 7, 32 Stat. 101.)

169. Disabilities in course of duty or from age; assignment to special duties.—When a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury. (Apr. 12, 1902, c. 501, § 6, 32 Stat. 101.)

170. Retiring board; proceedings generally.—The Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Coast Guard retiring board, composed of officers of the Coast Guard and medical officers of the Public Health Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers of the Public Health Service, for the purpose of examining and reporting on such officers of the Coast Guard as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds an officer incapacitated for active service it shall also find and report the cause which in its judgment has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case. (Apr. 12, 1902, c. 501, § 5, 32 Stat. 100.)

171. Retirement for failure in physical examination for promotion.—If any commissioned officer shall fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted. (Jan. 12, 1923, c. 25, § 3, 42 Stat. 1131.)

172. Retirement for disability generally.—When any commissioned officer, warrant officer, or enlisted man has become incapable of performing the duties of his office he shall be either placed upon the retired list or dropped from the service by the President, as hereinafter provided in this chapter. (Apr. 12, 1902, c. 501, § 4, 32 Stat. 100.)

173. Retirement on account of age.—When any commissioned officer, warrant officer, or enlisted man in the Coast Guard has reached the age of sixty-four years he shall be retired by the President from active service. (Apr. 12, 1902, c. 501, § 4, 32 Stat. 100.)

174. Retirement of commissioned officers on forty years' length of service; advance in rank.—When a commissioned officer of the Coast Guard who has had forty years' service shall retire, he shall be placed on the retired list with the rank and retired pay of one grade above that actually held by him at the time of retirement; and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of commodore and the pay of a commodore in the Navy on the retired list. (Jan. 12, 1923, c. 25, § 3, 42 Stat. 1131.)

175. Retirement on thirty years' service; pay; assignment to special duties.—A commissioned officer, warrant officer, or enlisted man who has served thirty years, upon suitable application and as to commissioned officers upon approval by the Secretary of the Treasury, may be retired from active service and receive 75 per centum of the duty pay, salary and increase of his grade or rating: *Provided*, That such commissioned officer, warrant officer, or enlisted man may be assigned to such duties as he may be able to perform. (Jan. 28, 1915, c. 20, § 3, 38 Stat. 801.)

176. Pensions generally.—No pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Coast Guard either on the active or retired list. (Jan. 28, 1915, c. 20, § 3, 38 Stat. 801.)

177. Disabilities received in cooperation with Navy; pension.—The officers and seamen of the Coast Guard, who have been or may be wounded or disabled in the discharge of their duty while cooperating with the Navy by order of the President, shall be entitled to be placed on the Navy pension list, at the same rate of pension and under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy. (R. S. § 4741.)

Chapter 7.—MEDALS AND HONORS.

Sec.
191. Medal for heroism of officer.
192. Volunteer crews; compensation for saving life; medals.
193. Medals for saving life generally.
194. Bestowal of medal of second class.
195. Additional tokens of honor for repeated acts of heroism.
196. Bestowal of medal on person other than member of Coast Guard.

Section 191. Medal for heroism of officer.—The President of the United States is hereby empowered to prepare a suitable medal of honor to be awarded to any officer of the Coast Guard who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession. (Mar. 3, 1915, c. 83, 38 Stat. 931.)

192. Volunteer crews; compensation for saving life; medals.—The Secretary of the Treasury may accept the services of volunteer crews at any of the life-boat stations authorized, who shall be subject to the rules and regulations governing the Coast Guard; and a list of the names of each crew shall be kept in the office of the Secretary of the Treasury. Such volunteers shall receive a sum of not more than $10 each for every occasion upon which they shall have been instrumental in saving human life, and such of the medals as they may be entitled to under the provisions of this chapter: *Provided*, That no payment shall be made to any person who shall not have actually participated in the efforts to save the life or lives rescued. (June 20, 1874, c. 344, § 6, 18 Stat. 127.)

193. Medals for saving life generally.—The Secretary of the Treasury is directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving, or endeavoring to save lives from perils of the sea, within the United States, or upon any American vessel: *Provided*, That the medal of the first class shall be confined to cases of extreme and heroic daring; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class: *Provided also*, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the department. (June 20, 1874, c. 344, § 7, 18 Stat. 127.)

194. Bestowal of medal of second class.—The Secretary of the Treasury is authorized to bestow the life-saving medal of the second class upon persons making such signal exertions

in rescuing and succoring the shipwrecked, and saving persons from drowning, as, in his opinion, shall merit such recognition. (June 18, 1878, c. 265, § 12, 20 Stat. 165.)

195. Additional tokens of honor for repeated acts of heroism.—The life-saving medals of the first and second class authorized by the second preceding section shall be designated as the gold and silver life-saving medal respectively, and any person who has received or may hereafter receive either of said medals under the provisions of either of the two preceding sections, and who shall again perform an act which would entitle him to a medal of the same class under said provisions, shall receive, and the Secretary of the Treasury is hereby authorized to award, in lieu of a second medal, a bar, suitably inscribed, of the same metal as the medal to which said person would be entitled, to be attached to a ribbon of such description as the Secretary of the Treasury may prescribe, which may be fastened to the medal already bestowed upon said person; and for every such additional act an additional bar may be added. And the Secretary of the Treasury is hereby authorized, in his discretion, whenever any person becomes entitled to a bar representing a gold medal, to award him, in addition to said bar, such token as it is customary to award in acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck. (May 4, 1882, c. 117 § 9, 22 Stat. 57.)

196. Bestowal of medal on person other than member of Coast Guard.—So much of the three preceding sections as provide for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in the waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of the Coast Guard, or whether or not such exertions were made in the vicinity of a Coast Guard station. (Jan. 21, 1897, c. 83, 29 Stat. 494.)

Chapter 8.—TEMPORARY PERSONNEL.

Sec.

201. General qualifications for appointment as temporary commissioned officers.
202. Temporary promotion of permanent officers; effect of promotion on permanent commission and retirement rights.
203. Appointment of temporary officers authorized; pay and allowances; retirement rights.
204. Special list of temporary officers; promotions, reductions, and dismissals.
205. Appointment of temporary chief warrant officers; pay and allowances; retirement rights.
206. Appointment of temporary warrant officers and temporary enlistments; retirement length of service rights.
207. Temporary appointments from naval reserve; effect on status; pay.
208. Rights of permanent personnel unaffected.

Section 201. General qualifications for appointment as temporary commissioned officers.—(a) All original temporary appointments shall be made in grades not above that of lieutenant, in the line or the Engineer Corps, and shall be made only after the candidate has satisfactorily passed such examinations as the President may prescribe. No person shall be given an original temporary appointment who is more than forty years of age.

(b) Any warrant officer or enlisted man of the permanent Coast Guard may be given an original temporary appointment, under such regulations as the President may prescribe, and without reduction in pay or allowances. Notwithstanding such temporary appointment, any such warrant officer or enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent grade or rating, and upon the termination of such temporary appointment shall be entitled to revert to such grade or rating. Service under any such temporary appointment shall be included in determining length of service as a warrant officer or enlisted man. (Apr. 21, 1924, c. 130, § 4, 43 Stat. 105.)

202. Temporary promotion of permanent officers; effect of promotion on permanent commission and retirement rights.—Permanent commissioned officers of the Coast Guard may be given temporary promotion in order of seniority and without examination, to fill any such temporary grades. Notwithstanding such temporary promotion, any such officer shall continue to hold his permanent commission and shall be advanced in lineal rank, promoted, and retired in the same manner as though no provision for temporary officers had been made by law. (Apr. 21, 1924, c. 130, § 3, 43 Stat. 105.)

203. Appointment of temporary officers authorized; pay and allowances; retirement rights.—(a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: Two captains, ten commanders, twenty-five lieutenant commanders, forty-eight lieutenants, and forty-two lieutenants (junior grade) and ensigns, of the line; and five commanders, eleven lieutenant commanders, ninteeen lieutenants, and forty lieutenants (junior grade) and ensigns, of the Engineer Corps.

(b) Such temporary officers while in service shall receive the same pay, allowances, and benefits as permanent commissioned officers of the Coast Guard of corresponding grade and length of service, except that no such officer shall be entitled to retirement because of his temporary commission.

(c) Temporary appointments shall continue until the President otherwise directs or Congress otherwise provides. (Apr. 21, 1924, c. 130, § 2, 43 Stat. 105.)

204. Special list of temporary officers; promotions, reductions, and dismissals.—The names of all persons appointed under the preceding section shall be placed upon a special list of temporary officers, as distinguished from the list of permanent officers, of the Coast Guard. The President is authorized, without regard to length of service or seniority, to promote to grades not above lieutenant, in the line or Engineer Corps, or to reduce officers on such special list, within the number specified for each grade, and he may, in his discretion, call for the resignation of, or dismiss, any such officer for unfitness or misconduct. (Apr. 21, 1924, c. 130, § 4, 43 Stat. 105.)

205. Appointment of temporary chief warrant officers; pay and allowances; retirement rights.—(a) Under such regulations as he may prescribe, the President is authorized to appoint, by and with the advice and consent of the Senate, twenty-five temporary chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard.

(b) Such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy, except that any such officer shall continue to hold his permanent grade, and shall be retired in the same manner as though no provision had been made for temporary chief warrant officers. (Apr. 21, 1924, c. 130, § 5, 43 Stat. 106.)

206. Appointment of temporary warrant officers and temporary enlistments; retirement length of service rights.—(a) Under such regulations as he may prescribe, the Secretary of the Treasury is authorized to appoint temporary warrant officers, and to make special temporary enlistments, in the Coast Guard. No person shall be entitled to retirement because of his temporary appointment or enlistment under this section.

(b) Any enlisted man in the permanent Coast Guard may be appointed as a temporary warrant officer. Notwithstanding such temporary appointment, any such enlisted man shall be entitled to retirement in the same manner as though he had

continued to hold his permanent rating, and upon the termination of such temporary appointment shall be entitled to revert to such rating. Service under any such temporary appointment shall be included in determining length of service as an enlisted man. (Apr. 21, 1924, c. 130, § 6, 43 Stat. 106.)

207. Temporary appointments from naval reserve; effect on status; pay.—The temporary appointment of any member of the Naval Reserve to an enlisted, warrant or commissioned grade in the Coast Guard shall not prejudice his status in the Naval Reserve when his temporary service in the Coast Guard shall have terminated. While serving with the Coast Guard members of the Naval Reserve shall not be entitled to retainer pay or any other special privileges by reason of their former service in the Navy or Naval Reserve, except that service in the Coast Guard may be counted as service in the Naval Reserve. (Apr. 21, 1924, c. 130, § 7, 43 Stat. 106.)

208. Rights of permanent personnel unaffected.—Nothing contained in the preceding sections 201 to 207 of this chapter shall operate to reduce the grade, rank, pay, allowances, or benefits that any person in the Coast Guard would have been entitled to if such sections had not become law. (Apr. 21, 1924, c. 130, § 8, 43 Stat. 106.)

COINS AND COINAGE

See Title 31, MONEY AND FINANCE.

COLLISIONS

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

COLUMBIA INSTITUTION FOR THE DEAF

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

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See Title 15, COMMERCE AND TRADE.

TITLE 15.—COMMERCE AND TRADE

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Chapter 1.—MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE.

Sec.
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Section 1. Trusts, etc., in restraint of trade illegal; penalty.—Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (July 2, 1890, c. 647, § 1, 26 Stat. 209.)

2. Monopolizing trade a misdemeanor; penalty.—Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (July 2, 1890, c. 647, § 2, 26 Stat. 209.)

3. Trusts in Territories or District of Columbia illegal; combination a misdemeanor.—Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (July 2, 1890, c. 647, § 3, 26 Stat. 209.)

4. Jurisdiction of courts; duty of district attorneys; procedure.—The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 1 to 7, inclusive, or section 15 of this chapter; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. (July 2, 1890, c. 647, § 4, 26 Stat. 209; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

5. Bringing in additional parties.—Whenever it shall appear to the court before which any proceeding under section 4 of this chapter may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof. (July 2, 1890, c. 647, § 5, 26 Stat. 210.)

6. Forfeiture of property in transit.—Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this chapter, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law. (July 2, 1890, c. 647, § 6, 26 Stat. 210.)

7. "Person" defined.—The word "person," or "persons," wherever used in section 1, 2, 3, or 15 of this chapter shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. (July 2, 1890, c. 647, § 8, 26 Stat. 210.)

8. Trusts in restraint of import trade illegal; penalty.—Every combination, conspiracy, trust, agreement, or contract is declared to be contrary to public policy, illegal, and void when

the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who shall be engaged in the importation of goods or any commodity from any foreign country in violation of this section, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than three months nor exceeding twelve months. (Aug. 27, 1894, c. 349, § 73, 28 Stat. 570; Feb. 12, 1913, c. 40, 37 Stat. 667.)

9. Jurisdiction of courts; duty of district attorneys; procedure.—The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of the preceding section; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. (Aug. 27, 1894, c. 349, § 74, 28 Stat. 570; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

10. Bringing in additional parties.—Whenever it shall appear to the court before which any proceeding under the preceding section may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof. (Aug. 27, 1894, c. 349, § 75, 28 Stat. 570.)

11. Forfeiture of property in transit.—Any property owned under any contract or by any combination, or pursuant to any conspiracy, and being the subject thereof, mentioned in section 8 of this chapter, imported into and being within the United States or being in the course of transportation from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law. (Aug. 27, 1894, c. 349, § 76, 28 Stat. 570; Feb. 12, 1913, c. 40, 37 Stat. 667.)

12. Words defined.—"Antitrust laws," as used in sections 12 to 27, inclusive, of this chapter, includes sections 1 to 27, inclusive, of this chapter.

"Commerce," as used in sections 12 to 27, inclusive, of this chapter, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That nothing in the aforesaid sections contained shall apply to the Philippine Islands.

The word "person" or "persons" wherever used in sections 12 to 27, inclusive, of this chapter shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. (Oct. 15, 1914, c. 323, § 1, 38 Stat. 730.)

13. Discrimination in price between purchasers.—It shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade. (Oct. 15, 1914, c. 323, § 2, 38 Stat. 730.)

14. Sale, etc., on agreement not to use goods of competitor.—It shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies or other commodities, whether patented or unpatented, for use, consumption or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce. (Oct. 15, 1914, c. 323, § 3, 38 Stat. 731.)

15. Suits by persons injured; amount of recovery.—Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee. (Oct. 15, 1914, c. 323, § 4, 38 Stat. 731.)

16. Effect of criminal prosecution; evidence; limitations.—A final judgment or decree rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto: *Provided*, This section shall not apply to consent judgments or decrees entered before any testimony has been taken.

Whenever any suit or proceeding in equity or criminal prosecution is instituted by the United States to prevent, restrain or punish violations of any of the antitrust laws, the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during the pendency thereof. (Oct. 15, 1914, c. 323, § 5, 38 Stat. 731.)

17. Antitrust laws not applicable to labor organizations.—The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws. (Oct. 15, 1914, c. 323, § 6, 38 Stat. 731.)

18. Acquisition by one corporation of stock of another.—No corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition may be to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, may be to substantially lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to substantially lessen competition.

Nor shall anything herein contained be construed to prohibit any common carrier subject to the laws to regulate commerce from aiding in the construction of branches or short lines so located as to become feeders to the main line of the company so aiding in such construction or from acquiring or owning all or any part of the stock of such branch lines, nor to prevent any such common carrier from acquiring and owning all or any part of the stock of a branch or short line constructed by an independent company where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property or an interest therein, nor to prevent such common carrier from extending any of its lines through the medium of the acquisition of stock or otherwise of any other such common carrier where there is no substantial competition between the company extending its lines and the company whose stock, property, or an interest therein is so acquired.

Nothing contained in this section shall be held to affect or impair any right legally acquired on or before October 15, 1914: *Provided*, That nothing in this section shall be held or construed to authorize or make lawful anything theretofore prohibited or made illegal by the antitrust laws, nor to exempt any person from the penal provisions thereof or the civil remedies therein provided. (Oct. 15, 1914, c. 323, § 7, 38 Stat. 731.)

19. Interlocking directors and officers.—No person shall at the same time be a director or other officer or employee of more than one bank, banking association or trust company, organized or operating under the laws of the United States, either of which has deposits, capital, surplus, and undivided profits aggregating more than $5,000,000; and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than $5,000,000, shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. The eligibility of a director, officer, or employee under the foregoing provisions shall be determined by the average amount of deposits, capital, surplus, and undivided profits as shown in the official statements of such bank, banking association, or trust company filed as provided by law during the fiscal year next preceding the date set for the annual election of directors, and when a director, officer, or employee has been elected or selected in accordance with the provisions of sections 12 to 27, inclusive, of this chapter it shall be lawful for him to continue as such for one year thereafter under said election or employment.

No bank, banking association or trust company, organized or operating under the laws of the United States, in any city or incorporated town or village of more than two hundred thousand inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employee of any other bank, banking association or trust company located in the same place: *Provided*, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares: *Provided further*, That a director or other officer or employee of such bank, banking association, or trust company may be a director or other officer or employee of not more than one other bank or trust company organized under the laws of the United States or any State where the entire capital stock of one is owned by stockholders in the other: *And provided further*, That nothing contained in this section shall forbid a director of class A of a Federal reserve bank, as defined in chapter 3 of Title 12, BANKS AND BANKING, from being an officer or director or both an officer and director in one member bank: *And provided further*, That nothing in sections 12 to 27, inclusive, of this chapter shall prohibit any private banker or any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such banker or member bank.

The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank.

No person at the same time shall be a director in any two or more corporations, any one of which has capital, surplus, and undivided profits aggregating more than $1,000,000, engaged in whole or in part in commerce, other than banks, banking asso-

ciations, trust companies and common carriers subject to chapter 1 of Title 49, TRANSPORTATION, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of sections 12 to 27, inclusive, of this chapter it shall be lawful for him to continue as such for one year thereafter.

When any person elected or chosen as a director or officer or selected as an employee of any bank or other corporation subject to the provisions of sections 12 to 27, inclusive, of this chapter is eligible at the time of his election or selection to act for such bank or other corporation in such capacity his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such bank or other corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment. (Oct. 15, 1914, c. 323, § 8, 38 Stat. 732; May 15, 1916, c. 120, 39 Stat. 121; May 26, 1920, c. 206, 41 Stat. 626.)

20. Purchases by common carriers in case of interlocking directors, etc.—No common carrier engaged in commerce shall have any dealings in securities, supplies or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than $50,000, in the aggregate, in any one year, with another corporation, firm, partnership or association when the said common carrier shall have upon its board of directors or as its president, manager or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership or association, unless and except such purchases shall be made from, or such dealings shall be with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission. No bid shall be received unless the name and address of the bidder or the names and addresses of the officers, directors and general managers thereof, if the bidder be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section in the case of an officer or director.

Every such common carrier having any such transactions or making any such purchases shall within thirty days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner of the competitive bidding, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall, after investigation or hearing, have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

If any common carrier shall violate this section it shall be fined not exceeding $25,000; and every such director, agent, manager or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000, or confined in jail not exceeding one year, or both, in the discretion of the court. (Oct. 15, 1914, c. 323, § 10, 38 Stat. 734.)

21. Enforcement provisions; procedure.—Authority to enforce compliance with sections 13, 14, 18, and 19 of this chapter by the persons respectively subject thereto is vested: in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associations and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Whenever the commission or board vested with jurisdiction thereof shall have reason to believe that any person is violating or has violated any of the provisions of said sections, it shall issue and serve upon such person a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such person to cease and desist from the violation of the law so charged in said complaint. Any person may make application, and upon good cause shown may be allowed by the commission or board, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such hearing the commission or board, as the case may be, shall be of the opinion that any of the provisions of said sections have been or are being violated, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person an order requiring such person to cease and desist from such violations, and divest itself of the stock held or rid itself of the directors chosen contrary to the provisions of sections 18 and 19 of this chapter, if any there be, in the manner and within the time fixed by said order. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission or board may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

If such person fails or neglects to obey such order of the commission or board while the same is in effect, the commission or board may apply to the circuit court of appeals of the United States, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission or board. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission or board. The findings of the commission or board as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material

and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission or board, the court may order such additional evidence to be taken before the commission or board and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission or board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 347 of Title 28, JUDICIAL CODE AND JUDICIARY.

Any party required by such order of the commission or board to cease and desist from a violation charged may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission or board be set aside. A copy of such petition shall be forthwith served upon the commission or board, and thereupon the commission or board forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission or board as in the case of an application by the commission or board for the enforcement of its order, and the findings of the commission or board as to the facts, if supported by testimony, shall in like manner be conclusive.

The jurisdiction of the Circuit Court of Appeals of the United States to enforce, set aside, or modify orders of the commission or board shall be exclusive.

Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or board or the judgment of the court to enforce the same shall in any wise relieve or absolve any person from any liability under the antitrust laws.

Complaints, orders, and other processes of the commission or board under this section may be served by anyone duly authorized by the commission or board, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person; or (c) by registering and mailing a copy thereof addressed to such person at his principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service, shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same. (Oct. 15, 1914, c. 323, § 11, 38 Stat. 734; Feb. 13, 1925, c. 229, § 2, 43 Stat. 939.)

22. District in which to sue corporation.—Any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found or transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found. (Oct. 15, 1914, c. 323, § 12, 38 Stat. 736.)

23. Suits by United States; subpœnas for witnesses.—In any suit, action, or proceeding brought by or on behalf of the United States subpœnas for witnesses who are required to attend a court of the United States in any judicial district in any case, civil or criminal, arising under the antitrust laws may run into any other district: *Provided*, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown. (Oct. 15, 1914, c. 323, § 13, 38 Stat. 736.)

24. Liability of directors and agents of corporation.—Whenever a corporation shall violate any of the penal provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and such violation shall be deemed a misdemeanor, and upon conviction therefor of any such director, officer, or agent he shall be punished by a fine of not exceeding $5,000 or by imprisonment for not exceeding one year, or by both, in the discretion of the court. (Oct. 15, 1914, c. 323, § 14, 38 Stat. 736.)

25. Restraining violations; procedure.—The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 12 to 27, inclusive, of this chapter, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof. (Oct. 15, 1914, c. 323, § 15, 38 Stat. 736.)

26. Injunctive relief for private parties; exception.—Any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of the antitrust laws, including sections 13, 14, 18, and 19 of this chapter, when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings, and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue: *Provided*, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit in equity for injunctive relief against any common carrier subject to the provisions of chapter 1 of Title 49, TRANSPORTATION, in respect of any matter subject to the regulation, supervision, or other jurisdiction of the Interstate Commerce Commission. (Oct. 15, 1914, c. 323, § 16, 38 Stat. 737.)

27. Effect of partial invalidity.—If any clause, sentence, paragraph, or part of sections 12 to 27, inclusive, of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Oct. 15, 1914, c. 323, § 26, 38 Stat. 740.)

28. Suits against monopolies expedited.—In any suit in equity brought in any district court of the United States under sections 1 to 7, inclusive, or section 15 of this chapter or any

other statutory provisions having a like purpose enacted after February 11, 1903, or that may be enacted wherein the United States is complainant, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select; or, in case the full court shall not at any time be made up by reason of the necessary absence or disqualification of one or more of the said circuit judges, the justice of the Supreme Court assigned to that circuit or the other circuit judge or judges may designate a district judge or judges within the circuit who shall be competent to sit in said court at the hearing of said suit. In the event the judges sitting in such case shall be equally divided in opinion as to the decision or disposition of said cause, or in the event that a majority of said judges shall be unable to agree upon the judgment, order, or decree finally disposing of said case in said court which should be entered in said cause, then they shall immediately certify that fact to the Chief Justice of the United States, who shall at once designate and appoint some circuit judge to sit with said judges and to assist in determining said cause. Such order of the Chief Justice shall be immediately transmitted to the clerk of the district court in which said cause is pending, and shall be entered upon the minutes of said court. Thereupon said cause shall at once be set down for reargument and the parties thereto notified in writing by the clerk of said court of the action of the court and the date fixed for the reargument thereof. (Feb. 11, 1903, c. 544, § 1, 32 Stat. 823; June 25, 1910, c. 428, 36 Stat, 854; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

29. Appeals to Supreme Court.—In every suit in equity brought in any district court of the United States under any of the laws mentioned in the preceding section, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof. (Feb. 11, 1903, c. 544, § 2, 32 Stat. 823; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

30. Depositions for use in suits in equity.—In the taking of depositions of witnesses for use in any suit in equity brought by the United States under sections 1 to 7, inclusive, or section 15 of this chapter, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable. (Mar. 3, 1913, c. 114, 37 Stat. 731.)

31. Panama Canal closed to violators of antitrust laws.—No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through the Panama Canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of sections 1 to 27, inclusive, or of any other Act of Congress amending or supplementing the same. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States. (Aug. 24, 1912, c. 390, § 11, 37 Stat. 567.)

32. Immunity of witness.—No person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under sections 1 to 27, inclusive, of this chapter: *Provided*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying. (Feb. 25, 1903, c. 755, § 1, 32 Stat. 904.)

Chapter 2.—FEDERAL TRADE COMMISSION; PROMOTION OF EXPORT TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION.

FEDERAL TRADE COMMISSION

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FEDERAL TRADE COMMISSION

Section 41. Federal Trade Commission established; membership; vacancies; seal.—A commission is created and established, to be known as the Federal Trade Commission (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in officer for terms of three, four, five, six, and seven years, respectively, from September 26, 1914, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commission shall have an official seal, which shall be judicially noticed. (Sept. 26, 1914, c. 311, § 1, 38 Stat. 717.)

42. Salaries; employees; expenses.—Each commissioner shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary, payable in like manner, and it shall

have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

Until otherwise provided by law, the commission may rent suitable offices for its use.

The General Accounting Office shall receive and examine all accounts of expenditures of the commission. (Sept. 26, 1914, c. 311, § 2, 38 Stat. 718; June 10, 1921, c. 18; § 304, 42 Stat. 24.)

43. Office and place of meeting.—The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States. (Sept. 26, 1914, c. 311, § 3, 38 Stat. 719.)

44. Definitions.—The words defined in this section shall have the following meaning when found in this subdivision of this chapter, to wit:

"Commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"Corporation" means any company or association incorporated or unincorporated, which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated, without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members.

"Documentary evidence" means all documents, papers, and correspondence in existence on and after September 26, 1914.

"Acts to regulate commerce" means chapter 1 of Title 49, TRANSPORTATION, and all statutes supplementary thereto.

"Antitrust Acts" means sections 1 to 11, inclusive, and section 15 of this title. (Sept. 26, 1914, c. 311, § 4, 38 Stat. 719; Oct. 15, 1914, c. 323, § 1, 38 Stat. 730.)

45. Unfair methods of competition unlawful; prevention by commission.—Unfair methods of competition in commerce are declared unlawful.

Power to prohibit.—The commission is empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the Acts to regulate commerce, from using unfair methods of competition in commerce.

Procedure by commission.—Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the commission, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this subdivision of this chapter, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

Enforcement of orders.—If such person, partnership, or corporation fails or neglects to obey such order of the commission while the same is in effect, the commission may apply to the circuit court of appeals of the United States, within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification of setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 347 of Title 28, JUDICIAL CODE AND JUDICIARY.

Application to set aside order.—Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the com-

mission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

Jurisdiction of court.—The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

Precedence—Effect of order or judgment.—Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or judgment of the court to enforce the same shall in any wise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

Process—Service—Return.—Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same. (Sept. 26, 1914, c. 311, § 5, 38 Stat. 719; Feb. 13, 1925, c. 229, § 2, 43 Stat. 939.)

46. Additional powers of commission.—The commission shall also have power—

Investigation of corporations.—(a) To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the Act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

Reports by corporations.—(b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the Act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

Investigation of compliance with antitrust decrees.—(c) Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust Acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

Investigations of violations of antitrust statutes.—(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust Acts by any corporation.

Readjustment of business of corporations violating antitrust statutes.—(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust Acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

Publication of information; reports.—(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

Classification of corporations; regulations.—(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this subdivision of this chapter.

Investigations of foreign trade conditions; reports.—(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable. (Sept. 26, 1914, c. 311, § 6, 38 Stat. 721.)

47. Reference of suits under antitrust statutes to commission.—In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust Acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission, as a master in chancery, to ascertain and report an appropriate form of decree therein. The commission shall proceed upon such notice to the parties and under such rules of procedure as the court may prescribe, and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require. (Sept. 26, 1914, c. 311, § 7, 38 Stat. 722.)

48. Information and assistance from departments.—The several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this subdivision of this chapter, and shall detail from time to time such officials and employees to the commission as he may direct. (Sept. 26, 1914, c. 311, § 8, 38 Stat. 722.)

49. Documentary evidence; depositions; witnesses.—For the purposes of this subdivision of this chapter the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation.

Any member of the commission may sign subpœnas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this subdivision of this chapter or any order of the commission made in pursuance thereof.

The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this subdivision of this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpœna of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpœna issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. (Sept. 26, 1914, c. 311, § 9, 38 Stat. 722.)

50. Offenses and penalties.—Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in obedience to the subpœna or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this subdivision of this chapter, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this subdivision of this chapter, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

If any corporation required by this subdivision of this chapter to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court. (Sept. 26, 1914, c. 311, § 10, 38 Stat. 723.)

51. Effect of subdivision on other statutory provisions.—Nothing contained in this subdivision of this chapter shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust Acts or the Acts to regulate commerce, nor shall anything contained in said subdivision be construed to alter, modify, or repeal the said antitrust Acts or the Acts to regulate commerce or any part or parts thereof. (Sept. 26, 1914, c. 311, § 11, 38 Stat. 724.)

PROMOTION OF EXPORT TRADE

61. Export trade; definitions.—The words "export trade" wherever used in this subdivision of this chapter mean solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported from the United States or any Territory thereof to any foreign nation; but the words "export trade" shall not be deemed to include the production, manufacture, or selling for consumption or for resale, within the United States or any Territory thereof, of such goods, wares, or merchandise, or any act in the course of such production, manufacture, or selling for consumption or for resale.

The words "trade within the United States" wherever used in this subdivision of this chapter mean trade or commerce among the several States or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory

or Territories and any State or States or the District of Columbia, or between the District of Columbia and any State or States.

The word "association" wherever used in this subdivision of this chapter means any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations. (Apr. 10, 1918, c. 50, § 1, 40 Stat. 516.)

62. Export trade and antitrust legislation.—Nothing contained in sections 1 to 7, inclusive, or section 15 of this title shall be construed as declaring to be illegal an association entered into for the sole purpose of engaging in export trade and actually engaged solely in such export trade, or an agreement made or act done in the course of export trade by such association, provided such association, agreement, or act is not in restraint of trade within the United States, and is not in restraint of the export trade of any domestic competitor of such association: *Provided*, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein. (Apr. 10, 1918, c. 50, § 2, 40 Stat. 517.)

63. Acquisition of stock of export trade corporation.—Nothing contained in section 18 of this title shall be construed to forbid the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of any corporation organized solely for the purpose of engaging in export trade, and actually engaged solely in such export trade, unless the effect of such acquisition or ownership may be to restrain trade or substantially lessen competition within the United States. (Apr. 10, 1918, c. 50, § 3, 40 Stat. 517.)

64. Unfair methods of competition in export trade.—The prohibition against "unfair methods of competition" and the remedies provided for enforcing said prohibition contained in the preceding subdivision of this chapter shall be construed as extending to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States. (Apr. 10, 1918, c. 50, § 4, 40 Stat. 517.)

65. Information required from export trade corporation; powers of Federal Trade Commission.—Every association which engages solely in export trade, within thirty days after its creation, shall file with the Federal Trade Commission a verified written statement setting forth the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members, and if a corporation, a copy of its certificate or articles of incorporation and by-laws, and if unincorporated, a copy of its articles or contract of association, and on the 1st day of January of each year every association engaged solely in export trade shall make a like statement of the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members and of all amendments to and changes in its articles or certificate of incorporation or in its articles or contract of association. It shall also furnish to the commission such information as the commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals. Any association which shall fail so to do shall not have the benefit of the provisions of sections 62 and 63 of this chapter, and it shall also forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the association has its principal office, or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Whenever the Federal Trade Commission shall have reason to believe that an association or any agreement made or act done by such association is in restraint of trade within the United States or in restraint of the export trade of any domestic competitor of such association, or that an association either in the United States or elsewhere has entered into any agreement, understanding, or conspiracy, or done any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein, it shall summon such association, its officers, and agents to appear before it, and thereafter conduct an investigation into the alleged violations of law. Upon investigation, if it shall conclude that the law has been violated, it may make to such association recommendations for the readjustment of its business, in order that it may thereafter maintain its organization and management and conduct its business in accordance with law. If such association fails to comply with the recommendations of the Federal Trade Commission, said commission shall refer its findings and recommendations to the Attorney General of the United States for such action thereon as he may deem proper.

For the purpose of enforcing these provisions the Federal Trade Commission shall have all the powers, so far as applicable, given it in the preceding subdivision of this chapter. (Apr. 10, 1918, c. 50, § 5, 40 Stat. 517.)

PREVENTION OF UNFAIR METHODS OF COMPETITION

71. Definition.—When used in this subdivision of this chapter the term "person" includes partnerships, corporations, and associations. (Sept. 8, 1916, c. 463, § 800, 39 Stat. 798.)

72. Importation or sale of articles at less than market value or wholesale price.—It shall be unlawful for any person importing or assisting in importing any articles from any foreign country into the United States, commonly and systematically to import, sell or cause to be imported or sold such articles within the United States at a price substantially less than the actual market value or wholesale price of such articles, at the time of exportation to the United States, in the principal markets of the country of their production, or of other foreign countries to which they are commonly exported after adding to such market value or wholesale price, freight, duty, and other charges and expenses necessarily incident to the importation and sale thereof in the United States: *Provided*, That such act or acts be done with the intent of destroying or injuring an industry in the United States, or of preventing the establishment of an industry in the United States, or of restraining or monopolizing any part of trade and commerce in such articles in the United States.

Any person who violates or combines or conspires with any other person to violate this section is guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $5,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

Any person injured in his business or property by reason of any violation of, or combination or conspiracy to violate, this section, may sue therefor in the district court of the United States for the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages sus-

tained, and the cost of the suit, including a reasonable attorney's fee.

The foregoing provisions shall not be construed to deprive the proper State courts of jurisdiction in actions for damages thereunder. (Sept. 8, 1916, c. 463, § 801, 39 Stat. 798.)

73. Agreements involving restrictions in favor of imported goods.—If any article produced in a foreign country is imported into the United States under any agreement, understanding, or condition that the importer thereof or any other person in the United States shall not use, purchase, or deal in, or shall be restricted in his using, purchasing, or dealing in, the articles of any other person, there shall be levied, collected, and paid thereon, in addition to the duty otherwise imposed by law, a special duty equal to double the amount of such duty: *Provided*, That the above shall not be interpreted to prevent the establishing in this country on the part of a foreign producer of an exclusive agency for the sale in the United States of the products of said foreign producer or merchant, nor to prevent such exclusive agent from agreeing not to use, purchase, or deal in the article of any other person, but this proviso shall not be construed to exempt from the provisions of this section any article imported by such exclusive agent if such agent is required by the foreign producer or if it is agreed between such agent and such foreign producer that any agreement, understanding or condition set out in this section shall be imposed by such agent upon the sale or other disposition of such article to any person in the United States. (Sept. 8, 1916, c. 463, § 802, 39 Stat. 799.)

74. Rules and regulations.—The Secretary of the Treasury shall make such rules and regulations as are necessary for the carrying out of the provisions of the preceding section. (Sept. 8, 1916, c. 463, § 803, 39 Stat. 799.)

75. Retaliation against country prohibiting importations.—Whenever any country, dependency, or colony shall prohibit the importation of any article the product of the soil or industry of the United States and not injurious to health or morals, the President shall have power to prohibit, during the period such prohibition is in force, the importation into the United States of similar articles, or in case the United States does not import similar articles from that country, then other articles, the products of such country, dependency, or colony.

And the Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary for the execution of the provisions of this section. (Sept. 8, 1916, c. 463, § 804, 39 Stat. 799.)

76. Retaliation against restriction of importations in time of war.—Whenever during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any country, colony, or dependency contrary to the law and practice of nations, the importation into their own or any other country, dependency, or colony of any article the product of the soil or industry of the United States and not injurious to health or morals is prevented or restricted the President is authorized and empowered to prohibit or restrict during the period such prohibition or restriction is in force, the importation into the United States of similar or other articles, products of such country, dependency, or colony as in his opinion the public interest may require; and in such case he shall make proclamation stating the article or articles which are prohibited from importation into the United States; and any person or persons who shall import, or attempt or conspire to import, or be concerned in importing, such article or articles, into the United States contrary to the prohibition in such proclamation, shall be liable to a fine of not less than $2,000 nor more than $50,000, or to imprisonment not to exceed two years, or both, in the discretion of the court. The President may change, modify, revoke, or renew such proclamation in his discretion. (Sept. 8, 1916, c. 463, § 805, 39 Stat. 799.)

77. Discrimination against neutral Americans in time of war.—Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that any vessel, American or foreign, is, on account of the laws, regulations or practices of a belligerent Government, making or giving any undue or unreasonable preference or advantage in any respect whatsoever to any particular person, company, firm, or corporation, or any particular description of traffic in the United States or its possessions or to any citizens of the United States residing in neutral countries abroad, or is subjecting any particular person, company, firm, or corporation or any particular description of traffic in the United States or its possessions, or any citizens of the United States residing in neutral countries abroad to any undue or unreasonable prejudice, disadvantage, injury, or discrimination in regard to accepting, receiving, transporting, or delivering, or refusing to accept, receive, transfer, or deliver any cargo, freight or passengers, or in any other respect whatsoever, he is authorized and empowered to direct the detention of such vessels by withholding clearance or by formal notice forbidding departure, and to revoke, modify, or renew any such direction.

Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any belligerent country or Government, American ships or American citizens are not accorded any of the facilities of commerce which the vessels or citizens of that belligerent country enjoy in the United States or its possessions, or are not accorded by such belligerent equal privileges or facilities of trade with vessels or citizens of any nationality other than that of such belligerent, the President is authorized and empowered to withhold clearance from one or more vessels of such belligerent country until such belligerent shall restore to such American vessels and American citizens reciprocal liberty of commerce and equal facilities of trade; or the President may direct that similar privileges and facilities, if any, enjoyed by vessels or citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; and in such case he shall make proclamation of his direction, stating the facilities and privileges which shall be refused, and the belligerent to whose vessels or citizens they are to be refused, and thereafter the furnishing of such prohibited privileges and facilities to any vessel or citizen of the belligerent named in such proclamation shall be unlawful; and he may change, modify, revoke, or renew such proclamation; and any person or persons who shall furnish or attempt or conspire to furnish or be concerned in furnishing or in the concealment of furnishing facilities or privileges to ships or persons contrary to the prohibition in such proclamation shall be liable to a fine of not less than $2,000 nor more than $50,000 or to imprisonment not to exceed two years, or both, in the discretion of the court.

In case any vessel which is detained by virtue of this subdivision of this chapter shall depart or attempt to depart from the jurisdiction of the United States without clearance or other lawful authority, the owner or master or person or persons having charge or command of such vessel shall be severally liable to a fine of not less than $2,000 nor more than $10,000, or to imprisonment not to exceed two years, or both, and in addition such vessel shall be forfeited to the United States.

The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this subdivision of this chapter. (Sept. 8, 1916, c. 463, § 806, 39 Stat. 799.)

Chapter 3.—TRADE-MARKS.

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For provisions forbidding importation of foreign goods bearing trade-mark owned and registered in United States, see Title 19, CUSTOMS DUTIES, sections 141 to 143, inclusive.

GENERAL PROVISIONS FOR REGISTRATION

Section 81. Registration authorized; application therefor; fees and other requirements.—The owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used; a description of the trade-mark itself shall be included, if desired by the applicant or required by the commissioner, provided such description is of a character to meet the approval of the commissioner. With this statement shall be filed a drawing of the trade-mark, signed by the applicant or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of $10, and otherwise complying with the requirements of this subdivision of this chapter and such regulations as may be prescribed by the Commissioner of Patents. (Feb. 20, 1905, c. 592, § 1, 33 Stat. 724; May 4, 1906, c. 2081, § 1, 34 Stat. 168; Feb. 18, 1909, c. 144, 35 Stat. 628.)

82. Declaration accompanying application; verification thereof.—The application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to use such trade-mark in the United States, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires or consul holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States. (Feb. 20, 1905, c. 592, § 2, 33 Stat. 724; Feb. 18, 1909, c. 144, 35 Stat. 627.)

83. Designation by foreign applicant of person for service of process or notice.—Every applicant for registration of a trade-mark, or for renewal of registration of a trade-mark, who is not domiciled within the United States, shall, before the issuance of the certificate of registration, as hereinafter provided for, designate, by a notice in writing, filed in the Patent Office, some person residing within the United States on whom process or notice of proceedings affecting the right of ownership of the trade-mark of which such applicant may claim to be the owner, brought under the provisions of this subdivision of this chapter or under other laws of the United States, may be served, with the same force and effect as if served upon the applicant or registrant in person. For the purposes of this subdivision of this chapter it shall be deemed sufficient to serve such notice upon such applicant, registrant, or representative by leaving a copy of such process or notice addressed to him at

the last address of which the Commissioner of Patents has been notified. (Feb. 20, 1905, c. 592, § 3, 33 Stat. 725.)

84. Effect of previous application filed in foreign country; proviso.—An application for registration of a trade-mark filed in this country by any person who has previously regularly filed in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States an application for registration of the same trade-mark shall be accorded the same force and effect as would be accorded to the same application if filed in this country on the date on which application for registration of the same trade-mark was first filed in such foreign country: *Provided*, That such application is filed in this country within four months from the date on which the application was first filed in such foreign country: *And provided*, That certificate of registration shall not be issued for any mark for registration of which application has been filed by an applicant located in a foreign country until such mark has been actually registered by the applicant in the country in which he is located. (Feb. 20, 1905, c. 592, § 4, 33 Stat. 725.)

85. Trade-marks which may be registered.—No mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

(a) Consists of or comprises immoral or scandalous matter.

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States or any simulation thereof, or of any State or municipality or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem, or of any name, distinguishing mark, character, emblem, colors, flag, or banner adopted by any institution, organization, club, or society which was incorporated in any State in the United States prior to the date of the adoption and use by the applicant: *Provided*, That said name, distinguishing mark, character, emblem, colors, flag, or banner was adopted and publicly used by said institution, organization, club, or society prior to the date of adoption and use by the applicant: *Provided*, That trade-marks which are identical with a registered or known trade-mark owned and in use by another and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers shall not be registered: *Provided*, That no mark which consists merely in the name of an individual, firm, corporation, or association not written, printed, impressed, or woven in some particular or distinctive manner, or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this subdivision of this chapter: *Provided further*, That no portrait of a living individual may be registered as a trade-mark except by the consent of such individual, evidenced by an instrument in writing, nor may the portrait of any deceased President of the United States be registered during the life of his widow, if any, except by the consent of the widow evidenced in such manner: *And provided further*, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States or with Indian tribes which was in actual and exclusive use as a trade-mark of the applicant, or his predecessors from whom he derived title for ten years next preceding February 20, 1905: *Provided further*, That nothing herein shall prevent the registration of a trade-mark otherwise registrable because of its being the name of the applicant or a portion thereof. And if any person or corporation shall have so registered a mark upon the ground of said use for ten years preceding February 20, 1905, as to certain articles or classes of articles to which said mark shall have been applied for said period, and shall have thereafter and subsequently extended his business so as to include other articles not manufactured by said applicant for ten years next preceding February 20, 1905, nothing herein shall prevent the registration of said trade-mark in the additional classes to which said new additional articles manufactured by said person or corporation shall apply, after said trade-mark has been used on said article in interstate or foreign commerce or with the Indian tribes for at least one year provided another person or corporation has not adopted and used previously to its adoption and use by the proposed registrant, and for more than one year such trade-mark or one so similar as to be likely to deceive in such additional class or classes. (Feb. 20, 1905, c. 592, § 5, 33 Stat. 725; Mar. 2, 1907, c. 2573, § 1, 34 Stat. 1251; Feb. 18, 1911, c. 113, 36 Stat. 918; Jan. 8, 1913, c. 7, 37 Stat. 649; Mar. 19, 1920, c. 104, § 9, 41 Stat. 535; June 7, 1924, c. 341, 43 Stat. 647.)

86. Examination of application; notice of opposition; certificate issued or refused.—On the filing of an application for registration of a trade-mark which complies with the requirements of this subdivision of this chapter, and the payment of the fees provided for in sections 94 and 95 of this chapter, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this subdivision of this chapter, the commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section 82 of this chapter. An opposition may be filed by a duly authorized attorney, but said opposition shall be null and void unless verified by the opposer within a reasonable time after such filing. If no notice of opposition is filed within said time, the commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the commissioner shall notify the applicant, giving him his reasons therefor. (Feb. 20, 1905, c. 592, § 6, 33 Stat. 726; Mar. 2, 1907, c. 2573, § 2, 34 Stat. 1252.)

87. Examination of interferences; refusal of registration.—In all cases where notice of opposition has been filed the Commissioner of Patents shall notify the applicant thereof and the grounds therefor.

Whenever application is made for the registration of a trade-mark which is substantially identical with a trade-mark appropriated to goods of the same descriptive properties, for which a certificate of registration has been previously issued to another, or for registration of which another has previously made application, or which so nearly resembles such trade-mark, or a known trade-mark owned and used by another, as, in the opinion of the commissioner, to be likely to be mistaken therefor by the public, he may declare that an interference exists as to such trade-mark, and in every case of interference or opposition to registration he shall direct the examiner in charge of interferences to determine the question of the right of registration to such trade-mark, and of the sufficiency of

objections to registration, in such manner and upon such notice to those interested as the commissioner may by rules prescribe.

The commissioner may refuse to register the mark against the registration of which objection is filed, or may refuse to register both of two interfering marks, or may register the mark, as a trade-mark, for the person first to adopt and use the mark, if otherwise entitled to register the same, unless an appeal is taken, as hereinafter provided for, from his decision, by a party interested in the proceeding, within such time (not less than twenty days) as the commissioner may prescribe. (Feb. 20, 1905, c. 592, § 7, 33 Stat. 726.)

88. Appeal from decision of examiner.—Every applicant for the registration of a trade-mark, or for the renewal of the registration of a trade-mark, which application is refused, or a party to an interference against whom a decision has been rendered, or a party who has filed a notice of opposition as to a trade-mark, may appeal from the decision of the examiner in charge of trade-marks, or the examiner in charge of interferences, as the case may be, to the commissioner in person, having once paid the fee for such appeal. (Feb. 20, 1905, c. 592, § 8, 33 Stat. 726.)

89. Appeal from decision of Commissioner of Patents.—If an applicant for registration of a trade-mark, or a party to an interference as to a trade-mark, or a party who has filed opposition to the registration of a trade-mark, or party to an application for the cancellation of the registration of a trade-mark, is dissatisfied with the decision of the Commissioner of Patents, he may appeal to the Court of Appeals of the District of Columbia, on complying with the conditions required in case of an appeal from the decision of the commissioner by an applicant for patent, or a party to an interference as to an invention, and the same rules of practice and procedure shall govern in every stage of such proceedings, as far as the same may be applicable. (Feb. 20, 1905, c. 592, § 9, 33 Stat. 727.)

90. Assignments.—Every registered trade-mark, and every mark for the registration of which application has been made, together with the application for registration of the same, shall be assignable in connection with the good will of the business in which the mark is used. Such assignment must be by an instrument in writing and duly acknowledged according to the laws of the country or State in which the same is executed; any such assignment shall be void as against any subsequent purchaser for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from date thereof. The commissioner shall keep a record of such assignments. (Feb. 20, 1905, c. 592, § 10, 33 Stat. 727.)

91. Certificates of registration and record thereof.—Certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office. (Feb. 20, 1905, c. 592, § 11, 33 Stat. 727; Mar. 4, 1925, c. 535, § 3, 43 Stat. 1269.)

92. Duration of certificate of registration, and renewal.—A certificate of registration shall remain in force for twenty years, except that in the case of trade-marks previously registered in a foreign country such certificates shall cease to be in force on the day on which the trade-mark ceases to be protected in such foreign country, and shall in no case remain in force more than twenty years, unless renewed. Certificates of registration may be, from time to time renewed for like periods on payment of the renewal fees required by this subdivision of this chapter, upon request by the registrant, his legal representatives, or transferees of record in the Patent Office, and such request may be made at any time not more than six months prior to the expiration of the period for which the certificates of registration were issued or renewed. Certificates of registration in force on April 1, 1905, shall unless already lapsed or canceled, remain in force for the period for which they were issued, but shall be renewable on the same conditions and for the same periods as certificates issued under the provisions of this subdivision of this chapter, and when so renewed shall have the same force and effect as certificates issued thereunder. (Feb. 20, 1905, c. 592, § 12, 33 Stat. 727.)

93. Cancellation of registration.—Whenever any person shall deem himself injured by the registration of a trade-mark in the Patent Office he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the use of the mark at the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the commissioner shall cancel the registration. Appeal may be taken to the commissioner in person from the decision of examiner of interferences. (Feb. 20, 1905, c. 592, § 13, 33 Stat. 728.)

94. Fees; rates.—The following shall be the rates for trade-mark fees:

On filing each original application for registration of a trade-mark, $10.

On filing each application for renewal of the registration of a trade-mark, $10.

On filing notice of opposition to the registration of a trade-mark, $10.

On an appeal from the examiner in charge of trade-marks to the Commissioner of Patents, $15.

On an appeal from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark or canceling the registration of a trade-mark, to the Commissioner of Patents, $15.

For certified and uncertified copies of certificates of registration and other papers, and for recording transfers and other papers, the same fees as required by law for such copies of patents and for recording assignments and other papers relating to patents. (Feb. 20, 1905, c. 592, § 14, 33 Stat. 728.)

95. Fees; mode of payment; refunding.—Section 69 of Title 35, PATENTS, relating to the payment of patent fees and to the repayment of fees paid by mistake, are made applicable to trade-mark fees. (Feb. 20, 1905, c. 592, § 15, 33 Stat. 728.)

96. Evidence of ownership; infringement, and damages therefor.—The registration of a trade-mark under the provisions of this subdivision of this chapter shall be prima facie evidence of ownership. Any person who shall, without the consent of the owner thereof, reproduce, counterfeit, copy, or colorably imitate any such trade-mark and affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian

tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs. (Feb. 20, 1905, c. 592, § 16, 33 Stat. 728.)

97. Jurisdiction of suits.—The district and Territorial courts of the United States and the Supreme Court of the District of Columbia shall have original jurisdiction, and the circuit courts of appeal, of the United States and the Court of Appeals of the District of Columbia shall have appellate jurisdiction of all suits at law or in equity respecting trade-marks registered in accordance with the provisions of this subdivision of this chapter, arising thereunder, without regard to the amount in controversy. (Feb. 20, 1905, c. 592, § 17, 33 Stat. 728; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

98. Review by Supreme Court.—Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this subdivision of this chapter in the same manner as provided by section 347 of Title 28, JUDICIAL CODE AND JUDICIARY. (Feb. 20, 1905, c. 592, § 18, 33 Stat. 729.)

99. Injunctions; recovery and assessment of damages.—The several courts vested with jurisdiction of cases arising under this subdivision of this chapter shall have power to grant injunctions, according to the course and principles of equity, to prevent the violation of any right of the owner of a trade-mark registered under said subdivision, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for wrongful use of a trade-mark the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. The court shall have the same power to increase such damages, in its discretion, as is given by section 96 of this chapter for increasing damages found by verdict in actions of law; and in assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost which are claimed. (Feb. 20, 1905, c. 592, § 19, 33 Stat. 729.)

100. Destruction of infringing labels; service of injunction, and proceedings for enforcement.—In any case involving the right to a trade-mark registered in accordance with the provisions of this subdivision of this chapter, in which the verdict has been found for the plaintiff, or an injunction issued, the court may order that all labels, signs, prints, packages, wrappers, or receptacles in the possession of the defendant, bearing the trade-mark of the plaintiff or complainant, or any reproduction, counterfeit, copy, or colorable imitation thereof, shall be delivered up and destroyed. Any injunction that may be granted upon hearing, after notice to the defendant, to prevent the violation of any right of the owner of a trade-mark registered in accordance with the provisions of this subdivision of this chapter, by any district court of the United States, or by a judge thereof, may be served on the parties against whom such injunction may be granted anywhere in the United States where they may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other district court, or judge thereof, in the United States, or by the Supreme Court of the District of Columbia, or a judge thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the district court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office. (Feb. 20, 1905, c. 592, § 20, 33 Stat. 729; Mar. 3, 1911, c. 31, § 291, 36 Stat. 1167.)

101. Restrictions on actions for infringement.—No action or suit shall be maintained under the provisions of this subdivision of this chapter in any case when the trade-mark is used in unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or has been abandoned, or upon any certificate of registration fraudulently obtained. (Feb. 20, 1905, c. 592, § 21, 33 Stat. 729.)

102. Suits involving interfering registered trade-marks.—Whenever there are interfering registered trade-marks, any person interested in any one of them may have relief against the interfering registrant, and all persons interested under him, by suit in equity against the said registrant; and the court, on notice to adverse parties and other due proceedings had according to the course of equity, may adjudge and declare either of the registrations void in whole or in part according to the interest of the parties in the trade-mark, and may order the certificate of registration to be delivered up to the Commissioner of Patents for cancellation. (Feb. 20, 1905, c. 592, § 22, 33 Stat. 729.)

103. Existing rights and remedies preserved.—Nothing in this subdivision of this chapter shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of said subdivision had not been passed. (Feb. 20, 1905, c. 592, § 23, 33 Stat. 730.)

104. Damages from registration procured by fraudulent means.—Any person who shall procure registration of a trade-mark, or entry thereof, in the office of the Commissioner of Patents by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case. (Feb. 20, 1905, c. 592, § 25, 33 Stat. 730.)

105. Regulations for registration.—The Commissioner of Patents is authorized to make rules and regulations, not inconsistent with law, for the conduct of proceedings in reference to the registration of trade-marks provided for by this subdivision of this chapter. (Feb. 20, 1905, c. 592, § 26, 33 Stat. 730.)

106. Articles imported, simulating trade name or trade-mark, not admitted to entry.—No article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this subdivision of this chapter, or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any customhouse of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade-mark,

issued in accordance with the provisions of this subdivision of this chapter, to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade-mark; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs. (Feb. 20, 1905, c. 592, § 27, 33 Stat. 730.)

107. Notice of registration; notice of infringement.—It shall be the duty of the registrant to give notice to the public that a trade-mark is registered, either by affixing thereon the words "Registered in U. S. Patent Office," or abbreviated thus, "Reg. U. S. Pat. Off.," or when, from the character or size of the trade-mark, or from its manner of attachment to the article to which it is appropriated, this can not be done, then by affixing a label containing a like notice to the package or receptacle wherein the article or articles are inclosed; and in any suit for infringement by a party failing so to give notice of registration no damages shall be recovered, except on proof that the defendant was duly notified of infringement, and continued the same after such notice. (Feb. 20, 1905, c. 592, § 28, 33 Stat. 730.)

108. Construction; definitions.—In construing this subdivision of this chapter the following rules must be observed, except where the contrary intent is plainly apparent from the context thereof: The United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word "States" includes and embraces the District of Columbia, the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The terms "person" and "owner," and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this subdivision of this chapter, include a firm, corporation, or association as well as a natural person. The terms "applicant" and "registrant" embrace the successors and assigns of such applicant or registrant. The term "trade-mark" includes any mark which is entitled to registration under the terms of this subdivision of this chapter and whether registered or not and a trade-mark shall be deemed to be "affixed" to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or inclosed or otherwise prepared for sale or distribution. (Feb. 20, 1905, c. 592, § 29, 33 Stat. 731.)

109. Repeal.—All Acts and parts of Acts in force prior to February 20, 1905, and inconsistent with this subdivision of this chapter are repealed except so far as the same may apply to certificates of registration issued under the Act of Congress approved March 3, 1881, entitled "An Act to authorize the registration of trade-marks and protect the same," or under the Act approved August 5, 1882, entitled "An Act relating to the registration of trade-marks." (Feb. 20, 1905, c. 592, § 30, 33 Stat. 731.)

INTERNATIONAL REGISTRATION AND MARKS NOT REGISTRABLE UNDER PRECEDING SUBDIVISION

121. Registration of international and other trade-marks.—The Commissioner of Patents shall keep a register of (a) all marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, in connection with which the fee of $50 gold for the international registration established by article 2 of that convention has been paid, which register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration, a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark.

(b) All other marks not registrable under the preceding subdivision of this chapter, except those specified in paragraphs (a) and (b) of section 85 of this chapter, but which have been in bona fide use for not less than one year in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $10 has been paid to the Commissioner of Patents and such formalities as required by the said commissioner have been complied with: *Provided*, That trade-marks which are identical with a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes by another and appropriated to merchandise of the same descriptive properties or which so nearly resemble a known trade-mark owned and used in interstate and foreign commerce or commerce with the Indian tribes by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers, shall not be placed on this register. (Mar. 19, 1920, c. 104, § 1, 41 Stat. 533.)

122. Cancellation of registration.—Whenever any person shall deem himself injured by the inclusion of a trade-mark on this register, he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the exclusive use of the mark at or since the date of his application for registration thereof, or that the mark is not used by the registrant or has been abandoned, and the examiner shall so decide, the commissioner shall cancel the registration. Appeal may be taken to the commissioner in person from the decision of the examiner in charge of interferences. (Mar. 19, 1920, c. 104, § 2, 41 Stat. 534.)

123. False designation of origin of goods unlawful.—Any person who shall willfully and with intent to deceive, affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols, tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to an action in equity for an injunction, at the suit of any person, firm, or corporation doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or at the suit of any association of such persons, firms, or corporations. (Mar. 19, 1920, c. 104, § 3, 41 Stat. 534.)

124. Liability for using another's trade-mark.—Any person who shall without the consent of the owner thereof reproduce, counterfeit, copy, or colorably imitate any trade-mark on the register provided by this subdivision of this chapter, and shall affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles in-

tended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs. (Mar. 19, 1920, c. 104, § 4, 41 Stat. 534.)

125. Notice of registration; notice of infringement.—It shall be the duty of a registrant under this subdivision of this chapter of a mark falling within class (a) of section 121 of this chapter, to comply with the law of the country in which his original registration took place, in respect to giving notice to the public that the trade-mark is registered, in connection with the use of such trade-mark in the United States of America, and in any suit for infringement by a party failing to do this, no damages shall be recovered except on proof that the defendant was duly notified of the infringement and continued the same after such notice. (Mar. 19, 1920, c. 104, § 5, 41 Stat. 534.)

126. Application of other provisions.—The provisions of sections 95 and 97 to 107, inclusive, of this chapter (as to class [b] marks only), and the provisions of section 131 of this chapter, are made applicable to marks placed on the register provided for by section 121 of this chapter. (Mar. 19, 1920, c. 104, § 6, 41 Stat. 535.)

127. Copies of records as evidence.—Written or printed copies of any records, books, papers, or drawings belonging to the Patent Office and relating to trade-marks placed on the register provided for by this subdivision of this chapter, when authenticated by the seal of the Patent Office and certified by the commissioner thereof, shall be evidence in all cases wherein the originals could be evidence, and any person making application therefor and paying the fee required by law shall have certified copies thereof. (Mar. 19, 1920, c. 104, § 7, 41 Stat. 535.)

128. Fees.—The same fees shall be required for certified and uncertified copies of papers and for records, transfers, and other papers, under this subdivision of this chapter, as are required by law for such copies of patents and for recording assignments and other papers relating to patents.

On filing an appeal under this subdivision of this chapter to the Commissioner of Patents from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark, canceling or refusing to cancel the registration of a trade-mark, a fee of $15 shall be payable. (Mar. 19, 1920, c. 104, § 8, 41 Stat. 535.)

MISCELLANEOUS PROVISIONS

131. Classes of merchandise for purpose of registration.—The Commissioner of Patents shall establish classes of merchandise for the purpose of trade-mark registration, and shall determine the particular descriptions of goods comprised in each class. On a single application for registration of a trade-mark the trade-mark may be registered at the option of the applicant for any or all goods upon which the mark has actually been used comprised in a single class of merchandise, provided the particular descriptions of goods be stated. (May 4, 1906, c. 2081, § 2, 34 Stat. 169.)

132. Owners of trade-mark having factory in United States entitled to registration.—Any owner of a trade-mark who shall have a manufacturing establishment within the territory of the United States shall be accorded, so far as the registration and protection of trade-marks used on the products of such establishments are concerned, the same rights and privileges that are accorded to owners of trade-marks domiciled within the territory of the United States by sections 81 to 109, inclusive, of this chapter. (May 4, 1906, c. 2081, § 3, 34 Stat. 169.)

133. Mistake in registration of trade-mark; certificate thereof issued by Patent Office; effect.—Whenever a mistake in a trade-mark registration, incurred through the fault of the Patent Office, is clearly disclosed by the records or files of the office, a certificate, stating the fact and nature of such mistake, signed by the Commissioner of Patents and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of trade-marks, and a printed copy thereof attached to each printed copy of the trade-mark registration, and such certificate shall thereafter be considered as part of the original, and every trade-mark registration, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates issued prior to March 4, 1925, in accordance with the rules of the Patent Office and the trade-mark registrations to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute. (Mar. 4, 1925, c. 535, § 1, 43 Stat. 1268.)

134. Effect of other statute.—Nothing in sections 488 to 492, inclusive, of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES, shall be so construed as to repeal the provisions of section 94 of this chapter. (Aug. 24, 1912, c. 370, § 5, 37 Stat. 498.)

Chapter 4.—CHINA TRADE ACT.

Sec.
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145. Certificate of incorporation.
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160. Maintenance of agent for service.
161. Alteration, amendment, or repeal.
162. Creation of China corporations restricted.

Section 141. Citation of chapter.—This chapter may be cited as the "China Trade Act, 1922." (Sept. 19, 1922, c. 346, § 1, 42 Stat. 849.)

142. Definitions.—When used in this chapter, unless the context otherwise indicates—

(a) The term "person" includes individual, partnership, corporation, and association;

(b) The term "China" means (1) China including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

(c) The terms "China Trade Act corporation" and "corporation" mean a corporation chartered under the provisions of this chapter;

(d) The term "Federal district court" means any Federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

(e) The term "Secretary" means the Secretary of Commerce; and

(f) The term "registrar" means the China Trade Act registrar appointed under the following section. (Sept. 19, 1922, c. 346, § 2, 42 Stat. 849.)

143. Registrar; designation; station; supervision by Secretary of Commerce.—The Secretary is authorized to designate as China Trade Act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this chapter shall be administered by him under the supervision of the Secretary; except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable. (Sept. 19, 1922, c. 346, § 3, 42 Stat. 850.)

144. Incorporation; articles; business prohibited; subscription to stock.—(a) Three or more individuals (hereinafter in this chapter referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this chapter provided, form a District of Columbia corporation for the purpose of engaging in business within China.

(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

(1) The name of the proposed China Trade Act corporation, which shall end with the legend, "Federal Inc. U. S. A.," and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

(2) The location of its principal office, which shall be in the District of Columbia;

(3) The particular business in which the corporation is to engage;

(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

(5) The duration of the corporation, which may be for a period of not more than twenty-five years, but which may, upon application of the corporation and payment of the incorporation fee, be successfully extended by the Secretary for like periods;

(6) The names and addresses of at least three individuals (a majority of whom, at the time of designation and during their term of office, shall be citizens of the United States), to be designated by the incorporators, who shall serve as temporary directors; and

(7) The fact that an amount equal to 25 per centum of the amount of the authorized capital stock has been in good faith subscribed to.

(c) A China Trade Act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business; nor engage in, nor be formed to engage in, the business of owning or operating any vessel, unless the controlling interest in such corporation is owned by citizens of the United States, within the meaning of section 802 of Title 46, SHIPPING.

(d) No certificate of incorporation shall be delivered to a China Trade Act corporation and no incorporation shall be complete until at least 25 per centum of its authorized capital stock has been paid in in cash, or, in accordance with the provisions of section 148 of this chapter, in real or personal property which has been placed in the custody of the directors, and such corporation has filed a statement to this effect under oath with the registrar within six months after the issuance of its certificate of incorporation, except that the registrar may grant additional time for the filing of such statement upon application made prior to the expiration of such six months. If any such corporation transacts business in violation of this subdivision of this section or fails to file such statement within six months, or within such time as the registrar prescribes upon such application, the registrar shall institute proceedings under section 154 of this chapter for the revocation of the certificate. (Sept. 19, 1922, c. 346, § 4, 42 Stat. 850; Feb. 26, 1925, c. 345, §§ 1–5, 43 Stat. 995.)

145. Certificate of incorporation.—The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this chapter have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this chapter, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China Trade Act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation. (Sept. 19, 1922, c. 346, § 5, 42 Stat. 850.)

146. General powers of corporation.—In addition to the powers granted elsewhere in this chapter, a China Trade Act corporation—

(a) Shall have the right of succession during the existence of the corporation;

(b) Shall have a corporate seal and may, with the approval of the Secretary, alter it;

(c) May sue and be sued;

(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

(e) May make contracts and incur liabilities;

(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

(g) May borrow money and issue its notes, coupon or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

(h) May establish such branch offices at such places in China as it deems advisable. (Sept. 19, 1922, c. 346, § 6, 42 Stat. 851; Feb. 26, 1925, c. 345, § 6, 43 Stat. 996.)

147. Stock; issuance at par value.—Each share of the original or any subsequent issue of stock of a China Trade Act corporation shall be issued at not less than par value, and shall be paid for in cash, or in accordance with the provisions of the following section in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued, each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount

of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof. (Sept. 19, 1922, c. 346, § 7, 42 Stat. 851; Feb. 26, 1925, c. 345, § 7, 43 Stat. 996.)

148. Stock; payment in real or personal property.—No share of stock of a China Trade Act corporation shall, for the purposes of the preceding section or of subdivision (d) of section 144 of this chapter, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property. (Sept. 19, 1922, c. 346, § 8, 42 Stat. 851.)

149. By-laws.—The by-laws may provide—(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special of the stockholders or directors;

(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors, and the president and the treasurer, or each officer holding a corresponding office, shall, during their tenure of office, be citizens of the United States resident in China.

(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings. (Sept. 19, 1922, c. 346, § 9, 42 Stat. 852; Feb. 26, 1925, c. 345, § 8, 43 Stat. 996.)

150. Stockholders' meetings.—(a) Within six months after the issuance of the certificate of incorporation of a China Trade Act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least ninety days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares, represented in person or by proxy, shall constitute a quorum at such meetings authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

(1) Adoption of the by-laws;

(2) Amendments to the articles of incorporation or by-laws;

(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

(4) Authorization of the voluntary dissolution of the corporation; and

(5) Authorization of application for the extension of the period of duration of the corporation.

(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this chapter.

(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar. (Sept. 19, 1922, c. 346, § 10, 42 Stat. 852; Feb. 26, 1925, c. 345, § 9, 43 Stat. 996.)

151. Directors.—The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China Trade Act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable. (Sept. 19, 1922, c. 346, § 11, 42 Stat. 852.)

152. Reports; records for public inspection.—(a) For the purposes of this chapter the fiscal year of a China Trade Act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this chapter. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this chapter. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed. (Sept. 19, 1922, c. 346, § 12, 42 Stat. 853.)

153. Dividends.—Dividends declared by a China Trade Act corporation shall be derived wholly from the surplus profits of its business. (Sept. 19, 1922, c. 346, § 13, 42 Stat. 853.)

154. Investigations by registrar; revocation of certificate of incorporation.—The registrar may, in order to ascertain if the affairs of a China Trade Act corporation are conducted contrary to any provision of this chapter, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China Trade Act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable. (Sept. 19, 1922, c. 346, § 14, 42 Stat. 853.)

155. Authority of registrar in obtaining evidence.—(a) For the efficient administration of the functions vested in the registrar by this chapter, he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within fifty miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths.

In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar, or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken, under this section, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

(d) For the efficient administration of the functions vested in the registrar by this chapter, he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China Trade Act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States. (Sept. 19, 1922, c. 346, § 15, 42 Stat. 853.)

156. Dissolution of corporation; trustees.—In case of the voluntary dissolution of a China Trade Act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees. (Sept. 19, 1922, c. 346, § 16, 42 Stat. 854.)

157. Regulations and fees; disposition of fees and penalties.—(a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this chapter.

(b) The Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this chapter. All fees and penalties paid under this chapter shall be covered into the Treasury of the United States as miscellaneous receipts. (Sept. 19, 1922, c. 346, § 17, 42 Stat. 854.)

158. False or fraudulent statements prohibited; penalties.—No stockholder, director, officer, employee, or agent of a China Trade Act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China Trade Act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement, in any form, stating the amount of the authorized capital stock without also stating as the amount actually paid in, a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than ten years, or both. (Sept. 19, 1922, c. 346, § 18, 42 Stat. 855.)

159. Unauthorized use of legend; penalty.—No individual, partnership, or association, or corporation not incorporated under this chapter or under a law of the United States, shall engage in business within China under a name in connection with which the legend "Federal Inc. U. S. A." is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation. (Sept. 19, 1922, c. 346, § 19, 42 Stat. 855.)

160. Maintenance of agent for service.—Every China Trade Act corporation shall maintain in the District of Columbia a person as its accredited agent upon whom legal process may be served, in any suit to be brought in the Supreme Court of the District of Columbia, and who is authorized to enter an appearance in its behalf. In the event of the death or inability to serve, or the resignation or removal, of such person, such corporation shall, within such time as the Secretary by regulation prescribes, appoint a successor. Such corporation shall file with the Secretary a certified copy of each power of attorney appointing a person under this subdivision, and a certified copy of the written consent of each person so appointed. (Sept. 19, 1922, c. 346, § 20, 42 Stat. 855; Feb. 26, 1925, c. 345, § 10, 43 Stat. 996.)

161. Alteration, amendment, or repeal.—The Congress of the United States reserves the right to alter, amend, or repeal any provision of this chapter. (Sept. 19, 1922, c. 346, § 28, 42 Stat. 856.)

162. Creation of China corporations restricted.—No corporation for the purpose of engaging in business within China shall be created under any law of the United States other than this chapter. (Feb. 26, 1925, c. 345, § 13, 43 Stat. 997.)

Chapter 5.—THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

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Section 171. Establishment; consolidation of other bureaus.—The Bureau of Manufactures and the Bureau of Statistics, both of the Department of Commerce and Labor, are, as of July 1, 1912, consolidated into one bureau to be known as the Bureau of Foreign and Domestic Commerce, and the duties required by law to be performed by the Bureau of Manufactures and the Bureau of Statistics are as of that date transferred to and shall be performed by the Bureau of Foreign and Domestic Commerce. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 407.)

172. Transfer of duties of Department of Labor; special investigations.—The duties of the Department of Labor, or Bureau of Labor, "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are, as of August 23, 1912, transferred to and shall be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 407.)

173. Annual report on statistics of commerce and navigation.—The Director of the Bureau of Foreign and Domestic Commerce shall, under the direction of the Secretary of Commerce, annually prepare a report on the statistics of commerce and navigation of the United States with foreign countries, to the close of the calendar year. Such accounts shall comprehend all goods, wares, and merchandise exported from the United States to other countries; all goods, wares, and merchandise imported into the United States from other countries, and all navigation employed in the foreign trade of the United States; which facts shall be stated according to the principles and in the manner hereby directed.

First. The kinds, quantities, and values of all articles exported, and the kinds, quantities, and values of all articles imported, shall be distinctly stated in such accounts, except in cases in which it may appear to the Secretary of Commerce that separate statements of the species, quantities, or values of any particular articles would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or in such classes as the Secretary of Commerce may think fit.

Second. The exports shall be so stated as to show the exports to each foreign country, and their values; and the imports shall be so stated as to show the imports from each foreign country, and their values.

Third. The exports shall be so stated as to show, separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

Fourth. The navigation employed in the foreign trade of the United States shall be stated in such manner as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels arriving from every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels.

Fifth. Such accounts shall comprehend and include, in tabular form, the quantity by weight or measure, as well as the amount of value, of the several articles of foreign commerce, whether dutiable or otherwise; and also a similar and separate statement of the commerce of the United States with the British Provinces, under the late so-called reciprocity treaty with Great Britain. (R. S. § 336; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Jan. 25, 1919, c. 10, 40 Stat. 1055; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

174. Regulations imposed on collectors.—In order to enable the Director of the Bureau of Foreign and Domestic Commerce to prepare the annual report on the statistics of commerce and navigation required to be submitted to Congress by the Secretary of Commerce, the following regulations shall be observed by all collectors of customs:

First. The kinds and quantities of all imported articles free from duty shall be ascertained by entry, made upon oath or affirmation, by the owner, or by the consignee or agent of the importer, or by actual examination, where the collector shall think such examination necessary; and the values of all such articles shall be ascertained in the same manner in which the values of imports subject to duties ad valorem are ascertained.

Second. The values of all imported articles subject to specific duties shall be ascertained in the manner in which the values of imports subject to duties ad valorem are ascertained.

Third. The several collectors shall keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties ad valorem as may be directed by the Secretary of Commerce.

Fourth. All articles exported shall be valued at their actual cost, or the values which they may truly bear, at the time of exportation, in the ports of the United States from which they are exported; and all articles imported shall be valued at

their actual cost, or the values which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation.

Fifth. Before a clearance shall be granted for any vessel bound to a foreign place, the collector shall require the owners, shippers, or consignors of the cargo to deliver to the collector manifests of the cargo, or of the parts thereof shipped by them respectively, which manifests shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles; and state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And the collector shall also require the master of the vessel, and the owners, shippers, and consignors of the cargo, to state in writing, to the collector, the foreign place or country in which such cargo is truly intended to be landed. The manifests and statements hereby required shall be verified by the oath of the person by whom they are respectively made and subscribed.

Sixth. Every collector shall keep an accurate account of the national characters and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which such vessels depart; and, also, an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which such vessels arrive.

Seventh. The several collectors shall make quarter-yearly returns to the Bureau of Foreign and Domestic Commerce of all the facts and matters which they are hereby required to ascertain. (R. S. § 337; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

175. Additional duties of bureau.—It shall be the province and duty of the Bureau of Foreign and Domestic Commerce, under the direction of the Secretary of Commerce, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary of Commerce or provided by law. And all consular officers of the United States, including consuls general and consuls, are required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section 596 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES, in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce. (Feb. 14, 1903, c. 552, § 5, 32 Stat. 827; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

176. Collection of commercial statistics.—A purpose of the Bureau of Foreign and Domestic Commerce is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the manufactures, domestic trade, currency, and banks of the several States and Territories. (R. S. § 335; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407.)

177. Returns of exports by rail.—Collectors of customs shall render to the Bureau of Foreign and Domestic Commerce, in such manner and form and at such periods as the Secretary of Commerce may prescribe, returns of exports to foreign countries leaving the United States by rail. Any person who shall deliver to any railway or transportation company or other common carrier commodities for transportation and exportation by rail from the United States to foreign countries, shall also deliver to the collector of customs at the frontier port through which the goods pass into the foreign country a manifest, in such form as the Secretary of Commerce may prescribe, duly certified as to its accuracy by said person or his agent, exhibiting the kinds, quantities, and values of the several articles delivered by such person or his agent for exportation. And no railway car containing commodities, the product or manufacture of the United States or foreign goods, duty paid or free of duty, intended to be exported to any foreign country, shall be permitted to leave the United States until the agent of the railway or transportation company, or the person having such car in charge, shall deliver to the customs officer at the last port in the United States through which the commodities pass into foreign territory a manifest thereof, which shall specify the kinds and quantities of the commodities in the form prescribed by the Secretary of Commerce, and until the manifest, exhibiting the kinds, quantities, and values of the several commodities, shall have been delivered to the collector of customs, as above required, by the person exporting such commodities, or by his agent, or information satisfactory to such customs officer as to the kind, quantities, and values of the domestic and foreign free or duty-paid commodities laden on such car. The agent or employee of any railway or transportation company who shall transport such commodities into a foreign country before the delivery to the collector of customs of the manifest, as above required shall be liable to a penalty of $50 for each offense: *Provided*, That the provisions of this law shall apply to commodities transported to the frontier in railway cars for exportation and transshipment across the frontier into the adjacent foreign territory in ferryboats or vehicles, so far as to require the person in charge thereof to furnish to the collector of customs information of the kinds, quantities, and values of such commodities: *And provided further*, That nothing contained in the foregoing shall be held as applicable to goods in transit between American ports by routes passing through foreign territory or to merchandise in transit between places in the Dominion of Canada by routes passing through the United States, or to merchandise arriving at the port of Brownsville in Texas, or any other port specially designated by the Secretary of the Treasury, and which may be destined for places in the Republic of Mexico. (July 16, 1892, c. 196, § 1, 27 Stat. 197; Mar. 3, 1893, c. 211, § 1, 27 Stat. 689; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

178. Reports of foreign and interstate commerce and transportation.—It shall be the duty of the officer in charge of the Bureau of Foreign and Domestic Commerce to gather, collate, and annually report to the Secretary of Commerce, for transmission to Congress, statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the

tonnage transported. (Mar. 3, 1875, c. 129, § 1, 18 Stat. 352; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

179. Quarterly reports of exports and imports.—The Director of the Bureau of Foreign and Domestic Commerce shall, under the direction of the Secretary of Commerce, prepare and publish quarterly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of Commerce may consider expedient. (R. S. § 330; Mar. 3, 1875, c. 129, § 1, 18 Stat. 352; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

180. Annual statement of vessels.—The Director of the Bureau of Foreign and Domestic Commerce shall also prepare an annual statement of vessels registered, enrolled, and licensed under the laws of the United States, together with the class, name, tonnage, and place of registry of each vessel, and such other information as the Secretary of Commerce may deem proper to embody therein. (R. S. § 340; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

181. Annual statement of merchandise.—The Director of the Bureau of Foreign and Domestic Commerce shall prepare an annual statement of all merchandise passing in transit through the United States to foreign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year. (R. S. § 341; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

182. Statistics of manufactures.—The Director of the Bureau of Foreign and Domestic Commerce shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity. (R. S. § 342; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

183. Report of statistics.—The Secretary of Commerce shall make a report to Congress on the first Monday of January in each year, containing the results of the information collected during the preceding year, by the Bureau of Foreign and Domestic Commerce, upon the condition of the manufactures, domestic trade, currency, and banks of the several States and Territories. (R. S. § 259; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241; Feb. 14, 1903, c. 552, § 9, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

184. Printing report on commerce and navigation.—The Secretary of Commerce shall cause the annual report on the statistics of commerce and navigation, required from the Director of the Bureau of Foreign and Domestic Commerce, to be prepared and printed according to law, and to be submitted to Congress at as early a day in each regular session as practicable, and not later than the first Monday in January. (R. S. § 263; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Mar. 1, 1919, c. 86, 40 Stat. 1256.)

185. Forms of statements.—The Secretary of Commerce shall prescribe the forms of the annual statements to be submitted to Congress by him showing the actual state of commerce and navigation between the United States and foreign countries, or coastwise between the collection districts of the United States, in each year. (R. S. § 251; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

186. Statistics of coasting trade included.—The annual report of the statistics of commerce and navigation shall state the kinds, quantities, and value of the merchandise entered and cleared coastwise into and from the collection districts of the United States. (R. S. § 338.)

187. Printing statement of exports and imports.—The Secretary of Commerce shall furnish to the Public Printer on or before the 1st day of November of each year, the manuscript, prepared for printing, of a condensed statement of the aggregate amount of the exports and imports from foreign countries during the preceding fiscal year. (R. S. § 265; Jan. 12, 1895, c. 23, § 17, 28 Stat. 603; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

188. Publication of commercial information.—The Secretary of Commerce shall publish official notifications, from time to time, of such commercial information communicated to him by diplomatic and consular officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select. (R. S. § 211; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

189. Sale of commercial reports.—The publications by the Department of Commerce of the consular and other commercial reports, including circular letters to chambers of commerce, may be sold at such rates as may be fixed by said department, and the proceeds of all sales shall be paid into the Treasury. (June 16, 1880, c. 235, § 1, 21 Stat. 271; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

190. Discussions in commercial reports of partisan questions.—No part of the consular and other commercial reports of the Department of Commerce, including circular letters to chambers of commerce, discussing partisan political, religious, or moral questions shall be published. (Feb. 25, 1885, c. 150, 23 Stat. 324; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

191. Terms of measure, weight, and money in commercial reports.—All terms of measure, weight, and money in the diplomatic, consular, and other commercial reports prepared, printed, published and distributed by the Department of Commerce shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms. (Feb. 9, 1903, c. 530, 32 Stat. 813; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

192. Disposition of money received from sale of compilations.—All moneys received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt. (Mar. 1, 1919, c. 86, § 1, 40 Stat. 1256.)

193. Statements and reports for collectors of customs and Treasury Department.—The Department of Commerce will furnish monthly to the collectors at the several ports a tabulation in detail showing the quantities and values of the merchandise imported and exported from their respective districts, and will furnish the Treasury Department upon request such special reports as may be necessary from time to time. (Jan. 5, 1923, c. 23, § 2, 42 Stat. 1110.)

194. Bureau of Customs Statistics transferred and consolidated with Division of Statistics.—The control and with it the expense of operation of the office known as the Bureau of Customs Statistics under the jurisdiction of the Department of the Treasury, on January 5, 1923, located in the customhouse, city of New York, State of New York, including all officers, clerks, and other employees of that bureau, official records, papers, mechanical and office equipment, furniture, and supplies on that date in use, is as of that date transferred from the De-

partment of the Treasury to the Department of Commerce. The Secretary of Commerce is authorized, if by him deemed advisable, to consolidate the Bureau of Customs Statistics with the Division of Statistics of the Bureau of Foreign and Domestic Commerce into one office, located in either Washington or New York, or partly in either place, in the discretion of the Secretary of Commerce; the statistical bureau hereby authorized to be located in New York under the jurisdiction and control of the Department of Commerce shall continue to occupy the premises in the New York customhouse which were on January 5, 1923, occupied by the Bureau of Customs Statistics, and additional space as needed shall be assigned in the same building for its use by the Secretary of the Treasury upon request of the Secretary of Commerce. (Jan. 5, 1923, c. 23, § 1, 42 Stat. 1109.)

Chapter 6.—WEIGHTS AND MEASURES AND STANDARD TIME.

WEIGHTS, MEASURES, AND STANDARDS GENERALLY

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WEIGHTS, MEASURES, AND STANDARDS GENERALLY

Section 201. Sets of standard weights and measures for agricultural colleges.—The Secretary of the Treasury is directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union, for the use of agricultural colleges in the States, respectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution: *Provided*, That the cost of each set shall not exceed $200. (Mar. 3, 1881, No. 26, 21 Stat. 521.)

202. Repairs to standards.—Such necessary repairs and adjustments shall be made to the standards furnished to the several States and Territories as may be requested by the governors thereof, and also to standard weights and measures that have been, or may be, supplied to United States customhouses and other offices of the United States, under Act of Congress, when requested by the Secretary of the Treasury. (July 11, 1890, c. 667, § 1, 26 Stat. 242.)

203. Replacing lost standard weights and measures; cost.—The Secretary of Commerce is authorized and directed to furnish precise copies of standard weights and measures bearing the seal of the Bureau of Standards and accompanied by a suitable certificate, to any State, Territory, or institution heretofore furnished with the same, upon application in writing by the governor in the case of a State or Territory, or by the official head in the case of an institution, setting forth that the copies of standards applied for are to replace similar ones heretofore furnished, in accordance with law, which have been lost or destroyed: *Provided*, That the applicant shall, before the said standards are delivered, first deposit with the Secretary of Commerce the amount of money necessary to defray all expenses incurred by the Bureau of Standards in furnishing the same, which amount shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, as soon as the weights or measures are delivered for transportation into the hands of such persons as are designated by the officers ordering the same. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 383; Mar. 3, 1901, c. 872, § 1, 31 Stat. 1449; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141 § 1, 37 Stat. 736.)

204. Metric system authorized.—It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system. (R. S. § 3569.)

205. Authorized tables.—The tables in the schedule annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now [July 28, 1866] in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system. (R. S. § 3570.)

MEASURES OF LENGTH

Metric denominations and values		Equivalents in denominations in use
Myriameter	10,000 meters	6.2137 miles.
Kilometer	1,000 meters	0.62137 miles, or 3,280 feet and 10 inches.
Hectometer	100 meters	328 feet and 1 inch.
Dekameter	10 meters	393.7 inches.
Meter	1 meter	39.37 inches.
Decimeter	1/10 of a meter	3.937 inches.
Centimeter	1/100 of a meter	0.3937 inches.
Millimeter	1/1000 of a meter	0.0394 inches.

MEASURES OF CAPACITY

Metric denominations and values			Equivalents in denominations in use	
Names	Number of liters	Cubic measure	Dry measure	Liquor or wine measure
Kiloliter, or stere	1,000	1 cubic meter	1.308 cubic yards	264.17 gallons.
Hectoliter	100	1/10 of a cubic meter.	2 bushels and 3.35 pecks.	26.417 gallons.
Dekaliter	10	10 cubic decimeters.	9.08 quarts	2.6417 gallons.
Liter	1	1 cubic decimeter.	0.908 quarts	1.0567 quarts.
Deciliter	1/10	1/10 of a cubic decimeter.	6.1022 cubic inch	0.845 gills.
Centiliter	1/100	10 cubic centimeters.	0.6102 cubic inch	0.338 fluid ounces.
Milliliter	1/1000	1 cubic centimeter.	0.061 cubic inch	0.27 fluid drams.

MEASURES OF SURFACE

Metric denominations and values		Equivalents in denominations in use
Hectare	10,000 square meters	2.471 acres.
Are	100 square meters	119.6 square yards.
Centare	1 square meter	1,550 square inches.

WEIGHTS

Metric denominations and values			Equivalents in denominations in use (avoirdupois weight)
Names	Number of grams	Weight of what quantity of water at maximum density	
Millier or tonneau	1,000,000	1 cubic meter	2,204.6 pounds.
Quintal	100,000	1 hectoliter	220.46 pounds.
Myriagram	10,000	10 liters	22.046 pounds.
Kilogram or kilo	1,000	1 liter	2.2046 pounds.
Hectogram	100	1 deciliter	3.5274 ounces.
Dekagram	10	10 cubic centimeters	0.3527 ounces.
Gram	1	1 cubic centimeter	15.432 grains.
Decigram	1/10	1/10 of a cubic centimeter	1.5432 grains.
Centigram	1/100	10 cubic millimeters	0.1543 grains.
Milligram	1/1000	1 cubic millimeter	0.0154 grains.

206. Standard gauge for sheet and plate iron and steel.—For the purpose of securing uniformity the following is established as the only standard gauge for sheet and plate iron and steel in the United States of America, namely:

Number of gauge	Approximate thickness in fractions of an inch	Approximate thickness in decimal parts of an inch	Approximate thickness in millimeters	Weight per square foot in ounces avoirdupois	Weight per square foot in pounds avoirdupois	Weight per square foot in kilograms	Weight per square meter in kilograms	Weight per square meter in pounds avoirdupois
0000000	1/2	.5	12.7	320	20.00	9.072	97.65	215.28
000000	15/32	.46875	11.90625	300	18.75	8.505	91.55	201.82
00000	7/16	.4375	11.1125	280	17.50	7.983	85.44	188.37
0000	13/32	.40625	10.31875	260	16.25	7.371	79.33	174.91
000	3/8	.375	9.525	240	15	6.804	73.24	161.46
00	11/32	.34375	8.73125	220	13.75	6.237	67.13	148.00
0	5/16	.3125	7.9375	200	12.50	5.67	61.03	134.55
1	9/32	.28125	7.14375	180	11.25	5.103	54.93	121.09
2	17/64	.265625	6.746875	170	10.625	4.819	51.88	114.37
3	1/4	.25	6.35	160	10	4.536	48.82	107.64
4	15/64	.234375	5.953125	150	9.375	4.252	45.77	100.91
5	7/32	.21875	5.55625	140	8.75	3.969	42.72	94.18
6	13/64	.203125	5.159375	130	8.125	3.685	39.67	87.45
7	3/16	.1875	4.7625	120	7.5	3.402	36.62	80.72
8	11/64	.171875	4.365625	110	6.875	3.118	33.57	74.00
9	5/32	.15625	3.96875	100	6.25	2.835	30.52	67.27
10	9/64	.140625	3.571875	90	5.625	2.552	27.46	60.55
11	1/8	.125	3.175	80	5	2.268	24.41	53.82
12	7/64	.109375	2.778125	70	4.375	1.984	21.36	47.09
13	3/32	.09375	2.38125	60	3.75	1.701	18.31	40.36
14	5/64	.078125	1.984375	50	3.125	1.417	15.26	33.64
15	9/128	.0703125	1.7859375	45	2.8125	1.276	13.73	30.27
16	1/16	.0625	1.5875	40	2.5	1.134	12.21	26.91
17	9/160	.05625	1.42875	36	2.25	1.021	10.99	24.22
18	1/20	.05	1.27	32	2	.9072	9.765	21.53
19	7/160	.04375	1.11125	28	1.75	.7938	8.544	18.84
20	3/80	.0375	.9525	24	1.50	.6804	7.324	16.15
21	11/320	.034375	.873125	22	1.375	.6237	6.713	14.80
22	1/32	.03125	.793750	20	1.25	.567	6.103	13.46
23	9/320	.028125	.714375	18	1.125	.5103	5.493	12.11
24	1/40	.025	.635	16	1	.4536	4.882	10.76
25	7/320	.021875	.555625	14	.875	.3969	4.272	9.42
26	3/160	.01875	.47625	12	.75	.3402	3.662	8.07
27	11/640	.0171875	.4365625	11	.6875	.3119	3.357	7.40
28	1/64	.015625	.396875	10	.625	.2835	3.052	6.73
29	9/640	.0140625	.3571875	9	.5625	.2551	2.746	6.05
30	1/80	.0125	.3175	8	.5	.2268	2.441	5.38
31	7/640	.0109375	.2778125	7	.4375	.1984	2.136	4.71
32	13/1280	.01015625	.25796875	6½	.40625	.1843	1.983	4.37
33	3/320	.009375	.238125	6	.375	.1701	1.831	4.04
34	11/1280	.00859375	.21828125	5½	.34375	.1559	1.678	3.70
35	5/640	.0078125	.1984375	5	.3125	.1417	1.526	3.36
36	9/1280	.00703125	.17859375	4½	.28125	.1276	1.373	3.03
37	17/2560	.006640625	.168671875	4¼	.265625	.1205	1.297	2.87
38	1/160	.00625	.15875	4	.25	.1134	1.221	2.69

The same and no other shall be used in determining duties and taxes levied by the United States of America on sheet and plate iron and steel. But sections 206 to 208, inclusive, of this chapter, shall not be construed to increase duties upon any articles which may be imported. (Mar. 3, 1893, c. 221, § 1, 27 Stat. 746.)

207. Preparation of standards by Secretary of the Treasury.—The Secretary of the Treasury is authorized and required to prepare suitable standards in accordance with the preceding section. (Mar. 3, 1893, c. 221, § 2, 27 Stat. 746.)

208. Variations.—In the practical use and application of the standard gauge established in section 206 a variation of 2½ per cent, either way may be allowed. (Mar. 3, 1893, c. 221, § 3, 27 Stat. 746.)

209. Standards for screw threads to be adopted.—It shall be the duty of the Commission for the Standardization of Screw Threads to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments. (July 18, 1918, c. 156, § 2, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291.)

210. Promulgation for use by public.—The Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document. (July 18, 1918, c. 156, § 3, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291.)

STANDARDS OF ELECTRICITY

221. Units of electrical measure.—The legal units of electrical measure in the United States shall be as follows:

First. Resistance, ohm.—The unit of resistance shall be what is known as the international ohm, which is substantially equal to one thousand million units of resistance of the centimeter-gram-second system of electromagnetic units, and is represented by the resistance offered to an unvarying electric current by a column of mercury at the temperature of melting ice fourteen and four thousand five hundred and twenty-one ten-thousandths grams in mass, of a constant cross-sectional area, and of the length of one hundred and six and three-tenths centimeters.

Second. Current, ampere.—The unit of current shall be what is known as the international ampere, which is one-tenth of the unit of current of the centimeter-gram-second system of electromagnetic units, and is the practical equivalent of the unvarying current, which, when passed through a solution of nitrate of silver in water in accordance with standard specifications, deposits silver at the rate of one thousand one hundred and eighteen millionths of a gram per second.

Third. Electromotive force, volt.—The unit of electromotive force shall be what is known as the international volt, which is the electromotive force that, steadily applied to a conductor whose resistance is one international ohm, will produce a current of an international ampere, and is practically equivalent to one thousand fourteen hundred and thirty-fourths of the electromotive force between the poles or electrodes of the voltaic cell known as Clark's cell, at a temperature of fifteen degrees centigrade, and prepared in the manner described in the standard specifications.

Fourth. Quantity, coulomb.—The unit of quantity shall be what is known as the international coulomb, which is the quantity of electricity transferred by a current of one international ampere in one second.

Fifth. Capacity, farad.—The unit of capacity shall be what is known as the international farad, which is the capacity of a condenser charged to a potential of one international volt by one international coulomb of electricity.

Sixth. Work, joule.—The unit of work shall be the joule, which is equal to ten million units of work in the centimeter-gram-second system, and which is practically equivalent to the energy expended in one second by an international ampere in an international ohm.

Seventh. Power, watt.—The unit of power shall be the watt, which is equal to ten million units of power in the centimeter-gram-second system, and which is practically equivalent to the work done at the rate of one joule per second.

Eighth. Induction henry.—The unit of induction shall be the henry, which is the induction in a circuit when the electromotive force induced in this circuit is one international volt while the inducing current varies at the rate of one ampere per second. (July 12, 1894, c. 131, § 1, 28 Stat. 101.)

STANDARD BARRELS

231. Standard barrel for apples; steel barrels.—The standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith. (Aug. 3, 1912, c. 273, § 1, 37 Stat. 250.)

232. Barrels below standard; marking.—All barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as defined in the preceding section and the capacity of the barrel is less than the capacity prescribed by the preceding section, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by the preceding section. The marking required by this paragraph shall be in block letters of size not less than seventy-two point one-inch gothic. (Aug. 3, 1912, c. 273, § 4, 37 Stat. 251.)

233. Penalty for violations.—Any person, firm, or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of section 231 or 232 of this chapter or of sections 20, 21, or 22 of Title 21, FOOD AND DRUGS, shall be liable to a penalty of $1 and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction. (Aug. 3, 1912, c. 273, § 6, 37 Stat. 251.)

234. Standard barrel for fruits or other dry commodity.—The standard barrel for fruits, vegetables, and other dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch. (Mar. 4, 1915, c. 158, § 1, 38 Stat. 1186.)

235. Sale or shipment of barrel of less capacity than standard; punishment.—It shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the preceding section, or subdivisions thereof known as the third, half, and three-quarters barrel, and any person guilty of a willful violation of any of the provisions of sections 234 to 236, inclusive, shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of sections 234 to 236, inclusive, when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped. (Mar. 4, 1915, c. 158, § 2, 38 Stat. 1186.)

236. Variations from standard permitted; prosecutions; law not applicable to certain barrels.—Reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this section or either of the two preceding sections may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however*, That nothing in this section or the two preceding sections shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count. (Mar. 4, 1915, c. 158, § 3, 38 Stat. 1187.)

237. Standard barrels for lime.—There is established a large and a small barrel of lime, the large barrel to consist of two hundred and eighty pounds and the small barrel to consist of one hundred and eighty pounds, net weight. (Aug. 23, 1916, c. 396, § 1, 39 Stat. 530.)

238. Penalty for selling in barrels not marked.—It shall be unlawful for any person to sell or offer for sale lime imported in barrels from a foreign country, or to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, unless there shall be stenciled or otherwise clearly marked on one or both heads of the small barrel the figures "180 lbs. net" and of the large barrel the figures "280 lbs. net" before the importation or shipment, and on either barrel in addition the name of the manufacturer of the lime and where manufactured, and, if imported, the name of the country from which it is imported. (Aug. 23, 1916, c. 396, § 2, 39 Stat. 530.)

239. Sale in containers of less capacity than barrel.—When lime is sold in interstate or foreign commerce in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold, and, if imported, the name of the country from which it is imported. (Aug. 23, 1916, c. 396, § 3, 39 Stat. 530.)

240. Rules and regulations.—Rules and regulations for the enforcement of sections 237 to 242, inclusive, not inconsistent with the provisions of said sections, shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, and such rules and regulations shall

include reasonable variations or tolerances which may be allowed. (Aug. 23, 1916, c. 396, § 4, 39 Stat. 531.)

241. Penalty for selling lime in unmarked barrels and containers.—It shall be unlawful to pack, sell, or offer for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any barrels or other containers of lime which are not marked as provided in sections 238 and 239, or to sell, charge for, or purport to deliver from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is established by the provisions of sections 237 to 242, inclusive, and any person guilty of a violation of the provisions of sections 237 to 242, inclusive, shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding $100. (Aug. 23, 1916, c. 396, § 5, 39 Stat. 531.)

242. Duty of district attorney to enforce law.—It shall be the duty of each district attorney, to whom satisfactory evidence of any violation of sections 237 to 242, inclusive, is presented, to cause appropriate proceedings to be commenced and prosecuted in the United States court having jurisdiction of such offense. (Aug. 23, 1916, c. 396, § 6, 39 Stat. 531.)

STANDARD BASKETS AND CONTAINERS

251. Standards for Climax baskets.—Standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used. (Aug. 31, 1916, c. 426, § 1, 39 Stat. 673.)

252. Standard basket or container for small fruits and vegetables.—The standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

(c) The dry quart shall contain sixty-seven and two-tenths cubic inches. (Aug. 31, 1916, c. 426, § 2, 39 Stat. 673.)

253. Failure to conform to standards; penalty; exception.—It shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables whether filled or unfilled, which do not conform to the provisions of this subdivision of this chapter; and any person guilty of a willful violation of any of the provisions of said subdivision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made. (Aug. 31, 1916, c. 426, § 3, 39 Stat. 674.)

254. Examination and test by Department of Agriculture; rules and regulations.—The examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this subdivision of this chapter, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary. (Aug. 31, 1916, c. 426, § 4, 39 Stat. 674.)

255. Duties of district attorney.—It shall be the duty of each district attorney, to whom satisfactory evidence of any violation of this subdivision of this chapter is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case provided in said subdivision. (Aug. 31, 1916, c. 426, § 5, 39 Stat. 674.)

256. Guaranty of manufacturer of baskets or containers as defined.—No dealer shall be prosecuted under the provisions of this subdivision of this chapter when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in said subdivision, where purchased, to the effect that said Climax baskets, baskets, or other containers are correct within the meaning of said subdivision. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this subdivision of this chapter. (Aug. 31, 1916, c. 426, § 6, 39 Stat. 674.)

STANDARD TIME

261. Zones for standard time.—For the purpose of establishing the standard time of the United States, the territory of continental United States shall be divided into five zones in the manner provided in this section. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. The limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with

foreign nations, and such order may be modified from time to time. (Mar. 19, 1918, c. 24, § 1, 40 Stat. 450.)

262. Duty to observe standard time of zones.—Within the respective zones created under the authority of this subdivision of this chapter the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed. (Mar. 19, 1918, c. 24, § 2, 40 Stat. 451.)

263. Designation of zone standard times.—The standard time of the first zone shall be known and designated as United States standard eastern time; that of the second zone shall be known and designated as United States standard central time; that of the third zone shall be known and designated as United States standard mountain time; that of the fourth zone shall be known and designated as United States standard Pacific time; and that of the fifth zone shall be known and designated as United States standard Alaska time. (Mar. 19, 1918, c. 24, § 4, 40 Stat. 451.)

264. Part of Idaho in third zone.—In the division of territory, and in the definition of the limits of each zone, as provided in this subdivision of this chapter so much of the State of Idaho as lies south of the Salmon River, traversing the State from east to west near forty-five degrees thirty minutes latitude shall be embraced in the third zone. (Mar. 3, 1923, c. 216, 42 Stat. 1434.)

265. Transfer of certain territory to standard central-time zone.—The Panhandle and Plains sections of Texas and Oklahoma are transferred to and placed within the United States standard central-time zone.

The Interstate Commerce Commission is authorized and directed to issue an order placing the western boundary line of the United States standard central-time zone in so far as the same affect Texas and Oklahoma as follows:

Beginning at a point where such western boundary time zone line crosses the State boundary line between Kansas and Oklahoma; thence westerly along said State boundary line to the northwest corner of the State of Oklahoma; thence in a southerly direction along the west State boundary line of Oklahoma and the west State boundary line of Texas to the southeastern corner of the State of New Mexico; thence in a westerly direction along the State boundary line between the States of Texas and New Mexico to the Rio Grande River; thence down the Rio Grande River as the boundary line between the United States and Mexico: *Provided*, That the Chicago, Rock Island and Gulf Railway Company and the Chicago, Rock Island and Pacific Railway Company may use Tucumcari, New Mexico, as the point at which they change from central to mountain time and vice versa; the Colorado Southern and Fort Worth and Denver City Railway Companies may use Sixela, New Mexico, as such changing point; the Atchison, Topeka and Sante Fe Railway Company and other branches of the Santa Fe system may use Clovis, New Mexico, as such changing point, and those railways running into or through El Paso may use El Paso as such point: *Provided further*, That this section shall not, except as herein provided, interfere with the adjustment of time zones as established by the Interstate Commerce Commission. (Mar. 4, 1921, c. 178, § 1, 41 Stat. 1446.)

Chapter 7.—THE BUREAU OF STANDARDS.

Sec.
271. Bureau established.
272. Functions of bureau.
273. Functions; for whom exercised.
274. Director; powers and duties; report.
275. Appointment of officers and employees.
276. Fees.
277. Regulations.
278. Visiting committee.
279. Absence of director.
280. Apprentices; promotion.
281. Testing materials for District of Columbia.

Section 271. Bureau established.—The Office of Standard Weights and Measures shall be known as the National Bureau of Standards. (Mar. 3, 1901, c. 872, § 1, 31 Stat. 1449.)

272. Functions of bureau.—The functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere. (Mar. 3, 1901, c. 872, § 2, 31 Stat. 1449.)

273. Functions; for whom exercised.—The bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations established in sections 276 and 277. (Mar. 3, 1901, c. 872, § 3, 31 Stat. 1449.)

274. Director; powers and duties; report.—The director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of Commerce, including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions. (Mar. 3, 1901, c. 872, § 5, 31 Stat. 1449; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

275. Appointment of officers and employees.—The officers and employees of the bureau, except the director, shall be appointed by the Secretary of Commerce at such time as their respective services may become necessary. (Mar. 3, 1901, c. 872, § 6, 31 Stat. 1450; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

276. Fees.—For all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of Commerce. (Mar. 3, 1901, c. 872, § 8, 31 Stat. 1450; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

277. **Regulations.**—The Secretary of Commerce shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying into effect sections 271 to 278, inclusive. (Mar. 3, 1901, c. 872, § 9, 31 Stat. 1450; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

278. **Visiting committee.**—There shall be a visiting committee of five members to be appointed by the Secretary of Commerce, to consist of men prominent in the various interests involved, and not in the employ of the Government. This committee shall visit the bureau at least once a year, and report to the Secretary of Commerce upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the committee shall be so arranged that one member shall retire each year, and the appointments to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists. (Mar. 3, 1901, c. 872, § 10, 31 Stat. 1450; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

279. **Absence of director.**—In the case of the absence of the Director of the Bureau of Standards the Secretary of Commerce may designate some officer of said bureau to perform the duties of the director during his absence. (Mar. 4, 1911, c. 237, § 1, 36 Stat. 1231; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

280. **Apprentices; promotion.**—Apprentices in the Bureau of Standards may be promoted after satisfactory apprenticeship, with the approval of the Civil Service Commission, to positions corresponding to the journeyman grades for which their duties logically prepare them, without regard to apportionment: *Provided*, That they thus acquire no rights to transfer to other lines of work. (July 16, 1914, c. 141, § 1, 38 Stat. 502.)

281. **Testing materials for District of Columbia.**—Materials for fireproof buildings, other structural materials, and all materials, other than materials for paving and for fuel, purchased for and to be used by the government of the District of Columbia, when necessary in the judgment of the commissioners to be tested, shall be tested by the Bureau of Standards under the same conditions as similar testing is required to be done for the United States Government. (Mar. 4, 1913, c. 150, 37 Stat. 945.)

Chapter 8.—FALSELY STAMPED GOLD OR SILVER OR GOODS MANUFACTURED THEREFROM.

Sec.
291. Stamping with words "United States assay," etc., unlawful.
292. Forfeiture.
293. Penalty for infraction.
294. Importation or transportation of falsely marked gold or silver ware prohibited.
295. Standard of fineness of gold articles; deviation.
296. Standard of fineness of silver articles; deviation.
297. Stamping plated articles; words "sterling" or "coin" forbidden.
298. Violations of law; penalty; jurisdiction of prosecutions.
299. Expression "article of merchandise" defined.
300. Application of State laws.

Section 291. Stamping with words "United States assay," etc., unlawful.—It shall be unlawful for any person, partnership, association, or corporation engaged in commerce among the several States, Territories, District of Columbia, and possessions of the United States, or with any foreign country, to stamp any gold, silver, or goods manufactured therefrom, and which are intended and used in such commerce, with the words "United States assay," or with any words, phrases, or devices calculated to convey the impression that the United States Government has certified to the fineness or quality of such gold or silver, or of the gold or silver contained in any of the goods manufactured therefrom. Each and every such stamp shall constitute a separate offense. (Feb. 21, 1905, c. 720, § 1, 33 Stat. 732.)

292. **Forfeiture.**—Any gold, silver, or goods manufactured therefrom after February 21, 1905, bearing any of the stamps, words, phrases, or devices prohibited to be used under the preceding section, and being in the course of transportation from one State to another, or to or from a Territory, the District of Columbia, or possessions of the United States, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law. (Feb. 21, 1905, c. 720, § 3, 33 Stat. 732.)

293. **Penalty for infraction.**—Every person, partnership, association, or corporation violating the provisions of this section or either of the two preceding sections, and every officer, director, or managing agent of such partnership, association, or corporation having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished with a fine of not more than $5,000 or imprisonment for not more than one year, or both, at the discretion of the court. (Feb. 21, 1905, c. 720, § 2, 33 Stat. 732.)

294. **Importation or transportation of falsely marked gold or silver ware prohibited.**—It shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry or gold ware, silver goods or silverware, or for any officer, manager, director, or agent of such firm, corporation, or association to import or export or cause to be imported into or exported from the United States for the purpose of selling or disposing of the same, or to deposit or cause to be deposited in the United States mails for transmission thereby, or to deliver or cause to be delivered to any common carrier for transportation from one State, Territory, or possession of the United States, or the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after June 13, 1907, and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in the two following sections. (June 13, 1906, c. 3289, § 1, 34 Stat. 260.)

295. **Standard of fineness of gold articles; deviation.**—In the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the preceding section, the actual fineness of such gold or alloy shall not be less by more than one-

half of one carat than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; except that in the case of watch-cases and flatware, so made of gold or of any of its alloys, the actual fineness of such gold or alloy shall not be less by more than three one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed: *Provided*, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than one carat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative. (June 13, 1906, c. 3289, § 2, 34 Stat. 260.)

296. Standard of fineness of silver articles; deviation.—In the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in section 294, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word "sterling" or the word "coin") stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, card, or label attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the word "sterling" or "sterling silver" or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words "coin" or "coin silver" or colorable imitation thereof unless such article or parts thereof purporting to be silver contains nine hundred one-thousandth parts pure silver: *Provided*, That in the case of all such articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards: *Provided*, That in any test for the ascertainment of the fineness of any such article mentioned in this section according to the foregoing standards the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than ten one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative. (June 13, 1906, c. 3289, § 3, 34 Stat. 261.)

297. Stamping plated articles; words "sterling" or "coin" forbidden.—In the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate, or by any similar designation, so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered to any common carrier, or so transported or caused to be transported as specified in section 294, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with the word "sterling" or the word "coin," either alone or in conjunction with other words or marks. (June 13, 1906, c. 3289, § 4, 34 Stat. 261.)

298. Violations of law; penalty; jurisdiction of prosecutions.—Each and every person, firm, corporation, or association, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of sections 294 to 300, inclusive, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which has been conducted the transportation of the article in respect to which such violation has been committed, shall be punished by a fine of not more than $500 or imprisonment for not more than three months, or both, at the discretion of the court. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein. (June 13, 1906, c. 3289, § 5, 34 Stat. 262.)

299. Expression "article of merchandise" defined.—The expression "article of merchandise" as used in sections 294 to 300, inclusive, shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale. (June 13, 1906, c. 3289, § 6, 34 Stat. 262.)

300. Application of State laws.—All articles of merchandise to which sections 294 to 300, inclusive, apply which shall have been transported into any State, Territory, District, or posses-

sion of the United States, and shall remain therein for use, sale, or storage, shall, upon arrival in such State, Territory, District, or possession, be subject to the operation of all the laws of such State, Territory, District, or possession of the United States to the same extent and in the same manner as though such articles of merchandise had been produced in such State, Territory, District, or possession, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (June 13, 1906, c. 3289, § 7, 34 Stat. 262.)

Chapter 9.—THE WEATHER BUREAU.

Sec.
311. Establishment.
312. Chief and employees.
313. Duties of chief of bureau.
314. Promotions.
315. Changes or assignment to duty.
316. Traveling expenses.
317. Appropriations and estimates.
318. Weather signals on mail cars.
319. Printing.
320. Sale of maps or publications.
321. Destruction of old telegrams.

Section 311. Establishment.—The civilian duties prior to October 1, 1890, performed by the Signal Corps of the Army shall devolve upon a bureau to be known as the Weather Bureau, which shall be established in and attached to the Department of Agriculture. (Oct. 1, 1890, c. 1266, § 1, 26 Stat. 653.)

312. Chief and employees.—The Weather Bureau shall consist of one Chief of Weather Bureau and such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving on said bureau by law, and the chief of said bureau shall be appointed by the President, by and with the advice and consent of the Senate. (Oct. 1, 1890, c. 1266, § 4, 26 Stat. 653; July 8, 1898, No. 57, 30 Stat. 752.)

313. Duties of chief of bureau.—The Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties. (Oct. 1, 1890, c. 1266, § 3, 26 Stat. 653.)

314. Promotions.—The Secretary of Agriculture is authorized to make promotions in the service without prejudice to those transferred from the Signal Service of the War Department. (Aug. 8, 1894, c. 238, 28 Stat. 273.)

315. Changes or assignment to duty.—The Secretary of Agriculture is authorized to make such changes or assignment to duty in the personnel or detailed force of the Weather Bureau for limiting or reducing expenses as he may deem necessary. (Mar. 2, 1895, c. 169, 28 Stat. 736.)

316. Traveling expenses.—Officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by laws existing on March 4, 1913, applicable to said bureau, notwithstanding any changes in appointments that may be required by such transfers. (Mar. 4, 1913, c. 145, 37 Stat. 830.)

317. Appropriations and estimates.—The appropriations for the support of the Weather Bureau shall be made with those of the other bureaus of the Department of Agriculture, and it shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau which shall be specially developed and extended in the interests of agriculture. (Oct. 1, 1890, c. 1266, § 9, 26 Stat. 653.)

318. Weather signals on mail cars.—The Secretary of Agriculture, in cooperation with the Postmaster General, may arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail, suitable flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, and so forth, to be furnished by the Chief of the Weather Bureau. (Apr. 25, 1896, c. 140, 29 Stat. 108.)

319. Printing.—No printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said bureau. (Feb. 10, 1925, c. 200, 43 Stat. 826.)

320. Sale of maps or publications.—The Secretary of Agriculture is authorized to sell any surplus maps or publications of the Weather Bureau, and the money received from such sales shall be deposited in the Treasury of the United States. (Mar. 4, 1907, c. 2907, 34 Stat. 1258.)

321. Destruction of old telegrams.—All telegrams pertaining to the business of the Weather Bureau may be destroyed after they are three years old, and the accounts based thereon have been settled by the Treasury Department. (May 25, 1900, c. 555, 31 Stat. 204.)

Chapter 10.—WAR FINANCE CORPORATION.

THE CORPORATION

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THE CORPORATION

Section 331. Creation of corporation; composition.—The Secretary of the Treasury, the Secretary of Agriculture, and four additional persons (who shall be the directors first ap-

pointed as hereinafter provided) are created a body corporate and politic in deed and in law by the name, style, and title of the War Finance Corporation (herein called the corporation), and shall have succession for a period of ten years: *Provided*, That except as otherwise provided by this subdivision and the following subdivision of this chapter the corporation shall not exercise any of the powers conferred by said subdivisions except such as are incidental to the liquidation of its assets and the winding up of its affairs, after July 1, 1922. (Apr. 5, 1918, c. 45, § 1, 40 Stat. 506; Aug. 24, 1921, c. 80, § 2, 42 Stat. 181.)

332. Capital stock.—The capital stock of the corporation shall be $500,000,000, all of which shall be subscribed by the United States of America, and such subscription shall be subject to call upon the vote of three-fifths of the board of directors of the corporation, with the approval of the Secretary of the Treasury, at such time or times as may be deemed advisable; and there is appropriated, as of April 5, 1918, out of any money in the Treasury not otherwise appropriated, the sum of $500,000,000, or so much thereof as may be necessary for the purpose of making payment upon such subscription when and as called. Receipts for payments by the United States of America for or on account of such stock shall be issued by the corporation to the Secretary of the Treasury, and shall be evidence of stock ownership. (Apr. 5, 1918, c. 45, § 2, 40 Stat. 506.)

333. Directors.—The management of the corporation shall be vested in a board of directors, consisting of the Secretary of the Treasury, who shall be chairman of the board, and four other persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. No director, officer, attorney, agent, or employee of the corporation shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association, in which he is directly or indirectly interested; and each director shall devote his time, not otherwise required by the business of the United States, principally to the business of the corporation. Before entering upon his duties, each of the four directors so appointed, and each officer, shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or any other statute shall be construed to prevent the appointment as a director of the corporation of any officer or employee under the United States or of a director of a Federal reserve bank.

Of the four directors so appointed, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each director so appointed shall serve for four years. Whenever a vacancy shall occur among the directors so appointed, the person appointed director to fill any such vacancy shall hold office for the unexpired term of the member whose place he is selected to fill. Any director shall be subject to removal by the President of the United States. Three members of the board of directors shall constitute a quorum for the transaction of business. (Apr. 5, 1918, c. 45, § 3, 40 Stat. 507.)

334. Salaries of directors.—The four directors of the corporation appointed as hereinbefore provided shall receive annual salaries, payable monthly, of $12,000. Any director receiving from the United States any salary or compensation for services shall not receive as salary from the corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the corporation exceed $12,000. (Apr. 5, 1918, c. 45, § 4, 40 Stat. 507.)

335. Office; branch offices.—The principal office of the corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors. (Apr. 5, 1918, c. 45, § 5, 40 Stat. 507.)

336. Seal; corporate powers.—The corporation shall be empowered and authorized to adopt, alter, and use a corporate seal; to make contracts; to purchase or lease and hold or dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of competent jurisdiction, State or Federal; to appoint, by its board of directors, and fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, subject to the approval of the Secretary of the Treasury, by-laws regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed, and prescribing the powers and duties of its officers and agents. (Apr. 5, 1918, c. 45, § 6, 40 Stat. 507.)

337. Advances to persons, firms, or corporations.—The corporation shall be empowered and authorized, in exceptional cases, to make advances directly to any person, firm, corporation, or association, conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war (but only for the purpose of conducting such business in the United States and only when in the opinion of the board of directors of the corporation such person, firm, corporation, or association is unable to obtain funds upon reasonable terms through banking channels or from the general public), for periods not exceeding five years from the respective dates of such advances, upon such terms, and subject to such rules and regulations as may be prescribed by the board of directors of the corporation. In no case shall the aggregate amount of the advances made under this section exceed at any one time an amount equal to 12½ per centum of the sum of (1) the authorized capital stock of the corporation plus (2) the aggregate amount of bonds of the corporation authorized to be outstanding at any one time when the capital stock is fully paid in. Every such advance shall be secured by adequate security of such character as shall be prescribed by the board of directors of a value at the time of such advance (as estimated and determined by the board of directors), equal to (except in case of an advance made to a railroad in the possession and control of the President, for the purpose of making additions, betterments or road extensions to such railroad) at least 125 per centum of the amount advanced by the corporation. The corporation shall retain power to require additional security at any time. The rate of interest charged on any such advance shall not be less than 1 per centum per annum in excess of the rate of discount for ninety-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located. (Apr. 5, 1918, c. 45, § 9, 40 Stat. 509.)

338. Limitation of aggregate amount of advances.—In no case shall the aggregate amount of the advances made under this subdivision of this chapter to any one person, firm, corporation, or association exceed at any one time an amount equal to 10 per centum of the authorized capital stock of the corporation, but this section shall not apply in the case of an advance made to a railroad in the possession and control of the President, for the purpose of making additions, betterments or road extensions to such railroad. (Apr. 5, 1918, c. 45, § 10, 40 Stat. 509.)

339. Purchase of bonds of United States.—The corporation shall be empowered and authorized to subscribe for, acquire, and own, buy, sell, and deal in bonds and obligations of the United States issued or converted after September 24, 1917, to such extent as the board of directors, with the approval of the Secretary of the Treasury, may from time to time determine. (Apr. 5, 1918, c. 45, § 11, 40 Stat. 509.)

340. Bonds of corporation; issue, etc.—The corporation shall be empowered and authorized to issue and have outstanding at any one time its notes or bonds in an amount aggregating not more than three times its paid-in capital, such notes or bonds to mature not less than six months nor more than five years from the respective dates of issue, and may be redeemable before maturity at the option of the corporation, as may be stipulated in such notes or bonds, and to bear such rate or rates of interest as may be determined by the board of directors, but such rate or rates of interest shall be subject to the approval of the Secretary of the Treasury. Such notes or bonds shall have a first and paramount floating charge on all the assets of the corporation, and the corporation shall not at any time mortgage or pledge any of its assets. Such notes or bonds may be issued at not less than par in payment of any advances authorized by this subdivision of this chapter, or may be offered for sale publicly or to any individual, firm, corporation, or association, at such price or prices at not less than par as the board of directors, with the approval of the Secretary of the Treasury, may determine. The power of the corporation to issue notes or bonds may be exercised at any time prior to January 31, 1927, but no such bonds or notes shall mature later than June 30, 1927.

Upon such terms not inconsistent herewith as may be determined from time to time by the board of directors, with the approval of the Secretary of the Treasury, at or before the issue thereof, any of such bonds may be issued payable in any foreign money or foreign moneys, or issued payable at the option of the respective holders thereof either in dollars or in any foreign money or foreign moneys at such fixed rate of exchange as may be stated in any such bonds. For the purpose of determining the amount of bonds issued payable in any foreign money or foreign moneys the dollar equivalent shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury in pursuance of the provisions of section 372 of Title 31, MONEY AND FINANCE. (Apr. 5, 1918, c. 45, § 12, 40 Stat. 509; Aug. 24, 1921, c. 80, § 5, 42 Stat. 183; June 10, 1922, c. 215, § 2, 42 Stat. 634; Mar. 4, 1923, c. 252, Title V, § 502, 42 Stat. 1481.)

341. Discount by reserve banks of obligations of member banks secured by bonds.—The Federal reserve banks shall be authorized, subject to the maturity limitations of chapter 3, Title 12, BANKS AND BANKING, and to regulations of the Federal Reserve Board, to discount the direct obligations of member banks secured by such notes or bonds of the corporation and to rediscount notes or other negotiable instruments secured by such notes or bonds and indorsed by a member bank. Discounts or rediscounts under this section shall be at an interest rate equal to the prevailing rate for eligible commercial paper of corresponding maturities.

Any Federal reserve bank may, with the approval of the Federal Reserve Board, use any obligation or paper so acquired for any purpose for which it is authorized to use obligations or paper secured by bonds or notes of the United States not bearing the circulation privilege: *Provided, however,* That whenever Federal reserve notes are issued against the security of such obligations or paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law, not inconsistent herewith, in respect to the acquisition by any Federal reserve bank of obligations or paper secured by such bonds or notes of the United States, and in respect to Federal reserve notes issued against the security of such obligations or paper, shall extend, in so far as applicable, to the acquisition of obligations or paper secured by the bonds of the corporation and to the Federal reserve notes issued against the security of such obligations or paper. (Apr. 5, 1918, c. 45, § 13, 40 Stat. 510; Aug. 24, 1921, c. 80, § 6, 42 Stat. 184.)

342. Authorization to commence business.—The corporation shall not exercise any of the powers granted by this subdivision of this chapter or perform any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the President of the United States to commence business under the provisions of this subdivision of this chapter. (Apr. 5, 1918, c. 45, § 14, 40 Stat. 510.)

343. Moneys of corporation; deposit and disposition thereof; liquidation.—All moneys of the corporation not otherwise employed may be kept on deposit, subject to check, with the Treasurer of the United States, or in any of the Federal reserve banks, or may, upon the direction of the board of directors of the corporation, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of the United States issued or converted after September 24, 1917, or upon like direction and approval, may be used from time to time in the purchase or redemption of any bonds issued by the corporation.

The Federal reserve banks are authorized to act as depositories for and as fiscal agents of the corporation in the general performance of the powers conferred by this subdivision of this chapter.

Beginning January 1, 1925, the directors of the corporation shall proceed to liquidate its assets and wind up its affairs, except as specifically provided in this subdivision of this chapter; but the directors of the corporation, in their discretion, may, from time to time prior to such liquidation, sell and dispose of any securities or other property acquired by the corporation.

After January 1, 1925, the corporation may, with the approval of the Secretary of the Treasury, deposit with the Treasurer of the United States, as a special deposit, out of money belonging to the corporation, or from time to time received by it in the course of liquidation or otherwise, an amount equal to the aggregate amount of all outstanding bonds or notes of the corporation, including principal and interest to maturity. Moneys so deposited shall constitute a special fund for the payment of principal and interest of such bonds or notes, or for the purchase or redemption of such bonds or notes at not more than par and accrued interest, and may be drawn upon or paid out for no other purpose.

Whenever there shall have been deposited in such special fund an amount equal to the aggregate amount of all bonds or notes of the corporation then outstanding, including principal and interest to maturity, the corporation may, with the approval of the Secretary of the Treasury, pay into the Treasury of the United States, as miscellaneous receipts, any moneys belonging to the corporation, or received from time to time in the course of liquidation or otherwise, in excess of a reasonable reserve to meet all liabilities and expenses during liquidation. Whenever any such payment is made, an amount of capital stock of the corporation equal in par value to the amount so paid in shall be canceled and retired.

All net earnings of the corporation not required for its operations shall be accumulated as a reserve fund until such time

as the corporation liquidates under the terms of this subdivision of this chapter.

Any balance remaining after the payment of all the corporation's debts, and after the retirement of all its capital stock as herein provided, shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the corporation shall be dissolved. (Apr. 5, 1918, c. 45, § 15, 40 Stat. 510; Mar. 3, 1919, c. 100, § 10, 40 Stat. 1314; Aug. 24, 1921, c. 80, § 7, 42 Stat. 184; June 10, 1922, c. 215, § 3, 42 Stat. 634; Mar. 4, 1923, c. 252, Title V, § 503, 42 Stat. 1481; Feb. 20, 1924, c. 37, §§ 2, 3, 43 Stat. 15.)

344. Bonds and property of corporation; exemption from taxation.—Any and all bonds issued by the corporation shall be exempt, both as to principal and interest, from all taxation imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, imposed by the United States, upon the income or profits of individuals, partnerships, corporations, or associations. The interest on an amount of such bonds the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, corporation, or association, shall be exempt from the taxes referred to in clause (b). The corporation, including its franchise and the capital and reserve or surplus thereof, and the income derived therefrom, shall be exempt from all taxation imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except that any real property of the corporation shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed. (Apr. 5, 1918, c. 45, § 16, 40 Stat. 511.)

345. Liability of United States for obligation of corporation.—The United States shall not be liable for the payment of any bond or other obligation or the interest thereon issued or incurred by the corporation, nor shall it incur any liability in respect of any act or omission of the corporation. (Apr. 5, 1918, c. 45, § 17, 40 Stat. 511.)

346. Offenses; punishment.—Whoever (1) makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance under this subdivision of this chapter, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Whoever willfully overvalues any security by which any such advance is secured, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Whoever (1) falsely makes, forges, or counterfeits any bond, coupon, or paper in imitation of or purporting to be in imitation of a bond or coupon issued by the corporation; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by the corporation, knowing the same to be falsely made, forged, or counterfeited; or (3) falsely alters any such bond, coupon, or paper; or (4) passes, utters, or publishes as true any falsely altered or spurious bond, coupon, or paper issued or purporting to have been issued by the corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Whoever, being connected in any capacity with the corporation, (1) embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or (2) with intent to defraud the corporation or any other company, body politic or corporate, or any individual, or to deceive any officer of the corporation, (a) makes any false entry in any book, report, or statement of the corporation, or (b) without authority from the directors draws any order or assigns any note, bond, draft, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

The Secretary of the Treasury is authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person committing any of the offenses punishable under this section. (Apr. 5, 1918, c. 45, § 18, 40 Stat. 511.)

347. Reports.—The corporation shall file quarterly reports with the Secretary of the Senate and with the Clerk of the House of Representatives, stating as of the first day of each month of the quarter just ended (1) the total amount of capital paid in, (2) the total amount of bonds issued, (3) the total amount of bonds outstanding, (4) the total amount of advances made under section 337, (5) a list of the classes and amount of securities taken under such section, (6) the total amount of advances outstanding under section 337, and (7) such other information as may be required by either House of Congress.

The corporation shall make a report to Congress on the first day of each regular session, including a detailed statement of receipts and expenditures. (Apr. 5, 1918, c. 45, § 19, 40 Stat. 512.)

348. Advances to banks, etc.; financing agricultural projects; purchase of acceptances.—Whenever in the opinion of the board of directors of the corporation the public interest may require it, the corporation shall be authorized and empowered to make advances upon such terms not inconsistent with this subdivision or the following subdivision of this chapter as it may determine to any bank, banker, or trust company in the United States, or to any cooperative association of producers in the United States which may have made advances for agricultural purposes, including the breeding, raising, fattening, and marketing of livestock, or may have discounted or rediscounted notes, drafts, bills of exchange or other negotiable instruments issued for such purposes. Such advance or advances may be made upon promissory note or notes, or other instrument or instruments, in such form as to impose on the borrowing bank, banker, trust company, or cooperative association a primary and unconditional obligation to repay the advance at maturity with interest as stipulated therein, and shall be fully and adequately secured in each instance by indorsement, guaranty, pledge, or otherwise. Such advances may be made for a period not exceeding one year and the corporation may from time to time extend the time of payment of any such advance through renewals, substitution of new obligations or otherwise, but the time for the payment of any such advance shall not be extended beyond three years from the date upon which such advance was originally made. The aggregate of advances made to any bank, banker, trust company, or cooperative association shall not exceed the amount remaining unpaid of the advances made by such bank, banker, trust company, or cooperative association for purposes herein described.

The corporation may, in exceptional cases, upon such terms not inconsistent with this subdivision or the following subdivision of this chapter as it may determine, purchase from domestic banks, bankers, or trust companies, notes, drafts, bills of exchange or other instruments of indebtedness secured by chattel mortgages, warehouse receipts, bills of lading, or other instruments in writing, conveying or securing marketable title to staple agricultural products, including livestock. The corporation may from time to time, upon like security, extend the time of payment of any note, draft, bill of ex-

change, or other instrument acquired under this section, but the time for the payment of any such note, draft, bill of exchange, or other instrument shall not be extended beyond three years from the date upon which such note, draft, bill of exchange, or other instrument was acquired by the corporation. The corporation is further authorized, upon such terms as it may prescribe, to purchase, sell, or otherwise deal in acceptances, adequately secured, issued by banking corporations organized under chapter 6 of Title 12, BANKS AND BANKING: *Provided*, That no purchase of acceptances of the said banking corporations shall be made except for the purpose of assisting the said banking corporations in financing the exportation of agricultural and manufactured products from the United States to foreign countries. No such acceptances shall be purchased which have a maturity at the time of such purchase of more than three years. (Aug. 24, 1921, c. 80, § 3, 42 Stat. 182.)

349. Aggregate amount of advances, and notes, etc., unpaid.—The aggregate amount of all advances made under the preceding section, and of all notes, drafts, bills of exchange, or other securities purchased under the said section remaining unpaid, shall not at any one time exceed $1,000,000,000. (Aug. 24, 1921, c. 80, § 3, 42 Stat. 183.)

350. Definitions.—Whenever in this subdivision or the following subdivision of this chapter the words "bank, banker, or trust company" are used, they shall be deemed to include any reputable and responsible financing institution incorporated under the laws of any State or of the United States with resources adequate to the undertaking contemplated. (Aug. 24, 1921, c. 80, § 3, 42 Stat. 183.)

351. Reports furnished by Comptroller of Currency to facilitate advances.—In order to enable the corporation to carry out the purposes of this subdivision and the following subdivision of this chapter, the Comptroller of the Currency is authorized to furnish to the corporation for its confidential use such reports, records, or other information as he may have available relating to financial condition of national banks to which the corporation has made or contemplates making advances, and to make, through his examiners, for the confidential use of the corporation, examinations of banks, bankers, or trust companies, other than national banks to which the corporation has made or contemplates making advances: *Provided*, That no such examination shall be made without the consent of such bank, banker, or trust company. (Aug. 24, 1921, c. 80, § 3, 42 Stat. 183.)

352. Interest rate on loans by persons receiving advances.—No person, bank, banker, or trust company receiving money under the provisions of this subdivision or the following subdivision of this chapter shall loan such money at a rate of interest greater than 2 per centum per annum in excess of the rate of interest charged or received by the corporation upon such money. (Aug. 24, 1921, c. 80, § 3, 42 Stat. 183.)

MISCELLANEOUS PROVISIONS

361. Offenses; punishment.—Whoever willfully violates any of the provisions of this subdivision or the preceding subdivision of this chapter except where a different penalty is provided in either of said subdivisions, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $10,000 or imprisoned for not more than one year, or both; and whoever knowingly participates in any such violation, except where a different penalty is provided in either of said subdivisions, shall be punished by a like fine or imprisonment, or both. (Apr. 5, 1918, c. 45, § 300, 40 Stat. 514.)

362. Partial invalidity.—If any clause, sentence, paragraph, or part of this subdivision or the preceding subdivision of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, or, in case any court of competent jurisdiction shall adjudge to be invalid any provisions hereof in respect of any class or classes of securities, such judgment shall not affect, impair, or invalidate the remainder of said subdivisions, but shall be confined in its operation to the clause, sentence, paragraph, part, or subject matter of said subdivisions directly involved in the controversy in which such judgment shall have been rendered. (Apr. 5, 1918, c. 45, § 302, 40 Stat. 514.)

363. "Securities" defined.—The term "securities," as used in this subdivision or the preceding subdivision of this chapter, includes stocks, shares of stock, bonds, debentures, notes, certificates of indebtedness, and other obligations. (Apr. 5, 1918, c. 45, § 303, 40 Stat. 514.)

364. Person defined.—When used in this subdivision or the preceding subdivision of this chapter the term "person" includes partnerships, corporations, and associations, as well as individuals. (Aug. 24, 1921, c. 80, § 1, 42 Stat. 181.)

365. Amendment or repeal.—The right to amend, alter, or repeal this subdivision or the preceding subdivision of this chapter is expressly reserved. (Apr. 5, 1918, c. 45, § 304, 40 Stat. 515.)

EXTENSION PROVISIONS

371. Extension of time for advances and purchases.—The time during which the War Finance Corporation may make advances and purchase notes, drafts, bills of exchange, or other securities under the terms of section 348 of this chapter, is extended to and including November 30, 1924: *Provided*, That if any application for an advance or for the purchase by the War Finance Corporation of notes, drafts, bills of exchange, or other securities is received at the office of the corporation in the District of Columbia on or before November 30, 1924, such application may be acted upon and approved, and the advance may be made or the notes, drafts, bills of exchange, or other securities may be purchased at any time prior to December 31, 1924. (Feb. 20, 1924, c. 37, § 1, 43 Stat. 14.)

372. Extension of time for payment.—The corporation may from time to time, through renewals, substitutions of new obligations, or otherwise, extend the time of payment of any advance made under authority conferred in section 348 of this chapter; but the time for the payment of any such advance shall not be extended beyond January 1, 1926, if such advance was originally made on or before January 1, 1923, or beyond three years from the date upon which such advance was originally made, if such advance was originally made after January 1, 1923. (Feb. 20, 1924, c. 37, § 4, 43 Stat. 15.)

373. Activities of War Finance Corporation revived.—The Secretary of the Treasury and the members of the War Finance Corporation are directed as of January 4, 1921, to revive the activities of the War Finance Corporation, and that said corporation be as of that date rehabilitated with the view of assisting in the financing of the exportation of agricultural and other products to foreign markets. (Jan. 4, 1921, c. 9, 41 Stat. 1084.)

COMMERCE DEPARTMENT

See chapter 10 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

COMMISSION ON INDUSTRIAL RELATIONS

See Title 29, LABOR.

COMMISSIONER OF PENSIONS

See Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

COMMON CARRIERS

See Title 45, RAILROADS; see Title 46, SHIPPING.

COMPENSATION FOR INJURIES

Government employees; see chapter 15 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

COMPTROLLER OF THE CURRENCY

See Title 31, MONEY AND FINANCE.

COMPTROLLER OF THE TREASURY

See Title 31, MONEY AND FINANCE.

CONGRESS

Appropriations; see Title 31, MONEY AND FINANCE.

Printing and binding for Congress; see Title 44, PUBLIC PRINTING AND BINDING.

CONGRESSIONAL RECORD

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Chapter 1. — THE NATIONAL PARKS, MILITARY PARKS, AND MONUMENTS.

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THE NATIONAL PARK SERVICE

Section 1. Service created; director; other employees.—There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director. The Secretary of the Interior shall appoint the director, and there shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (Aug. 25, 1916, c. 408, § 1, 39 Stat. 535; Mar. 4, 1923, c. 265, § 1, 42 Stat. 1488; Mar. 3, 1925, c. 462, 43 Stat. 1176.)

2. National parks, reservations, and monuments; supervision.—The director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which on August 25, 1916, were under the jurisdiction of the Department of the Interior, and of the Hot Springs National Park in the State of Arkansas, and of such other national parks and reservations of like character as may be created by Congress. In the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior. (Aug. 25, 1916, c. 408, § 2, 39 Stat. 535; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1407.)

3. Same; rules and regulations; timber; leases.—The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1 and 2 of this title shall be punished by a fine of not more than $500 or imprisonment for not exceeding six months or both, and be adjudged to pay all costs of the proceedings. He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations provided for under section 2 of this title, but for periods not exceeding twenty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to any one on such terms as to interfere with free access to them by the public: *Provided, however*, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park. (Aug. 25, 1916, c. 408, § 3, 39 Stat. 535; June 2, 1920, c. 218, § 5, 41 Stat. 732.)

4. Rights of way through public lands.—The provisions of sections 1, 2, and 3 of this title shall not affect or modify the provisions of sections 79, 419, and 420 of this title. (Aug. 25, 1916, c. 408, § 4, 39 Stat. 536.)

5. Rights of way through parks or reservations for electrical poles and lines.—The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such park or reservation falls, and upon a finding by him that the same is not incompatible with the public interest. All or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date. (Mar. 4, 1911, c. 238, 36 Stat. 1253.)

6. Donations of lands within national parks and monuments and moneys.—The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights of way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system. (June 5, 1920, c. 235, § 1, 41 Stat. 917.)

7. Purchase of supplies or services for National Park Service.—The purchase of supplies or the procurement of services by the National Park Service outside the District of Columbia may be made in open market without compliance with sections 5 and 16 of Title 41, Public Contracts, in the manner common among business men, when the aggregate amount of the purchase or service does not exceed $50. (Jan. 24, 1923, c. 42, 42 Stat. 1215.)

8. Roads and trails in national parks and monuments; construction, etc.—The Secretary of the Interior, in his administration of the National Park Service, is authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior. (Apr. 9, 1924, c. 86, § 1, 43 Stat. 90.)

9. Exchange of motor vehicles and equipment as part consideration in purchase of new equipment.—The National Park Service may exchange, as part consideration, in the purchase of new equipment, motor vehicles, and any other equipment for use in the national parks. (Jan. 24, 1923, c. 42, 42 Stat. 1215.)

10. Arrests by employees of park service for violations of laws and regulations.—All persons employed in the National Park Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the national forest or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations. (Mar. 3, 1905, c. 1405, 33 Stat. 872.)

YELLOWSTONE NATIONAL PARK

21. Yellowstone Park; establishment.—The tract of land in the States of Montana and Wyoming, lying near the headwaters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom. (R. S. § 2474.)

22. Same; control by Secretary of the Interior; removal of trespassers.—Such public park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make regulations providing for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding twenty years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section. (R. S. § 2475; Aug. 25, 1916, c. 408, § 3, 39 Stat. 535.)

23. Same; detail of troops for protection.—The Secretary of War, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein. (Mar. 3, 1883, c. 143, § 1, 22 Stat. 627.)

24. Same; jurisdiction over park; fugitives from justice.—The Yellowstone National Park, as its boundaries now are defined, or as they may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States. All the laws applicable to places under the sole and exclusive jurisdiction of the United States, shall have force and effect in said park. Nothing in this section shall be construed to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the States of Idaho, Montana, and Wyoming. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Wyoming. (May 7, 1894, c. 72, § 1, 28 Stat. 73.)

25. Same; criminal laws applicable.—If any offense shall be committed in said Yellowstone National Park, which offense is not prohibited or the punishment is not specially provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Wyoming in force at the time of the commission of the offense may provide for a like offense in the said State; and no subsequent repeal of any such law of the State of Wyoming shall affect any prosecution for said offense committed within said park. (May 7, 1894, c. 72, § 3, 28 Stat. 73.)

26. Same; regulations for hunting and fishing in; punishment for violations; forfeitures.—All hunting, or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park; and for the protection of the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within the said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds, or fish so killed, taken, or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding $300. Any person found guilty of violating any of the provisions of this section or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from

injury or spoliation of timber, mineral deposits, natural curiosities or wonderful objects within said park, or for the protection of the animals, birds and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this section, and upon conviction under this section of such person or persons using said guns, traps, teams, horses, or other means of transportation such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided herein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (May 7, 1894, c. 72, § 4, 28 Stat. 73; June 28, 1916, c. 179, 39 Stat. 238.)

27. Same; commissioner; jurisdiction and powers of.—The United States district court in said district shall appoint a commissioner, who shall reside in the park, who shall have jurisdiction to hear and act upon all complaints made, of any and all violations of the law, or of the rules and regulations made by the Secretary of the Interior for the government of the park, and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by sections 25 to 27 of this chapter. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with the violation of the rules and regulations, or with the violation of any provision of such sections prescribed for the government of said park, and for the protection of the animals, birds, and fish in the said park, and to try the person so charged, and, if found guilty, to impose the punishment and adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Wyoming, said appeal to be governed by the laws of the State of Wyoming providing for appeals in cases of misdemeanor from justices of the peace to the district court of said State; but the United States circuit court in said district may prescribe rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. Said commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission of any felony within the park, and to summarily hear the evidence introduced, and, if he shall determine that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court in said State of Wyoming, and shall certify a transcript of the record of his proceedings and the testimony in the case to the said court, which court shall have jurisdiction of the case. He shall grant bail in all cases bailable under the laws of the United States or of said State. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Wyoming; but nothing herein contained shall be construed as preventing the arrest by any officer of the Government or employee of the United States in the park without process of any person taken in the act of violating the law or any regulation of the Secretary of the Interior. He shall exercise such authority and powers only as are conferred by this section. (May 7, 1894, c. 72, § 5, 28 Stat. 74.)

28. Same; deputy marshals.—The marshal of the United States for the district of Wyoming may appoint one or more deputy marshals for Yellowstone National Park, who shall reside in said park. (May 7, 1894, c. 72, § 6, 28 Stat. 75.)

29. Same; compensation of commissioner, marshals, and United States attorneys.—The commissioner in Yellowstone National Park shall be paid an annual salary as appropriated for by Congress, payable quarterly, and the marshal of the United States and his deputies, and the attorney of the United States and his assistants in said district, shall be paid the same salary as provided by law for like services in said district. (May 7, 1894, c. 72, § 7, 28 Stat. 75; Apr. 17, 1900, c. 192, § 1, 31 Stat. 133; Mar. 4, 1923, c. 295, 42 Stat. 1560; Feb. 27, 1925, c. 364, 43 Stat. 1028.)

30. Same; jail, and office for commissioner.—The Secretary of the Interior shall cause to be erected in Yellowstone National Park a suitable building to be used as a jail, and also having in said building an office for the use of the commissioner. (May 7, 1894, c. 72, § 9, 28 Stat. 75.)

31. Same; payment of costs and expenses.—All costs and expenses arising in cases under sections 24 to 30 of this title, and properly chargeable to the United States, shall be certified, approved, and paid as like costs and expenses in the courts of the United States are certified, approved, and paid under the laws of the United States. (May 7, 1894, c. 72, § 8, 28 Stat. 75.)

32. Same; lease of lands within park.—The Secretary of the Interior is authorized and empowered to lease for a period not exceeding twenty years, at an annual rental to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yellowstone National Park, separate tracts of land, not exceeding twenty acres each, at such places not to exceed ten in number to any one person, corporation, or company, in said park as the comfort and convenience of visitors may require for the construction and maintenance of substantial hotel buildings and buildings for the protection of stage, stock, and equipment.

Such lease or leases shall not include any of the geysers or any objects of curiosity or interest in said park, or exclude the public from free and convenient approach thereto, or include any ground within one-eighth of a mile of any of the geysers of the Yellowstone Falls, the Grand Canyon, or the Yellowstone River, Mammoth Hot Springs, or any object of curiosity in the park; nor shall such lease convey either expressly or by implication any exclusive privilege within the park, except on the premises held thereunder and for the time therein granted. Every lease made for any property of said park shall require the lessee to observe and obey each and every provision in any Act of Congress, every rule, order, or regulation made or which shall hereafter be made and published by the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein under penalty of forfeiture of such lease, and shall be subject to the right of revocation and forfeiture, which shall therein be reserved by the Secretary of the Interior.

The provisions of this section are not to be construed as mandatory upon the Secretary of the Interior, but the authority herein given is to be exercised in his sound discretion. (Aug. 3, 1894, c. 198, 28 Stat. 222; June 4, 1906, c. 2570, 34 Stat. 207; Mar. 2, 1907, c. 2518, 34 Stat. 1219.)

33. Same; leases of lands; mortgages by lessees.—Any person, corporation, or company holding a lease within Yellowstone Park for the purposes described in the preceding section is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights, properties,

and franchises, including his or its contract or contracts with the Secretary of the Interior, and such mortgages, together with the approval of the Secretary of the Interior may be filed for record in the office of the Secretary of the Interior, and when so reported shall have all the effect of a public record. Any mortgage, lien, or encumbrance created under the provisions of this section shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor. (June 4, 1906, c. 2570, 34 Stat. 207.)

34. Same; road extensions.—Road extensions and improvements shall be made in Yellowstone National Park under and in harmony with the general plan of roads and improvements to be approved by the Secretary of the Interior. (July 1, 1918, c. 113, § 1, 40 Stat. 678.)

35. Same; private use of electricity from lighting and power plant.—Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of War, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and 10 per centum additional, under such regulations as may be prescribed by the Secretary of War. (Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1130.)

36. Same; disposition of surplus elk, buffalo, bear, beaver, and predatory animals.—The Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to give surplus elk, buffalo, bear, beaver, and predatory animals inhabiting Yellowstone National Park to Federal, State, county, and municipal authorities for preserves, zoos, zoological gardens, and parks. He may sell or otherwise dispose of the surplus buffalo of the Yellowstone National Park herd, and all moneys received from the sale of any such surplus buffalo shall be deposited in the Treasury of the United States as miscellaneous receipts. (Jan. 24, 1923, c. 42, 42 Stat. 1214.)

SEQUOIA, YOSEMITE, AND GENERAL GRANT NATIONAL PARKS

41. Sequoia National Park.—The tract of land in the State of California known and described as township numbered 18 south, of range numbered 30 east, also township 18 south, range 31 east; and sections 31, 32, 33, and 34, township 17 south, range 30 east, all east of Mount Diablo meridian, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as hereinafter provided, shall be considered trespassers and removed therefrom. (Sept. 25, 1890, c. 926, § 1, 26 Stat. 478.)

42. Same; donations of lands or rights of way.—The Secretary of the Interior is authorized to accept patented lands or rights of way whether over patented or other lands in the Sequoia National Park that may be donated for park purposes. (July 1, 1916, c. 209, § 1, 39 Stat. 308.)

43. Same; rules and regulations; leases; fish and game; trespassers.—Sequoia National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. He may, in his discretion, grant leases for building purposes for terms not exceeding twenty years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, in addition to the powers and duties enumerated in sections 3 and 61 of this title, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this section and section 42 of this title. (Sept. 25, 1890, c. 926, § 2, 26 Stat. 478; Aug. 25, 1916, c. 408, § 3, 39 Stat. 535.)

44. Lands set aside as reserved forest lands.—The tracts of land in the State of California known and described as follows: Commencing at the northwest corner of township 2 north, range 19 east Mount Diablo meridian, thence eastwardly on the line between townships 2 and 3 north, ranges 24 and 25 east; thence southwardly on the line between ranges 24 and 25 east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township 1 south, ranges 25 and 26 east; thence southwardly on the line between ranges 25 and 26 east to the southeast corner of township 2 south, range 25 east; thence eastwardly on the line between townships 2 and 3 south, range 26 east to the corner to townships 2 and 3 south, ranges 26 and 27 east; thence southwardly on the line between ranges 26 and 27 east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township 4 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 south, range 19 east; thence westwardly on the line between townships 1 and 2 south to the southwest corner of township 1 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 north, range 19 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and, except as otherwise provided in section 46 of this title, set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing in this section and sections 45, 55, and 61 of this title shall be construed as in anywise affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to October 1, 1890. (Oct. 1, 1890, c. 1263, § 1, 26 Stat. 650.)

45. Additional forest reserves in California.—There is reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands, as provided in section 44 of this title, and subject to all the limitations and provisions therein contained, the following lands, to wit: Township 17 south, range 30 east of the Mount Diablo meridian, excepting sections 31, 32, 33, and 34 of said township, included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions, and provisions, all of townships 15 and 16 south, of ranges 29 and 30 east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections 5 and 6 in township 14 south, range 28, east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian. Nothing in this section or sections 44, 55, and 61 of this title, shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary

of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States. (Oct. 1, 1890, c. 1263, § 8, 26 Stat. 651.)

46. **Yosemite National Park; lands segregated from and included in Sierra National Forest; rights of way over.**—All those tracts or parcels of ground described in section 45 of this title, but not included within the metes and bounds of the land hereinafter described are included and made a part of the Sierra National Forest, namely: The tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections 3 and 4, township 4 south, range 20 east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships 3 and 4 south, range 20 east, to the northwest corner of section 3, township 3 south, range 20 east; thence westerly along township line to the southwest corner of section 33, township 2 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence southerly along range line to the southeast corner of the northeast quarter of section 24, township 2 south, range 19 east; thence westerly to the southwest corner of the northeast quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 24, said township; thence westerly along section lines to the southwest corner of section 23, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the southeast quarter of section 14, said township; thence northerly along section line to the northwest corner of section 13, said township; thence easterly along section line to the northeast corner of section 13, said township; thence northerly along range line to the northwest corner of the southwest quarter of section 7, township 2 south, range 20 east; thence easterly to the northeast corner of the southeast quarter of section 7, said township; thence southerly along section line to the northwest corner of section 17, said township; thence easterly along section lines to the northeast corner of section 16, said township; thence northerly along section lines to the northwest corner of section 3, said township; thence westerly along township line to the southwest corner of section 33, township 1 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence northerly along range line to the northwest corner of section 6, said township; thence westerly along Mount Diablo base line to the southwest corner of section 34, township 1 north, range 19 east; thence northerly along section lines through the middle of townships 1 and 2 north, range 19 east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall Creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin Rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township 4 south, range 23 east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning. The lands above described are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of sections 44, 45, and 61 of this title. The Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under sections 79, 419, and 522 of this title, and other sections concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra National Forest shall be paid into the Treasury of the United States as provided by law. The forest lands herein set aside and reserved shall be known as the "Yosemite National Park." (Feb. 7, 1905, c. 547, § 1, 33 Stat. 702.)

47. **Same; additional lands excluded from Yosemite National Park and added to Sierra National Forest.**—That portion of the Yosemite National Park lying between the boundary line described in section 46 of this title and the line next herein described is excluded from said park and the said portion so described added to and made a part of the Sierra National Forest, to wit: Beginning at the point on the line between sections 35 and 36, township 4 south, range 21 east, where same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section 25; thence west on section lines to the southwest corner of section 28; thence north on section line to the northwest corner of section 28; thence west on section line to the quarter-section corner between sections 20 and 29; thence north through the middle of section 20 to the center thereof; thence east through the middle of section 20 to the quarter-section corner between sections 20 and 21; thence north on section line to the quarter-section corner between sections 16 and 17; thence west through middle of section 17 to the center thereof; thence north through the middle of sections 17, 8, and 5 to the quarter-section corner of north boundary of section 5 on township boundary, all in township 4 south, range 21 east; thence north through the middle of section 32, township 3 south, range 21 east, to the center thereof; thence west through the middle of section 32, said township, and section 36, township 3 south, range 20 east, to the quarter-section corner between sections 35 and 36; thence north on section line to the quarter-section corner between sections 25 and 26; thence east through the middle of section 25 to the center thereof; thence north through the middle of sections 25 and 24 to the center of section 24; thence west through the middle of sections 24, 23, and 22 to the quarter-section corner between sections 21 and 22, township 3 south, range 20 east, on the present western boundary of the Yosemite National Park. The above-indicated portion of land so made a part of the Sierra National Forest shall be subject to all of the Acts of Congress with relation thereto. The Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under sections 79, 419, and 522 of this title, relating to rights of way over certain parks, reservations, and other lands, and other sections concerning rights of way over public lands. In the grant of any right of way for railway purposes across the lands placed under this measure within the Sierra National Forest it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior and under regulations to be promulgated by him. (June 11, 1906, No. 27, § 1, 34 Stat. 831.)

48. **Same; Yosemite Valley and Mariposa Big Tree Grove reserved and made part of Yosemite National Park.**—The tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, described as the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, in the State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the

precipice, on each side of the valley, and the tracts embracing what is known as the "Mariposa Big Tree Grove," not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter section each, together with that part of fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the present south boundary of the Yosemite National Park, on June 11, 1906, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as a national forest, subject to all the limitations, conditions, and provisions of sections 44, 45, and 61 of this title, as well as the limitations, conditions, and provisions of section 46, and shall hereafter form a part of the Yosemite National Park. (June 30, 1864, c. 184, §§ 1, 2, 13 Stat. 325; June 11, 1906, No. 27, § 2, 34 Stat. 832.)

49. Same; rights of claimants and owners of lands included; laws and regulations applicable within.—None of the lands patented and in private ownership in the area included under sections 46 and 47 of this title in the Sierra National Forest shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the national forests. All laws, rules, and regulations affecting national forests, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by sections 46 and 47 from the Yosemite National Park, except as otherwise provided. (June 11, 1906, No. 27, § 2, 34 Stat. 832.)

50. Same; revenues from privileges.—All revenues derived from privileges in the park authorized under sections 44, 46, and 55 of this title, as well as under section 47, or from privileges accorded on the lands segregated from said park and included within the Sierra National Forest, shall be paid into the Treasury of the United States, to the credit of miscellaneous receipts. (June 11, 1906, No. 27, § 3, 34 Stat. 832; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

51. Same; exchange of privately owned lands in park.—The Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said secretaries, respectively. The secretaries of the said departments are authorized to acquire title in fee by the exchange of lands of the United States for patented lands not exceeding six hundred and forty acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired, said lands shall become a part of the Yosemite National Park and be subject to all the provisions of sections 44, 45, 55, and 61 of this title. (Apr. 9, 1912, c. 74, § 1, 37 Stat. 80; Apr. 16, 1914, c. 58, 38 Stat. 345.)

52. Same; values of lands and timber to be exchanged; lands added to park.—The value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands. The lands conveyed to the Government under section 51 of this title shall become a part of the Yosemite National Park. (Apr. 9, 1912, c. 74, § 2, 37 Stat. 80.)

53. Same; cutting and removal of timber.—All timber must be cut and removed from the Yosemite National Park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior. (Apr. 9, 1912, c. 74, § 3, 37 Stat. 81.)

54. Same; sale of matured, dead, or down timber.—The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts. (Apr. 9, 1912, c. 74, § 4, 37 Stat. 81.)

55. Same; leases of land in; mortgages by lessees.—The Secretary of the Interior is authorized and empowered to grant leases, for periods of not exceeding twenty years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding twenty acres each, at such places, not to exceed ten in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, and so forth. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

Any person or corporation or company holding a lease or leases within said park for the purposes above described is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

Any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor. (Oct. 1, 1890, c. 1263, § 2, 26 Stat. 651; July 23, 1914, c. 206, 38 Stat. 554; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

56. Same; donations of lands or rights of way.—The Secretary of the Interior is authorized to accept patented lands or rights of way whether over patented or other lands in the

Yosemite National Park that may be donated for park purposes. (July 1, 1916, c. 209, § 1, 39 Stat. 308.)

57. Yosemite, Sequoia, and General Grant National Parks; cession by California accepted; exclusive jurisdiction of United States; jurisdiction remaining in and taxation by California.—Sole and exclusive jurisdiction is assumed by the United States over the territory embraced and included within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid parks or either of them in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said parks; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks; and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situated. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

58. Same; laws applicable; fugitives from justice.—All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said parks or either of them. All fugitives from justice taking refuge in said parks, or either of them, shall be subject to the same laws as refugees from justice found in the State of California. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

59. Same; offenses punishable by State laws.—If any offense shall be committed in the Yosemite National Park, Sequoia National Park, General Grant National Park, or either of them, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said parks, or either of them. (June 2, 1920, c. 218, § 4, 41 Stat. 731.)

60. Same; hunting or fishing prohibited.—All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said parks; nor shall any fish be taken out of any of the waters of the said parks, or any one of them, in any other way than by hook and line, and then only at such seasons and such times and manner as may be directed by the Secretary of the Interior. (June 2, 1920, c. 218, § 5, 41 Stat. 731.)

61. Same; rules and regulations.—In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section, the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the date of passage of the respective Acts creating and establishing said parks, natural curiosities or wonderful objects within said parks, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said parks; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said parks or either of them. He shall cause all persons trespassing upon the same to be removed therefrom. (Oct. 1, 1890, c. 1263, § 2, 26 Stat. 651; June 2, 1920, c. 218, § 5, 41 Stat. 732.)

62. Same; possession of dead bodies of birds or animals.—Possession within said parks, or either of them, of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that person or persons having same are guilty of violating sections 60 to 63, inclusive, of this title. (June 2, 1920, c. 218, § 5, 41 Stat. 732.)

63. Same; transportation of birds, animals, or fish; violations of statute or rules or regulations for management, care, and preservation of parks; damage or spoliation; punishment.—Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of sections 57 to 78, inclusive, of this title, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of said sections, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said parks, or either of them, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or wonderful objects within said parks, or either of them, or for the protection of the animals, birds, or fish in the said parks, or either of them, or who shall within said parks commit any damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be subject to the penalty provided for the violation of rules and regulations of the Secretary of the Interior authorized by section 3 of this title. (June 2, 1920, c. 218, § 5, 41 Stat. 732.)

64. Same; sale or disposal of timber; destruction of detrimental animal or plant life.—Nothing in sections 57 to 78, inclusive, of this title shall be construed as repealing or in any way modifying the authority granted the Secretary of the Interior by said section 3 of this title to sell or dispose of timber in national parks in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery of the natural or historic objects in such parks and to provide for the destruction of such animals and such plant life as may be detrimental to the use of any of said parks, or the authority granted to said Secretary by sections 51 to 54 of this title. (June 2, 1920, c. 218, § 5, 41 Stat. 732.)

65. Same; seizure and forfeiture of guns, traps, teams, horses, and so forth.—All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said parks, or either of them, when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said parks, or either of them, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 57 to 77, inclusive, of this title, and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (June 2, 1920, c. 218, § 6, 41 Stat. 733.)

66. Same; commissioners; appointment; jurisdiction.—The United States District Court for the Northern District of California shall appoint a commissioner for the Yosemite National Park, and the United States District Court for the Southern District of California shall appoint a commissioner for the

Sequoia National Park and the General Grant National Park. Such commissioners shall have jurisdiction within their respective parks to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior, for the government of said parks and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 57 to 77, inclusive, of this title. (June 2, 1920, c. 218, §§ 7, 8, 41 Stat. 733.)

67. Same; commissioners; arrests for certain offenses.—Such commissioners within their respective parks shall have power upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 57 to 77, inclusive, of this title prescribed for the government of said parks and for the protection of the animals, birds, and fish in said parks, and try persons so charged, and, if found guilty, impose punishment and to adjudge forfeiture prescribed. (June 2, 1920, c. 218, §§ 7, 8, 41 Stat. 733.)

68. Same; appeals from conviction by commissioners.—In all cases of conviction an appeal shall lie from the judgment of said commissioners to the United States Court for the Northern District of California, and the United States District Court for the Southern District of California, respectively, and the United States district court in such district shall prescribe rules and procedure and practice for said commissioners appointed by them in the trial of cases and for appeals to said United States district court. (June 2, 1920, c. 218, §§ 7, 8, 41 Stat. 733.)

69. Same; residence of commissioners.—The commissioner for the Yosemite National Park shall reside within the exterior boundaries of Yosemite National Park, and the commissioner for the Sequoia National Park and the General Grant National Park shall reside within the exterior boundaries of one of the said last-named national parks and at a place to be designated by the court making such appointment. (June 2, 1920, c. 218, § 11, 41 Stat. 734.)

70. Same; arrests by commissioners for certain offenses; holding persons arrested for trial; bail.—Any such commissioner within his jurisdiction shall also have the power to issue process as hereinbefore provided for the arrest of any person charged with commission within said boundaries of said parks, or either of them, of any criminal offense not covered by the provisions of sections 60 to 64 of this title, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, he shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court in and for the judicial district to which he belongs, and certify a transcript of the record of his proceedings and testimony in the case to the court, to which the park is attached as specified in sections 76 and 77, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (June 2, 1920, c. 218, § 9, 41 Stat. 734.)

71. Same; service of process issued by commissioners; arrests without process.—All process issued by the commissioner of the Yosemite National Park shall be directed to the marshal of the United States for the northern district of California, and all process issued by the commissioner of the Sequoia National Park and the General Grant National Park shall be directed to the marshal of the United States for the southern district of California, but nothing herein contained shall be so construed to prevent the arrest by any officer or employee of the Government or any person employed by the United States, in the policing of such reservation within the boundaries of said parks, or either of them, without process of any person taken in the act of violating the law or the provisions of sections 57 to 77 of this title or the regulation prescribed by said Secretary as aforesaid. (June 2, 1920, c. 218, § 10, 41 Stat. 734.)

72. Same; salaries of commissioners.—The commissioner provided for the Yosemite National Park and the commissioner provided for the Sequoia National Park and the General Grant National Park by section 66 of this title each shall be paid an annual salary as appropriated for by Congress, payable monthly. (June 2, 1920, c. 218, § 11, 41 Stat. 734; Feb. 27, 1925, c. 364, 43 Stat. 1028.)

73. Same; fees, costs, and expenses collected by commissioner.—All fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 74 of this title. (June 2, 1920, c. 218, § 11, 41 Stat. 734.)

74. Same; disposition of fines and costs.—All fines and costs imposed and collected shall be deposited by said commissioners of the United States, or the marshal of the United States collecting the same, with the clerk of the United States district court to which said parks are attached, as provided in sections 76 and 77 of this title. (June 2, 1920, c. 218, § 13, 41 Stat. 734.)

75. Same; payment of fees, costs, and expenses chargeable to United States.—All fees, costs, and expenses arising in cases under sections 57 to 77, inclusive, of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (June 2, 1920, c. 218, § 12, 41 Stat. 734.)

76. Yosemite National Park; included within certain judicial district; jurisdiction of district court.—Yosemite National Park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within said boundaries of the Yosemite National Park. (June 2, 1920, c. 218, § 2, 41 Stat. 731.)

77. Sequoia and General Grant National Parks included in certain judicial districts; jurisdiction of district courts.—Sequoia National Park and General Grant National Park shall constitute part of the United States judicial district for the southern district of California, and the district court of the United States in and for said southern district shall have jurisdiction of all offenses committed within the boundaries of said Sequoia National Park and General Grant National Park. (June 2, 1920, c. 218, § 3, 41 Stat. 731.)

78. Detail of troops to Sequoia, Yosemite, and General Grant Parks.—The Secretary of War, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein. (June 6, 1900, c. 791, § 1, 31 Stat. 618.)

79. Rights of way for electrical plants.—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the Yosemite, Sequoia, and General Grant National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground

occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named. Such permits shall be allowed within or through any of said parks only upon the approval of the chief officer of the department under whose supervision such park falls and upon a finding by him that the same is not incompatible with the public interest. All permits given hereunder for telegraph and telephone purposes shall be subject to the provision of sections 1 to 5 and 8 of Title 47, and amendments thereto, regulating rights of way for telegraph companies over the public domain. Any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any of said parks. (Feb. 15, 1901, c. 372, 31 Stat. 790.)

MOUNT RAINIER NATIONAL PARK

91. Mount Rainier National Park; establishment; trespassers.—All those certain tracts, pieces or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point three miles east of the northeast corner of township numbered 17 north, of range 6 east of the Willamette meridian; thence south through the central parts of townships numbered 17, 16, and 15 north, of range 7 east of the Willamette meridian, 18 miles more or less, subject to the proper easterly or westerly offsets, to a point three miles east of the northeast corner of township numbered 14 north, of range 6 east of the Willamette meridian; thence east on the township line between townships numbered 14 and 15 north, 18 miles more or less to a point 3 miles west of the northeast corner of township 14 north, of range 10 east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, 18 miles more or less, to a point 3 miles west of the northeast corner of township numbered 17 north, of range 10 east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships numbered 17 and 18 to the place of beginning, are dedicated and set apart as a public park, to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom. (Mar. 2, 1899, c. 377, § 1, 30 Stat. 993.)

92. Same; control; regulations; leases for buildings; rights of way to park; fish and game; removal of trespassers.—Mount Rainier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section, he shall make regulations providing for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors. And through the lands of the Pacific National Forest adjoining said park rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific National Forest, and also into said park created by section 91 of this title, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of sections 91 to 93 of this title. (Mar. 2, 1899, c. 377, § 2, 30 Stat. 994; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

93. Same; grant of prior lands to Northern Pacific Railroad; lieu lands to settlers.—Upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in Mount Rainier National Park, also the lands in the Pacific National Forest which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States. Any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for national forests and national parks. (Mar. 2, 1899, c. 377, § 3, 30 Stat. 994.)

94. Same; location of mining claims.—The location of mining claims under the mineral land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington. This provision shall not affect rights acquired in good faith before May 27, 1908, under the mineral land laws of the United States to any mining location or locations in said Mount Rainier National Park. (May 27, 1908, c. 200, § 1, 35 Stat. 365.)

95. Same; jurisdiction by the United States; fugitives from justice.—Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Mount Rainier National Park, saving, however, to the State of Washington the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Washington. (June 30, 1916, c. 197, § 1, 39 Stat. 243.)

96. Same; part of judicial district for western district of Washington; jurisdiction of district court.—Mount Rainier National Park shall constitute a part of the United States judicial district for the western district of Washington, and

the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (June 30, 1916, c. 197, § 2, 39 Stat. 244.)

97. Same; offenses in; punishment.—If any offense shall be committed in the Mount Rainier National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Washington in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Washington shall affect any prosecution for said offense committed within said park. (June 30, 1916, c. 197, § 3, 39 Stat. 244.)

98. Same; protection of game and fish; forfeitures and punishments.—All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of sections 95 to 105, inclusive, of this title, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (June 30, 1916, c. 197, § 4, 39 Stat. 244.)

99. Same; protection of game and fish; forfeitures and seizures of guns, traps, teams, and so forth.—All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 95 to 105, inclusive, of this title, and upon conviction thereunder of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (June 30, 1916, c. 197, § 5, 39 Stat. 245.)

100. Same; commissioner; appointment; jurisdiction and powers.—The United States District Court for the Western District of Washington shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 95 to 105, inclusive, of this title.

He shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of such sections prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Western District of Washington, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (June 30, 1916, c. 197, § 6, 39 Stat. 245.)

101. Same; commissioner; arrest; bail.—Any such commissioner shall also have power to issue process for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 98 of this title to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Western District of Washington, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (June 30, 1916, c. 197, § 7, 39 Stat. 245.)

102. Same; commissioner; direction of process of; arrests by other officers.—All process issued by the commissioner shall be directed to the marshal of the United States for the western district of Washington, but nothing contained in this section shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or sections 95 to 105, inclusive, of this title or the regulations prescribed by the Secretary of the Interior as aforesaid. (June 30, 1916, c. 197, § 8, 39 Stat. 245.)

103. Same; commissioner; salary; residence; fees.—The commissioner provided for herein shall be paid an annual salary as appropriated for by Congress, payable quarterly.

He shall reside within the exterior boundaries of said Mount Rainier National Park, at a place to be designated by the court making such appointment. All fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 104 of this title. (June 30, 1916, c. 197, § 9, 39 Stat. 246; Feb. 27, 1925, c. 364, 43 Stat. 1029.)

104. Same; fines and costs; disposition of.—All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Washington. (June 30, 1916, c. 197, § 11, 39 Stat. 246.)

105. Same; fees, costs, and expenses chargeable to United States.—All fees, costs, and expenses arising in cases under sections 95 to 104 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (June 30, 1916, c. 197, § 10, 39 Stat. 246.)

106. Same; donations of patented lands or rights of way.—The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Mount Rainier National Park that may be donated for park purposes. (June 12, 1917, c. 27, § 1, 40 Stat. 152.)

MESA VERDE NATIONAL PARK

111. Mesa Verde National Park; boundaries.—There is reserved from settlement, entry, sale, or other disposal and set apart as a public reservation, all those certain tracts, pieces and parcels of land lying and being situated in the State of Colorado, within the boundaries described as follows:

Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, "south of the Ute boundary," intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1, said township and range; thence west to the southeast corner of fractional section 12, township 34 north, range 16 west, "north of the Ute boundary"; thence north to the northwest corner of section 19, township 35 north, range 15 west; thence east to the southwest corner of the southeast quarter of section 16, said township; thence north to the northwest corner of the southeast quarter of said section; thence east to the southwest corner of the northeast quarter of section 13, said township; thence north to the northwest corner of the northeast quarter of said section; thence east to the southwest corner of section 7, township 35 north, range 14 west; thence north to the northwest corner of said section; thence east to the southwest corner of section 5, said township; thence north to the northwest corner of said section; thence east to the northeast corner of said section; thence south to the southeast corner of the northeast quarter of said section; thence east to the northeast corner of the southwest quarter of section 4, said township; thence south to the northwest corner of the southeast quarter of section 16, said township; thence east to the northeast corner of the southeast quarter of said section; thence south to the northwest corner of section 22, said township; thence east to the northeast corner of said section; thence south to the northwest corner of section 26, said township; thence east along the north section line of section 26 to the east bank of the Rio Mancos; thence in a southeasterly direction along the east bank of the Rio Mancos to its intersection with the northern boundary line of the Southern Ute Indian Reservation, thence west along said Indian reservation boundary to its intersection with the range line between ranges 14 and 15 west, the place of beginning.

Said park shall be known as Mesa Verde National Park. (June 29, 1906, c. 3607, §§ 1, 2, 34 Stat. 616, 617; June 30, 1913, c. 4, § 1, 38 Stat. 83.)

112. Same; control of; regulations; prehistoric ruins.—Mesa Verde National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the duties and powers enumerated in section 3 of this title not inconsistent with this section, he shall establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park. (June 29, 1906, c. 3607, § 2, 34 Stat. 617.)

113. Same; examinations, excavations, and gathering objects of interest.—The Secretary of the Interior is authorized to permit examinations, excavations, and other gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe. But the examinations, excavations, and gatherings shall be undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of archæological science. (June 29, 1906, c. 3607, § 3, 34 Stat. 617.)

114. Same; removal, disturbance, destruction, or molestation of ruins.—Any person or persons who may otherwise in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization or other property from said park shall be deemed guilty of a misdemeanor, and upon conviction before any court having jurisdiction of such offenses shall be fined not more than $1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible. (June 29, 1906, c. 3607, § 4, 34 Stat. 617.)

115. Same; leases and permits; prehistoric ruins not included.—The Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the land or development of the resources thereof, in the Mesa Verde National Park, and the funds derived therefrom shall be covered into the Treasury of the United States. Such leases or grants shall not include any of the prehistoric ruins in said park or exclude the public from free or convenient access thereto. (June 25, 1910, c. 385, 36 Stat. 796.)

116. Same; donations of lands or rights of way.—The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Mesa Verde National Park that may be donated for park purposes. (June 12, 1917, c. 27, § 1, 40 Stat. 152.)

CRATER LAKE NATIONAL PARK

121. Crater Lake National Park; establishment.—The tract of land bounded north by the parallel forty-three degrees four minutes north latitude, south by forty-two degrees forty-eight minutes north latitude, east by the meridian one hundred and twenty-two degrees west longitude, and west by the meridian one hundred and twenty-two degrees sixteen minutes west longitude, having an area of two hundred and forty-nine square miles, in the State of Oregon, and including Crater Lake, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as Crater Lake National Park. (May 22, 1902, c. 820, § 1, 32 Stat. 202.)

122. Same; control; regulations.—Crater Lake National Park shall be under the control and custody of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires. (May 22, 1902, c. 820, § 2, 32 Stat. 202.)

123. Same; settlement, residence, lumbering, or business within, punishable; admission of visitors; mining claims.—It shall be unlawful for any person to establish any settlement or residence within Crater Lake National Park, or to engage in any lumbering, or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this section or sections 121 and 122 of this title, or the rules and regulations established thereunder, shall be punished by a fine of not more than $500, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act. Crater Lake National Park shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers and to the location of mining claims and the working of the same. Restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise. (May 22, 1902, c. 820, § 3, 32 Stat. 203.)

124. Same; jurisdiction by the United States; fugitives from justice.—Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Crater Lake National Park, saving, however, to the State of Oregon the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Oregon. (Aug. 21, 1916, c. 368, § 1, 39 Stat. 521.)

125. Same; part of judicial district for Oregon; jurisdiction of district court.—Crater Lake National Park shall constitute a part of the United States judicial district for Oregon, and the district court of the United States in and for Oregon shall have jurisdiction of all offenses committed within said boundaries. (Aug. 21, 1916, c. 368, § 2, 39 Stat. 522.)

126. Same; offense in.—If any offense shall be committed in the Crater Lake National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Oregon in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Oregon shall affect any prosecution for said offense committed within said park. (Aug. 21, 1916, c. 368, § 3, 39 Stat. 522.)

127. Same; hunting and fishing; rules and regulations; punishment.—All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of sections 124 to 134, inclusive, of this title and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of such sections or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or other matter or thing growing or being thereon or situate therein, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Aug. 21, 1916, c. 368, § 4, 39 Stat. 522.)

128. Same; hunting and fishing; forfeitures or seizures of guns, traps, teams, etc., for violating regulations.—All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 124 to 134, inclusive, of this title, and upon conviction under said sections of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided herein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Aug. 21, 1916, c. 368, § 5, 39 Stat. 523.)

129. Same; commissioner; appointment; powers and duties.—The United States District Court for Oregon shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish,

and objects of interest therein, and for other purposes authorized by sections 124 to 134, inclusive, of this title.

He shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of the above-named sections prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for Oregon, and the United States court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States District Court. (Aug. 21, 1916, c. 368, § 6, 39 Stat. 523.)

130. Same; commissioner; arrests by; bail.—Any such commissioner shall also have power to issue process as provided in section 129 of this title for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 127 of this title to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for Oregon, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (Aug. 21, 1916, c. 368, § 7, 39 Stat. 523.)

131. Same; commissioner; direction of process; arrest without process.—All process issued by the commissioner shall be directed to the marshal of the United States for the district of Oregon, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or sections 124 to 134, inclusive, of this title, or the regulations prescribed by the Secretary of the Interior as aforesaid. (Aug. 21, 1916, c. 368, § 8, 39 Stat. 523.)

132. Same; commissioner; salary; residence; fees, costs, and expenses.—The commissioner in Crater Lake National Park shall be paid an annual salary as appropriated for by Congress, payable quarterly. He shall reside within the exterior boundaries of said Crater Lake National Park, at a place to be designated by the court making such appointment. All fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 133 of this title. (Aug. 21, 1916, c. 368, § 9, 39 Stat. 523; Feb. 27, 1925, c. 364, 43 Stat. 1028.)

133. Same; deposit of fines and costs collected.—All fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for Oregon. (Aug. 21, 1916, c. 368, § 11, 39 Stat. 524.)

134. Same; accounting for fees, costs, and expenses.—All fees, costs, and expenses arising in cases under sections 124 to 134, inclusive, of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Aug. 21, 1916, c. 368, § 10, 39 Stat. 524.)

135. Same; donations of patented lands or rights of way.—The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Crater Lake National Park that may be donated for park purposes. (June 12, 1917, c. 27, § 1, 40 Stat. 152.)

WIND CAVE NATIONAL PARK

141. Wind Cave National Park; establishment.—There are reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section 13, township 6 south, range 5 east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of the southeast quarter of section 16, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section 4, said township; thence easterly to the southwest corner of section 34, township 5 south, range 5 east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section 31, township 5 south, range 6 east; thence southerly along the section lines to the southeast corner of section 7, township 6 south, range 6 east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section 13, township 6 south, range 5 east, the place of beginning. Nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park which shall be known as Wind Cave National Park. (Jan. 9, 1903, c. 63, §§ 1, 2, 32 Stat. 765.)

142. Same; control of; regulations.—Wind Cave National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. (Jan. 9, 1903, c. 63, § 2, 32 Stat. 765.)

143. Same; leases of cavern and lands.—The Secretary of the Interior is authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, the cavern underlying the above-described lands, and also pieces and parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors. (Jan. 9, 1903, c. 63, § 3, 32 Stat. 765.)

144. Same; disposition of funds from rentals or leases.—All funds arising from such rentals or leases shall be covered into the Treasury of the United States as provided by law. (Jan. 9, 1903, c. 63, § 4, 32 Stat. 765; May 24, 1922, c. 199, 42 Stat. 590.)

145. Same; exchange of lands in.—In cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in national forests in the State of South Dakota. (Jan. 9, 1903, c. 63, § 5, 32 Stat. 766.)

146. Same; offenses.—All persons who shall unlawfully intrude upon said park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon conviction be fined in a sum not more than $1,000 or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court. (Jan. 9, 1903, c. 63, § 6, 32 Stat. 766.)

PLATT NATIONAL PARK

151. Platt National Park; acquisition; payment.—The Choctaw and Chickasaw Tribes absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts

of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made. The ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. There shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, $20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded. The said lands shall be within the jurisdiction of the District Court of the United States for the Eastern District of Oklahoma. Nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made. The land so ceded by this section shall be known as Platt National Park. (July 1, 1902, c. 1362, § 64, 32 Stat. 655; June 16, 1906, c. 335, §§ 13, 14, 34 Stat. 275; June 29, 1906, No. 42, 34 Stat. 837; Nov. 16, 1907, 35 Stat. 2160.)

152. Same; additional land withdrawn for; payment for; management and control; regulations; sale of improvements; penalties; town lots.—The Secretary of the Interior is authorized and directed to withhold from sale or other disposition the irregular tract of land containing seventy-eight and sixty-eight one-hundredths acres, more or less, lying in the northwest quarter of section 2 and the northeast quarter of section 3, township 1 south, range 3 east, and being within the exterior boundaries of the proposed town site of Sulphur, in the Chickasaw Nation, Indian Territory, and excluded from said town site by order of the Secretary of the Interior, of October 20, 1903, and also to withdraw and withhold from disposition the tract of land within the exterior boundaries of said proposed town site, lying south of and adjacent to the tract above mentioned, containing in the aggregate one hundred and thirty-eight acres, more or less, and mentioned in the report of Gerard H. Matthes, of December 27, 1903, to F. H. Newell, chief engineer United States Geological Survey, and shown upon the map accompanying said report by a yellow line.

The land reserved shall be paid for by the United States at the rate of $60 per acre and in the same manner as the land acquired in accordance with the provisions of section 151 of this title and shall be a part of Platt National Park, subject to all the provisions of section 151 of this title, respecting the care, control, direction, use, and occupancy thereof as if they had been included in the original segregation. The Secretary of the Interior is authorized, in the absence of other provisions for the care and management thereof, to designate an officer or employee of his department to take charge of the land, acquired under this section and section 151 of this title, and to enforce rules and regulations for the control and use thereof, and of the waters of the springs and creeks within the reservation. The Secretary of the Interior is authorized, in his discretion, to sell or dispose of any buildings upon the land reserved, and all money received from such sales, or that may be realized for the use of said waters or for the use and occupancy of the land or the buildings thereon, through leases, permits, or otherwise, shall be covered into the Treasury of the United States to the credit of miscellaneous receipts. If any person, firm, or corporation shall willfully violate any of the rules and regulations prescribed by the Secretary of the Interior relative to the use of the waters of said springs and creeks and the use and occupation of the lands in said reservation, such person, firm, corporation, or members or agents thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $5 and not more than $100, and may be imprisoned for a term of not more than six months for each offense. (Apr. 21, 1904, c. 1402, § 18, 33 Stat. 220; July 12, 1917, c. 27, § 1, 40 Stat. 153.)

153. Same; Acts relating to not affected by admission of Oklahoma; rights and jurisdiction of United States; indemnity school lands.—Nothing in the Act of June 16, 1906, chapter 3335, section 7, Thirty-fourth Statutes, page 272, entitled, "An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States * * *," shall repeal or affect any Act of Congress relating to Platt National Park as defined on June 16, 1906, or as may be defined or extended, or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in said Act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Platt National Park, as it was on June 6, 1906, or may be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this section contained shall be construed to prevent the service within said Platt National Park or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Platt National Park, as now defined or may be hereafter defined. (June 16, 1906, c. 3335, § 7, 34 Stat. 272.)

GLACIER NATIONAL PARK

161. Glacier National Park; establishment; trespassers; claims and rights under land laws not affected; rights of way for railways; reclamation projects; indemnity selections of lands.—The tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the

Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right of way of the Great Northern Railroad; thence following the said right of way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of "The Glacier National Park." All persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States before May 11, 1910, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Rights of way through the valleys of the North and Middle Forks of the Flathead River for steam or electric railways may be acquired within said Glacier National Park under filings or proceedings heretofore or hereafter made or instituted under the laws applicable to the acquisition of such rights over or upon the unappropriated public domain of the United States, and the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands within the limits of Glacier National Park belonging to or claimed by any railroad or other corporation having or claiming before May 11, 1910, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of Glacier National Park. (May 11, 1910, c. 226, § 1, 36 Stat. 354.)

162. Same; control of; regulations; leases; sale and removal of timber.—Glacier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of section 161 of this title, and for the care and protection of the fish and game within the boundaries thereof. He may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park. (May 11, 1910, c. 226, § 2, 36 Stat. 354.)

163. Same; jurisdiction by the United States; fugitives from justice.—Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Glacier National Park, saving, however, to the State of Montana the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving, further, to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana. (Aug. 22, 1914, c. 264, § 1, 38 Stat. 699.)

164. Eliminating private holdings of lands in; timber or public lands of equal value in exchange.—The Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is empowered, in his discretion: (1) To obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park within townships 32 and 33 north, ranges 18 and 19 west of Montana principal meridian, by the exchange or dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or, upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana, or, (2) he is empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located. (Mar. 3, 1917, c. 164, § 1, 39 Stat. 1122; Feb. 28, 1923, c. 144, § 1, 42 Stat. 1324.)

165. Same; value of lands sought to be exchanged.—For purposes of subdivision 2 of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the Government under this section and section 164 shall be and remain a part of the Glacier National Park. (Feb. 28, 1923, c. 144, § 2, 42 Stat. 1324.)

166. Same; exchange of timber for private holdings in; valuations.—For purposes of subdivision (1) of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands. Such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value

of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts. The lands conveyed to the Government under this section and section 164 shall become a part of the Glacier National Park. (Mar. 3, 1917, c. 164, § 2, 39 Stat. 1122.)

167. Same; exchange of timber for private holdings in; removal of timber.—All timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the national forests. The Secretary of Agriculture and the Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made. (Mar. 3, 1917, c. 164, § 3, 39 Stat. 1122.)

168. Same; part of judicial district of Montana; jurisdiction of district court.—Glacier National Park shall constitute a part of the United States judicial district of Montana, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (Aug. 22, 1914, c. 264, § 2, 38 Stat. 699.)

169. Same; criminal laws applicable.—If any offense shall be committed in the Glacier National Park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Montana in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Montana shall affect any prosecution for said offense committed within said park. (Aug. 22, 1914, c. 264, § 3, 38 Stat. 699.)

170. Same; hunting and fishing; regulations; punishment.—All hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to May 11, 1910, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park. He shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this section. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this section and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of sections 163 and 168 to 177, inclusive, of this title, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to May 11, 1910, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to May 11, 1910, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500, or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Aug. 22, 1914, c. 264, § 4, 38 Stat. 700.)

171. Same; hunting and fishing; forfeitures and seizures of guns, traps, teams, and so forth.—All guns, traps, teams, horses, or means of transportation of every nature or description, used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of sections 109 and 114 to 123, inclusive, of this title, and upon conviction under said sections of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided under said sections. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (Aug. 22, 1914, c. 264, § 5, 38 Stat. 700.)

172. Same; commissioner; jurisdiction; powers and duties.—The United States district court for the district of Montana shall appoint a commissioner, who shall reside in the park, and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 163 and 168 to 177, inclusive, of this title.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of said sections prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Montana, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court. (Aug. 22, 1914, c. 264, § 6, 38 Stat. 700.)

173. Same; commissioner; arrest of offenders, confinement, and bail.—Any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section

170 of this title, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court for the district of Montana, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. The said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (Aug. 22, 1914, c. 264, § 7, 38 Stat. 700.)

174. Same; commissioner; process directed to marshal; arrest without process.—All process issued by the commissioner shall be directed to the marshal of the United States for the district of Montana, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government, or any person employed by the United States in the policing of said reservation, within said boundaries, without process, of any person taken in the act of violating the law or sections 163, and 168 to 177, inclusive, of this title, or the regulations prescribed by said Secretary as aforesaid. (Aug. 22, 1914, c. 264, § 8, 38 Stat. 701.)

175. Same; commissioner; salary; residence; fees.—The commissioner in Glacier National Park shall be paid an annual salary as appropriated for by Congress, payable quarterly. He shall reside within the exterior boundaries of said Glacier National Park, at a place to be designated by the court making such appointment. All fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 176 of this title. (Aug. 22, 1914, c. 264, § 9, 38 Stat. 701; Feb. 27, 1925, c. 364, 43 Stat. 1028.)

176. Same; fines and costs imposed and collected deposited with clerk.—All fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the district of Montana. (Aug. 22, 1914, c. 264, § 11, 38 Stat. 701.)

177. Same; fees, costs, and expenses; how certified and paid.—All fees, costs, and expenses arising in cases under this section and sections 163 and 168 to 176 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Aug. 22, 1914, c. 264, § 10, 38 Stat. 701.)

178. Same; hotel operated under regulation prescribed.—Any hotel erected on the land sold and conveyed to the Glacier Park Hotel Company under authority of the Act of March 2, 1917, chapter 147, Thirty-ninth Statutes, page 994, shall be operated by the said Glacier Park Hotel Company, its successors and assigns under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the Glacier National Park. (Mar. 2, 1917, c. 147, 39 Stat. 994.)

179. Same; donations of buildings and other property.—The Secretary of the Interior is authorized, in his discretion, to accept buildings, moneys, or other property which may be useful in the betterment of the administration and affairs of the Glacier National Park under his supervision, and which may be donated for park purposes. He may accept patented lands or rights of way over patented lands in the Glacier National Park that may be donated for park purposes. (June 12, 1917, c. 27, § 1, 40 Stat. 151; July 1, 1916, c. 209, § 1, 39 Stat. 308.)

180. Same; proceeds of leases and other revenues covered into the Treasury.—All proceeds of leases and other revenues that may be derived from any source connected with Glacier National Park shall be covered into the Treasury of the United States to the credit of miscellaneous receipts. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1421; June 12, 1917, c. 27, § 1, 40 Stat. 153.)

ROCKY MOUNTAIN NATIONAL PARK

191. Rocky Mountain National Park; establishment; reclamation project.—The tract of land in the State of Colorado particularly described by and included within metes and bounds as follows, to wit: Beginning at the southeast corner of section 34, township 3 north, range 73 west of the sixth principal meridian, Colorado, thence north along the section lines to the northeast corner of section 3, said township; thence west to the northwest corner of said section; thence north along the section lines to the northeast corner of section 16, township 4 north, range 73 west; thence west to the northwest corner of said section; thence north to the northeast corner of section 8, said township; thence west along the section lines to the northwest corner of section 7, said township; thence north to the northeast corner of township 4 north, range 74 west; thence west along the first correction line north, to the southeast corner of section 36, township 5 north, range 74 west; thence north along the range line to the northeast corner of the southeast quarter of the southeast quarter of section 13, said township; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 14, said township; thence north to the northwest corner of the northeast quarter of the southeast quarter of section 11, said township; thence east to the northeast corner of the northeast quarter of the southeast quarter of section 12, said township; thence south along the range line to the southeast corner of said section; thence east along the section lines to the southeast corner of the southwest quarter of section 10, township 5 north, range 73 west; thence north to the northeast corner of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of said section; thence north to the northeast corner of said section; thence east to the southeast corner of the southwest quarter of the southwest quarter of section 2, said township; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of the southwest quarter, said section; thence north to the northeast corner of the northeast quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of section 1, said township; thence north along the range line to the northeast corner of section 36, township 7 north, range 73 west; thence west along the section lines to the intersection with the west bank of the Big South Cache la Poudre River in township 7 north, range 75 west; thence southeasterly along the west bank of said river to the mouth of a tributary of said river, probably in section 1, township 6 north, range 75 west; said tributary heading at La Poudre Pass in section 20, township 6 north, range 75 west; thence southwesterly along the west bank of said tributary to its head; thence across the Continental Divide to the headwaters of the North Fork of the Grand River, which also heads at La Poudre Pass; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections 29 and 30, township 6 north, range 75 west; thence south along the section lines to the southeast corner of section 18, township 5 north, range 75 west; thence west along the section line to its intersection with the west bank of the North Fork of the Grand River; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections 25 and 36, township 4 north, range 76 west; thence east to the northeast corner of section 36, said township; thence south along the range line to the southeast corner of said township; thence east along the township line to the northeast corner of the northwest quarter of section 4, township 3 north, range 75 west; thence south to the southwest corner of the northeast quarter of section 9, said township; thence west along the

quarter section line to its intersection with a creek in section 7, said township, this creek being an outlet of Grand Lake, and flowing into the North Fork of the Grand River; thence southerly along the said creek to its junction with the North Fork of the Grand River; thence southerly along the west bank of the North Fork of the Grand River to its intersection with the township line between townships 2 and 3 north; thence east along the township line to the southeast corner of section 34, township 3 north, range 73 west of the sixth principal meridian, Colorado, the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and is dedicated and set apart as a public park for the benefit and enjoyment of the people of the United States, under the name of the Rocky Mountain National Park. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. (Jan. 26, 1915, c. 19, § 1, 38 Stat. 798.)

192. Same; boundaries enlarged.—The eastern boundary line of the Rocky Mountain National Park between the section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and the township corner common to townships 5 and 6 north, ranges 72 and 73 west, is hereby changed so as to read as follows:

"Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colorado, which is the northwest corner of section 2 and the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section 31, township 4 north, and section 6, township 3 north, range 72 west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, the Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Gianttrack Mountain to a point which is the southeast corner of section 34 and the southwest corner of section 35, township 5 north, range 73 west; thence north along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, to the quarter corner common to sections 14 and 15, all in township 5 north, range 73 west; thence east along quarter-section line, through sections 14 and 13, township 5 north, range 73 west and along the continuation of said quarter-section line through section 18 to the quarter corner common to sections 18 and 17, township 5 north, range 72 west; thence north along the section line between sections 18 and 17, 7 and 8, 5 and 6, all in township 5 north, range 72 west, to that point which is the northeast corner of section 6 and the northwest corner of section 5 in said township and range; thence west along the township line to the township corner common to townships 5 and 6 north, ranges 72 and 73 west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colorado."

And the lands lying between the eastern boundary existing on February 14, 1917, and the eastern boundary as changed by this section between said section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and said township corner common to townships 5 and 6 north, ranges 72 and 73 west, are reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and are made a part of and included in the Rocky Mountain National Park, and all the provisions of section 191 of this title are made applicable to and extended over the lands hereby added to the park. (Feb. 14, 1917, c. 61, 39 Stat. 916.)

193. Same; claims and rights under land laws not affected; rights of way for irrigation and other purposes.—Nothing contained in this section and sections 191, 194, and 195 of this title shall affect any valid existing claim, location, or entry under the land laws of the United States, existing on January 26, 1915, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, sections 79, 419, and 522 of this title shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights of way for steam, electric, or similar transportation upon or across the park. (Jan. 26, 1915, c. 19, § 2, 38 Stat. 800.)

194. Same; lands held in private, municipal, or State ownership not affected.—No lands located within the park boundaries held in private, municipal, or State ownership on January 26, 1915, shall be affected by or subject to the provisions of sections 191, 193, and 195 of this title. (Jan. 26, 1915, c. 19, § 3, 38 Stat. 800.)

195. Same; control of; regulations; leases; sale and removal of timber.—Rocky Mountain National Park shall be under the executive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title and not inconsistent with this section, he shall make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of the natural conditions and scenic beauties thereof. The said Secretary may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent in any one place to any person or company for not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors, may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors, and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park. The regulations governing the park shall include provisions for the use of automobiles therein. The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Rocky Mountain National Park, that may be donated for park purposes. (Jan. 26, 1915, c. 19, § 4, 38 Stat. 800; June 12, 1917, c. 27, § 1, 40 Stat. 152; Mar. 1, 1919, c. 88, 40 Stat. 1270.)

LASSEN VOLCANIC NATIONAL PARK

201. Lassen Volcanic National Park; establishment; boundaries; entries under land laws; rights of way; reclamation projects; indemnity lands.—All those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit: Beginning at the northeast corner of section 3, township 31, range 6 east, Mount Diablo meridian, California; thence southerly to the southeast corner of said section; thence easterly to the northeast corner of the northwest quarter of section 11, said township; thence southerly to the southeast corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the northwest quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 25, said township; thence westerly to the southwest corner of section 26, said township; thence southerly to the southeast corner of section

34, said township; thence westerly along the sixth standard parallel north, allowing for the proper offsets, to the northeast corner of section 3, township 30 north, range 6 east; thence southerly to the southeast corner of section 27, said township; thence westerly to the southwest corner of the southeast quarter of section 28, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the range line between ranges 5 and 6 east; thence southerly along said range line to the southeast corner of township 30 north, range 5 east; thence westerly along the township line between townships 29 and 30 north to the southwest corner of section 33, township 30 north, range 5 east; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 29, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, township 30 north, range 4 east; thence northerly to the northwest corner of the southeast quarter of section 8, said township; thence easterly to the northeast corner of the southwest quarter of section 9, said township; thence northerly to the township line between townships 30 and 31 north; thence easterly along the sixth standard parallel north, allowing for the proper offsets, to the southwest corner of section 33, township 31 north, range 4 east; thence northerly to the northwest corner of section 21, said township; thence easterly to the range line between ranges 4 and 5 east; thence northerly along said range line to the northwest corner of fractional section 18, township 31 north, range 5 east; thence easterly to the southwest corner of section 12, said township; thence northerly to the northwest corner of section 1, said township; thence easterly along the township line between townships 31 and 32 north to the northeast corner of section 3, township 31 north, range 6 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, disposal, or sale, under the laws of the United States, and said tracts are dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name and to be known and designated as the Lassen Volcanic National Park; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom. Nothing herein contained shall affect any valid existing claim, location, or entry existing under the land laws of the United States before August 9, 1916, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Rights of way for steam or electric railways, automobiles, or wagon roads may be acquired within Lassen Volcanic National Park under filings or proceedings made or instituted under the laws applicable to the acquisition of such rights over or upon the national forest lands of the United States when the construction of such roads will not interfere with the objects of the national park, and that the United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands located within the park boundaries held prior to August 9, 1916, in private, municipal, or State ownership shall be affected by or subject to the provisions of this section and sections 202, and 203 of this title. No lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation having or claiming on August 9, 1916, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park. (Aug. 9, 1916, c. 302, § 1, 39 Stat. 442.)

202. Same; control; rules and regulations; fish and game; leases; automobiles; stock grazing.—Lassen Volcanic National Park shall be under the exclusive control of the Secretary of the Interior. He shall make such rules and regulations and exercise such powers as are enumerated in section 3 of this title in so far as not inconsistent with this section. Such regulations shall be aimed primarily at the freest use of the said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in their natural condition as far as practicable and for the preservation of the park in a state of nature so far as is consistent with the purposes of this section and sections 201, 203 of this title. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of said sections. He may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or persons or company for not to exceed 20 years when such ground is necessary for the erection of buildings for the accommodation of visitors and to parcels of ground not exceeding one acre in extent and for not to exceed 20 years to persons who have heretofore erected, or whom he may hereafter authorize to erect, summer homes or cottages. Such leases or privileges may be renewed or extended at the expiration of the terms thereof. No exclusive privilege, however, shall be granted within the park except upon the ground leased. The regulations governing the park shall include provisions for the use of automobiles therein and the reasonable grazing of stock. (Aug. 9, 1916, c. 302, § 2, 39 Stat. 444.)

203. Same; sale and removal of timber; charges for leases and privileges.—The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and may exact such charges as he deems proper for leases and all other privileges granted hereunder. (Aug. 9, 1916, c. 302, §§ 3, 4, 39 Stat. 444.)

ABRAHAM LINCOLN NATIONAL PARK

211. Abraham Lincoln National Park or Reservation; deed to; admission fees to.—The United States of America accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the Secretary of War, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the

log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation. (July 17, 1916, c. 247, § 1, 39 Stat. 385.)

212. Same; endowment fund; protection and preservation.—The United States of America also accepts title to the endowment fund of $50,000 mentioned in the assignment and transfer, now in the possession of the Secretary of War, which assignment and transfer was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation. (July 17, 1916, c. 247, § 2, 39 Stat. 385.)

213. Same; execution of instruments necessary to carry out purposes of gift.—The President of the United States of America and the Secretary of War are authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom. (July 17, 1916, c. 247, § 3, 39 Stat. 386.)

214. Same; rules and regulations.—Abraham Lincoln National Park shall be under the control of the Secretary of War and administered under such regulations not inconsistent with law as he may from time to time prescribe. (July 17, 1916, c. 247, § 4, 39 Stat. 386.)

GRAND CANYON NATIONAL PARK

221. Grand Canyon National Park; establishment; boundaries.—There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Grand Canyon National Park," the tract of land in the State of Arizona particularly described by and included within metes and bounds, as follows, to wit:

Beginning at a point which is the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence west on township line between townships 30 and 31 north, range 1 east, to section corner common to sections 1 and 2, township 30 north, range 1 east, and 35 and 36 township 31 north, range 1 east; thence north on section lines to the intersection with Tobocobya Spring-Rowe Well Road; thence northwesterly along the southwesterly side of said Tobocobya Spring-Rowe Well Road, passing and in relation to United States Geological Survey bench marks stamped "Canyon" and numbered 6340, 6235, 6372, 6412, 6302, 6144, and 6129, through townships 31 and 32 north, ranges 1 east and 1 and 2 west, to its intersection with the section line between sections 9 and 16 in township 32 north, range 2 west; thence west along the section lines through townships 32 north, ranges 2 and 3 west, to its intersection with upper westerly rim of Cataract Canyon; thence northwesterly along upper rim of Cataract Canyon, crossing Hualapai Canyon and continuing northwesterly along said upper rim to its intersection with range line, township 33 north, between ranges 4 and 5 west; thence north on said range line, townships 33 and 34 north, ranges 4 and 5 west, to north bank of the Colorado River; thence northeasterly along the north bank of the Colorado River to junction with Tapeats Creek; thence easterly along north bank of Tapeats Creek to junction with Spring Creek; thence easterly along the north bank of Spring Creek to its intersection with Gila and Salt River meridian, township 34 north, between ranges 1 east and 1 west and between section 6, township 34 north, range 1 east, and section 1, township 34 north, range 1 west; thence south on range line between ranges 1 east and 1 west to section corner common to sections 7 and 18, township 34 north, range 1 east, and sections 12 and 13, township 34 north, range 1 west; thence east on section lines to section corner common to sections 7, 8, 17, and 18, township 34 north, range 2 east; thence south on section lines to township line between townships 33 and 34 north, range 2 east, at section corner common to sections 31 and 32, township 34 north, range 2 east, and sections 5 and 6, township 33 north, range 2 east; thence east on township line to section corner common to sections 31 and 32, township 34 north, range 3 east, and sections 5 and 6, township 33 north, range 3 east; thence south on section lines to section corner common to sections 17, 18, 19, and 20, township 33 north, range 3 east; thence east on section lines to section corner common to section 13, 14, 23, and 24 township 33 north, range 3 east; thence north on section lines to section corner common to sections 1, 2, 11, and 12, township 33 north, range 3 east; thence east on section lines to the intersection with upper rim of Grand Canyon; thence northerly along said upper rim of Grand Canyon to main hydrographic divide north of Nankoweap Creek; thence easterly along the said hydrographic divide to its intersection with the Colorado River, approximately at the mouth of Nankoweap Creek; thence easterly across the Colorado River and up the hydrographic divide nearest the junction of Nankoweap Creek and Colorado River to a point on the upper east rim of the Grand Canyon; thence by shortest route to an intersection with range line, townships 33 and 34 north, between ranges 5 and 6 east; thence south on said range line, between ranges 5 and 6 east, to section corner common to sections 18 and 19, township 33 north, range 6 east, and sections 13 and 24, township 33 north, range 5 east; thence east on section lines to section corner common to sections 16, 17, 20, and 21, township 33 north, range 6 east; thence south on section lines to section corner common to sections 8, 9, 16, and 17, township 31 north, range 6 east; thence west on section line to section corner common to sections 7, 8, 17, and 18, township 31 north, range 6 east; thence south on section lines to township line between townships 30 and 31 north at section corner common to sections 31 and 32, township 31 north, range 6 east, and sections 5 and 6, township 30 north, range 6 east; thence west on township line to section corner common to sections 34 and 35, township 31 north, range 5 east, and sections 2 and 3, township 30 north, range 5 east; thence south on section line to section corner common to sections 2, 3, 10, and 11, township 30 north, range 5 east; thence west on section lines to range line, township 30 north, between ranges 4 and 5 east, at section corner common to sections 6 and 7, township 30 north, range 5 east, and 1 and 12, township 30 north, range 4 east; thence south on range line, township 30 north, between ranges 4 and 5 east, to section corner common to sections 7 and 18,

township 30 north, range 5 east, and sections 12 and 13, township 30 north, range 4 east; thence west on section line to section corner common to sections 11, 12, 13, and 14, township 30 north, range 4 east; thence south on section line to section corner common to sections 13, 14, 23, and 24, township 30 north, range 4 east; thence west on section lines to section corner common to sections 15, 16, 21, and 22, township 30 north, range 4 east; thence south on section line to section corner common to sections 21, 22, 27, and 28, township 30 north, range 4 east; thence west on section lines to range line, township 30 north, between ranges 3 and 4 east, at section corner common to sections 19 and 30, township 30 north, range 4 east, and sections 24 and 25, township 30 north, range 3 east; thence north on range line to section corner common to sections 18 and 19, township 30 north, range 4 east, and sections 13 and 24, township 30 north, range 3 east; thence west on section lines to section corner common to sections 14, 15, 22, and 23, township 30 north, range 3 east; thence north on section line to section corner common to sections 10, 11, 14, and 15, township 30 north, range 3 east; thence west on section lines to range line at section corner common to sections 7 and 18, township 30 north, range 3 east, and sections 12 and 13, township 30 north, range 2 east; thence north on range line to section corner common to sections 6 and 7, township 30 north, range 3 east, and sections 1 and 12, township 30 north, range 2 east; thence west on section line to section corner common to sections 1, 2, 11, and 12, township 30 north, range 2 east; thence north on section line to township line at section corner common to sections 35 and 36, township 31 north, range 2 east, and sections 1 and 2, township 30 north, range 2 east; thence west on township line to the northeast corner of township 30 north, range 1 east, the place of beginning. (Feb. 26, 1919, c. 44, § 1, 40 Stat. 1175.)

222. Same; administration, concessions, and privileges.—The administration, protection, and promotion of Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of sections 1 to 4 of this title. All concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder. (Feb. 26, 1919, c. 44, § 2, 40 Stat. 1177.)

223. Same; rights of Havasupai Indians.—Nothing contained in sections 221 to 228 of this title shall affect the rights of the Havasupai Tribe of Indians to the use and occupancy of the bottom lands of the Canyon of Cataract Creek as described in the Executive order of March 31, 1882, and the Secretary of the Interior is authorized, in his discretion, to permit individual members of said tribe to use and occupy other tracts of land within said park for agricultural purposes. (Feb. 26, 1919, c. 44, § 3, 40 Stat. 1177.)

224. Same; entries under land laws; toll road.—Nothing contained in sections 221 to 228, inclusive, of this title shall affect any valid claim, location, or entry existing under the land laws of the United States, prior to February 26, 1919, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land and nothing contained in this chapter shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of livestock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein. (Feb. 26, 1919, c. 44, § 4, 40 Stat. 1177.)

225. Same; laws applicable to park; easements and rights of ways.—Whenever consistent with the primary purposes of Grand Canyon National Park sections 79, 419, and 522 of this title, and subsequent Acts shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem proper, grant easements or rights of way for railroads upon or across the park. (Feb. 26, 1919, c. 44, § 5, 40 Stat. 1178.)

226. Same; development of mineral resources.—Whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of said park upon such terms and for specified periods, or otherwise, as he may deem to be for the best interests of the United States. (Feb. 26, 1919, c. 44, § 6, 40 Stat. 1178.)

227. Same; reclamation projects.—Whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project. (Feb. 26, 1919, c. 44, § 7, 40 Stat. 1178.)

228. Same; buildings on privately owned lands.—Where privately owned lands within the said park lie within three hundred feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim. (Feb. 26, 1919, c. 44, § 8, 40 Stat. 1178.)

LAFAYETTE NATIONAL PARK, ZION NATIONAL PARK, AND MOUNT McKINLEY NATIONAL PARK

341. Lafayette National Park; establishment; lands included.—The tracts of land, easements, and other real estate known before February 26, 1919, as the Sieur de Monts National Monument, situated on Mount Desert Island, in the county of Hancock and State of Maine, are declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Lafayette National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for Sieur de Monts National Monument. (Feb. 26, 1919, c. 45, § 1, 40 Stat. 1178.)

342. Same; administration.—The administration, protection, and promotion of Lafayette National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title and sections additional thereto or amendatory thereof. (Feb. 26, 1919, c. 45, § 2, 40 Stat. 1179.)

343. Same; acceptance of property on Mount Desert Island.—The Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States such other property on said Mount Desert Island, including lands, easements, buildings, and moneys, as may be donated for the extension or improvement of said park. (Feb. 26, 1919, c. 45, § 3, 40 Stat. 1179.)

344. Zion National Park; creation; maintenance.—The Zion National Monument, in the county of Washington, State of Utah, is declared to be a national park and dedicated as such for the benefit and enjoyment of the people, under the name of the Zion National Park, under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress. (Nov. 19, 1919, c. 110, § 1, 41 Stat. 356.)

345. Same; administration.—The administration, protection, and promotion of said Zion National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title, and laws additional thereto or amendatory thereof. (Nov. 19, 1919, c. 110, § 2, 41 Stat. 356.)

346. Same; exchange of lands.—The Secretary of the Interior is authorized to exchange, in his discretion, alienated lands in Zion National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks. (June 7, 1924, c. 305, § 3, 43 Stat. 594.)

347. Mount McKinley National Park; establishment; boundaries.—The tract of land in the Territory of Alaska particularly described by and included within the metes and bounds, to wit: Beginning at a point as shown on Plate III, reconnoissance map of the Mount McKinley region, Alaska, prepared in the Geological Survey, edition of 1911, said point being at the summit of a hill between two forks of the headwaters of the Toklat River, approximate latitude sixty-three degrees forty-seven minutes, longitude one hundred and fifty degrees twenty minutes; thence south six degrees twenty minutes west nineteen miles; thence south sixty-eight degrees west sixty miles; thence in a southeasterly direction approximately twenty-eight miles to the summit of Mount Russell; thence in a northeasterly direction approximately eighty-nine miles to a point twenty-five miles due south of a point due east of the point of beginning; thence due north twenty-five miles to said point; thence due west twenty-eight and one-half miles to the point of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tract is dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Mount McKinley National Park. In addition to the above described tract all those lands lying between the south, east, and north boundaries above described and the following described boundary are made a part of and included in the Mount McKinley National Park for all purposes to wit: Beginning at the summit of Mount Russell, which is the present southwest corner of the park; thence in a northeasterly direction one hundred miles, more or less, to a point on the one hundred and forty-ninth meridian, which is twenty-five miles south of a point due east of the upper northwest corner of the park; thence north along the one hundred and forty-ninth meridian twenty-five miles; thence west forty miles, more or less, to the upper northwest corner of Mount McKinley National Park as existing prior to January 30, 1922. (Feb. 26, 1917, c. 121, § 1, 39 Stat. 938; Jan. 20, 1922, c. 39, 42 Stat. 359.)

348. Same; entries under land laws not affected.—Nothing contained in sections 347 to 354, inclusive, of this title shall affect any valid existing claim, location, or entry existing under the land laws of the United States, prior to February 26, 1917, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. (Feb. 26, 1917, c. 121, § 2, 39 Stat. 938.)

349. Same; rights of way in.—Whenever consistent with the primary purposes of Mount McKinley National Park, sections 79, 419, and 522 of this title shall be applicable to the lands included within the park. (Feb. 26, 1917, c. 121, § 3, 39 Stat. 938.)

350. Same; mineral land laws applicable.—Nothing in sections 347 to 354, inclusive, of this title shall in any way modify or affect the mineral land laws applicable to the lands in the said park prior to February 26, 1917. (Feb. 26, 1917, c. 121, § 4, 39 Stat. 938.)

351. Same; control of; rules and regulations.—Mount McKinley National Park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of the said executive authority, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as the said authority may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of animals, birds, and fish and for the preservation of the natural curiosities and scenic beauties thereof. (Feb. 26, 1917, c. 121, § 5, 39 Stat. 938.)

352. Same; game refuge; killing game in.—The said park is established as a game refuge, and no person shall kill any game in said park except under an order from the Secretary of the Interior for the protection of persons or to protect or prevent the extermination of other animals or birds. Prospectors and miners engaged in prospecting or mining in said park may take and kill therein so much game or birds as may be needed for their actual necessities when short of food; but in no case shall animals or birds be killed in said park for sale or removal therefrom, or wantonly. (Feb. 26, 1917, c. 121, § 6, 39 Stat. 939.)

353. Same; leases; appropriations.—The Secretary of the Interior may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent for periods not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors; may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors; and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park. No appropriation for the maintenance of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law. (Feb. 26, 1917, c. 121, § 7, 39 Stat. 939.)

354. Same; offenses; punishment.—Any person found guilty of violating any of the provisions of sections 347 to 353 of this title shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings. (Feb. 26, 1917, c. 121, § 8, 39 Stat. 939.)

HOT SPRINGS NATIONAL PARK

361. Hot Springs National Park; establishment; supply of water; free baths for indigent; dedication to United States.—The Secretary of the Interior is authorized to grant to hotels having bathhouses attached, and to bathhouses situated in the Hot Springs National Park, as well as in the city of Hot Sprngs, Arkansas, the right to install, maintain, and use, either in said bathhouses or in connection with the rooms of said hotels or the bathhouses attached to said hotels, as many bathtubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. The superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent. All titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the National Park and mountain are dedicated to the United States, and shall remain forever free from sale or alienation. (Dec. 16, 1878, c. 5, 20 Stat. 258; Apr. 12, 1904, c. 1249, 33 Stat. 173; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1407.)

362. Same; leases of bathhouses and sites; supply of water.—The Secretary of the Interior is authorized and empowered to execute leases to the bathhouses and bathhouse sites in the Hot Springs National Park, for periods not exceeding twenty years, and at an annual rental of not less than $30 per tub for each tub used in any bathhouse. Said annual rental shall be payable quarterly in advance, at the office of the Government superintendent of said property, in Hot Springs, Arkansas. The same rate for water rent shall be charged for the water to all parties receiving the same, whether in or outside said park. After the Army and Navy hospital bathhouse, the public bathhouse, the bathhouses which are authorized in

the said park, the Arlington Hotel, and the bathhouses outside said park authorized on or before March 3, 1891, to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bathhouses, hotels, and families outside the said park. Such bathhouses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense. All water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior. The Secretary of the Interior shall at the expiration of each period of five years during the continuance of each lease readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided. (Mar. 3, 1891, c. 533, § 1, 26 Stat. 842; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1407.)

363. Same; rules and regulations.—Full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bathhouse; as well as to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of said park to make examination and inspection at any time of the manner of using the hot water at any bathtub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bathhouse furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bathhouses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by Act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations in force on March 3, 1891, or which may be adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bathhouse for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bathhouse on or near the Hot Springs National Park; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bathhouse, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bathhouse be transferred to any person, company, or corporation owning or interested in any other bathhouse on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bathhouse provided for of the hot water and cancel the lease or agreement. All buildings to be erected in the Hot Springs National Park shall be on plans first approved by the Secretary of the Interior, and shall be required to be fireproof, as nearly as practicable. (Mar. 3, 1891, c. 533, § 3, 26 Stat. 843.)

364. Same; investigation of applicant for lease, or contract.—The Secretary of the Interior, before executing any lease to bathhouses or bathhouse sites in the park or contracts for the use of hot water for bathhouses outside said park, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not, directly or indirectly, interested in any manner whatever in any other bathhouse, lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bathhouse, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bathhouse, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bathhouses or he deems it for the best interests of the management of the Hot Springs National Park and waters, or for the public interest he may refuse such lease, license, permit or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid. (Mar. 3, 1891, c. 533, § 4, 26 Stat. 843.)

365. Same; taxation, under State laws.—The consent of the United States is hereby given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs National Park. (Mar. 3, 1891, c. 533, § 5, 26 Stat. 844.)

366. Same; collection of water on reservation.—The authority conferred upon the Secretary of the Interior to collect the hot water upon said Hot Springs National Park shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized. (Mar. 3, 1891, c. 533, § 6, 26 Stat. 844.)

367. Same; sale of lots.—The Secretary of the Interior may direct the public sale of all unsold Government lots in Hot Springs National Park, and not permanently reserved on March 3, 1891, at the city of Hot Springs, after having had the same reappraised, and also advertised as required by law, and no lot shall be sold at less than the appraised price. (Mar. 3, 1891, c. 533, § 7, 26 Stat. 844.)

368. Same; operation of bathhouse in connection with hotel.—Nothing in this section and sections 362 to 367 of this title shall be so construed as to prevent the stockholders of any hotel from operating a bathhouse in connection with such hotel as a part thereof. (Mar. 3, 1891, c. 533, § 8, 26 Stat. 844.)

369. Same; charges assessable against bath attendants and masseurs and physicians prescribing use of hot waters.—The Secretary of the Interior is authorized to assess and collect from physicians, who desire to prescribe the hot waters from the Hot Springs National Park, reasonable charges for the exercise of such privilege, including fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in all bathhouses receiving hot water from the said park, reasonable charges for the exercise of such privileges. The moneys received from the exercise of this authority shall be used in the protection and improvement of the said park. (June 5, 1920, c. 235, § 1, 41 Stat. 918.)

370. Same; lease of Arlington Hotel site; valuation of improvements.—The Secretary of the Interior is authorized to lease certain premises fronting on Central Avenue and on Fountain Street, occupied on August 24, 1912, by the buildings

of the Arlington Hotel Company, at Hot Springs, Arkansas, on such terms and conditions as he may determine. No lease made hereunder shall be for a longer period than twenty years. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 459.)

371. Same; use of free bathhouses limited.—Only persons who are without and unable to obtain the means to pay for baths and are suffering from ailments for which bathing in the water of the Hot Springs National Park will afford relief or effect a cure shall be permitted to bathe at the free bathhouse in said park at Hot Springs, Arkansas, and before any person shall be permitted to bathe at said free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized to administer oaths for general purposes as the superintendent of the Hot Springs National Park shall designate, that he is without and unable to obtain the means to pay for baths, and any person desiring to bathe at the free bathhouse on the Hot Springs National Park making a false oath as to his financial condition shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not to exceed $25, or thirty days' imprisonment, or both. (Mar. 2, 1911, c. 200, 36 Stat. 1015.)

372. Same; laws operative within judicial district of Arkansas.—The portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered 7, set upon the west line of Reserve Avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain Street to a stone monument numbered 42 and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain Street to its intersection with Central Avenue or to stone monument numbered 33; thence south along the east line of Central Avenue to where the same is intersected by Reserve Avenue at stone monument numbered 30; thence along the north boundary line of Reserve Avenue to stone monument numbered 7, the point of commencement; all in township 2 south, range 19 west, in the county of Garland and State of Arkansas, and also block 82 being a part of the permanent United States Hot Springs National Park," or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein. Nothing in this section and sections 373 to 383 of this title shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas. All fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas. Said section shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, accorded to the State of Arkansas by section 365 of this title and the above-described portion of said park shall constitute a part of the eastern United States judicial district of Arkansas, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. (Apr. 20, 1904, c. 1400, §§ 1, 2, 33 Stat. 187; Sept. 18, 1922, c. 321, 42 Stat. 847.)

373. Same; injuries to property.—Any person who shall, within the tract mentioned in section 372 of this title, commit any damage, injury, or spoliation to or upon any building fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than $100 and be adjudged to pay all costs of the proceedings. (Apr. 20, 1904, c. 1400, § 3, 33 Stat. 187.)

374. Same; taking or use of or bathing in water in violation of rules and regulations.—Any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, enter or attempt to enter upon said tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs National Park as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than $100, and be adjudged to pay all costs of the proceedings. No physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered. If any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered. (Apr. 20, 1904, c. 1400, § 4, 33 Stat. 188.)

375. Same; offenses under ordinances of Hot Springs or laws of State.—If any act shall be committed within said boundaries described in section 372 of this title which would constitute an offense under the municipal ordinances of the city of Hot Springs or the laws of the State of Arkansas, but which is not prohibited or the punishment of which is not specially provided for by any law of the United States, regulation of the Secretary of the Interior, or by sections 372 to 383 of this title, the offender shall be subject to the same punishment as the said municipal ordinances of the city of Hot Springs, or the laws of the State of Arkansas in force at the time of the commission of the offense, may provide for a like offense in the said State, and no subsequent repeal of any such law or ordinance shall affect any pending prosecution for an offense committed within said boundaries. (Apr. 20, 1904, c. 1400, § 5, 33 Stat. 188.)

376. Same; prosecutions for violations of law or rules and regulations.—Any United States commissioner duly appointed by the United States District Court for the Eastern District of Arkansas, and residing in said district, shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of sections 372 to 383 of this title. Any of said commissioners shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section 374 is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of sections 372 to 383, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of $100 to try the person thus charged, and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of any of said commissioners to the United States District Court for the Eastern District of Arkansas. The said United States district court shall prescribe rules of procedure and practice for any of said commissioners in the trial of cases and with reference to said appeals. (Apr. 20, 1904, c.

1400, § 6, 33 Stat. 188; Mar. 2, 1907, c. 2516, 34 Stat. 1218; Mar. 3, 1911, c. 230, 36 Stat. 1086.)

377. Same; prosecutions for other offenses.—Any of said commissioners shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section 376 of this title, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States District Court for the Eastern District of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case. Any of said commissioners shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs. (Apr. 20, 1904, c. 1400, § 7, 33 Stat. 188; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

378. Same; process directed to marshal; arrests by others.—All process issued by any of said commissioners shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing herein contained shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or sections 372 to 383 of this title, or doing anything with reference to the matters which in section 374 the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations. (Apr. 20, 1904, c. 1400, § 8, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

379. Same; fees of commissioner and marshal and deputies.—Any of said commissioners referred to in section 376 of this title and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district. (Apr. 20, 1904, c. 1400, § 9, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

380. Same; disposition of fines and costs.—All fines and costs imposed and collected shall be deposited by any of said commissioners of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said park may be situated. (Apr. 20, 1904, c. 1400, § 11, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

381. Same; execution of sentence on conviction.—Upon the conviction of a party upon trial by any of said commissioners or by said district court, execution of sentence shall be in conformity with the laws of the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding. (Apr. 20, 1904, c. 1400, § 13, 33 Stat. 189; Mar. 2, 1907, c. 2516, § 2, 34 Stat. 1218.)

382. Same; imprisonment for nonpayment of fines or costs.—All persons who may be imprisoned for nonpayment of any fine, or costs, provided for by sections 372 to 383 of this title, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated. (Apr. 20, 1904, c. 1400, § 12, 33 Stat. 189.)

383. Same; fees chargeable to United States.—All fees, costs, and expenses arising in cases under sections 372 to 382 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Apr. 20, 1904, c. 1400, § 10, 33 Stat. 189.)

HAWAII NATIONAL PARK

391. Hawaii National Park; establishment; boundaries.—The tracts of land on the island of Hawaii and on the island of Maui, in the Territory of Hawaii, hereinafter described, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known as Hawaii National Park. Said tracts of land are described as follows:

First. All that tract of land comprising portions of the lands of Kapapala and Keauhou, in the district of Kau, and Kahaualea, Panaunui, and Apua, in the district of Puna, on the island of Hawaii containing approximately thirty-five thousand eight hundred and sixty-five acres, bounded as follows: Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), from which point the true azimuth and distance to Government survey trigonometrical station Ohaikea is one hundred and sixty-six degrees twenty minutes, six thousand three hundred and fifty feet, and running by true azimuths: (First) Along the west edge of the Keamoku lava flow in a northeasterly and northwesterly direction, the direct azimuth and distance being one hundred and ninety-eight degrees ten minutes, fourteen thousand seven hundred feet; (second) two hundred and fifty-six degrees, eleven thousand four hundred feet, more or less, across the land of Kapapala and Keauhou to a marked point on the Humuula trail; (third) three hundred and twenty-eight degrees fifteen minutes, eight thousand seven hundred and twenty-five feet, across the land of Keauhou to the top of the fault north of the Kau road; (fourth) along the fault in a northeasterly direction, the direction azimuth and distance being two hundred and fifty-one degrees and thirty minutes, four thousand three hundred and thirty feet; (fifth) two hundred and forty-five degrees, six thousand feet, to a point near the southwest boundary of the land of Olaa; (sixth) three hundred and thirty-seven degrees ten minutes, eight thousand six hundred and fifty feet, more or less, to the junction of the Hilo and Keauhou roads; (seventh) three hundred and thirty-three degrees and twenty minutes, three thousand three hundred feet, more or less, to the southwest corner of the land of Keaau; (eighth) three hundred and thirty-two degrees and ten minutes, seven thousand feet, along the land of Kahaualea; (ninth) two hundred and eighty-one degrees, thirty thousand three hundred and seventy-five feet, more or less, across the land of Kahaualea, passing through the north corner of the land of Panaunui, to the north corner of the land of Laeapuki; (tenth) thirty-one degrees thirty minutes, thirteen thousand two hundred feet, more or less, along the land of Laeapuki and across the land of Panaunui; (eleventh) eighty-nine degrees and ten minutes, thirty-two thousand nine hundred feet, more or less, across the land of Panaunui, Apua, and Keauhou to "Palilele-o-Kalihipaa," the boundary point of the Keauhou-Kapapala boundary; (twelfth) fifty-one degrees and thirty minutes, five thousand and five hundred feet, across the land of Kapapala; (thirteenth) one hundred and two degrees and fifty minutes, nineteen thousand one hundred and fifty feet, across the land of Kapapala to a small cone about one thousand five hundred feet southwest of Puu Koae trigonometrical station; (fourteenth) one hundred and sixty-six degrees twenty minutes, twenty-one thousand feet, across the land of Kapapala to the point of beginning.

Second. All that tract of land comprising portions of the lands of Kapapala and Kahuku, in the district of Kau, island of Hawaii; Keauhou second, in the district of North Kona; and Kaohe, in the district of Hamakua, containing seventeen thousand nine hundred and twenty acres, bounded as follows: Beginning at Pohaku Hanalei of Humuula, a small cone on the brow of Mauna Loa, and at the common boundary points of

the lands of Humaula, Kapapala, and Kaohe, from which the true azimuth and distance to Government survey trigonometrical station Omaokoili is one hundred and ninety-five degrees twelve minutes eighteen seconds, seventy-eight thousand two hundred and eighty-six feet, and running by true azimuths: First, two hundred and ninety-eight degrees, five thousand two hundred and forty feet; second, twenty-eight degrees, thirty-six thousand nine hundred and sixty feet; third, one hundred and eighteen degrees, twenty-one thousand one hundred and twenty feet; fourth, two hundred and eight degrees, thirty-six thousand nine hundred and sixty feet; fifth, two hundred and ninety-eight degrees, fifteen thousand eight hundred and eighty feet, to the point of beginning.

Third. A strip of land of sufficient width for a road to connect the two tracts of land on the island of Hawaii above described, the width and location of which strip shall be determined by the Secretary of the Interior.

Fourth. All that tract of land comprising portions of the lands of Honuaula and Kula, in the district of Makawao, and Kipahulu, Kaupo, and Kahikinui, in the district of Hana, on the island of Maui, containing approximately twenty-one thousand one hundred and fifty acres, bounded as follows: Beginning at a point called Kolekole, on the summit near the most western point of the rim of the crater of Haleakala, and running by approximate azimuths and distances: First, hundred and ninety-three degrees forty-five minutes, nineteen thousand three hundred and fifty feet along the west slope of the crater of Haleakala to a point called Puu-o-Ili; second, two hundred and sixty-eight degrees, twenty-three thousand feet up the western slope and across Koolau Gap to the point where the southwest boundary of Koolau Forest Reserve crosses the east rim of Koolau Gap; third, three hundred and six degrees thirty minutes, seventeen thousand one hundred and fifty feet along the southwest boundary of Koolau Forest Reserve to a point called Palalia, on the east rim of the crater of Haleakala; fourth, along the east rim of the crater of Haleakala, the direct azimuth and distance being three hundred and fifty-four degrees fifteen minutes, eighteen thousand three hundred feet, to a point on the east rim of Kaupo Gap, shown on Hawaiian Government survey maps at an elevation of four thousand two hundred and eight feet; fifth, eighty-eight degrees forty-five minutes, three thousand three hundred feet, across Kaupo Gap to a point called Kaumikaohu, on the boundary line between the lands of Kipahulu and Kahikinui; sixth, one hundred and two degrees and thirty minutes, forty thousand seven hundred and fifty feet, along the south slope of the crater of Haleakala to the point of beginning.

Fifth. All that tract of land comprising a portion of the Kau Desert, Kapapala, in the district of Kau, on the island of Hawaii, containing forty-three thousand four hundred acres, more or less, bounded as follows: Beginning at a galvanized-iron nail driven into the pahoehoe at the northeast corner of this tract of land, at a place called Palilele-o-Kalihipaa, and on the boundary between the lands of Kapapala and Keauhou, the coordinates of said point of beginning referred to Government survey trigonometrical station Uwekahuna, being twenty-six thousand and ten and four-tenths feet south and nine thousand nine hundred and thirty-two and four-tenths feet east, as shown on Government survey registered map numbered two thousand three hundred and eighty-eight and running by true azimuths: First, three hundred and fifty degrees forty-three minutes, thirty thousand and twenty-three feet, along the land of Kapapala to a point at seacoast; second, thence in a west and southwesterly direction along the seacoast to a station on a large flat stone, at a place called Na-Puu-o-na-Elemakule, at the seacoast boundary point of the lands of Kapapala and Kaalaala, the direct azimuth and distance being sixty-nine degrees thirty-four minutes thirty seconds, thirty-two thousand and forty-three feet; third, eighty-nine degrees twenty-seven minutes thirty seconds, thirty thousand six hundred and ninety feet, along the land of Kaalaala to the main 1868 lava crack, said point being by true azimuth and distance two hundred and ninety-six degrees twenty-seven minutes thirty seconds, two thousand one hundred feet from Government survey trigonometrical station Puu Nahala; fourth, thence up along the main 1868 lava crack, along the Kapapala pastoral lands to a small outbreak of lava from the 1868 lava crack, opposite the Halfway House, the direct azimuth and distance being one hundred and ninety-eight degrees, thirty-two thousand five hundred and fifty feet; fifth, two hundred and thirty degrees twenty-five minutes, twenty-seven thousand six hundred and fifteen feet, along the Kapapala pastoral lands to the west boundary of the Kilauea section, Hawaii National Park; sixth, three hundred and forty-six degrees twenty minutes, six thousand seven hundred and forty-two feet, along said west boundary to a small cone; seventh, two hundred and eighty-two degrees fifty minutes, nineteen thousand one hundred and fifty feet, along the south boundary of said Kilauea section, Hawaii National Park; eighth, two hundred and thirty-one degrees fifty minutes thirty seconds, five thousand four hundred and thirty feet, along said south boundary to the point of beginning. Chapter 12 of this title shall not apply to or extend over lands defined in subdivision 5. (Aug. 1, 1916, c. 264, § 1, 39 Stat. 432; May 1, 1922, c. 174, 42 Stat. 503, 504.)

392. Same; acquisition of privately owned lands.—The governor of the Territory of Hawaii is authorized to acquire, at the expense of the Territory of Hawaii, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by section 391 of this title, and all necessary perpetual easements and rights of way, or roadways, in fee simple, over or to said land or any part thereof, but the provisions of sections 663 to 677 of Title 48, TERRITORIES AND INSULAR POSSESSIONS, relating to exchanges of public lands shall not apply on the acquisition by exchange of the privately owned lands herein referred to. (Feb. 27, 1920, c. 89, §§ 1, 2, 41 Stat. 452, 453.)

393. Same; entries under land laws; rights of way; lands excluded.—Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to August 1, 1916, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, sections 79, 419, and 522 of this title shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights of way for steam, electric, or similar transportation upon or across the park. No lands located within the park boundaries held in private or municipal ownership prior to August 1, 1916, shall be affected by or subject to the provisions of this section and sections 391 and 394 of this title. (Aug. 1, 1916, c. 264, §§ 2, 3, 39 Stat. 433, 434.)

394. Same; control of; rules and regulations; leases; appropriations.—Hawaii National Park shall be under the executive control of the Secretary of the Interior. He shall perform the duties and exercise the powers enumerated in section 3 of this title, except as inconsistent with this section. The regulations promulgated shall provide for the preservation from injury, of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible. He may in his discretion grant leases for terms not exceeding twenty years, at such annual rental as he may determine, of parcels of land in said park of not more than twenty acres in

all to any one person, corporation, or company for the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any Act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease. He may in his discretion grant to persons or corporations holding leases of land in the park on August 1, 1916, upon the surrender thereof, new leases hereunder, upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as he may prescribe. All of the proceeds of said leases and other revenues that may be derived from any source connected with the park shall be expended under the direction of the Secretary, in the management and protection of the same and the construction of roads and paths therein. He may also, in his discretion, permit the erection and maintenance of buildings in said park for scientific purposes. No appropriation shall be made for the improvement or maintenance of said park until proper conveyances shall be made to the United States of such perpetual easements and rights of way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall when such easements and rights of way have been conveyed to the United States report the same to Congress. (Aug. 1, 1916, c. 264, § 4, 39 Stat. 434; June 5, 1924, c. 263, 43 Stat. 390.)

UTAH NATIONAL PARK

401. Utah National Park; establishment; boundaries; administration.—There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Utah National Park," the tract of land in the State of Utah particularly described by and included within metes and bounds, as follows, to wit:

Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southwest quarter of partially surveyed section 8, partially surveyed section 17 and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian, in the State of Utah. All the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States. The administration, protection, and promotion of said Utah National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 to 4 of this title. (June 7, 1924, c. 305, §§ 1, 2, 43 Stat. 593, 594.)

402. Same; existing claims, locations, or entries not affected; exchange of lands.—Nothing contained in section 401 of this title shall affect any valid claim, location, or entry existing under the land laws of the United States prior to June 7, 1924, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The Secretary of the Interior is hereby authorized to exchange, in his discretion, alienated lands in Utah National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks. (June 7, 1924, c. 305, § 3, 43 Stat. 594.)

THE NATIONAL MILITARY PARKS

411. National military parks; military maneuvers in.—In order to obtain practical benefits of great value to the country from the establishment of national military parks, said parks and their approaches are hereby declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard or militia of the States. Said parks shall be opened for such purposes only in the discretion of the Secretary of War, and under such regulations as he may prescribe. (May 15, 1896, c. 182, § 1, 29 Stat. 120.)

412. Same; camps for military instruction; regulations for militia.—The Secretary of War is authorized, within the limits of appropriations which may from time to time be available for such purpose, to assemble, at his discretion, in camp at such season of the year and for such period as he may designate, at such field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there.

The Secretary of War is further authorized to make and publish regulations governing the assembling of the National Guard or militia of the several States upon the maneuvering grounds, and he may detail instructors from the Regular Army for such forces during their exercises. (May 15, 1896, c. 182, § 2, 29 Stat. 121.)

413. Same; offenses relating to structures and vegetation.—Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national military parks shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $10 nor more than $1,000 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant destroyed, defaced, injured, cut, or removed, or by imprisonment for not less than fifteen days and not more than one year, or by both fine and imprisonment. (Mar. 3, 1897, c. 372, §§ 1, 5, 29 Stat. 621, 622.)

414. Same; trespassing for hunting, or shooting.—Every person who shall trespass upon any national military parks for the purpose of hunting or shooting, or who shall hunt any kind of game thereon with gun or dog, or shall set trap or net or other device whatsoever thereon for the purpose of hunting or catching game of any kind, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000 or by imprisonment for not less than five days or more than thirty days, or by both fine and imprisonment. (Mar. 3, 1897, c. 372, § 2, 29 Stat. 621.)

415. Same; arrest and prosecution of offenders.—The superintendent or any guardian of such national military park is authorized to arrest forthwith any person engaged or who may have been engaged in committing any misdemeanor named in sections 413 and 414 of this title, and shall bring such person before any United States commissioner or judge of any district or circuit court of the United States within either of the districts within which the park is situated, and in the district within which the misdemeanor has been committed, for the purpose of holding him to answer for such misdemeanor, and then and there shall make complaint in due form. (Mar. 3, 1897, c. 372, § 3, 29 Stat. 621.)

416. Same; refusal to surrender leased land in; recovery.—Any person to whom land lying within any national military parks may have been leased, who refuses to give up possession

of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States, according to the statutes or code of practice of the State in which the park may be situated. (Mar. 3, 1897, c. 372, §§ 4, 5, 29 Stat. 622.)

417. Acceptance of donations of land.—The Secretary of War is authorized to accept on behalf of the United States donations of land for road or other purposes. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 405.)

418. Approach roads to national cemeteries or national military parks; conveyance to States, and so forth.—The Secretary of War is authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national military park. Prior to the delivery of any conveyance under this section the State, county, or municipality to which the conveyance herein authorized is to be made shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance. Upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America, which has been heretofore ceded to the United States by a State over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located. (Mar. 3, 1925, c. 418, 43 Stat. 1104.)

419. Rights of way for electrical plants.—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands of the United States, reserved for military parks, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named. Such permits shall be allowed within or through any military park, only upon the approval of the chief officer of the department under whose supervision such park falls and upon a finding by him that the same is not incompatible with the public interest. All permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of sections 1 to 6, and 8 of title 47, and amendments thereto, regulating rights of way for telegraph companies over the public domain. Any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any such military park. (Feb. 15, 1901, c. 372, 31 Stat. 790.)

420. Rights of way for electrical poles and lines.—The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named. Such right of way shall be allowed within or through any military park, only upon the approval of the chief officer of the department under whose supervision or control such park falls, and upon a finding by him that the same is not incompatible with the public interest. All or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to such date. (Mar. 4, 1911, c. 238, 36 Stat. 1253.)

421. Vacancies occurring in commissions in charge of parks not to be filled.—Vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks. As vacancies occur the Secretary of War shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of War. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 442.)

NATIONAL MONUMENTS

431. National monuments; reservation of land; relinquishment of private claims.—The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (June 8, 1906, c. 3060, § 2, 34 Stat. 225.)

432. Same; permits to examine ruins, excavations, and gathering of objects; regulations.—Permits for the examination of ruins, the excavation of archæological sites, and the gathering

of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this section. (June 8, 1906, c. 3060, §§ 3, 4, 34 Stat. 225.)

433. **American antiquities.**—Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. (June 8, 1906, c. 3060, § 1, 34 Stat. 225.)

434. **National monument in Riverside County, California.**—The Secretary of the Interior is authorized to set apart the following-described lands located in the county of Riverside, in the State of California, as a national monument, which shall be under the exclusive control of the Secretary of the Interior, who shall administer and protect the same under the provisions of section 433 of this title, and under such regulations as he may prescribe: The west half of the southwest quarter of section 2, the southeast quarter of section 3, all of section 10, the west half of the northwest quarter of section 11, all of section 14, all in township 5 south, range 4 east, San Bernardino base and meridian, containing one thousand six hundred acres: *Provided*, That before such reservation and dedication as herein authorized shall become effective the consent and relinquishment of the Agua Caliente Band of Indians shall first be obtained, covering its right, title, and interest in and to the lands herein described, and payment therefor to the members of said band on a per capita basis, at a price to be agreed upon, when there shall be donated for such purposes to the Secretary of the Interior a fund in an amount to be fixed and determined by him as sufficient to compensate the Indians therefor. (Aug. 26, 1922, c. 295, § 1, 42 Stat. 832.)

435. **Same; reservations.**—In order to determine the amount to be paid under the preceding section the Secretary of the Interior is authorized and directed to negotiate with said Indians to obtain their consent and relinquishment, and when such consent and relinquishment has been obtained and an agreement reached the Secretary of the Interior is further authorized to make payment from said donated fund for the lands relinquished to the enrolled members of the said Agua Caliente Band as authorized by section 434 of this title. The consent and relinquishment of the Indians may be obtained and payment made for the lands in such manner as the Secretary of the Interior may deem advisable. The water rights, dam, pipe lines, canals, and irrigation structures located in sections 2 and 3 of township 5 south, range 4 east, San Bernardino meridian, and also all water and water rights in Palm Canyon, are excepted from this reserve and shall remain under the exclusive control and supervision of the Bureau of Indian Affairs. The provisions of chapter 12 of this title shall not apply to this monument. (Aug. 26, 1922, c. 295, §§ 2, 3, 42 Stat. 832.)

436. **Same; material, equipment, and supplies for.**—The Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per centum authorized by section 5 of Title 23, HIGHWAYS, not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments. No charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use. (Apr. 9, 1924, c. 86, § 3, 43 Stat. 90.)

437. **Fort McHenry; restoration and preservation.**—The Secretary of War is authorized and directed to begin the restoration of Fort McHenry, in the State of Maryland, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal "Star-Spangled Banner," written by Francis Scott Key, and he is further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 439 of this title, and that part in use on March 3, 1925, by the Department of Commerce for a light and fog-signal station under revocable license from the War Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of War for the use of the Chief of Engineers, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

438. **Same; repairs and improvements; how made.**—Any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

439. **Same; land for use of Secretary of the Treasury.**—Permission is granted the Secretary of the Treasury to use permanently a strip of land sixty feet wide belonging to said fort grounds, beginning at the north corner of the grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and fifty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, chapter 147, Thirty-seventh Statutes 889, setting aside a site for an immigration station and providing for an outlet therefrom, but the War Department shall have equal use of the railroad track and other roads so constructed, over which to reach the city streets and railroads beyond from the other part of

the fort grounds. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

440. Same; closure in times of national emergency.—The Secretary of War may, in case of a national emergency close the said Fort McHenry and use it for any and all military purposes during the period of the emergency and for such period of time thereafter, as the public needs may require. (May 26, 1914, c. 100, 38 Stat. 382; Mar. 3, 1925, c. 425, 43 Stat. 1109.)

MISCELLANEOUS

451. Limit on cost of buildings erected in national parks.—No expenditure for construction of administration or other buildings cost in case of any building exceeding $1,500 shall be made in any national park except under express authority of Congress. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 460; July 1, 1918, c. 113, § 1, 40 Stat. 677.)

452. Revenues of national parks covered into Treasury; estimates for care of parks.—All revenues of the national parks shall be covered into the Treasury to the credit of miscellaneous receipts, except in case of Hot Springs National Park such as may be necessary to pay obligations outstanding on June 30, 1922, and the Secretary of the Interior is directed to submit, annually, estimates of the amounts required for the care, maintenance, and development of the said parks. (June 12, 1917, c. 27, § 1, 40 Stat. 153; May 24, 1922, c. 199, 42 Stat. 590.)

453. Donations of land for park purposes near or adjacent to National Forest Reserve in North Carolina.—The Secretary of the Interior is authorized to accept for park purposes any lands and rights of way, including the Grandfather Mountain, near or adjacent to the Government National Forest in western North Carolina. (June 12, 1917, c. 27, § 1, 40 Stat. 152.)

454. Oaths to expense accounts.—The superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

Chapter 2.—THE NATIONAL FORESTS.

ESTABLISHMENT AND ADMINISTRATION

Sec.

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Section 471. National forests; establishment; limitation on additions in certain States; lands suitable for production of timber.—The President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as national forests, and the President shall, by public proclamation, declare the establishment of such forests and the limits thereof.

(a) No national forest shall be created, nor shall any additions be made to one heretofore created within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.

(b) The President, in his discretion is authorized to establish as national forests or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits, or water-power purposes, national monuments and Indian reservations, which in the opinion of the Secretary

of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. Any person who shall violate any rule or regulation promulgated under this subdivision shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisonment for not more than one year, or both. (May 3, 1891, c. 561, § 24, 26 Stat. 1103; Mar. 4, 1907, c. 2907, 34 Stat. 1271; Aug. 24, 1912, c. 369, 37 Stat. 497; June 7, 1924, c. 348, § 9, 43 Stat. 655.)

472. Laws affecting national forest lands.—The Secretary of the Department of Agriculture shall execute or cause to be executed all laws affecting public lands reserved under the provisions of section 471 of this title, or sections supplemental to and amendatory thereof, subject to the provisions for national forests established under subdivision (b) of section 471 of this title, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands. (Feb. 1, 1905, c. 288, § 1, 33 Stat. 628.)

473. Revocation, modification, or vacation of orders or proclamations establishing national forests.—The President of the United States is authorized and empowered to revoke, modify, or suspend any and all Executive orders and proclamations or any part thereof issued under section 471 of this title, from time to time as he shall deem best for the public interests. By such modification he may reduce the area or change the boundary lines or may vacate altogether any order creating a national forest. (June 4, 1897, c. 2, §§ 1, 2, 30 Stat. 34, 36.)

474. Surveys; plats and field notes; maps; effect under Act June 4, 1897.—Surveys, field notes, and plats returned from the survey of public lands designated as national forests undertaken under the supervision of the Director of the Geological Survey in accordance with provisions of Act June 4, 1897, chapter 2, section 1, Thirtieth Statutes, page 34, shall have the same legal force and effect as surveys, field notes, and plats returned through the Field Surveying Service; and such surveys, which include subdivision surveys under the rectangular system, approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office. (June 4, 1897, c. 2, § 1, 30 Stat. 34; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

475. Purposes for which national forests may be established and administered.—All public lands heretofore designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of section 471 of this title, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said section, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of section 471, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. (June 4, 1897, c. 2, § 1, 30 Stat. 34.)

476. Sale of timber.—For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place notice thereof shall be given by the said Secretary of Agriculture for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists. In cases of unusual emergency the Secretary of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale. He may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cord wood and other forest products not exceeding in value $500. In cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers. Payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of Agriculture may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Secretary of Agriculture, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Secretary of Agriculture and to the receiver in the land office in which such reservation shall be located of his doings in the premises. (June 4, 1897, c. 2, § 1, 30 Stat. 35; June 6, 1900, c. 804, 31 Stat. 661; Feb. 1, 1905, c. 288, 33 Stat. 628; June 30, 1906, c. 3913, 34 Stat. 684; Mar. 3, 1925, c. 457, § 3, 43 Stat. 1132.)

477. Use of timber and stone by settlers.—The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located. (June 4, 1897, c. 2, § 1, 30 Stat. 35.)

478. Egress or ingress of actual settlers; prospecting.—Nothing in this chapter shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property

under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests. (June 4, 1897, c. 2, § 1, 30 Stat. 36.)

479. Sites for schools and churches.—The settlers residing within the exterior boundaries of national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each schoolhouse and one acre for a church. (June 4, 1897, c. 2, § 1, 30 Stat. 36.)

480. Civil and criminal jurisdiction.—The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State. (June 4, 1897, c. 2, § 1, 30 Stat. 36; Mar. 1, 1911, c. 186, § 12, 36 Stat. 963.)

481. Use of waters.—All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder. (June 4, 1897, c. 2, § 1, 30 Stat. 36.)

482. Mineral lands; restoration to public domain; location and entry.—Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forest, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions contained in this chapter. (June 4, 1897, c. 2, § 1, 30 Stat. 36.)

483. Exchange of lands in national forests with persons who have relinquished lands as basis for lieu selection; procedure; relinquishment of original lands to such persons.—Where any person or persons in good faith relinquished to the United States lands in a national forest as a basis for a lieu selection under the Act of June 4, 1897, chapter 2, section 1, Thirtieth Statutes, page 36, and failed to get their lieu selections of record prior to the passage of the Act of March 3, 1905, chapter 1495, Thirty-third Statutes, page 1264, or whose lieu selections, though duly filed, are finally rejected, the Secretary of the Interior, with the approval of the Secretary of Agriculture, upon application of such person or persons, their heirs or assigns, is authorized to accept title to such of the base lands as are desirable for national-forest purposes, which lands shall thereupon become parts of the nearest national forest, and, in exchange therefor, may issue patent for not to exceed an equal value of national-forest land, unoccupied, surveyed, and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State. Where an exchange can not be agreed upon the Commissioner of the General Land Office is hereby authorized to relinquish and quit claim to such person or persons, their heirs or assigns, all title to such lands which the respective relinquishments of such person or persons may have vested in the United States. Such person or persons, their heirs or assigns, shall, within five years after September 22, 1922, make satisfactory proof of the relinquishment of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands showing relinquishment of the same to the United States, which abstract or abstracts shall be retained in the files of the General Land Office. (Sept. 22, 1922, c. 404, § 1, 42 Stat. 1017.)

484. Same; selection of other lands in lieu of lands relinquished.—If it shall appear that any of the lands relinquished to the United States for the purpose stated in the preceding section have been disposed of or appropriated to a public use, other than the general purposes for which the national forest within the bounds of which they are situate was created, such lands shall not be relinquished and quit-claimed as provided therein, unless the head of the department having jurisdiction over the lands shall consent to such relinquishment; and if he shall fail to so consent, or if any of the lands so relinquished have been otherwise disposed of by the United States, other surveyed, nonmineral, unoccupied, unreserved public lands of approximately equal area and value may be selected and patented in lieu of the lands so appropriated or disposed of in the manner and subject to the terms and conditions prescribed by said Act of June 4, 1897, chapter 2, section 1, Thirtieth Statutes, page 36, and the regulations issued thereunder. Applications to make such lieu selections must be filed in the General Land Office within three years after September 22, 1922. (Sept. 22, 1922, c. 404, § 2, 42 Stat. 1017.)

485. Exchange of lands in national forests; cutting timber in national forests in exchange for lands therein.—When the public interests will be benefited thereby, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (Mar. 20, 1922, c. 105, § 1, 42 Stat. 465.)

486. Exchange of lands in national forests; reservations of timber, minerals, or easements.—Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them

shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (Mar. 20, 1922, c. 105, § 2; Feb. 28, 1925, c. 375, 43 Stat. 1090.)

487. Cutting timber on land added to Siskiyou National Forest.—The Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by Act September 22, 1922, chapter 407, section 1, Forty-second Statutes 1019, in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund," referred to in the Act of Congress approved June 9, 1916, chapter 137, section 10, Thirty-ninth Statutes, page 222, and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said Act. (Sept. 22, 1922, c. 407, § 2, 42 Stat. 1019.)

488. Establishment of exterior boundaries of national forests.—All standard, meander, township, and section lines of the public land surveys shall be established under the direction and supervision of the Commissioner of the General Land Office, whether the lands to be surveyed are within or without reservations, except that where the exterior boundaries of national forests are required to be coincident with standard, township, or section lines such boundaries may, if not previously established in the ordinary course of the public land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries. (Mar. 3, 1899, c. 424, § 1, 30 Stat. 1097.)

489. Sale of mature, dead, and down timber.—The Secretary of Agriculture, under such rules and regulations as he shall establish, is authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in section 477 of this title. (Aug. 10, 1912, c. 284, 37 Stat. 287.)

490. Deposits from timber purchasers to defray cost of disposing of débris.—Deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost. (Aug. 11, 1916, c. 313, 39 Stat. 462.)

491. Export of timber and other products.—The Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated. (Mar. 4, 1917, c. 179, 39 Stat. 1145; May 11, 1922, c. 185, 42 Stat. 519; Feb. 26, 1923, c. 119, 42 Stat. 1302; June 5, 1924, c. 266, 43 Stat. 443; Feb. 10, 1925, c. 200, 43 Stat. 834.)

492. Earth, stone, and timber for Navy, War Department, and Government works in Alaska.—Hereafter the Secretary of Agriculture, under regulations to be prescribed by him, is authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska. The Secretary of Agriculture shall submit with his annual estimates a report of the quantity and market value of earth, stone, and timber furnished as provided in this section. He is authorized also to permit the War Department to take earth, stone, and timber from the national forests for use in the construction of river and harbor and other works in charge of that department, subject to such regulations and restrictions as he may prescribe. (Mar. 4, 1915, c. 144, 38 Stat. 1100; Mar. 3, 1925, c. 467, § 13, 43 Stat. 1197.)

493. Nebraska National Forest; trees from for homestead settlers.—The Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, from the nurseries on the Nebraska National Forest, so far as they may be spared, to residents of the territory covered by section 224, paragraphs (a), (b), and (c) of Title 43, Public Lands. (May 11, 1922, c. 185, 42 Stat. 520; Feb. 26, 1923, c. 119, 42 Stat. 1304; June 5, 1924, c. 266, 43 Stat. 445; Feb. 10, 1925, c. 200, 43 Stat. 835.)

494. Calaveras Bigtree National Forest.—The Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washingtoniana, is empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township 4 north, range 15 east, Mount Diablo meridian, the northeast quarter of section 1; in township 4 north, range 16 east, Mount Diablo meridian, the north half of section 6; in township 5 north, range 15 east, Mount Diablo meridian, the southwest quarter of section 14, south half of section 15, north half of section 22, northwest quarter of section 23, and southeast quarter of section 36, and in township 5 north, range 16 east, Mount Diablo meridian, the west half of section 28, the east half and southwest quarter of section 29, the southeast quarter of section 30, all of sections 31, 32, and the northwest quarter of section 33. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees. The owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in one or both of the following ways: (1) They may be given the right to file with the Secretary of the Interior, within sixty days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of the actual value in lands and stumpage substantially equal to that

of the lands and stumpage conveyed they may be patented to said owners in lieu of the conveyed lands. In any case where any part of the lands selected is national forest land, the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2) the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood, substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this section. (Feb. 18, 1909, c. 143, 35 Stat. 626; May 7, 1912, c. 105, 37 Stat. 108.)

495. Leases of lands for sanitariums or hotels.—The Secretary of Agriculture is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this section. (Feb. 28, 1899, c. 221, § 1, 30 Stat. 908; Feb. 1, 1905, c. 288, § 1, 33 Stat. 628.)

496. Same; disposition of funds from.—All funds arising from the privileges granted under section 495 of this title shall be covered into the Treasury of the United States as provided by law. (Feb. 28, 1899, c. 221, § 2, 30 Stat. 908; Mar. 4, 1907, c. 2907, 34 Stat. 1270.)

497. Use and occupation of lands for summer homes, hotels, and stores.—The Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding thirty years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forest for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding five acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as provided by law. (Mar. 4, 1915, c. 144, 38 Stat. 1101.)

498. Disposal of moneys received; refund of excess.—All moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements. Annual report shall be made to Congress of all such moneys so received as contributions for such cooperative work. (June 30, 1914, c. 131, 38 Stat. 430.)

499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits.—All money received by or on account of the Forest Service for timber, or from any other source of national-forest revenue, including moneys received from sale of products from or use of lands in national forests created under section 471 (b) of this title, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title, shall be covered into the Treasury of the United States as a miscellaneous receipt, and except as provided in sections 500 and 501 of this title, there is appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal; and the Secretary of Agriculture shall make annual report to Congress of the amounts refunded hereunder. (Mar. 4, 1907, c. 2907, 34 Stat. 1270; Mar. 4, 1911, c. 238, 36 Stat. 1253; Mar. 4, 1917, c. 179, 39 Stat. 1150; June 7, 1924, c. 348, § 9, 43 Stat. 655.)

500. Payment of receipts to State for schools and roads.—Twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated. When any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. There shall not be paid to any State for any county an amount equal to more than 40 per centum of the total income of such county from all other sources. (May 23, 1908, c. 192, 35 Stat. 260; Mar. 1, 1911, c. 186, § 13, 36 Stat. 963; June 30, 1914, c. 131, 38 Stat. 441.)

501. Expenditures from receipts for roads and trails; cooperation with State authorities.—Ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. (Mar. 4, 1913, c. 145, 37 Stat. 843.)

502. Reimbursement to owners of equipment damaged or destroyed while fire fighting.—The Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable. (Mar. 4, 1913, c. 145, 37 Stat. 843.)

503. Appropriation for roads and trails; cooperation of States; aggregate expenditure.—There is appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for each fiscal year up to and including the fiscal year ending June 30, 1926, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the

national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent. The State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails, upon a basis equitable to both the State, Territory, or county, and the United States. The aggregate expenditures in any State, Territory, or county shall not exceed 10 per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

Immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and each fiscal year the Secretary of the Treasury shall apply from any and all revenues from such forest 10 per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest. (July 11, 1916, c. 241, § 8, 39 Stat. 358.)

504. Purchases of tree seed, cones, and nursery stock for national forests.—The Secretary of Agriculture may procure tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed $500. (June 30, 1914, c. 131, 38 Stat. 429.)

505. Use of national forests established on land reserved for purposes of national defense; maintenance available.—Where a national forest is established under section 471(b) of this title on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes and nothing in this section or section 471(b) shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on national forests created under such section. (June 7, 1924, c. 348, § 9, 43 Stat. 655.)

506. Agricultural lands opened to homestead entry.—The Secretary of Agriculture is authorized, in his discretion, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary national forests except in the counties of San Luis Obispo and Santa Barbara, in the State of California, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to such national forests and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and sections 506 to 509 of this title.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated. Any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January 1, 1906, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry. Any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of sections 506 to 509 shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States supervisor of surveys, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of sections 506 to 509 shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. No land listed under the aforesaid sections shall pass from the forest until patent issues. (June 11, 1906, c. 3074, § 1, 34 Stat. 233; May 30, 1908, c. 233, 35 Stat. 554; Aug. 10, 1912, c. 284, 37 Stat. 287; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

507. Additional homestead right of entry to former settlers.—Settlers upon lands chiefly valuable for agriculture within national forests on January 1, 1906, who had on that date exercised or lost their homestead privilege, but were otherwise competent to enter lands under the homestead laws, are granted an additional homestead right of entry for the purposes of sections 506 to 509 of this title only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay $2.50 per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands. (June 11, 1906, c. 3074, § 2, 34 Stat. 234.)

508. Entries in Black Hills National Forest subject to mining laws and to appropriation of waters.—All entries under sections 506 to 509 of this title in the Black Hills National Forest shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said national forest for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills National Forest under said sections shall vest in the patentee any riparian rights to any stream or streams of flowing water within said forest; and that such limitation of title shall be expressed in the patents for the lands covered by such entries. (June 11, 1906, c. 3074, § 3, 34 Stat. 234.)

509. Future settlements on lands within reserves, and rights of former bona fide settlers.—Nothing contained within sections 506 to 509, inclusive, of this title shall be held to authorize any future settlement on any lands within national forests until such lands have been opened to settlement as provided in said sections, or to in any way impair the legal rights of any

bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a national forest. (June 11, 1906, c. 3074, § 5, 34 Stat. 234.)

510. Right of homestead entry extended to certain lands.—The provisions of sections 506 to 509, inclusive, of this title shall apply to all lands within the national forests in Lawrence and Pennington Counties in South Dakota. (Aug. 8, 1916, c. 295, 39 Stat. 440.)

511. Reinstatement of entries canceled or relinquished.—All homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national-forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must have been filed in the proper local land office prior to July 1, 1912. (Mar. 3, 1911, c. 225, § 1, 36 Stat. 1084.)

512. Segregation of lands for homestead entry.—The Secretary of Agriculture is directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests. And after March 4, 1913, such surveys, and the plats and field notes thereof, shall be made by employees of the Forest Service, to be designated by the United States supervisor of surveys, and such surveys and the plats and field notes thereof shall be approved by the United States supervisor of surveys. (Mar. 4, 1913, c. 145, 37 Stat. 842; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

513. National Forest Reservation Commission; annual report to Congress.—The National Forest Reservation Commission shall consist of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate and two Members of the House of Representatives, to be selected by the Speaker, and is authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 515 of this title, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission. The members of the commission shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment. It shall report annually to Congress through its president, not later than the first Monday in December, its operations and expenditures in detail, during the preceding fiscal year. (Mar. 1, 1911, c. 186, §§ 4, 5, 36 Stat. 962.)

514. Appropriation for expenses of commission; payments.—A sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $25,000, is appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission. (Mar. 1, 1911, c. 186, § 14, 36 Stat. 963.)

515. Examination, location and recommendation for purchase of forested, cut-over, or denuded lands, and report by Secretary of Agriculture.—The Secretary of Agriculture is authorized and directed to examine, locate and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon. (Mar. 1, 1911, c. 186, § 6, 36 Stat. 962; June 7, 1924, c. 348, § 6, 43 Stat. 654.)

516. Purchase of lands approved by commission; consent of State; exchange of lands; cutting and removing timber.—The Secretary of Agriculture is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. No deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this section until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. With the approval of the National Forests Reservation Commission as provided by this section and section 515 of this title, and when the public interests will be benefitted thereby, the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under said sections which, in his opinion, are chiefly valuable for the purposes as therein stated, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of sections 480, 500, 513 to 519 and 521 of this title. (Mar. 1, 1911, c. 186, § 7, 36 Stat. 962; Mar. 3, 1925, c. 473, 43 Stat. 1215.)

517. Title to lands to be acquired.—The Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under sections 513 to 519 and 521 of this title, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States. (Mar. 1, 1911, c. 186, § 8, 36 Stat. 962.)

518. Acquisition of lands not defeated by rights of way, easements, and reservations.—Such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of sections 480, 500, 513 to 519, and 521 of this title. Such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regula-

tions shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed. (Mar. 1, 1911, c. 186, § 9, 36 Stat. 962; Mar. 4, 1913, c. 145, 37 Stat. 855.)

519. Agricultural lands included in tracts acquired; sale for homesteads.—Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this section and sections 513 to 518 of this title, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under said sections, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided. (Mar. 1, 1911, c. 186, § 10, 36 Stat. 962.)

520. Regulations as to mineral resources.—The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under sections 513 to 519 of this title, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under said sections shall be disposed of as is provided by existing law for the disposition of receipts from national forests. (Mar. 4, 1917, c. 179, 39 Stat. 1150.)

521. Lands acquired to be reserved, held, and administered as national forest lands; designation.—Subject to the provisions of the last preceding section, the lands acquired under sections 513 to 519 of this title shall be permanently reserved, held, and administered as national forest lands under the provisions of section 471 of this title. And the Secretary of Agriculture may from time to time divide the lands acquired under the aforesaid sections into such specific national forests and so designate the same as he may deem best for administrative purposes. (Mar. 1, 1911, c. 186, § 11, 36 Stat. 963.)

522. Rights of way for electrical plants.—That the Secretary of Agriculture is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the national forests for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named. Such permits shall be allowed within or through any national forest, only upon the approval of the chief officer of the department under whose supervision such national forest falls and upon a finding by him that the same is not incompatible with the public interest. All permits given hereunder for telegraph and telephone purposes shall be subject to the provision of sections 1 to 6 and 8 of Title 47 TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS, regulating rights of way for telegraph companies over the public domain. Any permission given by the Secretary of Agriculture under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any national forest. (Feb. 15, 1901, c. 372, 31 Stat. 790.)

523. Rights of way for electrical poles and lines.—The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the national forests of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named. Such right of way shall be allowed within or through any national forest only upon the approval of the chief officer of the department under whose supervision or control such national forest falls, and upon a finding by him that the same is not incompatible with the public interest. All or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date. (Mar. 4, 1911, c. 238, 36 Stat. 1253.)

524. Rights of way for dams, reservoirs, or water plants for municipal, mining, and milling purposes.—Rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of Agriculture, and subject to the laws of the State or Territory in which said forests are respectively situated. (Feb. 1, 1905, c. 288, § 4, 33 Stat. 628.)

525. Rights of way for wagon roads or railroads.—In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any national forest when in his judgment the public interests will not be injuriously affected thereby. (Mar. 3, 1899, c. 427, § 1, 30 Stat. 1233.)

Chapter 3.—FOREST PROTECTION; FOREST SERVICE; REFORESTATION.

Sec.
551. Protection of national forests; rules and regulations.
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557. Employees of Forest Service; subsistence furnished to; personal equipment; supplies, and medical attention.
558. Leaves of absence to employees of Forest Service in Alaska.
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560. Use of timber for telephone lines for fire protection.
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564. Cooperation by Secretary of Agriculture with State officials as to recommendations of systems of forest fire prevention and suppression.
565. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States.
566. Expenditure by Secretary of Agriculture for study of effects of tax laws, and so forth, upon forest perpetuation, and so forth; appropriation.
567. Cooperation by Secretary of Agriculture with States in procuring, and so forth, forest-tree seeds and plants; limitation on expenditure; appropriation.
568. Cooperation by Secretary of Agriculture with States in establishing, and so forth, wood lots, shelter belts, windbreaks, and so forth; limitation on expenditure; appropriation.
569. Donations to United States of lands for timber purposes.
570. Ascertainment by Secretary of Agriculture of public lands valuable for stream-flow protection and report thereof.
571. Buildings for national forest purposes; construction, and so forth.
572. Special fund for payment of expenses of reforestation, administration, or protection of forests by Forest Service, and for refunds to contributors.

Section 551. Protection of national forests; rules and regulations.—The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471 of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of sections 473 to 483 of this title or such rules and regulation shall be punished as is provided for in section 104 of Title 18. (June 4, 1897, c. 2, § 1, 30 Stat. 35; Feb. 1, 1905, c. 288, § 1, 33 Stat. 628.)

552. Consent to agreement by States for conservation of forests and water supply.—Consent of the Congress of the United States is given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact. (Mar. 1, 1911, c. 186, § 1, 36 Stat. 961.)

553. Duties of officials of Forest Service; stock laws; protection of fish and game.—Officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other Federal bureaus and departments on request from them, in the performance of the duties imposed on them by law. (May 23, 1908, c. 192, 35 Stat. 259.)

554. Forest supervisors and rangers.—Forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the national forests, respectively, are situated. (Feb. 1, 1905, c. 288, § 3, 33 Stat. 628.)

555. Forest headquarters and ranger stations.—Where no suitable Government land is available for national forest headquarters or ranger stations, the Secretary of Agriculture is authorized to purchase such lands out of any funds appropriated for building improvements on the national forests, but not more than $2,500 shall be so expended in any one year; and to accept donations of land for any national forest purpose. (Mar. 3, 1925, c. 457, § 5, 43 Stat. 1133.)

556. Appropriations for Forest Service; use for transportation or traveling expenses; preparation or publication of newspaper or magazine articles.—No part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law; nor shall any such funds be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public. (May 11, 1922, c. 185, 42 Stat. 521.)

557. Employees of Forest Service; subsistence furnished to; personal equipment; supplies, and medical attention.—The Secretary of Agriculture is authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees. He is also authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial. (Mar. 3, 1925, c. 457, §§ 4, 6, 43 Stat. 1133.)

558. Leaves of absence to employees of Forest Service in Alaska.—Employees of the Forest Service who are assigned to permanent duty in Alaska may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed thirty days in any one year, which leave may, in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed thirty days additional in any one year. (Mar. 4, 1913, c. 145, 37 Stat. 843.)

559. Arrests for violations of laws and regulations by employees of Forest Service.—All persons employed in the Forest Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the forest or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of

any person taken in the act of violating said laws and regulations. (Mar. 3, 1905, c. 1405, 33 Stat. 872.)

560. Use of timber for telephone lines for fire protection.—The Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines. (Mar. 4, 1913, c. 145, 37 Stat. 843.)

561. Transfer of telephone supplies to Department of Agriculture for use of Forest Service.—The Secretary of War is authorized and directed to transfer to the Department of Agriculture, for the use of the Forest Service, such telephone supplies pertaining to the Military Establishment which have been found to be surplus and no longer required for military purposes and are needed for the present use of the said service. Freight charges incurred in the transfer of the property provided for in this section shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed to the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments. (Mar. 15, 1920, c. 100, §§ 3, 4, 41 Stat. 531.)

562. Forest experiment station in California.—In order to determine and demonstrate the best methods for the conservative management of forest and forest lands and the protection of timber and other forest products, the Secretary of Agriculture is authorized and directed (1) to establish and maintain, in cooperation with the State of California and with the surrounding States, a forest experiment station at such place or places as he may determine to be most suitable, and (2) to conduct, independently or in cooperation with other branches of the Federal Government, the States, universities, colleges, county, and municipal agencies, business organizations, and individuals, such silvicultural, dendrological, forest fire, economic, and other experiments and investigations as may be necessary. (Mar. 3, 1925, c. 424, § 1, 43 Stat. 1108.)

563. Cooperation with States for fire protection on private or State forest lands upon the watersheds of navigable rivers.—The Secretary of Agriculture is authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river. No such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection. In no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year. (Mar. 1, 1911, c. 186, § 2, 36 Stat. 961.)

564. Cooperation by Secretary of Agriculture with State officials as to recommendations of systems of forest fire prevention and suppression.—The Secretary of Agriculture is authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor. (June 7, 1924, c. 348, § 1, 43 Stat. 653.)

565. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States.—If the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest protection system of the State under State supervision and for which in all cases the State renders satisfactory accounting. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest producing lands, or watersheds from which water is secured for domestic use or irrigation, within the cooperating States. (June 7, 1924, c. 348, § 2, 43 Stat. 653; Mar. 3, 1925, c. 447, 43 Stat. 1127.)

566. Expenditure by Secretary of Agriculture for study of effects of tax laws, and so forth, upon forest perpetuation, and so forth; appropriation.—The Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire and other causes. There is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $2,500,000, to enable the Secretary of Agriculture to carry out the provisions of this section and sections 564 and 565 of this title. (June 7, 1924, c. 348, § 3, 43 Stat. 653.)

567. Cooperation by Secretary of Agriculture with States in procuring, and so forth, forest-tree seeds and plants; limitation on expenditure; appropriation.—The Secretary of Agriculture is authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon. The amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $100,000, to enable the Secretary of Agriculture to carry out the provisions of this section. (June 7, 1924, c. 348, § 4, 43 Stat. 654.)

568. Cooperation by Secretary of Agriculture with States in establishing, and so forth, wood lots, shelter belts, windbreaks, and so forth; limitation on expenditure; appropriation.—The Secretary of Agriculture is authorized and directed, in cooperation with appropriate officials of the various States or, in his discretion, with other suitable agencies, to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops. Except for preliminary investigations, the amount expended by the Federal Government under this section in coop-

eration with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year. There is authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $100,000 to enable the Secretary of Agriculture to carry out the provisions of this section. (June 7, 1924, c. 348, § 5, 43 Stat. 654.)

569. Donations to United States of lands for timber purposes.—To enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under sections 513, 515, and 521 of this title. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located. (June 7, 1924, c. 348, § 7, 43 Stat. 654.)

570. Ascertainment by Secretary of Agriculture of public lands valuable for stream-flow protection and report thereof.—The Secretary of Agriculture is authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under section 513 of this title, and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States. (June 7, 1924, c. 348, § 8, 43 Stat. 655.)

571. Buildings for national forest purposes; construction, and so forth.—In addition to buildings costing not to exceed $1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national forest purposes at not to exceed $2,500 each, and three at not to exceed $2,000 each. The cost of a water supply or sanitary system shall not be charged as a part of the cost of any building except those costing in excess of $2,000 each, and no such water supply and sanitary system shall cost in excess of $500. (Mar. 3, 1925, c. 457, § 2, 43 Stat. 1132.)

572. Special fund for payment of expenses of reforestation, administration, or protection of forests by Forest Service, and for refunds to contributors.—All moneys received as contributions towards reforestation or for the administration or protection of lands within or near the national forests shall be covered into the Treasury and shall constitute a special fund, which is authorized to be appropriated for the payment of the expenses of said reforestation, administration, or protection by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by or for them in excess of their share of the cost, but the United States shall not be liable for any damage incident to cooperation hereunder. (Mar. 3, 1925, c. 457, § 1, 43 Stat. 1132.)

Chapter 4.—PROTECTION OF TIMBER, AND DEPREDATIONS.

Sec.

591. Live-oak and red-cedar lands.
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593. Same; protection of timber.
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598. Lands in Florida reserved for naval purposes; examination.
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600. Restoration to public domain of naval reservations; preference right of entry; lands disposed of under town-site laws.
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602. Seizure of timber cut.
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604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations.
605. Same; notice to Commissioner of General Land Office of unlawful cutting.
606. Same; offenses; punishment.
607. Cutting and removal of timber on certain public lands for certain purposes.
608. Permits to cut and remove timber; citizens of Malheur County, Oregon.
609. Same; citizens of Modoc County, California.
610. Same; citizens of Washington County and Kane County, Utah.
611. Same; citizens of Idaho and Wyoming.
612. Same; permits to certain corporations.
613. Same; limitations of use of timber taken not to apply to certain territory.
614. Sale of timber killed or damaged by forest fires.
615. Disposal of proceeds of sale of burnt timber on existing claim.

Section 591. Live-oak and red-cedar lands.—The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same. (R. S. § 2458.)

592. Same; selection of tracts.—The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or watercourses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the rights of any person, prior to March 1, 1817, claiming lands, which may be reserved in the manner herein provided. (R. S. § 2459.)

593. Same; protection of timber.—The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the

felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida. (R. S. § 2460.)

594. Protection of timber owned by United States from fire, disease, or insect ravages.—The Secretary of the Interior is authorized to protect and preserve, from fire, disease, or the ravages of beetles, or other insects, timber owned by the United States upon the public lands, national parks, national monuments, Indian reservations, or other lands under the jurisdiction of the Department of the Interior owned by the United States, either directly or in cooperation with other departments of the Federal Government, with States, or with owners of timber; and appropriations are authorized to be made for such purposes. (Sept. 20, 1922, c. 349, 42 Stat. 857.)

595. Same; cutting or destruction.—If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed. or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. (R. S. § 2461.)

596. Same; forfeiture of vessels carrying away timber.—If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding $1,000. (R. S. § 2462.)

597. Same; clearance of vessels laden with; prosecution of depredators.—It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands. (R. S. § 2463.)

598. Lands in Florida reserved for naval purposes; examination.—The Secretary of the Navy is authorized to cause an examination to be made of the condition of all lands in the State of Florida which have been set apart or reserved for naval purposes, excepting the reservation upon which the navy yard at Pensacola is located, and to ascertain whether or not such reserved lands are or will be of any value to the Government of the United States for naval purposes. (Mar. 3, 1879, c. 189, § 1, 20 Stat. 470.)

599. Same; lands not needed restored to entry and sale.—All of said lands which, in the judgment of the Secretary of the Navy, are no longer required for naval purposes shall, as soon as practicable, be certified by him to the Secretary of the Interior, and be subject to entry and sale in the same manner and under the same conditions as other public lands of the United States. All persons who have, in good faith, made improvements on said reserved lands so certified on March 3, 1879, and who occupy the same, shall be entitled to purchase the part or parts so occupied or improved by them, not to exceed one hundred and sixty acres to any one person at $1.25 per acre within such reasonable time as may be fixed by the Secretary of the Interior. (Mar. 3, 1879, c. 189, § 2, 20 Stat. 471.)

600. Restoration to public domain of naval reservations; preference right of entry; lands disposed of under town-site laws.—The Secretary of the Navy is authorized to cause to be certified to the Secretary of the Interior, for restoration to the public domain, the whole or such portion or portions of the several tracts of land in the States of Alabama and Mississippi heretofore set apart and reserved for naval uses as are no longer required for the purposes for which they were reserved, or for any purposes connected with the naval service; and upon such certification the tracts of land described therein shall be duly restored to and become a part of the public lands of the United States. Persons who enter under the homestead law shall pay for such lands not less than the value heretofore or hereafter determined by appraisement, nor less than the price of the land at the time of the entry; and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior. So much of the said lands as are situated on Back Bay, near the city of Biloxi, in the State of Mississippi, shall be disposed of under the town-site law and not as agricultural lands. (Mar. 2, 1895, c. 182, 28 Stat. 814.)

601. Disposition of moneys collected for depredations.—All moneys collected for depredations upon the public lands shall be covered into the Treasury of the United States as other moneys received from the sale of public lands. (Apr. 30, 1878, c. 76, § 2, 20 Stat. 46.)

602. Seizure of timber cut.—If any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found. (Apr. 30, 1878, c. 76, § 2, 20 Stat. 46.)

603. Relief from prosecutions on payment for timber cut.—Any person prosecuted in the States of California, Oregon, Nevada, and Washington for violating section 595 of this title who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of $2.50 per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same. Nothing con-

tained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided in sections 311 to 313 of Title 43, PUBLIC LANDS, and section 103 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE. All moneys collected under this section, sections 311 to 313 of Title 43, PUBLIC LANDS, and section 103 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE, shall be covered into the Treasury of the United States. (June 3, 1878, c. 151, § 5, 20 Stat. 90.)

604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations.—All citizens of the United States and other persons, bona fide residents of the State of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana, and all other mineral districts of the United States, are authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in said States or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes. It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of this section, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested. Such permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised, but all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein. The provisions of this section and sections 605 and 606 of this title shall not extend to railroad corporations. (June 3, 1878, c. 150, § 1, 20 Stat. 88; Jan. 11, 1921, c. 22, 41 Stat. 1088.)

605. Same; notice to Commissioner of General Land Office of unlawful cutting.—It shall be the duty of the register of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by section 604 of this title, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register in making up their next quarterly accounts. (June 3, 1878, c. 150, § 2, 20 Stat. 88; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

606. Same; offenses; punishment.—Any person or persons who shall violate the provisions of sections 603 to 605, inclusive, of this title, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months. (June 3, 1878, c. 150, § 3, 20 Stat. 89.)

607. Cutting and removal of timber on certain public lands for certain purposes.—In the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, and the Territory of Alaska, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, [but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain]. The Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this section shall not operate to repeal sections 604 to 606 of this title and section 103 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE. (Mar. 3, 1891, c. 559, 26 Stat. 1093, c. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, c. 103, 27 Stat. 444; Mar. 3, 1901, c. 855, 31 Stat. 1436; Mar. 3, 1919, c. 111, 40 Stat. 1321, c. 115, 40 Stat. 1322; Feb. 27, 1922, c. 82, 42 Stat. 398.)

608. Permits to cut and remove timber; citizens of Malheur County, Oregon.—It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes and to remove the timber so cut to Malheur County, State of Oregon. (Mar. 3, 1891, c. 559, 26 Stat. 1093, c. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, c. 103, 27 Stat. 444; Mar. 3, 1901, c. 855, 31 Stat. 1436; Mar. 3, 1919, c. 111, 40 Stat. 1321, c. 115, 40 Stat. 1322; Feb. 27, 1922, c. 82, 42 Stat. 398.)

609. Same; citizens of Modoc County, California.—It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California. (Mar. 3, 1891, c. 559, 26 Stat. 1093, c. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, c. 103, 27 Stat. 444; Mar. 3, 1901, c. 855, 31 Stat. 1436; Mar. 3, 1919, c. 111, 40 Stat. 1321, c. 115, 40 Stat. 1322; Feb. 27, 1922, c. 82, 42 Stat. 398.)

610. Same; citizens of Washington County and Kane County, Utah.—It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Washington County and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, or other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah. (Mar. 3, 1891, c. 559, 26 Stat. 1093, c. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, c. 103, 27 Stat. 444; Mar. 3, 1901, c. 855, 31 Stat. 1436; Mar. 3, 1919, c. 111, 40 Stat. 1321, c. 115, 40 Stat. 1322; Feb. 27, 1922, c. 82, 42 Stat. 398.)

611. Same; citizens of Idaho and Wyoming.—It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the Continental Divide on the Snake River and its tributaries to the boundary line of Idaho, for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho. (July 1, 1898, c. 546, § 1, 30 Stat. 618.)

612. Same; permits to certain corporations.—It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of section 607 of this title, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first

have complied with the laws of that State so as to entitle them to do business therein. Nothing shall operate to enlarge the rights of any railway company to cut timber on the public domain. (Jan. 11, 1921, c. 22, 41 Stat. 1088.)

613. Same; limitations of use of timber taken not to apply to certain territory.—The provisions of section 607 of this title, PUBLIC LANDS, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said section shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States. (Mar. 3, 1901, c. 862, 31 Stat. 1439.)

614. Sale of timber killed or damaged by forest fires.—The Secretary of the Interior is authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder at public auction, or through sealed bids, the timber on any lands of the United States, outside the boundaries of national forests, including those embraced in unperfected claims under any of the public-land laws, also upon the ceded Indian lands, that may have been killed or seriously and permanently damaged by forest fires prior to March 4, 1913, the proceeds of all such sales to be covered into the Treasury of the United States. The damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of damaged timber on any such lands shall be kept in a special fund to await the final determination of such claim. (Mar. 4, 1913, c. 165, § 1, 37 Stat. 1015.)

615. Disposal of proceeds of sale of burnt timber on existing claim.—Upon the certification of the Secretary of the Interior that any claim under section 614 of this title has been finally approved and patented the Secretary of the Treasury is authorized and directed to pay to such claimant, his heirs or legal representatives, the money received from the sale of the damaged timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of the damaged timber upon the lands embraced in such claim to the general fund in the Treasury derived from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided. (Mar. 4, 1913, c. 165, § 2, 37 Stat. 1016.)

Chapter 5.—PROTECTION OF FUR SEALS AND OTHER FUR-BEARING ANIMALS.

Sec.
631. Control, and so forth, of fur seal, salmon, and other fisheries by Department of Commerce.
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Section 631. Control, and so forth, of fur seal, salmon, and other fisheries by Department of Commerce.—The jurisdiction, supervision and control over the fur seal, salmon and other fisheries of Alaska are vested in the Department of Commerce. (Feb. 14, 1903, c. 552, § 7, 32 Stat. 828.)

632. Killing seal or sea otter in certain waters of the North Pacific prohibited.—No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any of their vessels, nor any vessel of the United States, nor any person belonging to or on board of such vessel, shall kill, capture, or pursue, at any time or in any manner whatever, any fur seal in the waters of the North Pacific Ocean north of the thirtieth parallel of north latitude and including the seas of Bering, Kamchatka, Okhotsk, and Japan; nor shall any such person or vessel kill, capture or pursue sea otter in any of the waters mentioned beyond the distance of three miles from the shore line of the territory of the United States. (Aug. 24, 1912, c. 373, § 1, 37 Stat. 499.)

633. Equipping vessels for pelagic sealing or sea-otter hunting forbidden; use of ports of United States.—No citizen of the United States, nor person above described in section 632 of this title, shall equip, use, or employ, or furnish aid in equipping, using, or employing, or furnish supplies to any vessel used or employed, or to be used or employed, in carrying on or taking part in pelagic sealing or in sea-otter hunting in said waters, nor shall any of their vessels nor any vessel of the United States be so used or employed; and no person or vessel shall use any of the ports or harbors of the United States, or any part of the territory of the United States, for any purpose whatsoever connected with the operations of pelagic sealing or sea-otter hunting in the waters named in section 632; and no vessel which is engaged or employed, or intended to be engaged or employed, for or in connection with pelagic sealing or sea-otter hunting in such waters shall use any of the ports or harbors or any part of the territory of the United States for any purpose whatsoever. (Aug. 24, 1912, c. 373, § 2, 37 Stat. 500.)

634. Natives permitted to carry on pelagic fishing.—The provisions of sections 632 and 633 of this title shall not apply to Indians, Aleuts, or other aborigines dwelling on the American coast of the waters mentioned in section 632 of this title

who carry on pelagic sealing in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way hitherto practiced by the said Indians, Aleuts, or other aborigines, and without the use of firearms. The exception made in this section shall not apply to Indians, Aleuts, or other aborigines in the employment of other persons or who shall kill, capture, or pursue fur seals or sea otters under contract to deliver the skins to any person. (Aug. 24, 1912, c. 373, § 3, 37 Stat. 500.)

635. Importing illegally taken skins; forfeiture.—The importation or bringing into territory of the United States, by any person whatsoever, of skins of fur seals or sea otters taken in the waters mentioned in section 632 of this title, or of skins identified as those of the species known as Callorhinus alascanus, Callorhinus ursinus, and Callorhinus kuriensis, or belonging to the American, Russian, or Japanese herds, whether raw, dressed, dyed, or manufactured, except such as have been taken under the authority of the respective parties to the convention between the Governments of the United States, Great Britain, Japan, and Russia, concluded at Washington, July 7, 1911 (37 Stat. 1546), to which the breeding grounds of such herds belong, and have been officially marked and certified as having been so taken, is hereby prohibited; and all such articles imported or brought in shall not be permitted to be exported, but shall be seized and forfeited to the United States. (Aug. 24, 1912, c. 373, § 4, 37 Stat. 500.)

636. Regulations made by President; enforcement of law and regulations.—The President shall have power to make regulations to carry sections 632 to 643, inclusive, of this title and the said convention into effect, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient. It shall be the duty of the Secretary of Commerce, under the direction of the President, to see that the said convention, the provisions of said sections, and the regulations made thereunder are executed and enforced; and all officers of the United States engaged in the execution and enforcement of said sections are authorized and directed to cooperate with the proper officers of any of the other parties to the said convention in taking such measures as may be appropriate and available under the said convention, said sections, or the regulations made thereunder for the purpose of preventing pelagic sealing as in said sections prohibited. (Aug. 24, 1912, c. 373, § 5, 37 Stat. 500.)

637. Punishment for violations of law; forfeiture.—Every person guilty of a violation of any of the provisions of said convention, or of sections 632 to 643, inclusive, of this title, or of any regulation made thereunder, shall, for each offense, be fined not less than $200 or more than $2,000, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of said sections, or of the regulations made thereunder, shall be forfeited to the United States. (Aug. 24, 1912, c. 373, § 6, 37 Stat. 501.)

638. Presumption as to violations.—If any vessel shall be found within the waters to which the provisions of sections 632 to 643, inclusive, of this title apply, having on board fur-seal skins or sea-otter skins, or bodies of seals or sea otters, or apparatus or implements for killing or taking seals or sea otter, it shall be presumed that such vessel was used or employed in the killing of said seals or sea otters, or that said apparatus or implements were used in violation of the provisions of sections 632 to 643, inclusive, until the contrary is proved to the satisfaction of the court, in so far as such vessel, apparatus, and implements are subject to the jurisdiction of the United States. (Aug. 24, 1912, c. 373, § 7, 37 Stat. 501.)

639. Venue of prosecutions.—Any violation of the said convention, or of the provisions of sections 632 to 643, inclusive, of this title, or of the regulations thereunder, may be prosecuted either in the District Court of Alaska, or in any district court of the United States in California, Oregon, or Washington. (Aug. 24, 1912, c. 373, § 8, 37 Stat. 501.)

640. Guard or patrol of waters; seizure and search of vessels within jurisdiction of United States.—It shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herd or herds and sea otter, in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service; and any officer of any such vessel engaged in such service and any other officers duly designated by the President may search any vessel of the United States, in port, or in territorial waters of the United States, or on the high seas, when suspected of having violated, or being about to violate, the provisions of said convention, or of sections 632 to 643, inclusive, of this title, or of any regulation made thereunder, and may seize such vessel and the officers and crew thereof and bring them into the most accessible port of the Territory or of any of the States mentioned in section 639 of this title for trial. (Aug. 24, 1912, c. 373, § 9, 37 Stat. 501.)

641. Seizure of vessels outside of jurisdiction of signatory powers; procedure.—Any vessel or person described in section 632 of this title offending or being about to offend against the prohibitions of the said convention, or of sections 632 to 643, inclusive, of this title, or of the regulations made thereunder, may be seized and detained by the naval or other duly commissioned officers of any of the parties to the said convention other than the United States, except within the territorial jurisdiction of one of the other of said parties, on condition, however, that when such vessel or person is so seized and detained by officers of any party other than the United States such vessel or person shall be delivered as soon as practicable at the nearest point to the place of seizure, with the witnesses and proofs necessary to establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same. The said officers of any party to said convention other than the United States shall arrest and detain vessels and persons, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized the naval or other officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the proper officers of such party vessels and subjects under the jurisdiction of that Government offending against said convention or any statute or regulation made by that Government to enforce said convention. The President of the United States shall determine by proclamation when such authority has been given by the other parties to said convention, and his determination shall be conclusive upon the question; and such proclamation may be modified, amended, or revoked by proclamation of the President whenever, in his judgment, it is deemed expedient. (Aug. 24, 1912, c. 373, § 10, 37 Stat. 501.)

642. Delivery by, receipt and disposal of skins by the United States under convention of July 7, 1911; performance of articles thereunder.—The Secretary of Commerce, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of the convention mentioned in section 635 of this title and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce in such market, at such times, and in such manner as he may

deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention. (Aug. 24, 1912, c. 373, § 11, 37 Stat. 502; June 22, 1916, c. 171, 39 Stat. 236.)

643. "Pelagic sealing" defined; "person" construed.—The term "pelagic sealing" where used in sections 632 to 643 of this chapter shall be taken to mean the killing, capturing, or pursuing in any manner whatsoever of fur seals while the same are in the water. The word "person" where used therein shall extend and be applied to partnerships and corporations. (Aug. 24, 1912, c. 373, § 12, 37 Stat. 502.)

644. Killing of certain fur-bearing animals in Alaska forbidden; punishment, and forfeiture; power of Secretary of Commerce to authorize killing; duty to execute law.—No person shall kill any sea otter or fur seal within the limits of Alaska or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than $200 nor more than $1,000 or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce shall have power to authorize the killing of any such fur seal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law. (R. S. § 1956; Apr. 21, 1910, c. 183, § 4, 36 Stat. 327; Jan. 13, 1925, c. 75, §§ 2, 14, 43 Stat. 739, 747.)

645. Jurisdiction of offenses.—Unless otherwise provided by law all violations of the provisions of section 644 of this title committed within the limits of the Territory of Alaska and the waters thereof shall be prosecuted in the district court of the United States in Alaska. Any person authorized by the Secretary of Commerce shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and other laws extended over the Territory and to keep and deliver the same to the marshal of said court. (R. S. § 1957; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; June 6, 1900, c. 786, § 4, 31 Stat. 1322; Mar. 3, 1909, c. 269, § 2, 35 Stat. 839; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Mar. 2, 1921, c. 110, 41 Stat. 1203.)

646. Pribilof Islands a special reservation; landing on islands unlawful.—The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce, and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by fine not exceeding $500 or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce to carry this section into effect. (R. S. § 1959; Apr. 21, 1910, c. 183, § 5, 36 Stat. 327.)

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647. Killing seals on Pribilof Islands regulated; firearms forbidden; regulation of privileges to natives.—It shall be unlawful to kill any fur seal upon the Pribilof Islands, or in the waters adjacent thereto, except under the authority of the Secretary of Commerce, and it shall be unlawful to kill such seals by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce. (R. S. § 1960; Apr. 21, 1910, c. 183, § 6, 36 Stat. 327.)

648. Killing seals on Pribilof Islands by natives; disposal of skins by Secretary of Commerce.—The Secretary of Commerce is authorized to sell the skins of all seals used for food by the said natives of the Pribilof Islands as permitted under section 647 of this title in such market, at such times and in such manner as he may deem most advantageous. (June 22, 1916, c. 171, 39 Stat. 236.)

649. Killing female or seal less than one year old, or killing in waters adjacent to Pribilof Islands or on beaches or cliffs; punishment, and forfeiture.—It shall be unlawful to kill any female seal or any seal less than one year old at any season of the year, except as provided under section 647 of this title; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or section 647 shall be punished for each offense by a fine of not less than $200 nor more than $1,000 or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or section 648 of this title, shall be forfeited to the United States. (R. S. § 1961; Apr. 21, 1910, c. 183, § 7, 36 Stat. 328.)

650. Killing of seals on Pribilof Islands; regulations; restricted to officers and natives under their direction; number to be killed.—The Secretary of Commerce shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal heard. Under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by no other person. Male seals only shall be killed and not more than 95 per centum of three-year-old male seals shall be killed in any one year. For the year ending August 1, 1926, five thousand three-year-old males, selected from among the finest and most perfect seals of that age found on the hauling grounds, shall be reserved for breeding purposes. (Apr. 21, 1910, c. 183, § 1, 36 Stat. 326; Aug. 24, 1912, c. 373, § 11, 37 Stat. 502.)

651. Sale of sealskins; proceeds; subsequent treaties.—Any and all sealskins taken under the authority conferred by the preceding section shall be sold by the Secretary of Commerce in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The directions of this section, relating to the disposition of sealskins and the proceeds thereof, shall be subject to the provisions of any treaty made after April 24, 1910, by the United States for the protection of seal life. (Apr. 21, 1910, c. 183, § 2, 36 Stat. 326.)

652. Employment of natives of Pribilof Islands in killing seals and curing skins.—Whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of said Islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation, to be fixed from time to time by the Secretary of Commerce, who shall have the authority to prescribe by regulation the manner in which such compensation shall be paid to the said natives or expended or otherwise used in their behalf and for their benefit. (Apr. 21, 1910, c. 183, § 3, 36 Stat. 327.)

653. Same; depots for and transportation of provisions from mainland to Pribilof Islands; care of natives.—The Secretary of Commerce shall have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessaries of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection. (Apr. 21, 1910, c. 183, § 9, 36 Stat. 328.)

654. Investigation as to seal life on the Pribilof Islands.—The Commissioner of Fisheries is authorized and required to investigate, under the direction of the Secretary of Commerce, and when so requested report annually to him regarding the conditions of seal life upon the rookeries of the Pribilof Islands; and he is also directed to continue the inquiries relative to the life history and migrations of the fur seals frequenting the waters of Bering Sea. (Mar. 3, 1893, c. 208, 27 Stat. 585; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

655. Agents to be disinterested.—The persons charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of Commerce, shall never be interested directly or indirectly in any lease of the right to take seals, nor in any proceeds or profits thereof either as owner, agent, partner, or otherwise. (R. S. §§ 1973, 1975; Feb. 14, 1903, c. 552, § 7, 32 Stat. 823; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

656. Same; administering oaths and taking testimony.—The agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenue. (R. S. § 1976.)

657. Traveling expenses.—The persons charged with the management of the seal fisheries in Alaska shall be allowed, in addition to their salaries, their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the General Accounting Office. (R. S. § 1974; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

658. Additional officers and agents to enforce seal fisheries law.—The Secretary of Commerce shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of sections 644, 646, 647, and 649 to 653 of this title and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation. (Apr. 21, 1910, c. 183, § 9, 36 Stat. 328.)

Chapter 6.—GAME AND BIRD PRESERVES; PROTECTION.

Sec.
671. National Bison Range.
672. Wind Cave National Game Preserve.
673. Wyoming Elk Reserve.
674. Sullys Hill National Park Game Preserve.
675. Custer State Park Game Sanctuary; establishment.
676. Same; hunting, and so forth, in; regulation; punishment.
677. Same; inclosure.
678. Same; exchange of lands with State of South Dakota.
679. Same; patents to State of South Dakota of certain lands in park; reservation of coal, oil, gas, and other mineral rights.
680. Game animal and bird refuge in South Dakota; establishment.
681. Same; erection of fence by State.
682. Game refuge in Ozark National Forest.
683. Areas set aside for protection of game and fish; unlawfully taking game or fish.
684. Game-breeding areas in Wichita National Forest.
685. Same; hunting, trapping, killing, or capturing game unlawful.
686. Same; operation of local game laws.
687. Same; Grand Canyon Game Preserve included in park.

Section 671. National Bison Range.—There is reserved and excepted from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a parcel not to exceed twenty thousand acres of said lands, near the confluence of the Pend d'Oreille and Jocko Rivers, for a permanent National Bison Range for the herd of bison presented by the American Bison Society. The Secretary of Agriculture is authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison. (May 23, 1908, c. 192, 35 Stat. 267; Mar. 4, 1909, c. 301, 35 Stat. 1051.)

672. Wind Cave National Game Preserve.—There is established a national game preserve, to be known as the Wind Cave National Game Preserve, upon the land embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of buffalo presented to the United States by the American Bison Society, and for such other native American game animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such adjacent lands as may be necessary for the purpose of assuring an adequate, permanent water supply, and to enclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals. (Aug. 10, 1912, c. 284, 37 Stat. 293.)

673. Wyoming Elk Reserve.—There is established a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than two thousand acres in township 41 north, ranges 115 and 116 west, and the Secretary of Agriculture is authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve. The Secretary of Agriculture is authorized to include in said refuge and to inclose not more than one thousand acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge. (Aug. 10, 1912, c. 284, 37 Stat. 293; Mar. 4, 1913, c. 145, 37 Stat. 847.)

674. Sullys Hill National Park Game Preserve.—For the improvement of a game preserve in Sullys Hill National Park, in the State of North Dakota, $5,000, the same to be available until expended. The Secretary of Agriculture is authorized to inclose the Sullys Hill National Park with a good and substantial fence, to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals and birds placed therein. He is also authorized to place in the park buffalos, elk, deer, and such other wild or rare animals and birds as he may in his discretion decide. (June 30, 1914, c. 131, 38 Stat. 434.)

675. Custer State Park Game Sanctuary; establishment.—There is designated as the Custer State Park Game Sanctuary such areas, not exceeding forty-six thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in the opinion of the President of the United States, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (June 5, 1920, c. 247, § 1, 41 Stat. 986; June 7, 1924, c. 324, 43 Stat. 632.)

676. Same; hunting, etc., in; regulation; punishment.—Hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States designated in section 675 of this title shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1.000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. It is the purpose of this section to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands. (June 5, 1920, c. 247, §§ 2, 3, 41 Stat. 986.)

677. Same; inclosure.—The State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part Custer State Park Game Sanctuary. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as Custer State Park Game Sanctuary is also given similar protection by the laws of the State of South Dakota. (June 5, 1920, c. 247, § 4, 41 Stat. 986.)

678. Same; exchange of lands with State of South Dakota.—Upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas of Custer State Park Game Sanctuary: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest. This shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this section. (June 5, 1920, c. 247, § 5, 41 Stat. 986.)

679. Same; patents to State of South Dakota of certain lands in park; reservation of coal, oil, gas, and other mineral rights.—The Secretary of the Interior is authorized and directed to issue to the State of South Dakota patents conveying title, but reserving the minerals therein, to any unpatented lands of the United States held or claimed by virtue of locations made prior to March 3, 1925, under the United States general mining laws, within the Custer State Park, not exceeding a total of two thousand acres, upon payment to the United States of $1.25 per acre therefor, and upon evidence being furnished that all claim, right, title, and interest of such claimants have been transferred to the State or have been abandoned. Patents so issued to the State of South Dakota shall be conditioned upon the lands being used for park purposes, and provide for the reversion of the lands of the United States in the event of failure to so hold and use. The United States reserves all coal, oil, gas, or other minerals in the lands patented under this section with the right, in case any of said patented lands are found by the Secretary of the Interior to be more valuable for the minerals therein than for park purposes, to provide, by special legislation, having due regard for the rights of the State of South Dakota, for the disposition and extraction of the coal, oil, gas, or other minerals therein. The provisions of this section are limited to lands lying within the limits of the Custer State Park, within townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian. (Mar. 3, 1925, c. 465, 43 Stat. 1185.)

680. Game animal and bird refuge in South Dakota; establishment.—Subject to valid rights and entries initiated under the public land laws, prior to June 7, 1924, any or all of the following described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9, inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road. The withdrawal of the lands herein authorized shall not affect withdrawals for national forest purposes made prior to June 7, 1924. (June 7, 1924, c. 326, § 1, 43 Stat. 634.)

681. Same; erection of fence by State.—The State of South Dakota is authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 680 of this title. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the national forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge. (June 7, 1924, c. 326, § 2, 43 Stat. 634.)

682. Game refuge in Ozark National Forest.—The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both. No lands within the present limits of the fourth congressional district shall be included in such designation. (Feb. 28, 1925, c. 376, 43 Stat. 1091.)

683. Areas set aside for protection of game and fish; unlawfully taking game or fish.—The President of the United States is authorized to designate such areas on any lands purchased by the United States under the provisions of sections 513 to 519 and 521 of this title, as should, in his opinion, be set aside for the protection of game animals, birds, or fish.

Whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on lands set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both. (Aug. 11, 1916, c. 313, 39 Stat. 476.)

684. Game breeding areas in Wichita National Forest.—The President of the United States is hereby authorized to designate such areas in the Wichita National Forest and in the Grand Canyon National Forest as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (Jan. 24, 1905, c. 137, § 1, 33 Stat. 614; June 29, 1906, c. 3593, § 1, 34 Stat. 607.)

685. Same; hunting, trapping, killing, or capturing game unlawful.—Hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of areas provided for in section 684 of this title shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000 or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (Jan. 24, 1905, c. 137, § 2, 33 Stat. 614; June 29, 1906, c. 3593, § 2, 34 Stat. 607.)

686. Same; operation of local game laws.—It is the purpose of sections 684 and 685 of this title to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State or Territorial lands. (Jan. 24, 1905, c. 137, § 3, 33 Stat. 614; June 29, 1906, c. 3593, § 3, 34 Stat. 607.)

687. Same; Grand Canyon Game Preserve included in Park.—Such parts of the Grand Canyon National Game Preserve, designated under authority of section 684 of this title, as are included with the Grand Canyon National Park are excluded and eliminated from said game preserve. (Feb. 26, 1919, c. 44, § 9, 40 Stat. 1178.)

Chapter 7.—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS.

Sec.
701. Game and wild birds; preservation.
702. Importation of eggs of game birds for propagation.
703. Taking, killing, or possessing migratory birds unlawful.
704. Determination as to when and how migratory birds may be taken, killed, or possessed.
705. Transportation or importation of migratory birds; when unlawful.
706. Arrests; search warrants.
707. Punishments.
708. State or Territorial laws or regulations.
709. Migratory birds, nests, or eggs for scientific or propagating purposes.
710. Partial invalidity; short title.
711. Breeding and sale for food supply.

Section 701. Game and wild birds; preservation.—The duties and powers of the Department of Agriculture include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is authorized to adopt such measures as may be necessary to carry out the purposes of this section and sections 391 to 394, of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this section is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of said sections, and shall expend for said purposes such sums as Congress may appropriate therefor. (May 25, 1900, c. 553, § 1, 31 Stat. 187.)

702. Importation of eggs of game birds for propagation.—The Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes. (June 3, 1902, c. 983, 32 Stat. 285.)

703. Taking, killing, or possessing migratory birds unlawful.—Unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702), or any part, nest, or egg of any such bird. (July 3, 1918, c. 128, § 2, 40 Stat. 755.)

704. Determination as to when and how migratory birds may be taken, killed, or possessed.—Subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President. (July 3, 1918, c. 128, § 3, 40 Stat. 755.)

705. Transportation or importation of migratory birds; when unlawful.—It shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or district to or through another State, Territory, or district, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or district in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried. (July 3, 1918, c. 128, § 4, 40 Stat. 755.)

706. Arrests; search warrants.—Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of sections 703 to 711 of this title shall have power, without warrant, to arrest any person committing a violation of said sections in his presence or view and to take such person immediately for examination or trial

before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of said sections; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of said sections or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of said sections or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction. (July 3, 1918, c. 128, § 5, 40 Stat. 756.)

707. Punishments.—Any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of sections 703 to 711 of this title, or who shall violate or fail to comply with any regulation made pursuant to said sections, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both. (July 3, 1918, c. 128, § 6, 40 Stat. 756.)

708. State or Territorial laws or regulations.—Nothing in sections 703 to 711 of this title shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of said sections, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section 704 of this title. (July 3, 1918, c. 128, § 7, 40 Stat. 756.)

709. Migratory birds, nests, or eggs for scientific or propagating purposes.—Until the adoption and approval, pursuant to section 704 of this title, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package. (July 3, 1918, c. 128, § 8, 40 Stat. 756.)

710. Partial invalidity; short title.—If any clause, sentence, paragraph, or part of sections 703 to 711 of this title, which shall be known by the short title of the "Migratory Bird Treaty Act," shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (July 3, 1918, c. 128, § 10, 40 Stat. 757.)

711. Breeding and sale for food supply.—Nothing in this chapter shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply. (July 3, 1918, c. 128, § 12, 40 Stat. 757.)

Chapter 8.—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE.

Sec.
721. Upper Mississippi River Wild Life and Fish Refuge; citation.
722. Same; acquisition of lands and water for.
723. Same; purposes of refuge; regulations by Secretaries of Agriculture and Commerce.
724. Same; consent of States to acquisition; existing rights of way, easements, and so forth.
725. Same; joint regulations, and so forth, by Secretaries of Agriculture and Commerce.
726. Same; acts prohibited in refuge; commercial fishing.
727. Same; powers of employees of Departments of Agriculture and Commerce; searches and seizures.
728. Same; expenditures.
729. Upper Mississippi River Wild Life and Fish Refuge; price per acre.
730. Same; violations of law or regulations; punishment.
731. Same; effect on other laws.

Section 721. Upper Mississippi River Wild Life and Fish Refuge; citation.—Sections 722 to 731 of this title may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act." The term "person" as used therein includes an individual, partnership, association or corporation. (June 7, 1924, c. 346, §§ 1, 12, 43 Stat. 650, 652.)

722. Same; acquisition of lands and water for.—The Secretary of Agriculture is authorized and directed to acquire by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are subject to overflow by such river and which are not used for agricultural purposes, as he determines suitable for the purposes of this chapter, and any such area when acquired shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (referred to in this chapter as the "refuge"). (June 7, 1924, c. 346, §§ 2, 3, 43 Stat. 650.)

723. Same; purposes of refuge; regulations by Secretaries of Agriculture and Commerce.—The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life. (June 7, 1924, c. 346, § 3, 43 Stat. 650.)

724. Same; consent of States to acquisition; existing rights of way, easements, and so forth.—(a) Such area shall not be acquired by the Secretary of Agriculture until the legislature of each State in which is situated any part of the areas to be acquired under section 722 of this title has consented to the acquisition of such part by the United States for the purposes therein stated, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes for which acquired, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United

States receives title, shall be subject to regulations prescribed under authority of this chapter. (June 7, 1924, c. 346, § 4, 43 Stat. 650.)

725. Same; joint regulations, and so forth, by Secretaries of Agriculture and Commerce.—Except where it is specifically provided otherwise, the Secretary of Agriculture and the Secretary of Commerce shall jointly prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this chapter. (June 7, 1924, c. 346, § 5, 43 Stat. 651.)

726. Same; acts prohibited in refuge; commercial fishing.—No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon. Commercial fishing may, however, be conducted in the waters of this refuge under regulation by the Secretary of Commerce. (June 7, 1924, c. 346, §§ 6, 7, 43 Stat. 651.)

727. Same; powers of employees of Departments of Agriculture and Commerce; searches and seizures.—(a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this chapter, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this chapter or of any regulation made pursuant to this chapter, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this chapter or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 730 of this title, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds $20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized. (June 7, 1924, c. 346, § 8, 43 Stat. 651.)

728. Same; expenditures.—The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this chapter and as may be provided for by Congress from time to time. (June 7, 1924, c. 346, § 9, 43 Stat. 652.)

729. Upper Mississippi River Wild Life and Fish Refuge; price per acre.—For the acquisition of any areas authorized by section 722 of this title, the Secretary of Agriculture shall not pay for any land or land and water a price which when added to the price of land or land and water theretofore purchased, shall exceed an average cost of $5 per acre. (June 7, 1924, c. 346, § 10, 43 Stat. 652; Mar. 4, 1925, c. 558, 43 Stat. 1354.)

730. Same; violations of law or regulations; punishment.—Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both. (June 7, 1924, c. 346, § 11, 43 Stat. 652.)

731. Same; effect on other laws.—Nothing in this chapter shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the War Department in carrying out any project now or hereafter adopted for the improvement of said river. (June 7, 1924, c. 346, § 13, 43 Stat. 652.)

Chapter 9.—THE BUREAU OF FISHERIES.

Sec.
741. Commissioner of Fisheries.
742. Acting commissioner.
743. Details from Coast Guard.
744. Investigations; fish propagation; annual statement of expenditures; investigations of damages by predacious fishes; executive assistance.
745. Powers of commissioner.
746. Vessels of Bureau of Fisheries.
747. Vessels of bureau; commutation of rations of officers and crews.
748. Expenditure of appropriations for propagation of food fishes.
749. Advisory committee; designations; duties; expenses.
750. Station on Mississippi River for rescue of fish and propagation of mussels.
751. Same; personnel.

Section 741. Commissioner of Fisheries.—There shall be appointed by the President, by and with the advice and consent of the Senate, a person of scientific and practical acquaintance with the fish and fisheries to be a Commissioner of Fisheries, and he shall be removable at the pleasure of the President. He shall not hold any other office or employment under the authority of the United States or any State. (R. S. § 4395; Jan. 20, 1888, c. 1, 25 Stat. 1; Feb. 27, 1925, c. 364, 43 Stat. 1046.)

742. Acting commissioner.—In the case of the absence of the Commissioner and Deputy Commissioner of Fisheries the Secretary of Commerce may designate some officer of said bureau to perform the duties of the commissioner during their absence. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1436; Mar. 4, 1913, c. 141; § 1, 37 Stat. 736.)

743. Details from Coast Guard.—The Secretary of the Treasury is authorized to detail from time to time for duty under the Commissioner of Fisheries any officers and men of the Coast

Guard whose services can be spared for such duty. (Mar. 3, 1885, c. 360, 23 Stat. 494; Jan. 28, 1915, c. 20, 38 Stat. 800.)

744. Investigations; fish propagation; annual statement of expenditures; investigations of damages by predacious fishes; executive assistance.—The Commissioner of Fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress. He shall submit annually to Congress at the beginning of each session a detailed statement of expenditures under all appropriations for "propagation of food fishes." He is authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals. Said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food and to encourage the establishment of fisheries and markets for them.

The heads of the several executive departments shall cause to be rendered all necessary and practicable aid to the commissioner in the prosecution of his investigations and inquiries. (R. S. §§ 4396, 4397; Mar. 3, 1887, c. 362, 24 Stat. 523; June 21, 1916, c. 160; §§ 1, 2, 39 Stat. 232.)

745. Powers of commissioner.—The commissioner may take or cause to be taken at all times, in the waters of the seacoast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding. (R. S. § 4398.)

746. Vessels of Bureau of Fisheries.—The Secretary of the Navy is authorized to place the vessels of the United States Bureau of Fisheries on the same footing with the Navy Department as those of the United States Coast and Geodetic Survey. (May 31, 1880, c. 113, § 1, 21 Stat. 151.)

747. Vessels of bureau; commutation of rations of officers and crews.—Commutation of rations (not to exceed $1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries under regulations prescribed by the Secretary of Commerce. (Mar. 28, 1922, c. 117, Title I, 42 Stat. 484; Jan. 5, 1923, c. 24, Title I, 42 Stat. 1125; May 28, 1924, c. 204, Title III, 43 Stat. 238; Feb. 27, 1925, c. 364, Title III, 43 Stat. 1047.)

748. Expenditure of appropriations for propagation of food fishes.—Appropriations for propagation of food fishes shall not be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents. (July 1, 1918, c. 113, § 1, 40 Stat. 693.)

749. Advisory committee; designations; duties; expenses.—There shall be an advisory committee of not to exceed two members from the Atlantic coast, two members from the Pacific coast, and four members from the inland waters, Great Lakes, and Alaskan sections of the United States, to be designated from time to time by the Secretary of Commerce, to consist of men prominently identified with the various branches of the fishery industry, qualified in aquatic research, and experienced in fish culture, who shall visit the Bureau of Fisheries at such times as the Secretary of Commerce may deem necessary and report to the Secretary of Commerce on the condition and needs of the service, the members to serve without compensation, but to be paid the actual expenses incurred in attending the meetings. (June 16, 1921, c. 23, § 4, 42 Stat. 63.)

750. Station on Mississippi River for rescue of fishes and propagation of mussels.—There shall be established on the Mississippi River, at a point to be selected by the Secretary of Commerce, a station for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley, to be under the direction of the Bureau of Fisheries of the Department of Commerce. (Apr. 28, 1922, c. 153, § 1, 42 Stat. 501.)

751. Same; personnel.—In connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervisor, to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a superintendent, two field foremen, four fish-culturists at large, one engineer at large, one clerk, two coxswains at large, and two apprentice fish-culturists, whose respective salaries shall be paid in accordance with the provisions of section 676 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES. (Apr. 28, 1922, c. 153, § 2, 42 Stat. 501.)

Chapter 10.—NORTHERN PACIFIC HALIBUT FISHERY.

Sec.
761. Definition of terms "close season," "territorial waters," "prohibited waters."
762. Fishing unlawful, when; exceptions.
763. Unlawful port use; departures.
764. Unlawful port entry; possession of fish unlawfully caught.
765. Canadian vessels and nationals.
766. Patrols; searches.
767. Seizure and forfeiture.
768. Penalty; Fisheries Commission exempted.
769. Duration of chapter.

Section 761. Definition of terms "close season," "territorial waters," "prohibited waters."—For the purposes of this chapter "close season" shall mean the period from the 16th day of November in any year to the 15th day of February in the next following year, both days inclusive, or any other close season hereafter fixed by agreement between the United States and Canada; "territorial waters of the United States" shall mean the waters contiguous to the western coast of the United States and the waters contiguous to the coast of Alaska; "territorial waters of Canada" shall mean the waters contiguous to the western coast of Canada, and "prohibited waters" shall mean the territorial waters of the United States, the territorial waters of Canada, and the high seas, including Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada. (June 7, 1924, c. 345, § 2, 43 Stat. 648.)

762. Fishing unlawful, when; exceptions.—It shall be unlawful for any person to fish for, or catch, or attempt to catch, any halibut (hippoglossus) at any time during the close season in the territorial waters of the United States, or for any national or inhabitant of the United States to fish for, or catch, or attempt to catch, any halibut at any time during the close season in prohibited waters. The unintentional catching of halibut, when legally fishing for other species of fish, shall not constitute a violation of this section if such halibut shall be used for food by the crew of the vessel catching the same, or be landed and immediately delivered to any authorized official of the Bureau of Fisheries of the Department of Commerce of the United States or the fishing authorities of the Dominion of Canada. The halibut delivered to any official of the United States pursuant to the provisions of this section shall be sold by the Department of Commerce to the highest bidder for cash and the proceeds therefrom, exclusive of necessary ex-

penses in connection therewith, shall be covered into the Treasury of the United States. (June 7, 1924, c. 345, § 3, 43 Stat. 649.)

763. Unlawful port use; departures.—No person, firm, or corporation shall use any port of or place in the United States to furnish, prepare, or outfit any vessel, boat, or other craft intended to be used in violation of this chapter, nor shall any person permit, or cause to be permitted, any vessel, boat, or other craft intended to be used in violation of this chapter to depart from any port of or place in the United States. (June 7, 1924, c. 345, § 4, 43 Stat. 649.)

764. Unlawful port entry; possession of fish unlawfully caught.—It shall be unlawful for any vessel, boat, or other craft having on board any halibut caught contrary to the provisions of this chapter to enter any port or place in the United States, or for any vessel, boat, or other craft to enter any such port or place while upon or in the prosecution of any voyage during which the vessel, boat, or other craft fished or was used in fishing for halibut in prohibited waters in the close season. It shall be unlawful for any person knowingly to have in his possession any halibut unlawfully caught under the provisions of this chapter. (June 7, 1924, c. 345, § 5, 43 Stat. 649.)

765. Canadian vessels and nationals.—Every national or inhabitant and every vessel of Canada found violating the provisions of this chapter shall be delivered as soon as practicable to an authorized official of Canada at the nearest point to the place of seizure or elsewhere as the officials of the United States seizing the same and the authorized officials of Canada may agree upon, and the witnesses and proof necessary to the prosecution of said persons and vessels of Canada shall be furnished with reasonable promptitude to the authorities of Canada having jurisdiction thereof. (June 7, 1924, c. 345, § 8, 43 Stat. 649.)

766. Patrols; searches.—The President shall cause a patrol of naval or other public vessels designated by him to be maintained in such places and waters as to him shall seem expedient for enforcing the provisions of this chapter, and any officer of any vessel engaged in such service, and any other officers designated by the President, may search any vessel, boat, or other craft in the territorial waters of the United States and any vessel, boat, or other craft of the United States on the high seas when suspected of having violated or being about to violate the provisions of this chapter. (June 7, 1924, c. 345, § 7, 43 Stat. 649.)

767. Seizure and forfeiture.—Every vessel, boat, or craft employed in any manner in violating the provisions of this chapter shall be seized by any collector, surveyor, inspector, officer of a revenue cutter, or person specified in section 766 of this title, and except as provided in section 765 of this title, every such vessel, boat, or craft, including its tackle, apparel, furniture, cargo, and stores, shall be forfeited to the United States by proper proceedings in any court of the United States in Alaska, California, Oregon, or Washington. (June 7, 1924, c. 345, § 9, 43 Stat. 650.)

768. Penalty; Fisheries Commission exempted.—Any person violating any of the provisions of this chapter shall be fined not less than $100 nor more than $1,000 or imprisoned not more than one year, or both, but none of the inhibitions contained in the chapter shall apply to the International Fisheries Commission when engaged in any scientific investigation. (June 7, 1924, c. 345, §§ 6, 10, 43 Stat. 649, 650.)

769. Duration of chapter.—This chapter, which may be cited as the Northern Pacific Halibut Act shall continue in force until the termination of the convention concluded by the United States and Great Britain on March 2, 1924 (Forty-third Statutes, page 1841), for the protection of the halibut fishery of the northern Pacific Ocean. (June 7, 1924, c. 345, §§ 1, 12, 43 Stat. 648, 650.)

Chapter 11.—REGULATION OF LANDING, CURING, AND SALE OF SPONGES TAKEN FROM GULF OF MEXICO AND FLORIDA.

Sec.
781. Taking or catching, in waters of Gulf or Straits of Florida, commercial sponges of less than prescribed size, and landing or possession of same.
782. Same; possession prima facie evidence.
783. Punishment for violations of law; liability of vessels.
784. Jurisdiction of prosecutions.
785. Enforcement of law prohibiting taking of sponges of specified sizes; employment of vessels of the Coast Guard and of employees of Customs Service.

Section 781. Taking or catching, in waters of Gulf or Straits of Florida, commercial sponges of less than prescribed size, and landing or possession of same.—It is unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than five inches in their maximum diameter, or for any person or vessel to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges. (Aug. 15, 1914, c. 253, § 1, 38 Stat. 692.)

782. Same; possession prima facie evidence.—The presence of sponges of a diameter of less than five inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of the provisions of this chapter. (Aug. 15, 1914, c. 253, § 2, 38 Stat. 692.)

783. Punishment for violations of law; liability of vessels.—Every person, partnership, or association guilty of a violation of the provisions of this chapter shall be liable to a fine of not more than $500, and in addition such fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense. (Aug. 15, 1914, c. 253, § 3, 38 Stat. 692.)

784. Jurisdiction of prosecutions.—Any violation of the provisions of this chapter shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought. (Aug. 15, 1914, c. 253, § 4, 38 Stat. 692.)

785. Enforcement of law prohibiting taking of sponges of specified sizes; employment of vessels of the Coast Guard and of employees of Customs Service.—The Secretary of Commerce shall enforce the provisions of this chapter, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and upon his request the Secretary of the Treasury may employ the vessels of the Coast Guard or the employees of the Customs Service to that end. (Aug. 15, 1914, c. 253, § 5, 38 Stat. 692.)

Chapter 12.—WATER POWER.

Sec.
791. Short title of chapter.
792. Creation of Federal Power Commission; members, quorum, seal, and chairman.
793. Executive secretary; detail of engineer officer.
794. Performance of work of commission generally.

Sec.
795. Expenses of commission generally; subsistence allowance to employees on field work.
796. Words used in chapter defined.
797. General powers of commission.
798. Purpose and scope of preliminary permits; transfer and cancellation.
799. License; duration, conditions, revocation, alteration, or surrender.
800. Preferences in issuance of preliminary permits or licenses.
801. Transfer of license; obligations of transferee.
802. Information to accompany application for license.
803. Conditions of license generally.
804. Project works affecting navigable waters; requirements insertable in license.
805. Participation by Government of cost of locks, and so forth.
806. Time limit for construction of project works; extension of time; termination or revocation of licenses for delay.
807. Right of Government to take over project works; compensation; condemnation by Federal or State Government.
808. New licenses and removals; compensation of old licensee.
809. Temporary use by Government of project works for national safety; compensation for use.
810. Disposition of charges arising from licenses.
811. Operation of navigation facilities; rules and regulations; penalties.
812. Public service licensee; regulations by State or by commission as to service, rates, charges, etc.
813. Power entering into interstate commerce; regulation of rate, charges, and so forth.
814. Exercise by licensee of power of eminent domain.
815. Contract to furnish power extending beyond period of license; obligations of new licensee.
816. Preservation of rights vested prior to June 10, 1920.
817. Projects not affecting navigable waters; necessity for Federal license.
818. Public lands included in project; reservation of lands from entry.
819. Offenses; punishment.
820. Proceedings in equity for revocation of license or to prevent violations of license.
821. State laws and water rights unaffected.
822. Reservation of right to alter or repeal chapter.
823. Repeal of inconsistent laws.

Section 791. Short title of chapter.—The short title of this chapter shall be "The Federal Water Power Act." (June 10, 1920, c. 285, § 30, 41 Stat. 1077.)

792. Creation of Federal Power Commission; members, quorum, seal, and chairman.—A commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to in this chapter as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal, which shall be judicially noticed. The President shall designate the chairman of the commission. (June 10, 1920, c. 285, § 1, 41 Stat. 1063.)

793. Executive secretary; detail of engineer officer.—The commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission. (June 10, 1920, c. 285, § 2, 41 Stat. 1063.)

794. Performance of work of commission generally.—The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law. (June 10, 1920, c. 285, § 2, 41 Stat. 1063.)

795. Expenses of commission generally; subsistence allowance to employees on field work.—All the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $4 in lieu of subsistence incurred by its employees under its orders in making any investigation, or conducting field work, or upon official business outside of the District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor approved by a member or officer of the commission duly authorized for that purpose. (June 10, 1920, c. 285, § 2, 41 Stat. 1063.)

796. Words used in chapter defined.—The words defined in this section shall have the following meanings for the purposes of this chapter, to wit:

"*Public lands*" means such lands and interests in lands owned by the United States as are subject to private appropriation and disposal under public-land laws. It shall not include "reservations," as hereinafter defined.

"*Reservations*" means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws; also lands and interests in lands acquired and held for any public purpose.

"*Corporation*" means a corporation organized under the laws of any State or of the United States empowered to develop, transmit, distribute, sell, lease, or utilize power in addition to such other powers as it may possess, and authorized to transact in the State or States in which its project is located all business necessary to effect the purposes of a license under this chapter. It shall not include "municipalities" as hereinafter defined.

"*State*" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

"*Municipality*" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

"*Navigable waters*" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

"*Municipal purposes*" means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality.

"*Government dam*" means a dam or other work, constructed or owned by the United States for Government purposes, with or without contribution from others.

"*Project*" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands, the use and occupancy

of which are necessary or appropriate in the maintenance and operation of such unit.

"*Project works*" means the physical structures of a project.

"*Net investment*" in a project means the actual legitimate original cost thereof as defined and interpreted in the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission," plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for additions or betterments or used for the purposes for which such reserves were created. The term "cost" shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall in so far as applicable be published and promulgated as a part of the rules and regulations of the commission. (June 10, 1920, c. 285, § 3, 41 Stat. 1063.)

797. General powers of commission.—The commission is hereby authorized and empowered—

Investigations and data; statements as to investment of licenses in projects; access to projects, maps, and so forth.—(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the commission may deem necessary or useful for the purposes of this chapter.

In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, within a reasonable period of time, to be fixed by the commission, after the construction of the original project or any addition thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands. The commission shall deposit one of said statements with the Secretary of the Treasury. The licensee shall grant to the commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto.

Cooperation with executive departments; information and aid furnished commission.—(b) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission, to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

Publication of information, and so forth; reports to Congress.—(c) To make public from time to time the information secured hereunder, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use. The commission, on or before the first Monday in December of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this chapter, and in each case the parties thereto, the terms prescribed, and the moneys received, if any, on account thereof.

Issue of licenses for construction, and so forth, of dams, conduits, reservoirs, and so forth.—(d) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State, or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservations:

Provided further, That after March 3, 1921, no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power, within the limits as constituted, March 3, 1921, of any national park or national monument shall be granted or made without specific authority of Congress:

Provided further, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting the navigation have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further*, That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: *And provided further*, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (e) of this section, notice shall be given and published as required by the proviso of said subsection.

Preliminary permits; notice of application.—(e) To issue preliminary permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 802 of this chapter: *Provided, however*, That upon the filing of any application for a preliminary permit by any person, association, or corporation the commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall

also publish notice of such application for eight weeks in a daily or weekly newspaper published in the county or counties in which the project or any part thereof or the lands affected thereby are situated.

Rules and regulations for accounts of licensees; false entries in accounts or statements in reports; punishment.—(f) To prescribe rules and regulations for the establishment of a system of accounts and for the maintenance thereof by licensees hereunder; to examine all books and accounts of such licensees at any time; to require them to submit at such time or times as the commission may require statements and reports, including full information as to assets and liabilities, capitalization, net investment and reduction thereof, gross receipts, interest due and paid, depreciation and other reserves, cost of project, cost of maintenance and operation of the project, cost of renewals and replacements of the project works, and as to depreciation of the project works and as to production, transmission, use and sale of power, also to require any licensee to make adequate provision for currently determining said costs and other facts. All such statements and reports shall be made upon oath, unless otherwise specified, and in such form and on such blanks as the commission may require. Any person who, for the purpose of deceiving, makes or causes to be made any false entry in the books or the accounts of such licensee, and any person who, for the purpose of deceiving, makes or causes to be made any false statement or report in response to a request or order or direction from the commission for the statements and report herein referred to shall, upon conviction, be fined not more than $2,000 or imprisoned not more than five years, or both.

Hearings; depositions; witnesses; production of documentary evidence; administration of oaths; fees and mileage of witnesses.—(g) To hold hearings and to order testimony to be taken by deposition at any designated place in connection with the application for any permit or license, or the regulation of rates, service, or securities, or the making of any investigation, as provided in this chapter; and to require by subpœna, signed by any member of the commission, the attendance and testimony of witnesses, and the production of documentary evidence from any place in the United States, and in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any member, expert, or examiner of the commission may, when duly designated by the commission for such purposes, administer oaths and affirmations, examine witnesses and receive evidence. Depositions may be taken before any person designated by the commission or by its executive secretary and empowered to administer oaths, shall be reduced to writing by such person or under his direction, and subscribed by the deponent. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Necessary powers not enumerated; rules and regulations.—(h) To perform any and all acts, to make such rules and regulations, and to issue such orders not inconsistent with this chapter as may be necessary and proper for the purpose of carrying out the provisions of this chapter. (June 10, 1920, c. 285, § 4, 41 Stat. 1065; Mar. 3, 1921, c. 129, 41 Stat. 1353.)

798. Purpose and scope of preliminary permits; transfer and cancellation.—Each preliminary permit issued under this chapter shall be for the sole purpose of maintaining priority of application for a license under the terms of this chapter for such period or periods, not exceeding a total of three years, as in the discretion of the commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under which priority shall be maintained and a license issued. Such permits shall not be transferable, and may be canceled by order of the commission upon failure of permittees to comply with the conditions thereof. (June 10, 1920, c. 285, § 5, 41 Stat. 1067.)

799. License; duration, conditions, revocation, alteration or surrender.—Licenses under this chapter shall be issued for a period not exceeding fifty years. Each such license shall be conditioned upon acceptance by the licensee of all of the terms and conditions of this chapter and such further conditions, if any, as the commission shall prescribe in conformity with this chapter, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this chapter, and may be altered or surrendered only upon mutual agreement between the licensee and the commission after ninety days' public notice. (June 10, 1920, c. 285, § 6, 41 Stat. 1067.)

800. Preferences in issuance of preliminary permits or licenses.—In issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 808 of this chapter the commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the commission equally well adapted, or shall within a reasonable time to be fixed by the commission be made equally well adapted, to conserve and utilize in the public interest the navigation and water resources of the region; and as between other applicants, the commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources of the region, if it be satisfied as to the ability of the applicant to carry out such plans.

Development of projects by United States.—Whenever, in the judgment of the commission, the development of any project should be undertaken by the United States itself, the commission shall not approve any application for such project by any citizen, association, corporation, State, or municipality, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the project as it may deem necessary, and shall submit its findings to Congress with such recommendations as it may deem appropriate concerning the construction of such project or completion of any project upon any Government dam by the United States. (June 10, 1920, c. 285, § 7, 41 Stat. 1067.)

801. Transfer of license; obligations of transferee.—No voluntary transfer of any license, or of the rights thereunder granted, shall be made without the written approval of the commission; and any successor or assign of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the license under which such rights are held by such licensee and also subject to all the provisions and conditions of this chapter to the same extent as though such successor or assign were the original licensee hereunder: *Provided*, That a mortgage or trust deed or judicial sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section. (June 10, 1920, c. 285, § 8, 41 Stat. 1068.)

802. Information to accompany application for license.—Each applicant for a license hereunder shall submit to the commission—

(a) Such maps, plans, specifications, and estimates of cost as may be required for a full understanding of the proposed

project. Such maps, plans, and specifications when approved by the commission shall be made a part of the license; and thereafter no change shall be made in said maps, plans, or specifications until such changes shall have been approved and made a part of such license by the commission.

(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this chapter.

(c) Such additional information as the commission may require. (June 10, 1920, c. 285, § 9, 41 Stat. 1068.)

803. Conditions of license generally.—All licenses issued under this chapter shall be on the following conditions:

Modification of plans, etc., to secure adaptability of project.—(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the commission will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses; and if necessary in order to secure such scheme the commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

Alterations in project works.—(b) That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of a capacity in excess of one hundred horsepower without the prior approval of the commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the commission may direct.

Maintenance and repair of project works; liability of licensee for damages.—(c) That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.

Amortization reserves.—(d) That after the first twenty years of operation out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of a licensee in any project or projects under license the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

Annual charges payable by licensees.—(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this chapter; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of twenty years after the beginning of operations and at periods of not less than ten years thereafter in a manner to be described in each license: *Provided*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than one hundred horsepower capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission.

Reimbursement by licensee of other licensees, and so forth.—(f) That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the commission.

Whenever such reservoir or other improvement is constructed by the United States the commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States, to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 810 of this chapter.

Conditions in discretion of commission.—(g) Such other conditions not inconsistent with the provisions of this chapter as the commission may require.

Monopolistic combinations prohibited.—(h) Combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

Waiver of conditions.—(i) In issuing licenses for a minor part only of a complete project, or for a complete project of not more than one hundred horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this chapter, except the license period of fifty years, as it may deem to be to the public interest to waive under the circumstances: *Provided*, That the provisions hereof shall not apply to lands within Indian reservations. (June 10, 1920, c. 285, § 10, 41 Stat. 1068.)

804. Project works affecting navigable waters; requirements insertable in license.—If the dam or other project works are to be constructed across, along, or in any of the navigable waters of the United States, the commission may, in so far as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

(a) That such licensee shall, to the extent necessary to preserve and improve navigation facilities, construct, in whole or in part, without expense to the United States, in connection with such dam, a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of War and made part of such license.

(b) That in case such structures for navigation purposes are not made a part of the original construction at the expense of the licensee, then whenever the United States shall desire to complete such navigation facilities the licensee shall convey to the United States, free of cost, such of its land and its rights of way and such right of passage through its dams or other structures, and permit such control of pools as may be required to complete such navigation facilities.

(c) That such licensee shall furnish free of cost to the United States power for the operation of such navigation facilities, whether constructed by the licensee or by the United States. (June 10, 1920, c. 285, § 11, 41 Stat. 1070.)

805. Participation by Government of costs of locks, and so forth.—Whenever application is filed for a project hereunder involving navigable waters of the United States, and the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks or other navigation structures, and that such structures can not, consistent with a reasonable investment cost to the applicant, be provided in the manner specified in section 804, subsection (a) of this chapter, the commission may grant the application with the provision to be expressed in the license that the licensee will install the necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license and cause a report upon such project to be prepared, with estimates of cost of the power development and of the navigation structures, and shall submit such report to Congress with such recommendations as it deems appropriate concerning the participation of the United States in the cost of construction of such navigation structures. (June 10, 1920, c. 285, § 12, 41 Stat. 1070.)

806. Time limit for construction of project works; extension of time; termination or revocation of licenses for delay.—The licensee shall commence the construction of the project works within the time fixed in the license, which shall not be more than two years from the date thereof, shall thereafter in good faith and with due diligence prosecute such construction, and shall within the time fixed in the license complete and put into operation such part of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the balance of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The periods for the commencement of construction may be extended once but not longer than two additional years and the period for the completion of construction carried on in good faith and with reasonable diligence may be extended by the commission when not incompatible with the public interests. In case the licensee shall not commence actual construction of the project works, or of any specified part thereof, within the time prescribed in the license or as extended by the commission, then, after due notice given, the license shall, as to such project works or part thereof, be terminated upon written order of the commission. In case the construction of the project works, or of any specified part thereof, has been begun but not completed within the time prescribed in the license, or as extended by the commission, then the Attorney General, upon the request of the commission, shall institute proceedings in equity in the district court of the United States for the district in which any part of the project is situated for the revocation of said license, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 820 of this chapter. (June 10, 1920, c. 285, § 13, 41 Stat. 1071.)

807. Right of Government to take over project works; compensation; condemnation by Federal or State Government.—Upon not less than two years' notice in writing from the commission the United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects as defined in section 796 of this chapter, and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the commission. The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by agreement between the commission and the licensee, and in case they can not agree, by proceedings in equity instituted by the United States in the district court of the United States in the district within which any such property may be located: *Provided*, That such net investment shall not include or be affected by the value of any lands, rights of way or other property of the United States licensed by the commission under this chapter, by the license, or by good will, going value, or prospective revenues: *Provided further*, That the values allowed for water rights, rights of way, lands, or interest in lands shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee: *Provided*, That the right of the United States or any State or municipality to take over, maintain, and operate any project licensed under this chapter at any time by condemnation proceedings upon payment of just compensation is hereby expressly reserved. (June 10, 1920, c. 285, § 14, 41 Stat. 1071.)

808. New licenses and renewals; compensation of old licensee.—If the United States does not, at the expiration of the original license, exercise its right to take over, maintain, and operate any project or projects of the licensee, as provided in section 807 of this chapter, the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee, which license may cover any project or projects covered by the original license, and shall be issued on the condition that the new licensee shall, before taking possession of such project or projects, pay such amount, and assume such contracts as the United States is required to do in the manner specified in section 807 of this chapter: *Provided*, That in the event the United States does not exercise the right to take over or does not issue a license

to a new licensee, or issue a new license to the original licensee, upon reasonable terms, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid. (June 10, 1920, c. 285, § 15, 41 Stat. 1072.)

809. Temporary use by Government of project works for national safety; compensation for use.—When in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any license hereunder, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any project, or part thereof, constructed, maintained, or operated under said license, for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the party or parties entitled thereto; and in the event that the United States shall exercise such right it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee. (June 10, 1920, c. 285, § 16, 41 Stat. 1072.)

810. Disposition of charges arising from licenses.—All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491 and 498, Title 43, PUBLIC LANDS; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States. (June 10, 1920, c. 285, § 17, 41 Stat. 1072.)

811. Operation of navigation facilities; rules and regulations; penalties.—The operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this chapter, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of War. Such rules and regulations may include the maintenance and operation by such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce; and for willful failure to comply with any such rule or regulation such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 819 of this chapter. (June 10, 1920, c. 285, § 18, 41 Stat. 1073.)

812. Public-service licensee; regulations by State or by commission as to service, rates, charges, etc.—As a condition of the license, every licensee under this chapter which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any licensee under this chapter or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such licensee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter. (June 10, 1920, c. 285, § 19, 41 Stat. 1073.)

813. Power entering into interstate commerce; regulation of rates, charges, and so forth.—When said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the licensee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such licensee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of

railroad companies as provided in chapter 1 of Title 49, TRANSPORTATION, and the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission for any project or projects under license in excess of the value or values prescribed in section 807 of this chapter for the purposes of purchase by the United States, but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this chapter. (June 10, 1920, c. 285, § 20, 41 Stat. 1073.)

814. Exercise by licensee of power of eminent domain.—When any licensee can not acquire by contract or pledges an unimproved dam site or the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, in conjunction with an improvement which in the judgment of the commission is desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: *Provided*, That United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds $3,000. (June 10, 1920, c. 285, § 21, 41 Stat. 1074.)

815. Contract to furnish power extending beyond period of license; obligations of new licensee.—Whenever the public interest requires or justifies the execution by the licensee of contracts for the sale and delivery of power for periods extending beyond the date of termination of the license, such contracts may be entered into upon the joint approval of the commission and of the public-service commission or other similar authority in the State in which the sale or delivery of power is made, or if sold or delivered in a State which has no such public-service commission, then upon the approval of the commission, and thereafter, in the event of failure to issue a new license to the original licensee at the termination of the license, the United States or the new licensee, as the case may be, shall assume and fullfill all such contracts. (June 10, 1920, c. 285, § 22, 41 Stat. 1074.)

816. Preservation of rights vested prior to June 10, 1920.—The provisions of this chapter shall not be construed as affecting any permit or valid existing right of way granted prior to June 10, 1920, or as confirming or otherwise affecting any claim, or as affecting any authority then given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this chapter, and in such case the provisions of this chapter shall apply to such applicant as a licensee hereunder: *Provided*, That when application is made for a license under this section for a project or projects already constructed, the fair value of said project or projects, determined as provided in this section, shall for the purposes of this chapter and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant or, in case they can not agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value. (June 10, 1920, c. 285, § 23, 41 Stat. 1075.)

817. Projects not affecting navigable waters; necessity for Federal license.—Any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined in this chapter as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in their discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this chapter. If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws. (June 10, 1920, c. 285, § 23, 41 Stat. 1075.)

818. Public lands included in project; reservation of lands from entry.—Any lands of the United States included in any proposed project under the provisions of this chapter shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purposes of this chapter, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this chapter, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the commission: *Provided*, That locations, entries, selections, or filings made prior to June 10, 1920, for lands reserved as water-power sites or in connection with water-power development or

electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained. (June 10, 1920, c. 285, § 24, 41 Stat. 1075.)

819. Offenses; punishment.—Any licensee, or any person, who shall willfully fail or who shall refuse to comply with any of the provisions of this chapter, or with any of the conditions made a part of any license issued hereunder, or with any subpœna of the commission, or with any regulation or lawful order of the commission, or of the Secretary of War, or of the Secretary of Commerce as to fishways, issued or made in accordance with the provisions of this chapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding $1,000, in addition to other penalties herein prescribed or provided by law; and every month any such licensee or any such person shall remain in default after written notice from the commission, or from the Secretary of War, or from the Secretary of Commerce, shall be deemed a new and separate offense punishable as aforesaid. (June 10, 1920, c. 285, § 25, 41 Stat. 1076.)

820. Proceedings in equity for revocation of license or to prevent violations of license.—The Attorney General may, on request of the commission or of the Secretary of War, institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for violation of its terms any permit or license issued hereunder, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this chapter or of any lawful regulation or order promulgated hereunder. The district courts shall have jurisdiction over all of the above-mentioned proceedings and shall have power to issue and execute all necessary process and to make and enforce all writs, orders, and decrees to compel compliance with the lawful orders and regulations of the commission and of the Secretary of War, and to compel the performance of any condition imposed under the provisions of this chapter. In the event a decree revoking a license is entered, the court is empowered to sell the whole or any part of the project or projects under license, to wind up the business of such licensee conducted in connection with such project or projects, to distribute the proceeds to the parties entitled to the same, and to make and enforce such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the licensee and shall perform the duties of such licensee and assume all outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises; and at such sale or sales the United States may become a purchaser, but it shall not be required to pay a greater amount than it would be required to pay under the provisions of section 807 of this chapter at the termination of the license. (June 10, 1920, c. 285, § 26, 41 Stat. 1076.)

821. State laws and water rights unaffected.—Nothing contained in this chapter shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein. (June 10, 1920, c. 285, § 27, 41 Stat. 1077.)

822. Reservation of right to alter or repeal chapter.—The right to alter, amend, or repeal this chapter is hereby expressly reserved; but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this chapter, or the rights of any licensee thereunder. (June 10, 1920, c. 285, § 28, 41 Stat. 1077.)

823. Repeal of inconsistent laws.—All Acts or parts of Acts inconsistent with this chapter are hereby repealed: *Provided*, That nothing herein contained shall be held or construed to modify or repeal any of the provisions of the Act of Congress approved December 19, 1913, granting certain rights of way to the city and county of San Francisco, in the State of California. (June 10, 1920, c. 285, § 29, 41 Stat. 1077.)

CONSULAR COURTS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

CONSULS AND CONSULAR OFFICERS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

CONTRACT LABOR

See Title 8, ALIENS AND CITIZENSHIP.

COOLY TRADE

See Title 8, ALIENS AND CITIZENSHIP.

TITLE 17.—COPYRIGHTS

Sec.
1. Exclusive rights as to copyrighted works.
2. Rights of author or proprietor of unpublished work.
3. Protection of component parts of work copyrighted; composite works or periodicals.
4. All writings of author included.
5. Classification of works for registration.
6. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.
7. Copyright not to subsist in works in public domain, or published prior to July 1, 1909 and not already copyrighted, or Government publications; publication by Government of copyrighted material.
8. Authors or proprietors, entitled; aliens.
9. Publication of work with notice.
10. Registration of claim and issuance of certificate.
11. Works not reproduced for sale.
12. Deposit of copies after publication; action or proceeding for infringement.
13. Same; failure to deposit; demand; penalty.
14. Same; postmaster's receipt; transmission by mail without cost.
15. Mechanical work to be done in United States.
16. Affidavit to accompany copies.
17. Making false affidavit.
18. Notice; form.
19. Same; place of application of; one notice in each volume or number of newspaper or periodical.
20. Same; effect of accidental omission from copy or copies.
21. Ad interim protection of book published abroad.
22. Same; extension to full term.
23. Duration; renewal.
24. Same; renewal; subsisting copyrights.
25. Infringement.
(a) Injunction.
(b) Damages and profits; amount; other remedies.
(c) Impounding during action.
(d) Destruction of infringing copies and plates.
(e) Royalties for use of mechanical reproduction of musical works.
Rules of procedure.
26. Jurisdiction of courts in enforcing remedies.
27. Joinder of proceedings for different remedies.
28. Willful infringement for profit.
29. Fraudulent notice of copyright, or removal or alteration of notice.

Sec.
30. Importation of article bearing false notice, or piratical copies of copyrighted work.
31. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 16 of this title.
32. Forfeiture and destruction of articles prohibited importation.
33. Regulations to prevent importation in mails of articles prohibited.
34. Jurisdiction of actions under laws.
35. District in which actions may be brought.
36. Injunctions; service and enforcement.
37. Transmission of certified copies of papers for enforcement of injunction by other court.
38. Review of orders, judgments, or decrees.
39. Limitation of criminal proceedings.
40. Costs; attorney's fees.
41. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.
42. Assignments and bequests.
43. Same; executed in foreign country; acknowledgment and certificate.
44. Same; record.
45. Same; certificate of record.
46. Same; use of name of assignee in notice.
47. Copyright office; preservation of records.
48. Register and assistant register.
49. Same; deposit of moneys received; reports.
50. Same; bond.
51. Same; annual report.
52. Seal of copyright office.
53. Rules for registration of claims.
54. Record books in copyright office.
55. Certificate of registration; effect as evidence; receipt for copies deposited.
56. Catalogues of copyright entries; effect as evidence.
57. Same; distribution and sale; disposal of proceeds.
58. Records and works deposited in copyright office open to public inspection; taking copies of entries.
59. Disposition of articles deposited in office.
60. Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works.
61. Fees.
62. Terms defined.
63. Registration of prints and labels.

Section 1. Exclusive rights as to copyrighted works.—Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever;

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights. And as a condition of extending the copyright control to such mechanical reproductions, that whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The pay-

ment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit. It shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this title, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs. (Mar. 4, 1909, c. 320, §§ 1, 64, 35 Stat. 1075, 1088.)

2. Rights of author or proprietor of unpublished work.—Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor. (Mar. 4, 1909, c. 320, § 2, 35 Stat. 1076.)

3. Protection of component parts of work copyrighted; composite works or periodicals.—The copyright provided by this title shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title. (Mar. 4, 1909, c. 320, § 3, 35 Stat. 1076.)

4. All writings of author included.—The works for which copyright may be secured under this title shall include all the writings of an author. (Mar. 4, 1909, c. 320, § 4, 35 Stat. 1076.)

5. Classification of works for registration.—The application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;

(b) Periodicals, including newspapers;

(c) Lectures, sermons, addresses (prepared for oral delivery);

(d) Dramatic or dramatico-musical compositions;

(e) Musical compositions;

(f) Maps;

(g) Works of art; models or designs for works of art;

(h) Reproductions of a work of art;

(i) Drawings or plastic works of a scientific or technical character;

(j) Photographs;

(k) Prints and pictorial illustrations;

(l) Motion-picture photoplays;

(m) Motion pictures other than photoplays.

The above specifications shall not be held to limit the subject matter of copyright as defined in section 4 of this title, nor shall any error in classification invalidate or impair the copyright protection secured under this title. (Mar. 4, 1909, c. 320, § 5, 35 Stat. 1076; Aug. 24, 1912, c. 356, 37 Stat. 488.)

6. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.—Compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this title; but the publication of any such new works shall not affect the force or validity of any susbisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works. (Mar. 4, 1909, c. 320, § 6, 35 Stat. 1077.)

7. Copyright not to subsist in works in public domain, or published prior to July 1, 1909 and not already copyrighted, or Government publications; publication by Government of copyrighted material.—No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof. The publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor. (Mar. 4, 1909, c. 320, §§ 7, 64, 35 Stat. 1077, 1088.)

8. Authors or proprietors, entitled; aliens.—The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this title. The copyright secured by this title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign State or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign State or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require. (Mar. 4, 1909, c. 320, § 8, 35 Stat. 1077.)

9. Publication of work with notice.—Any person entitled thereto by this title may secure copyright for his work by publication thereof with the notice of copyright required by this title; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section 21 of this title. (Mar 4, 1909, c. 320, § 9, 35 Stat. 1077.)

10. Registration of claim and issuance of certificate.—Such person may obtain registration of his claim to copyright by complying with the provisions of this title, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in

section 55 of this title. (Mar. 4, 1909, c. 320, § 10, 35 Stat. 1078.)

11. Works not reproduced for sale.—Copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 12 and 13 of this title, where the work is later reproduced in copies for sale. (Mar. 4, 1909, c. 320, § 11, 35 Stat. 1078; Aug. 24, 1912, c. 356, 37 Stat. 488.)

12. Deposit of copies after publication; action or proceeding for infringement.—After copyright has been secured by publication of the work with the notice of copyright as provided in section 9 of this title, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign State or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 15 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 11 of this title, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with. (Mar. 4, 1909, c. 320, § 12, 35 Stat. 1078; Mar. 28, 1914, c. 47, § 1, 38 Stat. 311.)

13. Same; failure to deposit; demand; penalty.—Should the copies called for by section 12 of this title not be promptly deposited as provided in this title, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of $100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void. (Mar. 4, 1909, c. 320, § 13, 35 Stat. 1078.)

14. Same; postmaster's receipt; transmission by mail without cost.—The postmaster to whom are delivered the articles deposited as provided in sections 11 and 12 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (Mar. 4, 1909, c. 320, § 14, 35 Stat. 1078.)

15. Mechanical work to be done in United States.—Of the printed book or periodical specified in section 5, subsections (a) and (b) of this title, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this title. (Mar. 4, 1909, c. 320, § 15, 35 Stat. 1078.)

16. Affidavit to accompany copies.—In the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication. (Mar. 4, 1909, c. 320, § 16, 35 Stat. 1079.)

17. Making false affidavit.—Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited. (Mar. 4, 1909, c. 320, § 17, 35 Stat. 1079.)

18. Notice; form.—The notice of copyright required by section 9 of this title shall consist either of the word "Copyright" or the abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor. On some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on

July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: "Entered according to Act of Congress, in the year ——, by A. B., in the office of the Librarian of Congress, at Washington"; or, at his option the word "Copyright," together with the year the copyright was entered and the name of the party by whom it was taken out; thus, "Copyright, 19—, by A. B." (Mar. 4, 1909, c. 320, §§ 18, 64, 35 Stat. 1079, 1088; June 18, 1874, c. 301, § 1, 18 Stat. 79.)

19. Same; place of application of; one notice in each volume or number of newspaper or periodical.—The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music. One notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice. (Mar. 4, 1909, c. 320, § 19, 35 Stat. 1079.)

20. Same; effect of accidental omission from copy or copies.—Where the copyright proprietor has sought to comply with the provisions of this title with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct. (Mar. 4, 1909, c. 320, § 20, 35 Stat. 1080.)

21. Ad interim protection of book published abroad.—In the case of a book first published abroad in the English language, the deposit in the copyright office, not later than sixty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of four months after such deposit in the copyright office. (Mar. 4, 1909, c. 320, § 21, 35 Stat. 1080; Dec. 18, 1919, c. 11, 41 Stat. 369.)

22. Same; extension to full term.—Whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section 15 of this title, and whenever the provisions of this title as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the term provided in this title. (Mar. 4, 1909, c. 320, § 22, 35 Stat. 1080.)

23. Duration; renewal.—The copyright secured by this title shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication. (Mar. 4, 1909, c. 320, § 23, 35 Stat. 1080.)

24. Same; renewal; subsisting copyrights.—The copyright subsisting in any work on July 1, 1909, may, at the expiration of the term of twenty-eight years from the time of recording the title thereof as provided by former law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period of twenty-eight years. If the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided*, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term. (R. S. § 4953; Mar. 4, 1909, c. 320, §§ 24, 64, 35 Stat. 1080, 1088.)

25. Infringement.—If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) Injunction.—(a) To an injunction restraining such infringement;

(b) Damages and profits; amount; other remedies.—(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of $200 nor be less than the sum of $50, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of $100; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker

and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

First. In the case of a painting, statue, or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section 5 of this title, except a painting, statue, or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, $50 for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions $10 for every infringing performance;

(c) Impounding during action.—(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) Destruction of infringing copies and plates.—(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

(e) Royalties for use of mechanical reproduction of musical works.—(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this title: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Rules of procedure.—Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States. (Mar. 4, 1909, c. 320, § 25, 35 Stat. 1081; Aug. 24, 1912, c. 356, 37 Stat. 489.)

26. Jurisdiction of courts in enforcing remedies.—Any court given jurisdiction under section 34 of this title may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided. (Mar. 4, 1909, c. 320, § 26, 35 Stat. 1082.)

27. Joinder of proceedings for different remedies.—The proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action. (Mar. 4, 1909, c. 320, § 27, 35 Stat. 1082.)

28. Willful infringement for profit.—Any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court: *Provided, however*, That nothing in this title shall be so construed as to prevent the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit. (Mar. 4, 1909, c. 320, § 28, 35 Stat. 1082.)

29. Fraudulent notice of copyright, or removal or alteration of notice.—Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of $100. (Mar. 4, 1909, c. 320, § 29, 35 Stat. 1082.)

30. Importation of article bearing false notice or piratical copies of copyrighted work.—The importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited. (Mar. 4, 1909, c. 320, § 30, 35 Stat. 1082.)

31. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 15 of this title.—During the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section 15 of this title, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photoengraving process not performed within the limits of the United States, in accordance with the provisions of section 15 is prohibited: *Provided, however*, That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind;

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

Second. When imported by the authority or for the use of the United States;

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this title, and such unlawful use shall be deemed an infringement of copyright. (Mar. 4, 1909, c. 320, § 31, 35 Stat. 1082.)

32. Forfeiture and destruction of articles prohibited importation.—Any and all articles prohibited importation by this title which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this title may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud. (Mar. 4, 1909, c. 320, § 32, 35 Stat. 1083.)

33. Regulations to prevent importation in mails of articles prohibited.—The Secretary of the Treasury and the Postmaster General are empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this title, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this title, and which infringe the rights of such copyright proprietors or injured parties. (Mar. 4, 1909, c. 320, § 33, 35 Stat. 1083.)

34. Jurisdiction of actions under laws.—All actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the district courts of the United States, the district court of any Territory, the Supreme Court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands. (Mar. 4, 1909, c. 320, § 34, 35 Stat. 1084; Aug. 24, 1912, c. 390, § 8, 37 Stat. 565.)

35. District in which actions may be brought.—Civil actions, suits, or proceedings arising under this title may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found. (Mar. 4, 1909, c. 320, § 35, 35 Stat. 1084.)

36. Injunctions; service and enforcement.—Any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants. (Mar. 4, 1909, c. 320, § 36, 35 Stat. 1084.)

37. Transmission of certified copies of papers for enforcement of injunction by other court.—The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office. (Mar. 4, 1909, c. 320, § 37, 35 Stat. 1084.)

38. Review of orders, judgments, or decrees.—The orders, judgments, or decrees of any court mentioned in section 34 of this title arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively. (Mar. 4, 1909, c. 320, § 38, 35 Stat. 1084.)

39. Limitation of criminal proceedings.—No criminal proceeding shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose. (Mar. 4, 1909, c. 320, § 39, 35 Stat. 1084.)

40. Costs; attorney's fees.—In all actions, suits, or proceedings under this title, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs. (Mar. 4, 1909, c. 320, § 40, 35 Stat. 1084.)

41. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.—The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this title shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained. (Mar. 4, 1909, c. 320, § 41, 35 Stat. 1084.)

42. Assignments and bequests.—Copyright secured under this title or previous copyright laws of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will. (Mar. 4, 1909, c. 320, § 42, 35 Stat. 1084.)

43. Same; executed in foreign country; acknowledgment and certificate.—Every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument. (Mar. 4, 1909, c. 320, § 43, 35 Stat. 1084.)

44. Same; record.—Every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar

months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded. (Mar. 4, 1909, c. 320, § 44, 35 Stat. 1084.)

45. Same; certificate of record.—The register of copyrights shall, upon payment of the fee prescribed by section 61 of this title, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by section 61 he shall furnish to any person requesting the same a certified copy thereof under the said seal. (Mar. 4, 1909, c. 320, § 45, 35 Stat. 1085.)

46. Same; use of name of assignee in notice.—When an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this title. (Mar. 4, 1909, c. 320, § 46, 35 Stat. 1085.)

47. Copyright office; preservation of records.—All records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights. (Mar. 4, 1909, c. 320, § 47, 35 Stat. 1085.)

48. Register and assistant register.—There shall be appointed by the Librarian of Congress a register of copyrights, and one assistant register of copyrights, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. (Mar. 4, 1909, c. 320, § 48, 35 Stat. 1085; Mar. 4, 1923, c. 265, § 1, 42 Stat. 1488.)

49. Same; deposit of moneys received; reports.—The register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this title, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances. (Mar. 4, 1909, c. 320, § 49, 35 Stat. 1085.)

50. Same; bond.—The register of copyrights shall give bond to the United States in the sum of $20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties. (Mar. 4, 1909, c. 320, § 50, 35 Stat. 1085.)

51. Same; annual report.—The register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this title. (Mar. 4, 1909, c. 320, § 51, 35 Stat. 1085.)

52. Seal of copyright office.—The seal used in the copyright office on July 1, 1909, shall be the seal of the copyright office, and by it all papers issued from the copyright office requiring authentication shall be authenticated. (July 8, 1870, c. 230, § 85, 16 Stat. 212; Mar. 4, 1909, c. 320, § 52, 35 Stat. 1085.)

53. Rules for registration of claims.—Subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this title. (Mar. 4, 1909, c. 320, § 53, 35 Stat. 1085.)

54. Record books in copyright office.—The register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this title, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this title he shall make entry thereof. (Mar. 4, 1909, c. 320, § 54, 35 Stat. 1086.)

55. Certificate of registration; effect as evidence; receipt for copies deposited.—In the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section 16 of this title, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after June 30, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration. (Mar. 4, 1909, c. 320, §§ 55, 64, 35 Stat. 1086, 1088; Mar. 2, 1913, c. 97, 37 Stat. 724.)

56. Catalogues of copyright entries; effect as evidence.—The register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration. (Mar. 4, 1909, c. 320, § 56, 35 Stat. 1086.)

57. Same; distribution and sale; disposal of proceeds.—The said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copy-

rights, not exceeding $5 per annum for the complete catalogue of copyright entries and not exceeding $1 per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time. (Mar. 4, 1909, c. 320, § 57, 35 Stat. 1086.)

58. **Records and works deposited in copyright office open to public inspection; taking copies of entries.**—The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress. (Mar. 4, 1909, c. 320, § 58, 35 Stat. 1086.)

59. **Disposition of articles deposited in office.**—Of the articles deposited in the copyright office under the provisions of the copyright laws of the United States, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein. (Mar. 4, 1909, c. 320, § 59, 35 Stat. 1087.)

60. **Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works.**—Of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this title. No manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it. (Mar. 4, 1909, c. 320, § 60, 35 Stat. 1087.)

61. **Fees.**—The register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this title, $1, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be 50 cents where a certificate is not demanded. For every additional certificate of registration made, 50 cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), of this title, or for any copy of such assignment or license, duly certified, if not over three hundred words in length, $1; if more than three hundred and less than one thousand words in length, $2; if more than one thousand words in length, $1 additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section 1, subsection (e), 25 cents for each notice if not over fifty words, and an additional 25 cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, $1. For recording the extension or renewal of copyright provided for in sections 23 and 24 of this title, 50 cents. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, 50 cents for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time. (Mar. 4, 1909, c. 320, § 61, 35 Stat. 1087.)

62. **Terms defined.**—In the interpretation and construction of this title "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire. (Mar. 4, 1909, c. 320, § 62, 35 Stat. 1087.)

63. **Registration of prints and labels.**—In the construction of this title, the word "print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other article of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, $6, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same. (June 18, 1874, c. 301, § 3, 18 Stat. 79.)

CORRUPT PRACTICES ACT

See chapter 8 of Title 2, CONGRESS.

COSTS

See Title 28, JUDICIAL CODE AND JUDICIARY.

COTTON FUTURES ACT

See Title 26, INTERNAL REVENUE.

COTTON STANDARDS

See Title 7, AGRICULTURE.

COUNCIL OF NATIONAL DEFENSE

See Title 50, WAR.

COURT OF CLAIMS

See Title 28, JUDICIAL CODE AND JUDICIARY.

COURT OF CUSTOMS APPEALS

See Title 28, JUDICIAL CODE AND JUDICIARY.

COURTS

See Title 28, JUDICIAL CODE AND JUDICIARY.
Bankruptcy courts; see Title 11, BANKRUPTCY.
Consular courts; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.
Military courts; see Title 10, ARMY.
United States Court for China; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.

COURTS OF INQUIRY

See Title 10, ARMY.

COURTS-MARTIAL

See Title 10, ARMY.

CREDIT BANKS

See Title 12, BANKS AND BANKING.

CREDIT CORPORATIONS (AGRICULTURAL)

See Title 12, BANKS AND BANKING.

CUBAN INDEPENDENCE

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

CURRENCY

See Title 31, MONEY AND FINANCE.

TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE

Part 1.—CRIMES

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Part 1.—CRIMES

Chapter 1.—OFFENSES AGAINST EXISTENCE OF GOVERNMENT.

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6. Seditious conspiracy.
7. Recruiting for service against United States.
8. Enlisting to serve against United States.

Section 1. (Criminal Code, section 1.) Treason.—Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason. (R. S. § 5331; Mar. 4, 1909, c. 321, § 1, 35 Stat. 1088.)

2. (Criminal Code, section 2.) Same; punishment.—Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than $10,000, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States. (R. S. § 5332; Mar. 4, 1909, c. 321, § 2, 35 Stat. 1088.)

3. (Criminal Code, section 3.) Misprision of treason; punishment.—Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years and fined not more than $1,000. (R. S. § 5333; Mar. 4, 1909, c. 321, § 3, 35 Stat. 1088.)

4. (Criminal Code, section 4.) Inciting rebellion or insurrection.—Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than ten years, or fined not more than $10,000, or both; and shall, moreover, be incapable of holding any office under the United States. (R. S. § 5334; Mar. 4, 1909, c. 321, § 4, 35 Stat. 1088.)

5. (Criminal Code, section 5.) Criminal correspondence with foreign governments; redress of private injuries excepted.—Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than $5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. (R. S. § 5335; Mar. 4, 1909, c. 321, § 5, 35 Stat. 1088.)

6. (Criminal Code, section 6.) Seditious conspiracy.—If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $5,000, or imprisoned not more than six years, or both. (R. S. § 5336; Mar. 4, 1909, c. 321, § 6, 35 Stat. 1089.)

7. (Criminal Code, section 7.) Recruiting for service against United States.—Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than $1,000 and imprisoned not more than five years. (R. S. § 5337; Mar. 4, 1909, c. 321, § 7, 35 Stat. 1089.)

8. (Criminal Code, section 8.) Enlisting to serve against United States.—Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined $100 and imprisoned not more than three years. (R. S. § 5338; Mar. 4, 1909, c. 321, § 8, 35 Stat. 1089.)

Chapter 2.—OFFENSES AGAINST NEUTRALITY.

Sec.
21. Accepting commission to serve against friendly power.
22. Enlisting in foreign service; exceptions.
23. Arming vessels against friendly powers; forfeiture of vessel.
24. Augmenting force of foreign armed vessel.
25. Organizing military expedition against friendly power.
26. Enforcement by courts; employment of land or naval forces.
27. Compelling foreign vessels to depart.
28. Bonds from armed vessels on clearing.
29. Detention by collectors of customs.
30. Construction of chapter; transient aliens; prosecutions for treason or piracy.
31. Enforcement of neutrality; withholding clearance papers from vessels.
32. Same; detention of armed vessels.
33. Same; sending out armed vessel with intent to deliver to belligerent nation.
34. Same; statement from master that cargo will not be delivered to other vessels.
35. Same; forbidding departure of vessels.
36. Same; unlawful taking of vessel out of port.
37. Same; internment of persons belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.
38. Enforcement of sections 22, 25, 27, and 31 to 37 of this title.
39. Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.

Section 21. (Criminal Code, section 9.) Accepting commission to serve against friendly power.—Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be fined not more than $2,000 and imprisoned not more than three years. (R. S. § 5281; Mar. 4, 1909, c. 321, § 9, 35 Stat. 1089.)

22. (Criminal Code, section 10, amended.) Enlisting in foreign service; exceptions.—Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer shall be fined not more than $1,000 and imprisoned not more than three years: *Provided*, That this section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War. (R. S. § 5282; Mar. 4, 1909, c. 321, § 10, 35 Stat. 1089; May 7, 1917, c. 11, 40 Stat. 39.)

23. (Criminal Code, section 11.) Arming vessels against friendly powers; forfeiture of vessel.—Whoever, within the territory or jurisdiction of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, with intent that such vessel shall be employed in the service of any foreign prince, or state, or of any colony, district, or people, to cruise, or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or whoever issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be fined not more than $10,000 and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer and the other half to the use of the United States. (R. S. § 5283; Mar. 4, 1909, c. 321, § 11, 35 Stat. 1090.)

24. (Criminal Code, section 12.) Augmenting force of foreign armed vessel.—Whoever, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than $1,000 and imprisoned not more than one year. (R. S. § 5285; Mar. 4, 1909, c. 321, § 12, 35 Stat. 1090.)

25. (Criminal Code, section 13, amended.) Organizing military expedition against friendly power.—Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both. (R. S. § 5286; Mar. 4, 1909, c. 321, § 13, 35 Stat. 1090; June 15, 1917, c. 30, Title V, § 8, 40 Stat. 223.)

26. (Criminal Code, section 14.) Enforcement by courts; employment of land or naval forces.—The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this chapter; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of this chapter, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace. (R. S. § 5287; Mar. 4, 1909, c. 321, § 14, 35 Stat. 1090.)

27. (Criminal Code, section 15, amended.) Compelling foreign vessels to depart.—It shall be lawful for the President to

employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart. (R. S. § 5288; Mar. 4, 1909, c. 321, § 15, 35 Stat. 1091; June 15, 1917, c. 30, Title V, § 10, 40 Stat. 223.)

28. (Criminal Code, section 16.) Bonds from armed vessels on clearing.—The owners or consignees of every armed vessel sailing out of the ports of, or under the jurisdiction of, the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace. (R. S. § 5289; Mar. 4, 1909, c. 321, § 16, 35 Stat. 1091.)

29. (Criminal Code, section 17.) Detention by collectors of customs.—The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, or any place subject to the jurisdiction thereof, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section. (R. S. § 5290; Mar. 4, 1909, c. 321, § 17, 35 Stat. 1091.)

30. (Criminal Code, section 18.) Construction of chapter; transient aliens; prosecutions for treason or piracy.—The provisions of sections 21 to 29 of this title shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States. (R. S. § 5291; Mar. 4, 1909, c. 321, § 18, 35 Stat. 1091.)

31. Enforcement of neutrality; withholding clearance papers from vessels.—During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart. (June 15, 1917, c. 30, Title V, § 1, 40 Stat. 221.)

32. Same; detention of armed vessels.—During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas. (June 15, 1917, c. 30, Title V, § 2, 40 Stat. 221.)

33. Same; sending out armed vessel with intent to deliver to belligerent nation.—During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States. (June 15, 1917, c. 30, Title V, § 3, 40 Stat. 222.)

34. Same; statement from master that cargo will not be delivered to other vessels.—During a war in which the United States is a neutral nation, in addition to the facts required by sections 91, 92, and 94 of Title 46 to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively. (June 15, 1917, c. 30, Title V, § 4, 40 Stat. 222.)

35. Same; forbidding departure of vessels.—Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional state-

ments under oath required in section 34 of this title are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart. (June 15, 1917, c. 30, Title V, § 5, 40 Stat. 222.)

36. Same; unlawful taking of vessel out of port.—Whoever, in violation of any of the provisions of sections 22, 25, 27, and 31 to 38 of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States. (June 15, 1917, c. 30, Title V, § 6, 40 Stat. 222.)

37. Same; internment of person belonging to armed land or naval forces of belligerent nation; arrest; punishment for aiding escape.—Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (June 15, 1917, c. 30, Title V, § 7, 40 Stat. 223.)

38. Enforcement of sections 22, 25, 27, and 31 to 37 of this title.—The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 22, 25, 27, and 31 to 37 of this title. (June 15, 1917, c. 30, Title V, § 9, 40 Stat. 223.)

39. Same; United States defined; jurisdiction of offenses; prior offenses; partial invalidity of provisions.—The term "United States," as used in sections 22, 25, 27, and 31 to 38 of this title, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under said sections 22, 25, 27, and 31 to 38 committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses thereunder committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 88 of this title, and the provisions of said section 88, for the purposes of sections 22, 25, 27, and 31 to 38 of this title, are extended to the Philippine Islands, and to the Canal Zone. Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by sections 22, 25, 27, and 31 to 38 may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if said sections 22, 25, 27, and 31 to 38 had not been passed. If any clause, sentence, paragraph, or part of sections 22, 25, 27, and 31 to 38 shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (June 15, 1917, c. 30, Title XIII, §§ 1 to 4, 40 Stat. 231.)

Chapter 8.—OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS.

Sec.

51. Conspiracy to injure persons in exercise of civil rights.
52. Depriving citizens of civil rights under color of State laws.
53. Searches without search warrant; punishment.
54. Conspiring to prevent officer from performing duties.
55. Unlawful presence of troops at polls.
56. Intimidating voters by Army or Navy officers.
57. Army or Navy officers prescribing qualifications of voters.
58. Interfering with election officers by Army or Navy officers.
59. Additional punishment.

Section 51. (Criminal Code, section 19.) Conspiracy to injure persons in exercise of civil rights.—If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. (R. S. § 5508; Mar. 4, 1909, c. 321, § 19, 35 Stat. 1092.)

52. (Criminal Code, section 20.) Depriving citizens of civil rights under color of State laws.—Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000, or imprisoned not more than one year, or both. (R. S. § 5510; Mar. 4, 1909, c. 321, § 20, 35 Stat. 1092.)

53. Searches without search warrant; punishment.—Any officer, agent, or employee of the United States engaged in the enforcement of Title 27 (the National Phohibition Act) or any other law of the United States, who shall search any private dwelling as defined in Title 27 (National Prohibition Act), and occupied as such dwelling, without a warrant directing the search, or who while so engaged shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than $1,000, and for a subsequent offense not more than $1,000 or imprisoned not more than one year, or both such fine and imprisonment. (Nov. 23, 1921, c. 134, § 6, 42 Stat. 223.)

54. (Criminal Code, section 21.) Conspiring to prevent officer from performing duties.—If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place, where his duties as an offi-

cer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than $5,000, or imprisoned not more than six years, or both. (R. S. § 5518; Mar. 4, 1909, c. 321, § 21, 35 Stat. 1092.)

55. (Criminal Code, section 22.) Unlawful presence of troops at polls.—Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 and imprisoned not more than five years. (R. S. § 5528; Mar. 4, 1909, c. 321, § 22, 35 Stat. 1092.)

56. (Criminal Code, section 23.) Intimidating voters by Army or Navy officers.—Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than $5,000 and imprisoned not more than five years. (R. S. § 5529, Mar. 4, 1909, c. 321, § 23, 35 Stat. 1092.)

57. (Criminal Code, section 24.) Army or Navy officers prescribing qualifications of voters.—Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State shall be punished as provided in section 56 of this title. (R. S. § 5530; Mar. 4, 1909, c. 321, § 24, 35 Stat. 1092.)

58. (Criminal Code, section 25.) Interfering with election officers by Army or Navy officers.—Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section 56 of this title. (R. S. § 5531; Mar. 4, 1909, c. 321, § 25, 35 Stat. 1092.)

59. (Criminal Code, section 26.) Additional punishment.—Every person convicted of any offense defined in sections 55 to 58 of this title shall, in addition to the punishment therein prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing therein shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. (R. S. § 5532; Mar. 4, 1909, c. 321, § 26, 35 Stat. 1093.)

Chapter 4.—OFFENSES AGAINST OPERATIONS OF GOVERNMENT.

Sec.
71. Making, forging, counterfeiting, or altering letters patent.
72. Making, forging, counterfeiting, or altering bonds, bids, or public records; transmitting such papers.
73. Making, forging, counterfeiting, or altering deeds or powers of attorney; transmitting such papers.
74. Possession of false papers.
75. Officer making false acknowledgments.
76. Falsely pretending to be United States officer.
77. Falsely representing to be officer, agent, or employee of United States and making arrest or search.
78. False personation of holder of public stocks or pensioner.
79. False demand on fraudulent power of attorney.
80. Presenting false claims; aiding in obtaining payment thereof.
81. False affidavit and postdating vouchers; false certificate to vouchers.
82. Purloining or stealing personal property of United States.
83. Conspiracy to defraud United States in regard to allowance or payment of false claims.
84. Unauthorized delivery of certificate, voucher, receipt, etc., for military or naval property.
85. Unauthorized delivery of money or property for military or naval service.
86. Unlawful purchase as pledge of military or naval property.
87. Embezzling arms and stores.
88. Conspiring to commit offense against United States.
89. Threats against President.
90. Interfering with delivery of prize property.
91. Bribery of United States officer.
92. Unlawfully taking or using papers relating to claims.
93. Interested persons acting as Government agents.
94. Enticing desertion from Army or Navy.
95. Enticing workmen from arsenals or armories.
96. Injuries to fortifications or harbor defenses; jurisdiction of offenses committed within Canal Zone or defensive sea areas.
97. Unlawfully entering military reservation, fort, or arsenal.
98. Possession or control of property or papers in aid of foreign government designed or intended for violating penal statutes, treaty rights, or obligations of United States, or rights under law of nations.
99. Robbery of personal property of United States.
100. Embezzling public moneys or other property.
101. Receiving stolen public property.
102. Stealing, defacing, etc., books, pamphlets, or manuscripts in Library of Congress or other public libraries.
103. Timber depredations on public lands; rights of entrymen.
104. Same; on Indian lands or trust allotments.
105. Boxing trees for turpentine.
106. Setting fire to timber on public lands.
107. Failing to extinguish fires.
108. Fines paid into school funds.
109. Trespassing on Bull Run National Forest.
110. Breaking fences or driving cattle on inclosed public lands.
111. Injuring or removing survey marks.
112. Interrupting surveys.
113. Agreement to prevent bids at land sales.
114. Willful and false representations to intending purchasers of public lands.
115. Inducing conveyances by Indians of trust interests in lands.
116. Injuries to telegraph lines.
117. Counterfeiting weather forecasts.
118. Molesting Animal Industry employees; using deadly weapons.
119. Foreign customs entry certificates.
120. Concealing or destroying invoices.
121. Resisting revenue officers, rescuing or destroying seized property; using deadly weapon.
122. Obstructing revenue officers by masters of vessels.
123. Falsely assuming to be revenue officer.
124. Offering presents to customs officer.
125. Admitting entries for less than legal duty.
126. Securing false entry of goods.
127. False certification by consular officer.
128. Taking seized property from revenue officer.
129. Forging or altering ship's or customhouse papers.
130. Counterfeiting Government seal; fraudulently or wrongfully affixing seal of executive departments to certificate or instrument or wrongfully using such certificate or instrument.
131. Falsely making or forging seal of executive department.
132. Falsely making or forging naval, military, or official pass.
133. United States defined.
134. Forging, etc., military bounty-land warrants.
135. Forging certificates of citizenship.
136. Forging certificate of discharge from military or naval service or using such forged certificate.
137. Engraving counterfeit plates for citizenship certificates; printing; distinctive paper.
138. False personation in procuring naturalization.
139. Using false certificate of citizenship; citizenship blanks; denying citizenship.
140. Attempting to vote on false certificate.
141. Falsely claiming citizenship.
142. Falsely swearing in naturalization cases.
143. Provisions applicable to all courts of naturalization.
144. Shanghaiing sailors.
145. Hunting or taking eggs on bird-breeding grounds.

Section 71. (Criminal Code, section 27.) Making, forging, counterfeiting, or altering letters patent.—Whosoever shall falsely make, forge, counterfeit, or alter any letters patent granted or purporting to have been granted by the President of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish as genuine, any such forged, counterfeited, or falsely altered letters patent, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than $5,000 and imprisoned not more than ten years. (R. S. § 5416; Mar. 4, 1909, c. 321. § 27, 35 Stat. 1094.)

72. (Criminal Code, section 28.) Making, forging, counterfeiting, or altering bonds, bids, or public records; transmitting such papers.—Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than $1,000, or imprisoned not more than ten years, or both. (R. S. §§ 5418, 5479; Mar. 4, 1909, c. 321, § 28, 35 Stat. 1094.)

73. (Criminal Code, section 29.) Making, forging, counterfeiting, or altering deeds or powers of attorney; transmitting such papers.—Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than $1,000 and imprisoned not more than ten years. (R. S. § 5421; Mar. 4, 1909, c. 321, § 29, 35 Stat. 1094.)

74. (Criminal Code, section 30.) Possession of false papers.—Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than $500, or imprisoned not more than five years, or both. (R. S. § 5422; Mar. 4, 1909, c. 321, § 30, 35 Stat. 1094.)

75. (Criminal Code, section 31.) Officer making false acknowledgments.—Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than $2,000, or imprisoned not more than two years, or both. (Mar. 4, 1909, c. 321, § 31, 35 Stat. 1094.)

76. (Criminal Code, section 32.) Falsely pretending to be United States officer.—Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than $1,000, or imprisoned not more than three years, or both. (R. S. § 5438; Apr. 18, 1884, c. 26, 23 Stat. 11; Mar. 4, 1909, c. 321, § 32, 35 Stat. 1095.)

77. Falsely representing to be officer, agent, or employee of United States and making arrest or search.—Whoever not being an officer, agent, or employee of the United States shall falsely represent himself to be such officer, agent, or employee and in such assumed character shall arrest or detain any person, or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000, or imprisoned for not more than one year, or by both such fine and imprisonment. (Nov. 23, 1921, c. 134, § 6, 42 Stat. 224.)

78. (Criminal Code, section 33.) False personation of holder of public stocks or pensioner.—Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than $5,000 and imprisoned not more than ten years. (R. S. § 5435; Mar. 4, 1909, c. 321, § 33, 35 Stat. 1095.)

79. (Criminal Code, section 34.) False demand on fraudulent power of attorney.—Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than $5,000 and imprisoned not more than ten years. (R. S. § 5436; Mar. 4, 1909, c. 321, § 34, 35 Stat. 1095.)

80. (Criminal Code, section 35, amended.) Presenting false claims; aiding in obtaining payment thereof.—Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, or for the purpose and with the intent of cheating and swindling or defrauding the Government of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (R. S. § 5438; May 30, 1908, c. 235, 35 Stat. 555; Mar. 4, 1909, c. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, c. 194, 40 Stat. 1015.)

81. False affidavit and postdating vouchers; false certificate to vouchers.—Every person who knowingly or willfully makes or aids, or assists in the making, or in anywise procures the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper or writing purporting to be such, pertaining to any matter within the jurisdiction of the Secretary of the Interior, shall be punished by a fine not exceeding $500, or by imprisonment for a term of not more than five years. (R. S. § 4746; July 7, 1898, c. 578, 30 Stat. 718.)

82. (Criminal Code, section 35, amended.) Purloining or stealing personal property of United States.—Whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, any personal property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (R. S. § 5438; May 30, 1908, c. 235, 35 Stat. 555; Mar. 4, 1909, c. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, c. 194, 40 Stat. 1015.)

83. (Criminal Code, section 35, amended.) Conspiracy to defraud United States in regard to allowance or payment of false claims.—Whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (R. S. § 5438; May 30, 1908, c. 235, 35 Stat. 555; Mar. 4, 1909, c. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, c. 194, 40 Stat. 1015.)

84. (Criminal Code, section 35, amended.) Unauthorized delivery of certificate, voucher, receipt, etc., for military or naval property.—Whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property used or to be used in the military or naval service, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (R. S. § 5438; May 30, 1908, c. 255, 35 Stat. 555; Mar. 4, 1909, c. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, c. 194, 40 Stat. 1015.)

85. (Criminal Code, section 35, amended.) Unauthorized delivery of money or property for military or naval service.—Whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (R. S. § 5438; May 30, 1908, c. 235, 35 Stat. 555; Mar. 4, 1909, c. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, c. 194, 40 Stat. 1015.)

86. (Criminal Code, section 35, amended.) Unlawful purchase as pledge of military or naval property.—Whoever shall purchase, or receive in pledge from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than $500 or imprisoned not more than two years, or both. (R. S. § 5438; May 30, 1908, c. 235, 35 Stat. 555; Mar. 4, 1909, c. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, c. 194, 40 Stat. 1015.)

87. (Criminal Code, section 36.) Embezzling arms and stores.—Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of, any ordnance, arms, ammunition, clothing, subsistence, stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in sections 80 and 82 to 86 of this title. (R. S. § 5439; Mar. 4, 1909, c. 321, § 36, 35 Stat. 1096.)

88. (Criminal Code, section 37.) Conspiring to commit offense against United States.—If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $10,000, or imprisoned not more than two years, or both. (R. S. § 5440; May 17, 1879, c. 8, 21 Stat. 4; Mar. 4, 1909, c. 321, § 37, 35 Stat. 1096.)

89. Threats against President.—Any person who knowingly and willfully deposits or causes to be deposited for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or who knowingly and willfully otherwise makes any such threat against the President, shall upon conviction be fined not exceeding $1,000 or imprisoned not exceeding five years, or both. (Feb. 14, 1917, c. 64, 39 Stat. 919.)

90. (Criminal Code, section 38.) Interfering with delivery of prize property.—Whoever shall willfully do, or aid or advise in the doing, of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other docu-

ment or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be fined not more than $10,000, or imprisoned not more than five years, or both. (R. S. § 5441; Mar. 4, 1909, c. 321, § 38, 35 Stat. 1096.)

91. (Criminal Code, section 39.) **Bribery of United States officer.**—Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years. (R. S. § 5451; Mar. 4, 1909, c. 321, § 39, 35 Stat. 1096.)

92. (Criminal Code, section 40.) **Unlawfully taking or using papers relating to claims.**—Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (R. S. § 5454; Mar. 4, 1909, c. 321, § 40, 35 Stat. 1096.)

93. (Criminal Code, section 41.) **Interested persons acting as Government agents.**—No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than $2,000 and imprisoned not more than two years. (R. S. § 1783; Mar. 4, 1909, c. 321, § 41, 35 Stat. 1097.)

94. (Criminal Code, section 42.) **Enticing desertion from Army or Navy.**—Whoever shall entice or procure, or attempt or endeavor to entice or procure, any soldier in the military service, or any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or shall aid any such soldier, seaman, or other person in deserting or in attempting to desert from such service; or whoever shall harbor, conceal, protect, or assist any such soldier, seaman, or other person who may have deserted from such service, knowing him to have deserted therefrom, or shall refuse to give up and deliver such soldier, seaman, or other person on the demand of any officer authorized to receive him, shall be imprisoned not more than three years and fined not more than $2,000. (R. S. §§ 1553, 5455; Feb. 27, 1877, c. 69, § 1, 19 Stat. 253; Mar. 4, 1909, c. 321, § 42, 35 Stat. 1097.)

95. (Criminal Code, section 43.) **Enticing workmen from arsenals or armories.**—Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in anywise employ, harbor, or conceal such artificer or workman, shall be fined not more than $50, or imprisoned not more than three months, or both. (R. S. § 1668; Mar. 4, 1909, c. 321, § 43, 35 Stat. 1097.)

96. (Criminal Code, section 44, amended.) **Injuries to fortifications or harbor defenses; jurisdiction of offenses committed within Canal Zone or defensive sea areas.**—Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which the offender is first brought, by a fine of not more than $5,000, or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court. Offenses hereunder committed within the Canal Zone or within any defensive sea areas which the President is authorized to establish by this section, shall be cognizable in the District Court of the Canal Zone, and jurisdiction is hereby conferred upon said court to hear and determine all such cases arising under this section and to impose the penalties herein provided for the violation of any of its provisions. (July 7, 1898, c. 576, § 1, 30 Stat. 717; Mar. 4, 1909, c. 321, § 44, 35 Stat. 1097; Mar. 4, 1917, c. 180, 39 Stat. 1194; May 22, 1917, c. 20, § 19, 40 Stat. 89.)

97. (Criminal Code, section 45.) **Unlawfully entering military reservation, fort, or arsenal.**—Whoever shall go upon any military reservation, Army post, fort, or arsenal, for any purpose prohibited by law or military regulation made in pursuance of law, or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than $500, or imprisoned not more than six months, or both. (Mar. 4, 1909, c. 321, § 45, 35 Stat. 1097.)

98. **Possession or control of property or papers in aid of foreign government designed or intended for violating penal statutes, treaty rights or obligations of United States; or rights under law of nations.**—Whoever, in aid of any foreign government, shall knowingly and willfully have possession of or control over any property or papers designed or intended

for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both. The term "United States," as used in this section, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. The words "foreign government," as used in this section, shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government. (June 15, 1917, c. 30, Title VIII, § 4, 40 Stat. 226; June 15, 1917, c. 30, Title XI, § 22, 40 Stat. 230; June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

Cross reference—Jurisdiction of offenses under this section, see section 574 of this title.

99. (Criminal Code, section 46.) Robbery of personal property of United States.—Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (R. S. § 5456; Mar. 4, 1909, c. 321, § 46, 35 Stat. 1097.)

100. (Criminal Code, section 47.) Embezzling public moneys or other property.—Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (Mar. 3, 1875, c. 144, § 1, 18 Stat. 479; Mar. 4, 1909, c. 321, § 47, 35 Stat. 1097.)

101. (Criminal Code, section 48.) Receiving stolen public property.—Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than $5,000, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender. (Mar. 3, 1875, c. 144, § 2, 18 Stat. 479; Mar. 4, 1909, c. 321, § 48, 35 Stat. 1098.)

102. Stealing, defacing, etc., books, pamphlets, or manuscripts in Library of Congress or other public libraries.—Any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said district, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine not less than $10 nor more than $1,000, and by imprisonment for not less than one nor more than twelve months, or both, for every such offense. (June 19, 1878, c. 317, 20 Stat. 171.)

103. (Criminal Code, section 49.) Timber depredations on public lands; rights of entrymen.—Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than $1,000, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands. (June 3, 1878, c. 151, § 4, 20 Stat. 90; Aug. 4, 1892, c. 375, § 2, 27 Stat. 348; Mar. 4, 1909, c. 321, § 49, 35 Stat. 1098.)

104. (Criminal Code, section 50, amended.) Same; on Indian lands or trust allotments.—Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than $500, or imprisoned not more than one year, or both. (R. S. § 5388; June 4, 1888, c. 340, 25 Stat. 166; Mar. 4, 1909, c. 321, § 50, 35 Stat. 1098; June 25, 1910, c. 431, § 6, 36 Stat. 857.)

105. (Criminal Code, section 51.) Boxing trees for turpentine.—Whoever shall cut, chip, chop, or box any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or shall knowingly encourage, cause, procure, or aid in the cutting, chipping, chopping, or boxing of any such tree, or shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, when he has knowledge that the same has been so unlawfully obtained from such trees, shall be fined not more than $500, or imprisoned not more than one year, or both. (June 4, 1906, c. 2571, 34 Stat. 208; Mar. 4, 1909, c. 321, § 51, 35 Stat. 1098.)

106. (Criminal Code, section 52.) Setting fire to timber on public lands.—Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than $5,000, or imprisoned not more than two years, or both. (Feb. 24, 1897, c. 313, § 1, 29 Stat. 594; May 5, 1900, c. 349, 31 Stat. 169; Mar. 4, 1909, c. 321, § 52, 35 Stat. 1098.)

107. (Criminal Code, section 53, amended.) Failing to extinguish fires.—Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than $1,000, or imprisoned not more than one year, or both. (Feb. 24, 1897, c. 313, § 2, 29 Stat.

594; May 5, 1900, c. 349, 31 Stat. 170; Mar. 4, 1909, c. 321, § 53, 35 Stat. 1098; June 25, 1910, c. 431, § 6, 36 Stat. 857.)

108. (Criminal Code, section 54.) Fines paid into school funds.—In all cases arising under sections 106 and 107 of this title the fines collected shall be paid into the public school fund of the county in which the lands where the offense was committed are situated. (Feb. 24, 1897, c. 313, § 3, 29 Stat. 594; May 5, 1900, c. 349, 31 Stat. 170; Mar. 4, 1909, c. 321, § 54, 35 Stat. 1099.)

109. (Criminal Code, section 55.) Trespassing on Bull Run National Forest.—Whoever, except forest rangers and other persons employed by the United States to protect the forest, Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, shall knowingly trespass upon any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or shall enter thereon for the purpose of grazing stock, or shall engage in grazing stock thereon, or shall permit stock of any kind to graze thereon, shall be fined not more than $500, or imprisoned not more than six months, or both. (Apr. 28, 1904, c. 1774, 33 Stat. 526; Mar. 4, 1909, c. 321, § 55, 35 Stat. 1099.)

110. (Criminal Code, section 56.) Breaking fences or driving cattle on inclosed public lands.—Whoever shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States which, in pursuance of any law, have been reserved or purchased by the United States for any public use; or whoever shall drive any cattle, horses, hogs, or other livestock upon any such lands for the purpose of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or whoever shall knowingly permit his cattle, horses, hogs, or other livestock, to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other livestock may or can destroy the grass or trees or other property of the United States on the said lands, shall be fined not more than $500, or imprisoned not more than one year, or both. Nothing in this section shall be construed to apply to unreserved public lands. (Mar. 3, 1875, c. 151, §§ 2, 3, 18 Stat. 481, 482; Mar. 4, 1909, c. 321, § 56, 35 Stat. 1099.)

111. (Criminal Code, section 57.) Injuring or removing survey marks.—Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than $250, or imprisoned not more than six months, or both. (June 10, 1896, c. 398, § 1, 29 Stat. 343; Mar. 4, 1909, c. 321, § 57, 35 Stat. 1099.)

112. (Criminal Code, section 58.) Interrupting surveys.—Whoever in any manner, by threats or force, shall interrupt, hinder, or prevent the surveying of the public lands, or of any private land claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land Office, shall be fined not more than $3,000 and imprisoned not more than three years. (R. S. § 2412; Mar. 4, 1909, c. 321, § 58, 35 Stat. 1099.)

113. (Criminal Code, section 59.) Agreement to prevent bids at land sales.—Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than $1,000, or imprisoned not more than two years, or both. (R. S. § 2373; Mar. 4, 1909, c. 321, § 59, 35 Stat. 1099.)

114. Willful and false representations to intending purchasers of public lands.—Any person who, for a reward paid or promised to him in that behalf, shall undertake to locate for an intending purchaser, settler, or entryman any public lands of the United States subject to disposition under the public-land laws, and who shall willfully and falsely represent to such intending purchaser, settler, or entryman that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, with intent to deceive the person to whom such representation is made, or who, in reckless disregard of the truth, shall falsely represent to any such person that any tract of land shown to him is public land of the United States subject to sale, settlement, or entry, or that it is of a particular surveyed description, thereby deceiving the person to whom such representation is made, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding $300 or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. (Feb. 23, 1917, c. 115, 39 Stat. 936.)

115. Inducing conveyances by Indians of trust interests in lands.—It shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. This section shall not apply to any lease or other contract authorized by law to be made. (June 25, 1910, c. 431, § 5, 36 Stat. 857.)

116. (Criminal Code, section 60.) Injuries to telegraph lines.—Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line, or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line, or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, or system, shall be fined not more than $1,000, or imprisoned not more than three years, or both. (June 23, 1874, c. 461, 18 Stat. 250; Mar. 4, 1909, c. 321, § 60, 35 Stat. 1099.)

117. (Criminal Code, section 61.) Counterfeiting weather forecasts.—Whoever shall knowingly issue or publish any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined not more than $500, or imprisoned not more than ninety days, or both. (Mar. 3, 1905, c. 1405, 33 Stat. 864; Mar. 4, 1909, c. 321, § 61, 35 Stat. 1088.)

118. (Criminal Code, section 62.) Molesting Animal Industry employees; using deadly weapon.—Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not more than $1,000, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon

in resisting any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than $1,000, or imprisoned not more than five years, or both. (Mar. 3, 1905, c. 1496, § 4, 33 Stat. 1265; Mar. 4, 1909, c. 321, § 62, 35 Stat. 1100.)

119. (Criminal Code, section 63.) Forging customs entry certificates.—Whoever shall forge, counterfeit, or falsely alter any certificate of entry made or required to be made in pursuance of law by any officer of the customs, or shall use any such forged, counterfeited or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than $10,000 and imprisoned not more than three years. (R. S. § 5417; Mar. 4, 1909, c. 321, § 63, 35 Stat. 1100.)

120. (Criminal Code, section 64.) Concealing or destroying invoices.—Whoever shall willfully conceal or destroy any invoice, book, or paper relating to any merchandise liable to duty, which has been or may be imported into the United States from any foreign port or country, after an inspection thereof has been demanded by the collector of any collection district, or shall at any time conceal or destroy any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be fined not more than $5,000, or imprisoned not more than two years, or both. (R. S. § 5443; Mar. 4, 1909, c. 321, § 64, 35 Stat. 1100.)

121. (Criminal Code, section 65.) Resisting revenue officers, rescuing or destroying seized property; using deadly weapon.—Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer of the customs or of the internal revenue, or his deputy, or any person assisting him in the execution of his duties, or any person authorized to make searches and seizures, in the execution of his duty, or shall rescue, attempt to rescue, or cause to be rescued, any property which has been seized by any person so authorized; or whoever before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, shall stave, break, throw overboard, destroy, or remove the same, shall be fined not more than $2,000 or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any person authorized to make searches or seizures, in the execution of his duty, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duty, shall be imprisoned not more than ten years. (R. S. § 5447; Mar. 4, 1909, c. 321, § 65, 35 Stat. 1100.)

122. Obstructing revenue officers by masters of vessels.—If any master of a vessel coming into or having arrived at any port within the United States shall obstruct or hinder, or shall intentionally cause any obstruction or hinderance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall for every such offense be liable to a penalty of not more than $500 nor less than $50. (R. S. § 3068.)

123. (Criminal Code, section 66.) Falsely assuming to be revenue officer.—Whoever shall falsely represent himself to be a revenue officer, and, in such assumed character, demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, shall be fined not more than $500 and imprisoned not more than two years. (R. S. § 5448; Mar. 4, 1909, c. 321, § 66, 35 Stat. 1100.)

124. (Criminal Code, section 67.) Offering presents to customs officer.—Whoever, being engaged in the importation into the United States of any goods, wares, or merchandise, or being interested as principal, clerk, or agent in the entry of any goods, wares, or merchandise, shall at any time make, or offer to make, to any officer of the revenue, any gratuity or present of money or other thing of value, shall be fined not more than $5,000, or imprisoned not more than two years, or both. (R. S. § 5452; Mar. 4, 1909, c. 321, § 67, 35 Stat. 1100.)

125. (Criminal Code, section 68.) Admitting entries for less than legal duty.—Whoever, being an officer of the revenue, shall, by any means whatever, knowingly admit or aid in admitting to entry, any goods, wares, or merchandise, upon payment of less than the amount of duty legally due thereon, shall be removed from office and fined not more than $5,000, or imprisoned not more than two years, or both. (R. S. § 5444; Mar. 4, 1909, c. 321, § 68, 35 Stat. 1101.)

126. (Criminal Code, section 69.) Securing false entry of goods.—Whoever, by any means whatever, shall knowingly effect, or aid in effecting, any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally due thereon, shall be fined not more than $5,000, or imprisoned not more than two years, or both. (R. S. § 5445; Mar. 4, 1909, c. 321, § 69, 35 Stat. 1101.)

127. (Criminal Code, section 70.) False certification by consular officer.—Whoever, being a consul, or vice consul, or other person employed in the consular service of the United States, shall knowingly certify falsely to any invoice, or other paper, to which his certificate is by law authorized or required, shall be fined not more than $10,000 and imprisoned not more than three years. (R. S. § 5442; Mar. 4, 1909, c. 321, § 70, 35 Stat. 1101.)

128. (Criminal Code, section 71.) Taking seized property from revenue officer.—Whoever shall dispossess or rescue, or attempt to dispossess or rescue any property taken or detained by any officer or other person under the authority of any revenue law of the United States, or shall aid or assist therein, shall be fined not more than $300 and imprisoned not more than one year. (R. S. § 5446; Mar. 4, 1909, c. 321, § 71, 35 Stat. 1101.)

129. (Criminal Code, section 72.) Forging or altering ship's or customhouse papers.—Whoever shall falsely make, forge, counterfeit, or alter any instrument in imitation of, or purporting to be, an abstract or official copy or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States, or a certificate of ownership, pass, passport, sea letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document granted by any collector or other officer of the customs by virtue of his office; or whoever shall utter, publish, or pass, or attempt to utter, publish, or pass, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, shall be fined not more than $1,000 and imprisoned not more than three years. (R. S. § 5423; Mar. 4, 1909, c. 321, § 72, 35 Stat. 1101.)

130. Counterfeiting Government seal; fraudulently or wrongfully affixing seal of executive departments to certificate or instrument or wrongfully using such certificate or instrument.—Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy,

procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title X, § 1, 40 Stat. 227.)

Cross reference: Jurisdiction of offenses under this section and sections 131 and 132 of this title, see section 574 of this title.

131. Falsely making or forging seal of executive department.—Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than $5,000 or imprisoned not more than ten years, or both. (June 15, 1917, c. 30, Title X, § 2, 40 Stat. 228.)

132. Falsely making or forging naval, military, or official pass.—Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title X, § 3, 40 Stat. 228.)

133. United States defined.—The term "United States," as used in sections 130 to 132 of this title, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

134. (Criminal Code, section 73.) Forging, etc., military bounty-land warrants.—Whoever shall falsely make, alter, forge, or counterfeit any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any law of Congress, or any certificate or duplicate certificate of location of any military bounty-land warrant, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate or duplicate certificate of the purchase of any of the lands of the United States, or any receipt or duplicate receipt for the purchase money of any of the lands of the United States, issued or purporting to have been issued by the register and receiver at any land office of the United States or by either of them; or whoever shall utter, publish, or pass as true, any such false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate or duplicate certificate of location, certificate or duplicate certificate of purchase, receipt or duplicate receipt for the purchase money of any of the lands of the United States, knowing the same to be false, forged, or counterfeited, shall be imprisoned not more than ten years. (R. S. § 5420; Mar. 4, 1909, c. 321, § 73, 35 Stat. 1101.)

135. (Criminal Code, section 74.) Forging certificates of citizenship.—Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (June 29, 1906, c. 3592, § 16, 34 Stat. 602; Mar. 4, 1909, c. 321, § 74, 35 Stat. 1102.)

136. Forging certificate of discharge from military or naval service or using such forged certificate.—Whoever shall forge, counterfeit, or falsely alter any certificate of discharge from the military or naval service of the United States, or shall in any manner aid or assist in forging, counterfeiting, or falsely altering any such certificate, or shall use, unlawfully have in his possession, exhibit, or cause to be used or exhibited, any such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than $1,000 or imprisoned not more than one year, or both, in the discretion of the court. (Mar. 4, 1917, c. 180, 39 Stat. 1182.)

137. (Criminal Code, section 75.) Engraving counterfeit plates for citizenship certificates; printing; distinctive paper.—Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. (June 29, 1906, c. 3592, § 17, 34 Stat. 602; Mar. 4, 1909, c. 321, § 75, 35 Stat. 1102; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

138. (Criminal Code, section 76.) False personation in procuring naturalization.—Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than $1,000, or imprisoned not more than five years, or both. (R. S. § 5424; Mar. 4, 1909, c. 321, § 76, 35 Stat. 1102.)

139. (Criminal Code, section 77.) Using false certificate of citizenship; citizenship blanks; denying citizenship.—Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same

to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than $1,000, or imprisoned not more than five years, or both. (R. S. § 5425; June 29, 1906, c. 3592, § 19, 34 Stat. 602; Mar. 4, 1909, c. 321, § 77, 35 Stat. 1102; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

140. (Criminal Code, section 78.) Attempting to vote on false certificate.—Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than $1,000, or imprisoned not more than five years, or both. (R. S. § 5426; Mar. 4, 1909, c. 321, § 78, 35 Stat. 1103.)

141. (Criminal Code, section 79.) Falsely claiming citizenship.—Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than $1,000, or imprisoned not more than two years, or both. (R. S. § 5428; Mar. 4, 1909, c. 321, § 79, 35 Stat. 1103.)

142. (Criminal Code, section 80.) Falsely swearing in naturalization cases.—Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than $1,000 and imprisoned not more than five years. (R. S. § 5395; Mar. 4, 1909, c. 321, § 80, 35 Stat. 1103.)

143. (Criminal Code, section 81.) Provisions applicable to all courts of naturalization.—The provisions of sections 138 to 142 of this title shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. (R. S. § 5429; Mar. 4, 1909, c. 321, § 81, 35 Stat. 1103.)

144. (Criminal Code, section 82.) Shanghaiing sailors.—Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined; or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than $1,000, or imprisoned not more than one year, or both. (June 28, 1906, c. 3583, §§ 1–3, 34 Stat. 551; Mar. 2, 1907, c. 2539, 34 Stat. 1233; Mar. 4, 1909, c. 321, § 82, 35 Stat. 1103.)

145. (Criminal Code, section 84, as amended.) Hunting or taking eggs on bird breeding grounds.—Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than $500, or imprisoned not more than six months, or both. (June 28, 1906, c. 3565, 34 Stat. 536; Mar. 4, 1909, c. 321, § 84, 35 Stat. 1104; Apr. 15, 1924, c. 108, 43 Stat. 98.)

Chapter 5. — OFFENSES RELATING TO OFFICIAL DUTIES.

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Section 171. (Criminal Code, section 85.) Extortion.—Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than $500 or imprisoned not more than one year, or both. (R. S. § 5481; June 28, 1906, c. 3574, 34 Stat. 546; Mar. 4, 1909, c. 321, § 85, 35 Stat. 1104.)

172. (Criminal Code, section 86.) Requiring receipts for larger sums than are paid.—Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years. (R. S. § 5488; Mar. 4, 1909, c. 321, § 86, 35 Stat. 1105.)

173. (Criminal Code, section 87.) Disbursing officers unlawfully using public money.—Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any assistant treasurer, or any authorized depositary, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (R. S. § 5488; Mar. 4, 1909, c. 321, § 87, 35 Stat. 1105.)

174. (Criminal Code, section 88.) Failure of depositaries to safely keep public deposits.—If the Treasurer of the United States or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having money of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years. (R. S. § 5489; Mar. 4, 1909, c. 321, § 88, 35 Stat. 1105.)

175. (Criminal Code, section 89.) Unlawful use of public moneys by custodians.—Every officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years. (R. S. § 5490; Mar. 4, 1909, c. 321, § 89, 35 Stat. 1105.)

176. (Criminal Code, section 90.) Failure to render accounts.—Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years. (R. S. § 5491; Mar. 4, 1909, c. 321, § 90, 35 Stat. 1105.)

177. (Criminal Code, section 91.) Failure to deposit as required.—Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer, or some assistant treasurer, or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years. (R. S. § 5492; Mar. 4, 1909, c. 321, § 91, 35 Stat. 1105.)

178. (Criminal Code, section 92.) Persons affected.—The provisions of sections 173 to 177 of this title shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same. (R. S. § 5493; Mar. 4, 1909, c. 321, § 92, 35 Stat. 1105.)

179. (Criminal Code, section 93.) Record evidence of embezzlement.—Upon the trial of any indictment against any person for embezzling public money under any provision of sections 173 to 178 of this title, it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. (R. S. § 5494; Mar. 4, 1909, c. 321, § 93, 35 Stat. 1105.)

180. (Criminal Code, section 94.) Prima facie evidence of embezzlement.—The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement. (R. S. § 5495; Mar. 4, 1909, c. 321, § 94, 35 Stat. 1106.)

181. (Criminal Code, section 95.) Evidence of conversion.—If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the Treasury Department to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher. (R. S. § 5496; Mar. 4, 1909, c. 321, § 95, 35 Stat. 1106.)

182. (Criminal Code, section 96.) Banker receiving unauthorized deposit of public money.—Every banker, broker, or other person not an authorized depositary of public moneys, who shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or shall use, transfer, convert, appropriate, or apply any portion of the public money for

any purpose not prescribed by law; and every president, cashier, teller, director, or other officer of any bank or banking association who shall violate any provision of this section is guilty of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (R. S. § 5497; Mar. 4, 1909, c. 321, § 96, 35 Stat. 1106.)

183. **(Criminal Code, section 97.) Embezzlement by internal revenue officer.**—Any officer connected with, or employed in, the Internal Revenue Service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or other property of the United States, and any officer of the United States, or any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property which may have come into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both. (R. S. § 5497; Feb. 3, 1879, c. 42, 20 Stat. 280; Mar. 4, 1909, c. 321, § 97, 35 Stat. 1106.)

184. **(Criminal Code, section 98.) Officer contracting beyond specific appropriation.**—Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than $2,000 and imprisoned not more than two years. (R. S. § 5503; Mar. 4, 1909, c. 321, § 98, 35 Stat. 1106.)

185. **(Criminal Code, section 99.) Court officers failing to deposit money; delivery on security.**—Whoever, being a clerk or other officer of a court of the United States, shall fail forthwith to deposit any money belonging in the registry of the court, or hereafter paid into court or received by the officers thereof, with the Treasurer or a designated depositary of the United States, in the name and to the credit of such court, or shall retain or convert to his own use or to the use of another any such money, is guilty of embezzlement, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both; but nothing herein shall be held to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court. (R. S. § 5504; Mar. 4, 1909, c. 321, § 99, 35 Stat. 1106; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

186. **Court officers appropriating money.**—Any United States marshal, clerk, receiver, referee, trustee, or other officer of a United States court, or any deputy, assistant, or employee of any such marshal, clerk, receiver, referee, trustee, or other officer who shall, after demand by the party entitled thereto, unlawfully retain or who shall convert to his own use or to the use of another any moneys received for or on account of costs or advance deposits to cover fees, expenses, or costs, deposits for fees or expenses in bankruptcy cases, composition funds or money of bankrupt estates, fees in naturalization matters, or any other money whatever which has come into his hands by virtue of his official relation or by the fact of his official position or employment shall be deemed guilty of embezzlement and shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than double the value of the money thus retained or converted or imprisoned not more than ten years, or both; and it shall not be a defense in such a case that the accused person had an interest, contingent or otherwise, in some part of such moneys or of the fund from which they were retained or converted. (May 29, 1920, c. 212, 41 Stat. 630.)

187. **(Criminal Code, section 100.) Receiving loan from court officer.**—Whoever shall knowingly receive, from a clerk or other officer of a court of the United States, as a deposit, loan, or otherwise, any money belonging in the registry of such court, is guilty of embezzlement, and shall be punished as prescribed in section 185 of this title. (R. S. § 5505; Mar. 4, 1909, c. 321, § 100, 35 Stat. 1107.)

188. **(Criminal Code, section 101.) Failure to make returns or reports.**—Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than $1,000. (R. S. § 1780; Mar. 4, 1909, c. 321, § 101, 35 Stat. 1107.)

189. **False entries in accounts or records, or false reports of public or trust moneys or securities.**—Whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall, with intent to deceive, mislead, injure, or defraud the United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, shall, with like intent, make a false report of such moneys or securities, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (Mar. 4, 1911, c. 270, 36 Stat. 1355.)

190. **Aiding or abetting violations of law concerning obscene books, etc.; punishment.**—Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications of representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not more than ten years, or both. (R. S. § 1875; July 24, 1897, c. 11, § 17, 30 Stat. 209; Mar. 4, 1909, c. 321, § 102, 35 Stat. 1107; Oct. 3, 1913, c. 16, § IV, G, subsec. 2, 38 Stat. 195; Sept. 21, 1922, c. 356, Title III, § 305(b), 42 Stat. 937.)

191. **Warrants for search for and seizure of articles mentioned in preceding section.**—Any district judge of the United States, within the proper district, before whom complaint in writing of any violation of section 190 of this title is made, founded upon probable cause and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the United States marshal or deputy marshal in the proper district or to a duly accredited customs officer, directing him to search for, seize, and take possession of any article or thing mentioned in such section, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error. (Sept. 21, 1922, c. 356, Title III, § 305(c), 42 Stat. 937.)

192. (Criminal Code, section 103.) Trading in public property by collecting or disbursing officer.—Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, shall carry on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined not more than $3,000, or imprisoned not more than one year, or both, and be removed from office, and thereafter be incapable of holding any office under the United States. (R. S. §§ 1788, 1789; Mar. 4, 1909, c. 321, § 103, 35 Stat. 1107.)

193. (Criminal Code, section 104.) Court officials purchasing fees at less than face value.—Whoever, being a judge, clerk, or deputy clerk of any court of the United States, or of any Territory thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, commissioner, or other person holding any office or employment, or position of trust or profit under the Government of the United States shall, either directly or indirectly, purchase at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of the court whatsoever, shall be fined not more than $1,000. (Feb. 25, 1897, c. 316, 29 Stat. 595; Mar. 4, 1909, c. 321, § 104, 35 Stat. 1107.)

194. (Criminal Code, section 105.) Falsely certifying as to record of deeds.—Whoever, being an officer or other person authorized by any law of the United States to record a conveyance of real property or any other instrument which by such law may be recorded, shall knowingly certify falsely that such conveyance or instrument has or has not been recorded, shall be fined not more than $1,000, or imprisoned not more than seven years, or both. (Mar. 4, 1909, c. 321, § 105, 35 Stat. 1107.)

195. (Criminal Code, section 106.) Other false certificates.—Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than $500, or imprisoned not more than one year, or both. (Mar. 4, 1909, c. 321, § 106, 35 Stat. 1107.)

196. (Criminal Code, section 107.) Steamboat inspectors taking illegal fees.—Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be fined not more than $500, or imprisoned not more than six months, or both. (R. S. § 5482; Mar. 4, 1909, c. 321, § 107, 35 Stat. 1107.)

198. (Criminal Code, section 109.) Officers interested in claims against United States.—Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than $5,000, or imprisoned not more than one year, or both. Members of the National Guard of the District of Columbia who receive compensation for their services as such shall not be held or construed to be officers of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any executive department of the Government of the United States within the provision of this section. (R. S. § 5498; Mar. 1, 1901, c. 670, § 1, 31 Stat. 844; Mar. 4, 1909, c. 321, § 109, 35 Stat. 1107.)

199. (Criminal Code, section 110.) Accepting bribe by Member of Congress.—Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States. (R. S. §§ 1781, 5500, 5502; Mar. 4, 1909, c. 321, § 110, 35 Stat. 1108.)

200. (Criminal Code, section 111.) Offering bribe to Member of Congress.—Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or Delegate to Congress, or Resident Commissioner, after his election or appointment and either before or after he has qualified, and during his continuance in office, or to any person with his consent, connivance, or concurrence, with intent to influence his action, vote, or decision, on any question, matter, cause, or proceeding which may at any time be pending in either House of Congress, or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount of money or value of the thing so promised, offered, given, made, or tendered, and imprisoned not more than three years. (R. S. § 5450; Mar. 4, 1909, c. 321, § 111, 35 Stat. 1108.)

201. Use of appropriations to pay for personal service to influence Member of Congress to favor or oppose legislation.—No part of the money appropriated by any Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from

office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or both. (July 11, 1919, c. 6, § 6, 41 Stat. 68.)

202. (Criminal Code, section 112.) Member of Congress taking consideration for procuring contract.—Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place, from the United States or from any officer or department thereof, for any person whatever, or for giving any such contract, appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than $10,000 and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void. (R. S. § 1781; Mar. 4, 1909, c. 321, § 112, 35 Stat. 1108.)

203. (Criminal Code, section 113.) Receiving pay by Member of Congress in matters affecting United States.—Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than $10,000 and imprisoned not more than two years; and shall moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States. (R. S. § 1782; Mar. 4, 1909, c. 321, § 113, 35 Stat. 1109.)

204. (Criminal Code, section 114.) Member of Congress interested in public contracts; contracts void.—Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement, made or entered into in behalf of the United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than $3,000. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the persons so failing or refusing and his sureties, for the recovery of the money so advanced. (R. S. § 3739; Mar. 4, 1909, c. 321, § 114, 35 Stat. 1109.)

205. (Criminal Code, section 115.) Making official contract with Member of Congress.—Whoever, being an officer of the United States, shall on behalf of the United States, directly or indirectly, make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner, after his election or appointment as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than $3,000. (R. S. § 3742; Mar. 4, 1909, c. 321, § 115, 35 Stat. 1109.)

206. (Criminal Code, section 116.) Contracts not affected.—Nothing contained in sections 204 and 205 of this title shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement. (R. S. § 3740; Mar. 4, 1909, c. 321, § 116, 35 Stat. 1109.)

207. (Criminal Code, section 117.) Official accepting bribe.—Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States. (R. S. §§ 5501, 5502; Mar. 4, 1909, c. 321, § 117, 35 Stat. 1109.)

208. (Criminal Code, section 118, as amended.) Political contributions; solicitation.—It is unlawful for any Senator or Representative in, or Delegate or Resident Commissioner to, Congress, or any candidate for, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or any officer or employee of the United States, or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person. (Jan. 16, 1883, c. 27, § 11, 22 Stat. 406; Mar. 4, 1909, c. 321, § 118, 35 Stat. 1110; Feb. 28, 1925, c. 368, § 312, 43 Stat. 1073.)

209. (Criminal Code, section 119.) Same; not to be received in public offices.—No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in section 208 of this title, or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever. (Jan. 16, 1883,

c. 27, § 12, 22 Stat. 407; Mar. 4, 1909, c. 321, § 119, 35 Stat. 1110.)

210. (Criminal Code, section 120.) Same; immunity from official proscription.—No officer or employee of the United States mentioned in section 208 of this title shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. (Jan. 16, 1883, c. 27, § 13, 22 Stat. 407; Mar. 4, 1909, c. 321, § 120, 35 Stat. 1110.)

211. (Criminal Code, section 121.) Same; making to officials.—No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. (Jan. 16, 1883, c. 27, § 14, 22 Stat. 407; Mar. 4, 1909, c. 321, § 121, 35 Stat. 1110.)

212. (Criminal Code, section 122.) Same; punishment.—Whoever shall violate any provision of sections 208 to 211 of this title shall be fined not more than $5,000, or imprisoned not more than three years, or both. (Jan. 16, 1883, c. 27, § 15, 22 Stat. 407; Mar. 4, 1909, c. 321, § 122, 35 Stat. 1110.)

213. Same; removal from office.—Any executive officer or employee of the United States not appointed by the President, with the advice and consent of the Senate, who shall request, give to, or receive from, any other officer or employee of the Government any money or property or other thing of value for political purposes shall be at once discharged from the service of the United States. (Aug. 15, 1876, c. 287, § 6, 19 Stat. 169.)

214. (Criminal Code, section 123.) Officials giving advance information of crop reports.—Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. No person shall be deemed guilty of a violation of any such rule, unless prior to such alleged violation he shall have had actual knowledge thereof. (Mar. 4, 1909, c. 321, § 123, 35 Stat. 1110.)

215. (Criminal Code, section 124.) Official knowingly issuing false crop reports.—Whoever, being an officer or employee of the United States and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance, or issue, any false statistics or information as a report of the United States, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (Mar. 4, 1909, c. 321, § 124, 35 Stat. 1111.)

216. Disclosing operations of manufacturers, and income tax returns.—It shall be unlawful for any clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor, and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. (R. S. § 3167; Aug. 27, 1894, c. 349, § 34, 28 Stat. 559; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 177; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311; June 2, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 345.)

Chapter 6.—OFFENSES AGAINST PUBLIC JUSTICE.

Sec.
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Section 231. (Criminal Code, section 125.) Perjury.—Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than $2,000 and imprisoned not more than five years. (R. S. § 5392; Mar. 4, 1909, c. 321, § 125, 35 Stat. 1111.)

232. (Criminal Code, section 126.) Subornation of perjury.—Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in section 231 of this title prescribed. (R. S. § 5393; Mar. 4, 1909, c. 321, § 126, 35 Stat. 1111.)

233. (Criminal Code, section 127.) Stealing or altering process; procuring false bail.—Whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect; or whoever shall acknowledge, or procure to be acknowledged, in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than $5,000, or imprisoned not more than seven years, or both; but this provision shall not extend to the acknowledgment of any judgment

by an attorney, duly admitted, for any person against whom such judgment is had or given. (R. S. § 5394; Mar. 4, 1909, c. 321, § 127, 35 Stat. 1111.)

234. (Criminal Code, section 128.) Destroying public records.—Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than $2,000, or imprisoned not more than three years, or both. (R. S. § 5403; Mar. 4, 1909, c. 321, § 128, 35 Stat. 1111.)

235. (Criminal Code, section 129.) Destroying records by officer in charge.—Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in section 234 of this title, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than $2,000, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States. (R. S. § 5408; Mar. 4, 1909, c. 321, § 129, 35 Stat. 1112.)

236. (Criminal Code, section 130.) Forging or counterfeiting signature of judge or seal of court.—Whoever shall forge the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or shall forge or counterfeit the seal of any such court, or shall knowingly concur in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not more than $5,000 and imprisoned not more than five years. (R. S. § 5419; Mar. 4, 1909, c. 321, § 130, 35 Stat. 1112.)

237. (Criminal Code, section 131.) Bribery of judicial officer.—Whoever, directly or indirectly, shall give or offer, or cause to be given or offered any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than $20,000, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States. (R. S. § 5449; Mar. 4, 1909, c. 321, § 131, 35 Stat. 1112.)

238. (Criminal Code, section 132.) Accepting bribe; judicial office.—Whoever, being a judge of the United States, shall in anywise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, or because of any such opinion, ruling, decision, judgment, or decree, shall be fined not more than $20,000, or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States. (R. S. § 5499; Mar. 4, 1909, c. 321, § 132, 35 Stat. 1112.)

239. (Criminal Code, section 133.) Same; juror or referee.—Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, or because of any such vote, opinion, action, judgment, or decision, shall be fined not more than $2,000, or imprisoned not more than two years, or both. (Mar. 4, 1909, c. 321, § 133, 35 Stat. 1112.)

240. (Criminal Code, section 134.) Same; witness.—Whoever, being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive, or agree or offer to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, or because of such testimony, or such absence, shall be fined not more than $2,000, or imprisoned not more than two years, or both. (Mar. 4, 1909, c. 321, § 134, 35 Stat. 1113.)

241. (Criminal Code, section 135.) Attempting to influence witness, juror, or officer.—Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or officer acting as such commissioner, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or officer acting as such commissioner, in the discharge of his duty, or who corruptly or by threats or force, or by any threatening letter or communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the due administration of justice therein, shall be fined not more than $1,000, or imprisoned not more than one year, or both. (R. S. §§ 5399, 5404; Mar. 4, 1909, c. 321, § 135, 35 Stat. 1113.)

242. (Criminal Code, section 136.) Conspiring to intimidate party, witness, or juror.—If two or more persons conspire to deter by force, intimidation, or threat, any party or witness in any court of the United States, or in any examination before a United States commissioner or officer acting as such commissioner, from attending such court or examination, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, each of such persons shall be fined not more than $5,000, or imprisoned not more than six years, or both. (R. S. § 5406; Mar. 4, 1909, c. 321, § 136, 35 Stat. 1113.)

243. (Criminal Code, section 137.) Attempt to influence juror by writing.—Whoever shall attempt to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication, in print or writing, in relation to such issue or matter, shall be fined not more than $1,000, or imprisoned not more than six months, or both. (R. S. § 5405; Mar. 4, 1909, c. 321, § 137, 35 Stat. 1113.)

244. (Criminal Code, sections 138, 139.) Allowing prisoner to escape.—Whenever any marshal, deputy marshal, ministerial

officer, or other person has in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person voluntarily suffers such prisoner to escape, he shall be fined not more than $2,000, or imprisoned not more than two years, or both. This section shall apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States and to cases in which the prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition, but also to cases in which the prisoner may be held in custody for removal to or from the Philippine Islands as provided by law. (R. S. §§ 5409, 5410; Feb. 6, 1905, c. 454, § 2, 33 Stat. 698; Mar. 4, 1909, c. 321, §§ 138, 139, 35 Stat. 1113.)

245. (Criminal Code, section 140.) **Obstructing process or assaulting officer.**—Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States, or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than $300 and imprisoned not more than one year. (R. S. § 5398; Mar. 4, 1909, c. 321, § 140, 35 Stat. 1114.)

246. (Criminal Code, section 141.) **Rescuing prisoner; concealing person from arrest.**—Whoever shall rescue or attempt to rescue, from the custody of any officer or person lawfully assisting him, any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than $1,000, or imprisoned not more than six months, or both. (R. S. §§ 5401, 5516; Mar. 4, 1909, c. 321, § 141, 35 Stat. 1114.)

247. (Criminal Code, section 143.) **Rescue of prisoner.**—Whoever, by force, shall set at liberty or rescue any person who, before conviction, stands committed for any capital crime; or whoever, by force, shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than $500 and imprisoned not more than one year. (R. S. § 5401; Mar. 4, 1909, c. 321, § 143, 35 Stat. 1114.)

248. (Criminal Code, section 142.) **Rescue at execution.**—Whoever, by force, shall set at liberty or rescue any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined not more than $25,000 and imprisoned not more than twenty-five years. (R. S. § 5400; Mar. 4, 1909, c. 321, § 142, 35 Stat. 1114.)

249. (Criminal Code, section 144.) **Rescue of dead body of executed offender.**—Whoever, by force, shall rescue or attempt to rescue, from the custody of any marshal or his officers, the dead body of an executed offender, while it is being conveyed to a place of dissection, as provided by section 543 of this title, or by force shall rescue or attempt to rescue such body from the place where it has been deposited for dissection in pursuance of that section, shall be fined not more than $100, or imprisoned not more than one year, or both. (R. S. § 5402; Mar. 4, 1909, c. 321, § 144, 35 Stat. 1114.)

250. (Criminal Code, section 145.) **Extortion by informer.**—Whoever shall, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than $2,000, or imprisoned not more than one year, or both. (R. S. § 5484; Mar. 4, 1909, c. 321, § 145, 35 Stat. 1114.)

251. (Criminal Code, section 146.) **Misprision of felony.**—Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than $500, or imprisoned not more than three years, or both. (R. S. § 5390; Mar. 4, 1909, c. 321, § 146, 35 Stat. 1114.)

Chapter 7.—OFFENSES AGAINST CURRENCY, COINAGE, ETC.

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Section 261. (Criminal Code, section 147.) "Obligation or other security of the United States" defined.—The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national bank currency, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, which have been or may be issued under any Act of Congress. (R. S. § 5413; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320; Feb. 27, 1877, c. 69, 19 Stat. 253; Feb. 28, 1878, c. 20, § 3, 20 Stat. 26; Mar. 4, 1909, c. 321, § 147, 35 Stat. 1115.)

262. (Criminal Code, section 148.) **Counterfeiting securities.**—Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than $5,000 and im-

prisoned not more than fifteen years. (R. S. § 5414; Mar. 4, 1909, c. 321, § 148, 35 Stat. 1115.)

263. (Criminal Code, section 149.) Counterfeiting national bank notes.—Whoever shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering, any such circulating notes, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be fined not more than $1,000 and imprisoned not more than fifteen years. (R. S. § 5415; Mar. 4, 1909, c. 321, § 149, 35 Stat. 1115.)

264. (Criminal Code, section 150.) Using plates to print notes without authority; distinctive paper.—Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing; any obligation or other security of the United States, shall use such plate, stone, or other thing, or any part thereof, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or whoever by any way, art, or means shall make or execute, or cause or procure to be made or executed, or shall assist in making or executing any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or whoever shall sell any such plate, stone, or other thing, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or whoever shall have in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or whoever shall have in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or whoever shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, made, or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or shall sell any such engraving, photograph, print, or impression, except to the United States, or shall bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States; or whoever shall have or retain in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be fined not more than $5,000, or imprisoned not more than fifteen years, or both. (R. S. § 5430; Mar. 4, 1909, c. 321, § 150, 35 Stat. 1116.)

265. (Criminal Code, section 151.) Uttering forged obligations.—Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like intent, any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than $5,000 and imprisoned not more than fifteen years. (R. S. § 5431; Mar. 4, 1909, c. 321, § 151, 35 Stat. 1116.)

266. (Criminal Code, section 152.) Taking impressions of tools or implements.—Whoever, without authority from the United States, shall take, procure, or make, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bedplate, bed piece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any kind or description of obligation or other security of the United States now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (R. S. § 5432; Mar. 4, 1909, c. 321, § 152, 35 Stat. 1117.)

267. (Criminal Code, section 153.) Unlawful possession of impressions.—Whoever, with intent to defraud, shall have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or whoever, with intent to defraud, shall sell, give, or deliver any such imprint, stamp, or impression to any other person, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (R. S. § 5433; Mar. 4, 1909, c. 321, § 153, 35 Stat. 1117.)

268. (Criminal Code, section 154.) Dealing in counterfeit securities.—Whoever shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any Act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (R. S. § 5434; Mar. 4, 1909, c. 321, § 154, 35 Stat. 1117.)

269. (Criminal Code, section 155.) Secreting or embezzling tools and materials for printing securities.—Whoever, without authority from the United States, shall secrete within, embezzle, or take and carry away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bed piece, bedplate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be

used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not, shall be fined not more than $5,000, or imprisoned not more than ten years, or both. (R. S. § 5453; Mar. 4, 1909, c. 321, § 155, 35 Stat. 1117.)

270. (Criminal Code, section 156.) **Counterfeiting foreign securities.**—Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government; or whoever shall cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid or assist in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall be fined not more than $5,000 and imprisoned not more than five years. (May 16, 1884, c. 52, § 1, 23 Stat. 22; Mar. 4, 1909, c. 321, § 156, 35 Stat. 1117.)

271. (Criminal Code, section 157.) **Uttering counterfeit foreign securities.**—Whoever, within the United States or any place subject to the jurisdiction thereof, knowingly and with intent to defraud, shall utter, pass, or put off, in payment or negotiation, any false, forged, or counterfeited bond, certificate, obligation, security, treasury note, bill, or promise to pay, mentioned in section 270 of this title, whether the same was made, altered, forged, or counterfeited within the United States or not, shall be fined not more than $3,000 and imprisoned not more than three years. (May 16, 1884, c. 52, § 2, 23 Stat. 23; Mar. 4, 1909, c. 321, § 157, 35 Stat. 1118.)

272. (Criminal Code, section 158.) **Counterfeiting notes of foreign banks.**—Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit, or cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting of any bank note or bill issued by a bank or corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall be fined not more than $2,000 and imprisoned not more than two years. (May 16, 1884, c. 52, § 3, 23 Stat. 23; Mar. 4, 1909, c. 321, § 158, 35 Stat. 1118.)

273. (Criminal Code, section 159.) **Uttering counterfeit notes of foreign banks.**—Whoever, within the United States or any place subject to the jurisdiction thereof, shall utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, mentioned in section 272 of this title, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, forged, altered, or counterfeited within the United States or not, shall be fined not more than $1,000 and imprisoned not more than one year. (May 16, 1884, c. 52, § 4, 23 Stat. 23; Mar. 4, 1909, c. 321, § 159, 35 Stat. 1118.)

274. (Criminal Code, section 160.) **Possession of counterfeit foreign securities.**—Whoever, within the United States or any place subject to the jurisdiction thereof, shall have in his possession any false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or shall knowingly deliver the same to any other person with such intent, shall be fined not more than $1,000 and imprisoned not more than one year. (May 16, 1884, c. 52, § 5, 23 Stat. 23; Mar. 4, 1909, c. 321, § 160, 35 Stat. 1118.)

275. (Criminal Code, section 161.) **Possession of counterfeit plates of foreign securities.**—Whoever, within the United States or any place subject to the jurisdiction thereof, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving, any plate, stone, or other thing in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States or any place subject to the jurisdiction thereof any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (May 16, 1884, c. 52, § 6, 23 Stat. 23; Mar. 4, 1909, c. 321, § 161, 35 Stat. 1118.)

276. (Criminal Code, section 162.) **Connecting parts of different bills.**—Whoever shall so place or connect together different parts of two or more notes, bills, or other genuine instruments issued under the authority of the United States, or by any foreign government, or corporation, as to produce one instrument, with intent to defraud, shall be deemed guilty of forgery in the same manner as if the parts so put together were falsely made or forged, and shall be fined not more than $1,000, or imprisoned not more than five years, or both. (Mar. 4, 1909, c. 321, § 162, 35 Stat. 1119.)

277. (Criminal Code, section 163.) **Counterfeiting gold or silver coins or bars.**—Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay

offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any person or persons whomsoever, or shall have in his possession any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, with intent to defraud any body politic or corporate, or any person or persons whomsoever, shall be fined not more than $5,000 and imprisoned not more than ten years. (R. S. § 5457; Jan. 16, 1877, c. 24, 19 Stat. 223; Mar. 4, 1909, c. 321, § 163, 35 Stat. 1119.)

278. **(Criminal Code, section 164.) Counterfeiting minor coins.**—Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin in the resemblance or similitude of any of the minor coins which have been, or hereafter may be, coined at the mints of the United States; or whoever shall pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited coin, with intent to defraud any person whomsoever, shall be fined not more than $1,000 and imprisoned not more than three years. (R. S. § 5458; Mar. 4, 1909, c. 321, § 164, 35 Stat. 1119.)

279. **(Criminal Code, section 165.) Falsifying, mutilating, or lightening coins.**—Whoever, fraudulently, by any art, way, or means, shall deface, mutilate, impair, diminish, falsify, scale, or lighten, or cause or procure to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aid or assist in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening, the gold or silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States or in any place subject to the jurisdiction thereof; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, or shall have in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, shall be fined not more than $2,000 and imprisoned not more than five years. (R. S. § 5459; Mar. 3, 1897, c. 377, 29 Stat. 625; Mar. 4, 1909, c. 321, § 165, 35 Stat. 1119.)

280. **(Criminal Code, section 166.) Debasing coins by officers or employees of the Mint.**—If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to law, or if any of the scales or weights used at any of the mints or assay offices of the United States shall be defaced, altered, increased, or diminished through the fault or connivance of any officer or person employed at the said mints or assay offices, with a fraudulent intent; or if any such officer or person shall embezzle any of the metals at any time committed to his charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay offices at any time committed to his charge, or of which he may have assumed the charge, every such officer or person who commits any of the said offenses shall be fined not more than $10,000 and imprisoned not more than ten years. (R. S. § 5460; Mar. 4, 1909, c. 321, § 166, 35 Stat. 1120.)

281. **(Criminal Code, section 167.) Making or uttering coins resembling money.**—Whoever, except as authorized by law, shall make or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined not more than $3,000, or imprisoned not more than five years, or both. (R. S. § 5461; Mar. 4, 1909, c. 321, § 167, 35 Stat. 1120.)

282. **(Criminal Code, section 168.) Making or uttering devices of minor coins.**—Whoever, not lawfully authorized, shall make, issue, or pass, or cause to be made, issued, or passed, any coin, card, token, or device in metal, or its compounds, which may be intended to be used as money for any 1-cent, 2-cent, 3-cent, or 5-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be fined not more than $1,000 and imprisoned not more than five years. (R. S. § 5462; Mar. 4, 1909, c. 321, § 168, 35 Stat. 1120.)

283. **(Criminal Code, section 169.) Counterfeiting dies for United States coins.**—Whoever, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or plaster, or any other substance whatsoever, in likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining or making of any of the genuine gold, silver, nickel, bronze, copper, or other coins of the United States, that have been or hereafter may be coined at the mints of the United States; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall permit the same to be used for or in aid of the counterfeiting of any of the coins of the United States hereinbefore mentioned, shall be fined not more than $5,000 and imprisoned not more than ten years. (Feb. 10, 1891, c. 127, § 1, 26 Stat. 742; Mar. 4, 1909, c. 321, § 169, 35 Stat. 1120.)

284. **(Criminal Code, section 170.) Counterfeiting dies for foreign coins.**—Whoever, within the United States or any place subject to the jurisdiction thereof, without lowful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining of the genuine coin of any foreign government; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall conceal, or knowingly suffer the same to be used for the counterfeiting of any foreign coin, shall be fined not more than $2,000, or imprisoned not more than five years, or both. (Feb. 10, 1891, c. 127, § 2, 26 Stat. 742; Mar. 4, 1909, c. 321, § 170, 35 Stat. 1120.)

285. **(Criminal Code, section 171, amended.) Making, importing, or possessing tokens similar to United States or foreign coins.**—Whoever within the United States or any place subject to the jurisdiction thereof shall make, or cause or procure to be made, or shall bring therein from any foreign country, or shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or

similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country that have been or may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall be fined not more than $100. But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same. (Feb. 10, 1891, c. 127, § 3, 26 Stat. 742; Mar. 3, 1903, c. 1015, 32 Stat. 1223; Mar. 4, 1909, c. 321, § 171, 35 Stat. 1121; Feb. 15, 1912, c. 38, 37 Stat. 64.)

286. (Criminal Code, section 172.) Forfeiture of counterfeit obligations, etc.; failing to deliver.—All counterfeits of any obligation or other security of the United States or of any foreign government, or counterfeits of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any such counterfeit obligation or other security or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such counterfeits, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department, shall be fined not more than $100, or imprisoned not more than one year, or both. (Feb. 10, 1891, c. 127, § 4, 26 Stat. 742; Mar. 4, 1909, c. 321, § 172, 35 Stat. 1121.)

287. (Criminal Code, section 173.) Search warrant for suspected counterfeits; forfeiture.—The several judges of courts established under the laws of the United States and United States commissioners may, upon proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money, or the manufacture or concealment of counterfeit obligations or coins of the United States or of any foreign government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign government, or of any political division of any foreign government, is being carried on or practiced, and there search for any such counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and if any such be found, to seize and secure the same and to make return thereof to the proper authority; and all such counterfeit money, coins, dies, hubs, molds, plates, and other things, and all such counterfeit obligations so seized shall be forfeited to the United States. (Feb. 10, 1891, c. 127, § 5, 26 Stat. 743; Mar. 4, 1909, c. 321, § 173, 35 Stat. 1121.)

288. "Foreign government" defined.—The words "foreign government," as used in sections 270, 271, 275, and 284 to 287 of this title, shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government. (June 15, 1917, c. 30, Title VIII, § 4, 40 Stat. 226.)

289. (Criminal Code, section 174.) Circulating bills of expired banks; circulation permitted.—In all cases where the charter of any corporation which has been or may be created by Act of Congress has expired or may expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, reissue, or utter as money, or in any other way knowingly put in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person shall knowingly aid in any such act, he shall be fined not more than $10,000, or imprisoned not more than five years, or both. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same. (R. S. § 5437; Mar. 4, 1909, c. 321, § 174, 35 Stat. 1122.)

290. (Criminal Code, section 175.) Imitating national bank notes with advertisements thereon.—It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under any Act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security, any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than $100, or imprisoned not more than six months, or both. (R. S. § 5188; Mar. 4, 1909, c. 321, § 175, 35 Stat. 1122.)

291. (Criminal Code, section 176.) Mutilating national bank notes.—Whoever shall mutilate, cut, deface, disfigure, or perforate with holes, or unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any national banking association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall be fined not more than $100, or imprisoned not more than six months, or both. (R. S. § 5189; Mar. 4, 1909, c. 321, § 176, 35 Stat. 1122.)

292. (Criminal Code, section 177.) Imitating securities or printing advertisements thereon.—It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, gold certificate, silver certificate, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any Act of Congress heretofore passed or which may hereafter be passed; or to write, print, or otherwise impress upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any pro-

vision of this section shall be fined not more than $500. (R. S. § 3708; Mar. 4, 1909, c. 321, § 177, 35 Stat. 1122.)

293. (Criminal Code, section 178.) Issuing notes less than $1.—No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than $1, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than $500, or imprisoned not more than six months, or both. (R. S. § 3583; Mar. 4, 1909, c. 321, § 178, 35 Stat. 1122.)

Chapter 8.—OFFENSES AGAINST POSTAL SERVICE.

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Section 301. (Criminal Code, section 231.) Definition.—The words "postal service," wherever used in this chapter, shall be held and deemed to include the "Post Office Department." (Mar. 4, 1909, c. 321, § 231, 35 Stat. 1134.)

302. (Criminal Code, section 179.) Conducting post office without authority.—Whoever, without authority from the Postmaster General, shall set up or profess to keep any office or place of business bearing the sign, name, or title of post office, shall be fined not more than $500. (R. S. § 3829; Mar. 4, 1909, c. 321, § 179, 35 Stat. 1123.)

303. (Criminal Code, section 180.) Illegal carrying of mail by officials.—Whoever, being concerned in carrying the mail, shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall be fined not more than $50, or imprisoned not more than thirty days, or both. (R. S. § 3981; Mar. 4, 1909, c. 321, § 180, 35 Stat. 1123.)

304. (Criminal Code, section 181.) Conveying mail by private express; delivery to post office allowed.—Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be fined not more than $500, or imprisoned not more than six months, or both. Nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post office, postal car, or other authorized depository for mail matter, any mail matter properly stamped. (R. S. § 3982; Mar. 3, 1879, c. 180, § 1, 20 Stat. 356; Mar. 4, 1909, c. 321, § 181, 35 Stat. 1123.)

305. (Criminal Code, section 182.) Transporting persons unlawfully conveying mail.—Whoever, being the owner, driver, conductor, master or other person having charge of any stagecoach, railway car, steamboat, or other vehicle or vessel, shall knowingly convey or knowingly permit the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to law, shall be fined not more than $150. (R. S. § 3983; Mar. 4, 1909, c. 321, § 182, 35 Stat. 1124.)

306. (Criminal Code, section 183.) Sending letters by private express.—Whoever shall transmit by private express or other unlawful means, or deliver to any agent thereof, or deposit or cause to be deposited at any appointed place, for the purpose of being so transmitted, any letter or packet, shall be fined not more than $50. (R. S. § 3984; Mar. 4, 1909, c. 321, § 183, 35 Stat. 1124.)

307. (Criminal Code, section 184.) Carrying letters out of the mail over post routes.—Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or conveyance of any kind which regularly performs trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, to the current business of the carrier, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, except as otherwise provided by law, shall be fined not more than $50. (R. S. § 3985; Mar. 4, 1909, c. 321, § 184, 35 Stat. 1124.)

308. (Criminal Code, section 185.) Carrying letters out of the mail on vessels.—Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than $50, or imprisoned not more than one month, or both. (R. S. § 3986; Mar. 4, 1909, c. 321, § 185, 35 Stat. 1124.)

309. (Criminal Code, section 186.) When conveyance by private persons is lawful.—Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or pockets by private hands without compensation, or by special messenger employed for the particular occasion only. (R. S. § 3992; Mar. 4, 1909, c. 321. § 186, 35 Stat. 1124.)

310. (Criminal Code, section 187.) Wearing carrier's uniform without authority.—Whoever, not being connected with the letter-carrier branch of the Postal Service, shall wear the uniform or badge which may be prescribed by the Postmaster General, to be worn by letter carriers, shall be fined not more than $100, or imprisoned not more than six months, or both. (R. S. § 3867; Mar. 4, 1909, c. 321, § 187, 35 Stat. 1124.)

311. (Criminal Code, section 188.) Vehicles claiming to be mail carriers.—It shall be unlawful to paint, print, or in any manner to place upon or attach to any steamboat or other vessel, or any car, stagecoach, vehicle, or other conveyance, not actually used in carrying the mail, the words "United States Mail," or any words, letters, or characters of like import; or to give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any car, stagecoach, vehicle, or other conveyance, is used in carrying the mail, when the same is not actually so used; and every person who shall violate, and every owner, receiver, lessee, or managing operator thereof, who shall cause, suffer, or permit the violation of any provision of this section, shall be liable, and shall be fined not more than $1,000, or imprisoned not more than two years, or both. (R. S. § 3979; Mar. 4, 1909, c. 321, § 188, 35 Stat. 1124.)

312. (Criminal Code, section 189.) Injuring mail bags.—Whoever shall tear, cut, or otherwise injure any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or shall draw or break any staple or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be fined not more than $500, or imprisoned not more than three years, or both. (R. S. § 5476; Mar. 4, 1909, c. 321, § 189, 35 Stat. 1124.)

313. (Criminal Code, section 190.) Stealing post-office property.—Whoever shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the Post Office Department, or shall appropriate any such property to his own or any other than its proper use, or shall convey away any such property to the hindrance or detriment of the public service, shall be fined not more than $200, or imprisoned not more than three years, or both. (R. S. § 5475; Mar. 4, 1909, c. 321, § 190, 35 Stat. 1124.)

314. (Criminal Code, section 191.) Stealing or forging mail locks or keys.—Whoever shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the Post Office Department and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or whoever shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, any such key, or shall have in his possession any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, shall deliver or cause to be delivered, any finished or unfinished lock or key used or designed for use by the department, or the interior part of any such lock, to any person not duly authorized under the hand of the Postmaster General and the seal of the Post Office Department, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be fined not more than $500 and imprisoned not more than ten years. (R. S. § 5477; Mar. 4, 1909, c. 321, § 191, 35 Stat. 1125.)

315. (Criminal Code, section 192.) Breaking into and entering post office.—Whoever shall forcibly break into or attempt to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building, or part thereof, so used, any larceny or other depredation, shall be fined not more than $1,000 and imprisoned not more than five years. (R. S. § 5478; Mar. 4, 1909, c. 321, § 192, 35 Stat. 1125.)

316. (Criminal Code, section 193.) Unlawfully entering post-office car.—Whoever, by violence, shall enter a post-office car, or any apartment in any car, steamboat, or vessel, assigned to the use of the mail service, or shall willfully or maliciously assault or interfere with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, or shall willfully aid or assist therein, shall be fined not more than $1,000, or imprisoned not more than three years, or both. (Mar. 3, 1903, c. 1009, § 5, 32 Stat. 1176; Mar. 4, 1909, c. 321, § 193, 35 Stat. 1125.)

317. (Criminal Code, section 194, amended.) Stealing, secreting, or embezzling mail matter.—Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than $2,000, or imprisoned not more than five years, or both. (R. S. §§ 3892, 5469, 5470; Mar. 4, 1909, c. 321, § 194, 35 Stat. 1125; Feb. 25, 1925, c. 318, 43 Stat. 977.)

318. (Criminal Code, section 195.) Postmaster or employee detaining, destroying, or embezzling mail matter.—Whoever, being a postmaster or other person employed in any department of the Postal Service, shall unlawfully detain, delay, or open any letter, postal card, package, bag or mail intrusted to him or which shall come into his possession, and which was in-

tended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General; or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail; or shall steal, abstract, or remove from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $500, or imprisoned not more than five years, or both. (R. S. §§ 3890, 3891, 5467; Mar. 4, 1909, c. 321, § 195, 35 Stat. 1125.)

319. (Criminal Code, section 196.) Detaining or destroying newspapers.—Whoever, being a postmaster or other person employed in any department of the Postal Service, shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed; or whoever shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same; or whoever shall take or steal any mail or package of newspapers from any post office or from any person having custody thereof, shall be fined not more than $100, or imprisoned not more than one year, or both. (R. S. § 5471; Mar. 4, 1909, c. 321, § 196, 35 Stat. 1126.)

320. (Criminal Code, section 197.) Assaulting mail custodian and robbing mail; wounding custodian.—Whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter or any part thereof, or shall rob any such person of such mail or any part thereof, shall, for a first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years. (R. S. §§ 5472, 5473; Mar. 4, 1909, c. 321, § 197, 35 Stat. 1126.)

321. (Criminal Code, section 198, amended.) Injury to letter boxes.—Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years. (R. S. §§ 3869, 5466; Apr. 21, 1902, c. 563, § 1, 32 Stat. 113; Mar. 3, 1903, c. 1009, § 3, 32 Stat. 1175; Mar. 4, 1909, c. 321, § 198, 35 Stat. 1126; May 18, 1916, c. 126, § 10, 39 Stat. 162; July 28, 1916, c. 261, § 1, 39 Stat. 418.)

322. (Criminal Code, section 199.) Deserting the mail.—Whoever, having taken charge of any mail, shall voluntarily quit or desert the same before he has delivered it into the post office at the termination of the route, or to some known mail carrier, messenger, agent, or other employee in the Postal Service authorized to receive the same, shall be fined not more than $500, or imprisoned not more than one year, or both. (R. S. § 5474; Mar. 4, 1909, c. 321, § 199, 35 Stat. 1126.)

323. (Criminal Code, section 200.) Delivery of letters by master of vessel.—The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the United States, arriving at any such port or place where there is a post office, shall deliver to the postmaster or at the post office, within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or package so delivered, unless the same is carried under a contract for carrying the mail; and for every failure so to deliver such letters or packages, the master or other person having charge or control of such steamboat or other vessel, shall be fined not more than $150. (R. S. § 3977; Mar. 4, 1909, c. 321, § 200, 35 Stat. 1126.)

324. (Criminal Code, section 201.) Obstructing the mail.—Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than $100, or imprisoned not more than six months, or both. (R. S. § 3995; Mar. 4, 1909, c. 321, § 201, 35 Stat. 1127.)

325. (Criminal Code, section 202.) Ferryman delaying mail.—Whoever, being a ferryman, shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry, shall be fined not more than $100. (R. S. § 3996; Mar. 4, 1909, c. 321, § 202, 35 Stat. 1127.)

326. (Criminal Code, section 203.) Letters carried in foreign vessel to be deposited in post office; failure.—All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post office by the master or other person having charge or control of such vessel when arriving, and be taken from the United States post office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country, over or across the United States, or any portion thereof, the party offending shall be fined not more than $1,000. (R. S. § 4016; Mar. 4, 1909, c. 321, § 203, 35 Stat. 1127.)

327. (Criminal Code, section 204.) Vessels to deliver letters at post office before entry; oath; failure.—No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master ———, of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at ——— every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than $100. (R. S. § 3988; Mar. 4, 1909, c. 321, § 204, 35 Stat. 1127.)

328. (Criminal Code, section 205.) Using canceled stamps.—Whoever shall use or attempt to use in payment of

postage, any canceled postage stamp, whether the same has been used or not; or shall remove, attempt to remove, or assist in removing, the canceling or defacing marks from any postage stamp, or the superscription from any stamped envelope, or postal card, that has once been used in payment of postage, with the intent to use the same for a like purpose, or to sell or offer to sell the same, or shall knowingly have in possession any such postage stamp, stamped envelope, or postal card, with intent to use the same, or shall knowingly sell or offer to sell any such postage stamp, stamped envelope, or postal card, or use or attempt to use the same in payment of postage; or whoever unlawfully and willfully shall remove from any mail matter any stamp attached thereto in payment of postage; or shall knowingly use or cause to be used in payment of postage, any postage stamp, postal card, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose; shall, if he be a person employed in the Postal Service, be fined not more than $500, or imprisoned not more than three years, or both; and if he be a person not employed in the Postal Service, shall be fined not more than $500, or imprisoned not more than one year, or both. (R. S. §§ 3922–3925; Mar. 3, 1879, c. 180, § 28, 20 Stat. 362; Mar. 4, 1909, c. 321, § 205, 35 Stat. 1127.)

329. (Criminal Code, section 206.) False returns to increase compensation.—Whoever, being a postmaster or other person employed in any branch of the Postal Service, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post Office Department to be kept in respect of the business or operations of any post office or other branch of the Postal Service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post office; or whoever, being a postmaster or other person employed in any post office or station thereof, shall induce, or attempt to induce, for the purpose of increasing the emoluments or compensation of his office, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post office, shall be fined not more than $500, or imprisoned not more than two years, or both. (June 17, 1878, c. 259, § 1, 20 Stat. 141; Aug. 4, 1886, c. 901, § 3, 24 Stat. 221; Mar. 4, 1909, c. 321, § 206, 35 Stat. 1128.)

330. (Criminal Code, section 207.) Collecting unlawful postage.—Whoever, being a postmaster or other person authorized to receive the postage of mail matter, shall fraudulently demand or receive any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter, shall be fined not more than $100, or imprisoned not more than six months, or both. (R. S. § 3899; Mar. 4, 1909, c. 321, § 207, 35 Stat. 1128.)

331. (Criminal Code, section 208.) Unlawful pledging or sale of stamps; inducing purchases to increase pay.—Whoever, being a postmaster or other person employed in any branch of the Postal Service, and being intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts, or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash; or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post Office Department for like quantities; or sell or dispose of, or cause to be sold or disposed of, postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such postmaster or other person is employed; or induce or attempt to induce, for the purpose of increasing the emoluments or compensation of such postmaster, or the emoluments or compensation of any other person employed in such post office or any station thereof, or the allowances or facilities provided therefor, any person to purchase at such post office or any station thereof, or from any employee of such post office, postage stamps, stamped envelopes, or postal cards; or sell or dispose of postage stamps, stamped envelopes, or postal cards, otherwise than as provided by law or the regulations of the Post Office Department, shall be fined not more than $500, or imprisoned not more than one year, or both. (R. S. § 3920; June 17, 1878, c. 259, § 1, 20 Stat. 141; Mar. 4, 1909, c. 321, § 208, 35 Stat. 1128.)

332. (Criminal Code, section 209.) Failing to account for postage due.—Whoever, being a postmaster or other person engaged in the Postal Service, shall collect and fail to account for the postage due upon any article of mail matter which he may deliver, without having previously affixed and canceled the special stamp provided by law, or shall fail to affix such stamp, shall be fined not more than $50. (Mar. 3, 1879, c. 180, § 27, 20 Stat. 362; Mar. 4, 1909, c. 321, § 209, 35 Stat. 1128.)

333. (Criminal Code, section 210.) Issuing unpaid-for money orders.—Whoever, being a postmaster or other person employed in any branch of the Postal Service, shall issue a money order without having previously received the money therefor, shall be fined not more than $500. (R. S. § 4030; Mar. 4, 1909, c. 321, § 210, 35 Stat. 1129.)

334. (Criminal Code, section 211, amended.) Mailing obscene matter.—Every obscene, lewd, or lascivious, and every filthy, book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed; and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can, be used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose; and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000, or imprisoned not more than five years, or both. The term "indecent" within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination. (R. S. § 3893; July 12, 1876, c. 186,

§ 1, 19 Stat. 90; Sept. 26, 1888, c. 1039, § 2, 25 Stat. 496; May 27, 1908, c. 206, 35 Stat. 416; Mar. 4, 1909, c. 321, § 211, 35 Stat. 1129; Mar. 4, 1911, c. 241, § 2, 36 Stat. 1339.)

335. (Criminal Code, section 212.) Mailing libelous and indecent matter on wrappers or envelopes.—All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, may be written or printed or otherwise impressed or apparent, are hereby declared nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe. Whoever shall knowingly deposit or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or shall knowingly take the same or cause the same to be taken from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (June 18, 1888, c. 394, § 2, 25 Stat. 187; Sept. 26, 1888, c. 1039, § 1, 25 Stat. 496; Mar. 4, 1909, c. 321, § 212, 35 Stat. 1129.)

336. (Criminal Code, section 213.) Lottery, or gift enterprise circulars not mailable; place of trial.—No letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. (R. S. § 3894; July 12, 1876, c. 186, § 2, 19 Stat. 90; Sept. 19, 1890, c. 908, § 1, 26 Stat. 465; Mar. 2, 1895, c. 191, 28 Stat. 963; Mar. 4, 1909, c. 321, § 213, 35 Stat. 1129.)

337. (Criminal Code, section 214.) Official acting as lottery agent.—Whoever, being a postmaster or other person employed in the Postal Service, shall act as agent for any lottery office, or under color of purchase or otherwise, vend lottery tickets, or shall knowingly send by mail or deliver any letter, package, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than $100, or imprisoned not more than one year, or both. (R. S. § 3851; Mar. 4, 1909, c. 321, § 214, 35 Stat. 1130.)

338. (Criminal Code, section 215.) Using mails to promote frauds; counterfeit money.—Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the "sawdust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than $1,000, or imprisoned not more than five years, or both. (R. S. § 5480; Mar. 2, 1889, c. 393, § 1, 25 Stat. 873; Mar. 4, 1909, c. 321, § 215, 35 Stat. 1130.)

339. (Criminal Code, section 216.) Using fraudulent fictitious address.—Whoever, for the purpose of conducting, promoting, or carrying on, in any manner, by means of the post office establishment of the United States, any scheme or device mentioned in the section last preceding or any other unlawful business whatsoever, shall use or assume, or request to be addressed by, any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post office of the United States, or station thereof, or any other authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be punished as provided in section 338 of this title. (Mar. 2, 1889, c. 393, § 2, 25 Stat. 873; Mar. 4, 1909, c. 321, § 216, 35 Stat. 1131.)

340. (Criminal Code, section 217, amended.) Poisons or explosives not mailable; packing permitted; intoxicating liquors; mailing; injurious intent.—All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or

explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, are hereby declared to be nonmailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both. (Mar. 4, 1909, c. 321, § 217, 35 Stat. 1131; May 25, 1920, c. 196, 41 Stat. 620.)

341. Use of mails for advertisements of intoxicating liquors in prohibition States.—No letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States, or the District of Columbia, at which it is by the law in force in the State or Territory or the District of Columbia at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively. If the publisher of any newspaper or other publication or the agent of such publisher, or if any dealer in such liquors or his agent, shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. The Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of States in which it is unlawful to advertise or solicit orders for such liquors. (Mar. 3, 1917, c. 162, § 5, 39 Stat. 1069; Mar. 4, 1917, c. 192, 39 Stat. 1202; Feb. 24, 1919, c. 18, § 1407, 40 Stat. 1151.)

342. Same; ethyl alcohol for governmental purposes; wine for sacramental purposes.—Section 341 of this title shall not be construed to apply to ethyl alcohol for governmental, scientific, medicinal, mechanical, manufacturing, and industrial purposes, and the Postmaster General shall prescribe suitable rules and regulations to carry into effect this section and section 341, nor shall said sections be held to prohibit the use of the mails by regularly ordained ministers of religion, or by officers of regularly established churches, for ordering wines for sacramental uses, or by manufacturers and dealers for quoting and billing such wines for such purposes only. (Oct. 3, 1917, c. 63, § 1110, 40 Stat. 329.)

343. Certain letters or writings nonmailable; opening letters.—Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of sections 25, 27, 31 to 38, inclusive, 288, 381, 502, 611 to 633, inclusive, of this title, sections 213, 221 to 223, inclusive, 231 to 235, inclusive, and 238 to 245, inclusive, of Title 22, and sections 31 to 42 and 191 to 194 of Title 50 is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier; but no person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, shall be authorized to open any letter not addressed to himself. (June 15, 1917, c. 30, Title XII, § 1, 40 Stat. 230.)

344. Letters or writings advocating treason declared nonmailable.—Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable. (June 15, 1917, c. 30, Title XII, § 2, 40 Stat. 230.)

345. Using or attempting to use mails for transmission of matter declared nonmailable by title; jurisdiction of offense.—Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by sections 343 and 344 of this title to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than five years, or both. Any person violating any provision of said sections may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. (June 15, 1917, c. 30, Title XII, § 3, 40 Stat. 230.)

Cross reference: Jurisdiction of offenses under this section, see section 574 of this title.

346. United States defined.—The term "United States," as used in sections 343 to 345 of this title, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

347. (Criminal Code, section 218.) Counterfeiting money orders.—Whoever, with intent to defraud, shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or shall willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money order issued by the Post Office Department, or by any postmaster or agent thereof; or whoever

shall forge or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon; or shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money order or postal note; or shall, with intent to defraud, pass, utter, or publish any such forged or altered money order or postal note, knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or shall issue any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer, employee, or agent thereof, any sum of money whatever; or shall, with intent to defraud the United States, or any person, transmit or present to, or cause or procure to be transmitted or presented to, any officer or employee, or at any office of the Government of the United States, any money order or postal note, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (R. S. § 5463; Jan. 3, 1887, c. 13, § 3, 24 Stat. 355; June 18, 1888, c. 394, § 2, 25 Stat. 187; Mar. 4, 1909, c. 321, § 218, 35 Stat. 1131.)

348. (Criminal Code, section 219.) Counterfeiting postage stamps.—Whoever shall forge or counterfeit any postage stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving therefor; or shall make or print, or knowingly use or sell, or have in possession with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; or shall make, or knowingly use or sell, or have in possession with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or shall make or print, or authorize or procure to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, without the special authority and direction of said department; or shall, after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, deliver the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department, to receive it, shall be fined not more than $500, or imprisoned not more than five years, or both. (R. S. § 5464; Mar. 4, 1909, c. 321, § 219, 35 Stat. 1132.)

349. (Criminal Code, section 220.) Counterfeiting foreign stamps.—Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp of any foreign government, shall be fined not more than $500, or imprisoned not more than five years, or both.

The words "foreign government," as used in this section shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government. (R. S. § 5465; Mar. 4, 1909, c. 321, § 220, 35 Stat. 1132; June 15, 1917, c. 30, Title VIII, § 4, 40 Stat. 226.)

350. Printing and publishing of illustrations in black and white of foreign postage or revenue stamps from defaced plates and illustrations in black and white of portions of United States stamps allowed.—Nothing in sections 275, 286, and 349 of this title, shall be construed to forbid or prevent the printing or publishing of illustrations in black and white of foreign postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums. Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated. (Mar. 3, 1923, c. 218, 42 Stat. 1437.)

351. (Criminal Code, section 221.) Inclosing higher in lower class matter.—Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster General such postage shall be remitted. Whoever shall knowingly conceal or inclose any matter of a higher class in that of a lower class, and deposit or cause the same to be deposited for conveyance by mail, at a less rate than would be charged for such higher class matter, shall be fined not more than $100. (R. S. § 3887; Jan. 20, 1888, c. 2, § 2, 25 Stat. 2; Mar. 4, 1909, c. 321, § 221, 35 Stat. 1132.)

352. (Criminal Code, section 222.) Illegally approving bond.—Whoever, being a postmaster, shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster; and shall also be fined not more than $5,000, or imprisoned not more than one year, or both. (R. S. § 3947; June 23, 1874, c. 456, § 12, 18 Stat. 235; Mar. 4, 1909, c. 321, § 222, 35 Stat. 1133.)

353. (Criminal Code, section 223.) Submitting false evidence as to second-class matter.—Whoever shall knowingly submit or cause to be submitted to any postmaster or to the Post Office Department or any officer of the Postal Service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be fined not more than $500. (Mar. 3, 1879, c. 180, § 13, 20 Stat. 359; June 18, 1888, c. 394, § 1, 25 Stat. 187; Mar. 2, 1905, c. 1304, 33 Stat. 823; Mar. 4, 1909, c. 321, § 223, 35 Stat. 1133.)

354. (Criminal Code, section 224.) Inducing or prosecuting false claims for losses.—Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting, any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding

to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, or misstate, or, for the purpose aforesaid shall knowingly and willfully conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than $500, or imprisoned not more than one year, or both. (Mar. 4, 1909, c. 321, § 224, 35 Stat. 1133.)

355. (Criminal Code, section 225.) Misappropriating postal funds; prima facie evidence; deposits permitted.—Whoever, being a postmaster or other person employed in or connected with any branch of the Postal Service, shall loan, use, pledge, hypothecate, or convert to his own use, or shall deposit in any bank, or exchange for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner whatever, in the execution or under control of his office, employment, or service, whether the same shall be the money or property of the United States or not; or shall fail or refuse to remit to or deposit in the Treasury of the United States or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required so to do by law or the regulations of the Post Office Department, or upon demand or order of the Postmaster General, either directly or through a duly authorized officer or agent, shall be deemed guilty of embezzlement; and every such person, as well as every other person advising or knowingly participating therein, shall be fined in a sum equal to the amount or value of the money or property embezzled, or imprisoned not more than ten years, or both. Any failure to produce or to pay over any such money or property, when required so to do as above provided, shall be taken to be prima facie evidence of such embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the account books of the General Accounting Office. But nothing herein shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster General, for the purpose of remitting surplus funds from one post office to another. (R. S. §§ 4046, 4053; Mar. 4, 1909, c. 321, § 225, 35 Stat. 1133; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

356. (Criminal Code, section 226.) Employees interested in mail contracts.—Whoever, being a person employed in the Postal Service, shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the department, shall be immediately dismissed from office, and shall be fined not more than $5,000, or imprisoned not more than one year, or both. (R. S. § 412; Mar. 4, 1909, c. 321, § 226, 35 Stat. 1134.)

357. (Criminal Code, section 227.) Fraudulent use of official envelopes.—Whoever shall make use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than $300. (Mar. 3, 1877, c. 103, § 5, 19 Stat. 335; Mar. 3, 1879, c. 180, § 29, 20 Stat. 362; July 5, 1884, c. 234, § 3, 23 Stat. 158; July 2, 1886, c. 611, 24 Stat. 122; Mar. 4, 1909, c. 321, § 227, 35 Stat. 1134.)

358. (Criminal Code, section 228.) Fraudulently increasing weight of mail.—Whoever shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mail, with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail may pass, shall be fined not more than $20,000, or imprisoned not more than five years, or both. (June 13, 1898, c. 446, § 1, 30 Stat. 442; Mar. 4, 1909, c. 321, § 228, 35 Stat. 1134.)

359. (Criminal Code, section 229.) Offenses against foreign mail in transit; indictments.—Every foreign mail, shall, while being transported across the territory of the United States under authority of law, be taken and deemed to be a mail of the United States so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment or information for any such offense, the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment or information it shall be deemed and held to be, a mail or part of a mail of the United States. (R. S. § 4013; Mar. 4, 1909, c. 321, § 229, 35 Stat. 1134.)

360. (Criminal Code, section 230.) Omission to take oath.—Every person employed in the Postal Service shall be subject to all penalties and forfeitures for the violation of the laws relating to such service, whether he has taken the oath of office or not. (R. S. § 3832; Mar. 4, 1909, c. 321, § 230, 35 Stat. 1134.)

Chapter 9.—OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE.

Sec.
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Sec.
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411. Proof of character of shipments.
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Section 381. Violent interference with foreign commerce.—Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States, shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. The term "United States," as used in this section, includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, c. 30, Title IV, § 1, 40 Stat. 221; June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

Cross reference: Jurisdiction of offenses under this section, see section 574 of this title.

382. (Criminal Code, section 232, amended.) Carrying explosives; on vessels or vehicles with passengers for hire; explosives permitted; restrictions; military transportation.—It shall be unlawful to transport, carry, or convey, within the limits of the jurisdiction of the United States any high explosive, such as, and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce, which vessel, car, or vehicle is carrying passengers for hire. It shall be lawful to transport on any such vessel, car, or vehicle smokeless powder, primers, fuses, not including detonating fuzes, fireworks, or other similar explosives, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel, car, or vehicle; but such explosives shall not be carried in that part of a vessel, car, or vehicle which is being used for the transportation of passengers for hire. It shall be lawful to transport on any such vessel, car, or vehicle small-arms ammunition in any quantity, and such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation. Nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment vessels, cars, or vehicles.

The words "detonating fuzes," as used in this section shall be interpreted to mean fuzes used in naval or military service to detonate the high-explosive bursting charges of projectiles, mines, bombs, or torpedoes. The word "fuzes" as used herein shall be interpreted to mean devices used in igniting the bursting charges of projectiles. The word "primers" as used herein shall be interpreted to mean devices used in igniting the propelling powder charges of ammunition. The word "fuses" as used herein shall be interpreted to mean the slow-burning fuses used commercially and intended to convey fire to an explosive combustible mass slowly or without danger to the person lighting. The word "fusees" as used herein shall be interpreted to mean the fusees ordinarily used on steamboats and railroads as night signals. (R. S. § 5353; May 30, 1908, c. 234, § 1, 35 Stat. 554; Mar. 4, 1909, c. 321, § 232, 35 Stat. 1134; Mar. 4, 1921, c. 172, 41 Stat. 1444.)

383. (Criminal Code, section 233, amended.) Same; regulations for transporting made by Interstate Commerce Commission; effect.—The Interstate Commerce Commission shall formulate regulations for the same transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land or water, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water. Said commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the commission, take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified. In the execution of the provisions of sections 382 to 386 of this title the Interstate Commerce Commission may utilize the services of the bureau for the safe transportation of explosives and other dangerous articles, and may avail itself of the advice and assistance of any department, commission, or board of the Government, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law. (May 30, 1908, c. 234, § 2, 35 Stat. 555; Mar. 4, 1909, c. 321, § 233, 35 Stat. 1135; Mar. 4, 1921, c. 172, 41 Stat. 1445.)

384. (Criminal Code, section 234, amended.) Same; high explosives excluded.—It shall be unlawful to transport, carry, or convey within the limits of the jurisdiction of the United States, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers or property by land or water by a common carrier engaged in interstate or foreign commerce. (May 30, 1908, c. 234, § 3, 35 Stat. 555; Mar. 4, 1909, c. 321, § 234, 35 Stat. 1135; Mar. 4, 1921, c. 172, 41 Stat. 1445.)

385. (Criminal Code, section 235, amended.) Same; marking packages.—Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, or to carry upon any vessel, car, or vehicle operated by any common carrier engaged in interstate or foreign commerce by land or water any explosive, or other dangerous article, as specified in section 383 of this title, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier in writing of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of sections 382 to 384 of this title, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than $2,000 or imprisoned not more than eighteen months, or both. (R. S. § 5355; May 30, 1908, c. 234, §§ 4, 5, 35 Stat. 555; Mar. 4, 1909, c. 321, § 235, 35 Stat. 1135; Mar. 4, 1921, c. 172, 41 Stat. 1445.)

386. (Criminal Code, section 236, amended.) Same; causing death or injury by illegal transportation.—When the death or bodily injury of any person results from the violation of

sections 382 to 385 of this title, or any regulation made by the Interstate Commerce Commission in pursuance thereof, the person or persons who shall have so knowingly violated, or cause to be violated, such provision or regulation, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (R. S. § 5354; Mar. 4, 1909, c. 321, § 236, 35 Stat. 1136; Mar. 4, 1921, c. 172, 41 Stat. 1445.)

387. (Criminal Code, section 237.) Importing lottery tickets; interstate carriage.—Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof, from any foreign country, for the purpose of disposing of the same, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme; or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon, the event of any such lottery, gift enterprise, or similar scheme, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme, or shall knowingly take or receive, or cause to be taken or received, any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported, shall, for the first offense, be fined not more than $1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than two years. (Mar. 2, 1895, c. 191, 28 Stat. 963; Mar. 4, 1909, c. 321, § 237, 35 Stat. 1136.)

388. (Criminal Code, section 238.) Intoxicating liquors; by interstate shipment; delivery to other than bona fide consignee.—Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than $5,000, or imprisoned not more than two years, or both. (Mar. 4, 1909, c. 321, § 238, 35 Stat. 1136.)

389. (Criminal Code, section 239.) Same; carrier collecting purchase price of interstate shipment.—Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than $5,000. (Mar. 4, 1909, c. 321, § 239, 35 Stat. 1136.)

390. (Criminal Code, section 240.) Same; shipping packages in interstate commerce not plainly marked.—Whoever shall knowingly ship or cause to be shipped, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $5,000; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. (Mar. 4, 1909, c. 321, § 240, 35 Stat. 1137.)

391. (Criminal Code, section 241.) Importing injurious birds and animals; permits for foreign wild animals; specimens for museums.—The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture. Nothing in this section shall restrict the importation of natural-history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section. (May 25, 1900, c. 553, § 2, 31 Stat. 188; Mar. 4, 1909, c. 321, § 241, 35 Stat. 1137.)

392. (Criminal Code, section 242.) Transportation of illegally killed game; shipments in game season; feathers of barnyard fowls.—It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped. Nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed. Nothing herein shall

prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls. (May 25, 1900, c. 553, §§ 3, 5, 31 Stat. 188; Mar. 4, 1909, c. 321, § 242, 35 Stat. 1137.)

393. (Criminal Code, section 243.) Marking of packages.—All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package. (May 25, 1900, c. 553, § 4, 31 Stat. 188; Mar. 4, 1909, c. 321, § 243, 35 Stat. 1137.)

394. (Criminal Code, section 244.) Same; penalty.—For each evasion or violation of any provision of sections 391 to 393 of this title, the shipper shall be fined not more than $200; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than $200; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than $200. (May 25, 1900, c. 553, § 4, 31 Stat. 188; Mar. 4, 1909, c. 321, § 244, 35 Stat. 1138.)

395. Dead bodies of game animals or game or song birds, subject to laws of State.—All dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (May 25, 1900, c. 553, § 5, 31 Stat. 188.)

396. (Criminal Code, section 245, amended.) Importing and transporting obscene books.—Whoever shall bring or cause to be brought into the United States, or any place subject to the jurisdiction thereof, from any foreign country, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States, through a foreign country, to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious, or any filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore mentioned articles, matters, or things may be obtained or made; or whoever shall knowingly take or cause to be taken from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (Feb. 8, 1897, c. 172, 29 Stat. 512; Feb. 8, 1905, c. 550, 33 Stat. 705; Mar. 4, 1909, c. 321, § 245, 35 Stat. 1138; June 5, 1920, c. 268, 41 Stat. 1060.)

397. White-slave traffic; terms defined.—The term "interstate commerce," as used in this section and sections 398 to 404 of this title, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce" shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia. (June 25, 1910, c. 395, § 1, 36 Stat. 825.)

398. Same; transportation of woman or girl for immoral purposes, or procuring ticket.—Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court. (June 25, 1910, c. 395, § 2, 36 Stat. 825.)

399. Same; inducing transportation for immoral purposes.—Any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than $5,000, or by imprisonment for a term not exceeding five years or by both such fine and imprisonment, in the discretion of the court. (June 25, 1910, c. 395, § 3, 36 Stat. 825.)

400. Same; inducing interstate transportation of woman or girl under eighteen for immoral purposes.—Any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or

route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $10,000, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court. (June 25, 1910, c. 395, § 4, 36 Stat. 826.)

401. Same; jurisdiction of prosecutions.—Any violation of any of sections 398 to 400 of this title shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections. (June 25, 1910, c. 395, § 5, 36 Stat. 826.)

402. Same; (1) prevention of transportation in foreign commerce of alien women and girls under international agreement; Commissioner General of Immigration designated as authority to receive information; duty to receive and keep statements of and pertaining to them.—For the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July 25, 1902, for submission to their respective governments by the delegates of various powers represented at the Paris Conference and confirmed by a formal agreement signed at Paris on May 18, 1904, and adhered to by the United States on June 6, 1908, as shown by the proclamation of the President of the United States, dated June 15, 1908, the Commissioner General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in sections 397 to 404 of this title to the persons, respectively, making and filing them.

(2) Statement by person keeping woman or girl for immoral purposes; failure to file, making false statement, or failure to disclose facts.—Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procuration to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner General of Immigration, or who shall knowingly and willfully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procuration to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than $2,000, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

(3) Presumption of failure to file statement not on file; failure to furnish not excused by self-criminating tendency; immunity from prosecution.—In any prosecution brought under sections 397 to 404 of this title, if it appear that any such statement required is not on file in the office of the Commissioner General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement. (June 25, 1910, c. 395, § 6, 36 Stat. 826.)

403. Same; "Territory," "person" construed; liability of persons or corporations for acts and omissions of officers, agents, or employees.—The term "Territory," as used in sections 397 to 404 of this title, shall include the District of Alaska, the insular possessions of the United States, and the Canal Zone. The word "person" shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of sections 397 to 404, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself. (June 25, 1910, c. 395, § 7, 36 Stat. 827.)

404. Citation.—Sections 397 to 404 of this title shall be known and referred to as the "White Slave Traffic Act." (June 25, 1910, c. 395, § 8, 36 Stat. 827.)

405. Prize-fight films; transportation or importation.—It shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, or to send or carry from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition. (July 31, 1912, c. 263, § 1, 37 Stat. 240.)

406. Same; receiving for sale or exhibition.—It shall be unlawful for any person to take or receive from the mails, or any express company or other common carrier, with intent to sell, distribute, circulate, or exhibit any matter or thing forbidden by section 405 of this title to be deposited for mailing, delivery, or carriage in interstate commerce. (July 31, 1912, c. 263, § 2, 37 Stat. 241.)

407. Same; punishment.—Any person violating any of the provisions of sections 405 and 406 of this title shall for each offense, upon conviction thereof, be fined not more than $1,000, or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court. (July 31, 1912, c. 263, § 3, 37 Stat. 241.)

408. Motor vehicles; transportation, etc., of stolen vehicles.—This section may be cited as the National Motor Vehicle Theft Act. The term "motor vehicle" when used in this section shall include an automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails; the term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia. Whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both. Whoever shall receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both. Any person violating this section may be punished in any district in or through which such motor vehicle has been transported or removed by such offender. (Oct. 29, 1919, c. 80, §§ 1 to 5, 41 Stat. 324.)

409. Larceny, etc., of goods in interstate or foreign commerce; penalty.—Whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent in either case to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, wagon, automobile, truck, or other vehicle, or from any steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight or express, or shall buy or receive or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been stolen, shall in each case be fined not more than $5,000, or imprisoned not more than ten years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender. The words "station house," "platform," "depot," "wagon," "automobile," "truck," "or other vehicle," as used in this section shall include any station house, platform, depot, wagon, automobile, truck, or other vehicle of any person, firm, association, or corporation having in his or its custody therein or thereon any freight, express, goods, chattels, shipments, or baggage moving as or which are a part of or which constitute an interstate or foreign shipment. (Feb. 13, 1913, c. 50, § 1, 37 Stat. 670; Jan. 28, 1925, c. 102, 43 Stat. 793.)

410. Jurisdiction of State courts unimpaired; double jeopardy.—Nothing in section 409 of this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts. (Feb. 13, 1913, c. 50, § 2, 37 Stat. 670; Jan. 28, 1925, c. 102, 43 Stat. 794.)

411. Proof of character of shipments.—To establish the interstate or foreign commerce character of any shipment in any prosecution under section 409 of this title the waybill of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. (Jan. 28, 1925, c. 102, 43 Stat. 794.)

412. Embezzlement, etc., by officers of carrier; jurisdiction; double jeopardy.—Every president, director, officer or manager of any firm, association or corporation engaged in commerce as a common carrier, who embezzles, steals, abstracts or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property or assets of such firm, association or corporation, arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be deemed guilty of a felony and upon conviction shall be fined not less than $500, or confined in the penitentiary not less than one year nor more than ten years, or both, in the discretion of the court.

Prosecutions hereunder may be in the district court of the United States for the district wherein the offense may have been committed.

Nothing in this section shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts. (Oct. 15, 1914, c. 323, § 9, 38 Stat. 733.)

Chapter 10.—SLAVE TRADE AND PEONAGE.

Sec.
421. Confining, detaining, or selling slaves on vessel.
422. Seizing slaves on foreign shores.
423. Bringing slaves into United States.
424. Equipping vessels for slave trade.
425. Transporting persons to be held as slaves.
426. Hovering on coast with slaves on board.
427. Serving on vessels in slave trade.
428. Receiving or carrying away person to be sold or held as slave.
429. Equipping vessel for slave trade; forfeiture; moiety to informer.
430. Same; penalty; moiety to informer.
431. Forfeiture of vessels transporting slaves; moiety to informer.
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433. Vessels found hovering on coasts forfeited.
434. Forfeiture of interest in slave vessels; additional penalty.
435. Seizure of vessels in slave trade.
436. Proceeds of condemned vessels paid into Treasury.
437. Disposal of persons found on seized vessel.
438. Apprehension of officers and crew.
439. Removal of persons delivered from seized vessel.
440. To what port captured vessel sent.
441. When owners of foreign vessels shall give bond.
442. Instructions to masters of armed vessels.
443. Kidnaping.
444. Holding or returning persons to peonage.
445. Same; obstructing enforcement of law.
446. Bringing kidnaped person into United States.

Section 421. (Criminal Code, section 246.) Confining, detaining, or selling slaves on vessel.—Whoever, being of the crew or ship's company of any foreign vessel engaged in the

slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen of the United States, forcibly confines or detains on board such vessel any person as a slave, or, on board such vessel, offers or attempts to sell as a slave any such person, or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from on board such vessel any person with intent to make sale of, or having previously sold such person as a slave, is a pirate, and shall be imprisoned for life. (R. S. § 5375; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 246, 35 Stat. 1138.)

422. (Criminal Code, section 247.) Seizing slaves on foreign shores.—Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and, on any foreign shore, seizes any person with intent to make such person a slave, or decoys, or forcibly brings, or carries or receives such person on board such vessel, with like intent, is a pirate, and shall be imprisoned for life. (R. S. § 5376; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 247, 35 Stat. 1139.)

423. (Criminal Code, section 248.) Bringing slaves into United States.—Whoever brings within the jurisdiction of the United States, in any manner whatsoever, any person from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any person so brought in, as a slave, or to be held to service or labor, shall be fined not more than $10,000, one half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years. (R. S. § 5377; Mar. 4, 1909, c. 321, § 248, 35 Stat. 1139.)

424. (Criminal Code, section 249.) Equipping vessels for slave trade.—Whoever builds, fits out, equips, loads, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any person from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than $5,000, one half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years. (R. S. § 5378; Mar. 4, 1909, c. 321, § 249, 35 Stat. 1139.)

425. (Criminal Code, section 250.) Transporting persons to be held as slaves.—Whoever, within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any person in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in section 424 of this title. (R. S. § 5379; Mar. 4, 1909, c. 321, § 250, 35 Stat. 1139.)

426. (Criminal Code, section 251.) Hovering on coast with slaves on board.—Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coast thereof, having on board any person, for the purpose of selling such person as a slave, or with intent to land such person for any such purpose, shall be fined not more than $10,000 and imprisoned not more than four years. (R. S. § 5380; Mar. 4, 1909, c. 321, § 251, 35 Stat. 1139.)

427. (Criminal Code, section 252.) Serving on vessels in slave trade.—Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined not more than $2,000 and imprisoned not more than two years. (R. S. §§ 5381, 5382; Mar. 4, 1909, c. 321, § 252, 35 Stat. 1139.)

428. (Criminal Code, section 253.) Receiving or carrying away person to be sold or held as slave.—Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (R. S. § 5524; Mar. 4, 1909, c. 321, § 253, 35 Stat. 1139.)

429. (Criminal Code, section 254.) Equipping vessel for slave trade; forfeiture; moiety to informer.—No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the United States for the purpose of procuring any person from any foreign kingdom, place, or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect. (R. S. § 5551; Mar. 4, 1909, c. 321, § 254, 35 Stat. 1140.)

430. (Criminal Code, section 255.) Same; penalty; moiety to informer.—Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the section last preceding, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of $2,000; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. (R. S. § 5552; Mar. 4, 1909, c. 321, § 255, 35 Stat. 1140.)

431. (Criminal Code, section 256.) Forfeiture of vessels transporting slaves; moiety to informer.—Every vessel employed in carying on the slave trade or on which is received or transported any person from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect. (R. S. § 5553; Mar. 4, 1909, c. 321, § 256, 35 Stat. 1140.)

432. (Criminal Code, section 257.) Receiving persons on board to be sold as slaves; penalty; moiety to informer.—Whoever, being a citizen of the United States, takes on board, receives, or transports any person for the purpose of selling such person as a slave shall, in addition to the forfeiture of the

vessel, pay for each person so received on board or transported the sum of $200, to be recovered in any court of the United States; the one moiety thereof to the use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect. (R. S. § 5554; Mar. 4, 1909, c. 321, § 257, 35 Stat. 1140.)

433. (Criminal Code, section 258.) **Vessels found hovering on coasts forfeited.**—Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coasts thereof, and having on board any person, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. (R. S. § 5555; Mar. 4, 1909, c. 321, § 258, 35 Stat. 1140.)

434. (Criminal Code, section 259.) **Forfeiture of interest in slave vessels; additional penalty.**—It shall be unlawful for any citizen of the United States, or other person residing therein, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels. (R. S. § 5556; Mar. 4, 1909, c. 321, § 259, 35 Stat. 1140.)

435. (Criminal Code, section 260.) **Seizure of vessels in slave trade.**—The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person, in violation of the provisions of any Act of Congress prohibiting the traffic in slaves. (R. S. § 5557; Mar. 4, 1909, c. 321, § 260, 35 Stat. 1140.)

436. Criminal Code, section 261.) **Proceeds of condemned vessels paid into Treasury.**—The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be paid into the Treasury of the United States. (R. S. § 5558; Mar. 4, 1909, c. 321, § 261, 35 Stat. 1141.)

437. (Criminal Code, section 262.) **Disposal of persons found on seized vessel.**—The officers of the vessel making such seizure shall safely keep every person found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such person to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law, transmitting to the President, as soon as may be after such delivery, a descriptive list of such persons, in order that he may give directions for the disposal of them. (R. S. § 5559; Mar. 4, 1909, c. 321, § 262, 35 Stat. 1141.)

438. (Criminal Code, section 263.) **Apprehension of officers and crew.**—The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. (R. S. § 5560; Mar. 4, 1909, c. 321, § 263, 35 Stat. 1141.)

439. (Criminal Code, section 264.) **Removal of persons delivered from seized vessel.**—The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such persons as may be so delivered and brought within its jurisdiction. (R. S. § 5561; Mar. 4, 1909, c. 321, § 264, 35 Stat. 1141.)

440. (Criminal Code, section 265.) **To what port captured vessel sent.**—It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States. (R. S. § 5563; Mar. 4, 1909, c. 321, § 265, 35 Stat. 1141.)

441. (Criminal Code, section 266.) **When owners of foreign vessels shall give bond.**—Every owner, master, or factor of any foreign vessel clearing from any port within the jurisdiction of the United States, and suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever, within nine months thereafter. (R. S. § 5564; Mar. 4, 1909, c. 321, § 266, 35 Stat. 1141.)

442. (Criminal Code, section 267.) **Instructions to masters of armed vessels.**—The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the country from which they were taken, and there hand over to the agent of the United States all such persons, delivered from on board vessels seized in the prosecution of the slave trade; and they shall afterwards bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication. (R. S. § 5567; Mar. 4, 1909, c. 321, § 267, 35 Stat. 1141.)

443. (Criminal Code, section 268.) **Kidnaping.**—Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (R. S. § 5525; Mar. 4, 1909, c. 321, § 268, 35 Stat. 1141.)

444. (Criminal Code, section 269.) **Holding or returning persons to peonage.**—Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (R. S. § 5526; Mar. 4, 1909, c. 321, § 269, 35 Stat. 1142.)

445. (Criminal Code, section 270.) **Same; obstructing enforcement of law.**—Whoever obstructs, or attempts to obstruct,

or in any way interferes with or prevents the enforcement of section 444 of this title, shall be liable to the penalties therein prescribed. (R. S. § 5527; Mar. 4, 1909, c. 321, § 270, 35 Stat. 1142.)

446. (Criminal Code, section 271.) Bringing kidnaped person into United States.—Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than $5,000 and imprisoned not more than five years. (June 23, 1874, c. 464, § 1, 18 Stat. 251; Mar. 4, 1909, c. 321, § 271, 35 Stat. 1142.)

Chapter 11.—OFFENSES WITHIN ADMIRALTY, MARITIME, AND TERRITORIAL JURISDICTION OF UNITED STATES.

Sec.

451. Places and waters applicable; on board American vessel on high seas or Great Lakes; on land under exclusive control of United States; guano islands.
452. Murder; first degree; second degree.
453. Manslaughter; voluntary; involuntary.
454. Punishment; murder; manslaughter.
455. Felonious assaults; to murder or rape; other felony; with weapons; beating; simple assault.
456. Other attempts at murder.
457. Rape.
458. Carnal knowledge of female under sixteen.
459. Seduction of female passenger on vessel.
460. Disposal of fine; evidence required.
461. Loss of life by misconduct of officers of vessels; liability of corporation officer.
462. Maiming.
463. Robbery.
464. Arson of dwelling house.
465. Arson of other buildings.
466. Larceny; determining value of written instrument.
467. Receiving stolen goods; trials.
468. Laws of States adopted for punishing wrongful acts; effect of repeal.

Section 451. (Criminal Code, section 272.) Places and waters applicable; on board American vessel on high seas or Great Lakes; on land under exclusive control of United States; guano islands.—The crimes and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence where the same constitutes the international boundary line.

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. (R. S. § 5339; Sept. 4, 1890, c. 874, 26 Stat. 424; Mar. 4, 1909, c. 321, § 272, 35 Stat. 1142.)

452. (Criminal Code, section 273.) Murder; first degree; second degree.—Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree. (R. S. § 5339; Mar. 4, 1909, c. 321, § 273, 35 Stat. 1143.)

453. (Criminal Code, section 274.) Manslaughter; voluntary; involuntary.—Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. (R. S. § 5341; Mar. 4, 1909, c. 321, § 274, 35 Stat. 1143.)

454. (Criminal Code, section 275.) Punishment; murder; manslaughter.—Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years, or fined not exceeding $1,000, or both. (R. S. §§ 5339, 5343; Mar. 4, 1909, c. 321, § 275, 35 Stat. 1143.)

455. (Criminal Code, section 276.) Felonious assaults; to murder or rape; other felony; with weapons; beating; simple assault.—Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years. Whoever shall assault another with intent to commit any felony, except murder, or rape, shall be fined not more than $3,000, or imprisoned not more than ten years, or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than $1,000, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than $500, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than $300, or imprisoned not more than three months, or both. (R. S. § 5346; Mar. 4, 1909, c. 321, § 276, 35 Stat. 1143.)

456. (Criminal Code, section 277.) Other attempts at murder.—Whoever shall attempt to commit murder or manslaughter, except as provided in the preceding section, shall be fined not more than $1,000 and imprisoned not more than three years. (R. S. § 5342; Mar. 4, 1909, c. 321, § 277, 35 Stat. 1143.)

457. (Criminal Code, section 278.) Rape.—Whoever shall commit the crime of rape shall suffer death. (R. S. § 5345; Mar. 4, 1909, c. 321, § 278, 35 Stat. 1143.)

458. (Criminal Code, section 279.) Carnal knowledge of female under sixteen.—Whoever shall carnally and unlawfully know any female under the age of sixteen years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than

fifteen years, and for a subsequent offense be imprisoned not more than thirty years. (Feb. 9, 1889, c. 120, 25 Stat. 658; Mar. 4, 1909, c. 321, § 279, 35 Stat. 1143.)

459. (Criminal Code, section 280.) Seduction of female passenger on vessel.—Every master, officer, seaman, or other person employed on board of any American vessel, who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than $1,000, or imprisoned not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction. (R. S. § 5349; Mar. 4, 1909, c. 321, § 280, 35 Stat. 1143.)

460. (Criminal Code, section 281.) Disposal of fine; evidence required.—When a person is convicted of a violation of the section last preceding, the court may, in its discretion, direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any; but no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port of its destination. (R. S. §§ 5350, 5351; Mar. 4, 1909, c. 321, § 281, 35 Stat. 1144.)

461. (Criminal Code, section 282.) Loss of life by misconduct of officers of vessels; liability of corporation officer.—Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than $10.000, or imprisoned not more than ten years, or both. When the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (R. S. § 5344; Mar. 3, 1905, c. 1454, § 5, 33 Stat. 1025; Mar. 4, 1909, c. 321, § 282, 35 Stat. 1144.)

462. (Criminal Code, section 283.) Maiming.—Whoever, with intent to maim or disfigure, shall cut, bite, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person; or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever, shall be fined not more than $1,000, or imprisoned not more than seven years, or both. (R. S. § 5348; Mar. 4, 1909, c. 321, § 283, 35 Stat. 1144.)

463. (Criminal Code, section 284.) Robbery.—Whoever, by force and violence, or by putting in fear, shall feloniously take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years. (R. S. § 5370; Mar. 4, 1909, c. 321, § 284, 35 Stat. 1144.)

464. (Criminal Code, section 285.) Arson of dwelling house.—Whoever shall willfully and maliciously set fire to, burn, or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall be imprisoned not more than twenty years. (R. S. § 5385; Mar. 4, 1909, c. 321, § 285, 35 Stat. 1144.)

465. (Criminal Code, section 286.) Arson of other buildings.—Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than $5,000 and imprisoned not more than twenty years. (R. S. §§ 5386, 5387; Mar. 4, 1909, c. 321, § 286, 35 Stat. 1144.)

466. (Criminal Code, section 287.) Larceny; determining value of written instrument.—Whoever shall take and carry away, with intent to steal or purloin, any personal property of another, shall be punished as follows: If the property taken is of a value exceeding $50, or is taken from the person of another, by a fine of not more than $10,000, or imprisonment for not more than ten years, or both: in all other cases, by a fine of not more than $1,000, or by imprisonment not more than one year, or both. If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen. (R. S. § 5356; Mar. 4, 1909, c. 321, § 287, 35 Stat. 1144.)

467. (Criminal Code, section 288.) Receiving stolen goods; trials.—Whoever shall buy, receive, or conceal, any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined not more than $1,000 and imprisoned not more than three years; and such person may be tried either before or after the conviction of the principal offender. (R. S. § 5357; Mar. 4, 1909, c. 321, § 288, 35 Stat. 1145.)

468. (Criminal Code, section 289.) Laws of States adopted for punishing wrongful acts; effect of repeal.—Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 451 of this title, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territorial, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District. (R. S. § 5391; July 7, 1898, c. 576, § 2, 30 Stat. 717; Mar. 4, 1909, c. 321, § 289, 35 Stat. 1145.)

Chapter 12.—PIRACY AND OTHER OFFENSES UPON SEAS.

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481. Piracy; punishment.
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500. Offenses deemed on high seas.
501. "Vessel of the United States" defined.
502. Injuring vessels engaged in foreign commerce.

Section 481. (Criminal Code, section 290.) Piracy; punishment.—Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life. (R. S. § 5368; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 290, 35 Stat. 1145.)

482. (Criminal Code, section 291.) Maltreatment of crew by officers of vessel; flogging.—Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be fined not more than $1,000, or imprisoned not more than five years, or both. This section shall not be construed to repeal or modify section 712 of Title 46. (R. S. § 5347; Mar. 3, 1897, c. 389, § 18, 29 Stat. 691; Mar. 4, 1909, c. 321, § 291, 35 Stat. 1145.)

483. (Criminal Code, section 292.) Inciting revolt or mutiny on shipboard.—Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than $1,000, or imprisoned not more than five years, or both. (R. S. § 5359; Mar. 4, 1909, c. 321, § 292, 35 Stat. 1146.)

484. (Criminal Code, section 293.) Revolt or mutiny on shipboard.—Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than $2,000 and imprisoned not more than ten years. (R. S. § 5360; Mar. 4, 1909, c. 321, § 293, 35 Stat. 1146.)

485. (Criminal Code, section 294.) Seaman laying violent hands on commander.—Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life. (R. S. § 5369; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 294, 35 Stat. 1146.)

486. (Criminal Code, section 295.) Abandonment of mariner in foreign port.—Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him, as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be fined not more than $500, or imprisoned not more than six months, or both. (R. S. § 5363; Mar. 4, 1909, c. 321, § 295, 35 Stat. 1146.)

487. (Criminal Code, section 296.) Conspiracy to cast away vessel.—Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or whoever, within the United States, builds, or fits out, or aids in building or fitting out, any vessel with intent that the same be cast away or destroyed, with the intent hereinbefore mentioned, shall be fined not more than $10,000 and imprisoned not more than ten years. (R. S. § 5364; Mar. 4, 1909, c. 321, § 296, 35 Stat. 1146.)

488. (Criminal Code, section 297.) Plundering vessel in distress; obstructing escape of wrecked person; holding false light.—Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than $5,000 and imprisoned not more than ten years; and whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger, or distress, or shipwreck, shall be imprisoned not less than ten years and may be imprisoned for life. (R. S. § 5358; Mar. 4, 1909, c. 321, § 297, 35 Stat. 1146.)

489. (Criminal Code, section 298.) Attacking vessel with intent to plunder.—Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined not more than $5,000 and imprisoned not more than ten years. (R. S. § 5361; Mar. 4, 1909, c. 321, § 298, 35 Stat. 1147.)

490. (Criminal Code, section 299.) Breaking and entering vessel.—Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel, with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy rope, head fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more than $1,000 and imprisoned not more than five years. (R. S. § 5362; Mar. 4, 1909, c. 321, § 299, 35 Stat. 1147.)

491. (Criminal Code, section 300.) Destroying vessel at sea; owner.—Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel, of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be im-

prisoned for life or for any term of years. (R. S. § 5365; Aug. 6, 1894, c. 227, § 1, 28 Stat. 233; Mar. 4, 1909, c. 321, § 300, 35 Stat. 1147.)

492. (Criminal Code, section 301.) Same; other person.—Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or, willfully, with intent to destroy the same, sets fire to any such vessel, or otherwise attempts the destruction thereof, shall be imprisoned not more than ten years. (R. S. §§ 5366, 5367; Aug. 6, 1894, c. 227, § 2, 28 Stat. 233; Mar. 4, 1909, c. 321, § 301, 35 Stat. 1147.)

493. (Criminal Code, section 302.) Robbery on shore by piratical crew.—Whoever, being engaged in any piratical cruise, or enterprise, or being of the crew of any piratical vessel, lands from such vessel, and on shore commits robbery, is a pirate, and shall be imprisoned for life. (R. S. § 5371; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 302, 35 Stat. 1147.)

494. (Criminal Code, section 303.) Arming vessel to cruise against citizens; trials.—Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming, any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property, or whoever takes the command of or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel with a view to share in the profits thereof, shall be fined not more than $10,000 and imprisoned not more than ten years. The trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought. (R. S. § 5324; Mar. 4, 1909, c. 321, § 303, 35 Stat. 1147.)

495. (Criminal Code, section 304.) Piracy under color of foreign commission.—Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or State, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall be imprisoned for life. (R. S. § 5373; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 304, 35 Stat. 1147.)

496. (Criminal Code, section 305.) Piracy by aliens.—Whoever, being a citizen or subject of any foreign State, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the State of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall be imprisoned for life. (R. S. § 5374; Jan. 15, 1897, c. 29, § 2, 29 Stat. 487; Mar. 4, 1909, c. 321, § 305, 35 Stat. 1147.)

497. (Criminal Code, section 306.) Running away with or yielding up vessel or cargo.—Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of $50, or who yields up such vessel voluntarily to any pirate, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (R. S. § 5383; Mar. 4, 1909, c. 321, § 306, 35 Stat. 1148.)

498. (Criminal Code, section 307.) Confederating with pirates; confining master.—Whoever attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or whoever, being a seaman, confines the master of any vessel, shall be fined not more than $1,000 and imprisoned not more than three years. (R. S. § 5384; Mar. 4, 1909, c. 321, § 307, 35 Stat. 1148.)

499. (Criminal Code, section 308.) Selling arms or intoxicants in Pacific islands; medicinal use of spirits.—Whoever, being subject to the authority of the United States, shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude, and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be fined not more than $50, or imprisoned not more than three months, or both. In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited. If it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge. (Feb. 14, 1902, c. 18, §§ 1, 2, 32 Stat. 33; Mar. 4, 1909, c. 321, § 308, 35 Stat. 1148.)

500. (Criminal Code, section 309.) Offenses deemed on high seas.—All offenses against the provisions of the section last preceding, committed on any of said islands or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly. (Feb. 14, 1902, c. 18, § 3, 32 Stat. 33; Mar. 4, 1909, c. 321, § 309, 35 Stat. 1148.)

501. (Criminal Code, section 310.) "Vessel of the United States" defined.—The words "vessel of the United States," wherever they occur in this chapter, shall be construed to mean a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof. (Mar. 4, 1909, c. 321, § 310, 35 Stat. 1148.)

502. Injuring vessels engaged in foreign commerce.—Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section 501 of this title, or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than $10,000, or imprisoned not more than twenty years, or both. The term "United States," as used in this section, includes the Canal Zone and all territory and waters, continental or insular,

subject to the jurisdiction of the United States. (June 15, 1917, c. 30, Title III, § 1, 40 Stat. 221; June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

Cross reference: Jurisdiction of offenses under this section, see section 574 of this title.

Chapter 13.—CERTAIN OFFENSES IN TERRITORIES.

Sec.
511. Places applicable.
512. Circulating obscene literature.
513. Polygamy.
514. Unlawful cohabitation.
515. Joinder of counts.
516. Adultery.
517. Incest.
518. Fornication.
519. Recording certificates of marriage; evidence of marriage; punishment for violations.
520. Prize fights and bull fights.
521. Same; "pugilistic encounter" defined.
522. Train robberies.
523. Discrimination by proprietors of theaters against persons wearing uniform of Army, Navy, etc.

Section 511. (Criminal Code, section 311.) Places applicable.—Except as otherwise expressly provided, the offenses defined in this chapter shall be punished as hereinafter provided, when committed within any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States. (Mar. 4, 1909, c. 321, § 311, 35 Stat. 1148.)

512. (Criminal Code, section 312.) Circulating obscence literature.—Whoever shall sell, lend, give away, or in any manner exhibit, or offer to sell, lend, give away, or in any manner exhibit, or shall otherwise publish or offer to publish in any manner, or shall have in his possession for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertise the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles above mentioned can be purchased or obtained, or shall manufacture, draw, or print, or in anywise make any of such articles, shall be fined not more than $2,000, or imprisoned not more than five years, or both. (R. S. § 5389; Mar. 4, 1909, c. 321, § 312, 35 Stat. 1149.)

513. (Criminal Code, section 313.) Polygamy.—Every person who has a husband or wife living, who marries another, whether married or single, and any man who simultaneously, or on the same day, marries more than one woman, is guilty of polygamy, and shall be fined not more than $500 and imprisoned not more than five years. This section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract. (R. S. § 5352; Mar. 22, 1882, c. 47, § 1, 22 Stat. 30; Mar. 4, 1909, c. 321, § 313, 35 Stat. 1149.)

514. (Criminal Code, section 314.) Unlawful cohabitation.—If any male person cohabits with more than one woman, he shall be fined not more than $300, or imprisoned not more than six months, or both. (Mar. 22, 1882, c. 47, § 3, 22 Stat. 31; Mar. 4, 1909, c. 321, § 314, 35 Stat. 1149.)

515. (Criminal Code, section 315.) Joinder of counts.—Counts for any or all of the offenses named in sections 513 and 514 of this title may be joined in the same information or indictment. (Mar. 22, 1882, c. 47, § 4, 22 Stat. 31; Mar. 4, 1909, c. 321, § 315, 35 Stat. 1149.)

516. (Criminal Code, section 316.) Adultery.—Whoever shall commit adultery shall be imprisoned not more than three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery. (Mar. 3, 1887, c. 397, § 3, 24 Stat. 635; Mar. 4, 1909, c. 321, § 316, 35 Stat. 1149.)

517. (Criminal Code, section 317.) Incest.—Whoever, being related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, shall be deemed guilty of incest, and shall be imprisoned not more than fifteen years. (Mar. 3, 1887, c. 397, § 4, 24 Stat. 635; Mar. 4, 1909, c. 321, § 317, 35 Stat. 1149.)

518. (Criminal Code, section 318.) Fornication.—If any unmarried man or woman commits fornication, each shall be fined not more than $100, or imprisoned not more than six months. (Mar. 3, 1887, c. 397, § 5, 24 Stat. 636; Mar. 4, 1909, c. 321, § 318, 35 Stat. 1149.)

519. (Criminal Code, section 319.) Recording certificates of marriage; evidence of marriage; punishment for violations.—Every ceremony of marriage, or in the nature of a marriage ceremony of any kind, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full name of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this section to be stated therein in any proceeding, civil or criminal, in which the matter shall be drawn in question. Nothing in this section shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence otherwise legally admissible for that purpose. Whoever shall willfully violate any provision of this section shall be fined not more than $1,000, or imprisoned not more than two years, or both. The provisions of this section shall apply only within the Territories of the United States. (Mar. 3, 1887, c. 397, §§ 9, 10, 24 Stat. 636; Mar. 4, 1909, c. 321, § 319, 35 Stat. 1149.)

520. (Criminal Code, section 320.) Prize fights and bull fights.—Whoever shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged, shall be imprisoned not more than five years. The provisions of this

section shall apply only within the Territories of the United States and the District of Columbia. (Feb. 7, 1896, c. 12, § 1, 29 Stat. 5; Mar. 4, 1909, c. 321, § 320, 35 Stat. 1150.)

521. (Criminal Code, section 321.) Same; "pugilistic encounter" defined.—By the terms "pugilistic encounter," as used in section 520 of this title, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged. (Feb. 7, 1896, c. 12, § 2, 29 Stat. 5; Mar. 4, 1909, c. 321 § 321, 35 Stat. 1150.)

522. (Criminal Code, section 322.) Train robberies.—Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, or robbery, shall be fined not more than $5,000, or imprisoned not more than twenty years, or both. Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $1,000, or imprisoned not more than one year, or both. Whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person. (July 1, 1902, c. 1376, 32 Stat. 727; Mar. 4, 1909, c. 321, § 322, 35 Stat. 1150.)

523. Discrimination by proprietors of theaters against persons wearing uniform of Army, Navy, etc.—No proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia, or in any Territory, the District of Alaska or insular possession of the United States, shall make, or cause to be made, any discrimination against any person lawfully wearing the uniform of the Army, Navy, Coast Guard, or Marine Corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding $500. (Mar. 1, 1911, c. 187, 36 Stat. 963; Jan. 28, 1915, c. 20, §, 38 Stat. 800.)

Chapter 14.—SAVING PROVISIONS.

Sec.
532. Pending actions not affected.
533. Prosecutions prior to taking effect of law.
534. Limitations.
535. Offenses prior to date of certain sections.
536. Partial invalidity of certain sections.

532. (Criminal Code, section 342.) Pending actions not affected.—The repeal of existing laws or modifications thereof embraced in sections 1 to 553, 567, 568, and 571 to 573 of this title, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. (Mar. 4, 1909, c. 321, § 342, 35 Stat. 1159.)

533. (Criminal Code, section 343.) Prosecutions prior to taking effect of law.—All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to January 1, 1910, under any law embraced in, or changed, modified, or repealed by sections 1 to 553, 567, 568 and 571 to 573 of this title, may be prosecuted and punished in the same manner and with the same effect as if the said sections had not been passed. (Mar. 4, 1909, c. 321, § 343, 35 Stat. 1159.)

534. (Criminal Code, section 344.) Limitations.—All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by sections 1 to 553, 567, 568, and 571 to 573 of this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to January 1, 1910, may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made. (Mar. 4, 1909, c. 321, § 344, 35 Stat. 1159.)

535. Offenses prior to date of certain sections.—Offenses committed and penalties, forfeitures, or liabilities incurred prior to June 15, 1917, under any law embraced in, or changed, modified, or repealed by, sections 25, 27, 31 to 38, 98, 130 to 132, 343 to 345, and 611 to 633 of this title, and sections 213, 220 to 222, 231 to 234, and 238 to 245 of Title 22, may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to said date may be commenced and prosecuted, in the same manner and with the same effect as if said sections had not been passed. (June 15, 1917, c. 30, Title XIII. § 3, 40 Stat. 231.)

536. Partial invalidity of certain sections.—If any clause, sentence, paragraph or part of the sections enumerated in section 535 of this title shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, or paragraph thereof directly involved in the controversy in which such judgment shall have been rendered. (June 15, 1917, c. 30, Title XIII, § 4, 40 Stat. 231.)

Part 2.—CRIMINAL PROCEDURE

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Section 541. (Criminal Code, section 335.) Felonies and misdemeanors.—All offenses which may be punished by death or imprisonment for a term exceeding one year, shall be deemed felonies. All other offenses shall be deemed misdemeanors. (Mar. 4, 1909, c. 321, § 335, 35 Stat. 1152.)

542. (Criminal Code, section 323.) Death penalty by hanging.—The manner of inflicting the punishment of death shall be by hanging. (R. S. § 5325; Mar. 4, 1909, c. 321, § 323, 35 Stat. 1151.)

543. (Criminal Code, section 331.) Body of executed offender for dissection.—The court before which any person is convicted of murder in the first degree, or rape, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person appointed by him, shall receive and take away the body at the time of execution. (R. S. § 5340; Mar. 4, 1909, c. 321, § 331, 35 Stat. 1152.)

544. (Criminal Code, section 324.) Corruption of blood and forfeiture of estate excluded.—No conviction or judgment shall work corruption of blood or any forfeiture of estate. (R. S. § 5326; Mar. 4, 1909, c. 321, § 324, 35 Stat. 1151.)

545. (Criminal Code, section 325.) Whipping and pillory abolished.—The punishment of whipping and of standing in the pillory shall not be inflicted. (R. S. § 5327; Mar. 4, 1909, c. 321, § 325, 35 Stat. 1151.)

546. (Criminal Code, section 340.) Jurisdiction of district courts.—The crimes and offenses defined in this title shall be cognizable in the district courts of the United States, as prescribed in section 41 of Title 28. (Mar. 4, 1909, c. 321, § 340, 35 Stat. 1153.)

547. (Criminal Code, section 326.) Jurisdiction of State courts.—Nothing in sections 1 to 553, 567, 568 and 571 of this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof. (R. S. § 5328; Mar. 4, 1909, c. 321, § 326, 35 Stat. 1151.)

548. (Criminal Code, section 328.) Indians committing certain crime; acts on reservations; rape on Indian woman.—All Indians committing against the person or property of another Indian or other person any of the following crimes, namely—murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above-named crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States. Any Indian who shall commit the offense of rape upon any female Indian within the limits of any Indian reservation shall be imprisoned at the discretion of the court. (Mar. 3, 1885, c. 341, § 9, 23 Stat. 385; Jan. 15, 1897, c. 29, § 5, 29 Stat. 487; Mar. 4, 1909, c. 321, § 328, 35 Stat. 1151.)

549. (Criminal Code, section 329.) Crimes committed on Indian reservations in South Dakota; rape of female Indian.—The district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States. Any Indian who shall commit the crime of rape upon any female Indian within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. (Feb. 2, 1903, c. 351, 32 Stat. 793; Mar. 4, 1909, c. 321, § 329, 35 Stat. 1151.)

550. (Criminal Code, section 332.) "Principals" defined.—Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. (R. S. §§ 5323, 5427; Mar. 4, 1909, c. 321, § 332, 35 Stat. 1152.)

551. (Criminal Code, section 333.) Punishment of accessories.—Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years. (R. S. §§ 5538–5535; Mar. 4, 1909, c. 321, § 333, 35 Stat. 1152.)

552. (Criminal Code, section 334.) Same; robbery or piracy.—Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and whoever, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy, and shall be imprisoned not more than ten years. (R. S. §§ 5324, 5533; Mar. 4, 1909, c. 321, § 334, 35 Stat. 1152.)

553. (Criminal Code, section 336.) Place of committal of murder or manslaughter determined.—In all cases of murder or manslaughter, the crime shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered or other means employed which caused the death, without regard to the place where the death occurs. (Mar. 4, 1909, c. 321, § 336, 35 Stat. 1152.)

554. Indictments and presentments; by twelve grand jurors.—No indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve grand jurors. (R. S. § 1021.)

555. Same; offenses against elective franchise.—All crimes and offenses committed against the provisions of sections 54 to 59, 428, and 443 to 445 of this title, which are not infamous,

may be prosecuted either by indictment or by information filed by a district attorney. (R. S. § 1022.)

556. Same; defects of form.—No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant. (R. S. § 1025.)

557. Same; joinder of charges.—When there are several charges against any person for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses, which may be properly joined, instead of having several indictments the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases, the court may order them to be consolidated. (R. S. § 1024.)

558. Same; perjury.—In every presentment or indictment prosecuted against any person for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, and before whom the oath was taken, averring such court or person to have competent authority to administer the same, together with the proper averment to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, or any affidavit, deposition, or certificate, other than as hereinbefore stated, and without setting forth the commission or authority of the court or person before whom the perjury was committed. (R. S. § 5396.)

559. Same; subornation of perjury.—In every presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, or any affidavit, deposition, or certificate, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed. (R. S. § 5397.)

560. Same; perjury before naval court-martial.—In prosecutions for perjury committed on examination before a naval general court-martial, or for the subornation thereof, it shall be sufficient to set forth the offense charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought before, or intended to be brought before, said court. (R. S. § 1023.)

561. Same; judgment on demurrer.—In every case in any court of the United States, where a demurrer is interposed to an indictment, or to any count or counts thereof, or to any information, and the demurrer is overruled, the judgment shall be respondeat ouster; and thereupon a trial may be ordered at the same term, or a continuance may be ordered, as justice may require. (R. S. § 1026.)

562. Copy of indictment and list of jurors and witnesses for prisoner.—When any person is indicted of treason, a copy of the indictment and a list of the jury, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each juror and witness, shall be delivered to him at least three entire days before he is tried for the same. When any person is indicted of any other capital offense, such copy of the indictment and list of the jurors and witnesses shall be delivered to him at least two entire days before the trial. (R. S. § 1033.)

563. Counsel and witnesses for persons indicted for capital crimes.—Every person who is indicted of treason or other capital crime, shall be allowed to make his full defense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, and they shall have free access to him at all seasonable hours. He shall be allowed, in his defense, to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution. (R. S. § 1034.)

564. Standing mute.—When any person indicted for any offense against the United States, whether capital or otherwise, upon his arraignment stands mute, or refuses to plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party pleads not guilty, or such plea is entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury. (R. S. § 1032.)

565. Verdicts; less offense than charged.—In all criminal causes the defendant may be found guilty of any offense the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of an attempt to commit the offense so charged, if such attempt be itself a separate offense. (R. S. § 1035.)

566. Same; several joint defendants.—On an indictment against several, if the jury can not agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury. (R. S. § 1036.)

567. (Criminal Code, section 330.) Same; qualified verdicts.—In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life. (Jan. 15, 1897, c. 29, § 1, 29 Stat. 487; Mar. 4, 1909, c. 321, § 330, 35 Stat. 1152.)

568. (Criminal Code, section 327.) Pardoning power.—Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole, or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted. (R. S. § 5330; Mar. 4, 1909, c. 321, § 327, 35 Stat. 1151.)

569. Judgments for fines; collection.—In all criminal or penal causes in which judgment or sentence has been or shall be rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced. Where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid. (R. S. § 1041.)

570. Disposition of bribe moneys.—All moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court to be disposed of under and in accordance with the order, judgment or decree

of the said court, to be subject, however, to the provisions of section 852 of Title 28. (Jan. 7, 1925, c. 83, 43 Stat. 726.)

571. (Criminal Code, section 337.) Construction of words.—Words used in sections 1 to 553, 567, 568, and 571 to 573 of this title in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" and the word "whoever" include a corporation as well as a natural person; writing includes printing and typewriting, and signature or subscription includes a mark when the person making the same intended it as such. (Mar. 4, 1909, c. 321, § 337, 35 Stat. 1152.)

572. (Criminal Code, section 338.) Effect of omitting "hard labor."—The omission of the words "hard labor" from the provisions prescribing the punishment in the various sections of this title, shall not be construed as depriving the court of the power to impose hard labor as a part of the punishment, in any case where such power now exists. (Mar. 4, 1909, c. 321, § 338, 35 Stat. 1153.)

573. (Criminal Code, section 339.) Arrangement and classification of sections.—No inference or presumption of a legislative construction of sections 1 to 553, 567, 568, and 571 to 573 of this title is to be drawn by reason of the chapters under which any particular section thereof is placed. (Mar. 4, 1909, c. 321, § 339, 35 Stat. 1153.)

574. Jurisdiction of offenses under certain sections.—The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under sections 25, 27, 81 to 88, 98, 130 to 132, 343 to 345, and 611 to 633 of this title, and sections 218, 220 to 222, 231 to 234, and 238 to 245 of Title 22, committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under said sections committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 88 of this title, and the provisions of section 88 of this title, for the purpose of the sections hereinbefore enumerated, are hereby extended to the Philippine Islands and to the Canal Zone. In such cases, the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in the sections hereinbefore enumerated for United States attorneys. (June 15, 1917, c. 30, Title XIII, § 2, 40 Stat. 231.)

Chapter 16.—LIMITATIONS.

Sec.
581. Capital offenses.
582. Offenses not capital.
583. Fleeing from justice.
584. Crimes under slave trade laws.
585. Crimes under internal revenue laws.
586. Same; prosecutions instituted prior to amendment of preceding section.

Section 581. Capital offenses.—No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment found within three years next after such treason or capital offense is done or committed. (R. S. § 1043.)

582. Offenses not capital.—No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 584 of this title, unless the indictment is found, or the information is instituted, within three years next after such offense shall have been committed: *Provided, however*, That in offenses involving the defrauding or attempts to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, and now indictable under any existing statutes, the period of limitation shall be six years. This section shall apply to acts, offenses, or transactions where the existing statute of limitations had not yet fully run on November 17, 1921; but the proviso shall not apply to acts, offenses, or transactions which on that date were already barred by the provisions of existing laws. (R. S. § 1044; Apr. 13, 1876, c. 56, 19 Stat. 32; Nov. 17, 1921, c. 124, § 1, 42 Stat. 220.)

583. Fleeing from justice.—Nothing in sections 581 and 582 of this title shall extend to any person fleeing from justice. (R. S. § 1045.)

584. Crimes under slave trade laws.—No person shall be prosecuted, tried, or punished for any crime arising under the slave trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime. (R. S. § 1046.)

585. Crimes under internal revenue laws.—No person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal revenue laws of the United States unless the indictment is found or the information instituted within three years next after the commission of the offense. For offenses involving the defrauding or attempting to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, the period of limitation shall be six years, which period of limitation shall not apply to acts, offenses, or transactions which were barred by law on June 2, 1924. The time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings. The provisions of this section shall not apply to offenses committed prior to June 2, 1924. Where a complaint shall be instituted before a commissioner of the United States within the period above limited, the time shall be extended until the discharge of the grand jury at its next session within the district. This section shall not apply to offenses committed by officers of the United States. (July 5, 1884, c. 225, § 1, 23 Stat. 122; Nov. 23, 1921, c. 136, § 1321(a), 42 Stat. 315; June 2, 1924, 4.01 p. m., c. 234, § 1010(a), 43 Stat. 341.)

586. Same; prosecutions instituted prior to amendment of preceding section.—Any prosecution or proceeding under an indictment found or information instituted prior to November 23, 1921, shall not be affected in any manner by section 585 of this title, nor by the amendment on that date of the law now embraced in that section, but such prosecution or proceeding shall be subject to the limitations imposed by law prior to that date. (June 2, 1924, 4.01 p. m., c. 234, § 1010(b), 43 Stat. 342.)

Chapter 17.—ARREST, BAIL, AND COMMITMENT.

Sec.
591. Arrest and removal for trial.
592. Arrest and removal to or from the Philippine Islands.
593. Operating illicit distillery; arrest; bail.
594. Violations of internal revenue laws; warrant for arrest.
595. Persons arrested taken before nearest officer for hearing.
596. Bail; cases not capital.
597. Same; capital cases.
598. Same; cases removed from State courts.
599. Surrender by bail.
600. New bail.
601. Remission of penalty of recognizance.
602. Writs; several indictments against same person.
603. Same; copy as jailer's authority.
604. Same; for removal of prisoner.
605. Same; to bring prisoner into court.

Section 591. Arrest and removal for trial.—For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any United States commissioner, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by

law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. Where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had. (R. S. § 1014; May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956.)

592. Arrest and removal to or from the Philippine Islands.—The provisions of section 591 of this title, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Philippine Islands of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, and shall apply within the Philippine Islands for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant. (Feb. 9, 1903, c. 529, § 1, 32 Stat. 806.)

593. Operating illicit distillery; arrest; bail.—Where any marshal or deputy marshal of the United States within the district for which he shall be appointed shall find any person or persons in the act of operating an illicit distillery, it shall be lawful for such marshal or deputy marshal to arrest such person or persons, and take him or them forthwith before some judicial officer named in section 591 of this title, who may reside in the county of arrest or if none, in that nearest to the place of arrest, to be dealt with according to the provisions of sections 591, 596, and 597 of this title. (Mar. 1, 1879, c. 125, § 9, 20 Stat. 341.)

594. Violations of internal revenue laws; warrant for arrest.—Except as provided in section 591 of title 28, warrants of arrest for violations of internal revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, or deputy collector of internal revenue or revenue agent or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney. (May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956.)

595. Persons arrested taken before nearest officer for hearing.—It shall be the duty of the marshal, his deputy, or other officer, who may arrest a person charged with any crime or offense, to take the defendant before the nearest United States commissioner or the nearest judicial officer having jurisdiction under existing laws for a hearing, commitment, or taking bail for trial, and the officer or magistrate issuing the warrant shall attach thereto a certified copy of the complaint, and upon the arrest of the accused, the return of the warrant, with a copy of the complaint attached, shall confer jurisdiction upon such officer as fully as if the complaint had originally been made before him, and no mileage shall be allowed any officer violating the provisions hereof. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 416; May 28, 1896, c. 352, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956.)

596. Bail; cases not capital.—Bail shall be admitted upon all arrests in criminal cases where the offense is not punishable by death; and in such cases it may be taken by any of the persons authorized by section 591 of this title to arrest and imprison offenders. (R. S. § 1015.)

597. Same; capital cases.—Bail may be admitted upon all arrests in criminal cases where the punishment may be death; but in such cases it shall be taken only by the Supreme Court or a circuit court, or by a justice of the Supreme Court, a circuit judge, or a judge of a district court, who shall exercise their discretion therein, having regard to the nature and circumstance of the offense, and of the evidence, and to the usages of law. (R. S. § 1016.)

598. Same; cases removed from State courts.—When a writ of error is issued for the revision of the judgment of a State court, in any criminal proceeding where is drawn in question the validity of a statute of, or an authority exercised under, the United States, or where any title, right, privilege, or immunity is claimed under the Constitution, or any statute of, or commission held or authority exercised under, the United States, the defendant, if charged with an offense that is bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties, in a reasonable sum, as ordered and approved by the State court, is given; and if the offense is not so bailable, until a final judgment upon the writ of error. (R. S. § 1017.)

599. Surrender by bail.—Any party charged with a criminal offense and admitted to bail, may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offense; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and indorse on the recognizance, or certified copy thereof, the discharge and exoneratur of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law. (R. S. § 1018.)

600. New bail.—When proof is made to any judge of the United States, or other magistrate having authority to commit on criminal charges as aforesaid, that a person previously admitted to bail on any such charge is about to abscond, and that his bail is insufficient, the judge or magistrate shall require such person to give better security, or, for default thereof, cause him to be committed to prison; and an order for his arrest may be indorsed on the former commitment, or a new warrant therefor may be issued, by such judge or magistrate, setting forth the cause thereof. (R. S. § 1019.)

601. Remission of penalty of recognizance.—When any recognizance in a criminal cause, taken for, or in, or returnable to, any court of the United States, is forfeited by a breach of the condition thereof, such court may, in its discretion, remit the whole or a part of the penalty, whenever it appears to the court that there has been no willful default of the party, and that a trial can, notwithstanding, be had in the cause, and that public justice does not otherwise require the same penalty to be enforced. (R. S. § 1020.)

602. Writs; several indictments against same person.—When two or more charges are made, or two or more indictments are found against any person, only one writ or warrant shall be necessary to commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in very general terms. (R. S. § 1027.)

603. Same; copy as jailer's authority.—Whenever a prisoner is committed to a sheriff or jailer by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to such sheriff

or jailer, as his authority to hold the prisoner, and the original writ, warrant, or mittimus shall be returned to the proper court or officer, with the officer's return thereon. (R. S. § 1028.)

604. Same; for removal of prisoner.—Only one writ or warrant is necessary to remove a prisoner from one district to another. One copy thereof may be delivered to the sheriff or jailer from whose custody the prisoner is taken, and another to the sheriff or jailer to whose custody he is committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he is removed. (R. S. § 1029.)

605. Same; to bring prisoner into court.—No writ is necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the order of the court or district attorney, for which no fees shall be charged by the clerk or marshal. (R. S. § 1030.)

Chapter 18.—SEARCH WARRANT.

See.
611. Authority to issue.
612. Grounds for issue.
613. Probable cause and affidavit.
614. Examination of applicant and witnesses.
615. Affidavits and depositions.
616. Issue and contents of warrant.
617. Service.
618. Same; breaking and entering.
619. Same; breaking and entering to liberate detained person aiding in execution of warrant.
620. Same; daytime.
621. Time for execution and return of warrant.
622. Copy of warrant and receipt for property taken to person from whom taken.
623. Return; contents.
624. Copy of inventory for person from whom property taken.
625. Taking testimony.
626. Restoration of property taken; retention of custody of property by officer or other disposition.
627. Filing papers with clerk of court having jurisdiction.
628. Obstructing service or execution.
629. Perjury and subornation of perjury.
630. Maliciously procuring issue.
631. Officer exceeding authority.
632. "United States" defined.
633. Existing laws not repealed.

Cross reference: Jurisdiction of offenses under this chapter, see section 574 of this title.

Section 611. Authority to issue.—A search warrant authorized by this chapter may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located. (June 15, 1917, c. 30, Title XI, § 1, 40 Stat. 228.)

612. Grounds for issue.—A search warrant may be issued under this chapter upon either of the following grounds:

1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2. When the property was used as the means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When the property, or any paper, is possessed, controlled, or used in violation of section 98 of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed. (June 15, 1917, c. 30, Title XI, § 2, 40 Stat. 228.)

613. Probable cause and affidavit.—A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched. (June 15, 1917, c. 30, Title XI, § 3, 40 Stat. 228.)

614. Examination of applicant and witnesses.—The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them. (June 15, 1917, c. 30, Title XI, § 4, 40 Stat. 228.)

615. Affidavits and depositions.—The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist. (June 15, 1917, c. 30, Title XI, § 5, 40 Stat. 228.)

616. Issue and contents of warrant.—If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner. (June 15, 1917, c. 30, Title XI, § 6, 40 Stat. 229.)

617. Service.—A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution. (June 15, 1917, c. 30, Title XI, § 7, 40 Stat. 229.)

618. Same; breaking and entering.—The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance. (June 15, 1917, c. 30, Title XI, § 8, 40 Stat. 229.)

619. Same; breaking and entering to liberate detained person aiding in execution of warrant.—He may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation. (June 15, 1917, c. 30, Title XI, § 9, 40 Stat. 229.)

620. Same; daytime.—The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night. (June 15, 1917, c. 30, Title XI, § 10, 40 Stat. 229.)

621. Time for execution and return of warrant.—A search warrant must be executed and returned to the judge or commissioner who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void. (June 15, 1917, c. 30, Title XI, § 11, 40 Stat. 229.)

622. Copy of warrant and receipt for property taken to person from whom taken.—When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property. (June 15, 1917, c. 30, Title XI, § 12, 40 Stat. 229.)

623. Return; contents.—The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, veri-

fied by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: "I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant." (June 15, 1917, c. 30, Title XI, § 13, 40 Stat. 229.)

624. Copy of inventory for person from whom property taken.—The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant. (June 15, 1917, c. 30, Title XI, § 14, 40 Stat. 229.)

625. Taking testimony.—If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness. (June 15, 1917, c. 30, Title XI, § 15, 40 Stat. 229.)

626. Restoration of property taken; retention of custody of property by officer or other disposition.—If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken; but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law. (June 15, 1917, c. 30, Title XI, § 16, 40 Stat. 229.)

627. Filing papers with clerk of court having jurisdiction.—The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of his proceedings, with the clerk of the court having power to so inquire. (June 15, 1917, c. 30, Title XI, § 17, 40 Stat. 230.)

628. Obstructing service or execution.—Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than two years. (June 15, 1917, c. 30, Title XI, § 18, 40 Stat. 230.)

629. Perjury and subornation of perjury.—Sections 231 and 232 of this title shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this chapter, and such persons shall be subject to all the pains and penalties of said sections. (June 15, 1917, c. 30, Title XI, § 19, 40 Stat. 230.)

630. Maliciously procuring issue.—A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than $1,000 or imprisoned not more than one year. (June 15, 1917, c. 30, Title XI, § 20, 40 Stat. 230.)

631. Officer exceeding authority.—An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than $1,000 or imprisoned not more than one year. (June 15, 1917, c. 30, Title XI, § 21, 40 Stat. 230.)

632. "United States" defined.—The term "United States," as used in sections 611 to 631 of this title, includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

633. Existing laws not repealed.—Nothing contained in this chapter shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants. (June 15, 1917, c. 30, Title XI, § 23, 40 Stat. 230.)

Chapter 19.—FINES, PENALTIES, AND FORFEITURES.

Sec.
641. Discharge of indigent convicts.
642. Penalties under laws relating to vessels; informers' rights; manner of ascertaining facts.
643. Refunding of penalties under laws relating to vessels or seamen.
644. Officers and informers as witnesses.

Section 641. Discharge of indigent convicts.—When a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and cost, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the nonpayment of such fine, or fine and costs, such convict may make application in writing to any commissioner of the United States court in the district where he is imprisoned setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter. If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding $20 in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of $20, except such as is by law exempt from being taken on civil process for debt by the laws of (naming the State where oath is administered); and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." Upon taking such oath such convict shall be discharged; and the commissioner shall give to the keeper of the jail a certificate setting forth the facts. (R. S. §§ 1042, 5296.)

642. Penalties under laws relating to vessels; informers' rights; manner of ascertaining facts.—The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the penalty or forfeiture; and the Secretary shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. (R. S. § 5294; Dec. 15, 1894, c. 7, 28 Stat. 595; Mar. 2, 1896, c. 37, 29 Stat. 39.)

643. Refunding of penalties under laws relating to vessels or seamen.—Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of the Treasury, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated. (June 26, 1884, c. 121, § 26, 23 Stat. 59.)

644. Officers and informers as witnesses.—Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture. (R. S. § 5295.)

Chapter 20.—EXTRADITION.

Sec.
651. Fugitives from foreign country.
652. Fugitives from country under control of United States.
653. Surrender of fugitive.
654. Time allowed for extradition.
655. Evidence on hearing.
656. Witnesses for indigent defendants.
657. Place and character of hearing.
658. Continuance of provisions limited.
659. Protection of accused.
660. Agent receiving offenders; powers.
661. Same; penalty for opposing.
662. Fugitives from State or Territory.
663. Penalty for resisting agent.
664. Delivery of fugitives as between foreign country and Philippines.
665. Allowing escape.
666. Fugitives from Philippines.
667. Fees of commissioners.
668. Payment of fees and costs.

Section 651. Fugitives from foreign country.—Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign government, any justice of the Supreme Court, circuit judge, district judge, or commissioner, authorized so to do by any of the courts of the United States, or judge of a court of record of general jurisdiction of any State, may, upon complaint made under oath, charging any person found within the limits of any State, District, or Territory, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or commissioner, to the end that the evidence of criminality may be heard and considered. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made. (R. S. § 5270; June 6, 1900, c. 793, 31 Stat. 656.)

652. Fugitives from country under control of United States.—Whenever any foreign country or territory, or any part thereof, is occupied by or under the control of the United States, any person who shall violate, or who has violated, the criminal laws in force therein, by the commission of any of the following offenses: Murder and assault with intent to commit murder; counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same; forgery or altering, and uttering what is forged or altered; embezzlement or criminal malversation of the public funds, committed by public officers, employees, or depositaries; larceny or embezzlement of an amount not less than $100 in value; robbery; burglary, defined to be the breaking and entering by nighttime into the house of another person with intent to commit a felony therein; and the act of breaking and entering the house or building of another, whether in the day or night time, with the intent to commit a felony therein; the act of entering, or of breaking and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein; perjury or the subornation of perjury; rape; arson; piracy by the law of nations; murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens or residents of such foreign country or territory and not under the flag of the United States, or of some other government; malicious destruction of or attempt to destroy railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life, and who shall depart or flee, or who has departed or fled, from justice therein to the United States, any Territory thereof, or to the District of Columbia, shall, when found therein, be liable to arrest and detention by the authorities of the United States, and on the written request or requisition of the military governor or other chief executive officer in control of such foreign country or territory shall be returned and surrendered as hereinafter provided to such authorities for trial under the laws in force in the place where such offense was committed. All the provisions of sections 653 to 655 and 658 to 661 of this title, so far as applicable, shall govern proceedings authorized by this section. Such proceedings shall be had before a judge of the courts of the United States only, who shall hold such person on evidence establishing probable cause that he is guilty of the offense charged. No return or surrender shall be made of any person charged with the commission of any offense of a political nature. If so held such person shall be returned and surrendered to the authorities in control of such foreign country or territory on the order of the Secretary of State of the United States, and such authorities shall secure to such a person a fair and impartial trial. (R. S. § 5270; June 6, 1900, c. 793, 31 Stat. 656.)

653. Surrender of fugitive.—It shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered to such person as shall be authorized, in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person so authorized to hold such person in custody, and to take him to the territory of such foreign government, pursuant to such treaty. If the person so accused shall escape out of any custody to which he shall be committed, or to which he shall be delivered, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he shall so escape, may be retaken on an escape. (R. S. § 5272.)

654. Time allowed for extradition.—Whenever any person who is committed under this chapter or any treaty, to remain until delivered up in pursuance of a requisition, is not so delivered up and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he was committed, by the readiest way, out of the United States, it shall be lawful for any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why such discharge ought not to be ordered. (R. S. § 5273.)

655. Evidence on hearing.—In all cases where any depositions, warrants, or other papers or copies thereof shall be offered in evidence upon the hearing of any extradition case under this chapter, such depositions, warrants, and other

papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant or other paper or copies thereof, so offered, are authenticated in the manner required. (R. S. § 5271; Aug. 3, 1882, c. 378, § 5, 22 Stat. 216.)

656. Witnesses for indigent defendants.—On the hearing of any case under a claim of extradition by any foreign government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defense, that he can not safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge or commissioner before whom such claim for extradition is heard may order that such witnesses be subpœnaed; and in such cases the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner that similar fees are paid in the case of witnesses subpœnaed in behalf of the United States. (Aug. 3, 1882, c. 378, § 3, 22 Stat. 215.)

657. Place and character of hearing.—All hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public. (Aug. 3, 1882, c. 378, § 1, 22 Stat. 215.)

658. Continuance of provisions limited.—The provisions of this chapter relating to the surrender of persons who have committed crimes in foreign countries shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer. (R. S. § 5274.)

659. Protection of accused.—Whenever any person is delivered by any foreign government to an agent of the United States, for the purpose of being brought within the United States and tried for any crime of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safe-keeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the crimes or offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such crimes or offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused. (R. S. § 5275.)

660. Agent receiving offenders; powers.—Any person duly appointed as agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the jurisdiction of the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safe-keeping. (R. S. § 5276.)

661. Same; penalty for opposing.—Every person who knowingly and willfully obstructs, resists, or opposes such agent in the execution of his duties, or who rescues or attempts to rescue such prisoner, whether in the custody of the agent or of any officer or person to whom his custody has lawfully been committed, shall be punishable by a fine of not more than $1,000, and by imprisonment for not more than one year. (R. S. § 5277.)

662. Fugitives from State or Territory.—Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory. (R. S. § 5278.)

663. Penalty for resisting agent.—Any agent so appointed who receives the fugitive into his custody shall be empowered to transport him to the State or Territory from which he has fled. And every person who, by force, sets at liberty or rescues the fugitive from such agent while so transporting him, shall be fined not more than $500 or imprisoned not more than one year. (R. S. § 5279.)

664. Delivery of fugitives as between foreign country and Philippines.—The provisions of sections 651, 653 to 655, and 658 to 661 of this title, so far as applicable, shall apply to the Philippine Islands for the arrest and removal therefrom of any fugitives from justice charged with the commission within the jurisdiction of any foreign government of any of the crimes provided for by treaty between the United States and such foreign nation, and for the delivery by a foreign government of any person accused of crime committed within the jurisdiction of the Philippine Islands. Such fugitive from justice of a foreign country may, upon warrant duly issued by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such judge or magistrate, who shall proceed in the matter in accordance with the provisions hereby made applicable to the Philippine Islands. For the purposes of this section the order or warrant for delivery of a person committed for extradition prescribed by section 653 of this title shall be issued by the Governor of the Philippine Islands under his hand and seal of office, and not by the Secretary of State. (Feb. 6, 1905, c. 454, § 1, 33 Stat. 698.)

665. Allowing escape.—The provisions of section 244 of this title are hereby made applicable to proceedings in extradition from the Philippine Islands, either to the United States under sections 592 and 666 of this title, or to foreign countries under the provisions of section 664 of this title. (Feb. 6, 1905, c. 454, § 2, 33 Stat. 698.)

666. Fugitives from Philippines.—The provisions of sections 662 and 663 of this title, so far as applicable, shall apply to the Philippine Islands, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof. (Feb. 9, 1903, c. 529, § 2, 32 Stat. 807.)

667. Fees of commissioners.—The following shall be the fees paid to commissioners in cases of extradition under treaty stipulation or convention between the Government of the United States and any foreign government, and no other fees or compensation shall be allowed to or received by them:

For administering an oath, 10 cents.

For taking an acknowledgment, 25 cents.

For taking and certifying depositions to file, 20 cents for each folio.

For each copy of the same furnished to a party on request, 10 cents for each folio.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed clerks for like services.

For issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offense as set forth in said article, $2.

For issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French concluded at Washington November 9, 1843, $2.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or convention or of any treaty or convention, $5 a day for the time necessarily employed. (Aug. 3, 1882, c. 378, § 2, 22 Stat. 215; May 28, 1896, c. 252, § 21, 29 Stat. 184.)

668. Payment of fees and costs.—All witness fees and costs of every nature in cases of extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the Secretary of State of the United States, and the same shall be paid out of the appropriations to defray the expenses of the judiciary. The Attorney General shall certify to the Secretary of State the amounts to be paid to the United States on account of said fees and costs in extradition cases by the foreign government requesting the extradition, and the Secretary of State shall cause said amounts to be collected and transmitted to the Attorney General for deposit in the Treasury of the United States. (Aug. 3, 1882, c. 378, § 4, 22 Stat. 216; June 28, 1902, c. 1301, § 1, 32 Stat. 475.)

Chapter 21.—WRITS OF ERROR.

Sec.
681. Writs of error; conviction of crime punishable by death.
682. Same; on behalf of the United States.

Section 681. Writs of error; conviction of crime punishable by death.—In all cases of conviction of crime the punishment of which provided by law is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be reexamined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe. Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error, it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the clerk of the Supreme Court of the United States to receive, file, and docket the same. Every such writ of error shall during its pendency operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation as well as at the term so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court, and the court to which such cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term or within such time, not exceeding sixty days next after the expiration of the term of the court at which the trial shall have been had, as the court may for cause allow by order entered of record. (Feb. 6, 1889, c. 113, § 6, 25 Stat. 656.)

682. Same; on behalf of the United States.—A writ of error may be taken by and on behalf of the United States from the district courts direct to the Supreme Court of the United States in all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to, any indictment, or any count thereof, where such decision or judgment is based upon the invalidity, or construction of the statute upon which the indictment is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment, where such decision is based upon the invalidity or construction of the statute upon which the indictment is founded.

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

The writ of error in all such cases shall be taken within thirty days after the decision or judgment has been rendered and shall be diligently prosecuted and shall have precedence over all other cases.

Pending the prosecution and determination of the writ of error in the foregoing instances, the defendant shall be admitted to bail on his own recognizance: *Provided*, That no writ of error shall be taken by or allowed the United States in any case where there has been a verdict in favor of the defendant. (Mar. 2, 1907, c. 2564, 34 Stat. 1246.)

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Chapter 22.—GENERAL PROVISIONS.

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691. Temporary jails for confinement of United States prisoners.
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726. Same; probation officers; appointment, etc.
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Section 691. Temporary jails for confinement of United States prisoners.—In a State where the use of jails, penitentiaries, or other houses is not allowed for the imprisonment of persons arrested or committed under the authority of the United States, any marshal in such State, under the direction of the judge of the district, may hire, or otherwise procure, within the limits of such State, a convenient place to serve as a temporary jail. (R. S. § 5537.)

692. Safe-keeping of United States prisoners; marshals to make provisions for.—The marshal shall make such other provision as he may deem expedient and necessary for the safe-keeping of the prisoners arrested or committed under the authority of the United States, until permanent provision for that purpose is made by law. (R. S. § 5538.)

693. Control, discipline, and treatment of United States convicts in State or Territorial jails or prisons.—Whenever any criminal, convicted of any offense against the United States, is imprisoned in the jail or penitentiary of any State or Territory, such criminal shall in all respects be subject to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which such jail or penitentiary is situated; and while so confined therein shall be exclusively under the control of the officers having charge of the same, under the laws of such State or Territory. (R. S. § 5539.)

694. Sentence of United States prisoners to State penitentiary not in judicial district where sentence was imposed.—Where a judicial district has been or may hereafter be divided, the district courts of the United States shall have power to sentence any one convicted of an offense punishable by imprisonment at hard labor to the penitentiary within the State, though it be out of the judicial district in which the conviction is had. (R. S. § 5540.)

695. Execution of sentences in State jail or penitentiary.—Where any person convicted of any offense against the United States is sentenced to imprisonment for a period longer than one year, or to imprisonment and confinement at hard labor, the court by which the sentence is passed may order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose. (R. S. §§ 5541, 5542.)

696. Confinement of United States convicts in State or Territorial jails or penitentiaries; designation by Attorney General.—All persons convicted of crime by any courts of the United States, including consular courts, whose punishment is imprisonment in a district or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory to be designated by the Attorney General. (R. S. § 5546; July 12, 1876, c. 183, 19 Stat. 88; Mar. 3, 1901, c. 873, 31 Stat. 1450.)

697. Same; transportation of convicts to designated places; costs.—The persons designated in section 696 of this title shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the district or Territory where the conviction has occurred. In case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals. If the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney General out of the judiciary fund. If, in the opinion of the Attorney General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. (R. S. § 5546; July 12, 1876, c. 183, 19 Stat. 88; Mar. 3, 1901, c. 873, 31 Stat. 1450.)

698. Same; change of place of confinement.—The place of imprisonment designated as prescribed by section 696 of this title may be changed in any case when, in the opinion of the Attorney General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment. No change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one on his behalf. (R. S. § 5546; July 12, 1876, c. 183, 19 Stat. 88; Mar. 3, 1901, c. 873, 31 Stat. 1450.)

699. Same; subsistence and employment of convicts.—The Attorney General shall contract with the managers or proper authorities having control of prisoners confined in State or Territorial jails or penitentiaries under section 696 of this title, for the imprisonment, subsistence, and proper employment of them, and shall give the court having jurisdiction of such offenses notice of the jail or penitentiary where such prisoners will be confined. (R. S. § 5547.)

700. Same; clothing and money on discharge.—On the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and $5 in money, for which charge shall be made and allowed in the accounts of said prison with the United States. This section shall not apply to persons sentenced for a term of imprisonment of less than six months. (Mar. 3, 1875, c. 145, § 2, 18 Stat. 480.)

701. Expenses for transportation and confinement of prisoners paid by United States.—All the expenses attendant upon the transportation from place to place, and upon the temporary or permanent confinement of persons arrested or committed under the laws of the United States, as well as upon the execution of any sentence of a court thereof respecting them, shall be paid out of the Treasury of the United States in the manner provided by law. (R. S. § 5536.)

702. Report of warden of penitentiary.—The warden of the penitentiary of the United States for the District of Columbia shall make to the Secretary of the Interior, annually, in time to accompany the annual message of the President to Congress, a report of his operations during the preceding year, and of the

manner in which all appropriations have been applied. (R. S. § 1828.)

703. Actual reasonable cost of subsistence paid.—There shall be allowed and paid by the Attorney General, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it reasonably and actually cost to subsist them. And it shall be the duty of the Attorney General to prescribe such regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this chapter, as will enable him to determine the actual and reasonable expenses incurred. (R. S. § 5545.)

704. Cost of care of District of Columbia convicts charged against District; accounts.—The cost of the care and custody of District of Columbia convicts in any Federal penitentiary shall be charged against the District of Columbia in quarterly accounts to be rendered by the disbursing officer of said penitentiary; and the amount to be charged against the District of Columbia shall be ascertained by multiplying the average daily number of District of Columbia convicts confined in the penitentiary during the quarter by the per capita cost for all prisoners in such penitentiary for the same quarter but excluding expenses of construction or extraordinary repair of buildings. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 869.)

705. Ordering sentences executed in house of correction.—Whenever any person is convicted of any offense against the United States which is punishable by fine and imprisonment, or by either, the court by which the sentence is passed may order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is held, the use of which is authorized by the legislature of the State for such purpose. (R. S. § 5548.)

706. Juvenile offenders; confinement.—Juvenile offenders against the laws of the United States, being under the age of sixteen years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Attorney General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only, shall be paid by the Attorney General, out of the judiciary fund. (R. S. § 5549.)

707. Same; contracts for subsistence.—The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General. (R. S. § 5550.)

708. Hiring out United States convicts.—It shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person or corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated to hire or contract out the labor of said criminals, or any part of them, who may be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America. (Feb. 23, 1887, c. 213, § 1, 24 Stat. 411.)

709. Same; penalty.—Any person who shall offend against the provisions of section 708 of this title shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned for a term not less than one year nor more than three years, at the discretion of the court, or shall be fined not less than $500 nor more than $1,000 for each offense. (Feb. 23, 1887, c. 213, § 2, 24 Stat. 411.)

710. Deductions from sentences for good conduct; computation.—Each prisoner who has been or shall hereafter be convicted of any offense against the laws of the United States, and is confined, in execution of the judgment or sentence upon any such conviction, in any United States penitentiary or jail, or in any penitentiary, prison, or jail of any State or Territory, for a definite term, other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence to be estimated as follows, commencing on the first day of his arrival at the penitentiary, prison, or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence of more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated. (R. S. §§ 5543, 5544; Mar. 3, 1875, c. 145, § 1, 18 Stat. 479; Mar. 3, 1891, c. 529, § 8, 26 Stat. 840; June 21, 1902, c. 1140, § 1, 32 Stat. 397.)

711. Same; restoration of forfeited commutation.—In the case of convicts in any United States penitentiary, the Attorney General shall have the power to restore to any such convict who has heretofore or may hereafter forfeit any good time by violating any existing law or prison regulation such portion of lost good time as may be proper, in his judgment, upon recommendations and evidence submitted to him by the warden in charge. Restoration, in the case of United States convicts confined in State and Territorial institutions, shall be regulated in accordance with the rules governing such institutions, respectively. (June 21, 1902, c. 1140, § 2, 32 Stat. 397.)

712. Same; sentences affected.—Sections 710 and 711 of this title shall apply to all sentences imposed subsequent to July 21, 1902, and to the sentences imposed prior thereto the commutation upon which is less than that provided in said sections 710 and 711. (June 21, 1902, c. 1140, § 3, 32 Stat. 398; Apr. 27, 1906, c. 1997, 34 Stat. 149.)

712a. Same; prisoners convicted prior to June 21, 1902.—Prisoners confined in jails or penitentiaries of any State for offenses against the United States under sentences imposed prior to June 21, 1902, shall, except as otherwise provided in sections 710 to 712 of this title, be entitled to the same rule or credits for good behavior applicable to other prisoners in the same jail or penitentiary. (R. S. § 5544; June 21, 1902, c. 1140, § 3, 32 Stat. 398; Apr. 27, 1906, c. 1997, 34 Stat. 149.)

713. Same; entry on commitment warrant; forfeiture.—Each prisoner entitled to the deduction provided for in section 710 of this title shall be discharged at the expiration of his term of sentence less the time so deducted, and a certificate of the warden or keeper of the prison or penitentiary of such deduction shall be entered on the warrant of commitment. If during the term of imprisonment the prisoner shall commit any offense for which he shall be convicted by a jury, all remissions theretofore made shall be thereby annulled. (Mar. 3, 1875, c. 145, § 1, 18 Stat. 479.)

714. Parole of prisoners; conditions.—Every prisoner who has been or may hereafter be convicted of any offense against

the United States and is confined in execution of the judgment of such conviction in any United States penitentiary or prison, for a definite term or terms of over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term, has served one-third of the total of such term or terms for which he was sentenced, or, if sentenced for the term of his natural life, has served not less than fifteen years, may be released on parole as hereinafter provided. (June 25, 1910, c. 387, § 1, 36 Stat. 819; Jan. 23, 1913, c. 9, 37 Stat. 650.)

715. Same; boards of parole; meetings.—The superintendent of prisons of the Department of Justice, and the warden and physician of each United States penitentiary shall constitute a board of parole for such prison, which shall establish rules and regulations for its procedure subject to the approval of the Attorney General. The chief clerk of such prison shall be clerk of said board of parole, and meetings shall be held at each prison as often as the regulations of such board shall provide. In every case where a prison other than a United States penitentiary is used for the confinement of such prisoners it shall be the duty of the Attorney General to designate the officers of said prison who, together with the superintendent of prisons shall constitute such board for said prison. (June 25, 1910, c. 387, § 2, 36 Stat. 819.)

716. Same; application for parole.—If it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if in the opinion of the board such release is not incompatible with the welfare of society, then said board of parole may in its discretion authorize the release of such applicant on parole, and he shall be allowed to go on parole outside of said prison, and, in the discretion of the board, to return to his home, upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the warden of such prison from which paroled, and until the expiration of the term or terms specified in his sentence, less such good time allowance as is or may hereafter be provided for by law; and the said board shall, in every parole, fix the limits of the residence of the person paroled, which limits may thereafter be changed in the discretion of the board. No release on parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney General of the United States. (June 25, 1910, c. 387, § 3, 36 Stat. 819.)

717. Same; violation of parole; warrant for retaking prisoner.—If the warden of the prison or penitentiary from which said prisoner was paroled or said board of parole or any member thereof shall have reliable information that the prisoner has violated his parole, then said warden, at any time within the term or terms of the prisoner's sentence, may issue his warrant to any officer hereinafter authorized to execute the same, for the retaking of such prisoner. (June 25, 1910, c. 387, § 4, 36 Stat. 820.)

718. Same; officers authorized to execute warrant; expenses.—Any officer of said prison or any Federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to said prison within the time specified in said warrant therefor. All necessary expenses incurred in the administration of this chapter shall be paid out of the appropriation for the prison in connection with which such expense was incurred, and such appropriation is hereby made available therefor. (June 25, 1910, c. 387, § 5, 36 Stat. 820.)

719. Same; action by board on issue of warrant; revocation of parole.—At the next meeting of the board of parole held at such prison after the issuing of a warrant for the retaking of any paroled prisoner, said board of parole shall be notified thereof, and if said prisoner shall have been returned to said prison, he shall be given an opportunity to appear before said board of parole, and the said board may then or at any time in its discretion revoke the order and terminate such parole or modify the terms and conditions thereof. If such order of parole shall be revoked and the parole so terminated, the said prisoner shall serve the remainder of the sentence originally imposed; and the time the prisoner was out on parole shall not be taken into account to diminish the time for which he was sentenced. (June 25, 1910, c. 387, § 6, 36 Stat. 820.)

720. Same; parole officer for each penitentiary; supervision of paroled prisoners by marshals.—Each board of parole shall appoint a parole officer for the penitentiary over which it has jurisdiction. Subject to the direction and control of such board, it shall be the duty of such officer to aid paroled prisoners in securing employment and to visit and exercise supervision over them while on parole, and such officer shall have such authority and perform such other duties as the board of parole may direct. The salary of each parole officer shall be fixed by the board of parole, but shall not exceed $1,500 per annum, which, together with his actual and necessary traveling expenses, when approved by such board, shall be paid out of the appropriation for the maintenance of the penitentiary to which he is assigned, which appropriation is hereby made available for the purpose. In addition to such parole officers the supervision of paroled prisoners may also be devolved upon the United States marshals when the board of parole may deem it necessary. (June 25, 1910, c. 387, § 7, 36 Stat. 820.)

721. Same; gratuities or transportation to paroled prisoners.—It shall be the duty of the warden of the prison to furnish to any and all paroled prisoners the usual gratuities, consisting of clothing, transportation, and $5 in money; the transportation furnished shall be to the place to which the paroled prisoner has elected to go, with the approval of the board of parole. The warden of the prison who furnishes these gratuities is hereby authorized to charge the actual cost of the same in his accounts against the United States. When any such paroled prisoner shall have received his final discharge, while he is away from such prison, he shall be entitled to no further gratuities provided for discharged prisoners under existing law. (June 25, 1910, c. 387, § 8, 36 Stat. 820.)

722. Same; United States prisoners in State reformatories; parole under State laws.—Whenever any person has been convicted of any offense against the United States which is punishable by imprisonment, and has been sentenced to imprisonment and is confined therefor, in any reformatory institution of any State in accordance with section 705 of this title, or other laws of the United States, then if such State has laws for the parole of prisoners committed to such institutions by the courts of that State, such person convicted of any offense against the United States shall be eligible to parole on the same terms and conditions and by the same authority and subject to recommittal for violation of such parole in the same manner, as persons committed to such institutions by the courts of said State, and the laws of said State relating to the parole of prisoners and the supervision thereof in such institutions are hereby adopted and made to apply to persons committed to such institutions for offenses against the United States. The necessary cost of parole and supervision of such prisoners, to the State where such institution is located shall be paid by the United States out of the appropriation for the support of prisoners

confined in State institutions, which appropriation is hereby made available for the purpose. No such prisoner shall be entitled to go on parole until the Attorney General shall have approved the order therefor. When a prisoner is committed to such institution outside of the State where he lives he may be permitted by his parole to return to his home, and in such case the supervision of such prisoner on parole shall devolve upon the marshal of the district where said prisoner lives, and in case such prisoner should violate his parole a warrant for his recommitment shall be delivered to and executed by said marshal. (June 25, 1910, c. 387, § 9, 36 Stat. 821.)

723. Same; power of President to grant pardon or commutation, or good time allowance not impaired.—Nothing in sections 714 to 722 of this title shall be construed to impair the power of the President of the United States to grant a pardon or commutation in any case, or in any way impair or revoke such good time allowance as is or may hereafter be provided by law. (June 25, 1910, c. 387, § 10, 36 Stat. 821.)

724. Suspension of imposition or execution of sentences and placing of defendant upon probation; power of courts; revocation or modification of probation; duties of probationer.—The courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, shall have power, after conviction or after a plea of guilty or nolo contendere for any crime or offense not punishable by death or life imprisonment, to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as they may deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation, or may change the period of probation. The period of probation, together with any extension thereof, shall not exceed five years.

While on probation the defendant may be required to pay in one or several sums a fine imposed at the time of being placed on probation and may also be required to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which conviction was had, and may also be required to provide for the support of any person or persons for whose support he is legally responsible. (Mar. 4, 1925, c. 521, § 1, 43 Stat. 1259.)

725. Same; powers of probation officers; arrest of probationer.—When directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer while on probation. The court may thereupon discharge the probationer from further supervision and may terminate the proceedings against him, or may extend the probation, as shall seem advisable.

At any time within the probation period the probation officer may arrest the probationer without a warrant, or the court may issue a warrant for his arrest. Thereupon such probationer shall forthwith be taken before the court. At any time after the probation period, but within the maximum period for which the defendant might originally have been sentenced, the court may issue a warrant and cause the defendant to be arrested and brought before the court. Thereupon the court may revoke the probation or the suspension of sentence, and may impose any sentence which might originally have been imposed. (Mar. 4, 1925, c. 521, § 2, 43 Stat. 1260.)

726. Same; probation officers; appointment, etc.—The judge of any United States court having original jurisdiction of criminal actions, except in the District of Columbia, may appoint one or more suitable persons to serve as probation officers within the jurisdiction and under the discretion of the judge making such appointment or of his successor. All such probation officers shall serve without compensation except that in case it shall appear to any such judge that the needs of the service require that there should be a salaried probation officer, such judge may appoint one such officer and shall fix the salary of such officer subject to the approval of the Attorney General in each case. Probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States. Such judge may in his discretion remove any probation officer serving in his court. The appointment of probation officers shall be in writing and shall be entered on the records of the court of the judge making such appointment, and a copy of the order of appointment shall be delivered to the officer so appointed. Such court may allow any probation officer his actual expenses necessarily incurred in the performance of his duties. Such salary and expenses when duly approved shall be paid from the appropriations for courts in which such officer serves. (Mar. 4, 1925, c. 521, § 3, 43 Stat. 1260.)

727. Same; duties of probation officers.—It shall be the duty of a probation officer to investigate any case referred to him for investigation by the court in which he is serving and to report thereon to the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision and shall report thereon to the court placing such person on probation. Such officer shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid persons on probation and to bring about improvements in their conduct and condition. Each officer shall keep records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision; shall give receipts therefor, and shall make at least monthly returns thereof; shall make such reports to the Attorney General as he may at any time require; and shall perform such other duties as the court may direct. A probation officer shall have the power of arrest that is now exercised by a deputy marshal. (Mar. 4, 1925, c. 521, § 4, 43 Stat. 1260.)

Chapter 23.—UNITED STATES PRISONS IN GENERAL.

Sec.
741. Control and management of prisons by Attorney General; officers; rules for government of.
742. Designation of penitentiary in which prisoners shall be confined.
743. Transportation of prisoners; expenses.
744. Employment of convicts.
745. Separation of youthful prisoners.
746. Transportation home of discharged prisoners; clothing and money.
747. Inapplicable to juvenile offenders.
748. Confinement of prisoners in the United States Disciplinary Barracks.
749. Federal jail at Fort Smith, Arkansas, made national prison; prisoners admitted.
750. Salaries of captains of the watch and guards.

Section 741. Control and management of prisons by Attorney General; officers; rules for government of.—The control and management of the prisons authorized by Act March 3, 1891 (chapter 529, sections 1 and 3, 26 Statutes 839), for the confinement of persons convicted of any crime whose term of imprisonment is one year or more at hard labor by any court of the United States in any State, Territory, or District under the Department of Justice of the United States, shall be vested in the Attorney General, who shall have power to appoint a superintendent, assistant superintendent, warden, keeper, and all other officers necessary for the safe-keeping, care, protection, and discipline of such United States prisoners. He shall also have authority to promulgate such rules for the

government of the officials of said prisons and prisoners as he may deem proper and necessary. (Mar. 3, 1891, c. 529, §§ 1, 4, 26 Stat. 839.)

742. Designation of penitentiary in which prisoners shall be confined.—The Attorney General is authorized to designate to which of the prisons referred to in section 741 of this title persons convicted in a State or Territory shall be carried for confinement. (Mar. 3, 1891, c. 529, § 9, 26 Stat. 840.)

743. Transportation of prisoners; expenses.—The transportation of all United States prisoners convicted of crimes against the laws of the United States in any State, District, or Territory, and sentenced to terms of imprisonment in a penitentiary, and their delivery to the superintendent, warden, or keeper of such United States prisons, shall be by the marshal of the District or Territory where such conviction may occur. The actual expenses of such marshal, including transportation and subsistence, hire, transportation and subsistence of guards, and the transportation and subsistence of the convict or convicts, shall be paid, on the approval of the Attorney General out of the judiciary fund. (Mar. 3, 1891, c. 529, § 5, 26 Stat. 839.)

744. Employment of convicts.—The convicts in the United States prisons shall be employed exclusively in the manufacture of such supplies for the Government as can be manufactured without the use of machinery, and the prisoners shall not be worked outside the prison inclosure. (Mar. 3, 1891, c. 529, § 2, 26 Stat. 839.)

745. Separation of youthful prisoners.—In the prison buildings provided for in section 741 of this title there shall be such arrangement of cells and yard space as that prisoners under twenty years of age shall not be in any way associated with prisoners above that age, and the management of the class under twenty years of age shall be as far as possible reformatory. (Mar. 3, 1891, c. 529, § 9, 26 Stat. 840.)

746. Transportation home of discharged prisoners; clothing and money.—Every prisoner when discharged from a jail or prison shall be furnished with transportation to the place of his residence within the United States at the time of his commitment under sentence of the court, and if the term of his imprisonment shall have been for one year or more, he shall also be furnished with suitable clothing, the cost not to exceed $12, and $5 in money. (Mar. 3, 1875, c. 145, § 2, 18 Stat. 480; March 3, 1891, c. 529, § 6, 26 Stat. 840.)

747. Inapplicable to juvenile offenders.—Sections 741 to 746 of this title shall not apply to minors, who, in the judgment of the judges presiding over United States courts, should be committed to reformatory institutions. (Mar. 3, 1891, c. 529, § 8, 26 Stat. 840.)

748. Confinement of prisoners in the United States Disciplinary Barracks.—Nothing in sections 741 to 746 of this title shall be construed as prohibiting the courts of the United States from sentencing to or confining prisoners, either civil or military, in the United States Disciplinary Barracks at Fort Leavenworth, Kansas. (Mar. 3, 1891, c. 529, § 7, 26 Stat. 840; Mar. 4, 1915, c. 431, § 2, 38 Stat. 1084.)

749. Federal jail at Fort Smith, Arkansas, made national prison; prisoners admitted.—The Federal jail at the city of Fort Smith, Arkansas, in addition to the purposes for which it was used on May 17, 1898, is hereby declared to be a national prison. And said jail may also be used for the care and confinement of United States prisoners in the Texarkana division of the western district of Arkansas. (May 17, 1898, c. 340, 30 Stat. 417.)

750. Salaries of captains of the watch and guards.—The salaries of the captains of the watch and the guards in the United States penitentiaries shall be as provided in section 676 of title 5. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 338.)

Chapter 24. — LEAVENWORTH, KANSAS, PENITENTIARY.

Sec.
761. Care and control of penitentiary.
762. Persons confined in penitentiary.
763. Laws governing penitentiary.
764. Labor of convicts.
765. Annual estimates by Attorney General.
766. Use of penitentiary reservation for military purposes.
767. Transfer of portion of Fort Leavenworth Military Reservation to Department of Justice for farm purposes.
768. Exchange of livestock.
769. Factories at penitentiary; establishment and operation; employment of inmates.
770. Same; sale of manufactured articles; disposition of proceeds.
771. Same; payment of inmates for labor.
772. Same; working capital fund.
773. Same; disbursements from working capital fund.
774. Same; disposition of products of industries.
775. Same; Government departments to purchase products.
776. Same; report to Congress of receipts, expenditures, etc.

Section 761. Care and control of penitentiary.—The United States penitentiary on the military reservation at Leavenworth, Kansas, authorized by Act June 10, 1896, chapter 400, 29 Statutes 380, shall be under the care and control of the Attorney General. (June 10, 1896, c. 400, § 1, 29 Stat. 380.)

762. Persons confined in penitentiary.—The Leavenworth Penitentiary shall be used for the confinement of persons convicted in the United States courts of crimes against the United States and sentenced to imprisonment in a penitentiary. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 957; June 10, 1896, c. 400, § 1, 29 Stat. 380.)

763. Laws governing penitentiary.—The Leavenworth Penitentiary shall be carried on in accordance with sections 741 to 743 and 745 to 748 of this title. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 957.)

764. Labor of convicts.—Convicts in the Leavenworth Penitentiary shall be employed only in the manufacture of articles and the production of supplies for the penitentiary, and in the manufacture of supplies for the Government. Convicts shall not be worked outside the military reservation. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 957.)

765. Annual estimates by Attorney General.—The Attorney General shall annually submit estimates for all expenses of maintaining the penitentiary, including salaries of necessary officers and employees. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 957; June 10, 1921, c. 18, § 216, 42 Stat. 23.)

766. Use of penitentiary reservation for military purposes.—The penitentiary reservation shall be open for military tactical purposes, when such purposes do not interfere with the discipline of the penitentiary. (June 10, 1896, c. 400, § 1, 29 Stat. 380.)

767. Transfer of portion of Fort Leavenworth Military Reservation to Department of Justice for farm purposes.—The Secretary of War shall transfer to the jurisdiction of the Department of Justice for use as a farm in connection with the United States penitentiary, Leavenworth, Kansas, all of that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and including the bridge across the Missouri River, which bridge shall be open to use by the public under such rules and regulations as prescribed by the Attorney General. (May 31, 1924, c. 221, 43 Stat. 248; Dec. 5, 1924, c. 4, § 1, 43 Stat. 687.)

768. Exchange of livestock.—Livestock belonging to or used in the penitentiary may be exchanged or traded when authorized by the Attorney General. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1414; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1085; May 28, 1924, c. 204, Title II, 43 Stat. 222; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1031.)

769. Factories at penitentiary; establishment and operation; employment of inmates.—The Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Leavenworth, Kansas, a factory or factories for the manufacture of shoes, brooms, and brushes to supply the requirements of the various departments of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop, and the articles so manufactured shall be sold only to the Government of the United States.

The Attorney General is authorized to employ the inmates of the penitentiary under such regulations as he may prescribe, in the work or business of manufacturing shoes, brooms, and brushes, and in erecting all buildings necessary to conduct said businesses, and the products of such businesses shall be utilized in said penitentiary or sold to the Government of the United States for the use of the military and naval forces and other Government departments. (Feb. 11, 1924, c. 17, § 1, 43 Stat. 6.)

770. Same; sale of manufactured articles; disposition of proceeds.—Articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by section 772 of this title. (Feb. 11, 1924, c. 17, § 2, 43 Stat. 7.)

771. Same; payment of inmates for labor.—The Attorney General is authorized to provide for the payment of the inmates or dependents upon inmates of said penitentiary such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital fund. (Feb. 11, 1924, c. 17, § 3, 43 Stat. 7.)

772. Same; working capital fund.—There is to be created a fund, to be known as the working capital, which shall be available for the carrying on the industrial enterprises authorized herein or which may be authorized hereafter by law to be carried on in said penitentiary. The working capital shall consist of the sum of $250,000, which sum is authorized to be appropriated. The receipts from the sale of the products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the working capital fund and be available for appropriation by Congress annually. (Feb. 11, 1924, c. 17, § 5, 43 Stat. 7.)

773. Same; disbursements from working capital fund.—The working capital shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of sections 769 to 776 of this title. (Feb. 11, 1924, c. 17, § 7, 43 Stat. 7.)

774. Same; disposition of products of industries.—The products of said industries shall not be disposed of except as provided in sections 769 to 776 of this title. (Feb. 11, 1924, c. 17, § 8, 43 Stat. 7.)

775. Same; Government departments to purchase products.—It is hereby made obligatory upon the various departments of the Government to purchase the products of the business herein authorized to be carried on in the penitentiary at Leavenworth, Kansas, until the supply therein produced is exhausted before purchasing elsewhere. (Feb. 11, 1924, c. 17, § 9, 43 Stat. 7.)

776. Same; report to Congress of receipts, expenditures, etc.—At the opening of each regular session of Congress the Attorney General shall make a detailed report to Congress of the receipts and expenditures made under sections 769 to 776 of this title, the quantity of material of different kinds bought or otherwise acquired and used, the number of persons employed, the hours of labor and the wages paid, the amount and kind of goods manufactured and the prices paid therefor, the amount used in said penitentiary, the amount sold, the prices, and total amount received therefor. (Feb. 11, 1924, c. 17, § 6, 43 Stat. 7.)

Chapter 25.—ATLANTA, GEORGIA, PENITENTIARY.

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793. Employment of convicts.
794. Cotton factories; establishment.
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797. Same; payment of inmates for work.
798. Same; working capital fund.
799. Same; disbursement of working capital fund.
800. Same; disposition of products.
801. Same; reports of receipts and expenditures.

Section 791. Management of penitentiary.—The United States penitentiary at Atlanta, Georgia, shall be carried on in accordance with sections 741 to 743, 745, and 747 of this title. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1185.

792. Transfer of prisoners.—The Attorney General is authorized to transfer, in his discretion, to the Atlanta Penitentiary such persons who, on March 3, 1901, were undergoing sentences of confinement, imposed by the United States courts, in other institutions, as can conveniently be accommodated therein. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1185.)

793. Employment of convicts.—Convicts in said penitentiary at Atlanta may be employed in the manufacture of articles and the production of supplies for said penitentiary; in the manufacture of supplies for the Government that can be manufactured without the use of machinery; in the construction, extension, and repairs of buildings and inclosures of the prison, and in making necessary materials therefor; and in the cultivation and care of the prison grounds and farm. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1185.)

794. Cotton factories; establishment.—The Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Atlanta, Georgia, a factory or factories for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation, cotton duck suitable for tents and other Army purposes and canvas for mail sacks and for the manufacture of mail sacks and other similar mail-carrying equipment for the use of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop, and the articles so manufactured shall be sold only to the Government of the United States. (July 10, 1918, c. 144, § 1, 40 Stat. 896.)

795. Same; purchase or condemnation of sites; employment of inmates.—The Attorney General is authorized and directed to acquire by purchase or condemnation proceedings such tracts of land at such points as he may determine, at a total cost of not to exceed $200,000, which may be cleared, graded, and cultivated. The Attorney General is authorized to employ the inmates of the penitentiary under such regulations as he may prescribe in the work of clearing, grading, and cultivation of tracts of land authorized to be acquired. The products of any such agricultural development, including livestock, shall be utilized in said penitentiary or be sold to the Government of the United States for the use of the military and naval forces of the United States. (July 10, 1918, c. 144, § 1, 40 Stat. 896.)

796. Same; sale of articles manufactured.—Articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by section 798 of this title. (July 10, 1918, c. 144, § 2, 40 Stat. 896.)

797. Same; payment of inmates for work.—The Attorney General is authorized and empowered to provide for the payment to the inmates or dependents upon inmates of said penitentiary such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working-capital fund. (July 10, 1918, c. 144, § 3, 40 Stat. 897.)

798. Same; working capital fund.—There is created a fund, to be known as the working capital, which shall be available for the carrying on the industrial enterprise authorized herein or which may be authorized hereafter by law to be carried on in said penitentiary. The working capital shall consist of the sum of $150,000, which sum is authorized to be appropriated. The receipts from the sale of the products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the working-capital fund and be available for appropriation by Congress, annually, for the purposes set forth in sections 793 to 801 of this title. (July 10, 1918, c. 144, § 5, 40 Stat. 897.)

799. Same; disbursement of working capital fund.—The working capital shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of sections 793 to 801 of this title. (July 10, 1918, c. 144, § 7, 40 Stat. 897.)

800. Same; disposition of products.—The products of said industries shall not be disposed of except as provided in sections 793 to 801 of this title. (July 10, 1918, c. 144, § 8, 40 Stat. 897.)

801. Same; reports of receipts and expenditures.—At the opening of each regular session of Congress the Attorney General shall make a detailed report to Congress of the receipts and expenditures made hereunder, the quantity of material of different kinds bought or otherwise acquired and used, the number of persons employed, the hours of labor and the wages paid, the amount and kind of goods manufactured, and the prices paid therefor; also the agricultural products grown or produced on land owned or cultivated by or under the direction of the Attorney General or by the authorities of said penitentiary, the amount used therein, the amount sold, the prices, and total amount received therefor. (July 10, 1918, c. 144, § 6, 40 Stat. 897.)

Chapter 26. — FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN.

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813. Plans, specifications, etc., for buildings.
814. Control, management, officers, and employees of institution.
815. Transfer of women to institution.
816. Board of Advisers; how constituted; duties.
817. Instruction and training of inmates.
818. Parole of inmates.
819. Transportation, etc., for inmates upon discharge.

Section 811. Selection of site; women to be confined in.—The Attorney General, the Secretary of the Interior, and the Secretary of Labor, are authorized and directed to select a site either in connection with some existing institution or elsewhere, for an industrial institution for the confinement of female persons above the age of eighteen years, convicted of an offense against the United States, including women convicted by consular courts, sentenced to imprisonment for more than one year. (June 7, 1924, c. 287, § 1, 43 Stat. 473.)

812. Estimate of cost; annual estimates of expense of maintenance.—Upon the selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing same, together with estimates of the expense necessary to construct the proper buildings thereon. The Attorney General at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the industrial institution for women, including salaries of all officers and employees. (June 7, 1924, c. 287, § 2, 43 Stat. 473.)

813. Plans, specifications, etc., for buildings.—The Secretary of the Treasury is hereby authorized, on request of the Attorney General, to cause plans, drawings, designs, specifications, and estimates for the remodeling of the buildings existing on June 7, 1924, and the construction of additional buildings, and such appurtenances as may be necessary on said reservation, to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of remodeling and construction of such buildings and appurtenances to be supervised by the field force of that office. The proper appropriations for the support and maintenance of the Office of the Supervising Architect shall be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work, and the supervision of the remodeling and construction of said buildings and appurtenances. (June 7, 1924, c. 287, § 3, 43 Stat. 474.)

814. Control, management, officers, and employees of institution.—The control and management of such industrial institution shall be vested in the Attorney General of the United States, who also shall have power to appoint a superintendent, assistant superintendent, and all other officers and employees necessary for the safe-keeping, care, protection, instruction, and discipline of said inmates. (June 7, 1924, c. 287, § 4, 43 Stat. 474.)

815. Transfer of women to institution.—The Attorney General is authorized, in his discretion, to transfer to such institution, as accommodations thereat become available, all persons eligible under the terms of sections 811 to 819 of this title for incarceration in said industrial institution, who are now, or shall hereafter be, incarcerated in other prisons, penitentiaries, reformatories, or houses of correction, and who are proper subjects for incarceration in said institution, and to transfer from such industrial institution to a suitable State or Territorial prison, penitentiary, or reformatory, any inmate who is found by him to be incorrigible, or whose presence in said industrial institution is found detrimental to its well-being. Such transfer shall be made by the United States marshal of the judicial district in which the institution from which the transfer is to be made is located. The actual and necessary expense incurred in such transfer shall be paid from the judicial funds. (June 7, 1924, c. 287, § 6, 43 Stat. 474.)

816. Board of Advisers; how constituted; duties.—Four citizens of the United States of prominence and distinction, who shall be appointed by the President for terms of three, four, five, and six years, respectively, from June 7, 1924, the term of each to be designated by the President, but their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed, and who shall serve without compensation, shall constitute, together with the Attorney General of the United States, the Superintendent of Prisons of the Department of Justice, and the Superintendent of the United States Industrial Institution for Women, a Board of Advisers of said industrial institution. It shall be the duty

of said board to recommend ways and means for the discipline and training of such inmates, that on their discharge from such institution they may secure suitable employment. (June 7, 1924, c. 287, § 7, 43 Stat. 474.)

817. Instruction and training of inmates.—It shall be the duty of the Attorney General to provide for the instruction of the inmates in such institution in the common branches of an English education, and for their training in such trade, industry, or occupational pursuit as will best enable said inmates on release to obtain self-supporting employment. (June 7, 1924, c. 287, § 5, 43 Stat. 474.)

818. Parole of inmates.—The inmates of such industrial institution shall be eligible to parole under sections 714 to 721 of this title. Such inmates shall be entitled to commutation allowance for good conduct in accordance with sections 710 to 712 of this title. (June 7, 1924, c. 287, § 8, 43 Stat. 475.)

819. Transportation, etc., for inmates upon discharge.—Every inmate, when discharged from such industrial institution, shall be furnished with transportation to the place of conviction or place of bona fide residence, or to such other place in the United States as may be authorized by the Attorney General, and shall be furnished with suitable clothing and $20 in money. (June 7, 1924, c. 287, § 9, 43 Stat. 475.)

Chapter 27.—UNITED STATES INDUSTRIAL REFORMATORY.

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838. Employment of inmates.
839. Parole of inmates; commutation allowances.
840. Transportation, etc., for discharged inmates.

Section 831. Selection of site; persons to be confined in; sentence need not specify place of confinement.—The Attorney General, the Secretary of War, and the Secretary of the Interior are authorized and directed to select a site for an industrial reformatory which shall be used for the confinement of male persons between the ages of seventeen and thirty years, who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and sentenced for terms of imprisonment for more than one year, with or without hard labor, except those who have been convicted previously of an offense punishable by imprisonment for more than one year, and except also those convicted of treason, murder in the first or second degree, rape, or arson, and those sentenced to life imprisonment. It shall be sufficient for the courts to sentence said class of offenders to imprisonment in the penitentiary without specifying the particular penitentiary or the United States Industrial Reformatory and the imprisonment shall be in such penitentiary or the United States Industrial Reformatory as the Attorney General shall from time to time designate. (Jan. 7, 1925, c. 32, § 1, 43 Stat. 724.)

832. Estimate of cost; prison labor employed in construction; annual estimates of expense of maintenance.—Upon the selection of an appropriate site the Attorney General shall submit to Congress estimate of the cost of purchasing the same, together with estimates of the expense necessary to construct the proper buildings thereon. For the purpose of construction of such buildings the Attorney General shall employ the labor of such United States prisoners confined in the United States penitentiary, Atlanta, Georgia, the United States penitentiary, Leavenworth, Kansas, the United States penitentiary, McNeil Island, Washington, and State or Territorial prisons, penitentiaries, or reformatories, who are eligible for confinement in said United States Industrial Reformatory under the provisions of sections 831 to 840 of this title, and who can be used, under proper guard, in the work necessary to construct the buildings. The Attorney General at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the said industrial reformatory, including salaries of all necessary officers and employees. (Jan. 7, 1925, c. 32, § 2, 43 Stat. 724.)

833. Plans, specifications, etc., for buildings.—The Secretary of the Treasury is authorized, upon the request of the Attorney General, to cause the plans, drawings, designs, specifications, and estimates for the remodeling and construction of the necessary buildings to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office. The proper appropriations for the support and maintenance of the Office of the Supervising Architect shall be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work, and the supervision of the remodeling and construction of said buildings. (Jan. 7, 1925, c. 32, § 3, 43 Stat. 724.)

834. Control, management, officers, and employees of institution.—The control and management of the United States Industrial Reformatory shall be vested in the Attorney General, who shall have power to appoint a superintendent, assistant superintendent, and all other officers necessary for the safe-keeping, care, protection, instruction, and discipline of the inmates. (Jan. 7, 1925, c. 32, § 4, 43 Stat. 724.)

835. Transfer of persons to or from institution.—The Attorney General is authorized, in his discretion, to transfer to the United States Industrial Reformatory, as accommodations become available, all persons eligible under the terms of this section and sections 831 to 840 of this title for confinement in said industrial reformatory who were on January 7, 1925, or shall thereafter be, confined in the United States penitentiary, Atlanta, Georgia; the United States penitentiary, Leavenworth, Kansas; the United States penitentiary, McNeil Island, Washington; and State and Territorial prisons, penitentiaries, or reformatories, and who are proper subjects for confinement in said United States Industrial Reformatory. The Attorney General shall not transfer any prisoner who has less than nine months to serve of the term for which he was sentenced. The Attorney General is hereby authorized, in his discretion, at any time to transfer from the United States Industrial Reformatory to any of the aforesaid United States penitentiaries, or a suitable State or Territorial penitentiary or reformatory, any person who is ineligible for confinement therein under the terms of this section and sections 831 to 840 of this title, or any person who is apparently incorrigible, and whose presence in the said United States Industrial Reformatory is detrimental to the well-being of the institution. Such transfer shall, in the case of the United States penitentiaries and industrial reformatory, be made by the warden or superintendent of the institution from which the transfer is to be made, and in the case of State and Territorial penitentiaries, or reformatories, such transfer shall be made by the United States marshal of the judicial district in which the institution from which the transfer is to be made is located. The actual and necessary expenses of such warden, superintendent, or marshal in making such transfer shall be paid, in the case of transfer from the United States penitentiaries and industrial reformatory, from the appropriation for the maintenance of the particular institution, and, in the case of transfer from State and Territorial penitentiaries, or reforma-

tories, out of the judicial funds. (Jan. 7, 1925, c. 32, § 7, 43 Stat. 725.)

836. **Board of Advisers.**—Two citizens of the United States of prominence and distinction, who shall be appointed by the President for terms of two and four years, respectively, from January 7, 1925, the term of each to be designated by the President, but their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed, and who shall serve without compensation, shall constitute, together with the Attorney General of the United States, the Superintendent of Prisons of the Department of Justice, and the Superintendent of the United States Industrial Reformatory, who shall serve without additional compensation, a Board of Advisers of said reformatory. It shall be the duty of said board to devise ways and means looking to the reestablishment in society of the inmates discharged therefrom, whether by pardon, commutation, parole, or expiration of sentence, particularly with a view of securing suitable and remunerative employment for said discharged inmates. The expenses of said board shall be paid out of the appropriation for the maintenance of the reformatory. (Jan. 7, 1925, c. 32, § 8, 43 Stat. 725.)

837. **Discipline; instruction and training of inmates.**—The discipline to be observed in said United States Industrial Reformatory shall be correctional and designed to prevent young offenders from becoming habitual criminals. It shall be the duty of the Attorney General to provide for the instruction of the inmates in the common branches of an English education, and for their training in such trade, industry, or skilled vocation as will enable said inmates, upon release, to obtain self-supporting employment and to become self-reliant members of society. For this purpose the Attorney General shall establish and maintain a common school and trade schools in said industrial reformatory, and shall have authority to promulgate all such rules and regulations for the government of the officers of said industrial reformatory and the inmates thereof as he may deem proper and necessary. (Jan. 7, 1925, c. 32, § 5, 43 Stat. 724.)

838. **Employment of inmates.**—The inmates of the United States Industrial Reformatory shall be employed only in the production and manufacture of supplies for the United States Government, for consumption in United States institutions, and in duties necessary for the construction and maintenance of the institution. (Jan. 7, 1925, c. 32, § 6, 43 Stat. 725.)

839. **Parole of inmates; commutation allowances.**—The inmates of the United States Industrial Reformatory shall be eligible for parole under sections 714 to 721 of this title, which sections are hereby made to apply to all inmates of said reformatory. Such inmates shall be entitled to commutation allowance for good conduct in accordance with sections 710 to 712 of this title. (Jan. 7, 1925, c. 32, § 9, 43 Stat. 726.)

840. **Transportation, etc., for discharged inmates.**—Every prisoner, when discharged from the United States Industrial Reformatory, shall be furnished with transportation to place of conviction, or place of bona fide residence, or to such other place within the United States as may be authorized by the Attorney General, and he shall also be furnished with suitable clothing and $10 in money. (Jan. 7, 1925, c. 32, § 10, 43 Stat. 726.)

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Chapter 1.—COLLECTION DISTRICTS, PORTS, AND OFFICERS.

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Section 1. Organization of customs service.—Except as hereinafter provided the reorganization of the customs service made by the President and communicated to Congress under date of March 3, 1913, shall, until otherwise provided by Congress, constitute the permanent organization of the customs service. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 434.)

2. Rearrangement and limitation of districts; changing locations.—The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs-collection districts, ports of entry, or either of them, shall at no time be made to exceed those established and authorized as on August 1, 1914, except as the same may thereafter be provided by law. The collector of customs of each customs-collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated and the President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require: *Provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done under the provisions of this section and the reasons therefor. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 623.)

3. Superintendence of collection of import duties.—The Secretary of the Treasury shall direct the superintendence of the collection of the duties on imports as he shall judge best. (R. S. § 249.)

4. Director of customs, assistant directors, director and assistant director, special agency service; appointment, compensation, and qualifications.—The Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil service laws and regulations, fix the compensation, and prescribe the duties, when not otherwise defined by law, of one director of customs (in lieu of chief, division of customs), two assistant directors of customs (in lieu of two assistant chiefs, division of customs), one director, special agency service of the customs, and one assistant director, all with headquarters in the District of Columbia. The director of the special agency service and assistant director shall be officers of the special agency service familiar with the statutory and prescribed duties of that service. (Mar. 4, 1923, c. 251, § 1, 42 Stat. 1453.)

5. Collectors, etc.; term of office.—Collectors of the customs, comptrollers of customs, and surveyors of the customs shall be appointed for the term of four years. (R. S. § 2613; Sept. 21, 1922, c. 356, Title IV, 42 Stat. 974.)

6. Deputies and other customs officers, laborers, and employees; appointment, compensation, and duties.—The Secretary of the Treasury is authorized and directed to appoint deputy collectors, deputy comptrollers, deputy surveyors, deputy and assistant appraisers, examiners of merchandise, inspec-

tors and such other customs officers, laborers, and other employees as he shall deem necessary, prescribe their designations and duties when not otherwise defined by law, and fix their compensation. He is authorized to appoint special agents of the customs service in number, as otherwise provided by law, and fix their compensation, and to appoint and fix the compensation of such number of customs attachés for duty in foreign countries and of customs agents as he may deem necessary, all of whom shall perform their duties as defined by existing law or prescribed by the Secretary of the Treasury, under the immediate supervision of the director, special agency service of the customs: *Provided*, That any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there is no diplomatic missions of the United States appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer whose assignment to the foreign post for which he has been designated would, in his judgment, be prejudicial to the public policy of the United States. The Secretary of the Treasury shall likewise appoint and fix the compensation of the clerks and other employees of the Board of United States General Appraisers. The appointment of such customs officers and employees shall be made pursuant to the civil service laws and regulations upon the nomination of the principal officer in charge of the office to which such appointments are to be made. (R. S. §§ 2530, 2538, 2539, 2545, 2576; Feb. 27, 1877, c. 69, § 1, 19 Stat. 245; Mar. 4, 1923, c. 251, § 2, 42 Stat. 1453; Jan. 13, 1925, c. 76, 43 Stat. 748.)

7. Assistants; solicitor to collector of port of New York; appointment and compensation.—The collectors of customs, comptrollers of customs, surveyors of customs, and appraisers of merchandise shall each, with the approval of the Secretary of the Treasury, appoint a customs officer familiar with the customs laws and procedure, to act and be known as the assistant collector, the assistant comptroller, the assistant surveyor, and the chief assistant appraiser (in lieu of the special deputies), and the Secretary of the Treasury shall fix their compensation. The collector of customs at the port of New York, shall also, with the approval of the Secretary of the Treasury, appoint a customs officer qualified in the law and familiar with customs procedure, to act and be known as solicitor to the collector, whose compensation shall likewise be fixed by the Secretary of the Treasury. (Mar. 4, 1923, c. 251, § 3, 42 Stat. 1453.)

8. Vacancies; how filled.—In case of a vacancy in the office of a collector of customs, comptroller of customs, surveyor of customs, or appraiser of merchandise, such assistant collector, assistant comptroller, assistant surveyor, or chief assistant appraiser shall give bond when required, act as such officer, and receive the compensation of such office until an appointment thereto has been made and the person so appointed has duly qualified. Whenever a vacancy occurs in the position of such assistants, chief assistant, and solicitor to the collector, herein provided for, it shall be filled, with the approval of the Secretary of the Treasury, by the promotion or transfer of a trained and qualified customs officer, and the assistant, chief assistant, and solicitor to the collector so appointed shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil service laws and regulations. (R. S. § 2629; Mar. 3, 1905, c. 1413, § 1, 33 Stat. 983; Mar. 4, 1923, c. 251, § 4, 42 Stat. 1453.)

9. Performance of duties in case of disability.—In case of the disability of a collector, the duties and authorities vested in him shall devolve on his assistant, if any there be at the time of such disability, for whose conduct the estate of such disabled collector shall be liable; and, if there be no assistant, they shall devolve upon the comptroller of the same district, if any there be; and if there be no comptroller, they shall devolve upon the surveyor at the port designated as the district headquarters, if any there be. (R. S. § 2625; Mar. 4, 1923, c. 251, § 3, 42 Stat. 1453.)

10. Sickness or occasional or necessary absence of collector.—In cases of occasional and necessary absence or of sickness any collector may exercise his powers and perform his duties by deputy, and he shall be answerable for the acts of such deputy in the execution of such trust. (R. S. § 2630; Mar. 4, 1923, c. 251, §§ 2, 3, 42 Stat. 1453; Jan. 13, 1925, c. 76, 43 Stat. 748.)

11. Sickness or occasional or necessary absence of comptroller or surveyor.—Every comptroller and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform his functions, powers, and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable. (R. S. §§ 2631, 2632.)

12. Special agents.—The Secretary of the Treasury may appoint special agents, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs, and to be employed generally, under the direction of the Secretary, in the prevention and detection of frauds on the customs revenue; and the expense thereof shall be charged to the "appropriation to defray the expense of collecting the revenue from customs." (R. S. § 2649.)

13. Same; number.—The number of special agents referred to in section 12 of this title shall be as follows:

One director, special agency service, who shall supervise and direct the special agents of the Treasury Department, one assistant director, and thirty special agents. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1393; Mar. 4, 1923, c. 251, §§ 1, 2, 5, 7, 42 Stat. 1453, 1454.)

14. Same; regulations for and limitations on number and compensation.—The Secretary of the Treasury may, from time to time, make such regulations not inconsistent with law, for the government of the special agents, as he deems expedient, and may rescind or alter regulations so made. But no special agent, in addition to those authorized by the preceding section, shall be appointed or employed upon any business relating to the customs revenue; nor shall any sum be paid to any agent authorized to be employed for mileage or any other expenses except such as are actually incurred in the discharge of his official duty. (R. S. § 2651.)

15. Special agents in foreign territory.—For the purpose of better guarding against frauds upon the revenue on foreign merchandise transported between the ports of the Atlantic and those of the Pacific overland through any foreign territory, the Secretary of the Treasury may appoint special sworn agents as inspectors of the customs, to reside in such foreign territory where such merchandise may be landed or embarked, with power to superintend the landing or shipping of all merchandise, passing coastwise between the ports of the United States on the Pacific and the Atlantic. It shall be their duty, under such regulations and instructions as the Secretary of the Treasury may prescribe, to guard against the perpetration of frauds upon the revenue. (R. S. § 2999.)

16. Examiners at New York.—No person shall be appointed examiner of merchandise at the port of New York who is not, at the time of his appointment, practically and thoroughly acquainted with the character, quality, and value of the article in the examination and appraisement of which he is to be employed; nor shall any such examiner enter upon the dis-

charge of his duties, as such, until he shall have taken and subscribed an oath faithfully and diligently to discharge such duties. (R. S. § 2940.)

17. Employees in departments of appraisal at New York; not to engage in business.—No appraiser, assistant appraiser, examiner, clerk, verifier, sampler, messenger, or other person employed in the departments of appraisal at the port of New York, or any of them, shall engage or be employed in any commercial or mercantile business, or act as agent for any person engaged in such business, during the term of his appointment. (R. S. § 2941.)

18. Same; duties.—All provisions relating to the duties of appraisers, or to any proceedings consequent or dependent upon the action of such appraisers and not inconsistent with the provisions relating to the appraiser and assistant appraisers at the port of New York, shall be construed to apply to them. (R. S. § 2942.)

19. Appraiser of merchandise at port of Baltimore.—There shall be at the port of Baltimore one appraiser of merchandise instead of two, and the said appraiser at Baltimore shall receive a salary of $4.500 per annum, payable out of the appropriation for expenses of collecting the revenue from customs. (Feb. 9, 1925, c. 167, 43 Stat. 819.)

20. Appraiser of merchandise at Portland, Oregon.—The Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil service laws and regulations, an appraiser of merchandise at Portland, Oregon, prescribe his duties when not otherwise defined by law, and fix his compensation. (Feb. 21, 1925, c. 278, § 1, 43 Stat. 957.)

21. Additional oath of office of customs officers and employees.—Every officer, clerk, or employee appointed under this title shall, before entering upon his duties, take and subscribe an oath, in addition to the oath of office prescribed by section 16 of Title 5, that he will use his best endeavors to prevent and detect frauds against the laws of the United States imposing duties upon imports. (R. S. § 2616.)

22. Same; appraiser.—The appraiser at New York, before he enters upon the duties of his office, shall take and subscribe an oath faithfully to direct and supervise the examination, inspection, and appraisement according to law, of such merchandise as the collector may direct pursuant to law, and to cause to be duly reported to the collector the true value thereof, as required by law. All other appraisers shall severally take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof. (R. S. § 2614.)

23. Same; assistant appraisers.—Each of the assistant appraisers at the port of New York, before entering upon the duties of his office, shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares, and merchandise as the appraiser may direct, and truly to report to him the true value thereof, according to law. The assistant appraisers at Boston, Philadelphia, and San Francisco shall take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the principal appraisers may direct, and truly to report to them the true value thereof, according to law. (R. S. § 2615.)

24. Same; who may administer.—The oath of office required by law to be taken by a collector may be taken before any magistrate authorized to administer oaths within the district to which such collector belongs. The oath required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths generally. (R. S. § 2617; Feb. 8, 1875, c. 36, § 11, 18 Stat. 309.)

26. Same; special examiners of drugs.—Special examiners of drugs, medicines, chemicals, and so forth, shall, before entering upon their duties, take and subscribe an oath faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States. (R. S. § 2611; Feb. 8, 1875, c. 36, § 11, 18 Stat. 309.)

27. Same; subordinate customs officers; certification; default.—The oaths required to be taken by subordinate officers of the customs shall be taken in duplicate, one copy to be transmitted to the Secretary of the Treasury, and the other to be filed with the collector of customs for the district in which the officer appointed acts. And in default of taking such oath, or transmitting a certificate thereof, or filing the same with the collector, the party failing shall forfeit and pay the sum of $200, to be recovered, with cost of suit, in any court of competent jurisdiction, to the use of the United States. (Feb. 8, 1875, c. 36, § 11, 18 Stat. 309; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

28. District of Florida; headquarters.—The headquarters of the customs district of Florida shall be at Tampa, in said State. (Sept. 24, 1914, c. 300, 38 Stat. 716.)

29. Administration of oaths by collectors and assistants.—Collectors of customs and their assistants shall be competent to administer oaths to officers of the Coast Guard and employees in the customs service required by section 49 of this title. (Mar. 15, 1898, c. 68, § 1, 30 Stat. 286; Jan. 28, 1915, c. 20, § 1, 38 Stat. 800; Mar. 4, 1923, c. 251, § 3, 42 Stat. 1453.)

30. Administration of oaths by clerks and inspectors of customs.—Such clerks and inspectors of customs as the Secretary of the Treasury may designate for the purpose shall be authorized to administer oaths, such as deputy collectors of customs are authorized to administer, and no compensation shall be paid or charge made therefor. (Sept. 30, 1890, c. 1126, 26 Stat. 511.)

31. Bonds of collectors, comptrollers, and surveyors.—Every collector, comptroller of customs, and surveyor, shall, before entering on the duties of his office, give a bond to the United States, for the true and faithful discharge of the duties thereof according to law, in such amounts as the Secretary of the Treasury may direct, and with sureties approved by the Secretary of the Treasury. (R. S. § 2619; Feb. 27, 1877, c. 69, § 1, 19 Stat. 245.)

32. Same; how approved and filed.—All bonds required by law to be given by collectors, comptrollers, surveyors, or other officers of the customs shall be approved by the Secretary of the Treasury, and shall be filed as he may direct. (R. S. § 2620; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.

33. Duties of collector where comptrollers and surveyors are appointed.—At each of the ports for which there are a collector, comptroller, and surveyor, it shall be the duty of the collector:

First. To receive all reports, manifests, and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this title.

Second. To record, in books to be kept for that purpose, all manifests.

Third. To receive the entries of all ships or vessels, and of the goods, wares, and merchandise imported in them.

Fourth. To estimate, together with the comptroller where there is one, or alone where there is none, the amount of the dues payable thereupon, indorsing such amount upon the respective entries.

Fifth. To receive all moneys paid for duties, and take all bonds for securing the payment thereof.

Sixth. To grant all permits for the unlading and delivery of goods.

Seventh. To provide, with the approval of the Secretary of the Treasury, at the public expense, storehouses for the safe-

keeping of goods, and such scales, weights, and measures as may be necessary. (R. S. § 2621; Mar. 4, 1923, c. 251, § 2, 42 Stat. 1453; Jan. 13, 1925, c. 76, 43 Stat. 748.)

34. Duties of collector; no comptroller appointed.—At ports at which there are a collector and surveyor only, the collector shall solely execute all the duties in which the cooperation of the comptroller is requisite at the ports where there is a comptroller. And he shall act in like manner in case of the disability or death of the comptroller, until a successor is appointed, unless there is a deputy duly authorized, who in that case shall continue to act until an appointment is made. (R. S. § 2622.)

35. Same; collector only appointed.—At ports at which there is a collector only, the collector shall solely execute all the duties in which the cooperation of the comptroller is requisite, at ports where a comptroller is appointed, and he shall also, as far as may be, perform all the duties prescribed for surveyors at ports where surveyors are authorized. (R. S. § 2623.)

36. Additional deputy collectors and other officers; duties; bonds.—Deputy collectors appointed by the Secretary of the Treasury shall have authority to receive entries, collect duties, and to perform any and all functions prescribed by law for collectors of customs, subject to such regulations and restrictions as the Secretary of the Treasury shall prescribe. (Feb. 6, 1907, c. 471, 34 Stat. 880; Mar. 4, 1923, c. 251, § 2, 42 Stat. 1453; Jan. 13, 1925, c. 76, 43 Stat. 748.)

37. Deputy collectors; additional powers.—The Secretary of the Treasury is authorized, whenever in his opinion the public interest demands it, to clothe any deputy collector at a port other than the district headquarters, with all the powers of his principal appertaining to official acts; and he may require such deputy to give bond to the United States, in such amount as the Secretary may prescribe, for the faithful discharge of his official duties. (R. S. § 2633.)

38. Comptrollers of customs; powers and duties.—Naval officers of customs in office on September 21, 1922, and their successors shall be known as Comptrollers of Customs.

Comptrollers of Customs shall examine the collector's accounts of receipts and disbursements of money and receipts and disposition of merchandise and certify the same to the Secretary of the Treasury for transmission to the General Accounting Office. They shall perform such other duties as the Secretary of the Treasury may from time to time prescribe, and their administrative examination shall extend to all customs districts assigned to them by the Secretary of the Treasury.

Comptrollers of Customs shall verify all assessments of duties and allowances of drawbacks made by collectors in connection with the liquidation thereof. In cases of disagreement between a collector and a comptroller of customs, the latter shall report the facts to the Secretary of the Treasury for instructions.

This section shall not be construed to affect the manner of appointment, the terms of office, or the compensation of any such officer as provided by law on September 21, 1922, nor to affect the provisions of sections 1 to 58 of Title 31 (Budget and Accounting Act, 1921). (Sept. 21, 1922, c. 356, Title IV, § 523, 42 Stat. 974.)

39. Same; where collector and surveyor appointed.—At ports at which there are a collector, comptroller, and surveyor, it shall be the duty of the comptroller—

First. To receive copies of all manifests and entries.

Second. To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third. To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector.

Fifth. To examine the collector's abstracts of duties and other accounts of receipts, bonds, and expenditures, and certify the same if found right. (R. S. § 2626.)

40. Duties of surveyors; collectors and comptrollers appointed.—At ports at which there are a collector, comptroller, and surveyor, it shall be the duty of the surveyor, who shall be in all cases subject to the direction of the collector—

First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port.

Second. To report once in every week to the collector the name or names of all inspectors, weighers, gaugers, or measurers who are absent from or neglect to do their duty.

Third. To visit or inspect the vessels which arrive in his port, and make a return in writing every morning to the collector of all vessels which have arrived from foreign ports during the preceding day; specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, to what nation belonging, and, if American vessels, whether the masters thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions of law.

Fourth. To put on board each of such vessels one or more inspectors immediately after their arrival in his port.

Fifth. To ascertain the proof, quantities, and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof, as defined by the laws imposing duties on spirits.

Sixth. To examine whether the goods imported in any vessel, and the deliveries thereof, agreeably to the inspector's returns, correspond with the permits for landing the same; and if any error or disagreement appears, to report the same to the collector, and to the comptroller, if any.

Seventh. To superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty, or allowance, and examine and report whether the kind, quantity, and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor.

Eighth. To examine, and, from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards. (R. S. § 2627.)

41. Same; surveyor only appointed.—At ports at which there are surveyors only, the surveyor shall perform all the duties enjoined upon surveyors by section 40 of this title; and shall also receive and record the copies of all manifests transmitted to him by the collector; shall record all permits granted by the collector, distinguishing the gauge, weight, measure, and quality of goods specified therein; and shall take care that no goods be unladen or delivered from any ship or vessel without a proper permit for that purpose. (R. S. § 2628.)

42. Keeping and rendering accounts by collector, comptroller, and surveyor.—Every collector, comptroller, and surveyor shall keep accurate accounts of all moneys received by him, and of all expenditures, specifying expenditures for rent, fuel, stationery, and clerk hire, and shall annually, within ten days after the 30th day of June, transmit the same, verified by oath, to the General Accounting Office, which shall annually lay an abstract of the same before Congress. Every collector, comptroller, or surveyor who omits or neglects to keep such account, or to transmit the same so verified, shall be liable to a penalty of not more than $500. The Secretary of the

Treasury shall make appropriate rules and regulations for carrying out the provisions of this section. (R. S. § 2639; July 31, 1894, c. 174, §§ 19, 22, 28 Stat. 210; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

43. Same; duty in respect to accounts, and the penalty for omission.—Collectors, comptrollers, and surveyors shall attend in person at the ports at which their duties are to be performed; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the Secretary of the Treasury; and shall at all times submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose; and shall once in every month, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement. And if any collector, comptroller, or surveyor shall omit to keep fair and true accounts, or shall refuse to submit forthwith his books, papers, and accounts to inspection as required by law, or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, the delinquent officer shall be liable to a penalty of $1,000 to be recovered with costs of suit. (R. S. § 2640.)

44. Same; accounts to include all emoluments as well as expenses.—Every collector, comptroller, and surveyor shall account to the Treasury for all the expenses incident to his office. Such accounts shall be rendered on oath, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury. (R. S. § 2641.)

45. Same; list of clerks and account of expenditures.—Every collector, comptroller, and surveyor shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel, and office rent, stating the purposes for which the premises rented are applied. (R. S. § 2643.)

46. Same; collectors on certain frontiers; list of clerks and account of expenditures; monthly estimate.—The collector of customs of each of the districts on the northern, northeastern, and northwestern frontiers shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office expenses, including office rent; for all of which expenses he shall submit an estimate each month in advance, and shall state the purposes for which any premises are used; and shall also render an accurate account of all fees and commissions collected by him. (R. S. § 2644.)

47. Same; accounts rendered quarterly.—All accounts for salary, compensation, and emoluments shall be rendered quarterly, at the end of each quarter of the fiscal year. (R. S. § 2645.)

48. Expenses; expenses in foreign countries.—All customs officers and employees, including customs officers and employees in foreign countries, in addition to their compensation shall receive their necessary traveling expenses and actual expenses incurred for subsistence while traveling on duty and away from their designated station, and when transferred from one official station to another for duty may be allowed, within the discretion and under written orders of the Secretary of the Treasury, the expenses incurred for packing, crating, freight, and drayage in the transfer of their household effects and other personal property, not exceeding in all five thousand pounds. (Mar. 4, 1923, c. 251, § 5, 42 Stat. 1454.)

49. Restriction on payment for services.—No officer or clerk whose duty it is to make payments on account of the salary or wages of any officer or person employed in connection with the customs service, shall make any payment to any officer or person so employed on account of services rendered, or of salary, unless such officer or person so to be paid has made and subscribed an oath that, during the period for which he is to receive pay, neither he, nor any member of his family, has received, either personally or by the intervention of another party, any money or compensation of any description whatever, nor any promises for the same, either directly or indirectly, for services rendered or to be rendered, or acts performed or to be performed, in connection with the customs; or has purchased, for like services or acts, from any importer, consignee, agent, or customhouse broker, or other person whomsoever, any merchandise, at less than regular retail market prices therefor. (R. S. § 1790.)

50. Oath to expense accounts.—Collectors of customs are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

51. Limitation on compensation.—Except in the case of laborers, no compensation fixed under sections 4, 6, and 7 of this title shall be greater than 30 per centum in excess of the limitations of existing law. (Mar. 4, 1923, c. 251, § 7, 42 Stat. 1454.)

52. Payment of compensation and expenses.—The compensation of all customs officers and employees, including the Director and Assistant Directors of Customs, herein provided for, and the expenses authorized by section 48 of this title, shall be paid from the appropriation for the collection of the revenue from customs. (Mar. 4, 1923, c. 251, § 6, 42 Stat. 1454.)

53. Apportionment of compensation.—Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum compensation of such officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employees of the United States whomsoever, as well those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise. (R. S. § 2687.)

54. Books to be furnished.—All blank books, blanks, and stationery of every kind required by collectors and other officers of the customs shall, so soon as they can be prepared for delivery, by or under the direction of the Secretary of the Treasury, be furnished to them for the use of their respective offices, upon requisition made by them. (R. S. § 2646.)

55. Quarterly account of money received or collected.—Every collector of customs, every comptroller, and every surveyor performing or having performed the duties of a collector, shall render a quarter-yearly account, under oath, to the Secretary of the Treasury, in such form as the Secretary shall prescribe, of all sums of money by each of them

respectively received or collected for fines, penalties, or forfeitures, or for seizure of merchandise, or upon compromises made upon any seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of merchandise, which may be stored in the public storehouses, and for which a rent is paid beyond the rents paid by the collector or other such officer; or for custody of goods in bonded warehouses; and all such moneys received shall be paid into the Treasury as public money. (R. S. § 2647.)

56. Labor beyond usual hours at port of New York.—If at any time, from an increase of importation, or from any other cause, there shall be found upon the floors of the public stores in the city of New York an accumulation of merchandise awaiting appraisement, the appraiser shall, under regulations established by the Secretary of the Treasury, direct the assistant appraisers, and others associated with them in this branch of the public business, to devote time beyond the usual business hours, in each day, during daylight, to their respective duties, so that the business of appraisement may be faithfully and more promptly dispatched. (R. S. § 2944.)

57. Blanks.—Collectors and surveyors of the collection districts on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances required for the business of their districts, and to charge the sum of 10 cents, and no more, for each blank which shall be prepared and executed by them, all of which money shall be accounted for and paid into the Treasury in accordance with the provisions of section 55 of this title. (R. S. § 2648.)

58. Fees of collectors.—Collectors shall charge and collect the following fees:

First. To each collector for every entrance of any vessel of one hundred tons burden and upward, $2.50.

Second. For every clearance of any vessel of one hundred tons burden and upward, $2.50.

Third. For every entrance of any vessel under the burden of one hundred tons, $1.50.

Fourth. For every clearance of any vessel under one hundred tons burden, $1.50.

Fifth. For every post entry, $2.

Sixth. For every permit to land goods, 20 cents.

Seventh. For every bond taken officially, 40 cents.

Eighth. For every permit to load goods for exportation, which are entitled to drawback, 30 cents.

Ninth. For every debenture or other official certificate, 20 cents.

Tenth. For every bill of health other than a bill of health furnished a vessel of the United States, 20 cents.

Eleventh. For every official document, registers excepted, required by any merchant, owner, or master of any vessel not elsewhere enumerated, and for which fees are not prohibited by section 331 of Title 46, Shipping, 20 cents. (R. S. § 2654.)

59. Posting table of fees.—Every collector, comptroller, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of $100, recoverable to the use of the informer. (R. S. § 2635.)

60. Penalty for extortion.—Every officer of the customs who demands or receives any other or greater fee, compensation, or reward than is allowed by law, for performing any duty or service required from him by law, shall be liable to a penalty of $200 for each offense, recoverable to the use of the party aggrieved. (R. S. § 2636.)

61. Inspectors on routes by which goods withdrawn from bonded warehouse may be exported to Mexico; reports.—Inspectors of the customs residing at San Antonio, Eagle Pass, the Presidio del Norte, and San Elizario, or at such other points as the Secretary of the Treasury may designate, upon the routes by which goods entered and bonded and withdrawn from warehouse may, in pursuance of law, be exported to Mexico, shall make a report semiannually to the Secretary of the Treasury of all the trade that passes under inspection, stating the number of packages, description of goods, their value, and the names of the exporters. (R. S. § 2580.)

62. Suspension for neglect or delinquency of officers or employees.—The several collectors, comptrollers, surveyors, and appraisers shall have power, with the approval of the Secretary of the Treasury, as punishment for any neglect or minor delinquency the punishment whereof is not prescribed by law, to suspend from duty with loss of pay for a period not to exceed thirty days for any one cause, any customs officer or employee nominated or appointed and subordinate to such collector, comptroller, surveyor, or appraiser: *Provided, however*, That the Secretary of the Treasury may, on application by the suspended person within one year from the expiration of the suspension, in his discretion pay the whole or any part of the pay forfeited by reason of said suspension. (Dec. 18, 1890, c. 22, 26 Stat. 690.)

63. Leave of absence; regulations.—All officers and employees of the customs service of the Government who receive a per diem compensation shall be entitled to receive the same leave of absence as is provided for clerks and employees in the several executive departments at Washington, District of Columbia, by section 30 of Title 5. The Secretary of the Treasury shall make all rules and regulations necessary to carry the provisions of this section into effect. (Aug. 28, 1890, c. 812, §§ 1, 2, 26 Stat. 362.)

64. Laws imposing fines applicable to persons acting under customs laws.—All Acts and parts of Acts imposing fines, penalties, or other punishment for offenses committed by an internal revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall apply to all persons whomsoever, employed, appointed, or acting under the authority of any customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money. (Feb. 8, 1875, c. 36, § 23, 18 Stat. 312.)

66. Rules and forms prescribed by Secretary.—The Secretary of the Treasury shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations not inconsistent with law, to be used in carrying out the provisions of law relating to raising revenue from imports, or to duties on imports, or to warehousing, and shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law. (R. S. § 251.)

Chapter 2.—THE TARIFF COMMISSION.

Sec.

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93. Office of commission at port of New York.
94. Disbursing clerk.
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Section 91. Creation and establishment; organization.—The United States Tariff Commission (hereinafter in this chapter referred to as the commission) shall be composed of six members, who shall be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of the same political party. In making said appointments members of different political parties shall alternate as nearly as may be practicable. The first members appointed shall continue in office for terms of two, four, six, eight, ten, and twelve years, respectively, the term of each to be designated by the President, but their successors shall be appointed for terms of twelve years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate annually the chairman and vice chairman of the commission. No member shall engage actively in any other business, function, or employment. Any member may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy shall not impair the right of the remaining members to exercise all the powers of the commission, but no vacancy shall extend beyond any session of Congress. (Sept. 8, 1916, c. 463, § 700, 39 Stat. 795.)

92. Compensation of commissioners and employees; civil-service rules; expenditures; principal office.—Each commissioner shall receive a salary of $7,500 per year, payable monthly. The commission shall appoint a secretary, and shall have authority to employ and fix the compensations of such special experts, examiners, clerks, and other employees as the commission may from time to time find necessary for the proper performance of its duties.

With the exception of the secretary, a clerk to each commissioner, and such special experts as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law.

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other places than at their respective headquarters shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

Unless otherwise provided by law, the commission may rent suitable offices for its use, and purchase such furniture, equipment, and supplies as may be necessary.

The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States or in any foreign country. (Sept. 8, 1916, c. 463, § 701, 39 Stat. 795.)

93. Office of commission at port of New York.—The commission is authorized to establish and maintain an office at the port of New York for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law. (Sept. 21, 1922, c. 356, Title III, § 318(d), 42 Stat. 947.)

94. Disbursing clerk.—The disbursing clerk of the Treasury Department shall act in a similar capacity for the commission. (July 19, 1919, c. 24, § 1, 41 Stat. 182.)

95. Seal of commission.—The commission is authorized to adopt an official seal, which shall be judicially noticed. (Sept. 21, 1922, c. 356, Title III, § 318(e), 42 Stat. 947.)

96. Investigations as to customs.—It shall be the duty of the United States Tariff Commission to investigate the administration and fiscal and industrial effects of the customs laws of this country, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs law, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided. (Sept. 8, 1916, c. 463, § 702, 39 Stat. 796.)

97. Information to President and Congress.—The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year. (Sept. 8, 1916, c. 463, § 703, 39 Stat. 796.)

98. Investigating tariff relations with foreign countries.—The commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production. (Sept. 8, 1916, c. 463, § 704, 39 Stat. 796.)

99. Cost of production division of Commerce Department transferred to.—The clerks and employees of the cost of production division in the Bureau of Foreign and Domestic Commerce in the Department of Commerce heretofore transferred to said commission shall be clerks and employees of the commission, and all records, papers, and property of the said division and of the former tariff board shall be records, papers, and property of the commission. (Sept. 8, 1916, c. 463, § 705, 39 Stat. 796.)

100. Documents and copies for investigations; testimony; compelling production of books or papers; freedom of witnesses from prosecution.—For the purposes of carrying this chapter into effect the commission or its duly authorized agent or agents shall have access to and the right to copy any document, paper, or record, pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation. Any member of the commission may sign subpœnas, and mem-

bers and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any district or Territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Upon the application of the Attorney General of the United States, at the request of the commission, any such court shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this chapter or any order of the commission made in pursuance thereof.

The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person, firm, copartnership, corporation, or association, may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission, as hereinbefore provided.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same, except employees of the commission, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States: *Provided*, That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the commission; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Sept. 8, 1916, c. 463, § 706, 39 Stat. 797; Sept. 21, 1922, c. 356, Title III, § 318(f), 42 Stat. 947.)

101. Cooperation with other departments.—The United States Tariff Commission shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by said commission and shall detail, from time to time, such officials and employees to said commission as he may direct. (Sept. 8, 1916, c. 463, § 707, 39 Stat. 797.)

102. Ascertaining conversion costs and costs of production; selection and description of representative articles; ascertaining import costs and selling prices of selected articles; ascertaining facts showing differences affecting competition.—In order that the President and the Congress may secure information and assistance, it shall be the duty of the United States Tariff Commission, in addition to the duties otherwise imposed upon it by law, to—

(1) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the United States of articles of the United States, whenever in the opinion of the commission it is practicable;

(2) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the United States and can be reasonably ascertained;

(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States; select and describe articles of the United States similar to or comparable with such imported article; and obtain and file samples of articles so selected, whenever the commission deems it advisable;

(4) Ascertain import costs of such representative articles so selected;

(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected; and

(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles in the principal markets of the United States. (Sept. 21, 1922, c. 356, Title III, § 318(a), 42 Stat. 946.)

103. Powers and privileges of commission.—In carrying out the provisions of section 102 of this title, the commission shall possess all the powers and privileges conferred upon it by other provisions of this chapter, and in addition it is authorized, in order to ascertain any facts required by this section, to require any importer and any American grower, producer, manufacturer, or seller to file with the commission a statement, under oath, giving his selling prices in the United States of any article imported, grown, produced, fabricated, manipulated, or manufactured by him. (Sept. 21, 1922, c. 356, Title III, § 318(c), 42 Stat. 947.)

104. Same; definitions.—When used in sections 93, 102, and 103 of this title—

The term "article" includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;

The term "import cost" means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States. (Sept. 21, 1922, c. 356, Title III, § 318(b), 42 Stat. 947.)

105. Information not to be divulged; investigation of Paris economy pact and other organizations.—It shall be unlawful for any member of the United States Tariff Commission, or for any employee, agent, or clerk of said commission, or any other officer or employee of the United States, to divulge,

or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, copartnership, corporation, or association embraced in any examination or investigation conducted by said commission, or by order of said commission, or by order of any member thereof. Any offense against the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and such offender shall also be dismissed from office or discharged from employment. The commission shall have power to investigate the Paris economy pact and similar organizations and arrangements in Europe. (Sept. 8, 1916, c. 463, § 708, 39 Stat. 798.)

106. Continuing appropriation.—For the purpose of defraying the expense of the establishment and maintenance of the commission, including the payment of salaries herein authorized, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $300,000 for each fiscal year is authorized to be appropriated. (Sept. 8, 1916, c. 463, § 709, 39 Stat. 798.)

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SUBTITLE I.—DUTIABLE LIST

Section 121. Articles dutiable, and rates; schedules.—Except as otherwise specially provided for in this chapter, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila) the rates of duty which are prescribed by the schedules and paragraphs of the dutiable list of this title, namely:

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS

PARAGRAPH 1. Acids and acid anhydrides: Acetic acid containing by weight not more than 65 per centum of acetic acid, three-fourths of 1 cent per pound; containing by weight more than 65 per centum, 2 cents per pound; acetic anhydride, 5 cents per pound; boric acid, 1½ cents per pound; chloroacetic acid, 5 cents per pound; citric acid, 17 cents per pound; lactic acid, containing by weight of lactic acid less than 30 per centum, 2 cents per pound; 30 per centum or more and less than 55 per centum, 4 cents per pound; and 55 per centum or more, 9 cents per pound: *Provided*, That any lactic-acid anhydride present shall be determined as lactic acid and included as such: *And provided further*, That the duty on lactic acid shall not be less than 25 per centum ad valorem; tannic acid, tannin, and extracts of nutgalls, containing by weight of tannic acid less than 50 per centum, 4 cents per pound; 50 per centum or more and not medicinal, 10 cents per pound; 50 per centum or more and medicinal, 20 cents per pound; tartaric acid, 6 cents per pound; arsenic acid, 3 cents per pound; gallic acid, 8 cents per pound; oleic acid or red oil, 1½ cents per pound; oxalic acid, 4 cents per pound; phosphoric acid, 2 cents per pound; pyrogallic acid, 12 cents per pound; stearic acid, 1½ cents per pound; and all other acids and acid anhydrides not specially provided for, 25 per centum ad valorem.

PAR. 2. Acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene, chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol, monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, 6 cents per pound and 30 per centum ad valorem.

PAR. 3. Acetone, acetone oil, and ethyl methyl ketone, 25 per centum ad valorem.

PAR. 4. Alcohol: Amyl, butyl, propyl, and fusel oil, 6 cents per pound; methyl or wood (or methanol), 12 cents per gallon; and ethyl for nonbeverage purposes only, 15 cents per gallon.

PAR. 5. All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially and not specially provided for, 25 per centum ad valorem.

PAR. 6. Aluminum hydroxide or refined bauxite, one-half of 1 cent per pound; potassium aluminum sulphate or potash alum and ammonium aluminum sulphate or ammonia alum, three-fourths of 1 cent per pound; aluminum sulphate, alum cake or aluminous cake, containing not more than 15 per centum of alumina and more iron than the equivalent of one-tenth of 1 per centum of ferric oxide, three-tenths of 1 cent per pound; containing more than 15 per centum of alumina or not more iron than the equivalent of one-tenth of 1 per centum of ferric oxide, three-eighths of 1 cent per pound; all other aluminum salts and compounds not specially provided for, 25 per centum ad valorem.

PAR. 7. Ammonium carbonate and bicarbonate, 1½ cents per pound; ammonium chloride, 1¼ cents per pound; ammonium nitrate, 1 cent per pound; ammonium perchlorate and ammonium phosphate, 1½ cents per pound; ammonium sulphate, one-fourth of 1 cent per pound; liquid anhydrous ammonia, 2½ cents per pound.

PAR. 8. Antimony: Oxide, 2 cents per pound; tartar emetic or potassium-antimony tartrate, 6 cents per pound; sulphides and other antimony salts and compounds, not specially provided for, 1 cent per pound and 25 per centum ad valorem.

PAR. 9. Argols, tartar, and wine lees, crude or partly refined, containing not more than 90 per centum of potassium bitartrate, 5 per centum ad valorem; containing more than 90 per centum of potassium bitartrate, 5 cents per pound; cream of tartar, Rochelle salts or potassium-sodium tartrate, 5 cents per pound; calcium tartrate, crude, 5 per centum ad valorem.

PAR. 10. Balsams: Copaiba, fir or Canada, Peru, tolu, tyrax, and all other balsams, all the foregoing which are natural and uncompounded, 10 per centum ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

PAR. 11. Gums: Amber and amberoid unmanufactured, not specially provided for, $1 per pound; arabic or senegal, ½ cent per pound.

PAR. 12. Barium carbonate, precipitated, 1 cent per pound; barium chloride, 1¼ cents per pound; barium dioxide, 4 cents

per pound; barium hydroxide, 1¼ cents per pound; and barium nitrate, 2 cents per pound.

PAR. 13. Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided for, 25 per centum ad valorem: *Provided*, That no preparations containing alcohol shall be classified for duty under this paragraph.

PAR. 14. Bleaching powder or chlorinated lime, three-tenths of 1 cent per pound.

PAR. 15. Caffeine, $1.50 per pound; compounds of caffeine, 25 per centum ad valorem; impure tea, tea waste, tea siftings and sweepings, for manufacturing purposes in bond, pursuant to the provisions of sections 41 and 47 of Title 21, 1 cent per pound.

PAR. 16. Calcium carbide, 1 cent per pound.

PAR. 17. Calomel, corrosive sublimate, and other mercurial preparations, 45 per centum ad valorem.

PAR. 18. Carbon tetrachloride, 2½ cents per pound; chloroform, 6 cents per pound; tetrachloroethane and trichloroethylene, 35 per centum ad valorem.

PAR. 19. Casein or lactarene, 2½ cents per pound.

PAR. 20. Chalk or whiting or Paris white: Dry, ground, bolted, or precipitated, 25 per centum ad valorem; ground in oil (putty), three-fourths of 1 cent per pound; put up in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, and manufactures of chalk not specially provided for, 25 per centum ad valorem.

PAR. 21. Chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value, 25 per centum ad valorem.

PAR. 22. Chemical compounds, salts, and mixtures of bismuth, 35 per centum ad valorem.

PAR. 23. Chemicals, drugs, medicinal and similar substances, whether dutiable or free, when imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, including powders put up in medicinal doses, shall be dutiable at not less than 25 per centum ad valorem.

PAR. 24. Chemical elements, and chemical and medicinal compounds, preparations, mixtures, and salts, distilled or essential oils, expressed or extracted oils, animal oils and greases, ethers and esters, flavoring and other extracts, and natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing and their combinations when containing alcohol, and all articles consisting of vegetable or mineral objects immersed or placed in, or saturated with, alcohol, except perfumery and spirit varnishes, and all alcoholic compounds not specially provided for, if containing 20 per centum of alcohol or less, 20 cents per pound and 25 per centum ad valorem; containing more than 20 per centum and not more than 50 per centum of alcohol, 40 cents per pound and 25 per centum ad valorem; containing more than 50 per centum of alcohol, 80 cents per pound and 25 per centum ad valorem.

PAR. 25. Chicle, crude, 10 cents per pound; refined or advanced in value by drying, straining, or any other process or treatment whatever beyond that essential to the proper packing, 15 cents per pound.

PAR. 26. Chloral hydrate, terpin hydrate, thymol, urea, and glycerophosphoric acid, and salts and compounds of glycerophosphoric acid, 35 per centum ad valorem.

PAR. 27. Coal-tar products: Acetanilide not suitable for medicinal use, alpha-naphthol, aminobenzoic acid, aminonaphthol, aminophenetole, aminophenol, aminosalicylic acid, aminoanthraquinone, aniline oil, aniline salt, anthraquinone, arsanilic acid, benzaldehyde not suitable for medicinal use, benzal chloride, benzanthrone, benzidine, benzidine sulfate, benzoic acid not suitable for medicinal use, benzoquinone, benzoyl chloride, benzyl chloride, benzylethylaniline, betanaphthol not suitable for medicinal use, bromobenzene, chlorobenzene, chlorophthalic acid, cinnamic acid, cumidine, dehydrothiotoluidine, diaminostilbene, dianisidine, dichlorophthalic acid, dimethylaniline, dimethylaminophenol, dimethylphenylbenzylammonium hydroxide, dimethylphenylenediamine, dinitrobenzene, dinitrochlorobenzene, dinitronaphthalene, dinitrophenol, dinitrotoluene, dihydroxynaphthalene, diphenylamine, hydroxyphenylarsinic acid, metanilic acid, methylanthraquinone, naphthylamine, naphthylenediamine, nitroaniline, nitroanthraquinone, nitrobenzaldehyde, nitrobenzene, nitronaphthalene, nitrophenol, nitrophenylenediamine, nitrosodimethylaniline, nitrotoluene, nitrotoluylenediamine, phenol, phenylenediamine, phenylhydrazine, phenylnaphthylamine, phenylglycine, phenylglycine-ortho-carboxylic acid, phthalic acid, phthalic anhydride, phthalimide, quinaldine, quinoline, resorcinol not suitable for medicinal use, salicylic acid and its salts not suitable for medicinal use, sulfanilic acid, thiocarbanilide, thiosalicylic acid, tetrachlorophthalic acid, tetramethyldiaminobenzophenone, tetramethyldiaminodiphenylmethane, toluene sulfochloride, toluene sulfonamide, tribromophenol, toluidine, tolidine, tolylenediamine, xylidine, anthracene having a purity of 30 per centum or more, carbazole having a purity of 65 per centum or more, metacresol having a purity of 90 per centum or more, naphthalene which after the removal of all water present has a solidifying point of seventy-nine degrees centigrade or above, orthocresol having a purity of 90 per centum or more, paracresol having a purity of 90 per centum or more; all the foregoing products in this paragraph whether obtained, derived, or manufactured from coal tar or other source; all distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below one hundred and ninety degrees centigrade a quantity of tar acids equal to or more than 5 per centum of the original distillate or which on being subjected to distillation yield in the portion distilling below two hundred and fifteen degrees centigrade a quantity of tar acids equal to or more than 75 per centum of the original distillate; all similar products by whatever name known, which are obtained, derived, or manufactured in whole or in part from any of the products provided for in this paragraph, or from any of the products provided for in paragraph 1549; all mixtures, including solutions, consisting in whole or in part of any of the foregoing products provided for in this paragraph, except sheep dip and medicinal soaps; all the foregoing products provided for in this paragraph, not colors, dyes, or stains, color acids, color bases, color lakes, leuco-compounds, indoxyl, indoxyl compounds, ink powders, photographic chemicals, medicinals, synthetic aromatic or odoriferous chemicals, synthetic resinlike products, synthetic tanning materials or explosives, and not specially provided for in paragraph 28 or 1549, 40 per centum ad valorem based upon the American selling price (as defined in section 239 of this title) of any similar competitive article manufactured or produced in the United States, and 7 cents per pound. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in section 237 of this title. For the purposes of this paragraph any coal-tar product provided for in this chapter shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner. No duty imposed under this paragraph shall be increased under the provisions of sections 154 to 159 of this title.

PAR. 28. Coal-tar products: All colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-compounds, whether colorless or not, indoxyl and indoxyl compounds; ink powders; photographic chemicals; acetanilide suitable for medicinal use, acetphenetidine, acetylsalicylic acid, antipyrine, benzaldehyde suitable for medicinal use, benzoic acid suitable for medicinal use, beta-naphthol suitable for

medicinal use, guaiacol and its derivatives, phenolphthalein, resorcinol suitable for medicinal use, salicylic acid and its salts suitable for medicinal use, salol, and other medicinals; sodium benzoate; saccharin; artificial musk, benzyl acetate, benzyl benzoate, coumarin, diphenyloxide, methyl anthranilate, methyl salicylate, phenylacetaldehyde, phenylethyl alcohol, and other synthetic odoriferous or aromatic chemicals, including flavors, all of these products not marketable as perfumery, cosmetics, or toilet preparations, and not mixed and not compounded, and not containing alcohol; synthetic phenolic resin and all resin-like products prepared from phenol, cresol, phthalic anhydride, coumarone, indene, or from any other article or material provided for in paragraph 27 or 1549, all of these products whether in a solid, semisolid, or liquid condition; synthetic tanning materials; picric acid, trinitrotoluene, and other explosives except smokeless powders; all of the foregoing products provided for in this paragraph when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1549; natural alizarin and natural indigo, and colors, dyes, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl, and indoxyl compounds, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin; natural guaiacol and its derivatives; and all mixtures, including solutions, consisting in whole or in part of any of the articles or materials provided for in this paragraph, excepting mixtures of synthetic odoriferous or aromatic chemicals, 45 per centum ad valorem based upon the American selling price (as defined in section 239 of this title) of any similar competitive article manufactured or produced in the United States, and 7 cents per pound. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in section 237 of this title. For the purposes of this paragraph any coal-tar product provided for in this chapter shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner. No duty imposed under this paragraph shall be increased under the provisions of sections 154 to 159 of this title. The specific duty of 7 cents per pound herein provided for on colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-compounds, indoxyl, and indoxyl compounds, shall be based on standards of strength which shall be established by the Secretary of the Treasury, and that upon all importations of such articles which exceed such standards of strength the specific duty of 7 cents per pound shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength pay a specific duty of less than 7 cents per pound. It shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound unless the immediate container and the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound contained therein. It shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound, if the immediate container or the invoice bears any statement, design, or device regarding the article or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular. In the enforcement of the foregoing provisions of this paragraph the Secretary of the Treasury shall adopt a standard of strength for each dye or other article which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914. If a dye or other article has been introduced into commercial use since said date then the standard of strength for such dye or other article shall conform as nearly as practicable to the commercial strength in ordinary use. If a dye or other article was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other article. Any article or product which is within the terms of paragraph 1, 5, 38, 40, 61, 68, 84, or 1585, as well as within the terms of paragraph 27, 28, or 1549, shall be assessed for duty or exempted from duty as the case may be under paragraph 27, 28, or 1549.

PAR. 29. Cobalt: Oxide, 20 cents per pound; sulphate and linoleate, 10 cents per pound; and all other cobalt salts and compounds, 30 per centum ad valorem.

PAR. 30. Cellulose esters, collodion and other liquid solutions of pyroxylin, of other cellulose esters or ethers, or of cellulose, 35 cents per pound.

PAR. 31. Compounds of pyroxylin, of other cellulose esters or ethers, or of cellulose, by whatever name known (except compounds of cellulose known as vulcanized or hard fiber), in blocks, sheets, rods, tubes, or other forms, and not made into finished or partly finished articles, 40 cents per pound; made into finished or partly finished articles, of which any of the foregoing is the component material of chief value, 60 per centum ad valorem. All such articles (except photographic and moving-picture films), whether or not more specifically provided for elsewhere, shall be dutiable under this paragraph.

PAR. 32. Compounds of cellulose, known as vulcanized or hard fiber, made wholly or in chief value of cellulose, 35 per centum ad valorem.

PAR. 33. Compounds of casein, known as galalith, or by any other name, in blocks, sheets, rods, tubes, or other forms, not made into finished or partly finished articles, 25 cents per pound; made into finished or partly finished articles of which any of the foregoing is the component material of chief value not specially provided for, 40 cents per pound and 25 per centum ad valorem.

PAR. 34. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, herbs, leaves, lichens, mosses, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and all other drugs of vegetable or animal origin; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per centum ad valorem. The term "drug" wherever used in this chapter shall include only those substances having therapeutic or medicinal properties and chiefly used for medicinal purposes. No article containing alcohol shall be classified for duty under this paragraph.

PAR. 35. Aconite, aloes, asafetida, cocculus indicus, ipecac, jalap, manna; marshmallow or althea root, leaves and flowers; maté, and pyrethrum or insect flowers; all the foregoing which are natural and uncompounded, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, 10 per centum ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

PAR. 36. Buchu leaves, 10 cents per pound; coca leaves, 10 cents per pound; gentian, one-fourth of 1 cent per pound;

licorice root, one-half of 1 cent per pound; sarsaparilla root, 1 cent per pound; belladonna, digitalis, henbane, and stramonium, 25 per centum ad valorem.

PAR. 37. Ergot, 10 cents per pound.

PAR. 38. Ethers and esters: Diethyl sulphate and dimethyl sulphate, 25 per centum ad valorem; ethyl acetate, 3 cents per pound; ethyl chloride, 15 cents per pound; ethyl ether, 4 cents per pound; and ethers and esters of all kinds not specially provided for, 25 per centum ad valorem: *Provided*, That no article containing more than 10 per centum of alcohol shall be classified for duty under this paragraph.

PAR. 39. Extracts, dyeing and tanning: Chestnut, cutch, chlorophyll, divi-divi, fustic, hemlock, logwood, mangrove, myrobalan, oak, Persian berry, quebracho, sumac, saffron, safflower, saffron cake, valonia, wattle, and other extracts, decoctions, and preparations of vegetable origin used for dyeing, coloring, staining, or tanning, not specially provided for, and combinations and mixtures of the foregoing articles in this paragraph, 15 per centum ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

PAR. 40. Flavoring extracts and natural or synthetic fruit flavors, fruit esters, oils, and essences, all the foregoing not containing alcohol, and not specially provided for, 25 per centum ad valorem.

PAR. 41. Formaldehyde solution or formalin, 2 cents per pound; solid formaldehyde or paraformaldehyde, 8 cents per pound; and hexamethylenetetramine, 25 per centum ad valorem.

PAR. 42. Edible gelatin, valued at less than 40 cents per pound, 20 per centum ad valorem and 3½ cents per pound; valued at 40 cents or more per pound, 20 per centum ad valorem and 7 cents per pound; gelatin, glue, glue size and fish glue, not specially provided for, valued at less than 40 cents per pound, 20 per centum ad valorem and 1½ cents per pound; valued at 40 cents or more per pound, 20 per centum ad valorem and 7 cents per pound; casein glue, agar agar, isinglass and other fish sounds, cleaned, split, or otherwise prepared, and manufactures, wholly or in chief value of gelatin, glue or glue size, 25 per centum ad valorem.

PAR. 43. Glycerine, crude, 1 cent per pound; refined, 2 cents per pound.

PAR. 44. Ink, and ink powders not specially provided for, 20 per centum ad valorem.

PAR. 45. Iodine, resublimed, 20 cents per pound.

PAR. 46. Bromine and all bromine compounds not specially provided for, 10 cents per pound.

PAR. 47. Lead: Acetate, white, 2½ cents per pound; acetate, brown, gray, or yellow, 2 cents per pound; nitrate, arsenate, and resinate, 3 cents per pound; and all other lead compounds not specially provided for, 30 per centum ad valorem.

PAR. 48. Licorice, extracts of, in pastes, rolls, or other forms, 25 per centum ad valorem.

PAR. 49. Lime, citrate of, 7 cents per pound.

PAR. 50. Magnesium: Carbonate, precipitated, 1½ cents per pound; chloride, anhydrous, 1 cent per pound; chloride, not specially provided for, five-eighths of 1 cent per pound; sulphate or Epsom salts, one-half of 1 cent per pound; oxide or calcined magnesia, medicinal, 3½ cents per pound; oxide or calcined magnesia not suitable for medicinal use, 3½ cents per pound.

PAR. 51. Manganese: Borate, resinate, sulphate, and other manganese compounds and salts, not specially provided for, 25 per centum ad valorem.

PAR. 52. Menthol, 50 cents per pound; camphor, crude, natural, 1 cent per pound; camphor, refined or synthetic, 6 cents per pound.

PAR. 53. Oils, animal: Sod, herring, and menhaden, 5 cents per gallon; whale and seal, 6 cents per gallon; sperm, 10 cents per gallon; and all fish oils, not specially provided for, 20 per centum ad valorem; wool grease, crude, including that known commercially as degras or brown wool grease, one-half of 1 cent per pound; wool grease, not crude, including adeps lanæ, hydrous and anhydrous, 1 cent per pound; all other animal oils, fats, and greases, not specially provided for, 20 per centum ad valorem.

PAR. 54. Oils, expressed or extracted: Castor oil, 3 cents per pound; hempseed oil, 1½ cents per pound; linseed or flaxseed oil, raw, boiled, or oxidized, 3⅛ cents per pound; olive oil, weighing with the immediate container less than forty pounds, 7½ cents per pound on contents and container; olive oil, not specially provided for, 6½ cents per pound; poppy-seed oil, raw, boiled, or oxidized, 2 cents per pound; rapeseed oil, 6 cents per gallon; all other expressed and extracted oils not specially provided for, 20 per centum ad valorem.

PAR. 55. Coconut oil, 2 cents per pound; cottonseed oil, 3 cents per pound; peanut oil, 4 cents per pound; and soya-bean oil, 2½ cents per pound.

PAR. 56. Alizarin assistant, Turkey red oil, sulphonated castor or other sulphonated animal or vegetable oils, soaps made in whole or in part from castor oil, and all soluble greases; all of the foregoing in whatever form, and used in the processes of softening, dyeing, tanning, or finishing, not specially provided for, 35 per centum ad valorem.

PAR. 57. Hydrogenated or hardened oils and fats, 4 cents per pound; other oils and fats, the composition and properties of which have been changed by vulcanizing, oxidizing, chlorinating, nitrating, or any other chemical process, and not specially provided for, 20 per centum ad valorem.

PAR. 58. Combinations and mixtures of animal, vegetable, or mineral oils or of any of them (except combinations or mixtures containing essential or distilled oils), with or without other substances, and not specially provided for, 25 per centum ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

PAR. 59. Oils, distilled or essential: Lemon and orange, 25 per centum ad valorem; clove, eucalyptus, peppermint, patchouli, sandalwood, and all other essential and distilled oils not specially provided for, 25 per centum ad valorem: *Provided*, That no article mixed or compounded or containing alcohol shall be classified for duty under this paragraph.

PAR. 60. Opium containing not less than 8.5 per centum of anhydrous morphine, crude or unmanufactured and not adulterated, $3 per pound; powdered, or otherwise advanced beyond the condition of crude or unmanufactured, and containing 15 per centum or less of moisture, $4 per pound; morphine, morphine sulphate, and all opium alkaloids and salts, esters, and other derivatives thereof, $3 per ounce; cocaine, ecgonine, and salts, esters, and other derivatives thereof, $2.60 per ounce; tincture of opium, such as laudanum, and other liquid preparations of opium, not specially provided for, 60 per centum ad valorem; opium containing less than 8.5 per centum of anhydrous morphine, $6 per pound: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of Chapter 6 of Title 21.

PAR. 61. Perfume materials: Ambergris, castoreum, civet, and musk grained or in pods, 20 per centum ad valorem; anethol, citral, geraniol, heliotropin, ionone, rhodinol, safrol, terpineol, vanillin, and all natural or synthetic odoriferous or aromatic chemicals, all the foregoing not mixed and not compounded, and not specially provided for, 45 per centum ad valorem; all mixtures or combinations containing essential or distilled oils, or natural or synthetic odoriferous or aromatic substances, 40 cents per pound and 50 per centum ad valorem: *Provided*, That only materials not marketable as perfumery, cosmetics, or toilet preparations, and not containing more than 10 per centum of alcohol, shall be classified for duty under this para-

graph: *Provided further*, That all of the foregoing materials containing more than 10 per centum of alcohol shall be classified for duty under paragraph 62 as toilet preparations.

PAR. 62. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, tooth soaps, pastes, theatrical grease paints, pomades, powders, and other toilet preparations, all the foregoing if containing alcohol, 40 cents per pound and 75 per centum ad valorem; if not containing alcohol, 75 per centum ad valorem.

PAR. 63. Floral or flower waters containing no alcohol, not specially provided for, 20 per centum ad valorem; bay rum or bay water, whether distilled or compounded, 40 cents per pound and 60 per centum ad valorem.

PAR. 64. Paris green and London purple, 15 per centum ad valorem.

PAR. 65. Phosphorus, 8 cents per pound.

PAR. 66. Plasters, healing or curative, of all kinds, and court-plaster, 20 per centum ad valorem.

PAR. 67. Paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, cakes, jars, pans, or other forms, and not assembled in paint sets, kits, or color outfits, 40 per centum ad valorem; paints, colors, and pigments in tubes, cakes, jars, pans, or other forms, when assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawing, stencils, or other articles, 70 per centum ad valorem.

PAR. 68. Pigments, colors, stains, and paints, including enamel paints, whether dry, mixed, or ground in or mixed with water, oil, or solutions other than oil, not specially provided for, 25 per centum ad valorem.

PAR. 69. Barytes ore, crude or unmanufactured, $4 per ton; ground or otherwise manufactured, $7.50 per ton; precipitated barium sulphate or blanc fixe, 1 cent per pound.

PAR. 70. Blue pigments and all blues containing iron ferrocyanide or iron ferricyanide, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound; ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine, 3 cents per pound.

PAR. 71. Bone black or bone char, blood char, and decolorizing and deodorizing chars or carbons, 20 per centum ad valorem.

PAR. 72. Chrome yellow, chrome green, and other colors containing chromium, in pulp, dry, or ground in or mixed with oil or water, 25 per centum ad valorem.

PAR. 73. Gas black, lampblack, and all other black pigments, by whatever name known, dry or ground in or mixed with oil or water, and not specially provided for, 20 per centum ad valorem.

PAR. 74. Lead pigments: Litharge, 2½ cents per pound; orange mineral, 3 cents per pound; red lead, 2¾ cents per pound; white lead, 2½ cents per pound; all pigments containing lead, dry or in pulp, or ground in or mixed with oil or water, not specially provided for, 30 per centum ad valorem.

PAR. 75. Ochers, siennas, and umbers, crude or not ground, one-eighth of 1 cent per pound; washed or ground, three-eighths of 1 cent per pound; iron-oxide and iron-hydroxide pigments not specially provided for, 20 per centum ad valorem.

PAR. 76. Satin white and precipitated calcium sulphate, one-half of 1 cent per pound.

PAR. 77. Spirit varnishes containing less than 5 per centum of methyl alcohol, $2.20 per gallon and 25 per centum ad valorem; spirit varnishes containing 5 per centum or more of methyl alcohol, and all other varnishes, including so-called gold size or japan, not specially provided for, 25 per centum ad valorem.

PAR. 78. Vermilion reds containing quicksilver, dry or ground in or mixed with oil or water, 28 cents per pound.

PAR. 79. Zinc oxide and leaded zinc oxides containing not more than 25 per centum of lead, in any form of dry powder, 1¾ cents per pound; ground in or mixed with oil or water, 2¼ cents per pound; lithopone, and other combinations or mixtures of zinc sulphide and barium sulphate, 1¾ cents per pound.

PAR. 80. Potassium: Chromate and dichromate, 2¼ cents per pound; chlorate and perchlorate, 1½ cents per pound; ferricyanide or red prussiate of potash, 7 cents per pound; ferrocyanide or yellow prussiate of potash, 4 cents per pound; iodide, 25 cents per pound; bromide, 10 cents per pound; bicarbonate, 1½ cents per pound; carbonate, three-fourths of 1 cent per pound; hydroxide or caustic potash, 1 cent per pound; nitrate or saltpeter, refined, one-half of 1 cent per pound; and permanganate, 4 cents per pound.

PAR. 81. Santonin, and salts of, 75 cents per pound.

PAR. 82. Soap: Castile, 15 per centum ad valorem; toilet, 30 per centum ad valorem; all other soap and soap powder not specially provided for, 15 per centum ad valorem.

PAR. 83. Sodium: Arsenate, 1 cent per pound; bicarbonate or baking soda, one-fourth of 1 cent per pound; borate or borax, refined, one-eighth of 1 cent per pound; bromide, 10 cents per pound; carbonate, calcined, or soda ash, hydrated or sal soda, and monohydrated, one-fourth of 1 cent per pound; chlorate, 1½ cents per pound; chloride or salt, in bags, sacks, barrels, or other packages, 11 cents per one hundred pounds; in bulk, 7 cents per one hundred pounds; chromate and dichromate, 1¾ cents per pound; formate, 2 cents per pound; ferrocyanide or yellow prussiate of soda, 2 cents per pound; hydroxide or caustic soda, one-half of 1 cent per pound; nitrite, 3 cents per pound; phosphate, one-half of 1 cent per pound; sesquicarbonate, one-fourth of 1 cent per pound; sulphate, crystallized, or Glauber salt, $1 per ton; sulphate, anhydrous, $2 per ton; sulphide, containing not more than 35 per centum of sodium sulphide, three-eighths of 1 cent per pound; containing more than 35 per centum, three-fourths of 1 cent per pound; silicate sulphite, bisulphite, metabisulphite, and thiosulphate, three-eighths of 1 cent per pound.

PAR. 84. Sodium hydrosulphite, hydrosulphite compounds, sulphoxylate compounds, and all combinations and mixtures of the foregoing, 35 per centum ad valorem.

PAR. 85. Starch: Potato, 1¾ cents per pound; and all other starches not specially provided for, 1 cent per pound.

PAR. 86. Dextrine, made from potato starch or potato flour, 2¼ cents per pound; dextrine, not otherwise provided for, burnt starch or British gum, dextrine substitutes, and soluble or chemically treated starch, 1¼ cents per pound.

PAR. 87. Strontium: Carbonate, precipitated, nitrate, and oxide, 25 per centum ad valorem.

PAR. 88. Strychnine, and salts of, 15 cents per ounce.

PAR. 89. Thorium nitrate, thorium oxide, and other salts of thorium not specially provided for, cerium nitrate, cerium fluoride, and other salts of cerium not specially provided for, and gas-mantle scrap consisting in chief value of metallic oxides, 35 per centum ad valorem.

PAR. 90. Tin bichloride, tin tetrachloride, and all other chemical compounds, mixtures, and salts, of which tin constitutes the element of chief value, 25 per centum ad valorem.

PAR. 91. Titanium potassium oxalate, and all compounds and mixtures containing titanium, 30 per centum ad valorem.

PAR. 92. Vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound.

PAR. 93. Zinc chloride, 1⅝ cents per pound; zinc sulphate, three-fourths of 1 cent per pound; and zinc sulphide, 1½ cents per pound.

SCHEDULE 2.—EARTH, EARTHENWARE, AND GLASSWARE

PAR. 201. Bath brick, chrome brick, and fire brick, not specially provided for, 25 per centum ad valorem, magnesite brick,

three-fourths of 1 cent per pound and 10 per centum ad valorem.

PAR. 202. Tiles, unglazed, glazed, ornamented, hand painted, enameled, vitrified, semivitrified, decorated, encaustic, ceramic mosaic, flint, spar, embossed, gold decorated, grooved or corrugated, and all other earthenware tiles and tiling by whatever name known, except pill tiles and so-called quarries or quarry tiles, red or brown, and measuring seven-eighths of an inch or over in thickness, but including tiles wholly or in part of cement valued at not more than 40 cents per square foot, 8 cents per square foot, but not less than 45 nor more than 60 per centum ad valorem; valued at more than 40 cents per square foot, 50 per centum ad valorem; mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthenware tiles or tiling, except pill tiles, 50 per centum ad valorem; so-called quarries or quarry tiles, red or brown, and measuring seven-eighths of an inch or over in thickness, 3 cents per square foot, but not less than 30 per centum ad valorem.

PAR. 203. Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pulverized, 5 cents per one hundred pounds; lime, not specially provided for, 10 cents per one hundred pounds, including the weight of the container; hydrated lime, 12 cents per one hundred pounds, including the weight of the container.

PAR. 204. Crude magnesite, five-sixteenths of 1 cent per pound; caustic calcined magnesite, five-eighths of 1 cent per pound; dead burned and grain magnesite, not suitable for manufacture into oxychloride cements, twenty-three fortieths of 1 cent per pound.

PAR. 205. Plaster rock or gypsum, ground or calcined, $1.40 per ton; white nonstaining Portland cement, 8 cents per one hundred pounds, including the weight of the container; Keene's cement, and other cement of which gypsum is the component material of chief value, valued at $14 per ton or less, $3.50 per ton; valued above $14 and not above $20 per ton, $5 per ton; valued above $20 and not above $40 per ton, $10 per ton; valued above $40 per ton, $14 per ton: other cement, not specially provided for, 20 per centum ad valorem.

PAR. 206. Pumice stone, unmanufactured, valued at $15 or less per ton, one-tenth of 1 cent per pound; valued at more than $15 per ton, one-fourth of 1 cent per pound; wholly or partly manufactured, fifty-five one-hundredths of 1 cent per pound; manufactures of pumice stone, or of which pumice stone is the component material of chief value, not specially provided for, 35 per centum ad valorem.

PAR. 207. Clays or earths, unwrought or unmanufactured, including common blue clay and Gross-Almerode glass pot clay, not specially provided for, $1 per ton; wrought or manufactured, not specially provided for, $2 per ton; china clay or kaolin, $2.50 per ton; bauxite, crude, not refined or otherwise advanced in condition in any manner, $1 per ton; fuller's earth, unwrought and unmanufactured, $1.50 per ton; wrought or manufactured, $3.25 per ton; silica, crude, not specially provided for, $4 per ton; silica, suitable for use as a pigment, not specially provided for, $7.50 per ton; fluorspar, $5.60 per ton.

PAR. 208. Mica, unmanufactured, valued at not above 15 cents per pound, 4 cents per pound; valued above 15 cents per pound, 25 per centum ad valorem; mica, cut or trimmed, and mica splittings, 30 per centum ad valorem; mica plates, and built-up mica, and all manufactures of mica or of which mica is the component material of chief value, 40 per centum ad valorem; ground mica, 20 per centum ad valorem.

PAR. 209. Talc, steatite or soapstone, and French chalk, crude and unground, one-fourth of 1 cent per pound; ground, washed, powdered, or pulverized (except toilet preparations), 25 per centum ad valorem; cut or sawed, or in blanks, crayons, cubes, disks, or other forms, 1 cent per pound; manufactures (except toilet preparations), of which talc, steatite or soapstone, or French chalk is the component material of chief value, wholly or partly finished, and not specially provided for, if not decorated, 35 per centum ad valorem; if decorated, 45 per centum ad valorem.

PAR. 210. Common yellow, brown, or gray earthenware made of natural, unwashed, and unmixed clay, plain or embossed; common salt-glazed stoneware; stoneware and earthenware crucibles; all the foregoing not ornamented, incised, or decorated in any manner, 15 per centum ad valorem; ornamented, incised, or decorated in any manner and manufactures wholly or in chief value of such ware, not specially provided for, 20 per centum ad valorem; and Rockingham earthenware, 25 per centum ad valorem.

PAR. 211. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 45 per centum ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for, 50 per centum ad valorem.

PAR. 212. China, porcelain, and other vitrified wares, including chemical porcelain ware and chemical stoneware, composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, pill tiles, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, plain white, or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 60 per centum ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 70 per centum ad valorem; any of the foregoing articles containing 25 per centum or more of calcined bone, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 50 per centum ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 55 per centum ad valorem.

PAR. 213. Graphite or plumbago, crude or refined: Amorphous, 10 per centum ad valorem; crystalline lump, chip, or dust, 20 per centum ad valorem; crystalline flake, 1½ cents per pound. As used in this paragraph, the term "crystalline flake" means graphite or plumbago which occurs disseminated as a relatively thin flake throughout its containing rock, decomposed or not, and which may be or has been separated therefrom by ordinary crushing, pulverizing, screening, or mechanical concentration process, such flake being made up of a number of parallel laminæ, which may be separated by mechanical means.

PAR. 214. Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not, if not decorated in any manner, 30 per centum ad valorem; if decorated, 40 per centum ad valorem.

PAR. 215. Gas retorts, 20 per centum ad valorem; lava tips for burners, 10 cents per gross and 15 per centum ad valorem; and magnesia clay supporters, consisting of rings, rods, and other forms for gas mantles, 35 per centum ad valorem.

PAR. 216. Carbons and electrodes, of whatever material composed, and wholly or partly manufactured, for producing electric arc light; electrodes, composed wholly or in part of carbon or graphite, and wholly or partly manufactured, for electric furnace or electrolytic purposes; brushes, of whatever material composed, and wholly or partly manufactured, for electric motors, generators, or other electrical machines or appliances; plates, rods, and other forms, of whatever material composed, and wholly or partly manufactured, for manufacturing into the aforesaid brushes; and articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for, 45 per centum ad valorem.

PAR. 217. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered or uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not specially provided for, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof, which shall be dutiable at the rate applicable to their contents), shall pay duty as follows: If holding more than one pint, 1 cent per pound; if holding not more than one pint and not less than one-fourth of a pint, 1½ cents per pound; if holding less than one-fourth of a pint, 50 cents per gross: *Provided*, That the terms "bottles," "vials," "jars," "demijohns," and "carboys," as used herein, shall be restricted to such articles when suitable for use and of the character ordinarily employed for the holding or transportation of merchandise, and not as appliances or implements in chemical or other operations, and shall not include bottles for table service and thermostatic bottles.

PAR. 218. Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, utensils, tubing and rods, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all of the foregoing, finished or unfinished, composed wholly or in chief value of glass or paste, or a combination of glass and paste, 65 per centum ad valorem; illuminating articles of every description, including chimneys, globes, shades, and prisms, for use in connection with artificial illumination, all of the foregoing, finished or unfinished, composed wholly or in chief value of glass or paste, or a combination of glass and paste, 60 per centum ad valorem; all glassware commercially known as plated or cased glass, composed of two or more layers of clear, opaque, colored, or semitranslucent glass, or combinations of the same, 60 per centum ad valorem; table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass or paste, or combinations of glass and paste, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free, 55 per centum ad valorem; table and kitchen articles and utensils, composed wholly or in chief value of glass or paste, or a combination of glass and paste, when pressed and unpolished, whether not decorated or ornamented in any manner or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), whether filled or unfilled, or whether their contents be dutiable or free, 50 per centum ad valorem; *Provided*, That any of the articles specified in this paragraph, if containers of merchandise subject to an ad valorem rate of duty or to a rate of duty based in whole or in part upon the value thereof, shall be dutiable at the rate applicable to their contents, but not less than the rate provided for in this paragraph: *Provided further*, That for the purposes of this chapter, bottles with cut-glass stoppers shall with their stoppers be deemed entireties.

PAR. 219. Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used, unpolished, not exceeding one hundred and fifty square inches, 1¼ cents per pound; above that, and not exceeding three hundred and eighty-four square inches, 1⅜ cents per pound; above that, and not exceeding seven hundred and twenty square inches, 1⅝ cents per pound; above that, and not exceeding eight hundred and sixty-four square inches, 1¾ cents per pound; above that, and not exceeding one thousand two hundred square inches, 2 cents per pound; above that, and not exceeding two thousand four hundred square inches, 2¼ cents per pound; above that, 2½ cents per pound: *Provided*, That unpolished cylinder, crown, and sheet glass, imported in boxes, shall contain fifty square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

PAR. 220. Cylinder, crown, and sheet glass, by whatever process made, polished, not exceeding three hundred and eighty-four square inches, 4 cents per square foot; above that, and not exceeding seven hundred and twenty square inches, 6 cents per square foot; above that, and not exceeding one thousand four hundred and forty square inches, 12 cents per square foot; above that, 15 cents per square foot.

PAR. 221. Fluted, rolled, ribbed, or rough plate glass, or the same containing a wire netting within itself (not including crown, cylinder, or sheet glass), not exceeding three hundred and eighty-four square inches, three-fourths of 1 cent per square foot; all above that, 1½ cents per square foot; and all fluted, rolled, ribbed, or rough plate glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed: *Provided*, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.

PAR. 222. Cast polished plate glass, finished or unfinished, and unsilvered, not exceeding three hundred and eighty-four square inches, 12½ cents per square foot; above that, and not exceeding seven hundred and twenty square inches, 15 cents per square foot; all above that, 17½ cents per square foot. Plate glass described in this paragraph containing a wire netting within itself, not exceeding three hundred and eighty-four square inches, 15 cents per square foot; above that, and not exceeding seven hundred and twenty square inches, 17½ cents per square foot; all above that, 20 cents per square foot.

PAR. 223. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates, exceeding in size one hundred and forty-four square inches and not exceeding three hundred and eighty-four square inches, 13½ cents per square foot; above that, and not exceeding seven hundred and twenty square inches, 16 cents per square foot; all above that, 21 cents per square foot: *Provided*, That none of the foregoing shall pay less duty than 85 per centum ad valorem: *Provided further*, That no looking-glass plates or glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate.

PAR. 224. Cast polished plate glass, silvered or unsilvered, and cylinder, crown, and sheet glass, by whatever process made, silvered or unsilvered, polished or unpolished, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, orna-

mented, or decorated, shall be subject to a duty of 5 per centum ad valorem in addition to the rates otherwise chargeable thereon.

PAR. 225. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished, or unfinished, valued at not over 65 cents per dozen, 20 cents per dozen and 15 per centum ad valorem; valued at over 65 cents per dozen and not over $2.50 per dozen, 60 cents per dozen and 20 per centum ad valorem; valued at over $2.50 per dozen, 40 per centum ad valorem.

PAR. 226. Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses, wholly or partly manufactured, with the edges unground, 40 per centum ad valorem; with the edges ground or beveled, 10 cents per dozen pairs and 35 per centum ad valorem; strips of glass not more than three inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, 35 per centum ad valorem.

PAR. 227. Optical glass or glass used in the manufacture of lenses or prisms for spectacles, or for optical instruments or equipment, or for optical parts, scientific or commercial, in any and all forms, 45 per centum ad valorem.

PAR. 228. Azimuth mirrors, sextants, and octants; photographic and projection lenses, opera and field glasses, telescopes, microscopes, and other optical instruments, and frames and mountings for the same; all the foregoing not specially provided for, 45 per centum ad valorem.

PAR. 229. Incandescent electric-light bulbs and lamps, with or without filaments, 20 per centum ad valorem.

PAR. 230. Stained or painted glass windows, and parts thereof; and all mirrors, not specially provided for, not exceeding in size one hundred and forty-four square inches, with or without frames or cases, 50 per centum ad valorem; and all glass or manufactures of glass or paste, or of which glass or paste is the component material of chief value, not specially provided for, 50 per centum ad valorem.

PAR. 231. Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized, 30 per centum ad valorem; in any other form, 40 per centum ad valorem; opal, enamel or cylinder glass tiles, tiling, and rods, 40 per centum ad valorem.

PAR. 232. Marble, breccia, and onyx, in block, rough or squared only, 65 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over two inches in thickness, $1 per cubic foot; slabs and paving tiles of marble, breccia, or onyx, containing not less than four superficial inches, if not more than one inch in thickness, 8 cents per superficial foot; if more than one inch and not more than one and one-half inches in thickness, 10 cents per superficial foot; if more than one and one-half inches and not more than two inches in thickness, 13 cents per superficial foot; if rubbed in whole or in part, 8 cents per superficial foot in addition; mosaic cubes of marble, breccia, or onyx, not exceeding two cubic inches in size, if loose, one-fourth of 1 cent per pound and 20 per centum ad valorem; if attached to paper or other material, 5 cents per superficial foot and 35 per centum ad valorem.

PAR. 233. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or any of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stone, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for, 50 per centum ad valorem.

PAR. 234. Burrstones, manufactured or bound up into millstones, 15 per centum ad valorem.

PAR. 235. Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for, hewn, dressed, or polished, or otherwise manufactured, 50 per centum ad valorem; unmanufactured, or not dressed, hewn, or polished, 15 cents per cubic foot.

PAR. 236. Grindstones, finished or unfinished, $1.75 per ton.

PAR. 237. Slates, slate chimney pieces, mantles, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for, 15 per centum ad valorem.

PAR. 238. Watch crystals, 60 per centum ad valorem.

SCHEDULE 3.—METALS AND MANUFACTURES OF

PAR. 301. Iron in pigs, iron kentledge, spiegeleisen containing more than 1 per centum of carbon, 75 cents per ton; wrought and cast scrap iron, and scrap steel, valued at not more than 7 cents per pound, 75 cents per ton: *Provided*, That spiegeleisen for the purposes of this chapter shall be an iron manganese alloy containing less than 30 per centum of manganese: *Provided further*, That nothing shall be deemed scrap iron or scrap steel except secondhand or waste or refuse iron or steel fit only to be remanufactured.

PAR. 302. Manganese ore or concentrates containing in excess of 30 per centum of metallic manganese, 1 cent per pound on the metallic manganese contained therein; molybdenum ore or concentrates, 35 cents per pound on the metallic molybdenum contained therein; tungsten ore or concentrates, 45 cents per pound on the metallic tungsten contained therein; ferromanganese containing more than 1 per centum of carbon, 1⅛ cents per pound on the metallic manganese contained therein: *Provided*, That ferromanganese for the purposes of this chapter shall be such iron manganese alloys as contain 30 per centum or more of manganese; manganese metal, manganese silicon, manganese boron, and ferromanganese and spiegeleisen containing not more than 1 per centum of carbon, 1⅛ cents per pound on the manganese contained therein and 15 per centum ad valorem; ferromolybdenum, metallic molybdenum, molybdenum powder, calcium molybdate, and all other compounds and alloys of molybdenum, 50 cents per pound on the molybdenum contained therein and 15 per centum ad valorem; ferrotungsten, metallic tungsten, tungsten powder, tungstic acid, and all other compounds of tungsten, 60 cents per pound on the tungsten contained therein and 25 per centum ad valorem; ferrochromium tungsten, chromium tungsten, chromium cobalt tungsten, tungsten nickel, and all other alloys of tungsten not specially provided for, 60 cents per pound on the tungsten contained therein and 25 per centum ad valorem; ferrosilicon, containing 8 per centum or more of silicon and less than 60 per centum, 2 cents per pound on the silicon contained therein; containing 60 per centum or more of silicon and less than 80 per centum, 3 cents per pound on the silicon contained therein; containing 80 per centum or more of silicon and less than 90 per centum, 4 cents per pound on the silicon contained therein; containing 90 per centum or more of silicon, and silicon metal, 8 cents per pound on the silicon contained therein; ferrochrome or ferrochromium containing 8 per centum or more of carbon, 3½ cents per pound on the chromium contained therein; ferrochrome or ferrochromium containing less than 8 per centum of carbon, and chrome or chromium metal, 30 per centum ad valorem; ferrophosphorus, ferrotitanium, ferrovanadium, ferrouranium, ferrozirconium, zirconiumferrosilicon, ferroboron, titanium, zirconium, chromium nickel, vanadium nickel, zirconium nickel, chromium vanadium, chromium silicon, zirconium silicon, calcium silicide, and all alloys used in the manufacture of steel not specially provided for, 25 per centum ad valorem; cerium metal, $2 per pound; ferrocerium and all other cerium alloys, $2 per pound and 25 per centum ad valorem; ductile tantalum metal or ductile nonferrous alloys of tantalum metal, 40 per centum ad valorem.

PAR. 303. Muck bars, bar iron, and round iron in coils or rods, iron in slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig iron, except castings; all of the foregoing, valued at not over 1 cent per pound, two-tenths of 1 cent per pound; valued above 1 cent and not above 1½ cents per pound, three-tenths of 1 cent per pound; valued above 1½ and not above 2½ cents per pound, five-tenths of 1 cent per pound; valued above 2½ and not above 3½ cents per pound, eight-tenths of 1 cent per pound; valued above 3½ and not above 5 cents per pound, 1 cent per pound; valued above 5 cents per pound, 1½ cents per pound.

PAR. 304. Steel ingots, cogged ingots, blooms and slabs, by whatever process made; die blocks or blanks; billets and bars, whether solid or hollow; shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys not specially provided for used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates and steel not specially provided for; all of the foregoing valued at not over 1 cent per pound, two-tenths of 1 cent per pound; valued above 1 cent and not above 1½ cents per pound, three-tenths of 1 cent per pound; valued above 1½ and not above 2½ cents per pound, five-tenths of 1 cent per pound; valued above 2½ and not above 3½ cents per pound, eight-tenths of 1 cent per pound; valued above 3½ and not above 5 cents per pound, 1 cent per pound; valued above 5 and not above 8 cents per pound, 1⅞ cents per pound; valued above 8 and not above 12 cents per pound, 2½ cents per pound; valued above 12 and not above 16 cents per pound, 3½ cents per pound; valued above 16 cents per pound, 20 per centum ad valorem: *Provided*, That on steel circular saw plates there shall be levied, collected and paid an additional duty of one-fourth of 1 cent per pound.

PAR. 305. In addition to the rates of duty provided for in this schedule on steel in all forms and shapes, by whatever process made, and by whatever name designated, whether cast, hot or cold rolled, forged, stamped, or drawn, containing more than six-tenths of 1 per centum of nickel, cobalt, vanadium, chromium, tungsten, molybdenum, or any other metallic element used in alloying steel, there shall be levied, collected, and paid 8 per centum ad valorem: *Provided*, That manganese and silicon shall not be considered as alloying material unless present in the steel in excess of 1 per centum manganese or silicon: *Provided further*, That an additional cumulative duty of 65 cents per pound on the molybdenum content in excess of six-tenths of 1 per centum, and 72 cents per pound on the tungsten content in excess of six-tenths of 1 per centum shall be levied, collected, and paid on any material provided for in paragraph 304 containing molybdenum and tungsten.

PAR. 306. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, electric, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

PAR. 307. Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than one hundred and nine one-thousandths of one inch, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, seven-twentieths of 1 cent per pound; valued above 1 cent per pound and not above 3 cents per pound, five-tenths of 1 cent per pound; valued at over 3 cents per pound, 20 per centum ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than one hundred and nine one-thousandths of one inch shall pay duty as iron or steel sheets.

PAR. 308. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of an inch, forty-five one-hundredths of 1 cent per pound; thinner than thirty-eight one-thousandths and not thinner than twenty-two one-thousandths of an inch, fifty-five one-hundredths of 1 cent per pound; thinner than twenty-two one-thousandths and not thinner than ten one-thousandths of an inch, seventy-five one-hundredths of 1 cent per pound; thinner than ten one-thousandths of an inch, eighty-five one-hundredths of 1 cent per pound; corrugated or crimped, seventy-five one-hundredths of 1 cent per pound; all the foregoing when valued at more than 3 cents per pound, 20 per centum ad valorem: *Provided*, That all sheets or plates of common or black iron or steel not thinner than one hundred and nine one-thousandths of an inch shall pay duty as plate iron or plate steel.

PAR. 309. All iron or steel sheets, plates, bars, and rods, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, 30 per centum ad valorem; thermostatic metal in sheets, plates, or other forms, 50 per centum ad valorem; sheets and plates of iron or steel, polished, planished, or glanced, by whatever name designated, 1¼ cents per pound: *Provided*, That plates or sheets of iron or steel, by whatever name designated, other than polished, planished, or glanced, herein provided for, which have been pickled or cleaned by acid, or by any other material or process, or which are cold-rolled, smoothed only, not polished, shall pay two-tenths of 1 cent per pound more duty than the rates provided on corresponding thicknesses of common or black sheet iron or steel.

PAR. 310. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terneplates, and taggers tin, 1 cent per pound.

PAR. 311. No article not specially provided for which is wholly or partly manufactured from tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel, or of which such tin plate, terneplate, sheet, plate, hoop, band or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

PAR. 312. Beams, girders, joists, angles, channels, car-truck channels, tees, columns and posts, or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, not assembled, manufactured or advanced beyond hammering, rolling, or casting, one-fifth of 1 cent per pound; any of the foregoing machined, drilled, punched, assembled, fitted, fabricated

for use, or otherwise advanced beyond hammering, rolling, or casting, 20 per centum ad valorem; sashes, frames, and building forms, of iron or steel, 25 per centum ad valorem.

PAR. 313. Hoop, band, and scroll iron or steel, not specially provided for, valued at 8 cents per pound or less, eight inches or less in width, and thinner than three-eighths and not thinner than one hundred and nine one-thousandths of one inch, twenty-five one-hundredths of 1 cent per pound; thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of one inch, thirty-five one-hundredths of 1 cent per pound; thinner than thirty-eight one-thousandths of one inch, fifty-five one-hundredths of 1 cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron, or hoop or band steel, flared, splayed, or punched, with or without buckles or fastenings, shall pay no more duty than that imposed on the hoop or band iron or steel from which they are made; bands and strips of iron or steel, whether in long or short lengths, not specially provided for, 25 per centum ad valorem.

PAR. 314. Hoop or band iron, and hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, one-fourth of 1 cent per pound.

PAR. 315. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, or square, or in any other shape, nail rods and flat rods up to six inches in width ready to be drawn or rolled into wire or strips, all the foregoing in coils or otherwise, valued at not over 4 cents per pound, three-tenths of 1 cent per pound; valued at over 4 cents per pound, six-tenths of 1 cent per pound: *Provided*, That all round iron or steel rods smaller than twenty one-hundredths of one inch in diameter shall be classified and dutiable as wire: *Provided further*, That all iron or steel wire rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-fourth of 1 cent per pound: *Provided further*, That on all iron or steel bars and rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-eighth of 1 cent per pound in addition to the rates provided on bars or rods of whatever section or shape which are hot rolled; and on all strips, plates, or sheets of iron or steel of whatever shape, other than polished, planished, or glanced sheet iron or sheet steel, which are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only, there shall be paid two-tenths of 1 cent per pound in addition to the rates provided on plates, strips, or sheets of iron or steel of common or black finish of corresponding thickness or value.

PAR. 316. Round iron or steel wire, not smaller than ninety-five one-thousandths of one inch in diameter, three-fourths of 1 cent per pound; smaller than ninety-five one-thousandths and not smaller than sixty-five one-thousandths of one inch in diameter, 1¼ cents per pound; smaller than sixty-five one-thousandths of one inch in diameter, 1½ cents per pound: *Provided*, That all of the foregoing valued above 6 cents per pound shall pay a duty of 25 per centum ad valorem; all wire composed of iron, steel, or other metal, not specially provided for (except gold, silver, or platinum); all flat wires and all steel in strips not thicker than one-quarter of one inch and not exceeding sixteen inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, 25 per centum ad valorum: *Provided*, That all wire of iron, steel, or other metal coated by dipping, galvanizing, sherardizing, electrolytic, or any other process with zinc, tin, or other metal, shall pay a duty of two-tenths of 1 cent per pound in addition to the rate imposed on the wire of which it is made; telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, or platinum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering, 35 per centum ad valorem; wire rope and wire strand, 35 per centum ad valorem; spinning and twisting ring travelers, 35 per centum ad valorem; wire heddles and healds, 25 cents per thousand and 30 per centum ad valorem.

PAR. 317. All galvanized wire not specially provided for, not larger than twenty one-hundredths and not smaller than eight one-hundredths of one inch in diameter, of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than twenty one-hundredths and not smaller than eight one-hundredths of one inch in diameter; and all wire commonly used for baling hay or other commodities, one-half of 1 cent per pound.

PAR. 318. Woven-wire cloth: Gauze, fabric, or screen, made of wire composed of steel, brass, copper, bronze, or any other metal or alloy, not specially provided for, with meshes not finer than thirty wires to the lineal inch in warp or filling, 25 per centum ad valorem; with meshes finer than thirty and not finer than ninety wires to the lineal inch in warp or filling, 35 per centum ad valorem; with meshes finer than ninety wires to the lineal inch in warp or filling, 45 per centum ad valorem.

PAR 319. Iron or steel anchors and parts thereof; forgings of iron or steel, or of combined iron and steel, not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for, 25 per centum ad valorem.

PAR. 320. Electric storage batteries and parts thereof, storage battery plates, and storage battery plate material, wholly or partly manufactured, all the foregoing not specially provided for, 40 per centum ad valorem.

PAR. 321. Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof, whether finished or unfinished, for whatever use intended, 10 cents per pound and 45 per centum ad valorem.

PAR. 322. Railway fishplates or splice bars, and tie plates, made of iron or steel, one-fourth of 1 cent per pound; rail braces, and all other railway bars made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, one-tenth of 1 cent per pound.

PAR. 323. Axles and parts thereof, axle bars, axle blanks, and forgings for axles, of iron or steel, without reference to the stage or state of manufacture, not specially provided for, valued at not more than 6 cents per pound, six-tenths of 1 cent per pound: *Provided*, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

PAR. 324. Wheels for railway purposes, and parts thereof, of iron or steel, and steel-tired wheels for railway purposes, wholly or partly finished, and iron or steel locomotive, car, or other railway tires and parts thereof, wholly or partly manufactured, 1 cent per pound: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

PAR. 325. Jewelers' and other anvils weighing less than five pounds each, 45 per centum ad valorem; all other anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, 1⅝ cents per pound.

PAR. 326. Blacksmiths' hammers, tongs, and sledges, track tools, wedges, and crowbars, of iron or steel, 1⅜ cents per pound.

PAR. 327. Cast-iron pipe of every description, cast-iron andirons, plates, stove plates, sadirons, tailors' irons, hatters' irons, but not including electric irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, or parts thereof, or finished machine parts; castings of malleable iron not specially provided for; cast hollow ware, coated, glazed, or tinned, but not including enameled ware and hollow ware containing electrical elements, 20 per centum ad valorem.

PAR. 328. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, and stays, not thinner than sixty-five one-thousandths of an inch, if not less than three-eighths of an inch in diameter, three-fourths of 1 cent per pound; if less than three-eighths and not less than one-fourth of an inch in diameter, 1¼ cents per pound; if less than one-fourth of an inch in diameter, 1¾ cents per pound: *Provided*, That no tubes, pipes, flues, or stays made of charcoal iron shall pay a less rate of duty than 1¼ cents per pound; cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty; welded cylindrical furnaces, tubes and flues made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure, and all other finished or unfinished iron or steel tubes not specially provided for, 25 per centum ad valorem; flexible metal tubing or hose, whether covered with wire or other material, including any appliances or attachments affixed thereto, not specially provided for, and rigid iron or steel tubes or pipes prepared and lined or coated in any manner suitable for use as conduits for electrical conductors, 30 per centum ad valorem.

PAR. 329. Chain and chains of all kinds, made of iron or steel, not less than three-fourths of one inch in diameter, seven-eighths of 1 cent per pound; less than three-fourths and not less than three-eighths of one inch in diameter, 1⅛ cents per pound; less than three-eighths and not less than five-sixteenths of one inch in diameter, 2⅛ cents per pound; less than five-sixteenths of one inch in diameter, 4 cents per pound; sprocket and machine chains, of iron or steel, and parts thereof, 35 per centum ad valorem; anchor or stud link chain, two inches or more in diameter, 1½ cents per pound; less than two inches in diameter, 2 cents per pound: *Provided*, That all articles manufactured wholly or in chief value of chain shall not pay a lower rate of duty than that imposed upon the chain of which it is made, or of which chain is the component material of chief value.

PAR. 330. Nuts, nut blanks, and washers, of wrought iron or steel, six-tenths of 1 cent per pound; bolts, with or without threads or nuts, and bolt blanks, of iron or steel, 1 cent per pound; spiral nut locks, and lock washers, of iron or steel, 35 per centum ad valorem.

PAR. 331. Cut nails and cut spikes, of iron or steel, exceeding two inches in length, four-tenths of 1 cent per pound; cut tacks and brads, hobnails and cut nails, of iron or steel, not exceeding two inches in length, 15 per centum ad valorem; horseshoe nails, and other iron or steel nails, not specially provided for, 1½ cents per pound; nails, spikes, tacks, brads, and staples, made of iron or steel wire, not less than one inch in length nor smaller than sixty-five one-thousandths of one inch in diameter, four-tenths of 1 cent per pound; less than one inch in length and smaller than sixty-five one-thousandths of one inch in diameter, three-fourths of 1 cent per pound; spikes, tacks, brads, and staples, not specially provided for, six-tenths of 1 cent per pound.

PAR. 332. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, 30 per centum ad valorem; rivets of iron or steel, not specially provided for, 1 cent per pound.

PAR. 333. Common horse, mule, or ox shoes, of wrought iron or steel, one-fifth of 1 cent per pound; horse, mule, or ox shoes, punched, drilled or tapped, of wrought iron or steel, for use with adjustable wrought-iron or steel skid calks, and solid drop-forged calked shoes of wrought iron or steel, 1 cent per pound.

PAR. 334. Steel wool, 10 cents per pound; steel shavings, 5 cents per pound; and in addition thereto, on all of the foregoing, 30 per centum ad valorem.

PAR. 335. Grit, shot, and sand of iron or steel, in any form, three-fourths of 1 cent per pound.

PAR. 336. Corset clasps, corset steels, and dress steels, whether plain or covered with cotton, silk, or other material, 35 per centum ad valorem.

PAR. 337. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or untempered round steel wire, 20 per centum ad valorem; when manufactured with tempered round steel wire, or with plated wire, or other than round iron or steel wire, or with felt face, wool face, or rubber-face cloth containing wool, 45 per centum ad valorem.

PAR. 338. Screws, commonly called wood screws, of iron or steel, 25 per centum ad valorem.

PAR. 339. Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for; composed of iron or steel and enameled or glazed with vitreous glasses, 5 cents per pound and 30 per centum ad valorem; composed wholly or in chief value of aluminum, 11 cents per pound and 55 per centum ad valorem; composed wholly or in chief value of copper, brass, steel, or other base metal, not specially provided for, 40 per centum ad valorem; and in addition thereto, upon any of the foregoing articles containing electrical heating elements as constituent parts thereof, 10 per centum ad valorem.

PAR. 340. Crosscut saws, mill saws, pit and drag saws, circular saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for, 20 per centum ad valorem; jewelers' or piercing saws, 40 cents per gross.

PAR. 341. Steel plates, stereotype plates, electrotype plates, half-tone plates, photogravure plates, photo-engraved plates, and plates of other materials, engraved or otherwise prepared for printing, and plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, 25 per centum ad valorem; lithographic plates of stone or other material engraved, drawn, or prepared, 25 per centum ad valorem.

PAR. 342. Umbrella and parasol ribs and stretchers, composed wholly or in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partly finished, 50 per centum ad valorem.

PAR. 343. Spring-beard needles, and other needles for knitting, sewing, shoe, or embroidery machines of every description, not specially provided for, and crochet needles, $1.15 per thousand and 40 per centum ad valorem; latch needles, $2 per thousand and 50 per centum ad valorem; tape, knitting, and all other needles, not specially provided for, bodkins of metal, and needle cases or needle books furnished with assortments of needles or combinations of needles and other articles, 45 per centum ad valorem.

PAR. 344. Fishhooks, fishing rods and reels, artificial flies, artificial baits, snelled hooks, leaders or casts, and all other fishing tackle and parts thereof, fly books, fly boxes, fishing

baskets or creels, finished or unfinished, not specially provided for, except fishing lines, fishing nets, and seines, 45 per centum ad valorem: *Provided*, That any prohibition of the importation of feathers in this chapter shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

PAR. 345. Saddlery and harness hardware: Buckles, rings, snaps, bits, swivels, and all other articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as harness hardware, 35 per centum ad valorem; all articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as saddlery or riding bridle hardware, 50 per centum ad valorem; all the foregoing, if plated with gold or silver, 60 per centum ad valorem.

PAR. 346. Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal, valued at not more than 20 cents per hundred, 5 cents per hundred; valued at more than 20 and not more than 50 cents per hundred, 10 cents per hundred; valued at more than 50 cents per hundred, 15 cents per hundred; and in addition thereto, on all of the foregoing, 20 per centum ad valorem.

PAR. 347. Hooks and eyes, wholly or in chief value of metal, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, 4½ cents per pound and 25 per centum ad valorem.

PAR. 348. Snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum, and not mounted on tape, 55 per centum ad valorem; mounted on tape, including sew-on fasteners, 60 per centum ad valorem.

PAR. 349. Metal trouser buttons (except steel), nickel bar buttons, one-twelfth of 1 cent per line per gross; steel trouser buttons, one-fourth of 1 cent per line per gross; buttons of metal, not specially provided for, three-fourths of 1 cent per line per gross; and in addition thereto, on all of the foregoing, 15 per centum ad valorem; metal buttons embossed with a design, device, pattern, or lettering, 45 per centum ad valorem: *Provided*, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of one inch.

PAR. 350. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry, 35 per centum ad valorem.

PAR. 351. Pens, metallic, not specially provided for, 12 cents per gross; with nib and barrel in one piece, 15 cents per gross.

PAR. 352. Penholder tips, penholders and parts thereof, gold pens, combination penholders comprising penholders, pencil, rubber eraser, automatic stamp, or other attachments, 25 cents per gross and 20 per centum ad valorem; mechanical pencils made of base metal and not plated with gold, silver, or platinum, 45 cents per gross and 20 per centum ad valorem: *Provided*, That pens and penholders shall be assessed for duty separately.

PAR. 353. Fountain pens, fountain-pen holders, stylographic pens, and parts thereof, 72 cents per dozen and 40 per centum ad valorem: *Provided*, That the value of cartons and fillers shall be included in the dutiable value.

PAR. 354. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this chapter, which have folding or other than fixed blades or attachments, valued at not more than 40 cents per dozen, 1 cent each and 50 per centum ad valorem; valued at more than 40 and not more than 50 cents per dozen, 5 cents each and 50 per centum ad valorem; valued at more than 50 cents and not more than $1.25 per dozen, 11 cents each and 55 per centum ad valorem; valued at more than $1.25 and not more than $3 per dozen, 18 cents each and 55 per centum ad valorem; valued at more than $3 and not more than $6 per dozen, 25 cents each and 50 per centum ad valorem; valued at more than $6 per dozen, 35 cents each and 55 per centum ad valorem; blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than 50 cents and not exceeding $1.25 per dozen; cuticle knives, corn knives, nail files, tweezers, hand forceps, and parts thereof, finished or unfinished, by whatever name known, 60 per centum ad valorem: *Provided*, That any of the foregoing, if imported in the condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished articles of the same material and quality, but not less in any case than 15 cents each and 55 per centum ad valorem: *Provided further*, That all the articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

PAR. 355. Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for, with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, or other metal than aluminum, nickel silver, iron or steel, 16 cents each; with handles of hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material, 8 cents each; with handles of any other material, if less than four inches in length, exclusive of handle, 2 cents each; if four inches in length or over, exclusive of handle, 8 cents each; and in addition thereto, on all of the foregoing, 45 per centum ad valorem; any of the foregoing without handles, with blades less than six inches in length, 2 cents each and 45 per centum ad valorem; with blades six inches or more in length, 8 cents each and 45 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk legibly and indelibly upon the blade in a place that shall not be covered.

PAR. 356. Planing-machine knives, tannery and leather knives, tobacco knives, paper and pulp mill knives, roll bars, bed plates, and all other stock-treating parts for pulp and paper machinery, shear blades, circular cloth cutters, circular cork cutters, circular cigarette cutters, meat-slicing cutters, and all other cutting knives and blades used in power or hand machines, 20 per centum ad valorem.

PAR. 357. Nail, barbers', and animal clippers, pruning and sheep shears, and all scissors and other shears, and blades for the same, finished or unfinished, valued at not more than 50 cents per dozen, 3½ cents each and 45 per centum ad valorem; valued at more than 50 cents and not more than $1.75 per dozen, 15 cents each and 45 per centum ad valorem; valued at more than $1.75 per dozen, 20 cents each and 45 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have die sunk, conspicuously and indelibly, the name of the maker or purchaser and beneath the same the name of the country of origin, to be placed on the outside of the blade, between the screw or rivet and the

handle of scissors and shears (except pruning and sheep shears), and on the blade or handle of pruning and sheep shears and clippers.

PAR. 358. Safety razors, and safety-razor handles and frames, 10 cents each and 30 per centum ad valorem; razors and parts thereof, finished or unfinished, valued at less than 75 cents per dozen, 18 cents each; valued at 75 cents and less than $1.50 per dozen, 25 cents each; valued at $1.50 and less than $3 per dozen, 30 cents each; valued at $3 and less than $4 per dozen, 35 cents each; valued at $4 or more per dozen, 45 cents each; and in addition thereto, on all the foregoing, 45 per centum ad valorem: *Provided*, That finished or unfinished blades for safety razors shall pay a duty of 1 cent each and 30 per centum ad valorem: *Provided further*, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the blade or shank or tang of each and every blade and on safety razors and parts thereof.

PAR. 359. Surgical instruments, and parts thereof, composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished, 45 per centum ad valorem; dental instruments, and parts thereof, composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished, 35 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the outside, or if a jointed instrument on the outside when closed.

PAR. 360. Philosophical, scientific, and laboratory instruments, apparatus, utensils, appliances (including drawing, surveying, and mathematical instruments), and parts thereof, composed wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished or unfinished, not specially provided for, 40 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the outside, or if a jointed instrument on the outside when closed.

PAR. 361. Pliers, pincers, and nippers of all kinds, finished or unfinished, 60 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the outside of the joint.

PAR. 362. Files, file blanks, rasps, and floats, of whatever cut or kind, two and one-half inches in length and under, 25 cents per dozen; over two and one-half and not over four and one-half inches in length, 47½ cents per dozen; over four and one-half and under seven inches in length, 62½ cents per dozen; seven inches in length and over, 77½ cents per dozen.

PAR. 363. Sword blades, and swords and side arms, irrespective of quality or use, wholly or in part of metal, 50 per centum ad valorem.

PAR. 364. Muzzle-loading muskets, shotguns, rifles, and parts thereof, 25 per centum ad valorem.

PAR. 365. Double or single barreled breech-loading and repeating shotguns, rifles, and combination shotguns and rifles, valued at not more than $5 each, $1.50 each; valued at more than $5 and not more than $10 each, $4 each; valued at more than $10 and not more than $25 each, $6 each; valued at more than $25 each, $10 each; and in addition thereto, on all of the foregoing, 45 per centum ad valorem; barrels for breech-loading and repeating shotguns and rifles, further advanced in manufacture than rough bored only, $4 each; stocks for breech-loading shotguns and rifles, wholly or partly manufactured, $5 each; and in addition thereto, on all of the foregoing, 50 per centum ad valorem; on all parts of such guns or rifles, and fittings for such stocks or barrels, finished or unfinished, 55 per centum ad valorem: *Provided*, That all breech-loading shotguns and rifles imported without a lock or locks or other fittings shall be subject to a duty of $10 each and 55 per centum ad valorem.

PAR. 366. Pistols: Automatic, magazine, or revolving, and parts thereof and fittings therefor, valued at not more than $4 each, $1.25 each; valued at more than $4 and not more than $8 each, $2.50 each; valued at more than $8 each, $3.50 each; and in addition thereto, on all of the foregoing, 55 per centum ad valorem.

PAR. 367. Watch movements, whether imported in cases or otherwise, assembled or knocked down, if having less than seven jewels, 75 cents each; having seven and not more than eleven jewels, $1.25 each; having more than eleven and not more than fifteen jewels, $2 each; having more than fifteen and not more than seventeen jewels, unadjusted, $2.75 each; having seventeen jewels and adjusted to temperature, $3.50 each; having seventeen jewels and adjusted to three positions, $4.75 each; having seventeen jewels and adjusted to five positions, $6.50 each; having more than seventeen jewels, adjusted or unadjusted, $10.75 each; watchcases and parts of watches, chronometers, box or ship, and parts thereof, 45 per centum ad valorem; all jewels for use in the manufacture of watches, clocks, meters, or compasses, 10 per centum ad valorem; enameled dials for watches or other instruments, 3 cents per dial and 45 per centum ad valorem: *Provided*, That all watch and clock dials, whether attached to movements or not, when imported shall have indelibly painted or printed thereon the name of the country of origin. and that all watch movements and plates, assembled or knocked down, and cases shall have the name of the manufacturer or purchaser and the country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movement and plates shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said numbers to be expressed both in words and in Arabic numerals, and if the movement is not adjusted, the word "unadjusted" shall be marked thereon by one of the methods indicated, and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction: *Provided further*, That only the number of the jewels which serve a mechanical purpose as frictional bearings shall be marked as herein provided.

PAR. 368. Clocks and clock movements, including lever clock movements, and clockwork mechanisms, cased or uncased, whether imported complete or in parts, and any device or mechanism having an essential operating feature intended for measuring time, distance, or fares, or the flowage of water, gas, electricity, or similar uses, or for regulating or controlling the speed of arbors, drums, disks, or similar uses, or for recording, indicating, or performing any operation or function at a predetermined time or times, any of the foregoing whether wholly or partly complete or knocked down (in which condition they shall be appraised at the valuation of the complete article); cases and casings for clockwork mechanisms imported separately; all the foregoing, 45 per centum ad valorem; and in addition thereto, upon any of the foregoing articles or parts thereof, having jewels, but not more than two jewels, in the escapement, $1 each; having more than two but not more than four jewels, $2 each; having more than four jewels, $4 each; if without jewels in the escapement and valued at not over $1.10 each, 35 cents each; valued at more than $1.10 and not more than $2.25 each, 70 cents each; valued at more than $2.25 but not more than $5 each, $1 each;

valued at more than $5 but not more than $10 each, $2 each; valued at more than $10 each, $3 each; all parts and materials for use in any of the foregoing if imported separately, and not specially provided for, 50 per centum ad valorem: *Provided*, That all dials, whether attached to movements or not, when imported, shall have indelibly painted, printed, or stamped thereon the name of the country of origin, and the front or back plate of the movement frame of any of the foregoing when imported shall have the name of the maker or purchaser, the name of the country where manufactured, and the number of jewels, if any, indelibly stamped on the most visible part of same; but if such markings are in whole or in part sufficiently similar to the trade name or trade-mark of an established American manufacturer as to be liable to deceive the user in the United States entry thereof shall be denied if such trade name or trade-mark has been placed on file with the collector of customs.

PAR. 369. Automobiles, automobile bodies, automobile chassis, motor cycles, and parts of the foregoing, not including tires, all of the foregoing whether finished or unfinished, 25 per centum ad valorem: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per centum ad valorem.

PAR. 370. Airplanes, hydroplanes, motor boats, and parts of the foregoing, 30 per centum ad valorem.

PAR. 371. Bicycles, and parts thereof, not including tires, 30 per centum ad valorem: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per centum ad valorem.

PAR. 372. Steam engines and steam locomotives, 15 per centum ad valorem; sewing machines, and parts thereof, not specifically provided for, valued at not more than $75 each, 15 per centum ad valorem; valued at more than $75 each, 30 per centum ad valorem; cash registers, and parts thereof, 25 per centum ad valorem; printing presses, not specially provided for, lawn mowers, and machine tools and parts of machine tools, 30 per centum ad valorem; embroidery machines, including shuttles for sewing and embroidery machines, lace-making machines, machines for making lace curtains, nets and nettings, 30 per centum ad valorem; knitting, braiding, lace braiding, and insulating machines, and all other similar textile machinery or parts thereof, finished or unfinished, not specially provided for, 40 per centum ad valorem; all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 35 per centum ad valorem; cream separators valued at more than $50 each, and other centrifugal machines for the separation of liquids or liquids and solids, not specially provided for, 25 per centum ad valorem; combined adding and typewriting machines, 30 per centum ad valorem; all other machines or parts thereof, finished or unfinished, not specially provided for, 30 per centum ad valorem: *Provided*, That machine tools as used in this paragraph shall be held to mean any machine operating other than by hand power which employs a tool for work on metal.

PAR. 373. Shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools, and parts thereof, composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, aluminum, or other metal, whether partly or wholly manufactured, 30 per centum ad valorem.

PAR. 374. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, 5 cents per pound; in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares, 9 cents per pound.

PAR. 375. Metallic magnesium and metallic magnesium scrap, 40 cents per pound; magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium, not specially provided for, 40 cents per pound on the metallic magnesium content and 20 per centum ad valorem.

PAR. 376. Antimony, as regulus or metal, 2 cents per pound; needle or liquated antimony, one-fourth of 1 cent per pound.

PAR. 377. Bismuth, 7½ per centum ad valorem.

PAR. 378. Cadmium, 15 cents per pound.

PAR. 379. Metallic arsenic, 6 cents per pound.

PAR. 380. German silver, or nickel silver, unmanufactured, 20 per centum ad valorem; nickel silver sheets, strips, rods, and wire, 30 per centum ad valorem.

PAR. 381. Copper in rolls, rods, or sheets, 2½ cents per pound; copper engravers' plates, not ground, and seamless copper tubes and tubing, 7 cents per pound; copper engravers' plates, ground, and brazed copper tubes, 11 cents per pound; brass rods, sheet brass, brass plates, bars, and strips, Muntz or yellow metal sheets, sheathing, bolts, piston rods, and shafting, 4 cents per pound; seamless brass tubes and tubing, 8 cents per pound; brazed brass tubes, brass angles and channels, 12 cents per pound; bronze rods and sheets, 4 cents per pound; bronze tubes, 8 cents per pound.

PAR. 382. Aluminum or tin foil less than six one-thousandths of an inch in thickness, 35 per centum ad valorem; bronze powder, 14 cents per pound; aluminum powder, powdered foil, powdered tin, brocades, flitters, and metallics, manufactured in whole or in part, 12 cents per pound; bronze, or Dutch metal, or aluminum, in leaf, 6 cents per one hundred leaves. The foregoing rate applies to leaf not exceeding in size the equivalent of five and one-half by five and one-half inches; additional duties in the same proportion shall be assessed on leaf exceeding in size said equivalent.

PAR. 383. Gold leaf, 55 cents per one hundred leaves. The foregoing rate applies to leaf not exceeding in size the equivalent of three and three-eighths by three and three-eighths inches; additional duties in the same proportion shall be assessed on leaf exceeding in size said equivalent.

PAR. 384. Silver leaf, 5 cents per one hundred leaves.

PAR. 385. Tinsel wire, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 10 per centum ad valorem; lame or lahn, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 20 per centum ad valorem; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 6 cents per pound and 35 per centum ad valorem; beltings, toys, and other articles made wholly or in chief value of tinsel wire, metal thread, lame or lahn, or of tinsel wire, lame or lahn and india rubber, bullions, or metal threads, not specially provided for, 45 per centum ad valorem; woven fabrics, ribbons, fringes, and tassels, made wholly or in chief value of any of the foregoing, 55 per centum ad valorem.

PAR. 386. Quicksilver, 25 cents per pound: *Provided*, That the flasks, bottles, or other vessels in which quicksilver is im-

ported shall be subject to the same rate of duty as they would be subjected to if imported empty.

PAR. 387. Azides, fulminates, fulminating powder, and other like articles not specially provided for, 12½ cents per pound.

PAR. 388. Dynamite and other high explosives, put up in sticks, cartridges, or other forms, suitable for blasting, 1¼ cents per pound.

PAR. 389. New types, 20 per centum ad valorem.

PAR. 390. Nickel oxide, 1 cent per pound; nickel, and nickel alloy of any kind in which nickel is the component material of chief value, in pigs or ingots, shot, cubes, grains, cathodes, or similar forms, 3 cents per pound; in bars, rods, plates, sheets, strips, strands, castings, wire, tubes, tubing, anodes, or electrodes, 25 per centum ad valorem; and in addition thereto, on all of the foregoing, if cold rolled, cold drawn, or cold worked, 10 per centum ad valorem.

PAR. 391. Bottle caps of metal, collapsible tubes, and sprinkler tops, if not decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color, 30 per centum ad valorem; if decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color, 45 per centum ad valorem.

PAR. 392. Lead-bearing ores and mattes of all kinds, 1½ cents per pound on the lead contained therein: *Provided*, That such duty shall not be applied to the lead contained in copper mattes unless actually recovered: *Provided further*, That on all importations of lead-bearing ores and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores or mattes by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

PAR. 393. Lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, antimonial scrap lead, type metal, Babbitt metal, solder, all alloys or combinations of lead not specially provided for, 2⅛ cents per pound on the lead contained therein; lead in sheets, pipe, shot, glazier's lead, and lead wire, 2⅝ cents per pound.

PAR. 394. Zinc-bearing ore of all kinds, containing less than 10 per centum of zinc, shall be admitted free of duty; containing 10 per centum or more of zinc and less than 20 per centum, one-half of 1 cent per pound on the zinc contained therein; containing 20 per centum or more of zinc and less than 25 per centum, 1 cent per pound on the zinc contained therein; containing 25 per centum of zinc, or more, 1½ cents per pound on the zinc contained therein: *Provided*, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

PAR. 395. Zinc in blocks, pigs, or slabs, and zinc dust, 1¾ cents per pound; in sheets, 2 cents per pound; in sheets coated or plated with nickel or other metal (except gold, silver, or platinum), or solutions, 2¼ cents per pound; old and worn-out, fit only to be remanufactured, 1½ cents per pound.

PAR. 396. Print rollers and print blocks used in printing, stamping, or cutting designs for wall or crêpe paper, linoleum, oilcloth, or other material, not specially provided for, composed wholly or in chief value of iron, steel, copper, brass, or any other metal, 60 per centum ad valorem.

PAR. 397. Cylindrical steel rolls ground and polished, valued at 25 cents per pound or over, 25 per centum ad valorem.

PAR. 398. Twist drills, reamers, milling cutters, taps, dies, and metal-cutting tools of all descriptions, not specially provided for, containing more than six-tenths of 1 per centum of tungsten or molybdenum, 60 per centum ad valorem.

PAR. 399. Articles or wares not specially provided for, if composed wholly or in chief value of platinum, gold, or silver, and articles or wares plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, 60 per centum ad valorem; if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, 40 per centum ad valorem.

PAR. 400. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

SCHEDULE 4.—WOOD AND MANUFACTURES OF

PAR. 401. Logs of fir, spruce, cedar, or western hemlock, $1 per thousand feet board measure: *Provided*, That any such class of logs cut from any particular class of lands shall be exempt from such duty if imported from any country, dependency, province, or other subdivision of government which has, at no time during the twelve months immediately preceding their importation into the United States, maintained any embargo, prohibition, or other restriction (whether by law, order, regulation, contractual relation or otherwise, directly or indirectly) upon the exportation of such class of logs from such country, dependency, province, or other subdivision of government, if cut from such class of lands.

PAR. 402. Brier root or brier wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted, 10 per centum ad valorem.

PAR. 403. Cedar commercially known as Spanish cedar, lignumvitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, and Japanese maple, in the log, 10 per centum ad valorem; in the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, 15 per centum ad valorem; veneers of wood and wood unmanufactured, not specially provided for, 20 per centum ad valorem.

PAR. 404. Hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, rough-hewn, or rough shaped, sawed or bored, 10 per centum ad valorem.

PAR. 405. Casks, barrels, and hogsheads (empty), sugar-box shooks, and packing boxes (empty), and packing-box shooks, of wood, not specially provided for, 15 per centum ad valorem.

PAR. 406. Boxes, barrels, and other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos, 25 per centum ad valorem: *Provided*, That the thin wood, so called, comprising the sides, tops, and bottoms of fruit boxes of the growth or manufacture of the United States, exported as fruit box shooks, may be reimported in completed form, filled with fruit, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture; but proof of the identity of such shooks shall be made under regulations to be prescribed by the Secretary of the Treasury.

PAR. 407. Reeds wrought or manufactured from rattan or reeds, whether round, flat, split, oval, or in whatever form, cane wrought or manufactured from rattan, cane webbing, and split or partially manufactured rattan, not specially provided for, 20 per centum ad valorem. Furniture made with frames wholly or in part of wood, rattan, reed, bamboo, osier or willow, or malacca, and covered wholly or in part with rattan, reed, grass, osier or willow, or fiber of any kind, 60 per centum ad valorem; split bamboo, 1¼ cents per pound; osier or willow, including chip of and split willow, prepared for basket makers' use, 35 per centum ad valorem; all articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier or willow, 45 per centum ad valorem.

PAR. 408. Toothpicks of wood or other vegetable substance, 25 per centum ad valorem; butchers' and packers' skewers of wood, 25 cents per thousand.

PAR. 409. Porch and window blinds, baskets, chair seats, curtains, shades, or screens, any of the foregoing wholly or in chief value of bamboo, wood, straw, papier-mâché, palm leaf, or compositions of wood, not specially provided for, 35 per centum ad valorem; if stained, dyed, painted, printed, polished, grained, or creosoted, 45 per centum ad valorem.

PAR. 410. Spring clothespins, 15 cents per gross; house or cabinet furniture wholly or in chief value of wood, wholly or partly finished, wood flour, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for, 33⅓ per centum ad valorem.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF

PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above fifty sugar degrees and not above seventy-five sugar degrees, 1 3/10 cents per pound, and for each additional sugar degree shown by the polariscopic test, forty-six one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion.

PAR. 502. Molasses and sugar sirups, not specially provided for, testing not above 48 per centum total sugars, twenty-five one-hundredths of 1 cent per gallon; testing above 48 per centum total sugars, two hundred and seventy-five one-thousandths of 1 cent additional for each per centum of total sugars and fractions of a per centum in proportion; molasses testing not above 52 per centum total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent per gallon; testing above 52 and not above 56 per centum total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent additional for each per centum of total sugars and fractions of a per centum in proportion.

PAR. 503. Maple sugar and maple sirup, 4 cents per pound; dextrose testing not above 99.7 per centum and dextrose sirup, 1½ cents per pound. Sugar cane in its natural state, $1 per ton of two thousand pounds; sugar contained in dried sugar cane, or in sugar cane in any other than its natural state, 75 per centum of the rate of duty applicable to manufactured sugar of like polariscopic test.

PAR. 504. Adonite, arabinose, dulcite, galactose, inosite, inulin, levulose, mannite, d-talose, d-tagatose, ribose, melibiose, dextrose testing above 99.7 per centum, mannose, melezitose, raffinose, rhamnose, salicin, sorbite, xylose, and other saccharides, 50 per centum ad valorem.

PAR. 505. Sugar candy and all confectionery not specially provided for, and sugar after being refined, when tinctured, colored, or in any way adulterated, 40 per centum ad valorem.

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF

PAR. 601. Wrapper tobacco, and filler tobacco when mixed or packed with more than 35 per centum of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $2.10 per pound; if stemmed, $2.75 per pound; filler tobacco not specially provided for, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

PAR. 602. The term "wrapper tobacco" as used in this title means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term "filler tobacco" means all other leaf tobacco. Collectors of customs shall permit entry to be made, under rules and regulations to be prescribed by the Secretary of the Treasury, of any leaf tobacco when the invoices of the same shall specify in detail the character of such tobacco, whether wrapper or filler, its origin and quality. In the examination for classification of any imported leaf tobacco, at least one bale, box, or package in every ten, and at least one in every invoice, shall be examined by the appraiser or person authorized by law to make such examination, and at least ten hands shall be examined in each examined bale, box, or package.

PAR. 603. All other tobacco, manufactured or unmanufactured, not specially provided for, 55 cents per pound; scrap tobacco, 35 cents per pound.

PAR. 604. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, and tobacco stems, cut, ground, or pulverized, 55 cents per pound.

PAR. 605. Cigars, cigarettes, cheroots of all kinds, $4.50 per pound and 25 per centum ad valorem, and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

PAR. 701. Cattle, weighing less than one thousand and fifty pounds each, 1½ cents per pound; weighing one thousand and fifty pounds each or more, 2 cents per pound; fresh beef and veal, 3 cents per pound; tallow, one-half of 1 cent per pound; oleo oil and oleo stearin, 1 cent per pound.

PAR. 702. Sheep and goats, $2 per head; fresh mutton and goat meat, 2½ cents per pound; fresh lamb, 4 cents per pound.

PAR. 703. Swine, one-half of 1 cent per pound; fresh pork, three-fourths of 1 cent per pound; bacon, hams, and shoulders, and other pork, prepared or preserved, 2 cents per pound; lard, 1 cent per pound; lard compounds and lard substitutes, 4 cents per pound.

PAR. 704. Reindeer meat, venison, and other game (except birds) not specially provided for, 4 cents per pound.

PAR. 705. Extract of meat, including fluid, 15 cents per pound.

PAR. 706. Meats, fresh, prepared, or preserved, not specially provided for, 20 per centum ad valorem: *Provided*, That no meats of any kind shall be imported into the United States unless the same is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient

which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same also complies with the rules and regulations made by the Secretary of Agriculture, and that, after entry into the United States in compliance with said rules and regulations, said meats shall be deemed and treated as domestic meats within the meaning of and shall be subject to the provisions of sections 71 to 93 of Title 21, commonly called the "Meat Inspection Amendment," and sections 1 to 15 of Title 21, commonly called the "Food and Drugs Act," and the Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this provision, and that in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all such meats offered for entry and refused admission into the United States unless the same be exported by the consignee within the time fixed therefor in such rules and regulations.

PAR. 707. Milk, fresh, 2½ cents per gallon; sour milk and buttermilk, 1 cent per gallon; cream, 20 cents per gallon: *Provided*, That fresh or sour milk containing more than 7 per centum of butterfat shall be dutiable as cream, and cream containing more than 45 per centum of butterfat shall be dutiable as butter.

PAR. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 1 cent per pound, sweetened, 1½ cents per pound; all other, 1⅜ cents per pound; whole milk powder, 3 cents per pound; cream powder, 7 cents per pound; and skimmed milk powder, 1½ cents per pound; malted milk, and compounds or mixtures of or substitutes for milk or cream, 20 per centum ad valorem.

PAR. 709. Butter, 8 cents per pound; oleomargarine and other butter substitutes, 8 cents per pound.

PAR. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per centum ad valorem.

PAR. 711. Birds, live: Poultry, 3 cents per pound; all other, valued at $5 or less each, 50 cents each; valued at more than $5 each, 20 per centum ad valorem.

PAR. 712. Birds, dead, dressed or undressed: Poultry, 6 cents per pound; all other, 8 cents per pound; all the foregoing, prepared or preserved in any manner, and not specially provided for, 35 per centum ad valorem.

PAR. 713. Eggs of poultry, in the shell, 8 cents per dozen; whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved, and not specially provided for, 6 cents per pound; dried whole eggs, dried egg yolk, and dried egg albumen, 18 cents per pound.

PAR. 714. Horses and mules, valued at not more than $150 per head, $30 per head; valued at more than $150 per head, 20 per centum ad valorem.

PAR. 715. Live animals, vertebrate and invertebrate, not specially provided for, 15 per centum ad valorem.

PAR. 716. Honey, 3 cents per pound.

PAR. 717. Fish, fresh, frozen, or packed in ice: Halibut, salmon, mackerel, and swordfish, 2 cents per pound; other fish, not specially provided for, 1 cent per pound.

PAR. 718. Salmon, pickled, salted, smoked, kippered, or otherwise prepared or preserved, 25 per centum ad valorem; finnan haddie, 25 per centum ad valorem; dried fish, salted or unsalted, 1¼ cents per pound; smoked herring, skinned or boned, 2½ cents per pound; all other fish, skinned or boned, in bulk, or in immediate containers weighing with their contents more than fifteen pounds each, 2½ cents per pound net weight.

PAR. 719. Herring and mackerel, pickled or salted, whether or not boned, when in bulk, or in immediate containers weighing with their contents more than fifteen pounds each, 1 cent per pound net weight.

PAR. 720. Fish (except shellfish), by whatever name known, packed in oil or in oil and other substances, 30 per centum ad valorem; all fish (except shellfish), pickled, salted, smoked, kippered, or otherwise prepared or preserved (except in oil or in oil and other substances), in immediate containers weighing with their contents not more than fifteen pounds each, 25 per centum ad valorem; in bulk or in immediate containers weighing with their contents more than fifteen pounds each, 1¼ cents per pound net weight.

PAR. 721. Crab meat, packed in ice or frozen, or prepared or preserved in any manner, 15 per centum ad valorem; fish paste and fish sauce, 30 per centum ad valorem; caviar and other fish roe for food purposes, packed in ice or frozen, prepared or preserved, by the addition of salt in any amount, or by other means, 30 per centum ad valorem.

PAR. 722. Barley, hulled or unhulled, 20 cents per bushel of forty-eight pounds; barley malt, 40 cents per one hundred pounds; pearl barley, patent barley and barley flour, 2 cents per pound.

PAR. 723. Buckwheat, hulled or unhulled, 10 cents per one hundred pounds; buckwheat flour and grits or groats, one-half of 1 cent per pound.

PAR. 724. Corn or maize, including cracked corn, 15 cents per bushel of fifty-six pounds; corn grits, meal, and flour, and similar products, 30 cents per one hundred pounds.

PAR. 725. Macaroni, vermicelli, noodles, and similar alimentary pastes, 2 cents per pound.

PAR. 726. Oats, hulled or unhulled, 15 cents per bushel of thirty-two pounds; unhulled ground oats, 45 cents per one hundred pounds; oatmeal, rolled oats, oat grits, and similar oat products, 80 cents per one hundred pounds.

PAR. 727. Paddy or rough rice, 1 cent per pound; brown rice (hulls removed), 1¼ cents per pound; milled rice (bran removed), 2 cents per pound; broken rice, and rice meal, flour, polish, and bran, one-half of 1 cent per pound.

PAR. 728. Rye, 15 cents per bushel of fifty-six pounds; rye flour and meal, 45 cents per one hundred pounds.

PAR. 729. Wheat, 30 cents per bushel of sixty pounds; wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for, 78 cents per one hundred pounds.

PAR. 730. Bran, shorts, by-product feeds obtained in milling wheat or other cereals, 15 per centum ad valorem; hulls of oats, barley, buckwheat, or other grains, ground or unground, 10 cents per one hundred pounds; dried beet pulp, malt sprouts, and brewers' grains, $5 per ton; mixed feeds, consisting of an admixture of grains or grain products with oil cake, oil-cake meal, molasses, or other feedstuffs, 10 per centum ad valorem.

PAR. 731. Screenings, scalpings, chaff, or scourings of wheat, flaxseed, or other grains or seeds: Unground, or ground, 10 per centum ad valorem: *Provided*, That when grains or seeds contain more than 5 per centum of any one foreign matter dutiable at a rate higher than that applicable to the grain or seed the entire lot shall be dutiable at such higher rate.

PAR. 732. Cereal breakfast foods, and similar cereal preparations, by whatever name known, processed further than milling, and not specially provided for, 20 per centum ad valorem.

PAR. 733. Biscuits, wafers, cake, cakes, and similar baked articles, and puddings, all the foregoing by whatever name known, whether or not containing chocolate, nuts, fruits, or confectionery of any kind, 30 per centum ad valorem.

PAR. 734. Apples, green or ripe, 25 cents per bushel of 50 pounds; dried, desiccated, or evaporated, 2 cents per pound; otherwise prepared or preserved, and not specially provided for, 2½ cents per pound.

PAR. 735. Apricots, green, ripe, dried, or in brine, one-half of 1 cent per pound; otherwise prepared or preserved, 35 per centum ad valorem.

PAR. 736. Berries, edible, in their natural condition or in brine, 1¼ cents per pound; dried, desiccated, or evaporated,

2½ cents per pound; otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem.

PAR. 737. Cherries, in their natural state, sulphured, or in brine, 2 cents per pound; maraschino cherries and cherries prepared or preserved in any manner, 40 per centum ad valorem.

PAR. 738. Cider, 5 cents per gallon; vinegar, 6 cents per proof gallon: *Provided*, That the standard proof for vinegar shall be 4 per centum by weight of acetic acid.

PAR. 739. Citrons and citron peel, crude, dried, or in brine, 2 cents per pound; candied or otherwise prepared or preserved, 4½ cents per pound; orange and lemon peel, crude, dried, or in brine, 2 cents per pound; candied, or otherwise prepared or preserved, 5 cents per pound.

PAR. 740. Figs, fresh, dried, or in brine, 2 cents per pound; prepared or preserved in any manner, 35 per centum ad valorem.

PAR. 741. Dates, fresh or dried, 1 cent per pound; prepared or preserved in any manner, 35 per centum ad valorem.

PAR. 742. Grapes in bulk, crates, barrels or other packages, 25 cents per cubic foot of such bulk or the capacity of the packages, according as imported; raisins, 2 cents per pound; other dried grapes, 2½ cents per pound; currants, Zante or other, 2 cents per pound.

PAR. 743. Lemons, 2 cents per pound; limes, in their natural state, or in brine, and oranges, 1 cent per pound; grapefruit, 1 cent per pound.

PAR. 744. Olives in brine, green, 20 cents per gallon; ripe, 20 cents per gallon; pitted or stuffed, 30 cents per gallon; dried ripe olives, 4 cents per pound.

PAR. 745. Peaches and pears, green, ripe, or in brine, one-half of 1 cent per pound; dried, desiccated, or evaporated, 2 cents per pound; otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem.

PAR. 746. Pineapples, 22½ cents per crate of one and ninety-six one-hundredths cubic feet; in bulk, three-fourths of 1 cent each; candied, crystallized, or glaze, 35 per centum an valorem; otherwise prepared or preserved, and not specially provided for, 2 cents per pound.

PAR. 747. Plums, prunes, and prunelles, green, ripe, or in brine, one-half of 1 cent per pound; dried, one-half of 1 cent per pound; otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem.

PAR. 748. All jellies, jams, marmalades, and fruit butters, 35 per centum ad valorem.

PAR. 749. Fruits in their natural state, or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for, and mixtures of two or more fruits, prepared or preserved, 35 per centum ad valorem: *Provided*, That all specific provisions of this title for fruits and berries prepared or preserved shall include fruits and berries preserved or packed in sugar, or having sugar added thereto, or preserved or packed in molasses, spirits, or their own juices.

PAR. 750. Berries and fruits, of all kinds, prepared or preserved in any manner, containing 5 per centum or more of alcohol shall pay in addition to the rates provided in this title $5 per proof gallon on the alcohol contained therein: *Provided, however*, That nothing in this chapter shall be construed as permitting the importation of intoxicating liquor in violation of the eighteenth amendment to the Constitution, or any Act of Congress enacted in its enforcement.

PAR. 751. Tulip, lily, and narcissus bulbs, and lily of the valley pips, $2 per thousand; hyacinth bulbs, $4 per thousand; crocus bulbs, $1 per thousand; all other bulbs and roots, root stocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes, 30 per centum ad valorem; cut flowers, fresh or preserved, 40 per centum ad valorem.

PAR. 752. Seedlings and cuttings of Manetti, multiflora, brier, rugosa, and other rose stock, all the foregoing not more than three years old, $2 per thousand; rose plants, budded, grafted, or grown on their own roots, 4 cents each; cuttings, seedlings, and grafted or budded plants of other deciduous or evergreen ornamental trees, shrubs, or vines, and all nursery or greenhouse stock, not specially provided for, 25 per centum ad valorem.

PAR. 753. Seedlings, layers, and cuttings of apple, cherry, pear, plum, quince, and other fruit stocks, $2 per thousand; grafted or budded fruit trees, cuttings and seedlings of grapes, currants, gooseberries, or other fruit vines, plants or bushes, 25 per centum ad valorem.

PAR. 754. Almonds, not shelled, 4¾ cents per pound; shelled, 14 cents per pound; almond paste, 14 cents per pound.

PAR. 755. Cream or Brazil nuts, 1 cent per pound; filberts, not shelled, 2½ cents per pound; shelled, 5 cents per pound; pignolia nuts, 1 cent per pound; pistache nuts, 1 cent per pound.

PAR. 756. Coconuts, one-half of 1 cent each; coconut meat, shredded and desiccated, or similarly prepared, 3½ cents per pound.

PAR. 757. Peanuts, not shelled, 3 cents per pound; shelled, 4 cents per pound.

PAR. 758. Walnuts of all kinds, not shelled, 4 cents per pound; shelled, 12 cents per pound; pecans, unshelled, 3 cents per pound; shelled, 6 cents per pound.

PAR. 759. Edible nuts, shelled or unshelled, not specially provided for, 1 cent per pound; pickled, or otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem; nut and kernel paste not specially provided for, 25 per centum ad valorem: *Provided*, That no allowance shall be made for dirt or other impurities in nuts of any kind, shelled or unshelled.

PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 40 cents per bushel of fifty-six pounds; poppy seed, 32 cents per one hundred pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; soya beans, one-half of 1 cent per pound; cottonseed, one-third of 1 cent per pound.

PAR. 761. Grass seeds: Alfalfa, 4 cents per pound; alsike clover, 4 cents per pound; crimson clover, 1 cent per pound; red clover, 4 cents per pound; white clover, 8 cents per pound; clover, not specially provided for, 2 cents per pound; millet, 1 cent per pound; timothy, 2 cents per pound; hairy vetch, 2 cents per pound; spring vetch, 1 cent per pound; all other grass seeds not specially provided for, 2 cents per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph.

PAR. 762. Other garden and field seeds: Beet (except sugar beet), 4 cents per pound; cabbage, 10 cents per pound; canary, 1 cent per pound; carrot, 4 cents per pound; cauliflower, 25 cents per pound; celery, 2 cents per pound; kale, 6 cents per pound; kohlrabi, 8 cents per pound; mangel-wurzel, 4 cents per pound; mushroom spawn, 1 cent per pound; onion, 15 cents per pound; parsley, 2 cents per pound; parsnip, 4 cents per pound; pepper, 15 cents per pound; radish, 4 cents per pound; spinach, 1 cent per pound; tree and shrub, 8 cents per pound; turnip, 4 cents per pound; rutabaga, 4 cents per pound; flower, 6 cents per pound; all other garden and field seeds not specially provided for, 6 cents per pound: *Provided*, That the provisions for seeds in this schedule shall include such seeds whether used for planting or for other purposes.

PAR. 763. Beans, not specially provided for, green or unripe, one-half of 1 cent per pound; dried, 1¾ cents per pound; in brine, prepared or preserved in any manner, 2 cents per pound.

PAR. 764. Sugar beets, 80 cents per ton; other beets, 17 per centum ad valorem.

PAR. 765. Lentils, one-half of 1 cent per pound; lupines, one-half of 1 cent per pound.

PAR. 766. Mushrooms, fresh, or dried or otherwise prepared or preserved, 45 per centum ad valorem; truffles, fresh, or dried or otherwise prepared or preserved, 25 per centum ad valorem.

PAR. 767. Peas, green or dried, 1 cent per pound; peas, split, 1¼ cents per pound; peas, prepared or preserved in any manner, 2 cents per pound.

PAR. 768. Onions, 1 cent per pound; garlic, 2 cents per pound.

PAR. 769. White or Irish potatoes, 50 cents per one hundred pounds; dried, dehydrated, or desiccated potatoes, 2¾ cents per pound; potato flour, 2½ cents per pound.

PAR. 770. Tomatoes in their natural state, one-half of 1 cent per pound; tomato paste, 40 per centum ad valorem; all other, prepared or preserved in any manner, 15 per centum ad valorem.

PAR. 771. Turnips, 12 cents per one hundred pounds.

PAR. 772. Vegetables in their natural state, not specially provided for, 25 per centum ad valorem: *Provided*, That in the assessment of duties on vegetables no segregation or allowance of any kind shall be made for foreign matter or impurities mixed therewith.

PAR. 773. Vegetables, if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared or preserved in any other way and not specially provided for; sauces of all kinds, not specially provided for; soya beans, prepared or preserved in any manner; bean stick, miso, bean cake, and similar products, not specially provided for; soups, pastes, balls, puddings, hash, and all similar forms, composed of vegetables, or of vegetables and meat or fish, or both, not specially provided for, 35 per centum ad valorem.

PAR. 774. Acorns, and chicory and dandelion roots, crude, 1½ cents per pound; ground, or otherwise prepared, 3 cents per pound; all coffee substitutes and adulterants, and coffee essences, 3 cents per pound.

PAR. 775. Chocolate and cocoa, sweetened or unsweetened, powdered, or otherwise prepared, 17½ per centum ad valorem, but not less than 2 cents per pound; cacao butter, 25 per centum ad valorem.

PAR. 776. Ginger root, candied, or otherwise prepared or preserved, 20 per centum ad valorem.

PAR. 777. Hay, $4 per ton; straw, $1 per ton.

PAR. 778. Hops, 24 cents per pound; hop extract, $2.40 per pound; lupulin, 75 cents per pound.

PAR. 779. Spices and spice seeds: Anise seeds, 2 cents per pound; caraway seeds, 1 cent per pound; cardamom seeds, 10 cents per pound; cassia, cassia buds, and cassia vera, unground, 2 cents per pound; ground, 5 cents per pound; cloves, unground, 3 cents per pound; ground, 6 cents per pound; clove stems, unground, 2 cents per pound; ground, 5 cents per pound; cinnamon and cinnamon chips, unground, 2 cents per pound; ground, 5 cents per pound; coriander seeds, one-half of 1 cent per pound; cummin seeds, 1 cent per pound; fennel seeds, 1 cent per pound; ginger root, not preserved or candied, unground, 2 cents per pound; ground, 5 cents per pound; mace, unground, 4 cents per pound; ground, 8 cents per pound; Bombay, or wild mace, unground, 18 cents per pound; ground, 22 cents per pound; mustard seeds (whole), 1 cent per pound; mustard, ground or prepared in bottles or otherwise, 8 cents per pound; nutmegs, unground, 2 cents per pound; ground, 5 cents per pound; pepper, capsicum or red pepper or cayenne pepper, and paprika, unground, 2 cents per pound; ground, 5 cents per pound; black or white pepper, unground, 2 cents per pound; ground, 5 cents per pound; pimento (allspice), unground, 1 cent per pound; ground, 3 cents per pound; whole pimientos, packed in brine or in oil, or prepared or preserved in any manner, 6 cents per pound; sage, unground, 1 cent per pound; ground, 3 cents per pound; mixed spices, and spices and spice seeds not specially provided for, including all herbs or herb leaves in glass or other small packages, for culinary use, 25 per centum ad valorem: *Provided*, That in all the foregoing no allowance shall be made for dirt or other foreign matter: *Provided further*, That the importation of pepper shells, ground or unground, is hereby prohibited.

PAR. 780. Teasels, 25 per centum ad valorem.

SCHEDULE 8.—SPIRITS, WINES, AND OTHER BEVERAGES

PAR. 801. Nothing in this schedule shall be construed as in any manner limiting or restricting the provisions of Title 27 (the National Prohibition Act, as amended).

The duties prescribed in Schedule 8 and imposed by subtitle I shall be in addition to the internal-revenue taxes imposed under existing law, or any subsequent Act.

PAR. 802. Brandy and other spirits manufactured or distilled from grain or other materials, cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and bitters of all kinds (except Angostura bitters) containing spirits, and compounds and preparations of which distilled spirits are the component material of chief value and not specially provided for, $5 per proof gallon; Angostura bitters, $2.60 per proof gallon.

PAR. 803. Champagne and all other sparkling wines, $6 per gallon..

PAR. 804. Still wines, including ginger wine or ginger cordial, vermuth, and rice wine or sake, and similar beverages not specially provided for, $1.25 per gallon: *Provided*, That any of the foregoing articles specified in this paragraph when imported containing more than 24 per centum of alcohol shall be classed as spirits and pay duty accordingly.

PAR. 805. Ale, porter, stout, beer, and fluid malt extract, $1 per gallon; malt extract, solid or condensed, 60 per centum ad valorem.

PAR. 806. Cherry juice, prune juice, or prune wine, and all other fruit juices and fruit sirups, not specially provided for, containing less than one-half of 1 per centum of alcohol, 70 cents per gallon; containing one-half of 1 per centum or more of alcohol, 70 cents per gallon and in addition thereto $5 per proof gallon on the alcohol contained therein; grape juice, grape sirup, and other similar products of the grape, by whatever name known, containing or capable of producing less than 1 per centum of alcohol, 70 cents per gallon; containing or capable of producing more than 1 per centum of alcohol, 70 cents per gallon, and in addition thereto $5 per proof gallon on the alcohol contained therein or that can be produced therefrom.

PAR. 807. Ginger ale, ginger beer, lemonade, soda water, and similar beverages containing no alcohol, and beverages containing less than one-half of 1 per centum of alcohol, not specially provided for, 15 cents per gallon.

PAR. 808. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for, 10 cents per gallon.

PAR. 809. When any article provided for in this schedule is imported in bottles or jugs, duty shall be collected upon the bottles or jugs at one-third the rate provided on the bottles or jugs if imported empty or separately.

PAR. 810. Each and every gauge or wine gallon of measurement shall be counted as at least one proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind when imported shall be the same as that which is defined in the laws relating to internal revenue. The Secretary of the Treasury, in his discretion, may authorize the ascertainment of the proof of wines, cordials, or other liquors

and fruit juices by distillation or otherwise, in cases where it is impracticable to ascertain such proof by the means prescribed by existing law or regulations.

PAR. 811. No lower rate or amount of duty shall be levied, collected, and paid on the articles enumerated in paragraph 802 of this schedule than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy, spirits, or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than $5 per proof gallon: *Provided*, That any brandy or other spirituous or distilled liquors imported in any sized cask, bottle, jug, or other packages, of or from any country, dependency, or province under whose laws similar sized casks, bottles, jugs, or other packages of distilled spirits, wine, or other beverage put up or filled in the United States are denied entrance into such country, dependency, or province, shall be forfeited to the United States.

PAR. 812. There shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits, except that when it shall appear to the collector of customs from the gauger's return, verified by an affidavit by the importer to be filed within five days after the delivery of the merchandise, that a cask or package has been broken or otherwise injured in transit from a foreign port and as a result thereof a part of its contents, amounting to 10 per centum or more of the total value of the contents of the said cask or package in its condition as exported, has been lost, allowance therefor may be made in the liquidation of the duties.

PAR. 813. No wines, spirits, or other liquors or articles provided for in this schedule containing one-half of 1 per centum or more of alcohol shall be imported or permitted entry except on a permit issued therefor by the Commissioner of Internal Revenue, and any such wines, spirits, or other liquors or articles imported or brought into the United States without a permit shall be seized and forfeited in the same manner as for other violations of the customs laws.

PAR. 814. The Secretary of the Treasury is authorized and directed to make all rules and regulations necessary for the enforcement of the provisions of this schedule.

SCHEDULE 9.—COTTON MANUFACTURES

PAR. 901. Cotton yarn, including warps, in any form, not bleached, dyed, colored, combed, or plied, of numbers not exceeding number forty, one-fifth of 1 cent per number per pound; exceeding number forty and not exceeding number one hundred and twenty, 8 cents per pound and, in addition thereto, one-fourth of 1 cent per number per pound for every number in excess of number forty; exceeding number one hundred and twenty, 28 cents per pound: *Provided*, That none of the foregoing, of numbers not exceeding number eighty, shall pay less duty than 5 per centum ad valorem and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem; nor of numbers exceeding number eighty, less than 25 per centum ad valorem.

Cotton yarn, including warps, in any form, bleached, dyed, colored, combed, or plied, of numbers not exceeding number forty, one-fourth of 1 cent per number per pound; exceeding number forty and not exceeding number one hundred and twenty, 10 cents per pound and, in addition thereto, three-tenths of 1 cent per number per pound for every number in excess of number forty; exceeding number one hundred and twenty, 34 cents per pound: *Provided*, That none of the foregoing, of numbers not exceeding number eighty, shall pay less duty than 10 per centum ad valorem, and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem; nor of numbers exceeding number eighty, less than 30 per centum ad valorem: *Provided further*, That when any of the foregoing yarns are printed, dyed, or colored with vat dyes, there shall be paid a duty of 4 per centum ad valorem in addition to the above duties.

Cotton waste, manufactured or otherwise advanced in value, cotton card laps, sliver, and roving, 5 per centum ad valorem.

PAR. 902. Cotton sewing thread, one-half of 1 cent per hundred yards; crochet, darning, embroidery, and knitting cottons, put up for handwork, in lengths not exceeding eight hundred and forty yards, one-half of 1 cent per hundred yards: *Provided*, That none of the foregoing shall pay a less rate of duty than 20 nor more than 35 per centum ad valorem. In no case shall the duty be assessed on a less number of yards than is marked on the goods as imported.

PAR. 903. Cotton cloth, not bleached, printed, dyed, colored, or woven-figured, containing yarns the average number of which does not exceed number forty, forty one-hundredths of 1 cent per average number per pound; exceeding number forty, 16 cents per pound and, in addition thereto, fifty-five one-hundredths of 1 cent per average number per pound for every number in excess of number forty: *Provided*, That none of the foregoing, when containing yarns the average number of which does not exceed number eighty, shall pay less duty than 10 per centum ad valorem and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem; nor when exceeding number eighty, less than 30 per centum ad valorem.

Cotton cloth, bleached, containing yarns the average number of which does not exceed number forty, forty-five one-hundredths of 1 cent per average number per pound; exceeding number forty, 18 cents per pound and, in addition thereto, three-fifths of 1 cent per average number per pound for every number in excess of number forty: *Provided*, That none of the foregoing, when containing yarns the average number of which does not exceed number eighty, shall pay less duty than 13 per centum ad valorem and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem; nor when exceeding number eighty, less than 33 per centum ad valorem.

Cotton cloth, printed, dyed, colored, or woven-figured, containing yarns the average number of which does not exceed number forty, fifty-five one-hundredths of 1 cent per average number per pound; exceeding number forty, 22 cents per pound and, in addition thereto, sixty-five one-hundredths of 1 cent per average number per pound for every number in excess of number forty: *Provided*, That none of the foregoing, when containing yarns the average number of which does not exceed number eighty, shall pay less duty than 15 per centum ad valorem and, for each number, five-sixteenths of 1 per centum ad valorem; nor when exceeding number eighty, less than 40 per centum ad valorem: *Provided further*, That when not less than 40 per centum of the cloth is printed, dyed, or colored with vat dyes, there shall be paid a duty of 4 per centum ad valorem in addition to the above duties. Plain gauze or leno woven cotton nets or nettings shall be classified for duty as cotton cloth.

PAR. 904. The term "cotton cloth," or "cloth," wherever used in this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton, in the piece, whether figured, fancy, or plain, and shall not include any article, finished or unfinished, made from cotton cloth. In the ascertainment of the condition of the cloth or yarn upon which the duties imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof shall be included. The average number of the yarn in cotton cloth herein provided for shall be obtained by taking the length of the thread or yarn to be equal to the distance covered by it in the cloth in the condition as imported, except that all clipped threads shall be measured as if continuous; in counting the threads all ply yarns shall be separated into singles and the count taken of the total singles;

the weight shall be taken after any excessive sizing is removed by boiling or other suitable process.

PAR. 905. Tire fabric or fabric for use in pneumatic tires, including cord fabric, 25 per centum ad valorem.

PAR. 906. In addition to the duty or duties imposed upon cotton cloth in paragraph 903, there shall be paid the following duties, namely: On all cotton cloths woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments, 10 per centum ad valorem; on all cotton cloths, other than the foregoing, woven with drop boxes, 5 per centum ad valorem. In no case shall the duty or duties imposed upon cotton cloth in paragraphs 903, or 903 and 906 exceed 45 per centum ad valorem.

PAR. 907. Tracing cloth, 5 cents per square yard and 20 per centum ad valorem; cotton window hollands, all oilcloths (except silk oilcloths and oilcloths for floors), and filled or coated cotton cloths not specially provided for, 3 cents per square yard and 20 per centum ad valorem; waterproof cloth composed wholly or in chief value of cotton or other vegetable fiber, whether or not in part of india rubber, 5 cents per square yard and 30 per centum ad valorem.

PAR. 908. Cloth in chief value of cotton, containing silk or artificial silk, shall be classified for duty as cotton cloth under paragraphs 903, 904, and 906, and in addition thereto there shall be paid on all such cloth, 5 per centum ad valorem: *Provided*, That none of the foregoing shall pay a rate of duty of more than 45 per centum ad valorem.

PAR. 909. Tapestries, and other Jacquard woven upholstery cloths, Jacquard woven blankets and Jacquard woven napped cloths, all the foregoing, in the piece or otherwise, composed wholly or in chief value of cotton or other vegetable fiber, 45 per centum ad valorem.

PAR. 910. Pile fabrics, composed wholly or in chief value of cotton, including plush and velvet ribbons, cut, or uncut, whether or not the pile covers the whole surface, and manufactures, in any form, made or cut from cotton pile fabrics, 50 per centum ad valorem; terry-woven fabrics, composed wholly or in chief value of cotton, and manufactures, in any form, made or cut from terry-woven fabrics, 40 per centum ad valorem.

PAR. 911. Table damask, composed wholly or in chief value of cotton, and manufactures, in any form, composed wholly or in chief value of such damask, 30 per centum ad valorem.

PAR. 912. Quilts or bedspreads, in the piece or otherwise, composed wholly or in chief value of cotton, woven of two or more sets of warp threads or of two or more sets of filling threads, 40 per centum ad valorem; other quilts or bedspreads, wholly or in chief value of cotton, 25 per cent ad valorem; sheets, pillowcases, blankets, towels, polishing cloths, dust cloths, and mop cloths, composed wholly or in chief value of cotton, not Jacquard figured or terry-woven, nor made of pile fabrics, and not specially provided for, 25 per centum ad valorem; table and bureau covers, centerpieces, runners, scarfs, napkins, and doilies, made of plain-woven cotton cloth, and not specially provided for, 30 per centum ad valorem.

PAR. 913. Fabrics with fast edges not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; all the foregoing composed wholly or in chief value of cotton or of cotton and india rubber, and not specially provided for, 35 per centum ad valorem; spindle banding, and lamp stove, or candle wicking, made of cotton or other vegetable fiber, 10 cents per pound and 12½ per centum ad valorem; boot, shoe, or corset lacings, made of cotton or other vegetable fiber, 15 cents per pound and 20 per centum ad valorem; loom harness, healds, and collets, made wholly or in chief value of cotton or other vegetable fiber, 25 cents per pound and 25 per centum ad valorem; labels for garments or other articles, composed of cotton or other vegetable fiber, 50 per centum ad valorem; belting, for machinery, composed wholly or in chief value of cotton or other vegetable fiber, or cotton or other vegetable fiber and india rubber, 30 per centum ad valorem.

PAR. 914. Knit fabric, in the piece, composed wholly or in chief value of cotton or other vegetable fiber, made on a warp-knitting machine, 55 per centum ad valorem; made on other than a warp-knitting machine, 35 per centum ad valorem.

PAR. 915. Gloves, composed wholly or in chief value of cotton or other vegetable fiber, made of fabric knit on a warp-knitting machine, if single fold of such fabric, when unshrunk and not suèded, and having less than forty rows of loops per inch in width on the face of the glove, 50 per centum ad valorem; when shrunk or suèded or having forty or more rows of loops per inch in width on the face of the glove, and not over eleven inches in length, $2.50 per dozen pairs, and for each additional inch in excess of eleven inches, 10 cents per dozen pairs; if of two or more folds of fabric, any fold of which is made on a warp-knitting machine, and not over eleven inches in length, $3 per dozen pairs, and for each additional inch in excess of eleven inches, 10 cents per dozen pairs, but in no case shall any of the foregoing duties be less than 40 nor more than 75 per centum ad valorem; made of fabric knit on other than a warp-knitting machine, 50 per centum ad valorem; made of woven fabric, 25 per centum ad valorem.

PAR. 916. Hose and half hose, selvaged, fashioned, seamless, or mock seamed, finished or unfinished, composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, 50 per centum ad valorem.

Hose and half hose, finished or unfinished, made or cut from knitted fabric composed of cotton or other vegetable fiber, and not specially provided for, 30 per centum ad valorem.

PAR. 917. Underwear and all other wearing apparel of every description, finished or unfinished, composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, and not specially provided for, 45 per centum ad valorem.

PAR. 918. Handkerchiefs and mufflers, composed wholly or in chief value of cotton, finished or unfinished, not hemmed, shall pay duty as cloth; hemmed or hemstitched, shall pay, in addition thereto, 10 per centum ad valorem: *Provided*, That none of the foregoing, when containing yarns the average number of which does not exceed number forty, shall pay less than 30 per centum ad valorem; nor when exceeding number forty, less than 40 per centum ad valorem.

PAR. 919. Clothing and articles of wearing apparel of every description, manufactured wholly or in part, composed wholly or in chief value of cotton, and not specially provided for, 35 per centum ad valorem.

Shirt collars and cuffs, of cotton, not specially provided for, 30 cents per dozen pieces and 10 per centum ad valorem.

PAR. 920. Lace window curtains, nets, nettings, pillow shams, and bed sets, and all other articles and fabrics, by whatever name known, plain or Jacquard figured, finished or unfinished, wholly or partly manufactured, for any use whatsoever, made on the Nottingham lace-curtain machine, and composed of cotton or other vegetable fiber, when counting not more than five points or spaces between the warp threads to the inch, 1½ cents per square yard; when counting more than five such points or spaces to the inch, three-fourths of 1 cent per square yard in addition for each point in excess of five; and in addition thereto, on all the foregoing articles in this paragraph, 25 per centum ad valorem: *Provided*, That none of the foregoing shall pay a less rate of duty than 60 per centum ad valorem.

PAR. 921. All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton or of which cotton is the component material of chief value, not specially provided for, 40 per centum ad valorem.

SCHEDULE 10.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF

PAR. 1001. Flax straw, $2 per ton; flax, not hackled, 1 cent per pound; flax, hackled, including "dressed line," 2 cents per pound; flax tow and flax noils, crin vegetal, or palm-leaf fiber, twisted or not twisted, three-fourths of 1 cent per pound; hemp and hemp tow, 1 cent per pound; hackled hemp, 2 cents per pound.

PAR. 1002. Sliver and roving, of flax, hemp, ramie, or other vegetable fiber, not specially provided for, 20 per centum ad valorem.

PAR. 1003. Jute yarns or roving, single, coarser in size than twenty-pound, 2½ cents per pound; twenty-pound up to but not including ten-pound, 4 cents per pound; ten-pound up to but not including five-pound, 5½ cents per pound; five-pound and finer, 7 cents per pound, but not more than 40 per centum ad valorem; jute sliver, 1½ cents per pound; twist, twine, and cordage, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is coarser than twenty-pound, 3½ cents per pound; twenty-pound up to but not including ten-pound, 5 cents per pound; ten-pound up to but not including five-pound, 6½ cents per pound; five-pound and finer, 11 cents per pound.

PAR. 1004. Single yarns, in the gray, made of flax, hemp, or ramie, or a mixture of any of them, not finer than twelve lea, 10 cents per pound; finer than twelve lea and not finer than sixty lea, 10 cents per pound and one-half of 1 cent per pound additional for each lea or part of a lea in excess of twelve; finer than sixty lea, 85 cents per pound; and in addition thereto, on any of the foregoing yarns when boiled, 2 cents per pound; when bleached, dyed, or otherwise treated, 5 cents per pound: *Provided*, That the duty on any of the foregoing yarns shall not be less than 25 nor more than 35 per centum ad valorem. Threads, twines, and cords, composed of two or more yarns of flax, hemp, or ramie, or a mixture of any of them, twisted together, the size of the single yarn of which is not finer than eleven lea, 18¼ cents per pound; finer than eleven lea and not finer than sixty lea, 18¼ cents per pound and three-fourths of 1 cent per pound additional for each lea or part of a lea in excess of eleven; finer than sixty lea, 56 cents per pound; and in addition thereto, on any of the foregoing threads, twines, and cords when boiled, 2 cents per pound; when bleached, dyed, or otherwise treated, 5 cents per pound: *Provided*, That the duty on the foregoing threads, twines, and cords shall be not less than 30 per centum ad valorem.

PAR. 1005. Cordage, including cables, tarred or untarred, wholly or in chief value of manila, sisal, or other hard fibers, three-fourths of 1 cent per pound; cordage, including cables, tarred or untarred, wholly or in chief value of sunn, or other bast fibers, but not including cordage made of jute, 2 cents per pound; wholly or in chief value of hemp, 2½ cents per pound.

PAR. 1006. Gill nettings, nets, webs, and seines, and other nets for fishing, composed wholly or in chief value of flax, hemp, or ramie, and not specially provided for, shall pay the same duty per pound as the highest rate imposed in this chapter upon any of the thread, twine, or cord of which the mesh is made, and, in addition thereto, 10 per centum ad valorem.

PAR. 1007. Hose, suitable for conducting liquids or gases, composed wholly or in chief value of vegetable fiber, 17 cents per pound and 10 per centum ad valorem.

PAR. 1008. Fabrics, composed wholly of jute, plain-woven, twilled, and all other, not specially provided for, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 1 cent per pound; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 1 cent per pound and 10 per centum ad valorem.

PAR. 1009. Woven fabrics, not including articles finished or unfinished, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value (except such as are commonly used as paddings or interlinings in clothing), exceeding thirty and not exceeding one hundred threads to the square inch, counting the warp and filling, weighing not less than four and one-half and not more than twelve ounces per square yard, and exceeding twelve inches but not exceeding twenty-four inches in width, 55 per centum ad valorem.

Woven fabrics, such as are commonly used for paddings or interlinings in clothing, composed wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material of chief value, exceeding thirty and not exceeding one hundred and ten threads to the square inch, counting the warp and filling, and weighing not less than four and one-half and not more than twelve ounces per square yard, 55 per centum ad valorem; composed wholly or in chief value of jute, exceeding thirty threads to the square inch, counting the warp and filling, and weighing not less than four and one-half ounces and not more than twelve ounces per square yard, 50 per centum ad valorem.

PAR. 1010. Woven fabrics, not including articles finished or unfinished, or flax, hemp, ramie, or other vegetable fiber except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for, 40 per centum ad valorem.

PAR. 1011. Plain-woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than four and one-half ounces per square yard, 35 per centum ad valorem.

PAR. 1012. Pile fabrics, composed wholly or in chief value of vegetable fiber other than cotton, cut or uncut, whether or not the pile covers the whole surface, and manufactures in any form, made or cut from any of the foregoing, 45 per centum ad valorem.

PAR. 1013. Table damask composed wholly or in chief value of vegetable fiber other than cotton, and manufactures composed wholly or in chief value of such damask, 40 per centum ad valorem.

PAR. 1014. Towels and napkins, finished or unfinished, composed wholly or in chief value of flax, hemp, or ramie, or of which these substances are, or any of them is, the component material of chief value, not exceeding one hundred and twenty threads to the square inch, counting the warp and filling, 55 per centum ad valorem; exceeding one hundred and twenty threads to the square inch, counting the warp and filling, 40 per centum ad valorem; sheets and pillowcases, composed wholly or in chief value of flax, hemp, or ramie, or of which these substances are, or any of them is, the component material of chief value, 40 per centum ad valorem.

PAR. 1015. Fabrics with fast edges not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; all the foregoing composed wholly or in chief value of vegetable fiber other than cotton, or of vegetable fiber other than cotton and india rubber, 35 per centum ad valorem; tapes composed wholly or in part of flax, woven with or without metal threads, on reels, spools, or otherwise, and designed expressly for use in the manufacture of measuring tapes, 30 per centum ad valorem.

PAR. 1016. Handkerchiefs composed wholly or in chief value of vegetable fiber other than cotton, finished or unfinished, not hemmed, 35 per centum ad valorem; hemmed or hemstitched, or unfinished having drawn threads, 45 per centum ad valorem.

PAR. 1017. Clothing, and articles of wearing apparel of every description, composed wholly or in chief value of vegetable fiber other than cotton, and whether manufactured wholly or in part, not specially provided for, 35 per centum ad valorem;

shirt collars and cuffs, composed wholly or in part of flax, 40 cents per dozen and 10 per centum ad valorem.

PAR. 1018. Bags or sacks made from plain woven fabrics of single jute yarns or from twilled or other fabrics composed wholly of jute, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 1 cent per pound and 10 per centum ad valorem; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 1 cent per pound and 15 per centum ad valorem.

PAR. 1019. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding sixteen threads to the square inch, counting the warp and filling, and weighing not less than fifteen ounces nor more than thirty-two ounces per square yard, six-tenths of 1 cent per square yard; weighing more than thirty-two ounces per square yard, three-tenths of 1 cent per pound.

PAR. 1020. Linoleum, including corticine and cork carpet, 35 per centum ad valorem; floor oilcloth, 20 per centum ad valorem; mats or rugs made of linoleum or floor oilcloth shall be subject to the same rates of duty as herein provided for linoleum or floor oilcloth.

PAR. 1021. All woven articles, finished or unfinished, and all manufactures of vegetable fiber other than cotton, or of which such fibers or any of them is the component material of chief value, not specially provided for, 40 per centum ad valorem.

PAR. 1022. Common China, Japan, and India straw matting, and floor coverings made therefrom, 3 cents per square yard; carpets, carpeting, mats, matting, and rugs, made wholly of cotton, flax, hemp, or jute, or a mixture thereof, 35 per centum ad valorem; all other floor coverings not specially provided for, 40 per centum ad valorem.

PAR. 1023. Matting made of cocoa fiber or rattan, 8 cents per square yard; mats made of cocoa fiber or rattan, 6 cents per square foot.

SCHEDULE 11.—WOOL AND MANUFACTURES OF

PAR. 1101. Wools, not improved by the admixture of merino or English blood, such as Donskoi, native Smyrna, native South American, Cordova, Valparaiso, and other wools of like character or description, and hair of the camel, in the grease, 12 cents per pound; washed, 18 cents per pound; scoured, 24 cents per pound. The duty on such wools imported on the skin shall be 11 cents per pound: *Provided*, That such wools may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe; and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools have been used in the manufacture of rugs, carpets, or any other floor coverings, the duties shall be remitted or refunded: *Provided further*, That if any such wools imported under bond as above prescribed are used in the manufacture of articles other than rugs, carpets, or any other floor coverings, there shall be levied, collected, and paid on any wools so used in violation of the bond, in addition to the regular duties provided by this paragraph, 20 cents per pound, which shall not be remitted or refunded on exportation of the articles or for any other reason. Wools in the grease shall be considered such as shall have been shorn from the sheep without any cleansing; that is, in their natural condition. Washed wools shall be considered such as have been washed with water only on the sheep's back, or on the skin.

PAR. 1102. Wools, not specially provided for, and hair of the Angora goat, Cashmere goat, alpaca, and other like animals, imported in the grease or washed, 31 cents per pound of clean content; imported in the scoured state, 31 cents per pound; imported on the skin, 30 cents per pound of clean content.

PAR. 1103. If any bale or package containing wools, hairs, wool wastes, or wool waste material, subject to different rates of duty, be entered at any rate or rates lower than applicable, the highest rate applicable to any part shall apply to the entire contents of such bale or package.

PAR. 1104. The Secretary of the Treasury is authorized and directed to prescribe methods and regulations for carrying out the provisions of this schedule relating to the duties on wool and hair.

PAR. 1105. Top waste, slubbing waste, roving waste, and ring waste, 31 cents per pound; garnetted waste, 24 cents per pound; noils, carbonized, 24 cents per pound; noils, not carbonized, 19 cents per pound; thread or yarn waste, and all other wool wastes not specially provided for, 16 cents per pound; shoddy, and wool extract, 16 cents per pound; mungo, woolen rags, and flocks, 7½ cents per pound. Wastes of the hair of the Angora goat, Cashmere goat, alpaca, and other like animals shall be dutiable at the rates provided for similar types of wool wastes.

PAR. 1106. Wool, and hair of the kinds provided for in this schedule, which has been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, including tops, but not further advanced than roving, 33 cents per pound and 20 per centum ad valorem.

PAR. 1107. Yarn, made wholly or in chief value of wool, valued at not more than 30 cents per pound, 24 cents per pound and 30 per centum ad valorem; valued at more than 30 cents but not more than $1 per pound, 36 cents per pound and 35 per centum ad valorem; valued at more than $1 per pound, 36 cents per pound and 40 per centum ad valorem.

PAR. 1108. Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, valued at not more than 80 cents per pound, 37 cents per pound and 50 per centum ad valorem; valued at more than 80 cents per pound, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem: *Provided*, That if the warp of any of the foregoing is wholly of cotton or other vegetable fiber, the duty shall be 36 cents per pound and 50 per centum ad valorem.

PAR. 1109. Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool, valued at not more than 60 cents per pound, 24 cents per pound and 40 per centum ad valorem; valued at more than 60 cents but not more than 80 cents per pound, 37 cents per pound and 50 per centum ad valorem; valued at more than 80 cents but not more than $1.50 per pound, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem; valued at more than $1.50 per pound, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem.

PAR. 1110. Pile fabrics, cut or uncut, whether or not the pile covers the whole surface, made wholly or in chief value of wool, and manufactures, in any form, made or cut from such pile fabrics, 40 cents per pound and 50 per centum ad valorem.

PAR. 1111. Blankets and similar articles, including carriage and automobile robes and steamer rugs, made of blanketing, wholly or in chief value of wool, not exceeding three yards in length, valued at not more than 50 cents per pound, 18 cents per pound and 30 per centum ad valorem; valued at more than 50 cents but not more than $1 per pound, 27 cents per pound and 32½ per centum ad valorem; valued at more than $1 but not more than $1.50 per pound, 30 cents per pound and 35 per centum ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per centum ad valorem.

PAR. 1112. Felts, not woven, wholly or in chief value of wool, valued at not more than 50 cents per pound, 18 cents per pound and 30 per centum ad valorem; valued at more than 50 cents but not more than $1.50 per pound, 27 cents per pound and 35 per centum ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per centum ad valorem.

PAR. 1113. Fabrics with fast edges not exceeding twelve inches in width, and articles made therefrom; tubings, garters,

suspenders, braces, cords, and cords and tassels; all the foregoing, if wholly or in chief value of wool, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem.

PAR. 1114. Knit fabrics in the piece, wholly or in chief value of wool, valued at not more than $1 per pound, 80 cents per pound and 40 per centum ad valorem; valued at more than $1 per pound, 45 cents per pound and 50 per centum ad valorem.

Hose and half hose, and gloves and mittens, wholly or in chief value of wool, valued at not more than $1.75 per dozen pairs, 86 cents per pound and 35 per centum ad valorem; valued at more than $1.75 per dozen pairs, 45 cents per pound and 50 per centum ad valorem.

Knit underwear, finished or unfinished, wholly or in chief value of wool, valued at not more than $1.75 per pound, 86 cents per pound and 30 per centum ad valorem; valued at more than $1.75 per pound, 45 cents per pound and 50 per centum ad valorem.

Outerwear and other articles, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for, valued at not more than $1 per pound, 86 cents per pound and 40 per centum ad valorem; valued at more than $1 and not more than $2 per pound, 40 cents per pound and 45 per centum ad valorem; valued at more than $2 per pound, 45 cents per pound and 50 per centum ad valorem.

PAR. 1115. Clothing and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, composed wholly or in chief value of wool, valued at not more than $2 per pound, 24 cents per pound and 40 per centum ad valorem; valued at more than $2 but not more than $4 per pound, 30 cents per pound and 45 per centum ad valorem; valued at more than $4 per pound, 45 cents per pound and 50 per centum ad valorem.

PAR. 1116. Oriental, Axminster, Savonnerie, Aubusson, and other carpets and rugs, not made on a power-driven loom; carpets and rugs of oriental weave or weaves, produced on a power-driven loom; chenille Axminster carpets and rugs, whether woven as separate carpets and rugs or in rolls of any width; all the foregoing, plain or figured, 55 per centum ad valorem.

PAR. 1117. Axminster carpets and rugs, not specially provided for; Wilton carpets and rugs; Brussels carpets and rugs; velvet and tapestry carpets and rugs; and carpets and rugs of like character or description, 40 per centum ad valorem.

Ingrain carpets, and ingrain rugs or art squares, of whatever material composed, and carpets and rugs of like character or description, not specially provided for, 25 per centum ad valorem.

All other floor coverings, including mats and druggets, not specially provided for, composed wholly or in chief value of wool, 30 per centum ad valorem.

Parts of any of the foregoing shall be dutiable at the rate provided for the complete article.

PAR. 1118. Screens, hassocks, and all other articles composed wholly or in part of carpets or rugs, and not specially provided for, 30 per centum ad valorem.

PAR. 1119. All manufactures not specially provided for, wholly or in chief value of wool, 50 per centum ad valorem.

PAR. 1120. Whenever in this title the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, Angora goat, Cashmere goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SCHEDULE 12.—SILK AND SILK GOODS

PAR. 1201. Silk partially manufactured, including total or partial degumming other than in the reeling process, from raw silk, waste silk, or cocoons, or silk and artificial silk, and silk noils exceeding two inches in length; all the foregoing not twisted or spun, 35 per centum ad valorem.

PAR. 1202. Spun silk or schappe silk yarn, or yarn of silk and artificial silk, and roving, in skeins, cops or warps, if not bleached, dyed, colored, or advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number 205, 45 cents per pound, and in addition thereto ten one-hundredths of 1 cent per number per pound; exceeding number 205, 45 cents per pound, and in addition thereto fifteen one-hundredths of 1 cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, the specific rate on the single yarn and in addition thereto 5 cents per pound cumulative; if bleached, dyed, or colored, the specific rate on unbleached yarn and in addition thereto 10 cents per pound cumulative: *Provided*, That any of the foregoing on bobbins, spools, or beams, shall pay the foregoing specific rates, according to the character of the yarn or roving, and in addition thereto 10 cents per pound: *Provided further*, That none of the foregoing single yarn or roving shall pay a less rate of duty than 40 per centum ad valorem: *And provided further*, That none of the foregoing two or more ply yarn shall pay a less rate of duty than 45 per centum ad valorem. In assessing duty on all spun silk or schappe silk yarn, or yarn of silk and artificial silk, and roving, the number indicating the size of the yarn or roving shall be determined by the number of kilometers that weigh one kilogram, and shall, in all cases, refer to the size of the singles: *And provided further*, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams.

PAR. 1203. Thrown silk not more advanced than singles, tram, or organzine, 25 per centum ad valorem.

PAR. 1204. Sewing silk, twist, floss, and silk threads or yarns of any description, made from raw silk, not specially provided for, if in the gum, $1 per pound, but not less than 35 per centum ad valorem; if ungummed wholly or in part, or if further advanced by any process of manufacture, $1.50 per pound, but not less than 40 per centum ad valorem. In no case shall the duty be assessed on a less number of yards than is marked on the goods as imported.

PAR. 1205. Woven fabrics in the piece, composed wholly or in chief value of silk, not specially provided for, 55 per centum ad valorem.

PAR. 1206. Plushes, including such as are commercially known as hatter's plush, velvets, chenilles, velvet or plush ribbons, and all other pile fabrics, cut or uncut, composed wholly or in chief value of silk, 60 per centum ad valorem.

PAR. 1207. Fabrics with fast edges, wholly or in chief value of silk, not exceeding twelve inches in width, including ribbons, and articles made therefrom, tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; all the foregoing composed wholly or in chief value of silk or of silk and India rubber not embroidered in any manner by hand or machinery, and not specially provided for, 55 per centum ad valorem.

PAR. 1208. Knit fabrics, in the piece, composed wholly or in chief value of silk, 55 per centum ad valorem; knit underwear, hose, half hose, and gloves, finished or unfinished, composed wholly or in chief value of silk, 60 per centum ad valorem; outerwear and other goods, knit or crocheted, finished or unfinished, composed wholly or in chief value of silk, 60 per centum ad valorem.

PAR. 1209. Handkerchiefs, and woven mufflers, composed wholly or in chief value of silk, finished or unfinished, not hemmed, 55 per centum ad valorem; hemmed or hemstitched, 60 per centum ad valorem.

PAR. 1210. Clothing, and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in

part, composed wholly or in chief value of silk, and not specially provided for, 60 per centum ad valorem.

PAR. 1211. All manufactures of silk, or of which silk is the component material of chief value, not specially provided for, 60 per centum ad valorem.

PAR. 1212. In ascertaining the weight or number of silk under the provisions of this schedule, either in the threads, yarns, or fabrics, the weight or number shall be taken in the condition in which found in the goods, without deduction therefrom for any dye, coloring matter, or moisture, or other foreign substance or material. The number of single threads to the inch in the warp provided for in this title shall be determined by the number of spun or reeled singles of which such single or two or more ply threads are composed.

PAR. 1213. Artificial silk waste, 10 per centum ad valorem; artificial silk waste, not further advanced than sliver or roving, 20 cents per pound, but not less than 25 per centum ad valorem; yarns made from artificial silk waste, if singles, 25 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 30 cents per pound; yarns, threads, and filaments of artificial or imitation silk, or of artificial or imitation horsehair, by whatever name known and by whatever process made, if singles, 45 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 50 cents per pound; products of cellulose, not compounded, whether known as visca, cellophane, or by any other name, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, 55 cents per pound; but none of the foregoing yarns, threads, or filaments, or products of cellulose shall pay a less rate of duty than 45 per centum ad valorem. Knit goods, ribbons, and other fabrics and articles composed wholly or in chief value of any of the foregoing, 45 cents per pound and 60 per centum ad valorem.

SCHEDULE 13.—PAPERS AND BOOKS

PAR. 1301. Printing paper, not specially provided for, one-fourth of 1 per cent per pound and 10 per centum ad valorem: *Provided*, That if any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such prohibition, restriction, export duty, or other export charge, and if it is not removed he may, by proclamation, declare such failure of negotiations, setting forth the facts. Thereupon, and until such prohibition, restriction, export duty, or other export charge is removed, there shall be imposed upon printing paper provided for in this paragraph, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of 10 per centum ad valorem and in addition thereto an amount equal to the highest export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

PAR. 1302. Paper board, wallboard, and pulpboard, including cardboard, and leather board or compress leather, not laminated, glazed, coated, lined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for, 10 per centum ad valorem; pulpboard in rolls for use in the manufacture of wallboard, 5 per centum ad valorem: *Provided*, That for the purposes of this chapter any of the foregoing less than nine one-thousandths of an inch in thickness shall be deemed to be paper; sheathing paper, roofing paper, deadening felt, sheathing felt, roofing felt or felt roofing, whether or not saturated or coated, 10 per centum ad valorem. If any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States.

PAR. 1303. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton or other vegetable fiber, 20 per centum ad valorem; indurated fiber ware, masks composed of paper, pulp or papier-mâché, manufactures of pulp, and manufactures of papier-mâché, not specially provided for, 25 per centum ad valorem.

PAR. 1304. Papers commonly known as tissue paper, stereotype paper, and copying paper, India and Bible paper, condenser paper, carbon paper, coated or uncoated, bibulous paper, pottery paper, tissue paper for waxing, and all paper similar to any of the foregoing, not specially provided for, colored or uncolored, white or printed, weighing not over six pounds to the ream of four hundred and eighty sheets on the basis of twenty by thirty inches, and whether in reams or any other form, 6 cents per pound and 15 per centum ad valorem; weighing over six pounds and less than ten pounds to the ream, 5 cents per pound and 15 per centum ad valorem; India and Bible paper weighing ten pounds or more and less than eighteen pounds to the ream, 4 cents per pound and 15 per centum ad valorem; crêpe paper, 6 cents per pound and 15 per centum ad valorem: *Provided*, That no article composed wholly or in chief value of one or more of the papers specified in this paragraph shall pay a less rate of duty than that imposed upon the component paper of chief value of which such article is made.

PAR. 1305. Papers with coated surface or surfaces, not specially provided for, 5 cents per pound and 15 per centum ad valorem; papers with coated surface or surfaces, embossed or printed otherwise than lithographically, and papers wholly or partly covered with metal or its solutions (except as herein provided), or with gelatin, linseed oil cement, or flock, 5 cents per pound and 15 per centum ad valorem; papers, including wrapping paper, with the surface or surfaces wholly or partly decorated or covered with a design, fancy effect, pattern, or character, except designs, fancy effects, patterns, or characters produced on a paper machine without attachments, or produced by lithographic process, 4½ cents per pound, and in addition thereto, if embossed, or printed otherwise than lithographically, or wholly or partly covered with metal or its solutions, or with gelatin or flock, 17 per centum ad valorem: *Provided*, That paper wholly or partly covered with metal or its solutions, and weighing less than fifteen pounds per ream of four hundred and eighty sheets, on the basis of twenty by twenty-five inches, shall pay a duty of 5 cents per pound and 17 per centum ad valorem; gummed papers, not specially provided for, including simplex decalcomania paper not printed, 5 cents per pound; clothlined or reinforced paper, 5 cents per pound and 17 per centum ad valorem; papers with paraffin or wax-coated surface or surfaces, vegetable parchment paper, grease-proof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, by whatever name known, all other grease-proof and imitation parchment paper, not specially provided for, by whatever name known, 3 cents per pound and 15 per centum ad valorem; bags, printed matter

other than lithographic, and all other articles, composed wholly or in chief value of any of the foregoing papers, not specially provided for, and all boxes of paper or papier-mâché or wood covered or lined with any of the foregoing papers or lithographed paper, or covered or lined with cotton or other vegetable fiber, 5 cents per pound and 20 per centum ad valorem; plain basic paper for albumenizing, sensitizing, baryta coating, or for photographic processes by using solar or artificial light, 3 cents per pound and 15 per centum ad valorem; albumenized or sensitized paper or paper otherwise surface coated for photographic purposes, 3 cents per pound and 20 per centum ad valorem; wet transfer paper or paper prepared wholly with glycerin or glycerin combined with other materials, containing the imprints taken from lithographic plates or stones, 65 per centum ad valorem.

PAR. 1306. Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specially provided for, shall pay duty at the following rates: Labels and flaps, printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf, 25 cents per pound; cigar bands of the same number of colors and printings, 35 cents per pound; labels and flaps printed in eight or more colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf, 35 cents per pound; cigar bands of the same number of colors and printings, 50 cents per pound; labels and flaps, printed in whole or in part in metal leaf, 60 cents per pound; cigar bands, printed in whole or in part in metal leaf, 65 cents per pound; all labels, flaps, and bands, not exceeding ten square inches cutting size in dimensions, if embossed or die-cut, shall pay the same rate of duty as hereinbefore provided for cigar bands of the same number of colors and printings (but no extra duty shall be assessed on labels, flaps, and bands for embossing or die-cutting); fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, 8 cents per pound; decalcomanias in ceramic colors, weighing not over one hundred pounds per one thousand sheets on the basis of twenty by thirty inches in dimensions, 70 cents per pound and 15 per centum ad valorem; weighing over one hundred pounds per one thousand sheets on the basis of twenty by thirty inches in dimensions, 22 cents per pound and 15 per centum ad valorem; if backed with metal leaf, 65 cents per pound; all other decalcomanias, except toy decalcomanias, 40 cents per pound; all other articles than those hereinbefore specifically provided for in this paragraph, not exceeding eight one-thousandths of an inch in thickness, 25 cents per pound; exceeding eight and not exceeding twenty one-thousandths of an inch in thickness, and less than thirty-five square inches cutting size in dimensions, 10 cents per pound; exceeding thirty-five square inches cutting size in dimensions, 9½ cents per pound, and in addition thereto on all of said articles exceeding eight and not exceeding twenty one-thousandths of an inch in thickness, if either die-cut or embossed, one-half of 1 cent per pound; if both die-cut and embossed, 1 cent per pound; exceeding twenty one-thousandths of an inch in thickness, 7½ cents per pound: *Provided*, That in the case of articles hereinbefore specified the thickness which shall determine the rate of duty to be imposed shall be that of the thinnest material found in the article, but for the purposes of this paragraph the thickness of lithographs mounted or pasted upon paper, cardboard, or other material shall be the combined thickness of the lithograph and the foundation on which it is mounted or pasted, and the cutting size shall be the area which is the product of the greatest dimensions of length and breadth of the article, and if the article is made up of more than one piece, the cutting size shall be the combined cutting sizes of all of the lithographically printed parts in the article.

PAR. 1307. Writing, letter, note, drawing, handmade paper and paper commercially known as handmade paper and machine handmade paper, Japan paper and imitation Japan paper by whatever name known, Bristol board of the kinds made on a Fourdrinier machine, and ledger, bond, record, tablet, typewriter, manifold, and onion skin and imitation onion-skin paper, calendered or uncalendered, weighing seven pounds or over per ream, and paper similar to any of the foregoing, 3 cents per pound and 15 per centum ad valorem; but if any of the foregoing is ruled, bordered, embossed, printed, lined, or decorated in any manner, other than by lithographic process, it shall pay 10 per centum ad valorem in addition to the foregoing rates: *Provided*, That in computing the duty on such paper every one hundred and eighty-seven thousand square inches shall be taken to be a ream.

PAR. 1308. Paper envelopes not specially provided for shall pay the same rate of duty as the paper from which made and in addition thereto, if plain, 5 per centum ad valorem; if bordered, embossed, printed, tinted, decorated, or lined, 10 per centum ad valorem; if lithographed, 30 per centum ad valorem.

PAR. 1309. Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs, 35 per centum ad valorem; hanging paper, not printed, lithographed, dyed, or colored, 10 per centum ad valorem; printed, lithographed, dyed, or colored, 1½ cents per pound and 20 per centum ad valorem; wrapping paper not specially provided for, 30 per centum ad valorem; blotting paper, 30 per centum ad valorem; filtering paper, 5 cents per pound and 15 per centum ad valorem; paper not specially provided for, 30 per centum ad valorem.

PAR. 1310. Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for, if of bona fide foreign authorship, 15 per centum ad valorem; all other, not specially provided for, 25 per centum ad valorem; blank books, slate books, drawings, engravings, photographs, etchings, maps, and charts, 25 per centum ad valorem; book bindings or covers wholly or in part of leather, not specially provided for, 30 per centum ad valorem; books of paper or other material for children's use, printed lithographically or otherwise, not exceeding in weight twenty-four ounces each, with more reading matter than letters, numerals, or descriptive words, 25 per centum ad valorem; booklets, printed lithographically or otherwise, not specially provided for, 7 cents per pound; booklets, wholly or in chief value of paper, decorated in whole or in part by hand or by spraying, whether or not printed, not specially provided for, 15 cents per pound; all post cards (not including American views), plain, decorated, embossed, or printed except by lithographic process, 30 per centum ad valorem; views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of one inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying thirty-five square inches or less of surface per view, bound or unbound, or in any other form, 15 cents per pound and 25 per centum ad valorem; thinner than eight one-thousandths of one inch, $2 per thousand; greeting cards, and all other social and gift cards, including those in the form of folders and booklets, wholly or partly manufac-

tured, with text or greeting, 45 per centum ad valorem; without text or greeting, 30 per centum ad valorem.

PAR. 1311. Photograph, autograph, scrap, post-card and postage stamp albums, and albums for phonograph records, wholly or partly manufactured, 30 per centum ad valorem.

PAR. 1312. Playing cards, 10 cents per pack and 20 per centum ad valorem.

PAR. 1313. Papers and paper board and pulpboard, including cardboard and leatherboard or compress leather, embossed, cut, die cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes or other articles, plain or printed, but not lithographed, and not specially provided for; paper board and pulpboard; including cardboard and leatherboard or compress leather, laminated, glazed, coated, lined, printed, decorated, or ornamented in any manner; press boards and press paper, all the foregoing, 30 per centum ad valorem; test or container boards of a bursting strength above sixty pounds per square inch by the Mullen or the Webb test, 20 per centum ad valorem; stereotype-matrix mat or board, 35 per centum ad valorem; wall pockets, composed wholly or in chief value of paper, papier-mâché or paper board, whether or not die-cut, embossed, or printed lithographically or otherwise; boxes, composed wholly or in chief value of paper, papier-mâché or paper board, and not specially provided for; manufactures of paper, or of which paper is the component material of chief value, not specially provided for, all the foregoing, 35 per centum ad valorem.

SCHEDULE 14.—SUNDRIES

PAR. 1401. Asbestos, manufactures of: Yarn and woven fabrics composed wholly or in chief value of asbestos, 30 per centum ad valorem; all other manufactures composed wholly or in chief value of asbestos, 25 per centum ad valorem.

PAR. 1402. Boxing gloves, baseballs, footballs, tennis balls, golf balls, and all other balls, of whatever material composed, finished or unfinished, designed for use in physical exercise or in any indoor or outdoor game or sport, and all clubs, rackets, bats or other equipment, such as is ordinarily used in conjunction therewith in exercise or play, all the foregoing, not specially provided for, 30 per centum ad valorem; ice and roller skates, and parts thereof, 20 per centum ad valorem.

PAR. 1403. Spangles and beads, including bugles, but not including beads of ivory or imitation pearl beads and beads in imitation of precious or semiprecious stones, 35 per centum ad valorem; beads of ivory, 45 per centum ad valorem; fabrics and articles not ornamented with beads, spangles, or bugles, nor embroidered, tamboured, appliquéd, or scalloped, composed wholly or in chief value of beads or spangles other than imitation pearl beads and beads in imitation of precious or semiprecious stones, 60 per centum ad valorem; imitation pearl beads of all kinds and shapes, of whatever material composed, strung or loose, mounted or unmounted, 60 per centum ad valorem; all other beads in imitation of precious or semiprecious stones, of all kinds and shapes, of whatever material composed, strung or loose, mounted or unmounted, 45 per centum ad valorem: *Provided*, That no article composed wholly or in chief value of any of the foregoing beads or spangles shall pay duty at a less rate than is imposed in any paragraph of this chapter upon such articles without such beads or spangles.

PAR. 1404. Ramie hat braids, 30 per centum ad valorem; manufactures of ramie hat braids, 40 per centum ad valorem.

PAR. 1405. Boots, shoes, or other footwear, the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, or silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other material, 35 per centum ad valorem.

PAR. 1406. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, 15 per centum ad valorem; bleached, dyed, colored, or stained, 20 per centum ad valorem; hats, bonnets, and hoods composed wholly or in chief value of any of the foregoing materials whether wholly or partly manufactured, but not blocked or trimmed, 35 per centum ad valorem; blocked or trimmed, 50 per centum ad valorem; straw hats known as harvest hats, valued at less than $3 per dozen, 25 per centum ad valorem; all other hats, composed wholly or in chief value of any of the foregoing materials, whether wholly or partly manufactured, not blocked or blocked, not trimmed or trimmed, if sewed, 60 per centum ad valorem. But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

PAR. 1407. Brooms, made of broom corn, straw, wooden fiber, or twigs, 15 per centum ad valorem; tooth brushes and other toilet brushes, 45 per centum ad valorem; all other brushes not specially provided for, including feather dusters, and hair pencils in quills or otherwise, 45 per centum ad valorem.

PAR. 1408. Bristles, sorted, bunched, or prepared, 7 cents per pound.

PAR. 1409. Button forms of lastings, mohair or silk cloth, and manufactures of other material, in patterns of such size, shape, or form as to be fit for buttons exclusively, and not exceeding three inches in any one dimension, 10 per centum ad valorem.

PAR. 1410. Buttons of vegetable ivory, finished or partly finished, 1¼ cents per line per gross; vegetable ivory button blanks, not drilled, dyed, or finished, three-fourths of 1 cent per line per gross; buttons of pearl or shell, finished or partly finished, 1¾ cents per line per gross; pearl or shell button blanks, not turned, faced, or drilled, 1¼ cents per line per gross; and, in addition thereto, on all the foregoing, 25 per centum ad valorem: *Provided*, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of one inch.

PAR. 1411. Buttons commonly known as agate buttons, 15 per centum ad valorem; parts of buttons and button molds or blanks, finished or unfinished, not specially provided for, and all collar and cuff buttons and studs composed wholly of bone, mother-of-pearl, ivory, vegetable ivory, or agate, and buttons not specially provided for, 45 per centum ad valorem.

PAR. 1412. Cork bark, cut into squares, cubes, or quarters, 8 cents per pound; stoppers over three-fourths of one inch in diameter, measured at the larger end, and disks, wafers, and washers over three-sixteenths of one inch in thickness, made from natural cork bark, 20 cents per pound; made from artificial or composition cork, 10 cents per pound; stoppers, three-fourths of one inch or less in diameter, measured at the larger end, and disks, wafers, and washers, three-sixteenths of one inch or less in thickness, made from natural cork bark, 25 cents per pound; made from artificial or composition cork, 12½ cents per pound; cork, artificial, commonly known as composition or compressed cork, manufactured from cork waste or granulated cork, in the rough and not further advanced than in the form of slabs, blocks, or planks, suitable for cutting into stoppers, disks, liners, floats, or similar articles, 6 cents per pound; in rods or sticks suitable for the manufacture of disks, wafers, or washers, 10 cents per pound; granulated or ground cork, 25 per centum ad valorem; cork insulation, wholly or in chief value of cork waste, granulated or ground cork, in slabs, boards, planks, or molded forms; cork tile; cork paper, and manufactures,

wholly or in chief value of cork bark or artificial cork and not specially provided for, 30 per centum ad valorem.

PAR. 1413. Dice, dominoes, draughts, chessmen, and billiard, pool, and bagatelle balls, and poker chips, of ivory, bone, or other material, 50 per centum ad valorem.

PAR. 1414. Dolls, and parts of dolls, doll heads, toy marbles, of whatever materials composed, air rifles, toy balloons, toy books without reading matter other than letters, numerals, or descriptive words, bound or unbound, and parts thereof, garlands, festooning and Christmas tree decorations made wholly or in chief value of tinsel wire, lame or lahn, bullions or metal threads, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware and not specially provided for, 70 per centum ad valorem.

PAR. 1415. Emery, corundum and artificial abrasive grains and emery, corundum and artificial abrasives, ground, pulverized, refined, or manufactured, 1 cent per pound; emery wheels, emery files, and manufactures of which emery, corundum or artificial abrasive is the component material of chief value, not specially provided for; and all papers, cloths, and combinations of paper and cloth, wholly or partly coated with artificial or natural abrasives, or with a combination of natural and artificial abrasives; all the foregoing, 20 per centum ad valorem.

PAR. 1416. Firecrackers of all kinds, 8 cents per pound; bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for, 12 cents per pound; the weight on all the foregoing to include all coverings, wrappings, and packing material.

PAR. 1417. Matches, friction or lucifer, of all descriptions, per gross of one hundred and forty-four boxes, containing not more than one hundred matches per box, 8 cents per gross; when imported otherwise than in boxes containing not more than one hundred matches each, three-fourths of 1 cent per one thousand matches; wax matches, wind matches, and all matches in books or folders having a stained, dyed, or colored stick or stem, tapers consisting of a wick coated with an inflammable substance, night lights, fusees and time-burning chemical signals, by whatever name known, 40 per centum ad valorem: *Provided*, That in accordance with chapter 10 of Title 26, white phosphorus matches manufactured wholly or in part in any foreign country shall not be entitled to enter at any of the ports of the United States, and the importation thereof is hereby prohibited: *Provided further*, That nothing in this chapter contained shall be held to repeal or modify chapter 10 of Title 26.

PAR. 1418. Percussion caps, cartridges, and cartridge shells empty, 30 per centum ad valorem; blasting caps, containing not more than one gram charge of explosive, $2.25 per thousand; containing more than one gram charge of explosive, 75 cents per thousand additional for each additional one-half gram charge of explosive; mining, blasting, or safety fuses of all kinds, $1 per thousand feet.

PAR. 1419. Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quills of down and other manufactures of down; artificial or ornamental feathers suitable for use as millinery ornaments, artificial or ornamental fruits, vegetables, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for, 60 per centum ad valorem; natural leaves, plants, shrubs, herbs, trees, and parts thereof, chemically treated, colored, dyed or painted, not specially provided for, 60 per centum ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers, flowers, leaves, or other material herein mentioned, 60 per centum ad valorem: *Provided*, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: *Provided further*, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein; and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

Whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

Nothing in this chapter shall be construed to repeal the provisions of sections 703 to 711 of Title 16 or any other law of the United States, intended for the protection or preservation of birds within the United States. That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition or purchase of such feathers is or has been made in violation of the provisions of sections 703 to 711 of Title 16 or any other law of the United States, of force on September 21, 1922, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or State or Territory charged with the duty of enforcing such laws.

PAR. 1420. Furs dressed on the skin, excepting silver or black fox furs, not advanced further than dyeing, 25 per centum ad valorem; plates and mats of dog and goat skins, 10 per centum ad valorem; manufactures of furs, excepting silver or black fox, further advanced than dressing and dyeing, prepared for use as material, joined or sewed together, includ-

ing plates, linings, and crosses, except plates and mats of dog and goat skins, and articles manufactured from fur, not specially provided for, 40 per centum ad valorem; silver or black fox skins, dressed or undressed, and manufactures thereof, not specially provided for, 50 per centum ad valorem; articles of wearing apparel of every description partly or wholly manufactured, composed wholly or in chief value of hides or skins of cattle of the bovine species, or of dog or goat skins, and not specially provided for, 15 per centum ad valorem; articles of wearing apparel of every description wholly or in part manufactured, composed wholly or in chief value of fur, not specially provided for, 50 per centum ad valorem.

PAR. 1421. Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted, 35 per centum ad valorem.

PAR. 1422. Fans of all kinds, except common palm-leaf fans, 50 per centum ad valorem.

PAR. 1423. Gun wads of all descriptions, not specially provided for, 20 per centum ad valorem.

PAR. 1424. Human hair, raw, 10 per centum ad valorem; cleaned or commercially known as drawn, but not manufactured, 20 per centum ad valorem; manufactures of human hair, including nets and nettings, or of which human hair is the component material of chief value, not specially provided for, 35 per centum ad valorem.

PAR. 1425. Hair, curled, suitable for beds or mattresses, 10 per centum ad valorem.

PAR. 1426. Haircloth, known as "crinoline" cloth, haircloth, known as "hair seating," and hair press cloth, not specially provided for, 35 per centum ad valorem; hair felt, made wholly or in chief value of animal hair, not specially provided for, 25 per centum ad valorem; manufactures of hair felt, including gun wads, 35 per centum ad valorem; cloths and all other manufactures of every description, wholly or in chief value of cattle hair or horsehair, not specially provided for, 40 per centum ad valorem.

PAR. 1427. Hats, caps, bonnets, and hoods, for men's women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at not more than $4.50 per dozen, $1.50 per dozen; valued at more than $4.50 and not more than $9 per dozen, $3 per dozen; valued at more than $9 and not more than $15 per dozen, $5 per dozen; valued at more than $15 and not more than $24 per dozen, $7 per dozen; valued at more than $24 and not more than $36 per dozen, $10 per dozen; valued at more than $36 and not more than $48 per dozen, $13 per dozen; valued at more than $48 per dozen, $16 per dozen; and in addition thereto, on all the foregoing, 25 per centum ad valorem.

PAR. 1428. Jewelry, commonly or commercially so known, finished or unfinished, of whatever material composed, valued above 20 cents per dozen pieces, 80 per centum ad valorem; rope, curb, cable, and fancy patterns of chain not exceeding one-half inch in diameter, width, or thickness, valued above 80 cents per yard; and articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, cardcases, chains, cigar cases, cigar cutters, cigar holders, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, and like articles; all the foregoing and parts thereof, finished or partly finished, composed of metal, whether or not enameled, washed, covered, or plated, including rolled gold plate, and whether or not set with precious or semiprecious stones, pearls, cameos, coral or amber, or with imitation precious stones or imitation pearls, 80 per centum ad valorem; stampings, galleries, mesh, and other materials of metal, whether or not set with glass or paste, finished or partly finished, separate or in strips or sheets, suitable for use in the manufacture of any of the foregoing articles in this paragraph, 75 per centum ad valorem.

PAR. 1429. Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken, any of the foregoing not set, and diamond dust, 10 per centum ad valorem; pearls and parts thereof, drilled or undrilled, but not set or strung, 20 per centum ad valorem; diamonds, coral, rubies, cameos, and other precious stones and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry, 20 per centum ad valorem; imitation precious stones, cut or faceted, imitation semiprecious stones, faceted, imitation half pearls and hollow or filled pearls of all shapes, without hole or with hole, partly through only, 20 per centum ad valorem; imitation precious stones, not cut or faceted, imitation semiprecious stones, not faceted, imitation jet buttons, cut, polished or faceted, and imitation solid pearls wholly or partly pierced, mounted or unmounted, 60 per centum ad valorem.

PAR. 1430. Laces, lace window curtains, burnt-out laces and embroideries capable of conversion into burnt-out laces, nets and nettings, embroidered or otherwise, veils, veilings, flouncings, allovers, neck ruffings, flutings, quillings, ruchings, tuckings, insertings, galloons, edgings, trimmings, fringes, gimps, ornaments; braids, loom woven and ornamented in the process of weaving, or made by hand, or on any braid machine, knitting machine, or lace machine; and all fabrics and articles composed in any part, however small, of any of the foregoing fabrics or articles; all the foregoing, finished or unfinished (except materials and articles provided for in paragraphs 920, 1006, 1404, 1406, and 1424 of this chapter), by whatever name known, and to whatever use applied, and whether or not named, described, or provided for elsewhere in this chapter, when composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, beads, bugles, spangles, or products of cellulose provided for in paragraph 1213 of this chapter, 90 per centum ad valorem; embroideries not specially provided for, and all fabrics and articles embroidered in any manner by hand or machinery, whether with a plain or fancy initial, monogram, or otherwise, or tamboured, appliquéd, scalloped, or ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including straight hemstitching; all the foregoing, finished or unfinished, by whatever name known, and to whatever use applied, and whether or not named, described, or provided for elsewhere in this chapter, when composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, beads, bugles, spangles, or products of cellulose provided for in paragraph 1213, 75 per centum ad valorem.

PAR. 1431. Chamois skins, pianoforte, pianoforte-action, player-piano-action leather, enameled upholstery leather, bag, strap, case, football, and glove leather, finished, in the white or in the crust, and seal, sheep, goat, and calf leather, dressed and finished, other than shoe leather, 20 per centum ad valorem.

PAR. 1432. Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather or parchment, and moccasins, and manufactures of leather, rawhide, or parchment or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for, 30 per centum ad valorem; any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets, 45 per centum ad valorem.

PAR. 1433. Gloves made wholly or in chief value of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent namely: Men's gloves not over twelve inches in length, $5 per dozen pairs; and women's and children's gloves not over twelve inches in length, $4 per dozen pairs; for each inch in length in excess thereof, 50 cents per dozen pairs: *Provided*, That, in addition thereto, on all of the foregoing there shall be paid the following cumulative duties: When lined with cotton, wool or silk, $2.40 per dozen pairs; when lined with leather or fur, $4 per dozen pairs; when embroidered or embellished, 40 cents per dozen pairs: *Provided further*, That all the foregoing shall pay a duty of not less than 50 nor more than 70 per centum ad valorem: *Provided further*, That glove tranks, with or without the usual accompanying pieces, shall pay 75 per centum of the duty provided for the gloves in the fabrication of which they are suitable.

Gloves made wholly or in chief value of leather made from horsehides or pigskins, whether wholly or partly manufactured, 25 per centum ad valorem.

PAR. 1434. Catgut, whip gut, oriental gut, and manufactures thereof, and manufactures of worm gut, 40 per centum ad valorem.

PAR. 1435. Gas, kerosene, or alcohol mantles, and mantles not specially provided for, treated with chemicals or metallic oxides, wholly or partly manufactured, 40 per centum ad valorem.

PAR. 1436. Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per centum ad valorem.

PAR. 1437. Cabinet locks, not of pin tumbler or cylinder construction, not over one and one-half inches in width, 70 cents per dozen; over one and one-half and not over two and one-half inches in width, $1 per dozen; over two and one-half inches in width, $1.50 per dozen; padlocks, not of pin tumbler or cylinder construction, not over one and one-half inches in width, 35 cents per dozen; over one and one-half and not over two and one-half inches in width, 50 cents per dozen; over two and one-half inches in width, 75 cents per dozen; padlocks of pin tumbler or cylinder construction, not over one and one-half inches in width, $1 per dozen; over one and one-half and not over two and one-half inches in width, $1.50 per dozen; over two and one-half inches in width, $2 per dozen; all other locks or latches of pin tumbler or cylinder construction, $2 per dozen; and in addition thereto, on all the foregoing, 20 per centum ad valorem.

PAR. 1438. Manufactures of amber, bladders, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for, 20 per centum ad valorem.

PAR. 1439. Manufactures of bone, chip, grass, horn, quills, india rubber, gutta-percha, palm leaf, straw, weeds, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for, 25 per centum ad valorem; automobile, motor cycle, and bicycle tires composed wholly or in chief value of rubber, 10 per centum ad valorem; molded insulators and insulating materials, wholly or partly manufactured, composed wholly or in chief value of india rubber or gutta-percha, 30 per centum ad valorem; combs composed wholly of horn or of horn and metal, 50 per centum ad valorem. The terms "grass" and "straw" shall be understood to mean these substances in their natural state and not the separated fibers thereof.

PAR. 1440. Manufactures of ivory or vegetable ivory, or of which either of these substances is the component material of chief value, not specially provided for; manufactures of mother-of-pearl, shell, plaster of Paris, and india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for; and shells and pieces of shells engraved, cut, ornamented, or otherwise manufactured, 35 per centum ad valorem.

PAR. 1441. Electrical insulators and other articles, wholly or partly manufactured, composed wholly or in chief value of shellac, copal, or synthetic phenolic resin, not specially provided for, 30 per centum ad valorem.

PAR. 1442. Moss and sea grass, eelgrass, and seaweeds, if manufactured or dyed, 10 per centum ad valorem.

PAR. 1443. Musical instruments and parts thereof, not specially provided for, pianoforte or player actions and parts thereof, cases for musical instruments, pitch pipes, tuning forks, tuning hammers, and metronomes, strings for musical instruments composed wholly or in part of steel or other metal, all the foregoing, 40 per centum ad valorem; tuning pins, $1 per thousand and 35 per centum ad valorem; violins, violas, violoncellos, and double basses, of all sizes, wholly or partly manufactured or assembled, $1 each and 35 per centum ad valorem; unassembled parts of the foregoing, 40 per centum ad valorem.

PAR. 1444. Phonographs, gramophones, graphophones, and similar articles, and parts thereof, not specially provided for, 30 per centum ad valorem; needles for phonographs, gramophones, graphophones, and similar articles, 45 per centum ad valorem.

PAR. 1445. Rolls: Calendar rolls or bowls made wholly or in chief value of cotton, paper, husk, wool, or mixtures thereof, or stone of any nature, compressed between and held together by iron or steel heads or washers fastened to iron or steel mandrels or cores, suitable for use in calendering, embossing, mangling, or pressing operations, 35 per centum ad valorem.

PAR. 1446. Rosaries, chaplets, and similar articles of religious devotion of whatever material composed (except if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones), valued at not more than $1.25 per dozen, 15 per centum ad valorem; valued at more than $1.25 per dozen, 30 per centum ad valorem; any of the foregoing if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones, 50 per centum ad valorem.

PAR. 1447. Sponges, 15 per centum ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for, 25 per centum ad valorem.

PAR. 1448. Violin rosin, 15 per centum ad valorem.

PAR. 1449. Works of art, including paintings in oil or water colors, pastels, pen and ink drawings, and copies, replicas, or reproductions of any of the same; statuary, sculptures, or copies, replicas, or reproductions thereof; and etchings and engravings; all the foregoing, not specially provided for, 20 per centum ad valorem.

PAR. 1450. Peat moss, 50 cents per ton.

PAR. 1451. Pencils of paper, wood, or other material not metal, filled with lead or other material, pencils of lead, crayons, including charcoal crayons or fusains, and mechanical pencils, not specially provided for, 45 cents per gross and 25 per centum ad valorem; pencil point protectors, and clips, whether separate or attached to pencils, 25 cents per gross; pencils stamped with names other than the manufacturers' or the manufacturers' trade name or trade-mark, 50 cents per gross and 25 per centum ad valorem; slate pencils, not in wood, 25 per centum ad valorem.

PAR. 1452. Pencil leads not in wood or other material, 6 cents per gross; leads, commonly known as refills, black, colored, or indelible, not exceeding six one-hundredths of one inch in diam-

eter and not exceeding two inches in length, 10 cents per gross, and longer leads shall pay in proportion in addition thereto; colored or crayon leads, copy or indelible leads, not specially provided for, 40 per centum ad valorem.

PAR. 1453. Photographic cameras and parts thereof, not specially provided for, 20 per centum ad valorem; photographic dry plates, not specially provided for, 15 per centum ad valorem; photographic and moving-picture films, sensitized but not exposed or developed, four-tenths of 1 cent per linear foot of the standard width of one and three-eighths inches, and all other widths shall pay duty in equal proportion thereto; photographic-film negatives, imported in any form for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, exposed but not developed, 2 cents per linear foot; exposed and developed, 3 cents per linear foot; photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography, or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made, 1 cent per linear foot: *Provided*, That upon the importation of photographic and motion-picture films or film negatives taken from the United States and exposed in a foreign country by an American producer of motion pictures operating temporarily in said foreign country in the course of production of a picture 60 per centum or more of which is made in the United States the duty shall be 1 cent per linear foot, and the Secretary of the Treasury shall prescribe such rules and regulations as may be necessary for the entry of such films or film negatives under this proviso: *Provided further*, That all photographic films imported under this chapter shall be subject to such censorship as may be imposed by the Secretary of the Treasury.

PAR. 1454. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, valued at not more than 40 cents per gross, 15 cents per gross; valued at more than 40 cents per gross, 45 per centum ad valorem; pipe bowls commercially known as stummels; pipes, cigar and cigarette holders, not specially provided for, and mouthpieces for pipes, cigar and cigarette holders, all the foregoing of whatever material composed, and in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored; pouches for chewing or smoking tobacco, cases suitable for pipes, cigar and cigarette holders, finished or partly finished; cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper; and all smokers' articles whatsoever, and parts thereof, finished or unfinished, not specially provided for, of whatever material composed, except china, porcelain, parian, bisque, earthen or stone ware, 60 per centum ad valorem; meerschaum, crude or unmanufactured, 20 per centum ad valorem.

PAR. 1455. All thermostatic bottles, carafes, jars, jugs, and other thermostatic containers, or blanks and pistons of such articles, of whatever material composed, constructed with a vacuous or partially vacuous insulation space to maintain the temperature of the contents, whether imported, finished or unfinished, with or without a jacket or casing of metal or other material, shall pay the following rates of duty, namely: Having a capacity of one pint or less, 15 cents each; having a capacity of more than one pint, 30 cents each; and in addition thereto, on all of the foregoing, 45 per centum ad valorem; parts of any of the foregoing not including those above mentioned, 55 per centum ad valorem: *Provided*, That all articles specified in this paragraph when imported shall have the name of the maker or purchaser and beneath the same the name of the country of origin legibly, indelibly, and conspicuously etched with acid on the glass part, and die stamped on the jacket or casing of metal or other material, in a place that shall not be covered thereafter: *Provided further*, That each label, wrapper, box, or carton in which any of the foregoing are wrapped or packed, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin legibly, indelibly, and conspicuously stamped or printed thereon.

PAR. 1456. Umbrellas, parasols, and sunshades covered with material other than paper or lace, not embroidered or appliquéd, 40 per centum ad valorem; handles and sticks for umbrellas, parasols, sunshades, and walking canes, finished or unfinished, 40 per centum ad valorem.

PAR. 1457. Waste, not specially provided for, 10 per centum ad valorem.

PAR. 1458. White bleached beeswax, 25 per centum ad valorem.

PAR. 1459. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not enumerated or provided for, a duty of 10 per centum ad valorem, and on all articles manufactured, in whole or in part, not specially provided for, a duty of 20 per centum ad valorem.

PAR. 1460. That each and every imported article, not enumerated in this chapter, which is similar, either in material, quality, texture, or the use to which it may be applied to any article enumerated in this chapter as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this chapter, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates. (Sept. 21, 1922, c. 356, Title I, § 1, 42 Stat. 858–922.)

SUBTITLE II.—FREE LIST

122. Free list.—Except as otherwise specially provided for in this chapter, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), shall be exempt from duty:

SCHEDULE 15

PAR. 1501. Acids and acid anhydrides: Chromic acid, hydrofluoric acid, hydrochloric or muriatic acid, nitric acid, sulphuric acid or oil of vitriol, and mixtures of nitric and sulphuric acids, valerianic acid, and all anhydrides of the foregoing not specially provided for.

PAR. 1502. Aconite, aloes, asafetida, cocculus indicus, ipecac, jalap, manna; marshmallow or althea root, leaves and flowers; maté, and pyrethrum or insect flowers, all the foregoing which are natural and uncompounded and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol shall be admitted free of duty under this paragraph.

PAR. 1503. Agates, unmanufactured.

PAR. 1504. Agricultural implements: Plows, tooth or disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, cotton gins, machinery for use in the manufacture of sugar, wagons and carts, cream separators valued at not more than $50 each, and all other agricultural implements of any kind or description, not specially provided for, whether in whole or in parts, including repair parts: *Provided*, That no article specified by name in Subtitle I shall be free of duty under this paragraph.

PAR. 1505. Albumen, not specially provided for.

PAR. 1506. Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.

Horses, mules, asses, cattle, sheep, and other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within eight months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury.

PAR. 1507. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe, and wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

PAR. 1508. Antimony ore.

PAR. 1509. Annatto and all extracts of, archil or archil liquid, cochineal, cudbear, gambier, litmus prepared or unprepared; all of the foregoing not containing alcohol.

PAR. 1510. Antitoxins, vaccines, viruses, serums, and bacterins, used for therapeutic purposes.

PAR. 1511. Arrowroot in its natural state and not manufactured.

PAR. 1512. Sulphide of arsenic.

PAR. 1513. Arsenious acid or white arsenic.

PAR. 1514. Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means if imported by or for the account of the person who exported them from the United States; steel boxes, casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, iron or steel drums of either domestic or foreign manufacture, used for the shipment of acids, or other chemicals, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates and films of American manufacture (except moving-picture films), exposed abroad, whether developed or not, and photographic films light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constitutent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury; articles exported from the United States for repairs may be returned upon payment of a duty upon the value of the repairs at the rate at which the article itself would be subject if imported, under conditions and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: *Provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon: *And provided further*, That the provisions of this paragraph shall not apply to animals made dutiable under the provisions of paragraph 1506.

PAR. 1515. Asbestos, unmanufactured, asbestos crudes, fibers, stucco, and sand and refuse containing not more than 15 per centum of foreign matter.

PAR. 1516. Waste bagging, and waste sugar sack cloth.

PAR. 1517. Bananas, green or ripe.

PAR. 1518. Barks, cinchona or other, from which quinine may be extracted.

PAR. 1519. Bells, broken, and bell metal, broken and fit only to be remanufactured.

PAR. 1520. Bibles, comprising the books of the Old or New Testament, or both, bound or unbound.

PAR. 1521. All binding twine manufactured from New Zealand hemp, henequen, manila, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding seven hundred and fifty feet to the pound.

PAR. 1522. Bread: *Provided*, That no article shall be exempted from duty as bread unless yeast was the leavening substance used in its preparation.

PAR. 1523. Fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for.

PAR. 1524. Blood, dried, not specially provided for.

PAR. 1525. Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

PAR. 1526. Bones: Crude, steamed, or ground; bone dust, bone meal, and bone ash; and animal carbon suitable only for fertilizing purposes.

PAR. 1527. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

PAR. 1528. Hydrographic charts and publications issued for their subscribers or exchanges by scientific or literary associations or academies, and publications of individuals for gratuitous private circulation, not advertising matter, and public documents issued by foreign governments; books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts, which have been printed more than twenty years at the time of importation: *Provided*, That where any such books have been rebound wholly or in part in leather within such period, the binding so placed upon such books shall be dutiable as provided in paragraph 1310.

PAR. 1529. Books and pamphlets printed wholly or chiefly in languages other than English; books, pamphlets, and music, in raised print, used exclusively by or for the blind; Braille tablets, cubarithms, special apparatus and objects serving to teach the blind, including printing apparatus, machines, presses, and types for the use and benefit of the blind exclusively.

PAR. 1530. Any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or any college, academy, school, or seminary of learning in the United States, or any State or public library, may import free of duty any book, map, music, engraving, photograph, etching, lithographic print, or chart for its own use or for the encouragement of the fine arts and not for sale, under such rules and regulations as the Secretary of the Treasury may prescribe.

PAR. 1531. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

PAR. 1532. Borax, crude or unmanufactured, and borate of lime, borate of soda, and other borate material, crude and unmanufactured, not specially provided for.

PAR. 1533. Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

PAR. 1534. Brazilian or pichurin beans.

PAR. 1535. Brazilian pebble, unwrought or unmanufactured.

PAR. 1536. Brick, not specially provided for: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on such brick imported from the United States, an equal duty shall be imposed upon such brick coming into the United States from such country, dependency, province, or other subdivision of government.

PAR. 1537. Bristles, crude, not sorted, bunched, or prepared.

PAR. 1538. Broom corn.

PAR. 1539. Bullion, gold or silver.

PAR. 1540. Burgundy pitch.

PAR. 1541. Calcium: Acetate, chloride, crude; nitrate, and cyanamid or lime nitrogen: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on calcium acetate, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government.

PAR. 1542. Linotype and all typesetting machines, typewriters, shoe machinery, sand-blast machines, sludge machines, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives; all the foregoing whether in whole or in parts, including repair parts.

PAR. 1543. Cement: Roman, Portland, and other hydraulic: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on such cement imported from the United States, an equal duty shall be imposed upon such cement coming into the United States from such country, dependency, province, or other subdivision of government.

PAR. 1544. Cerite or cerium ore.

PAR. 1545. Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured.

PAR. 1546. Chestnuts, including marrons, crude, dried, baked, prepared or preserved in any manner.

PAR. 1547. Chromite or chrome ore.

PAR. 1548. Coal, anthracite, bituminous, culm, slack, and shale; coke; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquets or other form: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government.

PAR. 1549. Coal-tar products: Acenaphthene, anthracene having a purity of less than 80 per centum, benzene, carbazole having a purity of less than 65 per centum, cumene, cymene, fluorene, methylanthracene, methylnaphthalene, naphthalene which after the removal of all the water present has a solidifying point less than seventy-nine degrees centigrade, pyridine, toluene, xylene, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below one hundred and ninety degrees centigrade a quantity of tar acids less than 5 per centum of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other materials or products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not specially provided for in paragraph 27 or 28 of Subtitle I of this chapter.

PAR. 1550. Cobalt and cobalt ore.

PAR. 1551. Cocoa or cacao beans.

PAR. 1552. Coffee.

PAR. 1553. Coins of gold, silver, copper, or other metal.

PAR. 1554. Coir, and coir yarn.

PAR. 1555. Composition metal of which copper is the component material of chief value, not specially provided for.

PAR. 1556. Copper ore: Regulus of, and black or coarse copper, and cement copper; old copper, fit only for remanufacture, copper scale, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for.

PAR. 1557. Copper sulphate or blue vitriol; copper acetate and subacetate or verdigris.

PAR. 1558. Coral, marine, uncut, and unmanufactured.

PAR. 1559. Cork wood, or cork bark, unmanufactured, and cork waste, shavings, and cork refuse of all kinds.

PAR. 1560. Cotton and cotton waste.

PAR. 1561. Cryolite, or kryolith.

PAR. 1562. Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for.

PAR. 1563. Curry, and curry powder.

PAR. 1564. Cuttlefish bone.

PAR. 1565. Cyanide: Potassium cyanide, sodium cyanide, all cyanide salts and cyanide mixtures, combinations, and compounds containing cyanide, not specially provided for.

PAR. 1566. Glaziers' and engravers' diamonds, unset; miners' diamonds.

PAR. 1567. Drugs such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, herbs, leaves, lichens, mosses, logs, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and all other drugs of vegetable or animal origin; all of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol shall be admitted free of duty under this paragraph.

PAR. 1568. Dyeing or tanning materials: Fustic wood, hemlock bark, logwood, mangrove bark, oak bark, quebracho wood, wattle bark, divi-divi, myrobalans fruit, sumac, valonia, nutgalls or gall nuts, and all articles of vegetable origin used for dyeing, coloring, staining, or tanning, all the foregoing, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process; all the foregoing not containing alcohol and not specially provided for.

PAR. 1569. Eggs of birds, fish, and insects (except fish roe for food purposes): *Provided*, That the importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections.

PAR. 1570. Emery ore and corundum ore, and crude artificial abrasives.

PAR. 1571. Enfleurage greases, floral essences and floral concretes: *Provided*, That no article mixed or compounded or containing alcohol shall be exempted from duty under this paragraph.

PAR. 1572. Fans, common palm-leaf, plain and not ornamented or decorated in any manner, and palm leaf in its natural state not colored, dyed, or otherwise advanced or manufactured.

PAR. 1573. Ferrous sulphate or copperas.

PAR. 1574. Fibrin, in all forms.

PAR. 1575. Fish imported to be used for purposes other than human consumption.

PAR. 1576. Fishskins, raw or salted.

PAR. 1577. Flint, flints, and flint stones, unground.

PAR. 1578. Fossils.

PAR. 1579. Furs and fur skins, not specially provided for, undressed.

PAR. 1580. Gloves made wholly or in chief value of leather made from hides of cattle of the bovine species.

PAR. 1581. Goldbeaters' molds and goldbeaters' skins.

PAR. 1582. Grasses and fibers: Istle or Tampico fiber, jute, jute butts, manila, sisal, henequen, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for.

PAR. 1583. Guano, basic slag, ground or unground, manures, and all other substances used chiefly for fertilizer, not specially provided for: *Provided*, That no article specified by name in Subtitle I shall be free of duty under this paragraph.

PAR. 1584. Gums and resins: Damar, kauri, copal, dragon's blood, kadaya, sandarac, tragacanth, tragasol, and other gums, gum resins, and resins, not specially provided for.

PAR. 1585. Gunpowder, sporting powder, and all other explosive substances not specially provided for: *Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government.

PAR. 1586. Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for.

PAR. 1587. Hide cuttings, raw, with or without hair, ossein, and all other glue stock.

PAR. 1588. Rope made of rawhide.

PAR. 1589. Hides of cattle, raw or uncured, or dried, salted, or pickled.

PAR. 1590. Hones and whetstones.

PAR. 1591. Hoofs, unmanufactured.

PAR. 1592. Horns and parts of, including horn strips and tips, unmanufactured.

PAR. 1593. Ice.

PAR. 1594. India rubber and gutta-percha, crude, including jelutong or pontianak, guayule, gutta balata, and gutta siak, and scrap or refuse india rubber and gutta-percha fit only for remanufacture.

PAR. 1595. Iodine, crude.

PAR. 1596. Iridium, osmium, paladium, rhodium, and ruthenium and native combinations thereof with one another or with platinum.

PAR. 1597. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites.

PAR. 1598. Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact.

PAR. 1599. Jet, unmanufactured.

PAR. 1600. Joss stick or joss light.

PAR. 1601. Junk, old.

PAR. 1602. Kelp.

PAR. 1603. Kieserite.

PAR. 1604. Lac, crude, seed, button, stick, or shell.

PAR. 1605. Lava, unmanufactured.

PAR. 1606. Leather: All leather not specially provided for; harness, saddles, and saddlery, in sets or parts, except metal parts, finished or unfinished, and not specially provided for; leather cut into shoe uppers, vamps, soles, or other forms suitable for conversion into manufactured articles; and leather shoe laces, finished or unfinished.

PAR. 1607. Boots and shoes made wholly or in chief value of leather.

PAR. 1608. Leeches.

PAR. 1609. Limestone-rock asphalt; asphaltum and bitumen.

PAR. 1610. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per centum of alcohol.

PAR. 1611. Lifeboats and life-saving apparatus specially imported by societies and institutions incorporated or established to encourage the saving of human life.

PAR. 1612. Lithographic stones, not engraved.

PAR. 1613. Loadstones.

PAR. 1614. Manuscripts, not specially provided for.

PAR. 1615. Marrow, crude.

PAR. 1616. Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached.

PAR. 1617. Medals of gold, silver, or copper, and other metallic articles actually bestowed by foreign countries or citizens of foreign countries as trophies or prizes, and received and accepted as honorary distinctions.

PAR. 1618. Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof showing that they are in no way artificially prepared and are only the product of a designated mineral spring.

PAR. 1619. Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture not specially provided for.

PAR. 1620. Models of inventions and of other improvements in the arts, to be used exclusively as models and incapable of any other use.

PAR. 1621. Monazite sand and other thorium ores.

PAR. 1622. Moss, seaweeds, and vegetable substances, crude or unmanufactured, not specially provided for.

PAR. 1623. Needles, hand sewing or darning.

PAR. 1624. Nets or sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila or vegetable fiber.

PAR. 1625. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications issued within six months of the time of entry, devoted to current literature of the day, or containing current literature as a predominant feature, and issued regularly at stated periods, as weekly, monthly, or quarterly, and bearing the date of issue.

PAR. 1626. Oil-bearing seeds and nuts: Copra, hempseed, palm nuts, palm-nut kernels, tung nuts, rapeseed, perilla and sesame seed; seeds and nuts, not specially provided for, when the oils derived therefrom are free of duty.

PAR. 1627. Nux vomica.

PAR. 1628. Oakum.

PAR. 1629. Oil cake and oil-cake meal.

PAR. 1630. Oils, animal: Spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; and all cod and cod-liver oil.

PAR. 1631. Oils, distilled or essential: Anise, bergamot, bitter almond, camphor, caraway, cassia, cinnamon, citronella, geranium, lavender, lemon-grass, lime, lignaloe or bois derose, neroli or orange flower, origanum, palmarosa, pettigrain, rose or otto of roses, rosemary, spike lavender, thyme, and ylang ylang or cananga: *Provided*, That no article mixed or compounded or containing alcohol shall be exempted from duty under this paragraph.

PAR. 1632. Oils, expressed or extracted: Croton, palm, palm-kernel, perilla, sesame, and sweet almond; olive oil rendered, unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; Chinese and Japanese tung oils; and nut oils not specially provided for.

PAR. 1633. Oils, mineral: Petroleum, crude, fuel, or refined, and all distillates obtained from petroleum, including kerosene, benzine, naphtha, gasoline, paraffin, and paraffin oil, not specially provided for.

PAR. 1634. Ores of gold, silver, or nickel; nickel matte; ores of the platinum metals; sweepings of gold and silver.

PAR. 1635. Duplex decalcomania paper not printed.

PAR. 1636. Parchment and vellum.

PAR. 1637. Pads for horses.

PAR. 1638. Pearl, mother of, and shells, not sawed, cut, flaked, polished, or otherwise manufactured, or advanced in value from the natural state.

PAR. 1639. Personal effects, not merchandise, of citizens of the United States dying in foreign countries.

PAR. 1640. Phosphates, crude, and apatite.

PAR. 1641. Pigeons, fancy or racing.

PAR. 1642. Plants, trees, shrubs, roots, seed cane, seeds, and other material for planting, imported by the Department of Agriculture or the United States Botanic Garden.

PAR. 1643. Plaster rock or gypsum, crude.

PAR. 1644. Platinum, unmanufactured or in ingots, bars, sheets, or plates not less than one-eighth of one inch in thickness, sponge, or scrap.

PAR. 1645. Potassium chloride or muriate of potash, potassium sulphate, kainite, wood ashes and beet-root ashes, and all crude potash salts not specially provided for.

PAR. 1646. Potassium nitrate or saltpeter, crude.

PAR. 1647. Professional books, implements, instruments, and tools of trade, occupation, or employment in the actual possession of persons emigrating to the United States owned and used by them abroad; but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in case application shall be made therefor.

PAR. 1648. Pulu.

PAR. 1649. Quinine sulphate and all alkaloids and salts of alkaloids derived from cinchona bark.

PAR. 1650. Radium, and salts of, and radioactive substitutes.

PAR. 1651. Rag pulp; paper stock, crude, of every description, including all grasses, fibers, rags, waste, including jute, hemp and flax waste, shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for, including old gunny cloth, and old gunny bags, used chiefly for paper making, and no longer suitable for bags.

PAR. 1652. Rennet, raw or prepared.

PAR. 1653. Patna rice cleaned for use in the manufacture of canned foods.

PAR. 1654. Sago, crude, and sago flour.

PAR. 1655. Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for.

PAR. 1656. Fresh sea herring and smelts and tuna fish, fresh, frozen, or packed in ice.

PAR. 1657. Seeds: Chickpeas or garbanzos, cowpeas, and sugar beets.

PAR. 1658. Selenium, and salts of.

PAR. 1659. Sheep dip.

PAR. 1660. Shingles.

PAR. 1661. Shotgun barrels, in single tubes, forged, rough bored.

PAR. 1662. Shrimps, lobsters, and other shellfish, fresh, frozen, packed in ice, or prepared or preserved in any manner, and not specially provided for.

PAR. 1663. Silk cocoons and silk waste.

PAR. 1664. Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.

PAR. 1665. Skeletons and other preparations of anatomy.

PAR. 1666. Skins of all kinds, raw, and hides not specially provided for.

PAR. 1667. Sodium: Nitrate, sulphate, crude, or salt cake, and niter cake.

PAR. 1668. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.

PAR. 1669. Spunk.

PAR. 1670. Spurs and stilts used in the manufacture of earthen, porcelain, or stone ware.

PAR. 1671. Stamps: Foreign postage or revenue stamps canceled or uncanceled, and foreign government stamped post cards bearing no other printing than the official imprint thereon.

PAR. 1672. Standard newsprint paper.

PAR. 1673. Statuary and casts of sculpture for use as models or for art educational purposes only; regalia and gems, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, seminary of learning, orphan asylum, or public hospital in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals.

PAR. 1674. Altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary, imported in good faith for presentation (without charge) to, and for the use of, any corporation or association organized and operated exclusively for religious purposes.

PAR. 1675. Stone and sand: Burrstone in blocks, rough or unmanufactured; quartzite; traprock; rottenstone, tripoli, and sand, crude or manufactured; cliff stone, freestone, granite, and sandstone, unmanufactured, and not suitable for use as monumental or building stone; all of the foregoing not specially provided for.

PAR. 1676. Strontianite or mineral strontium carbonate and celestite or mineral strontium sulphate.

PAR. 1677. Sulphur in any form, and sulphur ore, such as pyrites or sulphuret of iron in its natural state, and spent oxide of iron, containing more than 25 per centum of sulphur.

PAR. 1678. Tagua nuts.

PAR. 1679. Tamarinds.

PAR. 1680. Tapioca, tapioca flour, and cassava.

PAR. 1681. Tar and pitch of wood.

PAR. 1682. Tea not specially provided for, and tea plants: *Provided*, That all cans, boxes, and other immediate containers, including paper, and other wrappings of tea in packages of less than five pounds each, and all intermediate containers of such tea, shall be dutiable at the rate chargeable thereon if imported empty: *Provided further*, That nothing herein contained shall be construed to repeal or impair the provisions of sections 41 and 47 of Title 21.

PAR. 1683. Teeth, natural, or unmanufactured.

PAR. 1684. Tin ore or cassiterite, and black oxide of tin: *Provided*, That there shall be imposed and paid upon cassiterite, or black oxide of tin, a duty of 4 cents per pound, and upon bar, block, pig tin and grain or granulated, a duty of 6 cents per pound when it is made to appear to the satisfaction of the President of the United States that the mines of the United States are producing one thousand five hundred tons of cassiterite and bar, block, and pig tin per year. The President shall make known this fact by proclamation, and thereafter said duties shall go into effect.

PAR. 1685. Tin in bars, blocks or pigs, and grain or granulated and scrap tin, including scrap tin plate.

PAR. 1686. Tobacco stems not cut, ground, or pulverized.

PAR. 1687. Turmeric.

PAR. 1688. Turpentine, gum and spirits of, and rosin.

PAR. 1689. Turtles.

PAR. 1690. Uranium, oxide and salts of.

PAR. 1691. Vegetable tallow.

PAR. 1692. Wafers, not edible.

PAR. 1693. Wax: Animal, vegetable, or mineral, not specially provided for.

PAR. 1694. Disks of soft wax, commonly known as master records, or metal matrices obtained therefrom, for use in the manufacture of sound records for export purposes.

PAR. 1695. Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall include only such articles as were actually owned by them and in their possession abroad at the time of or prior to their departure from a foreign country, and as are necessary and appropriate for the wear and use of such persons and are intended for such wear and use, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That all jewelry and similar articles of personal adornment having a value of $300 or more, brought in by a nonresident of the United States, shall, if sold within three years after the date of the arrival of such person in the United States, be liable to duty at the rate or rates in force at the time of such sale, to be paid by such person: *Provided further*, That in case of residents of the United States returning from abroad all wearing apparel, personal and household effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury: *Provided further*, That up to but not exceeding $100 in value of articles acquired abroad by such residents of the United States for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, shall be admitted free of duty.

PAR. 1696. Whalebone, unmanufactured.

PAR. 1697. All barbed wire, whether plain or galvanized.

PAR. 1698. Witherite.

PAR. 1699. Wood charcoal.

PAR. 1700. Wood: Logs; timber, round, unmanufactured, hewn, sided or squared otherwise than by sawing; pulp woods; round timber used for spars or in building wharves; firewood, handle bolts, shingle bolts; and gun blocks for gunstocks, rough hewn or sawed or planed on one side; sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved; clapboards, lathes, ship timber; all of the foregoing not specially provided for: *Provided*, That if there is imported into the United States any of the foregoing lumber, planed on one or more sides and tongued and grooved, manufactured in or exported from any country, dependency, province, or other subdivision of government which imposes a duty upon such lumber exported from the United States, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such duty, and if such duty is not removed he may by proclamation declare such failure of negotiations, and in such proclamation shall state the facts upon which his action is taken together with the rates imposed, and make declaration that like and equal rates shall be forthwith imposed as hereinafter provided; whereupon, and until such duty is removed, there shall be levied, collected, and paid upon such lumber, when imported directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to the duty imposed by such country, dependency, province, or other subdivision of government upon such lumber imported from the United States.

PAR. 1701. Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods.

PAR. 1702. Pickets, palings, hoops, and staves of wood of all kinds.

PAR. 1703. Woods: Sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, india malacca joints, and other woods not specially provided for, in the rough, or not further

advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.

PAR. 1704. Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists' proof etchings unbound, and engravings and woodcuts unbound, original sculptures or statuary, including not more than two replicas or reproductions of the same; but the terms "sculpture" and "statuary" as used in this paragraph shall be understood to include professional productions of sculptors only, whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, or alabaster, or from metal, or cast in bronze or other metal or substance, or from wax or plaster, made as the professional productions of sculptors only; and the words "painting" and "sculpture" and "statuary" as used in this paragraph shall not be understood to include any articles of utility, nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings," "engravings," and "woodcuts" as used in this paragraph shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools and not such as are printed from plates or blocks etched or engraved by photochemical or other mechanical processes.

PAR. 1705. Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where application therefor shall be made.

PAR. 1706. Works of art, collections in illustration of the progress of the arts, sciences, agriculture, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or institution established for the encouragement of the arts, science, agriculture, or education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation, for the purpose of erecting a public monument, and not intended for sale nor for any other purpose than herein expressed; but bond shall be given, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject at any time to examination and inspection by the proper officers of the customs: *Provided*, That the privileges of this paragraph and paragraph 1705 shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

PAR. 1707. Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society, college, or other public institution, including stained or painted window glass or stained or painted glass windows which are works of art when imported to be used in houses of worship and when ordered after the passage of this chapter, valued at $15 or more per square foot, and excluding any article, in whole or in part, molded, cast, or mechanically wrought from metal within twenty years prior to importation; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

PAR. 1708. Works of art (except rugs and carpets), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than one hundred years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe.

PAR. 1709. Worm gut, unmanufactured.

PAR. 1710. Zaffer. (Sept. 21, 1922, c. 356, Title II, § 201, 42 Stat. 922–934.)

SUBTITLE III—SPECIAL PROVISIONS

THE PHILIPPINE ISLANDS, CUBA, AND CANAL ZONE

123. Duties upon articles coming from or imported into Philippine Islands.—There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty. The free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof, under a through bill of lading from the country of origin to the country of destination: *Provided*, That direct shipments shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained. (Sept. 21, 1922, c. 356, Title III, § 301, 42 Stat. 934.)

124. Products of Cuba; reduction of duties on.—So long as the convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902, shall remain in force, all articles of merchandise being the product of the soil or industry of the Republic of Cuba, which on December 17, 1903, were imported into the United States free of duty, shall continue to be so admitted free of duty, and all other articles of merchandise being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of 20 per centum of the rates of duty

thereon, as provided by this chapter, or as may be provided by any tariff law of the United States subsequently enacted. The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of said convention preferential in respect to all like imports from other countries. Nothing contained in this section shall be held or construed as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by an Act of Congress, originating in said House. (Dec. 17, 1903, c. 1, § 1, 33 Stat. 3; Oct. 3, 1913, c. 16, § IV, B, 38 Stat. 192.)

125. Same; no additional charges on; equal treatment of imports.—So long as the convention mentioned in section 124 of this title shall remain in force, the laws and regulations adopted, or that may be adopted by the United States to protect the revenues and prevent fraud in the declarations and proofs, that the articles of merchandise to which said convention may apply are the product or manufacture of the Republic of Cuba, shall not impose any additional charge or fees therefor on the articles imported, excepting the consular fees established, or which may be established, by the United States for issuing shipping documents, which fees shall not be higher than those charged on the shipments of similar merchandise from any other nation whatsoever. Articles of the Republic of Cuba shall receive, on their importation into the ports of the United States, treatment equal to that which similar articles of the United States shall receive on their importation into the ports of the Republic of Cuba. Any tax or charge that may be imposed by the national or local authorities of the United States upon the articles of merchandise of the Republic of Cuba, embraced in the provisions of said convention, subsequent to importation and prior to their entering into consumption into the United States, shall be imposed and collected without discrimination upon like articles whencesoever imported. (Dec. 17, 1903, c. 1, § 2, 33 Stat. 4.)

126. Imports from Canal Zone.—All laws affecting imports of articles, goods, wares, and merchandise from foreign countries shall apply to articles, goods, wares, and merchandise from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia. (Mar. 2, 1905, c. 1311, 33 Stat. 843.)

Countervailing and Discriminating Duty

127. Countervailing duty upon articles on which export bounty has been paid.—Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this chapter, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this chapter, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the identification of such articles and merchandise and for the assessment and collection of such additional duties. (Sept. 21, 1922, c. 356, Title III, § 303, 42 Stat. 935.)

128. Discriminating duty on goods imported in foreign vessels; exception.—A discriminating duty of 10 per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States, but not a vessel of the United States, if such vessel, after entering an American port, shall before leaving the same be registered as a vessel of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade. (Oct. 3, 1913, c. 16, § IV, J, subsec. 1, 38 Stat. 195; Mar. 4, 1915, c. 171, § 1, 38 Stat. 1193.)

129. Discriminating duties.—No part of the additional or discriminating duty imposed by law on merchandise on account of its importation in foreign vessels shall be allowed to be drawback, but the whole shall be retained. (R. S. § 3027.)

Country of Origin

130. Importation only in vessels of United States or of country of origin.—No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. (Oct. 3, 1913, c. 16, § IV, J, subsec. 2, 38 Stat. 196.)

131. Same; vessels, goods, etc., of nations not maintaining similar regulations; vessels of citizens of the United States.—The preceding section shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States nor to any vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be registered as a vessel of the United States. (Oct. 3, 1913, c. 16, § IV, J, subsec. 3, 38 Stat. 196; Mar. 4, 1915, c. 171, § 1, 38 Stat. 1193.)

132. Marking imported articles and packages to indicate country of origin; withholding delivery.—Every article imported into the United States, which is capable of being marked, stamped, branded, or labeled, without injury, at the time of its manufacture or production, shall be marked, stamped, branded, or labeled, in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall

be as nearly indelible and permanent as the nature of the article will permit. Any such article held in customs custody shall not be delivered until so marked, stamped, branded, or labeled, and until every such article of the importation which shall have been released from customs custody not so marked, stamped, branded, or labeled, shall be marked, stamped, branded, or labeled, in accordance with such rules and regulations as the Secretary of the Treasury may prescribe. Unless the article is exported under customs supervision, there shall be levied, collected, and paid upon every such article which at the time of importation is not so marked, stamped, branded, or labeled, in addition to the regular duty imposed by law on such article, a duty of 10 per centum of the appraised value thereof, or if such article is free of duty there shall be levied, collected, and paid upon such article a duty of 10 per centum of the appraised value thereof.

Every package containing any imported article, or articles, shall be marked, stamped, branded, or labeled, in legible English words, so as to indicate clearly the country of origin. Any such package held in customs custody shall not be delivered unless so marked, stamped, branded, or labeled, and until every package of the importation which shall have been released from customs custody not so marked, stamped, branded, or labeled, shall be marked, stamped, branded, or labeled in accordance with such rules and regulations as the Secretary of the Treasury may prescribe.

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provisions. (Sept. 21, 1922, c. 356, Title III, § 304(a), 42 Stat. 936.)

133. Violation of law requiring marking, stamping, etc.; penalty.—If any person shall fraudulently violate any of the provisions of this chapter relating to the marking, stamping, branding, or labeling of any imported articles or packages or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding $5,000, or be imprisoned for any time not exceeding one year, or both. (Sept. 21, 1922, c. 356, Title III, § 304(b), 42 Stat. 936.)

Medicinal Preparations

134. Name of proprietor affixed to medicines.—All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited. (R. S. § 2934.)

Importations Prohibited

135. Obscene books, etc.; seizure and forfeiture.—All persons are prohibited from importing into the United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited by due course of law. All such prohibited articles and the package in which they are contained shall be detained by the officer of customs, and proceedings taken against the same as hereinafter prescribed, unless it appears to the satisfaction of the collector that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee. The drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section. (Sept. 21, 1922, c. 356, Title III, § 305(a), 42 Stat. 936.)

136. Warrants for search for and seizure of articles mentioned in section 135 of this title.—Any district judge of the United States, within the proper district, before whom complaint in writing of any violation of section 135 of this title is made, founded upon probable cause and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the United States marshal or deputy marshal in the proper district or to a duly accredited customs officer, directing him to search for, seize, and take possession of any article or thing mentioned in such section, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error. (Sept. 21, 1922, c. 356, Title III, § 305(c), 42 Stat. 937.)

137. Neat cattle and hides prohibited.—The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited under such rules of inspection as the Secretary of Agriculture may determine. (Sept. 21, 1922, c. 356, Title III, § 306(a), 42 Stat. 937.)

138. Same; exceptions.—If the Secretary of Agriculture shall determine that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States, he shall officially notify the Secretary of the Treasury and give public notice that the operation of section 137 of this title shall be suspended as to any foreign country or countries, or any parts of such country or countries. (Sept. 21, 1922, c. 356, Title III, § 306(b), 42 Stat. 937.)

139. Same; punishment.—Any person convicted of a willful violation of any of the provisions of section 137 of this title shall be fined not exceeding $500, or imprisoned not exceeding one year, or both, in the discretion of the court. (Sept. 21, 1922, c. 356, Title III, § 306(c), 42 Stat. 937.)

140. Goods manufactured by convict labor prohibited.—All goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United states, and the importation thereof is prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. (Sept. 21, 1922, c. 356, Title III, § 307, 42 Stat. 937.)

141. Merchandise bearing trade-marks owned by citizens; prohibited, when.—It shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trade-mark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent Office by a person domiciled in the United States, under the provisions of sections 81 to 109, inclusive, of Title 15, if a copy of the certificate of registration of such trade-mark is filed with the Secretary of the Treasury, in the manner provided in section 106, of Title 15, and unless written consent of the owner of such trade-mark is produced at the time of making entry. (Sept. 21, 1922, c. 356, Title IV, § 526(a), 42 Stat. 975.)

142. Same; seizure and forfeiture of merchandise.—Any such merchandise imported into the United States in violation

of the provisions of section 141 of this title shall be subject to seizure and forfeiture for violation of the customs laws. (Sept. 21, 1922, c. 356, Title IV, § 526(b), 42 Stat. 975.)

143. Same; restraining dealing in or requiring reexport or destruction of merchandise, or obliteration or removal of trade-mark; damages and profits.—Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trade-mark and shall be liable for the same damages and profits provided for wrongful use of a trade-mark, under the provisions of sections 81 to 109, inclusive, of Title 15. (Sept. 21, 1922, c. 356, Title IV, § 526(c), 42 Stat. 975.)

SPECIAL PROVISIONS FOR ADMISSION OR WITHDRAWAL FROM BONDED WAREHOUSE WITHOUT PAYMENT OF DUTY

144. Admission without payment of duty, under bond for exportation.—The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty under bond for their exportation within six months from the date of importation:

(1) Machinery or other articles to be altered or repaired;

(2) Models of women's wearing apparel imported by manufacturers for use solely as models in their own establishments, and not for sale;

(3) Molder's patterns for use in the manufacture of castings;

(4) Samples solely for use in taking orders for merchandise;

(5) Articles intended solely for experimental purposes, and upon satisfactory proof to the Secretary that any such article has been destroyed because of its use for experimental purposes such bond may be canceled without the payment of duty;

(6) Automobiles, motor cycles, bicycles, airplanes, airships, balloons, motor boats, racing shells and similar vehicles and craft, teams and saddle horses, all of which are brought temporarily into the United States by nonresidents for touring purposes, or for the purposes of taking part in races or other specific contests;

(7) Locomotives, cars and coaches, and repair equipment belonging to railroads brought temporarily into the United States for the purpose of clearing obstructions, fighting fires, or making emergency repairs on lines the property of railroads within the United States; and

(8) Containers for compressed gases which comply with the laws and regulations for the transportation of such containers in the United States. (Sept. 21, 1922, c. 356, Title III, § 308, 42 Stat. 938.)

145. Supplies for vessels in foreign trade or trade between Atlantic and Pacific.—All articles of foreign or domestic production needed and actually withdrawn from bonded warehouses and bonded manufacturing warehouses for supplies (not including equipment) of vessels of the United States engaged in foreign trade, or in trade between the Atlantic and Pacific ports of the United States, or for construction, equipment, repairs and supplies of vessels of the United States employed in the fisheries or in the whaling business, may be so withdrawn from said bonded warehouses, free of duty or of internal-revenue tax, as the case may be, under such regulations as the Secretary of the Treasury may prescribe; but no such article shall be landed at any port of the United States. (June 26, 1884, c. 121, § 16, 23 Stat. 57; June 19, 1886, c. 421, § 15, 24 Stat. 82; July 24, 1897, c. 11, § 14, 30 Stat. 207.)

146. Supplies to war vessels free of duty.—The privilege of purchasing supplies from public warehouses, free of duty, and from bonded manufacturing warehouses, free of duty or of internal-revenue tax, as the case may be, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privileges toward the vessels of war of the United States in its ports. (Sept. 21, 1922, c. 356, Title III, § 309, 42 Stat. 938.)

147. Admission free of duty of merchandise of sunken and abandoned vessels.—Whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c. 356, Title III, § 310, 42 Stat. 938.)

BONDED WAREHOUSES

148. Manufacturing warehouses; bonds of manufacturers; manufacture of distilled spirits not permitted.—All articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class six. The manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury. The manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Exemption from duty of goods manufactured in warehouses upon reexportation.—Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

Materials, etc., used in manufacture of goods for reexportation free of duty.—Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

Withdrawal of manufactured goods for exportation; withdrawal of by-products for domestic consumption; destruction of waste; supervision by customs officer.—Articles or materials received into such bonded manufacturing warehouse or articles manufactured therefrom may be withdrawn or removed therefrom for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or ladening for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation,

and the name of the vessel. The by-products incident to the processes of manufacture, including waste derived from cleaning rice in bonded warehouses under the Act of March 24, 1874, chapter 65, Eighteenth Statutes, page 24, in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected by law if such waste or by-products were imported from a foreign country. All waste material may be destroyed under Government supervision. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer.

Accounts of merchandise delivered to warehouses.—A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturers containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles.

Lists of articles intended to be manufactured to be filed.—Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Withdrawal of manufactured articles for transportation and delivery into bonded warehouse for immediate export; withdrawal of cigars for home consumption.—Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom. Cigars manufactured in whole of tobacco imported from any one country, made and manufactured in such bonded manufacturing warehouses, may be withdrawn for home consumption upon the payment of the duties on such tobacco in its condition as imported under such regulations as the Secretary of the Treasury may prescribe, and the payment of the internal-revenue tax accruing on such cigars in their condition as withdrawn, and the boxes or packages containing such cigars shall be stamped to indicate their character, origin of tobacco from which made, and place of manufacture.

Bonded warehouses; application of previous law.—The provisions of section 1168 of Title 26 shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this chapter and to the merchandise conveyed therein. (Sept. 21, 1922, c. 356, Title III, § 311, 42 Stat. 938.)

149. Bonded smelting warehouses; removal of ores or crude metals to; withdrawal of metals for domestic consumption upon payment of duties; sampling and assaying; supervision; charges against bonds.—The works of manufacturers engaged in smelting or refining, or both, of ores and crude metals, may upon the giving of satisfactory bonds, be designated as bonded smelting warehouses. Ores or crude metals may be removed from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon, and there smelted or refined, or both, together with ores or crude metals of home or foreign production. The bonds shall be charged with a sum equal in amount to the regular duties which would have been payable on such ores and crude metals if entered for consumption at the time of their importation, and the several charges against such bonds shall be canceled upon the exportation or delivery to a bonded manufacturing warehouse established under the preceding section of this title of a quantity of the same kind of metal equal to the quantity of metal producible from the smelting or refining, or both, of the dutiable metal contained in such ores or crude metals, due allowance being made of the smelter wastage as ascertained from time to time by the Secretary of the Treasury. The said metals so producible, or any portion thereof, may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom and the several charges against the bonds canceled upon the payment of the duties chargeable against an equivalent amount of ores or crude metals from which said metal would be producible in their condition as imported. On the arrival of the ores and crude metals at such establishments they shall be sampled and assayed according to commercial methods under the supervision of Government officers. All labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury and at the expense of the manufacturer. The several charges against the bonds of any smelting warehouse established under the provisions of this section may be canceled upon the exportation or transfer to a bonded manufacturing warehouse from any other bonded smelting warehouse established under this section of a quantity of the same kind of metal, in excess of that covered by open bonds, equal to the amount of metal producible from the smelting or refining, or both, of the dutiable metal contained in the imported ores and crude metals, due allowance being made of the smelter wastage as ascertained from time to time by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, Title III, § 312, 42 Stat. 940.)

150. Same; regulations for enforcement prescribed.—All regulations for carrying out the provisions of section 149 of this title shall be prescribed by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, Title III, § 312, 42 Stat. 940.)

151. Bonded warehouses for storage and cleansing of imported garbanzo; withdrawals.—Under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported Mexican peas, commonly called garbanzo may be stored, cleaned, repacked or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon. The whole or any part of such imported garbanzo, and the waste material and by-products incident to cleaning or otherwise treating said imported garbanzo, may be withdrawn for domestic consumption upon the payment on the quantity so withdrawn of the duty imposed by law on such garbanzo in their condition as imported. The compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor. (June 28, 1916, c. 180, 39 Stat. 239.)

DRAWBACKS

152. Drawbacks; articles made from imported materials; flavoring extracts and medicinal or toilet preparations; imported salt for curing fish; meats cured in United States; materials for construction and equipment of vessels.—Upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise, the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such duties shall not be so refunded upon the exportation of flour or by-products produced from imported wheat unless an amount of wheat grown in the United States equal to not less than 30 per centum of the amount of such imported wheat has been mixed with such imported wheat. Where two or more products result from the manipulation of imported merchandise, the drawback shall be distributed to the several products in accordance with their relative values at the time of separation.

When the articles exported are manufactured or produced in part from domestic materials, the imported merchandise shall so appear in the completed articles that the quantity or measure thereof may be ascertained. The drawback on any article allowed under law existing on September 21, 1922, shall be continued at the rate herein provided. The imported merchandise used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such merchandise is claimed, be identified, the quantity of such merchandise used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, the agent of either, or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

On the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States after September 21, 1922, in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used. Such drawback shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation, as the Secretary of the Treasury shall prescribe.

Imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries and in curing fish on the shores of the navigable waters of the United States, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used for either of the purposes hereinbefore stated, the duties on the same shall be remitted. Upon the exportation of meats, whether packed or smoked, which have been cured in the United States with imported salt, there shall be refunded from the Treasury, upon satisfactory proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, the duties paid on the salt so used in curing such exported meats, in amounts not less than $100.

The provisions of this section shall apply to materials imported and used in the construction and equipment of vessels built for foreign account and ownership, or for the Government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported. (Mar. 8, 1902, c. 140, § 6, 32 Stat. 55; Sept. 21, 1922, c. 356, Title III, § 313, 42 Stat. 940.)

152a. Same; articles shipped to Philippines.—All articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal-revenue tax, and shall not be charged with duty except the duty levied upon imports into the Philippine Islands.

Where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less 1 per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe. (Mar. 8, 1902, c. 140, § 6, 32 Stat. 55.)

152b. Same; articles reexported to Philippines.—Merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less 1 per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury. (Mar. 8, 1902, c. 140, § 7, 32 Stat. 55.)

Reimporting Exported Articles

153. Duty on articles reimported after exportation free of internal revenue taxes.—Upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal revenue laws upon such articles, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, Title III, § 314, 42 Stat. 941.)

Cross reference.—Reimportation of articles exported with benefit of drawback of customs duties; see paragraph 1514 of section 121 of this title.

Equalizing Production Costs

154. Procedure where duties do not equalize differences in costs of production in United States and principal competing country; changes in classifications by President.—In order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this chapter intended, whenever the President upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this chapter do not equalize the said differences in costs of production in the United States and the principal competing country he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this chapter shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per centum of the rates specified in Subtitle I of this chapter, or in any amendatory Act. (Sept. 21, 1922, c. 356, Title III, § 315(a), 42 Stat. 941.)

155. Same; value of imported articles to be based upon American selling price.—In order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this chapter intended, whenever the President, upon investigation of the differences in costs of production of articles provided for in Subtitle I of this chapter, wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties prescribed in this chapter do not equalize said differences, and shall further find it thereby shown that the said differences in costs of production in the United States and the principal competing country can not be equalized by proceeding under the provisions of 154 of this title, he shall make such findings public, together with a description of the

articles to which they apply, in such detail as may be necessary for the guidance of appraising officers. In such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in section 239 of this title, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported articles upon which the President has made a proclamation under this section.

The ad valorem rate or rates of duty based upon such American selling price shall be the rate found, upon said investigation by the President, to be shown by the said differences in costs of production necessary to equalize such differences, but no such rate shall be decreased more than 50 per centum of the rate specified in Subtitle I of this chapter upon such articles, nor shall any such rate be increased. Such rate or rates of duty shall become effective fifteen days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila). If there is any imported article within the class or kind of articles, upon which the President has made public a finding, for which there is no similar competive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of section 234 of this title. (Sept. 21, 1922, c. 356, Title III, § 315(b), 42 Stat. 942.)

156. Same; methods of ascertaining differences in costs of production; investigations by Tariff Commission; restrictions on reclassifications.—In ascertaining the differences in costs of production, under the provisions of sections 154 and 155 of this title, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

The President, proceeding as hereinbefore provided for in proclaiming rates of duty, shall, when he determines that it is shown that the differences in costs of production have changed or no longer exist which led to such proclamation, accordingly as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Subtitle I of this chapter, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section and sections 154, 155, 157 to 159 of this title, upon such articles shall exceed the maximum ad valorem rate so specified. (Sept. 21, 1922, c. 356, Title III, § 315(c), 42 Stat. 942.)

157. Same; coal-tar products.—For the purposes of sections 154 to 159 of this title, any coal-tar product provided for in paragraphs 27 or 28 of Subtitle I of this chapter shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner. (Sept. 21, 1922, c. 356, Title III, § 315(d), 42 Stat. 943.)

158. Same; presidential rules and regulations.—The President is authorized to make all needful rules and regulations for carrying out the provisions of sections 154 to 159 of this title. (Sept. 21, 1922, c. 356, Title III, § 315(e), 42 Stat. 943.)

159. Same; rules and regulations for entry and declaration of articles.—The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of imported articles of the class or kind of articles upon which the President has made a proclamation under the provisions of section 155 of this title and for the form of invoice required at time of entry. (Sept. 21, 1922, c. 356, Title III, § 315(f), 42 Stat. 943.)

Dumping Investigation

160. Investigations by Secretary of Treasury; notice to Secretary by appraisers as to sales price of imported articles; withholding appraisement.—(a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary"), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies in such detail as may be necessary for the guidance of the appraising officers.

(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold his appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise. (May 27, 1921, c. 14, § 201, 42 Stat. 11.)

Special Dumping Duty

161. Amount of duty to be collected; determination of foreign market value of goods.—(a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided in section 160 of this title, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, if the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid, in addition to the duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

(b) if it is established to the satisfaction of the appraising officers that the amount of such difference between the purchase price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such a similar merchandise is sold or freely offered for sale to all purchasers for exportation to the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section.

(c) If it is established to the satisfaction of the appraising officers that the amount of such difference between the exporter's sales price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section. (May 27, 1921, c. 14, § 202, 42 Stat. 11.)

PURCHASE PRICE

162. Purchase price.—For the purposes of this section and sections 160 to 173 of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States. (May 27, 1921, c. 14, § 203, 42 Stat. 12.)

EXPORTER'S SALES PRICE

163. Determination of exporter's sales price.—For the purpose of sections 160 to 173 of this title, the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States. (May 27, 1921, c. 14, § 204, 42 Stat. 13.)

FOREIGN MARKET VALUE

164. Determination of foreign market value.—For the purposes of sections 160 to 173 of this title, the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of said sections no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. (May 27, 1921, c. 14, § 205, 42 Stat. 13.)

COST OF PRODUCTION

165. Cost of production.—For the purposes of sections 160 to 173 of this title, the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) The usual geperal expenses (not less than 10 per centum of such cost) in the case of identical or substantially identical merchandise;

(3) The cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2)) equal to the profit which is ordinarily added, in the case of

merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration. (May 27, 1921, c. 14, § 206, 42 Stat. 13.)

EXPORTER

166. Who are exporters.—For the purposes of sections 160 to 173 of this title, the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States:

(1) If such person is the agent or principal of the exporter, manufacturer, or producer; or

(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer. (May 27, 1921, c. 14, § 207, 42 Stat. 14.)

OATHS AND BONDS ON ENTRY

167. Oath and bond of person for whose account merchandise is imported before delivery thereof.—In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided in section 160 of this title, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the said Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) That he will report to the collector the exporter's sales price of the merchandise within thirty days after such merchandise has been sold or agreed to be sold in the United States; (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by sections 160 to 173 of this title, upon such merchandise; and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe. (May 27, 1921, c. 14, § 208, 42 Stat. 14.)

DUTIES OF APPRAISERS

168. Appraisal and report to collector.—In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided in section 160 of this title, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost of production to the contrary notwithstanding) and report to the collector the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of sections 160 to 173 of this title. (May 27, 1921, c. 14, § 209, 42 Stat. 15.)

APPEALS AND PROTESTS

169. Appeals, etc., from determinations of appraisers.—For the purposes of sections 160 to 173 of this title, the determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law. (May 27, 1921, c. 14, § 210, 42 Stat. 15.)

DRAWBACKS

170. Special duties treated as regular duties.—The special dumping duty imposed by sections 160 to 173 of this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties. (May 27, 1921, c. 14, § 211, 42 Stat. 15.)

SHORT TITLE

171. Citation.—Sections 160 to 173 of this title may be cited as the "Antidumping Act, 1921." (May 27, 1921, c. 14, § 212, 42 Stat. 15.)

DEFINITIONS

172. Definitions.—When used in sections 160 to 173 of this title—

The term "person" includes individuals, partnerships, corporations, and associations; and

The term "United States" includes all Territories and possessions subject to the jurisdiction of the United States, except the Philippine Islands, the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone. (May 27, 1921, c. 14, § 406, 42 Stat. 18.)

RULES AND REGULATIONS

173. Rules and regulations.—The Secretary shall make rules and regulations necessary for the enforcement of sections 160 to 172 of this title. (May 27, 1921, c. 14, § 407, 42 Stat. 18.)

UNFAIR METHODS OF COMPETITION AND IMPORTATION UNLAWFUL

174. Unfair methods of competition and unfair acts tending to destroy or injure domestic industries.—Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are declared unlawful and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided. (Sept. 21, 1922, c. 356, Title III, § 316(a), 42 Stat. 943.)

175. Same; investigations by Tariff Commission.—To assist the President in making any decisions under sections 174 to 180 of this title the United States Tariff Commission is authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative. (Sept. 21, 1922, c. 356, Title III, § 316(b), 42 Stat. 943.)

176. Same; conduct of investigations by Tariff Commission; findings; appeals to Court of Customs Appeals and review by Supreme Court.—The commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation. The testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of the commission shall be the official record of the proceedings and findings in the case, and in any case where the findings in such investigation show a violation of section 174 of this title, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles. Such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such articles. If it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only. The judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for as provided in section 350 of Title 28. (Sept. 21, 1922, c. 356, Title III, § 316(c), 42 Stat. 943.)

177. Same; final findings transmitted to President.—The final findings of the commission shall be transmitted with the record to the President. (Sept 21, 1922, c. 356, Title III, § 316(d), 42 Stat. 944.)

178. Same; levy of additional offset duties.—Whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per centum of the value of such articles as defined in sections 234 to 239 of this title, which will offset such method or act, and which shall be imposed upon articles imported in violation of this chapter, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such articles as he shall deem the interests of the United States shall require, imported by any person violating the provisions of this chapter, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and the decision of the President shall be conclusive. (Sept. 21, 1922, c. 356, Title III, § 316(e), 42 Stat. 944.)

179. Same; forbidding entry of articles until completion of investigations.—Whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of section 174 of this title but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed. The Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate. (Sept. 21, 1922, c. 356, Title III, § 316(f), 42 Stat. 944.)

180. Same; length of time additional duties or refusal of entries effective.—Any additional duty or any refusal of entry under sections 174 to 179 of this title shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist. (Sept. 21, 1922, c. 356, Title III, § 316(g), 42 Stat. 944.)

IMPORTS FROM COUNTRIES MAKING DISCRIMINATIONS

181. Suspension of imports from countries making discriminations.—Whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require. (Aug. 30, 1890, c. 839, § 5, 26 Stat. 415.)

182. Imports from countries making discriminations against products of United States; new or additional duties; proclamation by President.—The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country;

Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country. (Sept. 21, 1922, c. 356, Title III, § 317(a), 42 Stat. 944.)

183. Same; exclusion from importation; proclamation by President.—If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in section 182 of this title, maintained or increased its said discriminations against the commerce of the United States, the President is authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such articles of said country as he shall deem the public interests may require shall be excluded from importation into the United States. (Sept. 21, 1922, c. 356, Title III, § 317(b), 42 Stat. 945.)

184. Same; scope of, and suspension, revocation, etc., of proclamations.—Any proclamation issued by the President under the authority of sections 182 to 186 of this title shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation. (Sept. 21, 1922, c. 356, Title III, § 317(c), 42 Stat. 945.)

185. Same; effective date of new or additional duties or exclusion from importation.—Whenever the President shall find as a fact that any foreign country places any burdens upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burdens, not to exceed 50 per centum ad valorem or its equivalent, and on and after thirty days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of section 183 of this title, such articles shall be excluded from importation. (Sept. 21, 1922, c. 356, Title III, § 317(d), 42 Stat. 945.)

186. Same; further new or additional duties.—Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per centum ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles and on and after thirty days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles. (Sept. 21, 1922, c. 356, Title III, § 317(e), 42 Stat. 945.)

187. Same; forfeiture, seizure, and condemnation of articles unlawfully imported.—All articles imported contrary to the provisions of sections 182 to 190 of this title shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this chapter shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly. (Sept. 21, 1922, c. 356, Title III, § 317(f), 42 Stat. 946.)

188. Same; duties of Tariff Commission.—It shall be the duty of the United States Tariff Commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in sections 182, 183 and 186 of this title are practiced by any country; and if when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations. (Sept. 21, 1922, c. 356, Title III, § 317(g), 42 Stat. 946.)

189. Same; rules and regulations by Secretary of Treasury.—The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of sections 182 to 188 of this title. (Sept. 21, 1922, c. 356, Title III, § 317(h), 42 Stat. 946.)

190. Same; "foreign country" defined.—When used in sections 182 to 189 of this title, the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced. (Sept. 21, 1922, c. 356, Title III, § 317(i), 42 Stat. 946.)

SPECIAL PROVISIONS

191. Duties on automobiles, etc., sold to foreign Governments, etc., upon importation into United States.—All automobiles, automobile bodies, automobile chassis, and parts thereof, including tires, exported prior to February 11, 1919, from the United States of America for the use of the American Expeditionary Forces or the governments associated with the Government of the United States of America in the war with Germany and Austria, and which have been sold or delivered to any foreign government, individual, partnership, corporation, or association by the United States Liquidation Commission, or by any other agent or official of the United States of America, when imported into the United States of America shall pay a duty of 90 per centum ad valorem, the value of such articles to be fixed on a basis equivalent to the original value of such articles in the United States, under rules and regulations to be prescribed by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, Title III, § 322, 42 Stat. 948.)

192. Entry of cigars.—No cigars shall be imported unless the same are packed in boxes of not more than five hundred cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package; and all cigars on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, and also a serial number to be recorded in the customhouse. And the Secretary of the Treasury is authorized to provide the requisite stamps, and to make all necessary regulations for carrying the above provisions of law into effect. (R. S. § 2804; Aug. 27, 1894, c. 349, § 26, 28 Stat. 552.)

193. Grain brought from Canada for grinding.—Grain brought into the United States in wagons or other ordinary road vehicles, by farmers residing in the Dominion of Canada, to be ground by mills owned by citizens of the United States, shall not be deemed to be imported or liable to import duties. Such grain shall be brought into the United States under such regulations as the Treasury Department may prescribe to prevent fraud and evasion, and shall be returned as in like manner provided by such regulations. Entry shall be made of and duties paid upon all such grain as shall be taken or received by mill owners as tolls for such grinding, under like regulations provided by the Treasury Department. (Jan. 9, 1883, c. 17, 22 Stat. 402.)

194. Return free of livestock exported for exhibition.—Whenever any article or articles or livestock shall be sent out of the United States for temporary use or exhibition at any public exposition, fair, or conference, held in a foreign

country, such articles shall be entitled to be returned to the United States, under such regulations as may be prescribed by the Secretary of the Treasury, without the payment of customs duty, whether they shall be of domestic or of foreign production: *Provided*, That the articles of foreign production have once paid duty in the United States and no drawback has been allowed thereon, and if any domestic articles are subject to internal-revenue tax, such tax shall be proved to have been paid before exportation and not refunded. (May 18, 1896, c. 195, 29 Stat. 122.)

195. Same; animals taken abroad with circus or menagerie.—The privilege of free entry conferred by section 194 of this title shall apply to wild and other animals of foreign origin taken abroad temporarily for exhibition in connection with any circus or menagerie, subject, however, to the conditions and limitations prescribed in said section. The provision of this section shall apply only in such cases as those of foreign-born animals taken abroad, and inventories of which are filed prior to their leaving the country with the collector of customs at the port of their departure. (Mar. 3, 1899, c. 454, 30 Stat. 1372.)

196. Duties imposed applicable to certain previous imports; duties based upon weight of merchandise at time of entry.—All goods, wares, and merchandise, imported, prior to September 21, 1922, for which no entry was made prior to that date, and all goods, wares, and merchandise entered prior to that date without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent was issued prior to such date, shall be subjected to the duties imposed by this chapter and to no other duty upon the entry or the withdrawal thereof. When duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry. (Sept. 21, 1922, c. 356, Title III, § 319, 42 Stat. 947.)

PAYMENT OF DUTY

197. Duties, how payable.—Except as provided in the following section all duties upon imports shall be collected in ready money, and may be paid in gold and silver coin, coin certificates, demand Treasury notes, issued under the authority of the Acts of July 17, 1861, chapter 5, and February 12, 1862, chapter 20, and such other certificates or Treasury notes as may by law be declared receivable in payment thereof. (R. S. §§ 3009, 3478; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

198. Certified checks; receivable for all public dues; lien for payment of.—It shall be lawful for collecting officers to receive certified checks drawn on National and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, and all public dues, including special customs deposits. No person, however, who may be indebted to the United States on account of duties on imports who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank. (Mar. 2, 1911, c. 191, § 1, 36 Stat. 965.)

199. Judgments, how payable.—In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the nonpayment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. (R. S. § 3014.)

SUBTITLE IV.—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

PART 1.—DEFINITIONS

231. Definitions.—When used in this subtitle—

(a) *Vessel.*—The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water or in water and in air.

(b) *Vehicle.*—The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, or through the air.

(c) *Merchandise.*—The word "merchandise" means goods, wares, and chattels of every description and includes merchandise the importation of which is prohibited.

(d) *Person.*—The word "person" includes partnerships, associations, and corporations.

(e) *Master.*—The word "master" means the person having the command of the vessel.

(f) *Day.*—The word "day" means the time from eight o'clock antemeridian to five o'clock postmeridian.

(g) *Night.*—The word "night" means the time from five o'clock postmeridian to eight o'clock antemeridian.

(h) *Collector.*—The word "collector" means the collector of customs, and includes a deputy collector of customs and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of collector of customs.

(i) *Appraiser.*—The word "appraiser" means the person authorized by law, or by the Secretary of the Treasury, to appraise imported merchandise and to make a return of the value thereof.

(j) The term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila. (R. S. §§ 2766, 2768; Sept. 21, 1922, c. 356, Title IV, § 401, 42 Stat. 948.)

232. Same; "port."—The word "port," as used in this title, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported. (R. S. § 2767.)

233. Departure from prescribed forms.—In cases where the forms of official documents, as prescribed by this title, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom. (R. S. § 2769.)

234. Valuation of imported merchandise.—For the purposes of this chapter the value of imported merchandise shall be—

(1) The foreign value or the export value, whichever is higher;

(2) If neither the foreign value nor the export value can be ascertained to the satisfaction of the appraising officers, then the United States value;

(3) If neither the foreign value, the export value, nor the United States value can be ascertained to the satisfaction of the appraising officers, then the cost of production;

(4) If there be any similar competitive article manufactured or produced in the United States of a class or kind upon which the President has made public a finding as provided in section 155 of this title, then the American selling price of such article. (Sept. 21, 1922, c. 356, Title IV, § 402(a), 42 Stat. 949.)

235. Same; foreign value; how ascertained.—The foreign value of imported merchandise shall be the market value or the price at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, including the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States. (Sept. 21, 1922, c. 356, Title IV, § 402(b), 42 Stat. 949.)

236. Same; export value; how ascertained.—The export value of imported merchandise shall be the market value or the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States. If in the ordinary course of trade imported merchandise is shipped to the United States to an agent of the seller, or to the seller's branch house, pursuant to an order or an agreement to purchase (whether placed or entered into in the United States or in the foreign country), for delivery to the purchaser in the United States, and if the title to such merchandise remains in the seller until such delivery, then such merchandise shall not be deemed to be freely offered for sale in the principal markets of the country from which exported for exportation to the United States, within the meaning of this section. (Sept. 21, 1922, c. 356, Title IV, § 402(c), 42 Stat. 949.)

237. Same; United States value; how ascertained.—The United States value of imported merchandise shall be the price at which such or similar imported merchandise is freely offered for sale, packed ready for delivery, in the principal market of the United States to all purchasers, at the time of exportation of the imported merchandise, in the usual wholesale quantities and in the ordinary course of trade, with allowance made for duty, cost of transportation and insurance, and other necessary expenses from the place of shipment to the place of delivery, a commission not exceeding 6 per centum, if any has been paid or contracted to be paid on goods secured otherwise than by purchase, or profits not to exceed 8 per centum and a reasonable allowance for general expenses, not to exceed 8 per centum on purchased goods. (Sept. 21, 1922, c. 356, Title IV, § 402(d), 42 Stat. 949.)

238. Same; cost of production; how ascertained.—For the purpose of this subtitle the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing such or similar merchandise, at a time preceding the date of exportation of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of such or similar merchandise;

(3) The cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2) of this subdivision) equal to the profit which ordinarily is added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the production or manufacture of merchandise of the same class or kind. (Sept. 21, 1922, c. 356, Title IV, § 402(e), 42 Stat. 949.)

239. Same; American selling price; how ascertained.—The American selling price of any article manufactured or produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for delivery, at which such article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such merchandise when sold in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article. (Sept. 21, 1922, c. 356, Title IV, § 402(f), 42 Stat. 950.)

240. Value at date of shipment.—When the duty upon any imports shall be subject to be levied upon the true market value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul or legally authorized deputy. (R. S. § 2904.)

PART 2.—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

241. Manifests, form and contents.—The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest in a form to be prescribed by the Secretary of the Treasury and signed by such master under oath as to the truth of the statements therein contained. Such manifest shall contain:

First. The names of the ports at which the merchandise was taken on board and the ports of entry of the United States for which the same is destined, particularly describing the merchandise destined to each such port. The master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders, may destine such cargo "for orders," and within fifteen days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered.

Second. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel.

Third. A detailed account of all merchandise on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their

usual name or denomination, such as barrel, keg, hogshead, case, or bag.

Fourth. The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor, except that when such merchandise is consigned to order the manifest shall so state.

Fifth. The names of the several passengers aboard the vessel, stating whether cabin or steerage passengers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

Sixth. An account of the sea stores and ship's stores on board of the vessel. (Sept. 21, 1922, c. 356, Title IV, § 431, 42 Stat. 950.)

242. Same; separate specification of sea stores, etc.; forfeiture of articles in excess of specification or landed without permit; penalty.—The manifest of any vessel arriving from a foreign port or place shall separately specify the articles to be retained on board of such vessel as sea stores, ship's stores, or bunker coal or bunker oil, and if any other or greater quantity of sea stores, ship's stores, bunker coal, or bunker oil is found on board of any such vessel than is specified in the manifest, or if any such articles, whether shown on the manifest or not, are landed without a permit therefor issued by the collector, all such articles omitted from the manifest or landed without a permit shall be subject to forfeiture, and the master shall be liable to a penalty equal to the value of the articles. (Sept. 21, 1922, c. 356, Title IV, § 432, 42 Stat. 951.)

243. Report of arrival of vessels; duty of master.—Within twenty-four hours after the arrival of any vessel from a foreign port or place, or of a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or within any harbor or bay at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the customhouse, under such regulations as the Secretary of Commerce may prescribe. (Sept. 21, 1922, c. 356, Title IV, § 433, 42 Stat. 951.)

244. Entry of American vessels.—Except as otherwise provided by law, and under such regulations as the Secretary of Commerce may prescribe, the master of a vessel of the United States arriving in the United States from a foreign port or place shall, within forty-eight hours after its arrival within the limits of any customs collection district, make formal entry of the vessel at the customhouse by producing and depositing with the collector the vessel's crew list, its register, or document in lieu thereof, the clearance and bills of health issued to the vessel at the foreign port or ports from which it arrived, together with the original and one copy of the manifest, and shall make oath that the ownership of the vessel is as indicated in the register and that the manifest was made out in accordance with section 241 of this title. (Sept. 21, 1922, c. 356, Title IV, § 434, 42 Stat. 951.)

245. Entry of foreign vessels.—The master of any foreign vessel arriving within the limits of any customs collection district shall, within forty-eight hours thereafter, make entry at the customhouse in the same manner as is required for the entry of a vessel of the United States, except that a list of the crew need not be delivered, and that instead of depositing the register or document in lieu thereof such master may produce a certificate by the consul of the nation to which such vessel belongs that said documents have been deposited with him. Such exception shall not apply to the vessels of foreign nations in whose ports American consular officers are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nations. (Sept. 21, 1922, c. 356, Title IV, § 435, 42 Stat. 951.)

246. Failure to report or enter vessel.—Every master who fails to make the report or entry provided for in sections 243, 244, or 245 of this title shall, for each offense, be liable to a fine of not more than $1,000. (Sept. 21, 1922, c. 356, Title IV, § 436, 42 Stat. 951.)

247. Documents returned upon clearance.—The register, or document in lieu thereof, deposited in accordance with section 244 or 245 shall be returned to the master or owner of the vessel upon its clearance. (Sept. 21, 1922, c. 356, Title IV, § 437, 42 Stat. 951.)

248. Foreign consuls; return of documents before production of clearance; fine.—It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 245 of this title until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than $5,000. (Sept. 21, 1922, c. 356, Title IV, § 438, 42 Stat. 952.)

249. Mailing copy of manifest and corrections thereof to Comptroller General or comptroller of customs; failure; penalty.—Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port required to make entry shall mail to the Comptroller General of the United States at Washington, District of Columbia, or shall mail or deliver to the comptroller of customs, if any be located in such district, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail to said Comptroller General, or mail or deliver to said comptroller of customs a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails so to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than $500. (Sept. 21, 1922, c. 356, Title IV, § 439, 42 Stat. 952.)

250. Post entries; mailing copies to Comptroller General or comptroller of customs; failure; penalty.—If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail a copy to the Comptroller General of the United States or mail or deliver a copy to the comptroller of customs, if any, and for failure so to do shall be liable to a penalty of $500. (Sept. 21, 1922, c. 356, Title IV, § 440, 42 Stat. 952.)

251. Vessels not required to enter.—The following vessels shall not be required to make entry at the customhouse:

(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade;

(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided*, That the master of any such vessel shall be required to report such baggage and merchandise to the collector within twenty-four hours after arrival;

(3) Yachts of fifteen gross tons or under not permitted by law to carry merchandise or passengers for hire;

(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, or necessary sea stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any merchandise other than bunker coal, bunker oil, or necessary sea stores. The master, owner, or agent of such vessel shall report under oath to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, or necessary sea stores taken on board; and

(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear. (Sept. 21, 1922, c. 356, Title IV, § 441, 42 Stat. 952.)

252. Goods destined for ports other than port of entry at which vessel first arrived; bonds.—Any vessel having on board merchandise shown by the manifest to be destined to a foreign port or place may, after the report and entry of such vessel under the provisions of this chapter, proceed to such foreign port of destination with the cargo so destined therefor, without unlading the same and without the payment of duty thereon. Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof. The Secretary of the Treasury may, by general regulations or otherwise, require the master or owner of any vessel so proceeding to a foreign port or to a port or district other than that at which the vessel first arrived to give a bond in an amount equal to the estimated duties conditioned that no merchandise shall be landed in the United States from such vessel without entry therefor having been made and a permit secured from the customs officer and for the production of such landing certificates or other evidence of compliance with such bond as the Secretary of the Treasury may by general regulations require. (Sept. 21, 1922, c. 356, Title IV, § 442, 42 Stat. 952.)

253. Manifests; cargoes for different districts or ports; permits for departure from port of first arrival.—Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board. (Sept. 21, 1922, c. 356, Title IV, § 443, 42 Stat. 953.)

254. Entry at another port.—Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall make entry with the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with the certified copy of his manifest. (Sept. 21, 1922, c. 356, Title IV, § 444, 42 Stat. 953.)

255. Failure to obtain or to produce permit.—If the master of any such vessel shall proceed to another port or district without having obtained a permit therefor and a certified copy of his manifest, or if he shall fail to produce such permit and certified copy of his manifest to the collector at the port of destination, or if he shall proceed to any port not specified in the permit, he shall be liable to a penalty, for each offense, of not more than $500. (Sept. 21, 1922, c. 356, Title IV, § 445, 42 Stat. 953.)

256. Stores retained on board.—Vessels arriving in the United States from foreign ports may retain on board, without the payment of duty, all coal and other fuel supplies, ships' stores, sea stores, and the legitimate equipment of such vessels. Any such supplies, ships' stores, sea stores, or equipment landed and delivered from such vessel shall be considered and treated as imported merchandise. Bunker coal, bunker oil, ships' stores, sea stores, or the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, which are delayed in part for any cause, may be transferred under a permit by the collector and under customs supervision from the vessel so delayed to another vessel of the same line, and owner, and engaged in the foreign trade without the payment of duty thereon. (Sept. 21, 1922, c. 356, Title IV, § 446, 42 Stat. 953.)

257. Duty on equipments or repair parts for vessels.—The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel and furniture, shall be seized and forfeited. (R. S. § 3114; Sept. 21, 1922, c. 356, Title IV, § 466, 42 Stat. 957.)

258. Remission for necessary repairs.—If the owner or master of any vessel mentioned in section 257 of this title, however, furnishes good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety of the vessel to enable her to reach her port of destination, then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this section and section 257 of this title, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. (R. S. § 3115; Sept. 21, 1922, c. 356, Title IV, § 466, 42 Stat. 957.)

259. Place of entry and unlading; merchandise in bulk.—It shall be unlawful to make entry of any vessel or to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry. Upon good cause therefor being shown, the Secretary of Commerce may permit entry of any vessel to be made at a place other than a port of entry designated by him, under such conditions as he shall prescribe. Any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest. (Sept. 21, 1922, c. 356, Title IV, § 447, 42 Stat. 953.)

260. Unlading before entry or report of arrival and grant of permit; preliminary entry.—Except as provided in section 251 of this title, no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the collector. The master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this chapter. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle,

to unlade merchandise or baggage, but merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within forty-eight hours, exclusive of Sunday and holidays, from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by the collector, as provided in section 345 of this title, shall be sent to the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage, until entry thereof is made. (Sept. 21, 1922, c. 356, Title IV, § 448, 42 Stat. 953.)

261. Boarding officers may administer oaths; compensation.—Customs officers acting as boarding officers, and any customs officer who may be designated for that purpose by the collector of customs, are authorized to administer the oath or affirmation provided for in section 260 of this title, and such boarding officers shall be allowed extra compensation for services in boarding vessels at night or on Sundays or holidays—at the rate prescribed by the Secretary of the Treasury as provided in section 267 of this title, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessels. (Feb. 13, 1911, c. 46, § 5, 36 Stat. 901; Feb. 7, 1920, c. 61, 41 Stat. 402.)

262. Unlading; place; cases of emergency.—Except as provided in sections 252 and 259 of this title, merchandise and baggage imported in any vessel by sea shall be unladen at the port of entry to which such vessel is destined, unless (1) such vessel is compelled by any cause to put into another port of entry, and the collector of such port issues a permit for the unlading of such merchandise or baggage, or (2) the Secretary of the Treasury, because of an emergency existing at the port of destination, authorizes such vessel to proceed to another port of entry. Merchandise and baggage so unladen may be entered in the same manner as other imported merchandise or baggage and may be treated as unclaimed merchandise or baggage and stored at the expense and risk of the owner thereof, or may be reladen without entry upon the vessel from which it was unladen for transportation to its destination. (Sept. 21, 1922, c. 356, Title IV, § 449, 42 Stat. 954.)

263. Unlading on Sundays, holidays, or at night; special licenses.—No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the collector under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c. 356, Title IV, § 450, 42 Stat. 954.)

264. Bonds for special licenses.—Before any special license to unlade, as mentioned in section 263 of this title, shall be granted, the master, owner, or agent, of such vessel or vehicle shall be required to give a bond in a penal sum to be fixed by the collector conditioned to indemnify the United States for any loss or liability which might occur or be occasioned by reason of the granting of such special license and to pay the compensation and expenses of the customs officers and employees whose services are required in connection with such unlading at night or on Sunday or a holiday in accordance with the provisions of section 267 of this title. In lieu of such bond the owner, or agent, of any vessel or vehicle or line of vessels or vehicles may execute a bond in a penal sum to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of vessels or vehicles belonging to such line for a period of one year from the date thereof. (Sept. 21, 1922, c. 356, Title IV, § 451, 42 Stat. 954.)

265. Special license for lading at night or on Sundays or holidays.—No merchandise or baggage entered for transportation under bond or for exportation with the benefit of drawback, or other merchandise or baggage required to be laden under customs supervision, shall be laden on any vessel or vehicle at night or on Sunday or a holiday, except under special license therefor to be issued by the collector under the same conditions and limitations as pertain to the unlading of imported merchandise or merchandise being transported in bond. (Sept. 21, 1922, c. 356, Title IV, § 452, 42 Stat. 955.)

266. Penalty and forfeiture for lading or unlading contrary to law.—If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture. (Sept. 21, 1922, c. 356, Title IV, § 453, 42 Stat. 955.)

267. Compensation for overtime services; fixing working hours.—The Secretary of the Treasury shall fix a reasonable rate of extra compensation for overtime services of inspectors, storekeepers, weighers, and other customs officers and employees who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays, to perform services in connection with the lading or unlading of cargo, or the lading of cargo or merchandise for transportation in bond or for exportation in bond or for exportation with benefit of drawback, or in connection with the receiving or delivery of cargo on or from the wharf, or in connection with the unlading, receiving, or examination of passengers' baggage, such rates to be fixed on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond five o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from five o'clock postmeridian to eight o'clock antemeridian), and two additional days' pay for Sunday or holiday duty. The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance whenever such special license or permit for immediate lading or unlading or for lading or unlading at night or on Sundays or holidays shall be granted to the collector of customs, who shall pay the same to the several customs officers and employees entitled thereto according to the rates fixed therefor by the Secretary of the Treasury. Such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual lading, unlading, receiving, delivery, or examination takes place or not. In those ports where customary working hours are other than those hereinabove mentioned, the collector of customs is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said ports, but nothing contained in this section shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed. (Feb. 13, 1911, c. 46, § 5, 36 Stat. 901; Feb. 7, 1920, c. 61, 41 Stat. 402.)

268. Boarding and discharging inspectors; duties; obstructing or hindering; penalty.—The collector for the district in which any vessel or vehicle arrives from a foreign port or place may put on board of such vessel or vehicle while within such district, and if necessary while going from one district to another, one or more inspectors or other customs officers to examine the cargo and contents of such vessel or vehicle and superintend the unlading thereof, and to perform such other duties as may be required by law or the customs regulations for the protection of the revenue. Such inspector or other customs officer may, if he shall deem the same necessary for the protection of the revenue, secure the hatches or other communications or outlets of such vessel or vehicle with customs seals or other proper fastenings while such vessel is not in the act of unlading and such fastenings shall not be removed without permission of the inspector or other customs officer. Such inspector or other customs officer may require any vessel or vehicle to discontinue or suspend unlading during the continuance of unfavorable weather or any conditions rendering the discharge of cargo dangerous or detrimental to the revenue. Any officer, owner, agent of the owner, or member of the crew of any such vessel who obstructs or hinders any such inspector or other customs officer in the performance of his duties, shall be liable to a penalty of not more than $500. (Sept. 21, 1922, c. 356, Title IV, § 454, 42 Stat. 955.)

269. Same; compensation and expenses.—The compensation of any inspector or other customs officer, stationed on any vessel or vehicle while proceeding from one port to another and returning therefrom, shall be reimbursed to the Government by the master or owner of such vessel, together with the actual expense of such inspector or customs officer for subsistence, or in lieu of such expenses such vessel or vehicle may furnish such inspector or customs officer the accommodations usually supplied to passengers. (Sept. 21, 1922, c. 356, Title IV, § 455, 42 Stat. 955.)

270. Custody of cargo not unladen promptly.—Whenever any merchandise remains on board any vessel or vehicle from a foreign port more than twenty-five days after the date on which report of said vessel or vehicle was made, the collector may take posession of such merchandise and cause the same to be unladen at the expense and risk of the owners thereof, or may place one or more inspectors or other customs officers on board of said vessel or vehicle to protect the revenue. The compensation and expenses of any such inspector or customs officer for subsistence while on board of such vessel or vehicle shall be reimbursed to the Government by the owner or master of such vessel or vehicle. (Sept. 21, 1922, c. 356, Title IV, § 456, 42 Stat. 955.)

271. Unlading at risk of consignee until entry made.—At the request of the consignee of any merchandise, or of the owner or master of the vessel or the person in charge of the vehicle in which the same is imported, any merchandise may be taken posession of by the collector after the expiration of one day after the entry of the vessel or report of the vehicle and may be unladen and held at the risk and expense of the consignee until entry thereof is made. (Sept. 21, 1922, c. 356, Title IV, § 457, 42 Stat. 956.)

272. Time for unlading bulk cargo.—The limitation of time for unlading shall not extend to vessels laden exclusively with merchandise in bulk consigned to one consignee and arriving at a port for orders, but if the master of such vessel requests a longer time to discharge its cargo, the compensation of the inspectors or other customs officers whose services are required in connection with the unlading shall, for every day consumed in unlading in excess of twenty-five days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel. (Sept. 21, 1922, c. 356, Title IV, § 458, 42 Stat. 956.)

273. Landing spirits and wines; marking casks and cases.—The officers of inspection of any port where distilled spirits or wines shall be landed, shall, upon the landing thereof, and as soon as the casks, vessels, and cases containing the same shall be inspected, gauged, or measured, brand or otherwise mark in durable characters, the several casks, vessels, and cases containing the same, and the marks shall express the number of casks, vessels, or cases, whether of spirits or wines, marked by each officer respectively, in each year, in progressive numbers for each of the articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits or wines, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, and the rate of proof if spirits; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspections shall keep fair and correct accounts, in books to be provided for that purpose. (R. S. § 2885.)

274. Same; obliteration of marks.—On the sale of any cask, vessel, or case, which has been or shall be marked as containing distilled spirits or wines, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall, on due notice being given, attend for that purpose, at which time the certificate which ought to accompany such chest, vessel, or case, shall also be returned and canceled. Every person who shall obliterate, counterfeit, alter, or deface any mark or number placed by an officer of inspection upon any cask, vessel, or case, containing distilled spirits or wines, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, vessel, or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions of section 273 of this title, shall have been defaced or obliterated, in presence of an officer of inspection; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel, or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for every such offense be liable to a penalty of $100, with costs of suit. (R. S. § 2886.)

275. Imports from contiguous countries; reports and manifests; permits; penalties and forfeitures for failure to report arrival or unlading without permit.—The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. The master of any such vessel or the person in charge of any such vehicle who fails to report arrival in the United States as required by the provisions of this section shall be subject to a fine of $100 for each offense, and if any merchandise or baggage is unladen or discharged from any such vessel or vehicle without a permit therefor, the same, together with the vessel or vehicle in which imported, shall be subject to forfeiture. (Sept. 21, 1922, c. 356, Title IV, § 459, 42 Stat. 956.)

276. Same; failure to report arrival or file manifest.—If any merchandise is imported or brought into the United States in any vessel or vehicle from a contiguous country without being so reported to the collector, or in case of the neglect or failure of the master of the vessel or the person in charge of the vehicle to file a manifest therefor, such merchandise and the vessel or vehicle shall be subject to forfeiture and the master of such vessel or the person in charge of such vehicle shall be liable to a penalty equal to the value of the merchandise imported in such vessel or vehicle which was not reported to the collector or included in the manifest. (Sept. 21, 1922, c. 356, Title IV, § 460, 42 Stat. 956.)

277. Same; inspection of merchandise and baggage.—All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladen in the presence of and be inspected by a customs officer at the first port of entry at which the same shall arrive; and such officer may require the owner, or his agent, or other person, having charge or possession of any trunk, traveling bag, sack, valise, or other container, or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same. (Sept. 21, 1922, c. 356, Title IV, § 461, 42 Stat. 956.)

278. Same; forfeiture on refusal to permit inspection.—If such owner, agent, or other person shall fail to comply with his demand, the officer shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture. (Sept. 21, 1922, c. 356, Title IV, § 462, 42 Stat. 956.)

279. Same; sealing vessels or vehicles.—To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs or consular officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle. Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c. 356, Title IV, § 463, 42 Stat. 957.)

280. Same; failure to proceed to port of destination, etc.—If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than five years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture. (Sept. 21, 1922, c. 356, Title IV, § 464, 42 Stat. 957.)

281. Same; supplies, etc.; filing lists of with manifest; penalty for failure.—The master of any vessel of the United States documented to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers shall, upon arrival from a foreign contiguous territory, file with the manifest of such vessel a detailed list of all supplies or other merchandise purchased in such foreign country for use or sale on such vessel, and also a statement of the cost of all repairs to and all equipment taken on board such vessel. The conductor or person in charge of any railway car arriving from a contiguous country shall file with the manifest of such car a detailed list of all supplies or other merchandise purchased in such foreign country for use in the United States. If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, conductor, or other person having charge of such vessel or vehicle shall be liable to a fine of not less than $100 and not more than $500, or to imprisonment for not more than two years, or both. (Sept. 21, 1922, c. 356, Title IV, § 465, 42 Stat. 957.)

282. Oath of master.—In the oath to be taken by such master of such vessel, on making such report, he shall declare that such articles purchased for use of the vessel, designated "sea stores" are truly intended for the use exclusively of the vessel, and are not intended for sale, transfer, or private use. If any other or greater quantity of dutiable articles shall be found on board such vessel than are specified in such report or entry of such articles, or any part thereof shall be landed without a permit from a collector or other officer of the customs, such articles, together with the vessel, her apparel, tackle, and furniture, shall be forfeited. (R. S. § 3111.)

283. Duty on saloon stores.—Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel, belonging to and owned by such saloon keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon keeper or other person so purchasing and owning shall be liable to a penalty of not less than $100 and not more than $500, and shall be punishable by imprisonment for not less than three months, and not more than two years. (R. S. § 3113.)

284. Manifests of vessels in coasting trade.—The master of every vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, except canal boats employed in navigating the canals within the United States, shall, before the departure of his vessel from a port in one collection district to a port in another collection district, present to the collector at the port of departure duplicate manifests of his cargo, or, if he have no cargo, duplicate manifests setting forth that fact; such manifests shall be subscribed and sworn to by the master before the collector, who shall indorse thereon his certificate of clearance, retaining one for the files of his office; the other he shall deliver for the use of the master. (R. S. § 3116.)

285. Entry for goods taken or delivered at intermediate ports.—If any vessel so enrolled or licensed shall touch at any intermediate port in the United States, and there discharge cargo taken on board at an American port, or at such intermediate ports shall take on board cargo destined for an American port, the master of such vessel shall not be required to report such lading or unlading at such intermediate ports, but shall enter the same on his manifest obtained at the original port of departure, which he shall deliver to the collector of the port at which the unlading of the cargo is completed, within twenty-four hours after arrival, and shall subscribe and make oath as to the truth and correctness of the same. (R. S. § 3117.)

286. Departure for place where no customhouse.—The master of any vessel so enrolled or licensed shall, before de-

parting from a port in one collection district to a place in another collection district, where there is no customhouse, file his manifest, and obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance. (R. S. § 3118.)

287. Report and unlading of cargoes.—Nothing contained in sections 284 to 286 of this title shall exempt masters of vessels from reporting, as required by law, any merchandise destined for any foreign port. No permit shall be required for the unlading of cargo brought from an American port. (R. S. § 3119.)

288. Enrolled or licensed vessels.—Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear. (R. S. § 2793.)

289. Entry of ferryboats; vessels exempt from fees.—The masters of vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise, shall not be required to pay clearance fees.

Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from clearance fees while such service triweekly or oftener is maintained. (R. S. § 2792; May 28, 1908, 212, § 1; 35 Stat. 424.)

290. Departure from place where there is no customhouse.—The master of any vessel so enrolled or licensed, destined with a cargo from a place in the United States, at which there may be no customhouse, to a port where there may be a customhouse, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest, subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port, or place, to the truth of which manifest he shall make oath before such officer. If the vessel, however, have no cargo, the master shall not be required to deliver such manifest. (R. S. § 3122.)

291. Forms.—The manifests, certificates of clearance, and oaths, provided for by sections 284 to 287 and section 290 of this title shall be in such form, and prepared, filled up, and executed in such manner as the Secretary of the Treasury may from time to time prescribe. (R. S. § 3124.)

292. Penalty for neglect.—If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of sections 284 to 287, 290 and 291 of this title, such master shall forfeit and pay to the United States the sum of $20 for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States. (R. S. § 3125.)

293. Registered vessels touching at foreign ports.—Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed. (R. S. § 3126.)

294. Same; no duty by reason thereof.—Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage. (R. S. § 3127.)

PART 3.—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

Cross reference: Valuation of foreign currency for purpose of assessment and collection of duties, see section 372 of title 31.

331. Invoices of imported merchandise; contents; additional requirements.—All invoices of merchandise to be imported into the United States shall set forth—

(1) The port of entry to which the merchandise is destined;

(2) The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the time when and the person to whom and the person by whom it is shipped;

(3) A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, or symbols under which sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or, in the weights and measures of the United States;

(5) The purchase price of each item in the currency of the purchase, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase;

(6) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item, in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation;

(7) The kind of currency, whether gold, silver, or paper;

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices when the amounts for such charges are unknown to the seller or shipper;

(9) All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise; and

(10) Any other facts deemed necessary to a proper appraisement, examination, and classification of the merchandise that the Secretary of the Treasury may require. (Sept. 21, 1922, c. 356, Title IV, § 481(a), 42 Stat. 958.)

332. Same; merchandise shipped by other than manufacturer otherwise than by purchase.—If the merchandise is shipped to a person in the United States by a person other than the manufacturer, otherwise than by purchase, such person shall state

on the invoice the time when, the place where, the person from whom such merchandise was purchased, and the price paid therefor in the currency of the purchase, stating whether gold, silver, or paper. (Sept. 21, 1922, c. 356, Title IV, § 481(b), 42 Stat. 958.)

333. Same; goods purchased in different consular districts.—When the merchandise has been purchased in different consular districts for shipment to the United States and is assembled for shipment and embraced in a single invoice which is produced for certification under the provisions of paragraph (2) of section 334 of this title, the invoice shall have attached thereto the original bills or invoices received by the shipper or extracts therefrom, showing the actual prices paid or to be paid for such merchandise. The consular officer to whom the invoice is so produced for certification may require that any such original bill or invoice be certified by the consular officer for the district in which the merchandise was purchased. (Sept. 21, 1922, c. 356, Title IV, § 481(c), 42 Stat. 958.)

334. Certification of invoices; consular districts.—Every invoice covering merchandise exceeding $100 in value shall, at or before the time of the shipment of the merchandise, or as soon thereafter as the conditions will permit, be produced for certification to the consular officer of the United States—

(1) For the consular district in which the merchandise was manufactured, or purchased, or from which it was to be delivered pursuant to contract;

(2) For the consular district in which the merchandise is assembled and repacked for shipment to the United States, if it has been purchased in different consular districts. (Sept. 21, 1922, c. 356, Title IV, § 482(a), 42 Stat. 959.)

335. Declaration indorsed upon invoices.—Such invoices shall have indorsed thereon, when so produced, a verified declaration, in a form prescribed by the Secretary of the Treasury, stating whether the merchandise is sold or agreed to be sold, or whether it is shipped otherwise than in pursuance of a purchase or an agreement to purchase, that there is no other invoice differing from the invoice so produced, and that all the statements contained in such invoice and in such declaration are true and correct. (Sept. 21, 1922, c. 356, Title IV, § 482(b), 42 Stat. 959.)

336. Copies of certified invoices.—Every certified invoice shall be made out in triplicate or in quadruplicate, if desired by the shipper, for merchandise intended for immediate transportation, under the provisions of section 452 of this title, and shall be signed by the seller or shipper, or the agent of either. Where any such invoice is signed by an agent, he shall state thereon the name of his principal. (Sept. 21, 1922, c. 356, Title IV, § 482(c), 42 Stat. 959.)

337. Certifying invoices.—Such invoices shall be certified in accordance with the provisions of existing law. (Sept. 21, 1922, c. 356, Title IV, § 482(d), 42 Stat. 959.)

338. Indorsement upon invoice; port of entry.—The person producing an invoice for certification shall at the same time declare to the consul or vice consul the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, or vice consul, shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. (R. S. § 2855.)

339. Restriction on consular certificates.—No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. (R. S. § 2861.)

340. Consuls to exact proof of invoice.—All consular officers are authorized to require, before certifying any invoice, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State. (R. S. § 2862.)

341. Fraudulent practices; consul's report.—All consuls of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury. (R. S. § 2863.)

342. Disposition of original invoice and copies.—The original of the invoice shall be filed in the office of the consular officer by whom it was certified, to be there kept until the Secretary of State authorizes its destruction. The duplicate, and if made, the quadruplicate shall be delivered to the exporter, to be forwarded to the consignee for use in making entry of the merchandise and the triplicate shall be promptly transmitted by the consular officer to the collector of customs at the port of entry named in the invoice. (Sept. 21, 1922, c. 356, Title IV, § 482(e), 42 Stat. 959.)

343. Certification of invoices by other than American consular officers; certification in United States possessions.—When merchandise is to be shipped from a place so remote from an American consulate as to render impracticable certification of the invoice by an American consular officer, such invoice may be certified by consular officer of a nation at the time in amity with the United States, or if there be no such consular officer available such invoice shall be executed before a notary public or other officer having authority to administer oaths and having an official seal. Invoices for merchandise shipped to the United States from the Philippine Islands or any of its other possessions may be certified by the collector of customs or the person acting as such, or by his deputy. (Sept. 21, 1922, c. 356, Title IV, § 482(f), 42 Stat. 959.)

344. Ownership of merchandise; consignor; consignee.—All merchandise imported into the United States shall, for the purposes of this title, be held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof. The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along the coast of the United States may, for such purposes, be regarded as the consignees. (Sept. 21, 1922, c. 356, Title IV, § 483, 42 Stat. 959.)

345. Entry of merchandise; by whom made; time for making.—Except as provided in sections 159, 382, 370, 452, and 453 of this title, the consignee of imported merchandise shall make entry therefor either in person or by an agent authorized by him in writing under such regulations as the Secretary of the Treasury may prescribe. Such entry shall be made at the customhouse within forty-eight hours, exclusive of Sundays and holidays, after the entry of the importing vessel or report of the vehicle, or after the arrival at the port of destination in the case of merchandise transported in bond, unless the collector authorizes in writing a longer time. (Sept. 21, 1922, c. 356, Title IV, § 484(a), 42 Stat. 960.)

346. Same; certified invoices to be produced; exceptions.—No merchandise shall be admitted to entry under the provisions of sections 345 to 351 of this title without the production of a certified invoice therefor, except that entry may be permitted if—

(1) The collector is satisfied that the failure to produce such invoice is due to causes beyond the control of the person making entry;

(2) Such person makes a verified declaration in writing that he is unable to produce such invoice and (a) files therewith a seller's or shipper's invoice, or (b) if he is not in possession of a seller's or shipper's invoice files therewith a statement of the value, or the price paid, in the form of an invoice; and

(3) Such person gives a bond in a penal sum to be fixed by the Secretary of the Treasury for the production of such certified invoice within six months, and the payment of the penal sum so fixed as liquidated damages in the event such invoice is not so produced. (Sept. 21, 1922, c. 356, Title IV, § 484(b), 42 Stat. 960.)

347. Same; bill of lading to be produced; exceptions.—The consignee shall produce the bill of lading at the time of making entry, except that—

(1) If the collector is satisfied that no bill of lading has been issued, the shipping receipt or other evidence satisfactory to the collector may be accepted in lieu thereof; and

(2) The collector is authorized to permit entry and to release merchandise from customs custody without the production of the bill of lading if the person making such entry gives a bond satisfactory to the collector, in a sum equal to not less than one and one-half times the invoice value of the merchandise, to produce such bill of lading, to relieve the collector of all liability, to indemnify the collector against loss, to defend every action brought upon a claim for loss or damage, by reason of such release from customs custody or a failure to produce such bill of lading and to entitle any person injured by reason of such release from customs custody to sue on such bond in his own name, without making the collector a party thereto. Any person so injured by such release may sue on such bond to recover any damages so sustained by him. (Sept. 21, 1922, c. 356, Title IV, § 484(c), 42 Stat. 960.)

348. Same; signature; contents.—Such entry shall be signed by the consignee, or his agent, and shall set forth such facts in regard to the importation as the Secretary of the Treasury may require for the purpose of assessing duties and to secure a proper examination, inspection, appraisement, and liquidation, and shall be accompanied by such invoices, bills of lading, certificates and documents as are required by law and regulations promulgated thereunder. (Sept. 21, 1922, c. 356, Title IV, § 484(d), 42 Stat. 960.)

349. Same; enumeration of kinds and quantities of merchandise imported and their value.—The Secretary of the Treasury and the Secretary of Commerce are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States, and as a part of the entry there shall be attached thereto or included therein an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and the value of the total quantity of each kind of article. (Sept. 21, 1922, c. 356, Title IV, § 484(e), 42 Stat. 960.)

350. Same; subsequent entry of part of merchandise; separate entry of packages contained in packages for delivery to other persons.—If any of the certificates or documents necessary to make entry of any part of merchandise arriving on one vessel or vehicle and consigned to one consignee have not arrived, such part may be entered subsequently, and notation of the packages or cases to be omitted from the original entry shall be made thereon. One or more packages arriving on one vessel or vehicle addressed for delivery to one person and imported in another package containing packages addressed for delivery to other persons may be separately entered, under such rules and regulations as the Secretary of the Treasury may prescribe. All other merchandise arriving on one vessel or vehicle and consigned to one consignee shall be included in one entry. (Sept. 21, 1922, c. 356, Title IV, § 484(f), 42 Stat. 961.)

351. Same; statement of cost of production.—Under such regulations as the Secretary of the Treasury may prescribe, the collector or the appraiser may require a verified statement from the manufacturer or producer showing the cost of production of the imported merchandise, when necessary to the appraisement of such merchandise. (Sept. 21, 1922, c. 356, Title IV, § 484(g), 42 Stat. 961.)

352. Declaration by consignee; contents.—Every consignee making an entry under the provisions of sections 345 to 351 of this title shall make and file therewith, in a form to be prescribed by the Secretary of the Treasury, a declaration under oath, stating—

(1) Whether the merchandise is imported in pursuance of a purchase or an agreement to purchase, or whether it is imported otherwise than in pursuance of a purchase or agreement to purchase;

(2) That the prices set forth in the invoice are true, in the case of merchandise purchased or agreed to be purchased; or in the case of merchandise secured otherwise than by purchase or agreement to purchase, that the statements in such invoice as to foreign value are true to the best of his knowledge and belief;

(3) That all other statements in the invoice or other documents filed with the entry, or in the entry itself, are true and correct; and

(4) That he will produce at once to the collector any invoice, paper, letter, document, or information received showing that any such prices or statements are not true or correct. (Sept. 21, 1922, c. 356, Title IV, § 485(a), 42 Stat. 961.)

353. Same; for books, magazines, etc.—The Secretary of the Treasury is authorized to prescribe regulations for one declaration in the case of books, magazines, newspapers, and periodicals published and imported in successive parts, numbers, or volumes, and entitled to free entry. (Sept. 21, 1922, c. 356, Title IV, § 485(b), 42 Stat. 961.)

354. Same; bond by agent to produce declaration.—In the event that an entry is made by an agent under the provisions of sections 345 to 351 of this title, and such agent is not in possession of such declaration of the consignee, such agent shall give a bond, in a form and of a penal sum prescribed by the Secretary of the Treasury, to produce such declaration. (Sept. 21, 1922, c. 356, Title IV, 485(c), 42 Stat. 961.)

355. Same; when consignee not liable for additional or increased duties.—A consignee shall not be liable for any additional or increased duties if (1) he declares at the time of entry that he is not the actual owner of the merchandise, (2) he furnishes the name and address of such owner, and (3) within ninety days from the date of entry he produces a declaration of such owner conditioned that he will pay all additional and increased duties, under such regulations as the Secretary of the Treasury may prescribe. Such owner shall possess all the rights of a consignee. (Sept. 21, 1922, c. 356, Title IV, § 485(d), 42 Stat. 961.)

356. Same; separate forms for declaration.—The Secretary of the Treasury shall prescribe separate forms for the declaration in the case of merchandise which is imported in pursuance of a purchase or agreement to purchase and merchandise which is imported otherwise than in pursuance of a purchase or agreement to purchase. (Sept. 21, 1922, c. 356, Title IV, § 485(e), 42 Stat. 961.)

357. Same; merchandise consigned to deceased, insolvent, partnership, or corporation.—Whenever such merchandise is consigned to a deceased person, or to an insolvent person who has assigned the same for the benefit of his creditors, the executor or administrator, or the assignee of such person or receiver or trustee in bankruptcy, shall be considered as the

consignee; when consigned to a partnership the declaration of one of the partners only shall be required, and when consigned to a corporation such declaration may be made by any officer of such corporation, or by any other person specifically authorized by the board of directors of such corporation to make the same. (Sept. 21, 1922, c. 356, Title IV, § 485(f), 42 Stat. 961.)

358. Bond for production of invoices, declarations, etc., where merchandise not sent to public stores.—Upon entry of any merchandise, none of which or a part only of which is sent to the public stores for inspection, examination, or appraisal, the consignee shall give a bond, conditioned that he will produce all invoices, declarations, and other documents or papers required by law or regulations made in pursuance thereof upon the entry of imported merchandise; and that he will comply with all the requirements of the laws or regulations made in pursuance thereof relating to the importation and admission of such merchandise and will return to the collector, when demanded by such collector, not later than ten days after the appraiser's report, such of the merchandise as was not sent to the public stores, and also will return to the collector, on demand by him, any and all merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States. Such bond shall be given in a form and in a penalty to be prescribed by the Secretary of the Treasury, the penalty thereof to be paid as liquidated damages. Instead of a bond upon each entry the Secretary of the Treasury may prescribe a bond to be taken from any consignee to cover all importations entered by him within a period of one year from the date thereof. (Sept. 21, 1922, c. 356, Title IV, § 486, 42 Stat. 962.)

359. Additions to entry; deductions from cost or valuation in invoice.—The consignee, or his agent, may, at the time entry is made or at any time before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement, make such additions in the entry to or such deductions from the cost or value given in the invoice as in his opinion may raise or lower the same to the value of such merchandise. (Sept. 21, 1922, c. 356, Title IV, § 487, 42 Stat. 962.)

360. Appraisal.—The collector within whose district any merchandise is entered shall cause such merchandise to be appraised. (Sept 21, 1922, c. 356, Title IV, § 488, 42 Stat. 962.)

361. Additional duties where merchandise undervalued; fraudulent undervaluation; assessment of duties upon amount less than entered value.—If the final appraised value of any article of imported merchandise which is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the entered value, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per centum of the total final appraised value thereof for each 1 per centum that such final appraised value exceeds the value declared in the entry. Such additional duty shall apply only to the particular article or articles in each invoice that are so advanced in value upon final appraisement and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the final appraised value does not exceed the amount of duty that would be imposed if the final appraised value did not exceed the entered value, and shall be limited to 75 per centum of the final appraised value of such article or articles. Such additional duties shall not be construed to be penal and shall not be remitted nor payment thereof in any way avoided, except in the case of a manifest clerical error, upon the order of the Secretary of the Treasury, or in any case upon the finding of the Board of General Appraisers, upon a petition filed and supported by satisfactory evidence under such rules as the board may prescribe, that the entry of the merchandise at a less value than that returned upon final appraisement was without any intention to defraud the revenue of the United States or to conceal or misrepresent the facts of the case or to deceive the appraiser as to the value of the merchandise. If the appraised value of any merchandise exceeds the value declared in the entry by more than 100 per centum, such entry shall be presumptively fraudulent, and the collector shall seize the whole case or package containing such merchandise and proceed as in case of forfeiture for violation of the customs laws; and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he rebuts such presumption of fraud by sufficient evidence.

Upon the making of such order or finding, the additional duties shall be remitted or refunded, wholly or in part, and the entry shall be liquidated or reliquidated accordingly. Such additional duties shall not be refunded in case of exportation of the merchandise, nor shall they be subject to the benefit of drawback. All additional duties, penalties, or forfeitures applicable to merchandise entered in connection with a certified invoice shall be alike applicable to merchandise entered in connection with a seller's or shipper's invoice or statement in the form of an invoice. Duties shall not, however, be assessed upon an amount less than the entered value, except in a case where the importer certifies at the time of entry that the entered value is higher than the value as defined in this chapter, and that the goods are so entered in order to meet advances by the appraiser in similar cases then pending on appeal for reappraisement or re-reappraisement, and the importer's contention in said pending cases shall subsequently be sustained, wholly or in part, by a final decision on reappraisement or re-reappraisement, and it shall appear that the action of the importer on entry was so taken in good faith, after due diligence and inquiry on his part, and the collector shall liquidate the entry in accordance with the final appraisement. (Sept. 21, 1922, c. 356, Title IV, § 489, 42 Stat. 962.)

362. Incomplete entry; storage of merchandise in bonded warehouse.—Whenever entry of any imported merchandise is not made within the time provided by law or the regulations prescribed by the Secretary of the Treasury, or whenever entry of such merchandise is incomplete because of failure to pay the estimated duties, or whenever, in the opinion of the collector, entry of such merchandise can not be made for want of proper documents or other cause, or whenever the collector believes that any merchandise is not correctly and legally invoiced, he shall take the merchandise into his custody and send it to a bonded warehouse or public store, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production. (Sept. 21, 1922, c. 356, Title IV, § 490, 42 Stat. 963.)

363. Unclaimed goods; sale; explosive or perishable articles.—If any merchandise of which possession has been taken by the collector shall remain in bonded warehouse or public store for one year without entry thereof having been made and the duties and charges thereon paid, such merchandise shall be appraised by the appraiser of merchandise and sold by the collector at public auction as abandoned to the Government, under such regulations as the Secretary of the Treasury shall prescribe. All gunpowder and other explosive substances and merchandise liable to depreciation in value by damage, leakage, or other cause to such extent that the proceeds of sale thereof may be insufficient to pay the duties, storage, and other charges, if permitted to remain in public store or bonded warehouse for a period of one year, may be sold forthwith,

under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c. 356, Title IV, § 491, 42 Stat. 963.)

364. Destruction of abandoned or forfeited merchandise.—Except as provided in section 774 of Title 26, any merchandise abandoned or forfeited to the Government under section 363 of this title or any other provision of the customs laws, which is subject to internal-revenue tax and which the collector shall be satisfied will not sell for a sufficient amount to pay such taxes, shall be forthwith destroyed under regulations to be prescribed by the Secretary of the Treasury, instead of being sold at auction. (Sept. 21, 1922, c. 356, Title IV, § 492, 42 Stat. 963.)

365. Proceeds of sale of unclaimed goods.—The surplus of the proceeds of sale under section 363 of this title, after the payment of storage charges, expenses, duties, and the satisfaction of any lien for freight, charges, or contribution in general average, shall be deposited by the collector in the Treasury of the United States, if claim therefor shall not be filed with the collector within ten days from the date of sale, and the sale of such merchandise shall exonerate the master of any vessel in which the merchandise was imported from all claims of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any surplus of the proceeds of sale. (Sept. 21, 1922, c. 356, Title IV, § 493, 42 Stat. 964.)

366. Expense of ascertaining weight, quantity, or measure of merchandise.—In all cases in which the invoice or entry does not state the weight, quantity, or measure of the merchandise, the expense of ascertaining the same shall be collected from the consignee before its release from customs custody. (Sept. 21, 1922, c. 356, Title IV, § 494, 42 Stat. 964.)

367. Partnership bonds.—When any bond is required by law to be executed by any partnership for any purpose connected with the transaction of business at any customhouse, the execution of such bond by any member of such partnership shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same. (Sept. 21, 1922, c. 356, Title IV, § 495, 42 Stat. 964.)

368. Baggage; examination.—The collector may cause an examination to be made of the baggage of any person arriving in the United States in order to ascertain what articles are contained therein and whether subject to duty, free of duty, or prohibited notwithstanding a declaration and entry therefor has been made. (Sept. 21, 1922, c. 356, Title IV, § 496, 42 Stat. 964.)

369. Same; forfeiture of articles not included in declaration.—Any article not included in the declaration and entry as made, and, before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to forfeiture and such person shall be liable to a penalty equal to the value of such article. (Sept. 21, 1922, c. 356, Title IV, § 497, 42 Stat. 964.)

370. Declaration and entry of certain merchandise; household goods, gifts, tools of trade, etc.; rules and regulations.—The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

(1) Merchandise not exceeding $100 in value, including such merchandise imported through the mails;

(2) Merchandise damaged by fire or marine casualty on the voyage of importation;

(3) Merchandise recovered from a wrecked or stranded vessel;

(4) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

(5) Articles sent by persons in foreign countries as gifts to persons in the United States;

(6) Articles carried on the person or contained in the baggage of a person arriving in the United States;

(7) Tools of trade of a person arriving in the United States;

(8) Personal effects of citizens of the United States who have died in a foreign country;

(9) Merchandise within the provisions of sections 257, 258, and 281 of this title, at the first port of arrival;

(10) Merchandise when in the opinion of the Secretary of the Treasury the value thereof can not be declared; and

(11) Merchandise within the provisions of sections 472 to 475 of this title. (Sept. 21, 1922, c. 356, Title IV, § 498(a), 42 Stat. 964.)

371. Same.—The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of sections 345 to 357 of this title. (Sept. 21, 1922, c. 356, Title IV, § 498(b), 42 Stat. 965.)

372. Inspection, examination, or appraisal of merchandise; packages or quantities to be opened and examined; articles not specified in invoice.—Imported merchandise, required by law or regulations made in pursuance thereof to be inspected, examined, or appraised, shall not be delivered from customs custody, except as otherwise provided in this chapter, until it has been inspected, examined, or appraised and is reported by the appraiser to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States. The collector shall designate the packages or quantities covered by any invoice or entry which are to be opened and examined for the purpose of appraisement or otherwise and shall order such packages or quantities to be sent to the public stores or other places for such purpose. Not less than one package of every invoice and not less than one package of every ten packages of merchandise, shall be so designated unless the Secretary of the Treasury, from the character and description of the merchandise, is of the opinion that the examination of a less proportion of packages will amply protect the revenue and by special regulation permit a less number of packages to be examined. The collector or the appraiser may require such additional packages or quantities as either of them may deem necessary. If any package is found by the appraiser to contain any article not specified in the invoice and he reports to the collector that in his opinion such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be liable to seizure, but if the appraiser reports that no such fraudulent intent is apparent then the value of said article shall be added to the entry and the duties thereon paid accordingly. If a deficiency is found in quantity, weight, or measure in the examination of any package, report thereof shall be made to the collector, who shall make allowance therefor in the liquidation of duties. (Sept. 21, 1922, c. 356, Title IV, § 499, 42 Stat. 965.)

373. Duties of appraisers.—It shall be the duty of the appraiser under such rules and regulations as the Secretary of the Treasury may prescribe—

(1) To appraise imported merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or cost of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

(2) To ascertain the number of yards, parcels, or quantities of the merchandise ordered or designated for examination;

(3) To ascertain whether the merchandise has been truly and correctly invoiced;

(4) To describe the merchandise in order that the collector may determine the dutiable classification thereof; and

(5) To report his decisions to the collector. (Sept. 21, 1922, c. 356, Title IV, § 500(a), 42 Stat. 965.)

374. Same; review of reports of assistant appraisers.—At ports where there are assistant appraisers provided for by law the appraiser shall have power to review and to revise and correct the reports of such assistant appraisers. (Sept. 21, 1922, c. 356, Title IV, § 500(b), 42 Stat. 965.)

375. Duties of assistant appraisers.—It shall be the duty of an assistant appraiser—

(1) To examine and inspect such merchandise as the appraiser may direct, and to report to him the value thereof;

(2) To revise and correct the reports and to supervise and direct the work of such examiners and other employees as the appraiser may designate; and

(3) To assist the appraiser, under such regulations as the Secretary of the Treasury or the appraiser may prescribe. (Sept. 21, 1922, c. 356, Title IV, § 500(c), 42 Stat. 965.)

376. Same; port of New York; report deemed appraisement.—Such report by an assistant appraiser at the port of New York, when approved by him shall be transmitted to the collector, and shall be deemed an appraisement by the United States local appraiser of the district of such merchandise required by law. (R. S. § 2615.)

377. Duties of examiners.—It shall be the duty of an examiner to examine and inspect imported merchandise and report the value and such other facts as the appraiser may require in his appraisement or report, and to perform such other duties as may be prescribed by rules and regulations of the Secretary of the Treasury or the appraiser. (Sept. 21, 1922, c. 356, Title IV, § 500(d), 42 Stat. 966.)

378. Appraiser as special examiner.—One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth. (R. S. § 2938.)

379. Instructions to prevent importation.—The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines. (R. S. § 2612.)

380. Acting appraisers.—The Secretary of the Treasury is authorized to designate an officer of the customs as acting appraiser at a port where there is no appraiser. Such acting appraiser shall take the oath, perform all the duties, and possess all the powers of an appraiser. (Sept. 21, 1922, c. 356, Title IV, § 500(e), 42 Stat. 966.)

381. Appeal for reappraisement to Board of General Appraisers.—The decision of the appraiser shall be final and conclusive upon all parties unless a written appeal for a reappraisement is filed with or mailed to the Board of General Appraisers by the collector within sixty days after the date of the appraiser's report, or filed by the consignee, or his agent, with the collector within ten days after the date of personal delivery, or if mailed the date of mailing of written notice of appraisement to the consignee, his agent, or his attorney. No such appeal filed by the consignee, or his agent, shall be deemed valid, unless he has complied with all the provisions of this chapter relating to the entry and appraisement of such merchandise. Every such appeal shall be transmitted with the entry and the accompanying papers by the collector to the Board of General Appraisers and shall be assigned to one of the general appraisers, who shall ascertain and return the value of the merchandise and shall give reasonable notice to the importer and to the person designated to represent the Government in such proceedings of the time and place of the hearing, at which the parties and their attorneys shall have an opportunity to introduce evidence and to hear and cross-examine the witnesses of the other party and to inspect all samples and all papers admitted or offered as evidence. In finding such value affidavits of persons whose attendance can not reasonably be had, price lists, catalogues, reports or depositions of consuls, special agents, collectors, appraisers, assistant appraisers, examiners, and other officers of the Government may be considered. Copies of official documents, when certified by an official duly authorized by the Secretary of the Treasury, may be admitted in evidence with the same force and effect as original documents.

The decision of the general appraiser, after argument on the part of the interested parties if requested by them or by either of them, shall be final and conclusive upon all parties unless within ten days from the date of the filing of the decision with the collector an application for its review shall be filed with or mailed to said board by the collector or other person authorized by the Secretary of the Treasury, and a copy of such application mailed to the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forthwith forwarded to the Board of General Appraisers. Every such application shall be assigned by the Board of General Appraisers to a board of three general appraisers, who shall consider the case upon the samples of the merchandise, if there be any, and the record made before the general appraiser, and, after argument on the part of the parties if requested by them or either of them, shall affirm, reverse, or modify the decision of the general appraiser or remand the case to the general appraiser for further proceedings, and shall state its action in a written decision, to be forwarded to the collector, setting forth the facts upon which the finding is based and the reasons therefor. The decision of the Board of General Appraisers shall be final and conclusive upon all parties unless an appeal shall be taken by either party to the Court of Customs Appeals upon a question or questions of law only within the time and in the manner provided by section 310 of Title 28. (Sept. 21, 1922, c. 356, Title IV, § 501, 42 Stat. 966.)

382. Regulations for appraisal, and classification and assessment of duties; control of appraisers, etc.—The Secretary of the Treasury shall establish and promulgate such rules and regulations not inconsistent with the law, and may disseminate such information as may be necessary to secure a just, impartial, and uniform appraisement of imported merchandise and the classification and assessment of duties thereon at the various ports of entry, and may direct any appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise to go from one port of entry to another for the purpose of appraising or assisting in appraising merchandise imported at such port. (Sept. 21, 1922, c. 356, Title IV, § 502(a), 42 Stat. 967.)

383. Reversal or modification of rulings of Secretary of Treasury.—No ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States, by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney General recommending the same, or a final decision of the Board of General Appraisers. (Sept. 21, 1922, c. 356, Title IV, § 502(b), 42 Stat. 967.)

384. Execution of instructions of Secretary of Treasury; decisions of Secretary binding.—It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty arises as to the true construction or meaning of any part of the

revenue laws, the decision of the Secretary shall be binding upon all officers of the customs. (Sept. 21, 1922, c. 356, Title IV, § 502(c), 42 Stat. 967.)

385. Assessment of ad valorem duties; duties on coverings or containers.—Whenever imported merchandise is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the value returned by the appraiser, general appraiser, or Board of General Appraisers, as the case may be. If there shall be used for covering or holding imported merchandise, whether dutiable or free of duty, any unusual material, article, or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duties shall be levied upon such material, article, or form at the rate or rates to which the same would be subjected if separately imported. (Sept. 21, 1922, c. 356, Title IV, § 503, 42 Stat. 967.)

386. Deposit of estimated duty; ascertaining, fixing, and liquidating duties.—The consignee shall deposit with the collector, at the time of making entry, unless the merchandise is entered for warehouse or transportation, or under bond, the amount of duty estimated to be payable thereon. Upon receipt of the appraiser's report and of the various reports of landing, weight, gauge, or measurement, the collector shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise as provided by law and shall give notice of such liquidation in the form and manner prescribed by the Secretary of the Treasury, and collect any increased or additional duties due or refund any excess of duties deposited as determined on such liquidation. (Sept. 21, 1922, c. 356, Title IV, § 504, 42 Stat. 967.)

387. Allowances on abandonment by importer, and for decay of or injury to merchandise.—Allowance shall be made in the estimation and liquidation of duties under regulations prescribed by the Secretary of the Treasury in the following cases:

(1) Where the importer abandons, within ten days after entry, to the United States all or any portion amounting to 10 per centum or more of the total value or quantity of merchandise in any invoice, and delivers the portion so abandoned to such place as the collector directs unless the collector is satisfied that it is so far destroyed as to be nondeliverable;

(2) Where, at the time of importation, 5 per centum or more of the total value or quantity of fruit or other perishable merchandise in any invoice is decayed or injured so that its commercial value has been destroyed;

(3) Where fruit or other perishable merchandise has been condemned at the port of entry, within ten days after landing, by the health officers or other legally constituted authorities, and the consignee, within five days after such condemnation, files with the collector written notice thereof, an invoiced description and the location thereof, and the name of the vessel or vehicle in which imported. (Sept. 21, 1922, c. 356, Title IV, § 505, 42 Stat. 967.)

388. Tare, draft, or other impurities.—The Secretary of the Treasury is authorized to prescribe and issue regulations for the ascertainment of tare upon imported merchandise, including the establishment of reasonable and just schedule tares therefor, but in no case shall there be any allowance for draft or for impurities, other than excessive moisture and impurities not usually found in or upon such or similar merchandise. (Sept. 21, 1922, c. 356, Title IV, § 506, 42 Stat. 968.)

389. Duty on commingled merchandise.—Whenever dutiable merchandise and merchandise which is free of duty or merchandise subject to different rates of duty are so packed together or mingled that the quantity or value of each class of such merchandise can not be readily ascertained by the customs officers, the whole of such merchandise shall be subject to the highest rate of duty applicable to any part thereof unless the importer or consignee shall segregate such merchandise at his own risk and expense under customs supervision within ten days after entry thereof, in order that the quantity and value of each part or class thereof may be ascertained. (Sept. 21, 1922, c. 356, Title IV, § 507, 42 Stat. 968.)

390. Hydrometers.—The Secretary of the Treasury may, under the direction of the President, adopt such hydrometer as he may deem best calculated to promote the public interest for the purpose of ascertaining the proof of liquors; and, after such adoption, the duties imposed by law upon distilled spirits shall be collected according to proof ascertained by any hydrometer so adopted. (R. S. § 2918.)

391. Ascertainment of duties on grain.—For the purpose of estimating the duties on importations of grain, the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of peas, and forty-two pounds of buckwheat, avoirdupois weight, shall respectively be estimated as a bushel. (R. S. § 2919.)

392. Examination of importers, consignees, agents, etc.; production of documents.—Collectors, appraisers, general appraisers, and boards of general appraisers may cite to appear before them or any of them and to examine upon oath, which said officers or any of them are authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they, or any of them, may deem material respecting any imported merchandise then under consideration or previously imported within one year, in ascertaining the classification or the value thereof or the rate or amount of duty; and they, or any of them, may require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed and preserved, under such rules as the Board of General Appraisers may prescribe, and such evidence may be given consideration in all subsequent proceedings relating to such merchandise. (Sept. 21, 1922, c. 356, Title IV, § 508, 42 Stat. 968.)

393. Failure to submit to examination or produce documents; penalty; conclusiveness of appraisement; false swearing.—If any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a board of general appraisers, or a local appraiser, or a collector, he shall be liable to a penalty of not less than $20 nor more than $500; and if such person be the owner, importer, or consignee, the appraisement last made of such merchandise, whether made by an appraiser, a general appraiser, or a board of general appraisers, shall be final and conclusive against such person; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or board of general appraisers, or local appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited or the value thereof may be recovered from him. (Sept. 21, 1922, c. 356, Title IV, § 509, 42 Stat. 968.)

394. Inspection of exporter's books; failure to permit; prohibiting importation; withholding delivery of and selling merchandise imported.—If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or a general appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market

value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped or consigned by such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise. (Sept. 21, 1922, c. 356, Title IV, § 510, 42 Stat. 968.)

395. Inspection of importer's books; prohibiting importation; withholding delivery of and selling merchandise.—If any person importing merchandise into the United States or dealing in imported merchandise fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or a general appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation of merchandise into the United States by or for the account of such person, and (2) shall instruct the collectors to withhold delivery of merchandise imported by or for the account of such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise. (Sept. 21, 1922, c. 356, Title IV, § 511, 42 Stat. 969.)

396. Deposit of moneys paid for unascertained duties or under protest.—All moneys paid to any collector for unascertained duties or for duties paid under protest against the rate or amount of duties charged shall be deposited to the credit of the Treasurer of the United States and shall not be held by the collectors to await any ascertainment of duties or the result of any litigation in relation to the rate or amount of duties legally chargeable and collectible in any case where money is so paid. (Sept. 21, 1922, c. 356, Title IV, § 512, 42 Stat. 969.)

397. Immunity of customs officers from liability.—No collector or other customs officer shall be in any way liable to any owner, importer, consignee, or agent or any other person for or on account of any rulings or decisions as to the appraisement or the classification of any imported merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent might under this chapter be entitled to protest or appeal from the decision of such collector or other officer. (Sept. 21, 1922, c. 356, Title IV, § 513, 42 Stat. 969.)

398. Protests; necessity for; time for filing; contents; amendment.—All decisions of the collector, including the legality of all orders and findings entering into the same, as to the rate and amount of duties chargeable, and as to all exactions of whatever character (within the jurisdiction of the Secretary of the Treasury), and his decisions excluding any merchandise from entry or delivery, under any provision of the customs revenue laws, and his liquidation of any entry, or refusal to pay any claim for drawback, or his refusal to reliquidate any entry for a clerical error discovered within one year after the date of entry, or within sixty days after liquidation when liquidation is made more than ten months after the date of entry, shall be final and conclusive upon all persons, unless the importer, consignee, or agent of the person paying such charge or exaction, or filing such claim for drawback, or seeking such entry or delivery, shall, within sixty days after, but not before such liquidation or decision, as well in cases of merchandise entered in bond as for consumption, file a protest in writing with the collector setting forth distinctly and specifically, and in respect to each entry, payment, claim, or decision, the reasons for the objection thereto, and if the merchandise is entered for consumption shall pay the full amount of duties, charges, and exactions ascertained to be due thereon. Under such rules as the Board of General Appraisers may prescribe, and in its discretion, a protest may be amended at any time prior to the first docket call thereof. (Sept. 21, 1922, c. 356, Title IV, § 514, 42 Stat. 969.)

399. Same; review of decision by collector; refunds; finality of determination on protest.—Upon the filing of such protest and payment of duties and other charges the collector shall within sixty days thereafter review his decision, and may modify the same in whole or in part and thereafter refund any duties, charge, or exaction found to have been collected in excess, or pay any drawback found due, of which notice shall be given as in the case of the original liquidation, and against which protest may be filed within the same time and in the same manner and under the same conditions as against the original liquidation or decision. If the collector shall, upon such review, affirm his original decision, or, upon the filing of a protest against his modification of any decision, the collector shall forthwith transmit the entry and the accompanying papers, and all the exhibits connected therewith, to the Board of General Appraisers for due assignment and determination as provided by law. Such determination shall be final and conclusive upon all persons, and the papers transmitted shall be returned, with the decision and judgment order thereon, to the collector, who shall take action accordingly, except in cases in which an appeal shall be filed in the United States Court of Customs Appeals within the time and in the manner provided by law. (Sept. 21, 1922, c. 356, Title IV, § 515, 42 Stat. 970.)

400. Complaint by American manufacturer, producer, or wholesaler; appraised value of imported merchandise; appeal for reappraisement by Secretary of Treasury, consignee, or American manufacturer, etc.—Whenever an American manufacturer, producer, or wholesaler believes that the appraised value of any imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him is too low, he may file with the Secretary of the Treasury a complaint setting forth the value at which he believes the merchandise should be appraised and the facts upon which he bases his belief. The Secretary shall thereupon transmit a copy of such complaint to the appraiser at each port of entry where the merchandise is usually imported. Until otherwise directed by the Secretary, the appraiser shall report each subsequent importation of the merchandise giving the entry number, the name of the importer, the appraised value, and his reasons for the appraisement. If the Secretary does not agree with the action of the appraiser, he shall instruct the collector to file an appeal for a reappraisement as provided in section 381 of this title, and such manufacturer, producer, or wholesaler shall have the right to appear and to be heard as a party in interest under such rules as the Board of General Appraisers may prescribe. The Secretary shall notify such manufacturer, producer, or wholesaler of the action taken by such appraiser giving the port of entry, the entry number, and the appraised value of such merchandise and the action he has taken thereon. If the appraiser advances the entered value of merchandise upon the information furnished by the American manufacturer, producer, or wholesaler, and an appeal is taken by the consignee, such manufacturer, producer, or wholesaler shall have the right to appear and to be heard as a party in interest, under such rules as the Board of General Appraisers may prescribe. If the American manufacturer, producer, or wholesaler is not satisfied with the action of the Secretary, or the action of the

appraiser thereon, he may file, within ten days after the date of the mailing of the Secretary's notice, an appeal for a reappraisement in the same manner and with the same effect as an appeal by a consignee under the provisions of said section 381. (Sept. 21, 1922, c. 356, Title IV, § 516(a), 42 Stat. 970.)

401. Same; classification of and rate of duty imposed upon imported merchandise; procedure thereon; protest by American manufacturer, etc.—The Secretary of the Treasury shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification of and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the proper rate of duty is not being assessed, he may file a complaint with the Secretary of the Treasury setting forth a description of the merchandise, the classification, and the rate or rates of duty he believes proper, and the reasons for his belief. If the Secretary believes that the classification of or rate of duty assessed upon the merchandise is not correct, he shall notify the collectors as to the proper classification and rate of duty and shall so inform such manufacturer, producer, or wholesaler, and such rate of duty shall be assessed upon all merchandise imported or withdrawn from warehouse after thirty days after the date of such notice to the collectors. If the Secretary believes that the classification and rate of duty are correct, he shall so inform such manufacturer, producer, or wholesaler. If dissatisfied with the action of the Secretary, such manufacturer, producer, or wholesaler may file with him a notice that he desires to protest the classification or the rate of duty imposed upon the merchandise, and upon receipt of such notice the Secretary shall furnish him with such information as to the entry, the consignee, and the port of entry as will enable him to protest the classification of or the rate of duty imposed upon the merchandise when liquidated at any port of entry. Upon written request therefor by such manufacturer, producer, or wholesaler, the collector of such port of entry shall notify him immediately of the date of liquidation. Such manufacturer, producer, or wholesaler may file, within sixty days after the date of liquidation, with the collector of such port a protest in writing setting forth a description of the merchandise and the classification and the rate of duty he believes proper, with the same effect as a protest of a consignee filed under the provisions of sections 398 and 399 of this title. (Sept. 21, 1922, c. 356, Title IV, § 516(b), 42 Stat. 971.)

402. Same; copies of appeals and protests for consignee; appearance by consignee before Board of General Appraisers; appeal to Court of Customs Appeals.—A copy of every appeal and every protest filed by an American manufacturer, producer, or wholesaler under the provisions of this section shall be mailed by the collector to the consignee or his agent within five days after the filing thereof, and such consignee or his agent shall have the right to appear and to be heard as a party in interest before the Board of General Appraisers. The collector shall transmit the entry and all papers and exhibits accompanying or connected therewith to the Board of General Appraisers for due assignment and determination of the proper value or of the proper classification and rate of duty. The decision of the Board of General Appraisers upon any such appeal or protest shall be final and conclusive upon all parties unless an appeal is taken by either party to the Court of Customs Appeals, as provided in sections 381 and 399 of this title. (Sept. 21, 1922, c. 356, Title IV, § 516(c), 42 Stat. 971.)

403. Same; inspection of documents, etc., of consignee by American manufacturer, etc.—In proceedings instituted under the provisions of sections 400 to 402 of this title an American manufacturer, producer, or wholesaler shall not have the right to inspect any documents or papers of the consignee or importer disclosing any information which the general appraiser or the Board of General Appraisers shall deem unnecessary or improper to be disclosed to him. (Sept. 21, 1922, c. 356, Title IV, § 516(d), 42 Stat. 971.)

404. Frivolous appeals or protests; penalty; filing appeal.—Upon motion of the counsel for the Government, it shall be the duty of the Board of General Appraisers to decide whether any appeal for reappraisement or protest filed under the provisions of sections 381 and 398 to 403 of this title is frivolous, and if said board shall so decide, a penalty of not less than $5 nor more than $250 shall be assessed against the person filing such appeal for reappraisement or protest. All appeals for reappraisement or protests filed by the same person and raising the same issue shall, if held frivolous by said board, be consolidated and deemed one proceeding for the purpose of imposing the penalty provided in this section. The person against whom such penalty is assessed may have a review by the Court of Customs Appeals of the decision of said board by filing an appeal in said court within the time and in the manner provided by section 310 of Title 28. (Sept. 21, 1922, c. 356, Title IV, § 517, 42 Stat. 971.)

405. Board of General Appraisers; members; vacancies; salaries; removal; office; powers of board and members thereof; president; expenses; retirement.—The Board of General Appraisers shall consist of nine members and all vacancies in said board shall be filled by appointment by the President, by and with the advice and consent of the Senate, not more than five of whom shall be appointed from the same political party and each of whom shall receive a salary of $9,000 a year. They shall not engage in any other business, vocation, or employment, and shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes and no other: Neglect of duty, malfeasance in office, or inefficiency. The office of said board shall be at the port of New York, and the board and each member thereof shall have and possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses, the production of evidence, and in punishing for contempt. Said board shall have power to establish from time to time such rules of evidence, practice, and procedure, not inconsistent with law, as may be deemed necessary for the conduct of its proceedings, in securing uniformity in its decisions and in the proceedings and decisions of the members thereof, and for the production, care, and custody of samples and of the records of said board. One of the members of said board designated for that purpose by the President of the United States shall act as president of the Board of General Appraisers, and in his absence the member of the board then present who is senior as to the date of his commission shall act as president. The president of the board, or the acting president in his absence, shall have control of the fiscal affairs and of the clerical force of the board, making all recommendations for appointment, promotions, or otherwise affecting such clerical force; he may at any time before trial, under the rules of the said board, assign or reassign any case for hearing or determination, or both, and shall designate a general appraiser or board of three general appraisers and such clerical assistants as may be necessary to proceed to any port within the jurisdiction of the United States for the purpose of hearing or of hearing and determining cases assigned for hearing at such port, and shall cause to be prepared and promulgated dockets therefor. General appraisers, stenographic clerks, and Government counsel shall each be allowed and paid his necessary expenses of travel and his reasonable expenses, not to exceed $10 per day, in the case of general appraisers and Government counsel, and $8 per day in the case of stenographic clerks, actually incurred for maintenance while absent from New York on official business. Said general appraisers shall be divided into three boards of three members each for the purpose of

hearing and deciding appeals for the review of reappraisements of merchandise, and of hearing and deciding protests against decisions of collectors. A board of three general appraisers or a general appraiser shall have power to order an analysis of imported merchandise and reports thereon by laboratories or bureaus of the United States. The president of the board shall assign three of the general appraisers to each of the said boards and shall designate which member shall be chairman thereof. The president of the board shall be competent to sit as a member of any board or to assign one or two other members to any of such boards in the absence or disability of any one or two members of such board. A majority of any board shall have full power to hear and decide all cases and questions arising therein or assigned thereto. No member of any of said boards shall sit to hear or decide any case on appeal in the decision of which he may have previously participated. The board of three general appraisers deciding a case or a general appraiser deciding an appeal for a reappraisement may, upon the motion of either party made within thirty days next after such decision, grant a rehearing or retrial of said case when, in the opinion of said board or said general appraiser the ends of justice so require.

The members of the Board of General Appraisers are exempted from so much of section 49 of this title as relates to their salaries.

When any of the general appraisers of merchandise resigns his office, having held his commission as such at least ten years, and having attained the age of seventy years, he shall during the residue of his natural life receive the same salary which was by law payable to him at the time of his resignation. (June 10, 1890, c. 407, § 12, 26 Stat. 136; May 27, 1908, c. 205, § 3, 35 Stat. 406; Aug. 5, 1909, c. 6, § 28, 36 Stat. 98; Sept. 21, 1922, c. 356, Title IV, § 518, 42 Stat. 972.)

406. Decisions of general appraisers; filing; inspection; copies for collectors and Secretary of Treasury; publication.—All decisions of the general appraisers shall be preserved and filed and shall be open to inspection, and it shall be the duty of the said Board of General Appraisers to forward a copy of each decision to the collector of customs for the district in which the merchandise affected thereby was imported and to forward an additional copy to the Secretary of the Treasury, who shall cause such decisions as he or the Board of General Appraisers shall deem sufficiently important to be published in full, or, if they shall not deem a full publication thereof necessary, then the board shall cause abstracts of such decisions to be made for publication, and such decisions and abstracts thereof shall be published from time to time and at least once each week for the information of customs officers and the public. (Sept. 21, 1922, c. 356, Title IV, § 519, 42 Stat. 973.)

407. Refund of duties and correction of errors in liquidation.—The Secretary of the Treasury is authorized to refund duties and correct errors in liquidation of entries in the following cases:

(1) Whenever it is ascertained on final liquidation or reliquidation of an entry that more money has been deposited or paid than was required by law to be so deposited or paid;

(2) Whenever it is determined in the manner required by law that any fees, charges, or exactions, other than duties, have been erroneously collected;

(3) Whenever a manifest clerical error is discovered in any entry or liquidation within one year after the date of entry, or within sixty days after liquidation when liquidation is made more than ten months after the date of entry; and

(4) Whenever duties have been paid on household or personal effects which by law were not subject to duty, notwithstanding a protest was not filed within the time and in the manner prescribed by law. (Sept. 21, 1922, c. 356, Title IV, § 520(a), 42 Stat. 973.)

408. Same; appropriation for.—The necessary moneys to make such refunds are hereby appropriated, and this appropriation shall be deemed a permanent and indefinite appropriation. (Sept. 21, 1922, c. 356, Title IV, § 520(b), 42 Stat. 973.)

409. Liquidation of duties; conclusiveness; reliquidation.—Whenever any merchandise has been entered and passed free of duty, and whenever duties upon any imported merchandise have been liquidated and paid, and the merchandise has been delivered to the consignee, or his agent, such entry and passage free of duty and such settlement of duties, shall, after the expiration of one year from the date of entry, or after the expiration of sixty days after the date of liquidation when liquidation is made more than ten months after the date of entry, in the absence of fraud and in the absence of protest by the consignee, or his agent, or by an American manufacturer, producer, or wholesaler, be final and conclusive upon all parties. If the collector finds probable cause to believe there is fraud in the case, he may reliquidate within two years after the date of entry, or after the date of liquidation when liquidation is made more than ten months after the date of entry. (Sept. 21, 1922, c. 356, Title IV, § 521, 42 Stat. 973.)

413. Disposal of receipts from reimbursable charges for labor, services, etc.—Receipts from reimbursable charges for labor, services, and other expenses, connected with the customs, shall be deposited as a refund to the appropriation from which paid, instead of being covered into the Treasury as miscellaneous receipts as provided by section 527 of this title. (Sept. 21, 1922, c. 356, Title IV, § 524, 42 Stat. 975.)

414. Detail from field force of customs service for duty in Washington.—In connection with the enforcement of the provisions of this chapter, the Secretary of the Treasury is authorized to use in the District of Columbia not to exceed eight persons detailed from the field force of the Customs Service and paid from the appropriation for the expense of collecting the revenue from customs. (Sept. 21, 1922, c. 356, Title IV, § 525, 42 Stat. 975.)

415. Customhouse brokers; license.—The collector or chief officer of the customs at any port of entry shall, upon application, issue to any person of good moral character, being a citizen of the United States a license to transact business as a customhouse broker in the collection district in which such license is issued, and no person shall transact business as a customhouse broker without a license granted in accordance with this provision; but this section shall not be so construed as to prohibit any person from transacting business at a customhouse pertaining to his own importations. (June 10, 1910, c. 283, § 1, 36 Stat. 464.)

416. Same; revocation of license.—The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked, which notice shall be in the form of a statement specifically setting forth the grounds of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings, including the proof of the charges and the answer thereto, shall be presented, with right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and

the stenographic report of the hearing, which shall constitute the record in the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke the license of any customhouse broker, in which case formal notice shall be given such customhouse broker within ten days. (June 10, 1910, c. 283, § 2, 36 Stat. 464.)

417. Same; review of decision by district court.—Any licensed customhouse broker aggrieved by the decision of the Secretary of the Treasury may, within thirty days thereafter, and not afterwards, apply to the United States district court for the district in which the collection district is situated for a review of such decision. Such application shall be made by filing in the office of the clerk of said court a petition praying relief in the premises. Thereupon the court shall immediately give notice in writing of such application to the Secretary of the Treasury, who shall forthwith transmit to said court the record and evidence taken in the case, together with a statement of his decision therein. The filing of such application shall operate as a stay of the revocation of the license. The matter may be brought on to be heard before the said court in the same manner as a motion, by either the United States district attorney or the attorney for the customhouse broker, and the decision of said court shall be upon the merits as disclosed by the record and be final, and the proceedings remanded to the Secretary of the Treasury for further action to be taken in accordance with the terms of the decree. (June 10, 1910, c. 283, § 3, 36 Stat. 465; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

418. Same; regulations.—The Secretary of the Treasury shall prescribe regulations necessary or convenient for carrying into effect the provisions of sections 415, 416, and 417 of this title. (June 10, 1910, c. 283, § 4, 36 Stat. 465.)

419. Definition of "person."—The word person wherever used in sections 415 to 417 of this title shall include persons, copartnerships, associations, joint stock associations and corporations. (June 10, 1910, c. 285, § 5, 36 Stat. 465.)

420. Definition of "ton."—Wherever the word "ton" is used in this subtitle, in reference to weight, it shall be construed as meaning twenty-hundred-weight, each hundred-weight being one hundred and twelve pounds avoirdupois. (R. S. § 2951.)

PART 4.—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

451. Carriers of bonded merchandise; designation; bond.—Any common carrier of merchandise owning or operating railroad, steamship, or other transportation lines or routes for the transportation of merchandise in the United States, upon application and the filing of a bond in a form and penalty and with such sureties as may be approved by the Secretary of the Treasury, may be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. (Sept. 21, 1922, c. 356, Title IV, § 551, 42 Stat. 975.)

452. Merchandise which may be transported in bond to port of destination.—Any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States may be entered, under such rules and regulations as the Secretary of the Treasury may prescribe, for transportation in bond without appraisement to any other port of entry designated by the consignee, or his agent, and by such bonded carrier as he designates, there to be entered in accordance with the provisions of this chapter. (Sept. 21, 1922, c. 356, Title IV, § 552, 42 Stat. 975.)

453. Merchandise and baggage which may be transported in bond for exportation; regulations.—Any merchandise, other than explosives and merchandise the importation of which is prohibited, shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe, and any baggage or personal effects not containing merchandise the importation of which is prohibited arriving in the United States destined to a foreign country may, upon the request of the owner or carrier having the same in possession for transportation, be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duty, under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c. 356, Title IV, § 553, 42 Stat. 976.)

454. Transportation through contiguous countries.—With the consent of the proper authorities, imported merchandise, in bond or duty-paid, and products and manufactures of the United States may be transported from one port to another in the United States through contiguous countries, under such regulations as the Secretary of the Treasury shall prescribe, unless such transportation is in violation of sections 290 and 883 of Title 46, or section 490 of this title. (Sept. 21, 1922, c. 356, Title IV, § 554, 42 Stat. 976.)

455. Bonded warehouses; designation; private bonded warehouses; public bonded warehouses; bonds of owners; use of warehouses; customs officer in charge of.—Buildings or parts of buildings and other inclosures may be designated by the Secretary of the Treasury as bonded warehouses for the storage of imported merchandise entered for warehousing, or taken possession of by the collector, or under seizure, or for the manufacture of merchandise in bond, or for the repacking, sorting, or cleaning of imported merchandise. Such warehouses may be bonded for the storing of such merchandise only as shall belong or be consigned to the owners or proprietors thereof and be known as private bonded warehouses, or for the storage of imported merchandise generally and be known as public bonded warehouses. Before any imported merchandise not finally released from customs custody shall be stored in any such premises, the owner or lessee thereof shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. Except as otherwise provided in this chapter, bonded warehouses shall be used solely for the storage of imported merchandise and shall be placed in charge of a proper officer of the customs, who, together with the proprietor thereof, shall have joint custody of all merchandise stored in the warehouse; and all labor on the merchandise so stored shall be performed by the owner or proprietor of the warehouse, under supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor. The compensation of such officer of the customs and other customs employees appointed to supervise the receipt of merchandise into any such warehouse and deliveries therefrom shall be reimbursed to the Government by the proprietor of such warehouse. (Sept. 21, 1922, c. 356, Title IV, § 555, 42 Stat. 976.)

456. Same; regulations by Secretary of Treasury; landing certificates.—The Secretary of the Treasury shall from time to time establish such rules and regulations as may be necessary for the establishment of bonded warehouses and to protect the interests of the Government in the conduct, management, and operation of such warehouses and in the withdrawal of and accounting for merchandise deposited therein. No landing certificate shall be required for merchandise exported from the United States, except where the Secretary of the Treasury shall have good reasons to believe that such certificate is necessary for the protection of the revenue, and shall specifically order the production of such certificate. (Sept. 21, 1922, c. 356, Title IV, § 556, 42 Stat. 976.)

457. Same; merchandise which may be deposited; withdrawal; destruction of merchandise.—Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal; or may be withdrawn for exportation to a foreign country or the Philippine Islands or for transportation and exportation without the payment of duties thereon, or for transportation and rewarehousing at another port. The total period of time for which such merchandise may remain in bonded warehouse shall not exceed three years. Merchandise upon which the duties have been paid and which shall have remained continuously in bonded warehouse or otherwise in the custody and under the control of customs officers, may be entered or withdrawn at any time within three years after the date of importation for exportation, or for transportation and exportation, under such regulations as the Secretary of the Treasury shall prescribe, and upon such entry or withdrawal, 99 per centum of the duties thereon shall be refunded.

Merchandise entered under bond, under any provision of law, may be destroyed, at the request and at the expense of the consignee, within the bonded period under customs supervision, in lieu of exportation, and the consignee relieved of the payment of duties thereon. (Mar. 8, 1902, c. 140, § 7, 32 Stat. 55; Sept. 21, 1922, c. 356, Title IV, § 557, 42 Stat. 977.)

458. Exportation of merchandise after release from custody of Government; refunds or drawbacks.—No refund or drawback of duty shall be allowed on the exportation of any merchandise after its release from the custody or control of the Government except in case of the exportation of articles manufactured or produced in whole or in part from imported materials on which a drawback of duties is expressly provided for by law. (Sept. 21, 1922, c. 356, Title IV, § 558, 42 Stat. 977.)

459. Abandonment of merchandise in bonded warehouse; sale; disposition of proceeds.—Merchandise remaining in bonded warehouse beyond three years from the date of importation shall be regarded as abandoned to the Government and be sold under such regulations as the Secretary of the Treasury shall prescribe, and the proceeds of sale paid into the Treasury, as in the case of unclaimed merchandise covered by section 865 of this title, subject to the payment to the owner or consignee of such amount, if any, as shall remain after deduction of duties, charges, and expenses. (Sept. 21, 1922, c. 356, Title IV, § 559, 42 Stat. 977.)

460. Same; retention of distilled spirits, wines, etc., in warehouse during prohibitory period.—Under regulations prescribed by the Secretary of the Treasury, any imported distilled spirits, wines or other liquors which may be in any customs bonded warehouse under the customs laws on the date any prohibition of their sale or removal, by any Act of Congress, or proclamation of the President of the United States takes effect shall be permitted to remain therein without payment of any taxes or duties thereon, beyond the three-year period provided by law, during such period of prohibition; and may be exported at any time during such extended period. Any imported spirits, wines or other liquors as to which the three-year bonded period may have expired after February 24, 1919, and prior to the date such prohibition takes effect may at the option of the owner remain in bond during such period of prohibition. (Feb. 24, 1919, c. 18, § 600(b), 40 Stat. 1106.)

461. Lease of warehouses by Secretary of Treasury; restrictions on use.—The Secretary of the Treasury may cause to be set aside any available space in a building used as a customhouse for the storage of bonded merchandise or may lease premises for the storage of unclaimed merchandise or other imported merchandise required to be stored by the Government, and set aside a portion of such leased premises for the storage of bonded merchandise. No part of any premises owned or leased by the Government may be used for the storage of bonded merchandise at any port at which a public bonded warehouse has been established and is in operation. All the premises so leased shall be leased on public account and the storage and other charges shall be deposited and accounted for as customs receipts, and the rates therefor shall not be less than the charges for storage and similar services made at such port of entry by commercial concerns for the storage and handling of merchandise. No lease of any building to be so used shall be taken for a longer period than three years, nor shall rent for any such premises be paid, in whole or in part, in advance. (Sept. 21, 1922, c. 356, Title IV, § 560, 42 Stat. 977.)

462. Public stores.—Any premises owned or leased by the Government and used for the storage of merchandise for the final release of which from customs custody a permit has not been issued shall be known as a "public store." (Sept. 21, 1922, c. 356, Title IV, § 561, 42 Stat. 978.)

463. Manner of withdrawal from bonded warehouse; manipulation in warehouse; scouring or carbonizing wool.—Unless by special authority of the Secretary of the Treasury, no merchandise shall be withdrawn from bonded warehouse in less quantity than an entire bale, cask, box, or other package; or, if in bulk, in the entire quantity imported or in a quantity not less than one ton weight. All merchandise so withdrawn shall be withdrawn in the original packages in which imported unless, upon the application of the importer, it appears to the collector that it is necessary to the safety or preservation of the merchandise to repack or transfer the same. Upon permission therefor being granted by the Secretary of the Treasury, and under customs supervision, at the expense of the proprietor, merchandise may be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, in bonded warehouses established for that purpose and be withdrawn therefrom for exportation, without payment of the duties, or for consumption, upon payment of the duties accruing thereon, in its condition at the time of withdrawal from warehouse. The scouring or carbonizing of wool shall not be considered a process of manufacture within the provisions of this section. (Sept. 21, 1922, c. 356, Title IV, § 562, 42 Stat. 978.)

464. Deterioration of or injury to merchandise in bonded warehouses; abatement or allowances for; abandonment of merchandise by consignee.—In no case shall there be any abatement or allowance made in the duties for any injury, deterioration, loss, or damage sustained by any merchandise while remaining in a bonded warehouse: *Provided*, That upon the production of satisfactory proof to the Board of General Appraisers of actual injury or destruction, in whole or in part, of any merchandise, by accidental fire or other casualty, while in bonded warehouse, or in the appraiser's stores undergoing appraisal, or while in transportation under bond from one port to another, or while in the custody of the officers of the customs, although not in bond, or while within the limits of any port of entry, and before the same has been landed from the importing vessel or vehicle, such board is authorized to order an abatement or refund, as the case may be, and the Secretary of the Treasury is authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the amount of duties paid. Notice in writing shall be filed with the collector of the district in which such actual injury or destruction was sustained or occurred, and the collector shall transmit such notice together with all papers and documents to the board for due assignment and determination, and such determination shall be final and conclusive upon all persons interested therein

except in cases where an appeal may be filed by either party in the United States Court of Customs Appeals within the time and in the manner provided by law. The consignee may, with the consent of the Secretary of the Treasury, at any time prior to three years from the date of original importation abandon to the Government any merchandise in bonded warehouse and be relieved of the payment of duties thereon: *Provided*, That the portion so abandoned shall not be less than an entire package and shall be abandoned in the original package without having been repacked while in bonded warehouse. (Sept. 21, 1922, c. 356, Title IV, § 563, 42 Stat. 978.)

465. Lien for freight, charges, or general average contribution.—Whenever a collector of customs shall be notified in writing of the existence of a lien for freight, charges, or contribution in general average upon any imported merchandise sent to the appraiser's store for examination, entered for warehousing or taken possession of by him, he shall refuse to permit delivery thereof from public store or bonded warehouse until proof shall be produced that the said lien has been satisfied or discharged. The rights of the United States shall not be prejudiced or affected by the filing of such lien, nor shall the United States or its officers be liable for losses or damages consequent upon such refusal to permit delivery. If merchandise, regarding which such notice of lien has been filed, shall be forfeited or abandoned and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other lawful charges and expenses are paid therefrom. (Sept. 21, 1922, c. 356, Title IV, § 564, 42 Stat. 978.)

466. Cartage of merchandise.—The cartage of merchandise entered for warehousing shall be done by cartmen to be appointed and licensed by the collector of customs and who shall give a bond, in a penal sum to be fixed by such collector, for the protection of the Government against any loss of, or damage to, such merchandise while being so carted. The cartage of merchandise designated for examination at the appraiser's stores and of merchandise taken into custody by the collector as unclaimed shall be performed by such persons as may be designated, under contract or otherwise, by the Secretary of the Treasury, and under such regulations for the protection of the owners thereof and of the revenue as the Secretary of the Treasury shall prescribe. (Sept. 21, 1922, c. 356, Title IV, § 565, 42 Stat. 979.)

467. Deposit of imported liquors in bonded warehouse.—All distilled spirits, wines, and malt liquors, imported in pipes, hogsheads, tierces, barrels, casks, or other similar packages, shall be first placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected, marked, and branded by a United States customs-gauger, and a stamp affixed to each package, indicating the date and particulars of such inspection; and the Secretary of the Treasury is authorized to prescribe the form of, and provide, the requisite stamps, and to make all regulations which he may deem necessary and proper for carrying the foregoing requirements into effect. Any pipe, hogshead, tierce, barrel, cask, or other package withdrawn from public store or bonded warehouse purporting to contain imported liquor, found without having thereon the stamp hereby required, shall be, with its contents, forfeited to the United States; and whenever any cask or package of imported distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery on the premises of any wholesale liquor dealer, the same shall be stamped with a special stamp for imported spirits, under such rules and regulations as the Commissioner of Internal Revenue has prescribed, or may hereafter prescribe, in the case of domestic distilled spirits. (Mar. 1, 1879, c. 125, § 11, 20 Stat. 342.)

468. Stamps and brands effaced on emptying packages of imported liquors.—Every person who empties or draws off, or causes to be emptied or drawn off, the contents of any package of imported liquors stamped as above required, shall, at the time of such emptying, efface, obliterate, and destroy the stamp thereon, and also all other marks or brands which shall have been placed thereon in accordance with the law or regulations concerning imported liquors; every cask or other package from which the stamp for imported liquors required by section 467 of this title to be placed thereon shall not be effaced, obliterated, or destroyed, on emptying such package, shall be forfeited, and the same may be seized by any officer of internal revenue wherever found; and all the provisions and penalties of section 337 of Title 26, relating to empty casks or packages from which the marks, brands, or stamps have not been effaced or obliterated, and relating to the removal of stamps from packages, and to having in possession any stamps so removed, shall apply to the stamps for imported spirits herein provided for, and to the casks or other packages on which such stamps shall have been used. (Mar. 1, 1879, c. 125, § 12, 20 Sat. 342; May 28, 1880, c. 108, § 12, 21 Stat. 148.)

469. Dealing in or using empty stamped imported liquor containers.—If any person shall purchase or sell, with the imported-liquor stamp herein required remaining thereon, or any of the marks or brands which shall have been placed thereon in accordance with the laws or regulations concerning imported liquors remaining thereon, any cask or other package, after the same has been once used to contain imported liquors and has been emptied; or if any person shall use or have in possession such cask or package, with any imitation of such marks or brands, for the purpose of placing domestic distilled spirits therein for sale; every such cask or package, with its contents, if any, shall be forfeited to the United States. And every such person who shall violate any of the provisions of this section shall be liable to a penalty of $200 for every such cask or package so purchased, sold, used, or had in possession. (Mar. 1, 1879, c. 125, § 13, 20 Stat. 343; May 28, 1880, c. 108, § 13, 21 Stat. 148.)

471. Ownership of bonded warehouses by customs officers prohibited; contracts for lease or use of buildings for public use.—No collector or other officer of the customs shall own, in whole or in part, any bonded warehouse or enter into any contract or agreement for the lease or use of any building to be erected as a public store or warehouse. (Sept. 21, 1922, c. 356, Title IV, § 560, 42 Stat. 977.)

472. Special delivery and appraisement of imported articles of limited value and weight.—Articles, not merchandise intended for sale, not exceeding $500 in value, imported in packages not exceeding one hundred pounds in weight, in vessels of the United States, may be specially delivered to and appraised at the public stores, and the entry thereof liquidated by the collector under such regulations as the Secretary of the Treasury may prescribe, and after such appraisement and liquidation may be delivered, upon payment of the liquidated duties under the bond provided for in section 473 of this title, to express companies or other duly incorporated inland carriers bonded for the transportation of appraised or unappraised merchandise between the several ports in the United States. Not more than one such consignment to one ultimate consignee from the same consignor shall be imported in any one vessel. The original appraisement of and liquidation of duties on such importations shall be final against the owner, importer, agent, or consignee, except in the case of manifest clerical errors, as provided for in section 407 of this title. Nothing contained in this section and sections 473 to 475 shall apply to explosives, or any article the importation of which is prohibited by law. (June 8, 1896, c. 371, § 1, 29 Stat. 263.)

473. Carriers responsible under bond; return of unclaimed packages.—Such express companies or other inland carriers shall be responsible to the United States under bond for the safe delivery of such articles to the ultimate consignee. If any package shall not be delivered to the ultimate consignee by the express company or other inland carrier, and shall be returned to the collector of the port where such articles are entered within ninety days from the date of importation intact, the collector shall take charge of such package and dispose of it as unclaimed merchandise, and the duties, including additional duties, if any, under section 361 of this title, paid shall be refunded by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated; and the express company or other inland carriers shall be relieved of any liability therefor under its bond; and before any express company or other inland carrier shall be permitted to receive and transport any such articles they shall become bound to the United States in such bonds, in such form and amount, and with such conditions not inconsistent with law as the Secretary of the Treasury may require. (June 8, 1896, c. 371, § 2, 29 Stat. 263.)

474. Merchandise corded and sealed; record.—Articles transported under the provisions of sections 472 to 475 of this title shall be corded and sealed in such manner as shall from time to time be prescribed by the Secretary of the Treasury; and the collector of the port of first arrival shall retain in his office a permanent record of such merchandise so forwarded. (June 8, 1896, c. 371, § 3, 29 Stat. 263.)

475. Consignment to carrier; invoice; delivery.—Such packages may be consigned to and entered by the agents of the express company or other inland carrier or steamship company, who shall at the time of entry state the ultimate consignee, and in all cases where a certified or other invoice is required by law such invoice may be attached to or inclosed in the package, under such regulations as the Secretary of the Treasury may prescribe; and the delivery of such articles to the express company or other inland carrier shall not be delayed because of the nonarrival of the triplicate invoice, but the ultimate consignee shall be liable for any increased duty found due on reliquidation, if any, after receipt of said merchandise from the express company or other inland carrier or steamship company making entry under this section and sections 472 to 474 of this title; and the provisions of section 346 of this title shall not apply to such importations. (June 8, 1896, c. 371, § 4, 29 Stat. 263.)

PART 5.—ENFORCEMENT PROVISIONS

481. Boarding vessels or vehicles; seizure of vessel or merchandise.—Officers of the customs or of the Coast Guard, and agents or other persons authorized by the Secretary of the Treasury, or appointed for that purpose in writing by a collector may at any time go on board of any vessel or vehicle at any place in the United States or within four leagues of the coast of the United States, without as well as within their respective districts, to examine the manifest and to inspect, search, and examine the vessel or vehicle, and every part thereof, and any person, trunk, or package on board, and to this end to hail and stop such vessel or vehicle, if under way, and use all necessary force to compel compliance, and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel or vehicle, or the merchandise, or any part thereof, on board of or imported by such vessel or vehicle is liable to forfeiture, it shall be the duty of such officer to make seizure of the same, and to arrest, or, in case of escape or attempted escape, to pursue and arrest any person engaged in such breach or violation. (R. S. § 3061; Sept. 21, 1922, c. 356, Title IV, § 581, 42 Stat. 979.)

482. Search of vehicles and persons.—Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon such vehicle or beast, or otherwise, and to search any trunk or envelope, wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial. (R. S. § 3061.)

483. Forfeitures.—Every such vehicle and beast, or either, together with teams or other motive power used in conveying, drawing, or propelling such vehicle or merchandise, and all other appurtenances, including trunks, envelopes, covers, and all means of concealment, and all the equipage, trappings, and other appurtenances of such beast, team, or vehicle, shall be subject to seizure and forfeiture. If any person who may be driving or conducting, or in charge of any such carriage or vehicle or beast, or any person traveling, shall willfully refuse to stop and allow search and examination to be made as herein provided, when required so to do by any authorized person, he shall be punishable by a fine of not more than $1,000, nor less than $50. (R. S. § 3062.)

484. Examination of persons and baggage; female inspectors.—The Secretary of the Treasury may prescribe regulations for the search of persons and baggage and he is authorized to employ female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government under such regulations. (Sept. 21, 1922, c. 356, Title IV, § 582, 42 Stat. 979.)

485. Production and certification of manifest.—The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge. (Sept. 21, 1922, c. 356, Title IV, § 583, 42 Stat. 979.)

486. Failure to produce manifest; penalty; merchandise not included in manifest; penalty and forfeiture; opium for smoking; penalty.—Any master of any vessel and any person in charge of any vehicle bound to the United States, who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, and if any merchandise, including sea stores, is found on board of or after unlading from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge shall be subject to a penalty of $500. If the collector shall be satisfied that the manifest was lost

or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or the person in charge of such vehicle shall be liable to a penalty of $25 for each ounce thereof so found. Such penalty shall constitute a lien upon such vessel which may be enforced by a libel in rem. Clearance of any such vessel may be withheld until such penalty is paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law. (Sept. 21, 1922, c. 356, Title IV, § 584, 42 Stat. 980.)

487. Departure of vessel or unlading of merchandise before making report or entry; penalty.—If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this chapter, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of $5,000, and the person in charge of such vehicle shall be liable to a penalty of $500, and any such vessel or vehicle shall be subject to forfeiture, and any customs or Coast Guard officer may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States. (Sept. 21, 1922, c. 356, Title IV, § 585, 42 Stat. 980.)

488. Unlawful unlading; penalty; accident, stress of weather, or other necessity.—The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within four leagues of the coast of the United States and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and such vessel and the merchandise shall be subject to seizure and forfeiture. Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel shall, as soon as possible thereafter, notify the collector of the district within which such unlading or transshipment has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unlading or transshipment was in fact due to accident, stress of weather, or other necessity the penalties above described shall not be incurred. (Sept. 21, 1922, c. 356, Title IV, § 586, 42 Stat. 980.)

489. Unlawful transshipment; penalty, seizure and forfeiture.—If any merchandise (including sea stores) unladen in violation of the provisions of section 488 of this title is transshipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than $1,000, and such vessel and such merchandise shall be liable to seizure and forfeiture. (Sept. 21, 1922, c. 356, Title IV, § 587, 42 Stat. 981.)

490. Evasion of law relating to transportation between ports of United States; seizure and forfeiture; tonnage duty.—If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton. (Sept. 21, 1922, c. 356, Title IV, § 588, 42 Stat. 981.)

491. Unlawful relanding; penalties.—If any merchandise entered or withdrawn for exportation without payment of the duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry therefor having been made, the same shall be considered and treated as having been imported into the United States contrary to law, and all persons concerned therein and such merchandise shall be liable to the same penalties as are prescribed by sections 496 and 497 of this title. (Sept. 21, 1922, c. 356, Title IV, § 589, 42 Stat. 981.)

492. False drawback claims; punishment.—If any person shall knowingly and willfully file any false or fraudulent entry or claim for the payment of drawback, allowance, or refund of duties upon the exportation of merchandise, or shall knowingly and willfully make or file any false affidavit, abstract, record, certificate, or other document, with a view to securing the payment to himself or others of any drawback, allowance, or refund of duties, on the exportation of merchandise, greater than that legally due thereon, such person shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both, and the merchandise or the value thereof to which such false entry or claim, affidavit, abstract, record, certificate, or other document relates shall be subject to forfeiture. (Sept. 21, 1922, c. 356, Title IV, § 590, 42 Stat. 981.)

493. False or fraudulent documents, statements, or practices; willful acts or omissions depriving United States of duties; punishment.—If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of sections 352 to 357 of this title without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or is guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such person or persons shall upon conviction be fined for each offense a sum not exceeding $5,000, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court. Nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law. (Sept. 21, 1922, c. 356, Title IV, § 591, 42 Stat. 981.)

494. Same; seizure of merchandise as security for fines; release on bond.—Any merchandise entered by any person or persons violating any of the provisions of section 493 of this title,

but not subject to forfeiture under the same section, may, while owned by him or them, or while in his or their possession, to double the amount claimed, be taken by the collector and held as security for the payment of any fine or fines incurred as aforesaid, or may be levied upon and sold on execution to satisfy any judgment recovered for such fine or fines. But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond, with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, or the judge thereof, for the payment of any fine or fines so incurred. Such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured. (June 22, 1874, c. 391, § 18, 18 Stat. 188.)

495. Same; forfeiture of merchandise.—If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of sections 352 to 357 of this title without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or is guilty of any willful act or omission by means whereof the United States is or may be deprived of the lawful duties or any portion thereof accruing upon the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be subject to forfeiture, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates. The arrival within the territorial limits of the United States of any merchandise consigned for sale and remaining the property of the shipper or consignor, and the acceptance of a false or fraudulent invoice thereof by the consignee or the agent of the consignor, or the existence of any other facts constituting an attempted fraud, shall be deemed, for the purposes of this paragraph, to be an attempt to enter such merchandise notwithstanding no actual entry has been made or offered. (Oct. 3, 1913, c. 16, § III, H, 38 Stat. 183; Sept. 21, 1922, c. 356, Title IV, § 592, 42 Stat. 982.)

496. Smuggling or clandestine importations; false, forged, or fraudulent invoices; punishment.—If any person knowingly and willfully, with intent to defraud the revenue of the United States, smuggles, or clandestinely introduces, into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $5,000, or imprisoned for any term of time not exceeding two years, or both, at the discretion of the court. (Sept. 21, 1922, c. 356, Title IV, § 593(a), 42 Stat. 982.)

497. Fraudulently or knowingly importing or assisting in importing merchandise; buying, selling, transporting, or concealing unlawfully imported merchandise; punishment.—If any person fraudulently or knowingly imports or brings into the United States, or assists in so doing, any merchandise, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury. (Sept. 21, 1922, c. 356, Title IV, § 593(b), 42 Stat. 982.)

498. Seizure or forfeiture of vessels or vehicles.—Whenever a vessel or vehicle, or the owner or master, conductor, driver, or other person in charge thereof, has become subject to a penalty for violation of the customs-revenue laws of the United States, such vessel or vehicle shall be held for the payment of such penalty and may be seized and proceeded against summarily by libel to recover the same. No vessel or vehicle used by any person as a common carrier in the transaction of business as such common carrier shall be so held or subject to seizure or forfeiture under the customs laws, unless it shall appear that the owner or master of such vessel or the conductor, driver, or other person in charge of such vehicle was at the time of the alleged illegal act a consenting party or privy thereto. (Sept. 21, 1922, c. 356, Title IV, § 594, 42 Stat. 982.)

499. Search-warrants; houses within ten feet of boundary.—If any collector of customs or other officer or person authorized to make searches and seizures shall have cause to suspect the presence in any dwelling house, store, or other building or place of any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States contrary to law, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge, or to any United States commissioner, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise. If any such house, store, or other building, or place in which such merchandise shall be found, is upon or within ten feet of the boundary line between the United States and a foreign country, such portion thereof as is within the United States may forthwith be taken down or removed. (Sept. 21, 1922, c. 356, Title IV, § 595, 42 Stat. 983.)

500. Receiving or depositing merchandise in buildings on boundary line, or carrying merchandise through same unlawfully; punishment.—Any person who receives or deposits in such building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, or aids therein, in violation of law, shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. (Sept. 21, 1922, c. 356, Title IV, § 596, 42 Stat. 983.)

501. Fraudulently concealing merchandise in, or removal from, bonded warehouse; repacking; altering, etc., marks or number; punishment.—If any merchandise is fraudulently concealed in, removed from, or repacked in any bonded warehouse, or if any marks or numbers placed upon packages deposited in such a warehouse be fraudulently altered, defaced, or obliterated, such merchandise and packages shall be subject to forfeiture, and all persons convicted of the fraudulent concealment, repacking, or removal of such merchandise, or of altering, defacing, or obliterating such marks and numbers thereon, and all persons aiding and abetting therein shall be liable to the same penalties as are imposed by sections 496 and 497 of this title. (Sept. 21, 1922, c. 356, Title IV, § 597, 42 Stat. 983.)

502. Customs seals; affixing by unauthorized persons; false seals; removal, injury to, defacing, etc.; wrongful entry of bonded warehouse, or unlawful removal of merchandise therefrom; punishment.—If any unauthorized person affixes or attaches or in any way willfully assists or encourages the affixing or attaching of a customs seal or other fastening to any

vessel or vehicle, or of any seal, fastening, or mark purporting to be a customs seal, fastening, or mark; or if any unauthorized person willfully or maliciously removes, breaks, injures, or defaces any customs seal or other fastening placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody, or willfully aids, abets, or encourages any other person to remove, break, injure, or deface such seal, fastening, or mark; or if any person maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove or cause to be removed therefrom any merchandise or baggage therein, or unlawfully removes or causes to be removed any merchandise or baggage in such vessel, vehicle, or bonded warehouse or otherwise in customs custody or control, or aids or assists therein; or if any person receives or transports any merchandise or baggage unlawfully removed from any such vessel, vehicle, or warehouse, knowing the same to have been unlawfully removed, he shall be guilty of a felony and liable to the same penalties as are imposed by sections 496 and 497 of this title. (Sept. 21, 1922, c. 356, Title IV, § 598, 42 Stat. 983.)

503. Customs officers not to be interested in vessel or cargo, or importation; penalty.—No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the imporatation, of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of $500. (Sept. 21, 1922, c. 356, Title IV, § 599, 42 Stat. 984.)

504. Receiving gratuities for performance or nonperformance of services.—Any officer or employee of the United States who, except in payment of the duties or exactions fixed by law, solicits, demands, exacts, or receives from any person, directly or indirectly, any gratuity, money, or thing of value, for any service performed under the customs laws, or in consideration of any official act to be performed by him, or of the omission of performance of any such act, in connection with or pertaining to the importation, entry, inspection or examination, or appraisement of merchandise or baggage, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both, and evidence, satisfactory to the court in which the trial is had, of such soliciting, demanding, exacting, or receiving shall be prima facie evidence that the same was contrary to law. (Sept. 21, 1922, c. 356, Title IV, § 600, 42 Stat. 984.)

505. Bribery of customs officers.—Any person who gives, or offers to give, or promises to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts to improperly influence or control any such officer or employee of the United States as to the performance of his official duties, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment for a term not exceeding two years, or both, and evidence of such giving, offering, or promising to give, or attempting to influence or control, satisfactory to the court in which such trial is had, shall be prima facie evidence that the same was contrary to law. (Sept. 21, 1922, c. 356, Title IV, § 601, 42 Stat. 984.)

506. Seizures.—It shall be the duty of the several officers of the customs to seize and secure any vessel or merchandise which shall become liable to seizure by virtue of any law respecting the revenue, as well without as within their respective districts. (R. S. § 3072.)

507. Officers to make character known.—Every officer or other person authorized to make searches and seizures by this title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $200, nor less than $5. (R. S. § 3071.)

508. Persons making seizures pleading general issue and proving special matter.—If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any Act providing for or regulating the collection of duties on imports, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such Act and the special matter in evidence. (R. S. § 3073.)

509. Seizures; report and delivery of vessel or property to collector; report of violations.—It shall be the duty of any officer, agent, or other person authorized by law to make seizures of merchandise or baggage subject to seizure for violation of the customs laws, to report every such seizure immediately to the collector for the district in which such violation occurred, and to turn over and deliver to such collector any vessel, vehicle, merchandise, or baggage seized by him, and to report immediately to such collector every violation of the customs laws. (Sept. 21, 1922, c. 356, Title IV, § 602, 42 Stat. 984.)

510. Same; reports by collectors to Solicitor of Treasury and district attorneys.—It shall be the duty of the collector whenever a seizure of merchandise has been made for a violation of the customs laws to report the same to the Solicitor of the Treasury, and promptly also to report any such seizure or violation of the customs laws to the United States attorney for the district in which such violation has occurred, or in which such seizure was made, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and citation of the statute or statutes believed to have been violated, and on which reliance may be had for forfeiture or conviction. (R. S. §§ 3083, 3084; Feb. 27, 1877, c. 69, § 1, 19 Stat. 247; Sept. 21, 1922, c. 356, Title IV, § 603, 42 Stat. 984.)

511. Same; prosecutions by district attorneys.—It shall be the duty of every United States district attorney immediately to inquire into the facts of cases reported to him by collectors and the laws applicable thereto, and, if it appears probable that any fine, penalty, or forfeiture has been incurred by reason of such violation, for the recovery of which the institution of proceedings in the United States district court is necessary, forthwith to cause the proper proceedings to be commenced and prosecuted, without delay, for the recovery of such fine, penalty, or forfeiture in such case provided, unless, upon inquiry and examination, such district attorney decides that such proceedings can not probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case he shall report the facts to the Secretary of the Treasury for his direction in the premises. (R. S. § 3085; Sept. 21, 1922, c. 356, Title IV, § 604, 42 Stat. 984.)

512. Same; custody of property seized.—All vessels, vehicles, merchandise, and baggage seized under the provisions of the customs laws, or laws relating to the navigation, registering, enrolling or licensing, or entry or clearance, of vessels, unless

otherwise provided by law, shall be placed and remain in the custody of the collector for the district in which the seizure was made to await disposition according to law. (Sept. 21, 1922, c. 356, Title IV, § 605, 42 Stat. 985.)

513. Same; appraisement of seized property.—The collector shall require the appraiser to determine the domestic value, at the time and place of appraisement, of any vessel, vehicle, merchandise, or baggage seized under the customs laws. (Sept. 21, 1922, c. 356, Title IV, § 606, 42 Stat. 985.)

514. Same; notice of seizure, forfeiture, and sale where value $1,000 or less.—If the value of such vessel, vehicle, merchandise, or baggage returned by the appraiser, under section 513 of this title, does not exceed $1,000, the collector shall cause a notice of the seizure of such articles and the intention to forfeit and sell the same to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. (Sept. 21, 1922, c. 356, Title IV, § 607, 42 Stat. 985.)

515. Same; claims to and condemnation of seized property.—Any person claiming such vessel, vehicle, merchandise, or baggage may at any time within twenty days from the date of the first publication of the notice of seizure file with the collector a claim stating his interest therein. Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of $250, with sureties to be approved by the collector, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, the collector shall transmit such claim and bond, with a duplicate list and description of the articles seized, to the United States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law. (Sept. 21, 1922, c. 356, Title IV, § 608, 42 Stat. 985.)

516. Same; sale of unclaimed property.—If no such claim is filed or bond given within the twenty days specified in section 515 of this title, the collector shall declare the vessel, vehicle, merchandise, or baggage forfeited, and shall sell the same at public auction in the same manner as merchandise abandoned to the United States is sold, and shall deposit the proceeds of sale, after deducting the actual expenses of seizure, publication and sale, in the Treasury of the United States. (Sept. 21, 1922, c. 356, Title IV, § 609, 42 Stat. 985.)

517. Same; condemnation proceedings where value exceeds $1,000.—If the value returned by the appraisor of any vessel, vehicle, merchandise, or baggage so seized is greater than $1,000, the collector shall transmit a report of the case, with the names of available witnesses, to the United States attorney for the district in which the seizure was made for the institution of the proper proceedings for the condemnation of such property. (Sept. 21, 1922, c. 356, Title IV, § 610, 42 Stat. 985.)

518. Same; place of sale; destruction instead of sale; remanufacture in certain cases.—If the sale of any vessel, vehicle, merchandise, or baggage forfeited under the customs laws in the district in which seizure thereof was made be prohibited by the laws of the State in which such district is located, or if a sale may be made more advantageously in any other district, the Secretary of the Treasury may order such vessel, vehicle, merchandise, or baggage to be transferred for sale in any customs district in which the sale thereof may be permitted. And if the Secretary of the Treasury is satisfied that the proceeds of sale will not be sufficient to pay the costs thereof, he may order a destruction by the customs officers. Any merchandise forfeited under the customs laws, the sale or use of which is prohibited under any law of the United States or of any State, may be remanufactured, in the discretion of the Secretary of the Treasury, into an article that is not prohibited, the resulting article to be disposed of to the profit of the United States only. (Sept. 21, 1922, c. 356, Title IV, § 611 42 Stat. 985.)

519. Same; summary sale of perishable property.—Whenever it appears to the collector that any vessel, vehicle, merchandise, or baggage seized under the customs laws is liable to perish or to waste or to be greatly reduced in value by keeping, or that the expense of keeping the same is disproportionate to the value thereof, and the value of such vessel, vehicle, merchandise, or baggage as determined by the appraiser under section 513 of this title, does not exceed $1,000, and such vessel, vehicle, merchandise, or baggage has not been delivered under bond, the collector shall, within twenty-four hours after the receipt by him of the appraiser's return proceed forthwith to advertise and sell the same at auction under regulations to be prescribed by the Secretary of the Treasury. If such value of such vessel, vehicle, merchandise, or baggage exceeds $1,000 the collector shall forthwith transmit the appraiser's return and his report of the seizure to the United States district attorney, who shall petition the court to order an immediate sale of such vessel, vehicle, merchandise, or baggage, and if the ends of justice require it the court shall order such immediate sale, the proceeds thereof to be deposited with the court to await the final determination of the condemnation proceedings. Whether such sale be made by the collector or by order of the court, the proceeds thereof shall be held subject to claims of parties in interest to the same extent as the vessel, vehicle, merchandise, or baggage so sold would have been subject to such claim. (Sept. 21, 1922, c. 356, Title IV, § 612, 42 Stat. 986.)

520. Same; sale of seized property; disposition of proceeds.—Any person claiming any vessel, vehicle, merchandise, or baggage, or any interest therein, which has been forfeited and sold under the provisions of this chapter, may at any time within three months after the date of sale apply to the Secretary of the Treasury if the forfeiture and sale was under the customs laws, or to the Secretary of Commerce if the forfeiture and sale was under the navigation laws, for a remission of the forfeiture and restoration of the proceeds of such sale, or such part thereof as may be claimed by him. Upon the production of satisfactory proof that the applicant did not know of the seizure prior to the declaration or condemnation of forfeiture, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without any willful negligence or intention to defraud on the part of the applicant, the Secretary of the Treasury or the Secretary of Commerce may order the proceeds of the sale, or any part thereof, restored to the applicant, after deducting the cost of seizure and of sale, the duties, if any, accruing on the merchandise or baggage, and any sum due on a lien for freight, charges or contribution in general average that may have been filed. If no application for such remission or restoration is made within three months after such sale, or if the application be denied by the Secretary of the Treasury or the Secretary of Commerce, the proceeds of sale shall be disposed of as follows:

(1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the property, advertising and sale, and if condemned by a decree of a district court and a bond for such costs was not given, the costs as taxed by the court;

(2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the collector according to law;

(3) For the payment of the duties accruing on such merchandise or baggage, if the same is subject to duty; and

(4) The residue shall be deposited with the Treasurer of the United States as a customs or navigation fine. (Sept. 21, 1922, c. 356, Title IV, § 613, 42 Stat. 986.)

521. Same; release of seized property on payment of appraised value.—If any person claiming an interest in any vessel, vehicle, merchandise, or baggage seized under the provisions of this chapter offers to pay the value of such vessel, vehicle, merchandise, or baggage, as determined under section 513 of this title, and it appears that such person has in fact a substantial interest therein, the collector may, subject to the approval of the Secretary of the Treasury if under the customs laws, or the Secretary of Commerce if under the navigation laws, accept such offer and release the vessel, vehicle, merchandise, or baggage seized upon the payment of such value thereof, which shall be distributed in the order provided in section 520. (Sept. 21, 1922, c. 356, Title IV, § 614, 42 Stat. 987.)

522. Vessels or vehicles summarily forfeited; use for enforcement of customs laws or National Prohibition Act.—Any vessel or vehicles summarily forfeited to the United States for violation of the customs laws, may, in the discretion of the Secretary of the Treasury, under such regulations as he may prescribe, be taken and used for the enforcement of the customs laws or the provisions of Title 27 (the National Prohibition Act), in lieu of the sale thereof under existing law. (Mar. 3, 1925, c. 438, § 1, 43 Stat. 1116.)

523. Vessels forfeited by decree; order of court for delivery to Treasury.—Upon application therefor by the Secretary of the Treasury, any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws may be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the customs laws or the provisions of Title 27 in lieu of the sale thereof under existing law. (Mar. 3, 1925, c. 438, § 2, 43 Stat. 1116.)

524. Limitation on use; expense of maintenance, etc.; report in Budget; disposition when not needed.—Any vessel or vehicle acquired under the provisions of sections 522 and 523 of this title shall be utilized only for official purposes in the enforcement of the customs laws or the provisions of Title 27. The appropriations available for defraying the expenses of collecting the revenue from customs or for enforcement of the provisions of Title 27 shall be available for the payment of expenses of maintenance, repair, and operation of said vessels and vehicles, including motor-propelled passenger-carrying vehicles. Said appropriations shall also be available for the payment of the actual costs incident to the seizure and forfeiture, and if the seizure is made under any section of law under which liens are recognized, for the payment of the amount of such lien allowed by the court. A report shall be submitted to Congress each year in the Budget, setting forth in detail a description of the vessels or vehicles so acquired, the cost of acquiring, the appraised value thereof, the uses to which they have been put, the appraised value of seizures resulting from their use, and the expense of operating such vessels or vehicles. Any vessel or vehicle so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property. (Mar. 3, 1925, c. 438, § 3, 43 Stat. 1116.)

525. Burden of proof in proceedings for forfeiture of property seized.—In all suits or actions brought for the forfeiture of any vessel, vehicle, merchandise, or baggage seized under the provisions of any law relating to the collection of duties on imports, where the property is claimed by any person, the burden of proof shall lie upon such claimant; and in all suits or actions brought for the recovery of the value of any vessel, vehicle, merchandise, or baggage seized for violation of any such law, the burden of proof shall be upon the defendant, but probable cause shall be first shown for the institution of such suit or action, to be judged of by the court. (Sept. 21, 1922, c. 356, Title IV, § 615, 42 Stat. 987.)

526. Costs of prosecution.—Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than $250, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution. (R. S. § 3089.)

527. Sums received from fines and other receipts covered into Treasury.—Except as otherwise provided by law, all sums received from fines, penalties, and forfeitures, connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services, shall be covered into the Treasury as are other miscellaneous receipts. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1315.)

528. Collector to receive amount recovered.—The collector within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is authorized to receive from the court within which trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law. (R. S. § 3087; Sept. 21, 1922, c. 356, Title IV, § 604, 42 Stat. 984.)

529. Compromise of claims.—It shall not be lawful for any officer of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture, and any such officer who compromises or abates any such claim or attempts to make such compromise or abatement, or in any manner relieves or attempts to relieve any person, vessel, vehicle, merchandise, or baggage from any such fine, penalty, or forfeiture shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for a term of not exceeding two years. The Secretary of the Treasury shall have power to remit or mitigate any such fine, penalty, or forfeiture, or to compromise the same in the manner provided by law. (Sept. 21, 1922, c. 356, Title IV, § 616, 42 Stat. 987.)

530. Dismissal of proceedings.—Nothing in section 529 of this title shall be construed to affect any authority, power, or right which might otherwise have been lawfully exercised by any court, judge, or district attorney of the United States to obtain the testimony of an accomplice in any crime against, or fraud upon the customs-revenue laws, on any trial or proceeding for a fine, penalty, or forfeiture under said laws, by a discontinuance or dismissal, or by an engagement to discontinue or dismiss any proceedings against such accomplice. (Jan. 22, 1875, c. 22, 18 Stat. 303.)

531. Compromise upon recommendation of Solicitor of the Treasury.—Upon a report by a collector, district attorney, or any special attorney or agent, having charge of any claim arising under the customs laws, showing the facts upon which such claim is based, the probabilities of a recovery and the terms upon which the same may be compromised, the Secretary of the Treasury is authorized to compromise such claim, if such action shall be recommended by the Solicitor of the Treasury. (Sept. 21, 1922, c. 356, Title IV, § 617, 42 Stat. 987.)

532. Remission or mitigation of fines, penalties, or forfeitures.—Whenever any person interested in any vessel, vehicle, merchandise, or baggage seized under the provisions of this title, or who has incurred, or is alleged to have incurred, any fine or penalty thereunder, files with the Secretary of the Treasury if under the customs laws, and with the Secretary of Commerce if under the navigation laws, before the sale of such vessel, vehicle, merchandise, or baggage a petition for the remission or mitigation of such fine, penalty, or forfeiture, the Secretary of the Treasury, or the Secretary of Commerce, if he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontin-

uance of any prosecution relating thereto. In order to enable him to ascertain the facts, the Secretary of the Treasury may issue a commission to any special agent, collector, member of the Board of United States General Appraisers, or United States commissioner, to take testimony upon such petition. Nothing in this section shall be construed to deprive any person of an award of compensation made before the filing of such petition. (Sept. 21, 1922, c. 356, Title IV, § 618, 42 Stat. 987.)

533. Compensation to informers.—Any person not an officer of the United States who detects and seizes any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the customs laws and who reports the same to an officer of the customs, or who furnishes to a district attorney, to the Secretary of the Treasury, or to any customs officer original information concerning any fraud upon the customs revenue, or a violation of the customs laws perpetrated or contemplated, which detection and seizure or information leads to a recovery of any duties withheld, or of any fine, penalty or forfeiture incurred, may be awarded and paid by the Secretary of the Treasury a compensation of 25 per centum of the net amount recovered, but not to exceed $50,000 in any case, which shall be paid out of moneys appropriated for that purpose. For the purposes of this section, an amount recovered under a bail bond shall be deemed a recovery of a fine incurred. (Sept. 21, 1922, c. 356, Title IV, § 619, 42 Stat. 988.)

534. Same; United States officers.—Any officer of the United States who directly or indirectly receives, accepts, or contracts for any portion of the money which may accrue to any person making such detection and seizure, or furnishing such information, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both, and shall be thereafter ineligible to any office of honor, trust, or emolument. Any such person who pays to any such officer, or to any person for the use of such officer, any portion of such money, or anything of value for or because of such money, shall have a right of action against such officer, or his legal representatives, or against such person, or his legal representatives, and shall be entitled to recover the money so paid or the thing of value so given. (Sept. 21, 1922, c. 356, Title IV, § 620, 42 Stat. 988.)

535. Compulsory production of books, invoices, or papers.—In all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid. (June 22, 1874, c. 391, § 5, 18 Stat. 187.)

536. Limitation of actions for penalties or forfeitures.—No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when such penalty or forfeiture accrued. But the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation. (Sept. 21, 1922, c. 356, Title IV, § 621, 42 Stat. 988.)

537. Officers, informers, and defendants as witnesses.—No officer, or other person entitled to or claiming compensation under any provision of this chapter, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner. (June 22, 1874, c. 391, § 8, 18 Stat. 188.)

538. Extension of time for acts during national emergency of war.—Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time prescribed in this chapter for the performance of any act. (Sept. 21, 1922, c. 356, Title IV, § 622, 42 Stat. 988.)

539. General rules and regulations.—In addition to the specific powers conferred by this chapter, the Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this chapter. (Sept. 21, 1922, c. 356, Title IV, § 623, 42 Stat. 988.)

540. President may use suitable vessels for enforcing customs laws.—In the execution of laws providing for the collection of duties on imports the President, in addition to the Coast Guard cutters in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required. (R. S. § 5318.)

541. Small boats for use of customs officials.—The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of vessels and otherwise, for the better detection of frauds. (R. S. § 2763.)

542. Motor boat for Corpus Christi; use elsewhere.—The Secretary of the Treasury may use the gasoline motor boat provided for service in the customs collection at Corpus Christi, Texas, elsewhere than at Corpus Christi as the exigencies of the service may require. (Feb. 10, 1913, c. 35, 37 Stat. 665.)

PART 6.—GENERAL PROVISIONS

571. Effect of repeals or modifications upon rights and liabilities.—The repeal of laws in force and effect prior to September 21, 1922, or modifications thereof embraced in this chapter shall not affect any act done, nor any right accruing or accrued, nor any suit or proceeding had or commenced in any civil or criminal case prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof,

under any statute embraced in, or changed, modified, or repealed by this chapter, may be prosecuted and punished in the same manner and with the same effect as if this chapter had not been passed. No acts of limitation in force on September 21, 1922, whether applicable to civil causes and proceedings, or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in, modified, changed, or repealed by this chapter shall be affected thereby so far as they affect any suits, proceedings or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to that date which may be commenced and prosecuted within the same time and with the same effect as if this chapter had not been passed. (Sept. 21, 1922, c. 356, Title IV, § 641, 42 Stat. 989.)

572. **Treaty with Cuba and law enforcing not affected.**—Nothing in this chapter shall be construed to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or the provisions of sections 124 and 125 of this title. (Sept. 21, 1922, c. 356, Title III, § 320, 42 Stat. 947.)

573. **Laws unaffected.**—Nothing in this chapter shall be construed to repeal or in any manner affect sections 128, 130, 131, of this title, section 487 of Title 26 or section 296 of Title 5. (Sept. 21, 1922, c. 356, Title III, § 321, 42 Stat. 947.)

574. **Exemption from taking other oaths.**—Nothing contained in this title shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States. (R. S. § 3094.)

575. **Effect of partial invalidity.**—If any clause, sentence, paragraph, or part of this subtitle shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Sept. 21, 1922, c. 356, Title IV, § 645, 42 Stat. 990.)

576. **Citation of chapter.**—Act September 21, 1922, chapter 356, Forty-second Statutes, page 990, contained in this chapter may be cited as the "Tariff Act of 1922." (Sept. 21, 1922, c. 356, Title IV, § 647, 42 Stat. 990.)

577. **Laws applicable to Philippines.**—Except as otherwise provided by law, the provisions of Subtitle IV of this chapter shall apply to all articles coming into the United States from the Philippine Archipelago. (Mar. 8, 1902, c. 140, § 8, 32 Stat. 55.)

DAIRIES

See Title 7, AGRICULTURE; Title 21, FOOD AND DRUGS.

DAMS

See Title 16, CONSERVATION.

DEATH ON HIGH SEAS BY WRONGFUL ACT

See Title 46, SHIPPING.

DEPARTMENTS OF GOVERNMENT

See Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

DEPORTATION

See Title 8, ALIENS AND CITIZENSHIP.

DEPOSITIONS

See Title 28, JUDICIAL CODE AND JUDICIARY.

DERELICTS

See Title 46, SHIPPING.

DESERT LANDS

See Title 43, PUBLIC LANDS.

DIPLOMATIC OFFICERS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

DISCIPLINARY BARRACKS

See Title 10, ARMY.

DISEASES

See Title 42, PUBLIC HEALTH.

DISTINGUISHED SERVICE MEDALS AND CROSSES

See Title 10, ARMY.

DISTRICT ATTORNEYS

See Title 28, JUDICIAL CODE AND JUDICIARY.

DISTRICT COURTS

See Title 28, JUDICIAL CODE AND JUDICIARY.

DISTRICT OF COLUMBIA

See Title 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS.

DOCUMENTS

See Title 44, PUBLIC PRINTING AND DOCUMENTS.

DRAINAGE

See Title 43, PUBLIC LANDS.

DRUGS

See Title 21, FOOD AND DRUGS.

TITLE 20.—EDUCATION

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CROSS REFERENCES

Agricultural and mechanical colleges; see Title 7, AGRICULTURE.
Indians; see Title 25, INDIANS.
Military instruction in schools and colleges; see Title 10, ARMY.
Nautical instruction in educational institutions; see Title 34, NAVY.

Chapter 1.—THE OFFICE OF EDUCATION.

Sec.
1. Established.
2. Commissioner of Education.
3. Bulletin of Bureau of Education.
4. Report of Commissioner.
5. Offices for use of bureau.

Section 1. Established.—There shall be in the Department of the Interior a bureau called the Office of Education, the purpose and duties of which shall be to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. (R. S. § 516.)

2. Commissioner of Education.—The management of the Office of Education shall, subject to the direction of the Secretary of the Interior, be intrusted to a Commissioner of Education, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 517; Mar. 8, 1917, c. 163, § 1, 39 Stat. 1105; Mar. 3, 1925, c. 462, 43 Stat. 1179.)

3. Bulletin of Bureau of Education.—The Commissioner of Education is authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States, and there shall be printed one edition of not exceeding twelve thousand five hundred copies of each issue of said bulletin for distribution by the Bureau of Education, the expense of printing and binding such bulletin to be charged to the allotment for printing and binding for the Department of the Interior. (May 28, 1896, c. 252, § 1, 29 Stat. 171.)

4. Report of Commissioner.—The Commissioner of Education shall present annually to Congress a report embodying the results of his investigations and labors together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which the office is established. (R. S. § 518.)

5. Offices for use of bureau.—The Director of Public Buildings and Public Parks of the National Capital shall furnish proper offices for the use of the Office of Education. (R. S. § 519; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

Chapter 2.—VOCATIONAL EDUCATION.

Sec.
11. Annual appropriations.
12. Same; paying salaries of teachers of agricultural subjects; amounts; allotment of funds to States.
13. Same; paying salaries of teachers of trade, home economics, and industrial subjects; amounts; allotment of funds to States.
14. Same; preparing teachers of agricultural subjects; amounts; allotment of funds to States.
15. Same; for Federal board.
16. Same; acceptance of benefits of appropriations by States; creation of State boards.
17. Federal board; members; chairman; terms of office; cooperation with State boards; investigations; assistants.
18. Plans and reports by State boards to be submitted to Federal board.
19. Expenditure of appropriations; expenses to be borne by States.
20. Plans by State board for use of appropriations; for agricultural purposes.
21. Same; for salaries of teachers of trade, home economics, and industrial subjects.
22. Same; for training teachers, supervisors or directors.
23. State custodians of funds appropriated.
24. Supervision of expenditures by States; quarterly payments to States.
25. Deductions from allotments when preceding allotments have not been expended.
26. Withholding allotments.
27. Loss of funds; replacing; limitation on use.
28. Reports to Congress by Federal board.
29. Benefits extended to Hawaii.

Section 11. Annual appropriations.—There is annually appropriated, out of any money in the Treasury not otherwise appropriated, the amounts hereinafter provided for, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial, and home economics subjects, and for the use of the Federal Board for Vocational Education for the administration of this chapter and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided. (Feb. 23, 1917, c. 114, § 1, 39 Stat. 929.)

12. Same; paying salaries of teachers of agricultural subjects; amounts; allotment of funds to States.—For the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects there is annually appropriated for the use of the States, subject to the provisions of this chapter, the sum of $3,000,000. Said appropriation shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census. The allotment of funds to any State shall be not less than a minimum of $10,000 for any fiscal year. There is appropriated for each fiscal year the sum of $27,000, or so much thereof as may be necessary, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section. (Feb. 23, 1917, c. 114, § 2, 39 Stat. 930.)

13. Same; paying salaries of teachers of trade, home economics, and industrial subjects; amounts; allotment of funds to States.—For the purpose of cooperating with the States in paying the salaries of teachers of trade, home economics, and industrial subjects there is annually appropriated for the use of the States the sum of $3,000,000. Said appropriation shall be allotted to the States in the proportion which their

urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census. The allotment of funds to any State shall be not less than a minimum of $10,000 for any fiscal year. There is appropriated the sum of $50,000 annually, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section.

Not more than 20 per centum of the money appropriated under this chapter for the payment of salaries of teachers of trade, home economics, and industrial subjects, for any year, shall be expended for the salaries of teachers of home economics subjects. (Feb. 23, 1917, c. 114, § 3, 39 Stat. 930.)

14. Same; preparing teachers of agricultural subjects; amounts; allotment of funds to States.—For the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects, there is annually appropriated for the use of the States the sum of $1,000,000. Said sum shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census. The allotment of funds to any State shall be not less than a minimum of $10,000 for any fiscal year. And there is appropriated the sum of $90,000 annually, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section. (Feb. 23, 1917, c. 114, § 4, 39 Stat. 931.)

15. Same; for Federal board.—There is appropriated to the Federal Board for Vocational Education the sum of $200,000 annually, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 17 of this title, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem necessary to the execution and administration of this chapter; this appropriation is also made available for printing and binding, law books, books of reference and periodicals, and postage on foreign mail. (Feb. 23, 1917, c. 114, § 7, 39 Stat. 933; Oct. 6, 1917, c. 79, § 1, 40 Stat. 345.)

16. Same; acceptance of benefits of appropriations by States; creation of State boards.—In order to secure the benefits of the appropriations provided for in sections 12, 13, and 14 of this title, any State shall, through the legislative authority thereof, accept the provisions of this chapter and designate or create a State board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal Board for Vocational Education in the administration of the provisions of this chapter. The State board of education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board, for the purposes of this chapter.

Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted, except that no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this chapter, and no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics, and industrial subjects, as provided for in this chapter. (Feb. 23, 1917, c. 114, § 5, 39 Stat. 931; Oct. 6, 1917, c. 79, § 1, 40 Stat. 345.)

17. Federal board; members; chairman; terms of office; cooperation with State boards; investigations; assistants.—A Federal Board for Vocational Education is created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each.

The board shall have power to cooperate with State boards in carrying out the provisions of this chapter. It shall be the duty of the Federal Board for Vocational Education to make, or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

When the board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, may be made in cooperation with or through the Bureau of Education.

The Commissioner of Education may make such recommendations to the board relative to the administration of this chapter as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal Board for Vocational Education shall have power to employ such assistants as may be necessary to carry out the provisions of this chapter. (Feb. 23, 1917, c. 114, § 6, 39 Stat. 932.)

18. Plans and reports by State boards to be submitted to Federal board.—In order to secure the benefits of the appropriation for any purpose specified in this chapter, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects the qualifications of supervisors or directors; plans for the training of teachers; and, in the

case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section 20 of this title. Such plans shall be submitted by the State board to the Federal Board for Vocational Education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this chapter, the same shall be approved. The State board shall make an annual report to the Federal Board for Vocational Education, on or before September 1st of each year, on the work done in the State and the receipts and expenditures of money under the provisions of this chapter. (Feb. 23, 1917, c. 114, § 8, 39 Stat. 933.)

19. Expenditure of appropriations; expenses to be borne by States.—The appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade, home economics, and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal Board for Vocational Education. The cost of instruction supplementary to the instruction in agricultural and in trade, home economics, and industrial subjects provided for in this chapter, necessary to build a well-rounded course of training, shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of the appropriations made in this chapter. The moneys expended under the provisions of this chapter, in cooperation with the States, for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects, as provided in this chapter shall be conditioned that such money be expended for maintenance of such training and that for each dollar of Federal money so expended for maintenance, the State or local community, or both, shall expend an equal amount for the maintenance of such training. (Feb. 23, 1917, c. 114, § 9, 39 Stat. 933.)

20. Plans by State boards for use of appropriations; for agricultural purposes.—Any State may use the appropriation for agricultural purposes, or any part thereof allotted to it, under the provisions of this chapter, for the salaries of teachers, supervisors, or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for the salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal Board for Vocational Education. In order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects the State board of any State shall provide in its plan for agricultural education that such education shall be that which is under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over fourteen years of age who have entered upon or who are preparing to enter upon the work of the farm or of the farm home; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal Board for Vocational Education, as the minimum requirement for such education in schools and classes in the State; that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board as the minimum for such schools or classes in the State; that such schools shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm, for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board, with the approval of the Federal Board for Vocational Education. (Feb. 23, 1917, c. 114, § 10, 39 Stat. 934.)

21. Same; for salaries of teachers of trade, home economics, and industrial subjects.—In order to receive the benefits of the appropriation for the salaries of teachers of trade, home economics, and industrial subjects the State board of any State shall provide in its plan for trade, home economics, and industrial education that such education shall be given in schools or classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over fourteen years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal Board for Vocational Education, as the minimum requirement in such State for education for any given trade or industrial pursuit; that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than nine months per year and not less than thirty hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade, home economics, and industrial subjects shall, if expended, be applied to part-time schools or classes for workers over fourteen years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over fourteen and less than eighteen years of age; that such part-time schools or classes shall provide for not less than one hundred and forty-four hours of class-room instruction per year; that evening industrial schools shall fix the age of sixteen years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal Board for Vocational Education. For cities and towns of less than twenty-five thousand population, according to the last preceding United States census, the State board, with the approval of the Federal Board for Vocational Education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment, in order to meet the particular needs of such cities and towns. (Feb. 23, 1917, c. 114, § 11, 39 Stat. 934.)

22. Same; for training teachers, supervisors, or directors.—In order for any State to receive the benefits of the appropriation in this chapter for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade, industrial or home economics subjects, the State board of such State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes under

public supervision or control; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training; and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade, industrial, and home economics subjects; that not more than 60 per centum nor less than 20 per centum of the money appropriated under this chapter for the training of teachers of vocational subjects to any State for any year shall be expended for any one of the following purposes: For the preparation of teachers, supervisors, or directors of agricultural subjects, or the preparation of teachers of trade and industrial subjects, or the preparation of teachers of home economics subjects. (Feb. 23, 1917, c. 114, § 12, 39 Stat. 935.)

23. State custodians of funds appropriated.—In order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, or for the training of teachers as provided in this chapter, any State shall, through the legislative authority thereof, appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursements of all money paid to the State from said appropriations. (Feb. 23, 1917, c. 114, § 13, 39 Stat. 935.)

24. Supervision of expenditures by States; quarterly payments to States.—The Federal Board for Vocational Education shall annually ascertain whether the several States are using, or are prepared to use, the money received by them in accordance with the provisions of this chapter. On or before the first day of January of each year the Federal Board for Vocational Education shall certify to the Secretary of the Treasury each State which has accepted the provisions of this chapter and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this chapter. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this chapter. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this chapter. (Feb. 23, 1917, c. 114, § 14, 39 Stat. 935.)

25. Deductions from allotments when preceding allotments have not been expended.—Whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this chapter, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State. (Feb. 23, 1917, c. 114, § 15, 39 Stat. 936.)

26. Withholding allotments.—The Federal Board for Vocational Education may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this chapter.

If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury. (Feb. 23, 1917, c. 114, § 16, 39 Stat. 936.)

27. Loss of funds; replacing; limitation on use.—If any portion of the moneys received by the custodian for vocational education of any State under this chapter, for any given purpose named in this chapter, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this chapter for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college. (Feb. 23, 1917, c. 114, § 17, 39 Stat. 936.)

28. Reports to Congress by Federal board.—The Federal Board for Vocational Education shall make an annual report to Congress, on or before December 1, on the administration of this chapter and shall include in such report the reports made by the State boards on the administration of this chapter by each State and the expenditure of the money allotted to each State. (Feb. 23, 1917, c. 114, § 18, 39 Stat. 936.)

29. Benefits extended to Hawaii.—The Territory of Hawaii shall be entitled to share in the benefits of this chapter and any statute supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, the sum of $30,000, to be available for allotment under this chapter to the Territory. (Mar. 10, 1924, c. 46, § 4, 43 Stat. 18.)

Chapter 3.—SMITHSONIAN INSTITUTION (AND NATIONAL MUSEUM).

Sec.
41. Incorporation of institution.
42. Regents.
43. Same; appointment; terms of office; vacancies.
44. Same; organization.
45. Special meetings of members.
46. Duties of secretary.
47. Acting secretary.
48. Salary and removal of secretary and assistants.
49. Statement of expenditures.
50. Reception and arrangement of specimens and objects of art.
51. Library.
52. Evidence of title to site and buildings.
53. Protection of property.
54. Appropriation of interest.
55. Acceptance of other sums.
56. Disposal of unappropriated money.
57. Disbursements.
58. Annual report of salaries.
59. National Museum; collections of Coast and Interior Survey, and Geological Survey.
60. Same; arms, matériel, equipment, etc., for.
61. Archives relating to Indians, collected by Geographical and Geological Survey.
62. Instruments of Coast and Geodetic Survey; transfer authorized.
63. Transfer of instruments to educational institutions and museums.
64. Distribution of specimens to schools and colleges.
65. Report of director of National Museum.
66. Exchange of typewriters and adding machines.
67. Right of repeal.

Section 41. Incorporation of institution.—The President, the Vice President, the Chief Justice, and the heads of executive departments are hereby constituted an establishment by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men, and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions hereinafter contained, and no other. (R. S. § 5579; Feb. 27, 1877, c. 69, 19 Stat. 253; Mar. 12, 1894, c. 36, 28 Stat. 41.)

42. Regents.—The business of the institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, and three members of the Senate and three members of the House of Representatives; together with six other persons, other than members of Congress, two of whom shall be resident in the

city of Washington; and the other four shall be inhabitants of some State, but no two of them of the same State. (R. S. § 5580, Mar. 12, 1894, c. 36, 28 Stat. 41.)

43. Same; appointment; terms of office; vacancies.—The Board of Regents shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives. The Members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other six members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress. (R. S. § 5581.)

44. Same; organization.—The Board of Regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board; and, on application of any three of the Regents to the secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, five shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the secretary of the board; but his service as Regent shall be gratuitous. (R. S. § 5582.)

45. Special meetings of members.—The members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the president, and in his absence the vice president, shall preside. (R. S. § 5585.)

46. Duties of secretary.—The secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants. (R. S. § 5583.)

47. Acting secretary.—The chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the secretary thereof, designate and appoint a suitable person to act as secretary of the institution when there shall be a vacancy in said office, and whenever the secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the secretary by law until the vacancy shall be filled or such inability shall cease. The said chancellor may change such designation and appointment from time to time as the interests of the institution may in his judgment require. (May 13, 1884, c. 44, 23 Stat. 21.)

48. Salary and removal of secretary and assistants.—The secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require such removal. (R. S. § 5584; June 30, 1906, c. 3914, § 6, 34 Stat. 763.)

49. Statement of expenditures.—The secretary shall submit to Congress annually at the beginning of each regular session thereof a detailed statement of the expenditures of the preceding fiscal year, under appropriations for "International Exchanges," "North American Ethnology," and the "National Museum." (Oct. 2, 1888, c. 1069, § 1, 25 Stat. 529.)

50. Reception and arrangement of specimens and objects of art.—Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosesoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the institution, by exchanges of duplicate specimens, which the Regents may in their discretion make, or by donation, which they may receive, or otherwise, the Regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the institution. (R. S. § 5586.)

51. Library.—The Regents shall make, from the interest of the fund, an appropriation, not exceeding an average of $25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge. (R. S. § 5587.)

52. Evidence of title to site and buildings.—The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution. (R. S. § 5588.)

53. Protection of property.—All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to, the institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for. (R. S. § 5589.)

54. Appropriation of interest.—So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of $541,379.63, shall be lent to the United States Treasury, at 6 per centum per annum interest; and 6 per centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the first of January and July in each year, is appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or

may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are pledged to refund to the Treasury of the United States the sums hereby appropriated. (R. S. § 5590.)

55. Acceptance of other sums.—The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the Regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of $1,000,000. This shall not operate as a limitation on the power of the Smithsonian Institution to receive money or other property by gift, bequest, or devise, and to hold and dispose of the same in promotion of the purposes thereof. (R. S. § 5591; Mar. 12, 1894, c. 36, 28 Stat. 41.)

56. Disposal of unappropriated money.—The Regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purpose of the testator. (R. S. § 5592.)

57. Disbursements.—Whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of sections 41 to 46, 48, 50 to 57, and 67 of this title, or for making the purchases and executing the objects authorized by said sections, the Board of Regents, or the executive committee thereof, may certify to the chancellor and secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. The board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution. (R. S. § 5593.)

58. Annual report of salaries.—A report in detail, for the preceding fiscal year, shall be made to Congress annually of the salaries of all officers and employees paid from appropriations under the Smithsonian Institution. (Mar. 3, 1899, c. 424, § 1, 30 Stat. 1085.)

59. National Museum; collections of Coast and Interior Survey, and Geological Survey.—All collections of rocks, minerals, soils, fossils, and objects of natural history, archæology, and ethnology, made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress shall be deposited in the National Museum. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 394.)

60. Same; arms, matériel, equipment, etc., for.—The Secretary of War is authorized to furnish to the National Museum, for exhibition, upon request therefor by the administrative head thereof, such articles of arms, matériel, equipment, or clothing as have been issued from time to time to the United States Army, or which have been or may hereafter be produced for the United States Army, and which are objects of general interest or of foreign or curious research, provided that such articles are surplus or can be spared. (Mar. 4, 1921, c. 166, § 1, 41 Stat. 1438.)

61. Archives relating to Indians, collected by Geographical and Geological Survey.—All the archives, records and materials relating to the Indians of North America, collected by the Geographical and Geological Survey, of the Rocky Mountain region, shall be turned over to the Smithsonian Institution, that the work may be completed and prepared for publication under its direction: *Provided*, That it shall meet the approval of the Secretary of the Interior and of the Secretary of the Smithsonian Institution. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 397.)

62. Instruments of Coast and Geodetic Survey; transfer authorized.—The Secretary of Commerce may transfer to the Smithsonian Institution such instruments of the Coast and Geodetic Survey as in his judgment are of historic value but of no further use in the survey's work. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 661.)

63. Transfer of instruments to educational institutions and museums.—The Secretary of Commerce is authorized to transfer, under such rules and regulations as he may deem advisable, to educational institutions and to museums, such instruments of the United States Coast and Geodetic Survey as, in his judgment, are of historical value but of no further use in the work of that survey, except such historical instruments as may be needed by the Smithsonian Institution for exhibit at the National Museum. (June 5, 1920, c. 235, § 1, 41 Stat. 930.)

64. Distribution of specimens to schools and colleges.—Duplicate specimens of the National Museum and Bureau of Fisheries may be distributed to colleges, academies, and other institutions of learning upon the payment by the recipients of the cost of preparation for transportation and the transportation thereof. (Mar. 3, 1883, c. 143, § 1, 22 Stat. 629.)

65. Report of Director of National Museum.—The Director of the National Museum shall report annually to Congress the progress of the museum during the year and its present condition. (July 7, 1884, c. 332, § 1, 23 Stat. 214.)

66. Exchange of typewriters and adding machines.—The Government branches under the direction of the Smithsonian Institution may exchange typewriters, adding machines, and other labor-saving devices in part payment for like articles. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 839.)

67. Right of repeal.—Congress may alter, amend, add to, or repeal any of the provisions of this chapter; but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired. (R. S. § 5594.)

Chapter 4.—NATIONAL ZOOLOGICAL PARK.

Sec.
81. National Zoological Park; administration by Regents of Smithsonian Institution.
82. Same; aid in acquisition of collections.
83. Same; report of expenses.
84. Same; plans for buildings and bridges.

Section 81. National Zoological Park; administration by Regents of Smithsonian Institution.—The National Zoological Park is placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer the said Zoological Park for the advancement of science and the instruction and recreation of the people. (Apr. 30, 1890, c. 173, § 2, 26 Stat. 78.)

82. Same; aid in acquisition of collections.—The heads of executive departments of the Government are authorized and directed to cause to be rendered all necessary and practicable aid to the said Regents in the acquisition of collections for the Zoological Park. (Apr. 30, 1890, c. 173, § 3, 26 Stat. 78.)

83. Same; report of expenses.—A report in detail of the expenses on account of the National Zoological Park shall be made to Congress at the beginning of each regular session. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 384.)

84. Same; plans for buildings and bridges.—All plans and specifications for the construction of buildings in the National Zoological Park shall be prepared under the supervision of the municipal architect of the District of Columbia, and all plans and specifications for bridges in said park shall be prepared under the supervision of the engineer of bridges of the District of Columbia. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 437.)

Chapter 5.—GOVERNMENT COLLECTIONS AND INSTITUTIONS FOR RESEARCH, AND MATERIAL FOR EDUCATIONAL INSTITUTIONS.

Sec.
91. Literary and scientific collections accessible to investigators and students.
92. Admissions to marine biological station for pursuit of investigations.
93. Sale of machine tools to trade, technical, and public schools and universities; conditions.

Section 91. Literary and scientific collections accessible to investigators and students.—The facilities for study research and illustration in the Government departments and in the following and any other governmental collections now existing or hereafter to be established in the city of Washington for the promotion of knowledge shall be accessible, under such rules and restrictions as the officers in charge of each department or collection may prescribe, subject to such authority as is now or may hereafter be permitted by law, to the scientific investigators and to duly qualified individuals, students and graduates of any institution of learning in the several States and Territories and the District of Columbia, to wit:

One. Of the Library of Congress.
Two. Of the National Museum.
Three. Of the Patent Office.
Four. Of the Bureau of Education.
Five. Of the Bureau of Ethnology.
Six. Of the Army Medical Museum.
Seven. Of the Department of Agriculture.
Eight. Of the Bureau of Fisheries.
Nine. Of the Botanic Gardens.
Ten. Of the Coast and Geodetic Survey.
Eleven. Of the Geological Survey.
Twelve. Of the Naval Observatory.
Thirteen. Of the Zoological Park. (Apr. 12, 1892, No. 8, 27 Stat. 395; Mar. 3, 1901, c. 831, 31 Stat. 1039.)

92. Admissions to marine biological station for pursuit of investigations.—The professors, instructors, and students of the several land-grant, agricultural, and mechanical colleges of the United States shall be admitted to the marine biological station on the Gulf of Mexico on the coast of Florida, to pursue such investigation in fish culture and biology as may be practicable, without cost to the Government, under such rules and regulations as may be from time to time prescribed by the Secretary of Commerce. (Mar. 1, 1911, c. 189, §§ 1, 2, 36 Stat. 964; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Aug. 1, 1914, c. 223, § 1, 38 Stat. 665.)

93. Sale of machine tools to trade, technical, and public schools and universities; conditions.—The Secretary of War is authorized, under such regulations as he may prescribe, to sell at 15 per centum of their cost to trade, technical, and public schools and universities, and other recognized educational institutions, upon application in writing, such machine tools as are suitable for their use owned by the United States of America and under the control of the War Department and not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses, except cost of transportation, incident to distribution of the tools, and the balance shall be turned into the Treasury of the United States as miscellaneous receipts. In the event any such material is offered for sale by said institutions without the consent in writing of the Secretary of War, title thereto shall revert to the United States. (Nov. 19, 1919, c. 118, 41 Stat. 360.)

Chapter 6.—AMERICAN PRINTING HOUSE FOR THE BLIND.

Sec.
101. Permanent trust fund; annual appropriation.
102. Same; application of appropriation.
(1) Purposes and method of expenditure.
(2) Buildings.
(3) Sales of books and apparatus at cost.
(4) Income withheld when not properly used.
(5) Bond of treasurer.
(6) Ex officio trustees.
103. Publications for National Library for the Blind.
104. Annual reports by trustees.
105. Books for Library of Congress.

Section 101. Permanent trust fund; annual appropriation.—The sum of $250,000, set apart as a perpetual trust fund for the purpose of aiding the education of the blind in the United States, through the American Printing House for the Blind, shall be credited on the books of the Treasury Department as a perpetual trust fund for that purpose, to be held, invested, and reinvested, by the Secretary of the Treasury in United States interest-bearing bonds; and the sum of $10,000, being equivalent to 4 per centum on the principal of said trust fund, is appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes authorized by this chapter. In addition to the permanent appropriation of $10,000, made in this section, there is authorized to be appropriated annually to the American Printing House for the Blind the sum of $40,000, which sum shall be expended in accordance with the requirements of this chapter. (Mar. 3, 1879, c. 186, §§ 1, 2, 20 Stat. 468; June 25, 1906, c. 3536, 34 Stat. 460; Aug. 4, 1919, c. 31, 41 Stat. 272.)

102. Same; application of appropriation.—The Secretary of the Treasury of the United States is hereby authorized to pay over semiannually, to the trustees of the American Printing House for the Blind, located in Louisville, Kentucky, and chartered in 1858 by the Legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, one-half of such permanent annual appropriation upon the following conditions:

(1) *Purposes and method of expenditure.*—First. Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by such appropriation shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House for the Blind shall require; and each institution shall receive, in books and apparatus, that portion of the appropriation as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

(2) *Buildings.*—Second. No part of the appropriation shall be expended in the erection or leasing of buildings.

(3) *Sales of books and apparatus at cost.*—Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Kentucky; and the price put upon each article so manufactured or furnished shall only be its actual cost.

(4) *Income withheld when not properly used.*—Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the appropriation whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Kentucky, are not using the appropriation for the benefit of the blind in the public institutions for the education of the blind in the United States.

(5) *Bond of treasurer.*—Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States, the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of $20,000, conditioned that the money so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

(6) *Ex officio trustees.*—Sixth. The superintendents of the various public institutions for the education of the blind in the United States shall each, ex officio, be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Kentucky. (Mar. 3, 1879, c. 186, § 3, 20 Stat. 468.)

103. Publications for National Library for the Blind.—Two copies of each of the publications printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at 1729 H Street Northwest, Washington, District of Columbia. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 332.)

104. Annual reports by trustees.—The trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the appropriation aforesaid during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received. (Mar. 3, 1879, c. 186, § 4, 20 Stat. 469.)

105. Books for Library of Congress.—The distribution of embossed books manufactured by the American Printing House for the Blind at Louisville, Kentucky, out of the income of the fund provided by this chapter, shall include one copy of every book so manufactured to be deposited in the Library of Congress at Washington. (Mar. 4, 1913, c. 142, § 1, 37 Stat. 748.)

Chapter 7.—INSTRUCTION AS TO NATURE AND EFFECT OF ALCOHOLIC DRINKS AND NARCOTICS.

Sec.
111. Study in certain schools of effect of alcoholic drinks and narcotics.
112. Enforcement of section 111.
113. Teachers' certificates dependent on passing examination on effect of alcoholic drinks and narcotics.

Section 111. Study in certain schools of effect of alcoholic drinks and narcotics.—The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the military and naval schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of textbooks in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the Territories, in the Military and Naval Academies of the United States, and in the District of Columbia, and in all Indian and colored schools in the Territories of the United States. (May 20, 1886, c. 362, § 1, 24 Stat. 69.)

112. Enforcement of section 111.—It shall be the duty of the proper officers in control of any school described in section 111 of this title to enforce the provisions of this chapter; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this chapter, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by section 111 of this title, for all pupils in each and every school under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases. (May 20, 1886, c. 362, § 2, 24 Stat. 69.)

113. Teachers' certificates dependent on passing examination on effect of alcoholic drinks and narcotics.—No certificate shall be granted to any person to teach in the public schools of the District of Columbia or Territories who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and the effects of alcoholic drinks and other narcotics upon the human system. (May 20, 1886, c. 362, § 3, 24 Stat. 69.)

Chapter 8.—HOWARD UNIVERSITY.

Sec.
121. Annual report of president and directors.
122. Limitation on use of appropriations.

Section 121. Annual report of president and directors.—The president and directors of Howard University shall report to the Secretary of the Interior the condition of the institution on the 1st of July of each year, embracing therein the number of pupils received and discharged or leaving the same for any cause during the preceding year, and the number remaining; also, the branches of knowledge and industry taught and the progress made therein together with a statement showing the receipts of the institution and from what sources, and its disbursements, and for what objects. (Mar. 3, 1893, c. 208, 27 Stat. 595; July 1, 1898, c. 546, 30 Stat. 624.)

122. Limitation on use of appropriations.—No part of the appropriations made by Congress for the Howard University shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein; and no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under said appropriations. (Mar. 3, 1899, c. 424, 30 Stat. 1101.)

Chapter 9.—NATIONAL TRAINING SCHOOL FOR BOYS.

Sec.
131. Designation of school.
132. Board of trustees; appointment; president.
133. Same; Commissioner of District to be trustee.
134. Consulting trustees.
135. Corporate capacity and powers of board.
136. By-laws, rules, and regulations.
137. Contracts and purchases; president of board its executive officer; annual reports.
138. Superintendent and other employees.
139. Treasurer; bond; duties.
140. Superintendent's bond.
141. Powers and duties of superintendent and subordinate officers.
142. Control of lands and other property; books of account; register of boys; examinations of school and accounts.
143. Report by officers to Commissioners of District.
144. Disposition of proceeds of farm and shops.
145. Boys committed; commitment by court or judge, or by president of board of trustees.
146. Period of detention.
147. Number of boys limited to number that can be properly accommodated.
148. Enticing boy from school or harboring escaped boy; arrest and return.
149. Employment and instruction of boys; apprenticing; indentures.
150. Release on parole of juvenile offenders committed.
151. Board of trustees authorized to parole.
152. Support of boys sent to school by District.

Section 131. Designation of school.—The Reform School of the District of Columbia shall be known and designated as the

National Training School for Boys. (May 27, 1908, c. 200, § 1, 35 Stat. 380.)

132. Board of trustees; appointment; president.—The National Training School for Boys shall be in the charge of, and governed and managed by, a board of seven trustees, who shall be appointed by the President of the United States, upon the recommendation of the Attorney General, each for the term of three years, but in such a manner that the terms of not more than three of them shall expire within any one or the same year. One of the trustees shall be elected president of the board, whose duty shall be prescribed by the board. (May 3, 1876, c. 90, § 1, 19 Stat. 49; May 27, 1908, c. 200, § 1, 35 Stat. 380.)

133. Same; Commissioner of District to be trustee.—One of the Commissioners of the District of Columbia, to be selected by the Board of Commissioners, shall be a trustee, with all the powers, privileges, and duties of other trustees of said school. (June 4, 1880, c. 121, 21 Stat. 156.)

134. Consulting trustees.—Two consulting trustees shall be appointed, namely, one Senator of the United States, by the Presiding Officer of the Senate, for the term of four years, and one Member of the House of Representatives, by the Speaker thereof, for the term of two years. (May 3, 1876, c. 90, § 16, 19 Stat. 52.)

135. Corporate capacity and powers of board.—The board of trustees shall be a corporation by the name of the "Board of Trustees of the National Training School for Boys," for the purpose of taking and holding, in trust for the United States property of every description which has been purchased, appropriated, or set apart for the use of the institution, or which may hereafter be purchased, appropriated, or set apart for its use, or given or bequeathed to it, or to the said board, for its use, with all power necessary to carry this purpose into effect, and to protect and preserve such property, including the land and buildings, fences, stock, fruit, crops, and trees of all kinds. (May 3, 1876, c. 90, § 2, 19 Stat. 49; May 27, 1908, c. 200, § 1, 35 Stat. 380.)

136. By-laws, rules, and regulations.—The board of trustees may make such by-laws, rules, and regulations for their own and the government of the institution, its officers, employees, and inmates, as they may deem necessary and proper. (May 3, 1876, c. 90, § 15, 19 Stat. 52.)

137. Contracts and purchases; president of board its executive officer; annual reports.—All contracts and purchases made for or on account of the school shall be made in the name of the board and by whomsoever the board may direct. The president of the board shall be its executive officer, and it shall be his duty to make an annual report to the Attorney General, to be accompanied by the annual report of the superintendent and treasurer. (May 3, 1876, c. 90, § 14, 19 Stat. 51.)

138. Superintendent and other employees.—The board of trustees may appoint a superintendent, two or more teachers or assistants, and a matron whose salaries are fixed by law; they may also employ two or more master mechanics, a farmer, a gardener, and such other persons, as servants and laborers, as may be necessary, and fix their compensation, subject to the approval of the Attorney General. (May 3, 1876, c. 90, § 3, 19 Stat. 49.)

139. Treasurer; bond; duties.—The board of trustees shall appoint a treasurer, who shall, before entering upon the duties of his office, give a bond to the United States with two or more sureties, to be approved by the General Accounting Office, in the sum of $20,000, or a larger sum, at the option of the said General Accounting Office, conditioned that he shall faithfully account for all the money received by him as treasurer; and it shall be his duty to keep a clear and full record of his accounts as treasurer, and report an abstract of the same to the board of trustees once in every two months, and shall also make an annual report to the board of trustees. (May 3, 1876, c. 90, § 4, 19 Stat. 49; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

140. Superintendent's bond.—Before entering upon the duties of his office, the superintendent shall give a bond to the board of trustees, with sureties, to be approved by the Attorney General of the United States, in the sum of $3,000, conditioned that he shall faithfully account for all money received by him, and faithfully perform all the duties incumbent on him as superintendent of said school. (May 3, 1876, c. 90, § 5, 19 Stat. 50.)

141. Powers and duties of superintendent and subordinate officers.—The superintendent shall reside at the institution constantly and he, with such subordinate officers as may be appointed in accordance with section 138 of this title, shall have the charge and custody of the boys; shall govern them in accordance with such rules and regulations as the board of trustees may prescribe in its by-laws; shall employ them in agricultural, mechanical or other labor; shall give them instruction in reading, writing, arithmetic, geography, and such other studies and in such arts and trades as the trustees may direct; and shall employ such methods of discipline as will, as far as possible, reform their characters, preserve their health, promote regular improvement in their studies and employments, and secure in them fixed habits of religion, morality, and industry. (May 3, 1876, c. 90, § 6, 19 Stat. 50.)

142. Control of lands and other property; books of account; register of boys; examinations of school and accounts.—The superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock, provisions, and every other species of property pertaining to the institution, within the precincts thereof, under the board of trustees, including the farm in possession of the board where the school was first located; and he shall keep in suitable books, regular and complete accounts of all his receipts and expenditures, and of all the property intrusted to him, so as to show clearly the income and expenses of the institution; and he shall account, in such manner as the trustees may prescribe, for all the money received by him from the proceeds of the institution or otherwise; and he shall keep a register of the names and ages of all boys committed to the institution, with the dates of their admission and discharge, and such particulars of their history before and after leaving the institution as he can obtain.

His books and all documents relating to the school shall at all times, be open to the inspection of the trustees, who shall, once or more in every month, carefully examine his accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination; and, once in every three months, the institution shall be thoroughly examined in all its departments by three or more of the trustees, and a report of such examination shall be made to the board. (May 3, 1876, c. 90, § 7, 19 Stat. 50.)

143. Report by officers to Commissioners of District.—The officers of said school shall at the end of each fiscal year make a report to the Commissioners of the District of Columbia, which shall embrace a full and complete inventory of all the personal property in detail, the number of employees, and number of days each is employed during the year and price paid each, and the amount of garden, field, and other products produced, together with the disposition made of said personal property, products, and so forth. (Mar. 3, 1881, c. 134, § 1, 21 Stat. 50.)

144. Disposition of proceeds of farm and shops.—The proceeds of farm and shops shall be covered back into the Treasury, to be divided equally between the District of Columbia and the United States. (Aug. 6, 1890, c. 724, § 1, 26 Stat. 307.)

145. Boys committed; commitment by court or judge, or by president of board of trustees.—Whenever any boy under the age of seventeen years shall be brought before any court of the District of Columbia, or any judge of such court, and shall be

convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing him to imprisonment in the county jail, or fining him, may commit him to said school, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to said school, first, any boy under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under seventeen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under seventeen years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school. And the president of the board of trustees may also commit to said school such boys as are mentioned in the foregoing third and fourth classes upon application or complaint in writing of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths. (May 3, 1876, c. 90, § 8, 19 Stat. 50; June 5, 1900, c. 715, 31 Stat. 266.)

146. Period of detention.—Every boy sent to said school shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice. (May 3, 1876, c. 90, § 9, 19 Stat. 51; June 5, 1900, c. 715, 31 Stat. 267.)

147. Number of boys limited to number that can be properly accommodated.—Whenever there shall be as large a number of boys in the school as can be properly accommodated, it shall be the duty of the president of the board of trustees to give notice to the criminal and police courts of the fact, whereupon no boys shall be sent to the school by said courts until notice shall be given them by the president of the board that more can be received. (May 3, 1876, c. 90, § 10, 19 Stat. 51.)

148. Enticing boy from school or harboring escaped boy; arrest and return.—If any person shall entice, or attempt to entice, away from said school any boy legally committed to the same, or shall harbor, conceal, or aid in harboring or concealing any boy who shall have escaped from said school, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than $10 or more than $100, which shall be paid to the treasurer of the board of trustees; and any policeman shall have power, and it is hereby made his duty, to arrest any boy, when in his power so to do, who shall have escaped from said school, and return him thereto. (May 3, 1876, c. 90, § 11, 19 Stat. 51.)

149. Employment and instruction of boys; apprenticing; indentures.—The trustees shall have full power to place any boy committed as herein described, during his minority, at such employment and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, as they may see fit; and they may, with the consent of any such boy, bind him out as an apprentice during his minority, or for a shorter period, to learn such trade and employment as in their judgment will tend to his future benefit; and the president of the board shall, for such purpose, have power to execute and deliver, on behalf of the said board, indentures of apprenticeship for any such boy; and such indentures shall have the same force and effect as other indentures of apprenticeship under the laws of the District of Columbia, and be filed and kept among the records in the office of the said school and it shall not be necessary to record or file them elsewhere. (May 3, 1876, c. 90, § 12, 19 Stat. 51.)

150. Release on parole of juvenile offenders committed.—Every male juvenile offender who is now or may hereafter be committed to said school, and who has by his conduct given sufficient evidence that he has reformed, may be released on parole as provided in this chapter. (Feb. 26, 1909, c. 217, § 1, 35 Stat. 657.)

151. Board of trustees authorized to parole.—If it shall appear to the satisfaction of the board of trustees of said school that there is reasonable probability that any boy detained in the said school will, if conditionally released, remain at liberty without violating the laws, then said board of trustees may in its discretion parole such boy under such conditions and regulations as the said board of trustees may deem proper. The parole of all such juvenile offenders committed by courts other than those of the District of Columbia shall be subject to the approval of the Attorney General of the United States. (Feb. 26, 1909, c. 217, § 2, 35 Stat. 657.)

152. Support of boys sent to school by District.—For the support of the boys sent to said school, as hereinbefore mentioned the District of Columbia shall pay to the board of trustees the actual per capita cost of maintenance of such boys; and it shall be the duty of the superintendent to make out and render to the proper officers monthly accounts at the close of each month for the support of the boys in said school, which shall be paid on demand; and, if not paid within ten days from the time the account is presented, shall draw interest at the rate of 1 per centum per month until paid. (May 3, 1876, c. 90, § 13, 19 Stat. 51; Aug. 1, 1914, c. 223, § 1, 38 Stat. 657; Mar. 28, 1918, c. 28, § 1, 40 Stat. 494.)

Chapter 10. — NATIONAL TRAINING SCHOOL FOR GIRLS.

Sec.

161. Designation of school.
162. Board of trustees; incorporation.
163. Corporate powers; property.
164. Powers of board of trustees.
165. By-laws, rules, and regulations; release of girls.
166. Officers and employees; appointment; compensation.
167. Control over inmates.
168. Provisions relating to National Training School for Boys applicable.
169. Girls committed; commitment by court or judge, or by president of board of trustees.
170. Period of detention.
171. Release on parole of juvenile offenders committed.
172. Board of trustees authorized to parole.
173. Appropriations; disbursement.
174. Right to amend or repeal chapter.

Section 161. Designation of school.—The Reform School for Girls of the District of Columbia shall be known and designated as the National Training School for Girls. (June 26, 1912, c. 182, § 1, 37 Stat. 171.)

162. Board of trustees; incorporation.—That Samuel S. Shellabarger, Augustus S. Worthington, Adoniram J. Huntington, William C. Dodge, Mills Dean, Owen G. Staples, James E. Fitch, Thomas P. Morgan, and Alexander Graham Bell, and their successors, are created a body corporate to be known as the Board of Trustees of the National Training School for Girls. Their successors in office shall be appointed in like manner as the trustees of the National Training School for Boys are appointed. (July 9, 1888, c. 595, §§ 1, 7, 25 Stat. 245, 246; June 26, 1912, c. 182, § 1, 37 Stat. 171.)

163. Corporate powers; property.—Said corporation is authorized and empowered to establish and maintain a training school for girls at any place within the District of Columbia, subject to the approval of the commissioners thereof, and for that

purpose may take and receive by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation. At the dissolution of said corporation, or if it should cease for the space of six months to maintain a training school for girls, all the property, real and personal, of said corporation shall vest in the United States. (July 9, 1888, c. 595, § 2, 25 Stat. 245.)

164. Powers of board of trustees.—The board of trustees shall have the same power and authority in relation to girls as the board of trustees of the National Training School for Boys possess in relation to boys. (July 9, 1888, c. 595, § 3, 25 Stat. 246; May 27, 1908, c. 200 § 1, 35 Stat. 380.)

165. By-laws, rules, and regulations; release of girls.—The board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, teachers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all girls committed to the school as they may deem necessary and proper and as are not contrary to the Constitution and to the laws of the District of Columbia; and may from time to time alter, amend, and change the same. (May 3, 1876, c. 90, § 15, 19 Stat. 52; July 9, 1888, c. 595, § 5, 25 Stat. 246; Feb. 25, 1901, c. 478, 31 Stat. 809.)

166. Officers and employees; appointment; compensation.—The board of trustees shall have authority to appoint such officers, agents, teachers, and other employees as may be necessary, and fix the rate of compensation of the same, subject to the approval of the Commisioners of the District of Columbia. (July 9, 1888, c. 595, § 4, 25 Stat. 246.)

167. Control over inmates.—The board of trustees of said school shall have the same power and authority over such girls during the period of their commitment to the school, or while they are being conducted to or from said school, as they possess over such girls within the limits of the District of Columbia. When the buildings authorized to be constructed shall be in readiness to receive girls committed to said school, it shall not be lawful to keep white and colored girls on the same reservations under the control of the board of trustees of said school. (Feb. 28, 1923, c. 148, § 1, 42 Stat. 1358.)

168. Provisions relating to National Training School for Boys applicable.—All the sections of chapter 9 of this title, not inconsistent with the provisions of this chapter, are hereby made applicable to the National Training School for Girls of the District of Columbia, except the word "girls" shall be understood wherever the word "boys" occurs in said chapter, and the words "eighteen years" wherever the words "sixteen years" occur. (July 9, 1888, c. 595, § 6, 25 Stat. 246; June 26, 1912, c. 182, § 1, 37 Stat 171.)

169. Girls committed; commitment by court or judge, or by president of board of trustees.—Whenever any girl under the age of seventeen years shall be brought before any court of the District of Columbia or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment other than imprisonment for life, such court or judge, in lieu of sentencing her to imprisonment in the county jail or fining her, may commit her to said school, to remain until she shall arrive at the age of twenty-one years unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to said school, first, any girl under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia or any law that may be enacted and in force in said District; second, any girl under seventeen years of age, with the consent of her parent or guardian, against whom any charge of crime or misdemeanor shall have been made, upon probable cause shown to the satisfaction of the court; third, any girl under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any girl under seventeen years of age who is incorrigible or habitually disregards the commands of her father or mother or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to her years and condition or to attend school. And the president of the board of trustees may also commit to said school such girls as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent or guardian or relative having charge of such girl, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases he is hereby empowered to administer oaths. (May 3, 1876, c. 90, § 8, 19 Stat. 50; Feb. 25, 1901, c. 478, 31 Stat. 809.)

170. Period of detention.—Every girl sent to the National Training School for Girls shall remain until she is twenty-one years of age unless sooner discharged or bound as an apprentice. (May 3, 1876, c. 90, § 9, 19 Stat. 51; Feb. 25, 1901, c. 478, 31 Stat. 809; June 26, 1912, c. 182, § 1, 37 Stat. 171.)

171. Release on parole of juvenile offenders committed.—Every female juvenile offender who is now or may hereafter be committed to said school, and who has by her conduct given sufficient evidence that she has reformed, may be released on parole as hereinafter provided. (Apr. 15, 1910, c. 164, § 1, 36 Stat. 300.)

172. Board of trustees authorized to parole.—If it shall appear to the satisfaction of the board of trustees of said school that there is reasonable probability that any girl detained in the said school will, if conditionally released, remain at liberty without violating the laws, then said board of trustees may, in its discretion, parole such girl under such conditions and regulations as the said board of trustees may deem proper. The parole of all such juvenile offenders committed by courts other than those of the District of Columbia shall be subject to the approval of the Attorney General of the United States. (Apr. 15, 1910, c. 164, § 2, 36 Stat. 300.)

173. Appropriations; disbursement.—Appropriations made for the National Training School for Girls shall be disbursed by the disbursing officer of the District of Columbia in the manner provided by law for expenditure from appropriations for general expenses of the government of said District. (June 5, 1920, c. 234, § 1, 41 Stat. 865.)

174. Right to amend or repeal chapter.—Congress shall have the right to alter, amend, or repeal this chapter at any time. (July 9, 1888, c. 595, § 8, 25 Stat. 246.)

ELECTIONS

See Title 8, ALIENS AND CITIZENSHIP; Title 2, CONGRESS; Title 3, THE PRESIDENT.

ELECTORAL VOTE

See chapter 1 of Title 3, THE PRESIDENT.

EMBARGO

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

EMBASSIES

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

EMPLOYEES' LIABILITY ACT

See Title 43, RAILROADS.

ENEMY ALIENS

See Title 50, WAR.

EPIDEMIC DISEASES

See Title 42, PUBLIC HEALTH.

ESPIONAGE

See Title 50, WAR.

ESTATE TAX

See Title 26, INTERNAL REVENUE.

EVIDENCE

See Title 28, JUDICIAL CODE AND JUDICIARY.

EXCESS TAXES

See Title 26, INTERNAL REVENUE.

EXCISES

See Title 26, INTERNAL REVENUE.

EXECUTIONS

See Title 28, JUDICIAL CODE AND JUDICIARY.

EXECUTIVE MANSION

See Title 3, THE PRESIDENT.

EXPATRIATION

See Title 8, ALIENS AND CITIZENSHIP.

EXPERIMENT STATIONS

See Title 7, AGRICULTURE.

EXPORTS

See Title 15, COMMERCE AND TRADE.

EXTRADITION

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

FARM LOAN ACT

See Title 12, BANKS AND BANKING.

FEDERAL CORRUPT PRACTICES ACT

See chapter 8 of Title 2, CONGRESS.

FEDERAL HIGHWAY ACT

See Title 23, HIGHWAYS.

FEDERAL INTERMEDIATE CREDIT BANKS

See Title 12, BANKS AND BANKING.

FEDERAL RESERVE BANKS

See Title 12, BANKS AND BANKING.

FEDERAL TRADE COMMISSION

See Title 15, COMMERCE AND TRADE.

FEDERAL WATER POWER ACT

See Title 16, CONSERVATION.

FINE ARTS COMMISSION

See Title 40, PUBLIC BUILDINGS, PROPERTY AND WORKS.

FINES

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

FISH AND GAME

See Title 16, CONSERVATION.

FISHING VOYAGES

See Title 46, SHIPPING.

TITLE 21.—FOOD AND DRUGS

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CROSS REFERENCE

Narcotics, instruction as to effect of; see Title 20, EDUCATION.
Packers and Stockyards Act; see Title 7, AGRICULTURE.
Viruses, serums, etc.; see chapter 4 of Title 42, PUBLIC HEALTH.
See also Title 26, INTERNAL REVENUE.

Chapter 1.—ADULTERATED OR MISBRANDED FOODS OR DRUGS.

Sec.

1. Adulterated or misbranded foods or drugs; manufacture in Territories or District of Columbia unlawful; penalty.
2. Same; interstate or foreign commerce in prohibited; sale in Territories or District of Columbia; penalty.
3. Regulations for carrying out food and drug laws.
4. Act or omission of officer, agent, and so forth, of corporation deemed act or omission of corporation.
5. Definitions; "Territory;" "person."
6. Same; "butter."
7. Same; "drug" and "food."
8. Adulterated articles.
9. Misbranded; meaning and application.
10. Misbranded articles.
11. Examination of specimens; notice of adulteration or misbranding; hearing; certification of violations to district attorney; notice of judgment.
12. Prosecution by district attorneys.
13. Dealers; sellers' guaranty as protection for.
14. Seizure of articles upon discovery for condemnation; disposition; delivery to owner on bond; proceedings.
15. Examination of samples of imports; refusal of admission and delivery to consignee; delivery to consignee pending examination and decision on bond; charges for storage and lien therefor.
16. Introduction into, or sale in, State or Territory or District of Columbia of dairy or food products falsely labeled or branded.
17. Same; penalty; jurisdiction of prosecutions.
18. Suspension of importation of adulterated articles.
19. Report to Congress of expenditures in enforcing food and drug laws.
20. Apples in interstate commerce; standard grades.
21. Same; branding grades on barrels.
22. Same; barrels misbranded.
23. Same; penalty for violations.
24. Inspection of American food products for export; certificate issued upon payment of actual cost.
25. Oleomargarine, butterine, or imitation butter or cheese transported into a State subject to its police powers.

Section 1. Adulterated or misbranded foods or drugs; manufacture in Territories or District of Columbia unlawful; penalty.—It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of sections 1 to 15, inclusive, of this title; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed $500 or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than $1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court. (June 30, 1906, c. 3915, § 1, 34 Stat. 768.)

2. Same; interstate or foreign commerce in prohibited; sale in Territories or District of Columbia; penalty.—The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of sections 1 to 15, inclusive, of this title, is prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of said sections, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and upon conviction for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court. No article shall be deemed misbranded or adulterated within the provisions of said sections when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of the sections hereinbefore enumerated. (June 30, 1906, c. 3915, § 2, 34 Stat. 768.)

3. Regulations for carrying out food and drug laws.—The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations for carrying out the provisions of sections 1 to 15, inclusive, of this title, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. (June 30, 1906, c. 3915, § 3, 34 Stat. 768; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

4. Act or omission of officer, agent, and so forth, of corporation deemed act or omission of corporation.—When construing and enforcing the provisions of sections 1 to 15, inclusive, of this title, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. (June 30, 1906, c. 3915, § 12, 34 Stat. 772.)

5. Definitions—"Territory"; "person."—The term "Territory" as used in this chapter shall include the insular pos-

sessions of the United States. The word "person" shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. (June 30, 1906, c. 3915, § 12, 34 Stat. 772.)

6. Same; "butter."—For the purposes of sections 1 to 15, inclusive, of this title, "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for. (Mar. 4, 1923, c. 268, 42 Stat. 1500.)

7. Same; "drug" and "food."—The term "drug," as used in sections 1 to 15, inclusive, of this title, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used in said sections, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. (June 30, 1906, c. 3915, § 6, 34 Stat. 769.)

8. Adulterated articles.—For the purposes of sections 1 to 15, inclusive, of this title, an article shall be deemed to be adulterated;

Drugs.—In case of drugs:

Difference from recognized standards; explanatory statement on or in container.—First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation. No drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Below professed standard.—Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Confectionery.—In the case of confectionery:

Mineral substances, poisonous color or flavors, other deleterious ingredients, liquors or narcotics.—If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Food.—In the case of food:

Injurious mixtures.—First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Substitutes.—Second. If any substance has been substituted wholly or in part for the article.

Valuable constituents abstracted.—Third. If any valuable constituent of the article has been wholly or in part abstracted.

Damage or inferiority concealed.—Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Deleterious ingredients; preservatives in shipment conditionally excepted.—Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health. When in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of sections 1 to 15, inclusive, of this title shall be construed as applying only when said products are ready for consumption.

Animal or vegetable substances unfit for food; products of animals diseased or having died otherwise than by slaughter.—Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. (June 30, 1906, c. 3915, § 7, 34 Stat. 769.)

9. Misbranded; meaning and application.—The term "misbranded," as used in sections 1 to 15, inclusive, of this title, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced. (June 30, 1906, c. 3915, § 8, 34 Stat. 771; Aug. 23, 1912, c. 352, 37 Stat. 416; Mar. 3, 1913, c. 117, 37 Stat. 732.)

10. Misbranded articles.—For the purposes of sections 1 to 15, inclusive, of this title, an article shall be deemed to be misbranded;

Drugs.—In case of drugs:

Imitation or use of name of other article.—First. If it be an imitation of or offered for sale under the name of another article.

Removal and substitution of contents of package, or failure to state on label quantity or proportion of narcotics therein.—Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

False statement of curative or therapeutic effect.—Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

Foods.—In the case of food:

Imitation or use of name of other article.—First. If it be an imitation of or offered for sale under the distinctive name of another article.

False label or brand removal and substitution of contents of package, or failure to state on label quantity or proportion of narcotics therein.—Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Packages not marked with weight; variations and exemptions permitted.—Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. Reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by

rules and regulations made in accordance with the provisions of section 3 of this title. The word "package" as used in this paragraph shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale.

False or misleading statements on package or label as to ingredients or substances.—Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. An article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

Mixtures or compounds under distinctive names.—First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Articles labeled, branded as compounds, imitations, or blends; construction of term "blend"; disclosure of trade formulas of proprietary foods.—Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. The term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only. Nothing in sections 1 to 15, inclusive, of this title shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of such sections may require to secure freedom from adulteration or misbranding. (June 30, 1906, c. 3915, § 8, 34 Stat. 771; Aug. 23, 1912, c. 352, 37 Stat. 416; Mar. 3, 1913, c. 117, 37 Stat. 732; July 24, 1919, c. 26, 41 Stat. 271.)

11. Examination of specimens; notice of adulteration or misbranding; hearing; certification of violations to district attorney; notice of judgment.—The examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of sections 1 to 15, inclusive, of this title; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of said sections have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. (June 30, 1906, c. 3915, § 4, 34 Stat. 769; Feb. 10, 1925, c. 200, 43 Stat. 837.)

12. Prosecution by district attorneys.—It shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of sections 1 to 15, inclusive, of this title, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided. (June 30, 1906, c. 3915, § 5, 34 Stat. 769.)

13. Dealers; sellers' guaranty as protection for.—No dealer shall be prosecuted under the provisions of sections 1 to 15, inclusive, of this title when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of said sections, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of said sections. (June 30, 1906, c. 3915, § 9, 34 Stat. 771.)

14. Seizure of articles upon discovery for condemnation; disposition; delivery to owner on bond; proceedings.—Any article of food, drug, or liquor that is adulterated or misbranded within the meaning of sections 1 to 15, inclusive, of this title, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of said sections, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of said sections or the laws of that jurisdiction. Upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of said sections, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. (June 30, 1906, c. 3915, § 10, 34 Stat. 771.)

15. Examination of samples of imports; refusal of admission and delivery to consignee; delivery to consignee pending examination and decision on bond; charges for storage and lien therefor.—The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of sections 1 to 15, inclusive, of this title, or is otherwise danger-

ous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe. The Secretary of the Treasury may, however, deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond. All charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (June 30, 1906, c. 3915, § 11, 34 Stat. 772.)

16. Introduction into, or sale in, State or Territory or District of Columbia of dairy or food products falsely labeled or branded.—No person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others. (July 1, 1902, c. 1357, § 1, 32 Stat. 632.)

17. Same; penalty; jurisdiction of prosecutions.—If any person or persons violate the provisions of section 16 of this title, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than $500 nor more than $2,000. The jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed. (July 1, 1902, c. 1357, § 2, 32 Stat. 632.)

18. Suspension of importation of adulterated articles.—Whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended. (Aug. 30, 1890, c. 839, § 4, 26 Stat. 415.)

19. Report to Congress of expenditures in enforcing food and drug laws.—Any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, for the purposes of carrying the provisions of sections 1 to 15, inclusive, of this title into effect, shall be reported to Congress in detail, on the first Monday of December of each year. (May 23, 1908, c. 192, 35 Stat. 261.)

20. Apples in interstate commerce; standard grades.—The standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than 10 per centum below the foregoing specifications shall be "Standard grade minimum size two and one-half inches," if the minimum size of the apples is two and one-half inches in transverse diameter; "Standard grade minimum size two and one-fourth inches," if the minimum size of the apples is two and one-fourth inches in transverse diameter; or "Standard grade minimum size two inches," if the minimum size of the apples is two inches in transverse diameter. (Aug. 3, 1912, c. 273, § 2, 37 Stat. 250.)

21. Same; branding grades on barrels.—The barrels in which apples are packed in accordance with the provisions of sections 20 to 23 of this title may be branded in accordance with the provisions of section 20 of this title. (Aug. 3, 1912, c. 273, § 3, 37 Stat. 251.)

22. Same; barrels misbranded.—Barrels packed with apples shall be deemed to be misbranded within the meaning of section 20 of this title—

First. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the apples when packed do not conform to the requirements prescribed by section 20.

Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked. (Aug. 3, 1912, c. 273, § 5, 37 Stat. 251.)

23. Same; penalty for violations.—Any person, firm or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of sections 20, 21, and 22 of this title shall be liable to a penalty of $1 and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction. (Aug. 3, 1912, c. 273, § 6, 37 Stat. 251.)

24. Inspection of American food products for export; certificate issued upon payment of actual cost.—In connection with investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, but no certificate of results of any such inspection shall issue unless the owner or his agent shall first pay to the Secretary of Agriculture, at a price to be determined and established by the Secretary, the actual cost of the inspection, the money received to be deposited in the Treasury of the United States as miscellaneous receipts. (Mar. 4, 1915, c. 144, 38 Stat. 1102; Feb. 10, 1925, c. 200, 43 Stat. 837.)

25. Oleomargarine, butterine, or imitation butter or cheese transported into a State subject to its police powers.—All articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the

arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (May 9, 1902, c. 784, § 1, 32 Stat. 193; Feb. 10, 1925, c. 200, 43 Stat. 827.)

Chapter 2.—TEAS.

Sec.
41. Importation of tea inferior to standard; bond of importer; regulation of use of inferior importation.
42. Board of experts; appointment; term; vacancies; compensation.
43. Standards of purity; duplicate samples at customhouses and for importers and dealers.
44. Bonds of importers; examination; importations at ports having no examiner.
45. Permit for delivery; retention of inferior grades; reexamination; partial delivery.
46. Examiners; examination according to usages of trade.
47. United States Board of Tea Appeals; permit for delivery; exportation or destruction of inferior grades.
48. Reexamination; findings by examiner; assistance of experts.
49. Reimporting rejected teas; forfeiture.
50. Regulations.

Section 41. Importation of tea inferior to standard; bond of importer; regulation of use of inferior importation.—It shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 43 of this title, and the importation of all such merchandise is prohibited. Nothing in this chapter shall affect or prevent the importation into the United States, under such regulations as the Secretary of Agriculture may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of Agriculture, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be subject to the approval only of the collector of customs at the port of entry, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of Agriculture. (Mar. 2, 1897, c. 358, § 1, 29 Stat. 604; May 16, 1908, c. 170, 35 Stat. 163; May 31, 1920, c. 217, 41 Stat. 712.)

42. Board of experts; appointment; term; vacancies; compensation.—On or before February 15 of each year, the Secretary of Agriculture shall appoint a board, to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea. The persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year. Vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of Agriculture by appointment, such appointee to hold for the unexpired term. Said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board. Each member of said board shall receive as compensation the sum of $50 per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "Expenses of collecting the revenue from customs." (Mar. 2, 1897, c. 358, § 2, 29 Stat. 605; May 31, 1920, c. 217, 41 Stat. 712.)

43. Standards of purity; duplicate samples at customhouses and for importers and dealers.—The Secretary of Agriculture, upon the recommendation of the board of experts provided in section 42 of this title, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the customhouses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards. Said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of section 41 of this title. (Mar. 2, 1897, c. 358, § 3, 29 Stat. 605; May 31, 1920, c. 217, 41 Stat. 712.)

44. Bonds of importers; examination; importations at ports having no examiner.—On making entry at the customhouse of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption. For the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or in the discretion of the Secretary of Agriculture, such samples shall be obtained by the examiner and compared by him with the standards established by this chapter. In cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section 46 of this title, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in said section. The bond above required shall also be conditioned for the payment of all customhouse charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this chapter. (Mar. 2, 1897, c. 358, § 4, 29 Stat. 605; May 31, 1920, c. 217, 41 Stat. 712.)

45. Permit for delivery; retention of inferior grades; reexamination; partial delivery.—If, after an examination as provided in section 44 of this title, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section 47 of this title, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the customhouse, unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous. Should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion

and the remainder held for further examination, as provided in said section 47. (Mar. 2, 1897, c. 358, § 5, 29 Stat. 605.)

46. Examiners; examination according to usages of trade.—The examination provided for by this chapter shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section 44 of this title, shall be forwarded to the proper port by the collector or chief officer at the port of entry. In all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or the United States Board of Tea Appeals under the provisions of this chapter, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis. (Mar. 2, 1897, c. 358, § 7, 29 Stat. 606; May 31, 1920, c. 217, 41 Stat. 712, 713.)

47. United States Board of Tea Appeals; permit for delivery; exportation or destruction of inferior grades.—In case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to the United States Board of Tea Appeals, to consist of three employees of the Department of Agriculture, to be designated by the Secretary of Agriculture. If such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed. (Mar. 2, 1897, c. 358, § 6, 29 Stat. 606; May 31, 1920, c. 217, 41 Stat. 712, 713.)

48. Reexamination; findings by examiner; assistance of experts.—In cases of reexamination of teas, or merchandise described as teas, by the United States Board of Tea Appeals in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified. The decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The United States Board of Tea Appeals shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding $5. (Mar. 2, 1897, c. 358, § 8, 29 Stat. 606; May 31, 1920, c. 217, 41 Stat. 712.)

49. Reimporting rejected teas; forfeiture.—No imported teas which have been rejected by a customs examiner or by the United States Board of Tea Appeals, and exported under the provisions of this chapter, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition. (Mar. 2, 1897, c. 358, § 9, 29 Stat. 606; May 31, 1920, c. 217, 41 Stat. 712.)

50. Regulations.—The Secretary of Agriculture shall have the power to enforce the provisions of this chapter by appropriate regulations. (Mar. 2, 1897, c. 358, § 10, 29 Stat. 607; May 31, 1920, c. 217, 41 Stat. 712.)

Chapter 8.—FILLED MILK.

Sec.
61. Filled milk; definitions.
62. Same; manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited.
63. Same; penalty for violations of law; acts, omissions, and so forth, of agents.

Section 61. Filled milk; definitions.—Whenever used in sections 62 and 63 of this title—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream where such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them. (Mar. 4, 1923, c. 262, § 1, 42 Stat. 1486.)

62. Same; manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited.—It is declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk. (Mar. 4, 1923, c. 262, § 2, 42 Stat. 1487.)

63. Same; penalty for violations of law; acts, omissions, and so forth, of agents.—Any person violating any provision of sections 61 and 62 of this title shall upon conviction thereof be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both. When construing and enforcing the provisions of said sections, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person. (Mar. 4, 1923, c. 262, § 3, 42 Stat. 1487.)

Chapter 4.—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS.

EXAMINATION OF ANIMALS, MEAT, AND MEAT PRODUCTS USED IN INTERSTATE OR FOREIGN COMMERCE

Sec.
71. Inspection of meat and meat food products; examination of cattle before slaughtering; diseased animals slaughtered separately and carcasses examined.
72. Post-mortem examination of carcasses and marking or labeling; destruction of carcasses condemned; reinspection.
73. Examination of carcasses brought into slaughtering or packing establishments, and of meat food products issued from and returned thereto.
74. Inspectors of meat food products; marks of inspection; destruction of condemned products; products for export.
75. Labeling receptacles or coverings of meat or meat food products inspected and passed; supervision by inspectors; sales under false names; trade names.
76. Sanitary inspection and regulation of slaughtering and packing establishments; rejection of meat or meat food products unfit for food.
77. Examination of cattle and food products thereof, slaughtered and prepared during nighttime.
78. Transportation of carcasses, meat, or meat food products not properly inspected and marked.
79. Forgery, alteration, or unauthorized use of marks, labels, or other identification devices or certificates.
80. Inspection of animals for export.
81. Inspectors of animals for export; certificates of condition.
82. No clearance to vessel carrying cattle for export without inspector's certificate.
83. Inspection of carcasses, meat of which is intended for export.
84. Inspectors of carcasses, and so forth, meat of which is intended for export; certificates of condition.
85. No clearance to vessel carrying meat for export without inspector's certificate.
86. Delivery of inspectors' certificates, and of copies.
87. Transportation or sale of meat or meat food products without complying with provisions of inspection law.
88. Offenses; penalty.
89. Inspectors to make examinations provided for; appointment; duties; regulations.
90. Bribery of or gifts to inspectors or other officers and acceptance of gifts.
91. Inspection requirements not applicable to farmers or retailers.
92. Sale of meat or meat food products unfit for food; penalty.
93. Statement in annual estimates as to persons employed, their compensation and expenses.
94. Inspection extended to reindeer.
95. Permanent appropriation for expenses of inspection; statement in annual estimate as to persons employed, their compensation and expenses.
96. Marking horse meat transported in interstate commerce.

IMPORTATION OF CATTLE AND QUARANTINE

101. Suspension of importation of all animals.
102. Quarantine of imported animals.
103. Importation except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.
104. Importation of diseased animals prohibited.
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106. Admission for immediate slaughter at ports of entry of tick-infested cattle; regulations; slaughtering.
107. Same; Porto Rico; exportation from the Virgin Islands.

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

111. Regulations to prevent contagious diseases.
112. Investigation as to pleuropneumonia, and other diseases; regulations.
113. Measures to prevent exportation of diseased livestock.
114. Regulations for suppression of diseases; cooperation of States and Territories.
115. Transportation of diseased livestock prohibited; splenetic fever.
116. Same; shipment of certain cattle excepted.
117. Notice of existence of contagion to railroads; transportation of diseased stock; penalty.
118. Duty of district attorneys.
119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases.
120. Regulation of exportation and transportation of infected livestock.
121. Shipments from areas suspected infected; control of such animals.
122. Offenses; penalty.
123. Quarantine.
124. Transportation or delivery therefor from quarantined State or Territory, or portion thereof, of livestock, forbidden.
125. Regulations for inspection, disinfection, and certification, and delivery and shipment of livestock from quarantined State or Territory.
126. Moving livestock from quarantined State or Territory, under regulations.
127. Transportation from quarantined State, Territory, and so forth; penalty.
128. Extension of quarantine law to carriers in interstate commerce.
129. Payment for animals purchased; computation of value, and amount paid.
130. Pleuropneumonia in District of Columbia; duties of commissioners.
131. Fences along international boundary lines to keep out diseased animals.
132. Inspection of dairy products for export.

EXAMINATION OF ANIMALS, MEAT, AND MEAT PRODUCTS USED IN INTERSTATE OR FOREIGN COMMERCE

Section 71. Inspection of meat and meat food products; examination of cattle before slaughtering; diseased animals slaughtered separately and carcasses examined.—For the purpose of preventing the use in interstate or foreign commerce of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

72. Post mortem examination of carcasses and marking or labeling; destruction of carcasses condemned; reinspection.—For the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose a post mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed"; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealth-

ful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

73. Examination of carcasses brought into slaughtering or packing establishments, and of meat food products issued from and returned thereto.—The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products, which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

74. Inspectors of meat food products; marks of inspection; destruction of condemned products; products for export.—For the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat, or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary of Agriculture the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of sections 71 to 94, inclusive, of this title. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

75. Labeling receptacles or coverings of meat or meat food products inspected and passed; supervision by inspectors; sales under false names; trade names.—When any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of sections 71 to 94, inclusive, of this title is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of such sections; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of such sections is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

76. Sanitary inspection and regulation of slaughtering and packing establishments; rejection of meat or meat food products unfit for food.—The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed." (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

77. Examination of cattle and food products thereof, slaughtered and prepared during nighttime.—The Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

78. Transportation of carcasses, meat, or meat food products not properly inspected and marked.—No person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed," in accordance with the terms of sections 71 to 94, inclusive, of this title, and with the rules and regulations prescribed by the Secretary of Agriculture. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

79. Forgery, alteration or unauthorized use of marks, labels, or other identification devices or certificates.—No person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or

destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in sections 71 to 94, inclusive, of this title, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of such sections or any certificate in relation thereto, authorized or required by such sections or by the said rules and regulations of the Secretary of Agriculture. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

80. **Inspection of animals for export.**—The Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

81. **Inspectors of animals for export; certificates of condition.**—For the purpose of section 80 of this title he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

82. **No clearance to vessel carrying cattle for export without inspector's certificate.**—No clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

83. **Inspection of carcasses, meat of which is intended for export.**—The Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

84. **Inspectors of carcasses, and so forth, meat of which is intended for export; certificates of condition.**—For the purpose of section 83 of this title he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

85. **No clearance to vessel carrying meat for export without inspector's certificate.**—No clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of sections 71 to 94, inclusive, of this title a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

86. **Delivery of inspectors' certificates, and of copies.**—The inspectors provided for under sections 71 to 94, inclusive, of this title shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as described in said sections; and one copy of every certificate granted under the provisions of said sections shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

87. **Transportation or sale of meat or meat food products without complying with provisions of inspection law.**—No person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell, any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of sections 71 to 94, inclusive, of this title. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

88. **Offenses; penalty.**—Any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of sections 71 to 94, inclusive, of this title shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding $10,000 or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

89. **Inspectors to make examinations provided for; appointment; duties; regulations.**—The Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is provided for under the provisions of sections 71 to 94, inclusive, of this title, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by said sections and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of said sections, and all inspections and examinations made under said sections shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with provisions thereof. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

90. **Bribery of or gifts to inspectors or other officers and acceptance of gifts.**—Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by sections 71 to 94, inclusive, of this title or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty provided for in said sections, shall be deemed guilty of a felony, and,

upon conviction thereof, shall be punished by a fine not less than $5,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by said sections who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value, given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than $1,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

91. Inspection requirements not applicable to farmers or retailers.—The provisions of sections 71 to 94, inclusive, of this title requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers. The Secretary of Agriculture is authorized to maintain the inspection in said sections provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of said sections shall apply notwithstanding this exception. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

92. Sale of meat or meat food products unfit for food; penalty.—If any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment for a period of not exceeding one year or by both such fine and imprisonment. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

93. Statement in annual estimates as to persons employed, their compensation and expenses.—The Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in inspections provided for under sections 71 to 94, inclusive, of this title and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed. (Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

94. Inspection extended to reindeer.—The provisions of sections 71 to 93, inclusive, of this title may be extended to the inspection of reindeer. (June 30, 1914, c. 131, 38 Stat. 420.)

95. Permanent appropriation for expenses of inspection; statement in annual estimate as to persons employed, their compensation and expenses.—There is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of sections 71 to 94 of this title, including rent and the employment of labor in Washington and elsewhere, for each year. (June 30, 1906, c. 3913, 34 Stat. 679; Mar. 4, 1907, c. 2907, 34 Stat. 1260.)

96. Marking horse meat transported in interstate commerce.—No person, firm, or corporation or officer, agent, or employee thereof shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia or to any place under the jurisdiction of the United States or to any foreign country, any equine meat or food products thereof unless plainly and conspicuously labeled, marked, branded or tagged "Horse meat" or "Horse-meat Product," as the case may be, under such rules and regulations as may be prescribed by the Secretary of Agriculture. All the penalties, terms and provisions in sections 71 to 94 of this title, except the exemption therein applying to animals slaughtered by any farmer on a farm, to retail butchers and retail dealers in meat food products supplying their customers, shall be applicable to horses, their carcasses, parts of carcasses, and meat food products thereof, and the establishments and other places where such animals are slaughtered or the meat or meat food products thereof are prepared or packed for the interstate or foreign commerce, and to all persons, firms, corporations and officers, agents and employees thereof who slaughter such animals or prepare or handle such meat or meat food products for interstate or foreign commerce. (July 24, 1919, c. 26, 41 Stat. 241.)

IMPORTATION OF CATTLE AND QUARANTINE

101. Suspension of importation of all animals.—Whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful. (Aug. 30, 1890, c. 839, § 9, 26 Stat. 416.)

102. Quarantine of imported animals.—The Secretary of Agriculture is authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described. For this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances in use on August 3, 1890, for the quarantine of neat cattle, and purchase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of sections 101 to 105, inclusive, of this title and section 181 of Title 19. (Aug. 30, 1890, c. 839, § 7, 26 Stat. 416.)

103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.—The importation of all animals described in sections 101 to 105, inclusive, of this title into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is prohibited. The Secretary of Agriculture may cause to be slaughtered such of the animals named in said sections as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals. The value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by agreement of the Secretary of Agriculture and the owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide be-

tween them, and his decision shall be final. The amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of the sections hereinbefore enumerated. If any animal subject to quarantine according to the provisions of said sections are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner. (Aug. 30, 1890, c. 839, § 8, 26 Stat. 416.)

104. Importation of diseased animals prohibited.—The importation of neat cattle, sheep, and other ruminants, and swine which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation with the knowledge of the master or owner of said vessel or vehicle that such importation is diseased or has been exposed to infection, as herein described, shall be forfeited to the United States. (Aug. 30, 1890, c. 839, § 6, 26 Stat. 416.)

105. Inspection of animals imported or intended for export.—The Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in sections 101 to 104, inclusive, of this title, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture. All food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture. The Secretary of Agriculture may cause inspection to be made of all animals described in such sections intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all headropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported. (Aug. 30, 1890, c. 839, § 10, 26 Stat. 417.)

106. Admission for immediate slaughter at ports of entry of tick-infested cattle; regulations; slaughtering.—The Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, is authorized to permit the admission into the United States for immediate slaughter, at ports of entry to be designated in said joint regulations, of tick-infested cattle which are otherwise free from disease and which have not been exposed to the infection of any other disease within sixty days next before their exportation from Mexico, South and Central America, the islands of the Gulf of Mexico and the Caribbean Sea, subject to the provisions of sections 101, 102, 103 and 105 of this title. The importation of tick-infested cattle from any country referred to in this section in which foot-and-mouth disease exists, which existence shall be determined by the Secretary of Agriculture, is prohibited. All cattle imported under the provisions of this section shall be slaughtered in accordance with the provisions of sections 71 to 94 of this title and the rules and regulations promulgated thereunder by the Secretary of Agriculture, and that their hides shall be disposed of under rules and regulations to be prescribed by the Secretary of Agriculture. (Aug. 10, 1917, c. 52, § 9, 40 Stat. 275; Nov. 21, 1918, c. 212, § 3, 40 Stat. 1048.)

107. Same; Porto Rico; exportation from the Virgin Islands.—The slaughter of all cattle mentioned in the preceding section, imported into the Territory of Porto Rico may be deferred for such time and under such restrictions as the Secretary of Agriculture may by regulation prescribe and the Secretary of Agriculture within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, may permit the exportation of tick-infested cattle from the Virgin Islands to Porto Rico when said cattle are otherwise free from disease. (Aug. 10, 1917, c. 52, § 9, 40 Stat. 275; Nov. 21, 1918, c. 212, § 3, 40 Stat. 1048.)

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

111. Regulations to prevent contagious diseases.—The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion. (Feb. 2, 1903, c. 349, § 2, 32 Stat. 792.)

112. Investigations as to pleuropneumonia, and other diseases; regulations.—In order to promote the exportation of livestock from the United States the Secretary of Agriculture shall make special investigation as to the existence of pleuropneumonia, or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which livestock are exported, and shall, from time to time, establish such regulations concerning the exportation and transportation of livestock as the results of said investigations may require. (May 29, 1884, c. 60 § 4, 23 Stat. 32; Feb. 2, 1903, c. 349, § 1, 32 Stat. 791.)

113. Measures to prevent exportation of diseased livestock.—In order to prevent the exportation from any port of the United States to any port in a foreign country of livestock affected with any contagious, infectious, or communicable disease, and especially pleuropneumonia, the Secretary of Agriculture is authorized to take such steps and adopt such measures, not inconsistent with the provisions of sections 111 to 119 of this title, as he may deem necessary. (May 29, 1884, c. 60, § 5, 23 Stat. 32; Feb. 2, 1903, c. 349, § 1, 32 Stat. 791.)

114. Regulations for suppression of diseases; cooperation of States and Territories.—It shall be the duty of the Secretary of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of pleuropneumonia and other dangerous, con-

tagious, infectious, and communicable diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to cooperate in the execution and enforcement of the provisions of sections 111 to 119, inclusive, of this title. Whenever the plans and methods of the Secretary of Agriculture shall be accepted by any State or Territory in which pleuropneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Secretary of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to cooperate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of the sections hereinbefore enumerated, the Secretary of Agriculture is authorized to expend so much of the money appropriated for carrying out the provisions of said sections as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another. (May 29, 1884, c. 60, § 8, 23 Stat. 32.)

115. Transportation of diseased livestock prohibited; splenetic fever.—Subject to the provisions of section 116, of this title, no railroad company within the United States, or the owners or masters of any steam or sailing vessel or other vessel or boat, shall receive for transportation or transport, from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia. The so-called splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of sections 112, 113, 115 and 117 of this title, as to cattle being transported by rail to market for slaughter, when the same are unloaded only to be fed and watered in lots on the way thereto. (May 29, 1884, c. 60, § 6, 23 Stat. 32.)

116. Same; shipment of certain cattle excepted.—Cattle which have reacted to the tuberculin test may be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture. The said Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner. (May 31, 1920, c. 217, 41 Stat. 699.)

117. Notice of existence of contagion to railroads; transportation of diseased stock; penalty.—It shall be the duty of the Secretary of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other livestock within such infected district, who shall knowingly violate the provisions of section 115 of this title shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. (May 29, 1884, c. 60, § 7, 23 Stat. 32.)

118. Duty of district attorneys.—It shall be the duty of the several United States district attorneys to prosecute all violations of sections 111 to 115 and 117 to 119 of this title which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district court of the United States or Territorial court holden within the district in which such violation has been committed. (May 29, 1884, c. 60, § 9, 23 Stat. 33.)

119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases.—The Secretary of Agriculture is authorized to appoint two competent agents, who shall be practical stock raisers or experienced business men familiar with questions pertaining to commercial transactions in livestock, whose duty it shall be, under the instructions of the said Secretary of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuropneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under sections 111 to 115, 117 and 118 of this title, when absent from their usual place of business or residence as such agent. (May 29, 1884, c. 60, § 2, 23 Stat. 31; Feb. 9, 1889, c. 122, § 1, 25 Stat. 659; July 14, 1890, c. 707, 26 Stat. 288.)

120. Regulation of exportation and transportation of infected livestock.—In order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot-and-mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other livestock, and to prevent the spread of such diseases, he is authorized and directed from time to time to establish such rules and regulations concerning the exportation and transportation of livestock from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, and into and through the District of Columbia and to foreign countries as he may deem necessary and all such rules and regulations shall have the force of law. (Feb. 2, 1903, c. 349, § 1, 32 Stat. 791.)

121. Shipments from areas suspected infected; control of such animals.—Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other livestock which were about to be shipped, driven, or transported from such locality to another as stated in section 120 preceding, and had found them free from Texas or splenetic fever infection, pleuropneumonia, foot-and-mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be

under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection. (Feb. 2, 1903, c. 349, § 1, 32 Stat. 791.)

122. Offenses; penalty.—Any person, company, or corporation knowingly violating the provisions of sections 111, 120, or 121 of this title or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not more than one year, or by both such fine and imprisonment. (Feb. 2, 1903, c. 349, § 3, 32 Stat. 792.)

123. Quarantine.—The Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that cattle or other livestock in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the establishment of quarantine. (Mar. 3, 1905, c. 1496, § 1, 33 Stat. 1264.)

124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of livestock, forbidden.—No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other livestock, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any cattle or other livestock, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other livestock, except as hereinafter provided. (Mar. 3, 1905, c. 1496, § 2, 33 Stat. 1264.)

125. Regulations for inspection, disinfection, and certification, and delivery and shipment of livestock from quarantined State or Territory.—It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other livestock from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section 124 of this title for notice of establishment of quarantine. (Mar. 3, 1905, c. 1496, § 3, 33 Stat. 1265.)

126. Moving livestock from quarantined State or Territory, under regulations.—Cattle or other livestock may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section 125 of this title; but it shall be unlawful to move, or to allow to be moved, any cattle or other livestock from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. (Mar. 3, 1905, c. 1496, § 4, 33 Stat. 1265.)

127. Transportation from quarantined State, Territory, and so forth; penalty.—Any person, company, or corporation violating the provisions of sections 124 or 126 of this title shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not more than one year, or by both such fine and imprisonment. (Mar. 3, 1905, c. 1496, § 6, 33 Stat. 1265.)

128. Extension of quarantine law to carriers in interstate commerce.—The provisions of sections 123 to 127 of this title and of section 118 of Title 18 shall apply to any railroad company or other common carrier, whose road or line forms any part of a route over which cattle or other livestock are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia. (June 30, 1914, c. 131, 38 Stat. 419.)

129. Payment for animals purchased; computation of value, and amount paid.—In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend, in the city of Washington or elsewhere, the sum of $10,980, together with any unexpended balances of appropriations made prior to February 10, 1925, for this purpose in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations. The payment for animals purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any such appraisements. (Mar. 4, 1917, c. 179, 39 Stat. 1167; May 11, 1922, c. 185, 42 Stat. 536; Feb. 26, 1923, c. 119, 42 Stat. 1318; Apr. 2, 1924, c. 81, § 1, 43 Stat. 40; June 5, 1924, c. 266, 43 Stat. 458; Dec. 5, 1924, c. 4, § 1, 43 Stat. 683; Feb. 10, 1925, c. 200, 43 Stat. 851.)

130. Pleuropneumonia in District of Columbia; duties of commissioners.—Whenever any contagious, infectious, or communicable disease affecting domestic animals, and especially the disease known as pleuropneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said commissioners are empowered to order and require that any premises, farm, or farms where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require

the destruction of animals affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Secretary of Agriculture whatever they may do in pursuance of the provisions of this section. (May 29, 1884, c. 60, § 8, 23 Stat. 33.)

131. Fences along international boundary lines to keep out diseased animals.—The Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the territory of the United States, for the purpose of keeping out diseased animals. (May 26, 1910, c. 256, 36 Stat. 440.)

132. Inspection of dairy products for export.—Sections 71 to 94 of this title shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said sections for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said sections relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified. (May 23, 1908, c. 192, 35 Stat. 254.)

Chapter 5.—VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS.

Sec.

151. Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments.
152. Importation regulated and prohibited.
153. Inspection of imports; denial of entry and destruction.
154. Regulations for preparation and sale; licenses.
155. Permits for importation.
156. Licenses conditioned on permitting inspection; suspension of licenses.
157. Same; inspection daytime or nighttime.
158. Offenses; punishment.

Section 151. Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments.—It shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

152. Importation regulated and prohibited.—The importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are prohibited. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

153. Inspection of imports; denial of entry and destruction.—The Secretary of Agriculture is authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous products are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

154. Regulations for preparation and sale; licenses.—The Secretary of Agriculture is authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

155. Permits for importation.—The Secretary of Agriculture is authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

156. Licenses conditioned on permitting inspection; suspension of licenses.—All licenses issued under authority of this chapter to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of said chapter, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

157. Same; inspection daytime or nighttime.—Any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under the provisions of this chapter where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

158. Offenses; punishment.—Any person, firm, or corporation who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (Mar. 4, 1913, c. 145, 37 Stat. 832.)

Chapter 6.—NARCOTIC DRUGS.

IMPORTATION OR EXPORTATION

Sec.
171. Narcotic drugs; definitions.
172. Federal Narcotic Control Board; composition of.
173. Importation of narcotic drugs prohibited; exceptions; crude opium for manufacture of heroin; forfeitures.
174. Same; penalty; evidence.
175. Same; deportation of convicted aliens.
176. Same; masters of vessels; persons in charge of railroad cars, and so forth; liability of.
177. Administration of law.
178. Smoking opium; possession in transit; evidence.
179. Same; masters of vessels; persons in charge of railroad cars, and so forth; liability of; forfeiture.
180. Smoking opium not admitted for transportation to another country nor transferred from one vessel to another; other narcotic drugs.
181. Presumption and burden of proof as to importation of smoking opium.
182. Exportation of narcotic drugs prohibited; exception; requests for copies of laws of foreign governments; rules and regulations by board.
183. Same; punishment; share of fine to informer.
184. Seizure and forfeiture of narcotic drugs found on vessel and not shown on manifest or landed from vessel without permit; penalty against master of vessel; withholding clearance papers; mitigation and remission of forfeitures and penalties.
185. Citation.

IMPORTATION BY CHINESE SUBJECTS OR TRAFFICKING IN, IN CHINA, BY UNITED STATES CITIZENS

191. Opium importation by Chinese prohibited; penalty.
192. Same; forfeiture.
193. Importation, transportation, and trafficking in, in China, by citizens prohibited.

IMPORTATION OR EXPORTATION

Section 171. Narcotic drugs; definitions.—When used in sections 172 to 185 of this title—

(a) The term "narcotic drug" means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

(b) The term "United States," when used in a geographical sense, includes the several States and Territories, and the District of Columbia;

(c) The term "board" means the Federal Narcotics Control Board established by section 172 of this title; and

(d) The term "person" means individual, partnership, corporation, or association. (Feb. 9, 1909, c. 100, § 1, 35 Stat. 614, Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 1, 42 Stat. 596.)

172. Federal Narcotics Control Board; composition of.—The Federal Narcotics Control Board is established and shall be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. (Feb. 9, 1909, c. 100, § 2, 35 Stat. 614; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 1, 42 Stat. 596; June 7, 1924, c. 352, 43 Stat. 657.)

173. Importation of narcotic drugs prohibited; exceptions; crude opium for manufacture of heroin; forfeitures.—It is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction; except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only, may be imported and brought into the United States or such territory under such regulations as the board shall prescribe, but no crude opium may be imported or brought in for the purpose of manufacturing heroin. All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1) if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any character; or (2), if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 514 and 515 of Title 19, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections. Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes. (Feb. 9, 1909, c. 100, § 2, 35 Stat. 614; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 1, 42 Stat. 596; June 7, 1924, c. 352, 43 Stat. 657.)

174. Same; penalty; evidence.—If any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than ten years. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury. (June 9, 1909, c. 100, § 2, 35 Stat. 614; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 1, 42 Stat. 596; June 7, 1924, c. 352, 43 Stat. 657.)

175. Same; deportation of convicted aliens.—Any alien who at any time after his entry is convicted under section 174 of this title shall upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor be taken into custody and deported in accordance with the provisions of sections 155 and 156 of Title 8 or provisions of law hereafter enacted which are amendatory of or in substitution for such sections. (Feb. 9, 1909, c. 100, § 2, 35 Stat. 614; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 1, 42 Stat. 596; June 7, 1924, c. 352, 43 Stat. 657.)

176. Same; masters of vessels; persons in charge of railroad cars, etc.; liability of.—The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under section 174 of this title, if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in the second paragraph of section 173 of this title. (Feb. 9, 1909, c. 100, § 2, 35 Stat. 614; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 1, 42 Stat. 596; June 7, 1924, c. 352, 43 Stat. 657.)

177. Administration of law.—Except as otherwise provided by law, the administration of sections 171 to 185 of this title is vested in the Department of the Treasury. (Feb. 9, 1909, c. 100, § 2, 35 Stat. 614; Jan. 17, 1914, c. 9, 38 Stat. 275; Mar. 26, 1922, c. 202, § 1, 42 Stat. 596; June 7, 1924, c. 352, 43 Stat. 657.)

178. Smoking opium; possession in transit; evidence.—Any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, receive or have in his possession, or conceal on board of or transport on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or

on any such vessel, water craft, or vehicle of such article, shall not report the same to the principal officer thereof, shall be subject to the penalty provided in section 174 of this title. Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury. (Jan. 17, 1914, c. 9, § 4, 38 Stat. 275.)

179. Same; masters of vessels; persons in charge of railroad cars, and so forth; liability of; forfeiture.—Any master of a vessel or other water craft or person in charge of a railroad car or other vehicle shall not be liable under section 178 of this title if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such vessel, water craft, car, or other vessel, and any such article shall be forfeited and shall be destroyed. (Jan. 17, 1914, c. 9, § 4, 38 Stat. 275.)

180. Smoking opium not admitted for transportation to another country nor transferred from one vessel to another; other narcotic drugs.—No smoking opium or opium prepared for smoking shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose; and except with the approval of the board, no other narcotic drug may be so admitted, transferred, or transshipped. (Feb. 9, 1909, c. 100, § 5; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 2, 42 Stat. 597.)

181. Presumption and burden of proof as to importation of smoking opium.—All smoking opium or opium prepared for smoking found within the United States shall be presumed to have been imported contrary to law, and the burden of proof shall be on the claimant or the accused to rebut such presumption. (Jan. 17, 1914, c. 9, § 3, 38 Stat. 275.)

182. Exportation of narcotic drugs prohibited; exception; requests for copies of laws of foreign governments; rules and regulations by board.—(a) It shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any narcotic drug to any other country. Narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is absolutely prohibited) may be exported to a country only which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if (1) such country has instituted and maintains, in conformity with that convention, a system, which the board deems adequate, of permits or licenses for the control of imports of such narcotic drugs; (2) the narcotic drug is consigned to an authorized permittee; and (3) there is furnished to the board proof deemed adequate by it, that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

(b) The Secretary of State shall request all foreign governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when received, advise the board thereof.

(c) The board shall make and publish all proper regulations to carry into effect the authority vested in it by this subchapter. (Feb. 9, 1909, c. 100, § 6; Jan. 17, 1914, c. 9, 38 Stat. 275; May 26, 1922, c. 202, § 2, 42 Stat. 597.)

183. Same; punishment; share of fine to informer.—Any person who exports or causes to be exported any narcotic drugs in violation of the preceding section shall be fined in any sum not exceeding $5,000 nor less than $50 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this subchapter may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought thereunder may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case. No payment for giving information shall be made to any officer or employee of the United States. (Jan. 17, 1914, c. 9, § 7, 38 Stat. 277.)

184. Seizure and forfeiture of narcotic drugs found on vessel and not shown on manifest or landed from vessel without permit; penalty against master of vessel; withholding clearance papers; mitigation and remission of forfeitures and penalties.—A narcotic drug that is found upon a vessel arriving at a port of the United States or territory under its control or jurisdiction and is not shown upon the vessel's manifest, or that is landed from any such vessel without a permit first obtained from the collector of customs for that purpose, shall be seized, forfeited, and disposed of in the manner provided in the second paragraph of section 173 of this title, and the master of the vessel shall be liable (1) if the narcotic drug is smoking opium, to a penalty of $25 an ounce, and (2) if any other narcotic drug, to a penalty equal to the value of the narcotic drug.

Such penalty shall constitute a lien upon the vessel which may be enforced by proceedings by libel in rem. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid, or until there is deposited with the collector of customs at the port, a bond in a penal sum double the amount of the penalty, with sureties approved by the collector, and conditioned on the payment of the penalty (or so much thereof as is not remitted by the Secretary of the Treasury) and of all costs and other expenses to the Government in proceedings for the recovery of the penalty, in case the master's application for remission of the penalty is denied in whole or in part by the Secretary of the Treasury.

The provisions of law for the mitigation and remission of penalties and forfeitures incurred for violations of the customs laws, shall apply to penalties incurred for a violation of the provisions of this section. (Feb. 9, 1909, c. 100, § 8; Jan. 17, 1914, c. 9, 38 Stat. 277; May 26, 1922, c. 202, § 3, 42 Stat. 598.)

185. Citation.—Sections 171 to 184 of this title may be cited as the "Narcotic Drugs Import and Export Act." (Feb. 9, 1909, c. 100, § 9; May 26, 1922, c. 202, § 4, 42 Stat. 598.)

IMPORTATION BY CHINESE SUBJECTS OR TRAFFICKING IN, IN CHINA, BY UNITED STATES CITIZENS

191. Opium importation by Chinese prohibited; penalty.—The importation of opium into any of the ports of the United States by any subject of the Emperor of China is prohibited.

Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 nor less than $50, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine

and imprisonment, in the discretion of the court. (Feb. 23, 1887, c. 210, § 1, 24 Stat. 409.)

192. Same; forfeiture.—Every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations. (Feb. 23, 1887, c. 210, § 2, 24 Stat. 409.)

193. Importation, transportation, and trafficking in, in China, by citizens prohibited.—No citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding $500 nor less than $50, or by both such punishments, in the discretion of the court. The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law. Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within China. (Feb. 23, 1887, c. 210, § 3, 24 Stat. 409.)

Chapter 7.—PRACTICE OF PHARMACY AND SALE OF POISONS IN CONSULAR DISTRICTS IN CHINA.

Sec.

201. Doing business without a license unlawful; employment of Chinese subjects.
202. Same; certain classes of persons and corporations excepted; insecticides.
203. Same; application for license; requirements; qualification for license.
204. Same; issue of license.
205. Display of license in pharmacy.
206. Revocation of license.
207. Restrictions on sales; written orders or prescriptions.
208. Same; certain preparations and sales excepted.
209. Same; poisons; book entry of sale; labels.
210. Pharmacist; unauthorized use of title.
211. Preservation of originals of prescriptions compounded and copies thereof; inspection of prescriptions by consular officers; marking containers of drugs.
212. Offenses; punishment; duty to enforce provisions.
213. Fraudulent representations to evade or defeat restrictions.
214. Previous laws unaffected.
215. "Consul" defined.

Section 201. Doing business without a license unlawful; employment of Chinese subjects.—It shall be unlawful in the consular districts of the United States in China for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this chapter to conduct or manage any pharmacy, drug or chemical store, apothecary shop, or other place of business for the retailing, compounding, or dispensing of any drugs, chemicals, or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail, any drugs, chemicals, or poisons, except as hereinafter provided, or, except as hereinafter provided, for any person whose permanent allegiance is due to the United States not licensed as a pharmacist within the meaning of this chapter to compound, dispense, or sell, at retail, any drug, chemical, poison, or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physicians' prescriptions, except as an aid to and under the proper supervision of a pharmacist licensed under this chapter. And it shall be unlawful for any person, firm, or corporation owing permanent allegiance to the United States owning partly or wholly or managing a pharmacy, drug store, or other place of business to cause or permit any person other than a licensed pharmacist to compound, dispense, or sell at retail any drug, medicine, or poison, except as an aid to and under the proper supervision of a licensed pharmacist. Where it is necessary for a person, firm, or corporation whose permanent allegiance is due to the United States and owning partly or wholly or managing a pharmacy, drug store, or other place of business to employ Chinese subjects to compound, dispense, or sell at retail any drug, medicine, or poison, such person, firm, or corporation, owner, part owner, or manager of a pharmacy, drug store, or other place of business may employ such Chinese subjects when their character, ability, and age of twenty-one years or over have been certified to by at least two recognized and reputable practitioners of medicine, or two pharmacists licensed under this chapter whose permanent allegiance is due to the United States. (Mar. 3, 1915, c. 74, § 1, 38 Stat. 817.)

202. Same; certain classes of persons and corporations excepted; insecticides.—Nothing in section 201 of this title shall be construed to interfere with any recognized and reputable practitioner of medicine, dentistry, or veterinary surgery in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, except as hereinafter provided; nor with the exclusively wholesale business of any person, firm, or corporation whose permanent allegiance is due to the United States dealing and licensed as pharmacists, or having in their employ at least one person who is so licensed, except as hereinafter provided; nor with the sale by persons, firms, or corporations whose permanent allegiance is due to the United States other than pharmacists of poisonous substances sold exclusively for use in the arts, or as insecticides, when such substances are sold in unbroken packages bearing labels having plainly printed upon them the name of the contents, the word "Poison," when practicable the name of at least one suitable antidote, and the name and address of the vender. (Mar. 3, 1915, c. 74, § 1, 38 Stat. 817.)

203. Same; application for license; requirements; qualifications for license.—Every person whose permanent allegiance is due to the United States desiring to practice as a pharmacist in the consular districts in China shall file with the consul an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which he pursued and the time spent in the study of pharmacy, the experience which the applicant has had in compounding physicians' prescriptions under the direction of a licensed pharmacist, and the name and location of the school or college of pharmacy, if any, of which he is a graduate, and shall submit evidence sufficient to show to the satisfaction of said consul that he is of good moral character and not addicted to the use of alcoholic liquors or narcotic drugs so as to render him unfit to practice pharmacy. Applicants shall be not less than twenty-one years of age and shall have had at least four years' experience in the

practice of pharmacy or shall have served three years under the instruction of a regularly licensed pharmacist, and any applicant who has been graduated from a school or college of pharmacy recognized by the proper board of his State, Territory, District of Columbia, or other possession of the United States as in good standing shall be entitled to practice upon presentation of his diploma. (Mar. 3, 1915, c. 74, § 2, 38 Stat. 818.)

204. Same; issue of license.—If the applicant for license as a pharmacist has complied with the requirements of section 203 of this title, the consul shall issue to him a license which shall entitle him to practice pharmacy in the consular districts of the United States in China, subject to the provisions of this chapter. (Mar. 3, 1915, c. 74, § 3, 38 Stat. 819.)

205. Display of license in pharmacy.—Every license to practice pharmacy shall be conspicuously displayed by the person to whom the same has been issued in the pharmacy, drug store, or place of business, if any, of which the said person is the owner or part owner or manager. (Mar. 3, 1915, c. 74, § 5, 38 Stat. 819.)

206. Revocation of license.—The license of any person whose permanent allegiance is due to the United States to practice pharmacy in the consular districts of the United States in China may be revoked by the consul if such person be found to have obtained such license by fraud, or be addicted to the use of any narcotic or stimulant, or to be suffering from physical or mental disease, in such manner and to such extent as to render it expedient that in the interests of the public his license be canceled; or to be of an immoral character; or if such person be convicted in any court of competent jurisdiction of any offense involving moral turpitude. It shall be the duty of the consul to investigate any case in which it is discovered by him or made to appear to his satisfaction that any license issued under the provisions of this chapter is revocable and shall, after full hearing, if in his judgment the facts warrant it, revoke such license. (Mar. 3, 1915, c. 74, § 4, 38 Stat. 819.)

207. Restrictions on sales; written orders or prescriptions.—It shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States, either personally or by servant or agent or as the servant or agent of any other person or of any firm or corporation, to sell, furnish, or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine or preparation containing morphine or salts of morphine, or any opium or preparation containing opium, or any chloral hydrate or preparation containing chloral hydrate, except upon the original written order or prescription of a recognized and reputable practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the order or prescription. Such order or prescription shall be, for a period of three years, retained on file by the person, firm, or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time except upon the written order of the original prescriber. (Mar. 3, 1915, c. 74, § 6, 38 Stat. 819.)

208. Same; certain preparations and sales excepted.—The provisions of the preceding section shall not apply to preparations containing not more than two grains of opium or not more than one-quarter grain of morphine, or not more than one-quarter grain of cocaine, or not more than two grains of chloral hydrate in the fluid ounce, or, if a solid preparation, in one avoirdupois ounce, nor shall they apply to preparations sold in good faith for diarrhea and cholera, each bottle or package of which is accompanied by specific directions for use and caution against habitual use, nor to liniments or ointments sold in good faith as such when plainly labeled "for external use only," nor to powder of ipecac and opium, commonly known as Dover's powder, when sold in quantities not exceeding twenty grains. The provisions of this section or section 207 of this title shall not be construed to permit the selling, furnishing, giving away, or prescribing for the use of any habitual users of the same any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine or salts of morphine, or preparations containing morphine or salts of morphine, or any opium or preparation containing opium, or any chloral hydrate or preparation containing chloral hydrate. But the preceding sentence shall not be construed to prevent any recognized or reputable practitioner of medicine whose permanent allegiance is due to the United States from furnishing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this section. But the provisions of this section or said section 207 shall not apply to sales at wholesale between jobbers, manufacturers, and retail druggists, hospitals, and scientific or public institutions. (Mar. 3, 1915, c. 74, § 6, 38 Stat. 819.)

209. Same; poisons; book entry of sale; labels.—It shall be unlawful for any person, firm, or corporation whose permanent allegiance is due to the United States to sell or deliver to any other person any of the following-described substances, or any poisonous compound, combination, or preparation thereof, to wit: The compounds of and salts of antimony, arsenic, barium, chromium, copper, gold, lead, mercury, silver, and zinc, the caustic hydrates of sodium and potassium, solution or water of ammonia, methyl alcohol, paregoric, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, Paris green, carbolic acid, the essential oils of almonds, pennyroyal, tansy, rue, and savin; croton oil, creosote, chloroform, cantharides, or aconite, belladonna, bitter almonds, colchicum, cotton root, cocculus indicus, conium, cannabis indica, digatalis, ergot, hyoscyamus, ignatia, lobelia, nux vomica, physostigma, phytolacca, strophanthus, stramonium, veratrum viride, or any of the poisonous alkaloids or alkaloidal salts derived from the foregoing, or any other poisonous alkaloids or their salts, or any other virulent poison, except in the manner following, and, moreover, if the applicant be less than eighteen years of age, except upon the written order of a person known or believed to be an adult.

It shall first be learned, by due inquiry, that the person to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful purpose, and the box, bottle, or other package shall be plainly labeled with the name of the substance, the word "Poison," the name of at least one suitable antidote, when practicable, and the name and address of the person, firm, or corporation dispensing the substance. And before delivery be made of any of the foregoing substances, excepting solution or water of ammonia and sulphate of copper, there shall be recorded in a book kept for that purpose the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured, and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein. The foregoing provisions shall not apply to articles dispensed upon the order of persons believed by the dispenser to be recognized and reputable practitioners of medicine, dentistry, or veterinary surgery. When a physician writes upon his pre-

scription a request that it be marked or labeled "Poison" the pharmacist shall, in the case of liquids, place the same in a colored glass, roughened bottle, of the kind commonly known in trade as a "poison bottle," and, in the case of dry substances, he shall place a poison label upon the container. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists, but the box, bottle, or other package containing such substance, when sold at wholesale, shall be properly labeled with the name of the substance, the word "poison," and the name and address of the manufacturer or wholesaler. It shall not be necessary, in sales either at wholesale or at retail, to place a poison label upon, nor to record the delivery of, the sulphide of antimony, or the oxide or carbonate of zinc, or of colors ground in oil and intended for use as paints, or calomel; nor in the case of preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance; nor, in the case of liniments or ointments sold in good faith as such, when plainly labeled "For external use only"; nor, in the case of preparations put up and sold in the form of pills, tablets, or lozenges, containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance.

For the purpose of this and of every other section of this chapter no box, bottle, or other package shall be regarded as having been labeled "Poison" unless the word "Poison" appears conspicuously thereon, printed in plain, uncondensed gothic letters in red ink. (Mar. 3, 1915, c. 74, § 7, 38 Stat. 820.)

210. Pharmacist; unauthorized use of title.—It shall be unlawful for any person whose permanent allegiance is due to the United States, not legally licensed as a pharmacist, to take, use, or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title of druggist or apothecary, or any other title or description of like import. (Mar. 3, 1915, c. 74, § 10, 38 Stat. 821.)

211. Preservation of originals of prescriptions compounded and copies thereof; inspection of prescriptions by consular officers; marking containers of drugs.—Every person, firm, or corporation whose permanent allegiance is due to the United States owning, partly owning, or managing a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than three years the original of every prescription compounded or dispensed at such store or pharmacy, or a copy of such prescription, except when the preservation of the original is required by section 207 or 208 of this title. Upon request the owner, part owner, or manager of such store shall furnish to the prescribing physician, or to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof. Any prescription required by said section 207 or 208 of this title, and any prescription for, or register of sales of, substances mentioned in such sections shall at all times be open to inspection by duly authorized consular officers in the consular districts of the United States in China. No person, firm, or corporation whose permanent allegiance is due to the United States shall, in a consular district, compound or dispense any drug or drugs or deliver the same to any other person without marking on the container thereof the name of the drug or drugs contained therein and directions for using the same. (Mar. 3, 1915, c. 74, § 9, 38 Stat. 821.)

212. Offenses; punishment; duty to enforce provisions.—Any person, firm, or corporation, whose permanent allegiance is due to the United States, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $50 and not more than $100 or by imprisonment for not less than one month and not more than sixty days, or by both such fine and imprisonment, in the discretion of the court, and if the offense be continuing in its character each week or part of a week during which it continues shall constitute a separate and distinct offense. And it shall be the duty of the consular and judicial officers of the United States in China to enforce the provisions of this chapter. (Mar. 3, 1915, c. 74, § 11, 38 Stat. 821.)

213. Fraudulent representations to evade or defeat restrictions.—No person, firm, or corporation whose permanent allegiance is due to the United States seeking to procure in the consular districts of the United States in China any substance the sale of which is regulated by the provisions of this chapter shall make any fraudulent representations so as to evade or defeat the restrictions herein imposed. (Mar. 3, 1915, c. 74, § 8, 38 Stat. 821.)

214. Previous laws unaffected.—Nothing in this chapter shall be construed as modifying or revoking any of the provisions of sections 191 to 193 of this title. (Mar. 3, 1915, c. 74, § 13, 38 Stat. 822.)

215. "Consul" defined.—The word "consul" as used in this chapter shall mean the consular officer in charge of the district concerned. (Mar. 3, 1915, c. 74, § 12, 38 Stat. 822.)

FOREIGN AND DOMESTIC COMMERCE

See Title 15, COMMERCE AND TRADE.

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See Title 39, POSTAL SERVICE.

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Chapter 1.—DIPLOMATIC AND CONSULAR SERVICE GENERALLY.

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ORGANIZATION OF "FOREIGN SERVICE OF UNITED STATES"

Section 1. Establishment of "Foreign Service."—The Diplomatic and Consular Service of the United States shall be known as the Foreign Service of the United States. (May 24, 1924, c. 182, § 1, 43 Stat. 140.)

2. "Foreign Service officer" defined; assignment to duty generally.—The official designation "Foreign Service officer" as employed throughout sections 3 to 23, inclusive, of this

chapter shall be deemed to denote permanent officers in the Foreign Service below the grade of minister, all of whom are subject to promotion on merit, and who may be assigned to duty in either the diplomatic or the consular branch of the Foreign Service at the discretion of the President. (May 24, 1924, c. 182, § 2, 43 Stat. 140.)

3. Grading, classification, and salaries; details for purpose of inspection.—The officers in the Foreign Service shall be graded and classified as follows, with the salaries of each class herein affixed thereto, but not exceeding in number for each class a proportion to the total number of officers in the service represented in the following percentage limitations: Ambassadors and ministers as now or hereafter provided; Foreign Service officers as follows: Class 1, 6 per centum, $9,000; class 2, 7 per centum, $8,000; class 3, 8 per centum, $7,000; class 4, 9 per centum, $6,000; class 5, 10 per centum, $5,000; class 6, 14 per centum, $4,500; class 7, $4,000; class 8, $3,500; class 9, $3,000; unclassified, $3,000 to $1,500: *Provided*, That as many Foreign Service officers above class 6 as may be required for the purpose of inspection may be detailed by the Secretary of State for that purpose. (May 24, 1924, c. 182, § 3, 43 Stat. 140.)

4. Appointment of Foreign Service officers as diplomatic secretaries or as consular officers; official acts under respective commissions.—Foreign Service officers may be appointed as secretaries in the Diplomatic Service or as consular officers or both: *Provided*, That all such appointments shall be made by and with the advice and consent of the Senate: *Provided further*, That all official acts of such officers while on duty in either the diplomatic or the consular branch of the Foreign Service shall be performed under their respective commissions as secretaries or as consular officers. (May 24, 1924, c. 182, § 4, 43 Stat. 140.)

5. Appointment of Foreign Service officers; examination and probation; transfers from State Department; citizenship requirement; reinstatement.—Appointments to the position of Foreign Service officer shall be made after examination and a suitable period of probation in an unclassified grade or, after five years of continuous service in the Department of State, by transfer therefrom under such rules and regulations as the President may prescribe: *Provided*, That no candidate shall be eligible for examination for Foreign Service officer who is not an American citizen: *Provided further*, That reinstatement of Foreign Service officers separated from the classified service by reason of appointment to some other position in the Government service may be made by Executive order of the President under such rules and regulations as he may prescribe. (May 24, 1924, c. 182, § 5, 43 Stat. 141.)

6. Appointment to class, assignment to post; classification as diplomatic secretaries and as consular officers abolished.—All appointments of Foreign Service officers shall be by commission to a class and not by commission to any particular post, and such officers shall be assigned to posts and may be transferred from one post to another by order of the President as the interests of the service may require: *Provided*, That the classification of secretaries in the Diplomatic Service and of consular officers existing on July 1, 1924, is abolished as of that date, without, however, in anywise impairing the validity of the then existing commissions of secretaries and consular officers. (May 24, 1924, c. 182, § 5, 43 Stat. 141.)

7. Reports and recommendations for promotions and appointments.—The Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those Foreign Service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister and the names of those Foreign Service officers and employees and officers and employees in the Department of State who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the lower grades of the service. (Feb. 5, 1915, c. 23, § 5, 38 Stat. 806; May 24, 1924, c. 182, § 6, 43 Stat. 141.)

8. Recommissioning diplomatic and consular officers.—On July 1, 1924, the Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several secretaries in the Diplomatic Service, cousuls general, consuls, vice consuls of career, consular assistants, interpreters, and student interpreters then in office and shall, except in cases of persons found to merit reduction in rank or dismissal from the service, recommend to the President the recommissioning, without further examination, of those then in office as follows:

Secretaries of class 1 designated as counselors of embassy, and consuls general of classes 1 and 2 as Foreign Service officers of class 1.

Secretaries of class 1 designated as counselors of legation and consuls general of class 3 as Foreign Service officers of class 2.

Secretaries of class 1 not designated as counselors, consuls general of class 4, and consuls general at large as Foreign Service officers of class 3.

Secretaries of class 2, consuls general of class 5, consuls of classes 1, 2, and 3, and Chinese, Japanese, and Turkish secretaries as Foreign Service officers of class 4.

Consuls of class 4 as Foreign Service officers of class 5.

Secretaries of class 3, consuls of class 5, and Chinese, Japanese, and Turkish assistant secretaries as Foreign Service officers of class 6.

Consuls of class 6 as Foreign Service officers of class 7.

Secretaries of class 4 and consuls of class 7 as Foreign Service officers of class 8.

Consuls of classes 8 and 9 as Foreign Service officers of class 9.

Vice consuls of career, consular assistants, interpreters, and student interpreters as Foreign Service officers, unclassified. (May 24, 1924, c. 182, § 7, 43 Stat. 141.)

9. Inspection of diplomatic and consular offices; expenses of inspector; suspension of consuls, etc.; penal liability of inspectors.—Foreign Service officers detailed for the purpose of inspection, shall, under the direction of the Secretary of State, inspect the work of offices in the Foreign Service, both in the diplomatic and the consular branches. Each office shall be inspected at least once in every two years. Whenever the President has reason to believe that the business of a consulate or a consulate general is not being properly conducted and that it is necessary for the public interest, he may authorize any Foreign Service officer detailed for the purpose of inspection to suspend the consul or consul general, and administer the office in his stead for a period not exceeding ninety days. In such case the Foreign Service officer so authorized shall have power to suspend any vice consular officer or clerk in said office during the period aforesaid. The provisions of section 103 of this chapter shall apply to Foreign Service officers detailed for the purpose of inspection. (Apr. 5, 1906, c. 1366, § 4, 34 Stat. 100; May 24, 1924, c. 182, § 10, 43 Stat. 142.)

10. Abolition of grade of consular assistants; recommissioning as Foreign Service officers.—The grade of consular assistant is abolished, as of July 1, 1924, and all consular assistants as of that date in the service are recommissioned as Foreign Service officers unclassified. (May 24, 1924, c. 182, § 8, 43 Stat. 142.)

11. Bonds of officers of the Foreign Service.—Every secretary, consul general, consul, vice consul of career, or Foreign Service officer, before he receives his commission or enters upon

the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: *Provided*, That the operation of no bond existing July 1, 1924, shall in any wise be impaired by the provisions of sections 1 to 23, inclusive, of this chapter: *Provided further*, That such bond shall cover by its stipulations all official acts of such officer, whether as Foreign Service officer or as secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury. (R. S. § 1697; May 24, 1924, c. 182, § 9, 43 Stat. 142.)

12. Representation allowances to diplomatic missions and consulates.—The President is hereby authorized to grant to diplomatic missions and to consular offices at capitals of countries where there is no diplomatic mission of the United States representation allowances out of any money which may be appropriated for such purpose from time to time by Congress, the expenditure of such representation allowance to be accounted for in detail to the Department of State quarterly under such rules and regulations as the President may prescribe. (May 24, 1924, c. 182, § 12, 43 Stat. 142.)

13. Fees; accounting; stamps.—The provisions of sections 99 and 100 of this chapter relative to official fees and the method of accounting therefor shall include both branches of the Foreign Service. (May 24, 1924, c. 182, § 11, 43 Stat. 142.)

14. Private secretaries to ambassadors; appointment; salaries.—Appropriations are authorized for the salary of a private secretary to each ambassador who shall be appointed by the ambassador and hold office at his pleasure. (May 24, 1924, c. 182, § 13, 43 Stat. 143.)

15. Assignment for duty in State Department.—Any Foreign Service officer may be assigned for duty in the Department of State without loss of class or salary, such assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment may be extended for a period not to exceed one year. (May 24, 1924, c. 182, § 14, 43 Stat. 143.)

16. Special details and inspectors; allowance for expenses.—Any Foreign Service officer of whatever class detailed for special duty not at his post or in the Department of State shall be paid his actual and necessary expenses for travel and not exceeding an average of $8 per day for subsistence during such special detail: *Provided*, That such special duty shall not continue for more than sixty days, unless in the case of trade conferences or international gatherings, congresses, or conferences, when such subsistence expenses shall run only during the period thereof and the necessary period of transit to and from the place of gathering: *Provided further*, That the Secretary of State is authorized to prescribe a per diem allowance not exceeding $6, in lieu of subsistence for Foreign Service officers on special duty or Foreign Service inspectors. (May 24, 1924, c. 182, § 14, 43 Stat. 143.)

17. Ordering officers to United States on statutory leave of absence; traveling expenses; duty while on leave.—The Secretary of State is authorized, whenever he deems it to be in the public interest, to order to the United States on his statutory leave of absence any Foreign Service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families, in traveling from their post to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of State when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for trade conference work or for such duties in the Department of State as the Secretary of State may prescribe. (May 24, 1924, c. 182, § 15, 43 Stat. 143.)

18. Counselor of embassy or legation.—The President may, whenever he considers it advisable so to do, designate and assign any Foreign Service officer as counselor of embassy or legation. (May 24, 1924, c. 182, § 16, 43 Stat. 143.)

19. Commissioner, chargé d'affaires; minister resident and diplomatic agent; appointment and salary.—Within the discretion of the President, any Foreign Service officer may be appointed to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as the public interests may require without loss of grade, class, or salary: *Provided, however*, That no such officer shall receive more than one salary. (May 24, 1924, c. 182, § 17, 43 Stat. 143.)

20. Compensation of Foreign Service officer acting as chargé d'affaires ad interim or in charge of consulate.—For such time as any Foreign Service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as Foreign Service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be. Vice consuls while in charge of a consulate general or consulate during the absence of the principal officer shall be entitled to additional compensation in the same manner and under the same conditions as Foreign Service officers as provided above in this section. (May 24, 1924, c. 182, § 17, 43 Stat. 143; Feb. 27, 1925, c. 364, Title I, 43 Stat. 1016.)

21. Retirement and disability system; establishment; rules and regulations.—The President is authorized to prescribe rules and regulations for the establishment of a Foreign Service retirement and disability system to be administered under the direction of the Secretary of State and in accordance with the following principles, to wit:

(*a*) *Reports; appropriations.*—The Secretary of State shall submit annually a comparative report showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them, and shall submit annually estimates of appropriations necessary to continue this section in full force and such appropriations are hereby authorized: *Provided*, That in no event shall the aggregate total appropriations exceed the aggregate total of the contributions of the Foreign Service officers theretofore made, and accumulated interest thereon.

(*b*) *Foreign Service retirement and disability fund.*—There is hereby created a special fund to be known as the Foreign Service retirement and disability fund.

(*c*) *Deductions from salaries of Foreign Service officers.*—Five per centum of the basic salary of all Foreign Service officers eligible to retirement shall be contributed to the Foreign Service retirement and disability fund and the Secretary of the Treasury is directed on July 1, 1924, to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the Foreign Service

retirement and disability fund for the payment of annuities, refunds, and allowances: *Provided*, That all basic salaries in excess of $9,000 per annum shall be treated as $9,000.

(*d*) *Age and period of service for retirement.*—When any Foreign Service officer has reached the age of sixty-five years and rendered at least fifteen years of service he shall be retired: *Provided*, That the President may in his discretion retain any such officer on active duty for such period not exceeding five years as he may deem for the interest of the United States.

(*e*) *Annuities; amounts.*—Annuities shall be paid to retired Foreign Service officers under the following classification, based upon length of service and at the following percentages of the average annual basic salary for the ten years next preceding the date of retirement: Class A, thirty years or more, 60 per centum; class B, from twenty-seven to thirty years, 54 per centum; class C, from twenty-four to twenty-seven years, 48 per centum; class D, from twenty-one to twenty-four years, 42 per centum; class E, from eighteen to twenty-one years, 36 per centum; class F, from fifteen to eighteen years, 30 per centum.

(*f*) *Deductions from annuities.*—Those officers who retire before having contributed for each year of service shall have withheld from their annuities to the credit of the Foreign Service retirement and disability fund such proportion of 5 per centum as the number of years in which they did not contribute bears to the total length of service.

(*g*) *Investment of fund.*—The Secretary of the Treasury is directed to invest from time to time in interest-bearing securities of the United States such portions of the Foreign Service retirement and disability fund as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances, and the income derived from such investments shall constitute a part of said fund.

(*h*) *Annuities; nonassignable; exemption from legal process.*—None of the moneys mentioned in this section shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

(*i*) *Distribution of excess of accumulated contributions of annuitants without having received annuities equal to amounts contributed.*—In case an annuitant dies without having received in annuities an amount equal to the total amount of his contributions from salary with interest thereon at 4 per centum per annum compounded annually up to the time of his death, the excess of the said accumulated contributions over the said annuity payments shall be paid to his or her legal representatives; and in case a Foreign Service officer shall die without having reached the retirement age the total amount of his contributions with accrued interest shall be paid to his legal representatives.

(*j*) *Retirement for disability.*—Any Foreign Service officer who before reaching the age of retirement becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the President, be retired on an annuity under paragraph (e) of this section: *Provided, however*, That in each case such disability shall be determined by the report of a duly qualified physician or surgeon designated by the Secretary of State to conduct the examination: *Provided further*, That unless the disability be permanent, a like examination shall be made annually in order to determine the degree of disability, and the payment of annuity shall cease from the date of the medical examination showing recovery.

Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Foreign Service retirement and disability fund.

When the annuity is discontinued under this provision, before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference shall be paid to him or to his legal representatives.

(*k*) *Residence at unhealthful tropical posts.*—The President is authorized from time to time to establish, by Executive order, a list of places in tropical countries which by reason of climatic or other extreme conditions are to be classed as unhealthful posts, and each year of duty at such posts, while so classed, inclusive of regular leaves of absence, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purposes of retirement.

(*l*) *Return of contributions on separation from service before retirement.*—Whenever a Foreign Service officer becomes separated from the service except for disability before reaching the age of retirement, 75 per centum of the total amount of contribution from his salary without interest shall be returned to him.

(*m*) *Reduction of annuity of retired Foreign Service officers accepting other employment.*—Whenever any Foreign Service officer, after the date of his retirement, accepts a position of employment the emoluments of which are greater than the annuity received by him from the United States Government by virtue of his retirement under this section, the amount of the said annuity during the continuance of such employment shall be reduced by an equal amount: *Provided*, That all retired Foreign Service officers shall notify the Secretary of State once a year of any positions of employment accepted by them stating the amount of compensation received therefrom and whenever any such officer fails to so report it shall be the duty of the Secretary of State to order the payment of the annuity to be suspended until such report is received.

(*n*) *Expense of administering retirement system.*—The Secretary of State is authorized to expend from surplus money to the credit of the Foreign Service retirement and disability fund an amount not exceeding $5,000 for the expenses necessary in carrying out the provisions of this section, including actuarial advice.

(*o*) *Rights of diplomatic secretaries or consular officers promoted to grade of ambassador or minister or appointed to position in State Department.*—Any diplomatic secretary or consular officer who has been or any Foreign Service officer who may hereafter be promoted from the classified service to the grade of ambassador or minister, or appointed to a position in the Department of State shall be entitled to all the benefits of this section in the same manner and under the same conditions as Foreign Service officers.

(*p*) *Computation of period of service.*—For the purposes of this section the period of service shall be computed from the date of original oath of office as secretary in the Diplomatic Service, consul general, consul, vice consul, deputy consul, consular assistant, consular agent, commercial agent, interpreter, or student interpreter, and shall include periods of service at different times in either the Diplomatic or Consular Service, or while on assignment to the Department of State, or on special duty, but all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded: *Provided*, That service in the Department of State prior to appointment as a Foreign Service officer may be included in the period of service, in which case the officer shall pay into the Foreign Service retirement and disability fund a special contribution equal to 5 per centum of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per centum. (May 24, 1924, c. 182, § 18, 43 Stat. 144.)

22. Recall of retired officer to active duty; compensation.—In the event of public emergency any retired Foreign Service officer may be recalled temporarily to active service by the Pres-

ident and while so serving he shall be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving. (May 24, 1924, c. 182, § 19, 43 Stat. 146.)

23. Other laws applicable to Foreign Service officers.—All provisions of law enacted prior to July 1, 1924, relating to secretaries in the Diplomatic Service and to consular officers, which are not inconsistent with the foregoing provisions of this chapter, are hereby made applicable to Foreign Service officers when they are designated for service as diplomatic or as consular officers, and all Acts or parts of Acts, then in force, inconsistent with sections 1 to 23 inclusive of this chapter are repealed. (May 24, 1924, c. 182, § 20, 43 Stat. 146.)

DIPLOMATIC OFFICERS GENERALLY

31. Restriction against creation of new ambassadorships.—No new ambassadorship shall be created unless the same shall be provided for by Act of Congress. (March 2, 1909, c. 235, 35 Stat. 672.)

32. Appointment and salaries of ambassadors, ministers, etc.—Ambassadors, envoys extraordinary and ministers plenipotentiary, ministers resident, and agents shall be entitled to compensation at the rates following, per annum, namely:

Ambassadors extraordinary and plenipotentiary to Argentina, Brazil, Chile, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, $17,500: *Provided*, That the salary of an envoy extraordinary and minister plenipotentiary to Turkey, in the event that the President should appoint a diplomatic representative of that grade, shall be $12.000;

Ambassador extraordinary and plenipotentiary to Belgium and envoy extraordinary and minister plenipotentiary to Luxemburg, $17,500;

Envoys extraordinary and ministers plenipotentiary to China, and the Netherlands, $12,000;

Envoys extraordinary and ministers plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Nicaragua, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, Uruguay, and Venezula, $10,000, and to the Serbs, Croats, and Slovenes, $10,000;

Envoy extraordinary and minister plenipotentiary to Esthonia, Latvia, and Lithuania, $10,000;

Minister resident and consul general to Liberia, $5,000;

Agent and consul general at Tangier, $7,500;

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

Ambassadors, and envoys extraordinary and ministers plenipotentiary to all other countries, unless where a different compensation is prescribed by law, shall be entitled to compensation each, at the rate of $10,000 per annum.

And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per centum, and chargés d'affaires at the rate of 50 per centum, of the amounts allowed to ambassadors, envoys extraordinary, and ministers plenipotentiary to the said countries, respectively. (R. S. § 1675; Feb. 27, 1925, c. 364, 43 Stat. 1015.)

33. Citizenship as requisite to compensation.—No compensation provided for any officer mentioned in the preceding section, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case. (R. S. § 1744.)

34. Ambassador to Belgium.—The President is authorized to appoint, as the representative of the United States, an ambassador to the Kingdom of Belgium, who shall receive as compensation the sum of $17,500 per annum. (Sept. 29, 1919, c. 72, 41 Stat. 291.)

35. Clerks at embassies and legations.—Clerks at the embassies and legations, whenever appointed, shall be citizens of the United States, and so far as practicable shall be appointed under civil-service rules and regulations. (Feb. 27, 1925, c. 364, Title I, 43 Stat. 1016.)

36. Compensation of persons filling two offices.—When to any diplomatic office held by any person there is superadded another, such person shall be allowed additional compensation for his services in such superadded office, at the rate of 50 per centum of the amount allowed by law for such superadded office, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office, and no longer; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof. (R. S. § 1686.)

37. Special allowance to messenger of embassy at Paris.—The Secretary of State is authorized to allow and pay to the messenger of the embassy in Paris, from the moneys collected at the embassy for the transmission of consular invoices, an amount not to exceed in the aggregate $160 in any one year, provided that the surplus receipts are sufficient for that purpose. (June 11, 1874, c. 275, § 1, 18 Stat. 67.)

38. Restriction against transaction of business by diplomatic officers.—No ambassador, minister, minister resident, diplomatic agent, or secretary in the Diplomatic Service of any grade or class shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as an agent for any such person to, from, or within the country or countries to which he or the chief of his mission, as the case may be, is accredited, either in his own name or in the name or through the agency of any other person, nor shall he, in such country or countries, practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer so practicing. (Feb. 5, 1915, c. 23, § 7, 38 Stat., 807.)

39. Uniforms and official costumes prohibited.—No person in the Diplomatic Service of the United States shall wear any uniform or official costume not previously authorized by Congress. (R. S. § 1688.)

40. "Diplomatic officer" defined.—"Diplomatic officer" shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, and ministers resident, and none others. (Feb. 5, 1915, c. 23, § 6, 38 Stat. 806; July 1, 1916, c. 208, 39 Stat. 252; May 24, 1924, c. 182, § 2, 43 Stat. 140.)

CONSULAR OFFICERS GENERALLY

51. Official designations in consular service.—The official designations employed throughout this chapter shall be deemed to have the following meanings, respectively:

First. "Consul general" and "consul" shall be deemed to denote full, principal, and permanent consular officers as distinguished from subordinates and substitutes.

Second. "Consular agent" shall be deemed to denote consular officers subordinate to such principals exercising the powers vested in them and performing the duties prescribed for them by regulation of the President at posts or places different from those at which such principals are located, respectively.

Third. "Vice consuls" shall be deemed to denote consular officers subordinate to such principals exercising and performing the duties within the limits of their consulates at the same or at different points and places from those at which the principals are located, except that when vice consuls take

charge of consulates general or consulates when the principal officers shall be temporarily absent or relieved from duty they shall be deemed to denote consular officers who shall be substituted, temporarily, to fill the places of said consuls general or consuls.

Fourth. "Consular officer" shall be deemed to include consuls general, consuls, vice consuls, interpreters in consular offices, student interpreters, and consular agents, and none others. (Feb. 5, 1915, c. 23, § 6, 38 Stat. 806.)

52. Abolition of certain consular offices.—The offices of vice consul general, deputy consul general, and deputy consul are abolished. (Feb. 5, 1915, c. 23, § 6, 38 Stat. 806.)

53. General application of provisions to consular officers.—The various provisions of this chapter which are expressed in terms of general application to any particular classes of consular officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject matter of the same and with the treaties of the United States. (R. S. § 1689.)

54. Commercial agents abolished.—The grade of commercial agent is abolished. (Apr. 5, 1906, c. 1366, § 3, 34 Stat. 100.)

55. Extent of consulates.—The President is authorized to define the extent of country to be embraced within any consulate. (R. S. § 1695.)

56. Consular clerks; appointment.—Consular clerks, whenever appointed, shall, so far as practicable, be appointed under civil-service rules and regulations. (Feb. 27, 1925, c. 364, 43 Stat. 1017.)

57. Citizenship requirement as to consular clerks.—No person who is not an American citizen shall be appointed in any consulate general or consulate to any clerical position the salary of which is $1,000 a year or more. (Apr. 5, 1906, c. 1366, § 5, 34 Stat. 101.)

58. Expense allowance to vice consulate or consular agency.—The only allowance to any vice consulate or consular agency for expenses shall be an amount sufficient to pay for stationery and postage on official letters. (R. S. § 1696.)

POWERS, DUTIES AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

71. General construction as to powers and duties.—The specification in sections 72 to 109, inclusive, of this chapter of certain powers to be exercised and duties to be performed by consuls and vice consuls, shall not be construed as implying the exclusion of others resulting from the nature of their appointments, or prescribed by any treaty or convention under which they may act. (R. S. § 1714.)

72. Solemnization of marriages.—Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officer shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificate shall specify the names of the parties, their ages, places of birth, and residence. (R. S. § 4082.)

73. Protests.—Consuls and vice consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States. (R. S. § 1707.)

74. Lists and returns of seamen and vessels, etc.—Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury. (R. S. § 1708.)

75. Estates of decedents generally; General Accounting Office as conservator.—It shall be the duty of consuls and vice consuls, where the laws of the country permit—

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

Sixth. The General Accounting Office shall act as conservator of such part of these estates as may be received at the Treasury, and for its protection the Secretary of the Treasury may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received at the Treasury, and pay the expenses of such sale out of the proceeds, provided application for these effects shall not have been made by the legal claimant within two years after their receipt. The General Accounting Office is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by it, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State. (R. S. § 1709; Mar. 3, 1911, c. 223, 36 Stat. 1083; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

76. Notification of death of decedent; transmission of inventory of effects.—For the information of the representative of the deceased, the consul or vice consul, in the settlement of his estate shall immediately notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed. (R. S. § 1710.)

77. Following testamentary directions; assistance to testamentary appointee.—When any citizen of the United States,

dying abroad, leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying, appoints, by any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise. (R. S. § 1711.)

78. Bond as administrator or guardian; action on bond.—No consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office of trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for, delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity. Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered. (June 30, 1902, c. 1331, § 1, 32 Stat. 546.)

79. Penalty for failure to give bond and for embezzlement.—Every consular officer who accepts any appointment to any office of trust mentioned in the preceding section without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than $5,000. (June 30, 1902, c. 1331, § 2, 32 Stat. 547.)

80. Commercial and agricultural reports.—Consuls of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries of such character and in such manner and form and at such times as the department may from time to time prescribe. And they shall also procure and transmit to the Department of State, for the use of the Agricultural Department, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed; and the Secretary of Agriculture is hereby required and directed to embody the information thus obtained, or so much thereof as he may deem material and important, in his monthly bulletin of crop reports. (June 18, 1888, c. 393, 25 Stat. 186.)

81. Reports as to exports, imports, and wages.—It shall be the duty of consuls to make to the Secretary of State a quarterly statement of exports from, and imports to, the different places to which they are accredited, giving, as near as may be, the market price of the various articles of exports and imports, the duty and port charges, if any, on articles imported and exported, together with such general information as they may be able to obtain as to how, where, and through what channels a market may be opened for American products and manufactures. In addition to the duties now imposed by law, it shall be the duty of consuls of the United States, annually, to procure and transmit to the Department of State, as far as practicable, information respecting the rate of wages paid for skilled and unskilled labor within their respective jurisdictions. (Jan. 27, 1879, c. 28 § 1, 20 Stat. 267.)

82. Reports as to current prices of merchandise, etc., and as to agricultural conditions.—Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is situated; and he shall also furnish to the Secretary of the Treasury, at least once in twelve months, the prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed. And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that country; as to the character and extent of agricultural and horticultural pursuits there. That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Secretary of Agriculture, who shall include the same, or so much thereof as he may deem material and important, in his annual reports, stating the said prices in dollars and cents, and rendering tables of foreign weights and measures into their American equivalents. (June 18, 1888, c. 393, 25 Stat. 186.)

83. Certification of invoices generally.—No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied. (R. S. § 1715.)

84. Fees for certification of invoices.—Fees for the consular certification of invoices shall be, and they hereby are, included with the fees for official services for which the President is authorized by section 127 of this chapter to prescribe rates or tariffs. (Apr. 5, 1906, c. 1366, § 9, 34 Stat. 101.)

85. Exaction of excessive fees for verification of invoices; penalty.—The fee provided by law for the verification of invoices by consular officers shall, when paid, be held to a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service any fee or reward other than the fee provided by law for such service,

shall be punishable by imprisonment for not more than one year, or by a fine of not more than $2,000; and shall be removed from his office. (R. S. § 1716.)

86. Destruction of old invoices.—The Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years. (Feb. 24, 1903, c. 753, 32 Stat. 854.)

87. Restriction as to certificate for goods from countries adjacent to United States.—No consular officer of the United States shall grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. (R. S. § 1717.)

88. Retention of papers of American vessels until payment of demands and wages.—All consular officers are authorized and required to retain in their possession all the papers of vessels of the United States, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels. (R. S. § 1718.)

89. Fees for services to American vessels or seamen prohibited.—No fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received but for the above prohibition: *Provided*, That such services, in the opinion of the Secretary of the Treasury have been necessarily rendered. (June 26, 1884, c. 121, § 12, 23 Stat. 56.)

90. Profits from dealings with discharged seamen; prohibition.—No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law. (R. S. § 1719.)

91. Valuation of foreign coins in payment of fees.—Consuls, vice consuls, and consular agents in the Dominion of Canada, in the collection of official fees shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins. (R. S. § 1722.)

92. Exaction of excessive fees generally; penalty of treble amount.—Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do. (R. S. § 1723.)

93. Liability for uncollected fees.—Every consul general, consul, or vice consul appointed to perform the duty of any such officer, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same. (R. S. § 1724.)

94. Returns as to fees by officers compensated by fees.—All consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, shall make returns in such manner as the Comptroller General of the United States shall prescribe, of all such fees as they or any person in their behalf so collect. (R. S. § 1725; July 31, 1894, c. 174, § 5, 28 Stat. 206.)

95. Receipt for fees; numbering receipts.—Every consular officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected. He shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. (R. S. §§ 1726, 1727.)

96. Registry of fees.—Every consular officer shall also register in a book to be kept by him for that purpose all fees so received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts, respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register. (R. S. § 1727.)

97. Account of fees; verification; perjury.—Every consular officer, in rendering his account of fees received, shall furnish a full transcript of the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true, and contains a full and accurate statement of all fees received by him, or for his use, for his official services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury, in any such oath, within the intent and meaning of any Act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense. (R. S. § 1728.)

98. Notarial acts, oaths, affirmations, affidavits, and depositions; fees.—Every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is

required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section 127 of this chapter. (Apr. 5, 1906, c. 1366, § 7, 34 Stat. 101.)

99. General duty to account for fees.—All fees, official or unofficial, received by any officer in the Consular Service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law; but this shall not apply to consular agents, who shall be paid by one half of the fees received in their offices, up to a maximum sum of $1,000 in any one year, the other half being accounted for and paid into the Treasury of the United States. (Apr. 5, 1906, c. 1366, § 8, 34 Stat. 101; May 24, 1924, c. 182, § 11, 43 Stat. 142.)

100. Stamps for fees; effect of failure to affix stamps to documents.—Every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled. (Apr. 5, 1906, c. 1366, § 10, 34 Stat. 102; May 24, 1924, c. 182, § 11, 43 Stat. 142.)

101. Posting rates of fees.—It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force. (R. S. § 1781.)

102. Embezzlement of fees or of effects of American citizens.—Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of said moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, or who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than $2,000. (R. S. § 1784; Dec. 21, 1898, c. 86, § 3, 30 Stat. 771.)

103. Liability for neglect of duty or for malfeasance generally; action on bond; penalty.—Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office. If any consul neglects or omits to perform seasonably the duties imposed upon him by the laws regulating the shipment and discharge of seamen, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than $10,000 and not less than $1,000. (R. S. § § 1735, 1736.)

104. False certificate as to ownership of property.—If any consul or vice consul falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than $10,000. (R. S. § 1737.)

105. Performance of diplomatic functions restricted.—No consular officers shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do. (R. S. § 1738.)

106. Restriction as to transaction of private business by consular officer generally.—No consul general, consul, or consular agent receiving a salary of more than $1,000 a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition. (Apr. 5, 1906, c. 1366, § 6, 34 Stat. 101.)

107. Extension of restriction as to transaction of business; action on bond.—All consular officers whose respective salaries exceed $1,000 a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consular agent whose salary does not exceed $1,000 a year or who may be compensated by fees, and may require such officer to give a bond not to violate the prohibition. (Apr. 5, 1906, c. 1366, § 6, 34 Stat. 101.)

108. Penalty for violation of restriction as to transaction of business; action on bond.—Every consul general or consul who violates the prohibition against transacting business, required to be inserted in his official bond, shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul general or consul, or upon his official bond, as liquidated damages, for the breach of such condition against such consul general or consul, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same

shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States. (R. S. § 1701.)

109. Allowance for office rent of consulates.—The President may allow consuls general and consuls, who are not allowed to trade, actual expenses of office rent, not to exceed, in any case, 20 per centum of the amount of the annual compensation allowed to such officer, whenever he shall think there is sufficient reason therefor. (R. S. § 1706.)

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

121. When salary commences.—No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul general, consul, or vice consul shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his official duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such officer as is referred to in this section shall be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office. (R. S. § 1740; Feb. 27, 1925, c. 364, 43 Stat. 1017.)

122. Fixing time allowance for travel to and from post.—The Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington, and vice versa, and shall make the same public. He may also, from time to time, revise his decision in this respect; but in each case the decision is to be in like manner made public. And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer. (June 11, 1874, c. 275, § 4, 18 Stat. 70.)

123. Salary during absence generally; leave of absence.—No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days. (R. S. § 1742.)

124. Absence without leave; compensation withheld; sickness.—No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner to any foreign country, chargé d'affaires, secretary, interpreter to any legation in any foreign country, consul general, consul, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness. (June 17, 1874, c. 294, 18 Stat. 77.)

125. Extra compensation prohibited.—The compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person. (R. S. § 1743.)

126. Correspondence on affairs of foreign governments; recommendation for employment and acceptance of presents, etc.—No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the Government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government. (June 17, 1874, c. 294, 18 Stat. 77.)

127. Regulation of fees by President.—The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several embassies, legations, and consulates, and to adapt the same, by such differences as may be necessary or proper, to each embassy, legation, or consulate; and it shall be the duty of all officers and persons connected with such embassies, legations, and consulates to collect for such official services such and only such fees as may be prescribed for their respective embassies, legations, and consulates, and such rates or tariffs shall be reported annually to Congress. (R. S. § 1745.)

128. Medium for payment of fees.—All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange. (R. S. § 1746.)

129. Office paraphernalia.—The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies, legations, and consulates in the transaction of their business. (R. S. § 1748.)

130. Allowance to widow of deceased officer.—Whenever any diplomatic or consular officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States. (R. S. § 1749.)

131. Depositions and notarial acts; perjury.—Every secretary of embassy or legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his embassy, legation, or consulate, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if admin-

istered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any Act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit he shall be deemed and taken to be guilty of a misdemeanor and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed $3,000, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody. (R. S. § 1750.)

132. General regulations by President for Diplomatic and Consular Service.—The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interest. It shall be the duty of all such officers to conform to such regulations, orders, and instructions. (R. S. § 1752.)

133. Purchase of buildings for Diplomatic and Consular Service.—The Secretary of State is hereby authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however*, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress. (Feb. 17, 1911, c. 105, 36 Stat. 917.)

134. Gifts of buildings, etc., for Diplomatic and Consular Service.—The President is authorized in his discretion to accept on behalf of the United States unconditional gifts of land, buildings, furniture, and furnishings, or any of them, for the use of diplomatic and consular offices and residences. (Mar. 2, 1921, c. 113, § 1, 41 Stat. 1214.)

Chapter 2.—CONSULAR COURTS.

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Section 141. Judicial authority generally.—To carry into full effect the provisions of the treaties of the United States with certain foreign countries, the ministers and consuls of the United States in China, Siam, Turkey, Morocco, Muscat, Abyssinia, Persia, and the territories formerly a part of the former Ottoman Empire including Egypt, duly appointed to reside therein, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with judicial authority described in this chapter, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations. (R. S. §§ 4083, 4125, 4126; June 14, 1878, c. 193, 20 Stat. 131.)

142. General jurisdiction in criminal cases.—The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner provided in this chapter, all citizens of the United States charged with offenses against

law, committed in such countries, respectively, and to sentence such offenders in the manner in this chapter authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution. (R. S. § 4084.)

143. General jurisdiction in civil cases; venue.—Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively. (R. S. § 4085.)

144. Vice consul at Shanghai to exercise judicial functions of consul general.—The judicial authority and jurisdiction in civil and criminal cases vested in and reserved to the consul general of the United States at Shanghai, China, under section 192 of chapter 3 of this title, shall be vested in and exercised by a vice consul of the United States at Shanghai, China. (Mar. 2, 1909, c. 235, 35 Stat. 679; Mar. 4, 1915, c. 145, 38 Stat. 1122.)

145. System of laws to be applied.—Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies. (R. S. § 4086.)

146. Rules and regulations for consular court generally.—In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the ministers, with the advice of the several consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this chapter into effect, shall be appointed and compensated; the form of bail bonds, and the security which shall be required of the party who appeals from the decision of a consul; and shall make all such further decrees and regulations from time to time, under the provisions of this chapter, as the exigency may demand. (R. S. § 4117.)

147. Dissent of consuls to and publication of rules, etc.—All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as in the preceding section provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act. (R. S. § 4118.)

148. Transmission of rules, etc., to Secretary of State.—All such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision. (R. S. § 4119.)

149. Warrant, arrest, trial, and sentence by consul generally.—Each of the consuls mentioned in section 141 of this chapter, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner prescribed in this chapter. (R. S. § 4087.)

150. Jurisdiction of consul in criminal cases when sitting alone; when decision final.—Any consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed $100, or the term of imprisonment does not exceeed sixty days (R. S. § 4105.)

151. Jurisdiction of consul in criminal cases when sitting alone; when appeal to minister lies.—Any consul when sitting alone may also decide all cases in which the fine imposed does not exceed $500, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds $100, or the term of imprisonment for misdemeanor exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the minister for the prosecution of appeals in such cases. (R. S. § 4089.)

152. Calling in associates in criminal cases; reference to minister on disagreement.—Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the minister for his adjudication, either by entering up judgment therein, or by remitting the same to the consul with instructions how to proceed therewith. (R. S. § 4106.)

153. Jurisdiction of consuls in civil cases; finality; associates in civil cases; reference to minister on disagreement.—Each of the consuls mentioned in section 141 of this chapter shall have at the port for which he is appointed, jurisdiction

as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum of $500; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed $500, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such are residing at the port, who shall be taken from a list which had previously been submitted to and approved by the minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the consul, either party may appeal to the minister, under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the consul shall be final. (R. S. § 4107.)

154. **Evidence; how taken.**—In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose: and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case. (R. S. § 4097.)

155. **Punishment generally; contempt.**—In all cases, except as, in this chapter, otherwise provided, the punishment of crime provided for by this chapter shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations in this chapter contained, and such as may hereafter be made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the consul, with the consent of the minister in the country. (R. S. § 4101.)

156. **Capital offenses; requisites for convictions; conviction of lesser offense.**—Insurrection or rebellion against the government of either of the countries mentioned in section 141 of this chapter, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes, unless the consul and his associates in the trial all concur in opinion, and the minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes, of a less offense of a similar character, if the evidence justifies it, and to punish, as for other offenses, by fine or imprisonment, or both. (R. S. § 4102.)

157. **Punishment for contempt of court.**—No fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed $50; nor shall the imprisonment exceed twenty-four hours for the same contempt. (R. S. § 4104.)

158. **Execution of criminals; pardons.**—Whenever any person is convicted of either of the crimes punishable with death, in either of the countries mentioned in section 141 of this chapter, it shall be the duty of the minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the minister is satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon. (R. S. § 4103.)

159. **Fees for judicial services; application of moneys; rendition of accounts.**—It shall be the duty of the minister in each of the countries mentioned in section 141 of this chapter to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this chapter; and regular accounts, both of receipts and expenditures, shall be kept by the minister and consuls and transmitted annually to the Secretary of State. (R. S. § 4120.)

160. **Settlement of criminal cases.**—In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country, or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations. (R. S. § 4099.)

161. **Arbitration, reference, and compromise of civil cases.**—It shall be the duty of the ministers and the consuls in the countries mentioned in section 141 of this chapter to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed ex parte. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul. (R. S. § 4098.)

162. **Aid of local authorities invoked.**—The ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries, respectively. (R. S. § 4100.)

163. **Where jurisdiction of minister exercised.**—The jurisdiction allowed by treaty to the ministers, respectively, in the countries named in section 141 of this chapter shall be exercised by them in those countries, respectively, wherever they may be. (R. S. § 4108.)

164. **Jurisdiction of minister; when appellate and when original.**—The jurisdiction of such ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction. (R. S. § 4109.)

165. **Appellate jurisdiction of minister; new trials.**—Each of the ministers mentioned in section 141 of this chapter shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this chapter, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon sufficient grounds. (R. S. § 4091.)

166. **Jurisdiction of minister to try capital and felony cases.**—Capital cases for murder or insurrection against the

government of either of the countries hereinbefore mentioned in this chapter, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the minister of the United States in the country where the offense is committed if allowed jurisdiction. (R. S. § 4090.)

167. Prevention of American citizens from enlisting with foreign countries.—Each such minister mentioned in the preceding section may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the countries mentioned in section 141 of this chapter, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States as may at the time be within his reach. (R. S. § 4090.)

168. Marshals of consular courts; appointment and salary.—The President is authorized to appoint marshals for such of the consular courts as he may think proper, not to exceed two in number, namely: One in Siam and one in Turkey, each of whom shall receive a salary of $1,000 a year, in addition to the fees allowed by the regulations of the ministers, respectively, in those countries: *Provided*, That no salary shall be allowed the marshal at the consulate in Siam. (R. S. §§ 1693, 4111.)

169. Execution and return of process by marshal.—It shall be the duty of the marshals, respectively, to execute all process issued by the minister of the United States in those countries, respectively, or by the consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the ministers, respectively, in regard to their duties. (R. S. § 4112.)

170. Bond of marshal.—Each marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof in a penal sum not to exceed $10,000, with two sureties to be approved by the Secretary of State. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the minister. (R. S. § 4113.)

171. Suit on bond of marshal.—Whenever any person desires to bring suit upon the bond of any such marshal, it shall be the duty of the Secretary of the Treasury, or of the minister having custody of a copy of the same, to give to the person so applying a certified copy thereof, upon which suit may be brought and prosecuted with the same effect as could be done upon the original: *Provided*, The Secretary of the Treasury, or the minister to whom the application is made, is satisfied that there is probable cause of action against the marshal. (R. S. § 4114.)

172. Necessity for production of original bond.—Upon a plea of non est factum, verified upon oath, or any other good cause shown, the court or the consul or minister trying the cause may require the original bond of the marshal to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court, or consul, or minister requiring the same. (R. S. § 4115.)

173. Service of process, etc., in suit on bond of marshal.—All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the marshals, in any of the countries named in section 141 of this chapter, shall be directed to and executed by such persons as may be appointed for that purpose by the minister or consul issuing the same. (R. S. § 4116.)

174. Expenses of prisons in foreign countries.—The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the ministers or consuls, the actual expenses of the rent of suitable buildings or parts of buildings to be used as prisons for American convicts in the countries mentioned in section 141 of this chapter, not to exceed in any case the rate of $600 a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of $800 per annum. But no more than four prisons shall be hired in China, one in Turkey, and one in Siam, at such port or ports as the minister, with the sanction of the President, may designate, and the entire expense of prison and prison keepers at the consulate of Bangkok, in Siam, shall not exceed the sum of $1,000 a year.

The President is authorized to allow, in the adjustment of the accounts of the consul general at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed $1,500 a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed $5,000 a year; and to allow, in the adjustment of the accounts of the consuls at other ports in China, the actual expense of the hire of constables and the care of offenders, not to exceed in all $5,000 a year. (R. S. §§ 4121, 4122.)

175. Allowance for keeping and feeding prisoners.—No more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners. (Mar. 2, 1901, c. 802, 31 Stat. 893.)

176. Secretary of State to exercise judicial duties when no minister.—If at any time there be no minister in either of the countries mentioned in section 141 of this chapter, the judicial duties which are imposed by this chapter upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same. (R. S. § 4128.)

177. General extension of chapter to unnamed countries.—The provisions of this chapter relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries mentioned in section 141 of this chapter, shall extend to any country of like character with which the United States may after July 1, 1870, enter into treaty relations. And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in section 141 of this chapter, then this chapter, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same. (R. S. § 4129; June 14, 1878, c. 193, 20 Stat. 131.)

178. "Minister" and "consul" defined.—The word "minister," when used in this chapter shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul general, consul, or vice consul. (Feb. 1, 1876, c. 6, 19 Stat. 2.)

179. Responsibility as judicial officers.—All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular officers, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers. (R. S. § 4110.)

180. Power of consuls in uncivilized countries or countries not recognized by treaties.—The consuls of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil

rights, whether of person or property, where the real debt or damages do not exceed the sum of $1,000, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are, prior to June 22, 1860, authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections 145 and 149 of this chapter for trial of offenses or misdemeanors. (R. S. § 4088.)

181. Provisions of chapter extended to Turkey.—The provisions of this chapter, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May 7, 1830, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this chapter, by the minister and the consuls appointed to reside therein, who are hereby ex-officio vested with the powers in this chapter conferred upon ministers and consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks, or other foreign Christian nations. (R. S. § 4125.)

182. Suspension by President of consular courts in Turkey and in Egypt.—Whenever the President of the United States shall receive satisfactory information that the Ottoman Government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to this chapter, he is hereby authorized to suspend the operations of this chapter as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States. (Mar. 23, 1874, c. 62, § 1, 18 Stat. 23.)

183. Extension of provisions of chapter to Persia; suits between American citizens and subjects of Persia and other countries.—The provisions of this chapter shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the minister and consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this chapter conferred upon ministers and consuls in China. All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employee of the consul or agent of the United States; and it shall be the duty of the consular officer to attend the trial in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon by the minister of the United States for the time being, and the ministers of such foreign powers, respectively, which regulations shall from time to time be submitted to the Secretary of State. (R. S. § 4126.)

Chapter 8.—UNITED STATES COURT FOR CHINA.

Sec.
191. Establishment of court; sessions; seal; writs, processes, etc.
192. Jurisdiction of consular courts restricted; appeal from consular courts.
193. Administration of estates of decedents.
194. Appeals and writs of error for review of judgments, etc., of court.
195. Law applicable to determination of cases.
196. Procedure generally; exclusion of associate aids.
197. Officers of court; appointment and salaries.
198. Commissioner for court; appointment; powers and compensation; district of Shanghai.
199. Tenure of office of judge; removal of other officers by President.
200. Bond of marshal and clerk; deputies; bond and compensation of deputies.
201. Expenses of judge and of district attorney in attendance or sessions in other cities than Shanghai.
202. Fees of marshal and clerk; payment into Treasury.

Section 191. Establishment of court; sessions; seal; writs, processes, etc.—A court is hereby established, to be called the United States Court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may have been exercised, prior to June 30, 1906, by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by sections 192 and 193 of this chapter. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States Court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue. (June 30, 1906, c. 3934, § 1, 34 Stat. 814.)

192. Jurisdiction of consular courts restricted; appeal from consular courts.—Consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they, prior to June 30, 1906, possessed in civil cases where the sum or value of the property involved in the controversy does not exceed $500 United States money and in criminal cases where the punishment for the offense charged can not exceed by law $100 fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States Court for China. (June 30, 1906, c. 3934, § 2, 34 Stat. 814.)

193. Administration of estates of decedents.—The United States Court for China shall have and exercise supervisory control over the discharge by consuls and vice consuls of the duties

prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule under oath of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court, and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require where it may be necessary a special bond for the faithful performance of his duty to be given by any consul or vice consul into whose possession the estate of any such deceased citizen shall have come in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof. (June 30, 1906, c. 3934, § 2, 34 Stat. 814.)

194. Appeals and writs of error for review of judgments, etc., of court.—Appeals shall lie from all final judgments or decrees of the United States Court for China to the United States Circuit Court of Appeals of the Ninth Judicial Circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken. (June 30, 1906, c. 3934, § 3, 34 Stat. 815.)

195. Law applicable to determination of cases.—Jurisdiction of the United States Court for China, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with the treaties and the laws of the United States now in force in reference to the American consular courts in China, and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court, shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China. (June 30, 1906, c. 3934, § 4, 34 Stat. 815.)

196. Procedure generally; exclusion of associate aids.—The procedure of the United States Court for China shall be in accordance, so far as practicable, with the procedure prescribed for consular courts in China in accordance with chapter 2 of this title: *Provided, however*, That the judge of the said United States Court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections 152 and 153 of chapter 2 of this title allowing consuls in certain cases to summon associates shall have no application to said court. (June 30, 1906, c. 3934, § 5, 34 Stat. 816.)

197. Officers of court; appointment and salaries.—There shall be a district attorney, a marshal, and a clerk of the United States Court for China, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and the treaties between the United States and China. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of $8,000 per annum for said judge, $4,000 per annum for said district attorney, $3,000 per annum for said marshal, and $3,000 per annum for said clerk. (June 30, 1906, c. 3934, § 6, 34 Stat. 816.)

198. Commissioner for court; appointment; powers and compensation; district of Shanghai.—The judge of the United States Court for China is authorized to appoint, as in the district courts of the United States and with similar powers and tenure of office, a United States commissioner who shall be an attorney regularly admitted to practice before the said United States Court for China and who, when appointed, shall be an attorney regularly admitted to practice before the said district of Shanghai, with all of the authority and jurisdiction exercised by the vice consul acting in pursuance of section 144 of chapter 2 of this title, which authority and jurisdiction are hereby transferred: *Provided*, That at the discretion of the judge of said court, he may appoint the clerk of the court to perform the duties of commissioner without additional compensation therefor. In the event that it is not practicable or desirable so to appoint the clerk to act as commissioner, the judge may, with approval of the Secretary of State, appoint some qualified attorney to act as commissioner who shall, if not an officer of the court, receive such compensation as may be fixed by the Secretary of State not exceeding $5 for each day of service actually rendered. (June 4, 1920, c. 223, 41 Stat. 746.)

199. Tenure of office of judge; removal of other officers by President.—The tenure of office of the judge of the United States Court for China shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President. (June 30, 1906, c. 3934, § 7, 34 Stat. 815.)

200. Bond of marshal and clerk; deputies; bond and compensation of deputies.—The marshal and the clerk of the United States Court for China shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each appoint, with the written approval of said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject, both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of $5 for each day the sessions of the court are held at their respective cities. (June 30, 1906, c. 3934, § 8, 34 Stat. 816.)

201. Expenses of judge and of district attorney in attendance on sessions in other cities than Shanghai.—The judge of the United States Court for China and the district attorney

shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $8 per day each. (Feb. 27, 1925, c. 364, Title I, 43 Stat. 1025.)

202. Fees of marshal and clerk; payment into Treasury.—The tariff of fees of the marshal and clerk of the United States Court for China shall be the same as the tariff fixed prior to July 30, 1906, for the consular courts in China, subject to amendment from time to time by order of the President, and all fees taxed and received shall be paid into the Treasury of the United States. (June 30, 1906, c. 3934, § 9, 34 Stat. 816.)

Chapter 4.—PASSPORTS.

Sec.
211. Issuance of passports authorized; manner of issuing.
212. Who entitled to passport.
213. Application for passport; fees for taking.
214. Fees for passport; persons excused from payment.
215. Fees for visa of alien's passport.
216. Return of fees on refusal to visa.
217. Time limitation as to validity of passport or visa.
218. Returns as to passports issued, etc.
219. Issuance of false passport; penalty.
220. False statement in application; use of passport obtained by false statement; penalty.
221. Unlawful use of passport; penalty.
222. Forging, alteration, etc., of passport; penalty.
223. War-time restrictions generally.
224. Passport required of citizens.
225. Penalty for violation of war-time restrictions.
226. "United States" and "person" as used in war-time restriction defined.
227. Regulations as to alien passport requirements continued.

Section 211. Issuance of passports authorized; manner of issuing.—The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and by such chief or other executive officer of the insular possessions of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States; and no other person shall grant, issue, or verify any such passport. Where an embassy or a legation of the United States is established in any country, no person other than the diplomatic representative of the United States at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative. (R. S. § 4075; June 14, 1902, c. 1088, § 1, 32 Stat. 386.)

212. Who entitled to passport.—No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States. (June 14, 1902, c. 1088, § 2, 32 Stat. 386.)

213. Application for passport; fees for taking.—Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate. (June 15, 1917, c. 30, Title IX, § 1, 40 Stat. 227.)

214. Fees for passport; persons excused from payment.—There shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application for a passport and $9 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of $1 for executing an application for a passport: *And provided further*, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines, buried abroad whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport. (June 4, 1920, c. 223, 41 Stat. 750.)

215. Fees for visa of alien's passport.—There shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application of an alien for a visa and $9 for each visa of the passport of an alien: *Provided*, That no fee shall be collected from any officer of any foreign Government, or members of his immediate family, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States. (June 4, 1920, c. 223, 41 Stat. 750.)

216. Return of fees on refusal to visa.—Whenever the appropriate officer within the United States of any foreign country refuses to visa a passport issued by the United States, the Department of State is hereby authorized upon request in writing and the return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is hereby appropriated and directed to be paid upon the order of the Secretary of State. (June 4, 1920, c. 223, 41 Stat. 751.)

217. Time limitation as to validity of passport or visa.—The validity of a passport or visa shall be limited to two years, unless the Secretary of State shall by regulation limit the validity of such passport or visa to a shorter period. (June 4, 1920, c. 223, 41 Stat. 751.)

218. Returns as to passports issued, etc.—All persons who shall be authorized to grant, issue, or verify passports, shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport. (R. S. § 4077.)

219. Issuance of false passport; penalty.—If any person acting or claiming to act in any office or capacity under the United States, its possessions, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport to or for any person whomsoever, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not owing allegiance, whether a citizen or not, to the United States, he shall be imprisoned for not more than one year or fined not more than $500, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody. (June 14, 1902, c. 1088, § 3, 32 Stat. 386.)

220. False statement in application; use of passport obtained by false statement; penalty.—Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his

own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years or both. (June 15, 1917, c. 30, Title IX, § 2, 40 Stat. 227.)

221. Unlawful use of passport; penalty.—Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than $2,000 or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title IX, § 3, 40 Stat. 227.)

222. Forging, alteration, etc., of passport; penalty.—Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully or knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title IX, § 4, 40 Stat. 227.)

223. War-time restrictions generally.—When the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this section, and the three following, be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this section and the three following;

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid. (May 22, 1918, c. 81, § 1, 40 Stat. 559.)

224. Passport required of citizens.—After such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport. (May 22, 1918, c. 81, § 2, 40 Stat. 559.)

225. Penalty for violation of war-time restrictions.—Any person who shall willfully violate any of the provisions of the two preceding sections, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States. (May 22, 1918, c. 81, § 3, 40 Stat. 559.)

226. "United States" and "person" as used in war-time restriction defined.—The term "United States" as used in the three preceding sections includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic. (May 22, 1918, c. 81, § 4, 40 Stat. 559.)

227. Regulations as to alien passport requirements continued.—The provisions of the Act approved May 22, 1918, being the four preceding sections, shall, in so far as they relate to requiring passports and visas from aliens seeking to come to the United States, continue in force and effect until otherwise provided by law. (Mar. 2, 1921, c. 113, § 1, 41 Stat. 1217.)

Chapter 5.—PRESERVATION OF FRIENDLY FOREIGN RELATIONS GENERALLY.

Sec.
231. Making false statement to influence conduct of foreign government toward United States.
232. Wrongful assumption of character of diplomatic or consular officer.
233. Acting as foreign governmental agent without notice to Secretary of State.
234. Conspiracy to injure property of foreign government; indictment.
235. "Foreign government" defined.
236. Exportations of munitions of war restricted.
237. Penalty for exportation of munitions of war.
238. Seizure of munitions of war, etc., intended for export generally; forfeiture.
239. Warrant for detention of property seized.
240. Petition for restoration of property seized.
241. Libel and sale of property seized.
242. Method of trial; right to jury trial; bond for redelivery.
243. General extent of interference with foreign trade.
244. Discretion of President in ordering release of property seized.
245. Use of land and naval forces to prevent exportation.
246. Wearing without authority uniform, etc., of friendly nation; punishment.
247. Facilitating work of foreign traveling salesmen; licenses and certificates of identification.

Section 231. Making false statement to influence conduct of foreign government toward United States.—Whoever, in rela-

tion to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title VIII, § 1, 40 Stat. 226.)

232. Wrongful assumption of character of diplomatic or consular officer.—Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than $5,000, or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title VIII, § 2, 40 Stat. 226.)

233. Acting as foreign governmental agent without notice to Secretary of State.—Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State shall be fined not more than $5,000, or imprisoned not more than five years, or both. (June 15, 1917, c. 30, Title VIII, § 3, 40 Stat. 226.)

234. Conspiracy to injure property of foreign government; indictment.—If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than $5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy. (June 15, 1917, c. 30, Title VIII, § 5, 40 Stat. 226.)

235. "Foreign government" defined.—The words "foreign government," as used in the four preceding sections, shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government. (June 15, 1917, c. 30, Title VIII, § 4, 40 Stat. 226.)

236. Exportations of munitions of war restricted.—Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress. (Jan. 31, 1922, c. 44, § 1, 42 Stat. 361.)

237. Penalty for exportation of munitions of war.—Whoever exports any arms or munitions of war in violation of the preceding section shall, on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both. (Jan. 31, 1922, c. 44, § 2, 42 Stat. 361.)

238. Seizure of munitions of war, etc., intended for export generally; forfeiture.—Whenever an attempt is made to export or ship from or take out of the United States any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter in this chapter directed. If upon due inquiry as hereinafter in this chapter provided the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States. (June 15, 1917, c. 30, Title VI, § 1, 40 Stat. 223.)

239. Warrant for detention of property seized.—It shall be the duty of the person making any seizure under sections 238 to 245, inclusive, of this chapter to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding ten days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of sections 238 to 245, inclusive, of this chapter, and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as provided in the following sections. (June 15, 1917, c. 30, Title VI, § 2, 40 Stat. 224.)

240. Petition for restoration of property seized.—The owner or claimant of any property seized under sections 238 to 245, inclusive, of this chapter may, at any time before condemnation proceedings have been instituted, as provided in the following sections, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States. (June 15, 1917, c. 30, Title VI, § 3, 40 Stat. 224.)

241. Libel and sale of property seized.—Whenever the person making any seizure under sections 238 to 245, inclusive, of this chapter applies for and obtains a warrant for the de-

tention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within thirty days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury. (June 15, 1917, c. 30, Title VI, § 4, 40 Stat. 224.)

242. Method of trial; right to jury trial; bond for redelivery.—The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases in the preceding sections provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings in the preceding sections provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of sections 238 to 245, inclusive, of this chapter, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof. (June 15, 1917, c. 30, Title VI, § 5, 40 Stat. 224.)

243. General extent of interference with foreign trade.—Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 238 of this chapter, nothing contained in sections 238 to 245, inclusive, of this chapter shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before June 15, 1917, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof. (June 15, 1917, c. 30, Title VI, § 6, 40 Stat. 225.)

244. Discretion of President in ordering release of property seized.—Upon payment of the costs and legal expenses incurred in the summary trial provided for in the preceding sections for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of sections 238 to 245, inclusive, of this chapter. (June 15, 1917, c. 30, Title VI, § 7, 40 Stat. 225.)

245. Use of land and naval forces to prevent exportation.—The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of the preceding seven sections. (June 15, 1917, c. 30, Title VI, § 8, 40 Stat. 225.)

246. Wearing without authority uniform, etc., of friendly nation; punishment.—It shall be unlawful for any person, with intent to deceive or mislead, within the United States or Territories, possessions, waters, or places subject to the jurisdiction of the United States, to wear any naval, military, police, or other official uniform, decoration, or regalia of any foreign state, nation, or government with which the United States is at peace, or any uniform, decoration, or regalia so nearly resembling the same as to be calculated to deceive, unless such wearing thereof be authorized by such state, nation, or government.

Any person who violates the provisions of this section shall upon conviction be punished by a fine not exceeding $300 or imprisonment for not exceeding six months, or by both such fine and imprisonment. (July 8, 1918, c. 138, 40 Stat. 821.)

247. Facilitating work of foreign traveling salesmen; licenses and certificates of identification.—

Whereas the United States has entered into conventions with the Governments of Uruguay, Guatemala, Salvador, Panama, and Venezuela which were signed on August 27, 1918, December 8, 1918, January 28, 1919, February 8, 1919, and July 8, 1919, respectively, for facilitating the work of traveling salesmen; and

Whereas Articles I and II of each of said conventions read as follows:

"ARTICLE I. Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

"In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

"ART. II. In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be visaed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I."

Now, therefore, the Secretary of Commerce, or any person in the Department of Commerce designated by him, is hereby authorized to issue the licenses and certificates of identification which are provided for by the said Articles I and II, respectively, of the said conventions, or which may be provided for by similar articles in any convention or treaty that may, after September 22, 1922, be concluded by the United States with a foreign government, and is further authorized to collect a reasonable fee for each license and certificate of identification issued. The amount of such fee shall be fixed by regulations made by the Secretary of Commerce and shall be paid into the Treasury of the United States quarterly. (Sept. 22, 1922, c. 414, 42 Stat. 1028.)

Chapter 6.—FOREIGN DIPLOMATIC AND CONSULAR OFFICERS.

Sec.
251. Violation of safe conduct; penalty.
252. Suits against ministers and their domestics prohibited.
253. Penalty for wrongful suit.
254. Exceptions as to suits against servants, etc., of minister; listing servants.
255. Assaulting, etc., foreign minister.
256. Jurisdiction of consular officers in disputes between seamen.
257. Arrest of seamen; procedure generally.
258. Commitment and discharge.

Section 251. Violation of safe conduct; penalty.—Every person who violates any safe conduct or passport duly obtained and issued under authority of the United States, shall be imprisoned for not more than three years, and fined, at the discretion of the court. (R. S. § 4062.)

252. Suits against ministers and their domestics prohibited.—Whenever any writ or process is sued out or prose-

cuted by any person in any court of the United States, or of a State, or by any judge or justice, whereby the person of any ambassador or public minister of any foreign prince or State, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void. (R. S. § 4063.)

253. Penalty for wrongful suit.—Whenever any writ or process is sued out in violation of the preceding section, every person by whom the same is obtained or prosecuted, whether as party or as attorney or solicitor, and every officer concerned in executing it, shall be deemed a violator of the laws of nations and a disturber of the public repose, and shall be imprisoned for not more than three years, and fined at the discretion of the court. (R. S. § 4064.)

254. Exceptions as to suits against servants, etc., of minister; listing servants.—The two preceding sections shall not apply to any case where the person against whom the process is issued is a citizen or inhabitant of the United States, in the service of an ambassador or a public minister, and the process is founded upon a debt contracted before he entered upon such service; nor shall the preceding section apply to any case where the person against whom the process is issued is a domestic servant of an ambassador or a public minister, unless the name of the servant has, before the issuing thereof, been registered in the Department of State, and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office. All persons shall have resort to the list of names so posted in the marshal's office, and may take copies without fee. (R. S. §§ 4065, 4066.)

255. Assaulting, etc., foreign minister.—Every person who assaults, strikes, wounds, imprisons, or in any other manner offers violence to the person of an ambassador or a public minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined, at the discretion of the court. (R. S. § 4062.)

256. Jurisdiction of consular officers in disputes between seamen.—Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul general, consuls, vice consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as in the two following sections declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation. (R. S. § 4079.)

257. Arrest of seamen; procedure generally.—In all cases within the purview of the preceding section the consul general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a district court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place. (R. S. § 4080.)

258. Commitment and discharge.—If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers in the preceding section referred to, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application: *Provided*, That nothing in this or the preceding section shall authorize the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment. (R. S. § 4081; Mar. 4, 1915, c. 153, §§ 16, 17, 38 Stat. 1184.)

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

Sec.
261. Policy as to settlement of disputes and disarmament.
262. President's participation in international congresses restricted.
263. International prison commission.
264. Pan American Union; direction of Secretary of State.
265. Disposition of receipts for support of Pan American Union.
266. International commission of congresses of navigation; appropriation for expenses.
267. Permanent commission of International Geodetic Association; representative of United States.
268. International Joint Commission; salaries; powers.

Section 261. Policy as to settlement of disputes and disarmament.—It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must

maintain a relative standing in military strength. (Aug. 29, 1916, c. 417, 39 Stat. 618.)

262. President's participation in international congresses restricted.—The Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so. (Mar. 4, 1913, c. 149, 37 Stat. 913.)

263. International Prison Commission.—The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

The Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commissioner to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress. (Feb. 28, 1913, c. 86, 37 Stat. 692.)

264. Pan American Union; direction of Secretary of State.—The Pan American Union shall be placed under the control and direction of the Secretary of State. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 418.)

265. Disposition of receipts for support of Pan American Union.—Any moneys received from other American Republics for the support of the Pan American Union shall be paid into the Treasury as a credit, in addition to any appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of the said governing board. (Feb. 27, 1925, c. 364, Title I, 43 Stat. 1020.)

266. International commission of congresses of navigation; appropriation for expenses.—The sum of $3,000 a year is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and the Secretary of War is authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed $3,000, as may in his opinion be proper to apply to the purposes above mentioned, and the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of War.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds herein appropriated and authorized to be expended. (June 28, 1902, c. 1306, 32 Stat. 485.)

267. Permanent Commission of International Geodetic Association; representative of United States.—The duly appointed representative of the United States on the permanent commission of the International Geodetic Association is hereby granted authority to vote with the representatives on the permanent commission from other nations on all matters coming before the association, including the extension of its existence, subject to the approval of Congress. (Mar. 3, 1917, c. 161, 39 Stat. 1055.)

268. International Joint Commission; salaries; powers.—The salaries of the members of the International Joint Commission on the part of the United States shall be fixed by the President. Said commission or any member thereof shall have power to administer oaths and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under said treaty, and said commission shall be authorized to compel the attendance of witnesses in any proceedings before it or the production of books and papers when necessary by application to the district court of the United States for the district within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate for that purpose. (Mar. 4, 1911, c. 285, 36 Stat. 1364.)

FOREIGN SERVICE

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

FORESTS

See Title 16, CONSERVATION.

FORFEITURES

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

FORTIFICATIONS

See Title 50, WAR.

FREEDMEN

See Title 8, ALIENS AND CITIZENSHIP.

FREEDMEN'S HOSPITAL AND ASYLUM

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

FUR-BEARING ANIMALS

See Title 16, CONSERVATION.

GAME ANIMALS AND BIRDS

See Title 16, CONSERVATION.

GARNISHMENT

See Title 28, JUDICIAL CODE AND JUDICIARY.

GENERAL ACCOUNTING OFFICE

See Title 31, MONEY AND FINANCE.

GENERAL LAND OFFICE

See Title 43, PUBLIC LANDS.

GEODETIC SURVEY

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

GEOLOGICAL SURVEY

See Title 43, PUBLIC LANDS.

GIFT TAX

See Title 26, INTERNAL REVENUE.

GOVERNMENT BUILDINGS

See Title 40, PUBLIC BUILDINGS, PROPERTY, AND GROUNDS.

GOVERNMENT OFFICERS AND EMPLOYEES

See Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

GOVERNMENT PRINTING OFFICE

See Title 44, PUBLIC PRINTING AND DOCUMENTS.

GRAIN FUTURES

See Title 7, AGRICULTURE.

GRAIN STANDARDS

See Title 7, AGRICULTURE.

GRAND ARMY OF THE REPUBLIC

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

GUANO ISLANDS

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

HABEAS CORPUS

See Title 28, JUDICIAL CODE AND JUDICIARY.

HAWAII

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

HELIUM GASES

See Title 50, WAR.

TITLE 23.—HIGHWAYS

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CROSS REFERENCES

Rights of way in Indian lands; see Title 25, INDIANS.
Rights of way in public lands; see Title 43, PUBLIC LANDS.
Wagon-road land grants; see Title 43, PUBLIC LANDS.

Chapter 1.—FEDERAL HIGHWAY ACT.

Sec.
1. Citation.
2. Definitions.
3. Powers and duties as to highways reposed in Secretary of Agriculture and others.
4. Establishment of accounting division.
5. Transfer of war material suitable for highways; distribution.
6. Projects to receive Federal aid; approval by Secretary of Agriculture; two classes of highways.
7. State funds to be provided.
8. Character of construction, etc., required; approval of Secretary of Agriculture.
9. Freedom from tolls.
10. Width of right of way and wearing surface.
11. Funds apportioned to States; when payable.
12. Submission of project statements; approval; setting aside share of Federal aid.
13. Construction and reconstruction work; how conducted.
14. Payment to States of Federal aid; time and manner of making.
15. Failure of State to maintain Federal-aid road; duty of Secretary of Agriculture.
16. Maps of Federal-aid roads.
17. Consent by United States to conveyance of property acquired therefrom.
18. Appropriation of public lands for highway purposes; reversion.
19. Prescription of rules and regulations by Secretary of Agriculture.
20. Reports to Congress by Secretary of Agriculture.
21. Deduction for administration and research; apportionment of remainder among States.
22. Certification of disposition of appropriation.
23. Forest roads and trails; appropriation; manner of expenditure.
24. Approval of projects in States not permitted to provide for highways.
25. Effect of partial invalidity.

Section 1. Citation.—This chapter may be cited as the Federal Highway Act. (Nov. 9, 1921, c. 119, § 1, 42 Stat. 212.)

2. Definitions.—When used in this chapter, unless the context indicates otherwise—

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this chapter funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

The term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings. (Nov. 9, 1921, c. 119, § 2, 42 Stat. 212; June 19, 1922, c. 227, § 4, par. 3, 42 Stat. 660.)

3. Powers and duties as to highways reposed in Secretary of Agriculture and others.—All powers and duties of the Council of National Defense under section 3 of Title 50, WAR, in relation to highway or highway transport are transferred to the Secretary of Agriculture. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this chapter to the State wherein the reservation is located. (Nov. 9, 1921, c. 119, § 3, 42 Stat. 212.)

4. Establishment of accounting division.—The Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts. (Nov. 9, 1921, c. 119, § 4, 42 Stat. 213.)

5. Transfer of war material suitable for highways; distribution.—The Secretary of War is authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies declared surplus from stock on hand as of November 9, 1921, and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that provided for in this chapter in the distribution of Federal aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision: *Provided further*, That the Secretary of Agriculture may also reserve from such distribution not exceeding 5 per centum of the material, equipment, and supplies received from the Secretary of War and transfer said material, equipment and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving and maintaining roads and trails in the national parks and monuments. (Feb. 28, 1919, c. 69, § 7, 40 Stat. 1201; Nov. 9, 1921, c. 119, § 5, 42 Stat. 213; Apr. 9, 1924, c. 86, § 3, 43 Stat. 90.)

6. Projects to receive Federal aid; approval by Secretary of Agriculture; two classes of highways.—In approving projects to receive Federal aid under the provisions of this chapter the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department on November 9, 1921.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this chapter, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage. (Nov. 9, 1921, c. 119, § 6, 42 Stat. 213.)

7. State funds to be provided.—Before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this chapter for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which funds shall be under the direct control of the State highway department. (Nov. 9, 1921, c. 119, § 7, 42 Stat. 214.)

8. Character of construction, etc., required; approval of Secretary of Agriculture.—Only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic. (Nov. 9, 1921, c. 119, § 8, 42 Stat. 214.)

9. Freedom from tolls.—All highways constructed or reconstructed under the provisions of this chapter shall be free from tolls of all kinds. (Nov. 9, 1921, c. 119, § 9, 42 Stat. 214.)

10. Width of right of way and wearing surface.—All highways in the primary or interstate system constructed after November 9, 1921, shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles. (Nov. 9, 1921, c. 119, § 9, 42 Stat. 214.)

11. Funds apportioned to States; when payable.—When any State shall have met the requirements of this chapter, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this chapter, the sum apportioned to such State as herein provided. (Nov. 9, 1921, c. 119, § 10, 42 Stat. 214.)

12. Submission of project statements; approval; setting aside share of Federal aid.—Any State having complied with the provisions of this chapter, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

When the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this chapter on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands, and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this chapter on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands, and nontaxable Indian lands, individual and tribal, in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed $15,000 per mile, under existing law, which the Secretary of Agriculture may make, is increased in proportion to the increased percentage of Federal aid authorized by this section. (Nov. 9, 1921, c. 119, § 11, 42 Stat. 214; June 19, 1922, c. 227, § 4, par. 4, 42 Stat. 660; Feb. 12, 1925, c. 219, § 4, 43 Stat. 890.)

13. Construction and reconstruction work; how conducted.—The construction and reconstruction of the highways or parts of highways under the provisions of this chapter, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this chapter. (Nov. 9, 1921, c. 119, § 12, 42 Stat. 215.)

14. Payment to States of Federal aid; time and manner of making.—When the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

The Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this chapter.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State. (Nov. 9, 1921, c. 119, § 13, 42 Stat. 215.)

15. Failure of State to maintain Federal-aid road; duty of Secretary of Agriculture.—Should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this chapter, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this chapter, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this chapter provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this chapter to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however*, That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions. (July 11, 1916, c. 241, § 7, 39 Stat. 358; Nov. 9, 1921, c. 119, § 14, 42 Stat. 215.)

16. Maps of Federal-aid roads.—At least once a year the Secretary of Agriculture shall publish maps supplementary to those of selected and approved highways and forest roads already in existence and showing his program and the progress made in selection, construction and reconstruction. (Nov. 9, 1921, c. 119, § 15, 42 Stat. 216.)

17. Consent by United States to conveyance of property acquired therefrom.—For the purpose of this chapter the consent of the United States is given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States. (Nov. 9, 1921, c. 119, § 16, 42 Stat. 216.)

18. Appropriation of public lands for highway purposes; reversion.—If the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated. (Nov. 9, 1921, c. 119, § 17, 42 Stat. 216.)

19. Prescription of rules and regulations by Secretary of Agriculture.—The Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this chapter, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon. (Nov. 9, 1921, c. 119, § 18, 42 Stat. 216.)

20. Reports to Congress by Secretary of Agriculture.—On or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this chapter, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this chapter. The Secretary of Agriculture shall also make special reports as Congress may request. (Nov. 9, 1921, c. 119, § 19, 42 Stat. 216.)

21. Deduction for administration and research; apportionment of remainder among States.—So much, not to exceed 2½ per centum, of all moneys appropriated for expenditure under the provisions of this chapter, as the Secretary of Agriculture may deem necessary for administering the provisions of this chapter and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this chapter apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the chapter for the fiscal year among the several States in the following manner: One-third in the ratio which the area of

each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys appropriated for expenditure under the provisions of this chapter shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any amount apportioned under the provisions of this chapter unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this chapter for the first time. (Nov. 9, 1921, c. 119, § 21, 42 Stat. 217.)

22. Certification of disposition of appropriation.—On or before January 20 preceding the commencement of each fiscal year, the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this chapter and the sums which he has apportioned to each State for the fiscal year ending June 30. (Nov. 9, 1921, c. 119, § 22, 42 Stat. 217.)

23. Forest roads and trails; appropriation; manner of expenditure.—(a) Fifty per centum, but not to exceed $3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for the survey, construction, reconstruction and maintenance of forest roads and trails shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than $5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

Any appropriation that may be made for expenditure under the provisions of this section may be expended for the purpose authorized in this section and for the payment of wages, salaries, and other expenses for help employed in connection with such work. (Nov. 9, 1921, c. 119, § 23, 42 Stat. 218.)

24. Approval of projects in States not permitted to provide for highways.—In any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after February 12, 1925, if he shall find that said State has complied with the provisions of this chapter in so far as its existing constitution and laws will permit. (Nov. 9, 1921, c. 119, § 24, 42 Stat. 218; June 19, 1922, c. 227, § 4, par. 5, 42 Stat. 661; Feb. 12, 1925, c. 219, § 5, 43 Stat. 890.)

25. Effect of partial invalidity.—If any provision of this chapter, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons or circumstances shall not be affected thereby. (Nov. 9, 1921, c. 119, § 25, 42 Stat. 219.)

Chapter 2.—MISCELLANEOUS PROVISIONS.

Sec.
41. Federal aid extended to Hawaii.
42. Limitation of payments per mile.
43. Time of apportionment.
44. Approval of project as creating obligation.
45. Appropriations as discharging obligations.
46. False statements, etc., as to highway projects; penalty.
47. Consent as requisite for employment on roads of soldiers, sailors, or marines.
48. Maintenance of roads constructed.
49. Exchange, reclamation, and disposition of explosives.
50. Loan of tractors.
51. Transfer of motor-propelled vehicles and equipment belonging to Military Establishment to Department of Agriculture; purposes of.
52. Transfer of certain war material, equipment, and supplies for improvement of highways and roads.
53. Title to property transferred to States.

Section 41. Federal aid extended to Hawaii.—Beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations now or which may hereafter become available for apportionment under chapter 1 of this title and any statute amendatory thereof or supplementary thereto upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks. (Mar. 10, 1924, c. 46, § 1, 43 Stat. 17.)

42. Limitation of payments per mile.—The payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of chapter 1 of this title, after the fiscal year ending June 30, 1923, shall not exceed $15,000 per mile exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except

that the same is increased in proportion to the increased percentage of Federal aid authorized by section 12. (Feb. 28, 1919, c. 69, § 5, 40 Stat. 1201; June 19, 1922, c. 227, § 4, par. 4, 42 Stat. 660.)

43. **Time of apportionment.**—On or before January 1, preceding the commencement of each fiscal year ending June 30, the Secretary of Agriculture shall apportion among the several States, as provided in section 21, the appropriation authorized for each fiscal year. (Feb. 12, 1925, c. 219, 43 Stat. 889.)

44. **Approval of project as creating obligation.**—The Secretary of Agriculture shall act upon projects submitted to him under his apportionment of the appropriations authorized by section 1 of the Act of February 12, 1925 (chapter 219, Forty-third Statutes, page 889), and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. (Feb. 12, 1925, c. 219, § 1, 43 Stat. 889.)

45. **Appropriations as discharging obligations.**—The appropriations now or hereafter made for the purpose of carrying out the provisions of section 23 of chapter 1 and statutes amendatory thereof and supplemental thereto shall be considered available for the purpose of discharging the obligations created by the approval of projects. (Jan. 22, 1923, c. 29, 42 Stat. 1157.)

46. **False statements, etc., as to highway projects; penalty.**—If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of chapter 1 of this title, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under chapter 1 of this title, and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under chapter 1 of this title or statutes supplementary thereto with the intent to defraud the United States, he shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed $10,000, or by both fine and imprisonment within said limits. (June 19, 1922, c. 227, § 4, par. 6, 42 Stat. 661.)

47. **Consent as requisite for employment on roads of soldiers, sailors, or marines.**—No officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of the Act of February 28, 1919, chapter 69, Fortieth Statutes 1202, except by his own consent. (Feb. 28, 1919, c. 69, § 9, 40 Stat. 1202.)

48. **Maintenance of roads constructed.**—To maintain the roads constructed under the provisions of the Act of July 11, 1916 (chapter 241, Thirty-ninth Statutes, page 355), shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of said Act is not being properly maintained he shall give notice of such fact to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road until it has been put in a condition of proper maintenance. (July 11, 1916, c. 241, § 7, 39 Stat. 358.)

49. **Exchange, reclamation and disposition of explosives.**—The Secretary of Agriculture may exchange deteriorated explosives or explosive components, obtained by transfer from the Secretary of War for distribution among the States and for use in the improvement of roads under his direct supervision, for explosives or explosive products in condition for immediate use. The Secretary of Agriculture is further authorized, by contract or otherwise, to reclaim by reworking, reconditioning, cartridging, or otherwise converting into usable form such deteriorated explosives or explosive components as can not be so exchanged, and to pay the cost thereof out of available administrative funds authorized by chapter 1 of this title and statutes amendatory thereof or supplementary thereto. The Secretary of Agriculture, in his discretion, may transfer to any department or agency of the Federal Government such of the materials acquired from such exchanges, and also such of the explosives or explosive components as may be reworked, reconditioned, cartridged, or otherwise converted hereunder, as may be required by any such department or agency for use in its authorized activities: *Provided*, That the charges incident to the storage, handling, protection, exchange, reworking, reconditioning, cartridging, or conversion of such explosives or explosive components as may be certified by the Secretary of Agriculture to have been incurred against said administrative funds shall be reimbursed, said funds pro rata by the department or agency of the Federal Government, the State, or other agency receiving such explosives or explosive products. (Feb. 12, 1925, c. 219, § 3, 43 Stat. 890.)

50. **Loan of tractors.**—The Secretary of War is authorized and empowered, at his discretion, and under such rules and regulations as he may prescribe, to loan to any State of the Union, when so requested by the highway department of the State, such tractors as are retained and not distributed under sections 51, 52, or 53 for use in highway construction by the highway department of such State: *Provided*, That all expenses for repairs and upkeep of tractors so loaned and the expenses of loading and freight shall be paid by the State, both in transfer to the State and the return to the Army. (Mar. 1, 1921, c. 88, § 2, 41 Stat. 1155.)

51. **Transfer of motor-propelled vehicles and equipment belonging to Military Establishment to Department of Agriculture; purposes of.**—The Secretary of War is authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department, for the fiscal year 1920, and for other purposes": *Provided, however*, That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in section 51 or 52 shall be transferred to the Department of Agriculture for the purposes named in section 7 of said Act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer. (Mar. 15, 1920, c. 100, § 1, 41 Stat. 530.)

52. **Transfer of certain war material, equipment, and supplies for improvement of highways and roads.**—The Secretary of War is authorized and directed to transfer to the Department of Agriculture, under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for

the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated-metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes. (Mar. 15, 1920, c. 100, § 2, 41 Stat. 530.)

53. Title to property transferred to States.—The title to vehicles and equipment mentioned in sections 51 and 52 shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to the same transferred to any individual, company, or corporation: *Provided*, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred by said sections to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment. (Mar. 15, 1920, c. 100, § 5, 41 Stat. 531.)

HOLIDAYS

See Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT EMPLOYEES.

HOMESTEADS

See Title 43, PUBLIC LANDS.

HOMING PIGEONS

See Title 50, WAR.

TITLE 24.—HOSPITALS, ASYLUMS, AND CEMETERIES

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CROSS REFERENCES

For provisions with respect to hospitals and hospitalization under the control of the United States Veterans' Bureau, see Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

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Chapter 1.—NAVY HOSPITALS, NAVAL HOME, ARMY AND NAVY HOSPITAL, AND HOSPITAL RELIEF FOR SEAMEN AND OTHERS.

Sec.
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18. Rules and regulations for Army and Navy Hospital.
19. Tubercular hospital at Fort Bayard.
20. Discipline of patients at Army and Navy Hospital and tubercular hospital at Fort Bayard.
21. Limitation on cost of Army hospital buildings.
22. Disposition of moneys of deceased inmates of Naval Home.
23. Disposition of pension of beneficiary in Naval Home.
24. Moneys derived from Naval Home turned into pension fund.
25. Employment of beneficiaries in service of Naval Home.
26. Additional hospital and sanatorium facilities for various groups authorized.
27. Hospital properties transferred to Treasury Department for Public Health Service.
28. Transfer of other property and equipment for use of Public Health Service.
29. Transfer of motor-propelled vehicles to Treasury Department.

Section 1. Word "seaman" defined.—The term "seaman," wherever employed in legislation relating to the Public Health Service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation. (Mar. 3, 1875, c. 156, § 3, 18 Stat. 485; Aug. 14, 1912, c. 288, 37 Stat. 309.)

2. Gifts in aid of marine hospitals.—The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen. (R. S. § 4801.)

3. Deduction from pay of seamen for Navy hospital fund.—The Secretary of the Navy shall deduct from the pay due each officer, seaman, and marine, in the Navy, at the rate of 20 cents per month for each person, to be applied to the fund for Navy hospitals. (R. S. § 4808.)

4. Fines on seamen appropriated for Navy hospitals.—All fines imposed on Navy officers, seamen, and marines shall be paid to the Secretary of the Navy, for the maintenance of Navy hospitals. (R. S. § 4809.)

5. Forfeitures from desertion for naval hospital fund.—All forfeitures on account of desertion shall be passed to the credit of the naval hospital fund. (June 7, 1900, c. 859, 31 Stat. 697.)

6. Pension paid to fund for benefit of naval hospital.—Whenever any officer, seaman, or marine entitled to a pension is admitted to a naval hospital, his pension, while he remains there, shall be deducted from his accounts and paid to the Secretary of the Navy for the benefit of the fund from which such hospital is maintained. (R. S. § 4813; Mar. 3, 1899, c. 421, 30 Stat. 1027; June 30, 1914, c. 130, 38 Stat. 398.)

7. Lease or sale of marine hospitals.—The Secretary of the Treasury is authorized to lease, or to sell at public auction, to the highest and best bidder, for cash, after due notice in the public newspapers, such marine hospital buildings and lands appertaining thereto as he may deem advisable in the interests of the Public Health Service, and to make, execute, and deliver all needful conveyances to the lessees or purchasers thereof respectively; and the proceeds of such leases and sales are appropriated for the marine hospital establishment. But the hospitals at Cleveland in Ohio, and Portland in Maine, shall not be sold or leased. And this section shall not be construed to authorize the Secretary of the Treasury to lease or sell any such hospital where the relief furnished to sick mariners shall show an extent of relief equal to twenty cases a day on an average for the last preceding four years, or where no other suitable and sufficient hospital accommodations can be procured upon reasonable terms for the comfort and convenience of the patients. (R. S. § 4806; Mar. 3, 1875, c. 156, § 4, 18 Stat. 485; Aug. 14, 1912, c. 288, 37 Stat. 309.)

8. Coast guard admitted to hospitals.—The privilege of admission to and temporary treatment in the marine hospitals under the control of the Government of the United States is extended to the officers and men of the Coast Guard under the same rules and regulations as those governing sailors and seamen, and for the purposes of this section members of the Coast Guard shall be received in said hospitals and treated therein, and at the dispensaries thereof, as are seamen of American registered vessels; but this section shall not be so construed as to compel the establishment of hospitals or dispensaries for the benefit of said officers and men, nor as establishing a home for the same when permanently disabled. (Aug. 4, 1894, c. 213, 28 Stat. 229; Jan. 28, 1915, c. 20, § 2, 38 Stat. 801.)

9. Officers and employees of Public Health Service entitled to hospital relief.—Commissioned officers and pharmacists, and those employees of the Public Health Service devoting all their time to field work, shall be entitled to hospital relief when taken sick or injured in line of duty. (June 23, 1913, c. 3, § 1, 38 Stat. 24.)

10. Officers and crews of vessels of Bureau of Fisheries admitted to benefits of Public Health Service.—Officers and crews of the several vessels belonging to the Bureau of Fisheries may be admitted to the benefits of the Public Health Service without charge upon the application of their respective commanding officers. (July 1, 1918, c. 113, § 1, 40 Stat. 694.)

11. Care of foreign seamen.—Sick and disabled seamen of foreign vessels and of vessels not subject to hospital dues may be cared for by the Public Health Service at such rates and under such regulations as the Secretary of the Treasury may

prescribe. (Mar. 3, 1875, c. 156, § 6, 18 Stat. 486; Aug. 14, 1912, c. 288, 37 Stat. 309.)

12. Employees on canal boats in coasting trade excluded.—No person employed in or connected with the navigation, management, or use of canal boats engaged in the coasting trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund. (R. S. § 4804.)

13. Admission of cases for study.—There may be admitted into marine hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed ten cases in any one hospital at one time. (June 5, 1920, c. 235, § 1, 41 Stat. 884.)

14. Establishment of Navy hospitals.—The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines: *Provided*, That no sites shall be procured or hospital buildings erected or extensions to existing hospitals made unless authorized by Congress. (R. S. § 4810; Mar. 4, 1913, c. 148, 37 Stat. 902.)

15. Superintendence of Navy hospitals.—The Secretary of the Navy shall have the general charge and superintendence of Navy hospitals. (R. S. § 4807.)

16. Allowance of rations to Navy hospitals.—For every Navy officer, seaman, or marine admitted into a Navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine. (R. S. § 4812.)

17. Government of Naval Asylum.—The asylum for disabled and decrepit Navy officers, seamen, and marines shall be governed in accordance with the rules and regulations prescribed by the Secretary of the Navy. (R. S. § 4811.)

18. Rules and regulations for Army and Navy hospital.—The Army and Navy hospital at Hot Springs, Arkansas, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States. (June 30, 1882, c. 254, § 1, 22 Stat. 121.)

19. Tubercular hospital at Fort Bayard.—The hospital at Fort Bayard, New Mexico, for the treatment of tuberculosis, shall be opened to the treatment of the officers and men of the Navy and Marine Corps. (Mar. 2, 1907, c. 2511, 34 Stat. 1172.)

20. Discipline of patients at Army and Navy Hospital and tubercular hospital at Fort Bayard.—All persons admitted to treatment in the Army and Navy General Hospital at Hot Springs, Arkansas, or the general hospital at Fort Bayard, New Mexico, shall, while patients in said hospital, be subject to the rules and articles for the government of the armies of the United States. (June 12, 1906, c. 3078, 34 Stat. 255; Mar. 3, 1909, c. 252, 35 Stat. 748.)

21. Limitation on cost of Army hospital buildings.—No building or structure of a permanent nature, the cost of which shall exceed $30,000, shall be erected for use as an Army hospital unless by special authority of Congress. (May 12, 1917, c. 12, 40 Stat. 58.)

22. Disposition of moneys of deceased inmates of Naval Home.—All moneys belonging to a deceased beneficiary of the Naval Home or derived from the sale of his personal effects, not claimed by his legal heirs or next of kin, shall be deposited with the pay officer of the Naval Home, and if any sum so deposited shall be unclaimed for a period of two years from the death of such beneficiary it shall be deposited in the Treasury to the credit of the naval pension fund: *Provided*, That the governor of the Naval Home is authorized and directed, under such regulations as may be prescribed by the Secretary of the Navy, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his heirs or next of kin: *Provided further*, That claims may be presented at any time within five years after moneys have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration. (June 30, 1914, c. 130, 38 Stat. 398.)

23. Disposition of pension of beneficiary in Naval Home.—The pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' Home, as provided for in section 52, under such regulations as the Secretary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund. (June 30, 1914, c. 130, 38 Stat. 398.)

24. Moneys derived from Naval Home turned into pension fund.—All moneys derived from the sale of material at the Naval Home, which was originally purchased from moneys appropriated from the income from the naval pension fund, and all moneys derived from the rental of Naval Home property, shall be turned into the naval pension fund. (Mar. 4, 1917, c. 180, 39 Stat. 1175.)

25. Employment of beneficiaries in service of Naval Home.—For the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home. (Aug. 22, 1912, c. 335, 37 Stat. 334.)

26. Additional hospital and sanatorium facilities for various groups authorized.—The Secretary of the Treasury is authorized to provide immediate additional hospital and sanatorium facilities for the care and treatment of discharged sick and disabled soldiers, sailors, and marines, Army and Navy nurses (male and female), and the following persons only: Merchant marine seamen, seamen on boats of the Mississippi River Commission, officers and enlisted men of the United States Coast Guard, officers and employees of the Public Health Service, certain keepers and assistant keepers of the United States Lighthouse Service, seamen of the Engineer Corps of the United States Army, officers and enlisted men of the United States Coast and Geodetic Survey, civilian employees entitled to treatment under sections 549 to 589, inclusive, and section 591 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES, and employees on Army transports not officers or enlisted men of the Army, entitled by law on March 3, 1919, to treatment by the Public Health Service. (Mar. 3, 1919, c. 98, § 1, 40 Stat. 1302; Aug. 9, 1921, c. 57, § 7, 42 Stat. 149.)

27. Hospital properties transferred to Treasury Department for Public Health Service.—There are permanently transferred to the Treasury Department for the use of the Public Health Service for hospital or sanatoria or other uses the following properties, with their equipment, including sites and leases, or so much thereof as may be required by the Public Health Service, including mechanical equipment in connection therewith, and approaches thereto, with authority to lease or purchase sites not owned by the Government, as follows: Hospitals, with such other buildings and land as may be required, at Camp Cody (New Mexico), Camp Hancock (Georgia), Camp Joseph E. Johnston (Florida), Camp Beauregard (Louisiana), Camp Logan (Texas), Camp Fremont

(California), and nitrate plant, Perryville (Maryland), and such hospitals, with other necessary buildings, vacated by the War Department, as may be required and found suitable for the needs of the Public Health Service for hospital or sanatoria purposes. (Mar. 3, 1919, c. 98, § 2, 40 Stat. 1302.)

28. Transfer of other property and equipment for use of Public Health Service.—The Secretary of War is authorized and directed to transfer without charge to the Secretary of the Treasury for the use of the Public Health Service such mechanical, construction, and miscellaneous material, hospital furniture and equipment, including hospital and medical supplies, motor trucks, and other motor-driven vehicles, in good condition, not required by the War Department, as may be required by the Public Health Service for its hospitals, and the President is authorized to direct the transfer to the Treasury Department of the use of such lands or parts of lands, buildings, fixtures, appliances, furnishings, or furniture under the control of any other department of the Government not required for the purposes of such department and suitable for the uses of the Public Health Service. (Mar. 3, 1919, c. 98, § 3, 40 Stat. 1303; Mar. 4, 1921, c. 156, 41 Stat. 1365.)

29. Transfer of motor-propelled vehicles to Treasury Department.—The Secretary of War is authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as may be found to be surplus and no longer required for military purposes to the Treasury Department, for the use of the Public Health Service under the provisions of section 28. (Mar. 15, 1920, c. 100, § 1, 41 Stat. 530.)

Chapter 2.—THE SOLDIERS' HOME.

For disposition of effects of deceased inmate of United States Soldiers' Home, see Title 10, ARMY, Articles of War, article 112.

Sec.
41. Board of commissioners; president.
42. Report of president.
43. Officers.
44. Funds.
45. Donations.
46. Deposit of funds; interest; principal.
47. Custodian of funds; transfer of funds for outdoor relief.
48. Borrowing money on credit of home.
49. Persons entitled to membership in and benefits of home.
50. Who are excluded.
51. Right of pensioners and surrender of pensions.
52. Allotment of pensions.
53. Discharge.
54. Inmates subject to Articles of War.
55. Uniform for inmates.
56. Outdoor relief to persons entitled to admission.
57. Limitation of expenditures; purchase of supplies.
58. Medical supplies.
59. Annual report of board; transmission to Congress.
60. Inspection; report.

Section 41. Board of commissioners; president.—The Surgeon General, the Adjutant General, the Quartermaster General, the Chief of Engineers, the Judge Advocate General, and the Governor of the Soldiers' Home shall constitute a board of commissioners for the Soldiers' Home, and the senior in rank of the members thereof shall be the president of said board of commissioners any four of whom shall be a quorum for the transaction of business, whose duty it shall be to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the Soldiers' Home at least once in every month. The majority shall also have power to establish, from time to time, regulations for the general and internal direction of the institution, to be submitted to the Secretary of War for approval; and may do any other acts necessary for the government and interests of the same, as authorized by this chapter. (R. S. § 4815; March 3, 1883, c. 130, § 10, 22 Stat. 565; March 4, 1909, c. 299, § 1, 35 Stat. 1004.)

42. Report of president.—The president of the board of commissioners shall submit annually to the Secretary of War, for transmission to Congress, a full statement of the financial and other affairs of the home for the preceding fiscal year. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 1004.)

43. Officers.—The officers of the Soldiers' Home shall consist of a governor, a deputy governor, and a secretary, for each separate site of the home, the latter to be also treasurer; and the officers shall be taken from the Army, and appointed or removed, from time to time, as the interests of the institution may require. The governor and all other officers of the home shall be selected by the President of the United States, and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty. (R. S. § 4816; Mar. 3, 1883, c. 130, §7, 22 Stat. 565.)

44. Funds.—For the support of the Soldiers' Home the following funds are set apart and appropriated: All stoppages or fines adjudged against soldiers by sentence of courts-martial, over and above any amount that may be due for the reimbursement of Government, or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which may be unclaimed for the period of three years subsequent to the death of such soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased. (R. S. § 4818.)

45. Donations.—The commissioners are authorized to receive all donations of money or property made by any person for the benefit of the institution, and hold the same for its sole and exclusive use. (R. S. § 4819; June 12, 1906, c. 3078, 34 Stat. 242; May 11, 1908, c. 163, 35 Stat. 110.)

46. Deposit of funds; interest; principal.—All funds of the home not needed for current use, and not on March 3, 1883, invested in United States registered bonds, shall, as soon as received, or as soon as investments of that date can be converted into money without loss, be deposited in the Treasury of the United States to the credit of the home, as a permanent fund, and shall draw interest at the rate of 3 per centum per annum, which shall be paid quarterly to the treasurer of the home; and the proceeds of such registered bonds, as they are paid, shall be deposited in like manner. No part of the principal sum so deposited shall be withdrawn for use except upon a resolution of the board of commissioners stating the necessity and approved by the Secretary of War. (Mar. 3, 1883, c. 130, § 8, 22 Stat. 565.)

47. Custodian of funds; transfer of funds for outdoor relief.—The Treasurer of the United States is authorized and directed to receive and keep on deposit, subject to the checks or drafts of the treasurer of the Soldiers' Home in the District of Columbia, all funds which may be furnished the said treasurer of the Soldiers' Home or in any manner come into his possession for use in defraying the current expenses of maintaining the said Soldiers' Home, and, upon the request of said treasurer of the Soldiers' Home, there shall be transferred, from funds to his credit with the United States Treasurer, and placed to his credit with the designated depository of the United States in New York City, New York, such sums as he may require monthly or quarterly for payments on account of "outdoor relief" to members of said Soldiers' Home residing at a distance therefrom. (Jan. 16, 1891, c. 74, 26 Stat. 718; May 29, 1920, c. 214, § 1, 41 Stat. 655.)

48. Borrowing money on credit of home.—No officers of the home shall borrow any money on the credit of the home for any purpose, nor shall any pledge of any of its property or securities for any purpose be valid. (Mar. 3, 1883, c. 130, § 9, 22 Stat. 565.)

49. Persons entitled to membership in and benefits of home.—The following persons shall be members of the Soldiers'

Home, and entitled to the rights and benefits conferred, in this chapter and no others:

First. Every soldier of the Army of the United States who has served, or may serve, honestly and faithfully twenty years in the same.

Second. Every soldier and every discharged soldier, whether regular or volunteer, who has suffered, or may suffer, by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct.

Third. The invalid and disabled soldiers, whether regulars or volunteers, of all wars. (R. S. §§ 4814, 4821.)

50. Who are excluded.—The benefits of the Soldiers' Home shall not be extended to any soldier in the regular or volunteer service, convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor shall any one who has been a deserter, mutineer, or habitual drunkard be received, without such evidence of subsequent service, good conduct, and reformation of character, as is satisfactory to the commissioners. (R. S. § 4822.)

51. Rights of pensioners and surrender of pensions.—The fact that one to whom a pension has been granted for wounds or disability received in the military service has not contributed to the funds of the Soldiers' Home shall not preclude him from admission thereto. But all such pensioners shall surrender their pensions to the Soldiers' Home during the time they remain therein and voluntarily receive its benefits. (R. S. § 4820.)

52. Allotment of pensions.—Any inmate of the home who is receiving a pension from the Government, and who has a child, wife, or parent living, shall be entitled, by filing with the Bureau of Pensions a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all inmates of the home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the home. The money thus derived shall not become a part of the funds of the home, but shall be held by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution. The board of commissioners may from time to time pay over to any inmate such part of his pension money as they think best for his interest and consistent with the discipline and good order of the home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the home. In case of the death of any pensioner, any pension money due him and remaining in the hands of the treasurer shall be paid to his legal heirs, if demand is made within three years; otherwise the same shall escheat to the home. (Mar. 3, 1883, c. 130, § 4, 22 Stat. 564; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

53. Discharge.—Any soldier admitted into the Soldiers' Home for disability who recovers his health, so as to become fit again for military service, if under fifty years of age, shall be discharged. (R. S. § 4823.)

54. Inmates subject to Articles of War.—All persons admitted into the Soldiers' Home shall be subject to the Rules and Articles of War in the same manner as soldiers in the Army. (R. S. § 4824.)

55. Uniform for inmates.—A suitable uniform shall be furnished to every inmate of the home, without cost to him. (Mar. 3, 1883, c. 130, § 5, 22 Stat. 565.)

56. Outdoor relief to persons entitled to admission.—The board of commissioners are authorized to aid persons who are entitled to admission to the home, by outdoor relief, in such manner and to such an extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home. (Mar. 3, 1883, c. 130, § 6, 22 Stat. 565.)

57. Limitation of expenditures; purchase of supplies.—No new building shall be erected or new grounds purchased, nor shall any expenditure of more than $5,000 be made, until the action of the board thereon shall be approved by the Secretary of War. All supplies that can be purchased upon contract shall be so purchased, after due notice by advertisement, of the lowest responsible bidder. Such bidder shall give bond, with proper security, for the performance of his contract. (Mar. 3, 1883, c. 130, § 3, 22 Stat. 564.)

58. Medical supplies.—Upon proper application therefor, the Medical Department of the Army is authorized to sell medical and hospital supplies at its contract prices to the Soldiers' Home in the District of Columbia. (June 4, 1897, c. 2, § 1, 30 Stat. 54.)

59. Annual report of board; transmission to Congress.—The board of commissioners of the Soldiers' Home shall every year report in writing to the Secretary of War, giving a full statement of all receipts and disbursements of money, of the manner in which the funds are invested of any changes in the investments, and the reasons therefor, of all admissions and discharges, and generally of all facts that may be necessary to a full understanding of the condition and management of the home. The Secretary of War shall have power to call for and require any omitted facts which in his judgment should be stated to be added. This annual report shall be, by the Secretary of War, together with the report of the inspecting officer provided for in the following section, transmitted to Congress at the first session thereafter, and he shall also cause the same to be published in orders to the Army, a copy thereof to be deposited in each garrison and post library. (Mar. 3, 1883, c. 130, § 1, 22 Stat. 564.)

60. Inspection; report.—The Inspector General of the Army shall, in person, once in each year thoroughly inspect the home, its records, accounts, management, discipline, and sanitary condition, and shall report thereon in writing, together with such suggestions as he desires to make. (Mar. 3, 1883, c. 130, § 2, 22 Stat. 564.)

Chapter 3.—THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

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ESTABLISHMENT AND MANAGEMENT

Section 71. Organization of home.—The President, Secretary of War, Chief Justice, and such other persons as from time to time may be associated with them, shall constitute a Board of Managers of an establishment for the care and relief of the disabled volunteers of the United States Army, to be known by the name and style of "The National Home for Disabled Volunteer Soldiers," and have perpetual succession, with powers to take, hold, and convey real and personal property, establish a common seal, and to sue and be sued in courts of law and equity; and to make by-laws, rules, and regulations, not inconsistent with law, for carrying on the business and government of the home, and to affix penalties thereto. (R. S. § 4825.)

72. Headquarters of home.—The headquarters of the National Home for Disabled Volunteer Soldiers shall be established and maintained at the central branch, National Military Home, Ohio, and shall occupy for offices, without expenditure for rent, any general or post fund building. (July 1, 1916, c. 209, § 1, 39 Stat. 297.)

73. Election of citizen managers.—Seven managers of the National Home for Disabled Volunteer Soldiers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States and no two of them shall be residents of the same State. The terms of office of these managers shall be for six years and until a successor is elected. (R. S. § 4826; June 7, 1924, c. 291, Title II, 43 Stat. 518.)

74. Election of officers of Board of Managers.—The ten managers of the National Home for Disabled Volunteer Soldiers shall elect from their own number a president, who shall be the chief executive officer of the board, two vice presidents, and a secretary. Six of the board, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business at any meeting of the board. (R. S. § 4827; June 7, 1924, c. 291, Title II, 43 Stat. 518.)

75. Expenses and salaries of managers and officers.—No member of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall receive any compensation or pay for any services or duties connected with the home; but the traveling and other actual expenses of a member, incurred while upon the business of the home, may be reimbursable to such member: *Provided*, That the president and secretary of the Board of Managers may receive a reasonable compensation for their services as such officers, not exceeding $4,000 and $2,000, respectively, per annum. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 412.)

76. Duties of Board of Managers.—The Board of Managers shall make an annual report of the condition of the National Home for Disabled Volunteer Soldiers to Congress on the first Monday of every January, which shall include a detailed statement of the expenses of the board; and the board shall examine and audit the accounts of the treasurer and visit the home quarterly. (R. S. § 4834; Mar. 3, 1885, c. 360, 23 Stat. 510; Mar. 3, 1887, c. 362, 24 Stat. 539.)

77. Sites for homes; purchase and erection of buildings.—The Board of Managers shall have authority to procure from time to time, at suitable places, sites for military homes for all persons serving in the Army of the United States at any time in the War of the Rebellion, not otherwise provided for, who have been or may be disqualified for procuring their own support by reason of wounds received or sickness contracted while in the line of their duty during the rebellion; and to have the necessary buildings erected, having due regard to the health of location, facility of access, and capacity to accommodate the persons entitled to the benefits thereof. (R. S. § 4830.)

78. Condemnation of land.—The provisions of sections 257 and 258 of Title 40, shall be construed to apply to the Board of Managers of the National Home for Disabled Volunteer Soldiers. (July 19, 1897, c. 9, 30 Stat. 121.)

79. Jurisdiction over sites of branch homes ceded to States.—The jurisdiction over the places purchased and used for the location of the branches of the National Home for Disabled Volunteer Soldiers, in Milwaukee County, State of Wisconsin, and in the county of Leavenworth, State of Kansas, and upon which said branch homes are located, is ceded to the respective States in which said branches are located and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after March 3, 1901: *Provided*, That nothing contained in this section shall be construed to impair the powers or rights heretofore conferred upon or exercised by the Board of Managers of the National Home for Disabled Volunteer Soldiers in and on said places. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1175.)

80. Purchase of supplies and expenditures for new buildings.—All purchases of supplies exceeding the sum of $1,000 at any one time shall be made upon public tender after due advertisement, and the expenditure for new buildings shall be expressly authorized in writing. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 390.)

81. Supplies.—All supplies for the National Home for Disabled Volunteer Soldiers shall be purchased, shipped, and distributed as may be directed by the Board of Managers. (July 1, 1898, c. 546, § 1, 30 Stat. 640.)

82. Medical supplies.—Upon proper application therefor, the Medical Department of the Army is authorized to sell medical and hospital supplies at its contract prices to the National Home for Disabled Volunteer Soldiers. (June 11, 1896, c. 420, 29 Stat. 445.)

83. Issue of obsolete cannon or ordnance.—The Secretary of War is authorized and directed, subject to such regulations as he may prescribe, to deliver to any of the "National Homes for Disabled Volunteer Soldiers" and to any of the State homes for soldiers and sailors, or either, now or hereafter duly established and maintained under State authority, such obsolete serviceable cannon, bronze or iron, suitable for firing salutes, as may be on hand undisposed of, not exceeding two to any one home. The Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages, and ord-

nance stores as may be needed for ornamental purposes to the Homes for Disabled Volunteer Soldiers, the homes to pay for transportation out of any appropriation for current expenses. (Feb. 8, 1889, c. 116, 25 Stat. 657; May 26, 1900, c. 586, 31 Stat. 216.)

84. Annual inspection; report.—Once in each fiscal year, the Secretary of War shall cause a thorough inspection to be made of the National Home for Disabled Volunteer Soldiers, its records, disbursements, management, discipline, and condition, such inspection to be made by an officer of the Inspector General's Department, who shall report thereon in writing, and said report shall be transmitted to Congress at the first session thereafter. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 412.)

OFFICERS AND EMPLOYEES

91. Officers of home; medical officers.—The officers of the national home shall consist of a governor, a deputy governor, a secretary, a treasurer, and such other officers as the managers may deem necessary. They shall be appointed from honorably discharged soldiers who served as mentioned in section 77 of this title and they may be appointed and removed, from time to time, as the interests of the institution may require, by the Board of Managers: *Provided*, That surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers, and the several branches thereof, may be appointed from others than those who have been disabled in the military service of the United States. (R. S. § 4829; Apr. 11, 1892, c. 40, 27 Stat. 15; Feb. 9, 1897, c. 205, 29 Stat. 517.)

92. Qualifications of officers.—The officers of the National Home for Disabled Volunteer Soldiers, and officers under the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would render them eligible, if disabled and not otherwise provided for, for admission to the home, and they may be appointed, removed, and transferred, from time to time, as the interests of the institution may require, by the Board of Managers. (June 28, 1902, c. 1301, § 1, 32 Stat. 472.)

93. Classification and compensation of officers and employees; traveling expenses.—The Board of Managers shall classify all the officers and employees of the National Home for Disabled Volunteer Soldiers and establish a rate of pay and allowance for each class, and the rate so established shall not be increased by fees, perquisites, allowances, or advantages under any pretense whatever; and no employee shall be borne on more than one pay roll or voucher.

When an officer of the National Home for Disabled Volunteer Soldiers, not a member of the Board of Managers thereof, travels under orders on business for the home he shall be allowed 7 cents in lieu of all other expenses for each mile actually traveled, distance to be computed by the most direct through route. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 412.)

94. Bonds of general treasurer and treasurers of branch homes.—The general treasurer shall give good and sufficient bond to the United States in a sum not less than $100,000, as the Secretary of War may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive, and the treasurers of the several branch homes shall give good and sufficient bonds to the general treasurer in such sums as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 412.)

95. General treasurer; performance of duties by assistant treasurer and assistant inspector general; bond; liability.—The assistant general treasurer and assistant inspector general shall, in the necessary absence or inability of the general treasurer, from any cause whatever, perform his duties and give bond to the general treasurer for the faithful performance of such duties, but the general treasurer shall in every respect be responsible, on his bond, to the United States for any default on the part of such assistant general treasurer and assistant inspector general. (June 6, 1900, c. 791, § 1, 31 Stat. 636.)

96. Officer to act in absence of treasurer or quartermaster at branch homes; bond.—The Board of Managers of the National Home for Disabled Volunteer Soldiers may, in their discretion, designate and authorize an officer at each or any of the several branches of the National Home for Disabled Volunteer Soldiers to perform such duties in connection with the offices of the treasurer and quartermaster at any such branch as they may direct, and in the necessary absence or inability of either of said officers from any cause whatever to have power to act in their places and perform all of the duties connected with the said respective offices. All officers so designated and authorized to act as provided in this section shall give bond to the general treasurer of the National Home for Disabled Volunteer Soldiers in such amount as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1178.)

FUNDS AND ACCOUNTS

111. Donations for home.—The Board of Managers are authorized to receive all donations of money or property made by any person or persons for the benefit of the home, and to hold or dispose of the same for its sole and exclusive use. (R. S. § 4831.)

112. Receipts from sales.—All sums received from sales of subsistence stores or other property of the National Home for Disabled Volunteer Soldiers shall be taken up by the disbursing officer under the proper current appropriation and be available for disbursement on account of that appropriation. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 412.)

113. Money allotted by Veterans' Bureau for support, etc., of World War veterans not to be used for support of home.—Moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment or reimburse the appropriations made for the support of the National Home for Disabled Volunteer Soldiers, but shall be covered into the surplus fund of the Treasury, and the Budget shall contain annual itemized estimates covering the entire cost of the operation and maintenance of the National Home for Disabled Volunteer Soldiers, including the cost of the maintenance, support, and care of beneficiaries of the United States Veterans' Bureau in such homes. (Mar. 2, 1923, c. 178, Title II, 42 Stat. 1424.)

114. Appropriations for buildings; available until expended.—Appropriations made for the construction of buildings at any of the branches of the National Home for Disabled Volunteer Soldiers shall continue available until expended. (June 6, 1900, c. 785, § 1, 31 Stat. 294.)

115. Appropriations for branch homes immediately available.—Appropriations made for construction of buildings and appurtenances at any of the branches of the National Home for Disabled Volunteer Soldiers, shall be available immediately after the approval of the Act containing the same. (Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1137.)

116. Appropriations for repairs of branch homes not used for new building.—No part of the appropriation for repairs for any of the branch homes shall be used for the construction of any new building. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 850.)

117. Security for deposits.—It shall be the duty of the Secretary of the Treasury to require from the president and cashier of all banks used as depositories by the treasurer of the home a deposit of bonds sufficient in amount to fully

secure all moneys pertaining to said home left on deposit with any such bank. (July 9, 1886, c. 756, § 2, 24 Stat. 129.)

118. Supervision of accounts.—The Secretary of War shall exercise the same supervision over all receipts and disbursements on account of the volunteer soldiers' homes as he is required by law to apply to the accounts of disbursing officers of the Army. (Mar. 3, 1893, c. 210, 27 Stat. 653.)

119. Disbursements; accounts; supplies; posthumous fund.—All amounts disbursed from the appropriation of a branch home shall be disbursed and accounted for monthly to the general treasurer by the treasurer of that branch, except such expenditures for services, stationery, tableware, clothing and bedding as may be required by the Board of Managers to be legally made by the general treasurer, and all such stationery, tableware, clothing and bedding as may be required for each branch home shall be shipped directly from the place of purchase or manufacture to such branch home; and all disbursements shall be made in conformity with sections 628 and 665 of Title 31. All receipts on account of the effects of deceased members shall be credited to the appropriation for "current expenses" of the fiscal year during which such amounts were received, and all repayments of such amounts shall be made from and charged to the like appropriation for the fiscal year in which such repayments shall be made. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 411.)

120. Expenditures subject to laws on disbursements; audit.—All of the expenditures of the National Home for Disabled Volunteer Soldiers, including the expenses of the Board of Managers, shall be made subject to the general laws governing the disbursement of public moneys, so far as the same can be made applicable thereto, and shall be audited by the General Accounting Office. (Mar. 3, 1887, c. 362, 24 Stat. 539; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

121. Auditing and settlement of accounts.—The accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers shall be audited by the Board of Managers of said home in the same manner as is provided for the accounts of the various departments of the United States Government, and thereupon immediately transmitted directly to the General Accounting Office for final audit and settlement. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1178; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

122. Employment of clerks; appropriations; estimates; requisitions; accounts.—No clerk shall be employed or paid in any department of the Government for services rendered under any provision of this chapter. No money shall be appropriated or drawn for the support and maintenance of the National Home for Disabled Volunteer Soldiers, except by direct and specific annual appropriations by law and except as provided in section 112. And no moneys shall be drawn from the Treasury for the use of said home, except in pursuance of quarterly estimates, and upon quarterly requisitions by the managers thereof upon the Secretary of War, based upon such quarterly estimates, for the support of said home for not more than three months next succeeding such requisition. And no money shall be drawn or paid upon any such requisition while any balance drawn or received by said home, or for its use, from the Treasury, and held under investment or otherwise, shall remain unexpended. And the managers of said home shall, at the commencement of each quarter of the year, render to the Secretary of War an account of all their receipts and expenditures for the quarter immediately preceding, with the vouchers for such expenditures; and all such accounts and vouchers shall be authenticated by the officers of said home thereunto duly appointed by said managers, and audited, and allowed, as required by law for the general appropriations and expenditures of the War Department. (Mar. 3, 1875, c. 129, § 1, 18 Stat. 359.)

123. Statement of expenses in Budget.—The statement of expenses of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall each year be submitted in the annual Budget and shall be made to show the amount of salary or compensation paid to each of the officers and employees of said board, and there shall also be submitted therewith a statement showing the number of officers appointed at each of the branch homes under section 91 of this title, the amount of salary or compensation paid to each, and the amount of allowance to each, if any, for contingent or other expenses. (Aug. 5, 1892, c. 380, § 1, 27 Stat. 384; June 10, 1921, c. 18, 42 Stat. 20.)

BENEFICIARIES AND PENSIONS

131. Persons entitled to benefits of home.—The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely: Honorably discharged officers, soldiers, sailors, or marines who served in the Regular, Volunteer, or other forces of the United States, or in the Organized Militia or National Guard when called into Federal service, and who are disabled by diseases or wounds and who have no adequate means of support and by reason of such disability are either temporarily or permanently incapacitated from earning a living. (June 7, 1924, c. 291, Title II, 43 Stat. 519.)

132. Assignment to different branches of classes eligible to admission.—To increase the comfort of the members, the Board of Managers, National Home for Disabled Volunteer Soldiers, is authorized to make such rules governing the assignment to the different branches of the various classes of those eligible to admission to the home as it deems advisable and best for the public service. (June 5, 1920, c. 235, § 1, 41 Stat. 905.)

133. Outdoor relief; transfers from branch homes.—The managers of the National Home for Disabled Volunteer Soldiers are authorized to aid persons who are entitled to its benefits by outdoor relief, in such manner and to such extent as they may deem proper, but such relief shall not exceed the average cost of maintaining an inmate of the home. In the event that buildings at any branch of the home shall be destroyed by fire or rendered unfit for habitation because of pestilence or by the elements, then and in that event the Board of Managers shall have authority to remove the members of said branch so afflicted or destroyed to any other branch not so affected, and to do this they may use any funds appropriated for the home, notwithstanding they may have been specifically appropriated for other purposes, to the extent that such funds shall be necessary to effect such a transfer and the maintenance and support thereafter of said members so transferred, and shall report their doings therein to the Congress and their expenditures as in other cases of expenditures: *Provided*, That the appropriations for any fiscal year shall not be exceeded. (R. S. § 4833; Aug. 23, 1894, c. 316, 28 Stat. 492.)

134. Aid to State or Territorial home.—All States or Territories which have established, or which shall establish, State homes for disabled soldiers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

The number of such persons for whose care any State or Territory shall receive the said payment under this section

shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the Board of Managers shall not have nor assume any management or control of said State or Territorial homes.

The Board of Managers of the national home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: *Provided*, That no State shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State: *Provided further*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid provided for in this section: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid provided for in this section, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained. (Aug. 27, 1888, c. 914, § 1, 25 Stat. 450; Mar. 2, 1889, c. 411, 25 Stat. 975; Jan. 27, 1920, c. 56, 41 Stat. 399.)

135. Persons entitled to admission to hospital at Pacific branch.—The persons who shall be entitled to the privileges of treatment in the hospital erected at the Pacific branch of the National Home for Disabled Volunteer Soldiers at Santa Monica, California, and who may be admitted thereto upon the order of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers, shall be the following: Honorably discharged officers, soldiers, sailors, and marines who served in the Regular, Volunteer, or other forces of the United States in the War with Mexico, the Civil War, the War with Spain, and the World War, or in any war in which the country has been engaged, in campaigns against hostile Indians, or who served in any of the extraterritorial possessions of the United States in foreign countries, including Mexican border service, or in the Organized Militia or National Guard when called into the Federal service, and who are disabled by diseases or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living. (June 7, 1924, c. 295, § 2, 43 Stat. 534.)

136. Disposition of personal property of deceased members.—The application of any person for membership in the National Home for Disabled Volunteer Soldiers and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the Board of Managers of said home that on the death of said applicant while a member of such home, leaving no heirs at law nor next of kin, all personal property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said Board of Managers for the sole use and benefit of the post fund of said home, the proceeds to be disposed of and distributed among the several branches as may be ordered by said Board of Managers, and that all personal property of said applicant shall, upon his death, while a member, at once pass to and vest in said Board of Managers, subject to be reclaimed by any legatee or person entitled to take the same by inheritance at any time within five years after the death of such member. The Board of Managers is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant, and as to contain the consent of the applicant to accept membership upon the conditions provided in this section. (June 25, 1910, c. 384, § 1, 36 Stat. 736.)

137. Inmates subject to Articles of War.—All inmates of the National Home for Disabled Volunteer Soldiers shall be subject to the Articles of War, and in the same manner as if they were in the Army. (R. S. § 4835.)

138. Payment of pension of inmates of home.—All pensions and arrears of pensions payable or to be paid to pensioners who are or may become inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurers of said home, to be disbursed for the benefit of the pensioners without deduction for fines or penalties, under the rules and regulations of said home. Said payments shall be made by the Bureau of Pensions upon a certificate of the proper officer of the home that the pensioner is an inmate thereof on the day to which said pension is drawn. The treasurers of said home, respectively, shall give security, to the satisfaction of the managers of said home, for the payment and application by them of all arrears of pension and pension moneys they may receive under the aforesaid provision. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him. (Feb. 26, 1881, c. 80, § 2, 21 Stat. 350; Aug. 7, 1882, c. 433, § 1, 22 Stat. 322; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

139. Disposition of balance of pension money due deceased inmate.—Any balance of pension money due a member of the National Home for Disabled Volunteer Soldiers at the time of his death shall be paid to his widow, minor children or dependent mother or father in the order named, and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the branch of said national home of which the pensioner was a member at the time of his death, to be used for the common benefit of the members of the home under the direction of the Board of Managers, subject to future reclamation by the relatives designated in this section upon application filed with the Board of Managers within five years after the pensioner's death. (July 1, 1902, c. 1351, 32 Stat. 564.)

BATTLE MOUNTAIN SANITARIUM RESERVE

151. Battle Mountain Sanitarium Reserve; establishment; rights to lands, not affected.—There are reserved from settlement, entry, sale, or other disposal all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southwest corner of section 18, township 7 south, range 6 east, Black Hills meridian; thence east to the southeast corner of said section 18; thence south to the southwest corner of the northwest quarter of section 20; thence east to the southeast corner of the northeast quarter of section 21; thence north to the northeast corner of the southeast quarter of section 9; thence west to the center of section 7; thence south to the southwest corner of the southeast quarter of section 7; thence west to the northwest corner of section 18; thence south to the place of beginning, all in township 7 south, range 6 east, Black Hills meridian, in Fall River County, South Dakota: *Provided*, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said reserve. (Mar. 22, 1906, c. 1127, § 1, 34 Stat. 83.)

152. Name; control, rules and regulations.—Said reserve shall be known as the Battle Mountain Sanitarium Reserve, and shall be under the exclusive control of the Board of Managers of the National Home for Disabled Volunteer Soldiers in connection with the Battle Mountain Sanitarium at Hot Springs, South Dakota, whose duty it shall be to prescribe such rules and regulations and establish such service as they may deem necessary for the care and management of the same. (Mar. 22, 1906, c. 1127, § 2, 34 Stat. 83.)

153. Perfecting bona fide claims to lands; exchange of private lands.—In all cases of unperfected bona fide claims lying within the said boundaries of said reserve, which claims have been properly initiated prior to September 2, 1902, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, and so forth, in the same manner in all respects as claims are perfected to other Government lands: *Provided*, That to the extent that the lands within said reserve are held in private ownership the Secretary of the Interior is authorized in his discretion to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of conveyance, surrender to the Government a full and unencumbered right and title to the private lands included in any exchange before patents are issued for or any rights attached to the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon completion of any exchange the lands surrendered to the Government shall become a part of said reserve in a like manner as if they had been public lands at the time of the establishment of said reserve. Nothing contained in this section shall be construed to authorize the issuance of any land scrip, and the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section 16 included within said reserve as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned. (Mar. 22, 1906, c. 1127, § 3, 34 Stat. 83.)

154. Unlawful intrusion, or violation of rules and regulations.—All persons who shall unlawfully intrude upon said reserve, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in a sum not more than $1,000, or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court. (Mar. 22, 1906, c. 1127, § 4, 34 Stat. 83.)

Chapter 4.—SAINT ELIZABETHS HOSPITAL.

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ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

Section 161. Establishment.—There shall be in the District of Columbia a Government hospital for the insane, which shall be known and designated as Saint Elizabeths Hospital, and its objects shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia. (R. S. § 4838; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

162. Board of Visitors.—Nine citizens of the District of Columbia, to be appointed by the President, shall constitute a Board of Visitors of Saint Elizabeths Hospital. The term of office of three visitors shall expire biennially on the 30th day of June in every alternate odd numbered year. Should any vacancy occur by death, resignation, or otherwise, it shall be filled by appointment for the unexpired term of such visitor. The office of visitor shall be honorary and without compensation. (R. S. § 4840; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

163. President of Board of Visitors.—The Board of Visitors shall select from their number a president, to preside at their meetings for one year, or until a successor is elected. (R. S. § 4841.)

164. Powers and duties of Board of Visitors.—The Board of Visitors, subject to the approval of the Secretary of the Interior, may make any needful by-laws for the government of themselves, and of the superintendent and his employees, and of the patients, not inconsistent with law; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management; they shall make annually to the Secretary of the Interior a report for the preceding fiscal year setting forth the condition and wants of the institution. (R. S. § 4842.)

165. Superintendent; disbursing agent; pension money of inmates.—The chief executive officer of Saint Elizabeths Hos-

pital shall be a superintendent, who shall be appointed by the Secretary of the Interior, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution, who shall give a bond satisfactory to the Secretary of the Interior, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties; he shall also be an ex officio secretary of the Board of Visitors. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for Saint Elizabeths Hospital, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds which may be intrusted to the latter by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of the Interior may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of Saint Elizabeths Hospital, all money due or becoming due upon his or her pension shall be paid by the Bureau of Pensions to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as provided in this section, and in case of his return from said hospital to the home any balance to his credit at said hospital shall in like manner be transferred to said home, to be expended in accordance with the rules established in regard thereto. (R. S. § 4839; Feb. 2, 1909, c. 58, § 1, 35 Stat. 592; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

166. Deputy disbursing agent; appointment; bond; powers.—Authority is granted to appoint a deputy disbursing agent who shall give a bond satisfactory to the Secretary of the Interior, and who shall have the same power as the disbursing agent during the absence of that officer. (June 5, 1920, c. 235, § 1, 41 Stat. 920.)

167. Adjustment of compensation of officers and employees.—The Secretary of the Interior is authorized, as of July 19, 1919, to adjust the compensation of officers and employees at Saint Elizabeths Hospital. (July 19, 1919, c. 24, § 1, 41 Stat. 205.)

168. Readjustment of salaries; credit to accounts of disbursing agent.—The General Accounting Office is authorized to credit the accounts of the special disbursing agent of Saint Elizabeths Hospital with such amounts as he may pay in carrying out the provision of the preceding section relating to the readjustment of salaries at the hospital, and the schedule of salaries and allowances for maintenance, where the latter is not provided by the hospital, approved by the Secretary of the Interior August 1 and November 25, 1919, respectively, or as may be modified by him, notwithstanding the provisions of section 55 of Title 5 or section 165 of this title. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 513; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

169. Disposition of money paid for care of patients.—All sums paid to the Superintendent of Saint Elizabeths Hospital for the care of patients that he is authorized by law to receive, shall be deposited to the credit on the books of the Treasury Department, of the appropriation made for the care and maintenance of the patients at Saint Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of Saint Elizabeths Hospital, upon the approval of the Secretary of the Interior. (June 5, 1924, c. 264, 43 Stat. 429; Mar. 3, 1925, c. 462, 43 Stat. 1182.)

170. Disbursement of appropriations for insane.—All appropriations of money by Congress for the support of Saint Elizabeths Hospital shall be drawn from the Treasury on the requisition of the Secretary of the Interior, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money. (R. S. § 4858; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

171. Determining per capita cost of patients.—In determining the per capita cost of maintenance and treatment of patients in Saint Elizabeths Hospital the expenditures for repair of buildings, roadways, and walks shall be included. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 461; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

172. Sale of surplus products and waste materials.—The surplus products and waste material of the hospital may be sold or exchanged for the benefit of the hospital, and proceeds to be used and accounted for the same as its other funds. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 330.)

173. Sale or exchange of typewriting machines and other equipment.—Authority is granted to sell or exchange condemned typewriting machines, laundry machinery, and other equipment, applying the proceeds therefrom to replacing new equipment for Saint Elizabeths Hospital. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 649.)

174. Exchange of laundry machines and other equipment.—Authority is granted to exchange laundry machinery and other equipment in purchasing new equipment of the same or like character. (June 12, 1917, c. 27, § 1, 40 Stat. 153.)

175. Telephone system.—Rental for a system of telephones connecting the superintendent's, physicians', and employees' quarters at the hospital with other locations on the hospital grounds may be paid from the appropriations for the support of the hospital. (Apr. 17, 1917, c. 3, § 1, 40 Stat. 19.)

176. Disposition of articles made by patients.—The Secretary of the Interior is authorized to make regulations governing the disposal of articles produced by patients of Saint Elizabeths Hospital in the course of their curative treatment, either by allowing the patient to retain same or by selling the ar-

ticles and depositing the money received to the credit of the appropriation from which the materials for making the articles were purchased. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 513.)

177. Disposition of moneys belonging to deceased inmates; claims thereto.—All moneys belonging to deceased inmates of Saint Elizabeths Hospital and deposited in the Treasury by the disbursing agent as agent, shall be covered into the Treasury unless claimed by his or her legal heirs within five years from the death of the inmate. And the Superintendent of Saint Elizabeths Hospital is authorized and directed, under such regulations as may be prescribed by the Secretary of the Interior, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his or her legal heirs. Claims may be presented at any time, and when established by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration. (June 30, 1906, c. 3914, § 1, 34 Stat. 780; Feb. 2, 1909, c. 58, § 1, 35 Stat. 592; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

178. Revocable permit to hospital to use certain lands.—The Secretary of War is authorized to grant a revocable permit to the Saint Elizabeths Hospital for the use of such portions of land as were on October 6, 1917, not under lease and such other portions thereof as leases thereof expire, of that portion of land lying along Anacostia Flats which has been reclaimed by the War Department and is valuable for farming purposes. (Oct. 6, 1917, c. 79, § 1, 40 Stat. 373.)

179. Report of superintendent.—The Superintendent of Saint Elizabeths Hospital shall make a report to Congress annually at the beginning of each regular session, which shall show in detail the receipts and expenditures for all purposes connected with the hospital for the fiscal year preceding such session. (June 4, 1880, c. 121, § 1, 21 Stat. 156; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

INMATES; BURDEN OF EXPENSES THEREOF; DETENTION OF INSANE

191. Admission; insane persons of Army, Navy, Marine Corps, and Coast Guard.—The superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, respectively, shall receive, and keep in custody until they are cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions:

First. Insane persons belonging to the Army, Navy, Marine Corps, and Coast Guard.

Second. Civilians employed in the Quartermaster Corps of the Army who may become insane while in such employment.

Third. Men who, while in the service of the United States, in the Army, Navy, or Marine Corps, have been admitted to the hospital, and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support.

Fourth. Indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity.

Fifth. Indigent insane persons who have become insane within three years after their discharge from such service, from causes which arose during and were produced by said service. (R. S. § 4843; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591; Jan. 28, 1915, c. 20, § 2, 38 Stat. 801.)

192. Admission; insane prisoners of war and interned persons.—Interned persons and prisoners of war, under the jurisdiction of the Navy Department, or the War Department, who are or may become insane, shall be entitled to admission for treatment to Saint Elizabeths Hospital. (July 1, 1916, c. 209, § 1, 39 Stat. 309; Aug. 29, 1916, c. 417, 39 Stat. 558; Oct. 6, 1917, c. 79, § 1, 40 Stat. 373.)

193. Admission; insane patients of Public Health Service.—Insane patients of the Public Health Service shall be admitted into Saint Elizabeths Hospital upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority. The Public Health Service shall pay to Saint Elizabeths Hospital the actual per capita cost of maintenance in the said hospital of patients committed by that service. (Mar. 3, 1875, c. 156, § 5, 18 Stat. 486; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309; July 1, 1916, c. 209, § 1, 39 Stat. 309; July 1, 1918, c. 113, § 1, 40 Stat. 644.)

194. Admission; insane inmates of Soldiers' Home.—Any inmate of the Soldiers' Home who may become insane shall, upon an order of the president of the Board of Commissioners of the Soldiers' Home, be admitted to Saint Elizabeths Hospital and treated therein; and the expenses of maintaining any such person shall be paid from the Soldiers' Home fund. (July 7, 1884, c. 332, 23 Stat. 213; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

195. Admission; insane inmates of National Home for Disabled Volunteers.—Any inmate of the National Home for Disabled Volunteer Soldiers who may become insane shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to Saint Elizabeths Hospital and treated therein. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 330; Feb. 20, 1905, c. 593, 33 Stat. 731; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

196. Transfer of American citizens adjudged insane in Canal Zone.—Upon the application of the Governor of the Panama Canal the Secretary of the Interior is authorized to transfer to Saint Elizabeths Hospital, in the District of Columbia, for treatment, all American citizens legally adjudged insane in the Canal Zone whose legal residence in one of the States and Territories or the District of Columbia it has been impossible to establish. Upon the ascerfainment of the legal residence of persons so transferred to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital. (June 12, 1917, c. 27, § 1, 40 Stat. 179.)

197. Care of Army insane and of inmates of National Home for Disabled Volunteer Soldiers on Pacific coast.—The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he was, on March 3, 1901, authorized by law to cause to be sent to Saint Elizabeths Hospital in the District of Columbia. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1163; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

198. Care of insane natives of Philippine Islands serving in Army.—The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he was, on May 11, 1908, authorized by law to cause to be sent to Saint Elizabeths Hospital in the District of Columbia. (May 11, 1908, c. 163, 35 Stat. 122; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

199. Transfer of insane from military hospitals to nearest public hospitals.—The Secretary of War is authorized to transfer from any military hospital to the nearest available public hospital for the care of the insane any insane patient who is in need of treatment, preference being given to the hospital nearest to the place of the patient's enlistment. The superintendent

of such public hospital shall possess the right to retain the aforementioned class of patients in his hospital in the same manner and to the same extent as was, on October 6, 1917, possessed by the superintendent of Saint Elizabeths Hospital. (Oct. 6, 1917, c. 79, § 1, 40 Stat. 373.)

200. Transfer of part of appropriations to public hospitals for support of patients.—The superintendent of Saint Elizabeths Hospital, with the approval of the Secretary of the Interior, shall transfer to the various public hospitals out of the various appropriations made by Congress for the support and treatment of patients in Saint Elizabeths Hospital a sum sufficient to pay for the support and treatment of patients sent to public hospitals as provided in the preceding section, based upon the per capita cost of maintenance in Saint Elizabeths Hospital, said payment not to exceed at any time the exact cost of support and treatment of such patients. (Oct. 6, 1917, c. 79, § 1, 40 Stat. 373.)

201. Admission of indigent insane of District of Columbia.—All indigent insane persons residing in the District of Columbia at the time they became insane shall be entitled to the benefits of Saint Elizabeths Hospital. An indigent insane person within the meaning of this section shall be one who is insane and unable to support himself and family, or himself, if he has no family, under the visitation of insanity. (R. S. § 4844; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

202. Expense of indigent insane admitted from District of Columbia.—One half of the expense of the indigent persons who may be admitted to Saint Elizabeths Hospital from the District of Columbia shall be paid from the treasury of said District. (Mar. 3, 1877, c. 105, 19 Stat. 347; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

203. Payment of part of expense from appropriations for District.—One half of the expense of the indigent patients admitted to Saint Elizabeths Hospital from the District of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the General Government, without regard to the date of their admission. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 395; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

204. Private patients.—Whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visitors, to be in no case less than the actual cost of their support, and may remain until restored to reason.

The friends of the patient shall comply with the regulations of the hospital in respect to payment of board and in all other respects. (R. S. §§ 4853, 4854.)

205. Insane persons having property.—Whenever it appears in the case of any insane person whose insanity commenced while he was a resident of the District of Columbia that he is able to defray a portion, but not the whole of the expenses of his support and treatment in Saint Elizabeths Hospital, the board of visitors of the hospital is authorized to inquire into the facts of the case; and if it appears to the board, upon such inquiry, that such insane person has property and no family, or has more property than is required for the support of his family, then, as a condition upon which such insane person, admitted or to be admitted as provided in this chapter, shall receive or continue to receive the benefits of the hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person such portion of his expenses in the hospital as a majority of the board shall determine to be just and reasonable, under all the circumstances. (R. S. § 4849; July 1, 1916, c. 209, § 1, 39, Stat. 309.)

206. Admission of nonresidents of District.—Any indigent insane person who did not reside in the District at the time he became insane may be admitted into the hospital at the expense of the District during the continuance of such insane person therein. (R. S. § 4850.)

207. Return of nonresident indigent insane.—It shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residing in the District at the time they became insane who shall be committed to Saint Elizabeths Hospital to be temporarily cared for, as provided in this chapter, and all necessary expenses incurred by the Commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia. (Jan. 31, 1899, c. 78, § 7, 30 Stat. 811; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

208. Proceedings to determine mental conditions.—Proceedings to determine the mental condition of alleged indigent insane persons and persons alleged to be insane, with homicidal or otherwise dangerous tendencies shall be instituted upon petition of the Commissioners of the District of Columbia, shall be in the equity court of said District and shall be according to the provisions of the code of law for the said District relating to lunacy proceedings. (Mar. 3, 1903, c. 1006, § 1, 32 Stat. 1043; Feb. 23, 1905, c. 783, § 1, 33 Stat. 740.)

209. Jury in lunacy proceedings; costs.—The jury to be used in case the Commissioners of the District of Columbia are the petitioners shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided*, That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court of said District, who shall perform such duties in addition to and as part of their duties in said police court; or the said court may direct a special jury to be summoned for such inquisitions. In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, according to the provisions of the code of law for the District of Columbia relating to lunacy proceedings, and such committee or trustee shall reimburse, out of the funds of the lunatic, the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment. (Feb. 23, 1905, c. 738, § 1, 33 Stat. 740.)

210. Discharge as cured.—In case any person adjudged to be of unsound mind in the District of Columbia who is committed to Saint Elizabeths Hospital, or any other institution, recovers his or her reason, and who is discharged from such institutions as cured, the superintendent of said Saint Elizabeths Hospital, or the official in charge of any such other institution where such person has been under treatment and has been so discharged, shall immediately thereafter file with the clerk of the supreme court of the District of Columbia his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind. (Feb. 23, 1905, c. 738, § 2, 33 Stat. 740; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

211. Admission of insane persons accused of crime.—If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in Saint Elizabeths Hospital, and, if he be not indigent, he and his estate shall be charged

with expenses of his support in the hospital. (R. S. § 4851; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

212. Transfer of insane convicts.—Upon the application of the Attorney General the Secretary of the Interior is authorized and directed to transfer to Saint Elizabeths Hospital in the District of Columbia all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all persons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any State prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane. (June 23, 1874, c. 465, § 1, 18 Stat. 251; Aug. 7, 1882, c. 433, § 1, 22 Stat. 330; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

213. Accommodation of insane convict in State asylums; compensation.—In all cases where any person convicted in a court of the United States shall, while imprisoned under such conviction in any State prison or penitentiary, become and be insane, and there shall not be accommodation for such insane person at Saint Elizabeths Hospital, or if for other reasons the Attorney General is of opinion that such insane person should be placed at a State insane asylum rather than at said hospital, then the Attorney General shall have power in his discretion to contract with any State insane or lunatic asylum, within the State in which such convict is imprisoned, for his care and custody while remaining so insane; and in all cases where such convicts shall be transferred to a State asylum for insane convicts, in accordance with the laws of such State, the Attorney General is authorized and directed to compensate the said asylum, or the proper authorities controlling the same, for the care and custody of such insane convicts, until their removal or discharge, in such amounts as he shall deem just and reasonable; but no contract shall be made or compensation paid for the care of such insane person beyond their respective terms of imprisonment. (June 23, 1874, c. 465, § 2, 18 Stat. 251; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

214. Return to prison on restoration to sanity.—Whenever such insane convict shall be restored to sanity, after he or she shall have been transferred under the provisions of the two preceding sections, he or she shall be returned to the prison or penitentiary from which the transfer was made, provided the term of imprisonment shall not have expired. The questions of sanity in all cases arising under this section and the two preceding sections shall be determined in accordance with the rules and regulations of existing laws, State or national, on that subject, applicable to the prison, penitentiary, or asylum where such convict shall be confined. (June 23, 1874, c. 465, § 8, 18 Stat. 252.)

215. Apprehension and detention of certain insane persons; in District of Columbia.—Any member of the Metropolitan police of the District of Columbia or any other officer in said District authorized to make arrests is authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable: *Provided, however*, That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him. (Apr. 27, 1904, c. 1618, § 1, 33 Stat. 316.)

216. Arrest at other than public places.—The major and superintendent of said Metropolitan police is authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Columbia than in the places mentioned in the preceding section whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: *Provided, however*, That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents or in case of arrest as provided in the preceding section, he shall, in addition thereto, require the certificate of at least two physicians who shall certify that they have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition. (Apr. 27, 1904, c. 1618, § 2, 33 Stat. 317.)

217. Temporary detention of alleged insane persons.—The Commissioners of the District of Columbia are authorized to place in Saint Elizabeths Hospital in said District, and the superintendent of said hospital is authorized to receive, upon the written request of the said commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies, residents of or found within the said District, so apprehended and detained as provided in the two preceding sections, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty. (Apr. 27, 1904, c. 1618, § 3, 33 Stat. 317; July 1, 1916, c. 209, § 1, 39 Stat. 309.)

218. Temporary commitment of persons to other hospital, or detention in police station; discharge of person certified not insane.—The Commissioners of the District of Columbia may authorize the temporary commitment of any of the insane persons or persons of unsound mind mentioned in the three preceding sections and apprehended and detained as provided in sections 215 and 216 (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons pending the temporary commitment or the formal commitment of such persons, as provided by law, to Saint Elizabeths Hospital or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections 215 and 216 may be detained in any police station or house of detention in said District pending the completion of arrange-

ments for his or her temporary detention in Saint Elizabeths Hospital or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to Saint Elizabeths Hospital or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Saint Elizabeths Hospital and no arrangement can be made for his or her temporary detention in any other hospital or asylum: *Provided, however*, That if, pending the formal commitment of such alleged insane person or person of unsound mind to Saint Elizabeths Hospital or to any other hospital or asylum, the superintendent of said Saint Elizabeths Hospital, in the case of the commitment of a person to said hospital under the provisions of sections 215 to 220, inclusive, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of sections 215 to 220, inclusive, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of dentention under the provisions of sections 215 to 220, inclusive, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her reason, the official in charge of Saint Elizabeths Hospital, or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia. (Apr. 27, 1904, c. 1618, § 4, 33 Stat. 317.)

219. Certificate by physician as to sanity or insanity; qualifications of physician.—For the purposes of sections 215 to 220, inclusive, no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith. (Apr. 27, 1904, c. 1618, § 5, 33 Stat. 318; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

220. Making false affidavit or certificate; penalty.—Any person who makes an affidavit, as required by sections 215 and 216, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both. (Apr. 27, 1904, c. 1618, § 6, 33 Stat. 318.)

221. Discharge of patients on bond.—If any person will give bond with sufficient security, to be approved by the Supreme Court of the District of Columbia, or by any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond. (R. S. § 4856.)

222. Insane persons not to be confined in jail.—No insane person not charged with any breach of the peace shall ever be confined in the United States jail in the District of Columbia. (R. S. § 4857.)

Chapter 5.—THE COLUMBIA INSTITUTION FOR THE DEAF.

Sec.
231. Establishment and powers.
232. Power to confer degrees.
233. Terms of deed part of charter.
234. Disposal of property.
235. Election of officers; alteration of constitution.
236. Government directors; appointment.
237. Government directors; term of office; control of disbursements; accounts.
238. Admission of deaf mutes from District.
239. Instruction for feeble-minded residing in District; annual estimates.
240. Manner of paying expenses; pupils from District.
241. Education of colored deaf-mute children of District.
242. Admission of pupils from States and Territories.
243. Limitation on number of pupils from one State.
244. Number and compensation of employees included in annual Budget.
245. Judges of the municipal court to report deaf and dumb persons in District.
246. Report of superintendent.
247. Annual report of president and directors.
248. Itemized report of expenses.
249. Education of indigent blind persons.
250. Manner of paying for instruction of indigent blind from District.

Section 231. Establishment and powers.—The corporation created by the Act of February 16, 1857, under the name of the "Columbia Institution for the Instruction of the Deaf and Dumb and the Blind," shall have perpetual succession, and be capable to take, hold, and enjoy lands, tenements, hereditaments, and personal property, to use a common seal, and to alter the same at pleasure. But no real or personal property shall be held by the corporation, except such as may be necessary to the maintenance and efficient management of the institution. (R. S. § 4859; Feb. 16, 1857, c. 46, § 1, 11 Stat. 161.)

232. Power to confer degrees.—The board of directors of the Columbia Institution for the Deaf are authorized and empowered to grant and confirm such degrees in the liberal arts and sciences to such pupils of the institution, or others, who, by their proficiency in learning or other meritorious distinction they shall think entitled to them, as are usually granted and conferred in colleges; and to grant to such graduates diplomas or certificates, sealed and signed in such manner as said board of directors may determine, to authenticate and perpetuate the memory of such graduation. (Apr. 8, 1864, c. 52, 13 Stat. 45; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

233. Terms of deed part of charter.—The terms and conditions of the deed of transfer of the funds and property of Washington's Manual Labor School and Male Orphan Asylum Society of the District of Columbia shall be as obligatory upon the Columbia Institution for the Deaf as if they formed a part of its charter. (R. S. § 4860; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

234. Disposal of property.—No part of the real or personal property held or acquired by the Columbia Institution for the Deaf shall be devoted to any other purpose than the education of the deaf and dumb, nor shall any portion of the real estate be aliened, sold, or conveyed, except under the authority of a special act of Congress. (R. S. § 4861; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

235. Election of officers; alteration of constitution.—The Columbia Institution for the Deaf shall be managed as pro-

vided for in its constitution, and such additional regulations as may from time to time be found necessary. The constitution may be altered consistently with law, in the manner therein provided. (R. S. § 4862; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

236. Government directors; appointment.—In addition to the directors whose appointment has been provided for by law, there shall be three other directors of the Columbia Institution for the Deaf, appointed in the following manner: One Senator by the President of the Senate, and two Representatives by the Speaker of the House. These directors shall hold their offices for the term of a single Congress, and be eligible to a reappointment. (R. S. § 4863; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

237. Government directors; term of office; control of disbursements; accounts.—Directors appointed under the provisions of the preceding section shall remain in office until the appointment and acceptance of office of their successors; and the directors of the institution shall have control of the disbursements of all moneys appropriated by Congress for the benefit of said institution, accounts for which shall be settled and adjusted at the General Accounting Office as required by the provisions of section 71 of Title 31, MONEY AND FINANCE. (July 1, 1898, c. 546, § 1, 30 Stat. 624; June 10, 1921, c. 18, § 305, 42 Stat. 24.)

238. Admission of deaf mutes from District.—All deaf mutes of teachable age, of good mental capacity, and properly belonging to the District of Columbia shall be received and instructed in the Columbia Institution for the Deaf their admission thereto being subject to the approval of the superintendent of public schools in the District of Columbia. And said institution shall not be regarded nor classified as an institution of charity. (Mar. 1, 1901, c. 670, § 1, 31 Stat. 844; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

239. Instruction for feeble-minded residing in District; annual estimates.—When any indigent applicant for admission to the Columbia Institution for the Deaf, belonging to the District of Columbia, and being of teachable age, is found on examination by the president of the institution to be of feeble mind, and hence incapable of receiving instruction among children of sound mind, the Secretary of the Interior may cause such person to be instructed in some institution for the education of feeble-minded children in Pennsylvania, or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State for similar instruction.

The estimates for this expense shall each year be submitted in the annual estimates for the expenses of the government of the District of Columbia. (June 16, 1880, c. 235, 21 Stat. 275; Aug. 30, 1890, c. 837, § 1, 26 Stat. 398; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

240. Manner of paying expenses; pupils from District.—One-half of all expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 238, shall be paid from the revenues of the District of Columbia and one-half out of the Treasury of the United States, and estimates for such expenses shall each year be submitted in the regular estimates for the expenses of the government of the District of Columbia. (Mar. 2, 1889, c. 411, § 1, 25 Stat. 962; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

241. Education of colored deaf-mute children of District.—The directors of the Columbia Institution for the Deaf are authorized to provide for the education of colored deaf-mute children properly belonging to the District of Columbia, in the Maryland School for Colored Deaf-Mutes, or some other suitable school, at a cost not exceeding the per capita expense of educating the State pupils in such school. (Mar. 3, 1905, c. 1406, § 1, 33 Stat. 901; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

242. Admission of pupils from States and Territories.—Deaf-mutes, not exceeding one hundred and twenty-five in number, residing in the several States and Territories, applying for admission to the collegiate department of the Columbia Institution for the Deaf, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president of the institution; but no student coming from either of the States shall be supported by the United States during any portion of the time he remains therein. (R. S. § 4865; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422; July 1, 1918, c. 113, § 1, 40 Stat. 680.)

243. Limitation on number of pupils from one State.—There shall not be admitted to the Columbia Institution for the Deaf under the preceding section, nor shall there be maintained after such admission, at any one time from any State or Territory exceeding three deaf-mutes while there are applications pending from deaf-mutes, citizens of States or Territories having less than three pupils in said institution. (Aug. 30, 1890, c. 837, § 1, 26 Stat. 392; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

244. Number and compensation of employees included in annual Budget.—There shall be included in the annual Budget a statement showing the number of persons employed each year in the Columbia Institution for the Deaf and the compensation paid to each. (Aug. 30, 1890, c. 837, § 1, 26 Stat. 392; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422; June 10, 1921, c. 18, 42 Stat. 20.)

245. Judges of the municipal court to report deaf and dumb persons in District.—It shall be the duty of the judges of the Municipal Court of the District of Columbia to ascertain the names and residences of all deaf and dumb persons within their respective districts; who of them are of teachable age, and also who of them are in indigent circumstances; and to report the same to the president of the Columbia Institution for the Deaf. (R. S. § 4866; Feb. 17, 1909, c. 134, 35 Stat. 623; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

246. Report of superintendent.—The superintendent of the Columbia Institution for the Deaf shall, at the commencement of every December session of Congress, make a full and complete statement of all the expenditures made by virtue of any appropriations by Congress, including the amounts and the rates paid to the superintendent, and for teachers. (R. S. § 4867; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

247. Annual report of president and directors.—It shall be the duty of the president and directors of the Columbia Institution for the Deaf to report to the Secretary of the Interior the condition of the institution on the 1st day of July in each year, embracing in the report the number of pupils of each description received and discharged during the preceding year, and the number remaining in the institution; also the branches of knowledge and industry taught, and the progress made therein; also a statement showing the receipts of the institution, and from what sources, and its disbursements, and for what objects. (R. S. § 4868; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

248. Itemized report of expenses.—The report of the Columbia Institution for the Deaf shall contain an itemized statement of all employees, the salaries or wages, respectively, of each of them, and also of all other expenses of said institution. (Mar. 3, 1883, c. 143, § 1, 22 Stat. 625; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

249. Education of indigent blind persons.—Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of the Columbia Institution for the Deaf, that any blind person of teachable age can not command the means to secure an education, he may cause such person to be instructed in some institution for the education of the blind, in Maryland, or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State,

and to cause the same to be paid out of the Treasury of the United States. (R. S. § 4869; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

250. Manner of paying for instruction of indigent blind from District.—One-half of the indefinite appropriation to pay for the instruction of the indigent blind children of the District of Columbia, formerly instructed in the Columbia Institution for the Deaf, shall be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States. (Mar. 3, 1899, c. 424, § 1, 30 Stat. 1101; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1422.)

Chapter 6.—THE FREEDMEN'S HOSPITAL.

Sec.
261. Direction; expenditures; limitation on appropriations.
262. Admission of patients; charges for.
263. Care and treatment of persons from District of Columbia.
264. Unclaimed money of deceased patients.

Section 261. Direction; expenditures; limitation on appropriations.—The Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior who shall submit estimates for expenses and maintenance. No part of any appropriation shall be used in support of, or to pay the expenses on account of any person to be admitted to such hospital, unless of persons removed thither from some other Government hospital. (R. S. § 2038; June 23, 1874, c. 455, § 1, 18 Stat. 223; Mar. 3, 1893, c. 199, § 1, 27 Stat. 551; Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1190.)

262. Admission of patients; charges for.—Patients may be admitted to Freedmen's Hospital for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe. All moneys so collected shall be paid into the Treasury to the credit of Freedmen's Hospital, to be disbursed under the supervision of the Secretary of the Interior for subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, repairs, furniture, and other absolutely necessary expenses incident to the management of the hospital. A report as to the expenditure thereof shall be made annually to Congress. (June 26, 1912, c. 182, § 1, 37 Stat. 172.)

263. Care and treatment of persons from District of Columbia.—The Secretary of the Interior is authorized to enter into contract with the Board of Charities of the District of Columbia for the care and treatment of persons from the District of Columbia admitted to the Freedmen's Hospital; and any money that may be received, from this source, shall be paid to the Secretary of the Interior, to be applied to the uses and purposes of the hospital. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1190.)

264. Unclaimed money of deceased patients.—All unclaimed money left at the Freedmen's Hospital by deceased patients shall, after a period of three years, be deposited in the Treasury of the United States to the credit of miscellaneous receipts. (July 1, 1916, c. 209, § 1, 39 Stat. 311.)

Chapter 7.—NATIONAL CEMETERIES.

Sec.
271. Manner of acquisition of lands.
272. Appraisement of real estate.
273. Payment of appraised value.
274. Superintendents of cemeteries.
275. Selection of superintendents.
276. Fuel and quarters for superintendents.
277. Superintendent of Antietam battle field.
278. Care and maintenance of cemeteries.
279. Inclosure, headstones, and registers.
280. Headstones in private cemeteries; records.
281. Who may be buried in national cemetery; evidence of right.
282. Burial of Confederate veterans.
283. Cemetery near City of Mexico.
284. Regulations for cemetery in Mexico.
285. Burial ground of Zachary Taylor as national cemetery.
286. Penalty for defacing cemeteries.
287. Jurisdiction of United States.
288. Single approach to cemeteries authorized.
289. Conveyance to State or municipality of approach road to national cemetery.
290. Encroachment by railroads on rights of way.
291. Arlington Memorial Amphitheater; commission to make recommendations for inscriptions, entombments, etc.
292. Chairman and executive and disbursing officer of commission.
293. Specific authorization from Congress for inscriptions, entombments, etc.
294. Restrictions on inscriptions, entombments, etc.
295. Character of inscriptions, etc.

Section 271. Manner of acquisition of lands.—The Secretary of War shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Secretary and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtain from such owners the title in fee simple for the same. And in case the Secretary of War is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee simple for the same, the Secretary is authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes. (R. S. § 4870.)

272. Appraisement of real estate.—The Secretary of War or the owners of any real estate thus entered upon and appropriated, are authorized to make application for an appraisement of real estate thus entered upon and appropriated, to any district court within any State or district where such real estate is situated; and such court shall, upon such application, and in such mode and under such rules and regulations as it may adopt, make a just and equitable appraisement of the cash value of the several interests of each and every owner of such real estate and improvements thereon. (R. S. § 4871; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

273. Payment of appraised value.—When appraisement of the real estate thus entered upon and appropriated has been made under the order and direction of the court, the fee simple thereof shall, upon payment to the owner of the appraised value, or in case such owner refuses or neglects for thirty days after the appraisement of the cash value of the real estate or improvements as aforesaid, to demand the same from the Secretary of War, upon depositing the appraised value in the court making such appraisement, to the credit of such owner, be vested in the United States, and its jurisdiction over such real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy yards, forts, and arsenals. The Secretary of War is authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisement of any of such courts, or to pay into any of such courts by deposit, as provided in this section, the appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of national cemeteries. (R. S. § 4872.)

274. Superintendents of cemeteries.—The Secretary of War shall cause to be erected at the principal entrance of each national cemetery a suitable building to be occupied as a porter's lodge; and shall appoint a meritorious and trustworthy superintendent to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same. (R. S. § 4873.)

275. Selection of superintendents.—The superintendents of the national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the Volunteer or Regular Army, who have been honorably mustered out or discharged from the service of the United

States, and who may have been disabled for active field service in the line of duty. (R. S. § 4874.)

276. **Fuel and quarters for superintendents.**—The superintendents of the national cemeteries, together with the superintendent of the Arlington, Virginia, Cemetery, shall be furnished with quarters and fuel at the several cemeteries. (R. S. § 4875; July 30, 1912, c. 258, 37 Stat. 240.)

277. **Superintendent of Antietam battle field.**—The superintendent of Antietam battle field shall be selected and appointed by the Secretary of War at his discretion; the person selected for the position shall be an honorably discharged Union soldier and he shall perform his duties under the direction of the Quartermaster Corps. (Feb. 12, 1925, c. 225, Title II, 43 Stat. 926.)

278. **Care and maintenance of cemeteries.**—The Secretary of War shall provide for the care and maintenance of the national military cemeteries and for this purpose shall submit an estimate with his annual estimates to Congress. (July 24, 1876, c. 226, § 1, 19 Stat. 99.)

279. **Inclosure, headstones, and registers.**—In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block, which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded. (R. S. § 4877.)

280. **Headstones in private cemeteries; records.**—The Secretary of War is authorized to erect headstones over the graves of soldiers who served in the Regular or Volunteer Army of the United States during the war for the Union, and who have been buried in private village or city cemeteries, in the same manner as provided by the preceding section for those interred in national military cemeteries.

The Secretary of War shall cause to be preserved in the records of his department the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this section or any statutory provisions prior to February 3, 1879. (Feb. 3, 1879, c. 44, 20 Stat. 281.)

281. **Who may be buried in national cemetery; evidence of right.**—All soldiers, sailors, or marines and all officers or men of the Coast Guard dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, and all soldiers, sailors, or marines who served, or may serve, during any war in which the United States has been, or may be, engaged, and, with the consent of the Secretary of War, any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man in the first or second case, and a duly executed permit of the Secretary of War in the last case, shall be sufficient authority for the superintendent of any cemetery to permit the interment. Army nurses honorably discharged from their service as such may be buried in any national cemetery, and, if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those Army nurses entitled to such burial. (R. S. § 4878; Mar. 3, 1897, c. 378, 29 Stat. 625; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1389; Jan. 28, 1915, c. 20, § 1, 38 Stat. 800; Apr. 15, 1920, c. 140, 41 Stat. 552.)

282. **Burial of Confederate veterans.**—Persons dying in the District of Columbia or in the immediate vicinity thereof who have served in the Confederate armies during the Civil War may be buried in the Confederate section of the Arlington National Cemetery without additional expense to the United States upon the certificate of Camp Numbered 171, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial under the authority given in this section: *Provided*, That all such interments shall be under the supervision and subject to the approval of the Secretary of War. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 440.)

283. **Cemetery near City of Mexico.**—The President is authorized to provide, out of the ordinary annual appropriations for establishing and maintaining United States military cemeteries, for the proper care and preservation and maintenance of the cemetery or burial ground near the City of Mexico, in which are interred the remains of officers and soldiers of the United States, and of citizens of the United States, who fell in battle, or died in and around said city. (R. S. § 4879.)

284. **Regulations for cemetery in Mexico.**—The cemetery in Mexico shall be subject to the rules and regulations affecting United States national military cemeteries within the limits of the United States, so far as they may, in the opinion of the President, be applicable thereto. (R. S. § 4880.)

285. **Burial ground of Zachary Taylor as national cemetery.**—The Secretary of War is authorized to accept, free of cost to the United States Government, from the State of Kentucky, and from any others having authority to convey same, the land [approximately five acres] comprising the burial grounds containing the remains of Zachary Taylor, former President of the United States, and located on the Brownsboro Road in Jefferson County, Kentucky, and upon the presentation of good and perfect title to said land the Secretary of War is authorized and directed to establish thereon a national cemetery. (Feb. 24, 1925, c. 306, § 2, 43 Stat. 970.)

286. **Penalty for defacing cemeteries.**—Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, gravestone, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national cemetery, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $25, and not more than $100, or by imprisonment for not less than fifteen days, and not more than sixty. The superintendent in charge of any national cemetery is authorized to arrest forthwith any person engaged in committing any misdemeanor prohibited in this section, and to bring such person before any United States commissioner or judge of any district court of the United States within any State or district where any of the cemeteries are situated, for the purpose of holding such person to answer for such misdemeanor, and then and there shall make complaint in due form. (R. S. § 4881; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

287. **Jurisdiction of United States.**—From the time any State legislature shall give the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section 8, Article I, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same. (R. S. § 4882.)

288. **Single approach to cemeteries authorized.**—No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery. (Feb. 12, 1925, c. 225, Title II, 43 Stat. 926.)

289. Conveyance to State or municipality of approach road to national cemetery.—The Secretary of War is authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any conveyance under this section the State, county, or municipality to which the conveyance authorized in this section is to be made shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance authorized in this section, the jurisdiction of the United States of America, which has been heretofore ceded to the United States by a State over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located. (Mar. 3, 1925, c. 418, 43 Stat. 1104.)

290. Encroachment by railroads on rights of way.—No railroads shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States. (Feb. 12, 1925, c. 225, Title II, 43 Stat. 926.)

291. Arlington Memorial Amphitheater; commission to make recommendations for inscriptions, entombments, etc.—A commission is created, to be composed of the Secretary of War and the Secretary of the Navy, which shall submit annually to the President, who shall transmit the same to Congress by the first Monday in December, recommendations as to what, if any, inscriptions, tablets, busts, or other memorials shall be erected, and what, if any, bodies of deceased members of the Army, Navy, and Marine Corps shall be entombed during the next ensuing year within the Arlington Memorial Amphitheater, in the Arlington National Cemetery, Virginia: *Provided*, That no memorial shall be placed and no body shall be interred in the grounds about the Arlington Memorial Amphitheater within a distance of two hundred and fifty feet from the said memorial. (Mar. 4, 1921, c. 169, § 1, 41 Stat. 1440.)

292. Chairman and executive and disbursing officer of commission.—The Secretary of War shall be the chairman of the commission created in the preceding section and the depot quartermaster of the Army in Washington shall be its executive and disbursing officer. (Mar. 4, 1921, c. 169, § 2, 41 Stat. 1440.)

293. Specific authorization from Congress for inscriptions, entombments, etc.—No inscription, tablet, bust, or other memorial shall be erected nor shall any body be entombed within the Arlington Memorial Amphitheater unless specifically authorized in each case by Act of the Congress. (Mar. 4, 1921, c. 169, § 3, 41 Stat. 1440.)

294. Restrictions on inscriptions, entombments, etc.—No inscription, tablet, bust, or other memorial as provided for in sections 291, 293, 294, and 295 shall be erected to commemorate any person who shall not have rendered conspicuously distinguished service in the United States Army, Navy, or Marine Corps, nor shall the body of any such person be entombed in the Arlington Memorial Amphitheater; nor shall any such memorial be erected or any body be entombed therein within ten years after the date of the death of the person so to be commemorated, except as authorized by Congress. (Mar. 4, 1921, c. 169, § 4, 41 Stat. 1440.)

295. Character of inscriptions, etc.—The character, design, and location of any such inscriptions, tablets, busts, or other memorials when authorized as provided for in sections 293 and 294 shall be subject to the approval of the commission created in section 291, which shall in each case obtain the advice of the Commission of Fine Arts. (Mar. 4, 1921, c. 169, § 5, 41 Stat. 1440.)

HOUSE OF REPRESENTATIVES

See Title 2, CONGRESS.

HOWARD UNIVERSITY

See Title 20, EDUCATION.

HYDROGRAPHIC OFFICE

See chapter 7 of Title 5, DEPARTMENT OF THE NAVY.

IMMIGRATION

See Title 8, ALIENS AND CITIZENSHIP.

IMPORTS AND EXPORTS

See Title 15, COMMERCE AND TRADE; Title 19, CUSTOMS DUTIES; Title 22, FOREIGN RELATIONS AND INTERCOURSE.

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Chapter 1.—BUREAU OF INDIAN AFFAIRS.

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Section 1. Commissioner of Indian Affairs.—There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 462; Jan. 24, 1923, c. 42, 42 Stat. 1180.)

2. Duties of commissioner.—The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations. (R. S. § 463.)

3. Compilation of statutes regulating duties of Indian agents and inspectors.—It shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject. (May 17, 1882, c. 163, § 7, 22 Stat. 88.)

4. Defective record of deeds and papers legalized.—The recording of all deeds and papers prior to July 26, 1892, in the office of the Commissioner of Indian Affairs is confirmed, approved, and legalized; and said record heretofore made shall be deemed, taken, and held to be good and valid and shall have all the force and effect and be entitled to the same credit as if it had been made in pursuance of and in conformity to law. But shall have no effect whatever upon the validity or invalidity of the deed or paper so recorded, and shall be no evidence of constructive notice to any persons not actually knowing the contents. (July 26, 1892, c. 256. § 1, 27 Stat. 272.)

5. Record of deeds by Indians requiring approval.—The Commissioner of Indian Affairs is hereby empowered and directed to continue to make and keep a record of every deed executed by any Indian, his heirs, representatives, or assigns, which may require the approval of the President of the United States or of the Secretary of the Interior, whenever such approval shall have been given, and the deed so approved returned to said office. (July 26, 1892, c. 256, § 2, 27 Stat. 273.)

6. Seal; authenticated and certified documents; evidence.—The Commissioner of Indian Affairs shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve, and copies of any public documents, records, books, maps, or papers belonging to or on the files of said office, authenticated by the seal and certified by the commissioner thereof, or by such officer as may, for the time being, be acting as or for such commissioner, shall be evidence equally with the originals thereof. (July 26, 1892, c. 256, § 3, 27 Stat. 273.)

7. Fees for furnishing certified copies of records.—The Commissioner of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of 10 cents per hundred words, and $1 for copies of maps or plats, and the additional sum of 25 cents for the commissioner's certificate of verification, with the seal of said office; and one of the employees of said office shall be designated by the commissioner as the receiving clerk, who shall give bond in the sum of $1,000, and the amounts so received shall, under the direction of the commissioner, be paid into the Treasury of the United States; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government or by any Indian who shall satisfy the commissioner by satisfactory legal evidence that he or she is not able, by reason of poverty, to pay such fees, nor for such unverified copies as the commissioner in his discretion may deem proper to furnish. (July 26, 1892, c. 256, § 4, 27 Stat. 273.)

8. Accounts for claims and disbursements.—All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the commissioner for administrative examination, and by him passed to the General Accounting Office for settlement. (R. S. § 464; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

9. Regulations by President.—The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs. (R. S. § 465.)

10. Employee to sign letters.—The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner. (Mar. 3, 1909, c. 263, 35 Stat. 788.)

11. Employee or employees to sign approval of tribal deeds.—The Secretary of the Interior is authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma. (Mar. 3, 1911, c. 210, § 17, 36 Stat. 1069.)

12. Agent to negotiate commutation of annuities.—The Commissioner of Indian Affairs is authorized to send a special

Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper. (Apr. 30, 1908, c. 153, 35 Stat. 73.)

13. Expenditure of appropriations by Bureau of Indian Affairs.—The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs. (Nov. 2, 1921, c. 115, 42 Stat. 208.)

Chapter 2.—OFFICERS OF INDIAN AFFAIRS.

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64. Services of agents dispensed with.
65. Discontinuance of agents, subagents, and interpreters.
66. Duties of agency devolved on superintendent of Indian school.
67. Superintendent of training school at Cherokee Agency to act as agent.
68. Employees not to trade with Indians.

Section 21. Board of Indian commissioners.—There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation. (R. S. § 2039.)

22. Secretary of board.—The board of Indian commissioners is authorized to employ a secretary, not a member of said board, and pay his salary out of the appropriation which shall be made for said board. (Aug. 24, 1912, c. 388, 37 Stat. 521.)

23. Powers and duties of board.—The commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior. (May 17, 1882, c. 163, § 1, 22 Stat. 70.)

24. Investigations by member of board.—Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian Service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment. (R. S. § 2042.)

25. Superintendent for Five Civilized Tribes.—The offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, are abolished as of September 1, 1914, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a Superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum, and said superintendent shall exercise the authority and perform the duties exercised prior to September 1, 1914, by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior. (Aug. 1, 1914, c. 222, § 17, 38 Stat. 598.)

26. Appointment of agents by President.—The President is authorized to appoint from time to time by and with the advice and consent of the Senate certain Indian agents. (R. S. § 2052.)

27. Detail of Army officers.—The President may detail officers of the United States Army to act as Indian agents at such agencies as in the opinion of the President may require the presence of any Army officer, and while acting as Indian agents such officers shall be under the orders and direction of the Secretary of the Interior. (July 13, 1892, c. 164, 27 Stat. 120; July 1, 1898, c. 545, § 1, 30 Stat. 573.)

28. Term of office of agent.—Each Indian agent shall hold his office for the term of four years, and until his successor is duly appointed and qualified. (R. S. § 2056; May 17, 1882, c. 163, § 1, 22 Stat. 87.)

29. Bond of agent.—Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require. (R. S. § 2057.)

30. Residence of agent.—Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. (R. S. § 2060.)

31. Duties of agent.—Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs. (R. S. § 2058.)

32. Accounting for funds.—Indian agents shall account for all funds coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds. (July 1, 1898, c. 545, § 1, 30 Stat. 595.)

33. Superintendents in charge of reservations; administration of oath of office.—Superintendents and acting superintendents in charge of Indian reservations, schools, irrigation and allotment projects are hereby authorized and empowered to administer the oath of office required of employees placed under their jurisdiction. (June 30, 1913, c. 4, § 1, 38 Stat. 80.)

34. Oaths to expense accounts.—The superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to account for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

35. Acknowledgments of deeds and administration of oaths by Indian agents.—Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace. (R. S. § 2064.)

36. Special agents and other officers to administer oaths.—Each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian Service, and all such other persons as may be deemed necessary and proper. (Mar. 1, 1899, c. 324, § 1, 30 Stat. 927.)

37. Books of expenditures; acts of agents as misdemeanor.—Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor and he shall report annually to the Commissioner of Indian Affairs all material on hand not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than $500 nor more than $1,000, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction. (Mar. 3, 1875, c. 132, § 10, 18 Stat. 450; Mar. 3, 1909, c. 263, 35 Stat. 784.)

38. Visits to Washington by agents in California.—All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The commissioner shall report all cases of the violation of this section to the President, with the request that the agents offending be at once removed from office. (R. S. § 2061.)

39. Compensation for extra services.—No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or subagent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or subagents. (R. S. § 2063.)

40. Limits of superintendencies, agencies, and subagencies.—The limits of each superintendency, agency, and subagency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries. (R. S. § 2066.)

41. Special agents and commissioners.—All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior. (R. S. § 2067.)

42. Interpreters.—An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nominated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action. (R. S. § 2068.)

43. Persons paid for other services not paid for interpreting.—No person employed by the United States and paid for any other service shall be paid for interpreting. (Apr. 4, 1910, c. 140, § 2, 36 Stat. 272.)

44. Employment of Indians.—In the Indian Service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian Service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision. (Aug. 15, 1894, c. 290, § 10, 28 Stat. 312.)

45. Preference to Indians qualified for duties.—In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties. (R. S. § 2069.)

46. Preference to Indians in employment of clerical, mechanical, and other help.—Preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies. (May 17, 1882, c. 163, § 6, 22 Stat. 88; July 4, 1884, c. 180, § 6, 23 Stat. 97.)

47. Employment of Indian labor and purchase of products of Indian industry.—So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior. (Apr. 30, 1908, c. 153, § 1, 35 Stat. 71; June 25, 1910, c. 431, § 23, 36 Stat. 861.)

48. Right of tribes to direct employment of persons engaged for them.—Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe. (R. S. § 2072.)

49. Qualifications of farmers.—No money shall be expended for the employment of any farmer or expert farmer at a salary of or in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president or dean of the State agricultural college of the State in which his services are to be rendered, or by the president or dean of the State agricultural college of an adjoining State: *Provided*, That this provision shall not apply to persons employed in the Indian Service as farmer or expert farmer prior to January 1, 1917: *And provided further*, That this shall not apply to Indians employed or to be employed as assistant farmer. (May 25, 1918, c. 86, § 1, 40 Stat. 565.)

50. Holding two offices; leave of absence.—No person shall hold more than one office at the same time under this title, except as otherwise provided therein, nor shall any agent, subagent, interpreter, or person employed under this title, receive his salary while absent from his agency or employment, without leave of the superintendent or Secretary of the Interior; but such absence shall at no time exceed sixty days. (R. S. § 2074.)

51. Additional security from persons charged with disbursement of money or goods.—The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs. (R. S. § 2075.)

52. New bond for disbursing officer.—When the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved. (Apr. 30, 1908, c. 153, 35 Stat. 71.)

53. Disbursing officers; designation of clerk to act for.—Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employee authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require, and with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 414.)

54. Traveling expenses.—Where persons are required, in the performance of their duties, under this title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of government to settle his accounts, unless thereto required by the Secretary of the Interior. (R. S. § 2077.)

55. Expenses of clerks detailed on special duty.—When it becomes necessary to detail clerks and other employees of the Indian Service outside of Washington to assist in the opening of bids, making contracts, and shipping goods, they may be allowed a per diem of not exceeding $4 per day for hotel and other expenses, which per diem shall be in lieu of all expenses authorized by law, exclusive of railway transportation and sleeping-car fare. (May 17, 1882, c. 163, § 1, 22 Stat. 86.)

56. Quarters, fuel, and light for employees.—The Secretary of the Interior, in his discretion, may allow quarters, fuel, and light to employees of the Indian Service whose compensation is not prescribed by law, the salaries of such employees to be fixed on this basis and the cost of providing quarters, fuel, and light to be paid from any funds which are applicable and available therefor: *Provided*, That this authorization shall be retroactive to the extent of approving any expenditures for such purposes authorized by the Secretary of the Interior prior to June 7, 1924. (June 7, 1924, c. 328, 43 Stat. 634.)

57. Heat and light for employees' quarters.—The Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by the following section. (Aug. 1, 1914, c. 222, 38 Stat. 584; May 25, 1918, c. 86, § 1, 40 Stat. 564; Mar. 3, 1925, c. 462, 43 Stat. 1147.)

58. Limitation on expenditure for compensation of employees.—Not more than $15,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, except the Osage, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $20,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs. (June 7, 1897, c 3, § 1, 30 Stat. 90; Apr. 18, 1912, c. 83, § 10, 37 Stat. 88; Aug. 24, 1912, c. 388, 37 Stat. 521; May 25, 1918, c. 86, 40 Stat. 578.)

59. Transfer of funds for payment of employees; details for other service.—When not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged. (Mar. 1, 1907, c. 2285, 34 Stat. 1016.)

60. Compensation prescribed to be in full.—The several compensations prescribed by this title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies. (R. S. § 2076.)

61. Estimates for personal services in Indian Office.—Annual estimates in detail shall be submitted for all personal services required in the Indian Office, and it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation Acts, except temporary details of field employees for service connected solely with their respective employments. (Aug. 23, 1912, c. 350, 37 Stat. 396.)

62. Discontinuance and transfer of agencies.—The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe

designated by law, to such other place or tribe as the public service may require. (R. S. § 2059.)

63. Consolidation of agencies.—The President may, in his discretion, consolidate two or more agencies into one, and where Indians are located on reservations created by Executive order he may, with the consent of the tribes to be affected thereby, expressed in the usual manner, consolidate one or more tribes, and abolish such agencies as are thereby rendered unnecessary. (May 17, 1882, c. 163, § 6, 22 Stat. 88; July 4, 1884, c. 180, § 6, 23 Stat. 97.)

64. Services of agents dispensed with.—It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary. (R. S. § 2053; June 22, 1874, c. 389, 18 Stat. 147; Mar. 3, 1875, c. 132, 18 Stat. 420.)

65. Discontinuance of agents, subagents, and interpreters.—The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such agents, subagents, interpreters, and mechanics, as may from time to time become unnecessary, in consequence of the emigration of the Indians, or other causes. (R. S. § 2073; Feb. 27, 1877, c. 69, § 1, 19 Stat. 244.)

66. Duties of agency devolved on superintendent of Indian school.—The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

The pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding $300 per annum. (Mar. 1, 1907, c. 2285, 34 Stat. 1020.)

67. Superintendent of training school at Cherokee Agency to act as agent.—The superintendent of the Indian training school at Cherokee, North Carolina, shall, in addition to his duties as superintendent, perform the duties required prior to March 3, 1893, of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent $200 per annum, and shall give bond as other Indian agents, and the office of agent is abolished at that place. (Mar. 3, 1893, c. 209, § 1, 27 Stat. 614.)

68. Employees not to trade with Indians.—No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of $5,000, and shall be removed from his office. (R. S. § 2078.)

Chapter 3.—AGREEMENTS WITH INDIANS.

TREATIES

Sec.
71. Future treaties with Indian tribes.
72. Abrogation of treaties.

CONTRACTS WITH INDIANS

81. Contracts with Indian tribes or Indians.
82. Payments under contracts restricted.
83. Payments under prohibited contracts; aiding in making prohibited contracts.
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88. False vouchers, accounts, or claims.

TREATIES

Section 71. Future treaties with Indian tribes.—No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired. (R. S. § 2079.)

72. Abrogation of treaties.—Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe if in his opinion the same can be done consistently with good faith and legal and national obligations. (R. S. § 2080.)

CONTRACTS WITH INDIANS

81. Contracts with Indian tribes or Indians.—No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the commissioner and secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one half thereof shall be paid to the person suing for the same, and the other half shall be

paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid. (R. S. § 2103.)

82. **Payments under contracts restricted.**—No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract. (R. S. § 2104.)

83. **Payments under prohibited contracts; aiding in making prohibited contracts.**—The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months, and by a fine of not less than $1,000. And it shall be the duty of all district attorneys to prosecute such cases when applied to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent, or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same. (R. S. § 2105.)

84. **Assignments of contracts restricted.**—No assignment of any contracts embraced by section 81, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon. (R. S. § 2106.)

85. **Contracts relating to tribal funds or property.**—No contract made with any Indian, where such contract relates to the tribal funds or property in the hands of the United States, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given. (June 30, 1913, c. 4, § 18, 38 Stat. 97.)

86. **Contracts for compensation for services in relation to enrollment in Five Civilized Tribes.**—Unless the consent of the United States shall have previously been given, all contracts made with any person, or persons, applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto, are declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall constitute an offense against the laws of the United States, punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both, and lands allotted to such applicants whether Indians or freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under the laws of the United States. (Aug. 1, 1914, c. 222, § 17, 38 Stat. 601.)

87. **Interest of agents and employees in Indian contracts.**—No agent or employee of the United States Government or of any of the departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than $500 nor more than $5,000, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. (June 22, 1874, c. 389, § 10, 18 Stat. 177.)

88. **False vouchers, accounts, or claims.**—Any disbursing or other officer of the United States, or other person, who shall knowingly present, or cause to be presented, any voucher, account, or claim to any officer of the United States, for approval or payment, or for the purpose of securing a credit in any account with the United States, relating to any matter pertaining to the Indian Service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received; or of the service rendered, or to the date of purchase, delivery, or performance of service, or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall, in all civil actions in settlement of accounts, be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim: *And provided further*, That the foregoing shall be in addition to the penalties prescribed by law, and in no way affect proceedings under existing law for like offenses. Where practicable this section shall be printed on the blank forms of vouchers provided for general use. (July 4, 1884, c. 180, § 8, 23 Stat. 97.)

Chapter 4.—PERFORMANCE BY UNITED STATES OF OBLIGATIONS TO INDIANS.

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PURCHASE OF SUPPLIES

Section 91. Purchase of goods for Indians.—All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose. (R. S. § 2083.)

92. Manner of purchase of goods for Indians.—No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section. (R. S. § 2084.)

93. Purchases or services for Indian field service.—The purchase of Indian supplies shall be made in conformity with the requirements of section 5 of Title 41. In so far as that section requires that advertisement be made, it shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service, which exceed in amount the sum of $50 each. (June 25, 1910, c. 431, § 23, 36 Stat. 861; May 18, 1916, c. 125, § 1, 39 Stat. 126.)

94. Purchase of supplies; advertisement; supplies for irrigation works.—No purchase of supplies for which appropriations are made for the Indian Service, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, not to exceed the sum of $5,000 in any one purchase or contract, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided. (Apr. 30, 1908, c. 153, § 1, 35 Stat. 71.)

95. Bids under advertisements for goods or supplies.—All bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian Service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of $5,000, shall accompany their bids with a certified check, draft, or cashier's check, payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, or by an acceptable bond in favor of the United States, which check, draft, or bond shall be for 5 per centum of the amount of the goods, supplies, transportation, and so forth, as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder, or the sureties on his bond, shall forfeit the amount so deposited or guaranteed to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft, check, or bond so deposited shall be returned to the bidder. (Mar. 3, 1875, c. 132, § 9, 18 Stat. 450; May 18, 1916, c. 125, § 1, 39 Stat. 129.)

96. Copies of contracts furnished to General Accounting Office before payment.—Copies of all contracts made by the Commissioner of Indian Affairs, or any other officer of the Government, for the Indian Service, shall be furnished to the General Accounting Office before any payment shall be made thereon. (Mar. 3, 1875, c. 132, § 7, 18 Stat. 450; July 31, 1894, c. 174, §§ 3, 7, 28 Stat. 205, 206; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

97. Proposals or bids for contracts to be preserved.—In all lettings of contracts in connection with the Indian Service, the proposals or bids received shall be filed and preserved; and an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the General Accounting Office. (Aug. 15, 1876, c. 289, § 3, 19 Stat. 199; July 31, 1894, c. 174, § 4, 28 Stat. 205; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

98. Purchase of supplies without authority.—No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians. (R. S. § 2085.)

99. Contracts for supplies in advance of appropriations.—The Commissioner of Indian Affairs is authorized to advertise

in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian Service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made, and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year, and shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Congress fails to make an appropriation for such contract for the fiscal year for which those supplies are required. (Aug. 15, 1894, c. 290, § 4, 28 Stat. 312.)

100. Transportation of supplies under contract or by common carrier.—Indian goods and supplies shall be transported by contract, the contracts if involving an expenditure of more than $2,000 being advertised and let to the lowest responsible bidder, or in open market by common carriers, as the Secretary of the Interior in his discretion shall determine. (Mar. 3, 1877, c. 101, 19 Stat. 291; July 7, 1898, c. 571, 30 Stat. 676.)

101. Payment for wagon transportation.—All wagon transportation from the point where delivery is made by the last common carrier to the agency, school, or elsewhere, and between points on the reservation or elsewhere, shall be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased. (June 30, 1913, c. 4, § 1, 38 Stat. 79.)

102. Payment of costs for furnishing coal for Indian service.—The cost of inspection, storage, transportation, and so forth, of coal for the Indian Service shall be paid from the support fund of the school or agency for which the coal is purchased. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 412.)

103. Warehouses for goods.—Warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, Saint Louis, and San Francisco. (Apr. 30, 1908, c. 153, 35 Stat. 73.)

104. Purchase of articles manufactured at schools.—The Secretary of the Interior is authorized, whenever it can be done advantageously, to purchase for use in the Indian Service, from Indian manual and training schools, in the manner customary among individuals such articles as may be manufactured at such schools, and which are used in the Indian Service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time. (May 11, 1880, c. 85, § 1, 21 Stat. 131.)

DISBURSEMENT OF MONEYS AND SUPPLIES

111. Payment of annuities and distribution of goods.—The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

First. To the chiefs of a tribe, for the tribe.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace. (R. S. § 2086.)

112. Persons present at delivery of goods and money.—The superintendent, agent, or subagent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians. (R. S. § 2088.)

113. Mode of disbursements.—At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct. (R. S. § 2089.)

114. Payment of annuities in coin.—The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin. (R. S. § 2081.)

115. Payment of annuities in goods.—The President may, at the request of any Indian tribe, to which an annuity is payable in money, cause the same to be paid in goods, purchased as provided in section 91. (R. S. § 2082.)

116. Indians eighteen years of age to have right to receipt for annuity.—All Indians, when they shall arrive at the age of eighteen years, shall have the right to receive and receipt for all annuity money that may be due or become due to them, if not otherwise incapacitated under the regulations of the Indian Office. (Mar. 1, 1899, c. 324, § 8, 30 Stat. 947.)

117. Payments per capita to individual Indians.—Any sums of money to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior. (June 10, 1896, c. 398, § 1, 29 Stat. 336.)

118. Payments in satisfaction of judgments.—Payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law. (Mar. 3, 1911, c. 210, § 28, 36 Stat. 1077.)

119. Allotment of tribal funds to individual Indians.—The Secretary of the Interior is authorized, in his discretion, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided*, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor: *Provided further*, That the Secretaries of the Interior and of the Treasury are directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Executive Departments of the Government, at time of such apportionment and allotment. (Mar. 2, 1907, c. 2523, § 1, 34 Stat. 1221.)

120. Per capita payments to enrolled members of Choctaw and Chickasaw Tribes.—The Secretary of the Interior, under rules and regulations to be prescribed by him, is authorized to make per capita payments of not to exceed $200 annually to

the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, entitled under existing law to share in the funds of said tribes, or to their lawful heirs, of all the available money held by the Government of the United States for the benefit of said tribes in excess of that required for expenditures authorized by annual appropriations made therefrom or by existing law. (Feb. 14, 1920, c. 75, § 18, 41 Stat. 426.)

121. Payment of share of tribal funds to helpless Indians.—The pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe: *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior. (Mar. 2, 1907, c. 2523, § 2, 34 Stat. 1221; May 18, 1916, c. 125, § 1, 39 Stat. 128.)

122. Limitation on application of tribal funds.—No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law. (R. S. § 2097.)

123. Expenditure from tribal funds without specific appropriations.—No money shall be expended from Indian tribal funds without specific appropriation by Congress. (May 18, 1916, c. 125, § 27, 39 Stat. 150.)

124. Expenditures from tribal funds of Five Civilized Tribes without specific appropriations.—No money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress. (May 24, 1922, c. 199, 42 Stat. 575.)

125. Expenditure of moneys of tribes of Quapaw Agency.—No moneys shall be expended from tribal or individual funds belonging to the Quapaw or other tribes of Indians of the Quapaw Agency in the State of Oklahoma without specific authority of law. (June 30, 1919, c. 4, 41 Stat. 20.)

126. Payment of claims for Indian depredations.—No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor. (R. S. § 2098.)

127. Moneys or annuities of hostile Indians.—No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report. (R. S. § 2100.)

128. Appropriations not paid to Indians at war with United States.—None of the appropriations made for the Indian Service shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories. (Mar. 3, 1875, c. 132, § 2, 18 Stat. 449.)

129. Moneys due Indians holding captives other than Indians withheld.—The Secretary of the Interior is authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States. (Mar. 3, 1875, c. 132, § 1, 18 Stat. 424.)

130. Withholding of moneys or goods on account of intoxicating liquors.—No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country. (R. S. § 2087.)

131. Advances to disbursing officers.—No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior. (R. S. § 2092.)

132. Mode of distribution of goods.—Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe, such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in the original package, as nearly as practicable, and in the presence of the headmen of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent. (R. S. § 2090.)

133. Rolls of Indians entitled to supplies.—For the purpose of properly distributing the supplies appropriated for the Indian Service, it is made the duty of each agent in charge of Indians and having supplies to distribute, to make out, at the commencement of each fiscal year, rolls of the Indians entitled to supplies at the agency, with the names of the Indians and of the heads of families or lodges, with the number in each family or lodge, and to give out supplies to the heads of families, and not to the heads of tribes or bands, and not to give out supplies for a greater length of time than one week in advance. (Mar. 3, 1875, c. 132, § 4, 18 Stat. 449.)

134. Appropriations for supplies available immediately; time for distribution.—So much of the appropriations of any annual Indian Appropriation Act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such Act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year. (Mar. 1, 1907, c. 2285, 34 Stat. 1016.)

135. Supplies distributed so as to prevent deficiencies.—It shall be the duty of the Secretary of the Interior, and the officers charged by law with the distribution of supplies to the Indians, under appropriations made by law, to distribute them and pay them out to the Indians entitled to them, in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the

end of such current year, so as to prevent deficiencies; and no expenditure shall be made or liability incurred on the part of the Government on account of the Indian Service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year. (Mar. 3, 1875, c. 132, § 6, 18 Stat. 450.)

136. Commutation of rations and other supplies; payment per capita.—When, in the judgment of the Secretary of the Interior, any Indian tribe, or part thereof, who are receiving rations and clothing and other supplies under this chapter, are sufficiently advanced in civilization to purchase such rations and clothing and other supplies judiciously, they may commute the same and pay the value thereof in money per capita to such tribe or part thereof, the manner of such payment to be prescribed by the Secretary of the Interior. (July 1, 1898, c. 545, § 7, 30 Stat. 596.)

137. Supplies distributed to able-bodied males on condition.—For the purpose of inducing Indians to labor and become self-supporting, it is provided that, in distributing the supplies and annuities to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians between the ages of eighteen and forty-five to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered; and the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe: *Provided*, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision where he deems it proper and expedient. (Mar. 3, 1875, c. 132, § 3, 18 Stat. 449.)

138. Goods withheld from chiefs violating treaty stipulations.—No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part. (R. S. § 2101.)

139. Appropriations for subsistence.—The Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the appropriations for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion. (Mar. 1, 1907, c. 2285, 34 Stat. 1016.)

140. Diversion of appropriations for employees and supplies.—The several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and he shall cause report to be made to Congress, at its next session thereafter, of his action under this provision. (Mar. 1, 1907, c. 2285, 34 Stat. 1016.)

141. Rations.—The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered. (R. S. § 2110.)

142. Estimates of tribal funds of Indians.—Annually, on the first Monday in December, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization. (May 18, 1916, c. 125, § 27, 39 Stat. 158.)

143. Statement of fiscal affairs of Indian tribes.—Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization. (Mar. 3, 1911, c. 210, § 27, 36 Stat. 1077.)

144. Report as to moneys appropriated for encouragement of industry.—The Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians. (Aug. 1, 1914, c. 222, § 1, 38 Stat. 587.)

145. Accounts between United States and tribes under reimbursable appropriations.—The Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations made, which by law are required to be reimbursed to the United States, crediting in said accounts the sums so reimbursed, if any; and the Secretary of the Interior shall pay, out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts; and such accounts shall be received and examined by the General Accounting Office and the balances arising thereon certified to the Secretary of the Treasury. (Apr. 4, 1910, c. 140, § 1, 36 Stat. 270; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

146. Report of Indians present and receiving food.—Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether

it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same. (R. S. § 2109.)

DEPOSIT, CARE, AND INVESTMENT OF INDIAN MONEYS

151. Deposits in bank by disbursing agents.—Any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior. (Apr. 30, 1908, c. 153, 35 Stat. 73.)

152. Proceeds of sales of Indian lands.—All moneys received from the sales of lands that have been, or may be, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury. (R. S. § 2093.)

153. Appropriation to carry out treaties.—All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President. (R. S. § 2094.)

154. Proceeds of sales of lands not subject to certain deductions.—No part of the expenses of the public lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands. (July 4, 1884, c. 180, § 10, 23 Stat. 98.)

155. Disposal of proceeds of pasturage, sales of timber, coal, or other product.—The proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation, except those of the Five Civilized Tribes, and not the result of the labor of any member of such tribe, shall be covered into the Treasury for the benefit of such tribe under such regulations as the Secretary of the Interior shall prescribe; and the Secretary shall report his action in detail to Congress at its next session. (Mar. 3, 1883, c. 141, § 1, 22 Stat. 590.)

156. Deposit of funds from sales of lands and property of Five Civilized Tribes.—The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds. (Mar. 3, 1911, c. 210, § 17, 36 Stat. 1070.)

157. Investments of stock required by treaties.—All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress. (R. S. § 2095.)

158. Investment of proceeds of lands.—The Secretary of the Interior shall invest in a manner which shall be in his judgment most safe, and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than 5 per centum per annum. (R. S. § 2096.)

159. Moneys due incompetents or orphans.—The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by the Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of 6 per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by the Secretary to those entitled to receive the same, and shall bear 6 per centum interest until so paid. (R. S. § 2108.)

160. Custody of stocks or bonds held in trust for tribes.—All stocks, bonds, or other securities or evidences of indebtedness held by the Secretary of the Interior on June 10, 1876, in trust for the benefit of certain Indian tribes shall, within thirty days from that date, be transferred to the Treasurer of the United States, who shall become the custodian thereof; and it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, and so forth, and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustees for various Indian tribes. And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and shall make all purchases and sales of bonds and stocks authorized by treaty stipulations or by acts of Congress when requested so to do by the Secretary of the Interior: *Provided*, That nothing in this section shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned. (June 10, 1876, c. 122, 19 Stat. 58.)

161. Deposit in Treasury of trust funds.—The Secretary of the Interior is authorized to deposit, in the Treasury of the United States, any and all sums held by him on April 1, 1880, or which may be received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust fund, and all sums received on account of sales of Indian trust lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments; and the United States shall pay interest semiannually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per annum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress. (Apr. 1, 1880, c. 41, 21 Stat. 70.)

162. Segregation, deposit, and investment of tribal funds.—The Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common, or commu-

nity funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to withdraw from the Treasury and deposit in banks in the State or States in which the tribe is located to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized and the same shall be expended for the purposes aforesaid: *Provided, however*, That the funds of any tribe shall not be segregated until the final rolls of said tribe are complete: *And provided further*, That the foregoing shall not apply to the funds of the Five Civilized Tribes, or the Osage Tribe of Indians, in the State of Oklahoma, but the funds of such tribes and individual members thereof shall be deposited in the banks of Oklahoma or in the United States Treasury and may be secured by the deposit of United States bonds. (May 25, 1918, c. 86, § 28, 40 Stat. 591.)

163. Roll of membership of Indian tribes.—The Secretary of the Interior is authorized, wherever in his discretion such action would be for the best interest of the Indians, to cause a final roll to be made of the membership of any Indian tribe; such rolls shall contain the ages and quantum of Indian blood, and when approved by the said Secretary are declared to constitute the legal membership of the respective tribes for the purpose of segregating the tribal funds as provided in the preceding section, and shall be conclusive both as to ages and quantum of Indian blood: *Provided*, That the foregoing shall not apply to the Five Civilized Tribes or to the Osage Tribe of Indians, or to the Chippewa Indians of Minnesota, or the Menominee Indians of Wisconsin. (June 30, 1919, c. 4, § 1, 41 Stat. 9.)

Chapter 5.—PROTECTION OF INDIANS.

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Section 171. Sending of seditious messages.—Every person who sends any talk, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquility of the United States, is liable to a penalty of $2,000. (R. S. § 2111.)

172. Carrying of seditious messages.—Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquility of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of $1,000. (R. S. § 2112.)

173. Correspondence with foreign nations to excite Indians to war.—Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of $1,000. (R. S. § 2113.)

174. Superintendence by President over tribes west of Mississippi.—The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May 28, 1830, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever. (R. S. § 2114.)

175. District attorneys to represent Indians.—In all States and Territories where there are reservations or allotted Indians the United States district attorney shall represent them in all suits at law and in equity. (Mar. 3, 1893, c. 209, § 1, 27 Stat. 631.)

176. Survey of reservations.—Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed. (R. S. § 2115.)

177. Purchases or grants of lands from Indians.—No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant

to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of $1,000. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty. (R. S. § 2116.)

178. Fees on behalf of Indian parties in contests under public land laws.—In contests initiated by or against Indians, to an entry, filing or other claims, under the laws of Congress relating to public lands for any sufficient cause affecting the legality or validity of the entry, filing or claim, the fees to be paid by and on behalf of the Indian party in any case shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Commissioner of the General Land Office. (Mar. 3, 1893, c. 209, § 1, 27 Stat. 631.)

179. Driving stock to feed on lands.—Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of $1 for each animal of such stock. This section shall not apply to Creek lands. (R. S. § 2117; Mar. 1, 1901, c. 676, 31 Stat. 871.)

180. Settling on or surveying lands belonging to Indians by treaty.—Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of $1,000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands. (R. S. § 2118.)

181. Rights of white men marrying Indian women; tribal property.—No white man, not otherwise a member of any tribe of Indians, who may after August 9, 1888, marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the Five Civilized Tribes in the Indian Territory, shall by such marriage acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled. (Aug. 9, 1888, c. 818, § 1, 25 Stat. 392.)

182. Rights of Indian women marrying white men; tribal property.—Every Indian woman, member of any such tribe of Indians, who may be married after August 9, 1888, to any citizen of the United States, is declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this section contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein. (Aug. 9, 1888, c. 818, § 2, 25 Stat. 392.)

183. Marriage of white men to Indian women; evidence.—Whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent. (Aug. 9, 1888, c. 818, § 3, 25 Stat. 392.)

184. Rights of children born of marriages between white men and Indian women.—All children born of a marriage solemnized prior to June 7, 1897, between a white man and an Indian woman by blood and not by adoption, where said Indian woman was on that date, or was at the time of her death, recognized by the tribe, shall have the same rights and privileges to the property of the tribe to which the mother belongs, or belonged at the time of her death, by blood, as any other member of the tribe, and no prior Act of Congress shall be construed as to debar such child of such right. (June 7, 1897, c. 3, § 1, 30 Stat. 90.)

185. Protection of Indians desiring civilized life.—Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him. (R. S. § 2119.)

186. Trespassing on lands of civilized Indians.—Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured. (R. S. § 2120.)

187. Suspension of chief for trespass.—Whenever such trespasser as is mentioned in the preceding section is the chief or headman of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or headman may be sooner restored to his former standing if the superintendent shall so direct. (R. S. § 2121.)

188. Sale of buildings belonging to United States.—The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes. (R. S. § 2122.)

189. Sale of lands with buildings.—The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee simple for such lands and tenements. (R. S. § 2123.)

190. Sale of plants or tracts not needed for administrative or allotment purposes.—The Secretary of the Interior is authorized in his discretion to sell and convey by deed or patent, under such terms and conditions as he may prescribe, at not less than their appraised value, nonreservation Govern-

ment tracts or plants or tribal administrative plants or reserves, or parts thereof, not exceeding forty acres in area and not exceeding $2,000 in value, not longer needed for Indian administrative or allotment purposes, and small unallotted tracts not exceeding forty acres, where a sale will serve the tribal interests. All sales made under this section shall be at public auction, to the highest and best bidder.

And the Secretary of the Interior is further authorized, where a tract to be disposed of under this section or any other Act authorizing the disposition of tribal lands requires survey as basis for a deed or patent, to accept from the grantee, in addition to the purchase price, an amount sufficient to cover the survey costs.

The net proceeds of sale of any tribal site, plant, or tract shall be deposited in the Treasury of the United States to the credit of the Indians owning the same, to be disposed of for their benefit in accordance with existing law; and the net proceeds of sales of Government-owned nontribal plants or lands shall be deposited in the Treasury of the United States. (Apr. 12, 1924, c. 93, 43 Stat. 93.)

191. Transfer or sale of Government property at reservations.—Whenever there is on hand at any of the Indian reservations Government property not required for the use and benefit of the Indians on such reservations, the Secretary of the Interior is authorized to cause any such property to be transferred to any other Indian reservation where it may be used advantageously, or to cause it to be sold and the proceeds thereof deposited and covered into the Treasury in conformity with section 487 of Title 31. (July 1, 1898, c. 545, § 6, 30 Stat. 596; June 25, 1910, c. 431, § 22, 36 Stat. 861.)

192. Sale by agents of cattle or horses not required.—The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any cattle, horses, or other livestock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops. (R. S. § 2127.)

193. Proceedings against goods seized for violation of title.—When goods or other property shall be seized for any violation of this title it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws. (R. S. § 2125.)

194. Trial of right of property; burden of proof.—In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership. (R. S. § 2126.)

195. Sale of cattle purchased by Government to nontribal members.—Where Indians are in possession or control of cattle or their increase which have been purchased by the Government such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong or to any citizen of the United States whether intermarried with the Indians or not except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs. And all sales made in violation of this provision shall be void and the offending purchaser on conviction thereof shall be fined not less than $500 and imprisoned no less than six months. (July 4, 1884, c. 180, § 1, 23 Stat. 94.)

196. Sale or other disposition of dead timber.—The President of the United States may from year to year in his discretion under such regulations as he may prescribe authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, except as provided in the following section, or otherwise dispose of the dead timber standing, or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this section then in that case such authority shall not be granted. (Feb. 16, 1889, c. 172, 25 Stat. 673.)

197. Disposition of dead timber on reservations in Minnesota.—The Secretary of the Interior may in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell or otherwise dispose of the dead timber, standing or fallen on such reservation or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, or dispose of the dead timber, otherwise than by sale, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this section, then in that case authority shall not be granted. (June 7, 1897, c. 3, § 1, 30 Stat. 90; June 27, 1902, c. 1157, § 4, 32 Stat. 404.)

198. Contagious and infectious diseases; quarantine.—Whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate, or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation, or quarantine of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision. (Aug. 1, 1914, c. 222, § 1, 38 Stat. 584.)

199. Access to records of Five Civilized Tribes.—The Secretary of the Interior, or his accredited representative, shall at all times have access to any books and records of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes, whether in possession of any of the officers of either of said tribes or any officer or custodian thereof, of the State of Oklahoma. (Mar. 1, 1907, c. 2285, 34 Stat. 1027.)

200. Report of offense or case of Indian incarcerated in agency jail.—Whenever an Indian shall be incarcerated in an agency jail, or any other place of confinement, on an Indian reservation or at an Indian school, a report or record of the offense or case shall be immediately submitted to the superintendent of the reservation or such official or officials as he may designate, and such report shall be made a part of the records of the agency office. (Aug. 1, 1914, c. 222, § 1, 38 Stat. 586.)

201. Penalties under title; how recovered.—All penalties which shall accrue under this title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use. (R. S. § 2124.)

Chapter 6.—GOVERNMENT OF INDIAN COUNTRY AND RESERVATIONS.

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GENERALLY

Section 211. Creation of Indian reservations.—No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress. (May 25, 1918, c. 86, § 2, 40 Stat. 570.)

212. Arson.—Every white person who shall set fire, or attempt to set fire, to any house, outhouse, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, outhouse, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable by imprisonment at hard labor for not more than twenty-one years, nor less than two years. (R. S. § 2143.)

213. Assault.—Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year. (R. S. § 2142.)

214. Disposing of, or removing, cattle from Indian country.—Where restricted Indians are in possession or control of livestock purchased for or issued to them by the Government, or the increase therefrom, such stock shall not be sold, transferred, mortgaged, or otherwise disposed of, except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of the livestock belongs, and all transactions in violation of this provision shall be void. All such livestock so purchased or issued and the increase therefrom belonging to restricted Indians and grazed in the Indian country shall be branded with the I D or reservation brand of the jurisdiction to which the owners of such stock belong, and shall not be removed from the Indian country except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of such livestock belongs, or by order of the Secretary of War, in connection with the movement of troops. Every person who violates the provisions of this section by selling or otherwise disposing of such stock, purchasing, or otherwise acquiring an interest therein, or by removing such stock from the Indian country, shall be fined in any sum not more than $1,000, or imprisoned for not more than six months, or both such fine and imprisonment. (R. S. § 2138; June 30, 1919, c. 4, § 1, 41 Stat. 9.)

215. Forgery and depredations on mails.—The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country. (R. S. § 2144.)

216. Hunting on Indian lands.—Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of $500. (R. S. § 2137.)

217. General laws as to punishment extended to Indian country.—Except as to crimes the punishment of which is expressly provided for in this title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country. (R. S. § 2145.)

218. Exceptions as to extension of general laws.—The preceding section shall not be construed to extend to crimes committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively. (R. S. § 2146; Feb. 18, 1875, c. 80, § 1, 18 Stat. 318.)

219. Foreigners entering country without passports.—Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or subagent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of $1,000. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel. (R. S. § 2134.)

220. Authority to remove person from Indian country.—The superintendent of Indian affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal. (R. S. § 2147.)

221. Person returning after removal from Indian country.—If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of $1,000. (R. S. § 2148.)

222. Authority to remove person from reservation.—The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person. (R. S. § 2149.)

223. Employment of military; purposes.—The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country. (R. S. § 2150.)

224. Detention and treatment of persons apprehended by military.—No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit. (R. S. § 2151.)

225. Arrest of absconding Indians.—The superintendents, agents, and subagents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes. (R. S. § 2152.)

226. Posse comitatus in executing process.—In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them $3 for each day in lieu of all expenses and services. (R. S. § 2153.)

227. Reparation for injuries to property of Indians.—Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. (R. S. § 2154.)

228. Payment of reparation where offender unable.—If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence. (R. S. § 2155.)

229. Injuries to property by Indians.—If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent, or subagent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury. (R. S. § 2156.)

230. Depositions by agents touching depredations.—The superintendents, agents, and subagents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents. (R. S. § 2157.)

TRAFFIC IN INTOXICATING LIQUORS

241. Intoxicating liquors; sale to Indians or introducing into Indian country.—No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under charge of any Indian superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, wine, beer, or intoxicating liquor of any kind into the Indian country shall be punished by imprisonment for not more than two years, and by fine of not more than $300 for each offense.

Any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall be punished by imprisonment for not less than sixty days, and by a fine of not less than $100 for the first offense and not less than $200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient de-

fense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. (R. S. § 2139; Feb. 27, 1877, c. 69, § 1, 19 Stat. 244; July 23, 1892, c. 234, 27 Stat. 260; Jan. 30, 1897, c. 109, § 1, 29 Stat. 506.)

242. **Osage County, Oklahoma, part of Indian country.**—All of Osage County, Oklahoma, shall be deemed to be Indian country within the meaning of the Acts of Congress making it unlawful to introduce intoxicating liquors into the Indian country. (Mar. 2, 1917, c. 146, § 17, 39 Stat. 983.)

243. **Complaints; arrests and examinations.**—All complaints for the arrest of any person or persons made for violation of the first paragraph of section 241 shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 591 of Title 18. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense. (July 23, 1892, c. 234, 27 Stat. 261.)

244. **Possession of intoxicating liquors in Indian country.**—Possession by a person of intoxicating liquors in the Indian country where the introduction is or was prohibited by treaty or Federal statute shall be an offense and punished in accordance with the provisions of section 241. (May 25, 1918, c. 86, § 1, 40 Stat. 563; June 30, 1919, c. 4, § 1, 41 Stat. 4.)

245. **Possession of intoxicating liquor prima facie evidence of unlawful introduction.**—The possession by a person of intoxicating liquors in the country where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction. (May 18, 1916, c. 125, § 1, 39 Stat. 124.)

246. **Searches and seizures.**—If any superintendent of Indian affairs, Indian agent, or subagent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, subagent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this section and section 241, Indians shall be competent witnesses. (R. S. § 2140.)

247.—**Vehicles subject to seizure whether used by owner or other persons.**—Automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, or where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in the preceding section. (Mar. 2, 1917, c. 146, § 1, 39 Stat. 970.)

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248. **Powers of agent and deputies to suppress liquor traffic.**—The powers conferred by section 246 upon Indian agents, and subagents, and commanding officers of military posts are hereby conferred upon the special agent of the Indian Bureau for the suppression of the liquor traffic among Indians and in the Indian country and duly authorized deputies working under his supervision. (Mar. 1, 1907, c. 2285, 34 Stat. 1017.)

249. **Officers, soldiers, or employees of Army furnishing liquor to Indians.**—No part of section 241 or of section 246 shall be a bar to the prosecution of any officer, soldier, sutler or storekeeper, attaché, or employee of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, beer, or any intoxicating beverage whatsoever to any Indian. (July 4, 1884, c. 180, § 1, 23 Stat. 94.)

250. **Powers of chief special officer and deputies to suppress liquor traffic.**—The powers conferred by section 504 of Title 28 upon marshals and their deputies are conferred upon the chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior. (Aug. 24, 1912, c. 388, § 1, 37 Stat. 519.)

251. **Setting up distillery.**—Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of $1,000; and the superintendent of Indian affairs, Indian agent, or subagent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same. (R. S. § 2141.)

252. **Application of provisions as to search and seizure and setting up distillery.**—The provisions of sections 246 and 251 shall also apply to beer and other intoxicating liquors named in section 241. (May 18, 1916, c. 125, § 1, 39 Stat. 124.)

253. **Wines for sacramental purposes.**—It shall not be unlawful to introduce and use wines solely for sacramental purposes, under church authority, at any place within the Indian country or any Indian reservation, including the Pueblo Reservations in New Mexico. (Aug. 24, 1912, c. 388, § 1, 37 Stat. 519.)

TRADERS WITH INDIANS

261. **Power to appoint traders with Indians.**—The Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians. (Aug. 15, 1876, c. 289, § 5, 19 Stat. 200.)

262. **Persons permitted to trade with Indians.**—Any person desiring to trade with the Indians on any Indian reservation shall, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians. (Mar. 3, 1901, c. 832, § 1, 31 Stat. 1066; Mar. 3, 1903, c. 994, § 10, 32 Stat. 1009.)

263. **Prohibition of trade by President.**—The President is authorized, whenever in his opinion the public interest may rquire the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued. (R. S. § 2132.)

264. **Trading without license; white persons as clerks.**—Any person other than an Indian of the full blood who shall

attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of $500: *Provided*, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the Five Civilized Tribes, residing in said Indian country, and belonging to the Union Agency therein: *And provided further*, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said Five Civilized Tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior. (R. S. § 2133; July 31, 1882, c. 360, 22 Stat. 179.)

265. Prohibited purchases and sales.—Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of $50. (R. S. § 2135.)

266. Sale of arms in district occupied by uncivilized or hostile Indians.—The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied. (R. S. §§ 467, 2136.)

Chapter 7.—EDUCATION OF INDIANS.

Sec.
271. Employment of instructors for Indians.
272. Superintendent of Indian schools.
273. Detail of Army officer.
274. Employment of Indian girls and boys as assistants.
275. Leaves of absence to employees.
276. Vacant military posts or barracks for schools; detail of Army officers.
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278. No appropriation for sectarian school.
279. Rations to mission schools.
280. Patents of lands to missionary boards or religious organizations.
281. Children taking lands in severalty not excluded.
282. Regulations by Secretary of Interior to secure attendance at schools.
283. Regulations for withholding rations for nonattendance at schools.
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286. Sending child to school out of State without consent.
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288. White children in Indian day schools.
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293. Sale of lands purchased for day school or other Indian administrative uses.
294. Sale of certain abandoned buildings on lands belonging to Indian tribes.
295. Supervision of expenditure of appropriations for school purposes.
296. Limitation on per capita expenditure for school purposes.
297. Expenditure for children with less than one-fourth Indian blood.
298. Census of Indians and report of numbers of school children.
299. Report of expenditure of Indian education fund.
300. Report of expenditure for Indian school and agency.
301. Appropriations for experiments on Indian schools or agency farms.
302. Consent of parents to placing youth in reform school.

Section 271. Employment of instructors for Indians.—The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress. (R. S. § 2071.)

272. Superintendent of Indian schools.—There shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs, what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior. (Mar. 2, 1889, c. 412, § 10, 25 Stat. 1003.)

273. Detail of Army officer.—The Secretary of War shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education. (June 23, 1879, c. 35, § 7, 21 Stat. 35.)

274. Employment of Indian girls and boys as assistants.—The Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so. (June 7, 1897, c. 3, § 1, 30 Stat. 83.)

275. Leaves of absence to employees.—Employees of the Indian schools may be allowed, in addition to annual leave, educational leave not to exceed thirty days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred. (Aug. 24, 1912, c. 388, § 1, 37 Stat. 519; Aug. 24, 1922, c. 286, 42 Stat. 829.)

276. Vacant military posts or barracks for schools; detail of Army officers.—The Secretary of War is authorized to set aside, for use in the establishment of normal and industrial training schools for Indian youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided*, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide. (July 31, 1882, c. 363, 22 Stat. 181.)

277. Former Apache military post established as Theodore Roosevelt Indian School.—The Secretary of the Interior is

authorized to establish and maintain the former Fort Apache military post as an Indian boarding school for the purpose of carrying out treaty obligations, to be known as the Theodore Roosevelt Indian School: *Provided*, That the Fort Apache military post, and land appurtenant thereto, shall remain in the possession and custody of the Secretary of the Interior so long as they shall be required for Indian school purposes. (Jan. 24, 1923, c. 42, 42 Stat. 1187.)

278. No appropriation for sectarian school.—It is declared to be the settled policy of the Government to make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school. (June 7, 1897, c. 3, 30 Stat. 79; Mar. 2, 1917, c. 146, § 21, 39 Stat. 988.)

279. Rations to mission schools.—Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents. (June 21, 1906, c. 3504, 34 Stat. 326.)

280. Patents of lands to missionary boards or religious organizations.—The Secretary of the Interior is authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as were prior to September 21, 1922, set apart to and were on that date being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: *Provided*, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners. (Sept. 21, 1922, c. 367, § 3, 42 Stat. 995.)

281. Children taking lands in severalty not excluded.—In the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken or may take lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation. (Aug. 15, 1894, c. 290, § 1, 28 Stat. 311.)

282. Regulations by Secretary of Interior to secure attendance at school.—The Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 410.)

283. Regulations for withholding rations for nonattendance at schools.—The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations. This provision shall not apply to reservations or part of reservations where sufficient school facilities have not been furnished nor until full notice of such regulations shall have been given to the Indians to be affected thereby.

The amount and value of subsistence so withheld shall be credited to the tribe or tribes from whom the same is withheld, to be issued and paid when in the judgment of the Secretary of the Interior they shall have fully complied with such regulations. The Secretary of the Interior may in his discretion withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of the year. (Mar. 3, 1893, c. 209, § 1, 27 Stat. 628, 635.)

284. Regulations by Commissioner of Indian Affairs for attendance at schools.—The Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit. (July 13, 1892, c. 164, § 1, 27 Stat. 143.)

285. Withholding annuities from Osage Indians for nonattendance at schools.—The Commissioner of Indian Affairs is authorized in his discretion to withhold any annuities or other payments due to Osage Indian minors, above six years of age, whose parents fail, neglect, or refuse to place such minors in some established school for a reasonable portion of each year and to keep such children in regular attendance thereof. The Commissioner of Indian Affairs is authorized to make such rules and regulations as may be necessary to put this provision into force and effect. (June 30, 1913, c. 4, § 18, 38 Stat. 96.)

286. Sending child to school out of State without consent.—No Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them is living, and if neither of them is living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation. (Aug. 15, 1894, c. 290, § 11, 28 Stat. 313; Mar. 2, 1895, c. 188, § 1, 28 Stat. 906.)

287. Taking child to school in another State without written consent.—No Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents. (June 10, 1896, c. 398, § 1, 29 Stat. 348.)

288. White children in Indian day schools.—White children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: *Provided*, That the tuition fees charged for such children shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county: *And provided further*, That all tuition fees paid for white children enrolled in Indian day schools shall be deposited in the United States Treasury to reimburse the funds out of which the schools last mentioned are maintained. (Mar. 1, 1907, c. 2285, 34 Stat. 1018.)

289. White children in Indian boarding schools.—White children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported. (Mar. 3, 1909, c. 263, 35 Stat. 783.)

290. Transportation of pupils under fourteen at Government expense.—No Indian pupil under the age of fourteen years shall be transported at Government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory. (Mar. 3, 1909, c. 263, 35 Stat. 783.)

291. Removal of Government property at schools.—Where there is Government property on hand at any of the Indian

schools not required for the use or benefit of the Indians of said schools, the Secretary of the Interior is authorized to move such property to other Indian schools where it may be required. (Mar. 1, 1907, c. 2285, 34 Stat. 1016.)

292. Suspension or discontinuance of schools.—The Commissioner of Indian Affairs may, when in his judgment the good of the service will be promoted thereby, suspend or discontinue any reservation Indian school, and, with the approval of the Secretary of the Interior, may sell any reservation school building or plant that is no longer desirable as an Indian school upon any reservation and invest the proceeds in other school buildings and plants, as the needs of the service may demand, under such rules and regulations as he may, with the approval of the Secretary of the Interior, prescribe. (Apr. 21, 1904, c. 1402, § 1, 33 Stat. 211.)

293. Sale of lands purchased for day school or other Indian administrative uses.—The Secretary of the Interior is authorized to cause to be sold, to the highest bidder, under such rules and regulations as he may prescribe, any tract or part of a tract of land purchased by the United States for day school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the net proceeds therefrom in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased: *Provided*, That where the purchase price was paid from tribal funds, such proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians. (Mar. 2, 1917, c. 146, § 1, 39 Stat. 973.)

294. Sale of certain abandoned buildings on lands belonging to Indian tribes.—The Secretary of the Interior is authorized to sell and convey at public sale, to the highest bidder, under such regulations and under such terms and conditions as he may prescribe, at not less than the appraised value thereof, any abandoned day or boarding school plant, or any abandoned agency buildings, situated on lands belonging to any Indian tribe and not longer needed for Indian or administrative purposes, and to sell therewith not to exceed one hundred and sixty acres of land on which such plant or buildings may stand. Title to all lands disposed of under the provisions of this section shall pass to the purchaser by deed or by patent in fee, with such reservations or conditions as the said Secretary may deem just and proper, no purchaser to acquire more than one hundred and sixty acres in any one tract: *Provided*, That the proceeds of all such sales shall be deposited in the Treasury of the United States to the credit of the Indians to whom said lands belong, to be disposed of in accordance with existing law. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 415.)

295. Supervision of expenditure of appropriations for school purposes.—All expenditure of money appropriated for school purposes among the Indians, shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior. (Apr. 30, 1908, c. 153, § 1, 35 Stat. 72.)

296. Limitation on per capita expenditure for school purposes.—Except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than $270 shall be expended from appropriations made for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than two hundred pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed $300: *Provided*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be based upon average attendance, determined by dividing the total daily attendance by the number of days the school is in session. (June 30, 1919, c. 4, § 1, 41 Stat. 6; Feb. 21, 1925, c. 280, 43 Stat. 958.)

297. Expenditure for children with less than one-fourth Indian blood.—No appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided. (May 25, 1918, c. 86, § 1, 40 Stat. 564.)

298. Census of Indians and report of numbers of school children.—Each Indian agent shall be required, in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above eighteen years of age, the number of females above fourteen years of age, the number of school children between the ages of six and sixteen years, the number of schoolhouses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers. (July 4, 1884, c. 180, § 9, 23 Stat. 98.)

299. Report of expenditure of Indian education fund.—The Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general education fund for the preceding fiscal year has been expended; and said report shall embrace the number and kind of schoolhouses erected, and their cost, as well as cost of repairs, names of every teacher employed, and compensation allowed, the location of each school, and the average attendance at each school. (Mar. 2, 1887, c. 320, § 1, 24 Stat. 465.)

300. Report of expenditure for Indian school and agency.—The Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites. (Mar. 3, 1911, c. 210, § 1, 36 Stat. 1060.)

301. Appropriations for experiments on Indian schools or agency farms.—The Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made to conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests. (Mar. 3, 1911, c. 210, § 1, 36 Stat. 1060.)

302. Consent of parents to placing youth in reform school.—The consent of parents, guardians, or next of kin shall not be required to place Indian youth in an "Indian Reform School." (June 21, 1906, c. 3504, 34 Stat. 328.)

Chapter 8.—RIGHTS OF WAY THROUGH INDIAN LANDS.

Sec.

311. Opening highways.
312. Rights of way for railway, telegraph and telephone lines; townsite stations.
313. Width of right of way.
314. Survey; maps; compensation.
315. Time for completion of road; forfeiture.
316. Rights of several roads through canyons.

Sec.
317. Regulations.
318. Amendment or repeal of sections.
319. Rights of way for telephone and telegraph lines.
320. Acquisition of lands for reservoirs or materials.
321. Rights of way for pipe lines.

Section 311. Opening highways.—The Secretary of the Interior is authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indian under any laws or treaties but which have not been conveyed to the allottee with full power of alienation. (Mar. 8, 1901, c. 832, § 4, 31 Stat. 1084.)

312. Rights of way for railway, telegraph and telephone lines; town-site stations.—A right of way for a railway, telegraph and telephone line through any Indian reservation in any State or Territory, except Oklahoma, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of sections 312 to 318 inclusive and such rules and regulations as may be prescribed thereunder: *Provided*, That no right of way shall be granted under said sections until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby: *Provided also*, That as a condition precedent to each and every grant of a right of way under authority of said sections, each and every railway company applying for such grant shall stipulate that it will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right of way. (Mar. 2, 1899, c. 374, § 1, 30 Stat. 990; Feb. 28, 1902, c. 134, § 23, 32 Stat. 50; June 25, 1910, c. 431, § 16, 36 Stat. 859.)

313. Width of right of way.—Such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road. (Mar. 2, 1899, c. 374, § 2, 30 Stat. 990; June 21, 1906, c. 3504, 34 Stat. 330.)

314. Survey; maps; compensation.—The line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall become effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement, held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken, or damage done, by reason of the construction of such railroad. In case of failure to make amicable settlement with any such occupant or allottee, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the Secretary of the Interior, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the Secretary of the Interior. If the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within sixty days after the making of the award and notice of the same, to appeal, if said land is situated in any State or Territory other than Oklahoma, to the United States district court for such State or Territory, where the case shall be tried de novo and the judgment for damages rendered by the court shall be final and conclusive.

When proceedings are commenced in court as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway. Each of the referees shall receive for his compensation the sum of $4 per day while engaged in the hearing of any case submitted to them under sections 312 to 318 inclusive. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment, and be paid by such railroad company. (Mar. 2, 1899, c. 374, § 3, 30 Stat. 991; Feb. 28, 1902, c. 134, § 23, 32 Stat. 50.)

315. Time for completion of road; forfeiture.—If any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way hereby granted shall be deemed forfeited and abandoned ipso facto as to that portion of the road not then constructed and in operation: *Provided*, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right of way has been granted and a part of which shall have been built. (Mar. 2, 1899, c. 374, § 4, 30 Stat. 991.)

316. Rights of several roads through canyons.—The provisions of section 933 of Title 43 relating to the rights of several railroads through any canyon, pass, or defile are extended and made applicable to rights of way granted under sections 312 to 318, inclusive, and to railroad companies obtaining such rights of way. (Mar. 2, 1899, c. 374, § 6, 30 Stat. 992.)

317. Regulations.—The Secretary of the Interior shall make all needful rules and regulations, not inconsistent herewith, for the proper execution and carrying into effect of all the provisions of sections 312 to 318, inclusive, of this chapter. (Mar. 2, 1899, c. 374, § 7, 30 Stat. 992.)

318. Amendment or repeal of sections.—Congress hereby reserves the right at any time to alter, amend, or repeal the six preceding sections or any portion thereof. (Mar. 2, 1899, c. 374, § 8, 30 Stat. 992.)

319. Rights of way for telephone and telegraph lines.—The Secretary of the Interior is authorized and empowered to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the former Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior, and the maps of definite location of the lines shall be subject to his approval. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval; and where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding $5 for each ten miles of line so constructed and maintained; and all such lines shall be constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority; and Congress hereby expressly reserves the right to regulate the tolls or charges for the transmission of messages over any lines constructed under the provisions of this section: *Provided*, That incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities. (Mar. 3, 1901, c. 832, § 3, 31 Stat. 1083.)

320. Acquisition of lands for reservoirs or materials.—When, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary is authorized to grant such lands to any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary.

When any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: *And provided further*, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.

All moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages. The provisions of this section are extended and made applicable to any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation; the damages and compensation to be paid to any Indian allottee shall be ascertained and fixed in such manner as the Secretary of the Interior may direct and shall be paid by the railway company to said Secretary; the damages and compensation paid to the Secretary of the Interior by the railway company taking any such land shall be paid by said Secretary to the allottee sustaining such damages. (Mar. 3, 1909, c. 263, 35 Stat. 781; May 6, 1910, c. 204, 36 Stat. 349.)

321. Rights of way for pipe lines.—The Secretary of the Interior is authorized and empowered to grant a right of way in the nature of an easement for the construction, operation, and maintenance of pipe lines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the former Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation upon the terms and conditions herein expressed. Before title to rights of way applied for hereunder shall vest, maps of definite location shall be filed with and approved by the Secretary of the Interior: *Provided*, That before such approval the Secretary of the Interior may, under such rules and regulations as he may prescribe, grant temporary permits revocable in his discretion for the construction of such lines: *Provided*, That the construction of lateral lines from the main pipe line establishing connection with oil and gas wells on the individual allotments of citizens may be constructed without securing authority from the Secretary of the Interior and without filing maps of definite location, when the consent of the allottee upon whose lands oil or gas wells may be located and of all other allottees through whose lands said lateral pipe lines may pass has been obtained by the pipe line company: *Provided further*, That in case it is desired to run a pipe line under the line of any railroad, and satisfactory arrangements can not be made with the railroad company, then the question shall be referred to the Secretary of the Interior, who shall prescribe the terms and conditions under which the pipe line company shall be permitted to lay its lines under said railroad. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval. And where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding $5 for each ten miles of line so constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority. And incorporated cities

and towns into and through which such pipe lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities, and nothing herein shall authorize the use of such right of way except for pipe line, and then only so far as may be necessary for its construction, maintenance, and care: *Provided*, That the rights herein granted shall not extend beyond a period of twenty years: *Provided further*, That the Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain any pipe line constructed under this section for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper. The right to alter, amend, or repeal this section is expressly reserved. (Mar. 11, 1904, c. 505, § 2, 33 Stat. 65; Mar. 2, 1917, c. 146, § 1, 39 Stat. 973.)

Chapter 9.—ALLOTMENT OF INDIAN LANDS.

Sec.
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Section 331. Allotments on reservations; irrigable and nonirrigable lands.—In all cases where any tribe or band of Indians has been or shall be located upon any reservation created for their use by treaty stipulation, Act of Congress, or Executive order, the President shall be authorized to cause the same or any part thereof to be surveyed or resurveyed whenever in his opinion such reservation or any part may be advantageously utilized for agricultural or grazing purposes by such Indians, and to cause allotment to each Indian located thereon to be made in such areas as in his opinion may be for their best interest not to exceed eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian. And whenever it shall appear to the President that lands on any Indian reservation subject to allotment by authority of law have been or may be brought within any irrigation project, he may cause allotments of such irrigable lands to be made to the Indians entitled thereto in such areas as may be for their best interest not to exceed, however, forty acres to any one Indian, and such irrigable land shall be held to be equal in quantity to twice the number of acres of nonirrigable agricultural land and four times the number of acres of nonirrigable grazing land: *Provided*, That the remaining area to which any Indian may be entitled under existing law after he shall have received his proportion of irrigable land on the basis of equalization herein established may be allotted to him from nonirrigable agricultural or grazing lands: *Provided further*, That where a treaty or Act of Congress setting apart such reservation provides for allotments in severalty in quantity greater or less than that herein authorized, the President shall cause allotments on such reservations to be made in quantity as specified in such treaty or Act subject, however, to the basis of equalization between irrigable and nonirrigable lands established herein, but in such cases allotments may be made in quantity as specified herein, with the consent of the Indians expressed in such manner as the President in his discretion may require. (Feb. 8, 1887, c. 119, § 1, 24 Stat. 388; Feb. 28, 1891, c. 383, § 1, 26 Stat. 794; June 25, 1910, c. 431, § 17, 36 Stat. 859.)

332. Selection of allotments.—All allotments set apart under the provisions of sections 331 to 334, inclusive, and 336 shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under said sections: *Provided*, That if any one entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner. (Feb. 8, 1887, c. 119, § 2, 24 Stat. 388.)

333. Making of allotments by agents.—The allotments provided for in sections 331 to 334, inclusive, and 336 shall be made by special agents appointed by the President for such purpose, and the superintendents or agents in charge of the respective reservations on which the allotments are directed to be made, or, in the discretion of the Secretary of the Interior, such allotments may be made by the superintendent or agent in charge of such reservation, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such special allotting agents, superintendents, or agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office. (Feb. 8, 1887, c. 119, § 3, 24 Stat. 389; June 25, 1910, c. 431, § 9, 36 Stat. 858.)

334. Allotments to Indians not residing on reservations.—Where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, Act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in section 331 for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as provided in sections 348 and 349. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any

moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior. (Feb. 8, 1887, c. 119, § 4, 24 Stat. 389.)

335. Extension of provisions as to allotments.—Unless otherwise specifically provided, the provisions of sections 331 to 334, inclusive, and 336, 341, 348 to 350, inclusive, and 381 are extended to all lands heretofore purchased or which may be purchased by authority of Congress for the use or benefit of any individual Indian or band or tribe of Indians. (Feb. 14, 1923, c. 76, 42 Stat. 1246.)

336. Allotments to Indians making settlement.—Where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children in manner as provided by law for allotments to Indians residing upon reservations, and such allotments to Indians on the public domain as herein provided shall be made in such areas as the President may deem proper, not to exceed, however, forty acres of irrigable land or eighty acres of nonirrigable agricultural land or one hundred sixty acres of nonirrigable grazing land to any one Indian; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto, and patent shall be issued to them for such lands in the manner and with the restrictions provided in sections 348 and 349. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior. (Feb. 8, 1887, c. 119, 24 Stat. 388; Feb. 28, 1891, c. 383, § 4, 26 Stat. 795; June 25, 1910, c. 431, § 17, 36 Stat. 860.)

337. Allotments in national forests.—The Secretary of the Interior is authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided. (June 25, 1910, c. 431, § 31, 36 Stat. 863.)

338. Survey and allotment work on Indian reservations.—The Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year of all survey and allotment work on Indian reservations. (Apr. 4, 1910, c. 140, § 1, 36 Stat. 270.)

339. Tribes excepted from certain provisions.—The provision of sections 331 to 334, inclusive, 336, 341, 348 to 350, inclusive, and 381 shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in Oklahoma, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by Executive order. (Feb. 8, 1887, c. 119, § 8, 24 Stat. 391.)

340. Extension of certain provisions.—The provisions of sections 331 to 334, inclusive, 336, 341, 348, 350, and 381, are declared to extend to and are made applicable to the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, located in the northeastern part of the former Indian Territory and to their reservation, in the same manner and to the same extent as if said tribes had not been excepted from the provisions of said sections, except and as otherwise hereinafter provided. (Mar. 2, 1889, c. 422, § 1, 25, Stat. 1013.)

341. Power to grant rights of way not affected.—Nothing in sections 331 to 334, inclusive, 336, 348 to 350, inclusive, and 381 shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation. (Feb. 8, 1887, c. 119, § 10, 24 Stat. 391.)

342. Removal of Southern Utes to new reservation.—Nothing in sections 331 to 334, inclusive, 336, 341, 348 to 350, inclusive, and 381 shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe. (Feb. 8, 1887, c. 119, § 11, 24 Stat. 391.)

343. Correction of errors in allotments and patents.—In all cases where it shall appear that a double allotment of land has been wrongfully or erroneously made by the Secretary of the Interior to any Indian by an assumed name or otherwise, or where a mistake has been made in the description of the land inserted in any patent, said Secretary is authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian, and for which a conditional patent may have been issued, to rectify and correct such mistakes and cancel any patent which may have been thus erroneously and wrongfully issued whenever in his opinion the same ought to be canceled for error in the issue thereof, and if possession of the original patent can not be obtained, such cancellation shall be effective if made upon the records of the General Land Office; and no proclamation shall be necessary to open to settlement the lands to which such an erroneous allotment patent has been canceled, provided such lands would otherwise be subject to entry: *And provided*, That such lands shall not be open to settlement for sixty days after such cancellation: *And further provided*, That no conditional patent that has been or that may be executed in favor of any Indian allottee, excepting in cases hereinbefore authorized, and excepting in cases where the conditional patent is relinquished by the patentee or his heirs to take another allotment, shall be subject to cancellation without authority of Congress. (Jan. 26, 1895, c. 50, 28 Stat. 641; Apr. 23, 1904, c. 1489, 33 Stat. 297.)

344. Cancellation of allotment of unsuitable land.—If any Indian of a tribe whose surplus lands have been ceded or opened to disposal has received an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is

authorized to prescribe rules and regulations to carry this law into effect. (Mar. 3, 1909, c. 263, 35 Stat. 784.)

345. Actions for allotments.—All persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment Act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any Act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper district court of the United States; and said district courts are given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty (and in said suit the parties thereto shall be the claimant as plaintiff and the United States as party defendant); and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him, but this provision shall not apply to any lands held August 15, 1894, by either of the Five Civilized Tribes, nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases. (Aug. 15, 1894, c. 290, § 1, 28 Stat. 305; Feb. 6, 1901, c. 217, § 1, 31 Stat. 760; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

346. Proceedings in actions for allotments.—The plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of same, by registered letter, to the Attorney General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court. (Feb. 6, 1901, c. 217, § 2, 31 Stat. 760.)

347. Limitations of actions for lands patented in severalty under treaties.—In all actions brought in any State court or United States court by any patentee, his heirs, grantees, or any person claiming under such patentee, for the possession or rents or profits of lands patented in severalty to the members of any tribe of Indians under any treaty between it and the United States of America, where a deed has been approved by the Secretary of the Interior to the land sought to be recovered, the statutes of limitations of the States in which said land is situate shall be held to apply, and it shall be a complete defense to such action that the same has not been brought within the time prescribed by the statutes of said State the same as if such action had been brought for the recovery of land patented to others than members of any tribe of Indians. (May 31, 1902, c. 946, 32 Stat. 284.)

348. Patents to be held in trust; descent and partition.—Upon the approval of the allotments provided for in sections 331 to 334, inclusive, and 336 by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided: *And provided further*, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress: *Provided, however*, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians; to whom such reservations belonged; and the same, with interest thereon at 3 per centum per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterwards delivered, free of charge, to the allottee entitled thereto. And if any religious society or other organization is occupying on February 8, 1887, any of the public lands to which sections 331 to 334, inclusive, 336, 341, 348 to 350, inclusive, and 351 are applicable, for religious or educational work among the Indians, the Secretary of the Interior is authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or

educational purposes heretofore granted by law. And in the employment of Indian police, or any other employees in the public service among any of the Indian tribes or bands affected by sections 331 to 334, inclusive, 336, 341, 348 to 350, inclusive, and 381, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of the said sections and become citizens of the United States shall be preferred.

Provided further, That whenever the Secretary of the Interior shall be satisfied that any of the Indians of the Siletz Indian Reservation, in the State of Oregon, fully capable of managing their own business affairs, and being of the age of twenty-one years or upward, shall, through inheritance or otherwise, become the owner of more than eighty acres of land upon said reservation, he shall cause patents to be issued to such Indian or Indians for all of such lands over and above the eighty acres thereof. Said patent or patents shall be issued for the least valuable portions of said lands, and the same shall be discharged of any trust and free of all charge, incumbrance, or restriction whatsoever; and the Secretary of the Interior is authorized and directed to ascertain, as soon as shall be practicable, whether any of said Indians of the Siletz Reservation should receive patents conveying in fee lands to them under the provisions of this Act. (Feb. 8, 1887, c. 119, § 5, 24 Stat. 389; Mar. 3, 1901, c. 832, § 9, 31 Stat. 1085.)

349. Patents in fee to allottees.—At the expiration of the trust period and when the lands have been conveyed to the Indians by patent in fee, as provided in section 348, then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law: *Provided*, That the Secretary of the Interior may, in his discretion, and he is authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent: *Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall be issued shall be subject to the exclusive jurisdiction of the United States: *And provided further*, That the provisions of sections 331 to 334, inclusive, 336, 341, 348 to 350, inclusive, and 381 shall not extend to any Indians in the former Indian Territory. (Feb. 8, 1887, c. 119, § 6, 24 Stat. 390; May 8, 1906, c. 2348, 34 Stat. 182.)

350. Surrender of patent, and selection of other land.—The Secretary of the Interior is authorized, in his discretion, and whenever for good and sufficient reason he shall consider it to be for the best interest of the Indians, in making allotments under sections 331 to 334, inclusive, and 336, to permit any Indian to whom a patent has been issued for land on the reservation to which such Indian belongs, under treaty or existing law, to surrender such patent with formal relinquishment by such Indian to the United States of all his or her right, title, and interest in the land conveyed thereby, properly indorsed thereon, and to cancel such surrendered patent: *Provided*, That the Indian so surrendering the same shall make a selection, in lieu thereof, of other land and receive patent therefor, under the provisions of said sections and sections 348 and 349. (Oct. 19, 1888, c. 1214, § 2, 25 Stat. 612.)

351. Patents with restrictions for lots in villages in Washington.—The Secretary of the Interior is authorized, whenever in his opinion it shall be conducive to the best welfare and interest of the Indians living within any Indian village on any of the Indian reservations in the State of Washington, to issue a patent to each of said Indians for the village or town lot occupied by him, which patent shall contain restrictions against the alienation of the lot described therein to persons other than members of the tribe, except on approval of the Secretary of the Interior; and if any such Indian shall die subsequent to June 25, 1910, and before receiving patent to the lot occupied by him, the lot to which such Indian would have been entitled if living shall be patented to his name and shall be disposed of as provided for in section 372. (June 25, 1910, c. 431, § 10, 36 Stat. 858.)

352. Cancellation of trust patents within power or reservoir sites.—The Secretary of the Interior, after notice and hearing, is authorized to cancel trust patents issued to Indian allottees for allotments within any power or reservoir site and for allotments or such portions of allotments as are located upon or include lands set aside, reserved, or required within any Indian reservation for irrigation purposes under authority of Congress: *Provided*, That any Indian allottee whose allotment shall be so canceled shall be reimbursed for all improvements on his canceled allotment, out of any moneys available for the construction of the irrigation project for which the said power or reservoir site may be set aside: *Provided further*, That any Indian allottee whose allotment, or part thereof, is so canceled shall be allotted land of equal value within the area subject to irrigation by any such project. (June 25, 1910, c. 431, § 14, 36 Stat. 859.)

353. Sections inapplicable to certain tribes.—The provisions of sections 337, 351, 352, 372, 373, 403, 406, 407, and 408 shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma, except that where deeds to tribal lands in the Five Civilized Tribes have been or may be issued, in pursuance of any tribal agreement or Act of Congress, to a person who had died, or who dies before the approval of such deed, the title to the land designated therein shall inure to and become vested in the heirs, devisees, or assigns of such deceased grantee as if the deed had issued to the deceased grantee during life. (June 25, 1910, c. 431, §§ 32, 33, 36 Stat. 863.)

354. Lands not liable for debts prior to final patent.—No lands acquired under the provisions of sections 331 to 334, inclusive, and 336 shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the final patent in fee therefor. (June 21, 1906, c. 3504, 34 Stat. 327.)

355. Laws applicable to lands of full-blooded members of Five Civilized Tribes.—The lands of full-blooded members of any of the Five Civilized Tribes are made subject to the laws of the State of Oklahoma, providing for the partition of real estate. Any land allotted in such proceedings to a full-blood Indian, or conveyed to him upon his election to take the same at the appraisement, shall remain subject to all restrictions upon alienation and taxation obtaining prior to such partition. In case of a sale under any decree, or partition, the conveyance thereunder shall operate to relieve the land described of all restrictions of every character. (June 14, 1918, c. 101, § 2, 40 Stat. 606.)

356. Allowance of undisputed claims of restricted allottees of Five Civilized Tribes.—No undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within thirty days from the date of said decision or order. (Feb. 14, 1920, c. 75, § 18, 41 Stat. 426.)

357. Condemnation of lands under laws of States.—Lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee. (Mar. 8, 1901, c. 832, § 8, 31 Stat. 1084.)

Chapter 10.—DESCENT AND DISTRIBUTION; HEIRS OF ALLOTTEE.

Sec.
371. Descent of land.
372. Ascertainment of heirs of deceased allottees.
373. Disposal by will of allotments held under trust.
374. Attendance of witnesses.
375. Determination of heirship of deceased members of Five Civilized Tribes.
376. Oaths in investigations; witnesses.
377. Payment or deduction of cost of determining heirs.
378. Partition of allotment among heirs; patents.
379. Sale of allotted lands by heirs.

Section 371. Descent of land.—For the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of section 348, whenever any male and female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child: *Provided*, That the provisions of this section and sections 331, 336, and 397 shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet." (Feb. 28, 1891, c. 383, § 5, 26 Stat. 795.)

372. Ascertainment of heirs of deceased allottees.—When any Indian to whom an allotment of land has been made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands alloted to Indians authorized by any Act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid in deferred payments, a further amount, not exceeding 15 per centum of the purchase price may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent, as their respective interests shall appear: *Provided further*, That the Secretary of the Interior is authorized in his discretion to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death, to his heirs, to whom a patent in fee containing restrictions on alienation has been issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent. *Provided further*, That any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior. (June 25, 1910, c. 431, § 1, 36 Stat. 855.)

373. Disposal by will of allotments held under trust.—Any persons of the age of twenty-one years having any right, title, or interest in any allotment held under trust or other patent containing restrictions on alienation or individual Indian moneys or other property held in trust by the United States shall have the right prior to the expiration of the trust or restrictive period, and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may approve or disapprove the will either before or after the death of the testator, and in case where a will has been approved and it is subsequently discovered that there has been fraud in connection with the execution or procurement of the will the Secretary of the Interior is authorized within one year after the death of the testator to cancel the approval of the will, and the property of the testator shall thereupon descend or be distributed in accordance with the laws of the State wherein the property is located: *Provided further*, That the approval of the will and the death of the testator shall not operate to terminate the trust or restrictive period, but the Secretary of the Interior may, in his discretion, cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the moneys to the legatee or legatees either in whole or in part from time to time as he may deem advisable, or use it for their benefit: *Provided also*, That this and the preceding section shall not apply to the Five Civilized Tribes or the Osage Indians. (June 25, 1910, c. 431, § 2, 36 Stat. 856; Feb. 14, 1913, c. 55, 37 Stat. 678.)

374. Attendance of witnesses.—The authority delegated to judges of the United States courts by section 56 of Title 35 is conferred upon the Secretary of the Interior to require the attendance of witnesses at hearings, upon proper showing by any of the parties to determine the heirs of decedents, held in accordance with the two preceding sections under such rules and regulations as he may prescribe. (Aug. 1, 1914, c. 222, § 1, 38 Stat. 586.)

375. Determination of heirship of deceased members of Five Civilized Tribes.—A determination of the question of fact as to who are the heirs of any deceased citizen allottee of the Five Civilized Tribes of Indians who may die or may have heretofore died, leaving restricted heirs, by the probate court of the State of Oklahoma having jurisdiction to settle the estate of said deceased, conducted in the manner provided by the laws of said State for the determination of heirship in closing up the estates of deceased persons, shall be conclusive of said question: *Provided*, That an appeal may be taken in the manner and to the court provided by law, in cases of appeal in probate matters generally: *Provided further*, That

where the time limited by the laws of said State for the institution of administration proceedings has elapsed without their institution, as well as in cases where there exists no lawful ground for the institution of administration proceedings in said courts, a petition may be filed therein having for its object a determination of such heirship and the case shall proceed in all respects as if administration proceedings upon other proper grounds had been regularly begun, but this proviso shall not be construed to reopen the question of the determination of an heirship already ascertained by competent legal authority under existing laws: *Provided further*, That said petition shall be verified, and in all cases arising hereunder service by publication may be had on all unknown heirs, the service to be in accordance with the method of serving nonresident defendants in civil suits in the district courts of said State; and if any person so served by publication does not appear and move to be heard within six months from the date of the final order, he shall be concluded equally with parties personally served or voluntarily appearing. (June 14, 1918, c. 101, § 1, 40 Stat. 606.)

376. Oaths in investigations; witnesses.—Any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Indians in Oklahoma. (Aug. 1, 1914, c. 222, § 1, 38 Stat. 586.)

377. Payment or deduction of cost of determining heirs.—Upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more, or to any allotment, or, after approval by the Secretary of the Interior, of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $20 where the appraised value of the estate of the decedent is $250 or more and does not exceed $1,000. Where the appraised value of the estate of the decedent is more than $1,000 and less than $2,000, $25; where the appraised value of the estate of the decedent is $2,000 or more and does not exceed $3,000, $30; where the appraised value of the estate of the decedent is more than $3,000 but does not exceed $5,000, $50; where the appraised value of the estate of the decedent is more than $5,000 but does not exceed $7,500, $65; and where the appraised value of the estate of the decedent is more than $7,500, $75; which amount shall be accounted for and paid into the Treasury of the United States, and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma. (Jan. 24, 1923, c. 42, 42 Stat. 1185.)

378. Partition of allotment among heirs; patents.—If the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent. (May 18, 1916, c. 125, § 1, 39 Stat. 127.)

379. Sale of allotted lands by heirs.—The adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: *Provided*, That the sale herein provided for shall not apply to the homestead during the life of the father, mother or the minority of any child or children. (May 27, 1902, c. 888, § 7, 32 Stat. 275.)

Chapter 11.—IRRIGATION OF ALLOTTED LANDS.

Sec.
381. Irrigation lands; regulation of use of water.
382. Irrigation projects under Reclamation Act.
383. Estimates of cost; limitation as to.
384. Employment of superintendents of irrigation.
385. Expenditure of appropriation for irrigation.
386. Reimbursement of construction charges.

Section 381. Irrigation lands; regulation of use of water.—In cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior is authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor. (Feb. 8, 1887, c. 119, § 7, 24 Stat. 390.)

382. Irrigation projects under Reclamation Act.—In carrying out any irrigation project which may be undertaken under the provisions of sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43, Public Lands, and which may make possible, and provide for in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under section 334 of this title, the Secretary of the Interior is authorized to make such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such lands. (Mar. 3, 1909, c. 263, 35 Stat. 798.)

383. Estimates of cost; limitations as to.—No new irrigation project on any Indian reservation, allotments or lands, shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and no project to cost in the aggregate to exceed $35,000 shall be undertaken on any Indian reservation or allotment, without specific authority of Congress. (Apr. 4, 1910, c. 140, § 1, 36 Stat. 270.)

384. Employment of superintendents of irrigation.—The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed seven in number. (Apr. 4, 1910, c. 140, § 1, 36 Stat. 271.)

385. Expenditure of appropriation for irrigation.—The Secretary of the Interior may fix maintenance charges which shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected: *Provided further*, That all moneys expended under this pro-

vision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project. (Apr. 4, 1910, c. 140, §§ 1, 3, 36 Stat. 270, 272; Aug. 1, 1914, c. 222, § 1, 38 Stat. 583.)

386. Reimbursement of construction charges.—The Secretary of the Interior is authorized and directed to require the owners of irrigable land under any irrigation system constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 409.)

Chapter 12.—LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS.

Sec.
391. Continuance of restrictions on alienation in patent.
392. Consent to or approval of alienation of allotments by Secretary of Interior.
393. Leases of restricted allotments.
394. Leases of arid allotted lands.
395. Leases of allotted lands where allottee is incapacitated.
396. Leases of allotted lands for mining purposes.
397. Leases of lands for grazing or mining.
398. Leases of unallotted lands for oil and gas mining purposes.
399. Leases of unallotted mineral lands withdrawn from entry under mining laws.
400. Leases for mining purposes of reserved and unallotted lands in Fort Peck and Blackfeet Indian Reservations.
401. Leases for mining purposes of unallotted lands in Kaw Reservation.
402. Leases of surplus lands.
403. Leases of lands held in trust.
404. Sale on petition of allottee or heirs.
405. Sale of allotment of noncompetent Indian.
406. Sale of timber on allotments held under trust.
407. Sale of timber on unallotted lands.
408. Surrender of allotments by relinquishment for benefit of children.
409. Sale of lands within reclamation projects.
410. Moneys from lease or sale of trust lands not liable for certain debts.
411. Interest on moneys from proceeds of sale.
412. Payment of taxes from share of allottee in tribal funds.
413. Fee to cover expense of sale of allotments or leases of tribal or allotted lands.

Section 391. Continuance of restrictions on alienation in patent.—Prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best: *Provided, however*, That this shall not apply to lands in the former Indian Territory. (June 21, 1906, c. 3504, 34 Stat. 326.)

392. Consent to or approval of alienation of allotments by Secretary of Interior.—Whenever, in any law or treaty or in any patent issued to Indian allottees for lands in severalty pursuant to such law or treaty, there appears a provision to the effect that the lands so allotted can not be alienated without the consent of the President of the United States, the Secretary of the Interior shall have full power and authority to consent to or approve of the alienation of such allotments, in whole or in part, in his discretion, by deed, will, lease, or any other form of conveyance, and such consent or approval by the Secretary of the Interior had in all such cases shall have the same force and legal effect as though the consent or approval of the President had previously been obtained: *Provided, however*, That the approval by the Secretary of the Interior of wills by Indian allottees or their heirs involving lands held under such patents shall not operate to remove the restrictions against alienation unless such order of approval by said Secretary shall specifically so direct. (Sept. 21, 1922, c. 367, § 6, 42 Stat. 995.)

393. Leases of restricted allotments.—The restricted allotment of any Indian may be leased for farming and grazing purposes by the allottee or his heirs, subject only to the approval of the superintendent or other officer in charge of the reservation where the land is located, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That this provision shall not apply to the Five Civilized Tribes. (Mar. 3, 1921, c. 119, § 1, 41 Stat. 1232.)

394. Leases of arid allotted lands.—Whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation and that the allottee, by reason of old age or other disability, can not personally occupy or improve his allotment or any portion thereof, such lands or such portion thereof, may be leased for a period not exceeding ten years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior. (May 18, 1916, c. 125, § 1, 39 Stat. 128.)

395. Leases of allotted lands where allottee is incapacitated.—Whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming purposes only. (May 31, 1900, c. 598, § 1, 31 Stat. 229.)

396. Leases of allotted lands for mining purposes.—All lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect. (Mar. 3, 1909, c. 263, 35 Stat. 783.)

397. Leases of lands for grazing or mining.—Where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior. (Feb. 28, 1891, c. 383, § 3, 26 Stat. 795.)

398. Leases of unallotted lands for oil and gas mining purposes.—Unallotted land on Indian reservations other than lands of the Five Civilized Tribes and the Osage Reservation subject to lease for mining purposes for a period of ten years under the preceding section may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed ten years, and as much longer as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities: *Provided*, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner. (May 29, 1924, c. 210, 43 Stat. 244.)

399. Leases of unallotted mineral lands withdrawn from entry under mining laws.—*Authority of Secretary of Interior to lease.*—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this section, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming withdrawn prior to June 30, 1919, from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

Location of mining claims.—Unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations withheld prior to June 30, 1919, from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States.

Preference right of locators of claims to lease of lands.—The locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this section, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim.

Filing copies of location notices.—Duplicate copies of the location notice shall be filed within sixty days with the superintendent in charge of the reservation on which the mining claim is located, and application for a lease under this section may be filed with such superintendent for transmission, through official channels to the Secretary of the Interior.

Lands excepted from entry as mining claims.—Lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering livestock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this section.

Term of lease; renewal.—Leases under this section shall be for a period of twenty years with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods.

Relinquishment of rights by lessee.—The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

Lease of additional land for camp sites and other purposes.—In addition to areas of mineral land to be included in leases under this section the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, subject to the payment of an annual rental of not less than $1 per acre, a tract of unoccupied land, not exceeding forty acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

Reservation of surface of leased land to United States; easements.—The Secretary of the Interior, in his discretion, in making any lease under this section, may reserve to the United States the right to lease for a term not exceeding that of the mineral lease, the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

Rights and duties of successors to lessees.—Any successor in interest or assignee of any lease granted under this section, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the lease under which such rights are held and also subject to all the provisions and conditions of this section to the same extent as though such successor or assign were the original lessee hereunder.

Forfeiture of leases; notice.—Any lease granted under this section may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this section or with such conditions not inconsistent herewith as may be specifically recited in the lease.

Royalties payable by lessees—For the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per centum of the net value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of not less than 25 cents per acre for the first calendar year thereafter; not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

Development work by locators or lessees; damage to land.—In addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than $100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws

of the United States: *Provided*, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon.

Cutting timber by lessees.—No timber shall be cut upon the reservation by the lessee except for mining purposes and then only after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

Examination of books and accounts of lessees.—The Secretary of the Interior is authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

Disposition of rentals and royalties.—All moneys received from royalties and rentals under the provisions of this section shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds.

Protection of interests of Indians.—The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations not inconsistent with this section as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this section into full force and effect: *Provided*, That nothing in this section shall be construed or held to affect the right of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

Mining locations by and leases to Indians declared competent.—Mining locations, under the terms of this section, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is authorized and empowered to lease such lands to such Indians in accordance with the provisions of this section.

Mining locations by and leases to other Indians.—The Secretary of the Interior is authorized to permit other Indians to make locations and obtain leases under the provisions of this section, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians.

"Metalliferous" defined.—Wherever the term "metalliferous" is used in this section it shall be defined and construed by the Secretary of the Interior to include magnesite, gypsum, limestone, and asbestos. (June 30, 1919, c. 4, § 26, 41 Stat. 31; Mar. 3, 1921, c. 119, § 1, 41 Stat. 1231.)

400. Leases for mining purposes of reserved and unallotted lands in Fort Peck and Blackfeet Indian Reservations.—Lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana, reserved from allotment or other disposition, may be leased for mining purposes under regulations prescribed by the Secretary of the Interior. (Sept. 20, 1922, c. 347, 42 Stat. 857.)

401. Leases for mining purposes of unallotted lands in Kaw Reservation.—The Secretary of the Interior is authorized to lease for mining purposes lands reserved from allotment to be used as a cemetery and not needed for that purpose, and lands reserved for school and agency purposes in the Kaw Reservation in the State of Oklahoma, and for the use and benefit of the members of the Kansas or Kaw Tribe of Indians, at public auction, upon such terms and conditions and under such rules and regulations as he may prescribe: *Provided*, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner. (Apr. 28, 1924, c. 135, 43 Stat. 111.)

402. Leases of surplus lands.—The surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes. (Aug. 15, 1894, c. 290, § 1, 28 Stat. 305.)

403. Leases of lands held in trust.—Any Indian allotment held under a trust patent may be leased by the allottee for a period not to exceed five years, subject to and in conformity with such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds of any such lease shall be paid to the allottee or his heirs, or expended for his or their benefit, in the discretion of the Secretary of the Interior. (June 25, 1910, c. 431, § 4, 36 Stat. 856.)

404. Sale on petition of allottee or heirs.—The lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. When any Indian who has received an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in this section herein contained shall apply to the States of Minnesota and South Dakota. (May 29, 1908, c. 216, § 1, 35 Stat. 444.)

405. Sale of allotment of noncompetent Indian.—Any noncompetent Indian to whom a patent containing restrictions against alienation has been issued for an allotment of land in severalty, under any law or treaty, or who may have an interest in any allotment by inheritance, may sell or convey all or any part of such allotment or such inherited interest on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds derived therefrom shall be used for the benefit of

the allottee or heir so disposing of his land or interest, under the supervision of the Commissioner of Indian Affairs; and any conveyance made hereunder and approved by the Secretary of the Interior shall convey full title to the land or interest so sold, the same as if fee-simple patent had been issued to the allottee. (Mar. 1, 1907, c. 2285, 34 Stat. 1018.)

406. Sale of timber on allotments held under trust.—The timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior. (June 25, 1910, c. 431, § 8, 36 Stat. 857.)

407. Sale of timber on unallotted lands.—The mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: *Provided*, That this section shall not apply to the States of Minnesota and Wisconsin. (June 25, 1910, c. 431, § 7, 36 Stat. 857.)

408. Surrender of allotments by relinquishment for benefit of children.—In any case where an Indian has an allotment of land, or any right, title, or interest in such an allotment, the Secretary of the Interior, in his discretion, may permit such Indian to surrender such allotment, or any right, title, or interest therein, by such formal relinquishment as may be prescribed by the Secretary of the Interior, for the benefit of any of his or her children to whom no allotment of land shall have been made; and thereupon the Secretary of the Interior shall cause the estate so relinquished to be allotted to such child or children subject to all conditions which attached to it before such relinquishment. (June 25, 1910, c. 431, § 3, 36 Stat. 856.)

409. Sale of lands within reclamation projects.—Any Indian allotted lands under any law or treaty without the power of alienation, and within a reclamation project approved by the Secretary of the Interior, may sell and convey any part thereof, under rules and regulations prescribed by the Secretary of the Interior, but such conveyance shall be subject to his approval, and when so approved shall convey full title to the purchaser the same as if final patent without restrictions had been issued to the allottee: *Provided*, That the consideration shall be placed in the Treasury of the United States, and used by the Commissioner of Indian Affairs to pay the construction charges that may be assessed against the unsold part of the allotment, and to pay the maintenance charges thereon during the trust period, and any surplus shall be a benefit running with the water right to be paid to the holder thereof. (June 21, 1906, c. 3504, 34 Stat. 327.)

410. Moneys from lease or sale of trust lands not liable for certain debts.—No money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable for the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior. (June 21, 1906, c. 3504, 34 Stat. 327.)

411. Interest on moneys from proceeds of sale.—The shares of money due minor Indians as their proportion of the proceeds from the sale of ceded or tribal Indian lands, whenever such shares have been withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of 3 per centum per annum, unless otherwise provided for, from the period when such proceeds have been or shall be distributed per capita among the members of the tribe of which such minor is a member; and the Secretary of the Treasury is authorized and directed to allow interest on such unpaid amounts belonging to said minors as shall be certified by the Secretary of the Interior as entitled to draw interest under this section. (June 21, 1906, c. 3504, 34 Stat. 327.)

412. Payment of taxes from share of allottee in tribal funds.—In any case where the restrictions as to alienation have been removed with respect to any Indian allottee, or as to any portion of the lands of any Indian allottee, and such allottee as an individual, or as a member of any tribe, has an interest in any fund held by the United States beyond the amount by law chargeable to such Indian or tribe on account of advances, the Commissioner of Indian Affairs is authorized, prior to the date at which any penalties for the nonpayment of taxes would accrue under the laws of the State or Territory in which such land is situated, to pay such taxes and charge the amount thereof to such allottee, to be deducted from the share of such allottee in the final distribution or payment to him from such fund: *Provided*, That no such payment shall be made by said commissioner where it is in excess of the amount which will ultimately be due said allottee. (Mar. 1, 1907, c. 2285, 34 Stat. 1016.)

413. Fee to cover expense of sale of allotments or leases of tribal or allotted lands.—In the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business or other purposes, or in the sale of timber thereon, the Secretary of the Interior is authorized and directed, under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, or in the administration of Indian forests, to be paid by vendees, lessees, or assignees, or from the proceeds of sales, the amounts collected to be covered into the Treasury as miscellaneous receipts. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 415.)

Chapter 13.—CEDED INDIAN LANDS.

Sec.

421. Free homesteads to settlers; commutation rights; payments to Indians.
422. Extension of right of settlers to commute entry.
423. Second homestead entry by certain settlers.
424. Negotiations for cession of lands.
425. Classification and appraisement of unallotted and unreserved lands.
426. Agreements with Indians not affected.
427. Town-site laws extended to ceded lands in Minnesota.

Section 421. Free homesteads to settlers; commutation rights; payments to Indians.—All settlers under the homestead laws of the United States upon the agricultural public lands, which were prior to May 17, 1900, opened to settlement, acquired prior to May 17, 1900, by treaty or agreement from the various Indian tribes, who have resided or shall reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices fixed by existing laws on May 17, 1900, shall remain in full force and effect: *Provided, however*, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments provided for agricultural colleges and experimental stations by sections 323 to 328 of Title 7, for the

more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts, established under section 304 of Title 7, such deficiency shall be paid by the United States: *And provided further*, That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government. (May 17, 1900, c. 479, § 1, 31 Stat. 179.)

422. Extension of right of settlers to commute entry.—The provisions of section 173 of Title 43, Public Lands, allowing homestead settlers to commute their homestead entries are extended to all homestead settlers affected by or entitled to the benefits of the provisions of the preceding section: *Provided, however*, That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made. (Jan. 26, 1901, c. 180, 31 Stat. 740.)

423. Second homestead entry by certain settlers.—Any person who, prior to May 17, 1900, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of section 421 had final entry not been made prior to May 17, 1900, may make another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: *Provided*, That any person desiring to make another entry under this section will be required to make affidavit, to be transmitted with the other filing papers required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records: *And provided further*, That said person has all the other proper qualifications of a homestead entryman: *And provided also*, That commutation under section 173 of Title 43, Public Lands, or any similar statute, shall not be permitted of an entry made under this section, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years, or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years. (May 22, 1902, c. 821, § 2, 32 Stat. 203.)

424. Negotiations for cession of lands.—The Secretary of the Interior is authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress. (Mar. 3, 1901, c. 832, § 1, 31 Stat. 1077.)

425. Classification and appraisement of unallotted and unreserved lands.—The Secretary of the Interior is authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the Act or Acts opening such reservations to settlement and entry, or where the existing classification or appraisement is, in the opinion of the Secretary of the Interior, erroneous. (June 6, 1912, c. 155, 37 Stat. 125.)

426. Agreements with Indians not affected.—Nothing in the Act of March 3, 1891, chapter 561, shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements; except as provided in section 162 of Title 43, Public Lands. (Mar. 3, 1891, c. 561, § 10, 26 Stat. 1099.)

427. Town-site laws extended to ceded lands in Minnesota.—The provisions of chapter 17, of Title 43, Public Lands, are extended to and declared to be applicable to ceded Indian lands within the State of Minnesota. (Feb. 9, 1903, c. 531, 32 Stat. 820.)

INDUSTRIAL ALCOHOL

See Title 27, INTOXICATING LIQUORS.

INDUSTRIAL CONDITIONS

See Title 29, LABOR.

INDUSTRIAL PEACE FOUNDATION

See Title 29, LABOR.

INDUSTRIAL REFORMATORY

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

INFANCY AND MATERNITY HYGIENE

See Title 42, PUBLIC HEALTH.

INSANE HOSPITALS

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

INSECT PESTS

See Title 7, AGRICULTURE.

INSULAR POSSESSIONS

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

INSURRECTION

See Title 50, WAR.

INTERIOR DEPARTMENT

See chapter 8, Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

INTERMEDIATE CREDIT BANKS

See Title 12, BANKS AND BANKING.

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Chapter 1.—THE COMMISSIONER OF INTERNAL REVENUE.

Sec.
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3. Deputy commissioners and assistant to commissioner.
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5. Duties of assistant to commissioner.
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7. Detail of revenue agent to office of commissioner.

Section 1. Commissioner.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $10,000 a year. (R. S. § 319; Feb. 24, 1919, c. 18, § 1300, 40 Stat. 1140; Jan. 22, 1925, c. 87, 43 Stat. 770.)

2. Same; duties.—The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, shall have general superintendence of the assessment and collection of all duties and taxes imposed by any law providing internal revenue; and shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue; and shall provide hydrometers, and proper and sufficient adhesive stamps and stamps or dies for expressing and denoting the several stamp duties, or, in the case of percentage duties, the amount thereof; and alter and renew or replace such stamps from time to time, as occasion may require. He may also procure the printing of requisite forms, decisions and regulations, but the printing of such forms, decisions and regulations shall be done at the Government Printing Office, unless permitted by the Joint Committee on Printing to be done elsewhere under section 111 of Title 44. Except as otherwise provided in section 111 of Title 44, the Commissioner of Internal Revenue may, under such regulations as may be established by the Secretary of the Treasury, after due public notice, receive bids and make contracts for supplying stationery, blank books and blanks to the collectors in the several collection districts; and the said commissioner shall estimate in detail by collection districts the expense of assessing and the expense of the collection of internal revenue. The Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year of all miscellaneous expenditures in the Bureau of Internal Revenue. (R. S. § 321; Apr. 1, 1914, c. 223, 38 Stat. 621; Mar. 1, 1919, c. 86, § 11, 40 Stat. 1270.)

3. Deputy commissioners and assistant to commissioner.—There may be employed in the Bureau of Internal Revenue, five deputy commissioners and an assistant to the commissioner. (Feb. 24, 1919, c. 18, § 1301(a), 40 Stat. 1140.)

4. Deputies; duties; designation to act as commissioner.—The Commissioner of Internal Revenue may assign to deputy commissioners such duties as he may prescribe, and the Secretary of the Treasury may designate any one of them to act as Commissioner of Internal Revenue during the commissioner's absence. (Oct. 6, 1917, c. 79, § 1, 40 Stat. 348.)

5. Duties of assistant to commissioner.—The assistant to the Commissioner of Internal Revenue may be authorized by said commissioner to perform any duties which a deputy commissioner may perform. (Feb. 24, 1919, c. 18, § 1301(a), 40 Stat. 1140.)

6. Chief clerk.—The Commissioner of Internal Revenue is authorized to designate one of the heads of division as chief clerk of the bureau without additional compensation. (R. S. § 320.)

7. Detail of revenue agent to office of commissioner.—Nothing in section 39 of Title 5 shall be construed to prevent the Commissioner of Internal Revenue from detailing one revenue agent for duty in his office. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 229.)

Chapter 2.—OFFICERS OF INTERNAL REVENUE.

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Section 11. "State" and "person" defined.—The word "State," when used in this title, shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out its provisions. And where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the word "person," as used in this title, shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person. (R. S. § 3140; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248.)

12. Collection districts; number.—For the purpose of assessing, levying, and collecting the taxes provided by the internal revenue laws, the President may establish convenient collection districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts. The whole number of collection districts for the collection of internal revenue shall not exceed sixty-five. (R. S. § 3141; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; July 16, 1914, c. 141, § 1, 38 Stat. 475; Mar. 4, 1923, c. 244, 42 Stat. 1444.)

13. Hawaii; collection district; collector.—The Territory of Hawaii shall constitute a district for the collection of the internal revenue of the United States, with a collector, whose office shall be at Honolulu, and deputy collectors at such other places in the several islands as the Secretary of the Treasury shall direct. (Apr. 30, 1900, c. 339, § 87, 31 Stat. 158.)

14. Collectors; appointment and number.—The President, by and with the advice and consent of the Senate, shall appoint for each collection district a collector, who shall be a resident of the same. When two or more collection districts are united by him, he may designate from among the existing officers of such districts one collector for the new district, or, at his discretion, he may make a new appointment of such officer for said district.

The whole number of collectors of internal revenue shall not exceed sixty-five. (R. S. § 3142; Mar. 4, 1923, c. 244, 42 Stat. 1444.)

15. Same; bonds.—Every collector, before entering upon the duties of his office, shall execute a bond for such amount as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the Solicitor of the Treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; and he shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said commissioner shall prescribe; and he shall execute a new bond whenever required so to do by the Secretary of the Treasury, with such conditions as may be required by law or prescribed by the Commissioner of Internal Revenue, with not less than five sureties; which new bond shall be in lieu of any former bond or bonds of such collector in respect to all liabilities accruing after the date of its approval by the Solicitor of the Treasury. Said bonds shall be transmitted to the Secretary of the Treasury, and filed as he may direct. (R. S. § 3143; Mar. 1, 1879, c. 125, § 2, 20 Stat. 327; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

16. Same; disbursing agents.—It shall be the duty of collectors of internal revenue to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the Internal Revenue Service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond, with such sureties, in such form, and in such penal sum, as shall be prescribed and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents; but no additional compensation shall be paid to collectors for such services. (R. S. § 3144; Mar. 1, 1879, c. 125, § 2, 20 Stat. 328; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

17. Same; allowances for salaries and expenses.—Allowances shall be made by the Secretary of the Treasury upon the recommendation of the Commissioner of Internal Revenue for salary and office expenses of collectors of internal revenue, all of which shall be in lieu of the salary and commissions formerly provided by law. (Feb. 8, 1875, c. 36, § 12, 18 Stat. 309; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329.)

18. Same; adjustment of salaries.—The salaries of collectors may be readjusted and increased under such regulations as may be prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, but no collector shall receive a salary in excess of $6,000 a year. (Feb. 24, 1919, c. 18, § 1301 (b), 40 Stat. 1140; Jan. 22, 1925, c. 87, Title I, 43 Stat. 764.)

19. Same; allowances for expenses.—There shall be paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector, his necessary and reasonable charges for advertising, stationery, and blank books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent and exclusively relating to official business, but no such account shall be approved or allowed unless it states the date and the particular items of every such expenditure, and shall be verified by the oath of the collector. The Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, shall make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances; but no such allowance shall be made if more than one year has elapsed since the close of the fiscal year in which the services were rendered. (Feb. 8, 1875, c. 36, § 13, 18 Stat. 309; Mar. 1, 1879, c. 125, § 2, 20 Stat. 330; Feb. 24, 1919, c. 18, § 1301 (b), 40 Stat. 1140.)

20. Same; adjustment of accounts; fiscal year.—In adjusting the accounts of collectors, and in the payment of their compensation for services, the fiscal year of the Treasury shall be observed. (R. S. § 3146.)

21. Same; confirmation of appointment by Senate; vacancies during recess.—No collector of internal revenue shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies occurring during the recess of the Senate. (Feb. 8, 1875, c. 36, § 18, 18 Stat. 309; Mar. 1, 1879, c. 125, § 2, 20 Stat. 330.)

22. Same; quarterly accounts.—Collectors of internal revenue shall render their revenue accounts quarterly. (May 27, 1908, c. 200, § 1, 35 Stat. 325.)

23. Same; certificate as to reports before payment to.—No payment shall be made to collectors, on account of salaries or expenses, without the certificate of the Commissioner of Internal Revenue that all reports required by law or regulation have been received, or that a satisfactory explanation has been rendered to him of the cause of delay. (R. S. § 3147; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329.)

24. Same; administration of oaths by.—Every collector of internal revenue is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal-revenue laws. (R. S. § 3162.)

25. Same; oaths to expense accounts.—Collectors of internal revenue are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

26. Duties of collectors; reports of violations of law.—It shall be the duty of every collector of internal revenue having knowledge of any willful violation of any law of the United States relating to the revenue, within thirty days after coming into possession of such knowledge, to file with the district attorney of the district in which any fine, penalty, or forfeiture may be incurred, a statement of all the facts and circumstances of the case within his knowledge, together with the names of the witnesses, setting forth the provisions of law believed to be so violated on which reliance may be had for condemnation or conviction. (R. S. § 3164; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311; June 2, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 344.)

27. Same; discharging duty imposed upon other collector prohibited.—No collector shall be detailed or authorized to discharge any duty imposed by law upon any other collector. (R. S. § 3166.)

28. Same; monthly account of articles in bonded warehouses, and exported.—Every collector who has charge of any warehouse in which distilled spirits, or other articles, are stored in bond, shall render a monthly account of all such articles to the Commissioner of Internal Revenue, by whom such account shall be examined and adjusted monthly, so as to exhibit a true statement of the responsibility of such collector thereon. In adjusting such account, the collector shall be charged with all the articles which may have been deposited or received under the provisions of law, in any warehouse in his district and under his control, and shall be credited with all such articles shown to have been removed therefrom according to law, including transfers to other collectors and to his successor in office, and also whatever allowances may have been made in accordance with law to any owner of such goods or articles for leakage or other losses. And every collector from whose district any distilled spirits, tobacco, snuff, or cigars are shipped in bond, under the provisions of this title, shall render a monthly account of the same to the Commissioner of Internal Revenue, showing the amount of each article produced and shipped in bond, the amounts of which the exportation is completed according to law, and the amount remaining unaccounted for at the end of each month; also any excesses or deficiencies on the amounts originally reported as shipped. (R. S. § 3444.)

29. Deputies; appointment and revocation; compensation; bond.—Each collector of internal revenue shall be authorized to appoint, subject to the limitation contained in section 55 of this title, by an instrument in writing under his hand, as many deputies as he may think proper, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue; and the collector shall have power to revoke the appointment of any such deputy, giving such notice thereof as the Commissioner of Internal Revenue may prescribe, and to require and accept bonds or other securities from any deputy; and actions upon such bonds may be brought in any appropriate district court of the United States; which courts shall have jurisdiction of such actions concurrently with the courts of the several States. Each such deputy shall have the like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself; but each collector shall, in every respect, be responsible, both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done or neglected to be done, by any of his deputies while acting as such. (Feb. 8, 1875, c. 36, § 12, 18 Stat. 309; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329; Feb. 24, 1919, c. 18, § 1301(b), 40 Stat. 1140.)

30. Same; detail of deputies for special duty.—The Commissioner of Internal Revenue is authorized to detail deputy collectors of internal revenue in one district for special duty in other districts, and the deputy collectors so detailed shall be paid by the collector of internal revenue and disbursing agent for the district for which they are appointed and for which the allowance for their salary and expenses is made, the same as if all their services had been performed and expenses incurred in that district. (Apr. 17, 1900, c. 192, § 1, 31 Stat. 107.)

31. Same; disability or vacancy in office of collector.—In case of the sickness or absence of a collector, or in case of his temporary disability to discharge his duties, they shall devolve upon his senior deputy, unless he shall have devolved them upon another of his deputies; and for the official acts or defaults of such deputies the collector and his sureties shall be held responsible to the United States.

In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed; and until a successor is appointed, the deputy of such collector senior in service shall discharge all the duties of collector, and also the duties of disbursing agent; and of two or more deputies appointed on the same day, the one residing nearest the residence of the collector when the vacancy occurred shall discharge the said duties until another collector is appointed. When it appears to the Secretary of the Treasury that the interest of the Government so requires, he may, by his order, direct the said duties to be performed by such other one of the said deputies as he may designate. For the official acts and defaults of the deputy upon whom said duties are devolved, remedy shall be had on the official bond of the collector, as in other cases; and for the official acts and defaults of such deputy as acting disbursing agent, remedy shall be had on the official bond of the collector as disbursing agent. And any bond or security taken from a

deputy by a collector, pursuant to section 29 of this title shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act or omission of duty by the deputy so continuing or succeeding to the duties of such collector. (R. S. § 3149; Mar. 1, 1879, c. 125, § 2, 20 Stat. 328.)

32. Same; when deputy entitled to collector's salary.—Any deputy collector who has performed or may perform, under authority of law, the duties of any collector in consequence of a vacancy in the office of said collector, shall be entitled to receive the salary and expenses allowed by law to such collector, and the Secretary of the Treasury may make to such deputy collector such allowance in lieu of salary and expenses as he might lawfully make to such collector. And such deputy shall not be debarred from receiving such salary and expenses, or allowances in lieu thereof, by reason of the holding of another Federal office by said collector during the time for which such deputy acts as collector. But all payments to such deputy collector shall be upon duly audited vouchers. (R. S. § 3150; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329.)

33. Internal-revenue agents.—The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, who shall be known and designated as internal-revenue agents, in such number and at such compensation as may be appropriated for by Congress; and he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary.

The agents whose employment is authorized by this section shall have all the powers of entry and examination conferred upon any officer of internal revenue, by sections 92, 300, 312, and 329 of this title; and all the provisions of said sections, including those imposing fines, forfeitures, penalties, or other punishments for the enforcement thereof, shall be applicable to the action of internal-revenue agents, in the same manner as if such agents were specially named in each of said sections. (R. S. § 3152; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329; July 7, 1884, c. 331, § 1, 23 Stat. 172; June 13, 1898, c. 448, §§ 3, 47, 30 Stat. 450, 469; Feb. 25, 1903, c. 1775, § 1, 32 Stat. 877; Mar. 18, 1904, c. 716, § 1, 33 Stat. 106; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1090, 1091; Jan. 22, 1925, c. 87, Title I, 43 Stat. 770, 771; Feb. 10, 1925, c. 200, 43 Stat. 845.)

34. Duties of collectors and agents.—Every collector within his collection district and every internal-revenue agent shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with, and shall aid in the prevention, detection, and punishment of any frauds in relation thereto. And it shall be the duty of every collector and of every internal-revenue agent to report to the commissioner in writing any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer or agent of which he may obtain knowledge, with a statement of all the facts in each case, and any evidence sustaining the same. (R. S. § 3163; Mar. 1, 1879, c. 125, § 2, 20 Stat. 328.)

35. Storekeepers.—There shall be appointed by the Secretary of the Treasury such number of internal-revenue storekeepers as may be necessary, who shall each receive compensation in accordance with the provisions of section 676 of Title 5. No storekeeper shall be engaged in any other business while in the service of the United States, without the written permission of the Commissioner of Internal Revenue. Every storekeeper shall take an oath faithfully to perform the duties of his office, and shall give a bond, to be approved by the Commissioner of Internal Revenue, for the faithful discharge of his duties, in such form and for such amount as the commissioner may prescribe. (R. S. § 3153; Aug. 15, 1876, c. 287, § 1, 19 Stat. 152; Jan. 22, 1925, c. 87, Title I, 43 Stat. 764.)

36. Same.—Storekeepers shall only receive compensation when rendering actual service. (Aug. 15, 1876, c. 287, § 1, 19 Stat. 152.)

37. Same; assignment to warehouses.—Except as provided in section 45 of this title, one or more storekeepers shall be assigned by the Commissioner of Internal Revenue to every bonded or distillery warehouse established by law. (R. S. § 3154.)

38. Same; temporary storekeeper.—In case of the absence of any internal-revenue storekeeper by reason of sickness or other cause, the collector having control of the warehouse may designate a person to have temporary charge thereof, who shall, during such absence, perform the duties and receive the pay of the storekeeper for the time he may be so employed, and shall for any violation of the law be subject to the same punishment as storekeepers. (R. S. § 3155.)

39. Gaugers.—The Secretary of the Treasury shall appoint in every collection district where they may be necessary, one or more internal-revenue gaugers, who shall each take an oath faithfully to perform his duties, and shall give bond, with one or more sureties, satisfactory to the Commissioner of Internal Revenue, for the faithful discharge of the duties assigned to him by law or regulations; and the penal sum of said bond shall not be less than $5,000, and said bond shall be renewed or strengthened as the Commissioner of Internal Revenue may require. The duties of every such gauger shall be performed under the supervision and direction of the collector of the district to which he may be assigned, or of the collector in charge of exports at any port of entry to which he may be assigned. Gaugers shall receive compensation only when rendering actual service. (R. S. § 3156; Aug. 15, 1876, c. 287, § 1, 19 Stat. 152.)

40. Same; fees and expenses.—Gaugers shall be entitled to receive such fees, to be determined by the quantity gauged, as may be prescribed by the Commissioner of Internal Revenue; and said fees, together with their actual and necessary traveling expenses, shall be verified by their oaths, and shall be paid by the United States monthly. (R. S. § 3157.)

41. Same; assignment to distilleries, and so forth.—Gaugers may be assigned to duty at distilleries, rectifying houses, or wherever gauging is required to be done. (Aug. 27, 1894, c. 349, § 65, 28 Stat. 567.)

42. Same; compensation for gauging fruit brandy, or when detailed for special duty.—Gaugers employed in gauging fruit brandy, and gaugers specially detailed for special duty under the direction of the Commissioner of Internal Revenue, may be paid, at the discretion of the Commissioner of Internal Revenue, either by fees to be determined by the quantity gauged, or by a daily compensation while actually employed; and in calculating the daily compensation of all gaugers paid by fees, the quantity gauged for which fees are paid may be determined by dividing the aggregate gallons of spirits gauged by the number of days on which the gauger was actually employed during the month. (July 7, 1898, c. 571, § 1, 30 Stat. 656; Jan. 22, 1925, c. 87, Title I, 43 Stat. 764.)

43. Gauger's returns.—Every gauger shall, under such regulations as may be prescribed by the Commissioner of Internal Revenue, make a daily return to the collector of his district, giving a true account, in detail, of all articles gauged and proved or inspected by him, and for whom, and the number and kind of stamps used by him. (R. S. § 3291.)

44. Storekeepers and gaugers; performance of duties by one officer; designation; commission.—The Secretary of the Treasury may, upon the recommendation of the Commissioner of Internal Revenue, impose the duties of storekeeper and

gauger upon one officer, who shall be known and denominated as a storekeeper-gauger, where the amount of spirits produced at the distillery, to which such officer may be assigned, is not sufficient, in the judgment of the commissioner, to warrant the employment of two officers to perform the separate duties of storekeeper and gauger. The Secretary of the Treasury may issue a commission to such officer as storekeeper-gauger. (Aug. 15, 1876, c. 287, § 1, 19 Stat. 152.)

45. **Storekeeper-gauger; duties; bond.**—A storekeeper-gauger may be assigned by the Commissioner of Internal Revenue to perform the separate duties of a storekeeper at any distillery, or at any general or special bonded warehouse, or to perform any of the duties of a gauger under the internal revenue laws. And the said officer, before entering upon the discharge of such separate duties, shall give a bond to be approved by the Commissioner of Internal Revenue for the faithful discharge of his duties in such form and for such amount as the commissioner may prescribe. (Aug. 27, 1894, c. 349, § 64, 28 Stat. 567.)

46. **Same; compensation.**—A storekeeper-gauger when performing the combined duties of storekeeper-gauger, or when assigned by the Commissioner of Internal Revenue to perform the duties of a storekeeper only at any distillery, or at any general or special bonded warehouse, shall receive for his services the compensation of storekeeper only; but when assigned by the Commissioner of Internal Revenue to perform the duties of gauger only, under the internal-revenue laws, as provided by those laws, he shall receive only the compensation for his services and the traveling expenses which are allowed by law to United States gaugers. (June 21, 1879, c. 34, § 2, 21 Stat. 27; June 28, 1902, c. 1312, 32 Stat. 492.)

47. **Storekeepers, gaugers, and storekeeper-gaugers; compensation at small distilleries.**—Storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries with a registered capacity of twenty bushels or less, or who are assigned to other places where the compensation would otherwise be less than $3 a day, shall receive $3 a day for services. (Mar. 3, 1885, c. 343, § 1, 23 Stat. 404; Feb. 24, 1911, c. 149, 36 Stat. 928.)

48. **Same; when traveling.**—Storekeepers, storekeeper-gaugers, and gaugers, when traveling to or from assignments, or when transferred from one assignment to another, either in the same district or in different districts, shall receive the same compensation per day during the time necessarily occupied in traveling that they would be entitled to if on duty at the place to which assigned or transferred, or from which relieved, together with actual and necessary traveling expenses. (Aug. 27, 1894, c. 349, § 63, 28 Stat. 567; May 13, 1910, c. 236, 36 Stat. 369.)

49. **Same; transfer to other places of duty.**—The commissioner may transfer any gauger, storekeeper, or storekeeper-gauger from one distillery or other place of duty or from one collection district to another. (R. S. § 3163; Mar. 1, 1879, c. 125, § 2, 20 Stat. 328; Aug. 27, 1894, c. 349, § 65, 28 Stat. 567.)

50. **Same; detail for duty in other districts; accounts.**—The Commissioner of Internal Revenue is authorized to detail gaugers, storekeeper-gaugers, and storekeepers, appointed in one district, for special or regular duty in other districts, and the accounts of gaugers, storekeeper-gaugers, and storekeepers so detailed shall be adjusted and paid in the district where they are appointed the same as if assigned to regular duty, without regard to the number of districts in which they may have been employed in any one month, the same as if all their services had been performed and expenses incurred in the district in which appointed, and the order of the Commissioner of Internal Revenue transferring gaugers, storekeeper-gaugers, or storekeepers to special work shall be accepted by the General Accounting Office as full authority for proper expenses incurred by said gaugers, storekeeper-guagers, or storekeepers, while so assigned. (Apr. 17, 1900, c. 192, § 1, 31 Stat. 107; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

51. **Leaves of absence; storekeepers, gaugers, and storekeeper-gaugers.**—Storekeepers, gaugers, and storekeeper-gaugers shall have a cumulative annual leave of absence, with pay, not to exceed in the aggregate fifteen days for any one year. Said leave of absence shall be computed as not to exceed one and one-quarter days for each twenty-six days said storekeepers, gaugers, and storekeeper-gaugers are actually assigned to duty. Such leave shall be operative under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. (June 23, 1910, c. 356, 36 Stat. 592.)

52. **Same; revenue agents and inspectors.**—All internal-revenue agents and inspectors shall be granted leave of absence with pay, which shall not be cumulative, not to exceed thirty days in any calendar year, under such regulations as the commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c. 18, § 1302, 40 Stat. 1141.)

53. **Superintendent of exports and drawbacks.**—In any port of the United States where there is more than one collector of internal revenue, the Secretary of the Treasury may designate one of them to have charge of all matters relating to the exportation of articles subject to tax under the internal-revenue laws; and at any port where he may deem it necessary, there shall be appointed by him an officer to superintend all matters of exportation and drawback, under the direction of the collector. The compensation of the officers last named shall be prescribed by the Secretary of the Treasury, but unless increased under the provisions of section 676 of Title 5 shall not exceed, in any case, an annual rate of $2,000, excepting at New York, where such compensation shall be at the annual rate of $3,000. At any port where there is no superintendent of exports, all the duties and services required of such officers shall be performed by the collector of internal revenue designated to have charge of exportation. All the books, papers, and documents in the bureau of drawbacks in the respective ports, relating to the drawback of taxes paid under the internal-revenue law, shall be delivered to the collector of internal revenue in charge of exportation. (R. S. § 3161.)

54. **Same; administration of oaths by.**—Every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal-revenue laws. (R. S. § 3162.)

55. **Limit of number of revenue officers.**—No collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers, storekeeper-gaugers, gaugers, inspectors, or other officers, or allowed to remain in commission more of any of said officers, at any one time, than 15 per centum in excess of the number actually engaged in performing duty at the time and indispensably necessary for the performance of said duty. (Mar. 3, 1885, c. 343, § 1, 23 Stat. 404.)

56. **Statement under oath of fees; penalty.**—Every internal-revenue officer, whose payment, charges, salary, or compensation are composed, wholly or in part, of fees, commissions, allowances, or rewards, from whatever source derived, shall be required to render to the Commissioner of Internal Revenue, under regulations to be approved by the Secretary of the Treasury, a statement under oath setting forth the entire amount of such fees, commissions, emoluments, or rewards of whatever nature, or from whatever source received, during the time for which said statement is rendered; and any false statement knowingly and willfully rendered under the requirements of this section, or regulations established in accordance

therewith, shall be deemed willful perjury, and punished in the manner provided by law for the crime of perjury. And any neglect or omission to render such statement when required shall be punished by a fine of not less than $200, nor more than $500, in the discretion of the court. (R. S. § 3158; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319.)

57. Employees engaged in field work; posts of duty; per diem.—The Commissioner of Internal Revenue shall determine and designate the posts of duty of all employees of the Internal Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, and when ordered from their designated posts of duty all internal-revenue agents appointed under section 83 of this title may be granted per diem in lieu of subsistence not exceeding $4, and, when ordered from their designated posts of duty, income-tax agents and inspectors, special gaugers, and special employees may be granted a per diem in lieu of subsistence not exceeding $3, the per diem in lieu of subsistence to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury. (Apr. 7, 1900, c. 192, § 1, 31 Stat. 107; May 10, 1916, c. 117, § 1, 39 Stat. 87.)

58. Administering oaths and taking evidence.—Every collector, deputy collector, internal-revenue agent, and internal-revenue officer assigned to duty under an internal-revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken. (R. S. § 3165; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311; June 2, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 344.)

60. Same; transfer of inspectors.—The Commissioner of Internal Revenue may transfer any inspector from one distillery or other place of duty or from one collection district to another. (R. S. § 3163; Mar. 1, 1879, c. 125, § 2, 20 Stat. 328.)

61. Seizures by internal-revenue officers.—Any officer of internal revenue may be specially authorized by the Commissioner of Internal Revenue to seize any property which may by law be subject to seizure, and for that purpose such officer shall have all the power conferred by law upon collectors; and such special authority shall be limited in respect of time, place, and kind and class of property, as the commissioner may specify. (R. S. § 3166.)

62. Disclosing operations of manufacturers.—It shall be unlawful for any collector, deputy collector, agent, or clerk, to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties. The provisions of this section shall apply to internal-revenue agents as fully as to internal-revenue officers, and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. (R. S. §§ 3152, 3167; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329; Aug. 27, 1894, c. 349, § 34, 28 Stat. 557; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 177; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311; June 2, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 345.)

63. Interest in certain manufactures or production of liquors by revenue officers prohibited.—Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than $500 nor more than $5,000. The provisions of this section shall apply to internal-revenue agents as fully as to internal-revenue officers. (R. S. §§ 3152, 3168; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Mar. 1, 1879, c. 125, 20 Stat. 329.)

64. Same; extortion, receiving unlawful fees, and other unlawful acts.—Every officer or agent appointed and acting under the authority of any revenue law of the United States—

First. Who is guilty of any extortion or willful oppression under color of law; or,

Second. Who knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or,

Third. Who willfully neglects to perform any of the duties enjoined on him by law; or,

Fourth. Who conspires or colludes with any other person to defraud the United States; or,

Fifth. Who makes opportunity for any person to defraud the United States; or,

Sixth. Who does or omits to do any act with intent to enable any other person to defraud the United States; or,

Seventh. Who negligently or designedly permits any violation of the law by any other person; or,

Eighth. Who makes or signs any false entry in any book, or makes or signs any false certificate or return, in any case where he is by law or regulation required to make any entry, certificate, or return; or,

Ninth. Who, having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the United States under any revenue law, fails to report, in writing, such knowledge or information to his next superior officer and to the Commissioner of Internal Revenue; or,

Tenth. Who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do, shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall be fined not less than $1,000 nor more than $5,000, and be imprisoned not less than six months nor more than three years. The court shall also render judgment against the said officer or agent for the amount of damages sustained in favor of the party injured, to be collected by execution. One half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court. The provisions of this section shall apply to internal-revenue agents as fully as to internal-revenue officers. (R. S. §§ 3152, 3169; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329.)

65. Issuing stamps before payment.—Any collector of internal revenue, or any deputy collector or other employee of, or person acting for, such collector, who shall issue any stamp or stamps indicating the payment of any internal-revenue tax, before payment in full therefor has been made to the officer or person issuing the same, shall be deemed guilty of a misdemeanor, and shall be fined for each stamp thus issued an amount equal to the face value thereof, in addition to the liability of the collector on his official bond on account of such stamp; and such collector, deputy collector, or employee shall be dismissed from office. (Mar. 1, 1879, c. 125, § 1, 20 Stat. 327.)

66. Gauger employing others to use brands or perform duties; penalty.—Whenever any gauger employs any owner, agent, or superintendent of any distillery or distillery ware-

house, or any person in the service of such owner, agent, or superintendent, or any rectifier or wholesale liquor dealer, or any person in the service of such rectifier or wholesale liquor dealer, to use his brands, or to discharge any of the duties imposed upon him by law, he shall, for each offense so committed, pay a fine not exceeding $1,000, in the discretion of the court. (R. S. § 3290.)

67. Fraudulent inspection, gauging or proof.—Every gauger who makes any false or fraudulent inspection, gauging, or proof shall pay a penalty of $1,000, and be fined not less than $500 nor more than $5,000, and imprisoned not less than three months nor more than three years. (R. S. § 3292.)

68. Same; laws imposing fines applicable to.—All sections of this Code and parts of sections imposing fines, penalties, or other punishment for offenses committed by an internal-revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall apply to all persons whomsoever, employed, appointed, or acting under the authority of any internal-revenue law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money. (Feb. 8, 1875, c. 36, § 23, 18 Stat. 312.)

69. Injuries to internal-revenue officers or agents; suits for damages.—If any officer appointed under and by virtue of any internal-revenue law or any person acting under or by authority of any such officer, shall receive any injury to his person or property, in the discharge of his duty, under any law of the United States for the collection of taxes, he shall be entitled to maintain suit for damage therefor, in the district court of the United States, in the district wherein the party doing the injury may reside or shall be found. The provisions of this section shall apply to internal-revenue agents as fully as to internal-revenue officers. (R. S. §§ 3152, 3171; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

70. Restriction on payment for services.—No officer or clerk whose duty it is to make payments on account of the salary or wages of any officer or person employed in connection with the internal-revenue service, shall make any payment to any officer or person so employed on account of services rendered, or of salary, unless such officer or person so to be paid has made and subscribed an oath that, during the period for which he is to receive pay, neither he, nor any member of his family, has received, either personally or by the intervention of another party, any money or compensation of any description whatever, nor any promises for the same, either directly or indirectly, for services rendered or to be rendered, or acts performed or to be performed, in connection with the internal revenue; or has purchased, for like services or acts, from any manufacturer, consignee, agent, or other person whomsoever, any merchandise at less than regular retail market prices therefor. (R. S. § 1790.)

71. Accepting or demanding anything for compromise of violation of laws by district attorneys or marshals.—Every district attorney or marshal who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of any provision of the internal-revenue laws, except as expressly authorized by law to do so, shall be held to be guilty of a misdemeanor, and shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned for not less than one nor more than ten years. (R. S. § 3170.)

72. Rules, regulations, and forms.—The Secretary of the Treasury shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal-revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law. (R. S. § 251.)

73. Use of appropriation for salaries in payment of expenses of collectors, deputy collectors, and so forth, when attending trial or examination.—No part of the appropriation for salaries and expenses of collectors of internal revenue, deputy collectors, gaugers, storekeepers, storekeeper-gaugers, clerks, messengers, and janitors in internal-revenue offices, and other necessary miscellaneous expenses in collecting internal-revenue taxes shall be used in defraying the expenses of any officer, designated above, subpœnaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts." (Jan. 22, 1925, c. 87, Title I, 43 Stat. 770.)

Chapter 3.—ASSESSMENTS AND COLLECTIONS.

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Section 91. Canvass for objects of taxation.—Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects. (R. S. § 3172; Aug. 27, 1894, c. 349, § 34, 28 Stat. 558; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 178; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311; June 2, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 345.)

92. Entering premises where taxable articles are kept.—Any collector, deputy collector, internal-revenue agent, or inspector may enter, in the daytime, any building or place where any articles or objects subject to tax are made, produced, or kept, within his district, so far as it may be necessary, for the purpose of examining said articles or objects. And any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit $500. And when such premises are open at night, such officers may enter them while so open, in the performance of their official duties. And if any person shall forcibly obstruct or hinder any collector, deputy collector, or inspector, in the execution of any power and authority vested in him by law, or shall forcibly rescue or cause to be rescued any property, articles, or objects after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of $500, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court. (R. S. §§ 3152, 3177; Mar. 1, 1879, c. 125, § 2, 20 Stat. 329.)

93. Returns of persons liable to tax.—It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, (1) in case of a special tax, on or before the 31st day of July in each year, and (2) in other cases before the day on which the taxes accrue, to make a list or return, verified by oath, to the collector or a deputy collector of the district where located, of the articles or objects, including the quantity of goods, wares, and merchandise, made or sold and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable. If any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, article or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath by the person so owning, possessing, or having the care and management as aforesaid may be received as the list of such person. (R. S. § 3173; Mar. 1, 1879, c. 125, § 3, 20 Stat. 330; Aug. 27, 1894, c. 349, § 34, 28 Stat. 558; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 178; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 312; June 21, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 345.)

94. Notice to file return by collector; summons.—In case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law within ten days from the date of such note or memorandum verified by oath. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is erroneous, false, or fraudulent, or contains any undervaluation or understatement, or refuses to allow any regularly authorized Government officer to examine the books of such person, firm, or corporation, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person or any other person he may deem proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof. The collector may summon any person residing or found within the State or Territory in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned. "Person," as used in this section and section 93 of this title, shall be construed to include any corporation, joint-stock company or association, or insurance company when such construction is necessary to carry out their provisions. (R. S. § 3173; Mar. 1, 1879, c. 125, § 3, 20 Stat. 330; Aug. 27, 1894, c. 349, § 34, 28 Stat. 558; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 178; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 312; June 2, 1924, 4.01 p. m., c. 234, § 1018, 43 Stat. 345.)

95. Same; service of summons.—Such summons shall in all cases be served by a deputy collector of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand, or left at his last and

usual place of abode, allowing such person one day for each twenty-five miles he may be required to travel, computed from the place of service to the place of examination; and the certificate of service signed by such deputy shall be evidence of the facts it states on the hearing of an application for an attachment. When the summons requires the production of books, it shall be sufficient if such books are described with reasonable certainty. (R. S. § 3174.)

96. Same; failure to obey summons.—Whenever any person summoned under sections 94 and 95 of this chapter neglects or refuses to obey such summons, or to give testimony, or to answer interrogatories as required, the collectors may apply to the judge of the district court or to a United States commissioner for the district within which the person so summoned resides for an attachment against him as for a contempt. It shall be the duty of the judge or commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper not inconsistent with existing laws for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience. (R. S. § 3175; May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956.)

97. Failure to make return; returns by collectors; making or amending returns by commissioner; extension of time for filing; assessment.—If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case the Commissioner of Internal Revenue may, from his own knowledge and from such information as he can obtain through testimony or otherwise, make a return or amend any return made by a collector or deputy collector. Any return or list so made and subscribed by the commissioner, or by a collector or deputy collector and approved by the commissioner, shall be prima facie good and sufficient for all legal purposes.

If the failure to file a return (other than a return under chapter 19 of this title) or a list is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

The Commissioner of Internal Revenue shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section. (R. S. § 3176; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331; Aug. 27, 1894, c. 349, § 34, 28 Stat. 559; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 179; Sept. 8, 1916, c. 465, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1147; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 313; June 2, 1924, 4.01 p. m., c. 234, § 1003, 43 Stat. 339.)

98. Same; addition to tax for failure to file; addition in case of fraud; collection.—In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax. (R. S. § 3176; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331; Aug. 27, 1894, c. 349, § 34, 28 Stat. 559; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 179; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1147; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 313; June 2, 1924, 4.01 p. m., c. 234, § 1003, 43 Stat. 339.)

99. False return, or refusing to produce books.—Whenever any person delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or, being duly summoned to appear to testify, or to appear and produce such books as aforesaid, neglects to appear or to produce said books, he shall be fined not exceeding $1,000, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution. (R. S. § 3179.)

100. Taxable property owned by nonresidents.—Whenever there are in any district any articles not owned or possessed by or under the care or control of any person within such district, and liable to be taxed, and of which no list has been transmitted to the collector, as required by law, the collector or one of his deputies shall enter the premises where such articles are situated and shall take such view thereof as may be necessary, and make lists of the same, according to the form prescribed. Said lists, being subscribed by such collector or deputy, shall be taken as sufficient lists of such articles for all purposes. (R. S. § 3180.)

101. Lists, when taken and how denominated.—The lists or returns aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this title as aforesaid; and where duties accrue at other and different times, the list shall be taken with reference to the time when said taxes become due, and shall be denominated annual, monthly, and special lists or returns. (R. S. § 3181; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319.)

102. Assessments by commissioner; correction of lists.—The Commissioner of Internal Revenue shall make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law, and shall certify a list of such assessments when made to the proper collectors respectively, who shall proceed to collect and account for the taxes and penalties so certified. Whenever it is ascertained that any list which has been or shall be delivered to any collector, is imperfect or incomplete in consequence of the omission of the name of any person liable to tax, or in consequence of any omission, or understatement, or undervaluation, or false or fraudulent statement contained in any return made by any person liable to tax, the Commissioner of Internal Revenue may, at any time, within fifteen months from the time of the delivery of the list to the collector as aforesaid, enter on any monthly or special list the name of such person so omitted, together with the amount of tax for which he may have been or shall become liable, and also the name of any such person in respect to whose return, as aforesaid, there has been or shall be any omission, undervaluation, understatement, or false or fraudulent statement, together with the amount for which such person may be liable, above the amount for which he may have been or shall be assessed upon any return made as aforesaid; and he shall certify and return such list to the collector as required by law. And all provisions of law for the ascertainment of liability to any tax, or the assessment or collection thereof, shall be held to apply, so far as may be necessary, to the proceedings herein authorized and directed. (R. S. § 3182.)

103. Collectors and deputies to collect all taxes.—It shall be the duty of the collectors, or their deputies, in their respective districts, and they are authorized, to collect all the taxes imposed by law, however the same may be designated. (R. S. § 3183; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331.)

104. Notice and demand.—Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 1 per centum a month. (R. S. § 3184.)

105. Limitation on time for assessment or collection of internal revenue taxes.—Except as provided in sections 106, 107, 1057 to 1062, 1110, and 1111 of this title, all internal revenue taxes shall, notwithstanding the provisions of section 102 of this chapter or any other provision of law, be assessed within four years after such taxes became due, and no proceeding in court for the collection of such taxes shall be begun after the expiration of five years after such taxes became due. (June 2, 1924, 4.01 p. m., c. 234, § 1009 (a), 43 Stat. 341.)

106. Same; evading tax by fraud or otherwise.—In case of a false or fraudulent return with intent to evade tax, of a failure to file a required return, or of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. (June 2, 1924, 4.01 p. m., c. 234, § 1009 (b), 43 Stat. 341.)

107. Collection of tax by distraint or proceeding in court; proceedings for collection of tax without assessment.—Where the assessment of the tax is made within the period prescribed in sections 105 and 106 of this chapter such tax may be collected by distraint or by a proceeding in court, begun within six years after the assessment of the tax. Nothing in this title shall be construed as preventing the beginning, without assessment, of a proceeding in court for the collection of the tax at any time before the expiration of the period provided in section 105 for the beginning of such proceeding. (June 2, 1924, 4.01 p. m., c. 234, § 1009 (c), 43 Stat. 341.)

108. Effect of existing limitations.—Sections 105 to 107 of this chapter shall not (1) authorize the assessment of a tax or the collection thereof by distraint or by a proceeding in court if on June 2, 1924, such assessment, distraint, or proceeding was barred by the period of limitation then in existence, or (2) affect any assessment made, or distraint or proceeding in court begun, before such date. (June 2, 1924, 4.01 p. m., c. 234, § 1009 (d), 43 Stat. 341.)

109. Payment of taxes; certified checks; ultimate payment.—It shall be lawful for collectors of internal revenue to receive for internal taxes and all public dues certified checks drawn on national and State banks, and trust companies during such time and under such regulations as the Secretary of the Treasury may prescribe. No person, however, who may be indebted to the United States on account of internal taxes who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank. (Mar. 2, 1911, c. 191, § 1, 36 Stat. 965; Mar. 3, 1913, c. 119, 37 Stat. 733.)

110. Same; United States certificates of indebtedness and uncertified checks.—Collectors may receive, at par with an adjustment for accrued interest, notes or certificates of indebtedness issued by the United States and uncertified checks in payment of income, war-profits, and excess-profits taxes and any other taxes payable other than by stamp, during such time and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered. (June 2, 1924, 4.01 p. m., c. 234, § 1021 (a), 43 Stat. 347.)

111. Same; fractional parts of a cent disregarded.—In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. (Feb. 24, 1919, c. 18, § 1313, 40 Stat. 1145; Nov. 23, 1921, c. 136, § 1306, 42 Stat. 310; June 2, 1924, 4.01 p. m., c. 234, § 1021, 43 Stat. 347.)

112. Receipts for taxes.—Every collector and deputy collector shall give receipts for all sums collected by him excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax. (R. S. § 3183; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331.)

113. Same; income tax.—Every collector to whom any payment of any income tax is made shall upon request give to the person making such payment a full written or printed receipt, stating the amount paid and the particular account for which such payment was made; and whenever any debtor pays taxes on account of payments made or to be made by him to separate creditors the collector shall, if requested by such debtor, give a separate receipt for the tax paid on account of each creditor in such form that the debtor can conveniently produce such receipts separately to his several creditors in satisfaction of their respective demands up to the amounts stated in the receipts; and such receipt shall be sufficient evidence in favor of such debtor to justify him in withholding from his next payment to his creditor the amount therein stated; but the creditor may, upon giving to his debtor a full written receipt acknowledging the payment to him of any sum actually paid and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt. (June 2, 1924, 4.01 p. m., c. 234, § 1021 (b), 43 Stat. 347.)

114. Monthly returns and special returns; when tax payable.—All returns required to be made monthly by any person liable to tax shall be made on or before the 10th day of each month, and the tax assessed or due thereon shall be returned by the Commissioner of Internal Revenue to the collector on or before the last day of each month. All returns for which no provision is otherwise made shall be made on or before the 10th day of the month succeeding the time when the tax is due and liable to be assessed, and the tax thereon shall be returned as herein provided for monthly returns, and shall be due and payable on or before the last day of the month in which the assessment is so made. When the said tax is not paid on or before the last day of the month, as aforesaid, the collector shall add a penalty of 5 per centum, together with

interest at the rate of 1 per centum per month, upon such tax from the time the same became due; but no interest for a fraction of a month shall be demanded: *Provided*, That notice of the time when such tax becomes due and payable is given in such manner as may be prescribed by the Commissioner of Internal Revenue. It shall then be the duty of the collector, in case of the nonpayment of said tax on or before the last day of the month, as aforesaid, to demand payment thereof, with 5 per centum added thereto, and interest at the rate of 1 per centum per month, as aforesaid, in the manner prescribed by law; and if said tax, penalty, and interest, are not paid within ten days after such demand, it shall be lawful for the collector or his deputy to make distraint therefor, as provided by law. (R. S. § 3185.)

115. Lien for taxes.—If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to such person; but such lien shall not be valid as against any mortgagee, purchaser, or judgment creditor until notice of such lien shall be filed by the collector in the office of the clerk of the district court of the district within which the property subject to such lien is situated. Whenever any State by appropriate legislation authorizes the filing of such notice in the office of the registrar or recorder of deeds of the counties of that State, and in the State of Louisiana in the parishes thereof, and in the States of Connecticut, Rhode Island, and Vermont in the office of the registrar or recorder of deeds or town or city clerk having custody of the land records of the towns and cities, then such lien shall not be valid in that State against any mortgagee, purchaser, or judgment creditor until such notice shall be filed in the office of the registrar or recorder of deeds of the county or counties, or parish or parishes in the State of Louisiana, or in the office of the registrar or recorder of deeds or town or city clerk having custody of the land records in the States of Connecticut, Rhode Island, and Vermont of the towns or cities within which the property subject to the lien is situated. (R. S. § 3186; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331; Mar. 4, 1913, c. 166, 37 Stat. 1016; Feb. 26, 1925, c. 344, 43 Stat. 994.)

116. Distraint for taxes.—If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with 5 per centum additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt, of the person delinquent as aforesaid, except there shall be exempt from distraint and sale, if belonging to the head of a family, the schoolbooks and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market value of said sheep shall not exceed $50; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days; fuel to an amount not greater in value than $25; provisions to an amount not greater than $50; household furniture kept for use to an amount not greater than $300; and the books, tools, or implements, of a trade or profession, to an amount not greater than $100 shall also be exempt; and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt. (R. S. § 3187; June 2, 1924, 4.01 p. m., c. 234, § 1016, 43 Stat. 343.)

117. Same; levy.—In such case of neglect or refusal, the collector may levy, or by warrant may authorize a deputy collector to levy, upon all property and rights to property, except such as are exempt by section 116 of this title, belonging to such person, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for nonpayment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy. (R. S. § 3188.)

118. Same; exhibit of evidences relating to property.—All persons, and officers of companies or corporations, are required, on demand of a collector or deputy collector about to distrain or having distrained on any property, or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint, or the property or rights of property liable to distraint for the tax due as aforesaid. (R. S. § 3189.)

119. Same; proceedings on.—When distraint is made, as aforesaid, the officer charged with the collection shall make or cause to be made an account of the goods or effects distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods or effects, or at his dwelling or usual place of business, with some person of suitable age and discretion, if any such can be found, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if a newspaper is published in said county, or to be publicly posted at the post office, if there be one within five miles nearest to the residence of the person whose property shall be destrained, and in not less than two other public places. Such notice shall specify the articles distrained, and the time and place for the sale thereof. Such time shall not be less than ten nor more than twenty days from the date of such notification to the owner or possessor of the property and the publication or posting of such notice as herein provided, and the place proposed for the sale shall not be more than five miles distant from the place of making such distraint. Said sale may be adjourned from time to time by said officer, if he deems it advisable, but not for a time to exceed in all thirty days. (R. S. § 3190.)

120. Same; sale of property subject to tax.—When property subject to tax, but upon which the tax has not been paid, is seized upon distraint and sold, the amount of such tax shall, after deducting the expenses of such sale, be first appropriated out of the proceeds thereof to the payment of the tax. And if no assessment of such tax has been made upon such property, the collector shall make a return thereof in the form required by law, and the Commissioner of Internal Revenue shall assess the tax thereon. (R. S. § 3191.)

121. Same; sale of property; purchase for United States.—When any property advertised for sale under distraint, as aforesaid, is of a kind subject to tax, and the tax has not been paid, and the amount bid for such property is not equal to the amount of the tax, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax. All property so purchased may be sold by the collector, under such regulations as may be prescribed by the Commissioner of Internal Revenue. The collector shall render to the commissioner a distinct account of all charges incurred in such sales, and, in case of sale, shall pay into the Treasury the surplus, if any there be, after defraying all lawful charges and fees. (R. S. § 3192.)

122. Same; restoration of property on payment before sale.—In any case of distraint for the payment of the taxes aforesaid, the goods, chattels, or effects so distrained shall be restored to the owner or possessor, if, prior to the sale, payment of the amount due is made to the proper officer charged with the collection, together with the fees and other charges; but in case of nonpayment as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall retain from the proceeds of such sale the

amount demandable for the use of the United States, and a commission of 5 per centum thereon for his own use, with the fees and charges for distraint and sale, rendering the overplus, if any there be, to the person who may be entitled to receive the same. (R. S. § 3193.)

123. Same; effect of certificate of sale.—In all cases of sale, as aforesaid, the certificate of such sale shall be prima-facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale, and shall transfer to the purchaser all right, title, and interest of such delinquent in and to the property sold; and where such property consists of stocks, said certificate shall be notice, when received, to any corporation, company, or association of said transfer, and shall be authority to such corporation, company, or association to record the same on their books and records in the same manner as if transferred or assigned by the party holding the same, in lieu of any original or prior certificates, which shall be void, whether canceled or not. And said certificates, where the subject of sale is securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of dept. (R. S. § 3194.)

124. Same; when property not divisible.—When any property liable to distraint for taxes is not divisible, so as to enable the collector by sale of a part thereof to raise the whole amount of the tax, with all costs and charges, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for the costs and charges of the distraint and sale, shall be deposited with the Treasurer of the United States as provided in subdivision (b) of section 140 of this title. (R. S. § 3195; June 2, 1924, 4.01 p. m., c. 234, § 1031 (a), 43 Stat. 351.)

125. Real estate; sale to satisfy taxes.—When goods chattels, or effects sufficient to satisfy the taxes imposed upon any person are not found by the collector or deputy collector, he is authorized to collect the same by seizure and sale of real estate. (R. S. § 3196.)

126. Same; proceedings.—The officer making the seizure mentioned in section 125 of this title shall give notice to the person whose estate it is proposed to sell by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection district where said estate is situated, a notice, in writing, stating what particular estate is to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty nor more than forty days from the time of giving said notice. The said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted at the post office nearest to the estate seized, and in two other public places within the county; and the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising and an officer's fee of $10. When the real estate so seized consists of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall, if he deem it advisable, apportion the expenses, charges, and fees aforesaid to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid. If no person offers for said estate the amount of said minimum price, the officer shall declare the same to be purchased by him for the United States; otherwise the same shall be declared to be sold to the highest bidder. And in case the same shall be declared to be purchased for the United States, the officer shall immediately transmit a certificate of the purchase to the Commissioner of Internal Revenue, and, at the proper time, as hereafter provided, shall execute a deed therefor, after its preparation and the indorsement of approval as to its form by the United States district attorney for the district in which the property is situate, and shall without delay, cause the same to be duly recorded in the proper registry of deeds, and immediately thereafter shall transmit such deed to the Commissioner of Internal Revenue. And said sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner. And it is hereby provided, That all certificates of purchase, and deeds of property purchased by the United States under the internal-revenue laws, on sales for taxes, or under executions issued from United States courts, which now are, or hereafter may be, found in the office of any collector, United States marshal, or United States district attorney, shall be immediately transmitted by such officers respectively to the Commissioner of Internal Revenue. (R. S. § 3197; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331; May 28, 1896, c. 252, 29 Stat. 179; Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1207; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

127. Same; certificate of purchase; deed.—Upon any sale of real estate, as provided in section 126 of this title, and the payment of the purchase-money, the officer making the seizure and sale shall give to the purchaser a certificate of purchase, which shall set forth the real estate purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor; and if the said real estate be not redeemed in the manner and within the time hereafter provided, the said collector or deputy collector shall execute to the said purchaser, upon his surrender of said certificate, a deed of the real estate purchased by him as aforesaid, reciting the facts set forth in said certificate, and in accordance with the laws of the State in which such real estate is situate upon the subject of sales of real estate under execution. (R. S. § 3198.)

128. Same; deed prima-facie evidence.—The deed of sale given in pursuance of section 127 of this title shall be prima-facie evidence of the facts therein stated; and if the proceedings of the officer as set forth have been substantially in accordance with the provisions of law, shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto. (R. S. § 3199.)

129. Same; place of seizure.—Any collector or deputy collector may, for the collection of taxes imposed upon any person, and committed to him for collection, seize and sell the lands of such person situated in any other collection district within the State in which such officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection district. (R. S. § 3200.)

130. Same; redemption prior to sale.—Any person whose estate may be proceeded against as aforesaid shall have the right to pay the amount due, together with the costs and charges thereon, to the collector or deputy collector at any time prior to the sale thereof, and all further proceedings shall cease from the time of such payment. (R. S. § 3201.)

131. Same; redemption after sale.—The owners of any real estate sold as aforesaid, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to

redeem the land sold, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or, in case he can not be found in the county in which the land to be redeemed is situate, then to the collector of the district in which the land is situate, for the use of the purchaser, his heirs or assigns, the amount paid by the said purchaser and interest thereon at the rate of 20 per centum per annum. (R. S. § 3202.)

132. Same; record of sales; evidence.—It shall be the duty of every collector to keep a record of all sales of land made in his collection district, whether by himself or his deputies, or by another collector, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed and all proceedings in making said sale, amount of fees and expenses, the name of the purchaser and the date of the deed; and said record shall be certified by the officer making the sale. And on or before the 5th day of each succeeding month he shall transmit a copy of such record of the preceding month to the Commissioner of Internal Revenue. And it shall be the duty of every deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof. In case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be delivered to his successor in office; and a copy of every such record, certified by the collector, shall be evidence in any court of the truth of the facts therein stated. (R. S. § 3203; Mar. 1, 1879, c. 125, § 3, 20 Stat. 332.)

133. Same; record of redemptions.—When any lands sold, as aforesaid, are redeemed as heretofore provided, the collector shall make entry of the fact upon the record mentioned in section 132 of this title, and the said entry shall be evidence of such redemption. (R. S. § 3204.)

134. Successive seizures.—Whenever any property, personal or real, which is seized and sold by virtue of the foregoing provisions, is not sufficient to satisfy the claim of the United States for which distraint or seizure is made, the collector may, thereafter, and as often as the same may be necessary, proceed to seize and sell, in like manner, any other property liable to seizure of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid. (R. S. § 3205.)

135. Fees and charges in seizure cases.—The Commissioner of Internal Revenue shall by regulation determine the fees and charges to be allowed in all cases of distraint and other seizures; and shall have power to determine whether any expense incurred in making any distraint or seizure was necessary. (R. S. § 3206.)

136. Chancery proceedings against real estate.—(a) In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed, in a district court of the United States, to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid, shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein. And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States.

(b) Any person having a lien upon or any interest in such real estate, notice of which has been duly filed of record in the jurisdiction in which the real estate is located, prior to the filing of notice of the lien of the United States as provided by section 115 of this title, or any person purchasing the real estate at a sale to satisfy such prior lien or interest, may make written request to the Commissioner of Internal Revenue to direct the filing of a bill in chancery as provided in subdivision (a), and if the commissioner fails to direct the filing of such bill within six months after receipt of such written request, such person or purchaser may, after giving notice to the commissioner, file a petition in the district court of the United States for the district in which the real estate is located, praying leave to file a bill for a final determination of all claims to or liens upon the real estate in question. After a full hearing in open court, the district court may in its discretion enter an order granting leave to file such bill, in which the United States and all persons having liens upon or claiming any interest in the real estate shall be made parties. Service on the United States shall be had in the manner provided by sections 762 and 763 of Title 28. Upon the filing of such bill the district court shall proceed to adjudicate the matters involved therein, in the same manner as in the case of bills filed under subdivision (a) of this section. For the purpose of such adjudication, the assessment of the tax upon which the lien of the United States is based shall be conclusively presumed to be valid, and all costs of the proceedings on the petition and the bill shall be borne by the person filing the bill. (R. S. § 3207; June 2, 1924, 4.01 p. m., c. 234, § 1030, 43 Stat. 350.)

137. Charge of real estate acquired by United States.—The Commissioner of Internal Revenue shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, and of all trusts created for the use of the United States in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may, at public vendue, and upon not less than twenty days' notice, sell and dispose of all real estate owned or held by the United States aforesaid; and until such sale the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may lease such real estate owned as aforesaid on such terms and for such period as they shall deem expedient. And in cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of 1 per centum per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury to release by deed, or otherwise convey such real estate to the debtor from whom it was taken, or to his heirs or other legal representatives. (R. S. § 3208; Mar. 1, 1879, c. 125, § 3, 20 Stat. 332.)

138. Lists sent to district where party taxed resides or has property.—Whenever a collector has on any list duly returned to him the name of any person not within his collection district who is liable to tax, or of any person so liable who has, in the collection district in which he resides, no sufficient property subject to seizure or distraint, from which the money due for tax can be collected, such collector shall transmit a

statement containing the name of the person liable to such tax, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for tax. And the collector to whom the said certified statement is transmitted shall proceed to collect the said tax in the same way as if the name of the person and objects of tax contained in the said certified statement were on any list of his own collection district; and he shall, upon receiving said certified statement as aforesaid, transmit his receipt for it to the collector sending the same to him. (R. S. § 3209.)

139. Depositories for internal-revenue moneys.—The Secretary of the Treasury is authorized to designate one or more depositories in each State, for the deposit and safe-keeping of the money collected by virtue of the internal revenue laws; and the receipt of the proper officer of such depository to a collector for the money deposited by him shall be a sufficient voucher for such collector in the settlement of his accounts at the Treasury Department. (R. S. § 3211.)

140. Collections paid into Treasury daily; exception.—(a) Except as provided in subdivision (b) the gross amount of all taxes and revenues received under the provisions of this title and collections of whatever nature received or collected by authority of any internal revenue law, shall be paid daily into the Treasury of the United States under instructions of the Secretary of the Treasury as internal-revenue collections, by the officer receiving or collecting the same, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description. A certificate of such payment, stating the name of the depositor and the specific account on which the deposit was made, signed by the treasurer, designated depositary, or proper officer of a deposit bank, shall be transmitted to the Commissioner of Internal Revenue.

(b) Sums offered in compromise under the provisions of section 158 of this title and section 52 of Title 27, sums offered for the purchase of real estate under the provisions of section 137 of this title, and surplus proceeds in any distraint sale, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for costs and charges of the distraint and sale, shall be deposited with the Treasurer of the United States in a special deposit account in the name of the collector making the deposit. Upon acceptance of such offer in compromise or offer for the purchase of such real estate, the amount so accepted shall be withdrawn by the collector from his special deposit account with the Treasurer of the United States and deposited in the Treasury of the United States as internal-revenue collections. Upon the rejection of any such offer, the commissioner shall authorize the collector, through whom the amount of such offer was submitted, to refund to the maker of such offer the amount thereof. In the case of surplus proceeds from distraint sales the commissioner shall, upon application and satisfactory proof in support thereof, authorize the collector through whom the amount was received to refund the same to the person or persons legally entitled thereto. (R. S. § 3210; May 10, 1916, c. 117, § 1, 39 Stat. 86; June 2, 1924, 4.01 p. m., c. 234, § 1081(b), 43 Stat. 351.)

141. Collector's monthly statement.—Every collector shall, at the expiration of each month after he commences his collections, transmit to the Commissioner of Internal Revenue a statement of the collections made by him within the month. And every collector shall complete the collection of all sums assigned to him for collection, and shall pay over the same into the Treasury, as often as required by law. (R. S. § 3212; May 27, 1908, c. 200, § 1, 35 Stat. 325.)

142. Suits for fines, penalties, and forfeitures, and taxes.—It shall be the duty of the collectors, in their respective districts, subject to the provisions of this title, to prosecute for the recovery of any sums which may be forfeited by law. All suits for fines, penalties, and forfeitures, where not otherwise provided for, shall be brought in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, qui tam or otherwise, before any district court of the United States, for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States, in any proper form of action, before any district court of the United States for the district within which the liability to such tax is incurred, or where the party from whom such tax is due resides at the time of the commencement of the said action. (R. S. § 3213; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

143. Same; sanction of commissioner.—No suit for the recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner of Internal Revenue authorizes or sanctions the proceedings. In case of any suit for penalties or forfeitures brought upon information received from any person, other than a collector or deputy collector, the United States shall not be subject to any costs of suit. (R. S. § 3214.)

144. Same; regulations.—It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to establish such regulations, not inconsistent with law, for the observance of revenue officers, district attorneys, and marshals, respecting suits arising under the internal-revenue laws in which the United States is a party, as may be deemed necessary for the just responsibility of those officers and the prompt collection of all revenues and debts due and accruing to the United States under such laws. (R. S. § 3215.)

145. Same; moneys recovered paid to collectors.—All judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties, shall be paid to collectors as internal taxes are required to be paid. (R. S. § 3216.)

146. Collection of dues from delinquent collector.—When any collector fails either to collect or to render his account, or to pay over in the manner or within the times provided by law, the General Accounting Office shall, immediately after evidence of such delinquency, report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector, directed to the marshal of the district, expressing therein the amount with which the said collector is chargeable, and the sums, if any, which have been paid over by him, so far as the same are ascertainable. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, with 5 per centum thereon, and all the expenses and charges of collection, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector, giving at least five days' notice of the time and place of sale, in the manner provided by law for advertising sales of personal property on execution in the State wherein such collector resides. And the bill of sale of the officer of any goods, chattels, or other personal property, distrained and sold as aforesaid, shall be conclusive evidence of title to the purchaser, and prima facie evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same. And for want of goods and chattels, or other personal effects of such collector, sufficient to satisfy any warrant of distress, issued as aforesaid, the real estate of such collector, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks next before the time of sale, in not less than three public places in the collection district, and in one newspaper printed in the county or district, if any there be, shall be sold at public auction by the

marshal or his deputy. Upon such sale, the marshal shall make and deliver to the purchaser of the premises sold a deed of conveyance thereof, to be executed and acknowledged in the manner and form prescribed by the laws of the State in which said lands are situated, and said deed so made shall invest the purchaser with all the title and interest of the defendant named in said warrant, existing at the time of the seizure thereof. And all moneys that may remain of the proceeds of such sale of personal or real property, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the property sold as aforesaid. (R. S. § 3217; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

147. **Collectors' accounts; charges; credits.**—Every collector shall be charged with the whole amount of taxes, whether contained in lists transmitted to him by the Commissioner of Internal Revenue, or by other collectors, or delivered to him by his predecessor in office, and with the additions thereto, with the par value of all stamps deposited with him, and with all moneys collected for penalties, forfeitures, fees, or costs; and he shall be credited with all payments into the Treasury made as provided by law, with all stamps returned by him uncanceled to the Treasury, and with the amount of taxes contained in the lists transmitted in the manner heretofore provided to other collectors, and by them receipted as aforesaid; also with the amount of the taxes of such persons as may have absconded, or become insolvent, prior to the day when the tax ought, according to the provisions of law, to have been collected, and with all uncollected taxes transferred by him or by his deputy acting as collector to his successor in office, if it shall be proved to the satisfaction of the Commissioner of Internal Revenue, who shall certify the facts to the General Accounting Office, that due diligence was used by the collector. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he faithfully account for and pay over the proceeds thereof upon a resale of the same as required by law. (R. S. § 3218; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

148. **Death of collector; uncollected balances.**—In case of the death, resignation, or removal of any collector, all lists and accounts of taxes uncollected shall be transferred to his successor in office as soon as such successor is appointed and qualified, and it shall be the duty of such successor to collect the same. (R. S. § 3219.)

149. **Refundments; taxes or penalties.**—The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal revenue taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress at the beginning of each regular session of Congress of all transactions under this section. (R. S. § 3220; Feb. 24, 1919, c. 18, § 1316(a), 40 Stat. 1145; Nov. 23, 1921, c. 136, § 1315, 42 Stat. 314; June 2, 1924, 4.01 p. m., c. 234, § 1011, 43 Stat. 342.)

150. **Same; taxes on distilled spirits.**—The Commissioner of Internal Revenue may, pursuant to the provisions of section 149 of this chapter, allow the claim of any distiller for the refund of taxes paid in excess of $2.20 per proof gallon on any distilled spirits produced and owned by him on February 11, 1925, and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were taxpaid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises. The Commissioner of Internal Revenue may direct that any spirits on which refund of tax is claimed under this section shall be removed to and stored in a warehouse designated by him. (Feb. 11, 1925, c. 208, 43 Stat. 860.)

151. **Same; spirits accidentally destroyed.**—The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse, or bonded warehouse of the United States, or of any grape brandy withdrawn for use in the fortification of sweet wines while stored in the fortifying room on the winery premises and before the tax thereon has been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, or said grape brandy, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated. And when any distilled spirits are destroyed by accidental fire or other casualty, without any fraud, collusion, or negligence of the owner thereof, after the time when the same should have been drawn off by the gauger and placed in the distillery warehouse provided by law, no tax shall be collected on such spirits so destroyed, or, if collected, it shall be refunded upon the production of satisfactory proof that the spirits were destroyed as herein specified. (R. S. § 3221; Mar. 1, 1879, c. 125, § 6, 20 Stat. 341; June 7, 1906, c. 3046, § 5, 34 Stat. 216.)

152. **Same; tax on lost spirits indemnified by insurance.**—When the owners of distilled spirits or grape brandy in the cases provided for by section 151 of this title may be indemnified against such tax by a valid claim of insurance, for a sum greater than the actual value of the distilled spirits or grape brandy before and without the tax being paid, the tax shall not be remitted to the extent of such insurance. (R. S. § 3223; Mar. 1, 1879, c. 125, § 3, 20 Stat. 333; June 7, 1906, c. 3046, § 5, 34 Stat. 216.)

153. **Interest on claims for refunds or credits.**—Upon the allowance of a credit or refund of any internal revenue tax erroneously or illegally assessed or collected, or of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate of 6 per centum per annum from the date such tax, penalty, or sum was paid to the date of the allowance of the refund, or in case of a credit, to the due date of the amount against which the credit it taken, but if the amount against which the credit is taken is an additional assessment, then to the date of the assessment of that amount. The term "additional assessment" as used in this section means a further assessment for a tax of the same character previously paid in part. (June 2, 1924, 4.01 p. m., c. 234, § 1019, 43 Stat. 346.)

154. **Restraining assessments or collection of taxes.**—No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court. (R. S. § 3224.)

155. **Reopening of claims for credits or refunds of taxes imposed by prior laws.**—Unless otherwise provided by law any claim for credit or refund of taxes imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or any such Act as amended, prior

to June 2, 1924, denied in whole or in part because of the provisions of Revised Statutes, section 3225, amended, which, prior to its repeal on June 2, 1924, provided that: "When a second assessment is made, in case of any list, statement or return, which in the opinion of the collector or deputy collector was false or fradulent, or contained any understatement or undervaluation, such assessment shall not be remitted, nor shall taxes collected under such assessment be refunded, or paid back or recovered by any suit unless it is proved that such list, statement or return, was not willfully false or fraudulent, and did not contain any willful understatement or undervaluation," may be reopened and decided without reference to said provisions. (June 2, 1924, 4.01 p. m., c. 234, § 1015, 43 Stat. 343.)

156. Suits for recovery of taxes wrongfully collected.—No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress. No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the commissioner renders a decision thereon within that time, nor after the expiration of five years from the date of the payment of such tax, penalty, or sum, unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates. The commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail. (R. S. § 3226; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Nov. 23, 1921, c. 136, § 1318, 42 Stat. 315; Mar. 4, 1923, c. 276, § 2, 42 Stat. 1505; June 2, 1924, 4.01 p. m., c. 234, § 1014(a), 43 Stat. 343.)

157. Claims for refundment; limitations.—(a) All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as provided in section 1065 of this title, be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum.

(b) Except as provided in said section 1065 of this title, claims for credit or refund (other than claims in respect of taxes imposed by the Revenue Act of 1916, the Revenue Act of 1917, or the Revenue Act of 1918) which at the time of the enactment of the Revenue Act of 1921 were barred from allowance by the period of limitation then in existence, shall not be allowed. (R. S. § 3228; Nov. 23, 1921, c. 136, § 1316, 42 Stat. 314; June 2, 1924, 4.01 p. m., c. 234, § 1012, 43 Stat. 342.)

158. Compromises.—The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise. (R. S. § 3229.)

159. Continuances of internal-revenue cases.—It shall be lawful for any court in which any suit or criminal proceeding arising under the internal-revenue laws may be pending, to continue the same at any stage thereof, for good cause shown on motion by the district attorney. (R. S. § 3231.)

160. Discontinuances of criminal prosecutions.—No discontinuance or nolle prosequi of any prosecution under section 261 of this title shall be allowed without the permission in writing of the Secretary of the Treasury and the Attorney General. (R. S. § 3230.)

Chapter 4.—SPECIAL TAXES.

Sec.
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226. Retail liquor dealers, on passenger trains, steamboats or other vessels.

CROSS REFERENCE

Effectiveness of this chapter, so far as it applies to intoxicating liquor; see section 3 of Title 27.

Section 181. Trade or business prohibited until special tax paid.—No person shall be eflgaged in or carry on any trade or business hereinafter mentioned until he has paid a special tax therefor in the manner hereinafter provided. (R. S. § 3232.)

182. Trade or business to be registered.—Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and their places of residence, shall be so registered. (R. S. § 3233.)

183. Partners at same place liable for only one tax.—Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax. (R. S. § 3234.)

184. Payment of one tax covering several places of business.—The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as hereinafter provided, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business. (R. S. § 3235.)

185. More than one pursuit carried on in same place by same person at same time.—Whenever more than one of the pursuits or occupations hereinafter described are carried on in the same place by the same person at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed. (R. S. § 3236.)

186. When due; returns.—All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year; and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced to the 1st day of July following. It shall be the duty of special taxpayers to render their returns to the deputy collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 97 of this title. (Oct. 1, 1890, c. 1244, § 53, 26 Stat. 624.)

187. Stamps.—All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is required to procure appropriate stamps for the payment of such taxes; and the provisions of sections 247 and 1170 of this title, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner of Internal Revenue shall have authority to make all needful regulations relative thereto. (R. S. § 3238; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319.)

188. Same; exhibition.—Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said stamps shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed; but nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof. (R. S. § 3239; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Oct. 1, 1890, c. 1244, § 26, 26 Stat. 618.)

189. List of taxpayers; exhibition; certified copy.—Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as a public record, for which a fee of $1 for each one hundred words or fraction thereof in the copy or copies so requested may be charged. (R. S. § 3240; June 21, 1906, c. 3509, 34 Stat. 387.)

190. Death or removal after paying tax.—When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner of Internal Revenue. (R. S. § 3241.)

191. Carrying on business without payment; brewers; penalty.—Every person who carries on the business of a brewer, without having paid a special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $10 nor more than $500. (R. S. § 3242; Feb. 8, 1875, c. 36, § 16, 18 Stat. 310; Oct. 1, 1890, c. 1244, § 26, 26 Stat. 618.)

192. Same; corporations, tobacco manufacturers, brokers, and so forth.—Any person who carries on any business or occupation for which a special tax is imposed by sections 206, 212 to 220, inclusive, and 223 of this title, without having paid the special tax therein provided, shall, besides being liable for the payment of such special tax, be subject to a penalty of not more than $1,000 or to imprisonment for not more than one year, or both. (June 2, 1924, 4.01 p. m., c. 234, § 704, 43 Stat. 328.)

193. Same; forfeitures; rectifiers; wholesale liquor dealers, and so forth.—Any person who shall carry on the business of a rectifier, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquors, retail dealer in malt liquors, or manufacturer of stills, without having paid the special tax as required by law, shall, for every such offense be fined not less than $100 nor more than $5,000 and imprisoned not less than thirty days nor more than two years. And all distilled spirits or wines, and all stills or other apparatus, fit or intending to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the rectifying establishment, or in any building, room, yard, inclosures connected therewith, and used with or

constituting a part of the premises shall be forfeited to the United States. (R. S. § 3281; Feb. 8, 1875, c. 36, § 16, 18 Stat. 310.)

194. Same; manufacturers and dealers in oleomargarine; penalty.—Every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $1,000 and not more than $5,000; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $500 nor more than $2,000; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $50 nor more than $500 for each and every offense. (Aug. 2, 1886, c. 840, § 4, 24 Stat. 209.)

195. Same; manufacturer of, or dealer in, process or renovated, or adulterated butter; penalty.—Every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $1,000 and not more than $5,000; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $50 nor more than $500 for each offense. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

196. Same; manufacturer of, or dealer in, filled cheese.—Every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 and not more than $3,000; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $250 nor more than $1,000; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than $40 nor more than $500 for each and every offense. (June 6, 1896, c. 337, § 4, 29 Stat. 254.)

197. Removing tobacco unlawfully, or selling without payment of tax.—Every manufacturer of tobacco or snuff who removes, otherwise than as provided by law, or sells, without having paid the special tax, any tobacco or snuff, shall, in addition to the penalties elsewhere provided by law for such offenses, forfeit to the United States all the raw material and manufactured or partly manufactured tobacco and snuff, and all machinery, tools, implements, apparatus, fixtures, boxes, and barrels, and all other materials which may be found in his possession, in his manufactory, or elsewhere. (R. S. § 3372.)

198. Buying tobacco from a manufacturer who has not paid tax.—Every person who purchases, or receives for sale, any manufactured tobacco or snuff from any manufacturer who has not paid the special tax, shall be liable for each offense to a penalty of $100, and to a forfeiture of all the articles aforesaid so purchased or received, or of the full value thereof. (R. S. § 3367.)

199. Removal or sale of cigars without paying special tax.—Every manufacturer of cigars who removes or sells any cigars without payment of the special tax as a cigar manufacturer, shall, in addition to the penalties elsewhere provided in this title for such offenses, forfeit to the United States all raw material and manufactured or partly manufactured tobacco and cigars, and all machinery, tools, implements, apparatus, fixtures, boxes, barrels, and all other materials which shall be found in his possession, or in his manufactory, and used in his business as such manufacturer, together with his estate or interest in the building or factory, and the lot or tract of ground on which such building or factory is located, and all appurtenances thereunto belonging. (R. S. § 3400.)

200. Buying cigars from manufacturer who has not paid tax.—Every person who purchases or receives for sale any cigars from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100, and to a forfeiture of all the said articles so purchased or received, or of the full value thereof. (R. S. § 3405.)

201. Payment of tax; effect on violation of State laws and State taxation.—The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes. (R. S. § 3243.)

202. Special taxes; brewers.—Special taxes are imposed as provided in sections 202 to 224, inclusive, of this title.

Brewers shall pay $100. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer: *Provided*, That any person who manufactures less than five hundred barrels a year shall pay the sum of $50. (R. S. § 3244; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Mar. 1, 1879, c. 125, §§ 4, 10, 20 Stat. 333, 342.)

203. Same; manufacturers of stills; drawback.—Manufactures of stills shall each pay $50, and $20 for each still or worm for distilling made by him. Any person who manufactures any still or worm to be used in distilling, except distillers in registered distilleries who manufacture wooden stills for their own use, shall be deemed a manufacturer of stills. Each of said distillers shall give notice to the collector of the district in which his distillery is located of each still manufactured before the same is used. Upon all stills manufactured for export, and actually exported, there shall be allowed a drawback, where the tax thereon has been paid, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (R. S. § 3244; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Mar. 1, 1879, c. 125, §§ 4, 10, 20 Stat. 333, 342; May 28, 1880, c. 108, § 18, 21 Stat. 149.)

204. Same; rectifiers.—Rectifiers of distilled spirits shall pay $200. Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying. Any person who rectifies, purifies, refines, or manufactures as aforesaid less than five hundred barrels a year, counting forty gallons of proof spirits to the barrel, shall pay $100. Nothing in this section shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation

through any material which will not remain incorporated with such spirits when the manufacture thereof is complete. No officer shall collect any special tax for rectifying distilled spirits on any premises distant less than six hundred feet in a direct line from any distillery. And every officer who collects any special tax in violation of this proviso shall be liable to a penalty of $5,000 for each offense. (R. S. § 3244; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Mar. 1, 1879, c. 125, §§ 4, 10, 20 Stat. 333, 342.)

205. Same; retail and wholesale liquor dealers; retail and wholesale dealers in malt liquors.—(a) *Retail liquor dealers.*—Retail dealers in liquor shall pay $25. Every person who sells or offers for sale foreign or domestic distilled spirits, wines or malt liquors otherwise than as hereinafter provided in less quantities than five wine gallons at the same time shall be regarded as a retail dealer in liquors.

(b) *Wholesale liquor dealers.*—Wholesale liquor dealers shall each pay $100. Every person who sells, or offers for sale foreign or domestic distilled spirits, wines or malt liquors, otherwise than as hereinafter provided in quantities of not less than five wine gallons at the same time shall be regarded as a wholesale liquor dealer.

(c) *Retail dealers in malt liquors.*—Retail dealers in malt liquors shall pay $20. Every person who sells or offers for sale malt liquors in less quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors.

(d) *Wholesale dealers in malt liquors.*—Wholesale dealers in malt liquors shall pay $50. Every person who sells or offers for sale malt liquors in quantities of not less than five gallons at one time, but who does not deal in spirituous liquors at wholesale shall be regarded as a wholesale dealer in malt liquors.

No special tax shall be held to accrue on a sale of distilled spirits, wines, or malt liquors made by a person who is not otherwise a dealer in liquors, where such spirits, wines, or liquors have been received by the person so selling as security for or in payment of a debt, or as executor, administrator, or other fiduciary, or have been levied on by any officer, under order or process of any court of magistrate, and where such spirits are sold by such person in one parcel only, or at public auction in parcels not less than twenty wine gallons, nor shall such tax be held to accrue on a sale made by a retiring partner, or the representatives of a deceased partner to the incoming remaining, or surviving partner or partners of a firm; nor shall the special tax of a wholesale liquor dealer or wholesale dealer in malt liquors be held to apply to a retail dealer in liquors or a retail dealer in malt liquors, because of such retail dealer selling out his entire stock of liquors in one parcel, or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of malt liquors; and section 331 of this title shall not be held to prohibit a rectifier or liquor dealer from purchasing, in quantities greater than twenty wine gallons, the distilled spirits sold in one parcel as aforesaid. (R. S. § 3244; Feb. 8, 1875, c. 36, § 18, 18 Stat. 311; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Mar. 1, 1879, c. 125, §§ 4, 10, 20 Stat. 333, 342.)

206. Same; brewers, distillers, and so forth; where business prohibited.—Every person carrying on the business of a brewer, distiller, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquor, retail dealer in malt liquor, or manufacturer of stills, as defined in sections 202 to 205, inclusive, and section 241, of this title, in any State, Territory, or District of the United States contrary to the laws of such State, Territory, or District, or in any place therein in which carrying on such busines is prohibited by local or municipal law, shall pay, in addition to all other taxes, special or otherwise, imposed by this title or other existing law, $1,000. The payment of the tax imposed by this section shall not be held to exempt any person from any penalty or punishment provided for by the laws of any State, Territory, or District for carrying on such business in such State, Territory, or District, or in any manner to authorize the commencement or continuance of such business contrary to the laws of such State, Territory, or District, or in places prohibited by local or municipal law. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

207. Manufacturers of, or dealers in, oleomargarine.—Manufacturers of oleomargarine shall pay $600. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of this section and sections 541 to 558 of this title, and subject to the provisions thereof.

In case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be $500.

Wholesale dealers in oleomargarine shall pay $480. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production, at the place of manufacture, in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales: *Provided*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of 1 per cent is imposed by section 546 of this title shall pay $200.

Retail dealers in oleomargarine shall pay $48. Every person who sells oleomargarine in less quantities than ten pounds at one time shall be regarded as a retail dealer in oleomargarine: *Provided*, That such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by section 546 of this title a tax of one-fourth of 1 per cent per pound shall pay $6.

And sections 181 to 190 and 201 of this title are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed. (Aug. 2, 1886, c. 840, § 3, 24 Stat. 209; May 9, 1902, c. 784, § 2, 32 Stat. 194.)

208. Manufacturers of, or dealers in, process, renovated, or adulterated butter; tax.—Manufacturers of process or renovated butter shall pay $50 per year and manufacturers of adulterated butter shall pay $600 per year. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Wholesale dealers in adulterated butter shall pay a tax of $480 per annum, and retail dealers in adulterated butter shall pay a tax of $48 per annum. Every person who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections 181 to 190 and 201 of this title are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

209. Manufacturers of, or dealers in, filled cheese.—Manufacturers of filled cheese shall pay $400 for each and every factory per annum. Every person, firm, or corporation who

manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese.

Wholesale dealers in filled cheese shall pay $250 per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese.

But any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Retail dealers in filled cheese shall pay $12 per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections 181 to 190 and 201 of this title are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed. All special taxes under this section shall become due on the 1st day of July in every year, or on commencing any manufacture, trade, or business on which said tax is imposed. In the latter case the tax shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commences to the 1st day of July following. (June 6, 1896, c. 337, § 3, 29 Stat. 253.)

210. Manufacturers or packers of mixed flour.—Every person, firm, or corporation, before engaging in the business of making, packing, or repacking mixed flour, shall pay a special tax at the rate of $12 per annum, the same to be paid and posted in accordance with the provisions of sections 188 and 191 of this title, and subject to the fines and penalties therein imposed for any violation thereof. (June 13, 1898, c. 448, § 36, 30 Stat. 467.)

211. Manufacturers, importers, producers, and so forth of opium, coca leaves, and so forth.—On or before July 1 of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, or gives away opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business and place or places where such business is to be carried on, and pay the special taxes hereinafter provided.

Every person who first engages in any of such activities shall immediately make like registration and pay the proportionate part of the tax for the period ending on the following June 30th;

Importers, manufacturers, producers or compounders, $24 per annum; wholesale dealers, $12 per annum; retail dealers, $6 per annum; physicians, dentists, veterinary surgeons, and other practitioners lawfully entitled to distribute, dispense, give away, or administer any of the aforesaid drugs to patients upon whom they in the course of their professional practice are in attendance, shall pay $3 per annum.

Every person who imports, manufactures, compounds, or otherwise produces for sale or distribution any of the aforesaid drugs shall be deemed to be an importer, manufacturer, or producer.

Every person who sells or offers for sale any of said drugs in the original stamped packages, as hereinafter provided, shall be deemed a wholesale dealer.

Every person who sells or dispenses from original stamped packages, as provided in section 692 of this title, shall be deemed a retail dealer. The office, or if none, the residence, of any person shall be considered for the purpose of this section and sections 691 to 708 of this title his place of business; but no employee of any person who has registered and paid special tax as herein required, acting within the scope of his employment, shall be required to register and pay special tax provided by this section. Officials of the United States, Territorial, District of Columbia, or insular possessions, State or municipal governments, who in the exercise of their official duties engage in any of the business herein described, shall not be required to register, nor pay special tax, nor stamp the aforesaid drugs as prescribed in chapter 11 of this title, but their right to this exemption shall be evidenced in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe.

It shall be unlawful for any person required to register under the provisions of this section to import, manufacture, produce, compound, sell, deal in, dispense, distribute, administer, or give away any of the aforesaid drugs without having registered and paid the special tax as imposed by this section.

The word "person" as used in this section shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, as far as necessary, are extended and made applicable to this section. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 36, § 1005, 42 Stat. 298; June 2, 1924, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

212. Same; manufacturers of tobacco, cigars, and so forth.—Manufacturers of tobacco whose annual sales do not exceed fifty thousand pounds shall each pay $6;

Manufacturers of tobacco whose annual sales exceed fifty thousand and do not exceed one hundred thousand pounds shall each pay $12;

Manufacturers of tobacco whose annual sales exceed one hundred thousand and do not exceed two hundred thousand pounds shall each pay $24;

Manufacturers of tobacco whose annual sales exceed two hundred thousand pounds shall each pay $24, and at the rate of 16 cents per thousand pounds, or fraction thereof, in respect to the excess over two hundred thousand pounds;

Manufacturers of cigars whose annual sales do not exceed fifty thousand cigars shall each pay $4;

Manufacturers of cigars whose annual sales exceed fifty thousand and do not exceed one hundred thousand cigars shall each pay $6;

Manufacturers of cigars whose annual sales exceed one hundred thousand and do not exceed two hundred thousand cigars shall each pay $12;

Manufacturers of cigars whose annual sales exceed two hundred thousand and do not exceed four hundred thousand cigars shall each pay $24;

Manufacturers of cigars whose annual sales exceed four hundred thousand cigars shall each pay $24, and at the rate of 10 cents per thousand cigars, or fraction thereof, in respect to the excess over four hundred thousand cigars;

Manufacturers of cigarettes, including small cigars, weighing not more than three pounds per thousand, shall each pay at the rate of 6 cents for every ten thousand cigarettes, or fraction thereof.

The amount of taxes enumerated in this section shall be computed on the basis of the sales for the preceding year ending June 30.

In arriving at the amount of special tax to be paid under this section, and in the levy and collection of such tax, each person engaged in the manufacture of more than one of the classes of articles specified in this section shall be considered and deemed a manufacturer of each class separately.

In computing under this section the amount of annual sales no account shall be taken of tobacco, cigars, or cigarettes sold for export and in due course so exported. (June 2, 1924, 4.01 p. m., c. 234, § 702, 43 Stat. 327.)

213. Same; brokers.—Brokers, except brokers exclusively negotiating purchases or sales of produce or merchandise, shall pay $50. Every person whose business it is to negotiate purchases or sales of stock, bonds, exchange, bullion, coined money, bank notes, promissory notes, other securities, produce or merchandise, for others, shall be regarded as a broker. If any broker is a member of a stock exchange, or if he is a member of any produce exchange, board of trade, or similar organization, where produce or merchandise is sold, he shall (whether or not he is liable to any tax under the first sentence of this paragraph, and in addition to such tax, if any) pay an amount as follows: If the average value, during the preceding year ending June 30, of a seat or membership in such exchange or organization was $2,000 or more but not more than $5,000, $100; if such value was more than $5,000 but not more than $10,000, $150; if such value was more than $10,000, $250. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

214. Same; pawnbrokers.—Pawnbrokers shall pay $100. Every person whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be regarded as a pawnbroker. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

215. Same; ship brokers.—Ship brokers shall pay $50. Every person whose business it is as a broker to negotiate freights and other business for the owners of vessels or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded as a ship broker. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

216. Same; customhouse brokers.—Customhouse brokers shall pay $50. Every person whose occupation it is, as the agent of others, to arrange entries and other customhouse papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a customhouse broker. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

217. Same; bowling-alley and billiard room proprietors.—Proprietors of bowling alleys and billiard rooms shall pay $10 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, shall be regarded as a bowling alley or a billiard room, respectively, unless no charge is made for the use of the alleys or tables. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

218. Same; shooting gallery proprietors.—Proprietors of shooting galleries shall pay $20. Every building, space, tent, or area, where a charge is made for the discharge of firearms at any form of target shall be regarded as a shooting gallery. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

219. Same; riding academy proprietors.—Proprietors of riding academies shall pay $100. Every building, space, tent, or area, where a charge is made for instruction in horsemanship or for facilities for the practice of horsemanship shall be regarded as a riding academy: *Provided*, That this tax shall not be collected from associations composed exclusively of members of units of the Federalized National Guard or the Organized Reserve and whose receipts are used exclusively for the benefit of such units. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

220. Same; passenger automobiles for hire.—Persons carrying on the business of operating or renting passenger automobiles for hire shall pay $10 for each such automobile having a seating capacity of more than two and not more than seven, and $20 for each such automobile having a seating capacity of more than seven. The tax imposed by this section shall not be collected in respect of automobiles used exclusively for conveying school children to and from school. (June 2, 1924, 4.01 p. m., c. 234, § 701, 43 Stat. 326.)

221. Distillers selling own product exempt from special tax.—No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale liquor dealer on account of such sales. (Feb. 8, 1875, c. 36, § 18, 18 Stat. 311; Mar. 1, 1879, c. 125, § 4, 20 Stat. 333; Aug. 27, 1894, c. 349, § 62, 28 Stat. 567.)

222. Brewers exempt from special tax as dealers in malt liquor.—No brewer shall be required to pay a special tax as a dealer by reason of selling in the original stamped packages whether at the place of manufacture or elsewhere, malt liquors manufactured by him, or purchased and procured by him in his own casks or vessels, under the provisions of section 520 of this title; but the quantity of malt liquors so purchased shall be included in calculating the liability to brewer's special tax of both the brewer who manufactures and sells the same and the brewer who purchases the same. No further collection of special tax as retail dealers in malt liquors shall be made from brewers for selling malt liquors of their own manufacture in the original stamped eight-barrel package. (Feb. 8, 1875, c. 36, § 18, 18 Stat. 311; Mar. 1, 1879, c. 125, § 4, 20 Stat. 333.)

223. Capital stock tax; domestic and foreign corporations.—(1) Every domestic corporation shall pay annually a special excise tax with respect to carrying on or doing business, equivalent to $1 for each $1,000 of so much of the fair average value of its capital stock for the preceding year ending June 30 as is in excess of $5,000. In estimating the value of capital stock the surplus and undivided profits shall be included.

(2) Every foreign corporation shall pay annually a special excise tax with respect to carrying on or doing business in the United States, equivalent to $1 for each $1,000 of the average amount of capital employed in the transaction of its business in the United States during the preceding year ending June 30.

(3) The taxes imposed by this section shall not apply in any year to any corporation which was not engaged in business (or, in the case of a foreign corporation, not engaged in business in the United States) during the preceding year ending June 30, nor to any corporation enumerated in section 982 of this title, nor to any insurance company subject to the tax imposed by sections 1001 and 1006 of this title.

(4) Section 1024 of this title shall apply to all returns filed with the commissioner for purposes of the tax imposed by this section. (June 2, 1924, 4.01 p. m., c. 234, § 700, 43 Stat. 325.)

224. Yachts, motor boats, and so forth, with fixed engines; sailing boats; where tax inapplicable.—On July 1, in each year, and also at the time of the original purchase of a new boat by a user, if on any other date than July 1, there shall be levied, assessed, collected, and paid, upon the use of yachts, pleasure boats, power boats, sailing boats, and motor boats with fixed engines, of over five net tons and over thirty-two feet in length, not used exclusively for trade, fishing, or national defense, or not built according to plans and specifications approved by the Navy Department, a special excise tax to be based on each yacht or boat, at rates as follows: Yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over five net tons, length over thirty-two feet and not over fifty feet, $1 for each foot; length over fifty feet, and not over one hundred feet, $2 for each foot; length over one hundred feet, $4 for each foot.

In determining the length of such yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, the measurement of over-all length shall govern.

In the case of a tax imposed at the time of the original purchase of a new boat on any other date than July 1, the amount to be paid shall be the same number of twelfths of the amount

of the tax as the number of calendar months (including the month of sale) remaining prior to the following July 1.

This section shall not apply to vessels or boats used without profit by any benevolent, charitable, or religious organizations, exclusively for furnishing aid, comfort, or relief to seamen. (June 2, 1924, 4.01 p. m., c. 234, § 703, 43 Stat. 328.)

225. Vintners, apothecaries, manufacturing chemists, and flavoring extract manufacturers.—Nothing in this chapter shall be construed to impose a special tax upon vintners who sell wine of their own growth, or manufacturers who sell wine produced from grapes grown by others, at the place where the same is made or at the general business office of such vintner or manufacturer: *Provided*, That no vintner or manufacturer shall have more than one office for the sale of such wine that shall be exempt from special tax under this section; nor shall any special tax be imposed upon apothecaries as to wines or spirituous liquors which they use exclusively in the preparation or making-up of medicines.

Nor shall any special tax be imposed upon manufacturing chemists or flavoring extract manufacturers for recovering tax-paid alcohol or spirituous liquors from dregs or marc of percolation or extraction if said recovered alcohol or spirituous liquors be again used in the manufacture of flavoring extracts. (R. S. § 3246; Mar. 1, 1879, c. 125, § 5, 20 Stat. 334; Mar. 3, 1915, c. 78, 38 Stat. 893.)

226. Retail liquor dealers, on passenger trains, steamboats, or other vessels.—Nothing contained in this chapter shall prevent the issue, under such regulations as the Commissioner of Internal Revenue may prescribe, of special-tax stamps to persons carrying on the business of retail dealers in liquors or retail dealers in malt liquors, upon passenger railroad trains or upon steamboats or other vessels engaged in the business of carrying passengers. (May 8, 1876, No. 10, 19 Stat. 213; Oct. 1, 1890, c. 1244, § 26, 26 Stat. 618.)

Chapter 5.—DISTILLED SPIRITS, WINES, AND DENATURED ALCOHOL.

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332. Gauging, inspection, and stamping of rectified spirits.
333. Same; casks or packages dumped for or received from rectification, to be gauged and marked.
334. Filling blanks, and affixing and protecting stamps.
335. Spirits drawn into new packages to be gauged and branded; returns.
336. Failure to notify intention to rectify; failure to comply with requirements for marking, branding, and stamping casks or packages; penalty.
337. Effacing stamps and brands from empty casks; omission to efface, and transporting in violation of law; penalty; forfeiture.
338. Buying or selling spirit casks having inspection marks.
339. Changing stamps and shifting spirits.
340. Affixing imitation stamps on packages; penalty.
341. Removal within certain hours from distillery or rectifier's premises.

BONDED WAREHOUSES, INCLUDING DISTILLERY WAREHOUSES, SPECIAL WAREHOUSES FOR FRUIT BRANDY, AND GENERAL BONDED WAREHOUSES

361. Distillery warehouse.
362. Same; use by successor in business.
363. Same; discontinuance and transfer of merchandise.
364. Same; storekeepers in charge of distillery and warehouse.
365. Same; storekeeper to keep certain records of distillery.

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366. Custody and management of warehouse.
367. Drawing off, gauging, and removal of spirits to warehouse.
368. Tax on distilled spirits entered for deposit in distillery warehouses; when payable.
369. Filling packages from receiving cisterns and payment of tax without entry into bonded warehouses.
370. Deposit in distillery warehouse without warehouse stamps; withdrawal on original gauge.
371. Distiller's entry of deposit in warehouse; bond for and collection of taxes.
372. Distiller's bond for taxes on spirits deposited in warehouses.
373. Withdrawal from warehouse, entry for.
374. Gauging, stamping, and branding spirits removed from warehouse.
375. Exportation of distilled spirits withdrawn from bonded warehouses; relanding; forfeiture.
376. Transportation bond on withdrawal of distilled spirits for export.
377. Drawback on distilled spirits.
378. Transfer in tanks or tank cars for export.
379. Allowance for leakage or loss; withdrawal from distillery warehouse for exportation.
380. Same; remission of tax on lost spirits covered by insurance.
381. Same; withdrawal to manufacturing warehouse.
382. Fruit brandy; special bonded warehouses for.
383. Same; payment of tax on; removal to warehouse.
384. Same; special stamp on removal to warehouse.
385. Same; deposit in warehouse; bond.
386. Same; withdrawal from warehouse for transfer or exportation.
387. Same; exportation.
388. Same; discontinuance of warehouse and transfer of merchandise.
389. Same; removal without compliance with law; assessment and collection of tax.
390. Same; time for payment of tax; forfeitures.
391. Same; rules and regulations.
392. Same; failure to deposit in warehouse or comply with other provisions.
393. General bonded warehouses.
394. Same; removal of certain spirits to.
395. Same; stamp on removal to.
396. Same; warehousing bonds.
397. Same; given by distillers; renewal of.
398. Same; withdrawal.
399. Same; provisions applicable to spirits deposited in.
400. Same; tax on spirits unlawfully removed from distillery warehouse to general bonded warehouse; excessive loss.
401. Same; failure to deposit in warehouse in time, or removal without compliance with law.
402. Bonds; spirits in bonded warehouses during prohibition period.
403. Forfeiture of spirits unlawfully removed from distillery.
404. Removal or concealment of spirits contrary to law.
405. Storekeeper unlawfully removing or allowing to be removed.
406. Storekeepers; warehouse books and returns.
407. Regauging at warehouse; allowance for loss.
408. Same; additional allowance.
409. Same; regauges.
410. Same; exception.
411. Bottling of spirits in bond; bottling fruit brandy.
412. Same; regulations.
413. Same; inspection and other requirements as to spirits bottled for export; drawback.
414. Same; deficiency tax.
415. Tax on spirits entered for export if case opened, or marks removed or changed.
416. Offenses; reusing stamp or bottle; penalty.
417. Same; forging stamps.
419. Bottling of gin in bond for export without payment of tax.
420. Removal of distilled spirits to another warehouse for concentration; bottling in bond in warehouse to which removed.
421. Alcohol withdrawn for scientific purposes.
422. Same; by unincorporated institutions and hospitals.
423. Withdrawal of spirits for medicinal and other preparations manufactured in bonded warehouse for export.
424. Withdrawal of spirits from distillery warehouses for making sorghum sugar.

WINES; TAX AND REGULATIONS

441. Natural wine and wine defined; sweetening wine.
442. Tax on still wines and compounds sold as still wines.
443. Withdrawal for fortification of grape brandy or wine spirits from fruit distillery or special bonded warehouse.
444. Same; wine spirits and sweet wine defined.
445. Fortifying pure sweet wines with wine spirits.
446. Same; floor tax on grape brandy or wine spirits for fortification of sweet wines.
447. Same; withdrawal of wine spirits.
448. Removal of domestic wines to bonded premises; tax on product of wines used as material.
449. Production of grape wine on bonded premises and transportation for distilling material for nonalcoholic wines.
450. Tax on domestic and imported sparkling wines.
451. Floor tax on still and sparkling wines.
452. Payment of tax by affixing stamp; notice, bond, and inventories; wines held by retailers or produced for family use.
453. Collection of tax on imported still wines, sparkling wines, and imported liqueurs by assessment.
454. Offenses; evading tax; recovering spirits from wine; penalty; mixing or blending; use of tax-paid grains for fortification.
455. Spirit meters, locks, seals; gaugers or storekeeper-gaugers.
456. Allowance for unavoidable loss of wines during cellar treatment.
457. Rules and regulations.
458. Reimportation of domestic wines.
459. Unlawful use of wine spirits not tax paid.
460. Bonds for payment of tax.
461. Fermenting vats for manufacture of wines, or of brandy for fortification.
462. Unlawful recovery of spirits from fortified wines; blending fortified wines.

DENATURED ALCOHOL

481. Denatured alcohol; withdrawal from bond free of tax.
482. Same; withdrawal for manufacture of ether and chloroform; rum.
483. Central denaturing bonded warehouses.
484. Transfer of alcohol for denaturation; allowance for loss or leakage during transportation.
485. Unlawful use of alcohol withdrawn.
486. Recovery of alcohol evaporated from manufactured articles.
487. Manufacture of alcohol free of tax for denaturation.
488. Same; failure to register apparatus; false registration; penalty.
489. Removal of ethyl alcohol to central denaturing bonded warehouse for denaturing; removal free of tax for use of United States.

CROSS REFERENCE

Effectiveness of this chapter; see section 3 of Title 27.

DISTILLED SPIRITS; TAX ON DISTILLED SPIRITS AND GENERAL REGULATIONS

Section 241. Distiller defined.—Every person who produces distilled spirits, or who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits, or who, by any process of evaporization, separates alcoholic spirit from any fermented substance, or who, making or keeping mash, wort, or wash, has also in his possession or use a still, shall be regarded as a distiller. (R. S. § 3247.)

242. Distilled spirits defined.—Distilled spirits, spirits, alcohol, and alcoholic spirit, within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance; and the tax shall attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process. (R. S. § 3248.)

243. Standard of proof spirits; prevention of frauds.—Proof spirit shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit. And for the prevention and detection of frauds by distillers of spirits, the Commissioner of Internal Revenue may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and

correct system of inspection, weighing, marking, and gauging of spirits. (R.. S. § 3249.)

244. Gallon defined.—In all sales of spirits a gallon shall be held to be a gallon of proof spirit, according to the standard prescribed in section 243 of this title, set forth and declared for the inspection and gauging of spirits throughout the United States. (R. S. § 3250.)

245. Tax on distilled spirits.—There shall be levied and collected on all distilled spirits in bond on February 24, 1919, or that had been or may be thereafter produced in or imported into the United States, except such distilled spirits as are subject to the tax provided in section 253 of this title, a tax of $2.20 (or, if withdrawn for beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage, a tax of $6.40) on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn, and collected under the provisions of existing law. On all distilled spirits on which tax is paid at the nonbeverage rate of $2.20 per proof gallon and which are diverted to beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage, there shall be levied and collected an additional tax of $4.20 on each proof gallon, and a proportionate tax at a like rate on all fractional parts of such proof gallon, to be paid by the person responsible for such diversion. (R. S. § 3251; Feb. 24, 1919, c. 18, § 600 (a), 40 Stat. 1105; Nov. 23, 1921, c. 136, § 600, 42 Stat. 285.)

246. Same; stamps; time for payment; deposit in warehouse.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe and furnish suitable stamps denoting the payment of the internal-revenue tax imposed by section 245 of this title; and shall, by assessment or otherwise, cause to be collected the tax on any fractional gallon contained in each package containing distilled spirits as ascertained by the original gauge, or regauge when made, before or at the time of removal of such packages from warehouse or other place of storage; and all provisions of existing laws relating to stamps denoting the payment of internal-revenue tax on distilled spirits, so far as applicable, are extended to the stamps provided for in this section. The tax herein imposed shall be paid by the distiller of the spirits, on or before their removal from the distillery or place of storage, except in case the removal therefrom without payment of tax is authorized by law; and (upon spirits lawfully deposited in any distillery warehouse, or other bonded warehouse, established under internal revenue laws) within eight years from the date of the original entry for deposit in any distillery warehouse, or from the date of original gauge of fruit brandy deposited in special bonded warehouse, except in case of withdrawal therefrom without payment of tax as authorized by law and except as provided in section 248 of this title. (Aug. 27, 1894, c. 349, § 48, 28 Stat. 563.)

247. Same; preparation and issue of stamps.—All stamps required for distilled spirits shall be engraved in their several kinds in book form, and shall be issued by the Commissioner of Internal Revenue to any collector, upon his requisition, in such numbers as may be necessary in the several districts. Each stamp shall have an engraved stub attached thereto, with a number thereon corresponding with an engraved number on the stamp, and the stub shall not be removed from the book. And there shall be entered on each stub such memoranda of the contents of its corresponding stamp as shall be necessary to preserve a perfect record of the use of such stamp when detached. (R. S. § 3312.)

248. Same; spirits in bonded warehouses during prohibition period.—The tax imposed by section 245 of this title on distilled spirits intended for beverage purposes shall not be due or payable on such spirits while stored in any distillery, bonded warehouse, or special or general bonded warehouse, and which, pursuant to any Act of Congress or proclamation of the President of the United States, can not be lawfully sold or removed from any such warehouse during the period of prohibition fixed by such Act or proclamation. (Feb. 24, 1919, c. 18, § 600 (b), 40 Stat. 1105.)

249. Same; liability for tax; lien.—Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom, and the tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon from the time said spirits are in existence as such until the said tax is paid. (R. S. § 3251.)

250. Same; products of distillation containing spirits.—All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits. (R. S. § 3254.)

251. Same; tax on spirits removed without deposit in warehouse.—The tax upon any distilled spirits removed from the place where they were distilled and not deposited in bonded warehouse as required by law, shall, at any time, when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law. (R. S. § 3253.)

252. Same; imported perfumes containing distilled spirits.—There shall be levied and collected upon all perfumes imported into the United States containing distilled spirits, a tax of $1.10 per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon. Such tax shall be collected by the collector of customs and deposited as internal-revenue collections, under such rules and regulations as the commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c. 18, § 600(c), 40 Stat. 1106.)

253. Same; floor tax.—Upon all distilled spirits produced in or imported into the United States upon which the internal-revenue tax imposed by law prior to February 24, 1919, has been paid, and which, on February 25, 1919, were held by any person and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor tax of $3.20 (if intended for sale for beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage) on each proof gallon, and a proportionate tax at a like rate on all fractional parts of such proof gallon. (Feb. 24, 1919, c. 18, § 604, 40 Stat. 1107.)

254. Same; additional tax on rectified, purified, or refined distilled spirits or wines; floor tax.—In addition to the tax imposed by this chapter on distilled spirits and wines, there shall be levied, assessed, collected, and paid a tax of 30 cents on each proof gallon and a proportionate tax at a like rate on all fractional parts of such proof gallon on all distilled spirits or wines rectified, purified, or refined after February 24, 1919, in such manner, and on all mixtures produced after February 24, 1919, in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier within the meaning of section 204 of this title: *Provided*, That this tax shall not apply to gin produced by the redistillation of a pure spirit over juniper berries and other aromatics.

Upon all such articles produced prior to February 24, 1919, and which on February 25, 1919, were held by any person and intended for sale, there shall be levied, assessed, collected, and paid a floor tax of 15 cents on each proof gallon, and a proportionate tax at a like rate on all fractional parts of each proof gallon; and all such distilled spirits so held and not contained in the distillers' original stamped packages, or in bottles or other containers bearing the distillers' original labels, shall for the purpose of this section be regarded as rectified spirits.

When the process of rectification is completed and the taxes prescribed by this section have been paid, it shall be unlawful for the rectifier or other dealer to reduce in proof or increase in volume such spirits or wine by the addition of water or other substance; nothing herein contained shall, however, prevent a rectifier from using again in the process of rectification spirits already rectified and upon which the taxes have theretofore been paid.

The taxes imposed by this section shall not attach to cordials or liqueurs on which a tax is imposed and paid under section 442 or 450 of this title, nor to the mixing and blending of wines, where such blending is for the sole purpose of perfecting such wines according to commercial standards, nor to blends made exclusively of two or more pure straight whiskies aged in wood for a period not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below ninety proof: *Provided*, That such blended whiskies shall be exempt from tax under this section only when compounded under the immediate supervision of a revenue officer, in such tanks and under such conditions and supervision as the commissioner, with the approval of the Secretary, may prescribe.

All distilled spirits or wines taxable under this section, shall be subject to uniform regulations concerning the use thereof in the manufacture, blending, compounding, mixing, marking, branding, and sale of whisky and rectified spirits, and no discrimination whatsoever shall be made by reason of a difference in the character of the material from which same may have been produced.

Whoever violates any of the provisions of this section shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or imprisoned not more than two years, and shall, in addition, be liable to double the tax evaded, together with the tax, to be collected by assessment or on any bond given.

The process of extraction of water from high-proof spirits for the production of absolute alcohol shall not be deemed to be rectification within the meaning of section 204, and absolute alcohol shall not be subject to the tax imposed by this section, but the production of such absolute alcohol shall be under such regulations as the commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c. 18, § 605, 40 Stat. 1108; Nov. 23, 1921, c. 136, § 601, 42 Stat. 285.)

255. Rectifier of spirits; business regulated; payment of tax.—The business of a rectifier of spirits shall be carried on and the tax on rectified spirits shall be paid under such rules, regulations, and bonds as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. (Feb. 24, 1919, c. 18, § 605, 40 Stat. 1108; Nov. 23, 1921, c. 136, § 601, 42 Stat. 285.)

256. Tax on alcoholic compounds from Porto Rico.—Upon bay rum, or any article containing alcohol, brought from Porto Rico into the United States for consumption or sale there shall be paid a tax on the spirits contained therein of $1.10 per proof gallon, to be collected at the port of entry by the collector of internal revenue of the district in which the port is located. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to make such rules and regulations as may be necessary to carry this section into effect. (Feb. 4, 1909, c. 65, 35 Stat. 594.)

257. Tax-paid spirits not to remain on distillery premises.—No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises, under the penalty of a forfeiture of all spirits so found. (R. S. § 3288.)

258. Detaining packages on suspicion.—It shall be lawful for any internal-revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported. (R. S. § 3298.)

259. Adding substances to create fictitious proof; penalty.—Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than $100 nor more than $1,000 for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and every such cask or package, with its contents, shall be forfeited to the United States. (R. S. § 3252.)

260. Evading tax; forfeiture.—Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded. (R. S. § 3256.)

261. Distiller defrauding or attempting to defraud United States of tax.—Whenever any person engaged in carrying on the business of a distiller defrauds or attempts to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he shall forfeit the distillery and distilling apparatus used by him, and all distilled spirits and all raw materials for the production of distilled spirits found in the distillery and on the distillery premises, and shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than three years. (R. S. § 3257.)

262. Spirits sold under judicial process subject to tax; sale of spirits for taxes.—All distilled spirits forfeited to the United States, sold by order of court, or under process of distraint, shall be sold subject to tax; and the purchaser shall immediately, and before he takes possession of said spirits, pay the tax thereon. If any tax-paid stamps are affixed to any cask or package so condemned, such stamps shall be obliterated and destroyed by the collector or marshal after forfeiture, and before such sale. In all cases wherein it shall appear that any distilled spirits offered for sale on distraint for taxes, where the taxes on such spirits have not been paid, or offered for sale for the benefit of the United States as forfeited spirits under order of court or under proceeding pursuant to section 1193 of this title, will not, by reason of such spirits being below proof, bring a price equal to the tax due and payable thereon, but will bring a price equal to, or greater than, the tax on said spirits, computed only upon the proof gallons contained in the packages, without regard to the greater number of wine gallons contained therein, then, and in such case, upon sale being so made, tax-paid stamps to the amount required to stamp such spirits as if the tax thereon were only on the proof gallons thereof, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to

a United States marshal, or to any other Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered. Any collector using or furnishing stamps in manner aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp account with the department. In such cases, the officer selling the distilled spirits shall affix, or cause to be affixed, to the same, the tax-paid stamps so provided, and shall write across the face of such stamps the true number of proof and wine gallons contained in the package, the amount of tax actually paid thereon, and also the words "Affixed under provisions of section 262 of Title 26 of the Code of the Laws of the United States of America." (R. S. § 3334; Mar. 1, 1879, c. 125, § 5, 20 Stat. 340.)

263. Accountability for stamp books; export stamps.—The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of 1 per centum on the amount of such tax, in addition to any other commission by law allowed: *Provided*, That the total net compensation of collectors as fixed by this title shall not be thereby increased. All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein. All export stamps issued to collectors shall be charged to them as representing the value of 10 cents for each stamp, and they shall collect the amount due for such stamps at the rate of 10 cents for each stamp issued in such manner and at such time as the Commissioner of Internal Revenue may prescribe, and the commissioner may, in his discretion, make assessment therefor. (R. S. § 3314; Mar. 1, 1879, c. 125, § 5, 20 Stat. 339; May 28, 1880, c. 108, § 16, 21 Stat. 148; Jan. 22, 1925, c. 87, 43 Stat. 770.)

264. Wholesale liquor dealers' stamps in exchange for stamps for rectified spirits; discontinued stamps.—Collectors shall not furnish wholesale liquor dealers' stamps in lieu of and in exchange for stamps for rectified spirits unless the package covered by stamp for rectified spirits is to be broken into smaller packages.

The commissioner, with the approval of the Secretary, is authorized to discontinue the use of the following stamps whenever in his judgment the interests of the Government will be subserved thereby:

Distillery warehouse, special bonded warehouse, special bonded rewarehouse, general bonded warehouse, general bonded retransfer, transfer brandy, export tobacco, export cigars, export oleomargarine, and export fermented-liquor stamps. (Feb. 24, 1919, c. 18, § 606, 40 Stat. 1108.)

265. Using, issuing, or permitting use of stamps contrary to law.—Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than $500 nor more than $3,000, and be imprisoned for not less than six months nor more than three years. (R. S. § 3316.)

266. Forfeiture of unstamped packages.—All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States. (R. S. § 3289.)

DISTILLERIES AND DISTILLING REGULATIONS, RECTIFIERS

281. Registry of stills and apparatus.—Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner of Internal Revenue. Stills and distilling apparatus shall be registered immediately upon their being set up. Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited. And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years. (R. S. § 3258.)

282. Notice of intention to carry on business of distiller or rectifier.—Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash tubs and fermenting tubs, the cubic contents of each tub, the number of receiving cisterns, the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet, in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process.

In case of a rectifier, the notice shall state the precise place where such business is to be carried on, the name and residence of every person interested or to be interested in the business, the process by which the applicant intends to rectify, purify, or refine distilled spirits, the kind and cubic contents of any still used or to be used for such purpose, the estimated quantity of spirits which can be rectified, purified, or refined every twenty-four hours in such establishment, and that said rectifying establishment is not within six hundred feet, in a direct line, of the premises of any distillery registered for the distillation of spirits. In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying establishment, or in the time of fermenting the mash or beer, notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner of Internal Revenue may, from time to time, prescribe. Every person who fails or refuses to give such notice shall pay a penalty of $1,000, and shall be fined not less than $100 nor more than $2,000; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years. (R. S. § 3259.)

283. **Notice of intention to rectify.**—When any rectifier intends to rectify or compound any distilled spirits he shall, before emptying any package of distilled spirits for that purpose, give notice in duplicate to the collector of internal revenue for the district of his intention so to rectify, and submit such package for the inspection of a United States gauger, who shall duly weigh or gauge such package and its contents and make due return thereof, and such spirits shall not be emptied for rectification, nor rectified or compounded in the package, until gauged or weighed as herein above provided. And such notice and return shall be made in such form and contain such particulars as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe. (Mar. 1, 1879, c. 125, § 8, 20 Stat. 341; July 16, 1892, c. 196, § 1, 27 Stat. 200.)

284. **Bond of distiller.**—Every person intending to commence or to continue the business of a distiller shall, on filing with the collector his notice of such intention, and before proceeding with such business, and on the 1st day of May of each succeeding year, execute a bond in the form prescribed by the Commissioner of Internal Revenue, conditioned that he shall faithfully comply with all the provisions of law relating to the duties and business of distillers, and shall pay all penalties incurred or fines imposed on him for a violation of any of the said provisions; and that he shall not suffer the lot or tract of land on which the distillery stands, or any part thereof, or any of the distilling apparatus, to be incumbered by mortgage, judgment, or other lien, during the time in which he shall carry on said business. Said bond shall be with at least two sureties, approved by the collector of the district, and for a penal sum not less than the amount of tax on the spirits that can be distilled in his distillery during a period of fifteen days. But in no case shall the bond exceed the sum of $100,000. The collector may refuse to approve said bond when, in his judgment, the situation of the distillery is such as would enable the distiller to defraud the United States; and in case of such refusal the distiller may appeal to the Commissioner of Internal Revenue, whose decision in the matter shall be final. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency at the discretion of the collector or Commissioner of Internal Revenue. Every person who fails or refuses to give the bond hereinbefore required, or to renew the same, or who gives any false, forged, or fraudulent bond, shall forfeit the distillery, distilling apparatus, and all real estate and premises connected therewith, and shall be fined not less than $500 nor more than $5,000 and imprisoned not less than six months nor more than two years. (R. S. § 3260; May 28, 1880, c. 108, § 1, 21 Stat. 145.)

285. **Same; approval.**—No collector shall approve the bond of any distiller until all the requirements of the law and all regulations made by the Commissioner of Internal Revenue in relation to distilleries, in pursuance thereof, have been complied with. Every collector who violates this provision shall forfeit and pay $2,000, and be dismissed from office. (R. S. § 3261.)

286. **Same; distiller to be owner in fee simple, or have written consent of owner.**—No bond of a distiller shall be approved, unless he is the owner in fee, unincumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, or unless he files with the collector, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other incumbrance, and that in case of the forfeiture of the distillery premises, or of any part thereof, the title of the same shall vest in the United States, discharged from such mortgage, judgment, or other incumbrance. In any case where the owner of a distillery or distilling apparatus, erected prior to the 20th day of July, 1868, has only an estate for a term of years or other estate less than fee simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in like case, where the lease or other evidence of title is held but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or in any case of such prior erection where the title was then, and has continued to be, in litigation; or in any case of such prior erection where such owner is possessed of the fee, but incumbered with a mortgage executed and duly recorded prior to said 20th of July, 1868, and not due, or in any case of such prior erection where the fee is held by a feme covert, minor, person of unsound mind, or other person incapable of giving consent, as hereinbefore required, the value of such lot or tract of land, together with the building and distilling apparatus, shall be appraised in the manner to be prescribed by the Commissioner of Internal Revenue; and the collector may, at the discretion of the commissioner, be authorized to accept, in lieu of the said written consent of the owner of the fee, the bond of such distiller, in such form as the commissioner may prescribe, with not less than two sureties, conditioned that in case the distillery, distilling apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in said bond. Said sureties shall be residents of the collection district or county, or of an adjoining county in the same State in which the distillery is situated, and owners of unincumbered real estate in said district or county, or adjoining county, equal to such appraised value, and the penal sum of said bond shall be equal to the appraised value of said lot or tract of land together with the buildings and distilling apparatus. In case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner of Internal Revenue, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such a distillery during the exist-

ence of the right of redemption from such sale, on complying with all the other provisions of law. The collector may at any time, at the discretion of the commissioner, accept such bond as is authorized to be given by the distiller in lieu of the written consent of the owner of the fee in the case of a distillery erected prior to July 20, 1868, notwithstanding such distillery has since then been increased by the addition of land or buildings adjacent or contiguous thereto, not owned by the distiller himself in fee; such bond to be for and in respect of such addition only, if the distillery be one which the distiller owns in fee or in respect to which he has procured the written consent of the owner of the fee or other incumbrance, otherwise to be for and in respect of the entire distillery as increased by such addition. (R. S. § 3262; May 28, 1880, c. 108, § 2, 21 Stat. 145.)

287. **Refusal of bond from person convicted.**—Whenever any person intending to commence or to continue the business of a distiller shall execute a bond under the provisions of section 284 of this title, and file the same with the collector of internal revenue for the district in which he proposes to distill, the collector may refuse to approve said bond if the person offering the same shall have been previously convicted, in a court of competent jurisdiction, of any fraudulent noncompliance with any of the provisions of law relating to the duties and business of distillers, or if the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall have compromised such an offense with the person upon the payment of penalties or otherwise, and, in case of such refusal, the person so proposing to distill may appeal to the Commissioner of Internal Revenue, whose decision in the matter shall be final. (Aug. 27, 1894, c. 349, § 67, 28 Stat. 568.)

288. **Plan of distillery.**—Every distiller and person intending to engage in the business of a distiller shall, previous to the approval of his bond, cause to be made, under the direction of the collector of the district, an accurate plan and description, in triplicate, of the distillery and distilling apparatus, distinctly showing the location of every still, boiler, doubler, worm tub, and receiving cistern, the course and construction of all fixed pipes used or to be used in the distillery, and of every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub, or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic contents of every still, mash tub, and fermenting tub, the cubic contents of every receiving cistern, and the color of each fixed pipe, as required in this title. One copy of said plan and description shall be kept displayed in some conspicuous place in the distillery, and two copies shall be furnished to the collector of the district, one of which shall be kept by him, and the other transmitted to the Commissioner of Internal Revenue. The accuracy of every such plan and description shall be verified by the collector, the draughtsman, and the distiller; and no alteration shall be made in such distillery without the consent, in writing, of the collector. Any alteration so made shall be shown on the original, or by a supplemental plan and description, and a reference thereto noted on the original, as the collector may direct; and any supplemental plan and description shall be executed and preserved in the same manner as the original. (R. S. § 3263.)

289. **Surveys of distilleries.**—On receipt of notice that any person, firm, or corporation wishes to commence the business of distilling, the collector, or a deputy collector, to be designated by him, shall proceed in person, at the expense of the United States, with the aid of an assistant designated by the Commissioner of Internal Revenue for the purpose of making surveys of distilleries in that district, to make a survey of such distillery for the purpose of estimating and determining its true spirit-producing capacity for a day of twenty-four hours.

In all surveys forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operated on the sour-mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain, and except that in distilleries where the filtration-aeration process is used, with the approval of the Commissioner of Internal Revenue; that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquid passes into the fermenting tub, there shall be no limitation upon the number of gallons of water which may be used in the process of mashing or filtration for fermentation; but the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in order to protect the revenue, shall be authorized to prescribe by regulation, to be made by him, such character of survey as he may find suitable for distilleries using such filtration-aeration process. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries.

A written report of such survey shall be made in triplicate, of which one copy shall be delivered to the distiller, one copy shall be retained by the collector, and one copy shall be transmitted to the Commissioner of Internal Revenue, and the survey shall take effect upon the delivery of such copy to the distiller. Whenever the commissioner is satisfied that any report of the capacity of a distillery is incorrect or needs revision, he shall direct the collector to make in like manner another survey of said distillery, and the report thereof shall be made and deposited as hereinbefore required. The survey of any distillery estimated and stated by the distiller, in his notice of intention to distill, as capable of distilling not more than one hundred and fifty proof-gallons of distilled spirits every twenty-four hours may be made by the collector or by a deputy collector without the aid of an assistant; and that all surveys made for the purpose of correcting clerical errors or errors of computation existing in the report of a previous survey, and all surveys made for the purpose of changing the true spirit-producing capacity of any distillery for a day of twenty-four hours as estimated and determined by a previous survey but which surveys do not require the remeasuring of the fermenting tubs in a grain or molasses distillery or the still or stills in a distillery of apples, peaches, or grapes exclusively, may be made without taking the measurements of the fermenting tubs or stills, as the case may be, and without revisiting the distillery. The Commissioner of Internal Revenue may, whenever he shall deem it proper, designate an officer, agent, or person other than the collector or deputy collector, to make, with or without the aid of a designated assistant, the surveys and resurveys hereinabove provided for. (R. S. § 3264; Mar. 1, 1879, c. 125, § 5, 20 Stat. 334; June 22, 1910, c. 329, § 1, 36 Stat. 590; Sept. 8, 1916, c. 463, § 402(1), 39 Stat. 787; Feb. 24, 1919, c. 18, § 623, 40 Stat. 1114.)

290. **Notice by manufacturer of still; setting up still without permit.**—Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and any person who sets up

any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of $500, and shall forfeit the distilling apparatus thus removed or set up in violation of law. (R. S. § 3265.)

291. Distilling on certain premises prohibited.—No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling house, or in any shed, yard, or inclosure connected with any dwelling house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined $1,000 and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense. Saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises. Any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes. (R. S. § 3266.)

292. Receiving cisterns.—The owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to be provided and used for that purpose, and for no other, and to be constructed in the manner to be prescribed by the Commissioner of Internal Revenue, two or more receiving cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into which shall be conveyed all the spirits produced in said distillery; and each of said cisterns shall be so constructed as to leave an open space of at least three feet between the top thereof and the floor or roof above, and of not less than eighteen inches between the bottom thereof and the floor below, and shall be so situated that the officer can pass around the same, and shall be connected with the outlet of the worm or condenser by suitable pipes or other apparatus, so constructed as always to be exposed to the view of the officer, and so connected and constructed as to prevent the abstraction of spirits while passing from the outlet of the worm or condenser back to the still or doubler, or forward to the receiving cistern. Such cisterns and the room in which they are contained shall be in charge and under the lock and seal of the internal-revenue gauger designated for that duty; and all locks and seals required by law shall be provided by the Commissioner of Internal Revenue, at the expense of the United States; and the keys shall be in charge of the collector or such gauger as he may designate. On the third day after the spirits are conveyed into such cistern they shall be drawn off into casks, under the supervision of such gauger, in the presence of the storekeeper, and be removed directly to the distillery warehouse; but on special application to the collector by the owner, agent, or superintendent of any distillery, the spirits may be drawn off from the said cisterns, under the supervision of the gauger, at any time previous to the third day. (R. S. § 3267.)

293. Breaking locks or gaining access to cistern or building.—Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years. (R. S. § 3268.)

294. Furnaces, tubs, doublers, worm tanks.—The door of the furnace of every still or boiler used in any distillery shall be so constructed that it may be securely fastened and locked. The fermenting tubs shall be so placed as to be easily accessible to any revenue officer, and each tub shall have distinctly painted thereon in oil colors its cubic contents in gallons and the number of the tub. There shall be a clear space of not less than one foot around every wood still, and not less than two feet around every doubler and worm tank. The doubler and worm tanks shall be elevated not less than one foot from the floor; and every fixed pipe to be used by the distiller, except for conveyance of water, or of spent mash or beer only, shall be so fixed and placed as to be capable of being examined by the officer for the whole of its length or course, and shall be painted, and kept painted, as follows, that is to say: Every pipe for the conveyance of mash or beer shall be painted of a red color; every pipe for the conveyance of low wines back into the still or doubler shall be painted blue; every pipe for the conveyance of spirits shall be painted black, and every pipe for the conveyance of water shall be painted white. Whenever any fixed pipe is used by any distiller which is not painted or kept painted as herein directed, or which is painted otherwise than as herein directed, he shall forfeit the sum of $1,000. (R. S. § 3269.)

295. Apparatus and fastenings.—The Commissioner of Internal Revenue is authorized to order and require such changes of or additions to distilling apparatus, connecting pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary. (R. S. § 3270.)

296. Small distilleries exempted from certain requirements.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers whose distilleries have a daily spirit-producing capacity of thirty gallons of proof spirits, or less, from such of the provisions of existing law in regard to grain distilleries which require the processes of distillation to be carried on through continuous closed vessels and pipes, or which require the cisterns to be connected with the outlet of the worm or condenser by suitable pipes or other apparatus or which require certain clear spaces about the cisterns and other vessels of the distillery, or which require the distillers to have or furnish a plan of the distillery, as he may deem proper. (Mar. 1, 1879, c. 125, § 5, 20 Stat. 336.)

297. Brandy made from apples and other fruits; exemption from requirements.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, plums, pawpaws, persimmons, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon when in his judgment it may seem expedient to do so. Where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so. The distillers

mentioned in this section may add to not less than five hundred gallons (or ten barrels) of grape cheese not more than five hundred gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, such solution to have a saccharine strength of not to exceed 10 per centum, and may ferment the resultant mixture on a winery or distillery premises, and such fermented product shall be regarded as distilling material. (R. S. § 3255; June 3, 1896, c. 309, 29 Stat. 195; Feb 4, 1901, c. 195, 31 Stat. 759; Mar. 2, 1911, c. 198, 36 Stat. 1014; Sept. 8, 1916, c. 463, § 404, 39 Stat. 788; Feb. 24, 1919, c. 18, § 625, 40 Stat. 1114.)

298. Distillery kept accessible.—No fence or wall of a height greater than five feet shall be erected or maintained around the premises of any distillery, so as to prevent easy and immediate access to such distillery. And every distiller shall furnish to the collector of the district as many keys of the gates and doors of the distillery as may be required by the collector, from time to time, for any revenue officer or other person who may be authorized to make survey or inspection of the premises, or of the contents thereof; and said distillery shall be kept always accessible to any officer or other person having any such key. Every person who violates any of the foregoing provisions of this section by negligence or refusal, or otherwise, shall pay a penalty of $500. (R. S. § 3275.)

299. Entry and examination of distilleries; obstructing officer; forfeiture.—It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind and of all low wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller. And whenever any internal-revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman or any person in his employ, prevented or hindered from, or opposed or obstructed, or molested in the performance of his duty under the internal-revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding $1,000. And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding $1,000. (R. S. § 3276; Mar. 1, 1879, c. 125, § 5, 20 Stat. 335.)

300. Same; facilities for examination; penalty for neglect.—On the demand of any internal-revenue officer, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stocks, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do. (R. S. § 3277.)

301. Installation of meters, tanks, and other apparatus.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the commissioner shall not be permitted to conduct business on such premises. (Feb. 24, 1919, c. 18, § 607, 40 Stat. 1109.)

302. Examination of distilleries; destruction of pipes unlawfully concealed.—It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof. (R. S. § 3278.)

303. Signs put up by distillers, rectifiers, and wholesale liquor dealers; penalty for noncompliance.—Every person engaged in distilling or rectifying spirits and every wholesale liquor dealer shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters not less than three inches in length, painted in oil colors or gilded and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer with the words "Registered distillery," "Rectifier of spirits," or "Wholesale liquor dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal or otherwise shall pay a penalty of $500. (R. S. § 3279.)

304. Same; penalty for unlawful use.—Every person, other than a rectifier or wholesale liquor dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by section 303, of this title, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor dealer, shall forfeit and pay $1,000, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than $100 nor more than $1,000, or be imprisoned not less than one month nor more than six months. (R. S. § 3279.)

305. Distillers carrying on business without compliance with law.—It shall not be lawful for any distiller to commence or to continue the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration and survey of distilleries,

and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line. (R. S. § 3280.)

306. Carrying on distillery without giving bond, and so forth; penalty; forfeitures.—Any person who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense be fined not less than $100 nor more than $5,000 and imprisoned not less than thirty days nor more than two years. And all distilled spirits or wines, and all stills or other apparatus, fit or intending to be used for the distillation of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosures connected therewith, and used with or constituting a part of the premises; and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egrees to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States. (R. S. § 3281; Feb. 8, 1875, c. 36, § 16, 18 Stat. 310.)

307. Mash, wort, and vinegar; vinegar factories.—No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol, in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years. Nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on. Nor shall any vinegar factory, except as provided in section 308 of this title, for the manufacture of vinegar as aforesaid, be permitted within six hundred feet of any distillery or rectifying house. But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the water or other liquid used in making vinegar. No person, however, shall remove, or cause to be removed, from any vinegar factory or place where vinegar is made, any vinegar or other fluid or material containing a greater proportion than 2 per centum of proof spirits. Any violation of this provision shall incur a forfeiture of the vinegar, fluid, or material containing such proof spirits, and shall subject the person or persons guilty of removing the same to the punishment provided for any violation of this section. And all the provisions of sections 299, 300, and 302 of this title shall apply to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen or other persons employed by them. (R. S. § 3282; Mar. 1, 1879, c. 125, § 5, 20 Stat. 335.)

308. Vinegar factories opened prior to March 1, 1879.—Any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within less than six hundred feet of any distillery or rectifying house under such regulations as the Commissioner of Internal Revenue may prescribe with the approval of the Secretary of the Treasury. (June 14, 1879, c. 23, 21 Stat. 20.)

309. Distilling between 11 p. m. of Saturday and 1 a. m. of Monday prohibited.—No malt, corn, grain, or other material shall be mashed, nor any mash, wort, or beer brewed or made, nor any still used by a distiller, at any time between the hour of eleven in the afternoon of any Saturday and the hour of one in the forenoon of the next succeeding Monday; and every person who violates the provisions of this section shall be liable to a penalty of $1,000. (R. S. § 3283.)

310. Same; exception.—Under such regulations as the commissioner, with the approval of the Secretary, may prescribe, the manufacture, warehousing, withdrawal, and shipment, under the provisions of existing law, of ethyl alcohol for other than (1) beverage purposes or (2) use in the manufacture or production of any article used or intended for use as a beverage, and denatured alcohol, may be exempted from the provisions of section 309 of this chapter. (Feb. 24, 1919, c. 18, § 602, 40 Stat. 1107.)

311. Using material or removing spirits in absence of storekeeper.—Every distiller or person employed in any distillery who, in the absence of the storekeeper, or person designated to act as storekeeper, uses, or causes or permits to be used, any material for the purpose of making mash, wort, or beer, or for the production of spirits, or removes any spirits, shall forfeit and pay double the amount of taxes on the spirits so produced, distilled, or removed, and in addition thereto be liable to a penalty of $1,000. (R. S. § 3284.)

312. Drawing off water and cleansing worm tub.—Whenever any officer requires the water contained in any worm tub in a distillery, at any time when the still is not at work, to be drawn off, and the tub and worm cleansed, the water shall forthwith be drawn off, and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm tub for the period of two hours, or until the officer has finished his examination thereof. For any refusal or neglect to comply with any provision of this section, the distiller shall forfeit the sum of not exceeding $1,000; and it shall be lawful for the officer to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary. (R. S. § 3286; Mar. 1, 1879, c. 125, § 5, 20 Stat. 335.)

313. Fermenting tubs; emptying and filling.—Every fermenting tub shall be emptied at or before the end of the fermenting period; no fermenting tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery oftener than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four hours, nor in a distillery where the filtra-

tion-aeration process is employed, that is, where the mash after it leaves the mash tub is passed through a filtering machine, before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, and the approval of the Commissioner of Internal Revenue being secured, oftener than once in twenty-four hours. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries. (R. S. § 3285; May 28, 1880, c. 108, § 3, 21 Stat. 145; June 22, 1910, c. 329, § 2, 36 Stat. 590.)

314. Distillers' books; entries to be made.—Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits, or who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall from day to day make, or cause to be made, in a book or books, to be kept by him in such form as the Commissioner of Internal Revenue may prescribe, a true and exact entry of the kind of materials, and the quantity in pounds, bushels, or gallons purchased by him for the production of spirits, from whom and when purchased, and by what conveyance delivered at said distillery, the amount paid therefor, the kind and quantity of fuel purchased for use in the distillery, and from whom purchased, the amount paid for ice or water for use in the distillery, the repairs placed on said distillery or distilling apparatus, the cost thereof, and by whom and when made, and of the name and residence of each person employed in or about the distillery, and in what capacity employed. And in another book he shall make like entry of the quantity of grain or other material used for the production of spirits, the time of day when any yeast or other composition is put into any mash or beer for the purpose of exciting fermentation, the quantity of mash in each tub, designating the same by the number of the tub, the number of dry inches, that is to say, the number of inches between the top of each tub and the surface of the mash or beer therein at the time of yeasting, the gravity and temperature of the beer at the time of yeasting, and on every day thereafter its quantity, gravity, and temperature at the hour of twelve meridian; also, of the time when any fermenting tub is emptied of ripe mash or beer, the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed, with the proof thereof, and the name, place of business, and residence of the person to whom sold. (R. S. § 3303.)

315. Same; maintaining at distillery; inspection and preservation.—The books of every distiller hereinbefore required shall always be kept at the distillery and be always open to the inspection of any revenue officer, and, when filled up, shall be preserved by the distiller for a period of not less than two years thereafter, and whenever required shall be produced for the inspection of any revenue officer. (R. S. § 3304.)

316. Same; false entries, or omitting to keep or produce.—Whenever any false entry is made in, or any entry required to be made is omitted from, either of the said books mentioned in sections 314 and 315 of this title with intent to defraud or to conceal from the revenue officers any fact or particular required to be stated and entered in either of said books, or to mislead in reference thereto; or any distiller as aforesaid omits or refuses to provide either of said books, or cancels, obliterates, or destroys any part of either of such books, or any entry therein, with intent to defraud, or permits the same to be done, or such books, or either of them, are not produced when required by any revenue officer, the distillery, distilling apparatus, and the lot or tract of land on which it stands, and all personal property on said premises used in the business there carried on, shall be forfeited to the United States. And every person who makes such false entry, or omits to make any entry hereinbefore required to be made, with the intent aforesaid, or who causes or procures the same to be done, or fraudulently cancels, obliterates, or destroys, any part of said books, or any entry therein, or willfully fails to produce such books, or either of them, shall be fined not less than $500, nor more than $5,000, and imprisoned not less than six months, nor more than two years. (R. S. § 3305.)

317. Using false weights or measures, or unregistered materials.—Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than $500 nor more than $5,000, and imprisoned not less than one year nor more than three years. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of $1,000 for each offense so committed. (R. S. § 3306.)

318. Distillers' returns; production to collector.—On the 1st day of each month, or within five days thereafter, every distiller shall render to the collector of the district an account in duplicate, taken from his books, stating the quantity and kind of materials used for the production of spirits each day, and the number of wine gallons and of proof gallons of spirits produced and placed in warehouse. And the distiller or the principal manager of the distillery shall make and subscribe the following oath, to be attached to said return: "I, ———— ————, distiller (or principal manager, as the case may be) of the distillery at ————, do solemnly swear that, since the date of the last return of the business of said distillery, dated ———— day of ———— to ———— day of ————, both inclusive, there was produced in said distillery, and withdrawn and placed in warehouse, the number of wine gallons and proof gallons of spirits; and there were actually mashed and used in said distillery, and consumed in the production of spirits therein, the several quantities of grain, sugar, molasses, and other materials respectively hereinbefore specified, and no more." One of the said duplicate returns shall be transmitted by the collector to the Commissioner of Internal Revenue. (R. S. § 3307.)

319. Same; number of barrels distilled.—Every distiller shall make a return of the number of barrels of spirits distilled by him, counting forty gallons of proof spirits to the barrel, whenever such return is demanded by the collector of the district. (R. S. § 3308.)

320. Same; monthly examination; assessment.—On the receipt of the distiller's return in each month, the Commissioner of Internal Revenue shall inquire and determine whether the distiller has accounted for all the grain or molasses used, and all the spirits produced by him in the preceding month. If he is satisfied that the distiller has reported all the spirits produced by him, and the quantity so reported is found to be less than 80 per centum of the producing capacity of the distillery as estimated according to law, he shall make an assessment for such deficiency at the rate of tax imposed by law for every proof gallon. In determining the quantity of grain used, fifty-six pounds shall be accounted as a bushel; and if the commissioner finds that the distiller has used any grain or molasses in excess of the capacity of his distillery as estimated according to law, he shall make an assessment against the distiller at the rate so imposed for every proof gallon of spirits that should have been produced from the grain or molasses so used in excess, which assessment shall be made whether the quantity of spirits reported is equal to or exceeds 80 per centum of the producing capacity of the distillery. If the commissioner finds that the distiller has not accounted for all the spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by

such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate so imposed for every proof gallon: *Provided*, That the actual product shall be assumed to be in no case less than 80 per centum of the producing capacity of the distillery as estimated according to law. All assessments made under this section shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid. (R. S. § 3309; Mar. 3, 1875, c. 31, § 12, 18 Stat. 419; Aug. 27, 1894, c. 349, § 60, 28 Stat. 566.)

321. Same; remission and refunding tax on deficiency in production; notification to fruit distillers.—Whenever, under the provisions of section 320 of this title, an assessment shall have been made against a distiller for a deficiency in not producing 80 per centum of the producing capacity of his distillery as established by law, or for the tax upon the spirits that should have been produced from the grain, or fruit, or molasses found to have been used in excess of the capacity of his distillery for any month, as estimated according to law, such excessive use of grain, or fruit, or molasses having arisen from a failure on the part of the distiller to maintain the capacity required by law to enable him to use such grain, or fruit, or molasses without incurring liability to such assessment, and it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue that said deficiency, or that said failure, whereby such excessive use of grain, molasses, or fruit arose, was not occasioned by any want of diligence or by any fraudulent purpose, on the part of the distiller, but from misunderstanding as to the requirements of the law and regulations in that respect or by reason of unavoidable accidents, then, and in such case, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury is authorized, on appeal made to him, to remit or refund such tax, or such part thereof as shall appear to him to be equitable and just in the premises: And the Commissioner of Internal Revenue upon the production to him of satisfactory proof of the actual destruction, by accidental fire or other casualty, and without any fraud, collusion, or negligence of the distiller of any spirits in process of manufacture or distillation, or before removal to the distillery warehouse, shall not assess the distiller for a deficiency in not producing 80 per centum of the producing capacity of his distillery as established by law when the deficiency is occasioned by such destruction, nor shall he, in such case, assess the tax on the spirits so destroyed. No assessments shall be charged againt any distiller of fruit for any failure to maintain the required capacity, unless the Commissioner of Internal Revenue shall, within six months after his receipt of each monthly report notify such distiller of such failure so to maintain the required capacity. (Mar. 1, 1879, c. 125, § 6, 20 Stat. 340; May 28, 1880, c. 108, § 8, 21 Stat. 147.)

322. Exemption of distillers of ethyl alcohol from certain provisions.—The commissioner of Internal Revenue with the approval of the Secretary of the Treasury, may by regulations exempt distillers of ethyl alcohol, for use in the production of munitions of war, or for other nonbeverage purposes, from so much of the provisions of sections 289, 313, and 320 of this title, respecting the survey of distilleries, the period of fermentation, the filling and emptying of fermenting tubs, and assessments, as, in his judgment, may be expedient: *Provided*, That the bond prescribed in section 284 of this title shall, in the cases herein provided, be in such sum and contain such further conditions as the said commissioner may require. (Feb. 24, 1919, c. 18, § 602, 40 Stat. 1107.)

323. Commencement of distilling; suspension of work; notice.—The first fermenting period of every distiller shall be taken to begin on the day the distiller's bond is approved; and every distiller at the hour of twelve meridian on the last day of such first fermenting period, or at the same hour on any previous day of such fermenting period on which spirits are distilled, shall be deemed to have commenced, and thereafter to be continuously engaged in, the production of distilled spirits in his distillery, except in the intervals when he shall suspend work as hereinafter provided. Any distiller desiring to suspend work in his distillery may give notice in writing to the collector of the district, stating when he will suspend work; and on the day mentioned in said notice said collector or one of his deputies shall, at the expense of the distiller, proceed to fasten securely the door of every furnace of every still or boiler in said distillery, by locks and otherwise, and shall adopt such other means as the Commissioner of Internal Revenue may prescribe to prevent the lighting of any fire in such furnace or under such stills or boilers. The locks and seals, and other materials required for such purpose, shall be furnished to the collector by the Commissioner of Internal Revenue, to be duly accounted for by said collector. Such notice by any distiller, and the action taken by the collector in pursuance thereof, shall be immediately transmitted to the Commissioner of Internal Revenue. No distiller, after having given such notice, shall, after the time stated therein, carry on the business of a distiller on said premises until he gives another notice in writing to said collector, stating the time when he will resume work; and at the time so stated for resuming work the collector or one of his deputies shall attend at the distillery to remove said locks and other fastenings; and thereupon, and not before, work may be resumed in said distillery, which fact shall be immediately reported to the collector of the district, and by him transmitted to the Commissioner of Internal Revenue. Every distiller who, after the time fixed in said notice declaring his intention to suspend work, carries on the business of a distiller on said premises, or has mash, wort, or beer in his distillery, or on any premises connected therewith, or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on said premises, shall incur the forfeitures and be subject to the same punishment as provided for persons who carry on the business of a distiller without having given the bonds required by law. But nothing in this section shall be held to apply to suspensions caused by unavoidable accident; and the Commissioner of Internal Revenue shall prescribe regulations to govern such cases of involuntary suspension. (R. S. § 3310; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; May 28, 1880, c. 108, § 7, 21 Stat. 147.)

324. Reduction of capacity.—Whenever any distiller desires to reduce the producing capacity of his distillery, he shall give notice of such intention in writing, to the collector, stating the quantity of spirits which he desires thereafter to manufacture or produce every twenty-four hours, and thereupon said collector shall proceed, at the expense of the distiller, to reduce and limit the producing capacity of the distillery to the quantity stated in said notice by placing upon a sufficient number of the fermenting tubs close-fitting covers, which shall be securely fastened by nails, seals, and otherwise, and in such manner as to prevent the use of such tubs without removing said covers or breaking said seals, and shall adopt such other precautions as may be prescribed by the Commissioner of Internal Revenue to reduce the capacity of said distillery. And every person who breaks, injures, or in any manner tampers with any lock, seal, or other fastening applied to any furnace, still, or fermenting tub, or other vessel, in pursuance of the provisions of law, or who opens or attempts to open any door, tub, or other vessel, which is locked or sealed, or otherwise closed or fastened as herein provided, or who uses any furnace, still,

or fermenting tub, or other vessel, which is so locked, sealed, or fastened, shall be deemed guilty of a felony, and shall be fined not less than $1,000 nor more than $5,000, and imprisoned for not less than one year nor more than three years. (R. S. § 3311.)

325. **Release of distillery before judgment.**—No distillery nor distilling apparatus seized for any violation of law shall be released to the claimant or to any intervening party before judgment, except in case of a distillery for which bond has been given and which has a registered producing capacity of one hundred and fifty proof gallons or more per day, on showing, by sufficient affidavits, that there are hogs or other livestock, not less than fifty head in number, depending for their feed on the products of said distillery, which would suffer injury if the business of such distillery is stopped. Such distillery, in that case, may be released to the claimant, or to any other intervening party, at the discretion of the court, on a bond to be given and approved in open court, with two or more sureties, for the full appraised value of all the property seized, to be ascertained by three competent appraisers designated and appointed by the court. (R. S. § 3331.)

326. **Destruction of distillery; witnesses; reimbursement.**—When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than one hundred and fifty gallons a day, for any violation of law, of whatever nature, every still, doubler, worm, worm tub, mash tub, and fermenting tub therein shall be so destroyed as to prevent the use of the same or of any part thereof for the purpose of distilling; and the materials shall be sold as in case of other forfeited property. And in case of seizure of a still, doubler, worm, worm tub, mash tub, fermenting tub, or other distilling apparatus, having a less producing capacity than one hundred and fifty gallons per day, for any offense involving forfeiture of the same, where said apparatus shall be of less than $500 value, and where it shall be impracticable to remove the same to a place of safe storage from the place where seized, the seizing officer is authorized to destroy the same only so far as to prevent the use thereof, or any part thereof, for the purpose of distilling. Such destruction shall be in the presence of at least one credible witness, and that such witness shall unite with the said officer in a duly sworn report of said seizure and destruction, to be made to the Commissioner of Internal Revenue, in which report they shall set forth the grounds of the claim of forfeiture, the reasons for such seizure and destruction, their estimate of the fair cash value of the apparatus destroyed, and also of the materials remaining after such destruction, and a statement that, from facts within their own knowledge, they have no doubt whatever that said distilling apparatus was set up for use and not registered, or had been used in the unlawful distillation of spirits, and that it was impracticable to remove the same to a place of safe storage. Within one year after such destruction the owner of the apparatus so destroyed may make application to the Secretary of the Treasury, through the Commissioner of Internal Revenue, for reimbursement of the value of the same; and unless it shall be made to appear to the satisfaction of the Secretary and the Commissioner that said apparatus had been used in the unlawful distillation of spirits, the Secretary shall make an allowance to said owner, not exceeding the value of said apparatus, less the value of said materials as estimated in said report; and if the claimant shall thereupon satisfy said Secretary and Commissioner that said unlawful use of the apparatus had been without his consent or knowledge, he shall still be entitled to such compensation, but not otherwise. And in case of a wrongful seizure and destruction of property under the foregoing provisions, the owner thereof shall have right of action on the official bond of the officer who occasioned the destruction for all damages caused thereby. (R. S. § 3332; Mar. 1, 1879, c. 125, § 5, 20 Stat. 339.)

327. **Burden of proof on claimant of spirits seized.**—Whenever seizure is made of any distilled spirits found elsewhere than in a distillery or distillery warehouse, or other warehouse for distilled spirits authorized by law, or than in the store or place of business of a rectifier, or of a wholesale liquor dealer, or than in transit from any one of said places; or of any distilled spirits found in any one of the places aforesaid, or in transit therefrom, which have not been received into or sent out therefrom in conformity to law, or in regard to which any of the entries required by law to be made in the books of the owner of such spirits, or of the storekeeper, wholesale dealer, or rectifier, have not been made at the time or in the manner required, or in respect to which the owner or person having possession, control, or charge of said spirits, has omitted to do any act required to be done, or has done or committed any act prohibited in regard to said spirits, the burden of proof shall be upon the claimant of said spirits to show that no fraud has been committed, and that all the requirements of the law in relation to the payment of the tax have been complied with. (R. S. § 3333.)

328. **Rectifier's returns; unlawfully rectifying.**—On or before the 10th day of each month every person engaged in rectifying or compounding distilled spirits shall make, in such form as may be prescribed by the Commissioner of Internal Revenue, a return to the collector of the district, showing the quantity of spirits received for rectification, and from whom received, the quantity dumped for rectification, the quantity rectified, the quantity removed after rectification during the preceding month, and giving such other information as may be required by the Commissioner of Internal Revenue, such return to be made in duplicate and sworn to by the rectifier; and the collector shall forward one of such returns to the Commissioner of Internal Revenue. Every person who engages in, or carries on, the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years. (R. S. § 3317; Mar. 1, 1879, c. 125, § 5, 20 Stat. 339.)

329. **Books of rectifiers and wholesale dealers; monthly transcript.**—Every rectifier and wholesale liquor dealer shall provide a book, to be prepared and kept in such form as may be prescribed by the Commissioner of Internal Revenue, and shall, on the same day on which he receives any foreign or domestic spirits, and before he draws off any part thereof, or adds water or anything thereto, or in any respect alters the same, enter in such book, and in the proper columns respectively prepared for the purpose, the date when, the name of the person or firm from whom, and the place whence the spirits were received, by whom distilled, rectified, or compounded, and when and by whom inspected, and, if in the original package, the serial number of each package, the number of wine gallons and proof gallons, the kind of spirit, and the number and kind of adhesive stamps thereon. And every such rectifier and wholesale dealer shall, at the time of sending out of his stock or possession any spirits, and before the same are removed from his premises, enter in like manner in the said book

the day when and the name and place of business of the person or firm to whom such spirits are to be sent, the quantity and kind or quantity of such spirits, the number of gallons and fractions of a gallon at proof, and, if in the original packages in which they were received, the name of the distiller and the serial number of the package. Every such book shall be at all times kept in some public or open place on the premises of such rectifier or wholesale dealer for inspection, and any revenue officer may examine it and take an abstract therefrom; and when it has been filled up as aforesaid, it shall be preserved by such rectifier or wholesale liquor dealer for a period not less than two years; and during such time it shall be produced by him to every revenue officer demanding it. And whenever any rectifier or wholesale liquor dealer refuses or neglects to provide such book, or to make entries therein as aforesaid, or cancels, alters, obliterates, or destroys any part of such book, or any entry therein, or makes any false entry therein, or hinders or obstructs any revenue officer from examining such book, or making any entry therein, or taking any abstract therefrom; or whenever such book is not preserved or is not produced by any rectifier or wholesale liquor dealer as hereinbefore directed, he shall pay a penalty of $100, and shall on conviction be fined not less than $100 nor more than $5,000, and imprisoned not less than three months nor more than three years. Every person required to keep the books prescribed by this section shall, on or before the 10th day of each month, make a full and correct transcript of all entries made in such book during the month preceding, and, after verifying the same by oath, shall forward the same to the collector of the district in which he resides. Any failure by reason of refusal or neglect to make said transcripts shall subject the person so offending to a fine of $100 for each neglect or refusal. (R. S. § 3318; Feb. 27, 1877, c. 69, 19 Stat. 248; Mar. 1, 1879, c. 125, § 5, 20 Stat. 339.)

330. Distillers selling own product; record of sales; transcript; forfeiture.—Distillers who have given the required bond and who sell only distilled spirits of their own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, and who are exempted by section 221 of this title from paying the tax as a wholesale liquor dealer, shall be required to keep the book prescribed by section 329 of this title, or so much as shall show the date when they sent out any spirits, the serial numbers of the packages containing same, the kind and quality of the spirits in wine gallons and taxable gallons, the serial numbers of the stamps on the packages, and the name and residence of the person to whom sent; and the provisions of said section as to transcripts, shall apply to such books. Any failure, by reason of refusal or willful neglect, to furnish the transcript by any such distiller shall subject the spirits owned or distilled to forfeiture. (Aug. 27, 1894, c. 349, § 62, 28 Stat. 567.)

331. Purchase of quantities greater than twenty gallons from one person.—It shall not be lawful for any rectifier of distilled spirits, or wholesale or retail liquor dealer, to purchase or receive any distilled spirits in quantities greater than twenty gallons from any person other than an authorized rectifier of distilled spirits, distiller, or wholesale liquor dealer. Every person who violates this section shall forfeit and pay $1,000; except that this provision shall not be held to apply to judicial sales, or to sales at public auction made by an auctioneer. (R. S. § 3319.)

332. Gauging, inspection, and stamping of rectified spirits.—Whenever any cask or package, containing five wine gallons or more, is filled for shipment, sale, or delivery on the premises of any rectifier who has paid the special tax required by law, it shall be inspected and gauged by a United States gauger whose duty it shall be to mark and brand the same and place thereon an engraved stamp, which shall state the date when affixed and the number of proof gallons, and shall be in such form as shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. When such cask or package is filled on the premises of a rectifier rectifying less than five hundred barrels a year, counting forty gallons of proof spirits to the barrel, it may be gauged, marked, branded, and stamped by a United States gauger, or it may be gauged, marked, branded, and stamped by the rectifier, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe. (R. S. § 3320; July 16, 1892, c. 196, § 1, 27 Stat. 200; Aug. 27, 1894, c. 349, § 66, 28 Stat. 567.)

333. Same; casks or packages dumped for or received from rectification, to be gauged and marked.—Whenever any cask or package of distilled spirits containing five wine gallons or more is dumped by a rectifier for rectification or filled and received from rectification for sale, shipment, or delivery the same shall be gauged, marked, branded and stamped by a United States gauger; but the Commissioner of Internal Revenue may by regulations, approved by the Secretary of the Treasury, provide that the gauging, marking, stamping, and branding of such packages so dumped for rectification, or received therefrom, be done by the rectifier instead of by a United States gauger. (Mar. 4, 1915, c. 141, § 1, 38 Stat. 1017.)

334. Filling blanks, and affixing and protecting stamps.—All blanks in any of the forms prescribed in this chapter shall be duly filled in accordance with the facts in each case. And the stamps therein designated shall in every case be affixed to a smooth surface of the cask or other package, which surface shall not have been previously painted or covered with any substance, and so as to fasten the same securely to the cask or package, and shall be duly canceled, and shall then be immediately covered with a coating of transparent varnish or other substance, so as to protect them from removal or damage by exposure; and such affixing, cancellation, and covering shall be done in such manner as the Commissioner of Internal Revenue may by regulation prescribe. (R. S. § 3322.)

335. Spirits drawn into new packages to be gauged and branded; returns.—Every package of distilled spirits containing five wine gallons or more, filled on the premises of a wholesale liquor dealer, who has paid the special tax required by law, shall be marked, branded, and stamped by such wholesale liquor dealer in such manner and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe; and on or before the 10th day of each month every wholesale liquor dealer shall make return, under oath, to the collector of internal revenue for the district of the various kinds and quantities of each kind and of the total quantities of distilled spirits received on his premises and of the various kinds and quantities of each kind and of the total quantity of distilled spirits sent out from his stock or possession during the preceding month, and of the quantity of each kind and the total quantity remaining on hand at the end of the month; and such return shall be made in such form and contain such other particulars as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. (R. S. § 3323; July 16, 1892, c. 196, § 1, 27 Stat. 200.)

336. Failure to notify intention to rectify; failure to comply with requirements for marking, branding and stamping casks or packages; penalty.—Every rectifier or wholesale liquor dealer who refuses or willfully neglects to comply with the requirements of sections 283, 332 and 335 of this title as to giving the notice or the return therein required, and as to marking, branding, and stamping, in accordance with the law and the regulations made in pursuance thereof, the packages

of spirits filled on his premises as aforesaid, shall, for each such offense, be fined not less than $200 nor more than $1,000. (R. S. § 3323; July 16, 1892, c. 196, § 1, 27 Stat. 200.)

337. **Effacing stamps and brands from empty casks; omission to efface, and transporting in violation of law; penalty; forfeiture.**—Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp required by law, shall, at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit $300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than $500 nor more than $10,000, and imprisoned not less than one year nor more than five years. (R. S. § 3324.)

338. **Buying or selling spirit casks having inspection marks.**—Whenever any person knowingly purchases or sells, with inspection marks thereon, any cask or package, after the same has been used for distilled spirits, he shall forfeit and pay the sum of $200 for every such cask so purchased or sold. (R. S. § 3325.)

339. **Changing stamps and shifting spirits.**—Whenever any person changes or alters any stamp, mark, or brand on any cask or package containing distilled spirits, or puts into any cask or package spirits of greater strength than is indicated by the inspection mark thereon, or fraudulently uses any cask or package having any inspection mark or stamp thereon, for the purpose of selling other spirits, or spirits of quantity or quality different from the spirits previously inspected therein, he shall forfeit and pay the sum of $200 for every cask or package on which the stamp or mark is so changed or altered, or which is so fraudulently used, and shall be fined for each such offense not less than $100 nor more than $1,000, and imprisoned not less than one month nor more than one year. (R. S. § 3326.)

340. **Affixing imitation stamps on packages; penalty.**—If any person shall affix, or cause to be affixed, to or upon any cask or package containing, or intended to contain, distilled spirits, any imitation stamp, or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade-mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of, or shall have the resemblance or general appearance of, any internal-revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits, he shall, for each offense, be liable to a penalty of $100, and, on conviction, shall be fined not more than $1,000, and imprisoned not more than three years, and the cask or package with its contents shall be forfeited to the United States. (Feb. 8, 1875, c. 36, § 17, 18 Stat. 311.)

341. **Removal within certain hours from distillery or rectifier's premises.**—No person shall remove any distilled spirits at any other time than after sunrising and before sunsetting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of $100 for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States. (R. S. § 3327.)

BONDED WAREHOUSES, INCLUDING DISTILLERY WAREHOUSES, SPECIAL WAREHOUSES FOR FRUIT BRANDY, AND GENERAL BONDED WAREHOUSES

Section 361. **Distillery warehouse.**—Every distiller shall provide, at his own expense, a warehouse, to be situated on and to constitute a part of his distillery premises, and to be used only for the storage of distilled spirits of his own manufacture until the tax thereon shall have been paid; but no dwelling house shall be used for such purpose, and no door, window, or other opening shall be made or permitted in the walls of such warehouse leading into the distillery or into any other room or building; and such warehouse, when approved by the Commissioner of Internal Revenue, on report of the collector, shall be a bonded warehouse of the United States, to be known as a distillery warehouse, and shall be under the direction and control of the collector of the district, and in charge of an internal-revenue storekeeper, assigned thereto by the commissioner. (R. S. § 3271.)

362. **Same; use by successor in business.**—When from death or from any other cause there shall be a change in the person, firm or company engaged in the business of distilling at any distillery, and the person, firm or company that by reason of such change ceases to carry on said business at such distillery has at the time of such change spirits in the distillery warehouse, it shall be lawful for the Commissioner of Internal Revenue, upon the written consent of the surviving principals and sureties interested, and under such rules and regulations, and upon such other conditions, as he may prescribe, to permit the succeeding person, firm or company to use the distillery warehouse on the premises in the same manner as if it did not contain distilled spirits belonging to the original person, firm, or company after setting apart and separating, by a secure and unbroken partition such portion of it as may be necessary for the storage and safe-keeping of the spirits distilled by the original person, firm or company, during the period allowed by law for the removal of distilled spirits from distillery warehouses, or until said spirits are removed, and the tax paid thereon within that time. Nothing contained in this section shall impair or in any way affect the lien existing at the time of such change under section 249 of this title, or other liabilities under any internal-revenue law, but the existence of such lien shall be no ground for refusing to approve the bond of the succeeding person, firm or company, anything in section 286 of this title to the contrary notwithstanding. (Jan. 8, 1874, c. 7, 18 Stat. 2.)

363. **Same; discontinuance and transfer of merchandise.**—Whenever distilling shall have been suspended at any distillery for a period or periods aggregating six months during any

calendar year and the quantity of spirits remaining in the distillery warehouse does not exceed 5,000 proof gallons, or whenever, in the opinion of the Commissioner of Internal Revenue, any distillery warehouse, general bonded warehouse, or other warehouse, is unsafe or unfit for use, or the merchandise therein is liable to loss or great wastage, he may in either such case discontinue such warehouse and require the merchandise therein to be transferred to such other warehouse as he may designate, and within such time as he may prescribe. Such transfer shall be made under the supervision of the collector, or of such other officer as may be designated by the commissioner, and the expense thereof shall be paid by the owner of the merchandise. Whenever the owner of such merchandise fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by the commissioner, such merchandise may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the costs and expenses of such sale and removal, and the balance paid over to the owner of such merchandise. (R. S. § 3272; Aug. 27, 1894, c. 349, § 57, 28 Stat. 566.)

364. Same; storekeepers in charge of distillery and warehouse.—The storekeeper assigned to any distillery warehouse shall also have charge of the distillery connected therewith; and every storekeeper shall have charge of the warehouse to which he is assigned, and of such distillery, under the direction of the collector controlling the same. (R. S. § 3273.)

365. Same; storekeeper to keep certain records of distillery.—The storekeeper assigned to any distillery warehouse shall, in addition to the duties required of him as storekeeper in charge of a warehouse, keep in a book to be provided for that purpose, and in the manner prescribed by the Commissioner of Internal Revenue, a daily account of all the meal and vegetable productions or other substances brought into said distillery, or on said premises, to be used for the purpose of producing spirits, from whom purchased, and when delivered at said distillery; of the kind and quantity of all fuel used, and from whom purchased; of all repairs made on said distillery, and by whom and when made; of the names and places of residence of all persons employed in or about the distillery; of the materials put into the mash tub or otherwise used for the production of spirits; of the time when any fermenting tub is emptied of ripe mash or beer, recording the same by the number painted on said tub; and of all spirits drawn off from the receiving cistern, and the time when the same were drawn off. (R. S. § 3302.)

366. Custody and management of warehouse.—Every distillery warehouse shall be in the joint custody of the storekeeper and the proprietor thereof. It shall be kept securely locked, and shall at no time be unlocked, or opened, or remain open, unless in the presence of such storekeeper, or other person who may be designated to act for him, as provided by law; and no articles shall be received in or delivered from such warehouse except on an order or permit addressed to the storekeeper and signed by the collector having control of the warehouse. (R. S. § 3274.)

367. Drawing off, gauging, and removal of spirits to warehouse.—Except as otherwise provided in this chapter, all distilled spirits shall be drawn from the receiving cisterns into casks or packages, each of not less capacity than ten gallons wine measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, who shall cut on the cask or package containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine gallons and in proof gallons of the contents of such casks or packages, and the particular name of such distilled spirits as known to the trade, that is to say, high wines, alcohol, or spirits, as the case may be, shall be marked or branded on the head of such cask or package in letters of not less than one inch in length; and the spirits shall be immediately removed into the distillery warehouse, and the gauger shall, in the presence of the storekeeper of the warehouse, place upon the head of the cask or package an engraved stamp, which shall be signed by the collector of the district and the storekeeper and gauger; and shall have written thereon the number of proof gallons contained therein, the name of the distiller, the date of the receipt in the warehouse, and the serial number of each cask or package, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask or package deposited therein after July 20, 1868, and no two or more casks or packages warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

Distillery-warehouse stamp number —. Issued by ——— ———, collector, ——— district, State of ———, distillery warehouse of ——— ———; 19—, Cask number —; contents ——— gallons proof spirits.

——— ———,
United States Storekeeper.

Attest:

——— ———,
United States Gauger.

Upon the application of the distiller, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, distilled spirits may be drawn into wooden packages, each containing two or more metallic cans, which cans shall have each a capacity of not less than five gallons, wine measure, such packages to be filled and used only for exportation from the United States. And there shall be charged for each of said packages or cases for the expense of providing and affixing stamps, the sum of 5 cents.

Alcohol or high-proof spirits withdrawn free of tax for the use of the United States, as authorized by section 1196 of this title may be drawn off for transfer by pipes direct from the receiving cisterns in the cistern room of any distillery to closed metal storage tanks situated in the distillery bonded warehouse and transferred from such storage tanks to tanks or tank cars for shipment, upon the execution of such bonds and under such regulations as the Secretary of the Treasury may prescribe. (R. S. § 3287; Mar. 1, 1879, c. 125, § 5, 20 Stat. 336; May 28, 1880, c. 108, § 6, 21 Stat. 147; Feb. 21, 1899, c. 177, 30 Stat. 843; Mar. 2, 1911, c. 199, 36 Stat. 1014.)

368. Tax on distilled spirits entered for deposit in distillery warehouses; when payable.—The tax on all distilled spirits entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and except as provided in section 248 of this title, within eight years from the date of the entry for deposit therein. (May 28, 1880, c. 108, § 4, 21 Stat. 146.)

369. Filling packages from receiving cisterns and payment of tax without entry into bonded warehouses.—At registered distilleries producing alcohol, or other high-proof spirits, packages may be filled with such spirits reduced to not less than one hundred proof from the receiving cisterns and tax paid without being entered into bonded warehouse. Such spirits may be also transferred from the receiving cisterns at such distilleries, by means of pipe lines, direct to storage tanks in the bonded warehouse and may be warehoused in such storage tanks. Such spirits may be also transferred in tanks or tank cars to general bonded warehouses for storage therein, either in storage tanks in such warehouses or in the tanks in which

they were transferred. Such spirits may also be transferred from receiving cisterns or warehouse storage tanks to barrels, drums, tanks, tank cars, or other approved containers, and may be transported in such containers for exportation or other lawful purposes. The Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gauging, storing, and transporting of such spirits; the records to be kept and returns to be made; the size and kind of packages and tanks to be used; the marking, branding, numbering, and stamping of such packages and tanks; the kinds of stamps, if any, to be used; and the time and manner of paying the tax; the kind of bond and the penal sum of same. The tax prescribed by law must be paid before such spirits are removed from the distillery premises, or from general bonded warehouse in the case of spirits transferred thereto, except as otherwise provided by law. (Feb. 24, 1919, c. 18, § 602, 40 Stat. 1106.)

370. Deposit in distillery warehouse without warehouse stamps; withdrawal on original gauge.—Under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, distilled spirits may be drawn from receiving cisterns and deposited in distillery warehouses without having affixed to the packages containing the same distillery warehouse stamps, and such packages, when so deposited in warehouse, may be withdrawn therefrom on the original gauge where the same have remained in such warehouse for a period not exceeding thirty days from the date of deposit. (Oct. 3, 1917, c. 63, § 302, 40 Stat. 309; Feb. 24, 1919, c. 18, § 602, 40 Stat. 1107.)

371. Distiller's entry of deposit in warehouse; bond for and collection of taxes.—The distiller or owner of all spirits removed as aforesaid to the distillery warehouse shall, on the first day of each month, or within five days thereafter, enter the same for deposit in such warehouse, under such regulations as the Commissioner of Internal Revenue may prescribe. Said entry shall be in triplicate, and shall contain the name of the person making the entry, the designation of the warehouse in which the deposit is made, and the date thereof, and shall be in the following form:

Entry for Deposit in Distillery Warehouse

Entry of distilled spirits deposited by ——— ———, in distillery warehouse ———, in the ——— district, State of ———, during the month ending on the ——— day of ———, anno Domini ———.

And the entry shall specify the kind of spirits, the whole number of packages, the marks and serial numbers thereon, the number of gauge or wine gallons, proof gallons, and taxable gallons, and the amount of tax on the spirits contained in them; all of which shall be verified by the oath of the distiller or owner of the same attached to the entry. The said distiller or owner shall at the time of making said entry give his bond in duplicate, with one or more sureties, satisfactory to the collector of the district, conditioned that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid, before removal from said distillery warehouse, and within eight years from the date of said entry except as provided in section 248 of this title; and the penal sum of such bond shall not be less than the amount of the tax on such distilled spirits. One of said entries shall be retained in the office of the collector of the district, one sent to the storekeeper in charge of the warehouse, to be retained and filed in the warehouse, and one sent with duplicate of the bond to the Commissioner of Internal Revenue, to be filed in his office. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue. And in case the distiller or owner fails or refuses to give the bond hereinbefore required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law. If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section 151 of this title, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax is not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected. (R. S. § 3293; Mar. 1, 1879, c. 125, § 5, 20 Stat. 336; May 28, 1880, c. 108, § 4, 21 Stat. 145; Aug. 27, 1894, c. 349, § 49, 28 Stat. 563.)

372. Distiller's bond for taxes on spirits deposited in warehouses.—Warehousing bonds and transportation and warehousing bonds, conditioned for the payment of the taxes on all distilled spirits entered for deposit into distillery or special bonded warehouses shall be given by the distiller of said spirits as required by existing laws, conditioned, however, for payment of taxes at the rate imposed by law and before removal from warehouse and within eight years; as to fruit brandy, from the date of the original gauge, and as to all other spirits from the date of the original entry for deposit. The distiller may, at his option and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, execute an annual bond for the spirits so deposited in lieu of the bonds herein provided. (Aug. 27, 1894, c. 349, § 49, 28 Stat. 563.)

373. Withdrawal from warehouse, entry for.—Any distilled spirits may, on payment of the tax thereon, be withdrawn from the warehouse on application to the collector of the district in charge of such warehouse, on making a withdrawal entry in duplicate and in the following form:

Entry for Withdrawal of Distilled Spirits from Warehouse Tax Paid

Entry of distilled spirits to be withdrawn, on payment of the tax, from warehouse of distillery number ———, situated in the ——— district of ———, by ——— deposited on the ——— day of ———, anno Domini ———, by ———, in said warehouse.

And the entry shall specify the whole number of casks, or packages with the marks and serial numbers thereon, the number of gauge or wine gallons, and of proof gallons and taxable gallons, and the amount of the tax on the distilled spirits contained in them at the time they were deposited in the distillery warehouse; and said entry shall also specify the number of gauge or wine gallons, and of proof gallons and taxable gallons contained in said casks or packages at the time application shall be made for the withdrawal thereof; and on payment of the tax the collector shall issue his order to the

storekeeper in charge of the warehouse for the delivery. One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner of Internal Revenue. (R. S. § 3294; Mar. 1, 1879, c. 125, § 5, 20 Stat. 337; May 28, 1880, c. 108, § 5, 21 Stat. 146.)

374. Gauging, stamping, and branding spirits removed from warehouse.—Whenever an order is received from the collector for the removal from any distillery warehouse of any cask of distilled spirits on which tax has been paid, the gauger by whom the same is gauged and inspected shall, in presence of the storekeeper and before such cask has left the warehouse, place upon the head thereof, in such manner as to cover no portion of any brand or mark prescribed by law already placed thereon, a stamp, on which shall be engraved the number of proof gallons contained in said cask on which the tax has been paid, and which shall state the serial number of the cask, the name of the person by whom the tax was paid, and the person to whom and the place where it is to be delivered. Said stamp shall be signed by the collector of the district, the storekeeper, and gauger, and shall be as follows:

Tax-Paid Stamp, Number —.

Received ——— ———, 19—, from ——— ——— tax on ——— gallons proof spirit, cask number ———, ——— warehouse at ———, for delivery to ———, at ———.

———— ————,

Collector ——— District, State of ———.

Attest:

———— ————,

United States Storekeeper.

———— ————,

United States Gauger.

And at the time of affixing the tax-paid stamp the gauger shall, in the presence of the storekeeper, cut or burn upon each cask the name of the distiller, the district, the date of the payment of the tax, the number of proof gallons, and the number of the stamp, which cutting or burning shall be erased when such cask is emptied. (R. S. § 3295; July 16, 1892, c. 196, § 1, 27 Stat. 200.)

375. Exportation of distilled spirits withdrawn from bonded warehouses; relanding; forfeiture.—Distilled spirits may be withdrawn from distillery bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks, or packages, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury and bonds given under this section shall be canceled under such regulations as the Secretary of the Treasury shall prescribe. The bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

All distilled spirits intended for export, as aforesaid, before being removed from the distillery warehouse, shall be marked as the Commissioner of Internal Revenue may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps 10 cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipment shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid. And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on any distilled spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than ten years; and every owner, agent, or master of any vessel or other person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent change in the spirits so shipped, shall be fined not exceeding $5,000 and imprisoned not more than one year, and the ship or vessel on board of which such shipment was made or pretended to be made shall be forfeited to the United States, whether a conviction of the master or owner be had or otherwise, and proceedings may be had in admiralty by libel for such forfeiture.

Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this section and section 377 of this title, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding $5,000, and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States. (R. S. § 3330; May 28, 1880, c. 108, § 11, 21 Stat. 148.)

376. Transportation bond on withdrawal of distilled spirits for export.—Whenever the owner or owners of distilled spirits shall desire to withdraw the same from any distillery bonded warehouse for exportation, such owner or owners may at their option, in lieu of executing an export bond as now provided by law, give a transportation bond with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Secretary of the Treasury may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein; and for the due performance on the part of the exporter or owner at the port of export of all the requirements in regard to notice of export, entry, and the giving of bond hereinafter specified; and in such case, on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export entry verified by his oath or affirmation. He shall also give bond to the United States, with at least two sureties, satisfactory

to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to some other port without the jurisdiction of the United States. And upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the guager, which report shall show the capacity of each cask in wine gallons, and the contents thereof in wine gallons, proof gallons and taxable gallons. Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond. The bond required to be given for the landing at a foreign port of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading or any other port without the jurisdiction of the United States or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof. And whenever a distiller of spirits in bond shall desire to change the packages in which the same is contained in order to export them, the Commissioner of Internal Revenue shall be authorized, under regulations to be prescribed by him, and upon the execution of proper bonds with sufficient sureties to permit the withdrawal of so much spirits from bond and in new packages as the distiller shall desire to export as aforesaid. (June 9, 1874, c. 259, § 1, 18 Stat. 64; Mar. 1, 1879, c. 125, § 10, 20 Stat. 342.)

377. Drawback on distilled spirits.—Distilled spirits upon which all taxes have been paid may be exported, with the privilege of drawback, and in distillers' original casks, packages containing not less than twenty wine gallons each, on application of the owner thereof to the collector of customs at any port of entry, and under such rules and regulations, and after making such entry as may be prescribed by law and by the Secretary of the Treasury. The entry for such exportation shall be in triplicate, and shall contain the name of the person applying to export, the name of the distiller, the name of the district in which the spirits were distilled, the name of the vessel by which, and the name of the port to which, they are to be exported; and the form of the entry shall be as follows:

Export Entry of Distilled Spirits Entitled to Drawback

Entry of spirits distilled by ———— ————, in ———— *district*, State of ————, to be exported by ———— ————, in the ————, whereof ———— ———— is master, bound to ————.

And the entry shall specify the whole number of casks or packages the marks and serial numbers thereon, the quality or kind of spirits as known in commerce, the number of gauge or wine gallons and of proof gallons; and the amount of the tax on such spirits shall be verified by the oath of the owner of the spirits, and that the tax has been paid thereon, and that they are truly intended to be exported to the port of ————, and not to be relanded within the limits of the United States. One bill of lading, duly signed by the master of the vessel, shall be deposited with said collector, to be filed at his office with the entry retained by him. One of said entries shall be, when the shipment is completed, transmitted to the Secretary of the Treasury, to be recorded and filed in his office. The lading on board said vessel shall be only after the receipt of an order or permit signed by the collector of customs and directed to a customs gauger, and after each cask or package shall have been distinctly marked or branded by said gauger as follows: "For export from U. S. A." and the tax-paid stamps thereon obliterated. The casks or packages shall be inspected and gauged alongside of or on the vessel by the gauger designated by said collector, under such rules and regulations as the Secretary of the Treasury may prescribe; and on application of the said collector it shall be the duty of the surveyor of the port to designate and direct one of the customhouse inspectors to superintend such shipment. And the gauger aforesaid shall make a full return of such inspection and gauging in such form as may be prescribed by the Secretary of the Treasury, showing by whom each cask of such spirits was distilled, the serial number of the cask, and of the tax-paid stamp attached thereto, the proof and quantity of such spirits as per the original gauge mark on each cask, and the quantity in proof and wine gallons as per the gauge then made by him. And said gauger shall certify on such return that the shipment has been made in his presence, on board the vessel named in the entry for export, which return shall be indorsed by said customhouse inspector certifying that the casks or packages have been shipped under his supervision on board said vessel, and the tax-paid stamps obliterated and the said inspector shall make a similar certificate to the surveyor of the port, indorsed on or to be attached to the entry in possession of the customhouse. A drawback shall be allowed upon distilled spirits on which the tax has been paid and exported to foreign countries, under the provisions of this section, when exported as herein provided for. The drawback allowed shall include the taxes levied and paid upon the distilled spirits exported, as per last gauge of said spirits prior to exportation and shall be due and payable only after the proper entries have been made and filed, and all other conditions complied with as hereinbefore required, and on filing with the Secretary of the Treasury the proper claim, accompanied by the certificate of the collector of customs at the port of entry where the spirits are entered for export, that such spirits have been received into his custody and the tax-paid stamps thereon obliterated; and the Secretary of the Treasury shall prescribe such rules and regulations in relation thereto as may be necessary to secure the Treasury of the United States against frauds. (R. S. § 3329; May 28, 1880, c. 108, § 10, 21 Stat. 148.)

378. Transfer in tanks or tank cars for export.—Under such regulations as the commissioner, with the approval of the Secretary, may prescribe, alcohol or other distilled spirits of a proof strength of not less than one hundred and eighty degrees intended for export free of tax may be drawn from receiving cisterns at any distillery or from storage tanks in any distillery warehouse, for transfer to tanks or tank cars for export from the United States, and all provisions of law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this chapter. (Sept. 8, 1916, c. 463, § 403, 39 Stat. 788; Feb. 24, 1919, c. 18, § 624, 40 Stat. 1114.)

379. Allowance for leakage or loss; withdrawal from distillery warehouse for exportation.—Where spirits are withdrawn from distillery warehouses for exportation according to law, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to the port of export. (Dec. 20, 1879, c. 1, § 1, 21 Stat. 59.)

380. Same; remission of tax on lost spirits covered by insurance.—Where the spirits provided for in section 379 of this title are covered by a valid claim of insurance in excess of the

market value thereof, exclusive of the tax, the tax upon such spirits shall not be remitted to the extent of such excessive insurance. (Dec. 20, 1879, c. 1, § 2, 21 Stat. 59.)

381. Same; withdrawal to manufacturing warehouse.—Where spirits are withdrawn from distillery warehouses for transfer to manufacturing warehouses, under the provisions of this chapter, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a manufacturing warehouse. (May 28, 1880, c. 108, § 15, 21 Stat. 148.)

382. Fruit brandy; special bonded warehouses for.—The Commissioner of Internal Revenue is authorized in his discretion, and upon the execution of such bonds as he may prescribe, to establish warehouses, to be known as special bonded warehouses, not exceeding ten in numbers in any one collection district, exclusively for the storage of brandy made from grapes, apples, peaches, or other fruit, the brandy distilled from which is not, or shall not be, required to be deposited in a distillery warehouse, each of which warehouses shall be in the charge of a storekeeper, or a storekeeper gauger at the discretion of the Commissioner of Internal Revenue, to be appointed, assigned, transferred, and paid in the same manner that storekeepers for distillery warehouses are now appointed, assigned, transferred, and paid. Every such warehouse shall be under the control of the collector of internal revenue of the district in which such warehouse is located, and shall be in the joint custody of the storekeeper or storekeeper gauger and the proprietor thereof and kept securely locked, and shall at no time be unlocked or opened or remain open except in the presence of such storekeeper or other person who may be designated to act for him, as provided in the case of distillery warehouses. And such warehouses shall be under such further regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. (Mar. 3, 1877, c. 114, § 1, 19 Stat. 393; Oct. 18, 1888, c. 1194, 25 Stat. 560.)

383. Same; payment of tax on; removal to warehouse.—Every distiller of brandy from grapes, or other fruits within the provisions of section 382 of this title, upon rendering his monthly return of materials used and spirits produced by him, shall immediately pay the tax upon such spirits, or may, after they have been properly gauged, marked, and branded, under regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, and also stamped as hereinafter provided, cause them to be removed in bond from the place of manufacture to a special bonded warehouse, under such regulations, and after making such entries, and executing and filing with the collector of the district in which such spirits were manufactured such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. (Mar. 3, 1877, c. 114, § 2, 19 Stat. 393; Oct. 18, 1888, c. 1194, 25 Stat. 560.)

384. Same; special stamp on removal to warehouse.—All brandy intended for deposit in a special bonded warehouse, before being removed from the distillery, shall have affixed to each package an engraved stamp indicative of such intention, to be provided and furnished to the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner; and for the expense attending, providing, and affixing such stamps 10 cents for each stamp shall be paid the collector on making the entry for such transportation. (Mar. 3, 1877, c. 114, § 3, 19 Stat. 393.)

385. Same; deposit in warehouse; bond.—Any brandy made from grapes or other fruits within the provisions of section 382 of this title, removed in bond according to law may, upon its arrival at a special bonded warehouse, be deposited therein upon making such entries, filing such bonds and other securities, and under such regulations as shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. It shall be one of the conditions of the warehousing bond covering such spirits that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid within eight years from the date of the original gauging of the same, and before withdrawal, except as hereinafter provided. (Mar. 3, 1877, c. 114, § 4, 19 Stat. 393; Oct. 18, 1888, c. 1194, 25 Stat. 560; Aug. 27, 1894, c. 349, § 49, 28 Stat. 563.)

386. Same; withdrawal from warehouse for transfer or exportation.—Any such brandy may be withdrawn once and no more from one special bonded warehouse for transportation to another special bonded warehouse; and such brandy shall, on its arrival at the second special bonded warehouse, be immediately entered therein, from which warehouse it shall be withdrawn only on payment of the tax or for immediate exportation. In case the brandy withdrawn is intended for deposit in another special bonded warehouse, an additional stamp, indicative of such intention, shall be affixed to each package withdrawn, as in the case of brandy withdrawn from a distillery intended to be so deposited. And in case the brandy is intended for exportation, an engraved stamp indicative of such intention, shall be affixed to each package so removed, as in the case of spirits withdrawn from a distillery bonded warehouse for exportation, under the provisions of section 375 of this title; all the provisions of which section not inconsistent with sections 382 to 392, inclusive, of this title, shall be applicable to such withdrawals. And all withdrawals authorized by law of fruit brandy from any special bonded warehouse shall be upon making such withdrawal entries, and under such regulations, and unless the withdrawal is upon payment of tax, upon the execution of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Export bonds given under the provisions of said sections shall be canceled upon the production of such certificates of landing as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, or upon proof of loss at sea satisfactory to the Commissioner of Internal Revenue. And the provisions of law relative to an allowance of loss by casualty in a distillery bonded warehouse are applicable to brandy stored in special bonded warehouses, in accordance with the provisions of said sections. (Mar. 3, 1877, c. 114, § 5, 19 Stat. 394.)

387. Same; exportation.—Brandy authorized to be deposited in special bonded warehouses by section 382 of this title may be exported from such warehouses free of tax in any original cask containing not less than twenty gallons, and such brandy upon which all taxes have been paid, may be exported with the privilege of drawback in quantities of not less than 100 gallons, and in the distillers' original cask, containing not less than 29 gallons each. (Mar. 3, 1877, c. 114, § 6, 19 Stat. 394; Oct. 18, 1888, c. 1194, 25 Stat. 560.)

388. Same; discontinuance of warehouse and transfer of merchandise.—Whenever, in the opinion of the Commissioner of Internal Revenue, any special bonded warehouse is unsafe or unfit for use, or the merchandise therein is liable to loss or great wastage, he may discontinue such warehouse, and require the merchandise therein to be transferred to such other warehouse as he may designate, and within such time as he may prescribe; and all the provisions of section 363 of this title, relating to transfers of spirits from warehouses, including

those imposing penalties, shall be applicable to transfers from special bonded warehouses. (Mar. 3, 1877, c. 114, § 7, 19 Stat. 394.)

389. Same; removal without compliance with law; assessment and collection of tax.—The tax upon any brandy distilled from grapes or other fruits specified in section 382 of this title, removed from the place where it was distilled, and in respect of which any requirement of sections 382 to 392, inclusive, of this title is not complied with, shall at any time when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law. (Mar. 3, 1877, c. 114, § 8, 19 Stat. 394; Oct. 18, 1888, c. 1194, 25 Stat. 560.)

390. Same; time for payment of tax; forfeitures.—Nothing in sections 382 to 392, inclusive, of this title shall be construed as extending the time in which the tax on brandy made from grapes or other such fruits specified in section 382 of this title, shall be paid beyond eight years from the day on which the taxable quantity is ascertained by the gauger; and all brandy so made found elsewhere than in a distillery or special bonded warehouse, not having been removed therefrom according to law, and all brandy on which the tax has not been paid within eight years of the date of the original gauging shall be forfeited to the United States. (Mar. 3, 1877, c. 114, § 9, 19 Stat. 394; Aug. 27, 1894, c. 349, § 49, 28 Stat. 563.)

391. Same; rules and regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful rules and regulations for carrying into effect the provisions of sections 382 to 392, inclusive, of this title, and such regulations when made shall have all the force and effect of law. (Mar. 3, 1877, c. 114, § 10, 19 Stat. 395.)

392. Same; failure to deposit in warehouse or comply with other provisions.—In case any brandy specified in section 382 of this title removed from the distillery for deposit in a special warehouse, shall fail to be deposited in such warehouse within ten days thereafter, or within the time specified in any bond given on such removal, or if any such brandy deposited in any special warehouse shall be taken therefrom for deposit in another warehouse, or for export, or otherwise, without full compliance with the provisions of sections 382 to 392, inclusive, of this title, and with the requirements of any regulations made thereunder, and with the terms of any bond given on such removal, then any person who shall be guilty of such failure, and any person who shall in any manner violate any provisions of said sections, or of the regulations made in pursuance thereof, shall be subject, on conviction to a fine of not less than $100 nor more than $5,000, and to imprisonment for not less than three months nor more than three years, for every such failure or violation; and the spirits as to which such failure or violation shall take place shall be forfeited to the United States. (Mar. 3, 1877, c. 114, § 11, 19 Stat. 395.)

393. General bonded warehouses.—The Commissioner of Internal Revenue is authorized, in his discretion and upon the execution of such bond as he may prescribe, to establish one or more warehouses, not exceeding ten in number in any one collection district, to be known and designated as general bonded warehouses, and to be used exclusively for the storage of spirits distilled from materials other than fruit, each of which warehouses shall be in the charge of a storekeeper or storekeeper gauger to be appointed, assigned, transferred, and paid in the same manner as such officers for distillery warehouses are appointed, assigned, transferred, and paid. Every such warehouse shall be under the control of the collector of internal revenue of the district in which such warehouse is located, and shall be in the joint custody of the storekeeper and proprietor thereof, and kept securely locked, and shall at no time be unlocked or opened or remain open except in the presence of such storekeeper or other person who may be designated to act for him, as provided in the case of distillery warehouses; and such warehouses shall be under such further regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. (Aug. 27, 1894, c. 349, § 51, 28 Stat. 564.)

394. Same; removal of certain spirits to.—Any distilled spirits made from materials other than fruit, and lawfully deposited in a distillery warehouse, may, upon application of the distiller thereof, be removed from such distillery warehouse to any general bonded warehouse established under the provisions of the preceding section; and the removal of said spirits to said general bonded warehouse shall be under such regulations, and after making such entries and executing and filing with the collector of the district in which the spirits were manufactured, such bonds and bills of lading, and the giving of such other additional security, as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. (Aug. 27, 1894, c. 349, § 52, 28 Stat. 565.)

395. Same; stamp on removal to.—All spirits intended for deposit in a general bonded warehouse, before being removed from the distillery warehouse, shall have affixed to each package an engraved stamp indicative of such intention, to be provided and furnished to the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner. (Aug. 27, 1894, c. 349, § 53, 28 Stat. 565.)

396. Same; warehousing bonds.—Any spirits removed in bond as aforesaid may, upon its arrival at a general bonded warehouse, be deposited therein upon making such entries, filing such bonds and other securities, and under such regulations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. It shall be one of the conditions of the warehousing bond covering such spirits that the principal named in said bond shall pay the tax on the spirits as specified in the entry or cause the same to be paid within eight years from the date of the original entry of the same into the distillery warehouse, and before withdrawal, except as hereinafter provided. (Aug. 27, 1894, c. 349, § 54, 28 Stat. 565.)

397. Same; given by distillers; renewal of.—The bonds covering spirits in general bonded warehouses shall be given by distillers of the spirits and shall be renewed at such times as the Commissioner of Internal Revenue may by regulations require. (Aug. 27, 1894, c. 349, § 55, 28 Stat. 565.)

398. Same; withdrawal.—Any spirits may be withdrawn once and no more from one general bonded warehouse for transportation to another general bonded warehouse, and when intended to be so withdrawn, shall have affixed thereto another general bonded warehouse stamp indicative of such intention; and the withdrawal of such spirits, and their transfer to and entry into such general bonded warehouse shall be under such regulations and upon the filing of such notices, entries, bonds, and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, from time to time, prescribe. (Aug. 27, 1894, c. 349, § 55, 28 Stat. 565.)

399. Same; provisions applicable to spirits deposited in.—The provisions of law in regard to the withdrawal of distilled spirits from warehouses upon payment of tax, or for exportation, or for transfer to a manufacturing warehouse, and as to the gauging, marking, branding, and stamping of the spirits upon such withdrawals, and in regard to withdrawals for the use of the United States or scientific institutions or colleges of learning, including the provisions for allowance for

loss by accidental fire or other unavoidable accident, shall be applicable to spirits deposited in general bonded warehouses. (Aug. 27, 1894, c. 349, § 56, 28 Stat. 565.)

400. Same; tax on spirits unlawfully removed from distillery warehouse to general bonded warehouse; excessive loss.—The tax upon any distilled spirits removed from a distillery warehouse for deposit in a general bonded warehouse, and in respect of which any applicable requirement of this chapter is not complied with, shall, at any time when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and upon the neglect of payment by the distiller shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law to enforce the payment of the tax. If it shall appear at any time that there has been a loss of distilled spirits from any cask or package deposited in a general bonded warehouse or special bonded warehouse, other than the loss provided for in section 151 of this title, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such cask or package of distilled spirits and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, less only the allowance for loss provided by law. If the said tax is not paid on demand the collector shall report the amount due, as shown by the original gauge, upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected. (Aug. 27, 1894, c. 349, § 58, 28 Stat. 566.)

401. Same; failure to deposit in warehouse in time, or removal without compliance with law.—In case any distilled spirits removed from a distillery warehouse for deposit in a general bonded warehouse shall fail to be deposited in such general bonded warehouse within ten days after such removal, or within the time specified in any bond given on such removal, or if any distilled spirits deposited in any general bonded warehouse shall be taken therefrom, for export or otherwise, without full compliance with the provisions of this chapter, and with the requirements of any regulations made thereunder, and with the terms of any bond given on such removal, or if any distilled spirits which have been deposited in a general bonded warehouse shall be found elsewhere, not having been removed therefrom according to law, any person who shall be guilty of such failure, or any person who shall in any manner violate any provision of sections 246, 363, 371, 372, 393 to 400, and 407 of this title, shall be subject, on conviction, to a fine of not less than $100 nor more than $5,000, or to imprisonment for not less than three months nor more than three years for every such failure or violation; and the spirits as to which such failure or violation, or unlawful removal shall take place shall be forfeited to the United States. (Aug. 27, 1894, c. 349, § 59, 28 Stat. 566.)

402. Bonds; spirits in bonded warehouses during prohibition period.—When any distilled spirits intended for beverage purposes shall be stored in any distillery, bonded warehouse, or special or general bonded warehouse, and, pursuant to any Act of Congress or proclamation of the President of the United States, can not be lawfully sold or removed from any such warehouse during the period of prohibition fixed by such Act or proclamation, all warehousing bonds or transportation and warehousing bonds conditioned for the payment of tax on any such spirits so stored on the date such prohibition takes effect shall as to all such spirits actually so stored be canceled and discharged, provided the distiller of such spirits shall in lieu of such bonds and prior to their cancellation execute a bond in a penal sum of not less than $10,000, with sureties satisfactory to the collector of the district, conditioned that the principal shall, during the period of such prohibition, safely keep or cause to be kept in good condition all such spirits and the warehouse in which the same are stored, and shall not remove or suffer to be removed from warehouse, contrary to law, any such spirits during the period of such prohibition; and the bond herein prescribed shall be in such further sum and shall contain such further conditions as the commissioner, with the approval of the Secretary, may by regulations require. The distiller may, subject to the provisions of this section, be permitted to retain in any such bonded warehouse distilled spirits on which, under the terms of any existing bond, the tax imposed thereon becomes due and payable prior to the date such prohibition takes effect. On the removal of such prohibition the distiller shall, as to all spirits as to which the bonded period fixed by law has not expired and which remain stored in warehouse, execute new and satisfactory bond in the form required by law, conditioned for the payment of the tax on all such spirits; and all provisions of law relating to such bonded warehouses, or the storage of spirits therein, or to the execution of new or additional bonds, so far as applicable, shall continue in force as to all distilled spirits rebonded under the provisions of this section. (Feb. 24, 1919, c. 18, § 600 (b), 40 Stat. 1105.)

403. Forfeiture of spirits unlawfully removed from distillery.—All distilled spirits found elsewhere than in a distillery, distillery warehouse, or other bonded warehouse, not having been removed therefrom according to law, shall be forfeited to the United States. (R. S. § 3299; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Mar. 3, 1877, c. 114, § 1, 19, Stat. 393; Aug. 27, 1894, c. 349, § 51, 28 Stat. 564.)

404. Removal or concealment of spirits contrary to law.—Whenever any person removes, or aids or abets in the removal of any distilled spirits on which the tax has not been paid, to a place other than the bonded warehouse provided by law, or conceals or aids in the concealment of any spirits so removed, or removes, or aids or abets in the removal of any distilled spirits from any distillery warehouse, or other warehouse for distilled spirits authorized by law, in any manner other than is provided by law, or conceals or aids in the concealment of any spirits so removed he shall be liable to a penalty of double the tax imposed on such distilled spirits so removed or concealed, and shall be fined not less than $200 nor more than $5,000, and imprisoned not less than three months nor more than three years. (R. S. § 3296; Mar. 3, 1877, c. 114, §§ 1, 2, 19 Stat. 393; Aug. 27, 1894, c. 349, § 52, 28 Stat. 565.)

405. Storekeeper unlawfully removing or allowing to be removed.—Whenever any storekeeper or other person in the employment of the United States, having charge of a bonded warehouse, removes or allows to be removed therefrom any cask or other package, without an order or permit of the collector, or which has not been marked or stamped in the manner required by law; or removes or allows to be removed any part of the contents of any cask or package deposited therein, he shall be immediately dismissed from office or employment, and be fined not less than $500 nor more than $2,000, and imprisoned not less than three months nor more than two years. (R. S. § 3300.)

406. Storekeepers; warehouse books and returns.—Every storekeeper shall keep a warehouse book, which shall at all times be open to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the package and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and, if distilled spirits, the number of gauge or wine gallons, of proof gallons, and of

taxable gallons; and before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery; and in case of delivery of any distilled spirits the number of gauge or wine gallons, of proof gallons, and of taxable gallons, shall also be stated; and such further particulars shall be entered in the warehouse books as may be prescribed or found necessary for the identification of the packages, to insure the correct delivery thereof and proper accountability therefor. And every storekeeper shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner of Internal Revenue, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein at the end of said month. He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner of Internal Revenue, to be recorded and filed in his office. (R. S. § 3301; Mar. 1, 1879, c. 125, § 5, 20 Stat. 337.)

407. Regauging at warehouse; allowance for loss.—The distiller of any distilled spirits deposited in any distillery warehouse, or special bonded warehouse, or in any general bonded warehouse may file with the collector a notice giving a description of the packages containing the spirits, and request a regauge of the same, and thereupon the collector shall direct a gauger to regauge the spirits, and to mark upon each such package the number of gauge or wine gallons and proof gallons therein contained. If upon such regauging it shall appear that there has been a loss by leakage or evaporation of distilled spirits from any cask or package, without the fault or negligence of the distiller thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of the withdrawal thereof from the distillery warehouse or other bonded warehouse: *Provided, however,* That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed one proof gallon for two months or part thereof from the date of the original gauge of fruit brandy or original entry of other spirits; one and one-half gallons for three and four months; two gallons for five and six months; two and one-half gallons for seven and eight months; three gallons for nine and ten months; three and one-half gallons for eleven and twelve months; four gallons for thirteen, fourteen, and fifteen months; four and one-half gallons for sixteen, seventeen, and eighteen months; five gallons for nineteen, twenty, and twenty-one months; five and one-half gallons for twenty-two, twenty-three, and twenty-four months; six gallons for twenty-five, twenty-six, and twenty-seven months; six and one-half gallons for twenty-eight, twenty-nine, and thirty months; seven gallons for thirty-one, thirty-two, and thirty-three months; seven and one-half gallons for thirty-four, thirty-five, and thirty-six months; eight gallons for thirty-seven, thirty-eight, thirty-nine, and forty months; eight and one-half gallons for forty-one, forty-two, forty-three, and forty-four months; nine gallons for forty-five, forty-six, forty-seven, and forty-eight months; nine and one-half gallons for forty-nine, fifty, fifty-one, and fifty-two months; ten gallons for fifty-three, fifty-four, fifty-five, and fifty-six months; ten and one-half gallons for fifty-seven, fifty-eight, fifty-nine, and sixty months; eleven gallons for sixty-one, sixty-two, sixty-three, and sixty-four months; eleven and one-half gallons for sixty-five, sixty-six, sixty-seven, and sixty-eight months; twelve gallons for sixty-nine, seventy, seventy-one, and seventy-two months; twelve and one-half gallons for seventy-three, seventy-four, seventy-five, and seventy-six months; thirteen gallons for seventy-seven, seventy-eight, seventy-nine, and eighty months; and thirteen and one-half gallons for eighty-one, eighty-two, eighty-three, and eighty-four months: *And provided further,* That in case such spirits shall remain in warehouse after the same have been regauged, the packages containing the spirits shall, at the time of withdrawal from warehouse and at such other times as the Commissioner of Internal Revenue may direct, be again regauged or inspected; and if found to contain a larger quantity than shown by the first regauge, the tax shall be collected and paid on the quantity contained in each such package as shown by the original gauge: *And provided further,* That taxes shall be collected on the quantity contained in each cask or package as shown by the original gauge, where the distiller does not request a regauge: *Provided, also,* That the foregoing allowance of loss shall apply only to casks or packages of a capacity of forty or more wine gallons, and that the allowance for loss on casks or packages of less capacity than forty gallons shall not exceed one-half the amount allowed on said forty-gallon cask or package; but no allowance shall be made on casks or packages of less capacity than twenty gallons: *And provided further,* That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per centum. (Aug. 27, 1894, c. 349, § 50, 28 Stat. 564; Mar. 3, 1899, c. 435, §§ 1, 2, 30 Stat. 1349; Jan. 13, 1903, c. 134, 32 Stat. 770; Feb. 6, 1925, c. 143, § 1, 43 Stat. 808.)

408. Same; additional allowance.—Upon withdrawal of distilled spirits from any internal revenue bonded warehouse, an allowance for loss by leakage or evaporation not exceeding one proof gallon as to casks or packages of a capacity of not less than forty wine gallons and one-half proof gallon as to casks or packages of a capacity of less than forty wine gallons and not less than twenty wine gallons, for each period of six months, or fraction thereof, after the expiration of seven years from the date of original entry or gauge, may be made in addition to, and under the conditions imposed by, section 407 of this chapter. (Feb. 6, 1925, c. 143, § 1, 43 Stat. 808.)

409. Same; regauges.—The allowance for loss by leakage or evaporation under sections 407 and 408 of this title, shall be made without regard to any regauge made prior to February 26, 1925, and a regauge within seven years from the date of the original gauge shall not be necessary. (Feb. 6, 1925, c. 143, § 2, 43 Stat. 809.)

410. Same; exception.—Sections 408 and 409 of this title shall not apply to distilled spirits withdrawn prior to February 6, 1925. (Feb. 6, 1925, c. 143, § 3, 43 Stat. 809.)

411. Bottling of spirits in bond; bottling fruit brandy.—Whenever any distilled spirits deposited in the warehouse of a distillery having a surveyed daily capacity of not less than twenty bushels of grain, which capacity or not less than twenty bushels thereof is commonly used by the distiller, have been duly entered for withdrawal upon payment of tax, or for export in bond, and have been gauged and the required marks, brands, and tax-paid stamps or export stamps, as the case may be, have been affixed to the package or packages containing the same, the distiller or owner of said distilled spirits, if he has declared his purpose so to do in the entry for withdrawal, which entry for bottling purposes may be made by the owner as well as the distiller, may remove such spirits to a separate portion of said warehouse which shall be set apart and used exclusively for that purpose, and there, under the supervision of a United States storekeeper, or storekeeper-gauger in charge of such warehouse, may immediately draw off such spirits, bottle, pack, and case the same. For convenience in such proc-

ess any number of packages of spirits of the same kind, differing only in proof, but produced at the same distillery by the same distiller, may be mingled together in a cistern provided for that purpose, but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or the subtraction of any substance or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized; nor shall there be at the same time in the bottling room of any bonded warehouse any spirits entered for withdrawal upon payment of the tax and any spirits entered for export. Under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, the provisions of this section and sections 412 to 418 of this title may be made to apply to the bottling and casing of fruit brandy in special bonded warehouses. Every bottle when filled shall have affixed thereto and passing over the mouth of the same such suitable adhesive engraved strip stamp as may be prescribed, as hereinafter provided, and shall be packed into cases to contain six bottles or multiples thereof, and in the aggregate not less than two nor more than five gallons in each case, which shall be immediately removed from the distillery premises. Each of such cases shall have affixed thereto a stamp denoting the number of gallons therein contained, such stamp to be affixed to the case before its removal from the warehouse, and such stamps shall have a cash value of 10 cents each, and shall be charged at that rate to the collectors to whom issued, and shall be paid for at that rate by the distiller or owner using the same. And there shall be plainly burned on the side of each case, to be known as the Government side, the proof of the spirits, the registered distillery number, the State and district in which the distillery is located, the real name of the actual bona fide distiller, the year and distilling season, whether spring or fall, of original inspection or entry into bond, and the date of bottling, and the same wording shall be placed upon the adhesive engraved strip stamp over the mouth of the bottle. It being understood that the spring season shall include the months from January to July, and the fall season the months from July to January. And no trade-marks shall be put upon any bottle unless the real name of the actual bona fide distiller shall also be placed conspicuously on said bottle. (Mar. 3, 1897, c. 379, § 1, 29 Stat. 626.)

412. Same; regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulations, prescribe the mode of separating and securing the additional warehouse, or portion of the warehouse hereinbefore required to be set apart, the manner in which the business of bottling spirits in bond shall be carried on, the notices, bonds, and returns to be given and accounts and records to be kept by the persons conducting such business, the mode and time of inspection of such spirits, the accounts and records to be kept and returns made by the Government officers, and all such other matters and things, as in his discretion, he may deem requisite for a secure and orderly supervision of said business; and he may also, with the approval of the Secretary of the Treasury, prescribe and issue the stamps required. The distiller may, in the presence of the United States storekeeper or storekeeper-gauger, remove by straining through cloth, felt, or other like material any charcoal, sediment, or other like substance found therein, and may whenever necessary reduce such spirits as are withdrawn for bottling purposes by the addition of pure water only to 100 per centum proof for spirits for domestic use, or to not less than 80 per centum proof for spirits for export purposes, under such rules and regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. (Mar. 3, 1897, c. 379, § 2, 29 Stat. 627; Feb. 6, 1925, c. 143, § 2, 43 Stat. 809.)

413. Same; inspection and other requirements as to spirits bottled for export; drawback.—All distilled spirits intended for export under the provisions of sections 411 to 418, inclusive, of this title shall be inspected, bottled, cased, weighed, marked, labeled, stamped, or sealed in such manner and at such time as the Commissioner of Internal Revenue may prescribe; and the said commissioner, with the approval of the Secretary of the Treasury, may provide such regulations for the transportation, entry, reinspection, and lading of such spirits for export as may from time to time be deemed necessary; and all provisions of law relating to the exportation of distilled spirits in bond, so far as applicable, and all penalties therein imposed, are hereby extended and made applicable to distilled spirits bottled for export under the provisions of said sections, but no drawbacks shall be allowed or paid upon any spirits bottled under the provisions of said sections. (Mar. 3, 1897, c. 379, § 3, 29 Stat. 627.)

414. Same; deficiency tax.—Where, upon inspection at the bonded warehouse in which the spirits are bottled as aforesaid, the quantity so bottled and cased for export is less than the quantity actually contained in the distiller's original casks or packages at the time of withdrawal for that purpose the tax on the loss or deficiency so ascertained shall be paid before the removal of the spirits from such warehouse, and the tax so paid shall be receipted and accounted for by the collector in such manner as the Commissioner of Internal Revenue may prescribe. (Mar. 3, 1897, c. 379, § 4, 29 Stat. 627.)

415. Tax on spirits entered for export if case opened, or marks removed or changed.—Where, upon reinspection at the port of entry, any case containing or purporting to contain distilled spirits for export is found to have been opened or tampered with, or where any mark, brand, stamp, label, or seal placed thereon or upon any bottle contained therein has been removed, changed, or willfully defaced, or where upon such reinspection any loss or discrepancy is found to exist as to the contents of any case so entered for export, the tax on the spirits contained in each such case at the time of its removal from warehouse shall be collected and paid. (Mar. 3, 1897, c. 379, § 5, 29 Stat. 627.)

416. Offenses; reusing stamp or bottle; penalty.—Any person who shall reuse any stamp provided under sections 411 to 418 of this title after the same shall have been once affixed to a bottle as provided herein, or who shall reuse a bottle for the purpose of containing distilled spirits which has once been filled and stamped under the provisions of said sections without removing and destroying the stamp so previously affixed to such bottle, or who shall, contrary to the provisions of said sections or of the regulations issued thereunder remove or cause to be removed from any bonded warehouse any distilled spirits inspected or bottled under the provisions of said sections, or who shall bottle or case any such spirits in violation of said sections or of any regulation issued thereunder, or who shall, during the transportation and before the exportation of any such spirits, open or cause to be opened any case or bottle containing such spirits, or who shall willfully remove, change, or deface any stamp, brand, label, or seal affixed to any such case or to any bottle contained therein, shall for each such offense be fined not less than $100 nor more than $1,000, and be imprisoned not more than two years, in the discretion of the court, and such spirits shall be forfeited to the United States. (Mar. 3, 1897, c. 379, § 6, 29 Stat. 627.)

417. Same; forging stamps.—Every person who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under any provision of sections 411 to 418 of this title, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate

or die used or which may be used in the manufacture thereof, or who shall make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required by said sections, shall on conviction be punished by a fine not exceeding $1,000 and by imprisonment at hard labor not exceeding five years. (Mar. 3, 1897, c. 379, § 7, 29 Stat. 628.)

419. Bottling of gin in bond for export without payment of tax.—Distilled spirits known commercially as gin of not less than 80 per centum proof may at any time within eight years after entry in bond at any distillery be bottled in bond at such distillery for export without the payment of tax, under such rules and regulations as the commissioner, with the approval of the Secretary, may prescribe. (Sept. 8, 1916, c. 463, § 405, 39 Stat. 788; Feb. 24, 1919, c. 18, § 626, 40 Stat. 1115.)

420. Removal of distilled spirits to another warehouse for concentration; bottling in bond in warehouse to which removed.—For purpose of concentration, upon the initiation of the Commissioner of Internal Revenue and under regulations prescribed by him, distilled spirits may be removed from any internal revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal revenue bonded warehouses, and in transit between such warehouses. (Jan. 22, 1925, c. 87, Title I, 43 Stat. 770.)

421. Alcohol withdrawn for scientific purposes.—The Secretary of the Treasury is authorized to grant permits to any incorporated or chartered scientific institution or college of learning to withdraw alcohol in specified quantities from bond without payment of the internal revenue tax on the same, or on the spirits from which the alcohol has been distilled, for the sole purpose of preserving specimens of anatomy, physiology, or natural history belonging to such institution, or for use in its chemical laboratory. Application for permits shall be made by the president or curator of such institution, who shall file a bond for double the amount of the tax on the alcohol to be withdrawn, with two good and sufficient sureties, to be approved by the Commissioner of Internal Revenue, and conditioned that the whole quantity of alcohol so withdrawn from bond shall be used for the purposes above specified, and for no other, and that the said president or curator shall comply with such other requirements and regulations as the Secretary of the Treasury may prescribe. And if any alcohol so obtained is used by any officer, as aforesaid, of such institution for any purposes other than that above specified, then the said officer or sureties shall pay the tax on the whole amount of alcohol withdrawn from bond, together with a like amount as a penalty in addition thereto. (R. S. § 3297.)

422. Same; by unincorporated institutions and hospitals.—The Secretary of the Treasury is authorized to grant permits, as provided for in section 421 of this chapter, for the withdrawal of alcohol from bond, free of tax to any scientific university or college of learning created and constituted as such by any State or Territory under its laws, though not incorporated or chartered, and to any hospital maintained by endowment or otherwise, and not conducted for profit, upon the same terms and subject to the same restrictions and penalties provided by said section; but alcohol so obtained by hospitals may be used in surgical operations and, except as a beverage, in the treatment of patients, under such regulations as the Secretary of the Treasury may prescribe. The bond required by said section may be executed by an officer of such hospital or institution or by any other person for it, and on its behalf, with two good and sufficient sureties, upon like conditions, and to be approved as by said section is provided. (May 8, 1878, c. 88, 20 Stat. 48; July 8, 1916, c. 236, 39 Stat. 354.)

423. Withdrawal of spirits for medicinal and other preparations manufactured in bonded warehouse for export.—Under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue, any manufacturer of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors, for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages, from any distillery warehouse, so much distilled spirits as he may require for the said purpose, without the payment of the internal revenue tax thereon. (Mar. 1, 1879, c. 125, § 20, 20 Stat. 351; May 28, 1880, c. 108, § 14, 21 Stat. 148.)

424. Withdrawal of spirits from distillery warehouses for making sorghum sugar.—Any manufacturer of sugar from sorghum may remove from distillery warehouses to factories used solely for the manufacture of such sugar from sorghum distilled spirits in bond free of tax, to be used solely in such manufacture of sugar from sorghum. All distilled spirits removed as herein authorized shall be of an alcoholic strength of not less than 160 per centum proof, and may be removed, stored, and used in the manufacture of sugar from sorghum, and when so used may be recovered by redistillation in the sugar factory of such sugar manufacturer under such bonds, rules, and regulations for the protection of the revenue and the accomplishment of the purposes herein expressed as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Any person who removes or uses distilled spirits in violation of this provision, as the regulations issued pursuant thereof, shall, on conviction thereof, be fined not less than $1,000 nor more than $5,000, for each offense, and the spirits and the premises on which such spirits are used shall be forfeited to the United States. (Mar. 3, 1891, c. 544, § 1, 26 Stat. 1050.)

WINES; TAX AND REGULATIONS

441. Natural wine and wine defined; sweetening wine.—Natural wine within the meaning of sections 442 to 456 of this title shall be deemed to be the product made from the normal alcoholic fermentation of the juice of sound, ripe grapes, without addition or abstraction, except such as may occur in the usual cellar treatment of clarifying and aging. The product made from the juice of sound, ripe grapes by complete fermentation of the must under proper cellar treatment and corrected by the addition (under the supervision of a gauger or storekeeper-gauger in the capacity of gauger) of a solution of water and pure cane, beet, or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) to the must or to the wine, to correct natural deficiencies, when such addition shall not increase the volume of the resultant product more than 35 per centum, and the resultant product does not contain less than five parts per thousand of acid before fermentation and not more than 13 per centum of alcohol after complete fermentation, shall be deemed to be wine within the meaning of said sections, and may be labeled, transported, and sold as "wine," qualified by the name of the locality where produced, and may be further qualified by the name of its own particular type or variety. Wine as defined in this section may be sweetened with cane sugar or beet sugar or pure condensed grape must and fortified under the provisions of said sections, and wines so sweetened or fortified shall be considered sweet wine within the meaning of said sections. (Feb. 24, 1919, c. 18, § 610, 40 Stat. 1109.)

442. Tax on still wines and compounds sold as still wines.—Upon all still wines, including vermuth, and all artificial or imitation wines or compounds sold as still wine, produced in or imported into the United States after February 24, 1919, or

which on February 25, 1919, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 16 cents per wine gallon, the per centum of alcohol taxable under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 40 cents per wine gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $1 per wine gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly. (Feb. 24, 1919, c. 18, § 611, 40 Stat. 1110.)

443. Withdrawal for fortification of grape brandy or wine spirits from fruit distillery or special bonded warehouse.—Under such regulations and official supervision and upon the giving of such notices, entries, bonds, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, any producer of wines defined under the provisions of this chapter, may withdraw from any fruit distillery or special bonded warehouse grape brandy, or wine spirits, for the fortification of such wines on the premises where actually made. There shall be levied and assessed against the producer of such wines a tax of 60 cents per proof gallon of grape brandy or wine spirits whenever withdrawn and so used by him after February 24, 1919, in the fortification of such wines during the preceding month, which assessment shall be paid by him within ten months from the date of notice thereof. Nothing contained in this section shall be construed as exempting any wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this chapter. (Feb. 24, 1919, c. 18, § 612, 40 Stat. 1110.)

444. Same; wine spirits and sweet wine defined.—The wine spirits mentioned in section 445 of this title is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the product from grapes or their residues commonly known as grape brandy, and shall include commercial grape brandy which may have been colored with burnt sugar or caramel; and the pure sweet wine which may be fortified with wine spirits under the provisions of this chapter is fermented or partially fermented grape juice only, with the usual cellar treatment, and shall contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided: *Provided*, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar, or pure dextrose sugar containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis, or water, or any or all of them, to the pure grape juice before fermentation, or to the fermented product of such grape juice, or to both, prior to the fortification herein provided for, either for the purpose of perfecting sweet wines according to commercial standards or for mechanical purposes, shall not be excluded by the definition of pure sweet wine aforesaid: *Provided, however*, That the cane or beet sugar, or pure dextrose sugar added for sweetening purposes shall not be in excess of 11 per centum of the weight of the wine to be fortified: *And provided further*, That the addition of water herein authorized shall be under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe: *Provided, however*, That records kept in accordance with such regulations as to the percentage of saccharine, acid, alcoholic, and added water content of the wine offered for fortification shall be open to inspection by any official of the Department of Agriculture thereto duly authorized by the Secretary of Agriculture; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this chapter, where the same, after fermentation and before fortification, have an alcoholic strength of less than 5 per centum of their volume. (Oct. 1, 1890, c. 1244, § 43, 26 Stat. 621; Aug. 27, 1894, c. 349, § 68, 28 Stat. 568; June 7, 1906, c. 3046, § 1, 34 Stat. 215; Oct. 22, 1914, c. 331, § 2, 38 Stat. 747; Sept. 8, 1916, c. 463, § 402(c), 39 Stat. 785; Feb. 24, 1919, c. 18, § 617, 40 Stat. 1111.)

445. Fortifying pure sweet wines with wine spirits.—Any producer of pure sweet wines may use in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, wine spirits produced by any duly authorized distiller, and the Commissioner of Internal Revenue, in determining the liability of any distiller of wine spirits to assessment under section 320 of this title, is authorized to allow such distiller credit in his computations for the wine spirits withdrawn to be used in fortifying sweet wines under this chapter. (Oct. 1, 1890, c. 1244, § 42, 26 Stat. 621; Oct. 22, 1914, c. 331, § 2, 38 Stat. 747; Sept. 8, 1916, c. 463, § 402(c), 39 Stat. 784; Feb. 24, 1919, c. 18, § 617, 40 Stat. 1111.)

446. Same; floor tax on grape brandy or wine spirits for fortification of sweet wines.—Upon all sweet wines held for sale by the producer thereof on February 25, 1919, there shall be levied, assessed, collected, and paid a floor tax equivalent to 80 cents per proof gallon upon the grape brandy or wine spirits used in the fortification of such wine. (Feb. 24, 1919, c. 18, § 615, 40 Stat. 1111.)

447. Same; withdrawal of wine spirits.—Under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, any producer of pure sweet wines as defined by this chapter may withdraw wine spirits from any special bonded warehouse in original packages or from any registered distillery in any quantity not less than eighty wine gallons, and may use so much of the same as may be required by him under such regulations, and after the filing of such notices and bonds and the keeping of such records and the rendition of such reports as to materials and products and the disposition of the same as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, in fortifying the pure sweet wines made by him, and for no other purpose, in accordance with the foregoing limitations and provisions; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized whenever he shall deem it to be necessary for the prevention of violations of this law to prescribe that wine spirits withdrawn under this section shall not be used to fortify wines except at a certain distance prescribed by him from any distillery, rectifying house, winery, or other establishment used for producing or storing distilled spirits, or for making or storing wines other than wines which are so fortified, and that in the building in which such fortification of wines is practiced no wines or spirits other than those permitted by this regulation shall be stored in any room or part of the building in which fortification of wines is practiced. The use of wine spirits for the fortification of sweet wines under this chapter shall be under the immediate supervision of an officer of internal revenue, who shall make returns de-

scribing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide by regulations the time within which wines so fortified with the wine spirits so withdrawn may be subject to inspection, and for final accounting for the use of such wine spirits and for rewarehousing or for payment of the tax on any portion of such wine spirits which remain not used in fortifying pure sweet wines. (Oct. 1, 1890, c. 1244, § 45, 26 Stat. 622; Oct. 22, 1914, c. 331, § 2, 38 Stat. 747; Sept. 8, 1916, c. 463, § 402(c), 39 Stat. 785; Feb. 24, 1919, c. 18, § 617, 40 Stat. 1112.)

448. Removal of domestic wines to bonded premises; tax on product of wines used as material.—Under such regulations and upon the execution of such notices, entries, bonds, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, domestic wines subject to the tax imposed by section 442 of this title may be removed from the winery where produced, free of tax, for storage on other bonded premises or from such premises to other bonded premises (but not more than one such additional removal shall be allowed), or for exportation from the United States or for use as distilling material at any regularly registered distillery; but the distiller using any such wine as material shall, subject to the provisions of section 320 of this title, be held to pay the tax on the product of such wines as will include both the alcoholic strength therein produced by fermentation and that obtained from the brandy or wine spirits added to such wines at the time of fortification. (Feb. 24, 1919, c. 18, § 618(a), 40 Stat. 1113.)

449. Production of grape wine on bonded premises and transportation for distilling material for nonalcoholic wines.—Under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, it shall be lawful to produce grape wines on bonded winery premises by the usual method, and to transport and use the same, and like wines produced and stored on bonded winery premises, on February 24, 1919, as distilling material for the production of nonbeverage spirits in the production of nonalcoholic wines, containing less than one-half of 1 per centum of alcohol by volume, in any fruit brandy or industrial distillery. All alcoholic spirits so obtained at any industrial distillery shall be denatured, and all spirits so obtained at any fruit distillery shall be removed and used only for nonbeverage purposes or for denaturation. (Feb. 24, 1919, c. 18, § 618(b), 40 Stat. 1113.)

450. Tax on domestic and imported sparkling wines.—Upon the following articles produced in or imported into the United States after February 24, 1919, or which on February 25, 1919, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 12 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 6 cents on each one-half pint or fraction thereof;

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine fortified with grape brandy, 6 cents on each one-half pint or fraction thereof.

The tax imposed by this section shall, in the case of any article upon which a corresponding internal-revenue tax is otherwise imposed by law, be in lieu of such tax. (Feb. 24, 1919, c. 18, § 613, 40 Stat. 1110.)

451. Floor tax on still and sparkling wines.—Upon all articles specified in section 442 or 450 of this title, upon which the internal-revenue tax imposed by law prior to February 24, 1919, had been paid and which were held on February 25, 1919, by any person and intended for sale, there shall be levied, collected, and paid a floor tax equal to the difference between the tax imposed by this chapter and the tax so paid. (Feb. 24, 1919, c. 18, § 614, 40 Stat. 1111.)

452. Payment of tax by affixing stamp; notice, bond, and inventories; wines held by retailers or produced for family use.—The taxes imposed by section 442 or 450 of this title, shall be paid by stamp on removal of the wines from the customhouse, winery, or other bonded place of storage for consumption or sale, and every person producing, or having in his possession or under his control on February 24, 1919, any wines subject to the tax imposed in section 442 or 450, shall file such notice, describing the premises on which such wines are produced or stored; shall execute a bond in such form; shall make such inventories under oath; and shall, prior to sale or removal for consumption, affix to each cask or vessel containing such wine such marks, labels, or stamps as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe; and the premises described in such notice shall, for the purpose of this chapter be regarded as bonded premises. But the provisions of this section, except as to payment of tax and the affixing of the required stamps or labels, shall not apply to wines held by retail dealers, as defined in sections 202 to 205 of this title, nor, subject to regulations prescribed by the commissioner, with the approval of the Secretary, shall the tax imposed by section 442 apply to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year. (Feb. 24, 1919, c. 18, § 616, 40 Stat. 1111.)

453. Collection of tax on imported still wines, sparkling wines, and imported liqueurs by assessment.—The collection of the tax on imported still wines, including vermuth, and sparkling wines, including champagne, and on imported liqueurs, cordials, and similar compounds, may be made within the discretion of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, by assessment instead of by stamps. (Feb. 24, 1919, c. 18, § 619, 40 Stat. 1113.)

454. Offenses; evading tax; recovering spirits from wine; penalty; mixing or blending; use of tax-paid grains for fortification.—Whoever evades or attempts to evade any tax imposed by sections 442, 443, 446, 450, or 451 of this title, or any requirement of sections 441 to 455 of this title, both inclusive, or regulation issued pursuant thereto, or whoever, otherwise than as provided in such sections, recovers or attempts to recover any spirits from domestic or imported wine, or whoever rectifies, mixes, or compounds with distilled spirits any domestic wines, other than in the manufacture of liqueurs, cordials, or similar compounds, shall, on conviction, be punished for each such offense by a fine of not exceeding $5,000, or imprisonment for not more than five years, or both, and in addition thereto by a penalty of double the tax evaded, or attempted to be evaded, to be assessed and collected in the same manner as taxes are assessed and collected, and all wines, spirits, liqueurs, cordials, or similar compounds as to which such violation occurs shall be forfeited to the United States. But the provisions of this section and the provisions of sections 202 to 205 of this title relating to rectification, or other internal-revenue laws of the United States, shall not be held to apply to or prohibit the mixing or blending of wines subject to tax under the provisions of sections 442, 443, 446, 450 and 451, with each other or with other wines for the sole purpose

of perfecting such wines according to commercial standards. Nothing herein contained shall be construed as prohibiting the use of tax-paid grain or other ethyl alcohol in the fortification of sweet wines as defined in sections 441 and 444 of this title. (Feb. 24, 1919, c. 18, § 620, 40 Stat. 1113.)

455. Spirit meters, locks, seals; gaugers or storekeeper-gaugers.—The Commissioner of Internal Revenue, by regulations to be approved by the Secretary of the Treasury, may require the use at each fruit distillery of such spirit meters, and such locks and seals to be fixed to fermenters, tanks, or other vessels and to such pipe connections as may in his judgment be necessary or expedient, and is authorized to assign to any such distillery and to each winery where wines are to be fortified such number of gaugers or storekeeper-gaugers in capacity of gaugers as may be necessary for the proper supervision of the manufacture of brandy or the making or fortifying of wines subject to tax imposed by this section; and the compensation of such officers shall not exceed $5 per diem while so assigned, together with their actual and necessary traveling expenses, and also a reasonable allowance for their board bills, to be fixed by the said commissioner, with the approval of the Secretary of the Treasury, but not to exceed $2.50 per diem for such board bills. (Feb. 24, 1919, c. 18, § 621, 40 Stat. 1114.)

456. Allowance for unavoidable loss of wines during cellar treatment.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to make such allowances for unavoidable loss of wines while on storage or during cellar treatment as in his judgment may be just and proper. (Feb. 24, 1919, c. 18, § 622, 40 Stat. 1114.)

457. Rules and regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to make all necessary regulations to make effective the provisions of sections 442 to 456 of this title. (Oct. 22, 1914, c. 331, § 2, 38 Stat. 747.)

458. Reimportation of domestic wines.—All provisions of law relating to the reimportation of any goods of domestic growth or manufacture which were originally liable to an internal-revenue tax shall be, as far as applicable, enforced against any domestic wines sought to be reimported; and duty shall be levied and collected upon the same when reimported, as an original importation. (Oct. 1, 1890, c. 1244, § 47, 26 Stat. 623.)

459. Unlawful use of wine spirits not tax paid.—Any person using wine spirits or other spirits which have not been tax paid in fortifying wine otherwise than as provided for in this chapter, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished for each offense by a fine of not more than $2,000, and for every offense other than the first also by imprisonment for not more than one year. (Oct. 1, 1890, c. 1244, § 48, 26 Stat. 623.)

460. Bonds for payment of tax.—Bonds given under the provisions of section 447 of this title shall be conditioned for the payment of the tax on all brandy removed thereunder and not used and accounted for within the time and in the manner required by law and regulations, and for the payment of all taxes imposed on the brandy so withdrawn and used for fortifications; and the said bonds shall contain such other conditions as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe. (June 7, 1906, c. 3046, § 3, 34 Stat. 216; Oct. 22, 1914, c. 331, § 2, 38 Stat. 750.)

461. Fermenting vats for manufacture of wines, or of brandy for fortification.—Where brandy to be used in the fortification of wine is distilled on premises adjacent to the winery premises the Commissioner of Internal Revenue may, in his discretion, authorize the erection on either of said premises of fermenting vats for material to be used either in the manufacture of such wines or the brandy to be used in the fortification thereof; and all such materials used or received on either of said premises shall be under the supervision of the officer assigned to such winery, and shall be accounted for at such times and in such manner as the commissioner may direct. (June 7, 1906, c. 3046, § 4, 34 Stat. 216.)

462. Unlawful recovery of spirits from fortified wines; blending fortified wines.—Any person who by any process recovers from wines fortified under the provisions of this chapter, any brandy or wine spirits used in the manufacture or fortification of said wine, otherwise than is provided for in this chapter, or who shall rectify, mix, or compound with distilled spirits or other materials, except as provided in this chapter, such grape brandy, fortified wines or wine spirits unlawfully recovered therefrom, shall, on conviction, be punished for each such offense by a fine of not less than $200 nor more than $1,000. But the provisions of this section and the provisions of section 204 of this title, relating to rectification, or other internal revenue laws of the United States, shall not be held to apply to or prohibit the mixing or blending of pure sweet wines fortified under the provisions of this chapter with each other or with other wines. The pure sweet wines fortified under the provisions of this chapter may be used in the manufacture of cordials, liqueurs, and similar compounds on which an internal-revenue tax of 6 cents on each half pint or fraction thereof is imposed, and otherwise the provision of section 204 shall remain in full force and effect. (June 7, 1906, c. 3046, § 6, 34 Stat. 216; Oct. 22, 1914, c. 331, § 2, 38 Stat. 750; Feb. 24, 1919, c. 18, § 613, 40 Stat. 1110.)

DENATURED ALCOHOL

481. Denatured alcohol; withdrawal from bond free of tax.—Domestic alcohol of such degree of proof as may be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, may be withdrawn from bond without the payment of internal-revenue tax, for use in the arts and industries, and for fuel, light, and power, provided said alcohol shall have been mixed in the presence and under the direction of an authorized Government officer, after withdrawal from the distillery warehouse, with methyl alcohol or other denaturing material or materials, or admixture of the same, suitable to the use for which the alcohol is withdrawn, but which destroys its character as a beverage and renders it unfit for liquid medicinal purposes; such denaturing to be done upon the application of any registered distillery in denaturing bonded warehouses specially designated or set apart for denaturing purposes only, and under conditions prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

The character and quantity of the said denaturing material and the conditions upon which said alcohol may be withdrawn free of tax shall be prescribed by the Commissioner of Internal Revenue, who shall, with the approval of the Secretary of the Treasury, make all necessary regulations for carrying into effect the provisions of this section.

Distillers, manufacturers, dealers and all other persons furnishing, handling or using alcohol withdrawn from bond under the provisions of this section shall keep such books and records, execute such bonds and render such returns as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. Such books and records shall be open at all times to the inspection of any internal-revenue officer or agent. (June 7, 1906, c. 3047, § 1, 34 Stat. 217.)

482. Same; withdrawal for manufacture of ether and chloroform; rum.—Domestic alcohol when suitably denatured may be withdrawn from bond without the payment of internal-revenue tax and used in the manufacture of ether and chloroform and other definite chemical substances where said alcohol is changed

into some other chemical substance and does not appear in the finished product as alcohol. Rum of not less than one hundred and fifty degrees proof may be withdrawn, for denaturation only, in accordance with the provisions of sections 481 to 486, inclusive, of this title. (Mar. 2, 1907, c. 2571, § 1, 34 Stat. 1250.)

483. Central denaturing bonded warehouses.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may authorize the establishment of central denaturing bonded warehouses, other than those at distilleries, to which alcohol of the required proof may be transferred from distilleries or distillery bonded warehouses without the payment of internal-revenue tax, and in which such alcohol may be stored and denatured. The establishment, operation, and custody of such warehouses shall be under such regulations and upon the execution of such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. (Mar. 2, 1907, c. 2571, § 2, 34 Stat. 1250.)

484. Transfer of alcohol for denaturation; allowance for loss or leakage during transportation.—Alcohol of the required proof may be drawn off, for denaturation only, from receiving cisterns in the cistern room of any distillery for transfer by pipes direct to any denaturing bonded warehouse on the distillery premises or to closed metal storage tanks situated in the distillery bonded warehouse, or from such storage tanks to any denaturing bonded warehouse on the distillery premises, and denatured alcohol may also be transported from the denaturing bonded warehouse, in such manner and by means of such packages, tanks or tank cars, and on the execution of such bonds, and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. And further, alcohol to be denatured may be withdrawn without the payment of internal-revenue tax from the distillery bonded warehouse for shipment to central denaturing plants in such packages, tanks and tank cars, under such regulations, and on the execution of such bonds as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

Where alcohol is withdrawn from a distillery warehouse for shipment to a central denaturing bonded warehouse under the provisions of this section and section 483 of this title it shall be lawful under such rules, regulations, and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any accident, and without any fraud or negligence of the distiller, owner, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a central denaturing bonded warehouse. (Mar. 2, 1907, c. 2571, § 3, 34 Stat. 1250; June 22, 1916, c. 163, 39 Stat. 233.)

485. Unlawful use of alcohol withdrawn.—Any person who withdraws alcohol free of tax under the provisions of section 481 of this title and regulations made in pursuance thereof, and who removes or conceals same, or is concerned in removing, depositing or concealing same for the purpose of preventing the same from being denatured under governmental supervision, and any person who uses alcohol withdrawn from bond under the provisions of said section for manufacturing any beverage or liquid medicinal preparation, or knowingly sells any beverage or liquid medicinal preparation made in whole or in part from such alcohol, or knowingly violates any of the provisions of said section, or who shall recover or attempt to recover by redistillation or by any other process or means, any alcohol rendered unfit for beverage or liquid medicinal purposes under the provisions of said section, or who knowingly uses, sells, conceals, or otherwise disposes of alcohol so recovered or redistilled, shall on conviction of each offense be fined not more than $5,000, or be imprisoned not more than five years, or both, and shall, in addition, forfeit to the United States all personal property used in connection with his business, together with the buildings and lots or parcels of ground constituting the premises on which said unlawful acts are performed or permitted to be performed. (June 7, 1906, c. 3047, § 2, 34 Stat. 217.)

486. Recovery of alcohol evaporated from manufactured articles.—Manufacturers employing processes in which alcohol, used free of tax under the provisions of section 481 of this title, is expressed or evaporated from the articles manufactured, shall be permitted to recover such alcohol and to have such alcohol restored to a condition solely for reuse in manufacturing processes under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (June 7, 1906, c. 3047, § 2, 34 Stat. 217.)

487. Manufacture of alcohol free of tax for denaturation.—Under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury may prescribe, any farmer or association of farmers, any fruit grower or association of fruit growers, or other person or persons may manufacture alcohol free of tax for denaturization only, out of any of the products of farms, fruit orchards, or any substance whatever, on condition that such alcohol shall be directly conveyed from the still by continuous closed pipes to locked and sealed receptacles in which the same may be rendered unfit for use as an intoxicating beverage by an admixture of such denaturing materials as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, or where such alcohol is of insufficient proof to be denatured, the same may be transferred in bond from such locked and sealed receptacles to a central distilling and denaturing plant as hereinafter provided.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may authorize the establishment of central distilling and denaturing plants to which alcohol produced under the provisions of this section, free of tax, may be transferred, redistilled and denatured under such regulations, and upon the execution of such notices and bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Any central distilling and denaturing plant provided for in this section may, in addition to the spirits produced under this section, use any of the products of farms, fruit orchards, or any substance whatever, for the manufacture of alcohol for denaturation only. At such distilleries the use of cisterns or tanks of such size and construction as may be deemed expedient shall be permitted in lieu of distillery bonded warehouses under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Section 208 of this title shall not apply to stills and worms manufactured for use in distilling, provided for in this section, but the manufacturer or owner of such distilling apparatus shall give notice to the collector of internal revenue of the district in which the said apparatus is made or to which it is removed, of each still, or worm, manufactured, sold, used, or exchanged under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall exempt distillers operating under this section from the provisions of sections 309 and 320 of this title, and from such other provisions of laws relating to distilleries, including the giving of bonds, as may be deemed expedient by said officials; but the Commissioner of Internal Revenue shall assess and collect the tax on

any spirits unlawfully produced or produced and not accounted for by any such distiller. (Oct. 3, 1913, c. 16, § IV, N, subsec. 2, 38 Stat. 199.)

488. Same; failure to register apparatus; false registration; penalty.—Any person who under the provisions of section 487 of this title shall fail to register, or shall falsely register, any still or distilling apparatus used by him, or who shall fraudulently remove or conceal any distilled spirits produced by him, or who shall fail to comply with all the requirements of said section, or any regulations issued pursuant thereto, respecting the production and denaturization of distilled spirits; and any person who shall recover or attempt to recover by redistillization or by any other process or means, any distilled spirits after the same has been denatured, shall, on conviction, for each offense, be fined not more than $5,000 or be imprisoned for not more than five years, or both, and shall in addition thereto forfeit to the United States all real and personal property used in connection therewith. (Oct. 3, 1913, c. 16, § IV, N, subsec. 2, 38 Stat. 199.)

489. Removal of ethyl alcohol to central denaturing bonded warehouse for denaturing; removal free of tax for use of United States.—Under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, ethyl alcohol of not less than 180 degrees proof, produced at any central distilling and denaturing plant established under the provisions of section 487 of this title, may be removed from such plant to any central denaturing bonded warehouse for denaturation, or may, before or after denaturation, be removed from such plant or from such denaturing bonded warehouse, free of tax, for use of the United States, and the removal herein authorized may be made in such tank vessels, tank cars, drums, casks, or other containers as may be approved by the commissioner. It shall be lawful, under regulations prescribed by the commissioner, with the approval of the Secretary, for an allowance to be made for leakage or loss by unavoidable accident and without fault or negligence of the distiller, owner, carrier, or his agents or employees, which may occur during the transportation of such spirits or while the same are lawfully stored on either of the premises herein described. (Feb. 24, 1919, c. 18, § 603, 40 Stat. 1107.)

Chapter 6.—FERMENTED LIQUORS.

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CROSS REFERENCES

Discontinuance of export stamps; see section 264 of this title.
Effectiveness of this chapter; see section 3 of Title 27.

Section 501. Gallon defined.—The word "gallon," wherever used in the internal revenue law, relating to beer, lager beer, ale, porter, and other similar fermented liquors, shall be held and taken to mean a wine gallon, the liquid measure containing two hundred and thirty-one cubic inches. (Mar. 1, 1879, c. 125, § 21, 20 Stat. 351.)

502. Brewer's notice of business.—Every brewer shall, before commencing or continuing business, file with the collector, or proper deputy collector, of the district in which he designs to carry it on a notice in writing, stating the name of the person, company, corporation, or firm, the names of the members of any such company or firm, the places of residence of such persons, a description of the premises on which the brewery is situated, and of his or their title thereto, and the name of the owner thereof. (R. S. § 3335.)

503. Brewer's bond; renewals.—Every brewer, on filing notice as aforesaid of his intention to commence or continue business, shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to three times the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager beer, ale, porter, and other fermented liquors made by or for him, before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid; and he shall execute a new bond once in four years and whenever required so to do by said collector, in the amount above named and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval by said collector. (R. S. § 3336; Apr. 29, 1886, c. 64, 24 Stat. 15.)

504. Brewer's books and monthly statement.—Every person who owns or occupies any brewery, or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who has such premises under his control or superintendence as agent for the owner or occupant, or has in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, the kind of such malt liquors, the estimated quantity produced in barrels, and the actual quantity sold or removed for consumption or sale in barrels or fractional parts of barrels. He shall also, from day to day, enter, or cause to be entered, in a separate book to be kept by him for that purpose, an account of all materials by him purchased for the purpose of producing such fermented liquors, including grain and malt. And he shall render to the collector, or the proper deputy collector, on or before the 10th day of each month, a true statement, in writing, in duplicate,

taken from his books, of the estimated quantity in barrels of such malt liquors brewed, and the actual quantity sold or removed for consumption or sale during the preceding month; and shall verify, or cause to be verified, the said statement, and the facts therein set forth, by oath, to be taken before the collector of the district, or proper deputy collector, according to the form required by law. Said books shall be open at all times for the inspection of any collector, deputy collector, inspector, or revenue agent, who may take memorandums and transcripts therefrom. (R. S. § 3337.)

505. Same; monthly verification of entries.—The entries made in such books shall, on or before the 10th day of each month, be verified by the oath of the person by whom they are made. The said oath shall be written in the book at the end of such entries, and be certified by the officer administering the same, and shall be in form as follows: "I do swear (or affirm) that the foregoing entries were made by me; and that they state truly, according to the best of my knowledge and belief, the estimated quantity of the whole amount of such malt liquors brewed, and the actual quantity sold, and the actual quantity removed, from the brewery owned by ———, in the county of ———; and, further, that I have no knowledge of any matter or thing required by law to be stated in said entries which has been omitted therefrom." And the owner, agent, or superintendent aforesaid shall also, in case the original entries made in his book were not made by himself, subjoin thereto the following oath, to be taken in manner as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries fully set forth all the matters therein required by law; and that the same are just and true; and that I have taken all the means in my power to make them so." (R. S. § 3338.)

506. Tax on fermented liquor.—There shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half of 1 per centum, or more, of alcohol, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of $6 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of law. (Feb. 24, 1919, c. 18, § 608, 40 Stat. 1109.)

507. Estimating and computing tax; payment.—In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified. (R. S. § 3339; Feb. 24, 1919, c. 18, § 608, 40 Stat. 1109.)

508. Materials used not assessed; fraud; evidence.—Nothing contained in section 504 of this chapter shall be so construed as to authorize an assessment upon the quantity of materials used in producing or purchased for the purpose of producing, fermented or malt liquors, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of liquor produced; but the tax on all beer, lager beer, ale, porter, or other similar fermented liquor, brewed or manufactured, and sold or removed for consumption or sale, shall be paid as provided in sections 506 and 507 of this chapter, and not otherwise: *Provided*, That this section shall not apply to cases of fraud. And nothing in this section shall have the effect to change the rules of law respecting evidence in any prosecution or suit. (May 13, 1876, c. 95, 19 Stat. 53.)

509. Evading tax; false entries; failure to keep proper accounts; refusing to permit inspection; forfeitures and penalty.—Every owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who evades, or attempts to evade, the payment of the tax thereon, or fraudulently neglects or refuses to make true and exact entry and report of the same in the manner required by law, or to do, or cause to be done, any of the things by law required to be done by him, or who intentionally makes false entry in said book or in said statement, or knowingly allows or procures the same to be done, shall forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and be liable to a penalty of not less than $500 nor more than $1,000, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be imprisoned for a term not exceeding one year. And every brewer who neglects to keep books, or refuses to furnish the account and duplicate thereof as provided by law, or refuses to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of $300. (R. S. § 3340; Mar. 1, 1879, c. 125, § 10, 20 Stat. 342.)

510. Stamps and permits; supply and sale.—The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, quarters, sixths, and eighths of a barrel of such fermented liquors (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned), and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits and a supply of stamps equal in amount to two months' sales thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold, and permits granted and delivered by such collectors, only to the brewers of their district, respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer. (R. S. § 3341; July 24, 1897, c. 11, § 9, 30 Stat. 206.)

511. Same; procuring, affixing, and canceling; fraud or neglect.—Every brewer shall obtain, from the collector of the district in which his brewery or brewery warehouse is situated, and not otherwise unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix, upon the spigot hole in the head of every hogshead, barrel, keg, or other receptacle in which any fermented liquor is contained, when sold or removed from such brewery or warehouse (except in case of removal under permit, as hereinafter provided), a stamp denoting the amount of the tax required upon such fermented liquor, which stamp shall be destroyed by driving through the same the faucet through which the liquor is to be withdrawn, or an air faucet of equal size, at the time the vessel is tapped, in case the vessel is tapped through the other spigot hole (of which there shall be but two, one in the head and one in the side), and shall, also, at the time of affixing such stamp cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or know-

ingly permits the same to be done, shall pay a penalty of $100 for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year. (R. S. § 3342; Mar. 3, 1875, c. 154, 18 Stat. 484.)

512. Selling, removing, or buying liquors without stamp, or with false stamp, or twice-used stamp.—Whenever any brewer, cartman, agent for transportation, or other person, sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase, of any fermented liquor contained in any hogshead, barrel, keg, or other vessel from any brewery or brewery warehouse upon which the stamp, or permit, in case of removal, required by law, has not been affixed, or on which a false or fraudulent stamp, or permit, in case of removal, is affixed, with knowledge that it is such, or on which a stamp, or permit, in case of removal, once canceled, is used a second time, he shall be fined $100 and imprisoned for not more than one year. (R. S. § 3343.)

513. Drawing from container without stamp, or with false stamp, or without defacing.—Whenever any retail dealer, or other person, withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel containing the same, without destroying or defacing the stamp affixed thereon, or withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel, upon which the proper stamp has not been affixed or on which a false or fraudulent stamp is affixed, he shall be fined $100 and imprisoned not more than one year. (R. S. § 3344.)

514. Removal of lager beer for storage without stamps.—Any brewer may remove or transport, or cause to be removed or transported, from his brewery or other place of manufacture to a depot, warehouse, or other place used exclusively for storage or sale in bulk, and occupied by him, in another part of the same collection district, or in another collection district, but to no other place, malt liquor of his own manufacture, known as lager beer, in quantities of not less than six barrels in one vessel, and malt liquor of his own manufacture, known as ale or porter, or any other malt liquor of his own manufacture not heretofore mentioned, in quantities not less than fifty barrels at a time, without affixing the proper stamps on said vessels of lager beer, ale, porter, or other malt liquor, at the brewery or place of manufacture, under a permit, which shall be granted, upon application, by the collector of the district in which said malt liquor is manufactured, and under such regulations as the Commissioner of Internal Revenue may prescribe; and thereafter the manufacturer of said malt liquor shall stamp the same, when it leaves such depot or warehouse, in the same manner and under the same penalties and liabilities as when stamped at the brewery as herein provided. And the collector of the district in which such depot or warehouse is situated shall furnish the manufacturer with the stamps for stamping the same, as if the said malt liquor had been manufactured in his district. And said permit must be affixed to every such vessel or cask so removed, and canceled or destroyed in such manner as the Commissioner of Internal Revenue may prescribe, and under the same penalties and liabilities as provided herein as to stamps. (R. S. § 3345.)

515. Removal to contiguous industrial distillery without payment of tax.—Taxable fermented liquors may be conveyed without payment of tax from the brewery premises where produced to a contiguous industrial distillery of either class established under section 487 of this title, to be used as distilling material, and the residue from such distillation, containing less than one-half of 1 per centum of alcohol by volume, which is to be used in making beverages, may be manipulated by cooling, flavoring, carbonating, settling, and filtering on the distillery premises or elsewhere.

The removal of the taxable fermented liquor from the brewery to the distillery and the operation of the distillery and removal of the residue therefrom shall be under the supervision of such officer or officers as the Commissioner of Internal Revenue shall deem proper, and the said commissioner, with the approval of the Secretary of the Treasury, is authorized to make such regulations from time to time as may be necessary to give force and effect to this section and to safeguard the revenue. (Oct. 3, 1917, c. 63, § 308, 40 Stat. 311; Feb. 24, 1919, c. 18, § 609, 40 Stat. 1109.)

516. Exportation in bond; drawback.—Fermented liquor may be removed from the place of manufacture, or storage, for export to a foreign country, without payment of tax, in such packages and under such regulations, and upon the giving of such notices, entries, bonds, and other security, as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may from time to time prescribe; and no drawback of tax shall be allowed on fermented liquor exported. (June 18, 1890, c. 432, 26 Stat. 162.)

517. Making, selling, or using false stamps or dies; removing stamps, and using removed stamps.—Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits, which is in imitation of or purports to be a lawful stamp, permit, or die of the kind before mentioned in this chapter, or who procures the same to be done, and every person who shall remove, or cause to be removed, from any cask or package of fermented liquors, any stamp denoting the tax thereon, with intent to reuse such stamp, or who, with intent to defraud the revenue, knowingly uses, or permits to be used, any stamp removed from another cask or package, or receives, buys, sells, gives away, or has in his possession, any stamp so removed, or makes any fraudulent use of any stamp for fermented liquors, shall be fined not less than $100 nor more than $1,000, and imprisoned not less than six months nor more than three years. (R. S. § 3346; Mar. 1, 1879, c. 125, § 5, 20 Stat. 340.)

518. Sour malt liquors, removable in distinctive packages, without stamps.—When fermented liquor has become sour or damaged, so as to be incapable of use as such, brewers may sell the same for manufacturing purposes, and may remove the same to places where it may be used for such purposes, in casks, or other vessels, unlike those ordinarily used for fermented liquors, containing respectively not less than one barrel each, and having the nature of their contents marked upon them, without affixing thereon the permit, stamp or stamps required. (R. S. § 3347.)

519. Retailing at brewery, affixing stamps, and keeping account.—Every brewer who sells fermented liquor at retail at the brewery or other place where the same is made, shall affix and cancel the proper stamps upon the hogsheads, barrels, kegs, or other vessels in which the same is contained, and shall keep an account of the quantity so sold by him, and of the number and size of the hogsheads, barrels, kegs, or other vessels in which the same has been contained, and shall make a report thereof, verified by oath, monthly to the collector. (R. S. § 3348.)

520. Marking name of manufacturer on packages; removing marks.—Every brewer shall, by branding, mark or cause to be marked upon every hogshead, barrel, keg, or other vessel containing the fermented liquor made by him, before it is sold or removed from the brewery or brewery warehouse, or other place of manufacture, the name of the person, firm, or corporation by whom such liquor was manufactured, and the place of manufacture; and every person other than the owner thereof, or his agent authorized so to do, who intentionally removes or defaces such marks therefrom, shall be liable to a penalty of $50 for each cask or other vessel from which the mark is so

removed or defaced. When a brewer purchases fermented liquor finished and ready for sale from another brewer, in order to supply the customers of such purchaser, the purchaser may, upon written notice to the collector of his intention so to do, and under such regulations as the Commissioner of Internal Revenue may prescribe, furnish his own vessels, branded with his name and the place where his brewery is situated, to be filled with the fermented liquor so purchased, and to be so removed; the proper stamps to be affixed and canceled, as aforesaid, by the manufacturer before removal. (R. S. § 3349.)

521. Permit for business at another place.—Whenever, in the opinion of the collector of any district, it becomes requisite or proper, by reason of an accident to any brewery therein, by fire or flood, or of such brewery undergoing repairs, or of other circumstances, that the brewer carrying on the same shall be permitted to conduct his business wholly or in part at some other place within such district or an adjoining district for a temporary period, it shall be lawful for such collector, under such regulations and subject to such limitation of time as the Commissioner of Internal Revenue may prescribe, to issue a permit to such brewer, authorizing him to conduct his business wholly or in part, according to the circumstances, at such other place, for a period to be stated in such permit; and such brewer shall not be required to pay another special tax for the purpose. (R. S. § 3350.)

522. Unfermented worts sold to other brewers.—When malt liquor or tun liquor, in the first stages of fermentation, known as unfermented worts, of whatever kind, is sold by one brewer to another for the purpose of producing fermentation or enlivening old or stale ale, porter, lager beer, or other fermented liquors, it shall not be liable to a tax to be paid by the seller thereof, but the tax on the same shall be paid by the purchaser thereof, when the same, having been mixed with the old or stale beer, is sold by him as provided by law, and such sale or transfer shall be subject to such restrictions and regulations as the Commissioner of Internal Revenue may prescribe. (R. S. § 3351.)

523. Possession of liquor after removal from warehouse, when tax not paid; forfeiture.—The ownership or possession by any person of any fermented liquor after its sale or removal from the brewery or warehouse, or other place where it was made, upon which the tax required has not been paid, shall render such liquor liable to seizure wherever found, and to forfeiture, removal under said permits excepted. And the absence of the proper stamps from any hogshead, barrel, keg, or other vessel containing fermented liquor, after its sale or removal from the brewery where it was made, or warehouse as aforesaid, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the nonpayment thereof. (R. S. § 3352.)

524. Removal or defacement of stamps by others than owner.—Every person, other than the purchaser or owner of any fermented liquor, or person acting on his behalf, or as his agent, who intentionally removes or defaces the stamp or permit affixed upon the hogshead, barrel, keg, or other vessel, in which the same is contained, shall be liable to a fine of $50 for each such vessel from which the stamp or permit is so removed or defaced, and to render compensation to such purchaser or owner for all damages sustained by him therefrom. (R. S. § 3353.)

525. Withdrawing from unstamped containers for bottling or bottling on brewery premises; withdrawal by pipe line; regulations; penalties; forfeitures.—Every person who withdraws any fermented liquor from any hogshead, barrel, keg, or other vessel upon which the proper stamp has not been affixed for the purpose of bottling the same, or who carries on or attempts to carry on the business of bottling fermented liquor in any brewery or other place in which fermented liquor is made, or upon any premises having communication with such brewery, or any warehouse, shall be liable to a fine of $500, and the property used in such bottling or business shall be liable to forfeiture. This section shall not be construed to prevent the withdrawal and transfer of unfermented, partially fermented, or fermented liquors from any of the vats in any brewery by way of a pipe line or other conduit to another building or place for the sole purpose of bottling the same, such pipe line or conduit to be constructed and operated in such manner and with such cisterns, vats, tanks, valves, cocks, faucets, and gauges, or other utensils or apparatus, either on the premises of the brewery or the bottling house, and with such changes of or additions thereto, and such locks, seals, or other fastenings, and under such rules and regulations as shall be from time to time prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and all locks and seals prescribed shall be provided by the Commissioner of Internal Revenue at the expense of the United States. The tax imposed in section 506 of this title shall be paid on all fermented liquor removed from a brewery to a bottling house by means of a pipe or conduit, at the time of such removal, by the cancellation and defacement, by the collector of the district or his deputy, in the presence of the brewer, of the number of stamps denoting the tax on the fermented liquor thus removed. The stamps thus canceled and defaced shall be disposed of and accounted for in the manner directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. And any violation of the rules and regulations hereafter prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in pursuance of these provisions, shall be subject to the penalties above provided by this section. Every owner, agent, or superintendent of any brewery or bottling house who removes, or connives at the removal of, any fermented liquor through a pipe line or conduit, without payment of the tax thereon, or who attempts in any manner to defraud the revenue as above, shall forfeit all the liquors made by and for him, and all the vessels, utensils, and apparatus used in making the same. (R. S. § 3354; June 18, 1890, c. 431, 26 Stat. 161; Sept. 8, 1916, c. 463, § 406, 39 Stat. 789; Feb. 24, 1919, c. 18, § 627, 40 Stat. 1115.)

Chapter 7.—OLEOMARGARINE, ADULTERATED BUTTER, AND PROCESS OR RENOVATED BUTTER.

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A. OLEOMARGARINE

Section 541. Oleomargarine; definition.—For the purposes of this chapter certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter. (Aug. 2, 1886, c. 840, § 2, 24 Stat. 209.)

542. Same; manufacturer's statement of business, inventories, bonds, books, returns.—Every manufacturer of oleomargarine shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the sum of said bond may be increased from time to time, and additional sureties required at the discretion of the collector, or under instructions of the Commissioner of Internal Revenue. (Aug. 2, 1886, c. 840, § 5, 24 Stat. 210.)

543. Same; packing; retailing.—All oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden or paper packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by the manufacturers of oleomargarine, and wholesale dealers in oleomargarine shall be in original stamped packages.

Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (Aug. 2, 1886, c. 840, § 6, 24 Stat. 210; Oct. 1, 1918, c. 178, 40 Stat. 1008.)

544. Same; penalty for violations of law.—Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as described in section 543 of this title, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any packages or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than two years. (Aug. 2, 1886, c. 840, § 6, 24 Stat. 210; Oct. 1, 1918, c. 178, 40 Stat. 1008.)

545. Same; label and notice on packages.—Every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words:

"Notice.—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense is committed. (Aug. 2, 1886, c. 840, § 7, 24 Stat. 210.)

546. Same; manufacturer's tax.—Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section. (Aug. 2, 1886, c. 840, § 8, 24 Stat. 210; May 9, 1902, c. 784, § 3, 32 Stat. 194.)

547. Same; assessment of tax when sold without stamps.—Whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal. (Aug. 2, 1886, c. 840, § 9, 24 Stat. 211.)

548. Wholesale dealers; books and returns; penalty.—Wholesale dealers in oleomargarine shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. Any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than thirty days nor more than six months. (May 9, 1902, c. 784, § 6, 32 Stat. 197.)

549. Imported oleomargarine.—All oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper customhouse officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than ten pounds, as prescribed in this chapter for oleomargarine manufactured in the United

States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this chapter prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be guilty of a misdemeanor, and shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than three years. Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this chapter, shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years. (Aug. 2, 1886, c. 840, § 10, 24 Stat. 211.)

550. Purchasing oleomargarine when not branded or stamped.—Every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of $50 for each such offense. (Aug. 2, 1886, c. 840, § 11, 24 Stat. 211.)

551. Purchasing from manufacturer who has not paid tax.—Every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100, and to a forfeiture of all articles so purchased or received, or of the full value thereof. (Aug. 2, 1886, c. 840, § 12, 24 Stat. 211.)

552. Destruction of stamps on emptied packages.—Whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon; and any person who willfully neglects or refuses so to do shall for each such offense be fined not exceeding $50, and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine, any such stamped package, shall for each such offense be fined not exceeding $100, and be imprisoned not more than one year. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found. (Aug. 2, 1886, c. 840, § 13, 24 Stat. 211.)

553. Oleomargarine; forfeiture; removal of stamp.—All packages of oleomargarine subject to tax under this chapter, that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States. Any person who shall willfully remove or deface the stamps, marks, or brands on package containing oleomargarine taxed as provided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $100 nor more than $2,000, and by imprisonment for not less than thirty days nor more than six months. (Aug. 2, 1886, c. 840, § 15, 24 Stat. 212.)

554. Same; exportation; regulations.—Oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "oleomargarine," in plain Roman letters not less than one-half inch square. (Aug. 2, 1886, c. 840, § 16, 24 Stat. 212.)

555. Same; fraud by manufacturer.—Whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall forfeit the factory and manufacturing apparatus used by him, and all oleomargarine and all raw material for the production of oleomargarine found in the factory and on the factory premises, and shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than three years. (Aug. 2, 1886, c. 840, § 17, 24 Stat. 212.)

556. Same; failure to comply with law.—If any manufacturer of oleomargarine, any dealer therein or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this chapter or section 207 of this title prohibited, if there be no specific penalty or punishment imposed by any other section of this chapter for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall pay a penalty of $1,000; and if the person so offending be the manufacturer of or a wholesale dealer in oleomargarine, all the oleomargarine owned by him, or in which he has any interest as owner, shall be forfeited to the United States. (Aug. 2, 1886, c. 840, § 18, 24 Stat. 212.)

557. Same; regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect the provisions of this subchapter. (Aug. 2, 1886, c. 840, § 20, 24 Stat. 212.)

558. Same; recovery of fines.—All fines, penalties, and forfeitures imposed by this chapter and sections 194 and 207 of this title may be recovered in any court of competent jurisdiction. (Aug. 2, 1886, c. 840, § 19, 24 Stat. 212.)

B. ADULTERATED AND PROCESS OR RENOVATED BUTTER

571. Butter, adulterated butter, and process or renovated butter; definition.—For the purpose of this chapter, the word butter shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter; "adulterated butter" is defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butterfat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butterfat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; "process butter" or "renovated butter" is defined to mean butter which has been subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by this section. (Aug. 2, 1886, c. 840, § 1, 24 Stat. 209; May 9, 1902, c. 784, § 4, 32 Stat. 194.)

572. Same; manufacturer's statement of business, inventories, books, returns, and signs.—Every manufacturer of process or renovated butter or adulterated butter shall file with the

collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

573. Adulterated butter; packing and sale.—All adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

574. Same; penalties for violations of law.—Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as described in section 573 of this title or who packs in any package any adulterated butter in any manner contrary to law or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall be fined for each offense not more than $1,000 and be imprisoned not more than two years. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

575. Same; label and notice on package; penalty.—Every manufacturer of adulterated butter shall securely affix by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined $50 for each package in respect to which such offense is committed. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

576. Tax on adulterated or renovated butter; stamps.—Upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

577. Law as to oleomargarine applicable to adulterated butter.—The provisions of sections 547, 549 to 558, and 582 of this title shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter. (May 9, 1902, c. 784, § 4, 32 Stat. 194.)

578. Inspection of process or renovated butter; marks.—The Secretary of Agriculture is authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated butter" or "Process butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than $50 nor more than $500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court. (May 9, 1902, c. 784, § 5, 32 Stat. 196.)

579. Law as to inspection of live cattle and meat applicable to process or renovated butter.—All parts of sections 71 to 94, 103 to 105 of Title 21 and section 181 of Title 19 which are applicable to the subjects and purposes described in section 578 of this title shall apply to process or renovated butter. (May 9, 1902, c. 784, § 5, 32 Stat. 196.)

580. Sanitary regulation of renovated butter factories.—The sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in sections 71 to 93 of Title 21, are extended to cover renovated butter factories as defined in sections 571 to 578 of this title, under such regulations as the Secretary of Agriculture may prescribe. (Aug. 10, 1912, c. 284, 37 Stat. 273.)

581. Wholesale dealers; books and returns.—Wholesale dealers in process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for

each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than thirty days nor more than six months. (May 9, 1902, c. 784, § 6, 32 Stat. 197.)

582. Chemists and microscopists; salary; decisions.—There shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury. The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And such commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under sections 541 to 547 and 549 to 556 of this title, and his decision in matters of taxation under such sections shall be final. The commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board constituted for the purpose, and composed of the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture; and the decisions of this board shall be final in the premises. (Aug. 2, 1886, c. 840, § 14, 24 Stat. 212; Feb. 9, 1889, c. 122, 25 Stat. 659; Jan. 22, 1925, c. 87, 43 Stat. 770.)

Chapter 8.—FILLED CHEESE.

Sec.
601. Cheese defined.
602. Filled cheese; definition.
603. Same; conduct of business by manufacturer; bond; penalties.
604. Same; packing and retailing.
605. Same; penalty for violations of law.
606. Same; dealers to display signs; penalty.
607. Same; label and notice on packages.
608. Same; tax upon manufacturers.
609. Same; assessment of tax on cheese sold without stamps.
610. Imported cheese; imposition of duty and tax.
611. Purchasing cheese not branded or stamped; penalty.
612. Purchasing from manufacturer who has not paid tax; penalty.
613. Destruction of stamps on emptied packages.
614. Scientific tests of ingredients.
615. Forfeiture of unstamped or deleterious cheese.
616. Recovery of fines.
617. Regulations.

Section 601. Cheese defined.—For the purposes of this chapter and sections 196 and 209 of this title, the word "cheese" shall be understood to mean the food product known as cheese, and which is made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter. (June 6, 1896, c. 337, § 1, 29 Stat. 253.)

602. Filled cheese; definition.—For the purposes of this chapter and sections 196 and 209 of this title certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. (June 6, 1896, c. 337, § 2, 29 Stat. 253.)

603. Same; conduct of business by manufacturer; bond; penalties.—Every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. Any manufacturer of filled cheese who fails to comply with the provisions of this section or with the regulations herein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $500 nor more than $1,000. (June 6, 1896, c. 337, § 5, 29 Stat. 254.)

604. Same; packing and retailing.—Filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than two inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than two inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. (June 6, 1896, c. 337, § 6, 29 Stat. 254.)

605. Same; penalty for violations of law.—Every person who knowingly sells or offers to sell or delivers or offers to deliver filled cheese in any other form than in new wooden or paper packages marked and branded as provided in the preceding section and as described therein or who packs in any package or packages filled cheese in any manner contrary to law or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall upon conviction thereof be fined for each and every offense not less than $50 and not more than $500 or be imprisoned not less than thirty days nor more than one year. (June 6, 1896, c. 337, § 6, 29 Stat. 254.)

606. Same; dealers to display signs; penalty.—All retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their salesroom a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not less than $50 and not more than $200. (June 6, 1896, c. 337, § 7, 29 Stat. 255.)

607. Same; label and notice on packages.—Every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words:

"Notice.—The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again

or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

Every manufacturer of filled cheese who neglects to affix such label to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense is committed. (June 6, 1896, c. 337, § 8, 29 Stat. 255.)

608. Same; tax upon manufacturers.—Upon all filled cheese which shall be manufactured there shall be assessed and collected a tax of 1 cent per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are made to apply to stamps provided for by this section. (June 6, 1896, c. 337, § 9, 29 Stat. 255.)

609. Same; assessment of tax on cheese sold without stamps.—Whenever any manufacturer of filled cheese sells or removes for sale or consumption any filled cheese upon which the tax is required to be paid by stamps, without paying such tax, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal. (June 6, 1896, c. 337, § 10, 29 Stat. 255.)

610. Imported cheese; imposition of duty and tax.—All filled cheese as herein defined imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 8 cents per pound, such tax to be represented by coupon stamps; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States. (June 6, 1896, c. 337, § 11, 29 Stat. 255.)

611. Purchasing cheese not branded or stamped; penalty.—Any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of $50 for each such offense. (June 6, 1896, c. 337, § 12, 29 Stat. 256.)

612. Purchasing from manufacturer who has not paid tax; penalty.—Every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax provided for under section 209 of this title shall be liable, for each offense, to a penalty of $100 and to a forfeiture of all articles so purchased or received, or of the full value thereof. (June 6, 1896, c. 337, § 13, 29 Stat. 256.)

613. Destruction of stamps on emptied packages.—Whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding $50 or imprisoned not less than ten days nor more than six months. (June 6, 1896, c. 337, § 14, 29 Stat. 256.)

614. Scientific tests of ingredients.—The Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board constituted for the purpose, and composed of the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises. (June 6, 1896, c. 337, § 15, 29 Stat. 256.)

615. Forfeiture of unstamped or deleterious cheese.—All packages of filled cheese subject to tax under this chapter that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as provided hereinbefore to be deleterious to the public health, shall be forfeited to the United States. (June 6, 1896, c. 337, § 16, 29 Stat. 256.)

616. Recovery of fines.—All fines, penalties, and forfeitures imposed by this chapter and sections 196 and 209 of this title may be recovered in any court of competent jurisdiction. (June 6, 1896, c. 337, § 17, 29 Stat. 256.)

617. Regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect, the provisions of this chapter and of section 209 of this title. (June 6, 1896, c. 337, § 18, 29 Stat. 256.)

Chapter 9.—MIXED FLOUR.

Sec.
631. Mixed flour; definition.
632. Same; branding packages; inserting card showing contents.
633. Sale and consignments in unused packages.
634. Same; label and notice on packages.
635. Same; penalty for violation of law.
636. Tax.
637. Same; repacked flour; label; penalty.
638. Assessment of tax on flour sold without stamps.
639. Imported mixed flour; imposition of duty and tax.
640. Purchasing mixed flour from manufacturer who has not paid tax; penalty.
641. Exportation under regulations; marking packages.
642. Destruction of stamps on emptied packages.
643. Penalty for second offense.
644. Recovery of fines.
645. Regulations; employment of additional clerks and agents.

Section 631. Mixed flour; definition.—For the purposes of this chapter and section 210 of this title, the words "mixed flour" shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes. When the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this chapter and said section 210. (June 13, 1898, c. 448, § 35, 30 Stat. 467; Mar. 2, 1901, c. 806, § 13, 31 Stat. 949; Apr. 12, 1902, c. 500, § 9, 32 Stat. 99.)

632. Same; branding packages; inserting card showing contents.—Every person, firm, or corporation making, packing, or repacking mixed flour shall plainly mark or brand each package containing the same with the words "mixed flour" in plain black letters not less than two inches in length, together with the true weight of such package, the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed. In addition thereto, such maker or packer shall place in each package a card not smaller than two inches in width by three inches in length, upon which shall be printed the words "mixed flour," together with the names of the ingredients composing the same, and the name of the maker or packer, and the place where made

or packed. Any person, firm, or corporation making, packing, or repacking mixed flour hereunder, failing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $250 and not more than $500, or be imprisoned not less than sixty days nor more than one year. (June 13, 1898, c. 448, § 37, 30 Stat. 467.)

633. Sale and consignments in unused packages.—All sales and consignments of mixed flour shall be in packages not before used for that purpose. (June 13, 1898, c. 448, § 38, 30 Stat. 468.)

634. Same; label and notice on packages.—In addition to the branding and marking of mixed flour as provided in this chapter, there shall be affixed to the packages containing the same a label in the following words:

"Notice.—The (manufacturer or packer, as the case may be) of the mixed flour herein contained has complied with all the requirements of law. Every person is cautioned not to use this package or label again or to remove the contents without destroying the revenue stamp thereon, under the penalty prescribed by law in such cases."

Every person, firm, or corporation failing or neglecting to affix such label to any package containing mixed flour made or packed by him or them, or who removes from any such package any label so affixed, shall, upon conviction thereof, be fined not less than $50 for each label so removed. (June 13, 1898, c. 448, § 39, 30 Stat. 468.)

635. Same; penalty for violation of law.—Every person, firm, or corporation knowingly selling or offering for sale any mixed flour in other than marked and branded packages, as required by the provisions of this chapter relating to the manufacture and sale of mixed flour, or who packs in any package or packages any mixed flour in any manner contrary to the provisions relating to the manufacture and sale of mixed flour of this chapter, or who falsely marks or brands any package or packages containing mixed flour, or unlawfully removes such marks or brands, shall, for each such offense, be punished by a fine of not less than $250 and not more than $500, or by imprisonment not less than thirty days nor more than one year. (June 13, 1898, c. 448, § 38, 30 Stat. 468.)

636. Tax.—Barrels or other packages in which mixed flour may be packed shall contain not to exceed one hundred and ninety-six pounds; and upon the manufacture and sale of mixed flour there shall be levied a tax of 4 cents per barrel or other package containing one hundred and ninety-six pounds or more than ninety-eight pounds; 2 cents on every half barrel or other package containing ninety-eight pounds or more than forty-nine pounds; 1 cent on every quarter barrel or other package containing forty-nine pounds or more than twenty-four and one-half pounds; and one-half cent on every one-eighth barrel or other package containing twenty-four and a half pounds or less, to be paid by the person, firm, or corporation making or packing said flour. The tax levied by this section shall be represented by coupon stamps, and the provisions of laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in this section. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

637. Same; repacked flour; label; penalty.—When mixed flour, on the manufacture and sale of which the tax imposed by this chapter has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax; but the packages containing such repacked flour shall be branded or marked as required by section 632 of this title, and shall contain the card provided for in said section; and in addition thereto the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words:

"Notice.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid."

Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $250 and not more than $500, or by imprisonment not to exceed one year. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

638. Assessment of tax on flour sold without stamps.—Whenever any person, firm, or corporation sells, consigns, or removes for sale, consignment, or consumption any mixed flour upon which the tax required by this chapter has not been paid, it shall be the duty of the Commissioner of Internal Revenue, for a period of not more than one year after such sale, consignment, or removal, upon satisfactory proof, to estimate the amount of tax which should have been paid, and to make an assessment therefor and certify the same to the collector of the proper district. The tax so assessed shall be in addition to the penalties imposed by this chapter for an unauthorized sale or removal. (June 13, 1898, c. 448, § 41, 30 Stat. 469.)

639. Imported mixed flour; imposition of duty and tax.—All mixed flours, imported from foreign countries, shall, in addition to any import duties imposed thereon, pay an internal revenue tax equal in amount to the tax imposed under section 636 of this title, such tax to be represented by coupon stamps, and the packages containing such imported mixed flour shall be marked, branded, labeled, and stamped as in the case of mixed flour made or packed in the United States. Any person, firm, or corporation purchasing or receiving for sale or repacking any such mixed flour which has not been branded, labeled, or stamped, as required by this chapter, or which is contained in packages which have not been marked, branded, labeled, or stamped, as required by this chapter, shall, upon conviction, be fined not less than $50 nor more than $500. (June 13, 1898, c. 448, § 42, 30 Stat. 469.)

640. Purchasing mixed flour from manufacturer who has not paid tax; penalty.—Any person, firm, or corporation knowingly purchasing or receiving for sale or for repacking and resale any mixed flour from any maker, packer, or importer, who has not paid the tax provided, under this chapter shall, for each offense, be fined not less than $50, and forfeit to the United States all the articles so purchased or received, or the full value thereof. (June 13, 1898, c. 448, § 43, 30 Stat. 469.)

641. Exportation under regulations; marking packages.—Mixed flour may be removed from the place of manufacture or from the place where packed for export to a foreign country without payment of tax or affixing stamps or label thereto, under such regulation and the filing of such bond and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person, firm, or corporation who shall export mixed flour shall plainly mark on each package containing the same the words "mixed flour," and the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed, in accordance with the provisions of sections 210, and 632 to 642, inclusive, of this title. (June 13, 1898, c. 448, § 44, 30 Stat. 469.)

642. Destruction of stamps on emptied packages.—Whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it is to destroy the stamp thereon. Any person disposing of such package without first having destroyed the stamp or mark or marks thereon shall, upon conviction, be punished by a fine not exceeding the sum of $25. (June 13, 1898, c. 448, § 45, 30 Stat. 469.)

643. Penalty for second offense.—Any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of sections 210 and 632 to 642, in-

clusive, of this title, relating to the manufacture and sale of mixed flour as aforesaid, shall, in addition to the penalties herein imposed, be imprisoned not less than thirty days nor more than ninety days. (June 13, 1898, c. 448, § 48, 30 Stat. 470.)

644. **Recovery of fines.**—All fines, penalties, and forfeitures imposed by sections 210 and 632 to 642, inclusive, of this title, may be recovered in any court of competent jurisdiction. (June 13, 1898, c. 448, § 46, 30 Stat. 469.)

645. **Regulations; employment of additional clerks and agents.**—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying into effect the provisions of this chapter and of section 210 of this title. (June 13, 1898, c. 448, § 47, 30 Stat. 469.)

Chapter 10.—WHITE PHOSPHORUS MATCHES.

Sec.
661. White phosphorus defined.
662. Manufacturer to register; books; returns; bond.
663. Packages and tax; stamps; penalty.
664. Selling or removing unstamped matches.
665. Affixing insufficient stamp.
666. Removal, defacement, or reuse of stamps.
667. Fraud; forfeiture.
668. Stamps; preparation, furnishing and accounting for.
669. Assessment of tax on matches sold without stamps.
670. Importation of matches.
671. Exportation of matches.
672. Factory number, label, and notice on packages.
673. Penalty for omissions and for acts forbidden.
674. Recovery of fines.
675. Regulations.
676. Laws applicable.

Section 661. White phosphorus defined.—For the purposes of this chapter the words "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus. (Apr. 9, 1912, c. 75, § 1, 37 Stat. 81.)

662. **Manufacturer to register; books; returns; bond.**—Every manufacturer of white phosphorus matches shall register with the collector of internal revenue of the district his name or style, place of manufactory, and the place where such business is to be carried on; and a failure to register as herein provided and required shall subject such person to a penalty of not more than $500. Every manufacturer of white phosphorus matches shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns in relation to the business, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. The bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue and in the penal sum of not less than $1,000; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. (Apr. 9, 1912, c. 75, § 2, 37 Stat 81.)

663. **Packages and tax; stamps; penalty.**—All white phosphorus matches shall be packed by the manufacturer thereof in packages containing one hundred, two hundred, five hundred, one thousand, or one thousand five hundred matches each, which shall then be packed by the manufacturer in packages containing not less than fourteen thousand four hundred matches, and upon white phosphorus matches manufactured, sold, or removed there shall be levied and collected a tax at the rate of 2 cents per one hundred matches, which shall be represented by adhesive stamps, and this tax shall be paid by the manufacturer thereof, who shall affix to every package containing one hundred, two hundred, five hundred, one thousand, or one thousand five hundred matches such stamp of the required value and shall place thereon the initials of his name and the date on which such stamp is affixed, so that the same may not again be used. Every person who fraudulently makes use of an adhesive stamp to denote any tax imposed by this section without so effectually cancelling such stamp shall forfeit the sum of $50 for every stamp in respect to which such offense is committed. (Apr. 9, 1912, c. 75, § 3, 37 Stat. 81.)

664. **Selling or removing unstamped matches.**—Every manufacturer of matches who manufactures, sells, removes, distributes, or offers to sell or distribute white phosphorus matches without there being affixed thereto an adhesive stamp, denoting the tax required by this chapter, effectually canceled as provided by section 663 of this title, shall for each offense be fined not more than $1,000 and be imprisoned not more than two years. Every manufacturer of matches who, to evade the tax chargeable thereon or any part thereof, hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits or causes to be removed or conveyed away from or deposited in any place any white phosphorus matches, shall for each offense be fined not more than $1,000 and be imprisoned not more than two years, or both, and all such matches shall be forfeited. (Apr. 9, 1912, c. 75, § 4, 37 Stat. 82.)

665. **Affixing insufficient stamp.**—Every person who affixes a stamp on any package of white phosphorus matches denoting a less amount of tax than that required by law shall for each offense be fined not more than $1,000 or be imprisoned not more than two years, or both. (Apr. 9, 1912, c. 75, § 5, 37 Stat. 82.)

666. **Removal, defacement, or reuse of stamps.**—Every person who removes, defaces, or causes or permits or suffers the removal or defacement of any such stamp, or who uses any stamp or any package to which any stamp is affixed to cover any other white phosphorus matches than those originally contained in such package with such stamp when first used, to evade the tax imposed by this chapter, shall for every such package in respect to which any such offense is committed be fined $50, and all such matches shall also be forfeited. (Apr. 9, 1912, c. 75, § 6, 37 Stat. 82.)

667. **Fraud; forfeiture.**—Every manufacturer of white phosphorus matches who defrauds or attempts to defraud the United States of the tax imposed by this chapter, or any part thereof, shall forfeit the factory and manufacturing apparatus used by him and all the white phosphorus matches and all raw material for the production of white phosphorus matches found in the factory and on the factory premises, or owned by him, and shall be fined not more than $5,000 or be imprisoned not more than three years, or both. All packages of white phosphorus matches subject to tax under this chapter that shall be found without stamps as herein provided shall be forfeited to the United States. (Apr. 9, 1912, c. 75, § 7, 37 Stat. 82.)

668. **Stamps; preparation, furnishing, and accounting for.**—The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for payment of the tax on white phosphorus matches provided for by this chapter. Such stamps shall be furnished to collectors, who shall sell the same only to duly qualified manufacturers. Every collector shall keep an account of the number and denominate values of the stamps sold by him to each manufacturer. All the provisions and penalties of laws governing the engraving, issuing, sale, affixing, cancellation, accountability, effacement, destruction,

and forgery of stamps provided for internal revenue are hereby made to apply to stamps provided for by this chapter. (Apr. 9, 1912, c. 75, § 8, 37 Stat. 82.)

669. Assessment of tax on matches sold without stamps.—Whenever any manufacturer of white phosphorus matches sells or removes any white phosphorus matches without the use of the stamps required by this chapter, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector, who shall collect the same according to law. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal. (Apr. 9, 1912, c. 75, § 9, 37 Stat. 82.)

670. Importation of matches.—White phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited. All matches imported into the United States shall be accompanied by such certificate of official inspection by the government of the country in which such matches were manufactured as shall satisfy the Secretary of the Treasury that they are not white phosphorus matches. The Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of the provisions of this section. (Apr. 9, 1912, c. 75, § 10, 37 Stat. 83.)

671. Exportation of matches.—It shall be unlawful to export from the United States any white phosphorus matches. Any person guilty of violation of this section shall be fined not less than $1,000 and not more than $5,000, and any white phosphorus matches exported or attempted to be exported shall be confiscated to the United States and destroyed in such manner as may be prescribed by the Secretary of the Treasury, who shall have power to issue such regulations to customs officers as are necessary to the enforcement of this section. (Apr. 9, 1912, c. 75, § 11, 37 Stat. 83.)

672. Factory number, label, and notice on packages.—Every manufacturer of matches shall mark, brand, affix, stamp, or print, in such manner as the Commissioner of Internal Revenue shall prescribe, on every package of white phosphorus matches manufactured, sold, or removed by him, the factory number required under section 662 of this title. Every such manufacturer who omits to mark, brand, affix, stamp, or print such factory number on such package shall be fined not more than $50 for each package in respect of which such offense is committed. Every manufacturer of white phosphorus matches shall securely affix by pasting on each original package containing stamped packages of white phosphorus matches manufactured by him a label, on which shall be printed, besides the number of the manufactory and the district in which it is situated, these words: "Notice.—The manufacturer of the white phosphorus matches herein contained has complied with all the requirements of law. Every person is cautioned not to use again the stamps on the packages herein contained under the penalty provided by law in such cases." Every manufacturer of white phosphorus matches who neglects to affix such label to any original package containing stamped packages of white phosphorus matches made by him or sold or removed by or for him, and every person who removes any such label so affixed from any such original package, shall be fined not more than $50 for each package in respect of which such offense is committed. (Apr. 9, 1912, c. 75, § 12, 37 Stat. 83.)

673. Penalty for omissions and for acts forbidden.—If any manufacturer of white phosphorus matches, or any importer or exporter of matches, shall omit, neglect, or refuse to do or cause to be done any of the things required by law in carrying on or conducting his business, or shall do anything by this chapter prohibited, if there be no specific penalty or punishment imposed by any other section of this chapter for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall be fined $1,000 for each offense, and all the white phosphorus matches owned by him or in which he has any interest as owner shall be forfeited to the United States. (Apr. 9, 1912, c. 75, § 13, 37 Stat. 83.)

674. Recovery of fines.—All fines, penalties, and forfeitures imposed by this chapter may be recovered in any court of competent jurisdiction. (Apr. 9, 1912, c. 75, § 14, 37 Stat. 83.)

675. Regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this chapter. (Apr. 9, 1912, c. 75, § 15, 37 Stat. 83.)

676. Laws applicable.—Sections 26, 27, 58, 61 to 64, 69, 71, 91 to 104, 112, 114 to 149, 151, 152, 154, 156 to 160, 181 to 191, 201, 517, 1170, 1171, 1178, 1180 to 1186, 1188 to 1195, 1242, 1245, and 1246 of this title, all inclusive, and all other provisions and penalties of law relating to internal revenue so far as applicable, are hereby made to extend to and include and apply to the taxes imposed by this chapter and to the articles upon which and to the persons upon whom they are imposed. (Apr. 9, 1912, c. 75, § 16, 37 Stat. 83.)

Chapter 11.—OPIUM, COCA LEAVES, AND COMPOUNDS; MANUFACTURERS, AND SO FORTH, THEREOF.

Sec.

691. Tax on opium, coca leaves, and so forth, in addition to import duty.
692. Selling or dispensing in or from original stamped packages; prescriptions.
693. Internal-revenue stamp law applicable; seizure and forfeiture of unstamped packages.
694. Books and records of importers, manufacturers, and wholesale dealers.
695. Definition; "person."
696. Written order on blank forms for sale of drugs; orders and duplicates preserved for inspection.
697. Application of law; jurisdiction in the Philippines; regulations in Canal Zone.
698. Statements by person registered as to drugs received.
699. Sending, shipping, and carrying of drugs by person not registered.
700. Possession or control of drugs by person not registered; pleading and proof of exemptions.
701. Duplicate order forms and statements open to inspection and certified copies of statements furnished officers; disclosure of information contained therein; certified copies of names of taxpayers.
702. Certain preparations and remedies excepted; decocainized coca leaves, and so forth.
703. Internal revenue laws applicable.
704. Rules and regulations.
705. Offenses; punishment.
706. Appointment of agents and officers to enfore law.
707. Laws unaffected.
708. Forfeitures and disposition of opium, and so forth, seized.

Section 691. Tax on opium, coca leaves, and so forth, in addition to import duty.—There shall be levied, assessed, collected, and paid upon opium, coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal-revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce, such tax to be paid by the importer, manufacturer, producer, or compounder thereof, and to be represented by appropriate stamps, to be provided by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; and the stamps herein provided shall be so affixed to the bottle or other container as to securely seal the stopper, covering, or wrapper thereof.

The tax imposed by this section shall be in addition to any import duty imposed on the aforesaid drugs. (Dec. 17, 1914,

c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 136, § 1005, 42 Stat. 298; June 2, 1921, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

692. Selling or dispensing in or from original stamped packages; prescriptions.—It shall be unlawful for any person to purchase, sell, dispense, or distribute any of the aforesaid drugs except in the original stamped package or from the original stamped package; and the absence of appropriate tax-paid stamps from any of the aforesaid drugs shall be prima facie evidence of a violation of this section by the person in whose possession same may be found; and the possession of any original stamped package containing any of the aforesaid drugs by any person who has not registered and paid special taxes as required by section 211 of this title shall be prima facie evidence of liability to such special tax. The provisions of this section shall not apply to any person having in his or her possession any of the aforesaid drugs which have been obtained from a registered dealer in pursuance of a prescription, written for legitimate medical uses, issued by a physician, dentist, veterinary surgeon, or other practitioner registered under this chapter; and where the bottle or other container in which such drug may be put up by the dealer upon said prescription bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person writing said prescription; or to the dispensing, or administration, or giving away of any of the aforesaid drugs to a patient by a registered physician, dentist, veterinary surgeon, or other practitioner in the course of his professional practice, and where said drugs are dispensed or administered to the patient for legitimate medical purposes, and the record kept as required by this chapter of the drugs so dispensed, administered, distributed, or given away. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 136, § 1005, 42 Stat. 298; June 2, 1924, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

693. Internal-revenue stamp law applicable; seizure and forfeiture of unstamped packages.—All the provisions of laws relating to the engraving, issuance, sale, accountability, cancellation, and destruction of tax-paid stamps provided for in the internal-revenue laws are, in so far as necessary, extended and made to apply to stamps provided by section 691 of this title.

All unstamped packages of the aforesaid drugs found in the possession of any person, except as provided in sections 691 to 695, inclusive, shall be subject to seizure and forfeiture, and all the provisions of internal-revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter and the persons upon whom these taxes are imposed. (Dec. 7, 1914, c. 1, § 1, 38 Stat. 785; Feb. 21, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 136, § 1005, 42 Stat. 298; June 2, 1924, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

694. Books and records of importers, manufacturers, and wholesale dealers.—Importers, manufacturers, and wholesale dealers shall keep such books and records and render such monthly returns in relation to the transactions in the drugs specified under section 691 of this title, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations require. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 136, § 1005, 42 Stat. 298; June 2, 1924, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

695. Definition; "person."—The word "person" as used in sections 691 to 695 of this title, shall be construed to mean and include a partnership, association, company, or corporation, as well as a material person. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 136, § 1005, 42 Stat. 298; June 2, 1924, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

696. Written order on blank forms for sale of drugs; orders and duplicates preserved for inspection.—It shall be unlawful for any person to sell, barter, exchange, or give away any of the drugs specified in section 691 of this title, except in pursuance of a written order of the person to whom such article is sold, bartered, exchanged, or given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs, shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, municipal, and insular officials named in section 701 of this title. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order, shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned. Nothing contained in this section shall apply—

(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this chapter in the course of his professional practice only: *Provided*, That such physician, dentist, or veterinary surgeon shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist or veterinary surgeon shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in this chapter.

(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under this chapter. *Provided, however*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: *And provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

(c) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within the United States or any Territory or the District of Columbia or any of the insular possessions of the United States to any person in any foreign country, regulating their entry in accordance with such regulations for importation thereof into such foreign country as are prescribed by said country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(d) To the sale, barter, exchange, or giving away of any of the aforesaid drugs to any officer of the United States Government or of any State, Territorial, District, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, territorial district, county, or municipal or insular hospitals or prisons.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall cause suitable forms to be prepared for the purposes above mentioned, and shall cause the same to be distributed to collectors of internal revenue for sale by them to those persons who shall have registered and paid the special tax as required by section 211 of this title in their districts, respectively; and no collector shall sell any of such forms to any persons other than a person who has registered and paid the special tax as required by said section in his district. The price at which such forms shall be sold by said collectors shall be fixed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, but shall not exceed the sum of $1 per hundred. Every collector shall keep an account of the number of such forms sold by him, the names of the purchasers, and the number of such forms sold to each of such purchasers. Whenever any collector shall sell any of such forms, he shall cause the name of the purchaser thereof to be plainly written or stamped thereon before delivering the same; and no person other than such purchaser shall use any of said forms bearing the name of such purchaser for the purpose of procuring any of the aforesaid drugs, or furnish any of the forms bearing the name of such purchaser to any person with intent thereby to procure the shipment or delivery of any of the aforesaid drugs. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said drugs or in the legitimate practice of his profession. (Dec. 17, 1914, c. 1, § 2, 38 Stat. 786.)

697. Application of law; jurisdiction in the Philippines; regulations in Canal Zone.—Sections 211 and 691 to 707, inclusive, of this title shall apply to the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the insular possessions of the United States, and the Canal Zone. In Porto Rico and the Philippine Islands the administration of said sections, the collection of the said special tax, and the issuance of the order forms specified in section 696 of this title shall be performed by the appropriate internal-revenue officers of those governments, and all revenues collected hereunder in Porto Rico and the Philippine Islands shall accrue intact to the general governments thereof, respectively. The courts of first instance in the Philippine Islands shall possess and exercise jurisdiction in all cases arising under said sections in said islands. The President is authorized and directed to issue such Executive orders as will carry into effect in the Canal Zone the intent and purpose of said sections by providing for the registration and the imposition of a special tax upon all persons in the Canal Zone who produce, import, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations. (Dec. 17, 1914, c. 1, § 2, 38 Stat. 786.)

698. Statements by person registered as to drugs received.—Any person who shall be registered in any internal-revenue district under the provisions of section 211 of this title shall, whenever required so to do by the collector of the district, render to the said collector a true and correct statement or return, verified by affidavit, setting forth the quantity of the aforesaid drugs received by him in said internal-revenue district during such period immediately preceding the demand of the collector, not exceeding three months, as the said collector may fix and determine; the names of the persons from whom the said drugs were received; the quantity in each instance received from each of such persons, and the date when received. (Dec. 17, 1914, c. 1, § 3, 38 Stat. 787.)

699. Sending, shipping, and carrying of drugs by person not registered.—It shall be unlawful for any person who shall not have registered and paid the special tax as required by section 211 of this title to send, ship, carry, or deliver any of the aforesaid drugs from any State or Territory or the District of Columbia, or any insular possession of the United States, to any person in any other State or Territory or the District of Columbia or any insular possession of the United States. Nothing contained in this section shall apply to common carriers engaged in transporting the aforesaid drugs, or to any employee acting within the scope of his employment, of any person who shall have registered and paid the special tax as required by section 211, or to any person who shall deliver any such drug which has been prescribed or dispensed by a physician, dentist, or veterinarian required to register under the terms of this chapter and section 211, who has been employed to prescribe for the particular patient receiving such drug or to any United States, State, county, municipal, District, Territorial, or insular officer or official acting within the scope of his official duties. (Dec. 17, 1914, c. 1, § 4, 38 Stat. 788.)

700. Possession or control of drugs by person not registered; pleading and proof of exemptions.—It shall be unlawful for any person not registered under the provisions of sections 211 and 691 to 708 of this title, and who has not paid the special tax provided for by said sections, to have in his possession or under his control any of the aforesaid drugs; and such possession or control shall be presumptive evidence of a violation of this section, and also of a violation of the provisions of section 211. This section shall not apply to any employee of a registered person, or to a nurse under the supervision of a physician, dentist, or veterinary surgeon registered under said sections, having such possession or control by virtue of his employment or occupation and not on his own account; or to the possession of any of the aforesaid drugs which has or have been prescribed in good faith by a physician, dentist, or veterinary surgeon registered under said section; or to any United States, State, county, municipal, District, Territorial, or insular officer or official who has possession of any said drugs, by reason of his official duties, or to a warehouseman holding possession for a person registered and who has paid the taxes under said sections; or to common carriers engaged in transporting such drugs. It shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, indictment, or other writ or proceeding laid or brought under said sections; and the burden of proof of any such exemption shall be upon the defendant. (Dec. 17, 1914, c. 1, § 8, 38 Stat. 789.)

701. Duplicate order forms and statements open to inspection and certified copies of statements furnished officers; disclosure of information contained therein; certified copies of names of taxpayers.—The duplicate-order forms and the prescriptions required to be preserved under the provisions of section 696 of this title, and the statements or returns filed in the office of the collector of the district, under the provisions of section 698, shall be open to inspection by officers, agents, and employees of the Treasury Department duly authorized for that purpose; and such officials of any State or Territory, or of any organized municipality therein, or of the District of Columbia, or any insular possession of the United States, as shall be charged with the enforcement of any law or municipal ordinance regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs. Each collector of internal revenue is authorized to furnish, upon written request, certified copies of any of the said statements or returns filed in his office to any of such officials of any State or Territory or organized municipality therein, or the District of Columbia, or any insular possession of the United States, as shall be

entitled to inspect the said statements or returns filed in the office of the said collector, upon the payment of a fee of $1 for each one hundred words or fraction thereof in the copy or copies so requested. Any person who shall disclose the information contained in the said statements or returns or in the said duplicate-order forms, except as herein expressly provided, and except for the purpose of enforcing the provisions of this chapter and section 211, or for the purpose of enforcing any law of any State or Territory or the District of Columbia, or any insular possession of the United States, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs, shall, on conviction, be fined or imprisoned as provided by section 705. And collectors of internal revenue are authorized to furnish upon written request, to any persons, a certified copy of the names of any or all persons who may be listed in their respective collection districts as special-tax payers under the provisions of this chapter and section 211, upon payment of a fee of $1 for each one hundred names or fraction thereof in the copy so requested. (Dec. 17, 1914, c. 1, § 5, 38 Stat. 788.)

702. Certain preparations and remedies excepted; decocainized coca leaves, and so forth.—The provisions of sections 211 and 691 to 708 inclusive of this title shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: *Provided*, That such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of said sections. Any manufacturer, producer, compounder, or vendor (including dispensing physicians) of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall direct. Such record shall be preserved for a period of two years in such a way as to be readily accessible to inspection by any officer, agent or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, municipal, and insular officers named in section 701, and every such person so possessing or disposing of such preparations and remedies shall register as required in section 211 and, if he is not paying a tax under sections 211 and 691 to 708, inclusive, he shall pay a special tax of $1 for each year, or fractional part thereof, in which he is engaged in such occupation, to the collector of internal revenue of the district in which he carries on such occupation as provided in said sections. The provisions of said sections shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine. (Dec. 17, 1914, c. 1 § 6, 38 Stat. 789; Feb. 24, 1919, c. 18, § 1007, 40 Stat. 1132; Nov. 23, 1921, c. 136, § 1006, 42 Stat. 300; June 2, 1924, 4.01 p. m., c. 234, § 706, 43 Stat. 330.)

703. Internal revenue laws applicable.—All laws relating to the assessment, collection, remission, and refund of internal-revenue taxes, including section 158 of this title, so far as applicable to and not inconsistent with the provisions of this chapter and section 211, are extended and made applicable to the special taxes imposed thereby. (Dec. 17, 1914, c. 1, § 7, 38 Stat. 789.)

704. Rules and regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of sections 211 and 691 to 708, inclusive, of this title into effect. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 136, § 1005, 42 Stat. 298; June 2, 1924, 4.01 p. m., c. 234, § 705, 43 Stat. 328.)

705. Offenses; punishment.—Any person who violates or fails to comply with any of the requirements of sections 211 and 691 to 707 of this title shall, on conviction, be fined not more than $2,000 or be imprisoned not more than five years, or both, in the discretion of the court. (Dec. 17, 1914, c. 1, § 9, 38 Stat. 789.)

706. Appointment of agents and officers to enforce law.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint such agents, deputy collectors, inspectors, chemists, assistant chemists, clerks, and messengers in the field, and in the Bureau of Internal Revenue in the District of Columbia as may be necessary to enforce the provisions of sections 211 and 691 to 708 of this title. (Dec. 17, 1914, c. 1, § 10, 38 Stat. 789.)

707. Laws unaffected.—Nothing contained in sections 211 or 691 to 708 of this title shall be construed to impair, alter, amend, or repeal any of the provisions of sections 1 to 15, and 171 to 185 of Title 21. (Dec. 17, 1914, c. 1, § 12, 38 Stat. 790.)

708. Forfeitures and disposition of opium, and so forth, seized.—All opium, its salts, derivatives, and compounds, and coca leaves, salts, derivatives, and compounds thereof, seized by the United States Government from any person or persons charged with any violation of this chapter or of section 211 of this title, or of sections 171 to 185 of Title 21, shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Commissioner, with the approval of the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States.

The provisions of this section shall also apply to any of the aforesaid drugs seized or coming into the possession of the United States in the enforcement of any of the above-mentioned sections where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession of the United States under the operation of said sections, or the provisions of this section, shall be destroyed without certification by a committee appointed by the commissioner, with the approval of the Secretary, that they are of no value for medical or scientific purposes. (June 2, 1924, 4.01 p. m., c. 234, § 707, 43 Stat. 331.)

Chapter 12.—OPIUM FOR SMOKING.

Sec.

721. Tax on opium manufactured for smoking; manufacturer to be citizen and give bond; manufacturer defined.
722. Manufacturer to file notices; books and returns; signs; surveillance of officers; bond.
723. Stamps.
724. Same; laws relating to tobacco and snuff applicable.
725. Penalty for violations of law; forfeiture.

Section 721. Tax on opium manufactured for smoking; manufacturer to be citizen and give bond; manufacturer defined.—An internal-revenue tax of $300 per pound shall be levied and collected upon all opium manufactured in the United States for smoking purposes; and no person shall engage in such manufacture who is not a citizen of the United States and who has not given the bond required by the Com-

missioner of Internal Revenue. Every person who prepares opium suitable for smoking purposes from crude gum opium, or from any preparation thereof, or from the residue of smoked or partially smoked opium, commonly known as yen shee, or from any mixture of the above, or any of them, shall be regarded as a manufacturer of smoking opium within the meaning of sections 721 to 725 of this title. (Jan. 17, 1914, c. 10, § 1, 38 Stat. 277.)

722. Manufacturer to file notices; books and returns; signs; surveillance of officers; bond.—Every manufacturer of opium suitable for smoking shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $100,000; and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue. (Jan. 17, 1914, c. 10, § 2, 38 Stat. 277.)

723. Stamps.—All opium prepared for smoking manufactured in the United States shall be duly stamped in such a permanent manner as to denote the payment of the internal-revenue tax thereon. (Jan. 17, 1914, c. 10, § 3, 38 Stat. 278.)

724. Same; laws relating to tobacco and snuff applicable.—The provisions of laws covering the engraving, issue, sale, accountability, effacement, cancellation, and the destruction of stamps relating to tobacco and snuff, as far as applicable, shall apply to stamps provided for by section 723 of this title. (Jan. 17, 1914, c. 10, § 4, 38 Stat. 278.)

725. Penalty for violations of law; forfeiture.—A penalty of not less than $10,000 or imprisonment for not less than five years, or both, in the discretion of the court, shall be imposed for each and every violation of sections 721 to 725 of this title by any person or persons; and all opium prepared for smoking wherever found within the United States without the stamps required by section 723 shall be forfeited and destroyed. (Jan. 17, 1914, c. 10, § 5, 38 Stat. 278.)

Chapter 18.—COTTON FUTURES.

Sec.
731. Short title of chapter.
732. Definitions; "contract of sale"; "person"; liability of principal for act of agent.
733. Tax imposed on contracts of sale for future delivery.
734. Contract to be in writing; weight of "bale."
735. Exemption from tax on compliance with conditions prescribed.
736. Determination of allowances on deliveries differing from basis grade.
737. Exemption of "section 6 A contracts" from tax.
738. Bona fide spot markets defined.
739. Method of determining bona fide spot markets; penalty for false testimony, and so forth.
740. Cotton standards fixed by Secretary; moneys collected for furnishing forms of standards to be covered into Treasury.
741. Exemption from tax of "section 10 contracts" and spot cotton sales.
742. Payment of tax; affixing stamps to contract or memoranda; cancelling stamps.
743. Contracts not conforming to requirements unenforceable.
744. Regulations for collection of tax; records and returns of sales; internal revenue laws applicable.
745. Offenses; punishment.
746. Additional penalty recoverable by action; informers; prosecutions by United States attorneys.
747. Immunity of witnesses.
748. State laws and taxation unaffected.
749. Publication of results of investigations.
750. Contracts made prior to September 1, 1916, unaffected.
751. Expenses of Government attorneys; per diem allowance.
752. Effect of partial invalidity.

Section 731. [Section 1.] Short title of chapter.—This chapter shall be known by the short title of the "United States Cotton Futures Act." (Aug. 11, 1916, c. 313, 39 Stat. 476.)

732. [Section 2.] Definitions; "contract of sale"; "person"; liability of principal for act of agent.—For the purposes of this chapter, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person," wherever used in this chapter, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (Aug. 11, 1916, c. 313, 39 Stat. 476.)

733. [Section 3.] Tax imposed on contracts of sale for future delivery.—Upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract. (Aug. 11, 1916, c. 313, 39 Stat. 476.)

734. [Section 4.] Contract to be in writing; weight of "bale."—Each contract of sale of cotton for future delivery mentioned in section 733 of this title shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this chapter, be deemed to weigh five hundred pounds. (Aug. 11, 1916, c. 313, 39 Stat. 476.)

735. [Section 5.] Exemption from tax on compliance with conditions prescribed.—No tax shall be levied under this chapter on any contract of sale mentioned in section 733 hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section 734 of this title, and the rules and regulations made pursuant to this chapter.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this subdivision.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section 5."

The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved. (Aug. 11, 1916, c. 313, 39 Stat. 476; Mar. 4, 1919, c. 125, § 6, 40 Stat. 1351.)

736. [Section 6.] Determination of allowances on deliveries differing from basis grade.—For the purposes of section 735 of this chapter the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 735 for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 735 for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture. (Aug. 11, 1916, c. 313, 39 Stat. 478.)

737. [Section 6 A.] Exemption of "section 6 A contracts" from tax.—No tax shall be levied under this chapter on any contract of sale mentioned in section 733 hereof if the contract provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section 735 hereof not inconsistent with this section: *Provided*, That nothing in this section shall be so construed as to relieve from the tax levied by section 733 of this title any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this chapter.

Contracts made in compliance with this section shall be known as "Section 6 A Contracts." The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section 6 A."

Section 741 of this chapter shall not be construed to apply to any contract of sale made in compliance with this section. (Aug. 11, 1916, c. 313, 39 Stat. 478.)

738. [Section 7.] Bona fide spot markets defined.—For the purposes of this chapter the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice. (Aug. 11, 1916, c. 313, 39 Stat. 478.)

739. [Section 8.] Method of determining bona fide spot markets; penalty for false testimony, and so forth.—In determining, pursuant to the provisions of this chapter, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been

established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 736 of this chapter, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section 735 of this chapter shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500. (Aug. 11, 1916, c. 313, 39 Stat. 479; Mar. 4, 1919, c. 125, § 6, 40 Stat. 1352.)

740. [Section 9.] Cotton standards fixed by Secretary; moneys collected for furnishing forms of standards to be covered into Treasury.—Subject to the provisions of section 56 of Title 7 the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this chapter, shall be known as the "Official cotton standards of the United States": *Provided*, That any standard of any cotton established and promulgated under this chapter by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this chapter by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary. All sums collected by the Secretary of Agriculture for furnishing practical forms under this section shall be deposited and covered into the Treasury as miscellaneous receipts. (Aug. 11, 1916, c. 313, 39 Stat. 479, 481.)

741. [Section 10.] Exemption from tax of "section 10 contracts" and spot cotton sales.—No tax shall be levied under this chapter on any contract of sale mentioned in section 733 hereof, if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this chapter.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton futures Act, section 10."

This chapter shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section 735 of this chapter. (Aug. 11, 1916, c. 313, 39 Stat. 479.)

742. [Section 11.] Payment of tax; affixing stamps to contract or memoranda; cancelling stamps.—The tax imposed by section 733 of this chapter shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. (Aug. 11, 1916, c. 313, 39 Stat. 480.)

743. [Section 12.] Contracts not conforming to requirements unenforceable.—No contract of sale of cotton for future delivery mentioned in section 733 of this chapter which does not conform to the requirements of section 734 hereof and has not the necessary stamps affixed thereto as required by section 742 hereof shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. (Aug. 11, 1916, c. 313, 39 Stat. 480.)

744. [Section 13.] Regulations for collection of tax; records and returns of sales; internal revenue laws applicable.—The Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this chapter and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in section 733 of this title, including the making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in said section 733 of this title to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this chapter and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such

agents. The provisions of the internal revenue laws of the United States, so far as applicable, including sections 93 to 96 of this title, shall apply to this chapter. (Aug. 11, 1916, c. 313, 39 Stat. 480.)

745. [Section 14.] Offenses; punishment.—Any person liable to the payment of any tax imposed by this chapter who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this chapter, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than sixty days nor more than three years, in the discretion of the court. (Aug. 11, 1916, c. 313, 39 Stat. 480.)

746. [Section 15.] Additional penalty recoverable by action; informers; prosecutions by United States attorneys.—In addition to the foregoing punishment there is imposed, on account of each violation of this chapter, a penalty of $2,000, to be recovered in an action founded on this chapter in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this chapter is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section. (Aug. 11, 1916, c. 313, 39 Stat. 481.)

747. [Section 16.] Immunity of witnesses.—No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this chapter shall withhold his testimony because of complicity by him in any violation of this chapter or of any regulation made pursuant to this chapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates. (Aug. 11, 1916, c. 313, 39 Stat. 481.)

748. [Section 17.] State laws and taxation unaffected.—The payment of any tax levied by this chapter shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this chapter be held to prohibit any State or municipality from imposing a tax on the same transaction. (Aug. 11, 1916, c. 313, 39 Stat. 481.)

749. [Section 19.] Publication of results of investigations.—The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this chapter. (Aug. 11, 1916, c. 313, 39 Stat. 481.)

750. [Section 20.] Contracts made prior to September 1, 1916, unaffected.—Nothing in this chapter shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 733 of this chapter which shall have been made prior to September 1, 1916. (Aug. 11, 1916, c. 313, 39 Stat. 481.)

751. Expenses of Government attorneys; per diem allowance.—When ordered from their designated posts of duty cotton-futures attorneys, may be granted per diem in lieu of subsistence not exceeding $4. (May 10, 1916, c. 117, § 1, 39 Stat. 87.)

752. [Section 22.] Effect of partial invalidity.—If any clause, sentence, paragraph, or part of this chapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, c. 313, 39 Stat. 482.)

Chapter 14.—TOBACCO AND SNUFF.

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CROSS REFERENCE

Discontinuance of export stamps; see section 204 of this title.

Section 761. Tax on tobacco and snuff; snuff flour.—Upon all tobacco and snuff manufactured in or imported into the United States, and sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid a tax of 18 cents per pound, to be paid by the manufacturer or importer thereof. Snuff flour when sold or removed for use or consumption shall be taxed as snuff and shall be put up in packages and stamped in the same manner as snuff. (R. S. § 3368; Mar. 3, 1875, c. 127, § 2, 18 Stat. 3368; Mar. 3, 1883, c. 121, § 4, 22 Stat. 489; Oct. 1, 1890, c. 1244, § 30, 26 Stat. 619; June 13, 1898, c. 448, § 3, 30 Stat. 449; Apr. 12, 1902, c. 500, § 3, 32 Stat. 96; Aug. 5, 1909, c. 6, § 31, 36 Stat. 109; June 2, 1924, 4.01 p. m., c. 234, § 401 (a), 43 Stat. 317.)

762. Registration of dealers in leaf tobacco; manufacturers and peddlers.—Every dealer in leaf tobacco, retail dealer in leaf tobacco, manufacturer, and peddler shall register with the collector of the district his name, or style, place of residence, trade or business, and the place where such trade or business is to be carried on, and a failure to register as herein required shall subject such person to a penalty of $50. (Oct. 1, 1890, c. 1244, § 26, 26 Stat. 618.)

763. "Tobacco manufacturer" defined.—Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf tobacco, tobacco stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco. And all tobacco so sold by such person shall be regarded as manufactured tobacco; and such manufactured tobacco shall be put up and prepared by such manufacturer in such packages only as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (Aug. 27, 1894, c. 349, § 69, 28 Stat. 568; Aug. 5, 1909, c. 6, § 35, 36 Stat. 111; Feb. 24, 1919, c. 18, Title VII, § 704, 40 Stat. 1118.)

764. Farmers and growers of tobacco not regarded as manufacturers.—Farmers and growers of tobacco who sell leaf tobacco of their own growth and raising shall not be regarded as manufacturers of tobacco. (Aug. 27, 1894, c. 349, § 69, 28 Stat. 568; Aug. 5, 1909, c. 6, § 35, 36 Stat. 110.)

765. Manufacturer's statement of business; bond and certificate.—Every person, before commencing, or, if he has already commenced, before continuing, the manufacture of tobacco or snuff, shall furnish, without previous demand therefor, to the collector of the district where the manufacture is to be carried on, a statement in duplicate, subscribed under oath, setting forth the place, and if in a city, the street and number of the street, where the manufacture is to be carried on; the number of cutting machines, presses, snuff mills, hand mills, or other machines; the name, kind, and quality of the article manufactured or proposed to be manufactured; and when the same is manufactured by him as agent for any other person, or to be sold and delivered to any other person under a special contract, the name and residence and business or occupation of the person for whom the said article is to be manufactured, or to whom it is to be delivered; and he shall give a bond, to be approved by the collector of the district, in the sum of not less than $2,000 nor more than $20,000, to be fixed by the collector of the district, according to the quantum of business proposed to be done by the manufacturer, with right of appeal by the manufacturer to the Commissioner of Internal Revenue in respect to the amount of said bond, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render truly and completely all the returns, statements, and inventories prescribed by law or regulations; that whenever he adds to the number of cutting machines, presses, snuff mills, hand mills, or other mills or machines as aforesaid, he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all tobacco and snuff manufactured by him before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale, any manufactured tobacco or snuff which has not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of tobacco or snuff. Additional sureties may be required by the collector from time to time. And every manufacturer shall obtain a certificate from the collector of the district, who is directed to issue the same, setting forth the kind and number of machines, presses, snuff mills, hand mills, or other mills and machines as aforesaid; which certificate shall be posted in a conspicuous place within the manufactory. And every tobacco manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined not less than $100 nor more than $500. Any every person who manufactures tobacco or snuff of any description without first giving bond, as herein required, shall be fined not less than $1,000 nor more than $5,000, and imprisoned for not less than one nor more than five years. (R. S. § 3355; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Mar. 1, 1879, c. 125, § 14, 20 Stat. 344.)

766. Sign put up by manufacturer.—Every manufacturer of tobacco and snuff shall place and keep on the side or end of the building wherein his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil colors or gilded, giving his full name and business. And every person who neglects to comply with the requirements of this section shall be fined not less than $100 nor more than $500. (R. S. § 3356.)

767. Record of manufacturers kept by collector.—Every collector shall keep a record, in a book or books provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns; and he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue. (R. S. § 3357; June 9, 1880, c. 161, § 2, 21 Stat. 168; Oct. 1, 1890, c. 1244, § 33, 26 Stat. 620.)

768. Annual inventory of manufacturer; books and monthly abstracts.—Every person engaged in the manufacture of tobacco or snuff shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, and verified by his own oath, of the quantity of each of the different kinds of tobacco, snuff flour, snuff, stems, scraps, clippings, waste, tin foil, licorice, sugar, gum, and other materials held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the 1st of January; setting forth what portion of said goods and materials, and what kinds were manufactured and produced by him, and what was purchased from others. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory, and shall verify the fact of such examination by oath, to be indorsed on or affixed to the inventory. And every such person shall keep a book or books, the forms of which shall be prescribed by the Commissioner of Internal Revenue, and enter therein daily an accurate account of all the articles aforesaid purchased by him, the quantity of tobacco, snuff, and snuff flour, stems, scraps, clippings, waste, tin foil, licorice, sugar, gum, and other material, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture in bond, and to what district removed; also the number of net pounds of lumps of plug tobacco made in the lump room, and the number of packages and pounds thereof produced in the pressroom each day. And he shall, on or before the tenth day of each month, furnish to the collector a true and complete abstract from such book, verifying the same by his oath, of all such purchases, sales, and removals made during the month next preceding. And whenever any such person refuses or willfully neglects to deliver the inventory, or keep the account, or furnish the

abstract aforesaid, he shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than three years. (R. S. § 3358.)

769. Packages of tobacco and snuff.—All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description and in no other manner:

All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-eighth of an ounce, three-eighths of an ounce, and further packages with a difference between each package and the one next smaller of one-eighth of an ounce up to and including two ounces, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and packages of five ounces, six ounces, seven ounces, eight ounces, ten ounces, twelve ounces, fourteen ounces, and sixteen ounces. Snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds.

All cavendish, plug, and twist tobacco, in wooden packages not exceeding 200 pounds net weight.

And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package. These limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported. Wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish. (R. S. § 3362; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Jan. 9, 1883, c. 16, 22 Stat. 401; July 1, 1902, c. 1371, § 1, 32 Stat. 714; Aug. 5, 1909, c. 6, § 30, 36 Stat. 108; Feb. 24, 1919, c. 18, § 701(b), 40 Stat. 1117; Nov. 23, 1921, c. 136, § 701(b), 42 Stat. 287; June 2, 1924, 4.01 p. m., c. 234, § 401(b), 43 Stat. 317.)

770. Perique tobacco, refuse, cuttings, sweepings, and so forth; sale between manufacturers or for export.—Perique tobacco, snuff flour, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer or for export under such restrictions, rules and regulations as the Commissioner of Internal Revenue may prescribe. (R. S. § 3362; Feb. 27, 1877, c. 69, § 1, 19 Stat. 248; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Jan. 9, 1883, c. 16, 22 Stat. 401; July 1, 1902, c. 1371, § 1, 32 Stat. 714; Aug. 5, 1909, c. 6, § 30, 36 Stat. 108; Feb. 24, 1919, c. 18, § 701 (b), 40 Stat. 1117; Nov. 23, 1921, c. 136, § 701 (b), 42 Stat. 287; June 2, 1924, 4.01 p. m., c. 234, § 401 (b), 43 Stat. 317.)

771. Sale only in prescribed packages.—No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from packages authorized by section 769 of this chapter; and every person who sells or offers for sale any snuff or any kind of manufactured tobacco not so put up in packages and stamped shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than two years. (R. S. § 3363; Oct. 1, 1890, c. 1244, § 31, 26 Stat. 619.)

772. Label and notice on packages.—Every manufacturer of tobacco or snuff shall, in addition to all other requirements of law, print on each package, or securely affix, by pasting, on each package containing tobacco or snuff manufactured by or for him, a label, on which shall be printed the proprietor's or manufacturer's name, the number of the manufactory, the district and State in which it is situated, and these words:

"Notice.—The manufacturer of this tobacco has complied with all requirements of law. Every person is cautioned, under the penalties of law, not to use this package for tobacco again."

Every manufacturer of tobacco who neglects to print on or affix such label to any package containing tobacco made by or for him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense shall be committed. (R. S. § 3304; Mar. 3, 1883, c. 121, § 5, 22 Stat. 489.)

773. Lottery tickets, immoral pictures, and so forth, prohibited.—No packages of manufactured tobacco or snuff, prescribed by law, shall be permitted to have packed in, or attached to, or connected with them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this section shall subject the offender to the penalties and punishments provided by section 1189 of this title. (R. S. § 3394; Mar. 3, 1875, c. 127, § 2, 18 Stat. 339; July 24, 1897, c. 11, § 10, 30 Stat. 206; July 1, 1902, c. 1371, § 2, 32 Stat. 715; Aug. 5, 1909, c. 6, § 33, 36 Stat. 110.)

774. Stamps; preparation and sale; tobacco sold under distraint; tobacco abandoned or forfeited.—The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for the payment of the tax on tobacco and snuff, which shall indicate the weight and class of the article on which payment is to be made, and shall be affixed and canceled in the mode prescribed by the Commissioner of Internal Revenue, and stamps when used on any wooden package shall be canceled by sinking a portion of the same into the wood with a steel die, and also such export stamps as are required by law. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal in amount to three months' sale thereof, and shall sell the same only to the manufacturers of tobacco and snuff in their respective districts who have given bonds as required by law, and to owners or consignees of tobacco or snuff, upon the requisition of the proper customhouse officer having the custody of such tobacco or snuff. And every collector shall keep an account of the number, amount, and denominate values of stamps sold by him to each manufacturer or other person aforesaid. Such stamps as may be required to stamp tobacco or snuff, sold under distraint by any collector of internal revenue, or for stamping any tobacco or snuff, which may have been abandoned, condemned, or forfeited, and sold by order of court or of any Government officer for the benefit of the United States, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered; and any revenue collector using or furnishing stamps in manner as aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp account with the department. In case it shall appear that any abandoned, condemned, or forfeited tobacco or snuff, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the

United States; and upon application made to the Commissioner of Internal Revenue, he is authorized to order the destruction of such tobacco or snuff, by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner of Internal Revenue may prescribe, or he may, under such regulations, order delivery of such tobacco or snuff, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States. (R. S. § 3369; Oct. 14, 1921, c. 107, 42 Stat. 205.)

775. Tobacco manufactured by one person for another or on shares; stamps; fraud.—Whenever tobacco or snuff of any description is manufactured, in whole or in part, upon commission or shares, or the material from which any such articles are made, or are to be made, is furnished by one person and made or manufactured by another, or the material is furnished or sold by one person with an understanding or agreement with another that the manufactured article is to be received in payment therefor or for any part thereof, the stamps required by law shall be affixed by the actual maker or manufacturer before the article passes from the place of making or manufacturing. And in case of fraud on the part of either of said persons in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and manufactured articles shall be forfeited to the United States; and each party to such fraud or collusion shall be deemed guilty of a misdemeanor, and be fined not less than $100 nor more than $5,000, and imprisoned for not less than six months nor more than three years. (R. S. § 3370.)

776. Estimated tax on tobacco sold without stamps; notice of assessment.—Whenever any manufacturer of tobacco or snuff, sells, or removes for sale or consumption, any tobacco or snuff, upon which a tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal: *Providing, however*, That no such assessment shall be made until and after notice to the manufacturer of the alleged sale and removal to show cause against said assessment; and the Commissioner of Internal Revenue shall, upon a full hearing of all the evidence, determine what assessment, if any should be made. (R. S. § 3371; Mar. 1, 1879, c. 125, § 14, 20 Stat. 346.)

777. Removing unlawfully, selling without stamps, or giving bond, making false entries.—Every manufacturer of tobacco or snuff who removes, otherwise than as provided by law, or sells, without the proper stamps denoting the tax thereon, or without giving bond as required by law, any tobacco or snuff, or who makes false and fraudulent entries of manufactures or sales of tobacco or snuff, or makes false or fraudulent entries of the purchase or sales of leaf tobacco, tobacco stems, or other material; or who affixes any false, forged, fraudulent, spurious, or counterfeit stamp, or imitation of any stamp, required by law, or any stamp required by law which has been previously used, to any box or package containing any tobacco or snuff, shall, in addition to the penalties elsewhere provided by law for such offenses, forfeit to the United States all the raw material and manufactured or partly manufactured tobacco and snuff, and all machinery, tools, implements, apparatus, fixtures, boxes, and barrels, and all other materials which may be found in his possession, in his manufactory, or elsewhere. (R. S. § 3372.)

778. Absence of stamp evidence of nonpayment; forfeiture.—The absence of the proper stamp on any package of manufactured tobacco or snuff shall be notice to all persons that the tax has not been paid thereon, and shall be prima facie evidence of the nonpayment thereof. And such tobacco or snuff shall be forfeited to the United States. (R. S. § 3373.)

779. Purchasing tobacco not branded or marked.—Every person who purchases, or receives for sale, any manufactured tobacco or snuff which has not been branded or stamped according to law, shall be liable to a penalty of $50 for each offense. (R. S. § 3366.)

780. Unlawful removal from manufactory; penalty.—Every person who removes from any manufactory, or from any place where tobacco or snuff is made, any manufactured tobacco or snuff without the same being put up in proper packages, or without the proper stamp for the amount of tax thereon being affixed and canceled, as required by law; or, if the same be intended for export, without the proper export stamp being affixed; or who uses, sells, or offers for sale, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff, without proper stamps for the amount of tax thereon being affixed and canceled; or who sells, or offers for sale, for consumption in the United States, or uses, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff on which only the stamp marking the same for export has been affixed, shall for each such offense, respectively, be fined not less than $1,000 nor more than $5,000 and be imprisoned not less than six months nor more than two years. (R. S. § 3374.)

781. Affixing false stamps or used stamps.—Every person who affixes to any package containing tobacco or snuff, any false, forged, fraudulent, spurious, or counterfeit stamp, or a stamp which has been before used, shall be deemed guilty of a felony, and shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than two years nor more than five years. (R. S. § 3375.)

782. Stamped portion of emptied packages to be destroyed; buying, selling, or using same.—Whenever any stamped box, bag, vessel, wrapper, or envelope of any kind, containing tobacco or snuff, is emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the same may be. And every person who willfully neglects or refuses so to do shall, for each such offense, be fined $50, and imprisoned not less than ten days nor more than six months. And every person who sells or gives away, or who buys or accepts from another any such empty stamped box, bag, vessel, wrapper, or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper, or envelope of any kind, shall, for each such offense, be fined $100 and imprisoned for not less than twenty days, and not more than one year. And every manufacturer or other person who puts tobacco or snuff into any such box, bag, vessel, wrapper, or envelope, the same having been either emptied or partially emptied, or who has in his possession, or affixes to any box or other package, any stamp which has been previously used, or who sells, or offers for sale, any box or other package of tobacco, snuff, or cigars, having affixed thereto any fraudulent, spurious, imitation, or counterfeit stamp, or stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped, shall, for each such offense, be fined not less than $100 nor more than $500, and imprisoned for not less than one year nor more than three years. (R. S. § 3376.)

783. Imported tobacco and snuff; affixing stamps; packages.—All manufactured tobacco and snuff imported from foreign countries shall have the same stamps respectively affixed in payment of the internal-revenue tax as are prescribed for tobacco and snuff manufactured in the United States. Such stamps shall be affixed and canceled on all such articles so imported by the owner or importer thereof, while they are in the custody of the proper customhouse officers, and such articles shall not pass out of the custody of said officers until the stamps have been affixed and canceled. Such tobacco and snuff shall be put up in packages, as prescribed by law for like articles manufactured in the United States before the stamps are affixed; and the owner or importer shall be liable to all the penal provisions prescribed for manufactures of tobacco and snuff manufactured in the United States. Whenever it is necessary to take any such articles, so imported, to any place for the purpose of repacking, affixing, and canceling such stamps, other than the public stores of the United States, the collector of customs of the port where they are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as he may direct. And every officer of customs who permits any such articles to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than three years. (R. S. § 3377; Mar. 1, 1879, c. 125, § 14, 20 Stat. 346; June 2, 1924, 4:01 p. m., c. 234, § 401(a), 43 Stat. 317.)

784. Same; scraps, clippings, cuttings, and so forth, withdrawn without payment of tax.—Scraps, cuttings, and clippings of tobacco imported from any foreign country may, after the proper customs duty has been paid thereon, be withdrawn in bulk without the payment of the internal-revenue tax, and transferred as material directly to the factory of a manufacturer of tobacco or snuff, or of a cigar manufacturer, under such restrictions and regulations as shall be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. (R. S. § 3377; Mar. 1, 1879, c. 125, § 14, 20 Stat. 346.)

785. Exportation of manufactured tobacco and snuff without payment of tax.—Manufactured tobacco and snuff may be removed for export to a foreign country without payment of tax, under such regulations, and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (Aug. 4, 1886, c. 896, § 1, 24 Stat. 218.)

786. Same; transportation in bond; export bond.—Whenever any manufacturer of tobacco shall desire to withdraw the same from his factory for exportation under existing laws, such manufacturer may, at his option, in lieu of executing an export bond, as provided by law, give a transportation bond, with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein; and in such case, on arrival of the tobacco at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, the name of the vessel upon which the same is to be laden, and the port to which it is intended to be exported. He shall, after the quantity and description of tobacco have been verified by the inspector, file with the collector of the port an export entry verified by affidavit. He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the tobacco as specified in said entry, to the port designated in said entry, or to some other port without the jurisdiction of the United States. And upon the lading of such tobacco, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said tobacco was withdrawn for exportation, a clearance certificate and a detailed report of the inspector; which report shall show the quantity and description of manufactured tobacco, and the marks thereof. Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond. The bonds required to be given for the landing at a foreign port of such manufactured tobacco shall be canceled upon the presentation of satisfactory proof and certificates that said tobacco has been landed at the port of destination named in the bill of lading, or any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same was lost at sea without fault or neglect of the owner or exporter thereof. (Feb. 8, 1875, c. 36, § 24, 18 Stat. 312.)

787. Same; procedure; exportation to foreign adjacent territory.—There shall be affixed to each package of tobacco and snuff intended for immediate export, before it is removed from the manufactory, an engraved stamp indicative of such intention. Such stamps shall be provided and furnished to the several collectors as in the case of other stamps, and they shall account for the use of the same. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with the requirements of law and the regulations as provided, the collector shall issue to him a permit for the removal, accurately describing the tobacco and snuff, to be shipped, the number and kinds of packages, the number of pounds, the marks and brands, the State and collection district from which the same are shipped, the number of the manufactory and the manufacturer's name, the port from which the said tobacco and snuff are to be exported, and the route or routes over which the same are to be sent to the port of shipment. Upon the presentation to the collector of internal revenue of a detailed report from the inspectors of customs, and a certificate of the collector of customs at the port from which the goods are to be exported that the goods removed from the manufactory under bond and described in the permit of the collector of internal revenue have been received by the said collector of customs, and that the said goods were duly laden on board of a foreign-bound vessel, naming the vessel, and that the said merchandise was entered on the outward manifest of said vessel, and that the said vessel and cargo were duly cleared from said port, and on the payment of the tax or deficiency, if any, the bonds, which have been given or shall hereafter be required to be given under the provisions of section 786 of this title shall be canceled. But when the goods are exported to an adjacent foreign territory, by vessel or otherwise, said bonds shall be canceled upon such proofs of exportation as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. (R. S. § 3385; June 9, 1880, c. 161, § 1, 21 Stat. 167; Aug. 8, 1882, c. 468, 22 Stat. 372; Jan. 18, 1883, c. 24, 22 Stat. 402; Aug. 4, 1886, c. 896, § 1, 24 Stat. 218.)

788. Drawback on exported tobacco and snuff.—There shall be an allowance of drawback on tobacco and snuff on which the tax has been paid by suitable stamps affixed thereto before removal from the place of manufacture, when the same are exported, equal in amount to the value of the stamps found to have been so affixed; the evidence that the stamps were so affixed, and the amount of tax so paid, and of

the subsequent exportation of the said tobacco and snuff to be ascertained under such regulations as shall be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury. Any sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated. No claim for an allowance of drawback shall be entertained or allowed until a certificate from the collector of customs at the port from which the goods have been exported, or other evidence satisfactory to the Commissioner of Internal Revenue, has been furnished, that the stamps affixed to the tobacco or snuff entered and cleared for export to a foreign country were totally destroyed before such clearance; nor until the claimant has filed a bond, with good and sufficient sureties, to be approved by the collector of the district from which the goods are shipped, in a penal sum double the amount of the tax for which said claim is made, that he will procure, within a reasonable time, evidence satisfactory to the Commissioner of Internal Revenue that said tobacco or snuff has been landed at any port without the jurisdiction of the United States, or that after shipment the same were lost at sea, and have not been relanded within the limits of the United States. (R. S. § 3386; Mar. 1, 1879, c. 125, § 16, 20 Stat. 347.)

789. Same; fraudulently claiming; forfeiture.—If any person or persons shall fraudulently claim or seek to obtain an allowance or drawback of duties on any manufactured tobacco, or shall fraudulently claim any greater allowance or drawback thereon than the duty actually paid, such person or persons shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of $500, at the election of the Secretary of the Treasury, to be recovered as in other cases of forfeiture provided for in the internal-revenue laws. (Feb. 8, 1875, c. 36, § 25, 18 Stat. 312.)

790. Relanding tobacco or snuff unlawfully; penalty; forfeiture.—Every person who, with the intent to defraud the revenue laws of the United States, relands or causes to be relanded within the jurisdiction of the United States any manufactured tobacco or snuff which has been shipped for exportation under the provisions of this section and section 786 of this title, without properly entering such tobacco or snuff at the custom-house, and paying the proper customs and internal-revenue tax thereon, or who receives such relanded tobacco or snuff, and every person who aids or abets in such relanding or receiving such tobacco or snuff shall, on conviction, be fined not exceeding $5,000, or imprisoned not more than three years, and all tobacco or snuff so relanded shall be forfeited to the United States. (R. S. § 3385; June 9, 1880, c. 161, § 1, 21 Stat. 167; Aug. 8, 1882, c. 468, 22 Stat. 372; Jan. 13, 1883, c. 24, 22 Stat. 402.)

791. Dealers in leaf tobacco; dealers in tobacco.—Every person shall be regarded as a dealer in leaf tobacco, whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf tobacco.

Every person, whose business it is, to sell or offer for sale, manufactured tobacco, snuff, or cigars, shall be regarded as a dealer in tobacco. (R. S. § 3244.)

792. Dealers in leaf tobacco; statements; bonds; numbers assigned to.—Every dealer in leaf tobacco shall file with the collector of the district in which his business is carried on a statement in duplicate, subscribed under oath, setting forth the place, and, if in a city, the street and number of the street, where his business is to be carried on, and the exact location of each place where leaf tobacco is held by him on storage, and, whenever he adds to or discontinues any of his leaf tobacco storage places, he shall give immediate notice to the collector of the district in which he is registered.

Every such dealer shall give a bond with surety, satisfactory to, and to be approved by, the collector of the district, in such penal sum as the collector may require, not less than $500; and a new bond may be required in the discretion of the collector, or under instructions of the commissioner.

Every such dealer shall be assigned a number by the collector of the district, which number shall appear in every inventory, invoice and report rendered by the dealer, who shall also obtain certificates from the collector of the district setting forth the place where his business is carried on and the places designated by the dealer as the places of storage of his tobacco, which certificate shall be posted conspicuously within the dealer's registered place of business, and within each designated place of storage. (R. S. § 3360; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Feb. 24, 1919, c. 18, § 704, 40 Stat. 1119; Nov. 23, 1921, c. 136, § 704, 42 Stat. 288; June 2, 1924, 4.01 p. m., c. 234, § 403, 43 Stat. 318.)

793. Same; inventories; records; reports.—Every dealer in leaf tobacco shall make and deliver to the collector of the district a true inventory of the quantity of the different kinds of tobacco held or owned, and where stored by him, on the 1st day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the 1st day of January, such inventory to be made under oath and rendered in such form as may be prescribed by the commissioner.

Every dealer in leaf tobacco shall render such invoices and keep such records as shall be prescribed by the commissioner, and shall enter therein, day by day, and upon the same day on which the circumstance, thing, or act to be recorded is done or occurs, an accurate account of the number of hogsheads, tierces, cases and bales, and quantity of leaf tobacco contained therein, purchased or received by him, on assignment, consignment, for storage, by transfer or otherwise, and of whom purchased or received, and the number of hogsheads, tierces, cases and bales, and the quantity of leaf tobacco contained therein, sold by him, with the name and residence in each instance of the person to whom sold, and if shipped, to whom shipped and to what district; such records shall be kept at his place of business at all times and preserved for a period of two years, and the same shall be open at all hours for the inspection of any internal-revenue officer or agent.

Every dealer in leaf tobacco on or before the 10th day of each month, shall furnish to the collector of the district a true and complete report of all purchases, receipts, sales, and shipments of leaf tobacco made by him during the month next preceding, which report shall be verified and rendered in such form as the commissioner, with the approval of the Secretary, shall prescribe. (R. S. § 3360; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Feb. 24, 1919, c. 18, § 704, 40 Stat. 1119; Nov. 23, 1921, c. 136, § 704, 42 Stat. 288; June 2, 1924, 4.01 p. m., c. 234, § 403, 43 Stat. 318.)

794. Same; sales or shipments by.—Sales or shipments of leaf tobacco by a dealer in leaf tobacco shall be in quantities of not less than a hogshead, tierce, case, or bale, except loose leaf tobacco comprising the breaks on warehouse floors, and except to a duly registered manufacturer of cigars for use in his own manufactory exclusively.

Dealers in leaf tobacco shall make shipments of leaf tobacco only to other dealers in leaf tobacco, to registered manufacturers of tobacco, snuff, cigars, or cigarettes, or for export. (R. S. § 3360; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Feb. 24, 1919, c. 18, § 704, 40 Stat. 1119; Nov. 23, 1921, c. 136, § 704, 42 Stat. 288; June 2, 1924, 4.01 p. m., c. 234, § 403, 43 Stat. 318.)

795. Same; tax on tobacco unlawfully sold, removed, or shipped.—Upon all leaf tobacco sold, removed, or shipped by any dealer in leaf tobacco in violation of the provisions of

section 794 of this title, or in respect to which no report has been made by such dealer in accordance with the provisions of section 793 of this title, there shall be levied, assessed, collected and paid a tax equal to the tax then in force upon manufactured tobacco, such tax to be assessed and collected in the same manner as the tax on manufactured tobacco. (R. S. § 3360; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Feb. 24, 1919, c. 18, § 704, 40 Stat. 1119; Nov. 23, 1921, c. 136, § 704, 42 Stat. 288; June 2, 1924, 4.01 p. m., c. 234, § 403, 43 Stat. 318.)

796. Same; offenses; punishment.—Every dealer in leaf tobacco—

(1) who neglects or refuses to furnish the statement, to give bond, to keep books, to file inventory or to render the invoices, returns, or reports required by the commissioner, or to notify the collector of the district of additions to his places of storage; or

(2) who ships or delivers leaf tobacco, except as herein provided; or

(3) who fraudulently omits to account for tobacco purchased, received, sold, or shipped;

shall be fined not less than $100 or more than $500, or imprisoned not more than one year, or both. (R. S. § 3360; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Feb. 24, 1919, c. 18, § 704, 40 Stat. 119; Nov. 23, 1921, c. 136, § 704, 42 Stat. 288; June 2, 1924, 4.01 p. m., c. 234, § 403, 43 Stat. 318.)

797. Same; farmers' and cooperative associations.—For the purpose of sections 792 to 796 of this title a farmer or grower of tobacco or a tobacco growers' cooperative association shall not be regarded as a dealer in leaf tobacco in respect to the leaf tobacco produced by him or handled by such association; but such cooperative associations shall be required to keep available records of all purchases and sales of tobacco, such records to be open to inspection by the agents of the Government. As used in this section the term "tobacco growers' cooperative association" means an association of farmers or growers of tobacco organized and operated as sales agent for the purpose of marketing the tobacco produced by its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity and quality of tobacco furnished by them. (R. S. § 3360; Mar. 1, 1879, c. 125, § 14, 20 Stat. 345; Feb. 24, 1919, c. 18, § 704, 40 Stat. 1119; Nov. 23, 1921, c. 136, § 704, 42 Stat. 288; June 2, 1924, 4.01 p. m., c. 234, § 403, 43 Stat. 318.)

798. Same; statement of sales.—It shall be the duty of any dealer in leaf tobacco, or in any material used in manufacturing tobacco or snuff, on demand of any officer of internal revenue, to render a true and complete statement, under oath, of the quantity and amount of such leaf tobacco or materials sold or delivered to any person named in such demand; and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers, in the manner provided in relation to frauds and evasions. (R. S. § 3359.)

799. Peddlers of tobacco.—Any person who sells or offers to sell and deliver manufactured tobacco, snuff, or cigars, traveling from place to place, in the town or through the country, shall be regarded as a peddler of tobacco; but manufacturers of, jobbers and wholesale dealers in, manufactured tobacco, snuff, cigars, and cigarettes, and the agents or salesmen of such manufacturers, jobbers, and wholesale dealers, traveling from place to place, in the town or through the country, and selling and delivering or offering to sell and deliver such products only to dealers, shall not be construed to be peddlers. (R. S. § 3244; Sept. 7, 1916, c. 453, 39 Stat. 740.)

800. Same; notice of business.—Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and number of the street where he resides, the State or States through which he proposes to travel; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of $500, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell nor offer for sale any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used. (R. S. § 3381; Oct. 1, 1890, c. 1244, § 28, 26 Stat. 618.)

801. Same; traveling with wagon.—Every peddler of tobacco, snuff, or cigars, traveling with a wagon, shall affix and keep on the same, in a conspicuous place, a sign painted in oil colors, or gilded, giving his full name, business, and collection district. (R. S. § 3382.)

802. Same; certificate.—Every peddler of tobacco shall obtain a certificate from the collector of his collection district, who is authorized and directed to issue the same, giving the name of the peddler, his residence, and the fact of his having filed the required bond; and shall on demand of any officer of internal revenue produce and exhibit his certificate. And whenever any peddler refuses to exhibit his certificate, as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse or mule, wagon, and contents, or pack, bundle, or basket, of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling house, require such peddler to show cause, if any he has, why the horses or mules, wagons, and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures. Any internal-revenue agent may demand production of and inspect the collector's certificate for peddlers, and refusal or failure to produce the same, when so demanded, shall subject the party guilty thereof to a fine of not more than $500 and to imprisonment for not more than twelve months. (R. S. § 3383; Mar. 1, 1879, c. 125, § 15, 20 Stat. 346; Oct. 1, 1890, c. 1244, § 29, 26 Stat. 618.)

803. Same; unlawful peddling; penalty.—Every person who is found peddling tobacco, snuff, or cigars, without having given the bond, or without having previously obtained the collector's certificate as herein provided, or who sells tobacco, snuff, or cigars otherwise than in original and full packages as put up by the manufacturer; or who has in his possession any internal-revenue stamp which has been removed from any box or other package of tobacco, snuff, or cigars, or any empty or partially emptied box or other package which has been used for tobacco, snuff, or cigars, the stamp or stamps on which have not been destroyed; or who fails to have affixed to his wagon, in a conspicuous place, a sign, painted in oil colors, or gilded, giving his full name, business, and collection district, shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than six months nor more than one year, or both, at the discretion of the court. And any collector or deputy collector finding such peddler in the act of offending as to either of the offenses mentioned in this section, may seize the horse or horses, mule or mules, wagon and contents, or

pack, bundle, or basket, of any such person; and the collector shall thereupon proceed upon such seizure as provided in section 802 of this title. (R. S. § 3384; Mar. 1, 1879, c. 125, § 15, 20 Stat. 346.)

Chapter 15.—CIGARS AND CIGARETTES.

Sec.
821. Cigars and cigarettes defined.
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846. Same; selling improperly packed.
847. Purchasing cigars not branded or stamped; penalty.
848. Stamps on emptied boxes destroyed; penalty for noncompliance.
849. Exportation of manufactured cigars.
850. Same; procedure; exports to foreign contiguous territory.
851. Same; relanding cigars unlawfully; penalty.
852. Drawback on exported cigars.

CROSS REFERENCES

Dealers in cigars and peddlers of cigars; see sections 791 and 799 of this title.

Discontinuance of export stamps; see section 264 of this title.

Section 821. Cigars and cigarettes defined.—All rolls of tobacco, or any substitute therefor, wrapped with tobacco, shall be classed as cigars; and all rolls of tobacco, or any substitute therefor, wrapped in paper or any substance other than tobacco, shall be classed as cigarettes. (R. S. § 3394; Mar. 3, 1875, c. 127, § 2, 18 Stat. 339; July 24, 1897, c. 11, § 10, 30 Stat. 206; July 1, 1902, c. 1371, § 2, 32 Stat. 715; Aug. 5, 1909, c. 6, § 33, 36 Stat. 110.)

822. Cigar manufacturer; statement and bond.—Every person before commencing, or, if he has already commenced, before continuing, the manufacture of cigars, shall furnish, without previous demand therefor, to the collector of the district a statement in duplicate, under oath, setting forth the place, and, if in a city, the street and number of the street, where the manufacture is to be carried on; and when the same are to be manufactured for, or to be sold and delivered to, any other person, the name and residence and business or occupation of the person for whom they are to be manufactured, or to whom they are to be delivered; and shall give a bond, in conformity with the provisions of this title, in such penal sum as the collector may require, not less than $100, and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector, or under the instructions of the Commissioner of Internal Revenue. Said bond shall be conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render correctly all the returns, statements, and inventories prescribed; that whenever he shall add to the number of cigar makers employed by him he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all cigars manufactured by him before he offers the same or any part thereof for sale, and before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale, any cigars which have not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of cigars. And every person who manufactures cigars of any description, without first giving bond as herein required, shall be fined not less than $100 nor more than $5,000, and imprisoned not less than three months nor more than five years. Cigarettes and cheroots shall be held to be cigars under the meaning of this chapter. (R. S. § 3387; Mar. 1, 1879, c. 125, § 16, 20 Stat. 347; Oct. 1, 1890, c. 1244, § 35, 26 Stat. 620.)

823. Same; certificate; posting; penalty.—Every cigar manufacturer shall obtain from the collector of the district who is required to issue the same a certificate setting forth the number of cigar makers for which the bond mentioned in section 822 of this title was given and shall keep the same posted in a conspicuous place within the manufactory. Every cigar manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined $100. (R. S. § 3387; Mar. 1, 1879, c. 125, § 16, 20 Stat. 347; Oct. 1, 1890, c. 1244, § 35, 26 Stat. 620.)

824. Same; sign.—Every cigar manufacturer shall place and keep on the side or end of the building within which his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil colors or gilded, giving his full name and business. Any person neglecting to comply with the requirements of this section shall, on conviction, be fined not less than $100 nor more than $500. (R. S. § 3388.)

825. Same; record of.—Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventory and monthly returns; and he shall cause the several manufacturers of cigars in the district to be numbered consecutively, which number shall not thereafter be changed. (R. S. § 3389; Mar. 1, 1879, c. 125, § 16, 20 Stat. 347; Oct. 1, 1890, c. 1244, § 34, 26 Stat. 620.)

826. Same; annual inventory and accounts.—Every person engaged in the manufacture of cigars shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, of the quantity of leaf tobacco, cigars, stems, scraps, clippings, and waste, and of the number of cigar boxes and the capacity of each box, held or owned by him on the 1st day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the 1st of January, setting forth what portion and kinds of said goods were manufactured or produced by him, and what were purchased from others, and shall verify said inventory by his oath indorsed thereon. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory; and shall verify the fact of such examination by oath to be indorsed on the inventory. Every such person shall also enter daily in a book, the form of which shall be pre-

scribed by the Commissioner of Internal Revenue, an accurate account of all the articles aforesaid purchased by him, the quantity of leaf tobacco, cigars, stems, or cigar boxes, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and shall, on or before the 10th day of each and every month, furnish to the collector of the district a true and accurate abstract from such book, verified by his oath, of all such purchases, sales, and removals made during the month next preceding. In case of refusal or willful neglect to deliver the inventory or keep the account, or furnish the abstract aforesaid, he shall be fined not less than $500 nor more than $5,000, and imprisoned not less than six months nor more than three years. (R. S. § 3390.)

827. Statement by dealers in material.—It shall be the duty of every dealer in leaf tobacco or material used in manufacturing cigars, on demand of any officer of internal revenue, to render to such officer a true and correct statement, under oath, of the quantity and amount of such leaf tobacco or materials sold or delivered to any person named in such demand, and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers in the manner provided in this title in relation to frauds and evasions. (R. S. § 3391.)

828. Packing cigars; cigars used by employees.—All cigars weighing more than three pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, three, five, seven, ten, twelve, thirteen, twenty-five, fifty, one hundred, two hundred, two hundred and fifty, or five hundred cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000 and be imprisoned not more than two years. Nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law. Each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed twenty-one cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe. (R. S. § 3392; Mar. 1, 1879, c. 125, § 16, 20 Stat. 347; Oct. 1, 1890, c. 1244, § 32, 26 Stat. 619; Aug. 5, 1909, c. 6, § 32, 36 Stat. 109; Feb. 10, 1913, c. 34, 37 Stat. 664; June 2, 1924, 4.01 p. m., c. 234, § 400(e), 43 Stat. 317.)

829. Packages of cigarettes and small cigars; stamps.—Every manufacturer of cigarettes (including small cigars weighing not more than three pounds per thousand) shall put up all the cigarettes and such small cigars that he manufactures or has manufactured for him, and sells or removes for consumption or sale, in packages or parcels containing five, eight, ten, twelve, fifteen, sixteen, twenty, twenty-four, forty, fifty, eighty, or one hundred cigarettes each and shall securely affix to each of such packages or parcels a suitable stamp denoting the tax thereon and shall properly cancel the same prior to such sale or removal for consumption or sale under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in a like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom. (Aug. 5, 1909, c. 6, § 32, 36 Stat. 109; Feb. 10, 1913, c. 34, 37 Stat. 664; Oct. 3, 1917, c. 63, § 400, 40 Stat. 313; June 2, 1924, 4.01 p. m., c. 234, § 400(a–d), 43 Stat. 316.)

830. Label and notice on cigars.—Every manufacturer of cigars shall securely affix, by pasting on each box containing cigars manufactured by or for him, a label, on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words:

Notice.—The manufacturer of the cigars herein contained has complied with all the requirements of law. Every person is cautioned not to use either this box for cigars again, or the stamp thereon again, nor to remove the contents of this box without destroying said stamp, under the penalties provided by law in such cases.

Every manufacturer of cigars who neglects to affix such label to any box containing cigars made by or for him; or sold or offered for sale by or for him, and every person who removes any such label, so affixed, from any such box, shall be fined $50 for each box in respect to which such offense is committed. (R. S. § 3393; Mar. 1, 1879, c. 125, § 16, 20 Stat. 348.)

831. Label indicating clause of law.—The commissioner may, by regulation, require the manufacturer or importer to affix to each box, package, or container a conspicuous label indicating the clause of section 832 of this title under which the cigars therein contained have been tax-paid, which must correspond with the tax-paid stamp on such box or container. (June 2, 1924, 4.01 p. m., c. 234, § 400(c), 43 Stat. 316.)

832. Cigars and cigarettes; tax; amount.—Upon cigars and cigarettes manufactured in or imported into the United States and sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid under the provisions of existing law, the following taxes, to be paid by the manufacturer or importer thereof—

On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $1.50 per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 5 cents each, $4 per thousand;

If manufactured or imported to retail at more than 5 cents each and not more than 8 cents each, $6 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, $9 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, $12 per thousand;

If manufactured or imported to retail at more than 20 cents each, $15 per thousand;

On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $3 per thousand;

Weighing more than three pounds per thousand, $7.20 per thousand.

(R. S. § 3394; Mar. 3, 1875, c. 127, § 2, 18 Stat. 339; July 24, 1897, c. 11, § 10, 30 Stat. 206; July 1, 1902, c. 1371, § 2, 32 Stat. 715; Aug. 5, 1909, c. 6, § 33, 36 Stat. 110; June 2, 1924, 4.01 p. m., c. 234, § 400(a), 43 Stat. 316.)

833. Same; retail price.—Whenever in section 832 of this title reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar. (June 2, 1924, 4.01 p. m., § 400(b), 43 Stat. 316.)

834. Cigarette paper; tax; bond of manufacturers.—There shall be levied, collected, and paid, upon cigarette paper made up into packages, books, sets, or tubes, made up in or imported into the United States and hereafter sold by the manufacturer or importer to any person (other than to a manufacturer of

cigarettes for use by him in the manufacture of cigarettes), the following taxes, to be paid by the manufacturer or importer: On each package book, or set containing more than twenty-five but not more than fifty papers, ½ cent; containing more than fifty but not more than one hundred papers, 1 cent; containing more than one hundred papers, ½ cent for each fifty papers or fractional part thereof; and upon tubes, 1 cent for each fifty tubes or fractional part thereof.

Every manufacturer of cigarettes purchasing any cigarette paper made up into tubes (a) shall give bond in an amount and with sureties satisfactory to the commissioner that he will use such tubes in the manufacture of cigarettes or pay thereon a tax equivalent to the tax imposed by this section, and (b) shall keep such records and render under oath such returns as the commissioner finds necessary to show the disposition of all tubes purchased or imported by such manufacturer of cigarettes. (Oct. 3, 1917, c. 63, § 404, 40 Stat. 314; June 2, 1924, 4.01 p. m., c. 234, § 402, 43 Stat. 318.)

835. Stamps; preparation, furnishing, and accounting for.—The Commissioner of Internal Revenue shall cause to be prepared, for payment of the tax upon cigars, suitable stamps denoting the tax thereon. Such stamps shall be furnished to collectors requiring them, and collectors shall, if there be any cigar manufacturers within their respective districts, keep on hand at all times a supply equal in amount to two months' sales thereof, and shall sell the same only to the cigar manufacturers who have given bonds and paid the special tax, as required by law, in their districts, respectively, and to importers of cigars, who are required to affix the same to imported cigars in the custody of customs officers, and to persons required by law to affix the same to cigars on hand. Every collector shall keep an account of the number, amount, and denominate values of the stamps sold by him to each cigar manufacturer, and to other persons above described. (R. S. § 3395.)

836. Same; cigars sold under distraint; cigars abandoned or forfeited and sold.—Such stamps as may be required to stamp cigars sold under distraint by any collector of internal revenue, or for stamping any cigars which may have been abandoned, condemned, or forfeited, and sold by order of court or of any Government officer for the benefit of the United States, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered; and any revenue collector using or furnishing stamps in manner as aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp account with the department. In case it shall appear that any abandoned, condemned, or forfeited cigars or cigarettes, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner of Internal Revenue he is authorized to order the destruction of such cigars or cigarettes by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner of Internal Revenue may prescribe, or he may under such regulations order delivery of such cigars or cigarettes, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States. (R. S. § 3369; Oct. 14, 1921, c. 107, 42 Stat. 205.)

837. Dies and stamps for cigarettes and small cigars.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide suitable dies and stamps for cigars weighing not more than three pounds per thousand; and for cigarettes at the rates of tax imposed by this chapter and the laws and regulations governing the packing and removal for sale of cigarettes, and the affixing and canceling of the stamps on the packages thereof, shall apply to cigars weighing not more than three pounds per thousand. (R. S. § 3394; Mar. 3, 1875, c. 127, § 2, 18 Stat. 339; July 24, 1897, c. 11, § 10, 30 Stat. 206; July 1, 1902, c. 1371, § 2, 32 Stat. 715; Aug. 5, 1909, c. 6, § 33, 36 Stat. 110.)

838. Lottery tickets or immoral pictures contained in or connected with packages; penalty.—No packages of cigars or cigarettes prescribed by law shall be permitted to have packed in, or attached to, or connected with, them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument, purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print or words; and any violation of the provisions of this section shall subject the offender to the penalties and punishments provided by section 1189 of this title. (R. S. § 3394; Mar. 3, 1875, c. 127, § 2, 18 Stat. 339; July 24, 1897, c. 11, § 10, 30 Stat. 206; July 1, 1902, c. 1371, § 2, 32 Stat. 715; Aug. 5, 1909, c. 6, § 33, 36 Stat. 110.)

839. Inspection of cigars and cigarettes.—The Commissioner of Internal Revenue may prescribe such regulations for the inspection of cigars, cheroots, and cigarettes, and the collection of the tax thereon, as he may deem most effective for the prevention of frauds in the payment of such tax. (R. S. § 3396.)

840. Estimated tax on cigars sold without stamps; notice of assessment.—Whenever any manufacturer of cigars sells or removes for sale or consumption, any cigars, upon which a tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal: *Provided, however*, That no such assessment shall be made until and after notice to the manufacturer of the alleged sale and removal to show cause against said assessment; and the Commissioner of Internal Revenue shall, upon a full hearing of all the evidence, determine what assessment, if any, should be made. (R. S. § 3371; Mar. 1, 1879, c. 125, § 14, 20 Stat. 346.)

841. Removal without properly boxing, stamping, or branding; using false stamps; cigars for export.—Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this chapter, or without the proper stamp thereon denoting the tax, or without stamping, indenting, burning, or impressing into each box, in a legible and durable manner, the number of the cigars contained therein, the number of the manufactory, and the number of the district and the State, or without properly affixing thereon and canceling the stamp denoting the tax on the same, or are sold, or offered for sale, not properly boxed and stamped, they shall be forfeited to the United States. And every person who commits any of the above-described offenses shall be fined for each such offense not less than $100 nor more than $1,000, and imprisoned not less than six months nor more than two years. And every person who packs cigars in any box bearing a false or fraudulent or counterfeit stamp, or who affixes to any box containing cigars a stamp in the similitude or likeness of any stamp required to be used by the laws of the United States, whether the same be a customs or internal-revenue stamp, or who buys, receives, or has in his possession any cigars on which the tax to which they are liable has not

been paid, or who removes, or causes to be removed, from any box any stamp denoting the tax on cigars, with intent to use the same, or who uses, or permits any other person to use, any stamp so removed, or who receives, buys, sells, gives away, or has in his possession any stamp so removed, or who makes any other fraudulent use of any stamp intended for cigars, or who removes from the place of manufacture any cigars not properly boxed and stamped as required by law, shall be deemed guilty of a felony, and shall be fined not less than $100 nor more than $1,000, and imprisoned not less than six months nor more than three years. Cigars packed expressly for export, and which shall be exported to a foreign country under the restrictions and regulations prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, shall be exempt from the provisions of this section, and also from the provisions of section 830 of this title requiring a label to be affixed to each box. (R. S. § 3397; Mar. 1, 1879, c. 125, § 16, 20 Stat. 348.)

842. Absence of stamp evidence of nonpayment of tax.—The absence of the proper revenue stamp on any box of cigars sold, or offered for sale, or kept for sale, shall be notice to all persons that the tax has not been paid thereon, and shall be prima facie evidence of the nonpayment thereof, and such cigars shall be forfeited to the United States. (R. S. § 3398.)

843. Cigars manufactured on shares, commission, or contract; stamping; fraud.—Whenever cigars of any description are manufactured, in whole or in part, upon commission or shares, or the material is furnished by one party and manufactured by another, or the material is furnished or sold by one party with an understanding or agreement with another that the cigars are to be received in payment therefor, or for any part thereof, the stamps required by law shall be affixed by the actual maker before the cigars are removed from the place of manufacturing. And in case of fraud on the part of either of said parties in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and cigars shall be forfeited to the United States; and every person engaged in such fraud or collusion shall be fined not less than $100 nor more than $1,000, and imprisoned for not less than six months nor more than three years. (R. S. § 3399.)

844. Removing or selling cigars without giving bond or without proper stamps; making false entries, and so forth; forfeitures.—Every manufacturer of cigars who removes or sells any cigars without having given bond as a cigar manufacturer or without the proper stamps denoting the tax thereon; or who makes false or fraudulent entries of the manufacture or sale of any cigars; or makes false or fraudulent entries of the purchase or sale of leaf tobacco, tobacco stems, or other material used in the manufacture of cigars; or who affixes any false, forged, spurious, fraudulent, or counterfeit stamp, or imitation of any stamp, required by law to any box containing any cigars, shall, in addition to the penalties elsewhere provided in this title for such offenses, forfeit to the United States all raw material and manufactured or partly manufactured tobacco and cigars, and all machinery, tools, implements, apparatus, fixtures, boxes, barrels, and all other materials which shall be found in his possession, or in his manufactory, and used in his business as such manufacturer, together with his estate or interest in the building or factory, and the lot or tract of ground on which such building or factory is located, and all appurtenances thereunto belonging. (R. S. § 3400.)

845. Imported cigars; stamping while in custody of customs officers; penalty.—All cigars imported from foreign countries shall have the same stamps affixed in payment of the internal-revenue tax as are prescribed for cigars manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the cigars while they are in the custody of the proper customhouse officers, and the cigars shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but shall be put up in boxes containing quantities as prescribed in this chapter for cigars manufactured in the United States, before the stamps are affixed. And the owner or importer of such cigars shall be liable to all the penal provisions of this title prescribed for manufacturers of cigars manufactured in the United States. Whenever it is necessary to take any cigars so imported to any place other than the public stores of the United States, for the purpose of affixing and canceling such stamps, the collector of customs of the port where such cigars are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars to pass out of his custody or control, without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than three years. (R. S. § 3402; June 2, 1924, c. 234, 4.01 p. m., § 400(a), 43 Stat. 316.)

846. Same; selling improperly packed.—Every person who sells or offers for sale any imported cigars, or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this chapter, shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years. (R. S. § 3403.)

847. Purchasing cigars not branded or stamped; penalty.—Every person who purchases or receives for sale any cigars which have not been branded or stamped according to law, shall be liable to a penalty of $50 for each such offense. (R. S. § 3404.)

848. Stamps on emptied boxes destroyed; penalty for noncompliance.—Whenever any stamped box containing cigars, cheroots, or cigarettes, is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. And any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding $50 and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing cigars, cheroots, or cigarettes, any such stamped box, shall for each such offense be fined not exceeding $100 and be imprisoned not more than one year. Any revenue officer may destroy any emptied cigar box upon which a cigar stamp is found. (R. S. § 3406.)

849. Exportation of manufactured cigars.—Manufactured cigars may be removed for export to a foreign country without payment of tax, under such regulations, and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. (Aug. 4, 1886, c. 896, § 1, 24 Stat. 218.)

850. Same; procedure; exports to foreign contiguous territory.—There shall be affixed to each package of cigars intended for immediate export, before it is removed from the manufactory, an engraved stamp indicative of such intention. Such stamps shall be provided and furnished to the several collectors as in the case of other stamps, and they shall account for the use of the same. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with the requirements of law and the regulations as herein provided, the collector shall issue to him a permit for the removal, accurately describing the cigars to be shipped, the

number and kinds of packages, the number of pounds, the marks and brands, the State and collection district from which the same are shipped, the number of the manufactory and the manufacturer's name, the port from which the said cigars are to be exported, and the route or routes over which the same are to be sent to the port of shipment. Upon the presentation to the collector of internal revenue of a detailed report from the inspectors of customs, and a certificate of the collector of customs at the port from which the goods are to be exported that the goods removed from the manufactory under bond and described in the permit of the collector of internal revenue have been received by the said collector of customs, and that the said goods were duly laden on board of a foreign-bound vessel, naming the vessel, and that the said merchandise was entered on the outward manifest of said vessel, and that the said vessel and cargo were duly cleared from said port, and on the payment of the tax or deficiency, if any, the bonds, which have been given or shall hereafter be required to be given under the provisions of section 849 of this title shall be canceled. But when the goods are exported to an adjacent foreign territory, by vessel or otherwise, said bonds shall be canceled upon such proofs of exportation as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. (R. S. § 3385; June 9, 1880, c. 161, § 1, 21 Stat. 167; Aug. 8, 1882, c. 468, 22 Stat. 372; Jan. 13, 1883, c. 24, 22 Stat. 402.)

851. Same; relanding cigars unlawfully; penalty.—Every person who, with the intent to defraud the revenue laws of the United States, relands or causes to be relanded within the jurisdiction of the United States any cigars which have been shipped for exportation under the provisions of this chapter without properly entering such cigars at the customhouse, and paying the proper customs and internal revenue tax thereon, or who receives such relanded cigars, and every person who aids or abets in such relanding or receiving such cigars shall, on conviction, be fined not exceeding $5,000, or imprisoned not more than three years and all cigars so relanded shall be forfeited to the United States. (R. S. § 3385; June 9, 1880, c. 161, § 1, 21 Stat. 167; Aug. 8, 1882, c. 468, 22 Stat. 372; Jan. 13, 1883, c. 24, 22 Stat. 402.)

852. Drawback on exported cigars.—There shall be an allowance of drawback on cigars on which the tax has been paid by suitable stamps affixed thereto before removal from the place of manufacture, when the same are exported, equal in amount to the value of the stamps found to have been so affixed; the evidence that the stamps were so affixed, and the amount of tax so paid, and of the subsequent exportation of the said cigars, to be ascertained under such regulations as shall be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury. Any sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no claim for an allowance of drawback shall be entertained or allowed until a certificate from the collector of customs at the port from which the goods have been exported, or other evidence satisfactory to the Commissioner of Internal Revenue, has been furnished, that the stamps affixed to the cigars entered and cleared for export to a foreign country were totally destroyed before such clearance; nor until the claimant has filed a bond, with good and sufficient sureties, to be approved by the collector of the district from which the goods are shipped, in a penal sum double the amount of the tax for which said claim is made, that he will procure, within a reasonable time, evidence satisfactory to the Commissioner of Internal Revenue that said cigars have been landed at any port without the jurisdiction of the United States, or that after shipment the same were lost at sea, and have not been relanded within the limits of the United States. (R. S. § 3386; Mar. 1, 1879, c. 125, § 16, 20 Stat. 347.)

Chapter 16.—TAX ON ADMISSIONS AND DUES.

Sec.
871. Tax on admissions to places of amusement; amount; exemptions.
872. Tax on club dues or fees; amount; exemptions.
873. Collection of taxes imposed; returns; penalty.

Section 871. Tax on admissions to places of amusement; amount; exemptions.—(a) There shall be levied, assessed, collected, and paid—

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription, to be paid by the person paying for such admission; but where the amount paid for admission is 50 cents or less, no tax shall be imposed;

(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 5 per centum of the amount of such excess; and if sold for more than 50 cents in excess of the sum of such established price plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per centum of the whole amount of such excess, such taxes to be returned and paid, in the manner and subject to the interest provided in section 885 of this title, by the person selling such tickets;

(3) A tax equivalent to 50 per centum of the amount for which the proprietors, managers, or employees of any opera house, theater, or other place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor, such tax to be returned and paid, in the manner and subject to the interest provided in section 885, by the person selling such tickets;

(4) In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed by paragraph (1)), a tax equivalent to 10 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, such tax to be paid by the lessee or holder; and

(5) A tax of 1½ cents for each 10 cents or fraction thereof of the amount paid for admission to any public performance for profit at any roof garden, cabaret, or other similar entertainment, to which the charge for admission is wholly or in part included in the price paid for refreshment, service, or merchandise; the amount paid for such admission to be deemed to be 20 per centum of the amount paid for refreshment, service, and merchandise; such tax to be paid by the person paying for such refreshment, service, or merchandise. Where the amount paid for admission is 50 cents or less, no tax shall be imposed.

(b) No tax shall be levied under this chapter in respect of (1) any admissions all the proceeds of which inure (a) exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, societies for the prevention of cruelty to children or animals, or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any city, town, village, or other municipality, or of maintaining a cooperative or com-

munity center moving-picture theater—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual; or (b) exclusively to the benefit of persons in the military or naval forces of the United States; or (c) exclusively to the benefit of persons who have served in such forces and are in need; or (d) exclusively to the benefit of National Guard organizations, reserve officers' associations or organizations, posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or (e) exclusively to the benefit of members of the police or fire department of any city, town, village, or other municipality, or the dependents or heirs of such members; or (2) any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same, or admissions to any exhibit, entertainment, or other pay feature conducted by such association as part of any such fair—if the proceeds therefrom are used exclusively for the improvement, maintenance, and operation of such agricultural fairs.

(c) The term "admission" as used in this title includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor.

(d) The price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold shall be conspicuously and indelibly printed, stamped, or written on the face or back of that part of the ticket which is to be taken up by the management of the theater, opera, or other place of amusement, together with the name of the vendor if sold other than at the ticket office of the theater, opera, or other place of amusement. Whoever sells an admission ticket or card on which the name of the vendor and price is not so printed, stamped, or written, or at a price in excess of the price so printed, stamped, or written thereon, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100. (June 2, 1924, 4.01 p. m., c. 234, § 500, 43 Stat. 320.)

872. Tax on club dues or fees; amount; exemptions.—There shall be levied, assessed, collected, and paid a tax equivalent to 10 per centum of any amount paid for any period after June 2, 1924, (a) as dues or membership fees (where the dues or fees of an active resident annual member are in excess of $10 per year) to any social, athletic, or sporting club or organization; or (b) as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees (not including initiation fees) of an active resident annual member are in excess of $10 per year; such taxes to be paid by the person paying such dues or fees: *Provided*, That there shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university. In the case of life memberships a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member, but shall pay no tax upon the amount paid for life membership. (June 2, 1924, 4.01 p. m., c. 234, § 501, 43 Stat. 321.)

873. Collection of taxes imposed; returns; penalty.—(a) Every person receiving any payments for such admission, dues or fees shall collect the amount of the tax imposed by section 871 or 872 of this title from the person making such payments. Every club or organization having life members shall collect from such members the amount of the tax imposed by section 872. Such persons shall make monthly returns under oath, in duplicate, and pay the taxes so collected to the collector of the district in which the principal office or place of business is located.

(b) Any person making a refund of any payment upon which tax is collected under this section may repay therewith the amount of the tax collected on such payment; and the amount so repaid may be credited against amounts included in any subsequent monthly return.

(c) The returns required under this section shall contain such information, and be made at such times and in such manner, as the commissioner, with the approval of the Secretary, may by regulation prescribe.

(d) The tax shall, without assessment by the commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid. (June 2, 1924, 4.01 p. m., c. 234, § 502, 43 Stat. 322.)

Chapter 17.—EXCISE TAXES.

Sec.
881. Tax on certain articles sold or leased.
882. Sales at wholesale and retail; computation of tax.
883. Same; sales or leases to affiliated corporations; sales or leases at less than fair market price.
884. Same; sculpture, paintings, statuary, and so forth.
885. Same; returns; time for payment.
886. Tax on jewelry, and so forth; amount; returns; time for payment; interest.
887. Payment of tax by vendee or lessee in certain cases; to whom paid; refunds; dealer defined.

Section 881. Tax on certain articles sold or leased.—There shall be levied, assessed, collected, and paid upon the following articles sold or leased by the manufacturer, producer, or importer, a tax equivalent to the following percentage of the price for which so sold or leased—

(1) **Automobile truck and wagon chassis and automobile truck and wagon bodies.**—Automobile truck chassis and automobile wagon chassis sold or leased for an amount in excess of $1,000, and automobile truck bodies and automobile wagon bodies sold or leased for an amount in excess of $200 (including in both cases, tires, inner tubes, parts, and accessories therefor sold on or in connection therewith or with the sale thereof), 3 per centum. A sale or lease of an automobile truck or of an automobile wagon shall, for the purposes of this subdivision, be considered to be a sale of the chassis and of the body;

(2) **Other automobile chassis and bodies and motor cycles.**—Other automobile chassis and bodies and motor cycles (including tires, inner tubes, parts, and accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 5 per centum. A sale or lease of an antomobile shall, for the purposes of this subdivision, be considered to be a sale of the chassis and of the body;

(3) **Tires, tubes, parts, and accessories for automobiles.**—Tires, inner tubes, parts, or accessories for any of the articles enumerated in subdivision (1) or (2), sold to any person other than a manufacturer or producer of any of the articles enumerated in subdivision (1) or (2), 2½ per centum. This subdivision shall not apply to chassis or bodies for automobile trucks, automobile wagons, or other automobiles;

(4) **Cameras and lenses.**—Cameras, weighing not more than 100 pounds, and lenses for such cameras, 10 per centum;

(5) **Photographic films and plates.**—Photographic films and plates (other than moving-picture films and other than X-ray films or plates), 5 per centum;

(6) **Firearms, shells, and cartridges.**—Firearms, shells, and cartridges, except those sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, 10 per centum;

(7) **Cigars or cigarette holders, and pipes.**—Cigar or cigarette holders and pipes, composed wholly or in part of meerschaum or amber, and humidors, 10 per centum;

(8) **Coin-operated devices, machines, and so forth.**—Coin-operated devices, coin-operated machines, and devices and machines operated by any substitute for a coin, 5 per centum; if the manufacturer, producer, or importer of any such device or machine operates it for profit, he shall pay a tax in respect of each such device or machine put into operation equivalent to 5 per centum of its fair market value;

(9) **Mah-jongg sets.**—Mah-jongg, pung chow, and similar tile sets, and the component parts thereof, 10 per centum. (June 2, 1924, 4.01 p. m., c. 234, § 600, 43 Stat. 322.)

882. Sales at wholesale and retail; computation of tax.—If any manufacturer, producer, or importer of any of the articles enumerated in section 881 of this title customarily sells such articles both at wholesale and at retail, the tax in the case of any article sold by him at retail shall be computed on the price for which like articles are sold by him at wholesale. (June 2, 1924, 4.01 p. m., c. 234, § 600, 43 Stat. 322.)

883. Same; sales or leases to affiliated corporations; sales or leases at less than fair market price.—(a) If any person who manufactures, produces, or imports any article enumerated in section 881 of this title, sells or leases such article to a corporation affiliated with such person within the meaning of section 993, at less than the fair market price obtainable therefor, the tax thereon shall be computed on the basis of the price at which such article is sold or leased by such affiliated corporation.

(b) If any such person sells or leases such article whether through any agreement, arrangement, or understanding, or otherwise, at less than the fair market price obtainable therefor, either (1) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person, or (2) with intent to cause such benefit, the amount for which such article is sold or leased shall be taken to be the amount which would have been received from the sale or lease of such article if sold or leased at the fair market price. (June 2, 1924, 4.01 p. m., c. 234, § 601, 43 Stat. 323.)

884. Same; sculpture, paintings, statuary, and so forth.—There shall be levied, assessed, collected, and paid, upon sculpture, paintings, statuary, art, porcelains, and bronzes, sold by any person other than the artist, a tax equivalent to 5 per centum of the price for which so sold. This section shall not apply to the sale of any such article (1) to an educational or religious institution or public art museum, or (2) by any dealer in such articles to another dealer in such articles for resale. (June 2, 1924, 4.01 p. m., c. 234, § 602, 43 Stat. 323.)

885. Same; returns; time for payment.—Every person liable for any tax imposed by section 881 or 884 of this title shall make monthly returns under oath in duplicate and pay the taxes imposed by such sections to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the commissioner, with the approval of the Secretary, may by regulations prescribe.

The tax shall, without assessment by the commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid. (June 2, 1924, 4.01 p. m., c. 234, § 603, 43 Stat. 324.)

886. Tax on jewelry, and so forth; amount; returns; time for payment; interest.—(a) There shall be levied, assessed, collected, and paid upon all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semiprecious stones, and imitations thereof; articles made of, or ornamented mounted or fitted with, precious metals or imitations thereof or ivory; watches; clocks; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars; upon any of the above when sold or leased by or for a dealer or his estate for consumption or use, a tax equivalent to 5 per centum of the price for which so sold or leased.

(b) The tax imposed by subdivision (a) shall not apply to (1) surgical instruments, musical instruments, eyeglasses, spectacles, or silver-plated flat tableware, or articles used for religious purposes; (2) articles sold or leased for an amount not in excess of $30; or (3) watches sold or leased for an amount not in excess of $60.

(c) Every person selling any of the articles enumerated in this section shall make returns under oath in duplicate (monthly or quarterly as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, may prescribe) and pay the taxes imposed in respect to such articles by this section to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the said commissioner, with the approval of the Secretary of the Treasury, may by regulations prescribe.

(d) The tax shall, without assessment by the commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid. (June 2, 1924, 4.01 p. m., c. 234, § 604, 43 Stat. 324.)

887. Payment of tax by vendee or lessee in certain cases; to whom paid; refunds; dealer defined.—(a) If (1) any person has, prior to January 1, 1924, made a bona fide contract with a dealer for the sale or lease, after 4.01 postmeridian, July 2, 1924, of any article in respect of which a tax is imposed by section 881 of this title, or by this subdivision, and in respect of which no corresponding tax was imposed by section 900 of the revenue act of 1921 (Forty-second Statutes, page 291), and (2) such contract does not permit the adding, to the amount to be paid thereunder, of the whole of the tax imposed by said section 881 or by this subdivision; then the vendee or lessee shall, in lieu of the vendor or lessor, pay so much of the tax imposed by said section 881 or by this subdivision as is not so permitted to be added to the contract price. If a contract of the character above described was made with any person other than a dealer, no tax shall be collected under this chapter.

(b) If (1) any person has, prior to January 1, 1924, made a bona fide contract with any other person for the sale or lease, after 4.01 postmeridian, July 2, 1924, of any article in respect of which a tax is imposed by section 881 of this title, and in respect of which a corresponding but greater tax was imposed by section 900 of the revenue act of 1921 (Forty-second Statutes, p. 291); (2) the contract price includes the amount of the tax imposed by section 900 of the revenue act of 1921, and (3) such contract does not permit the deduction, from the amount to be paid thereunder, of the whole of the difference between the corresponding tax imposed by section 900 of the revenue act of 1921 and the tax imposed by said section 881; then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such difference as is not so permitted to be deducted from the contract price.

(c) If (1) any person has, prior to January 1, 1924, made a bona fide contract with any other person for the sale or lease, after June 2, 1924, of any article in respect of which a tax was imposed by section 900 or 904 of the revenue act of 1921, and in respect of which no corresponding tax is imposed by section 881 of this title, (2) the contract price includes the amount of the tax imposed by section 900 or 904 of the revenue

act of 1921, and (3) such contract does not permit deduction, from the amount to be paid thereunder, of the tax imposed by section 900 or 904 of the revenue act of 1921; then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such tax as is not so permitted to be deducted from the contract price.

(d) The taxes payable by the vendee or lessee under subdivision (a), shall be paid to the vendor or lessor at the time the sale or lease is consummated, and collected, returned, and paid to the United States by such vendor or lessor in the same manner and subject to the same interest as provided by section 885.

(e) Any refund by the vendor or lessor under subdivision (b) or (c) shall be made at the time the sale or lease is consummated. Upon the failure of the vendor or lessor so to refund, he shall be liable to the vendee or lessee for damages in the amount of three times the amount of such refund, and the court shall include in any judgment in favor of the vendee or lessee in any suit for the recovery of such damages, costs of the suit, and a reasonable attorney's fee to be fixed by the court.

(f) A vendee who purchases any article with intent to use it in the manufacture or production of another article intended for sale shall be included in the term "dealer," as used in this section. (June 2, 1924, 4.01 p. m., c. 234, § 605, 43 Stat. 324.)

Chapter 18.—STAMP TAXES ON SPECIFIC OBJECTS.

Sec.
901. Tax on certain enumerated documents and instruments.
902. Same; exemptions.
903. Same; stamps; preparation and distribution.
904. Same; cancellation of stamps.
905. Same; collection of omitted taxes.
906. Same; stamps for Postmaster General; distribution and sale.
907. Same; stamps for assistant treasurers, designated depositaries, or State agents; bonds; schedule of taxes.
908. Same; offenses.
909. Same; other offenses.
910. Tax on playing cards.
911. Same; manufacturers to register.
912. Same; sale, preparation and furnishing of stamps.
913. Same; selling or removing for sale without affixing stamps.
914. Same; removing stamps or reusing wrapper.
915. Same; selling without stamps.
916. Same; manufacturer to pay tax; who deemed manufacturer; foreign manufacture.

Section 901. Tax on certain enumerated documents and instruments.—There shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this section, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, are written or printed, by any person who makes, signs, issues, sells, removes, consigns, or ships the same, or for whose use or benefit the same are made, signed, issued, sold, removed, consigned, or shipped, the several taxes specified in such schedule.

SCHEDULE A—STAMP TAXES

(1) Bonds, debentures, certificates of indebtedness, and other corporate securities.—On all bonds, debentures, or certificates of indebtedness issued by any person, and all instruments, however termed, issued by any corporation with interest coupons or in registered form, known generally as corporate securities, on each $100 of face value or fraction thereof, 5 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured.

(2) Issues of capital stock.—On each original issue, whether on organization or reorganization, of certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, on each $100 of face value or fraction thereof, 5 cents: *Provided*, That where a certificate is issued without face value, the tax shall be 5 cents per share, unless the actual value is in excess of $100 per share, in which case the tax shall be 5 cents on each $100 of actual value or fraction thereof, or unless the actual value is less than $100 per share, in which case the tax shall be 1 cent on each $20 of actual value, or fraction thereof.

The stamps representing the tax imposed by this subdivision shall be attached to the stock books and not to the certificates issued.

(3) Sales or transfers of capital stock.—On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to shares or certificates of stock or of profits or of interest in property or accumulations in any corporation, or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, interest, or rights, or not, on each $100 of face value or fraction thereof, 2 cents, and where such shares are without par or face value, the tax shall be 2 cents on the transfer or sale or agreement to sell on each share: *Provided*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited, nor upon mere loans of stock nor upon the return of stock so loaned: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the corporation the stamp shall be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any stock, interest or right, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both.

(4) Sales on exchange for future delivery.—Upon each sale, agreement of sale, or agreement to sell (not including so-called transferred or scratch sales), any products or merchandise at, or under the rules or usages of, any exchange, or board of trade, or other similar place, for future delivery, for each $100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Pro-*

vided, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale: *Provided further*, That sellers of commodities described herein, having paid the tax provided by this subdivision, may transfer such contracts to a clearing-house corporation or association, and such transfer shall not be deemed to be a sale, or agreement of sale, or an agreement to sell within the provisions of this chapter: *Provided*, That such transfer shall not vest any beneficial interest in such clearing-house association but shall be made for the sole purpose of enabling such clearing-house association to adjust and balance the accounts of the members of such clearing-house association on their several contracts. Every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person, who makes any such sale or agreement of sale, or agreement to sell, or who, in pursuance of any such sale, agreement of sale, or agreement to sell, delivers any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who delivers such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000 or be imprisoned not more than six months, or both.

No bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of cash sales of products of merchandise for immediate or prompt delivery which in good faith are actually intended to be delivered shall be subject to this tax.

This subdivision shall not affect but shall be in addition to the provisions of sections 731 to 752 of this title (the "United States Cotton Futures Act.")

(5) **Conveyances of land.**—Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and does not exceed $500, 50 cents; and for each additional $500 or fractional part thereof, 50 cents. This subdivision shall not apply to any instrument or writing given to secure a debt.

(6) **Entries at customhouses.**—Entry of any goods, wares, or merchandise at any customhouse, either for consumption or warehousing, not exceeding $100 in value, 25 cents; exceeding $100 and not exceeding $500 in value, 50 cents; exceeding $500 in value, $1.

(7) **Entries for withdrawal from customs bonded warehouses.**—Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

(8) **Passage tickets to ports not in United States, Canada, or Mexico.**—Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, or Mexico, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.

(9) **Voting proxies.**—Proxy for voting at any election for officers, or meeting for the transaction of business, of any corporation, except religious, educational, charitable, fraternal, or literary societies, or public cemeteries, 10 cents.

(10) **Powers of attorney.**—Power of attorney granting authority to do or perform some act for or in behalf of the grantor, which authority is not otherwise vested in the grantee, 25 cents. This subdivision shall not apply to any papers necessary to be used for the collection of claims from the United States or from any State for pensions, back pay, bounty, or for property lost in the military or naval service, nor to powers of attorney required in bankruptcy cases nor to powers of attorney contained in the application of those who become members of or policyholders in mutual insurance companies doing business on the interinsurance or reciprocal indemnity plan through an attorney in fact.

(11) **Playing cards.**—Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, or removed for consumption or sale, a tax of 10 cents per pack.

(12) **Insurance policies.**—On each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called whereby insurance is made or renewed upon property within the United States (including rents and profits) against peril by sea or on inland waters or in transit on land (including transshipments and storage at termini or way points) or by fire, lightning, tornado, wind-storm, bombardment, invasion, insurrection or riot, issued to or for or in the name of a domestic corporation or partnership or an individual resident of the United States by any foreign corporation or partnership or any individual not a resident of the United States, when such policy or other instrument is not signed or countersigned by an officer or agent of the insurer, in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 3 cents on each dollar, or fractional part thereof of the premium charged: *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision.

Any person to or for whom or in whose name any such policy or other instrument is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, shall affix the proper stamps to such policy or other instrument, and for failure to affix such stamps with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of the tax. (June 2, 1924, 4.01 p. m., c. 234, §§ 800, 807, 43 Stat. 331, 333.)

902. Same; exemptions.—There shall not be taxed under this chapter any bond, note, or other instrument, issued by the United States, or by any foreign Government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power; or any bond of indemnity required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-savings certificate, warrant or check, issued by the United States; or stocks and bonds issued by domestic building and loan associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies. (June 2, 1924, 4.01 p. m., c. 234, § 801, 43 Stat. 332.)

903. Same; stamps; preparation and distribution.—The Commissioner of Internal Revenue shall cause to be prepared and distributed for the payment of the taxes prescribed in this chapter suitable stamps denoting the tax on the document, articles, or thing to which the same may be affixed, and shall

prescribe such method for the affixing of said stamps in substitution for or in addition to the method provided in this chapter, as he may deem expedient. (June 2, 1924, c. 234, § 805, 43 Stat. 333.)

904. Same; cancellation of stamps.—Whenever an adhesive stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the Commissioner of Internal Revenue may prescribe such other method for the cancellation of such stamps as he may deem expedient. (Aug. 27, 1894, c. 349, § 39, 28 Stat. 360; June 2, 1924, 4.01 p. m., c. 234, § 804, 43 Stat. 333.)

905. Same; collection of omitted taxes.—All internal-revenue laws relating to the assessment and collection of taxes are extended to and made a part of this chapter, so far as applicable, for the purpose of collecting stamp taxes omitted through mistake or fraud from any instrument, document, paper, writing, parcel, package, or article named herein. (June 2, 1924, 4.01 p. m., c. 234, § 805, 43 Stat. 333.)

906. Same; stamps for Postmaster General; distribution and sale.—The Commissioner of Internal Revenue shall furnish to the Postmaster General without prepayment a suitable quantity of adhesive stamps to be distributed to and kept on sale by the various postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps so furnished, and each such postmaster shall deposit the receipts from the sale of such stamps to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections. (June 2, 1924, 4.01 p. m., c. 234, § 806, 43 Stat. 333.)

907. Same; stamps for assistant treasurers, designated depositaries, or State agents; bonds; schedule of taxes.—(a) Each collector shall furnish, without prepayment, to any assistant treasurer or designated depositary of the United States, located in the district of such collector, a suitable quantity of adhesive stamps to be kept on sale by such assistant treasurer or designated depositary.

(b) Each collector shall furnish, without prepayment, to any person who is (1) located in the district of such collector, (2) duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and (3) designated by the Commissioner of Internal Revenue for the purpose, a suitable quantity of such adhesive stamps as are required by subdivisions 2, 3, and 4 of Schedule A of section 901 of this title, to be kept on sale by such person.

(c) In such cases the collector may require a bond with sufficient sureties, in a sum to be fixed by the said commissioner, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand. The Secretary of the Treasury may from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps. (June 2, 1924, 4.01 p. m., c. 234, § 807, 43 Stat. 333.)

908. Same; offenses.—Whoever—

(a) Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid;

(b) Manufactures or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid;

(c) Makes use of any adhesive stamp to denote any tax imposed by this chapter without canceling or obliterating such stamp as prescribed in section 904 of this title;

Is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than $100 for each offense. (June 2, 1924, 4.01 p. m., c. 234, § 802, 43 Stat. 332.)

909. Same; other offenses.—Whoever—

(a) Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this chapter, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this chapter;

(b) Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this chapter, (1) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this chapter; or (2) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or (3) any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article;

(c) Willfully removes, or alters the cancellation, or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has been already used, or knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same;

(d) Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

Is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States. (June 2, 1924, 4.01 p. m., c. 234, § 808, 43 Stat. 332.)

910. Tax on playing cards; regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make regulations as to dies and adhesive stamps for playing cards. (Aug. 27, 1894, c. 349, § 38, 28 Stat. 560.)

911. Same; manufacturers to register.—Every manufacturer of playing cards shall register with the collector of the district his name or style, place of residence, trade, or business, and the place where such business is to be carried on, and a failure to register as herein provided and required shall subject such person to a penalty of $50. (Aug. 27, 1894, c. 349, § 40, 28 Stat. 560.)

912. Same; sale, preparation, and furnishing of stamps.—The Commissioner of Internal Revenue shall cause to be prepared, for payment of the tax upon playing cards, suitable stamps denoting the tax thereon. Such stamps shall be furnished to collectors requiring them, and collectors shall, if there be any manufacturers of playing cards within their respective districts, keep on hand at all times a supply equal in amount to two months' sales thereof, and shall sell the same only to such manufacturers as have registered as required by law and to importers of playing cards, who are required to affix the same to imported playing cards, and to persons who are required by law to affix the same to stocks of playing cards on hand when the tax thereon imposed first takes effect.

Every collector shall keep an account of the number and denominate values of the stamps sold by him to each manufacturer and to other persons above described. (Aug. 27, 1894, c. 349, § 41, 28 Stat. 560.)

913. Same; selling or removing for sale without affixing stamps.—Whenever any person makes, prepares, and sells or removes for consumption or sale, playing cards, whether of domestic manufacture or imported, upon which a tax is imposed by law, without affixing thereto an adhesive stamp denoting the tax before mentioned, he shall incur a penalty of $50 for every omission to affix such stamp: *Provided*, That playing cards may be removed from the place of manufacture for export to a foreign country, without payment of tax, or affixing stamps thereto, under such regulations and the filing of such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. (Aug. 27, 1894, c. 349, § 43, 28 Stat. 562.)

914. Same; removing stamps or reusing wrapper.—Every manufacturer or maker of playing cards who, after the same are so made, and the particulars hereinbefore required as to stamps have been complied with, takes off, removes, or detaches, or causes, or permits, or suffers to be taken off, or removed, or detached, any stamp, or who uses any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp duties, shall, for every such article, respectively, in respect of which any such offense is committed, be subject to a penalty of $50, to be recovered together with the costs thereupon accruing; and every such article or commodity as aforesaid shall also be forfeited. (Aug. 27, 1894, c. 349, § 44, 28 Stat. 562.)

915. Same; selling without stamps.—Every maker or manufacturer of playing cards who, to evade the tax or duty chargeable thereon, or any part thereof, sells, exposes for sale, sends out, removes, or delivers any playing cards before the duty thereon has been fully paid, by affixing thereon the proper stamp, as provided by law, or who, to evade as aforesaid, hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits, or causes to be removed or conveyed away from or deposited in any place, any such article or commodity, shall be subject to a penalty of $50, together with the forfeiture of any such article or commodity. (Aug. 27, 1894, c. 349, § 45, 28 Stat. 562.)

916. Same; manufacturer to pay tax; who deemed manufacturer; foreign manufacture.—The tax on playing cards shall be paid by the manufacturer thereof. Every person who offers or exposes for sale playing cards, whether the articles so offered or exposed are of foreign manufacture and imported or are of domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamps denoting the tax paid thereon, and all such articles of foreign manufacture shall, in addition to the import duties imposed on the same, be subject to the stamp tax prescribed in this chapter. (Aug. 27, 1894, c. 349, § 46, 28 Stat. 562.)

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Part I.—GENERAL PROVISIONS

Section 931. Definitions.—When used in this chapter—

(a) The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under section 953 or 984 of this title. The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. The term "taxable year" includes, in the case of a return made for a fractional part of a year under the provisions of this title or under regulations prescribed by the commissioner with the approval of the Secretary of the Treasury, the period for which such return is made.

(b) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(c) The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of section 962 or 989.

(d) The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under section 953 or 984. The deductions and credits provided for in this chapter shall be taken for the taxable year in which "paid or accrued" or "paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed under section 953 or 984, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period.

(e) The term "stock" includes the share in an association, joint-stock company, or insurance company.

(f) The term "shareholder" includes a member in an association, joint-stock company, or insurance company. (June 2, 1924, 4.01 p. m., c. 234, § 200, 43 Stat. 254.)

932. Dividends and distributions.—(a) The term "dividend" when used in this chapter (except in paragraph (9) of subdivision (a) of section 986 and paragraph (4) of subdivision (a) of section 1004) means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913.

(b) For the purposes of this chapter every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in section 935.

(c) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under section 933, but shall be recognized only to the extent provided in section 934. In the case of amounts distributed in partial liquidation (other than a distribution within the provisions of subdivisions (g) of section 934 of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subdivision (b) of this section for the purpose of determining the taxability of subsequent distributions by the corporation.

(d) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the basis of the stock provided in section 935, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property. The provisions of this paragraph shall also apply to distributions from depletion reserves based on the discovery value of mines.

(e) Any distribution made by a corporation, which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 (chapter 18, Fortieth Statutes, page 1057) or the Revenue Act of 1921 (chapter 136, Forty-second Statutes, page 227) out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or section 218 of the Revenue Act of 1921, shall be exempt from tax to the distributees.

(f) A stock dividend shall not be subject to tax, but if before or after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock, to the extent that it represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend.

(g) As used in this section the term "amounts distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock. (June 2, 1924, 4.01 p. m., c. 234, § 201, 43 Stat. 254.)

933. Amount of gain derived or loss sustained from sale or other disposition of property.—(a) Except as hereinafter provided in this section, the gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the basis provided in subdivision (a) or (b) of section 935 of this title, and the loss shall be the excess of such basis over the amount realized.

(b) In computing the amount of gain or loss under subdivision (a) proper adjustment shall be made for (1) any expenditure properly chargeable to capital account, and (2) any item of loss, exhaustion, wear and tear, obsolescence, amortization, or depletion, previously allowed with respect to such property.

(c) The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received.

(d) In the case of a sale or exchange, the extent to which the gain or loss determined under this section shall be recognized for the purposes of this chapter shall be determined under the provisions of section 934.

(e) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received. (June 2, 1924, 4.01 p. m., c. 234, § 202, 43 Stat. 255.)

934. Gains or losses not recognized.—(a) Upon the sale or exchange of property the entire amount of the gain or loss, determined under section 933 of this title, shall be recognized, except as hereinafter provided in this section.

(b) (1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment, or if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(2) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(3) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(4) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

(5) If property (as a result of its destruction in whole or in part, theft, or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the commissioner with the approval of the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

(c) If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such a corporation, no gain to the distributee from the receipt of such stock or securities shall be recognized.

(d) (1) If an exchange would be within the provisions of paragraph (1), (2), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(e) If an exchange would be within the provisions of paragraph (3) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then—

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property, so received, which is not so distributed.

(f) If an exchange would be within the provisions of paragraph (1), (2), (3), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(g) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, of its stock or securities or stock or securities in a corporation a party to the reorganization, shall not be considered a distribution of earnings or profits within the meaning of subdivision (b) of section 932 for the purpose of determining the taxability of subsequent distributions by the corporation.

(h) As used in this section and sections 932 and 935—

(1) The term "reorganization" means (A) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation, or substantially all the properties of another corporation), or (B) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both

are in control of the corporation to which the assets are transferred, or (C) a recapitalization, or (D) a mere change in identity, form, or place of organization, however effected.

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation.

(1) As used in this section the term "control" means the ownership of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the corporation. (June 2, 1924, 4.01 p. m., c. 234, § 203, 43 Stat. 256.)

935. Basis of determining gain or loss, and so forth.—(a) The basis for determining the gain or loss from the sale or other disposition of property acquired after February 28, 1913, shall be the cost of such property; except that—

(1) If the property should have been included in the last inventory, the basis shall be the last inventory value thereof;

(2) If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift. If the facts necessary to determine such basis are unknown to the donee, the Commissioner of Internal Revenue shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the commissioner finds it impossible to obtain such facts, the basis shall be the fair market value of such property as found by the commissioner as of the date or approximate date of which, according to the best information that the commissioner is able to obtain, such property was acquired by such donor or last preceding owner;

(3) If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made. The provisions of this paragraph shall not apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402 of the Revenue Act of 1921 or subdivision (c), (d), or (f) of section 1094 of this title;

(4) If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition;

(5) If the property was acquired by bequest, devise, or inheritance, the basis shall be the fair market value of such property at the time of such acquisition. The provisions of this paragraph shall apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402 of the Revenue Act of 1921, or in subdivision (c), (d), or (f) of section 1094 of this title;

(6) If the property was acquired upon an exchange described in subdivision (b), (d), (e), or (f) of section 934, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by paragraph (1), (2), (3), or (4) of subdivision (b) of section 934 to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it;

(7) If the property (other than stock or securities in a corporation a party to the reorganization) was acquired after December 31, 1917, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 80 per centum or more remained in the same persons or any of them, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made;

(8) If the property (other than stock or securities in a corporation a party to a reorganization) was acquired after December 31, 1920, by a corporation by the issuance of its stock or securities in connection with a transaction described in paragraph (4) of subdivision (b) of section 934 (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money in addition to such stock or securities), then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made;

(9) If the property consists of stock or securities distributed after December 31, 1923, to a taxpayer in connection with a transaction described in subdivision (c) of section 934, the basis in the case of the stock in respect of which the distribution was made shall be apportioned, under rules and regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, between such stock and the stock or securities distributed;

(10) If the property was acquired as the result of a compulsory or involuntary conversion described in paragraph (5) of subdivision (b) of section 934, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made;

(11) If substantially identical property was acquired after December 31, 1920, in place of stock or securities which were sold or disposed of and in respect of which loss was not allowed as a deduction under paragraph (5) of subdivision (a) of section 955 or paragraph (4) of subdivision (a) of section 986 of this title or of the Revenue Act of 1921, chapter 136, 42 Statutes, page 227; the basis in the case of the property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

(b) The basis for determining the gain or loss from the sale or other disposition of property acquired before March 1, 1913, shall be (A) the cost of such property (or, in the case of such property as is described in paragraph (1), (4), or (5), of subdivision (a), the basis as therein provided), or (B) the fair market value of such property as of March 1, 1913, which ever is greater. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to

the fair market value of the assets of the corporation as of that date.

(c) The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the same as is provided in subdivision (a) or (b) for the purpose of determining the gain or loss upon the sale or other disposition of such property, except that in the case of mines, oil and gas wells, discovered by the taxpayer after February 28, 1913, and not acquired as the result of purchase of a proven tract or lease, where the fair market value of the property is materially disproportionate to the cost, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter; but such depletion allowance based on discovery value shall not exceed 50 per centum of the net income (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance be less than it would be if computed without reference to discovery value. (June 2, 1924, 4.01 p. m., c. 234, § 204, 43 Stat. 258.)

936. Requirement of inventories.—Whenever in the opinion of the Commissioner of Internal Revenue the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the commissioner, with the approval of the Secretary of the Treasury, may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income. (June 2, 1924, 4.01 p. m., c. 234, § 205, 43 Stat. 260.)

937. Net losses; determination of.—(a) As used in this section the term "net loss" means the excess of the deductions allowed by section 955 or 986 of this title over the gross income, with the following exceptions and limitations:

(1) Deductions otherwise allowed by law not attributable to the operation of a trade or business regularly carried on by the taxpayer shall be allowed only to the extent of the amount of the gross income not derived from such trade or business;

(2) In the case of a taxpayer other than a corporation, deductions for capital losses otherwise allowed by law shall be allowed only to the extent of the capital gains;

(3) The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value;

(4) The deduction provided for in paragraph (6) of subdivision (a) of section 986 of amounts received as dividends shall not be allowed;

(5) There shall be included in computing gross income the amount of interest received free from tax under this title, decreased by the amount of interest paid or accrued and losses sustained which is not allowed as a deduction by paragraph (2) of subdivision (a) of section 955 or by paragraph (2) of subdivision (a) of section 986.

(b) If, for any taxable year, it appears upon the production of evidence satisfactory to the Commissioner of Internal Revenue that any taxpayer has sustained a net loss, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the succeeding taxable year (hereinafter in this section called "second year"), and if such net loss is in excess of such net income (computed without such deduction), the amount of such excess shall be allowed as a deduction in computing the net income for the next succeeding taxable year thereinafter in this section called "third year"); the deduction in all cases to be made under regulations prescribed by the said commissioner with the approval of the Secretary of the Treasury.

(c) (1) If in the second year the taxpayer (other than a corporation) sustains a capital net loss, the deduction allowed by subdivision (b) of this section shall first be applied as a deduction in computing the ordinary net income for such year. If the deduction is in excess of the ordinary net income (computed without such deduction) then the amount of such excess shall be allowed as a deduction in computing net income for the third year.

(2) If in the second year the taxpayer (other than a corporation) has a capital net gain, the deduction allowed by subdivision (b) of this section shall first be applied as a deduction in computing the ordinary net income for such year. If the deduction is in excess of the ordinary net income (computed without such deduction) the amount of such excess shall next be applied against the capital net gain for such year and if in excess of the capital net gain the amount of that excess shall be allowed as a deduction in computing net income for the third year.

(d) If any portion of a net loss is allowed as a deduction in computing net income for the third year, under the provisions of either subdivision (d) or (c), and the taxpayer (other than a corporation) has in such year a capital net gain or a capital net loss, then the method of allowing such deduction in such third year shall be the same as provided in subdivision (c).

(e) If for the taxable year 1922 a taxpayer sustained a net loss in excess of his net income for the taxable year 1923 (such net loss and net income being computed under the Revenue Act of 1921), the amount of such excess shall be allowed as a deduction in computing net income for the taxable year 1924 in accordance with the method provided in subdivisions (b) and (c) of this section.

(f) If for the taxable year 1923 a taxpayer sustained a net loss within the provisions of the Revenue Act of 1921, the amount of such net loss shall be allowed as a deduction in computing net income for the two succeeding taxable years to the same extent and in the same manner as a net loss sustained for one taxable year is, under this chapter, allowed as a deduction for the two succeeding taxable years.

(g) If a taxpayer makes return for a period beginning in one calendar year (hereinafter in this subdivision called "first calendar year") and ending in the following calendar year (hereinafter in this subdivision called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his net loss for the period ending during the second calendar year shall be the sum of: (1) the same proportion of a net loss for the entire period, determined under the law applicable to the first calendar year, which the portion of such period falling within such calendar year is of the entire period; and (2) the same proportion of a net loss for the entire period, determined under the law applicable to the second calendar year, which the portion of such period falling within such calendar year is of the entire period.

(h) The benefit of this section shall be allowed to the members of a partnership, to an estate or trust, and to insurance companies subject to the tax imposed by section 1001 or 1006 of this title, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. (June 2, 1924, 4.01 p. m., c. 234, § 206, 43 Stat. 260.)

938. Amount of tax for fiscal year with different rates.—(a) If the taxpayer makes return for a period beginning in one calendar year (hereinafter in this subdivision called "first calendar year") and ending in the following calendar year (hereinafter in this subdivision called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his tax under this chapter for the period ending during the second calendar year shall be the sum of: (1) the same proportior of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such

year, which the portion of such period falling within the first calendar year is of the entire period; and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period.

(b) If a fiscal year of a partnership begins in one calendar year and ends in another calendar year, and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then (1) the rates for the calendar year during which such fiscal year begins shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year, and (2) the rates for the calendar year during which such fiscal year ends shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year. In such cases the part of such income subject to the rates in effect for the most recent calendar year shall be added to the other income of the taxpayer subject to such rates and the resulting amount shall be placed in the lower brackets of the rate schedule applicable to such year, and the part of such income subject to the rates in effect for the next preceding calendar year shall be placed in the next higher brackets of the rate schedule applicable to such year.

(c) Any amount paid before or after June 2, 1924, on account of the tax imposed for a fiscal year beginning in 1923 and ending in 1924 by Title II of the Revenue Act of 1921 shall be credited toward the payment of the tax imposed for such fiscal year by this chapter, and if the amount so paid exceeds the amount of such tax imposed by this chapter, the excess shall be credited or refunded in accordance with the provisions of section 1065 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 207, 43 Stat. 261.)

939. Capital gain; capital loss; capital deductions; ordinary deductions; capital net gain; capital net loss; ordinary net income; capital assets; tax in lieu of taxes imposed by sections 951, 952; members of partnerships.—(a) For the purposes of this chapter—

(1) The term "capital gain" means taxable gain from the sale or exchange of capital assets consummated after December 31, 1921;

(2) The term "capital loss" means deductible loss resulting from the sale or exchange of capital assets;

(3) The term "capital deductions" means such deductions as are allowed by section 955 for the purpose of computing net income, and are properly allocable to or chargeable against capital assets sold or exchanged during the taxable year;

(4) The term "ordinary deductions" means the deductions allowed by section 955 other than capital losses and capital deductions;

(5) The term "capital net gain" means the excess of the total amount of capital gain over the sum of (A) the capital deductions and capital losses, plus (B) the amount, if any, by which the ordinary deductions exceed the gross income computed without including capital gain;

(6) The term "capital net loss" means the excess of the sum of the capital losses plus the capital deductions over the total amount of capital gain;

(7) The term "ordinary net income" means the net income, computed in accordance with the provisions of this chapter, after excluding all items of capital gain, capital loss, and capital deductions; and

(8) The term "capital assets" means property held by the taxpayer for more than two years (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale in the course of his trade or business.

(b) In the case of any taxpayer (other than a corporation) who for any taxable year derives a capital net gain, there shall (at the election of the taxpayer) be levied, collected, and paid, in lieu of the taxes imposed by sections 951 and 952, a tax determined as follows:

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 951 and 952, and the total tax shall be this amount plus 12½ per centum of the capital net gain.

(c) In the case of any taxpayer (other than a corporation) who for any taxable year sustains a capital net loss, there shall be levied, collected, and paid, in lieu of the taxes imposed by sections 951 and 952, a tax determined as follows:

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 951 and 952, and the total tax shall be this amount minus 12½ per centum of the capital net loss; but in no case shall the tax under this subdivision be less than the taxes imposed by sections 951 and 952 computed without regard to the provisions of this section.

(d) The total tax determined under subdivision (b) or (c) shall be collected and paid in the same manner, at the same time, and subject to the same provisions of law, including penalties, as other taxes under this chapter.

(e) In the case of the members of a partnership, of an estate or trust, or of the beneficiary of an estate or trust, the proper part of each share of the net income which consists, respectively, of ordinary net income, capital net gain, or capital net loss, shall be determined under rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, and shall be separately shown in the return of the partnership or estate or trust, and shall be taxed to the member or beneficiary or to the estate or trust as provided in sections 959 and 960, but at the rates and in the manner provided in subdivision (b) or (c) of this section. (June 2, 1924, 4.01 p. m., c. 234, § 208, 43 Stat. 262.)

940. Earned income, and so forth, defined; additional credit on account of earned income; members of partnerships.—(a) For the purposes of this section—

(1) The term "earned income" means wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer, not in excess of 20 per centum of his share of the net profits of such trade or business, shall be considered as earned income.

(2) The term "earned income deductions" means such deductions as are allowed by section 955 of this title for the purpose of computing net income, and are properly allocable to or chargeable against earned income.

(3) The term "earned net income" means the excess of the amount of the earned income over the sum of the earned in-

come deductions. If the taxpayer's net income is not more than $5,000, his entire net income shall be considered to be earned net income, and if his net income is more than $5,000, his earned net income shall not be considered to be less than $5,000. In no case shall the earned net income be considered to be more than $10,000.

(b) In the case of an individual the tax shall, in addition to the credits provided in section 963, be credited with 25 per centum of the amount of tax which would be payable if his earned net income constituted his entire net income; but in no case shall the credit allowed under this subdivision exceed 25 per centum of his tax under section 951.

(c) In the case of the members of a partnership the proper part of each share of the net income which consists of earned incomes shall be determined under rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury and shall be separately shown in the return of the partnership and shall be taxed to the member as provided in section 959. (June 2, 1924, 4.01 p. m., c. 234, § 209, 43 Stat. 263.)

Part II.—INDIVIDUALS

Section 951. Normal tax rates; aliens residents of contiguous countries.—(a) There shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 6 per centum of the amount of the net income in excess of the credits provided in section 957 of this title, except that in the case of a citizen or resident of the United States the rate upon the first $4,000 of such excess amount shall be 2 per centum, and upon the next $4,000 of such excess amount shall be 4 per centum;

(b) In lieu of the tax imposed by subdivision (a), there shall be levied, collected, and paid for each taxable year upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

(1) 2 per centum of the amount by which the part of the net income attributable to wages, salaries, professional fees, or other amounts received as compensation for personal services actually performed in the United States, exceeds the credits provided in subdivisions (d) and (e) of section 957; but the amount taxable at such 2 per centum rate shall not exceed $4,000;

(2) 4 per centum of the amount by which such part of the net income exceeds the sum of (A) the credits provided in subdivisions (d) and (e) of section 957, plus (B) $4,000; but the amount taxable at such 4 per centum rate shall not exceed $4,000; and

(3) 6 per centum of the amount of the net income in excess of the sum of (A) the amount taxed under paragraphs (1) and (2), plus (B) the credits provided in section 216. (June 2, 1924, 4.01 p. m., c. 234, § 210, 43 Stat. 264.)

952. Surtax; rates; bona fide sales of mines, oil or gas wells.—(a) In addition to the normal tax imposed by section 951 of this title, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a surtax as follows:

Upon a net income of $10,000 there shall be no surtax; upon net incomes in excess of $10,000 and not in excess of $14,000, 1 per centum of such excess.

$40 upon net incomes of $14,000; and upon net incomes in excess of $14,000 and not in excess of $16,000, 2 per centum in addition of such excess.

$80 upon net incomes of $16,000; and upon net incomes in excess of $16,000 and not in excess of $18,000, 3 per centum in addition of such excess.

$140 upon net incomes of $18,000; and upon net incomes in excess of $18,000 and not in excess of $20,000, 4 per centum in addition of such excess.

$220 upon net incomes of $20,000; and upon net incomes in excess of $20,000 and not in excess of $22,000, 5 per centum in addition of such excess.

$320 upon net incomes of $22,000; and upon net incomes in excess of $22,000 and not in excess of $24,000, 6 per centum in addition of such excess.

$440 upon net incomes of $24,000; and upon net incomes in excess of $24,000 and not in excess of $26,000, 7 per centum in addition of such excess.

$580 upon net incomes of $26,000; and upon net incomes in excess of $26,000 and not in excess of $28,000, 8 per centum in addition of such excess.

$740 upon net incomes of $28,000; and upon net incomes in excess of $28,000 and not in excess of $30,000, 9 per centum in addition of such excess.

$920 upon net incomes of $30,000; and upon net incomes in excess of $30,000 and not in excess of $34,000, 10 per centum in addition of such excess.

$1,320 upon net incomes of $34,000; and upon net incomes in excess of $34,000 and not in excess of $36,000, 11 per centum in addition of such excess.

$1,540 upon net incomes of $36,000; and upon net incomes in excess of $36,000 and not in excess of $38,000, 12 per centum in addition of such excess.

$1,780 upon net incomes of $38,000; and upon net incomes in excess of $38,000 and not in excess of $42,000, 13 per centum in addition of such excess.

$2,300 upon net incomes of $42,000; and upon net incomes in excess of $42,000 and not in excess of $44,000, 14 per centum in addition of such excess.

$2,580 upon net incomes of $44,000; and upon net incomes in excess of $44,000 and not in excess of $46,000, 15 per centum in addition of such excess.

$2,880 upon net incomes of $46,000; and upon net incomes in excess of $46,000 and not in excess of $48,000, 16 per centum in addition of such excess.

$3,200 upon net incomes of $48,000; and upon net incomes in excess of $48,000 and not in excess of $50,000, 17 per centum in addition of such excess.

$3,540 upon net incomes of $50,000; and upon net incomes in excess of $50,000 and not in excess of $52,000, 18 per centum in addition of such excess.

$3,900 upon net incomes of $52,000; and upon net incomes in excess of $52,000 and not in excess of $56,000, 19 per centum in addition of such excess.

$4,660 upon net incomes of $56,000; and upon net incomes in excess of $56,000 and not in excess of $58,000, 20 per centum in addition of such excess.

$5,060 upon net incomes of $58,000; and upon net incomes in excess of $58,000 and not in excess of $62,000, 21 per centum in addition of such excess.

$5,900 upon net incomes of $62,000; and upon net incomes in excess of $62,000 and not in excess of $64,000, 22 per centum in addition of such excess.

$6,340 upon net incomes of $64,000; and upon net incomes in excess of $64,000 and not in excess of $66,000, 23 per centum in addition of such excess.

$6,800 upon net incomes of $66,000; and upon net incomes in excess of $66,000 and not in excess of $68,000, 24 per centum in addition of such excess.

$7,280 upon net incomes of $68,000; and upon net incomes in excess of $68,000 and not in excess of $70,000, 25 per centum in addition of such excess.

$7,780 upon net incomes of $70,000; and upon net incomes in excess of $70,000 and not in excess of $74,000, 26 per centum in addition of such excess.

$8,820 upon net incomes of $74,000; and upon net incomes in excess of $74,000 and not in excess of $76,000, 27 per centum in addition of such excess.

$9,360 upon net incomes of $76,000; and upon net incomes in excess of $76,000 and not in excess of $80,000, 28 per centum in addition of such excess.

$10,480 upon net incomes of $80,000; and upon net incomes in excess of $80,000 and not in excess of $82,000, 29 per centum in addition of such excess.

$11,060 upon net incomes of $82,000; and upon net incomes in excess of $82,000 and not in excess of $84,000, 30 per centum in addition of such excess.

$11,660 upon net incomes of $84,000; and upon net incomes in excess of $84,000 and not in excess of $88,000, 31 per centum in addition of such excess.

$12,900 upon net incomes of $88,000; and upon net incomes in excess of $88,000 and not in excess of $90,000, 32 per centum in addition of such excess.

$13,540 upon net incomes of $90,000; and upon net incomes in excess of $90,000 and not in excess of $92,000, 33 per centum in addition of such excess.

$14,200 upon net incomes of $92,000; and upon net incomes in excess of $92,000 and not in excess of $94,000, 34 per centum in addition of such excess.

$14,880 upon net incomes of $94,000; and upon net incomes in excess of $94,000 and not in excess of $96,000, 35 per centum in addition of such excess.

$15,580 upon net incomes of $96,000; and upon net incomes in excess of $96,000 and not in excess of $100,000, 36 per centum in addition of such excess.

$17,020 upon net incomes of $100,000; and upon net incomes in excess of $100,000 and not in excess of $200,000, 37 per centum in addition of such excess.

$54,020 upon net incomes of $200,000; and upon net incomes in excess of $200,000 and not in excess of $300,000, 38 per centum in addition of such excess.

$92,020 upon net incomes of $300,000; and upon net incomes in excess of $300,000 and not in excess of $500,000, 39 per centum in addition of such excess.

$170,020 upon net incomes of $500,000; and upon net incomes in excess of $500,000, in addition 40 per centum of such excess.

(b) In the case of a bona fide sale of mines, oil or gas wells, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this section attributable to such sale shall not exceed 16 per centum of the selling price of such property or interest. (June 2, 1924, 4.01 p. m., c. 234, § 211, 43 Stat. 265.)

953. Net income; computation; change of accounting period.—(a) In the case of an individual the term "net income" means the gross income as defined in section 954 of this title, less the deductions allowed by sections 987 and 955.

(b) The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the Commissioner of Internal Revenue does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 931 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

(c) If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the said commissioner, be computed on the basis of such new accounting period, subject to the provisions of section 968. (June 2, 1924, 4.01 p. m., c. 234, § 212, 43 Stat. 267.)

954. Gross income; what included; what not included.—For the purposes of this chapter, except as otherwise provided in section 985.

(a) The term "gross income" includes gains, profits, and income derived from salaries, wages or compensation for personal service (including in the case of the President of the United States, the judges of the Supreme and inferior courts of the United States, and all other officers and employees, whether elected or appointed, of the United States, Alaska, Hawaii, or any political subdivision thereof, or the District of Columbia, the compensation received as such), of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under subdivision (b) of section 953, any such amounts are to be properly accounted for as of a different period.

(b) The term "gross income" does not include the following items, which shall be exempt from taxation under this chapter:

(1) The proceeds of life insurance policies paid upon the death of the insured;

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract;

(3) The value of property acquired by gift, bequest, devise, or descent (but the income from such property shall be included in gross income);

(4) Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (B) securities issued under the provisions of chapters 7 and 8 of Title 12 (the Federal Farm Loan Act); or (C) the obligations of the United States or its possessions. Every person owning any of the obligations or securities enumerated in clause (A), (B), or (C) shall, in the return required by this chapter, submit a statement showing the number and amount of such obligations and securities owned by him and the income received therefrom, in such form and with such information as the Commissioner of Internal Revenue may require. In the case of obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit), the interest shall be exempt only if and to the extent provided in the respective Acts authorizing the issue thereof as amended and supplemented, and shall be excluded from gross income only if and to the extent it is wholly exempt to the taxpayer from income taxes;

(5) The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposits in banks in the United States of moneys

belonging to such foreign governments, or from any other source within the United States;

(6) Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness;

(7) Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, or income accruing to the Government of any possession of the United States, or any political subdivision thereof.

Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, prior to September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

(A) If by the terms of such contract the tax imposed by this chapter is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and if, but for the imposition of the tax imposed by this chapter, a part of such proceeds for the taxable year would accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this chapter, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury), an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this chapter) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year.

(B) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this chapter, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this chapter;

(8) The income of a nonresident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(9) Amounts received as compensation, family allotments and allowances under the provisions of chapter 10, of Title 38 (the World War Veterans' Act, 1924), or as pensions from the United States for service of the beneficiary or another in the military or naval forces of the United States in time of war, or as a State pension for services rendered by the beneficiary or another for which the State is paying a pension;

(10) The amount received by an individual before January 1, 1927, as dividends or interest from domestic building and loan associations, substantially all the business of which is confined to making loans to members, but the amount excluded from gross income under this paragraph in any taxable year shall not exceed $300;

(11) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation;

(12) The receipts of shipowners' mutual protection and indemnity associations, not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder; but such corporations shall be subject as other persons to the tax upon their net income from interest, dividends and rents;

(13) In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922) if, at the time of such distribution, he is a resident of China and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources within the United States, determined under the provisions of section 958. (June 2, 1924, 4.01 p. m., c. 234, § 213, 43 Stat. 267; Feb. 26, 1925, c. 345, § 12, 43 Stat. 997.)

955. Computation of net income; deductions allowed.—(a) In computing net income there shall be allowed as deductions:

Ordinary expenses incurred during taxable year; salaries; traveling expenses.—(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

Interest paid or accrued during taxable year; exception.—(2) All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title;

Taxes paid or accrued during taxable year.—(3) Taxes paid or accrued within the taxable year except (A) income, war-profits, and excess-profits taxes imposed by the authority of the United States. (B) so much of the income, war-profits and excess-profits taxes, imposed by the authority of any foreign country or possession of the United States, as is allowed as a credit under section 963 of this title, (C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and (D) taxes imposed upon the taxpayer upon his interest as shareholder of a corporation, which are paid by the corporation without reimbursement from the taxpayer. For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by the law of the jurisdiction imposing such taxes;

Losses sustained during taxable year and not compensated.—(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business;

Same.—(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but in the case of a nonresident alien individual only if the profit, if such transaction had resulted in a profit, would be taxable under this chapter. No deduction shall be allowed under this paragraph for any loss claimed

to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed;

Losses from fires, storms, shipwrecks, and so forth.—(6) Losses sustained during the taxable year of property not connected with the trade or business (but in the case of a nonresident alien individual only property within the United States) if arising from fires, storms, shipwreck, or other casualty, or from theft, and if not compensated for by insurance or otherwise. The basis for determining the amount of the deduction under this paragraph, or paragraph (4) or (5), shall be the same as is provided in section 935 of this title for determining the gain or loss from the sale or other disposition of property;

Worthless debts charged off within taxable year; debts recoverable in part.—(7) Debts ascertained to be worthless and charged off within the taxable year (or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the commissioner may allow such debt to be charged off in part;

Exhaustion, wear and tear; obsolescence.—(8) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

Mines, oil and gas wells; depletion and depreciation.—(9) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the commissioner, with the approval of the Secretary. In the case of leases the deduction allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

Contributions or gifts.—(10) Contributions or gifts made within the taxable year to or for the use of: (A) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes; (B) any corporation or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; (C) the special fund for vocational rehabilitation authorized by section 440 of Title 38; (D) posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or (E) a fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this paragraph, except that if in the taxable year and in each of the ten preceding taxable years the amount in all the above cases combined exceeds 90 per centum of the taxpayer's net income for each such year, as computed without the benefit of this paragraph, then to the full amount of such contributions and gifts made within the taxable year. In case of a nonresident alien individual this deduction shall be allowed only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States, or to such vocational rehabilitation funds. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

Nonresident aliens.—(b) In the case of a nonresident alien individual, the deductions allowed in subdivision (a), except those allowed in paragraphs (5), (6), and (10), shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in section 958 of this title under rules and regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. In the case of a citizen entitled to the benefits of section 1030 the deductions shall be the same and shall be determined in the same manner as in the case of a nonresident alien individual. (June 2, 1924, 4.01 p. m., c. 234, § 214, 43 Stat. 269.)

956. Same; deductions not allowed.—(a) In computing net income no deduction shall in any case be allowed in respect of—

(1) Personal, living, or family expenses;

(2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or

(4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(b) Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this chapter for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled. (June 2, 1924, 4.01 p. m., c. 234, § 215, 43 Stat. 271.)

957. Credits allowed for purpose of normal tax.—For the purpose of the normal tax only there shall be allowed the following credits:

(a) The amount received as dividends (1) from a domestic corporation other than a corporation entitled to the benefits of section 1030 of this title, and other than a corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922), or (2) from a foreign corporation when it is shown to the satisfaction of the commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part

of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 958;

(b) The amount received as interest upon obligations of the United States which is included in gross income under section 954;

(c) In the case of a single person, a personal exemption of $1,000; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of $2,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be $2,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them;

(d) $400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective;

(e) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 1030, the personal exemption shall be only $1,000. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 1030;

(f) (1) The credits allowed by subdivisions (d) and (e) of this section shall be determined by the status of the taxpayer on the last day of his taxable year.

(2) The credit allowed by subdivision (c) of this section shall, in case the status of the taxpayer changes during his taxable year, be the sum of (A) an amount which bears the same ratio to $1,000 as the number of months during which the taxpayer was single bears to twelve months, plus (B) an amount which bears the same ratio to $2,500 as the number of months during which the taxpayer was a married person living with husband or wife or was the head of a family bears to twelve months. For the purposes of this paragraph a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

(3) In the case of an individual who dies during the taxable year, the credits allowed by subdivisions (c), (d), and (e) shall be determined by his status at the time of his death, and in such case full credits shall be allowed to the surviving spouse, if any, according to his or her status at the close of the taxable year. (June 2, 1924, 4.01 p. m., c. 234, § 216, 43 Stat. 272.)

958. Nonresident aliens; gross income from sources within and without United States; deductions; allocation of items; definitions; returns; claims for credits.—(a) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 1030 of this title, the following items of gross income shall be treated as income from sources within the United States:

(1) Interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including (A) interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States and not having an office or place of business therein, or (B) interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the Commissioner of Internal Revenue that less than 20 per centum of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable;

(2) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 1030, and other than a corporation less than 20 per centum of whose gross income is shown to the satisfaction of the commissioner to have been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence), or (B) from a foreign corporation unless less than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this section;

(3) Compensation for labor or personal services performed in the United States;

(4) Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

(5) Gains, profits, and income from the sale of real property located in the United States.

(b) From the items of gross income specified in subdivision (a) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States.

(c) The following items of gross income shall be treated as income from sources without the United States:

(1) Interest other than that derived from sources within the United States as provided in paragraph (1) of subdivision (a);

(2) Dividends other than those derived from sources within the United States as provided in paragraph (2) of subdivision (a);

(3) Compensation for labor or personal services performed without the United States;

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

(5) Gains, profits, and income from the sale of real property located without the United States.

(d) From the items of gross income specified in subdivision (c) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as net income from sources without the United States.

(e) Items of gross income, expenses, losses and deductions, other than those specified in subdivisions (a) and (c), shall be allocated or apportioned to sources within or without the United States under rules and regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the net income

therefrom) the expenses, losses and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States. In the case of gross income derived from sources partly within and partly without the United States, the net income may first be computed by deducting the expenses, losses or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses or other deductions which can not definitely be allocated to some items or class of gross income; and the portion of such net income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the said commissioner with the approval of the Secretary of the Treasury. Gains, profits and income from (1) transportation or other services rendered partly within and partly without the United States, or (2) from the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States, shall be treated as derived partly from sources within and partly from sources without the United States. Gains, profits and income derived from the purchase of personal property within and its sale without the United States or from the purchase of personal property without and its sale within the United States, shall be treated as derived entirely from sources within the country in which sold.

(f) As used in this section the words "sale" or "sold" include "exchange" or "exchanged"; and the word "produced" includes "created," "fabricated," "manufactured," "extracted," "processed," "cured," or "aged."

(g) (1) Except as provided in paragraph (2) a nonresident alien individual or a citizen entitled to the benefits of section 1030 shall receive the benefit of the deductions and credits allowed in this chapter only by filing or causing to be filed with the collector a true and accurate return of his total income received from all sources in the United States, in the manner prescribed in this title; including therein all the information which the commissioner may deem necessary for the calculation of such deductions and credits.

(2) The benefit of the credits allowed in subdivisions (d) and (e) of section 957, and of the reduced rate of tax provided for in subdivision (b) of section 951, may, in the discretion of the Commissioner of Internal Revenue and under regulations prescribed by him with the approval of the Secretary of the Treasury, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent. (June 2, 1924, 4.01 p. m., c. 234, § 217, 43 Stat. 273.)

959. Partnerships; credits; net income.—(a) Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, or, if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his distributive share of the net income of the partnership for any accounting period of the partnership ending within the taxable year upon the basis of which the partner's net income is computed.

(b) The partner shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 957 of this title, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 957 as are received by the partnership.

(c) The net income of the partnership shall be computed in the same manner and on the same basis as provided in section 953 except that the deduction provided in paragraph (10) of subdivision (a) of section 955 shall not be allowed. (June 2, 1924, 4.01 p. m., c. 234, § 218, 43 Stat. 275.)

960. Estates or property held in trust; net incomes; stock bonus or profit sharing plan; revesting or distribution of trusts.—(a) The tax imposed by Parts I and II of this chapter shall apply to the income of estates or of any kind of property held in trust, including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

(b) Except as otherwise provided in subdivisions (g) and (h), the tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary. The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in section 953 of this title, except that—

(1) There shall be allowed as a deduction (in lieu of the deduction authorized by paragraph (10) of subdivision (a) of section 955) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in paragraph (10) of subdivision (a) of section 955, or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit;

(2) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under paragraph (3) in the same or any succeeding taxable year;

(3) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary.

(c) For the purpose of the normal tax the estate or trust shall be allowed the same credit as is allowed to a single person under subdivision (c) of section 957, and, if no part of the income of the estate or trust is included in computing the net income of any legatee, heir, or beneficiary, then in addition the same credits as are allowed by subdivisions (a) and (b) of section 957.

(d) If any part of the income of an estate or trust is included in computing the net income of any legatee, heir, or beneficiary, such legatee, heir, or beneficiary, shall, for the pur-

pose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 957, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 957 as are, under this section, required to be included in computing his net income. Any remaining portion of such amounts specified in subdivisions (a) and (b) of section 957 shall, for the purpose of the normal tax, be allowed as credits to the estate or trust.

(e) If the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is required, under paragraph (2) of subdivision (b) of this section, to include in computing his net income, shall be based upon the income of the estate or trust for its taxable year ending within his taxable year.

(f) A trust created by an employer as a part of a stock bonus or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer, or employees, or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under this section, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him. Such distributees shall for the purpose of the normal tax be allowed as credits such part of the amount so distributed or made available as represents the items specified in subdivisions (a) and (b) of section 957.

(g) Where the grantor of a trust has, at any time during the taxable year, either alone or in conjunction with any person not a beneficiary of the trust, the power to revest in himself title to any part of the corpus of the trust, then the income of such part of the trust for such taxable year shall be included in computing the net income of the grantor.

(h) Where any part of the income of a trust may, in the discretion of the grantor of the trust, either alone or in conjunction with any person not a beneficiary of the trust, be distributed to the grantor or be held or accumulated for future distribution to him, or where any part of the income of a trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in paragraph (10) of subdivision (a) of section 955), such part of the income of the trust shall be included in computing the net income of the grantor. (June 2, 1924, 4.01 p. m., c. 234, § 219, 43 Stat. 275.)

961. Evasion of surtax; accumulated profits of corporations; statements of gains and profits; net income.—(a) If any corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its shareholders through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there shall be levied, collected, and paid for each taxable year upon the net income of such corporation a tax equal to 50 per centum of the amount thereof, which shall be in addition to the tax imposed by section 981 of this title and shall (except as provided in subdivision (d) of this section) be computed, collected, and paid upon the same basis and in the same manner and subject to the same provisions of law, including penalties, as that tax.

(b) The fact that any corporation is a mere holding or investment company, or that the gains or profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a purpose to escape the surtax.

(c) When requested by the Commissioner of Internal Revenue, or any collector, every corporation shall forward to him a correct statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed, and of the amounts that would be payable to each.

(d) As used in this section the term "net income" means the net income as defined in section 984, increased by the sum of the amount of the deduction allowed under paragraph (6) of subdivision (a) of section 986, and the amount of the interest on obligations of the United States issued after September 1, 1917, which would be subject to tax in whole or in part in the hands of an individual owner. (June 2, 1924, 4.01 p. m., c. 234, § 220, 43 Stat. 277.)

962. Taxes to be deducted and withheld at source; returns.—(a) All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (other than income received as dividends of the class allowed as a credit by subdivision (a) of section 957 of this title) shall (except in the cases provided for in subdivision (b) and except as otherwise provided in regulations prescribed by the Commissioner of Internal Revenue under section 958) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 6 per centum thereof: *Provided*, That the said commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

(b) In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods and whether payable to a nonresident, alien individual or to an individual citizen or resident of the United States or to a partnership: *Provided*, That the commissioner may authorize such tax to be deducted and withheld in the case of interest upon any such bonds, mortgages, deeds of trust, or other obligations, the owners of which are not known to the withholding agent. Such deduction and withholding shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the credits provided in subdivisions (c) and (d) of section 957; nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the commissioner under subdivision (g) of section 958.

(c) Every person required to deduct and withhold any tax under this section shall make return thereof on or before March 15 of each year and shall on or before June 15 pay the tax to the official of the United States Government authorized to receive it. Every such person is made liable for such tax and is indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section.

(d) Income upon which any tax is required to be withheld at the source under this section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

(e) If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be recollected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment. (June 2, 1924, 4.01 p. m., c. 234, § 221, 43 Stat. 277.)

963. Credits.—(a) The tax computed under Parts I and II of this chapter shall be credited with:

(1) In the case of a citizen of the United States the amount of any income, war-profits and excess-profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) In the case of a resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) In the case of an alien resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(4) In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such taxes of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(5) The above credits shall not be allowed in the case of a citizen entitled to the benefits of section 1030 of this title; and in no other case shall the amount of credit taken under this subdivision exceed the same proportion of the tax (computed on the basis of the taxpayer's net income without the deduction of any income, war-profits, or excess-profits tax any part of which may be allowed to him as a credit by this section), against which such credit is taken, which the taxpayer's net income (computed without the deduction of any such income, war-profits, or excess-profits tax) from sources without the United States bears to his entire net income (computed without such deduction) for the same taxable year.

(b) If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Commissioner of Internal Revenue, who shall redetermine the amount of the tax due under Parts I and II of this chapter for the year or years affected, and the amount of tax due upon such redetermination, if any, shall be paid by the taxpayer upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 1065. In the case of such a tax accrued but not paid, the said commissioner as a condition precedent to the allowance of this credit may require the taxpayer to give a bond with sureties satisfactory to and to be approved by the commissioner in such sum as the commissioner may require, conditioned upon the payment by the taxpayer of any amount of tax found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the commissioner may require.

(c) The credits provided for in subdivision (a) of this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subdivision (b) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken upon the same basis.

(d) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credits. (June 2, 1924, 4.01 p. m., c. 234, § 222, 43 Stat. 279.)

964. Returns; persons required to make.—(a) The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of $1,000 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of $2,500 or over, if married and living with husband or wife; and

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income.

(b) If a husband and wife living together have an aggregate net income for the taxable year of $2,500 or over, or an aggregate gross income for such year of $5,000 or over—

(1) Each shall make such a return, or

(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer. (June 2, 1924, 4.01 p. m., c. 234, § 223, 43 Stat. 280.)

965. Same; partnerships.—Every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners. (June 2, 1924, 4.01 p. m., c. 234, § 224, 43 Stat. 280.)

966. Same; fiduciaries; when required; contents; verification.—(a) Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of $1,000 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of $2,500 or over, if married and living with husband or wife;

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income;

(4) Every estate or trust the net income of which for the taxable year is $1,000 or over;

(5) Every estate or trust the gross income of which for the taxable year is $5,000 or over, regardless of the amount of the net income; and

(6) Every estate or trust of which any beneficiary is a nonresident alien.

(b) Under such regulations as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may prescribe a return made by one of two or more joint fiduciaries and filed in the office of the collector of the district where such fiduciary resides shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct. Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter which apply to individuals. (June 2, 1924, 4.01 p. m., c. 234, § 225, 43 Stat. 280.)

967. Same; time for making; to whom made.—(a) Returns (except in the case of nonresident aliens) shall be made on or before the 15th day of the third month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of March. In the case of a nonresident alien individual returns shall be made on or before the 15th day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of June. The Commissioner of Internal Revenue may grant a reasonable extension of time for filing returns, if application therefor is made before the date prescribed by law for filing the return, whenever in his judgment good cause exists, and shall keep a record of every such extension and the reason therefor. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(b) Returns shall be made to the collector for the district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in the United States, then to the collector at Baltimore, Maryland. (June 2, 1924, 4.01 p. m., c. 234, § 227, 43 Stat. 281.)

968. Returns on change from fiscal to calendar year, or vice versa; computation of net income.—(a) If a taxpayer, with the approval of the Commissioner of Internal Revenue, changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

(b) Where a separate return is so made, and in all other cases where a separate return is required or permitted, by regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made.

(c) If a separate return is made under subdivision (a) the net income, computed in accordance with the provisions of subdivision (b), shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such period is of twelve months.

(d) The said commissioner with the approval of the Secretary of the Treasury shall by regulations prescribe the method of applying the provisions of subdivisions (b) and (c) to cases where the taxpayer makes a separate return under subdivision (a) and it appears that for the period for which the return is so made he has derived a capital net gain, or sustained a capital net loss, or received earned income.

(e) In the case of a return made for a fractional part of a year, except a return made under subdivision (a), the credits provided in subdivisions (c), (d), and (e) of section 957 of this title shall be reduced respectively to amounts which bear the same ratio to the full credits provided in such subdivisions as the number of months in the period for which return is made bears to twelve months. (June 2, 1924, 4.01 p. m., c. 234, § 226, 43 Stat. 281.)

Part III.—CORPORATIONS

Section 981. Rate.—There shall be levied, collected, and paid for each taxable year upon the net income of every corporation a tax of 12½ per centum of the amount of the net income in excess of the credits provided in sections 988 and 1031 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 230, 43 Stat. 282.)

982. Organizations exempted.—The following organizations shall be exempt from taxation under this chapter—

Labor, agricultural, or horticultural organizations.—(1) Labor, agricultural, or horticultural organizations;

Mutual savings banks.—(2) Mutual savings banks not having a capital stock represented by shares;

Fraternal beneficiary societies, orders, and so forth.—(3) Fraternal beneficiary societies, orders, or associations, (a) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (b) providing for the payment of life, sick, accident or other benefits to the members of such society, order, or association or their dependents;

Domestic building and loan associations; cooperative banks operated without profit.—(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

Cemetery companies for benefit of members.—(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Corporations, community chest foundations, and so forth, for religious and charitable purposes.—(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Business leagues, chambers of commerce, and so forth.—(7) Business leagues, chambers of commerce, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Civic leagues or organizations for promotion of social welfare; associations of employees.—(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality,

and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

Clubs for nonprofitable purposes.—(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

Benevolent life insurance associations; mutual hail, cyclone, and so forth, companies; conditions.—(10) Benevolent life insurance associations of a purely local character, farmers' or other mutual hail, cyclone, casualty, or fire insurance companies, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;

Associations for marketing produce of members.—(11) Farmers', fruit growers', or like associations, organized and operated as sales agents for the purpose of marketing the products of members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them; or organized and operated as purchasing agents for the purpose of purchasing supplies and equipment for the use of members and turning over such supplies and equipment to such members at actual cost, plus necessary expenses;

Corporations for holding title to property, and so forth.—(12) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title; and

Federal land banks; national farm loan associations, and so forth.—(13) Federal land banks, national farm-loan associations, and Federal intermediate credit banks, as provided in chapters 7 and 8 of Title 12 (the Federal Farm Loan Act). (June 2, 1924, 4.01 p. m., c. 234, § 231, 43 Stat. 282.)

983. Exemption of farmers' or other mutual hail, cyclone, and so forth, insurance companies in Revenue Acts of 1916, 1918, and 1921 regardless of purely local character.—The exemption provided in paragraph (10) of subdivision (a) of section 11 of the Revenue Act of 1916, and in subdivision (10) of section 231 of the Revenue Act of 1918, and in subdivision (10) of section 231 of the Revenue Act of 1921, shall be granted to farmers' or other mutual hail, cyclone, or fire insurance companies (if otherwise exempt under such paragraphs), whether or not such organizations were of a purely local character. Any taxes assessed against such organizations shall, subject to the statutory period of limitations properly applicable thereto, be abated, credited or refunded. (June 2, 1924, 4.01 p. m., c. 234, § 1013(b), 43 Stat. 343.)

984. Computation of net income.—In the case of a corporation subject to the tax imposed by section 981 of this title the term "net income" means the gross income as defined in section 985 less the deductions allowed by sections 986 and 987, and the net income shall be computed on the same basis as is provided in subdivision (b) of section 953 or in section 968. In the case of a foreign corporation or of a corporation entitled to the benefits of section 1030 the computation shall also be made in the manner provided in section 958. (June 2, 1924, 4.01 p. m., c. 234, § 232, 43 Stat. 283.)

985. Gross income.—(a) In the case of a corporation subject to the tax imposed by section 981 of this title the term "gross income" means the gross income as defined in sections 954 and 958, except that mutual marine insurance companies shall include in gross income the gross premiums collected and received by them less amounts paid for reinsurance.

(b) In the case of a foreign corporation, gross income means only gross income from sources within the United States, determined (except in the case of insurance companies subject to the tax imposed by sections 1001 or 1006) in the manner provided in section 958. (June 2, 1924, 4.01 p. m., c. 234, § 233, 43 Stat. 283.)

986. Deductions allowable in computing net income.—(a) In computing the net income of a corporation subject to the tax imposed by section 981 of this title there shall be allowed as deductions:

Ordinary and necessary expenditure incurred during taxable year, salaries; rentals.—(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

Interest paid or accrued within taxable year.—(2) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this chapter;

Taxes paid or accrued within taxable year.—(3) Taxes paid or accrued within the taxable year except (A) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (B) so much of the income, war-profits and excess-profits taxes imposed by the authority of any foreign country or possession of the United States as is allowed as a credit under section 990 of this title, and (C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed. In the case of obligors specified in subdivision (b) of section 962 no deduction for the payment of the tax imposed by this chapter, or any other tax paid pursuant to the tax-free covenant clause, shall be allowed, nor shall such tax be included in the gross income of the obligee. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a corporation upon his interest as shareholder, which are paid by the corporation without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes. For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by law of the jurisdiction imposing such taxes;

Losses sustained during taxable year without compensation.—(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise. No deduction shall be allowed under this paragraph for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition, unless such claim is made by a dealer in stock or securities and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. The basis for determining the amount of the deduction for losses sustained shall be the same as is provided in section 935 of this title for determining the gain or loss from the sale or other disposition of property;

Worthless debts charged off within taxable year; reserve for bad debts; debts recoverable in part.—(5) Debts ascertained to be worthless and charged off within the taxable year (or

in the discretion of the Commissioner of Internal Revenue, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the said commissioner may allow such debt to be charged off in part;

Dividends received.—(6) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 1030 of this title, and other than a corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922) or (B) from any foreign corporation when it is shown to the satisfaction of the commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 958 of this title;

Exhaustion; wear and tear of property; obsolescence.—(7) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

Mines, oil and gas wells; depletion and depreciation.—(8) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

Insurance companies (other than life insurance companies); additional deductions.—(9) In the case of insurance companies (other than life insurance companies), in addition to the above (unless otherwise allowed): (A) The net addition required by law to be made within the taxable year to reserve funds (including in the case of assessment insurance companies the actual deposit of sums with State or Territorial officers pursuant to law as additions to guarantee or reserve funds); and (B) the sums other than dividends paid within the taxable year on policy and annuity contracts. This paragraph shall apply only to mutual insurance companies other than life insurance companies;

Mutual marine insurance companies; additional deductions.—(10) In the case of mutual marine insurance companies, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (9) inclusive, unless otherwise allowed, amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment and the payment thereof;

Mutual insurance companies requiring premium deposits.—(11) In the case of mutual insurance companies (including interinsurers and reciprocal underwriters, but not including mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (9), inclusive, unless otherwise allowed, the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses, and reinsurance reserves.

Deductions allowable only to extent of income within United States.—In the case of a foreign corporation or of a corporation entitled to the benefits of section 1030 of this title the deductions allowed in subdivision (a) shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in section 958 under rules and regulations prescribed by the commissioner with the approval of the Secretary of the Treasury. (June 2, 1924, 4.01 p. m., c. 234, § 234, 43 Stat. 283.)

987. Same; items not allowed.—In computing net income no deduction shall in any case be allowed in respect of any of the items specified in section 956 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 235, 43 Stat. 285.)

988. Credits allowed.—For the purpose only of the tax imposed by section 981 of this title there shall be allowed the following credits:

(a) The amount received as interest upon obligations of the United States which is included in gross income under section 985 of this title; and

(b) In the case of a domestic corporation the net income of which is $25,000 or less, a specific credit of $2,000; but if the net income is more than $25,000 the tax imposed by section 981 of this title shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000. (June 2, 1924, 4.01 p. m., c. 234, § 236, 43 Stat. 285.)

989. Foreign corporations; deduction and withholding of tax at source.—In the case of foreign corporations subject to taxation under this chapter not engaged in trade or business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 962 of this title a tax equal to 12½ per centum thereof, and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subdivision (b) of that section the deduction and withholding shall be at the rate of 2 per centum. (June 2, 1924, 4.01 p. m., c. 234, § 237, 43 Stat. 285.)

990. Credit for other taxes paid.—(a) In the case of a domestic corporation the tax imposed by this chapter shall be credited with the amount of any income, war-profits, and excess-profits taxes paid or accrued during the same taxable year to any foreign country, or to any possession of the United States: *Provided*, That the amount of such credit shall in no case exceed the same proportion of the tax (computed on the basis of the taxpayer's net income without the deduction of any income, war-profits, or excess-profits taxes imposed by any foreign country or possession of the United States), against which such credit is taken, which the taxpayer's net income (computed without the deduction of any such income, war-profits, or excess-profits tax) from sources without the United States bears to its entire net income (computed without such deduction) for the same taxable year. In the case of domestic insurance companies subject to the tax imposed by section 1001 or 1006 of this title, the term "net income" as used in this subdivision means net income as defined in sections 1005 and 1006, respectively.

(b) If accrued taxes when paid differ from the amounts claimed as credits by the corporation, or if any tax paid is refunded in whole or in part, the corporation shall at once notify the Commissioner of Internal Revenue, who shall redetermine the amount of the taxes for the year or years affected, and the amount of taxes due upon such redetermination, if any, shall be paid by the corporation upon notice and demand by the collector, or the amount of taxes overpaid, if any, shall be credited, or refunded to the corporation in accordance with the provisions of section 1065 of this title. In the case of such a tax accrued but not paid, the said commissioner as a condition precedent to the allowance of this credit may require the corporation to give a bond with sureties satisfactory to and to be approved by him in such sum as he may require, conditioned upon the payment by the taxpayer of any amount of taxes

found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the commissioner may require.

(c) The credits provided for in subdivision (a) of this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping its books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subdivision (b) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken upon the same basis.

(d) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credit.

(e) For the purposes of this section a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends (not deductible under section 986) in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by said foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits: *Provided*, That the credit allowed to any domestic corporation under this subdivision shall in no case exceed the same proportion of the taxes against which it is credited, which the amount of such dividends bears to the amount of the entire net income of the domestic corporation in which such dividends are included. The term "accumulated profits" when used in this subdivision in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings. In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subdivision shall be construed to mean such accounting period.

(f) For the purposes of this section a corporation entitled to the benefits of section 1030 or 1031 shall be treated as a foreign corporation. (June 2, 1924, 4.01 p. m., c. 234, § 238, 43 Stat. 286.)

991. Tax returns; form and contents; verification.—(a) Every corporation subject to taxation under this chapter shall make a return, stating specifically the items of its gross income and the deductions and credits allowed by this chapter. The return shall be sworn to by the president, vice president, or other principal officer and by the treasurer or assistant treasurer. If any foreign corporation has no office or place of business in the United States but has an agent in the United States, the return shall be made by the agent. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

(b) Returns made under this section shall be subject to the provisions of section 968 of this title. In the case of a return made for a fractional part of a year, except a return made under subdivision (a) of section 968, the credit provided in subdivision (b) of section 988 shall be reduced to an amount which bears the same ratio to the full credit therein provided as the number of months in the period for which the return is made bears to twelve months.

(c) There shall be included in the return or appended thereto a statement of such facts as will enable the Commissioner of Internal Revenue to determine the portion of the earnings or profits of the corporation (including gains, profits and income not taxed) accumulated during the taxable year for which the return is made, which have been distributed or ordered to be distributed, respectively, to its shareholders during such year. (June 2, 1924, 4.01 p. m., c. 234, § 239, 43 Stat. 287.)

992. Same; time for making; to whom made.—(a) Returns of corporations shall be made at the same time as is provided in subdivision (a) of section 967 of this title, except that in the case of foreign corporations not having any office or place of business in the United States returns shall be made at the same time as provided in said section 967 in the case of a nonresident alien individual.

(b) Returns shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland. (June 2, 1924, 4.01 p. m., c. 234, § 241, 43 Stat. 288.)

993. Affiliated corporations; separate or consolidated returns; foreign corporations.—(a) Corporations which are affiliated within the meaning of this section may, for any taxable year, make separate returns or, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury make a consolidated return of net income for the purpose of this chapter, in which case the taxes thereunder shall be computed and determined upon the basis of such return. If return is made on either of such bases, all returns thereafter made shall be upon the same basis unless permission to change the basis is granted by the commissioner.

(b) In any case in which a tax is assessed upon the basis of a consolidated return, the total tax shall be computed in the first instance as a unit and shall then be assessed upon the respective affiliated corporations in such proportions as may be agreed upon among them, or, in the absence of any such agreement, then on the basis of the net income properly assignable to each. There shall be allowed in computing the income tax only one specific credit computed as provided in subdivision (b) of section 988.

(c) For the purpose of this section two or more domestic corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the voting stock of the other or others, or (2) if at least 95 per centum of the voting stock of two or more corporations is owned by the same interests. A corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922), shall not be deemed to be affiliated with any other corporation within the meaning of this section.

(d) In any case of two or more related trades or businesses (whether unincorporated or incorporated and whether organized in the United States or not) owned or controlled directly or indirectly by the same interests, the commissioner may and at the request of the taxpayer shall, if necessary in order to

make an accurate distribution or apportionment of gains, profits, income, deductions, or capital between or among such related trades or businesses, consolidate the accounts of such related trades or businesses.

(e) For the purposes of this section a corporation entitled to the benefits of section 1030 shall be treated as a foreign corporation. (June 2, 1924, 4.01 p. m., c. 234, § 240, 43 Stat. 288.)

INSURANCE COMPANIES

1001. Same; taxes imposed in lieu of other taxes.—In lieu of the taxes imposed by sections 223 and 981 of this title, there shall be levied, collected, and paid for each taxable year upon the net income of every life insurance company a tax as follows: (1) In the case of a domestic life insurance company, the same percentage of its net income as is imposed upon other corporations by section 981 of this title;

(2) In the case of a foreign life insurance company, the same percentage of its net income from sources within the United States as is imposed upon the net income of other corporations by section 981 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 246, 43 Stat. 289.)

1002. Life insurance companies; definition of.—When used in this chapter the term "life insurance company" means an insurance company engaged in the business of issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 per centum of its total reserve funds. (June 2, 1924, 4.01 p. m., c. 234, § 242, 43 Stat. 288.)

1003. Same; gross income; reserve fund required by law.—(a) In the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents.

(b) The term "reserve funds required by law" includes, in the case of assessment insurance, sums actually deposited by any company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation of the company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use. (June 2, 1924, 4.01 p. m., c. 234, § 244, 43 Stat. 289.)

1004. Same; net income; computation; credits; deductions.—(a) In the case of a life insurance company the term "net income" means the gross income less—

(1) The amount of interest received during the taxable year which under paragraph (4) of subdivision (b) of section 954 of this title is exempt from taxation under this chapter;

(2) An amount equal to the excess, if any, over the deduction specified in paragraph (1) of this subdivision, of 4 per centum of the mean of the reserve funds required by law and held at the beginning and end of the taxable year, plus (in case of life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation) 4 per centum of the mean of such reserve funds (not required by law) held at the beginning and end of the taxable year, as the Commissioner of Internal Revenue finds to be necessary for the protection of the holders of such policies only;

(3) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 1030 of this title, and other than a corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922) or (B) from any foreign corporation when it is shown to the satisfaction of the commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 958;

(4) An amount equal to 2 per centum of any sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than five years from the date of the policy contract;

(5) Investment expenses paid during the taxable year: *Provided*, That if any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

(6) Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes;

(7) A reasonable allowance for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence;

(8) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this chapter; and

(9) In the case of a domestic life insurance company, the net income of which (computed without the benefit of this paragraph) is $25,000 or less, the sum of $2,000; but if the net income is more than $25,000 the tax imposed by section 1001 of this title shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000.

(b) No deduction shall be made under paragraphs (6) and (7) of subdivision (a) on account of any real estate owned and occupied in whole or in part by a life insurance company unless there is included in the return of gross income the rental value of the space so occupied. Such rental value shall be not less than a sum which in addition to any rents received from other tenants shall provide a net income (after deducting taxes, depreciation, and all other expenses) at the rate of 4 per centum per annum of the book value at the end of the taxable year of the real estate so owned or occupied. (June 2, 1924, 4.01 p. m., c. 234, § 245, 43 Stat. 289.)

1005. Same; foreign corporations; net income.—In the case of a foreign life insurance company the amount of its net income for any taxable year from sources within the United States shall be the same proportion of its net income for the taxable year from sources within and without the United States which the reserve funds required by law and held by it at the end of the taxable year upon business transacted within the United States is of the reserve funds held by it at the end of the taxable year upon all business transacted. (June 2, 1924, 4.01 p. m., c. 234, § 245, 43 Stat. 289.)

1006. Other insurance companies; taxes imposed; gross income; net income; investment income; underwriting income;

premiums earned on insurance contracts during taxable year; losses incurred; expenses incurred.—(a) In lieu of the taxes imposed by sections 223 and 981 of this title, there shall be levied, collected, and paid for each taxable year upon the net income of every insurance company (other than a life or mutual insurance company) a tax as follows:

(1) In the case of such a domestic insurance company the same percentage of its net income as is imposed upon other corporations by section 981 of this title;

(2) In the case of such a foreign insurance company the same percentage of its net income from sources within the United States as is imposed upon the net income of other corporations by section 981 of this title;

(b) In the case of an insurance company subject to the tax imposed by this section—

(1) The term "gross income" means the combined gross amount, earned during the taxable year, from investment income and from underwriting income as provided in this subdivision, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners;

(2) The term "net income" means the gross income as defined in paragraph (1) of this subdivision less the deductions allowed by section 1007;

(3) The term "investment income" means the gross amount of income earned during the taxable year from interest, dividends and rents, computed as follows:

To all interest, dividends and rents received during the taxable year, add interest, dividends and rents due and accrued at the end of the taxable year, and deduct all interest, dividends and rents due and accrued at the end of the preceding taxable year;

(4) The term "underwriting income" means the premiums earned on insurance contracts during the taxable year less losses incurred and expenses incurred;

(5) The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance. To the result so obtained add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year;

(6) The term "losses incurred" means losses incurred during the taxable year on insurance contracts, computed as follows:

To losses paid during the taxable year, add salvage and reinsurance recoverable outstanding at the end of the preceding taxable year, and deduct salvage and reinsurance recoverable outstanding at the end of the taxable year. To the result so obtained add all unpaid losses outstanding at the end of the taxable year and deduct unpaid losses outstanding at the end of the preceding taxable year;

(7) The term "expenses incurred" means all expenses shown on the annual statement approved by the National Convention of Insurance Commissioners, and shall be computed as follows:

To all expenses paid during the taxable year add expenses unpaid at the end of the taxable year and deduct expenses unpaid at the end of the preceding taxable year. For the purpose of computing the net income subject to the tax imposed by this section there shall be deducted from expenses incurred as defined in this paragraph all expenses incurred which are not allowed as deductions by section 1007 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 246, 43 Stat. 290.)

1007. Same; net income; computation; deductions.—(a) In computing the net income of an insurance company subject to the tax imposed by section 1006 of this title there shall be allowed as deductions:

(1) All ordinary and necessary expenses incurred, as provided in paragraph (1) of subdivision (a) of section 986 of this title;

(2) All interest as provided in paragraph (2) of subdivision (a) of section 986 of this title;

(3) Taxes as provided in paragraph (3) of subdivision (a) of section 986 of this title;

(4) Losses incurred;

(5) Bad debts in the nature of agency balances and bills receivable ascertained to be worthless and charged off within the taxable year;

(6) The amount received as dividends from corporations as provided in paragraph (6) of subdivision (a) of section 986 of this title;

(7) The amount of interest earned during the taxable year which under paragraph (4) of subdivision (b) of section 954 of this title is exempt from taxation under this chapter, and the amount of interest allowed as a credit under section 988 of this title;

(8) A reasonable allowance for the exhaustion, wear and tear of property, as provided in paragraph (7) of subdivision (a) of section 986 of this title;

(9) In the case of such a domestic insurance company, the net income of which (computed without the benefit of this paragraph) is $25,000 or less, the sum of $2,000; but if the net income is more than $25,000 the tax imposed by section 1006 of this title shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000.

(b) In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in subdivision (b) of section 986 of this title.

(c) Nothing in this section or in section 1006 of this title shall be construed to permit the same item to be twice deducted. (June 2, 1924, 4.01 p. m., c. 234, § 247, 43 Stat. 291.)

Part IV.—ADMINISTRATIVE PROVISIONS

1021. Dividend returns; contents; verification.—Every corporation subject to the tax imposed by this chapter shall, when required by the Commissioner of Internal Revenue, render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him. (June 2, 1924, 4.01 p. m., c. 234, § 254, 43 Stat. 292.)

1022. Brokers returns; contents; verification.—Every person doing business as a broker shall, when required by the Commissioner of Internal Revenue, render a correct return duly verified under oath, under such rules and regulations as the said commissioner, with the approval of the Secretary of the Treasury, may prescribe, showing the names of customers for whom such person has transacted any business, with such details as to the profits, losses, or other information which the commissioner may require, as to each of such customers, as will enable the commissioner to determine whether all income tax due on profits or gains of such customers has been paid. (June 2, 1924, 4.01 p. m., c. 234, § 255, 43 Stat. 292.)

1023. Returns by employers, fiduciaries, lessees, mortgagors, etc.; amount; contents.—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections 1021 and 1022 of this title, of

$1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner of Internal Revenue, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary of the Treasury, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment

Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

The provisions of this section shall not apply to the payment of interest on obligations of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 256, 43 Stat. 292.)

1024. Inspection; lists of persons making returns; amount paid.—(a) Returns upon which the tax has been determined by the Commissioner of Internal Revenue shall constitute public records; but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary of the Treasury and approved by the President: *Provided*, That the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a special committee of the Senate or House, shall have the right to call on the Secretary of the Treasury for, and it shall be his duty to furnish, any data of any character contained in or shown by the returns or any of them, that may be required by the committee; and any such committee shall have the right, acting directly as a committee, or by and through such examiners or agents as it may designate or appoint, to inspect all or any of the returns at such times and in such manner as it may determine; and any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and House, as the case may be: *Provided further*, That the proper officers of any State may, upon the request of the governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of the corporation, at such times and in such manner as the Secretary may prescribe: *Provided further*, That all bona fide shareholders of record owning 1 per centum or more of the outstanding stock of any corporation shall, upon making request of the Commissioner of Internal Revenue, be allowed to examine the annual income returns of such corporation and of its subsidiaries. Any shareholder who pursuant to the provisions of this section is allowed to examine the return of any corporation, and who makes known in any manner whatever not provided by law the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any such return, shall be guilty of a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

(b) The Commissioner of Internal Revenue shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the name and the post-office address of each person making an income-tax return in such district, together with the amount of the income tax paid by such person. (June 2, 1924, 4.01 p. m., c. 234, § 257, 43 Stat. 293.)

1025. Disclosure by officials or publication of income-tax returns unlawful.—It shall be unlawful for any collector, deputy collector, agent, or clerk, to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, of any manufacturer or producer visited by him in the discharge of his official duties or to permit any income return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. (R. S. § 3167; Aug. 27, 1894, c. 349, § 34, 28 Stat. 557; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 177; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311; June 2, 1924, c. 234, 4.01 p. m., § 1018, 43 Stat. 345.)

1026. Statistics of operation of law; contents.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prepare and publish annually statistics reasonably available with respect to the operation of the income, war-profits and excess-profits tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits and any other facts deemed pertinent and valuable. (June 2, 1924, 4.01 p. m., c. 234, § 258, 43 Stat. 293.)

1027. Licenses to and regulation of persons collecting foreign payments of interest or dividends; penalty.—All persons undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner of Internal Revenue and shall be subject to such regulations enabling the Government to obtain the information required under this chapter as the said commissioner, with the approval of the Secretary of the Treasury, shall prescribe; and whoever knowingly undertakes to collect such payments without having obtained a license therefor, or without complying with such regulations, shall be guilty of a misdemeanor and shall be fined not more than $5,000, or imprisoned for not more than one year, or both. (June 2, 1924, 4.01 p. m., c. 234, § 259, 43 Stat. 293.)

1028. Citizens of United States possessions; taxation of; Virgin Islands.—Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States, shall be subject to taxation under this chapter only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources.

Nothing in this section shall be construed to alter or amend the provisions of section 1397 of Title 48, relating to the imposition of income taxes in the Virgin Islands of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 260, 43 Stat. 294.)

1029. Porto Rico and Philippine Islands; levy, assessment, collection, and payment of tax.—In Porto Rico and the Philip-

pine Islands the income tax shall be levied, assessed, collected, and paid as otherwise provided by law. (June 2, 1924, 4.01 p. m., c. 234, § 261, 43 Stat. 294.)

1030. Gross income of citizens or domestic corporations fulfilling certain requirements.—(a) In the case of citizens of the United States or domestic corporations, satisfying the following conditions, gross income means only gross income from sources within the United States—

(1) If 80 per centum or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section), for the three-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States; and

(2) If, in the case of such corporation, 50 per centum or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

(3) If, in the case of such citizen, 50 per centum or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

(b) Notwithstanding the provisions of subdivision (a) there shall be included in gross income all amounts received by such citizens or corporations within the United States, whether derived from sources within or without the United States.

(c) As used in this section the term "possession of the United States" does not include the Virgin Islands of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 262, 43 Stat. 294.)

1031. Corporations organized under China Trade Act; credits allowed.—(a) For the purpose only of the tax imposed by section 981 of this title there shall be allowed, in the case of a corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922), a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 958) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 981 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the Commissioner of Internal Revenue (1) the amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in China, the United States, or possessions of the United States, or were individual citizens of the United States or China, and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided.

(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

(d) As used in this section the term "China" shall have the same meaning as when used in sections 141 to 162 of Title 15. (June 2, 1924, 4.01 p. m., c. 234, § 263, 43 Stat. 295; Feb. 26, 1925, c. 345, § 11, 43 Stat. 996.)

Part V.—PAYMENT, COLLECTION, AND REFUND OF TAX AND PENALTIES

1041. Time for payment of tax; payments in full.—Except as provided in sections 1042 to 1044 of this title the total amount of tax imposed by this title shall be paid—

(1) In the case of a taxpayer, other than a nonresident alien individual, and other than a foreign corporation not having an office or place of business in the United States, on or before the 15th day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on or before the fifteenth day of the third month following the close of the fiscal year; and

(2) In the case of a nonresident alien individual, and of a foreign corporation not having an office or place of business in the United States, on or before the 15th day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on or before the 15th day of the sixth month following the close of the fiscal year. (June 2, 1924, 4.01 p. m., c. 234, § 270(a), 43 Stat. 295.)

1042. Same; payment in installments.—(1) The taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on or before the latest date prescribed in section 1041 of this title for the payment of the tax by the taxpayer, the second installment shall be paid on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.

(2) If any installment is not paid on the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector. (June 2, 1924, 4.01 p. m., c. 234, § 270(b), 43 Stat. 295.)

1043. Same; extension of time for payment.—(1) At the request of the taxpayer, the Commissioner of Internal Revenue may extend the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, for a period not to exceed six months from the date prescribed in sections 1041 or 1042 of this title for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(2) If the time for payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension. (June 2, 1924, 4.01 p. m., c. 234, § 270(c), 43 Stat. 295.)

1044. Same; taxes payable at source.—The provisions of sections 1041 to 1043 of this title shall not apply to the payment of a tax required to be withheld at the source under section 962 or 989. (June 2, 1924, 4.01 p. m., c. 234, § 270 (d), 43 Stat. 295.)

1045. Examination of return and determination of amount of tax.—As soon as practicable after the return is filed the Commissioner of Internal Revenue shall examine it and shall determine the correct amount of the tax. (June 2, 1924, 4.01 p. m., c. 234, § 271, 43 Stat. 296.)

1046. Credit or refund of overpayments.—If the taxpayer has paid as an installment of the tax more than the amount determined to be the correct amount of such installment, the excess shall be credited against the unpaid installments, if any. If the amount already paid, whether or not on the basis of installments, exceeds the amount determined to be the correct amount of the tax, the excess shall be credited or refunded as provided in section 1065 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 272, 43 Stat. 296.)

1047. Deficiency in tax; what constitutes.—As used in this chapter the term "deficiency" means—

(1) The amount by which the tax imposed by this chapter exceeds the amount shown as the tax by the taxpayer upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the taxpayer upon his return, or if no return is made by the taxpayer, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. (June 2, 1924, 4.01 p. m., c. 234, § 273, 43 Stat. 296.)

1048. Same; notice to taxpayer of deficiency.—If, in the case of any taxpayer, the Commissioner of Internal Revenue determines that there is a deficiency in respect of the tax imposed by this chapter, the taxpayer, except as provided in section 1051 of this title shall be notified of such deficiency by registered mail, but such deficiency shall be assessed only as hereinafter provided. Within sixty days after such notice is mailed the taxpayer may file an appeal with the Board of Tax Appeals established by section 1211. (June 2, 1924, 4.01 p. m., c. 234, § 274 (a), 43 Stat. 297.)

1049. Same; determination and assessment of deficiency by board; payment; collection of amount disallowed by board.—If the board determines that there is a deficiency, the amount so determined shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the commissioner but disallowed as such by the board shall be assessed, but a proceeding in court may be begun, without assessment, for the collection of any part of the amount so disallowed. The court shall include in its judgment interest upon the amount thereof at the rate of 6 per centum per annum from the date prescribed for the payment of the tax to the date of the judgment. Such proceeding shall be begun within one year after the final decision of the board, and may be begun within such year even though the period of limitation prescribed in section 1057 of this title has expired. (June 2, 1924, 4.01 p. m., c. 234, § 274 (b), 43 Stat. 297.)

1050. Assessment and payment where no appeal to board.—If the taxpayer does not file an appeal with the board within the time prescribed in section 1048 of this title, the deficiency of which the taxpayer has been notified shall be assessed, and shall be paid upon notice and demand from the collector. (June 2, 1924, 4.01 p. m., c. 234, § 274 (c), 43 Stat. 297.)

1051. Same; assessment and collection of deficiency where delay would jeopardize same.—If the Commissioner of Internal Revenue believes that the assessment or collection of a deficiency will be jeopardized by delay such deficiency shall be assessed immediately and notice and demand shall be made by the collector for the payment thereof. In such case the assessment may be made (1) without giving the notice provided in section 1048 of this title or (2) before the expiration of the sixty-day period provided in section 1048, even though such notice has been given, or (3) at any time prior to the final decision by the board upon such deficiency even though the taxpayer has filed an appeal. If the taxpayer does not file a claim in abatement as provided in section 1063 of this title the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector. (June 2, 1924, 4.01 p. m., c. 234, § 274 (d), 43 Stat. 297.)

1052. Prorating deficiency to installments.—If the taxpayer has elected to pay the tax in installments and a deficiency has been assessed, the deficiency shall be prorated to the four installments. Except as provided in section 1051 of this title, that part of the deficiency so prorated to any installment the date for payment of which has not arrived, shall be collected at the same time as and as part of such installment. That part of the deficiency so prorated to any installment the date for payment of which has arrived, shall be paid upon notice and demand from the collector. (June 2, 1924, 4.01 p. m., c. 234, § 274 (e), 43 Stat. 297.)

1053. Interest on deficiency.—Interest upon the amount determined as a deficiency, or, if the tax is paid in installments, upon the part of the deficiency prorated to each installment, shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the date prescribed for the payment of the tax, or the payment of such installment, to the date the deficiency is assessed. (June 2, 1924, 4.01 p. m., c. 234, § 274 (f), 43 Stat. 297.)

1054. Extension of time for payment of deficiency.—Where it is shown to the satisfaction of the Commissioner of Internal Revenue that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the taxpayer the said commissioner, with the approval of the Secretary of the Treasury (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of eighteen months. If an extension is granted the commissioner may require the taxpayer to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period. (June 2, 1924, 4.01 p. m., c. 234, § 274 (g), 43 Stat. 297.)

1055. Increasing tax where deficiency due to negligence or fraud.—(a) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of sections 1052 and 1053 of this title shall not be applicable.

(b) If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed,

collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 98 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 275, 43 Stat. 298.)

1056. Delinquent taxes; interest; estates of incompetents, insolvents, and so forth; claims in abatement.—(a) (1) Where the amount determined by the taxpayer as the tax imposed by this chapter, or any installment thereof, or any part of such amount or installment, is not paid at the time prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the date prescribed for its payment until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under paragraph (2) of section 1043 of this title, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) Where a deficiency, or any interest or additional amounts assessed in connection therewith under section 1053 of this title, or under section 1055 of this title, or any addition to the tax in case of delinquency provided for in section 98 of this title, is not paid in full within ten days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount of the rate of 1 per centum a month from the date of such notice and demand until it is paid. If any part of a deficiency prorated to any unpaid installment under section 1052 of this title is not paid in full on the date prescribed for the payment of such installment, there shall be collected as part of the tax interest upon the unpaid amount at the rate of 1 per centum a month from such date until it is paid.

(c) In the case of estates of incompetent, deceased, or insolvent persons, there shall be collected interest at the rate of 6 per centum per annum in lieu of the interest provided in subdivisions (a) and (b) of this section.

(d) If a claim in abatement is filed, as provided in section 1063 of this title, the provisions of subdivisions (b) and (c) of this section shall not apply to the amount covered by the claim in abatement. (June 2, 1924, 4.01 p. m., c. 234, § 276, 43 Stat. 298.)

1057. Assessments and collections; extension of time.—(a) Except as provided in sections 1049, 1058 to 1062 of this title and in subdivision (b) of section 1063—

(1) The amount of income, excess-profits, and war-profits taxes imposed by the Revenue Act of 1921, and by such Act as amended, for the taxable year 1921 and succeeding taxable years, and the amount of income taxes imposed by this chapter, shall be assessed within four years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period.

(2) The amount of income, excess-profits, and war-profits taxes imposed by the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, and by any such Act as amended, shall be assessed within five years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period.

(3) In the case of income received during the lifetime of a decedent, the tax shall be assessed, and any proceeding in court for the collection of such tax shall be begun, within one year after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, but not after the expiration of the period prescribed for the assessment of the tax in paragraph (1) or (2) of this subdivision.

(b) The period within which an assessment is required to be made by subdivision (a) of this section in respect of any deficiency shall be extended (1) by sixty days if a notice of such deficiency has been mailed to the taxpayer under section 1048 and no appeal has been filed with the Board of Tax Appeals, or, (2) if an appeal has been filed, then by the number of days between the date of the mailing of such notice and the date of the final decision by the board. (June 2, 1924, 4.01 p. m., c. 234, § 277, 43 Stat. 299.)

1058. Same; false or fraudulent returns.—In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. (June 2, 1924, 4.01 p. m., c. 234, § 278 (a), 43 Stat. 299.)

1059. Assessment and collection under prior law of deficiency attributable to tentatively allowed deductions.—Any deficiency attributable to a change in a deduction tentatively allowed under paragraph (9) of subdivision (a) of section 214, or paragraph (8) of subdivision (a) of section 234, of the Revenue Act of 1918 or the Revenue Act of 1921, may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. (June 2, 1924, 4.01 p. m., c. 234, § 278 (b), 43 Stat. 299.)

1060. Assessment of tax assessable after prescribed time.—Where both the Commissioner of Internal Revenue and the taxpayer have consented in writing to the assessment of the tax after the time prescribed in section 1057 of this title for its assessment the tax may be assessed at any time prior to the expiration of the period agreed upon. (June 2, 1924, 4.01 p. m., c. 234, § 278 (c), 43 Stat. 299.)

1061. Distraint or court proceeding; time for; time for court proceeding without assessment.—Where the assessment of the tax is made within the period prescribed in section 1057 of this title or in sections 1058 to 1060 of this title such tax may be collected by distraint or by a proceeding in court, begun within six years after the assessment of the tax. Nothing in this title shall be construed as preventing the beginning, without assessment, of a proceeding in court for the collection of the tax at any time before the expiration of the period within which an assessment may be made. (June 2, 1924, 4.01 p. m., c. 234, § 278 (d), 43 Stat. 299.)

1062. Assessment or collection of taxes by distraint; where barred.—Sections 1058 to 1061 of this title shall not (1) authorize the assessment of a tax or the collection thereof by distraint or by a proceeding in court if on June 2, 1924, such assessment, distraint, or proceeding was barred by the period of limitation then in existence, or (2) affect any assessment made, or distraint or proceeding in court begun, before that date. (June 2, 1924, 4.01 p. m., c. 234, § 278 (e), 43 Stat. 299.)

1063. Claims for abatement of deficiency; time for filing; procedure; interest on claims denied.—(a) If a deficiency has been assessed under section 1051 of this title, the taxpayer, within ten days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond, in such amount, not exceeding double the amount of the claim, and with such sureties, as the collector deems necessary, con-

ditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (c) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

(b) If a claim is filed as provided in subdivision (a) of this section the collector shall transmit the claim immediately to the Commissioner of Internal Revenue who shall by registered mail notify the taxpayer of his decision on the claim. The taxpayer may within sixty days after such notice is mailed file an appeal with the Board of Tax Appeals. If the claim is denied in whole or in part by the commissioner (or by the board in case an appeal has been filed) the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated. A proceeding in court may be begun for any part of the amount, claim for which is allowed by the board. Such proceeding shall be begun within one year after the final decision of the board, and may be begun within such year even though the period of limitation prescribed in section 1057 has expired.

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per centum per annum upon the amount of the claim denied, from the date of notice and demand from the collector under section 1051 to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within ten days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month (or, in the case of estates of incompetent, deceased, or insolvent persons, at the rate of 6 per centum per annum) from the date of such notice and demand until it is paid.

(d) Except as provided in this section, no claim in abatement shall be filed in respect of any assessment made after June 2, 1924, in respect of any income, war-profits, or excess-profits tax. (June 2, 1924, 4.01 p. m., c. 234, § 279, 43 Stat. 300.)

1064. Assessment and collections under prior law.—If after June 2, 1924, the Commissioner of Internal Revenue determines that any assessment should be made in respect of any income, war-profits, or excess-profits tax imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the amount which should be assessed (whether as deficiency or as interest, penalty, or other addition to the tax) shall be computed as if this chapter had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand) as in the case of the taxes imposed by this title, except as otherwise provided in section 1057 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 280, 43 Stat. 301.

1065. Credit or refund of overpayments; time for claim; waiver of right to have tax assessed.—(a) Where there has been an overpayment of any income, war-profits, or excess-profits tax imposed by this chapter, the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or any such Act as amended, the amount of such overpayment shall be credited against any income, war-profits, or excess-profits tax or installment thereof then due from the taxpayer, and any balance of such excess shall be refunded immediately to the taxpayer.

(b) Except as provided in subdivisions (c) and (e) of this section, (1) no such credit or refund shall be allowed or made after four years from the time the tax was paid, unless before the expiration of such four years a claim therefor is filed by the taxpayer, nor (2) shall the amount of the credit or refund exceed the portion of the tax paid during the four years immediately preceding the filing of the claim or, if no claim was filed, then during the four years immediately preceding the allowance of the credit or refund.

(c) If the invested capital of a taxpayer is decreased by the Commissioner of Internal Revenue, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that there has been an overpayment of income, war-profits, or excess-profits taxes in any previous year or years, then the amount of such overpayment shall be credited or refunded, without the filing of a claim therefor, notwithstanding the period of limitation provided for in subdivision (b) has expired.

(d) Where there has been an overpayment of tax under section 962 or 989 of this title any refund or credit made under the provisions of this section shall be made to the withholding agent unless the amount of such tax was actually withheld by the withholding agent.

(e) If the taxpayer has, within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, or if he has, on or before June 15, 1924, filed such a waiver in respect of the taxes due for the taxable year 1918, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed within four years from the time the tax was paid. If the taxpayer has, on or before June 15, 1925, filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefor is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year, in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid, or (2) on or before April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919.

(f) This section shall not (1) bar from allowance a claim for credit or refund filed prior to June 2, 1924, which but for the provisions of this chapter would have been allowable, or (2) bar from allowance a claim in respect of a tax for the taxable year 1919 or 1920 if such claim is filed before the expiration of five years after the date the return was due. (June 2, 1924, 4.01 p. m., c. 234, § 281, 43 Stat. 301; Mar. 3, 1925, c. 435, 43 Stat. 1115.)

1066. Termination of taxable period; security for return and payment of taxes; certificate for departing aliens; penalties.—(a) If the Commissioner of Internal Revenue finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or

his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the said commissioner shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the commissioner, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design.

(b) A taxpayer who is not in default in making any return or paying income, war-profits, or excess-profits tax under any Act of Congress may furnish to the United States, under regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, security approved by the commissioner that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The commissioner may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this section, provided the taxpayer has paid in full all other income, war-profits, or excess-profits taxes due from him under any Act of Congress.

(c) If security is approved and accepted pursuant to the provisions of this section and such further or other security with respect to the tax or taxes covered thereby is given as the commissioner shall from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such respective taxes.

(d) In the case of a citizen of the United States about to depart from the United States the commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(e) No alien shall depart from the United States unless he first procures from the collector or agent in charge a certificate that he has complied with all the obligations imposed upon him by the income, war-profits, and excess-profits tax laws.

(f) If a taxpayer violates or attempts to violate this section, there shall, in addition to all other penalties, be added as part of the tax 25 per centum of the total amount of the tax or deficiency in the tax, together with interest at the rate of 1 per centum a month from the time the tax became due. (June 2, 1924, 4.01 p. m., c. 234, § 282, 43 Stat. 302.)

1067. Revenue Act of 1917; consolidated returns of net income and invested capital of affiliated domestic corporations and partnerships.—(a) Title II of the Revenue Act of 1917 (October 3, 1917, chapter 63, Fortieth Statutes, page 300), shall be construed to impose the taxes therein mentioned upon the basis of consolidated returns of net income and invested capital in the case of domestic corporations and domestic partnerships that were affiliated during the calendar year 1917.

(b) For the purpose of this section a corporation or partnership was affiliated with one or more corporations or partnerships (1) when such corporation or partnership owned directly or controlled through closely affiliated interests or by a nominee or nominees all or substantially all the stock of the other or others, or (2) when substantially all the stock of two or more corporations or the business of two or more partnerships was owned by the same interests: *Provided*, That such corporations or partnerships were engaged in the same or a closely related business, or one corporation or partnership bought from or sold to another corporation or partnership products or services at prices above or below the current market, thus effecting an artificial distribution of profits, or one corporation or partnership in any way so arranged its financial relationships with another corporation or partnership as to assign to it a disproportionate share of net income or invested capital. For the purposes of this section, public service corporations which (1) were operated independently, (2) were not physically connected or merged, and (3) did not receive special permission to make a consolidated return, shall not be construed to have been affiliated; but a railroad or other public utility which was owned by an industrial corporation and was operated as a plant facility or as an integral part of a group organization of affiliated corporations which were required to file a consolidated return shall be construed to have been affiliated.

(c) The provisions of this section are declaratory of the provisions of said Title II of the Revenue Act of 1917. (Nov. 23, 1921, c. 136, § 1331, 42 Stat. 319.)

1068. Tax on personal service corporations where sections of prior law imposing taxes declared invalid; returns; claims for credit or refund of taxes paid; assessment and collection of tax.—(a) If either subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of the Revenue Act of 1921 is by final adjudication declared invalid, there shall, in addition to all other taxes, be levied, collected, and paid on the net income (as defined in section 232 of the Revenue Act of 1921) received during the calendar years 1918, 1919, 1920, and 1921 by every personal service corporation (as defined in section 200 of the Revenue Act of 1921) included within the provisions of such subdivisions a tax equal to the taxes imposed by Titles II and III of the Revenue Act of 1918, and in the case of income received during the calendar year 1921 by Titles II and III of the Revenue Act of 1921.

(b) In such event every such personal service corporation shall, on or before the 15th day of the sixth month following the date of entry of decree upon such final adjudication, make a return of any income received during each of the calendar years 1918, 1919, 1920, and 1921 in the manner prescribed by the Revenue Act of 1918 (or in the manner prescribed by the Revenue Act of 1921 in the case of income received during the calendar year 1921). Such return shall be made and the net income shall be computed on the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in the manner provided for other corporations under the Revenue Acts of 1918 and 1921.

(c) If either subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of the Revenue Act of 1921 is so declared invalid, claims for credit or refund of taxes paid under both such sections shall be allowed, if made within the time provided in subdivision (f) of this section.

(d) In case the claims for credit or refund, filed within six months from such date of entry of decree, represent less than 30 per centum of the outstanding stock or shares in the corporation, the amount of taxes imposed by this section upon such corporation shall be reduced to that proportion thereof which the number of stock or shares owned by the shareholders or members making such claims bears to the total number of stock or shares outstanding.

(e) The tax imposed by this section shall be assessed, collected, and paid upon the same basis, in the same manner, and subject to the same provisions of law, including penalties, as the taxes imposed by sections 230 and 301 of the Revenue Act

of 1918 (or by sections 230 and 301 of the Revenue Act of 1921, in the case of income received during the calendar year 1921), but no interest or penalties shall be due or payable thereon for any period prior to the date upon which the return is by this section required to be made and the first installment paid. The amount of tax paid by any shareholder or member of a personal service corporation pursuant to the provisions of subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of the Revenue Act of 1921 shall be credited against the tax due from such corporation under this section upon the joint written application of such corporation and such shareholder or member or his representatives, heirs, or assigns, if such application is filed with the Commissioner of Internal Revenue within six months from such date of entry of decree.

(f) *Notwithstanding any other provision of law, no claim* for a credit or refund of taxes paid under subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of the Revenue Act of 1921 may be filed after the expiration of six months from such date of entry of decree: *Provided, however*, That a personal service corporation of which no shareholder or member has filed such claim within such period of six months shall not be subject to the tax imposed by this section. (Nov. 23, 1921, c. 136, § 1332, 42 Stat. 319.)

Chapter 20.—ESTATE AND GIFT TAX.

Part I.—ESTATE TAX

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Part I.—ESTATE TAX

Section 1091. Definitions.—When used in Part I of this chapter—

The term "executor" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent;

The term "net estate" means the net estate as determined under the provisions of section 1095 of this title;

The term "month" means calendar month; and

The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner of Internal Revenue. (June 2, 1924, 4.01 p. m., c. 234, § 300, 43 Stat. 303.)

1092. Percentage of tax.—A tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 1095 of this title) is imposed upon the transfer of the net estate of every decedent dying after 4.01 postmeridian, June 2, 1924, whether a resident or nonresident of the United States:

1 per centum of the amount of the net estate not in excess of $50,000;

2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

3 per centum of the amount by which the net estate exceeds $100,000 and does not exceed $150,000;

4 per centum of the amount by which the net estate exceeds $150,000 and does not exceed $250,000;

6 per centum of the amount by which the net estate exceeds $250,000 and does not exceed $450,000;

9 per centum of the amount by which the net estate exceeds $450,000 and does not exceed $750,000;

12 per centum of the amount by which the net estate exceeds $750,000 and does not exceed $1,000,000;

15 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

18 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

21 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $3,000,000;

24 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $4,000,000;

27 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

30 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $8,000,000;

35 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $10,000,000;

40 per centum of the amount by which the net estate exceeds $10,000,000. (June 2, 1924, 4.01 p. m., c. 234, § 301(a), 43 Stat. 303.)

1093. Taxes paid States, Territories, or District of Columbia as credits; limitation.—The tax imposed by section 1092 of this title shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate. The credit allowed by this section shall not exceed 25 per centum of the tax imposed by the said section. (June 2, 1924, 4.01 p. m., c. 234, § 301 (b), 43 Stat. 303.)

1094. Gross estate; value of.—The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated—

(a) To the extent of the interest therein of the decedent at the time of his death which after his death is subject to the payment of the charges against his estate and the expenses of its administration and is subject to distribution as part of his estate;

(b) To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy;

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a bona fide sale for a fair consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such a consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of Part I of this chapter;

(d) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for a fair consideration in money or money's worth;

(e) To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than a fair consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than a fair consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants;

(f) To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of, or intended to take effect in possession or enjoyment at or after, his death, except in case of a bona fide sale for a fair consideration in money or money's worth; and

(g) To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life; and to the extent of the excess over $40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

(h) Subdivisions (b), (c), (d), (e), (f), and (g) of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after 4.01 postmeridian June 2, 1924. (June 2, 1924, 4.01 p. m., c. 234, § 302, 43 Stat. 304.)

1095. Net estate; how determined.—For the purpose of the tax the value of the net estate shall be determined—

(a) **Residents; deductions; exemption.**—In the case of a resident, by deducting from the value of the gross estate—

(1) Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages upon, or any indebtedness in respect to, property (except, in the case of a resident decedent, where such property is not situated in the United States), to the extent that such claims, mortgages, or indebtedness were incurred or contracted bona fide and for a fair consideration in money or money's worth, losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated for by insurance or otherwise, and such amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent, as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or any estate, succession, legacy, or inheritance taxes;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this chapter or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the Commissioner of Internal Revenue on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate and not deducted under paragraph (1) or (3) of this subdivision;

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration in money or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of

cruelty to children or animals. If the tax imposed by sections 1092 and 1093 of this title, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes; and

(4) An exemption of $50,000.

(b) **Nonresidents.**—In the case of a nonresident, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated, but in no case shall the amount so deducted exceed 10 per centum of the value of that part of his gross estate which at the time of his death is situated in the United States;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this chapter or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States and not deducted under paragraph (1) or (3) of this subdivision; and

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration, in money or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by sections 1092 and 1093 of this title, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

(4) No deduction shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 1096 of this title, the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

(5) For the purpose of Part I of this chapter, stock in a domestic corporation owned and held by a nonresident decedent shall be deemed property within the United States, and any property of which the decedent has made a transfer or with respect to which he has created a trust, within the meaning of subdivision (c) or (d) of section 1094 of this title, shall be deemed to be situated in the United States, if so situated either at the time of the transfer or the creation of the trust, or at the time of the decedent's death.

(6) The amount receivable as insurance upon the life of a nonresident decedent, and any moneys deposited with any person carrying on the banking business, by or for a nonresident decedent who was not engaged in business in the United States at the time of his death, shall not, for the purpose of Part I of this chapter, be deemed property within the United States.

(c) **Missionaries dying in foreign service.**—Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service. (June 2, 1924, 4.01 p. m., c. 234, § 303, 43 Stat. 305.)

1096. Executors; notice of appointment; returns; time for filing; contents.—(a) The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector. The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident, of that part of his gross estate situated in the United States; (2) the deductions allowed under section 1095 of this title; (3) the value of the net estate of the decedent as defined in section 1095 of this title; and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $50,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate. (June 2, 1924, 4.01 p. m., c. 234, § 304, 43 Stat. 307.)

1097. Time for payment of tax; to whom payable; extension of time; interest.—(a) The tax imposed by Part I of this chapter shall be due and payable one year after the decedent's death, and shall be paid by the executor to the collector.

(b) Where the Commissioner of Internal Revenue finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the commissioner may extend the time for payment of any such part not to exceed five years

from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(c) If the time for the payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the expiration of six months after the due date of the tax to the expiration of the period of the extension. (June 2, 1924, 4.01 p. m., c. 234, § 305, 43 Stat. 308.)

1098. Same; tax imposed by former law; extension of time for payment.—The time for which the Commissioner of Internal Revenue may extend the time for payment of the estate tax imposed by Title IV of the Revenue Act of 1921, chapter 136, 42 Statutes 277, is increased from three years to five years. (June 2, 1924, 4.01 p. m., c. 234, § 305(d), 43 Stat. 308.)

1099. Examination of return and determination of amount of tax.—As soon as practicable after the return is filed the Commissioner of Internal Revenue shall examine it and shall determine the correct amount of the tax. (June 2, 1924, 4.01 p. m., c. 234, § 306, 43 Stat. 308.)

1100. Deficiency; what constitutes.—As used in Part I of this chapter the term "deficiency" means—

(1) The amount by which the tax imposed by Part I of this chapter exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the executor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax. (June 2, 1924, 4.01 p. m., c. 234, § 307, 43 Stat. 308.)

1101. Same; notice of; appeal by executor.—If the commissioner determines that there is a deficiency in respect of the tax imposed by Part I of this chapter, the executor, except as provided in section 1104 of this title, shall be notified of such deficiency by registered mail, but such deficiency shall be assessed only as hereinafter provided. Within sixty days after such notice is mailed the executor may file an appeal with the Board of Tax Appeals established by section 1211. (June 2, 1924, c 234, § 308(a), 43 Stat. 308.)

1102. Same; determination by board; assessment and payment of; collection of deficiency disallowed.—If the board determines that there is a deficiency the amount so determined shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the commissioner but disallowed as such by the board shall be assessed, but a proceeding in court may be begun, without assessment, for the collection of any part of the amount so disallowed. The court shall include in its judgment interest upon the amount thereof at the rate of 6 per centum per annum from the date prescribed for the payment of the tax to the date of the judgment. Such proceedings shall be begun within one year after the final decision of the board, and may be begun within such year even though the period of limitation prescribed in section 1110 of this title has expired. (June 2, 1924, 4.01 p. m., c. 234, § 308(b), 43 Stat. 308.)

1103. Same; failure to file appeal; assessment and payment of deficiency.—If the executor does not file an appeal with the board within the time prescribed in section 1101 of this title, the deficiency of which the executor has been notified shall be assessed, and shall be paid upon notice and demand from the collector. (June 2, 1924, 4.01 p. m., c. 234, § 308(c), 43 Stat. 308.)

1104. Same; assessment and collection of deficiency where delay would be dangerous; claims in abatement.—If the Commissioner of Internal Revenue believes that the assessment or collection of a deficiency will be jeopardized by delay, such deficiency shall be assessed immediately and notice and demand shall be made by the collector for the payment thereof. In such case the assessment may be made (1) without giving the notice provided in section 1101 of this title, or (2) before the expiration of the sixty-day period provided in said section even though such notice has been given, or (3) at any time prior to the final decision by the board upon such deficiency even though the executor has filed an appeal. If the executor does not file a claim in abatement as provided in section 1105, the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector. (June 2, 1924, 4.01 p. m., c. 234, § 308(d), 43 Stat. 308.)

1105. Same; claim for abatement of decision and appeal; interest on claims denied.—(a) If a deficiency has been assessed under section 1104 of this title, the executor, within thirty days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond, in such amount, not exceeding double the amount of the claim, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (c) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

(b) If a claim is filed as provided in subdivision (a) of this section the collector shall transmit the claim immediately to the Commissioner of Internal Revenue who shall by registered mail notify the executor of his decision on the claim. The executor may within sixty days after such notice is mailed file an appeal with the Board of Tax Appeals. If the claim is denied in whole or in part by the commissioner (or by the board in case an appeal has been filed) the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated. A proceeding in court may be begun for any part of the amount, claim for which is allowed by the board. Such proceeding shall be begun within one year after the final decision of the board, and may be begun within such year even though the period of limitation prescribed in section 1110 of this title has expired.

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per centum per annum upon the amount of the claim denied, from the date of notice and demand from the collector under section 1104 of this title to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within thirty days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

(d) Except as provided in this section, no claim in abatement shall be filed in respect of any assessment made after

June 2, 1924, in respect of any estate tax. (June 2, 1924, 4.01 p. m., c. 234, § 312, 43 Stat. 310.)

1106. Same; interest on.—Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed. (June 2, 1924, 4.01 p. m., c. 234, § 308(e), 43 Stat. 308.)

1107. Same; extension of time for payment of.—Where it is shown to the satisfaction of the commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the commissioner with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax) may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of two years. If an extension is granted, the commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period. (June 2, 1924, 4.01 p. m., c. 234, § 308(f), 43 Stat. 308.)

1108. Additional tax for failure to file return assessed, and so forth, as deficiency.—The 50 per centum addition to the tax provided by section 98 of this title shall, when assessed in connection with an estate tax, be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of section 1106 shall not be applicable. (June 2, 1924, 4.01 p. m., c. 234, § 308(g), 43 Stat. 308.)

1109. Interest on unpaid taxes.—(a) (1) Where the amount determined by the executor as the tax imposed by Part I of this chapter, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the due date until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the executor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under subdivision (c) of section 1097 of this title, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) Where a deficiency, or any interest assessed in connection therewith under section 1106 of this title, or any addition to the tax provided for in section 98 of this title, is not paid in full within thirty days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

(c) If a claim in abatement is filed, as provided in section 1105 of this title, the provisions of subdivision (b) of this section shall not apply to the amount covered by the claim in abatement. (June 2, 1924, 4.01 p. m., c. 234, § 309, 43 Stat. 309.)

1110. Time for assessment and collection of tax.—(a) Except as provided in sections 1102 and 1111 of this title and in subdivision (b) of section 1105 of this title, the amount of the estate taxes imposed by Part I of this chapter shall be assessed within four years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of five years after the return was filed.

(b) The period within which an assessment is required to be made by subdivision (a) of this section in respect of any deficiency shall be extended (1) by sixty days if a notice of such deficiency has been mailed to the executor under section 1101 of this title and no appeal has been filed with the Board of Tax Appeals, or (2) if an appeal has been filed, then by the number of days between the date of the mailing of such notice and the date of the final decision by the board. (June 2, 1924, 4.01 p. m., c. 234, § 310, 43 Stat. 310.)

1111. Same; false or fraudulent returns; time for collection by distraint or court proceeding.—(a) In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(b) Where the assessment of the tax is made within the period prescribed in section 1110 of this title or in this section, such tax may be collected by distraint or by a proceeding in court, begun within six years after the assessment of the tax. Nothing in this chapter shall be construed as preventing the beginning, without assessment, of a proceeding in court for the collection of the tax at any time before the expiration of the period within which an assessment may be made.

(c) This section shall not (1) authorize the assessment of a tax or the collection thereof by distraint or by a proceeding in court if on June 2, 1924, such assessment, distraint, or proceeding was barred by the period of limitation then in existence, or (2) affect any assessment made, or distraint or proceeding in court begun, before said date. (June 2, 1924, 4.01 p. m., c. 234, § 311, 43 Stat. 310.)

1112. Duplicate tax receipts; discharge of executor from personal liability.—(a) The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

(b) If the executor makes written application to the Commissioner of Internal Revenue for determination of the amount of the tax and discharge from personal liability therefor, the commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 1110 of this title) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge. (June 2, 1924, 4.01 p. m., c. 234, § 313, 43 Stat. 311.)

1113. Lien for deficiency; liability of bona fide purchaser.—The provisions of subdivision (b) of section 1112 of this title shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless the title to such part of the gross estate has passed to a bona fide purchaser for value, in which case such part shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser by the heirs,

legatees, devisees, or distributees. (June 2, 1924, 4.01 p. m., c. 234, § 313, 43 Stat. 311.)

1114. Collection of tax; sale of property; reimbursement of person paying tax; liability of insurance beneficiaries.—(a) If the tax herein imposed is not paid on or before the due date thereof the collector shall, upon instruction from the Commissioner of Internal Revenue, proceed to collect the tax under the provisions of general law, or commence appropriate proceedings in any court of the United States having jurisdiction, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto.

(b) If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this chapter that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution. If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of $40,000, of such policies bear to the net estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio. (June 2, 1924, 4.01 p. m., c. 234, § 314, 43 Stat. 311.)

1115. Lien of tax; liability of transferee or trustee of decedent; bona fide purchasers.—(a) Unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Commissioner of Internal Revenue is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

(b) If (1) the decedent makes a transfer of, or creates a trust with respect to, any property in contemplation of or intended to take effect in possession or enjoyment at or after his death (except in the case of a bona fide sale for a fair consideration in money, or money's worth) or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for a fair consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for a fair consideration in money or money's worth. (June 2, 1924, 4.01 p. m., c. 234, § 315, 43 Stat. 312.)

1116. False statements; penalty; failure to make return or disclose information; penalty.—(a) Whoever knowingly makes any false statement in any notice or return required to be filed under Part I of this chapter shall be liable to a penalty of not exceeding $5,000, or imprisonment not exceeding one year, or both.

(b) Whoever fails to comply with any duty imposed upon him by section 1096 of this title, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the Commissioner of Internal Revenue or any collector or law officer of the United States or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under Part I of this chapter, shall be liable to a penalty of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 317, 43 Stat. 313.)

1117. Estates in China; payment of tax to clerk of United States Court for China.—(a) The term "resident" as used in this chapter includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China. Where no part of the gross estate of such decedent is situated in the United States at the time of his death, the total amount of tax due under Part I of this chapter shall be paid to or collected by the clerk of such court, but where any part of the gross estate of such decedent is situated in the United States at the time of his death, the tax due under Part I of this chapter shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the Commissioner of Internal Revenue.

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States. (June 2, 1924, 4.01 p. m., c. 234, § 318, 43 Stat. 313.)

1118. Assessment and collection of tax under prior laws.—If after June 2, 1924, the Commissioner of Internal Revenue determines that any assessment should be made in respect of any estate tax imposed by prior laws, the amount which should be assessed (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this chapter had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand) as in the case of the taxes imposed by Part I of this chapter, except that the period of limitation prescribed in sections 105 to 108 of this title, shall be applied in lieu of the period prescribed in subdivision (a) of section 1110 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 316, 43 Stat. 312.)

Part II.—GIFT TAX

Section 1131. Gifts subject to tax; percentage.—A tax equal to the sum of the following shall be hereby imposed upon the transfer by a resident by gift during any calendar year of any property wherever situated, whether made directly or in-

directly, and upon the transfer by a nonresident by gift during such calendar year of any property situated within the United States, whether made directly or indirectly:

1 per centum of the amount of the taxable gifts not in excess of $50,000;

2 per centum of the amount by which the taxable gifts exceed $50,000 and do not exceed $100,000;

3 per centum of the amount by which the taxable gifts exceed $100,000 and do not exceed $150,000;

4 per centum of the amount by which the taxable gifts exceed $150,000 and do not exceed $250,000;

6 per centum of the amount by which the taxable gifts exceed $250,000 and do not exceed $450,000;

9 per centum of the amount by which the taxable gifts exceed $450,000 and do not exceed $750,000;

12 per centum of the amount by which the taxable gifts exceed $750,000 and do not exceed $1,000,000;

15 per centum of the amount by which the taxable gifts exceed $1,000,000 and do not exceed $1,500,000;

18 per centum of the amount by which the taxable gifts exceed $1,500,000 and do not exceed $2,000,000;

21 per centum of the amount by which the taxable gifts exceed $2,000,000 and do not exceed $3,000,000;

24 per centum of the amount by which the taxable gifts exceed $3,000,000 and do not exceed $4,000,000;

27 per centum of the amount by which the taxable gifts exceed $4,000,000 and do not exceed $5,000,000;

30 per centum of the amount by which the taxable gifts exceed $5,000,000 and do not exceed $8,000,000;

35 per centum of the amount by which the taxable gifts exceed $8,000,000 and do not exceed $10,000,000;

40 per centum of the amount by which the taxable gifts exceed $10,000,000. (June 2, 1924, 4.01 p. m., c. 234, § 319, 43 Stat. 313.)

1132. Same; value of gift; property sold or exchanged.—If the gift is made in property, the fair market value thereof at the date of the gift shall be considered the amount of the gift. Where property is sold or exchanged for less than a fair consideration in money or money's worth, then the amount by which the fair market value of the property exceeded the consideration received shall, for the purpose of the tax imposed by section 1131 of this title, be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year. (June 2, 1924, 4.01 p. m., c. 234, § 320, 43 Stat. 314.)

1133. Exemption and deductions.—In computing the amount of the gifts subject to the tax imposed by section 1131 of this title there shall be allowed as deductions:

(a) **Residents.**—In the case of a resident—

(1) An exemption of $50,000;

(2) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 440 of Title 38;

(3) Gifts the aggregate amount of which to any one person does not exceed $500;

(4) An amount equal to the value of any property transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this chapter or any prior Act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the Commissioner of Internal Revenue on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included in the total amount of gifts made within the calendar year and not deducted under paragraph (2) or (3) of this subdivision.

(b) **Nonresidents.**—In the case of a nonresident—

(1) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used within the United States by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 440 of Title 38;

(2) Gifts the aggregate amount of which to any one person does not exceed $500;

(3) An amount equal to the value of any property situated in the United States transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this chapter or any prior Act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the Commissioner of Internal Revenue on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included within the total amount of gifts made within the calendar year of property situated in the United States and not deducted under paragraph (1) or (2) of this subdivision. (June 2, 1924, 4.01 p. m., c. 234, § 321, 43 Stat. 314.)

1134. Credits.—In case a tax has been imposed under section 1131 of this title upon any gift, and thereafter upon the death of the donor the amount thereof is required by any provision

of Part I of this chapter to be included in the gross estate of the decedent then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of section 1092 of this title, an amount equal to the tax paid, with respect to such gift; and in the event the donor has in any year paid the tax imposed by section 1131 of this title with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year. (June 2, 1924, 4.01 p. m., c. 234, § 322, 43 Stat. 315.)

1135. Returns.—Any person who within any calendar year makes any gift or gifts in excess of the deductions allowed by section 1133 of this title shall, on or before the 15th day of March, file with the collector a return under oath in duplicate, listing and setting forth therein all gifts and contributions made by him during such calendar year (other than the gifts specified in paragraph (8) of subdivision (a) and in paragraph (2) of subdivision (b) of section 1133 of this title), and the fair market value thereof when made, and also all sales and exchanges of property owned by him made within such year for less than a fair consideration in money or money's worth, stating therein the fair market value of the property so sold or exchanged and that of the consideration received by him, both as of the date of such sale or exchange. (June 2, 1924, 4.01 p. m., c. 234, § 323, 43 Stat. 316.)

1136. Assessment; collection; payment.—The tax imposed by section 1131 of this title shall be paid by the donor on or before the 15th day of March, and shall be assessed, collected, and paid in the same manner and subject, in so far as applicable, to the same provisions of law as the tax imposed by section 1092. (June 2, 1924, 4.01 p. m., c. 234, § 324, 43 Stat. 316.)

Chapter 21.—PROVISIONS COMMON TO SEVERAL OBJECTS OF TAXATION.

Sec.
1161. Drawback; fraudulent claims of.
1162. Same; articles shipped to Philippines.
1163. Exemption of articles going into Porto Rico.
1164. Same; allowances of drawback.
1164a. Tax on articles of Porto Rican manufacture coming into United States and vice versa.
1164b. Same; deputy collector; bond.
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Sec.
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1190. Package included in forfeiture of goods.
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Section 1161. Drawback; fraudulent claims of.—Whenever any person fraudulently claims or seeks to obtain an allowance of drawback on goods, wares, or merchandise on which no internal duty shall have been paid, or fraudulently claims any greater allowance of drawback than the tax actually paid, he shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of $500, at the election of the Secretary of the Treasury. (R. S. § 3443.)

1162. Same; articles shipped to Philippines.—All articles subject under the laws of the United States to internal-revenue tax, or on which the internal-revenue tax has been paid, and which may under existing laws and regulations be exported to a foreign country without the payment of such tax, or with benefit of drawback, as the case may be, may also be shipped to the Philippine Islands with like privilege, under such regulations and the filing of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue may, with the approval of the Secretary of the Treasury, prescribe. (Mar. 8, 1902, c. 140, § 6, 32 Stat. 55; Mar. 4, 1915, c. 164, 38 Stat. 1189.)

1163. Exemption of articles going into Porto Rico.—Articles, goods, wares, or merchandise going into Porto Rico from the United States shall be exempted from the payment of any tax imposed by the internal revenue laws of the United States. (Sept. 21, 1922, c. 356, Title III, § 302, 42 Stat. 935.)

1164. Same; allowances of drawback.—All provisions of law for the allowance of drawback of internal-revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal-revenue tax has been paid when shipped from the United States to the Island of Porto Rico. (Mar. 4, 1915, c. 164, 38 Stat. 1189.)

1164a. Tax on articles of Porto Rican manufacture coming into United States and vice versa.—Articles of merchandise of Porto Rican manufacture coming into the United States may be withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Porto Rico there shall be a tax equal in rate and amount to the internal-revenue tax imposed in Porto Rico upon the like articles of Porto Rican manufacture. (Apr. 12, 1900, c. 191, § 3, 31 Stat. 77.)

1164b. Same; deputy collector; bond.—All United States internal-revenue taxes imposed by law on articles of Porto Rican manufacture coming into the United States for consumption or sale may be paid by affixing to such articles before shipment thereof a proper United States internal-revenue stamp denoting such payment, and for the purpose of carrying into effect the provisions of this section the Secretary of the Treasury is authorized to grant to such collector of internal revenue as may be recommended by the Commissioner of Internal Revenue, and approved by the Secretary, an allowance for the salary and expenses of a deputy collector of internal revenue, to be stationed at San Juan, Porto Rico, and the appointment of this deputy to be approved by the Secretary.

The collector will place in the hands of such deputy all stamps necessary for the payment of the proper tax on articles produced in Porto Rico and shipped to the United States, and the said deputy, upon proper payment made for said stamps, shall issue them to manufacturers in Porto Rico. All such stamps so issued or transferred to said deputy collector shall be charged to the collector and be accounted for by him as in the case of other tax-paid stamps.

The deputy collector assigned to this duty shall perform such other work in connection with the inspection and stamping of such articles, and shall make such returns as the Commissioner of Internal Revenue may, by regulations approved by the Secretary of the Treasury, direct, and all provisions of law relative to the appointment, duties, and compensation of deputy collectors of internal revenue, including office rent and other necessary expenses, shall, so far as applicable, apply to the deputy collector of internal revenue assigned to duty under the provisions of this chapter. Before entering upon the duties of his office such deputy collector shall execute a bond, payable to the collector of internal revenue appointing him, in such amount and with such sureties as he may determine. (June 29, 1906, c. 3613, §§ 1, 2, 34 Stat. 620, 621.)

1164c. Taxes in Porto Rico covered into the island treasury.—All taxes collected under the internal-revenue laws of the United States on articles produced in Porto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Porto Rico. (Mar. 2, 1917, c. 145, § 9, 39 Stat. 954.)

1165. Tax on imports from and into Virgin Islands.—There shall be levied, collected, and paid in the United States, upon articles coming into the United States from the Virgin Islands, a tax equal to the internal-revenue tax imposed in the United States upon like articles of domestic manufacture; such articles shipped from such islands to the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of such islands: *Provided*, That there shall be levied, collected, and paid in such islands, upon articles imported from the United States, a tax equal to the internal-revenue tax imposed in such islands upon like articles there manufactured; and such articles going into such islands from the United States shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States. (Feb. 24, 1919, c. 18, § 1304, 40 Stat. 1142.)

1166. Tax upon articles coming from or imported into Philippine Islands.—There shall be levied, collected, and paid in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise shipped from said islands to the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the Philippine Islands. There shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise as provided by the laws in the Philippine Islands; and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal revenue laws of the United States. In addition to the customs taxes imposed in the Philippine Islands, there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise imported into the Philippine Islands from countries other than the United States the internal-revenue tax imposed by the Philippine Government on like articles manufactured and consumed in the Philippine Islands or shipped thereto for consumption therein from the United States. (Sept. 21, 1922, c. 356, Title III, § 301, 42 Stat. 934.)

1167. Same; collections to be paid into insular treasury.—All internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the insular treasury. (Sept. 21, 1922, c. 356, Title III, § 301, 42 Stat. 934.)

1168. Articles intended for exportation to be manufactured in bonded warehouses.—All medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided by law, in order to be manufactured and sold or removed, without being charged with duty, and without having a stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in Treasury regulations as bonded warehouses, class 2: *Provided*, That such manufacturer shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the provisions of law and the regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation under the direction of the proper officer having charge thereof, who shall be designated by the Secretary of the Treasury, without being charged with duty, and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse as aforesaid, shall be at liberty, under such regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials so to be used may be transferred from any bonded warehouse in which the same may be, under such regulation as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and when so used shall be exempt from stamp and excise duty; and the receipt of the officer in charge as aforesaid shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the

bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom except for exportation, under the direction of the proper officer having charge thereof, as aforesaid, whose certificate, describing the articles by their mark or otherwise, the quantity, the date of importation, and name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer. (Oct. 1, 1890, c. 1244, § 10, 26 Stat. 614.)

1169. Removal in bond to Pacific coast for export.—Any article manufactured in a bonded warehouse established under section 1168 of this title, and situated in any of the Atlantic States, may be removed therefrom for transportation to a customs bonded warehouse at any port on the Pacific coast of the United States, for the purpose only of being exported therefrom, under such regulations and upon the execution of such bonds or other security as the Secretary of the Treasury may prescribe. (R. S. § 3434.)

1170. Altering form and device of internal-revenue stamps or labels; cancellation.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue. Such stamps shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as he, with the approval of the Secretary of the Treasury, may prescribe; and he is authorized and empowered to make, with the approval of the Secretary of the Treasury, all needful regulations relating thereto; and all pains, penalties, fines, and forfeitures provided by law relating to internal-revenue stamps shall apply to and have full force and effect in relation to any and all stamps which may or shall be so established by the Commissioner of Internal Revenue: *Provided*, Such stamps or device or instrument or means of removal or obliteration, shall entail no additional expense upon the persons required to affix or use the same. (R. S. § 3446; Mar. 1, 1879, c. 125, § 18, 20 Stat. 351.)

1171. Furnishing instruments for attaching and canceling.—Instruments or other means for attaching, protecting, and canceling stamps, for tobacco, snuff, cigars, distilled spirits, and fermented liquors, or either of them, shall be furnished by the United States to the persons using the stamps to be affixed therewith, under such regulations as the Commissioner of Internal Revenue may prescribe. (R. S. § 3445; Mar. 1, 1879, c. 125, § 18, 20 Stat. 351.)

1172. Same; cancellation of stamps by perforation.—In lieu of or in addition to other requirements of law in that respect all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the commissioner may, by regulations, prescribe. (June 13, 1898, c. 448, § 1, 30 Stat. 448; Mar. 2, 1901, c. 806, § 1, 31 Stat. 938; Apr. 12, 1902, c. 500, § 1, 32 Stat. 96.)

1173. Transmission of stamps to internal-revenue officers.—The transmission of internal-revenue stamps to the officers of the Internal Revenue Service shall be made through the mails of the United States in registered packages. (Aug. 15, 1876, c. 287, § 1, 19 Stat. 152.)

1174. Redemption of spoiled stamps; limitation of claims.—The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal-revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why the same can not be returned; or, if so required by the said commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid. No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of said stamps from the Government. (May 12, 1900, c. 393, § 1, 31 Stat. 177; June 30, 1902, c. 1327, 32 Stat. 506; June 2, 1924, 4.01 p. m., c. 234, § 1013 (a), 43 Stat. 343.)

1175. Same; decision of commissioner final.—The finding of facts in and the decision of the Commissioner of Internal Revenue upon the merits of any claim presented under or authorized by section 1174 of this title shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer. (May 12, 1900, c. 393, § 2, 31 Stat. 178.)

1176. Assessment of tax on articles sold without stamps; collection.—Whenever any article upon which a tax is required to be paid by means of a stamp is sold or removed for sale by the manufacturer thereof, without the use of the proper stamp, in addition to the penalties otherwise imposed by law for such sale or removal, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such removal or sale, upon such information as he can obtain, to estimate the amount of the tax which has been omitted to be paid, and to make an assessment therefor upon the manufacturer or producer of such article. He shall certify such assessment to the collector, who shall immediately demand payment of such tax, and upon the neglect or refusal of payment by such manufacturer or producer, shall proceed to collect the same in the manner provided for the collection of other assessed taxes. (Aug. 27, 1894, c. 349, § 47, 28 Stat. 562.)

1177. Restamping when stamp lost or destroyed.—The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue stamps for restamping packages of distilled spirits, tobacco, cigars, snuff, cigarettes, fermented liquors, and wines which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident. (R. S. § 3315; Mar. 1, 1879, c. 125, § 5, 20 Stat. 338; Feb. 24, 1919, c. 18, § 1315, 40 Stat. 1145; Nov. 23, 1921, c. 136, § 1330, 42 Stat. 319; June 2, 1924, 4.01 p. m., c. 234, § 1027, 43 Stat. 349.)

1178. Internal-revenue laws coextensive with jurisdiction of United States.—The internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be held to extend to such articles produced anywhere

within the exterior boundaries of the United States, whether the same be within a collection district or not. (R. S. § 3448.)

1179. Removing liquors or wines under other than trade-names.—Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500. (R. S. § 3449.)

1180. Forging, counterfeiting, or fraudulently using or selling stamps.—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument which shall have been provided or may hereafter be provided, made, or used in pursuance of the provisions of this title or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled the impression or any part of the impression of any such stamp, die, plate, or other instrument, as aforesaid, upon any paper, or shall stamp or mark or cause or procure to be stamped or marked any paper with any such forged or counterfeited stamp, die, plate, or other instrument or part of any stamp, die, plate, or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes imposed by the title or any part thereof; or if any person shall utter, or sell, or expose to sale any paper, article, or thing having thereupon the impression of any such counterfeited stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument which shall have been so provided, made, or used, as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of any provisions of this title from any paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall fraudulently use, join, fix, or place, or cause to be used, joined, fixed, or placed, to, with, or upon any paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other paper or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks on any adhesive stamp, with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamps or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamps, which have been removed from any article, paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid, shall, on conviction thereof, forfeit the said counterfeit, washed, restored, or altered stamps and the articles upon which they are placed and be punished by fine not exceeding $1,000, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court. And the fact that any adhesive stamp so bought, sold, offered for sale, used, or had in possession as aforesaid, has been washed or restored by removing or altering the canceling or defacing marks thereon, shall be prima facie proof that such stamp has been once used and removed by the possessor thereof from some paper, instrument, or writing charged with taxes imposed by law, in violation of the provisions of this section. (Aug. 27, 1894, c. 349, § 42, 28 Stat. 561.)

1181. Removing or concealing articles with intent to defraud United States.—Whenever any goods or commodities for or in respect whereof any tax is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities are removed, or are deposited or concealed in any place, with intent to defraud the United States of such tax, or any part therof, all such goods and commodities, and all such materials, utensils, and vessels, respectively, shall be forfeited; and in every such case all the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities, respectively, and every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited. And every person who removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any tax is or shall be imposed, with intent to defraud the United States of such tax or any part thereof, shall be liable to a fine or penalty of not more than $500. (R. S. § 3450.)

1182. Sale of forfeited implements; disposal of proceeds; disposal of forfeited liquor.—All boilers, stills, or other vessels, tools and implements, used in distilling or rectifying and forfeited under any of the provisions of this title, and all condemned material, together with any engine or other machinery connected therewith, and all empty barrels, and all grain or other material, suitable for distillation shall, under the direction of the court in which the forfeiture is recovered be sold at public auction, and the proceeds thereof, after deducting the expenses of sale, shall be disposed of according to law. And all spirits or spirituous liquors, which may be forfeited under the provisions of this title, unless herein otherwise provided, shall be disposed of by the Commissioner of Internal Revenue as the Secretary of the Treasury may direct. (R. S. § 3450.)

1183. Fraudulently executing required documents.—Every person who simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal-revenue laws, or by any regulation made in pursuance thereof, or who procures the same to be falsely or fraudulently executed, or who advises, aids in, or connives at such execution thereof, shall be imprisoned for a term not less than one year nor more than five years; and the property to which such false or fraudulent instrument relates shall be forfeited. (R. S. § 3451.)

1184. Possession of property with intent to sell in fraud of law, or to evade taxes.—Every person who shall have in his custody or possession any goods, wares, merchandise, articles, or objects on which taxes are imposed by law, for the purpose of selling the same in fraud of the internal-revenue laws, or with design to avoid payment of the taxes imposed thereon, shall be liable to a penalty of $500 or not less than double the amount of taxes fraudulently attempted to be evaded. (R. S. § 3452.)

1185. Same; seizure.—All goods, wares, merchandise, articles, or objects, on which taxes are imposed, which shall be found in the possession, or custody, or within the control of

any person, for the purpose of being sold or removed by him in fraud of the internal-revenue laws, or with design to avoid payment of said taxes, may be seized by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose, and shall be forfeited to the United States. And all raw materials found in the possession of any person intending to manufacture the same into articles of a kind subject to tax for the purpose of fraudulently selling such manufactured articles, or with design to evade the payment of said tax; and all tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or inclosure where such articles or raw materials are found, may also be seized by any collector or deputy collector, as aforesaid, and shall be forfeited as aforesaid. The proceedings to enforce such forfeitures shall be in the nature of a proceeding in rem in the district court of the United States for the district where such seizure is made. (R. S. § 3453.)

1186. Sales to evade tax; forfeiture; recovery.—Whenever any person who is liable to pay any tax upon any goods, wares, or merchandise, sells or causes or allows the same to be sold before the tax is paid to which said property is liable, with intent to avoid such tax, or in fraud of the internal revenue laws, any debt contracted in such sale, and any security given therefor, unless the same shall have been bona fide transferred to an innocent holder, shall be void, and the collection thereof shall not be enforced in any court. And if such goods, wares, or merchandise have been paid for, in whole or in part, the sum so paid shall be deemed forfeited, and any person who shall sue for the same in an action of debt shall recover from the seller the amount so paid, one half to his own use and the other half to the use of the United States. (R. S. § 3454.)

1187. False statements as to tax in connection with sales or leases; penalty.—Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both. (June 2, 1924, 4.01 p. m., c. 234, § 1026, 43 Stat. 348.)

1188. Disposing of or receiving empty stamped packages.—Whenever any person sells, gives, purchases, or receives any box, barrel, bag, vessel, package, wrapper, cover, or envelope of any kind, stamped, branded, or marked in any way so as to show that the contents or intended contents thereof have been duly inspected, or that the tax thereon has been paid, or that any provision of the internal revenue laws has been complied with, whether such stamping, branding, or marking may have been a duly authorized act or may be false and counterfeit, or otherwise without authority of law, said box, barrel, bag, vessel, package, wrapper, cover, or envelope being empty, or containing anything else than the contents which were therein when said articles had been so lawfully stamped, branded, or marked by an officer of the revenue, he shall be liable to a penalty of not less than $50 nor more than $500. And every person who makes, manufactures, or produces any box, barrel, bag, vessel, package, wrapper, cover, or envelope, stamped, branded, or marked, as above described, or stamps, brands, or marks the same, as hereinbefore recited, shall be liable to penalty as before provided in this section. And every person who violates the foregoing provisions of this section, with intent to defraud the revenue, or to defraud any person, shall be liable to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for not less than six months nor more than five years, or to both, at the discretion of the court. And all articles sold, given, purchased, received, made, manufactured, produced, branded, stamped, or marked in violation of the provisions of this section, and all their contents, shall be forfeited to the United States. (R. S. § 3455.)

1189. Distillers, rectifiers, wholesale liquor dealers, and so forth; violations of law; penalties and forfeitures.—If any distiller, rectifier, wholesale liquor dealer, or manufacturer of tobacco or cigars, shall knowingly or willfully omit, neglect, or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this title prohibited, if there be no specific penalty or punishment imposed by any other section of this title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of $1,000; and if the person so offending be a distiller, rectifier, or wholesale liquor dealer, all distilled spirits or liquors owned by him or in which he has any interest as owner, and if he be a manufacturer of tobacco or cigars, all tobacco or cigars found in his manufactory shall be forfeited to the United States. (R. S. § 3456; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

1190. Package included in forfeiture of goods.—In every case where any goods or commodities are forfeited under any internal-revenue law, all casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained such goods or commodities, respectively, shall be forfeited. (R. S. § 3457.)

1191. Seizure of goods; delivery to marshal; affixing stamps, brands, and so forth, to unstamped articles on sale.—Any goods, wares, merchandise, articles, or objects which may be seized, under the provisions of section 1185 of this title by any collector or deputy collector, may, at the option of the collector, be delivered to the marshal of the district, and remain in the care and custody and under the control of said marshal, until he shall obtain possession by process of law. And the cost of seizure made before process issues shall be taxable by the court. And where any whisky or tobacco, or other article of manufacture or produce, requiring brands, stamps or marks of whatever kind to be placed thereon, shall be sold upon distraint, forfeiture, or other process provided by law, the same not having been branded, stamped, or marked, as required by law, the officers selling the same shall, upon sale thereof, fix or cause to be affixed the brands, stamps, or marks, so required, and deduct the expense thereof from the proceeds of such sale. (R. S. § 3458.)

1192. Same; bailing; sale for want of bail.—When any property which is seized under the foregoing provisions of section 1185 of this title is liable to perish or become greatly reduced in price or value by keeping, or when it can not be kept without great expense, the owner thereof, or the marshal of the district, may apply to the collector of the district to examine it; and if, in the opinion of the said collector, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and thereupon the owner shall have said property returned to him upon giving bond in such form as may be prescribed by the Commissioner of Internal Revenue, and in an amount equal to the appraised value, with such sureties as the collector shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said collector with the United States district attorney

for the district in which said proceedings in rem may be commenced. In case said bond shall have been executed and the property returned before seizure thereof by virtue of the process aforesaid, the marshal shall give notice of pendency of proceedings in court to the parties executing said bond, by personal service or publication, and in such manner and form as the court may direct, and the court shall thereupon have jurisdiction of said matter and parties in the same manner as if such property had been seized by virtue of the process aforesaid. But if said owner shall neglect or refuse to give said bond, the collector shall issue to a deputy collector or to the marshal aforesaid an order to sell the same; and the deputy collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment. (R. S. § 3459.)

1193. Same; proceedings in case of goods valued at $500 or less.—In all cases of seizure of any goods, wares, or merchandise, as being subject to forfeiture under any provision of the internal revenue laws, which, in the opinion of the collector or deputy collector making the seizure, are of the appraised value of $500 or less, the said collector or deputy collector shall, except in cases otherwise provided, proceed as follows:

First. He shall cause a list containing a particular description of the goods, wares, or merchandise seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers, to be selected by him, who shall be respectable and disinterested citizens of the United States residing within the collection district wherein the seizure was made. Said list and appraisement shall be properly attested by the said collector or deputy collector and the said appraisers, for which service each of the said appraisers shall be allowed the sum of $1.50 a day, to be paid in the manner provided by law for other necessary charges of collectors.

Second. If the said goods are found by the said appraisers to be of the value of $500 or less, the said collector or deputy collector shall publish a notice, for three weeks, in some newspaper of the district where the seizure was made, describing the articles, and stating the time, place, and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first publication of such notice.

Third. Any person claiming the goods, wares, or merchandise so seized, within the time specified in the notice, may file with the said collector or deputy collector a claim, stating his interest in the articles seized, and may execute a bond to the United States in the penal sum of $250, with sureties to be approved by the said collector or deputy collector, conditioned that, in case of condemnation of the articles so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation; and upon the delivery of such bond to the collector or deputy collector, he shall transmit the same, with the duplicate list or description of the goods seized, to the United States district attorney for the district, and said attorney shall proceed thereon in the ordinary manner prescribed by law.

Fourth. If no claim is interposed and no bond is given within the time above specified, the collector or deputy collector, as the case may be, shall give ten days' notice of the sale of the goods, wares, or merchandise by publication, and, at the time and place specified in the notice, shall sell the articles so seized at public auction, and, after deducting the expense of appraisement and sale, he shall deposit the proceeds to the credit of the Secretary of the Treasury. (R. S. § 3460.)

1194. Same; application for remission and return of proceeds of sale; distribution.—Within one year after the sale of any goods, wares, or merchandise, as provided in section 1193 of this title, any person claiming to be interested in the property sold may apply to the Secretary of the Treasury for a remission of the forfeiture thereof, or of any part thereof, and a restoration of the proceeds of the sale; and the said Secretary may grant the same upon satisfactory proof, to be furnished in such manner as he shall prescribe: *Provided*, That it shall be satisfactorily shown that the applicant, at the time of the seizure and sale of the said property, and during the intervening time, was absent, out of the United States, or in such circumstances as prevented him from knowing of the seizure, and that he did not know of the same; and also that the said forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of said property. If no application for such restoration is made within one year, as hereinbefore prescribed, the Secretary of the Treasury shall, at the expiration of the said time, cause the proceeds of the sale of the said property to be distributed according to law, as in the case of goods, wares, or merchandise condemned and sold pursuant to the decree of a competent court. (R. S. § 3461.)

1195. Search warrants.—The several judges of the district courts of the United States, and United States commissioners, may, within their respective jurisdictions, issue a search warrant, authorizing any internal-revenue officer to search any premises within the same, if such officer makes oath in writing that he has reason to believe, and does believe, that a fraud upon the revenue has been or is being committed upon or by the use of the said premises. (R. S. § 3462; May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

1196. Purchasing for Government goods subject to tax.—The privilege of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, which now does or hereafter shall exist by provision of law, shall be extended, under such regulations as the Secretary of the Treasury may prescribe, to all articles of domestic production which are subject to tax by the provisions of this title. (R. S. § 3464.)

Chapter 22.—BOARD OF TAX APPEALS.

Sec.
1211. Board of Tax Appeals; establishment; number of members.
1212. Same; an independent agency.
1213. Same; appointment of members; terms of office; vacancies; removal, salaries.
1214. Same; practice before board and Bureau of Internal Revenue by ex-members.
1215. Same; chairman; seal.
1216. Same; hearing and determination of appeals; quorum; effect of vacancy.
1217. Same; divisions; hearing and determination of appeals; decisions.
1218. Same; findings of board prima facie evidence of facts.
1219. Same; notice and opportunity to be heard; procedure; reports; office of board; times and places of meetings.
1220. Same; oaths, witnesses, and depositions.
1221. Same; clerical assistance; quarters; stationery, and so forth.
1222. Same; traveling and other expenses; employees; expenditures.

Section 1211. Board of Tax Appeals; establishment; number of members.—There is established a board to be known as the Board of Tax Appeals (hereinafter referred to as the "board"). The board shall be composed of seven members, except that for a period of two years after June 2, 1924, the board shall be composed of such number of members, not more than twenty-eight, as the President determines to be necessary. (June 2, 1924, 4.01 p. m., c. 234, § 900 (a), 43 Stat. 336.)

1212. Same; an independent agency.—The Board of Tax Appeals shall be an independent agency in the executive branch of Government. (June 2, 1924, 4.01 p. m., c. 234, § 900, 43 Stat. 336.)

1213. Same; appointment of members; terms of office; vacancies; removal; salaries.—Each member of the board shall be appointed by the President, by and with the advice and con-

sent of the Senate, solely on the grounds of fitness to perform the duties of the office. The term of office of all members who are to compose the board during the period of two years after June 2, 1924, shall expire at the end of such period. The terms of office of the first seven members who are thereafter to compose the board shall expire, two at the end of the fourth year, two at the end of the sixth year, two at the end of the eighth year, and one at the end of the tenth year, after the expiration of such two-year period. The term of office of each such member shall be designated by the President, and the terms of office of their successors shall expire ten years after the expiration of their predecessors' terms, except that any individual appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor, and a member in office at the expiration of the term for which he was appointed may continue in office until his successor is qualified. Any member of the board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other reason. Each member shall receive a salary at the rate of $7,500 per annum. (June 2, 1924, 4.01 p. m., c. 234, § 900 (b), 43 Stat. 336.)

1214. Same; practice before board and Bureau of Internal Revenue by ex-members.—No member of the Board of Tax Appeals appointed for a term beginning after June 2, 1926, shall be permitted to practice before the board or any official of the Bureau of Internal Revenue for a period of two years after leaving office. (June 2, 1924, 4.01 p. m., c. 234, § 900 (c), 43 Stat. 336.)

1215. Same; chairman; seal.—The board shall at least biennially designate a member to act as chairman. The board shall have a seal which shall be judicially noticed. (June 2, 1924, 4.01 p. m., c. 234, § 900 (d), 43 Stat. 336.)

1216. Same; hearing and determination of appeals; quorum; effect of vacancy.—The board and its divisions shall hear and determine appeals filed under sections 1048 to 1054, 1063, and 1101 to 1108 of this title. A majority of the members of the board or of any division thereof shall constitute a quorum for the transaction of the business of the board or of the division, respectively. A vacancy in the board or in any division thereof shall not impair the powers nor affect the duties of the board or division, nor of the remaining members of the board or division, respectively. (June 2, 1924, 4.01 p. m., c. 234, § 900 (e), 43 Stat. 336.)

1217. Same; divisions; hearing and determination of appeals; decisions.—The chairman may from time to time divide the board into divisions and assign the members thereto, and designate a chief thereof. If a division, as a result of a vacancy or the absence or inability of a member assigned thereto to serve thereon, is composed of less than three members, the chairman may assign other members thereto, or he may direct the division to proceed with the transaction of business. A division shall hear and determine appeals filed with the board and assigned to such division by the chairman. Upon the expiration of thirty days after a decision by a division, such decision, and the findings of fact made in connection therewith, shall become the final decision and findings of the board, unless within such period the chairman has directed that such decision shall be reviewed by the board. (June 2, 1924, 4.01 p. m., c. 234, § 900 (f), 43 Stat. 336.)

1218. Same; findings of board prima facie evidence of facts.—In any proceeding in court under sections 1048 to 1054, 1063 and 1101 to 1108 of this title, and in any suit or proceeding by a taxpayer to recover any amounts paid in pursuance of a decision of the board, the findings of the board shall be prima facie evidence of the facts therein stated. (June 2, 1924, 4.01 p. m., c. 234, § 900 (g), 43 Stat. 336.)

1219. Same; notice and opportunity to be heard; procedure; reports; office of board; times and places of meetings.—Notice and an opportunity to be heard shall be given to the taxpayer and the Commissioner of Internal Revenue and a decision shall be made as quickly as practicable. Hearings before the board and its divisions shall be open to the public. The proceedings of the board and its divisions shall be conducted in accordance with such rules of evidence and procedure as the board may prescribe. It shall be the duty of the board and of each division to make a report in writing of its findings of fact and decision in each case, and a copy of its report shall be entered of record and a copy furnished the taxpayer. If the amount of tax in controversy is more than $10,000 the oral testimony taken at the hearing shall be reduced to writing and the report shall contain an opinion in writing in addition to the findings of fact and decision. All reports of the board and its divisions and all evidence received by the board and its divisions (including, in cases where the oral testimony is reduced to writing, the transcript thereof) shall be public records open to the inspection of the public. The board shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the board therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents. The principal office of the board shall be in the District of Columbia, but the board or any of its divisions may sit at any place within the United States. The times and places of the meetings of the board, and of its divisions, shall be prescribed by the chairman with a view to securing reasonable opportunity to taxpayers to appear before the board or any of its divisions, with as little inconvenience and expense to taxpayers as is practicable. (June 2, 1924, 4.01 p. m., c. 234, § 900 (h), 43 Stat. 336.)

1220. Same; oaths, witnesses, and depositions.—For the efficient administration of the functions vested in the board or any division thereof, any member of the board may administer oaths, examine witnesses, and require, by subpœna ordered by the board or any division thereof and signed by the member, (1) the attendance and testimony of witnesses, and the production of all necessary returns, books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, (2) the taking of a deposition before any designated individual competent to administer oaths under this title, and (3) the answer in writing under oath to any question of fact submitted. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent. Any witnesses summoned or whose deposition is taken under this section shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 900 (i), 43 Stat. 336.)

1221. Same; clerical assistance; quarters, stationery, and so forth.—The Secretary of the Treasury shall furnish the Board of Tax Appeals with such clerical assistance, quarters, stationery, furniture, office equipment, and other supplies as may be necessary for the efficient execution of the functions vested in it by sections 1211 to 1222 of this title. (June 2, 1924, 4.01 p. m., c. 234, § 900 (j), 43 Stat. 336.)

1222. Same; traveling and other expenses; employees; expenditures.—The members and employees of the board and employees assigned thereto shall receive their necessary traveling expenses, and their actual expenses incurred for subsistence

while traveling on duty and away from their designated stations in an amount not to exceed $7 per day in the case of members, and $4 per day in the case of employees. The board is authorized in accordance with the civil service laws to appoint, and in accordance with sections 661 to 674 of Title 5 to fix the compensation of, such employees, and to make such expenditures, including expenditures for personal services and rent at the seat of the Government and elsewhere, and for law books, books of reference, and periodicals, as may be necessary efficiently to execute the functions vested in the board, in case such assistants and such expenditures are not suitably provided for by the Secretary under section 1221 of this title. All expenditures of the board shall be allowed and paid upon the presentation of itemized vouchers therefor, signed by the chairman, out of any moneys appropriated for the collection of internal revenue taxes and allotted to the board, or out of any moneys specifically appropriated for the purposes of the board. (June 2, 1924, 4.01 p. m., c. 234, § 900 (k), 43 Stat. 336.)

Chapter 23.—ADMINISTRATIVE AND GENERAL PROVISIONS.

Sec.
1241. Purchase of stationery.
1242. Detection and punishment of frauds.
1243. Same; statement of expenditure.
1244. General laws made applicable.
1245. Rules and regulations.
1246. Same; regulations necessitated by alteration of law.
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1249. Conclusiveness of assessment, determination or payment of tax, and acceptance of abatement, credit, or refund.
1250. Conclusiveness of findings and decisions by Commissioner of Internal Revenue.
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1252. Mode of collecting taxes not specifically provided for.
1253. Other methods of collecting taxes; administrative and penalty provisions applicable.
1254. Records, statements, and returns; acknowledgment to certain returns; returns and statements on notice from commissioner.
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1268. Additional penalty for evading or failing to collect, and so forth, certain taxes.
1269. Definition; "person."
1270. Failure to pay, collect, account for, and pay over certain tax, or to make returns or supply information; penalty.
1271. Partial invalidity of title.
1272. Citation.

Section 1241. Purchase of stationery.—The purchase of stationery for the Internal Revenue Service shall be made under the direction of the Secretary of the Treasury as in the case of other branches of the public service under the Treasury Department. (Mar. 4, 1911, c. 237, § 1, 36 Stat. 1195.)

1242. Detection and punishment of frauds.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law. (R. S. § 3463.)

1243. Same; statement of expenditure.—The Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended the sum appropriated for the purpose mentioned in section 1242 of this title, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made. (Mar. 3, 1893, c. 208, 27 Stat. 587; Mar. 3, 1905, c. 1483, 33 Stat. 1167; Aug. 24, 1912, c. 355, 37 Stat. 431.)

1244. General laws made applicable.—All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are extended to and made a part of each chapter of this title. (Feb. 24, 1919, c. 18, § 1305, 40 Stat. 1142; Nov. 23, 1921, c. 136, § 1300, 42 Stat. 308; June 2, 1924, 4.01 p. m., c. 234, § 1000, 43 Stat. 339.)

1245. Rules and regulations.—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to prescribe all needful rules and regulations for the enforcement of the provisions of this title, and wherever the mode or time of assessing or collecting any tax which is imposed is not provided for, the said commissioner may establish the same by regulation. (R. S. § 3447; Feb. 24, 1919, c. 18, § 1309, 40 Stat. 1143; Nov. 23, 1921, c. 136, § 1303, 42 Stat. 309; June 2, 1924, 4.01 p. m., c. 234, § 1001, 43 Stat. 339.)

1246. Same; regulations necessitated by alteration of law.—The Commissioner of Internal Revenue may also make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue. (R. S. § 3447.)

1247. Examination of books, papers, and records; taking testimony.—The Commissioner of Internal Revenue, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any revenue agent or inspector designated by him for that purpose, to examine any books, papers, records or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons. (Feb. 24, 1919, c. 18, § 1305, 40 Stat. 1142; June 2, 1924, 4.01 p. m., c. 234, § 1004, 43 Stat. 340.)

1248. Same; number of inspections of taxpayer's accounts allowable; exceptions.—No taxpayer shall be subjected to unnecessary examinations or investigations, and only one inspection of a taxpayer's books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless the commissioner, after investigation, notifies the taxpayer in writing that an additional inspection is necessary. (June 2, 1924, 4.01 p. m., c. 234, § 1005, 43 Stat. 340.)

1249. Conclusiveness of assessment, determination or payment of tax, and acceptance of abatement, credit, or refund.—If after a determination and assessment in any case the taxpayer has paid in whole any tax or penalty, or accepted any abatement, credit, or refund based on such determination and assessment, and an agreement is made in writing between the taxpayer and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that such determination and assessment shall be final and conclusive, then (except upon a showing of fraud or malfeasance or misrepresentation of fact materially affecting the determination or assessment thus made), (1) the case shall not be reopened or the determination

and assessment modified by any officer, employee, or agent of the United States, and (2) no suit, action, or proceeding to annul, modify, or set aside such determination or assessment shall be entertained by any court of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 1006, 43 Stat. 340.)

1250. Conclusiveness of findings and decisions by Commissioner of Internal Revenue.—In the absence of fraud or mistake in mathematical calculation, the findings of facts by and the decision of the Commissioner of Internal Revenue upon the merits of any claim presented under or authorized by the internal revenue laws (after approval by the Secretary of the Treasury in case the Secretary is authorized to approve the same) shall not, except as provided in sections 1211 to 1222, be subject to review by any other administrative or accounting officer, employee, or agent of the United States. (June 2, 1924, 4.01 p. m., c. 234, § 1007, 43 Stat. 340.)

1251. Retroactive effect of regulations or Treasury decisions.—(a) In case a regulation or Treasury decision relating to the internal revenue laws, made by the Commissioner of Internal Revenue or the Secretary of the Treasury, or by the commissioner with the approval of the Secretary, is reversed by a subsequent regulation or Treasury decision, and such reversal is not immediately occasioned or required by a decision of a court of competent jurisdiction, such subsequent regulation or Treasury decision may, in the discretion of the commissioner, with the approval of the Secretary, be applied without retroactive effect.

(b) No tax shall be levied, assessed, or collected under the provisions of chapter 17 of this title on any article sold or leased by the manufacturer, producer, or importer, if at the time of the sale or lease there was an existing ruling, regulation, or Treasury decision holding that the sale or lease of such article was not taxable, and the manufacturer, producer, or importer parted with possession or ownership of such article, relying upon the ruling, regulation, or Treasury decision. (June 2, 1924, 4.01 p. m., c. 234, § 1008, 43 Stat. 341.)

1252. Mode of collecting taxes not specifically provided for.—In all cases where the method of collecting the tax imposed by sections 245, 248, 252 to 254, 441 to 456, and 506 of this title, or any other law in relation to internal revenue is not specifically provided for in this title the tax shall be collected in such manner as the commissioner, with the approval of the Secretary, may prescribe. (R. S. § 3447; Feb. 24, 1919, c. 18, § 1307, 40 Stat. 1143.)

1253. Other methods of collecting taxes; administrative and penalty provisions applicable.—Whether or not the method of collecting any tax imposed by sections 211 to 220, 223, 224, 245, 691 to 695, 702, 761, 792 to 797, 829, 831 to 834, 871, 872, 881 to 887 of this title is specifically provided therein, any such tax may, under regulations prescribed by the commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of chapter 18, in so far as applicable, shall apply to the collection of any tax which the commissioner determines or prescribes shall be collected in such manner. (Feb. 24, 1919, c. 18, § 1307, 40 Stat. 1143; Nov. 23, 1921, c. 136, § 1301, 42 Stat. 308; June 2, 1924, 4.01 p. m., c. 234, § 1022, 43 Stat. 347.)

1254. Records, statements, and returns; acknowledgment to certain returns; returns and statements on notice from commissioner.—(a) Every person liable to any tax imposed by this title, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the commissioner, with the approval of the Secretary of the Treasury, may from time to time prescribe.

(b) Whenever in the judgment of the commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the commissioner deems sufficient to show whether or not such person is liable to tax.

(c) The commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by chapters 4 to 6 and 14 to 17, inclusive, of this title to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

(d) Any oath or affirmation required by the provisions of this title, or regulations made under authority thereof, may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States. (Feb. 24, 1919, c. 18, §§ 1305, 1309, 40 Stat. 1143; Nov. 23, 1921, c. 136, §§ 1300, 1303, 42 Stat. 309; June 2, 1924, 4.01 p. m., c. 234, § 1002, 43 Stat. 339.)

1255. Credit sales; recovery of tax paid by vendor.—Wherever in this title a tax is required to be paid by the purchaser to the vendor at the time of a sale, and such sale is made on credit, then, under regulations prescribed by the commissioner, with the approval of the Secretary, the tax may, at the option of the vendor, be returned and paid by him to the United States as if paid to him by the purchaser at the time of the sale, and in such case the vendor shall have a right of action in any court of competent jurisdiction against the purchaser for the amount of the tax so returned and paid to the United States. (Feb. 24, 1919, c. 18, § 1310, 40 Stat. 1143.)

1256. Overpayments and overcollections of tax; credit and refund.—In the case of any overpayment or overcollection of any tax imposed by chapters 16 and 17 of this title, the person making such overpayment or overcollection may take credit therefor against taxes due upon any monthly return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto. (Feb. 24, 1919, c. 18, § 1310, 40 Stat. 1143; Nov. 23, 1921, c. 136, § 1304, 42 Stat. 309; June 2, 1924, 4.01 p. m., c. 234, § 1023, 43 Stat. 347.)

1257. Jurisdiction of district courts; additional remedies.—The district courts of the United States at the instance of the United States are invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this title. The remedies provided by this section and section 1258 of this title are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such provisions. (June 2, 1924, 4.01 p. m., c. 234, § 1025 (a, b), 43 Stat. 348.)

1258. Same; compelling attendance of witnesses or production of books and papers.—If any person is summoned under this title to appear, to testify or to produce books, papers, or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony or production of books, papers, or other data. (Feb. 24, 1919, c. 18, § 1318, 40 Stat. 1148; Nov. 23, 1921, c. 136, § 1310, 42 Stat. 310; June 2, 1924, 4.01 p. m., c. 234, § 1025 (a), 43 Stat. 348.)

1259. Contracts with United States; filing with and access by commissioner to data.—Every person who on or after April 6, 1917, has entered into any contract, undertaking, or agree-

ment, with the United States, or with any department, bureau, officer, commission, board, or agency under the United States or acting in its behalf, or with any other person having contract relations with the United States, for the performance of any work or the supplying of any materials or property for the use of or for the account of the United States, shall, within thirty days after a request of the Commissioner of Internal Revenue therefor, file with the commissioner a true and correct copy of every such contract, undertaking, or agreement.

Whoever fails to comply with such request of the commissioner shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or both.

The commissioner shall (when not violative of the technical military or naval secrets of the Government) have access to all information and data relating to any such contract, undertaking, or agreement, in the possession, control or custody of any department, bureau, board, agency, officer, or commission of the United States, and may call upon any such department, bureau, board, agency, officer, or commission for a full statement and description of any allowance for amortization, obsolescence, depreciation or loss, or of any valuation, appraisal, adjustment or final settlement, made in pursuance of any such contract, undertaking or agreement. (Feb. 24, 1919, c. 18, § 1408, 40 Stat. 1151.)

1260. Prior revenue law in force for assessment and collection of taxes and for imposition and collection of penalties thereunder.—The parts of prior Revenue Acts heretofore repealed shall (except as otherwise provided in this title) remain in force for the assessment and collection of all taxes imposed by such Acts, and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes, and for the assessment and collection, to the extent provided in such Acts, of all taxes imposed by prior income, war-profits, or excess-profits tax acts, and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes. (June 2, 1924, c. 234, § 1100(b), 43 Stat. 352.)

1261. Retroactive benefits of certain repealed laws unaffected.—The repeal of Title II and Title IV of the Revenue Act of 1921 (Forty-second Statutes, page 227) shall not be construed to take away the retroactive benefits allowed by paragraph (12) of subdivision (a) of section 214 or paragraph (14) of subdivision (a) of section 234, of the Revenue Act of 1921, or by section 401 or 403 of such Act. (June 2, 1924, 4.01 p. m., c. 234, § 1100 (c), 43 Stat. 352.)

1262. Definitions.—(a) Unless otherwise specifically provided, when used in this title—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

(3) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(4) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(5) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(6) The term "Secretary" means the Secretary of the Treasury.

(7) The term "commissioner" means the Commissioner of Internal Revenue.

(8) The term "collector" means collector of internal revenue.

(9) The term "taxpayer" means any person subject to a tax imposed by this title.

(10) The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female.

(11) The term "Government contract" means (a) a contract made with the United States, or with any department, bureau, officer, commission, board, or agency, under the United States and acting in its behalf, or with any agency controlled by any of the above if the contract is for the benefit of the United States, or (b) a subcontract made with a contractor performing such a contract if the products or services to be furnished under the subcontract are for the benefit of the United States. The term "Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive" when applied to a contract of the kind referred to in clause (a) of this subdivision, includes all such contracts which, although entered into during such period, were originally not enforceable, but which have been or may become enforceable by reason of subsequent validation in pursuance of law.

(12) A corporation organized under sections 141 to 162 of Title 15 (the China Trade Act, 1922), shall, for the purposes of this title, be considered a domestic corporation.

(13) The term "Revenue Act of 1916" means the Act entitled "An Act to increase the revenue, and for other purposes," approved September 8, 1916.

(14) The term "Revenue Act of 1917" means the Act entitled "An Act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917.

(b) the terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined. (Nov. 23, 1921, c. 136, § 2, 42 Stat. 227; Sept. 19, 1922, c. 346, § 25, 42 Stat. 856; June 2, 1924, 4.01 p. m., c. 234, § 2, 43 Stat. 253.)

1263. Taxes on articles sold or leased for export.—Under such rules and regulations as the commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of sections 245, 252 to 254, 441 to 451, 506, 761, 792 to 797, 829, 831 to 833 of this title shall not apply in respect of articles sold or leased for export and in due course so exported. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect of exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded. (Feb. 24, 1919, c. 18, § 1310, 40 Stat. 1143; Nov. 23, 1921, c. 136, § 1305, 42 Stat. 310; June 2, 1924, 4.01 p. m., c. 234, § 1024, 43 Stat. 348.)

1264. Porto Rico and Philippine Islands; law in force in.—Title I of the Revenue Act of 1916 as amended by the Revenue Act of 1917 shall remain in force for the assessment and collection of the income tax in Porto Rico and the Philippine Islands, except as may be otherwise provided by their respective legislatures. (Feb. 24, 1919, c. 18, § 1400, 40 Stat. 1149.)

1265. Failure to pay certain other taxes or to make returns, and so forth; penalty.—Any person required under sections 211 to 220, 223, 224, 761, 792 to 797, 829, 832, 834, 871 to 873, 881 to 887, 901, 931 to 940, 951 to 968, 981 to 993, 1001 to 1007, 1021 to 1031, 1041 to 1068, 1091 to 1118, 1131 to 1136 of this title to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by such sections, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the

time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution. (June 2, 1924, 4.01 p. m., c. 234, § 1017 (a), 43 Stat. 343.)

1266. Failure to collect, account for, or pay over certain taxes.—Any person required under the provisions of this title to collect, account for and pay over any tax imposed by the sections enumerated in section 1265 of this title, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed thereby or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution. (June 2, 1924, 4.01 p. m., c. 234, § 1017 (b), 43 Stat. 343.)

1267. Aiding or assisting in false or fraudulent returns; penalty.—Any person who willfully (1) aids or assists in the preparation or presentation of a false or fraudulent return, affidavit, claim, or document, authorized or required by the internal-revenue laws, or (2) procures, counsels, or advises the preparation or presentation of such return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution. (June 2, 1924, 4.01 p. m., c. 234, § 1017(c), 43 Stat. 343.)

1268. Additional penalty for evading or failing to collect, and so forth, certain taxes.—Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by sections 211 to 220, 223, 224, 761, 792 to 797, 829, 831 to 834 of this title, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this section for any offense for which a penalty may be assessed under authority of sections 97 and 98 or for any offense for which a penalty has been recovered under section 260. (June 2, 1924, 4.01 p. m., c. 234, § 1017 (d), 43 Stat. 343.)

1269. Definition; "person."—The term "person" as used in sections 1265 to 1268 of this title includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs. (June 2, 1924, 4.01 p. m., c. 234, § 1017 (c), 43 Stat. 343.)

1270. Failure to pay, collect, account for, and pay over certain tax, or to make returns or supply information; penalty.—(a) Any person required under sections 245, 252 to 254, 289, 297, 322, 369, 378, 419, 441 to 448, 450 to 452, 489, 506, 515, and 525 of this title, to pay, or to collect, account for and pay over any tax, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment, or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(b) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax, shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: *Provided, however*, That no penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of sections 97 and 98 of this title, or for any offense for which a penalty has been recovered under section 260 of this title.

(d) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs. (Feb. 24, 1919, c. 18, § 1308, 40 Stat. 1143; Nov. 23, 1921, c. 136, § 1302, 42 Stat. 309.)

1271. Partial invalidity of title.—If any provision of any Acts or parts of Acts relating to internal-revenue taxes included in this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. (June 2, 1924, 4.01 p. m., c. 234, § 1103, 43 Stat. 353.)

1272. Citation.—Act June 2, 1924, chapter 234, included in this title may be cited as the "Revenue Act of 1924." (June 2, 1924, 4.01 p. m., c. 234, § 1, 43 Stat. 253.)

INTERNATIONAL CONFERENCES

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

INTERSTATE COMMERCE COMMISSION

See Title 49, TRANSPORTATION.

INTERSTATE TRANSPORTATION

See Title 47, TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS;
Title 49, TRANSPORTATION.

TITLE 27.—INTOXICATING LIQUORS

Chapter	Sec.
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CROSS REFERENCE

Instruction as to effect of alcoholic drinks; see Title 20, EDUCATION.
Taxation; see chapters 5 and 6 of Title 26, INTERNAL REVENUE.

Chapter 1.—GENERAL PROVISIONS.

Sec.
1. Short name of title.
2. Territory affected.
3. Effect on existing legislation.
4. Definitions.
5. Authority of commissioner's agents or assistants.

Section 1. Short name of title.—The short name of this title shall be the "National Prohibition Act." (Oct. 28, 1919, c. 85, § 1, 41 Stat. 305.)

2. Territory affected.—This title shall apply not only to the United States but to all territory subject to its jurisdiction, including the Territory of Hawaii and the Virgin Islands; and jurisdiction is conferred on the courts of the Territory of Hawaii and the Virgin Islands to enforce this title in such Territory and islands. (Nov. 23, 1921, c. 134, § 3, 42 Stat. 223.)

3. Effect on existing legislation.—All laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force on October 28, 1919, shall be and continue in force, as to both beverage and nonbeverage liquor, except such provisions of such laws as are directly in conflict with any provision of this title; but if any act is a violation of any of such laws and also of this title, a conviction for such act or offense under one shall be a bar to prosecution therefor under the other. (Nov. 23, 1921, c. 134, § 5, 42 Stat. 223.)

4. Definitions.—When used in this title (1) The word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes: *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed in section 58 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.

(2) The word "person" shall mean and include natural persons, associations, copartnerships, and corporations.

(3) The word "commissioner" shall mean Commissioner of Internal Revenue.

(4) The term "application" shall mean a formal written request supported by a verified statement of facts showing that the commissioner may grant the request.

(5) The term "permit" shall mean a formal written authorization by the commissioner setting forth specifically therein the things that are authorized.

(6) The term "bond" shall mean an obligation authorized or required by or under this title or any regulation, executed in such form and for such a penal sum as may be required by a court, the commissioner, or prescribed by regulation.

(7) The term "regulation" shall mean any regulation prescribed by the commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this title, and the commissioner is authorized to make such regulations. (Oct. 28, 1919, c. 85, Title II, § 1, 41 Stat. 307.)

5. Authority of commissioner's agents or assistants.—Any act authorized to be done by the commissioner may be performed by any assistant or agent designated by him for that purpose. Records required to be filed with the commissioner may be filed with an assistant commissioner or other person designated by the commissioner to receive such records. (Oct. 28, 1919, c. 85, Title II, § 1, 41 Stat. 307.)

Chapter 2.—PROHIBITION OF INTOXICATING BEVERAGES.

Sec.
11. Investigation and report of violations of chapter; duty to prosecute; search warrants.
12. Manufacture, sale, transportation, importation or exportation, delivery, furnishing, or possessing intoxicating liquors prohibited; exceptions.
13. Articles exempt from provisions of chapter; permits to manufacture; quantity of alcohol; sale of enumerated articles for beverage purposes; punishment.
14. Analysis of manufactured articles; notice to manufacturer; revocation of permit.
15. Change of formula of preparations being used as beverage or for intoxicating beverage purposes.
16. Permits to manufacture, sell, purchase, transport, or prescribe liquors; exceptions; expiration of permits; wine for sacramental purposes.
17. Physicians' prescriptions.
18. Kinds of liquor which may be prescribed; percentage of alcohol in; quantity permitted to be prescribed.
19. Prescription blanks.
20. Number of blanks issued to physician within given period.
21. Violations of law by permittee; citation; hearing; revocation of permit.
22. Record of manufacture, purchase, sale, or transportation of liquor.
23. Copies of permits to be kept by manufacturers and wholesalers; sales only at wholesale.
24. Labels on containers.
25. Shipments of liquor; records of carriers; delivery; verification of copies of permits.
26. Notice to carrier of nature of shipments; information on packages.
27. Consigning, shipping, transporting, delivering, or receiving packages with false statements thereon.
28. Orders to carrier for delivery to persons not actual bona fide consignees.
29. Advertising liquor or manufacture, sale, or keeping for sale thereof; exceptions.
30. Advertising, manufacture, or sale of utensils, apparatus, ingredients or formulæ for manufacture of liquor.
31. Soliciting or receiving orders for liquor.
32. Right of action for injuries caused by intoxicated person.
33. Property used in connection with violation of law as common nuisance; punishment for maintenance; liability of owners of buildings.
34. Abatement of nuisance; injunction; procedure; bond by owner or lessee of building.
35. Person keeping or carrying liquor with intent to sell, or soliciting orders for liquor guilty of nuisance and restrainable by injunction.
36. Fees of officers.
37. Forfeiture of lease at option of lessor.
38. Violation of injunction as contempt; procedure; punishment.
39. Unlawful possession of liquor or property designed for manufacture thereof; search warrants.
40. Unlawful transportation of liquor; seizure and destruction of liquor and sale of vehicle.
41. Forfeited vessels or vehicles used for enforcement of national prohibition act.

Sec.
42. Application for vessel or vehicle.
43. Limitation on use; appropriations for expense of maintenance, etc., report in Budget as to vessels or vehicles; disposition when not needed for official use.
44. Delivery of seized liquors to United States for certain purposes.
45. Powers of and protection to internal revenue officers in enforcement of chapter.
46. Punishment for unlawful manufacture or sale of liquor or violation of permits.
47. Privilege of witnesses; immunity from prosecution.
48. Venue of prosecution for unlawful sale of liquor.
49. Affidavit, information or indictment; joinder of separate offenses.
50. Possession of liquor prima facie evidence of unlawful purpose; reports of possession; exception.
51. Records and reports; inspection; use as evidence.
52. Repeal; liquor taxes and penalties.
53. Assessment and collection of taxes and penalties.
54. Loss of distilled spirits as affecting payment of tax thereon.
55. Power of commissioner to compromise civil causes.
56. Limitation and regulation of importation, reimportation, and manufacture of spirituous and vinous liquors.
57. Storage in or transportation to bonded warehouses of liquor already manufactured.
58. Development of liquids to contain more than one-half of 1 per centum of alcohol; reduction of same.
59. Tax on fortified wines for nonbeverage alcohol.
60. Burden of proof as to alcoholic content.
61. Employees and equipment for enforcement of chapter; appointment and purchase; appropriation.
62. Summons to citizens whose property rights may be affected.
63. Prohibition of intoxicating liquors in Canal Zone.
64. Effect of partial invalidity of chapter.

Section 11. Investigation and report of violations of chapter; duty to prosecute; search warrants.—The Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this chapter to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury. Section 591 of Title 18 is hereby made applicable in the enforcement of this chapter. Officers mentioned in said section 591 are authorized to issue search warrants under the limitations provided in sections 611 to 631, and 633 of Title 18. (Oct. 28, 1919, c. 85, Title II, § 2, 41 Stat. 308.)

12. Manufacture, sale, transportation, importation or exportation, delivery, furnishing, or possessing intoxicating liquors prohibited; exceptions.—No person shall manufacture, sell, barter, transport, import, export, deliver, furnish or possess any intoxicating liquor except as authorized in this chapter, and all the provisions of this chapter shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented.

Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: *Provided*, That nothing in this chapter shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts. (Oct. 28, 1919, c. 85, Title II, § 3, 41 Stat. 308.)

13. Articles exempt from provisions of chapter; permits to manufacture; quantity of alcohol; sale of enumerated articles for beverage purposes; punishment.—The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this chapter if they correspond with the following descriptions and limitations, namely:

(a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force.

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes.

(c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

(d) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(e) Flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes.

(f) Vinegar and preserved sweet cider.

A person who manufactures any of the articles mentioned in this section may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records, and make the reports specified in this chapter and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any extract, sirup, or the articles named in paragraphs b, c, and d of this section which may be used for beverage purposes than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

Any person who shall knowingly sell any of the articles mentioned in paragraphs a, b, c, and d of this section for beverage purposes, or any extract or sirup for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes, or shall sell any beverage containing one-half of 1 per centum or more of alcohol by volume in which any extract, sirup, or other article is used as an ingredient, shall be subject to the penalties provided in section 46 of this chapter. If the commissioner shall find, after notice and hearing as provided for in section 14 of this chapter, that any person has sold any flavoring extract, sirup, or beverage in violation of this paragraph, he shall notify such person, and any known principal for whom the sale was made, to desist from selling such article; and it shall thereupon be unlawful for a period of one year thereafter for any person so notified to sell any such extract, sirup, or beverage without making an application for, giving a bond, and obtaining a permit so to do, which permit may be issued upon such conditions as the commissioner may deem necessary to prevent such illegal sales, and in addition the commissioner shall require a record and report of sales. (Oct. 28, 1919, c. 85, Title II, § 4, 41 Stat. 309.)

14. Analysis of manufactured articles; notice to manufacturer; revocation of permit.—Whenever the commissioner has reason to believe that any article mentioned in section 13 of this chapter does not correspond with the descriptions and limitations therein provided, he shall cause an analysis of said article to be made, and if, upon such analysis, the commissioner shall find that said article does not so correspond, he shall give not less than fifteen days' notice in writing to the person who is the manufacturer thereof to show cause why said article should not be dealt with as an intoxicating liquor, such notice to be served personally or by registered mail, as the commissioner may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

If the manufacturer of said article fails to show to the satisfaction of the commissioner that the article corresponds to the descriptions and limitations provided in section 13 of this

chapter, his permit to manufacture and sell such article shall be revoked. The manufacturer may by appropriate proceeding in a court of equity have the action of the commissioner reviewed, and the court may affirm, modify, or reverse the finding of the commissioner as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, or other disposition of such article. (Oct. 28, 1919, c. 85, Title II, § 5, 41 Stat. 309.)

15. Change of formula of preparations being used as beverage or for intoxicating beverage purposes.—If the commissioner shall find after hearing, upon notice as required in section 14 of this chapter, that any article enumerated in subdivisions b, c, d, or e of section 13 of this chapter is being used as a beverage, or for intoxicating beverage purposes he may require a change of formula of such article and in the event that such change is not made within a time to be named by the commissioner he may cancel the permit for the manufacture of such article unless it is made clearly to appear to the commissioner that such use can only occur in rare or exceptional instances, but such action of the commissioner may by appropriate proceedings in a court of equity be reviewed, as provided for in section 14 of this chapter: *Provided*, That no change of formula shall be required and no permit to manufacture any article under subdivision (e), section 13, of this chapter, shall be revoked unless the sale or use of such article is substantially increased in the community by reason of its use as a beverage or for intoxicating beverage purposes. (Nov. 23, 1921, c. 134, § 2, 42 Stat. 222.)

16. Permits to manufacture, sell, purchase, transport, or prescribe liquors; exceptions; expiration of permits; wine for sacramental purposes.—No one shall manufacture, sell, purchase, transport, or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase and use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution.

All permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the 31st day of December next succeeding the issuance thereof: *Provided*, That the commissioner may without formal application or new bond extend any permit granted under this chapter or laws now in force after August 31 in any year to December 31 of the succeeding year: *Provided further*, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this chapter shall not be in force to exceed ninety days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed thirty days. Permits to purchase liquor shall specify the quantity and kind to be purchased and the purpose for which it is to be used. No permit shall be issued to any person who within one year prior to the application therefor or issuance thereof shall have violated the terms of any permit issued under this chapter or any law of the United States or of any State regulating traffic in liquor. No permit shall be issued to anyone to sell liquor at retail, unless the sale is to be made through a pharmacist designated in the permit and duly licensed under the laws of his State to compound and dispense medicine prescribed by a duly licensed physician. No one shall be given a permit to prescribe liquor unless he is a physician duly licensed to practice medicine and actively engaged in the practice of such profession. Every permit shall be in writing, dated when issued, and signed by the commissioner or his authorized agent. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualification of the applicant and the purpose for which the liquor is to be used.

The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this chapter. In the event of the refusal by the commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in section 14 of this chapter.

Nothing in this chapter shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except this section (save as the same requires a permit to purchase) and section 22 hereof, and the provisions of this chapter prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture. (Oct. 28, 1919, c. 85, Title II, § 6, 41 Stat. 310.)

17. Physicians' prescriptions.—No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor. And no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment. Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of ten days and no prescription shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word "canceled," together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

Every physician who issues a prescription for liquor shall keep a record, alphabetically arranged in a book prescribed by the commissioner, which shall show the date of issue, amount prescribed, to whom issued, the purpose or ailment for which it is to be used and directions for use, stating the amount and frequency of the dose. (Oct. 28, 1919, c. 85, Title II, § 7, 41 Stat. 311.)

18. Kinds of liquor which may be prescribed; percentage of alcohol in; quantity permitted to be prescribed.—Only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void. No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per centum of alcohol by vol-

ume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of one gallon of vinous liquor, or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half pint of alcohol, for use by any person within any period of ten days. But this provision shall not be construed to limit the sale of any article the manufacture of which is authorized under section 13 of this chapter. (Nov. 23, 1921, c. 134, § 2, 42 Stat. 222.)

19. Prescription blanks.—The commissioner shall cause to be printed blanks for the prescriptions herein required, and he shall furnish the same, free of cost, to physicians holding permits to prescribe. The prescription blanks shall be printed in book form and shall be numbered consecutively from 1 to 100, and each book shall be given a number, and the stubs in each book shall carry the same numbers as and be copies of the prescriptions. The books containing such stubs shall be returned to the commissioner when the prescription blanks have been used, or sooner, if directed by the commissioner. All unused, mutilated, or defaced blanks shall be returned with the book. No physician shall prescribe and no pharmacist shall fill any prescription for liquor except on blanks so provided, except in cases of emergency, in which event a record and report shall be made and kept as in other cases. (Oct. 28, 1919, c. 85, Title II, § 8, 41 Stat. 311.)

20. Number of blanks issued to physician within given period.—No physician shall be furnished with more than one hundred prescription blanks for use in any period of ninety days, nor shall any physician issue more than that number of prescriptions within any such period unless on application therefor he shall make it clearly apparent to the commissioner that for some extraordinary reason a larger amount is necessary, whereupon the necessary additional blanks may be furnished him. (Nov. 23, 1921, c. 134, § 2, 42 Stat. 222.)

21. Violations of law by permittee; citation; hearing; revocation of permit.—If at any time there shall be filed with the commissioner a complaint under oath setting forth facts showing, or if the commissioner has reason to believe, that any person who has a permit is not in good faith conforming to the provisions of this chapter, or has violated the laws of any State relating to intoxicating liquor, the commissioner or his agent shall immediately issue an order citing such person to appear before him on a day named not more than thirty and not less than fifteen days from the date of service upon such permittee of a copy of the citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the commissioner with a statement of the facts constituting the violation charged, at which time a hearing shall be had unless continued for cause. Such hearings shall be held within the judicial district and within fifty miles of the place where the offense is alleged to have occurred, unless the parties agree on another place. If it be found that such person has been guilty of willfully violating any such laws, as charged, or has not in good faith conformed to the provisions of this chapter, such permit shall be revoked, and no permit shall be granted to such person within one year thereafter. Should the permit be revoked by the commissioner, the permittee may have a review of his decision before a court of equity in the manner provided in section 14 hereof. During the pendency of such action such permit shall be temporarily revoked. (Oct. 28, 1919, c. 85, Title II, § 9, 41 Stat. 311.)

22. Record of manufacture, purchase, sale, or transportation of liquor.—No person shall manufacture, purchase for sale, sell, or transport any liquor without making at the time a permanent record thereof showing in detail the amount and kind of liquor manufactured, purchased, sold, or transported, together with the names and addresses of the persons to whom sold, in case of sale, and the consignor and consignee in case of transportation, and the time and place of such manufacture, sale, or transportation. The commissioner may prescribe the form of such record, which shall at all times be open to inspection as in this chapter provided. (Oct. 28, 1919, c. 85, Title II, § 10, 41 Stat. 312.)

23. Copies of permits to be kept by manufacturers and wholesalers; sales only at wholesale.—All manufacturers and wholesale or retail druggists shall keep as a part of the records required of them a copy of all permits to purchase on which a sale of any liquor is made, and no manufacturer or wholesale druggist shall sell or otherwise dispose of any liquor except at wholesale and only to persons having permits to purchase in such quantities. (Oct. 28, 1919, c. 85, Title II, § 11, 41 Stat. 312.)

24. Labels on containers.—All persons manufacturing liquor for sale under the provisions of this chapter shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating name of manufacturer, kind and quantity of liquor contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof; and all persons possessing such liquor in wholesale quantities shall securely keep and maintain such label thereon; and all persons selling at wholesale shall attach to every package of liquor, when sold, a label setting forth the kind and quantity of liquor contained therein, by whom manufactured, the date of sale, and the person to whom sold; which label shall likewise be kept and maintained thereon until the liquor is used for the purpose for which such sale was authorized. (Oct. 28, 1919, c. 85, Title II, § 12, 41 Stat. 312.)

25. Shipments of liquor; records of carriers; delivery; verification of copies of permits.—It shall be the duty of every carrier to make a record at the place of shipment of the receipt of any liquor transported, and he shall deliver liquor only to persons who present to the carrier a verified copy of a permit to purchase which shall be made a part of the carrier's permanent record at the office from which delivery is made.

The agent of the common carrier is hereby authorized to administer the oath to the consignee in verification of the copy of the permit presented, who, if not personally known to the agent, shall be identified before the delivery of the liquor to him. The name and address of the person identifying the consignee shall be included in the record. (Oct. 28, 1919, c. 85, Title II, § 13, 41 Stat. 312.)

26. Notice to carrier of nature of shipments; information on packages.—It shall be unlawful for a person to use or induce any carrier, or any agent or employee thereof, to carry or ship any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport nor shall any person receive liquor from a carrier unless there appears on the outside of the package containing such liquor the following information:

Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase or ship the same, together with the name and address of the person using the permit. (Oct. 28, 1919, c. 85, Title II, § 14, 41 Stat. 312.)

27. Consigning, shipping, transporting, delivering, or receiving packages with false statements thereon.—It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport, or deliver any such package, knowing such statement to be false. (Oct. 28, 1919, c. 85, Title, II, § 15, 41 Stat. 313.)

28. Orders to carrier for delivery to persons not actual bona fide consignees.—It shall be unlawful to give to any carrier or any officer, agent, or person acting or assuming to act for such carrier an order requiring the delivery to any person of any liquor or package containing liquor consigned to,

or purporting or claimed to be consigned to a person, when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor. (Oct. 28, 1919, c. 85, Title II, § 16, 41 Stat. 313.)

29. Advertising liquor or manufacture, sale, or keeping for sale thereof; exceptions.—It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No one shall permit any sign or billboard containing such advertisement to remain upon one's premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor from furnishing price lists, with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medicinal preparations, and like articles: *Provided, however*, That nothing in this chapter shall apply to newspapers published in foreign countries when mailed to this country. (Oct. 28, 1919, c. 85, Title II, § 17, 41 Stat. 313.)

30. Advertising, manufacture, or sale of utensils, apparatus, ingredients or formulæ for manufacture of liquor.—It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula, direction, or recipe advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor. (Oct. 28, 1919, c. 85, Title II, § 18, 41 Stat. 313.)

31. Soliciting or receiving orders for liquor.—No person shall solicit or receive, nor knowingly permit his employee to solicit or receive, from any person any order for liquor or give any information of how liquor may be obtained in violation of this chapter. (Oct. 28, 1919, c. 85, Title II, § 19, 41 Stat. 313.)

32. Right of action for injuries caused by intoxicated person.—Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication, and in any such action such person shall have a right to recover actual and exemplary damages. In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property. Such action may be brought in any court of competent jurisdiction. In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor, but recovery by one of such parties shall be a bar to suit brought by the other. (Oct. 28, 1919, c. 85, Title II, § 20, 41 Stat. 313.)

33. Property used in connection with violation of law as common nuisance; punishment for maintenance; liability of owners of buildings.—Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of this chapter, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or be imprisoned for not more than one year, or both. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of liquor contrary to the provision of this chapter, and suffers the same to be so occupied or used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation, and any such lien may be enforced by action in any court having jurisdiction. (Oct. 28, 1919, c. 85, Title II, § 21, 41 Stat. 314.)

34. Abatement of nuisance; injunction; procedure; bond by owner or lessee of building.—An action to enjoin any nuisance defined in this chapter may be brought in the name of the United States by the Attorney General of the United States or by any United States attorney or any prosecuting attorney of any State or any subdivision thereof or by the commissioner or his deputies or assistants. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue, restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injuction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this chapter constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or place, or any part thereof. And upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than $500 nor more than $1,000, payable to the United States, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violation of this chapter upon said property. (Oct. 28, 1919, c. 85, Title II, § 22, 41 Stat. 314.)

35. Person keeping or carrying liquor with intent to sell, or soliciting orders for liquor guilty of nuisance and restrainable by injunction.—Any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violations if the action is brought within sixty days following any such violation of the law. (Oct. 28, 1919, c. 85, Title II, § 23, 41 Stat. 314.)

36. Fees of officers.—For removing and selling property in enforcing this chapter the officer shall be entitled to charge and receive the same fee as the sheriff of the county would receive for levying upon and selling property under execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court. (Oct. 28, 1919, c. 85, Title II, § 23, 41 Stat. 314.)

37. Forfeiture of lease at option of lessor.—Any violation of this chapter upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease. (Oct. 28, 1919, c. 85, Title II, § 23, 41 Stat. 314.)

38. Violation of injunction as contempt; procedure; punishment.—In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this chapter, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than $500 nor more than $1,000, or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment. (Oct. 28, 1919, c. 85, Title II, § 24, 41 Stat. 315.)

39. Unlawful possession of liquor or property designed for manufacture thereof; search warrants.—It shall be unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this chapter or which has been so used, and no property rights shall exist in any such liquor or property. A search warrant may issue as provided in sections 434 to 454, and 456 of Title 17, and such liquor, the containers thereof, and such property so seized shall be subject to such disposition as the court may make thereof. If it is found that such liquor or property was so unlawfully held or possessed, or had been so unlawfully used, the liquor, and all property designed for the unlawful manufacture of liquor, shall be destroyed, unless the court shall otherwise order. No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process. (Oct. 28, 1919, c. 85, Title II, § 25, 41 Stat. 315.)

40. Unlawful transportation of liquor; seizure and destruction of liquor and sale of vehicle.—When the commissioner, his assistants, inspectors, or any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this chapter in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the Treasury of the United States as miscellaneous receipts. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken or if there be no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for two weeks and by handbills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the United States as miscellaneous receipts. (Oct. 28, 1919, c. 85, Title II, § 26, 41 Stat. 315.)

41. Forfeited vessels or vehicles used for enforcement of National Prohibition Act.—Any vessel or vehicle summarily forfeited to the United States for violation of the customs laws, may, in the discretion of the Secretary of the Treasury, under such regulations as he may prescribe, be taken and used for the enforcement of the provisions of this title in lieu of the sale thereof as provided by law. (Mar. 3, 1925, c. 438, § 1, 43 Stat. 1116.)

42. Application for vessel or vehicle.—Upon application therefor by the Secretary of the Treasury, any vessel or vehicle forfeited to the United States by a decree of any court for violation of this title may be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the provisions of this title in lieu of the sale thereof as provided by law. (Mar. 3, 1925, c. 438, § 2, 43 Stat. 1116.)

43. Limitation on use; appropriations for expense of maintenance, etc., report in Budget as to vessels or vehicles; disposition when not needed for official use.—Any vessel or vehicle acquired under the provisions of the two preceding sections shall be utilized only for official purposes in the enforcement of this title. The appropriations available for enforcement of this title shall be available for the payment of expenses of maintenance, repair, and operation of said vessels and vehicles, including motor-propelled passenger-carrying vehicles. Said appropriations shall also be available for the payment of the actual costs incident to the seizure and forfeiture, and if the seizure is made under any section of law under which liens are recognized, for the payment of the amount of such lien allowed by the court. A report shall be submitted to Congress each year in the Budget, setting forth in detail a description of the vessels or vehicles so acquired, the cost of acquiring, the appraised value thereof, the uses to which they have been put, the appraised value of seizures resulting from their use, and the expense of operating such vessels or vehicles. Any vessel or vehicle so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property. (Mar. 3, 1925, c. 438, § 3, 43 Stat. 1116.)

44. Delivery of seized liquors to United States for certain purposes.—In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this chapter the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any depart-

ment or agency of the United States Government for medicinal, mechanical, or scientific uses, or to order the same sold at private sale for such purposes to any person having a permit to purchase liquor the proceeds to be covered into the Treasury of the United States to the credit of miscellaneous receipts. (Oct. 28, 1919, c. 85, Title II, § 27, 41 Stat. 316.)

45. Powers of and protection to internal revenue officers in enforcement of chapter.—The commissioner, his assistants, agents, and inspectors, and all other officers of the United States, whose duty it is to enforce criminal laws, shall have all the power and protection in the enforcement of this chapter or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the law of the United States. (Oct. 28, 1919, c. 85, Title II, § 28, 41 Stat. 316.)

46. Punishment for unlawful manufacture or sale of liquor or violation of permits.—Any person who manufactures or sells liquor in violation of this chapter shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.

Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this chapter, or violates any of the provisions of this chapter, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than $500; for a second offense not less than $100 nor more than $1,000, or be imprisoned not more than ninety days; for any subsequent offense he shall be fined not less than $500 and be imprisoned not less than three months nor more than two years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment. The penalties provided in this chapter against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar. (Oct. 28, 1919, c. 85, Title II, § 29, 41 Stat. 316.)

47. Privilege of witnesses; immunity from prosecution.—No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpœna of any court in any suit or proceeding based upon or growing out of any alleged violation of this chapter; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Oct. 28, 1919, c. 85, Title II, § 30, 41 Stat. 317.)

48. Venue of prosecution for unlawful sale of liquor.—In case of a sale of liquor where the delivery thereof was made by a common or other carrier the sale and delivery shall be deemed to be made in the county or district wherein the delivery was made by such carrier to the consignee, his agent or employee, or in the county or district wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county or district. (Oct. 28, 1919, c. 85, Title II, § 31, 41 Stat. 317.)

49. Affidavits, information, or indictments; joinder of separate offenses.—In any affidavit, information, or indictment for the violation of this chapter, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, but this provision shall not be construed to preclude the trial court from directing the furnishing the defendant a bill of particulars when it deems it proper to do so. (Oct. 28, 1919, c. 85, Title II, § 32, 41 Stat. 317.)

50. Possession of liquor prima facie evidence of unlawful purpose; reports of possession; exception.—The possession of liquors by any person not legally permitted under this chapter to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this chapter. But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only and such liquor need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein; and the burden of proof shall be upon the possessor in any action concerning the same to prove that such liquor was lawfully acquired, possessed, and used. (Oct. 28, 1919, c. 85, Title II, § 33, 41 Stat. 317.)

51. Records and reports; inspection; use as evidence.—All records and reports kept or filed under the provisions of this chapter shall be subject to inspection at any reasonable hour by the commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the record is kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the commissioner when called for. (Oct. 28, 1919, c. 85, Title II, § 34, 41 Stat. 317.)

52. Repeal; liquor taxes and penalties.—All provisions of law that are inconsistent with this chapter are repealed only to the extent of such inconsistency and the regulations herein provided for the manufacture or traffic in intoxicating liquor shall be construed as in addition to existing laws. This chapter shall not relieve anyone from paying any taxes or other charges imposed upon the manufacture or traffic in such liquor. No liquor revenue stamps or tax receipts for any illegal manufacture or sale shall be issued in advance, but upon evidence of such illegal manufacture or sale a tax shall be assessed against, and collected from, the person responsible for such illegal manufacture or sale in double the amount now provided by law, with an additional penalty of $500 on retail dealers and $1,000 on manufacturers. The payment of such tax or penalty shall give no right to engage in the manufacture or sale of such liquor, or relieve anyone from criminal liability, nor shall this chapter relieve any person from any liability, civil or criminal, heretofore or hereafter incurred under existing laws. (Oct. 28, 1919, c. 85, Title II, § 35, 41 Stat. 317.)

53. Assessment and collection of taxes and penalties.—All taxes and tax penalties provided for in section 52 of this chapter shall be assessed and collected in the same manner and by the same procedure as other taxes on the manufacture of or traffic in liquor. (Nov. 23, 1921, c. 134, § 5, 42 Stat. 223.)

54. Loss of distilled spirits as affecting payment of tax thereon.—If distilled spirits upon which the internal-revenue tax has not been paid are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to chapters 24 and 25 of Title 46, chapter 7 of Title 45, and sections 71 to 74, 76 to 78, and 141 of Title 49, or if lost by theft from a distillery or other bonded warehouse, and it shall be made to appear to the commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty

be imposed or collected by reason of such loss, but the exemption from the tax and penalty shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss. This provision shall apply to any claim for taxes or tax penalties that may have accrued since October 28, 1919, or that may accrue hereafter. Nothing in this section shall be construed as in any manner limiting or restricting the provisions of Chapter 3 of this title. (Nov. 23, 1921, c. 134, § 5, 42 Stat. 223.)

55. Power of commissioner to compromise civil causes.—The commissioner, with the approval of the Secretary of the Treasury, may compromise any civil cause arising under this chapter before bringing action in court; and with the approval of the Attorney General he may compromise any such cause after action thereon has been commenced. (Oct. 28, 1919, c. 85, Title II, § 35, 41 Stat. 317.)

56. Limitation and regulation of importation, reimportation and manufacture of spirituous and vinous liquor.—No spirituous liquor shall be imported into the United States, nor shall any permit be granted authorizing the manufacture of any spirituous liquor, save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the commissioner will, with liquor that may thereafter be manufactured and imported, be sufficient to supply the current need thereafter for all nonbeverage uses: *Provided*, That no vinous liquor shall be imported into the United States unless it is made to appear to the commissioner that vinous liquor for such nonbeverage use produced in the United States is not sufficient to meet such nonbeverage needs: *Provided further*, That the commissioner may authorize the return to the United States under such regulations and conditions as he may prescribe any distilled spirits of American production exported free of tax and reimported in original packages in which exported and consigned for redeposit in the distillery bonded warehouse from which originally removed. (Nov. 23, 1921, c. 134, § 2, 42 Stat. 222.)

57. Storage in or transportation to bonded warehouses of liquor already manufactured.—Nothing herein shall prevent the storage in United States bonded warehouses of all liquor manufactured prior to the taking effect of this chapter, or prevent the transportation of such liquor to such warehouses or to any wholesale druggist for sale to such druggist for purposes not prohibited when the tax is paid, and permits may be issued therefor. (Oct. 28, 1919, c. 85, Title II, 41 Stat. 318.)

58. Development of liquids to contain more than one-half of 1 per centum of alcohol; reduction of same.—A manufacturer of any beverage containing less than one-half of 1 per centum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, or wine, containing more than one-half of 1 per centum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall under such rules and regulations as the commissioner may prescribe be reduced below such one-half of 1 per centum of alcohol: *Provided*, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per centum of alcohol by volume, and sold to such manufacturers for conversion into such beverages. The alcohol removed from such liquid, if evaporated and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved. (Oct. 28, 1919, c. 85, Title II, § 37, 41 Stat. 318.)

59. Tax on fortified wines for nonbeverage alcohol.—When fortified wines are made and used for the production of nonbeverage alcohol, and dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this chapter, whether carbonated or not, shall not be subject to the tax on artificially carbonated or sparkling wines, but shall be subject to the tax on still wines only. (Oct. 28, 1919, c. 85, Title II, § 37, 41 Stat. 318.)

60. Burden of proof as to alcoholic content.—In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt, vinous, or fermented liquids containing one-half of 1 per centum or more of alcohol by volume, or in any case where the manufacturer, having been permitted by the commissioner to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per centum of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per centum before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per centum of alcohol by volume. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case. (Oct. 28, 1919, c. 85, Title II, § 37, 41 Stat. 318.)

61. Employees and equipment for enforcement of chapter; appointment and purchase; appropriation.—The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this title, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this title, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by chapter 12 of Title 5: *Provided*, That the Commissioner and Attorney General in making such appointments shall give preference to those who have served in the military or naval service in the recent war, if otherwise qualified, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be required for the enforcement of this chapter including personal services in the District of Columbia. (Oct. 28, 1919, c. 85, Title II, § 38, 41 Stat. 319.)

62. Summons to citizens whose property rights may be affected.—In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the law, summons must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court. (Oct. 28, 1919, c. 85, Title II, § 39, 41 Stat. 319.)

63. Prohibition of intoxicating liquors in Canal Zone.—It shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dispose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous,

malt, or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: *Provided*, That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad.

That each and every violation of any of the provisions of this section shall be punished by a fine of not more than $1,000 or imprisonment not exceeding six months for a first offense, and by a fine not less than $200 nor more than $2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.

That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this chapter had not been passed. (Oct. 28, 1919, c. 85, Title III, § 20, 41 Stat. 322.)

64. Effect of partial invalidity of chapter.—If any provision of this chapter shall be held invalid it shall not be construed to invalidate other provisions of the chapter. (Oct. 28, 1919, c. 85, Title II, § 36, 41 Stat. 318.)

Chapter 8.—INDUSTRIAL ALCOHOL.

Sec.
71. Definitions.
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73. Establishment of warehouses.
74. Transfer of alcohol to other plants or warehouses.
75. Tax on alcohol.
76. Withdrawal of distilled spirits from bonded warehouses for denaturing or deposit in warehouse established under chapter.
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78. Production, use, or sale of alcohol.
79. Exemption of plants and warehouses from certain laws.
80. Establishment of denaturing plants; sale of denatured alcohol tax free; distilled vinegar.
81. Withdrawal of alcohol tax free for denaturing and other enumerated purposes.
82. Penalties.
83. Regulations for establishment, bonding, and operation of industrial-alcohol plants, denaturing plants, and bonded warehouses.
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85. Punishment for unlawful operation of industrial-alcohol plant or denaturing plant.
86. Collection of tax on alcohol.
87. Release of property seized.
88. Applicability of administrative provisions of internal revenue laws.
89. Repeal of laws relating to alcohol.

Section 71. Definitions.—When used in this chapter the term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced.

The term "container" includes any receptacle, vessel, or form of package, tank, or conduit used or capable of use for holding, storing, transferring, or shipment of alcohol. (Oct. 28, 1919, c. 85, Title III, § 1, 41 Stat. 319.)

72. Plants and warehouses; registration of plants; applications; bonds; permits.—Any person establishing a plant for the production of industrial alcohol shall, before operation, make application to the commissioner for registration of his plant, file bond, and receive permit for the operation of such plant. (Oct. 28, 1919, c. 85, Title III, § 2, 41 Stat. 319.)

73. Establishment of warehouses.—Warehouses for the storage and distribution of alcohol to be used exclusively for other than beverage purposes may be established upon filing of application and bond, and issuance of permit at such places, either in connection with the manufacturing plant or elsewhere, as the commissioner may determine; and the entry and storage of alcohol therein, and the withdrawals of alcohol therefrom shall be made in such containers and by such means as the commissioner by regulation may prescribe. (Oct. 28, 1919, c. 85, Title III, § 3, 41 Stat. 319.)

74. Transfer of alcohol to other plants or warehouses.—Alcohol produced at any registered industrial-alcohol plant or stored in any bonded warehouse may be transferred under regulations to any other registered industrial-alcohol plant or bonded warehouse for any lawful purpose. (Oct. 28, 1919, c. 85, Title III, § 4, 41 Stat. 320.)

75. Tax on alcohol.—Any tax imposed by law upon alcohol shall attach to such alcohol as soon as it is in existence as such, and all proprietors of industrial-alcohol plants and bonded warehouses shall be jointly and severally liable for any and all taxes on any and all alcohol produced thereat or stored therein. Such taxes shall be a first lien on such alcohol and the premises and plant in which such alcohol is produced or stored, together with all improvements and appurtenances thereunto belonging or in any wise appertaining. (Oct. 28, 1919, c. 85, Title III, § 5, 41 Stat. 320.)

76. Withdrawal of distilled spirits from bonded warehouses for denaturing or deposit in warehouse established under chapter.—Any distilled spirits produced and fit for beverage purposes remaining in any bonded warehouse on or before the date when the eighteenth amendment of the Constitution of the United States goes into effect, may, under regulations, be withdrawn therefrom either for denaturation at any bonded denaturing plant or for deposit in a bonded warehouse established under this chapter; and when so withdrawn, if not suitable as to proof, purity, or quality for other than beverage purposes, such distilled spirits shall be redistilled, purified, and changed in proof so as to render such spirits suitable for other purposes, and having been so treated may thereafter be denatured or sold in accordance with the provisions of this chapter. (Oct. 28, 1919, c. 85, Title III, § 6, 41 Stat. 320.)

77. Operation of distillery or bonded warehouse as industrial-alcohol plant or bonded warehouse therefor.—Any distillery or bonded warehouse heretofore legally established may, upon filing application and bond and the granting of permit, be operated as an industrial-alcohol plant or bonded warehouse under the provisions of this chapter and regulations made thereunder. (Oct. 28, 1919, c. 85, Title III, § 7, 41 Stat. 320.)

78. Production, use, or sale of alcohol.—Alcohol may be produced at any industrial-alcohol plant established under the provisions of this chapter, from any raw materials or by any processes suitable for the production of alcohol, and, under regulations, may be used at any industrial-alcohol plant or bonded warehouse or sold or disposed of for any lawful purpose, as in this chapter provided. (Oct. 28, 1919, c. 85, Title III, § 8, 41 Stat. 320.)

79. Exemption of plants and warehouses from certain laws.—Industrial-alcohol plants and bonded warehouses established under the provisions of this chapter shall be exempt from the provisions of sections 37, 43, 66, 67, 202 to 205, 221, 246, 247, 257, 263, 266, 281, 282, 284, 287 to 289, 291 to 294, 298, 303 to 305, 309, 311 to 314, 318 to 320, 323, 324, 341, 361, 363 to 367, 371 to 374, 393 to 396, 398 to 401, and 407 of Title 26, and from such other provisions of existing laws relating to distilleries and bonded warehouses as may, by regulations, be declared inapplicable to industrial-alcohol plants and bonded warehouses established under this chapter.

Regulations may be made embodying any provision of the sections above enumerated. (Oct. 28, 1919, c. 85, Title III, § 9, 41 Stat. 320.)

80. Establishment of denaturing plants; sale of denatured alcohol tax free; distilled vinegar.—Upon the filing of application and bond and issuance of permit denaturing plants may be established upon the premises of any industrial-alcohol plant, or elsewhere, and shall be used exclusively for the denaturation of alcohol by the admixture of such denaturing ma-

terials as shall render the alcohol, or any compound in which it is authorized to be used, unfit for use as an intoxicating beverage.

Alcohol lawfully denatured may, under regulations, be sold free of tax either for domestic use or for export.

Nothing in this chapter shall be construed to require manufacturers of distilled vinegar to raise the proof of any alcohol used in such manufacture or to denature the same. (Oct. 28, 1919, c. 85, Title III, § 10, 41 Stat. 320.)

81. Withdrawal of alcohol tax free for denaturing and other enumerated purposes.—Alcohol produced at any industrial-alcohol plant or stored in any bonded warehouse may, under regulations, be withdrawn tax free as provided by existing law from such plant or warehouse for transfer to any denaturing plant for denaturation, or may, under regulations, before or after denaturation, be removed from any such plant or warehouse for any lawful tax-free purpose.

Spirits of less proof than one hundred and sixty degrees may, under regulations, be deemed to be alcohol for the purpose of denaturation, under the provisions of this chapter.

Alcohol may be withdrawn, under regulations, from any industrial plant or bonded warehouse tax free by the United States or any governmental agency thereof, or by the several States and Territories or any municipal subdivision thereof or by the District of Columbia, or for the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanatorium.

But any person permitted to obtain alcohol tax free, except the United States and the several States and Territories and subdivisions thereof, and the District of Columbia, shall first apply for and secure a permit to purchase the same and give the bonds prescribed under chapter 2 of this title, but alcohol withdrawn for nonbeverage purposes for use of the United States and the several States, Territories and subdivisions thereof, and the District of Columbia, may be purchased and withdrawn subject only to such regulations as may be prescribed. (Oct. 28, 1919, c. 85, Title III, § 11, 41 Stat. 321.)

82. Penalties.—The penalties provided in this chapter shall be in addition to any penalties provided in chapter 2 of this title, unless expressly otherwise therein provided. (Oct. 28, 1919, c. 85, Title III, § 12, 41 Stat. 321.)

83. Regulations for establishment, bonding, and operation of industrial-alcohol plants, denaturing plants, and bonded warehouses.—The commissioner shall from time to time issue regulations respecting the establishment, bonding, and operation of industrial-alcohol plants, denaturing plants, and bonded warehouses authorized herein, and the distribution, sale, export, and use of alcohol which may be necessary, advisable, or proper, to secure the revenue, to prevent diversion of the alcohol to illegal uses, and to place the nonbeverage alcohol industry and other industries using such alcohol as a chemical raw material or for other lawful purpose upon the highest possible plane of scientific and commercial efficiency consistent with the interests of the Government, and which shall insure an ample supply of such alcohol and promote its use in scientific research and the development of fuels, dyes, and other lawful products. (Oct. 28, 1919, c. 85, Title III, § 13, 41 Stat. 321.)

84. Refund of tax on alcohol for loss, evaporation, shrinkage, or leakage.—Whenever any alcohol is lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause during distillation, redistillation, denaturation, withdrawal, piping, shipment, warehousing, storage, packing, transfer, or recovery, of any such alcohol the commissioner may remit or refund any tax incurred under existing law upon such alcohol, provided he is satisfied that the alcohol has not been diverted to any illegal use: *Provided also*, That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance. (Oct. 28, 1919, c. 85, Title III, § 14, 41 Stat. 321.)

85. Punishment for unlawful operation of industrial-alcohol plant or denaturing plant.—Whoever operates an industrial-alcohol plant or a denaturing plant without complying with the provisions of this chapter and lawful regulations made thereunder, or whoever withdraws or attempts to withdraw or secure tax free any alcohol subject to tax, or whoever otherwise violates any of the provisions of this chapter or of regulations lawfully made thereunder shall be liable, for the first offense, to a penalty of not exceeding $1,000, or imprisonment not exceeding thirty days, or both, and for a second or cognate offense to a penalty of not less than $100 nor more than $10,000, and to imprisonment of not less than thirty days nor more than one year. It shall be lawful for the commissioner in all cases of second or cognate offense to refuse to issue for a period of one year a permit for the manufacture or use of alcohol upon the premises of any person responsible in any degree for the violation. (Oct. 28, 1919, c. 85, Title III, § 15, 41 Stat. 321.)

86. Collection of tax on alcohol.—Any tax payable upon alcohol under existing law may be collected either by assessment or by stamp as regulations shall provide; and if by stamp, regulations shall issue prescribing the kind of stamp to be used and the manner of affixing and canceling the same. (Oct. 28, 1919, c. 85, Title III, § 16, 41 Stat. 322.)

87. Release of property seized.—When any property is seized for violation of this chapter it may be released to the claimant or to any intervening party, in the discretion of the commissioner, on a bond given and approved. (Oct. 28, 1919, c. 85, Title III, § 17, 41 Stat. 322.)

88. Applicability of administrative provisions of internal revenue laws.—All administrative provisions of internal revenue law, including those relating to assessment, collection, abatement, and refund of taxes and penalties, and the seizure and forfeiture of property, are made applicable to this chapter in so far as they are not inconsistent with the provisions thereof. (Oct. 28, 1919, c. 85, Title III, § 18, 41 Stat. 322.)

89. Repeal of laws relating to alcohol.—All prior statutes relating to alcohol as defined in this chapter are hereby repealed in so far as they are inconsistent with the provisions of this chapter. (Oct. 28, 1919, c. 85, Title III, § 19, 41 Stat. 322.)

INVENTIONS

See Title 35, PATENTS.

INVESTIGATIONS

See Title 2, CONGRESS.

IRRIGATION

See Title 16, CONSERVATION.

ISTHMIAN CANAL

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

JUDGES

See Title 28, JUDICIAL CODE AND JUDICIARY.

JUDGMENTS

See Title 28, JUDICIAL CODE AND JUDICIARY.

TITLE 28.—JUDICIAL CODE AND JUDICIARY

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CROSS REFERENCES

Consular courts; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.

Courts of Territories; see Title 48, TERRITORIES AND INSULAR POSSESSIONS.

Criminal procedure; see Part 2 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

Department of Justice; see chapter 5 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

United States Court for China; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.

Part I.—JUDICIAL CODE

Chapter 1.—DISTRICT COURTS; ORGANIZATION.

Sec.
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Section 1. (Judicial Code, section 1, amended.) District courts; judges; appointment and residence.—In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the southern district of California, the northern district of Illinois, the district of Indiana, the district of Minnesota, the district of Nebraska, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, the western district of Texas, and the western district of Washington, there shall be an additional district judge in each, in the district of New Jersey two additional district judges, and in the southern district of New York three additional district judges, and such other additional district judges as have been or may be provided for by law. There shall be one judge for the northern and southern districts of Mississippi. The district judge for the middle district of Alabama shall also be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor. (R. S. §§ 551, 552; Aug. 2, 1886, c. 842, 24 Stat. 213; Dec. 19, 1900, c. 3, 31 Stat. 726; Feb. 4, 1903, c. 402, 32 Stat. 795; Feb. 9, 1903, c. 527, 32 Stat. 805; Apr. 1, 1904, c. 857, 33 Stat. 155; Mar. 3, 1905, c. 1418, 33 Stat. 987; Mar. 3, 1905, c. 1427, § 2, 33 Stat. 993; May 26, 1906, c. 2557, 34 Stat. 202; Feb. 25, 1907, c. 1189, 34 Stat. 928; Feb. 25, 1907, c. 1198, 34 Stat. 931; Feb. 27, 1907, c. 2073, 34 Stat. 997; Mar. 2, 1907, c. 2575, 34 Stat. 1253; Feb. 26, 1909, c. 215, 35 Stat. 656; Mar. 2, 1909, c. 242, 35 Stat. 685; Mar. 2, 1909, c. 243, 35 Stat. 686; Feb. 24, 1910, c. 56, 36 Stat. 201; Feb. 24, 1910, c. 57, 36 Stat. 202; June 25, 1910, c. 410, 36 Stat. 838; Mar. 3, 1911, c. 231, § 1, 36 Stat. 1087; July 30, 1914, c. 216, 38 Stat. 580; Mar. 3, 1915, c. 100, §§ 1, 2, 38 Stat. 961; Apr. 11, 1916, c. 64, § 1, 39 Stat. 48; Feb. 26, 1917, c. 120, 39 Stat. 938; Sept. 14, 1922, c. 306, § 1, 42 Stat. 837; Jan. 16, 1925, c. 83, § 3, 43 Stat. 752.)

2. Additional district judges for certain districts; vacancies.—There shall be in addition to the judges provided for in the sections 1, 3, and 4, of this title, one judge of the district court of the United States for the northern judicial district of the State of Texas; one judge of the district court of the United States for the judicial district of the State of North Dakota; one judge of the district court of the United States for the western district of Michigan. The said judges shall possess the same powers, perform the same duties, and receive the same compensation and allowances as the present judges of the respective districts. The judges appointed pursuant to this section for the judicial district of the State of North Dakota and for the western district of Michigan shall be held and treated as the senior judges and shall exercise such powers and perform such duties in their respective judicial districts as may be incident to seniority. Whenever a vacancy shall occur in either the office of the district judge of the northern district of Texas, or the district of North Dakota by retirement, disqualification or death of the judge senior in commission, such vacancy shall not be filled. Upon the death, resignation, or retirement of the district judge holding office on February 17, 1925, for the western district of Michigan, the vacancy caused thereby shall not be filled. (Feb. 26, 1919, c. 50, §§ 1, 2, 40 Stat. 1183; June 25, 1921, c. 29, §§ 1, 2, 42 Stat. 66, 67; Feb. 17, 1925, c. 254, §§ 1, 2, 43 Stat. 949.)

3. Same; residence.—There shall be in addition to the judges provided for in sections 1, 2, and 4 of this title the following number of district judges for the United States district courts in the districts specified:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York,

two; for the district of New Jersey, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the southern district of Florida, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the northern district of Illinois, one; for the eastern district of Illinois, one; for the eastern district of Missouri, one; for the western district of Missouri, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of New Mexico, one; and for the district of Arizona, one.

A vacancy occurring after September 14, 1924, in the office of any district judge so appointed shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring before September 14, 1924, a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide.

Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed. (Sept. 14, 1922, c. 306, § 1, 42 Stat. 837; Feb. 16, 1925, c. 233, §§ 1–3, 43 Stat. 945, 946; Mar. 2, 1925, c. 397, §§ 1–3, 43 Stat. 1098.)

4. Additional judge for district of Minnesota; residence; powers; vacancy.—There shall be in addition to the judges provided for in sections 1 to 3 of this title, one judge of the district court of the United States for the judicial district of Minnesota, who shall reside in said district and whose compensation and powers shall be the same as provided by law for the judges of said district. A vacancy occurring after March 2, 1927, in the office of the district judge appointed pursuant to this section shall not be filled unless Congress shall so provide. (Mar. 2, 1925, c. 397, §§ 1–3, 43 Stat. 1098.)

5. (Judicial Code, section 2, amended.) District judges; salaries.—Each of the district judges, including the judges in Porto Rico, Hawaii, and Alaska exercising Federal jurisdiction, shall receive a salary of $7,500 a year, to be paid in monthly installments. (Feb. 12, 1903, c. 547, 32 Stat. 825; Mar. 3, 1911, c. 231, § 2, 36 Stat. 1087; Feb. 25, 1919, c. 29, § 1, 40 Stat. 1156.)

6. Clerks of certain courts; appointment.—Except in cases otherwise provided for by law, a clerk shall be appointed for each United States district court including Hawaii and Porto Rico by the judge for the district, or the senior judge if there be more than one judge in the district. The clerk of the Supreme Court of the District of Columbia shall be appointed by said court in general term. (R. S. § 555; Mar. 3, 1911, c. 231, § 3, 36 Stat. 1087; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

7. Deputies and clerical assistants.—Except as otherwise provided by law, when, in the opinion of the Attorney General, the public interest requires it he may, on the recommendation of the clerk of a district court, including the clerk of the Supreme Court of the District of Columbia and the clerks of the district courts of Hawaii and Porto Rico, which recommendation shall state facts (as distinguished from conclusions) showing necessity for the same, allow such clerk to employ necessary deputies and clerical assistants. Deputy clerks may be designated to reside and maintain offices at such places of holding court as the judge may determine. (Mar. 3, 1911, c. 231, § 4, 36 Stat. 1087; Feb. 26, 1919, c. 49, § 4, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

8. (Judicial Code, section 4.) Deputy clerks; removal; death of clerk; liability for defaults of deputies.—Deputy clerks may be removed at the pleasure of the clerk appointing them, with the concurrence of the district judge. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime. (R. S. § 558; Mar. 3, 1911, c. 231, § 4, 36 Stat. 1087.)

9. (Judicial Code, section 5.) Criers and bailiffs.—The district court for each district may appoint a crier for the court; and the marshal may appoint such number of persons, not exceeding the number appropriated for by Congress, as the judge may determine, to wait upon the grand and other juries, and for other necessary purposes. (R. S. § 715; Mar. 3, 1911, c. 231, § 5, 36 Stat. 1088; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1030.)

10. (Judicial Code, section 6.) Records; where kept.—The records of a district court shall be kept at the place where the court is held. When it is held at more than one place in any district and the place of keeping the records is not specially provided by law, they shall be kept at either of the places of holding the court which may be designated by the district judge. (R. S. § 562; Mar. 3, 1911, c. 231, § 6, 36 Stat. 1088.)

11. (Judicial Code, section 7.) Altering terms.—No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any Act changing the time of holding such court, but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return day thereof. (R. S. § 573; Mar. 3, 1911, c. 231, § 7, 36 Stat. 1088.)

12. (Judicial Code, section 8.) Trials not discontinued by new term.—When the trial or hearing of any cause, civil or criminal, in a district court has been commenced and is in progress before a jury or the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; but the court may proceed therein and bring it to a conclusion in the same manner and with the same effect as if another stated term of the court had not intervened. (R. S. § 746; Mar. 3, 1911, c. 231, § 8, 36 Stat. 1088.)

13. (Judicial Code, section 9.) Courts open as courts of admiralty and equity.—The district courts, as courts of admiralty and as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings preparatory to the hearing, upon their merits, of all causes pending therein. Any district judge may, upon reasonable notice to the parties, make, direct, and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court. (R. S. § 574; Mar. 3, 1911, c. 231, § 9, 36 Stat. 1088.)

14. (Judicial Code, section 10.) Monthly adjournments for trial of criminal causes.—District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases. (R. S. § 578; Mar. 3, 1911, c. 231, § 10, 36 Stat. 1088.)

15. (Judicial Code, section 11.) Special terms.—A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. Any business may be transacted at such special term which might be transacted at a regular term. (R. S. § 581; Mar. 3, 1911, c. 231, § 11, 36 Stat. 1088.)

16. (Judicial Code, section 12.) Adjournment for nonattendance of judge.—If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or

special term, or any time during such term, the court may be adjourned by the marshal, or clerk, by virtue of a written order directed to him by the judge, to the next regular term, or to any earlier day, as the order may direct. (R. S. § 583; Mar. 3, 1911, c. 231, § 12, 36 Stat. 1088.)

17. (Judicial Code, section 13, amended.) Disability of judge; accumulation of business; designation of another judge.—Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided. Before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned. (R. S. § 591; Mar. 4, 1907, c. 2940, 34 Stat. 1417; Mar. 3, 1911, c. 231, § 13, 36 Stat. 1089; Sept. 14, 1922, c. 306, § 3, 42 Stat. 839.)

18. (Judicial Code, section 14, amended.) Power of designated judge.—Each district judge designated and assigned under the provisions of section 17 of this chapter may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein. (R. S. § 592; Mar. 3, 1911, c. 231, § 14, 36 Stat. 1089; Sept. 14, 1922, c. 306, § 4, 42 Stat. 839.)

19. (Judicial Code, section 15.) Designation by Chief Justice.—If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of section 17 of this title, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in section 17 of this title. (R. S. § 593; Mar. 3, 1911, c. 231, § 15, 36 Stat. 1089.)

20. (Judicial Code, section 16.) New appointment and revocation.—Any such circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge, in the manner, for the duties, and with the powers mentioned in sections 17, 18, and 19 of this title, and revoke any previous designation and appointment. (R. S. § 594; Mar. 4, 1911, c. 231, § 16, 36 Stat. 1089.)

21. (Judicial Code, section 17.) Designation to aid another judge.—It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in sections 17 and 18 of this title, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit. (R. S. § 596; Mar. 3, 1881, c. 133, 21 Stat. 454; Mar. 3, 1911, c. 231, § 17, 36 Stat. 1089.)

22. (Judicial Code, section 18, amended.) Circuit judge designated to hold district court; powers.—The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the Chief Justice of either of said courts.

During the period of service of any judge designated and assigned under this chapter, he shall have all the powers, and rights, and perform all the duties, of a judge of the district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds). In case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

Any designated and assigned judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation. (Mar. 3, 1911, c. 231, § 18, 36 Stat. 1089; Oct. 3, 1913, c. 18, 38 Stat. 208; Sept. 14, 1922, c. 306, § 5, 42 Stat. 839.)

23. (Judicial Code, section 19.) Same; duty of district or circuit judge.—It shall be the duty of the district or circuit judge who is designated and appointed under either of sections 17 to 22 of this title, to discharge all the judicial duties for which he is so appointed, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, shall have the same effect and validity as if done by or before the district judge of the said district. (R. S. § 595; Mar. 3, 1911, c. 231, § 19, 36 Stat. 1090.)

24. (Judicial Code, section 20.) Interest or relationship of district judge.—Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel or is a material witness for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause the fact to be entered on the records of the court; and also an order that an authenticated copy thereof shall be forthwith certified to the senior circuit judge for said circuit then

present in the circuit; and thereupon such proceedings shall be had as are provided in sections 17 and 18 of this title. (R. S. § 601; Mar. 3, 1911, c. 231, § 20, 36 Stat. 1090.)

25. (Judicial Code, section 21.) Affidavit of personal bias or prejudice of judge.—Whenever a party to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner prescribed in section 24 of this title, or chosen in the manner prescribed in section 27 of this title, to hear such matter. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term of the court, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit; and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith. The same proceedings shall be had when the presiding judge shall file with the clerk of the court a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action. (Mar. 3, 1911, c. 231, § 21, 36 Stat. 1090.)

26. (Judicial Code, section 22.) Continuance in case of vacancy in office.—When the office of judge of any district court becomes vacant, all process, pleadings, and proceedings pending before such court shall, if necessary, be continued by the clerk thereof until such times as a judge shall be appointed, or designated to hold such court; and the judge so designated, while holding such court, shall possess the powers conferred by, and be subject to the provisions contained in, section 23 of this title. (R. S. §§ 602, 603; Mar. 3, 1911, c. 231, § 22, 36 Stat. 1090.)

27. (Judicial Code, section 23.) Districts with more than one judge; division of business.—In districts having more than one district judge, the judges may agree upon the division of business and assignment of cases for trial in said district; but in case they do not so agree, the senior circuit judge of the circuit in which the district lies, shall make all necessary orders for the division of business and the assignment of cases for trial in said district. (Mar. 3, 1911, c. 231, § 23, 36 Stat. 1090.)

Chapter 2.—DISTRICT COURTS; JURISDICTION.

Sec.

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CROSS REFERENCE

Jurisdiction of naturalization proceedings; see chapter 9 of Title 8, ALIENS AND CITIZENSHIP.

Section 41. (Judicial Code, section 24, amended.) Original jurisdiction.—The district courts shall have original jurisdiction as follows:

(1) *United States as plaintiff; civil suits at common law or in equity.*—First. Of all suits of a civil nature, at common law or in equity, brought by the United States, or by any officer thereof authorized by law to sue, or between citizens of the same State claiming lands under grants from different States; or, where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of $3,000, and (a) arises under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or (b) is between citizens of different States, or (c) is between citizens of a State and foreign States, citizens, or subjects. No district court shall have cognizance of any suit (except upon foreign bills of exchange) to recover upon any promissory note or other chose in action in favor of any assignee, or of any subsequent holder if such instrument be payable to bearer and be not made by any corporation, unless such suit might have been prosecuted in such court to recover upon said note or other chose in action if no assignment had been made. The foregoing provision as to the sum or value of the matter in controversy shall not be construed to apply to any of the cases mentioned in the succeeding paragraphs of this section. (R. S. §§ 563, 629; Mar. 3, 1875, c. 137, § 1, 18 Stat. 470; Mar. 3, 1887, c. 373, § 1, 24 Stat. 552; Aug. 13, 1888, c. 866, § 1, 25 Stat. 433; Mar. 3, 1911, c. 231, § 24, 36 Stat. 1091.)

(2) *Crimes and offenses.*—Second. Of all crimes and offenses cognizable under the authority of the United States. (R. S. § 563, pars. 1, 2, § 629, pars. 19, 20; Mar. 3, 1875, c. 137, § 1, 18 Stat. 470; Mar. 3, 1887, c. 373, § 1, 24 Stat. 552; Aug. 13, 1888, c. 866, § 1, 25 Stat. 433; Mar. 3, 1911, c. 231, § 24, par. 2, 36 Stat. 1091.)

(3) *Admiralty causes, seizures, and prizes.*—Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel their rights and remedies under the workmen's compensation law of any

State, District, Territory, or possession of the United States, which rights and remedies when conferred by such law shall be exclusive; of all seizures on land or waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize. The jurisdiction of the district courts shall not extend to causes arising out of injuries to or death of persons other than the master or members of the crew, for which compensation is provided by the workmen's compensation law of any State, District, Territory, or possession of the United States. (R. S. § 563, pars. 8, 9, § 629, par. 6; Mar. 3, 1911, c. 231, § 24, par. 3, 36 Stat. 1091; Oct. 6, 1917, c. 97, § 1, 40 Stat. 395; June 10, 1922, c. 216, § 1, 42 Stat. 634.)

(4) *Suits under laws relating to slave trade.*—Fourth. Of all suits arising under any law relating to the slave trade. (R. S. § 629, par. 7; Mar. 3, 1911, c. 231, § 24, par. 4, 36 Stat. 1092.)

(5) *Cases under internal revenue, customs, and tonnage laws.*—Fifth. Of all cases arising under any law providing for internal revenue, or from revenue from imports or tonnage, except those cases arising under any law providing revenue from imports, jurisdiction of which has been conferred upon the Court of Customs Appeals. (R. S. § 563, par. 5, § 629, par. 4; Mar. 3, 1911, c. 231, § 24, par. 5, 36 Stat. 1092.)

(6) *Suits under postal laws.*—Sixth. Of all cases arising under the postal laws. (R. S. § 563, par. 7, § 629, par. 4; Mar. 3, 1911, c. 231, § 24, par. 6, 36 Stat. 1092.)

(7) *Suits under patent, copyright, and trade-mark laws.*—Seventh. Of all suits at law or in equity arising under the patent, the copyright, and the trade-mark laws. (R. S. § 629, par. 9; Mar. 3, 1911, c. 231, § 24, par. 7, 36 Stat. 1092.)

(8) *Suits for violation of interstate commerce laws.*—Eighth. Of all suits and proceedings arising under any law regulating commerce. (Mar. 3, 1911, c. 231, § 24, par. 8, 36 Stat. 1092; Oct. 22, 1913, c. 32, 38 Stat. 219.)

(9) *Penalties and forfeitures.*—Ninth. Of all suits and proceedings for the enforcement of penalties and forfeitures incurred under any law of the United States. (R. S. § 563, pars. 3, 6, § 629, par. 5; Mar. 3, 1911, c. 231, § 24, par. 9, 36 Stat. 1092.)

(10) *Suits on debentures.*—Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. (R. S. § 563, par. 10, § 629, par. 8; Mar. 3, 1911, c. 231, § 24, par. 10, 36 Stat. 1092.)

(11) *Suits for injuries on account of acts done under laws of United States.*—Eleventh. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States, for the protection or collection of any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States. (R. S. § 629, par. 12; Mar. 3, 1911, c. 231, § 24, par. 11, 36 Stat. 1092.)

(12) *Suits concerning civil rights.*—Twelfth. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 47 of Title 8. (R. S. § 563, par. 11, § 629, par. 17; Mar. 3, 1911, c. 231, § 24, par. 12, 36 Stat. 1092.)

(13) *Suits against persons having knowledge of conspiracy.*—Thirteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section 47 of Title 8, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act. (R. S. § 629, par. 18; Mar. 3, 1911, c. 231, § 24, par. 13, 36 Stat. 1092.)

(14) *Suits to redress deprivation of civil rights.*—Fourteenth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage, of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law of the United States providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. (R. S. § 563, par. 12, § 629, par. 16; Mar. 3, 1911, c. 231, § 24, par. 14, 36 Stat. 1092.)

(15) *Suits to recover certain offices.*—Fifteenth. Of all suits to recover possession of any office, except that of elector of President or Vice President, Representative in or Delegate to Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude. Such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law, to enforce the right of citizens of the United States to vote in all the States. (R. S. § 563, par. 13, § 629, par. 13; Mar. 3, 1911, c. 231, § 24, par. 15, 36 Stat. 1092.)

(16) *Suits against national-banking associations.*—Sixteenth. Of all cases commenced by the United States, or by direction of any officer thereof, against any national banking association, and cases for winding up the affairs of any such bank; and of all suits brought by any banking association established in the district for which the court is held, under the provisions of chapter 2 of Title 12, to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said chapter. And all national banking associations established under the laws of the United States shall, for the purposes of all other actions by or against them, real, personal, or mixed, and all suits in equity, be deemed citizens of the States in which they are respectively located. (R. S. § 563, par. 15, § 629, pars. 10, 11; Mar. 3, 1911, c. 231, § 24, par. 16, 36 Stat. 1092.)

(17) *Suits by aliens for torts.*—Seventeenth. Of all suits brought by any alien for a tort only, in violation of the laws of nations or of a treaty of the United States. (R. S. § 563, par. 16; Mar. 3, 1911, c. 231, § 24, par. 17, 36 Stat. 1093.)

(18) *Suits against consuls and vice consuls.*—Eighteenth. Of all suits against consuls and vice consuls. R. S. § 563, par. 17; Mar. 3, 1911, c. 231, § 24, par. 18, 36 Stat. 1093.)

(19) *Suits and proceedings in bankruptcy.*—Nineteenth. Of all matters and proceedings in bankruptcy. (R. S. § 563, par. 18; July 1, 1898, c. 541, §§ 2, 23, 30 Stat. 545, 552; Mar. 3, 1911, c. 231, § 24, par. 19, 36 Stat. 1093.)

(20) *Suits against United States.*—Twentieth. Concurrent with the Court of Claims, of all claims not exceeding $10,000 founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court; and of any suit or proceeding commenced after the passage of the Revenue Act of 1921, for the recovery

of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws even if the claim exceeds $10,000, if the collector of internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced. Nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the Civil War, and commonly known as "war claims," or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be affected by this provision. No suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made. The claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury. (Mar. 3, 1887, c. 359, §§ 1, 2, 24 Stat. 505; June 27, 1898, c. 503, § 1, 30 Stat. 494; July 1, 1898, c. 546, § 3, 30 Stat. 649; Feb. 26, 1900, c. 25, 31 Stat. 33; Mar. 3, 1911, c. 231, § 24, par. 20, 36 Stat. 1093; Nov. 23, 1921, c. 136, § 1310 (c), 42 Stat. 311; June 2, 1924, 4.01 p. m., c. 234, § 1025 (c), 43 Stat. 348; Feb. 24, 1925, c. 309, 43 Stat. 972.

(21) *Suits for unlawful inclosure of public lands.*—Twenty-first. Of proceedings in equity, by writ of injunction, to restrain violations of the provisions of laws of the United States to prevent the unlawful inclosure of public lands; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure. (Feb. 25, 1885, c. 149, § 2, 23 Stat. 321; Mar. 3, 1911, c. 231, § 24, par. 21, 36 Stat. 1093.)

(22) *Suits under immigration and contract labor laws.*—Twenty-second. Of all suits and proceedings arising under any law regulating the immigration of aliens, or under the contract labor laws. (Mar. 3, 1911, c. 231, § 24, par. 22, 36 Stat. 1093.)

(23) *Suits against trusts, monopolies, and unlawful combinations.*—Twenty-third. Of all suits and proceedings arising under any law to protect trade and commerce against restraints and monopolies. (Mar. 3, 1911, c. 231, § 24, par. 23, 36 Stat. 1093.)

(24) *Suits concerning allotments of land to Indians; decrees; appeal.*—Twenty-fourth. Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands held on or before December 21, 1911, by either of the Five Civilized Tribes, the Osage Nation of Indians, nor to any of the lands within the Quapaw Indian Agency. The right of appeal shall be allowed to either party as in other cases. (Mar. 3, 1911, c. 231, § 24, par. 24, 36 Stat. 1094; Dec. 21, 1911, c. 5, 37 Stat. p. 46.)

(25) *Partition suits where United States is joint tenant.*—Twenty-fifth. Of suits in equity brought by any tenant in common or joint tenant for the partition of lands in cases where the United States is one of such tenants in common or joint tenants, such suits to be brought in the district in which such land is situate. (May 17, 1898, c. 339, § 1, 30 Stat. 416; Mar. 3, 1911, c. 231, § 24, par. 25, 36 Stat. 1094.)

(26) *Original jurisdiction of bills of interpleader by insurance companies; hearing; injunction; orders and decrees.*—Twenty-sixth. Of suits in equity begun by bills of interpleader, duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of $500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next of kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court.

In all such cases if the policy or certificate is drawn payable to the estate of the insured and has not been assigned in accordance with the terms of the policy or certificate the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides.

Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same. (Feb. 22, 1917, c. 113, 39 Stat. 929; Feb. 25, 1925, c. 317, §§ 1-3, 43 Stat. 976.)

(27) *Enforcement of orders of Interstate Commerce Commission.*—Twenty-seventh. Of all cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money. (June 18, 1910, c. 309, § 1, 36 Stat. 539; Mar. 3, 1911, c. 231, § 207, 36 Stat. 1148; Oct. 22, 1913, c. 32, 38 Stat. 219.)

(28) *Setting aside order of Interstate Commerce Commission.*—Twenty-eighth. Of cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission. (June 18, 1910, c. 309, § 1, 36

Stat. 539; Mar. 3, 1911, c. 231, § 207, 36 Stat. 1148; Oct. 22, 1913, c. 32, 38 Stat. 219.)

42. Original jurisdiction of action by or against corporation incorporated under Act of Congress.—No district court shall have jurisdiction of any action or suit by or against any corporation upon the ground that it was incorporated by or under an Act of Congress. This section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an Act of Congress wherein the Government of the United States is the owner of more than one-half of its capital stock. (Feb. 13, 1925, c. 229, § 12, 43 Stat. 941.)

43. Venue of suits relating to orders of Interstate Commerce Commission.—The venue of any suit brought to enforce, suspend, or set aside, in whole or in part, any order of the Interstate Commerce Commission shall be in the judicial district wherein is the residence of the party or any of the parties upon whose petition the order was made, except that where the order does not relate to transportation or is not made upon the petition of any party the venue shall be in the district where the matter complained of in the petition before the commission arises, and except that where the order does not relate either to transportation or to a matter so complained of before the commission the matter covered by the order shall be deemed to arise in the district where one of the petitioners in court has either its principal office or its principal operating office. In case such transportation relates to a through shipment the term "destination" shall be construed as meaning final destination of such shipment. (Oct. 22, 1913, c. 32, 38 Stat. 219.)

44. Procedure in certain cases.—The procedure in the district courts in respect to cases of which jurisdiction is conferred upon them by subdivisions 27 and 28 of section 41 of this title, and sections 20 and 43 of Title 49, shall be as provided in section 45 of this title. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. (Oct. 22, 1913, c. 32, 38 Stat. 220; Feb. 13, 1925, c. 229, § 1, 43 Stat. 938.)

45. (Judicial Code, section 209.) District courts; practice and procedure in certain cases.—The jurisdiction of the district courts of cases brought under subdivisions 27 and 28 of section 41 of this title, and sections 20 and 43 of Title 49, shall be invoked by filing in the office of the clerk of the court a written petition setting forth briefly and succinctly the facts constituting the petitioner's cause of action, and specifying the relief sought. A copy of such petition shall be forthwith served by the marshal or a deputy marshal of the district court or by the proper United States marshal or deputy marshal upon every defendant therein named, and when the United States is a party defendant, the service shall be made by filing a copy of said petition in the office of the secretary of the Interstate Commerce Commission and in the Department of Justice. Within thirty days after the petition is served, unless that time is extended by order of the court or a judge thereof, an answer to the petition shall be filed in the clerk's office, and a copy thereof mailed to the petitioner's attorney, which answer shall briefly and categorically respond to the allegations of the petition. No replication need be filed to the answer, and objections to the sufficiency of the petition or answer as not setting forth a cause of action or defense must be taken at the final hearing or by motion to dismiss the petition based on said grounds, which motion may be made at any time before answer is filed. In case no answer shall be filed as provided herein the petitioner may apply to the court on notice for such relief as may be proper upon the facts alleged in the petition. The court may, by rule, prescribe the method of taking evidence in cases pending in said court. In all other respects the practice and procedure shall conform as nearly as may be to that in like cases in a district court of the United States. (June 18, 1910, c. 309, § 1, 36 Stat. 539; Mar. 3, 1911, c. 231, § 209, 36 Stat. 1149; Oct. 22, 1913, c. 32, 38 Stat. 219.)

46. (Judicial Code, section 208.) Suits to enjoin orders of Interstate Commerce Commission to be against United States.—Suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the district court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit. (June 18, 1910, c. 309, § 3, 36 Stat. 542; Mar. 3, 1911, c. 231, § 208, 36 Stat. 1149.)

47. Interlocutory injunctions as to orders of Interstate Commerce Commission; appeal to Supreme Court.—No interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any order made or entered by the Interstate Commerce Commission shall be issued or granted by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a circuit judge, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a judge, he shall immediately call to his assistance to hear and determine the application two other judges. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Comimssion, to the Attorney General of the United States, and to such other persons as may be defendants in the suit. In cases where irreparable damage would otherwise ensue to the petitioner, a majority of said three judges concurring, may, on hearing, after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension, in whole or in part, of the operation of the order of the Interstate Commerce Commission for not more than sixty days from the date of the order of said judges pending the application for the order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judges making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The said judges may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until decision upon the application. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction, in such case if such appeal be taken within thirty days after the order, in respect to which complaint is made, is granted or refused; and upon the final hearing of any suit brought to suspend or set aside, in whole or in part, any order of said commission the same requirement as to judges and the same procedure as to expedition and appeal shall apply. (Oct. 22, 1913, c. 32, 38 Stat. 220.)

48. (Judicial Code, section 211.) Suits to be against United States; intervention by United States.—All cases and proceedings brought under subdivisions 27 and 28 of section 41 of this title, and sections 20 and 43 of Title 49 shall be brought by or against the United States, and the United States may intervene in any case or proceeding whenever, though it has not been made a party, public interests are involved. (June 18, 1910,

c. 309, § 4, 36 Stat. 542; Mar. 3, 1911, c. 231, § 211, 36 Stat. 1150; Oct. 22, 1913, c. 32, 38 Stat. 219.)

49. (Judicial Code, section 25.) Appellate jurisdiction; Chinese exclusion laws.—The district courts shall have appellate jurisdiction of the judgments and orders of United States commissioners in cases arising under the Chinese exclusion laws. (Mar. 3, 1911, c. 231, § 25, 36 Stat. 1094.)

50. (Judicial Code, section 26.) Same; felonies within Yellowstone National Park.—The district court for the district of Wyoming shall have jurisdiction of all felonies committed within the Yellowstone National Park and appellate jurisdiction of judgments in cases of conviction before the commissioner authorized to be appointed under section 27 of Title 16. (Mar. 3, 1911, c. 231, § 26, 36 Stat. 1094.)

51. (Judicial Code, section 27.) Jurisdiction of crimes on Indian reservations in South Dakota.—The District Court of the United States for the District of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon, committed within the limits of any Indian reservation in the State of South Dakota. (Feb. 2, 1903, c. 351, 32 Stat. 793; Mar. 4, 1909, c. 321, § 329, 35 Stat. 1151; Mar. 3, 1911, c. 231, § 27, 36 Stat. 1094.)

52. Claims resulting from seizure of vessels for unlawful sealing in Bering Sea; claims which may be submitted; limitations.—Jurisdiction is conferred upon the United States District Court, Northern District of California, to hear and determine the claims of American citizens, their heirs and legal representatives, for damages or loss occasioned by or resulting from the seizure, detention, sale, or interference with their voyage by the United States of vessels charged with unlawful sealing in the Bering Sea and water contiguous thereto and outside of the three-mile limit during the years 1886 to 1896, inclusive, and to enter judgment therefor.

All American citizens whose rights were affected by said seizure, detention, sale, or interference specifically referred to in the preceding paragraph during the years 1886 to 1896, inclusive, may submit to the United States District Court in and for the Northern District of California their claims thereunder, and the court shall render judgment thereon. Claims not presented within two years from June 7, 1924, shall thereafter be forever debarred. (June 7, 1924, c. 308, §§ 1, 2, 3, 43 Stat. 595.)

53. Jurisdiction of suits by or against China Trade Act corporation.—The Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by sections 191 to 197, 199, 200, and 202 of Title 22, as amended) to which a China Trade Act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business. (Sept. 19, 1922, c. 346, § 20, 42 Stat. 855; Feb. 26, 1925, c. 345, § 10, 43 Stat. 996.)

Chapter 3.—DISTRICT COURTS; REMOVAL OF CAUSES.

Sec.
71. Removal of suits from State courts.
72. Same; procedure.
73. Same; suits under grants of land from different States.
74. Same; causes against persons denied civil rights.
75. Same; petitioner in actual custody of State court.
76. Same; suits and prosecutions against revenue officers.
77. Same; suits by aliens.
78. Same; copies of records refused by clerk of State court.
79. Same; previous attachment bonds or orders.
80. Same; dismissal or remand.
81. Same; proceedings in suits removed.
82. Same; record; filing and return.
83. Service of process after removal.

Section 71. (Judicial Code, section 28, amended.) Removal of suits from State courts.—Any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the district courts of the United States are given original jurisdiction, in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction, in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is brought in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the district court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause. If it further appear that said suit can be fully and justly determined as to the other defendants in the State court, without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein. At any time before the trial of any suit in any district court, which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States, and the district court shall decide that the cause was improperly removed, and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of errror from the decision of the district court so remanding such cause shall be allowed. No case arising under sections 51 to 59 of Title 45, and brought in any State court of competent jurisdiction shall be removed to any court of the United States. No suit brought in any State court of competent jurisdiction against a railroad company, or other corporation, or person, engaged in and carrying on the business of a common carrier, to recover damages for delay, loss of, or injury to property received for transportation by such common carrier under section 20 of Title 49, shall be removed to any court of the United States where the matter in controversy does not exceed, exclusive of interest and costs, the sum or value of $3,000. (Mar. 3, 1875, c. 137, § 2, 18 Stat. 470; Mar. 3, 1887,

c. 373, § 1, 24 Stat. 552; Aug. 13, 1888, c. 866, 25 Stat. 433; Apr. 5, 1910, c. 143, § 1, 36 Stat. 291; Mar. 3, 1911, c. 231, § 28, 36 Stat. 1094; Jan. 20, 1914, c. 11, 38 Stat. 278.)

72. (Judicial Code, section 29.) Same; procedure.—Whenever any party entitled to remove any suit mentioned in section 71 of this title, except suits removable on the ground of prejudice or local influence, may desire to remove such suit from a State court to the district court of the United States, he may make and file a petition, duly verified, in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, for the removal of such suit into the district court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such district court, within thirty days from the date of filing said petition, a certified copy of the record in such suit, and for paying all costs that may be awarded by the said district court if said district court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond and proceed no further in such suit. Written notice of said petition and bond for removal shall be given the adverse party or parties prior to filing the same. The said copy being entered within said thirty days as aforesaid in said district court of the United States, the parties so removing the said cause shall, within thirty days thereafter, plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in the said district court. (Mar. 3, 1875, c. 137, § 3, 18 Stat. 470; Mar. 3, 1887, c. 373, § 1, 24 Stat. 552; Aug. 13, 1888, c. 866, § 1, 25 Stat. 434; Mar. 3, 1911, c. 231, § 29, 36 Stat. 1095.)

73. (Judicial Code, section 30.) Same; suits under grants of land from different States.—If in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State and the matter in dispute exceeds the sum or value of $3,000, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit if the court require it, that he or they claim, and shall rely upon, a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial. If he or they inform the court that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this chapter, remove the cause for trial to the district court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim. (R. S. § 647; Mar. 3, 1875, c. 137, § 3, 18 Stat. 470; Mar. 3, 1887, c. 373, § 1, 24 Stat. 552; Aug. 13, 1888, c. 866, § 1, 25 Stat. 435; Mar. 3, 1911, c. 231, § 30, 36 Stat. 1096.)

74. (Judicial Code, section 31.) Same; causes against persons denied civil rights.—When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or can not enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed for trial into the next district court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the district court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket the case in the district court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit, and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the district court, as herein provided, a certificate, under the seal of the district court, stating such failure, shall be given, and upon the production thereof in said State court the cause shall proceed therein as if no petition for removal had been filed. (R. S. § 641; Mar. 3, 1911, c. 231, § 31, 36 Stat. 1096.)

75. (Judicial Code, section 32.) Same; petitioner in actual custody of State court.—When all the acts necessary for the removal of any suit or prosecution, as provided in section 74 of this title, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said district court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said district court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ. (R. S. § 642; Mar. 3, 1911, c. 231, § 32, 36 Stat. 1097.)

76. (Judicial Code, section 33, amended.) Same; suits and prosecutions against revenue officers.—When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law, or is commenced against any person holding property or estate by title derived from any such officer and affects the validity of any such

revenue law, or against any officer of the courts of the United States for or on account of any act done under color of his office or in the performance of his duties as such officer, or when any civil suit or criminal prosecution is commenced against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the said suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court next to be holden in the district where the same is pending upon the petition of such defendant to said district court and in the following manner: Said petition shall set forth the nature of the suit or prosecution and be verified by affidavit and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced or of the United States stating that, as counsel for the petitioner, he has examined the proceedings against him and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said district court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the district court and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpœna, petition, or any other process except capias, the clerk of the district court shall issue a writ of certiorari to the State court requiring it to send to the district court the record and the proceedings in the cause. When it is commenced by capias or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court or left at his office by the marshal of the district or his deputy or by some other person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the district court, and any further proceedings, trial, or judgment therein in the State court shall be void. If the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the district court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the district court that no copy of the record and proceedings therein in the State court can be obtained, the district court may allow and require the plaintiff to proceed de novo and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said district court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant. (R. S. § 643; Mar. 3, 1875, c. 130, § 8, 18 Stat. 401; Feb. 8, 1894, c. 25, § 1, 28 Stat. 36; Mar. 3, 1911, c. 231, § 33, 36 Stat. 1097; Aug. 23, 1916, c. 399, 39 Stat. 532.)

77. (Judicial Code, section 34.) Same; suits by aliens.—Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a nonresident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the district court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as provided for the removal of an action brought in a State court by the provisions of section 76 of this title. (R. S. § 644; Mar. 3, 1911, c. 231, § 34, 36 Stat. 1098.)

78. (Judicial Code, section 35.) Same; copies of records refused by clerk of State court.—In any case where a party is entitled to copies of the records and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such records and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit or otherwise, as the circumstances of the case may require and allow; and thereupon such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court. (R. S. § 645; Mar. 3, 1911, c. 231, § 35, 36 Stat. 1098.)

79. (Judicial Code, section 36.) Same; previous attachment bonds or orders.—When any suit shall be removed from a State court to a district court of the United States, any attachment or sequestration of the goods or estate of the defendant had in such suit in the State court shall hold the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which said suit was commenced. All bonds, undertakings, or security given by either party in such suit prior to its removal shall remain valid and effectual notwithstanding said removal; and all injunctions, orders, and other proceedings had in such suit prior to its removal shall remain in full force and effect until dissolved or modified by the court to which such suit shall be removed. (R. S. § 646; Mar. 3, 1875, c. 137, § 4, 18 Stat. 471; Mar. 3, 1911, c. 231, § 36, 36 Stat. 1098.)

80. (Judicial Code, section 37.) Same; dismissal or remand.—If in any suit commenced in a district court, or removed from a State court to a district court of the United States, it shall appear to the satisfaction of the said district court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said district court, or that the parties to said suit have been improperly or collusively made or joined, either as plaintiffs or defendants, for the purpose of creating a case cognizable or removable under this chapter, the said district court shall proceed no further therein, but shall dismiss the suit or remand it to the court from which it was removed, as justice may require, and shall make such order as to costs as shall be just. (Mar. 3, 1875, c. 137, § 5, 18 Stat. 472; Mar. 3, 1887, c. 373, § 6, 24 Stat. 555; Aug. 13, 1888, c. 866, § 6, 25 Stat. 436; Mar. 3, 1911, c. 231, § 37, 36 Stat. 1098.)

81. (Judicial Code, section 38.) Same; proceedings in suits removed.—The district court of the United States shall, in all suits removed under the provisions of this chapter, proceed therein as if the suit had been originally commenced in said district court, and the same proceedings had been taken in such suit in said district court as shall have been had therein in said State court prior to its removal. (Mar. 3, 1875, c. 137, § 6, 18 Stat. 472; Mar. 3, 1911, c. 231, § 38, 36 Stat. 1098.)

82. (Judicial Code, section 39.) Same; record; filing and return.—In all causes removable under this chapter, if the clerk of the State court in which any such cause shall be pending shall refuse to any one or more of the parties or persons applying to remove the same, a copy of the record therein,

after tender of legal fees for such copy, said clerk so offending shall, on conviction thereof in the district court of the United States to which said action or proceeding was removed, be fined not more than $1,000, or imprisoned not more than one year, or both. The district court to which any cause shall be removable under this chapter shall have power to issue a writ of certiorari to said State court commanding said State court to make return of the record in any such cause removed as aforesaid, or in which any one or more of the plaintiffs or defendants have complied with the provisions of this chapter for the removal of the same, and enforce said writ according to law. If it shall be impossible for the parties or persons removing any cause under this chapter, or complying with the provisions for the removal thereof, to obtain such copy, for the reason that the clerk of said State court refuses to furnish a copy, on payment of legal fees, or for any other reason, the district court shall make an order requiring the prosecutor in any such action or proceeding to enforce forfeiture or recover penalty, as aforesaid, to file a copy of the paper or proceeding by which the same was commenced, within such time as the court may determine; and in default thereof the court shall dismiss the said action or proceeding; but if said order shall be complied with, then said district court shall require the other party to plead, and said action or proceeding shall proceed to final judgment. The said district court may make an order requiring the parties thereto to plead de novo; and the bond given, conditioned as aforesaid, shall be discharged so far as it requires copy of the record to be filed as aforesaid. (Mar. 3, 1875, c. 137, § 7, 18 Stat. 472; Mar. 3, 1911, c. 231, § 39, 36 Stat. 1099.)

83. Service of process after removal.—In all cases removed from any State court to any United States court for trial in which any one or more of the defendants has not been served with process or in which the same has not been perfected prior to such removal, or in which the process served upon the defendant or defendants, or any of them, proves to be defective, such process may be completed by the United States court through its officers, or new process as to defendants upon whom process has not been completed may be issued out of such United States court, or service may be perfected in such court in the same manner as in cases which are originally filed in such United States court. Nothing in this section shall be construed to deprive any defendant upon whom process is so served after removal, of his right to move to remand the cause to the State court, the same as if process had been served upon him prior to such removal. (Apr. 16, 1920, c. 146, 41 Stat. 554.)

Chapter 4. — DISTRICT COURTS; MISCELLANEOUS PROVISIONS.

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Section 101. (Judicial Code, section 40.) Capital cases.—The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience. (R. S. § 729; Mar. 3, 1911, c. 231, § 40, 36 Stat. 1100.)

102. (Judicial Code, section 41.) Offenses on the high seas.—The trial of all offenses committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought. (R. S. § 730; Mar. 3, 1911, c. 231, § 41, 36 Stat. 1100.)

103. (Judicial Code, section 42.) Offenses begun in one district and completed in another.—When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein. (R. S. § 731; Mar. 3, 1911, c. 231, § 42, 36 Stat. 1100.)

104. (Judicial Code, section 43.) Suits for penalties and forfeitures.—All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found. (R. S. § 732; Mar. 3, 1911, c. 231, § 43, 36 Stat. 1100.)

105. (Judicial Code, section 44.) Suits for internal-revenue taxes.—Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs or in the district where the delinquent resides. (R. S. § 733; Mar. 3, 1911, c. 231, § 44, 36 Stat. 1100.)

106. (Judicial Code, section 45.) Seizures made on high seas.—Proceedings on seizures made on the high seas, for forfeiture under any law of the United States, may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prosecuted in the district where the seizure is made, except in cases where it is otherwise provided. (R. S. § 734; Mar. 3, 1911, c. 231, § 45, 36 Stat. 1100.)

107. (Judicial Code, section 46.) Capture of property used in insurrection.—Proceedings for the condemnation of any property captured, whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted. (R. S. § 735; Mar. 3, 1911, c. 231, § 46, 36 Stat. 1100.)

108. (Judicial Code, section 47.) Seizures under various circumstances.—Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such

State or section, may be prosecuted in any district into which the property so seized may be taken and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district. (R. S. § 564; Mar. 3, 1911, c. 231, § 47, 36 Stat. 1100.)

109. (Judicial Code, section 48.) Patent cases.—In suits brought for the infringement of letters patent the district courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business. If such suit is brought in a district of which the defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought. (Mar. 3, 1897, c. 395, 29 Stat. 695; Mar. 3, 1911, c. 231, § 48, 36 Stat. 1100.)

110. (Judicial Code, section 49.) Proceedings to enjoin Comptroller of Currency.—All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located. (R. S. § 736; Mar. 3, 1911, c. 231, § 49, 36 Stat. 1100.)

111. (Judicial Code, section 50.) When part of several defendants can not be served.—When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and nonjoinder of parties who are not inhabitants of nor found within the district, as aforesaid, shall not constitute matter of abatement or objection to the suit. (R. S. § 737; Mar. 3, 1911, c. 231, § 50, 36 Stat. 1101.)

112. (Judicial Code, section 51, amended.) Civil suits; arrests in; district where brought; effective period.—(a) Except as provided in sections 113 to 117 of this title, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in sections 113 to 118 of this title, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant.

(b) Any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants, being a necessary party, or being jointly, or jointly and severally, liable, is an inhabitant, or in any district wherein the cause of action or any part thereof arose; and in any such suit, action, or proceeding process, summons, or subpœna against any defendant issued from the district court of the district wherein such suit is brought shall run in any other district, and service thereof upon any defendant may be made in any district within the United States or the territorial or insular possessions thereof in which any such defendant may be found with the same force and effect as if the same had been served within the district in which said suit, action, or proceeding is brought. The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

(c) Paragraphs (b) and (c) of this section shall be effective for a period of four years after September 19, 1922, after which paragraph (a) alone shall be and remain in full force and effect. (R. S. § 739; Mar. 3, 1875, c. 137, § 1, 18 Stat. 470; Mar. 3, 1887, c. 373, § 1, 24 Stat. 552; Aug. 13, 1888, c. 866, § 1, 25 Stat. 433; Mar. 3, 1911, c. 231, § 51, 36 Stat. 1101; Sept. 19, 1922, c. 345, 42 Stat. 849; Mar. 4, 1925, c. 526, § 1, 43 Stat. 1264.)

113. (Judicial Code, section 52.) Suits in States containing more than one district.—When a State contains more than one district, every suit not of a local nature, in the district court thereof, against a single defendant, inhabitant of such State, must be brought in the district where he resides; but if there are two or more defendants, residing in different districts of the State, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein, execution may be issued, directed to the marshal of any district in the same State. (R. S. § 740; Mar. 3, 1881, c. 144, § 2, 21 Stat. 507; Mar. 3, 1911, c. 231, § 52, 36 Stat. 1101.)

114. (Judicial Code, section 53.) Districts containing more than one division; transfer of criminal cases.—When a district contains more than one division, every suit not of a local nature against a single defendant must be brought in the division where he resides; but if there are two or more defendants residing in different divisions of the district it may be brought in either division. All mesne and final process subject to the provisions of this section may be served and executed in any or all of the divisions of the district, or if the State contains more than one district, then in any of such districts, as provided in section 113 of this title. All prosecutions for crimes or offenses shall be had within the division of such districts where the same were committed, unless the court, or the judge thereof, upon the application of the defendant, shall order the cause to be transferred for prosecution to another division of the district. When a transfer is ordered by the court or judge, all the papers in the case, or certified copies thereof, shall be transmitted by the clerk, under the seal of the court, to the division to which the cause is so ordered transferred; and thereupon the cause shall be proceeded with in said division in the same manner as if the offense had been committed therein. In all cases of the removal of suits from the courts of a State to the district court of the United States such removal shall be to the United States district court in the division in which the county is situated from which the removal is made; and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of United States courts, shall be deemed to refer to the terms of the United States district court in such division. (June 2, 1906, c. 2569, § 2, 34 Stat. 207; Mar. 5, 1910, c. 82, 36 Stat. 233; Mar. 3, 1911, c. 231, § 53, 36 Stat. 1101.)

115. (Judicial Code, section 54.) Suits of local nature.—In suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process

against him, directed to the marshal of the district in which he resides. (R. S. § 741; Mar. 3, 1911, c. 231, § 54, 36 Stat. 1102.)

116. (Judicial Code, section 55.) Property in different districts in same State.—Any suit of a local nature, at law or in equity, where the land or other subject matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject matter were wholly within the district for which such court is constituted. (R. S. § 742; Mar. 3, 1911, c. 231, § 55, 36 Stat. 1102.)

117. (Judicial Code, section 56.) Property in different States in same circuit; jurisdiction of receiver.—Where in any suit in which a receiver shall be appointed the land or other property of a fixed character, the subject of the suit, lies within different States in the same judicial circuit, the receiver so appointed shall, upon giving bond as required by the court, immediately be vested with full jurisdiction and control over all the property, the subject of the suit, lying or being within such circuit; subject, however, to the disapproval of such order, within thirty days thereafter, by the circuit court of appeals for such circuit, or by a circuit judge thereof, after reasonable notice to adverse parties and an opportunity to be heard upon the motion for such disapproval; and subject, also, to the filing and entering in the district court for each district of the circuit in which any portion of the property may lie or be, within ten days thereafter, of a duly certified copy of the bill and of the order of appointment. The disapproval of such appointment within such thirty days, or the failure to file such certified copy of the bill and order of appointment within ten days, as herein required, shall divest such receiver of jurisdiction over all such property except that portion thereof lying or being within the State in which the suit is brought. In any case coming within the provisions of this section, in which a receiver shall be appointed, process may issue and be executed within any district of the circuit in the same manner and to the same extent as if the property were wholly within the same district; but orders affecting such property shall be entered of record in each district in which the property affected may lie or be. (Mar. 3, 1911, c. 231, § 56, 36 Stat. 1102.)

118. (Judicial Code, section 57.) Absent defendants in suits to enforce liens.—When in any suit commenced in any district court of the United States to enforce any legal or equitable lien upon or claim to, or to remove any incumbrance or lien or cloud upon the title to real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be; or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks. In case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time, to be allowed by the court, in its discretion, and upon proof of the service or publication of said order and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district; but said adjudication shall, as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district; and when a part of the said real or personal property against which such procedings shall be taken shall be within another district, but within the same State, such suit may be brought in either district in said State. Any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in any suit mentioned in this section, enter his appearance in said suit in said district court, and thereupon the said court shall make an order setting aside the judgment therein and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment according to law. (R. S. §§ 738, 742; Mar. 3, 1875, c. 137, § 8, 18 Stat. 472; Mar. 3, 1911, c. 231, § 57, 36 Stat. 1102.)

119. (Judicial Code, section 58.) Transfer of civil causes to another division of district.—Any civil cause, at law or in equity, may, on written stipulation of the parties or of their attorneys of record signed and filed with the papers in the case, in vacation or in term, and on the written order of the judge signed and filed in the case in vacation or on the order of the court duly entered of record in term, be transferred to the court of any other division of the same district, without regard to the residence of the defendants, for trial. When a cause shall be ordered to be transferred to a court in any other division, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers in the cause and all documents and deposits in his court pertaining thereto, together with a certified transcript of the records of all orders, interlocutory decrees, or other entries in the cause; and he shall certify, under the seal of the court, that the papers sent are all which are on file in said court belonging to the cause; for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as were allowed on March 3, 1911, by law for similar services, to be taxed in the bill of costs, and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall henceforth constitute a part of the record of the cause in the court to which the transfer shall be made. The clerk receiving such transcript and original papers shall file the same and the case shall then proceed to final disposition as other cases of a like nature. (Feb. 28, 1887, c. 271, § 4, 24 Stat. 425; June 2, 1906, c. 2569, § 1, 34 Stat. 206; Mar. 3, 1911, c. 231, § 58, 36 Stat. 1103.)

120. Change of venue from one division to another in Indiana.—Either party in a civil or criminal proceeding in the district of Indiana may apply to the court in term or to a judge thereof in vacation for a change of venue from the division where a suit or proceeding has been instituted to an adjoining division and the court in its discretion, or the judge in his discretion, may grant such a change. (Jan. 16, 1925, c. 83, § 6, 43 Stat. 752.)

121. (Judicial Code, section 59.) Creation of new district or division.—Whenever any new district or division has been or shall be established, or any county or territory has been or shall be transferred from one district or division to another district or division, prosecutions for crimes and offenses committed within such district, division, county, or territory prior to such transfer, shall be commenced and proceeded with the same as if such new district or division had not been created, or such county or territory had not been transferred, unless the court, upon the application of the defendant, shall order the cause to be removed to the new district or division for

trial. Civil actions pending at the time of the creation of any such district or division, or the transfer of any such county or territory, and arising within the district or division so created or the county or territory so transferred, shall be tried in the district or division as it existed at the time of the institution of the action, or in the district or division so created, or to which the county or territory is or shall be so transferred, as may be agreed upon by the parties, or as the court shall direct. The transfer of such prosecutions and actions shall be made in the manner provided in section 119 of this title. (Aug. 5, 1886, c. 928, § 7, 24 Stat. 309; Mar. 2, 1901, c. 801, § 7, 31 Stat. 881; Mar. 3, 1911, c. 231, § 59, 36 Stat. 1103.)

122. (Judicial Code, section 60.) Creation of new district or transfer of territory; lien.—The creation of a new district or division, or the transfer of any county or territory from one district or division to another district or division, shall not affect or divest any lien theretofore acquired in the circuit or district court by virtue of a decree, judgment, execution, attachment, seizure, or otherwise, upon property situated or being within the district or division so created, or the county or territory so transferred. To enforce any such lien, the clerk of the court in which the same is acquired, upon the request and at the cost of the party desiring the same, shall make a true and certified copy of the record thereof, which, when so made and certified, and filed in the proper court of the district or division in which such property is situated or shall be, after such transfer, shall constitute the record of such lien in such court, and shall be evidence in all courts and places equally with the original thereof; and, thereafter like proceedings shall be had thereon, and with the same effect, as though the cause or proceeding had been originally instituted in such court. The provisions of this section shall apply not only in all cases where a district or division is created, or a county or any territory is transferred, but also in all cases where a district or division has been created, or a county or any territory has been transferred by any law enacted before March 3, 1911. (Mar. 3, 1911, c. 231, § 60, 36 Stat. 1103.)

123. (Judicial Code, section 61.) Commissioners; oaths to appraisers.—Any district judge may appoint commissioners, before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States, may be sworn; and such oaths, so taken, shall be as effectual as if taken before the judge in open court. (R. S. § 570; Mar. 3, 1911, c. 231, § 61, 36 Stat. 1104.)

124. (Judicial Code, section 65.) Management of property by receivers.—Whenever in any cause pending in any court of the United States there shall be a receiver or manager in possession of any property, such receiver or manager shall manage and operate such property according to the requirements of the valid laws of the State in which such property shall be situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof. Any receiver or manager who shall willfully violate any provision of this section shall be fined not more than $3,000, or imprisoned not more than one year, or both. (Mar. 3, 1887, c. 373, § 2, 24 Stat. 554; Aug. 13, 1888, c. 866, § 3, 25 Stat. 436; Mar. 3, 1911, c. 231, § 65, 36 Stat. 1104.)

125. (Judicial Code, section 66.) Suits against receiver.—Every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such manager or receiver was appointed so far as the same may be necessary to the ends of justice. (Mar. 3, 1887, c. 373, § 3, 24 Stat. 554; Aug. 13, 1888, c. 866, § 3, 25 Stat. 436; Mar. 3, 1911, c. 231, § 66, 36 Stat. 1104.)

126. (Judicial Code, section 67, amended.) Officers of courts.—No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to the judge of such court. No such person holding a position or employment in a circuit court on December 21, 1911, shall be debarred from similar appointment or employment in the district court succeeding to such circuit-court jurisdiction. (Mar. 3, 1887, c. 373, § 7, 24 Stat. 555; Aug. 13, 1888, c. 866, § 7, 25 Stat. 437; Mar. 3, 1911, c. 231, § 67, 36 Stat. 1105; Dec. 21, 1911, c. 4, 37 Stat. 46.)

127. (Judicial Code, section 68.) Masters or receivers.—No clerk of a district court of the United States or his deputy shall be appointed a receiver or master in any case, except where the judge of said court shall determine that special reasons exist therefor, to be assigned in the order of appointment. (Mar. 3, 1879, c. 183, 20 Stat. 415; Mar. 3, 1911, c. 231, § 68, 36 Stat. 1105.)

Chapter 5.—DISTRICT COURTS; DISTRICTS AND PROVISIONS APPLICABLE TO PARTICULAR STATES.

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Section 141. (Judicial Code, section 69.) Judicial districts.—The United States are divided into judicial districts as follows: (R. S. § 530; Mar. 3, 1911, c. 231, § 69, 36 Stat. 1105.)

142. (Judicial Code, section 70, amended.) Alabama.—The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, Dekalb, Etowah, Marshall, and Saint Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned

in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division, at Gadsden on the first Tuesdays in February and August: *Provided*, That suitable rooms and accommodations for holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa, which shall constitute the eastern division of said middle judicial district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; for the southern division, at Dothan on the first Mondays in June and December; and for the eastern division, at Opelika on the first Mondays in April and November. Suitable rooms and accommodations for holding court at Opelika shall be furnished free of expense to the Government. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Dothan, and shall maintain an office in charge of himself or a deputy at Opelika, which said offices at Dothan and Opelika shall be kept open at all times for the transaction of the business of said divisions. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced in the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division, at Selma on the second Mondays in January and July. (R. S. § 532; Mar. 3, 1911, c. 231, § 70, 36 Stat. 1105; Feb. 28, 1913, c. 89, 37 Stat. 698; June 27, 1922, c. 247, 42 Stat. 667.)

143. Arizona.—The State of Arizona shall constitute one judicial district, to be known as the district of Arizona. Terms of the district court shall be held in Tucson on the first Mondays in May and November; at Phoenix on the first Mondays in April and October; at Prescott on the first Mondays in March and September; and at Globe on the first Mondays in June and December. Causes, civil and criminal, may be transferred by the court or judge thereof from any of the aforesaid places where court shall be held in said district to any of the places herein above mentioned in said district when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in any of the herein above mentioned places. The clerk shall keep his office at the capital of the State. (June 20, 1910, c. 310, § 31, 36 Stat. 576; Oct. 3, 1913, c. 17, §§ 1, 2, 38 Stat. 203.)

144. (Judicial Code, section 71, amended.) Arkansas.—(a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the fourth Mondays in January and June; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the second Mondays in April and October.

(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence; and the western division, which shall include the territory embraced on such date in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November;

and for the western division, at Little Rock on the first Monday in April and the third Monday in October.

(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena. Batesville, Jonesboro, and Little Rock. Such offices shall be kept open at all times for the transaction of the business of the court. (R. S. § 533; Mar. 3, 1911, c. 231, § 71, 36 Stat. 1106; Apr. 12, 1924, c. 87, § 1, 43 Stat. 90; Feb. 17, 1925, c. 252, 43 Stat. 948.)

145. (Judicial Code, section 72, amended.) California.—The State of California is divided into two districts, to be known as the northern and southern districts of California. The southern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced, on the date last mentioned, in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in May and the second Monday in November; and for the southern division, at Los Angeles on the second Monday in January and the second Monday in July, and at San Diego on the second Monday in March and September. The northern district shall include the territory embraced, on the 1st day of July, 1910, in the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, and Mono, which shall constitute the northern division of said district; also the territory embraced, on the date last mentioned, in the counties of San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito, which shall constitute the southern division of said district. Terms of the district court for the northern division of the northern district shall be held at Sacramento on the second Monday in April and the first Monday in October, and at Eureka on the third Monday in July; and for the southern division of the northern district, at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November. The clerk of the district court for the northern district shall maintain an office at Sacramento, in charge of himself or a deputy, which shall be kept open at all times for the transaction of the business of the court. (Aug. 5, 1886, c. 928, 24 Stat. 308; Mar. 3, 1911, c. 231, § 72, 36 Stat. 1107; May 16, 1916, c. 122, 39 Stat. 122.)

146. (Judicial Code, section 73, amended.) Colorado; adjournment of terms; deputy marshals and clerks.—The State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Sterling on the second Tuesday in June. If at the time of the holding of a term of said court in any year in either of said cities of Grand Junction, Durango, and Sterling, Colorado, there is no business to be transacted by said court, the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colorado. The marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this section: *Provided*, That suitable rooms and accommodations for holding court at Sterling are furnished free of expense to the United States. (June 26, 1876, c. 147, 19 Stat. 61; Mar. 3, 1911, c. 231, § 73, 36 Stat. 1108; June 12, 1916, c. 143, 39 Stat. 225; May 29, 1924, c. 209, 43 Stat. 243.)

147. (Judicial Code, section 74, as amended.) Connecticut.—The State of Connecticut shall constitute one judicial district, to be known as the district of Connecticut. Terms of the district court shall be held at New Haven on the fourth Tuesdays in February and September, at Hartford on the fourth Tuesday in May and the first Tuesday in December, and at Norwalk on the fourth Tuesday in April: *Provided*, That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Norwalk free of expense to the Government of the United States. (R. S. § 531; Mar. 3, 1911, c. 231, § 74, 36 Stat. 1108; Feb. 27, 1921, c. 74, 41 Stat. 1146.)

148. (Judicial Code, section 75.) Delaware.—The State of Delaware shall constitute one judicial district, to be known as the district of Delaware. Terms of the district court shall be held at Wilmington on the second Tuesdays in March, June, September, and December. (R. S. § 531; Mar. 3, 1911, c. 231, § 75, 36 Stat. 1108.)

149. (Judicial Code, section 76.) Florida.—The State of Florida is divided into two districts, to be known as the northern and southern districts of Florida. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baker, Bradford, Brevard, Citrus, Clay, Columbia, Dade, De Soto, Duval, Hamilton, Hernando, Hillsboro, Lake, Lee, Madison, Manatee, Marion, Monroe, Nassau, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, Saint John, Sumter, Suwanee, Saint Lucie, and Volusia. Terms of the district court for the southern district shall be held at Ocala on the third Monday in January; at Tampa on the second Monday in February; at Key West on the first Mondays in May and November; at Jacksonville on the first Monday in December; at Fernandina on the first Monday in April; and at Miami on the fourth Monday in April. The district court for the southern district shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alachua, Calhoun, Escambia, Franklin, Gadsden, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Santa Rosa, Taylor, Wakulla, Walton, and Washington. Terms of the district court for the northern district shall be held at Tallahassee on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December. (R. S. § 534; Mar. 3, 1911, c. 231, § 76, 36 Stat. 1108.)

150. (Judicial Code, section 77, amended.) Georgia.—The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, Dekalb, Douglas, Dawson, Fannin, Fayette, Fulton, Forsyth, Gilmer, Gwinnett, Hall, Henry, Lumpkin, Milton, Newton, Pickens, Rockdale, Spalding, Towns, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Banks, Barrow, Clarke, Elbert, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Rabun, Stephens, Walton, and White, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattahoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the

western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October and at Gainesville on the fourth Mondays in April and November, and it shall be the duty of the judge to assign such cases, both civil and criminal, as may in his judgment be most convenient to the parties to said cases, and as may be in the interest of economical expenditures by the Government; for the eastern division, at Athens on the second Monday in April and the first Monday in November; for the western division, at Columbus on the first Mondays in May and December; and for the northwestern division, at Rome on the third Mondays in May and November. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, and at Rome, which shall be kept open at all times for the transaction of the business of the court. The southern district shall include the territory embraced on the said 1st day of July, 1910, in the counties of Appling, Bulloch, Bryan, Camden, Candler, Chatham, Emanuel, Effingham, Evans, Glynn, Jeff Davis, Jenkins, Liberty, Montgomery, McIntosh, Screven, Tattnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Monroe, Pike, Pulaski, Putnam, Sumter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Johnson, Lincoln, McDuffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Macon, Pierce, Thomas, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division, at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division, at Augusta on the first Monday in April and the third Monday in November; for the southwestern division, at Valdosta on the second Mondays in June and December; and for the Albany division, at Albany on the third Mondays in June and December. (R. S. § 535; Mar. 3, 1911, c. 231, § 77, 36 Stat. 1108; Mar. 4, 1913, c. 167, 37 Stat. 1017; Mar. 3, 1915, c. 98, 99, §§ 1, 2, 38 Stat. 960.)

151. (Judicial Code, section 78.) Idaho.—The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into four divisions, to be known as the northern, central, southern, and eastern divisions. The territory embraced on the 1st day of July, 1910, in the counties of Bonner, Kootenai, and Shoshone, shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Idaho, Latah, and Nez Perce, shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington, shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bannock, Bear Lake, Bingham, Custer, Fremont, Lemhi, and Oneida, shall constitute the eastern division of said district. Terms of the district court for the northern division of said district shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays in February and September; and for the eastern division, at Pocatello on the second Mondays in March and October. The clerk of the court shall maintain an office in charge of himself or a deputy at Coeur d'Alene City, at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court. (July 3, 1890, c. 656, § 16, 26 Stat. 217; July 5, 1892, c. 145, 27 Stat. 72; Nov. 3, 1893, c. 9, 28 Stat. 5; June 1, 1898, c. 369, 30 Stat. 423; Feb. 23, 1911, c. 148, 36 Stat. 927; Mar. 3, 1911, c. 231, § 78, 36 Stat. 1109.)

152. (Judicial Code, section 79.) Illinois.—The State of Illinois is divided into three districts, to be known as the northern, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, La Salle, McHenry, and Will, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Boone, Carroll, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Chicago on the first Mondays in February, March, April, May, June, July, September, October, and November, and the third Monday in December; and for the western division, at Freeport on the third Mondays in April and October. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Chicago and at Freeport, which shall be kept open at all times for the transaction of the business of the court. The marshal for the northern district shall maintain an office in the division in which he himself does not reside and shall appoint at least one deputy who shall reside therein. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Putnam, Peoria, Rock Island, Stark, Tazewell, Warren, and Woodford, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, De Witt, Greene, Hancock, Jersey, Logan, McLean, Macon, Macoupin, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, which shall constitute the southern division. Terms of the district court for the northern division shall be held at Peoria on the third Mondays in April and October; for the southern division, at Springfield on the first Mondays in January and June, and at Quincy on the first Mondays in March and September. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Peoria, at Springfield, and at Quincy, which shall be kept open at all times for the transaction of the business of the court. The marshal for said southern district shall appoint at least one deputy residing in the said northern division, who shall maintain an office at Peoria. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Randolph, Richland, Saint Clair, Saline, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson. Terms of the district court for the eastern district shall be held at Danville on the

first Mondays in March and September; at Cairo on the first Mondays in April and October; and at East Saint Louis on the first Mondays in May and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Danville, at Cairo, and at East Saint Louis, which shall be kept open at all times for the transaction of the business of the court, and shall there keep the records, files, and documents pertaining to the court at that place. (R. S. § 536; Mar. 3, 1911, c. 231, § 79, 36 Stat. 1110.)

153. (Judicial Code, section 80, amended.) Indiana; divisions.—The State of Indiana shall constitute one judicial district to be known as the district of Indiana. For the purpose of holding terms of court the district shall be divided into seven divisions constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne; the Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Kosciusko, La Porte, Marshall, Miami, Pulaski, Saint Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Daviess, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick; the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington. (R. S. § 531; Mar. 3, 1911, c. 231, § 80, 36 Stat. 1110; Jan. 16, 1925, c. 83, § 1, 43 Stat. 751.)

154. Same; terms of court.—Except as hereinafter in this section provided terms of the district court for the Indianapolis division shall be held at Indianapolis on the first Mondays of May and November of each year; for the Fort Wayne division, at Fort Wayne on the first Mondays of June and December of each year; for the South Bend division, at South Bend on the second Mondays of June and December of each year; for the Hammond division, at Hammond on the first Mondays of January and July of each year; for the Terre Haute division, at Terre Haute on the first Mondays of April and October of each year; for the Evansville division, at Evansville on the second Mondays of April and October of each year; for the New Albany division, at New Albany on the third Mondays of April and October of each year. When the time fixed as above for the sitting of the court shall fall on a Sunday or a legal holiday, the term shall begin upon the next following day not a Sunday or a legal holiday. Terms of the district court shall not be limited to any particular number of days, nor shall it be necessary for any term to adjourn by reason of the intervention of a term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded. (Jan. 16, 1925, c. 83, § 2, 43 Stat. 751.)

155. Same; offices of clerk of court; deputy clerks.—The clerk of the court for the district shall maintain an office in charge of himself or a deputy at Indianapolis, Fort Wayne, South Bend, Hammond, Terre Haute, Evansville, and New Albany. Such offices shall be kept open at all times for the transaction of the business of the court. Each deputy clerk shall keep in his office full records of all actions and proceedings of the district court held at the place in which the office is located. (Jan. 16, 1925, c. 83, § 4, 43 Stat. 752.)

156. (Judicial Code, section 81, amended.) Iowa.—The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Black Hawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division.

Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November, and at Mason City on the fourth Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October.

The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, Johnson, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district.

Terms of the district court for the eastern division shall be held at Keokuk on the fourteenth Tuesday after the second Tuesday in January and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the fifteenth Tuesday after the second Tuesday in January and the tenth Tuesday after the third Tuesday in September; for the western division, at Council Bluffs on the second Tuesday after the second Tuesday in January and the second Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the third Tuesday in September and the second Tuesday in January; for the Davenport division, at Davenport on the twelfth Tuesday after

the second Tuesday in January and the sixth Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the first Tuesday after the second Tuesday in January and the third Tuesday in September.

The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa for the transaction of the business of said divisions. (R. S. § 537; Mar. 3, 1911, c. 231, § 81, 36 Stat. 1111; Mar. 3, 1913, c. 122, 37 Stat. 734; Feb. 23, 1916, c. 32, 39 Stat. 12; Apr. 27, 1916, c. 90, 39 Stat. 55; Mar. 4, 1923, c. 256, 42 Stat. 1483; Jan. 28, 1925, c. 104, 43 Stat. 794.)

157. (Judicial Code, section 82, amended.) Kansas.—The State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodgeman, Haskell, Kingman, Kiowa, Kearny, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgwick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauqua, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the second Monday in January and the first Monday in October; and at Salina on the second Monday in May; terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September; and for the third division, at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint three deputies, one of whom shall reside and keep his office at Fort Scott, one at Wichita, and the other at Salina, and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott and the marshal shall also appoint a deputy, who shall reside and keep his office at Kansas City. (R. S. § 531; Mar. 3, 1911, c. 231, § 82, 36 Stat. 1112; Sept. 6, 1916, c. 447, 39 Stat. 725.)

158. (Judicial Code, section 83, amended.) Kentucky.—The State of Kentucky is divided into two districts, to be known as the eastern and western districts of Kentucky. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, and Harrison, with the waters thereof. Regular terms of the District Court of the United States for the Eastern District of Kentucky shall be held at the following times and places, namely:

At Jackson: Beginning on the first Monday in March and the third Monday in September in each year.

At Frankfort: Beginning on the second Monday in March and the fourth Monday in September in each year.

At Covington: Beginning on the first Monday in April and the third Monday in October in each year.

At Richmond: Beginning on the fourth Monday in April and the second Monday in November in each year.

At London: Beginning on the second Monday in May and the fourth Monday in November in each year.

At Catlettsburg: Beginning on the fourth Monday in May and the second Monday in December in each year.

At Lexington: Beginning on the second Monday in January and the second Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Lexington shall be furnished without expense to the United States.

And at such other times and places as may hereafter be provided by law.

The clerk of the court for the eastern district of Kentucky shall maintain an office in charge of himself, a deputy, or a clerical assistant, at each of the places of holding court within said district.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Oldham, Jefferson, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Taylor, Casey, Green, Adair, Russell, Clinton, Cumberland, Monroe, Metcalfe, Allen, Barren, Simpson, Logan, Warren, Butler, Hart, Edmonson, Grayson, Hardin, Meade, Breckinridge, Hancock, Daviess, Ohio, McLean, Muhlenberg, Todd, Christian, Trigg, Lyon, Caldwell, Livingston, Crittenden, Hopkins, Webster, Henderson, Union, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton, with the waters thereof.

Terms of the district court for the western district shall be held at Louisville on the second Mondays in March and October; at Owensboro on the first Monday in May and the fourth Monday in November; at Paducah on the third Mondays in April and November; and at Bowling Green on the third Monday in May and the second Monday in December.

The clerk for the western district shall maintain an office in charge of himself or a deputy at Louisville, at Owensboro, at Paducah, and at Bowling Green, each of which offices shall be kept open at all times for the transaction of the business of said court.

The clerks of the courts for the eastern and western districts, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought. (Feb. 12, 1901, c. 355, § 2, 31 Stat. 781; Mar. 3, 1911, c. 231, § 83, 36 Stat. 1112; Jan. 29, 1920, c. 57, 41 Stat. 400.)

159. (Judicial Code, section 84.) Louisiana.—The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Mary, Saint Tam-

many, Tangipahoa, Terrebonne, and Washington, which shall constitute the New Orleans division; also the territory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, Saint Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the Baton Rouge division of said district. Terms of the district court for the New Orleans division shall be held at New Orleans on the third Mondays in February, May, and November; and for the Baton Rouge division, at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Saint Landry, Evangeline, Saint Martin, Lafayette, and Vermilion, which shall constitute the Opelousas division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the Alexandria division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Bossier, Webster, Claiborne, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the Shreveport division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the Monroe division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the Lake Charles division of said district. Terms of the district court for the Opelousas division shall be held at Opelousas on the first Mondays in January and June; for the Alexandria division, at Alexandria on the fourth Mondays in January and June; for the Shreveport division, at Shreveport on the third Mondays in February and October; for the Monroe division, at Monroe on the first Mondays in April and October; and for the Lake Charles division, at Lake Charles on the third Mondays in May and December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court. (Mar. 3, 1881, c. 144, 21 Stat. 507; Mar. 3, 1911, c. 231, § 84, 36 Stat. 1113.)

160. (Judicial Code, section 85, amended.) Maine; divisions; sessions.—The State of Maine shall constitute one judicial district, to be known as the district of Maine. Said district shall be divided into two divisions, to be known, respectively, as the northern and southern divisions. The counties of Aroostook, Penobscot, Piscataquis, Washington, Hancock, Waldo, and Somerset shall be known as the northern division, the court for which shall be held in the city of Bangor. The remaining counties in said State and district of Maine shall constitute the southern division, the court for which shall be held in the city of Portland. Two sessions shall be held in each and every year in the city of Bangor, beginning, respectively, on the first Tuesday of November and the first Tuesday of June, and three sessions shall be held in each and every year in the city of Portland, beginning, respectively, on the first Tuesday of April, on the third Tuesday of September, and on the second Tuesday in December. (R. S. § 531; Mar. 3, 1911, c. 231, § 85, 36 Stat. 1114; Dec. 22, 1911, c. 7, 37 Stat. 51; Sept. 8, 1916, c. 475, §§ 1, 3, 39 Stat. 850; Mar. 4, 1923, c. 279, 42 Stat. 1506.)

161. Office of clerk and marshal; deputy clerk; marshal's field deputy.—The clerk of the district court for the district of Maine and the marshal of said district shall each at all times maintain by himself or by deputy an office in charge of himself or deputy, both at the city of Bangor and at the city of Portland. The deputy clerk in charge of the office in the division in which the clerk does not reside himself shall reside in the city where the office of which he has charge is located. The marshal shall appoint a field deputy, who shall have charge of the office in the division in which the marshal does not reside himself, who shall reside in the city where the office of which he has charge is located, and who, within and for said division, in the absence of the marshal, shall have all the powers of the marshal, and who shall also, throughout said district of Maine, have all the powers of other deputy marshals. And such field deputy, before he enters on the duties of his office, shall give bond before the judge of said district of like tenor, effect, and amount and of similar form and condition, with like sureties, and to be approved in like manner, as may be required by law of the marshal of said district. (Sept. 8, 1916, c. 475, § 2, 39 Stat. 850.)

162. Divisions considered separate districts for purposes of jurisdiction and venue; United States commissioners.—For the purpose of determining the jurisdiction and venue of all causes, suits, actions, bills, petitions, matters, libels, proceedings, prosecutions, indictments, complaints, informations, and other judicial business, whether civil or criminal, or whether in equity, in admiralty, in prize, in forfeiture, or in condemnation, in rem, in personam, or mixed, whatsoever, cognizable in the United States district court, each of said divisions shall be as if it were a separate and distinct judicial district of the United States. There shall be but one judge, one clerk, one marshal, and one district attorney for said district of Maine. United States commissioners in either of said divisions, until otherwise provided by law, shall be appointed and have jurisdiction and cognizance through said district of Maine in the same manner and to the same extent and effect that they have under existing law. (Sept. 8, 1916, c. 475, § 4, 39 Stat. 851.)

163. Transfer of civil and criminal causes.—Any cause, suit, action, bill, petition, matter, libel, proceeding, prosecution, indictment, complaint, information, or other judicial business, whether civil or criminal, or whether in equity, in admiralty, in prize, in forfeiture, or in condemnation, in rem, in personam, or mixed, whatsoever, pending in either of said divisions, when all the parties thereto so stipulate in writing, and where the ends of justice or the convenience of the parties will be promoted thereby, may, at the discretion of the court or judge, be transferred wholly or specially for the hearing, trial, or determination of any single proceeding, matter, step, or motion therein from one of said divisions to the other. On request of all accused in any criminal prosecution and of all claimants in any cause, proceeding, libel, information, or other matter in rem, the same may be transferred, at the discretion of the court or judge from one of said divisions to the division in which a term of said court is next to be held, without the joinder in such request of the United States when the Government is the only other party thereto not joining in such request. (Sept. 8, 1916, c. 475, § 5, 39 Stat. 851.)

164. Ex parte proceedings heard in either division.—All ex parte, of course, default and pro confesso, proceedings and matters, and all interlocutory matters in which all interested parties are present and consenting that such hearing may be had, in whichever of said divisions the same may be cognizable or pending, may be heard and determined by the court or judge and all findings, orders, judgments, and decrees be made, and all mesne and final process therein be tested, sealed, issued, and renewed in either of said divisions, in term time, vacation, or chambers. (Sept. 8, 1916, c. 475, § 6, 39 Stat. 851.)

165. Same; change of venue or continuance.—Nothing in sections 160 to 165 of this title shall be construed to deprive the court or judge of the power to grant a change of venue or continuance in any cause, proceeding, or matter whatsoever according to law and the requirements of justice. (Sept. 8, 1916, c. 475, § 7, 39 Stat. 851.)

166. (Judicial Code, section 86.) Maryland.—The State of Maryland shall constitute one judicial district, to be known as the district of Maryland. Terms of the district court shall be held at Baltimore on the first Tuesdays in March, June, September, and December, at Cumberland on the second Monday in May and the last Monday in September, and at Denton on the third Monday in January and the first Monday in July: *Provided*, That suitable accommodations for holding court at Denton are furnished free of expense to the United States. The clerk of the court shall appoint a deputy who shall reside and maintain an office at Cumberland, unless the clerk shall himself reside there; and the marshal shall also appoint a deputy, who shall reside and maintain an office at Cumberland, unless he shall himself reside there. (R. S. § 531; Mar. 3, 1911, c. 231, § 86, 36 Stat. 1114; Mar. 3, 1925, c. 422, 43 Stat. 1106.)

167. (Judicial Code, section 87, amended.) Massachusetts.—The State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield, on the second Tuesday in May and December; and at New Bedford, on the first Tuesday in August: *Provided*, That suitable rooms and accommodations for holding court at Springfield and New Bedford shall be furnished free of expense to the United States. All writs, precepts, and processes shall be returnable to the terms at Boston, and all court papers shall be kept in the clerk's office at Boston, unless otherwise specially ordered by the court, and the terms at Boston shall not be terminated or affected by the terms at Springfield or New Bedford.

The marshal and the clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place. (R. S. § 531; Mar. 3, 1911, c. 231, § 87, 36 Stat. 1114; May 1, 1922, c. 173, 42 Stat. 508.)

168. (Judicial Code, section 88.) Michigan.—The State of Michigan is divided into two judicial districts, to be known as the eastern and western districts of Michigan. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Shiawassee, and Tuscola, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Branch, Calhoun, Clinton, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne, which shall constitute the southern division of said district. Terms of the district court for the southern division shall be held at Detroit on the first Tuesdays in March, June, and November; for the northern division, at Bay City on the first Tuesdays in May and October, and at Port Huron in the discretion of the judge of said court and at such times as he shall appoint therefor. There shall also be held a special or adjourned term of the district court at Bay City for the hearing of admiralty causes, beginning in the month of February in each year. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, which shall constitute the northern division; also the territory embraced on the said date last mentioned in the counties of Allegan, Antrim, Barry, Benzie, Berrien, Cass, Charlevoix, Eaton, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren, and Wexford, which shall constitute the southern division of said district. Terms of the district court for the southern division shall be held at Grand Rapids on the first Tuesdays in March, June, October, and December; for the northern division, at Marquette on the second Tuesdays in April and September; and at Sault Saint Marie on the second Tuesdays in January and July. All issues of fact shall be tried at the terms held in the division where such suit shall be commenced. Actions in rem and admiralty may be brought in whichever division of the eastern district service can be had upon the res. Nothing herein contained shall prevent the district court of the western division from regulating, by general rule, the venue of transitory actions either at law or in equity, or from changing the same for cause. The clerk of the court for the western district shall reside and keep his office at Grand Rapids, and shall also appoint a deputy clerk for said court held at Marquette, who shall reside and keep his office at that place. The marshal for said western district shall keep an office and a deputy marshal at Marquette. The clerk of the court for the eastern district shall keep his office at the city of Detroit, and shall appoint a deputy for the court held at Bay City, who shall reside and keep his office at that place. The marshal for said district shall keep an office and a deputy marshal at Bay City, and mileage on service of process in said northern division shall be computed from Bay City. (R. S. § 538; Mar. 3, 1911, c. 231, § 88, 36 Stat. 1114; July 9, 1912, c. 222, 37 Stat. 190.)

169. (Judicial Code, section 89.) Minnesota.—The State of Minnesota shall constitute one judicial district, to be known as the district of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Winona, Wabasha, Olmsted, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Lesueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, Saint Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Bigstone, Traverse, Grant, Douglas, Todd, Ottertail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater, Mahnomen, and Hubbard. Terms of the district court for the first division shall be held at Winona on the third Tuesdays in May and November; for the second division, at Mankato on the fourth Tuesdays in April and October; for the third division, at Saint Paul on the first Tuesdays in June and December; for the fourth division, at Minneapolis on the first Tuesdays in April and October; for the fifth division, at Duluth on the second Tuesdays in January and July; and for the sixth division, at

Fergus Falls on the first Tuesday in May and second Tuesday in November. The clerk of the court shall appoint a deputy clerk at each place where the court was required on March 3, 1911, to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court. (R. S. § 531; Mar. 3, 1911, c. 231, § 89, 36 Stat. 1115.)

170. (Judicial Code, section 90, amended.) Mississippi.—The State of Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalabusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. The terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the third Monday in April and the first Monday in December; and for the Delta division, at Clarksdale on the fourth Monday in January and the third Monday in October. The southern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson Davis, Lawrence, Leake, Lincoln, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Adams, Claiborne, Humphreys, Issaquena, Jefferson, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, Pearl River, Stone, and Walthall, which shall constitute the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division at Vicksburg on the third Mondays in May and November; for the eastern division at Meridian on the third Mondays in March and September; and for the southern division at Biloxi on the third Monday in February and the first Monday in June. The clerk of the court for each district shall maintain an office in charge of himself, or a deputy, at each place in his district at which court was on March 3, 1911 required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district. (R. S. § 539; Mar. 3, 1911, c. 231, § 90, 36 Stat. 1116; Feb. 5, 1912, c. 28, 37 Stat. 59; May 27, 1912, c. 136, 37 Stat. 118; Feb. 12, 1925, c. 212, 43 Stat. 882.)

171. (Judicial Code, section 91, amended.) Missouri.—The State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the city of Saint Louis and the counties of Audrian, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Montgomery, Phelps, Saint Charles, Saint Francois, Sainte Genevieve, Saint Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern divisions of said district. Terms of the district court for the eastern division shall be held at Saint Louis on the third Mondays in March and September and at Rolla on the second Mondays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States; for the northern division at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, Saint Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the Saint Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which shall constitute the southern division.

Terms of the district court for the western division shall be held at Kansas City on the first Monday in October and the first Monday in December, and at Chillicothe on the fourth Monday in May and the first Monday in December: *Provided*, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States; for the southwestern division, at Joplin on the second Mondays in June and January; for the Saint Joseph division, at Saint Joseph on the first Monday in March and the third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October.

The clerk of the court at Saint Louis, in the eastern district, shall maintain an office in charge of himself or a deputy at Saint Louis and Hannibal and at such other places of holding court in said district as may be deemed necessary by the judge, which shall be kept open at all times for the transaction of the business of the court.

The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at Saint Joseph, at Chillicothe, at Joplin, and at Springfield, which shall be kept open at all times for the transaction of the business of the court.

The marshal for each district shall also maintain an office in charge of himself or a deputy at each place at which court

was held on March 3, 1911, in his district. (R. S. § 540; Mar. 3, 1911, c. 231, § 91, 36 Stat. 1117; Dec. 22, 1911, c. 8, 37 Stat. 51; June 7, 1924, c. 319, 43 Stat. 607.)

172. (Judicial Code, section 92.) Montana.—The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; at Great Falls on the first Mondays in May and October; at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena, or from Helena or Butte to Great Falls, or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place. (Feb. 22, 1889, c. 180, § 21, 25 Stat. 682; Mar. 3, 1911, c. 231, § 92, 36 Stat. 1118.)

173. (Judicial Code, section 93.) Nebraska.—The State of Nebraska shall constitute one judicial district to be known as the district of Nebraska. Said district is divided into eight divisions. The territory embraced on the 1st day of July, 1910, in the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon, shall constitute the Omaha division; the territory embraced on the date last mentioned in the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keya Paha, shall constitute the Norfolk division; the territory embraced on the date last mentioned in the counties of Cherry, Sheridan, Dawes, Box Butte, and Sioux, shall constitute the Chadron division; the territory embraced on the date last mentioned in the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant, shall constitute the Grand Island division; the territory embraced on the date last mentioned in the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Garden, Morrill, Cheyenne, Kimball, Banner, and Scott's Bluff, shall constitute the North Platte division; the territory embraced on the date last mentioned in the counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton, shall constitute the Lincoln division; the territory embraced on the date last mentioned in the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps, shall constitute the Hastings division; and the territory embraced on the date last mentioned in the counties of Gosper, Furnas, Red Willow, Frontier, Hayes, Hitchcock, Dundy, Chase, and Perkins, shall constitute the McCook division. Terms of the district court for the Omaha division shall be held at Omaha on the first Monday in April and the fourth Monday in September; for the Norfolk division, at Norfolk on the third Monday in September; for the Chadron division, at Chadron on the second Monday in September; for the Grand Island division, at Grand Island on the second Monday in January; for the North Platte division, at North Platte on the second Monday in June; for the Lincoln division, at Lincoln on the second Monday in May and the first Monday in October; for the Hastings division, at Hastings on the second Monday in March; and for the McCook division, at McCook on the first Monday in March: *Provided*, That where provision is made herein for holding court at places where there are no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held, without any expense to the United States. The clerk of the court shall appoint a deputy for each division of the district in which he does not himself reside, who shall keep his office and reside at the place of holding court in the division for which he is appointed. (R. S. § 531; Mar. 3, 1911, c. 231, § 93, 36 Stat. 1118.)

174. (Judicial Code, section 94.) Nevada.—The State of Nevada shall constitute one judicial district, to be known as the district of Nevada. Terms of the district court shall be held at Carson City on the first Mondays in February, May, and October. (R. S. § 531; Mar. 3, 1911, c. 231, § 94, 36 Stat. 1118).

175. (Judicial Code, section 95, amended.) New Hampshire.—The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Portsmouth on the last Tuesday in October, at Concord on the last Tuesday in April and the second Tuesday in December, and at Littleton on the third Tuesday in September. (R. S. § 531; Mar. 3, 1911, c. 231, § 95, 36 Stat. 1119; Aug. 23, 1912, c. 344, 37 Stat. 357.)

176. (Judicial Code, section 96, amended.) New Jersey.—The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the first Tuesday in April and the first Tuesday in November, and at Trenton on the third Tuesday in January and the second Tuesday in September of each year. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court; and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court. (R. S. § 531; Mar. 3, 1911, c. 231, § 96, 36 Stat. 1119; Aug. 9, 1912, c. 277, 37 Stat. 265, Feb. 14, 1913, c. 53, 37 Stat. 674.)

177. New Mexico.—The State of New Mexico shall constitute one judicial district to be known as the district of New Mexico.

Terms of the district court shall be held at Santa Fe on the first Monday in March and September, at Albuquerque on the first Monday in June and December, at Roswell on the first Monday in May and October, at Las Cruces on the first Monday in November, at Silver City on the first Monday in January, at Las Vegas on the first Monday in February, and at Raton on the first Monday in April. If at the time of the holding of the terms of said court in any year in the cities or towns of Las Vegas, Las Cruces, Silver City, or Raton there is insufficient business to justify the holding of any such term the same may be adjourned or continued by order of the judge of said court made at any place in the district. Terms of court at Silver City, town of Las Vegas, and Raton shall not be held unless facilities therefor are furnished by the county of Grant at Silver City, the county of San Miguel at town of Las Vegas, and the county of Colfax at Raton, without cost and expense to the United States, until such time as court rooms and other necessary facilities have been constructed by the United States.

Causes, civil and criminal, may be transferred by the court or either judge thereof from any of the aforesaid places where court shall be held in said district to any of the places hereinabove mentioned in said district whenever in the opinion of the court or judge the convenience of the parties or the ends of justice would be promoted by the transfer.

That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the cities of Albuquerque and Roswell, and the marshal and the clerk of said court may each, respectively, with the approval of the Attorney General, appoint one deputy at each of the cities of Las Cruces, Silver City, Raton, and the town of Las Vegas. Upon completion of the Federal building in the city of Las Vegas, the court shall be transferred to and held in the city of Las Vegas instead of the

town of Las Vegas and court at the latter place discontinued. (June 20, 1910, c. 310, § 13, 36 Stat. 565; Mar. 4, 1921, c. 149, 41 Stat. 1361; June 7, 1924, c. 332, 43 Stat. 642.)

178. (Judicial Code, section 97, amended.) New York.—The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Schenectady, Rensselaer, Saratoga, Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin, as he may from time to time appoint: *Provided*, That suitable accommodations for holding court at such appointed place be furnished free of expense to the United States. Such appointment shall be made by notice of at least twenty days, published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions, and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of his court; and in such cases such judge shall have the same powers as are vested in the resident judge. (R. S. §§ 541, 542; May 12, 1900, c. 391, 31 Stat. 175; Mar. 3, 1911, c. 231, § 97, 36 Stat. 1119; Jan. 21, 1920, c. 50, 41 Stat. 394; July 1, 1922, c. 260, 42 Stat. 812.)

179. (Judicial Code, section 98, amended.) North Carolina.—The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Fayetteville on the Monday before the last Mondays in March and September; at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October; and in addition for the trial of civil cases on the first Mondays in March and September: *Provided*, That the city of Fayetteville and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Fayetteville and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.

Terms of the District Court of the United States for the Western District of North Carolina shall be held in each and every year in the town of Shelby, North Carolina: *Provided*, That suitable accommodations for holding court at Shelby are furnished free of expense to the United States. (R. S. § 543; Mar. 3, 1911, c. 231, § 98, 36 Stat. 1120; Oct. 7, 1914, c. 318, 38 Stat. 728; Mar. 17, 1920, c. 101, § 1, 41 Stat. 531; June 7, 1924, c. 359, § 1, 43 Stat. 661; Dec. 24, 1924, c. 18, 43 Stat. 721.)

180. (Judicial Code, section 99, amended.) North Dakota.—The State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of January, 1916, in the counties of Bur-

leigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, Golden Valley, Slope, Sioux, Oliver, Mercer, Billings, and McKenzie shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Divide, Mountrail, Burke, and Renville shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, La Moure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks, on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district: *Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room. (Apr. 26, 1890, c. 161, 26 Stat. 67; Feb. 4, 1895, c. 55, 28 Stat. 642; Mar. 3, 1911, c. 231, § 99, 36 Stat. 1121; Feb. 5, 1912, c. 28, 37 Stat. 60; July 17, 1916, c. 248, 39 Stat. 386.)

181. (Judicial Code, section 100, amended.) Ohio.—The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandot, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April and October, and at Youngstown on the first Tuesday after the first Monday in March. Terms of the district court for the western division shall be held at Toledo on the last Tuesdays in April and October, and at Lima, if in the opinion of the court the public convenience so requires, on the first Tuesday after the first Monday in September: *Provided*, That suitable accommodations for holding court at Lima be furnished free of expense to the United States.

Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Grand and petit jurors summoned for service at a term of court to be held at Toledo may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Lima.

Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland or at Youngstown, as the court may direct. Crimes and offenses committed in the western division shall be cognizable at the terms held at Toledo or at Lima, as the court may direct.

Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. Any suit brought in the western division may, in the discretion of the court, be tried at the term held at Lima.

The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district.

Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December, and at Steubenville on the first Tuesdays of March and September. Grand and petit jurors summoned for service at a term of court being held at Columbus may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term being held or authorized to be held at Steubenville. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Columbus, or at Steubenville, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Steubenville. Terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton. (R. S. § 544; Mar. 3, 1911, c. 231, § 100, 36 Stat. 1121; Mar. 4, 1915, c. 159, 38 Stat. 1187; Feb. 14, 1923, c. 78, 42 Stat. 1246.)

182. (Judicial Code, section 101, amended.) Oklahoma.—The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Okfuskee, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, and at Bartlesville on the first Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska and Bartlesville are furnished free of expense to the United States. The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be

held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, and Pauls Valley are furnished free of expense to the United States. The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Guthrie on the first Monday in January, at Oklahoma City on the first Monday in March, at Mangum on the first Monday in April, at Enid on the first Monday in June, at Lawton on the first Monday in September, and at Woodward on the first Monday in November in each year: *Provided*, That suitable rooms and accommodations for holding court at Mangum and Woodward are furnished free of expense to the United States. The clerk of the district court for the northern district shall keep his office at Tulsa, the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore, the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City. (June 16, 1906, c. 3335, §§ 13, 14, 34 Stat. 275; June 25, 1910, c. 394, 36 Stat. 825; Mar. 3, 1911, c. 231, § 101, 36 Stat. 1122; Feb. 20, 1917, c. 102, 39 Stat. 927; June 13, 1918, c. 98, 40 Stat. 604; Feb. 26, 1919, c. 54, 40 Stat. 1184; June 5, 1924, c. 259, 43 Stat. 387; Jan. 10, 1925, c. 68, § 69, 43 Stat. 730, 731; Feb. 16, 1925, c. 233, § 1, 43 Stat. 945.)

183. (Judicial Code, section 102.) Oregon.—The State of Oregon shall constitute one judicial district, to be known as the district of Oregon. Terms of the district court shall be held at Portland on the first Mondays in March, July, and November; at Pendleton on the first Tuesday in April; and at Medford on the first Tuesday in October. The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places. (R. S. § 531; Mar. 3, 1911, c. 231, § 102, 36 Stat. 1122.)

184. (Judicial Code, section 103, amended.) Pennsylvania.—The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October; at Harrisburg on the first Mondays in May and December; at Sunbury on the second Monday in January; and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Harrisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday of May and the second Monday of November, and terms of the court shall be held at Erie on the third Monday of March and the third Monday of September. The clerk and marshal of said district shall have their principal offices at Pittsburgh, and shall maintain, by themselves or by their deputies, offices at Erie.

The clerk shall place all cases in which the defendants reside in the counties of said district nearest Erie upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh. (R. S. § 545; Mar. 3, 1911, c. 231, § 103, 36 Stat. 1123; Mar. 3, 1913, c. 113, 37 Stat. 730; June 6, 1914, c. 104, 38 Stat. 385; Sept. 9, 1914, c. 296, 38 Stat. 713.)

185. (Judicial Code, section 104, amended.) Rhode Island.—The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island; terms of the district court shall be held at Providence on the fourth Tuesday in May and the third Tuesday in November. (R. S. § 531; Mar. 3, 1911, c. 231, § 104, 36 Stat. 1123; Feb. 1, 1912, c. 27, 37 Stat. 59.)

186. (Judicial Code, section 105, amended.) South Carolina.—The State of South Carolina is divided into two districts, to be known as the eastern and western districts of South Carolina. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York. Terms of the district court for the western district shall be held at Greenville on the first Tuesdays in April and October; at Rock Hill the second Tuesdays in March and September; at Greenwood the first Tuesdays in February and November; at Anderson the fourth Tuesdays in May and November; and at Spartanburg on the third Tuesday in February and the second Tuesday in December. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg. Terms of the district court for the eastern district shall be held at Charleston on the second Monday in October, the third Monday in January, and the fourth Monday in May; at Columbia on the first Monday in November and the third Monday in March; at Florence on the first Monday in December and the fourth Monday in April; and at Aiken on the fourth Monday in September and the second Monday in February. The office of the clerk of the district court for the western district shall be at Greenville and the office of the clerk of the district court for the eastern district shall be at Charleston. (R. S. § 546; Mar. 3, 1911, c. 231, § 105, 36 Stat. 1123; Feb. 5, 1912, c. 28, 37 Stat. 60; Mar. 3, 1915, c. 100, § 5, 38 Stat. 961; Sept. 1, 1916, c. 434, 39 Stat. 721; Mar. 4, 1923, c. 261, 42 Stat. 1486; Jan. 30, 1925, c. 118, 43 Stat. 800.)

187. (Judicial Code, section 106.) South Dakota.—The State of South Dakota shall constitute one judicial district, to be known as the district of South Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton, and in the Yankton Indian Reservation, shall constitute the southern division of said district; the territory embraced on the date last mentioned in the counties of Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Edmunds, Grant, Hamlin, McPherson, Marshall, Roberts, Schnasse, Spink, and Walworth, and in the Sisseton and Wahpeton Indian Reservation, and in that portion of the Standing Rock Indian Reservation lying in South Dakota, shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Armstrong, Buffalo, Dewey, Faulk, Hand, Hughes, Hyde, Jerauld, Lyman, Potter, Stanley, and Sully, and in the Cheyenne River, Lower Brule, and Crow Creek Indian Reservations, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington, and in the Rosebud and Pine Ridge Indian Reservations, shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division, at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division, at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division, at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall maintain an office in charge of himself or a deputy at Sioux Falls, at Pierre, at Aberdeen, and at Deadwood, which shall be kept open for the transaction of the business of the court. (Feb. 27, 1890, c. 21, 26 Stat. 14; Mar. 3, 1911, c. 231, § 106, 36 Stat. 1123.)

188. (Judicial Code, section 107, amended.) Tennessee.—The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern division at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Hickman, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Coffee, and Moore, which shall constitute the Winchester division of said district; also the territory on the date last mentioned in the counties of Giles, Lawrence, Lewis, Lincoln, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester on the first Monday in April and the third Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tennessee, where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court. (R. S. § 547; Mar. 3, 1911, c. 231, § 107, 36 Stat. 1124; Aug. 20, 1912, c. 306, 37 Stat. 314; June 22, 1916, c. 161, 39 Stat. 232; Mar. 4, 1923, c. 289, 42 Stat. 1520.)

189. (Judicial Code, section 108, amended.) Texas.—The State of Texas is divided into four districts, to be known as the northern, eastern, western, and southern districts of Texas.

The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall, which shall constitute the Dallas division; also the territory embraced on February 26, 1917, in the counties of Comanche, Erath, Hardeman, Hood, Jack, Palo Pinto, Parker, Tarrant, and Wise, which shall constitute the Fort Worth division; also the territory embraced on the date last mentioned in the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, which shall constitute the Amarillo division; also the territory embraced on February 5, 1918, in the counties of Borden, Callahan, Dawson, Eastland, Fisher,

Garza, Haskell, Howard, Jones, Kent, Lynn, Mitchell, Nolan, Scurry, Shackelford, Stephens, Stonewall, Taylor, Terry, Throckmorton, and Yoakum, which shall constitute the Abilene division; also the territory embraced on July 1, 1910, in the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Reagan, Runnels, Schleicher, Sterling, Sutton, and Tom Green, which shall constitute the San Angelo division; also the territory embraced on February 26, 1917, in the counties of Archer, Baylor, Clay, Cottle, Foard, Montague, King, Knox, Wichita, Wilbarger, and Young, which shall constitute the Wichita Falls division of the said district. Terms of the district court for the Dallas division shall be held at Dallas on the second Monday in January and the first Monday in May; for the Fort Worth division, at Fort Worth on the first Monday in November and the second Monday in March; for the Amarillo division, at Amarillo on the third Monday in April and the second Monday in September; for the Abilene division, at Abilene on the first Monday in October and the second Monday in April; for the San Angelo division, at San Angelo on the third Monday in October and the fourth Monday in April; and for the Wichita Falls division, at Wichita Falls on the fourth Monday in March and the third Monday in November. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Dallas, at Fort Worth, at Amarillo, at Abilene, at San Angelo, and at Wichita Falls, which shall be kept open at all times for the transaction of the business of the court: *Provided*, That suitable accommodations for holding court at Wichita Falls shall be provided by the county or municipal authorities without expense to the United States. All processes against persons resident in the county of Reagan and cognizable before the United States district court shall be issued out of and made returnable to the court at San Angelo, and all prosecutions against persons for offenses committed in the county of Reagan shall be tried in the court at San Angelo: *Provided*, That no civil or criminal cause begun and pending prior to May 29, 1924, shall be in any way affected.

The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Anderson, Angelina, Cherokee, Gregg, Henderson, Houston, Nacogdoches, Panola, Rains, Rusk, Smith, Van Zandt, and Wood, which shall constitute the Tyler division; also the territory embraced on the date last mentioned in the counties of Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, San Augustine, Shelby, and Tyler, which shall constitute the Beaumont division; also the territory embraced on the date last mentioned in the counties of Collin, Cook, Denton, and Grayson, which shall constitute the Sherman division; also the territory embraced on the date last mentioned in the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur, which shall constitute the Jefferson division; also the territory embraced on the date last mentioned in the counties of Delta, Fannin, Red River, and Lamar, which shall constitute the Paris division; also the territory embraced on the date last mentioned in the counties of Bowie, Franklin, and Titus, which shall constitute the Texarkana division. Terms of the district court for the Tyler division shall be held at Tyler on the fourth Mondays in January and April; for the Jefferson division, at Jefferson on the first Monday in October and third Monday in February; for the Beaumont division, at Beaumont on the third Monday in November and the first Monday in April; for the Sherman division, at Sherman on the first Monday in January and the third Monday in May; for the Paris division, at Paris on the third Monday in October and the first Monday in March; and for the Texarkana division, at Texarkana on the third Monday in March and the first Monday in November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Sherman, at Beaumont, and at Texarkana, which shall be kept open at all times for the transaction of the business of said court.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson, which shall constitute the Austin division; also the territory embraced on the date last mentioned in the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson, which shall constitute the San Antonio division; also the territory embraced on February 5, 1913, in the counties of Brewster, El Paso, Pecos, and Presidio, which shall constitute the El Paso division; also the territory embraced on July 1, 1910, in the counties of Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell, which shall constitute the Waco division; also the territory embraced on the date last mentioned in the counties of Kinney, Maverick, Terrell, Uvalde, Valverde, and Zavalla, which shall constitute the Del Rio division; also the territory embraced on February 5, 1913, in the counties of Andrews, Crane, Ector, Gaines, Jeff Davis, Loving, Martin, Midland, Reeves, Upton, Ward, and Winkler, which shall constitute the Pecos division. Terms of the district court for the Austin division shall be held at Austin on the fourth Monday in January and the second Monday in June; for the Waco division, at Waco on the fourth Monday in February and the second Monday in November; for the San Antonio division, at San Antonio on the first Monday in May and the third Monday in December; for the El Paso division, at El Paso on the first Monday in April and the first Monday in October; for the Del Rio division, at Del Rio on the third Monday in March and the fourth Monday in October; and for the Pecos division terms of the district court shall be held twice each year at the city of Pecos, and, until otherwise provided by law, the judge of said court shall fix the times at which said court shall be held at Pecos, of which he shall make proclamation and give due notice: *Provided, however*, That suitable rooms and accommodations shall be furnished for the holding of said court and for the use of the officers of said court at Pecos, free of expense to the Government of the United States. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Austin, at El Paso, and at Del Rio, which shall be kept open at all times for the transaction of business. All processes against persons resident in the county of Pecos and cognizable before the United States district court shall be issued out of and made returnable to said court at Pecos City, and all prosecutions against persons for offenses committed in the county of Pecos shall be tried in the district court at El Paso, or Pecos City: *Provided*, That no civil or criminal cause begun and pending prior to March 2, 1923, shall be in any way affected.

The southern district shall include the territory embraced on April 3, 1924, in the counties of Jim Hogg, La Salle, McMullen, Webb, and Zapata, which shall constitute the Laredo division; also the territory embraced on July 1, 1910, in the counties of Cameron, Hidalgo, and Starr, which shall constitute the Brownsville division; also the territory embraced on the date last mentioned in the counties of Austin, Brazoria, Chambers, Galveston, Fort Bend, Matagorda, and Wharton, which shall constitute the Galveston division; also the territory embraced on the date last mentioned in the counties of Brazos, Colorado, Fayette, Grimes, Harris, Lavaca, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, and Waller, which shall constitute the Houston division; also the territory embraced on May 29, 1912, in the counties of Calhoun, De Witt, Goliad, Jackson, Refugio, and Victoria, which shall constitute the Victoria division; also the territory embraced on the date

last mentioned in the counties of Aransas, Bee, Brooks, Duval, Jim Wells, Live Oak, Nueces, San Patricio, and Willacy, which shall constitute the Corpus Christi division. Terms of the district court for the Galveston division shall be held at Galveston on the second Monday in January and the first Monday in June; for the Houston division, at Houston on the fourth Mondays in February and September; for the Laredo division, at Laredo on the third Monday in April and second Monday in November; for the Brownsville division, at Brownsville on the second Monday in May and the first Monday in December; for the Victoria division, at Victoria on the first Monday in May and the fourth Monday in November; and for the Corpus Christi division, terms of the district court shall be held twice in each year at the city of Corpus Christi and, until otherwise provided by law, the judge of said court shall fix the times at which said court shall be held at Corpus Christi, of which he shall make publication and give due notice. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at each of the places designated on March 3, 1911, for holding court in said district. (Mar. 11, 1902, c. 183, 32 Stat. 64; Mar. 3, 1911, c. 231, § 108, 36 Stat. 1125; May 29, 1912, c. 144, §§ 1, 2, 37 Stat. 120; Feb. 5, 1913, c. 28, §§ 1, 2, 37 Stat. 663; Feb. 26, 1917, c. 122, §§ 1, 2, 39 Stat. 939; Mar. 1, 1919, c. 87, 40 Stat. 1270; Mar. 2, 1923, c. 172, §§ 1, 2, 42 Stat. 1373; Apr. 3, 1924, c. 82, 43 Stat. 64; May 29, 1924, c. 211, §§ 1, 2, 43 Stat. 244.)

190. (Judicial Code, section 109.) Utah.—The State of Utah shall constitute one judicial district, to be known as the district of Utah. It is divided into two divisions, to be known as the northern and central divisions. The northern division shall include the territory embraced on the 1st day of July, 1910, in the counties of Boxelder, Cache, Davis, Morgan, Rich, and Weber. The central division shall include the territory embraced on the date last mentioned in the counties of Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, San Pete, Sevier, Summit, Tooele, Uinta, Utah, Wasatch, Washington, and Wayne. Terms of the district court for the northern division shall be held at Ogden on the second Mondays in March and September; and for the central division, at Salt Lake City on the second Mondays in April and November. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at each of the places where the court was required on March 3, 1911, to be held in the district. (July 16, 1894, c. 138, §§ 14–16, 28 Stat. 110; Mar. 3, 1911, c. 231, § 109, 36 Stat. 1127.)

191. (Judicial Code, section 110, amended.) Vermont.—The State of Vermont shall constitute one judicial district, to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the fourth Tuesday in February, at Windsor on the third Tuesday in May, at Rutland on the first Tuesday in October, and at Brattleboro on the third Tuesday in December. In each year one of the stated terms of the district court may, when adjourned, be adjourned to meet at Montpelier and one at Newport. (R. S. § 531; Mar. 3, 1911, c. 231, § 110, 36 Stat. 1127; Feb. 1, 1912, c. 26, 37 Stat. 58.)

192. (Judicial Code, section 111, amended.) Virginia.—The State of Virginia is divided into two districts, to be known as the eastern and western districts of Virginia.

The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Accomac, Alexandria, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

Terms of the district court shall be held at Richmond on the first Mondays in April and October; at Norfolk on the first Mondays in May and November; and at Alexandria on the first Mondays in June and December.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

Terms of the district court shall be held at Lynchburg on the first Mondays in January and July; at Roanoke on the first Monday in June and the fourth Monday in November; at Danville on the first Monday in March and the second Monday in September; at Charlottesville on the first Monday in February and on the Wednesday after the first Monday in August; at Harrisonburg on the third Monday in March and the fourth Monday in October; at Big Stone Gap on the first Mondays in May and October; and at Abingdon on the second Mondays in April and November.

The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, Roanoke, Danville, Charlottesville, Harrisonburg, Big Stone Gap, and Abingdon, which shall be kept open at all times for the transaction of the business of the court. (R. S. § 549; Mar. 3, 1911, c. 231, § 111, 36 Stat. 1127; June 13, 1918, c. 99, 40 Stat.; Apr. 30, 1924, c. 144, 43 Stat. 114; Feb. 21, 1925, c. 290, 43 Stat. 962.)

193. (Judicial Code, section 112.) Washington.—The State of Washington is divided into two districts, to be known as the eastern and western districts of Washington. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Spokane, Stevens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, and Adams, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Whitman, Columbia, Franklin, Walla Walla, Benton, Klickitat, Kittitas, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Spokane on the first Tuesdays in April and September; for the southern division, at Walla Walla on the first Tuesdays in June and December, and at North Yakima on the first Tuesdays in May and October. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Whatcom, Skagit, Snohomish, King, San Juan, Island, Kitsap, Clallam, and Jefferson, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Bellingham on the first Tuesdays in April and October; at Seattle on the first Tuesdays in May and November; and for the southern division, at Tacoma on the first Tuesdays in February and July. The clerks of the courts for the eastern

and western districts shall maintain an office in charge of himself or a deputy at each place in their respective districts where terms of court were required on March 3, 1911, to be held. (Mar. 2, 1905, c. 1305, 33 Stat. 824; Mar. 3, 1911, c. 231, § 112, 36 Stat. 1128.)

194. (Judicial Code, section 113, amended.) West Virginia.—The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. The terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday in April and the third Tuesday in September; at Clarksburg on the second Tuesday in April and the first Tuesday in October; at Wheeling on the first Tuesday in May and the third Tuesday in October; at Elkins on the third Tuesday in June and the third Tuesday in November; at Parkersburg on the second Tuesday in January and the fourth Tuesday in May.

The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe with the waters thereof. The terms of the district court for the southern district shall be held at Charleston on the third Tuesday in April and the third Tuesday in November; at Huntington on the first Tuesday in March and the third Tuesday in September; at Bluefield on the third Tuesday in January and the third Tuesday in June; at Williamson on the first Tuesday in February; at Webster Springs on the fourth Tuesday in August; at Lewisburg on the first Tuesday in July: *Provided*, That a place for holding court at Webster Springs and Lewisburg shall be furnished free of cost to the United States: *Provided further*, That a place for holding court at Williamson shall be furnished free of cost to the United States by Mingo County until other provision is made therefor by law. (Jan. 22, 1901, c. 105, 31 Stat. 736; Mar. 3, 1911, c. 231, § 113, 36 Stat. 1129; Mar. 23, 1912, c. 63, 37 Stat. 76; Aug. 22, 1914, c. 265, 38 Stat. 702; Feb. 27, 1922, c. 83, 42 Stat. 398.)

195. (Judicial Code, section 114.) Wisconsin.—The State of Wisconsin is divided into two districts, to be known as the eastern and western districts of Wisconsin. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago. Terms of the district court for said district shall be held at Milwaukee on the first Mondays in January and October; at Oshkosh on the second Tuesday in June; and at Green Bay on the first Tuesday in April. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dunn, Douglas, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood. Terms of the district court for said district shall be held at Madison on the first Tuesday in December; at Eau Claire on the first Tuesday in June; at La Crosse on the third Tuesday in September; and at Superior on the fourth Tuesday in January and the second Tuesday in July. The district court for each of said districts shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Madison, at La Crosse, and at Superior, which shall be kept open at all times for the transaction of the business of the court. The marshal for the western district shall appoint a deputy marshal who shall reside and keep his office at Superior. All writs and other process, except criminal warrants, issued at Superior, may be made returnable at Superior; and the clerk at that place shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place, the clerk of the court wherein the warrant is returned, shall certify the same, under the seal of the court, together with the plea and other proceedings had thereon, and the determination of the court upon such plea or proceedings, with all papers and orders filed in reference thereto, to the clerk of the court at Superior; and the clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant, certified as aforesaid. All causes and proceedings instituted in the court at Superior, shall be tried therein, unless by consent of the parties, or upon the order of the court, they are transferred to another place for trial. (R. S. § 550; Mar. 3, 1911, c. 231, § 114, 36 Stat. 1129.)

196. (Judicial Code, section 115, amended.) Wyoming.—The State of Wyoming shall constitute one judicial district, to be known as the district of Wyoming. Terms of the district court for said district shall be held at Cheyenne on the second Mondays in May and November, at Casper on the first Monday in February, at Evanston on the second Tuesday in July, and at Lander on the first Monday in October; and the said court shall hold one session annually at Sheridan, on such date as the court may order. The marshal and clerk of the said court shall each, respectively, appoint at least one deputy to reside at Casper, and one to reside at Evanston, and one to reside at Lander, and shall also maintain an office at each of those places: *Provided*, That, until a public building is provided at Casper, suitable accommodations for holding court in said town shall be furnished free of expense to the United States. The marshal of the United States for the said district may appoint among others one or more deputy marshals, who shall reside in the Yellowstone National Park. (July 10, 1890, c. 664, §§ 16–18, 26 Stat. 225; Mar. 3, 1911, c. 231; § 115, 36 Stat. 1130; June 5, 1924, c. 260, 43 Stat. 388.)

Chapter 6.—CIRCUIT COURTS OF APPEALS.

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Section 211. (Judicial Code, section 116, amended.) Circuits.—There shall be nine judicial circuits of the United States, constituted as follows:

First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico.

Second. The second circuit shall include the districts of Vermont, Connecticut, and New York.

Third. The third circuit shall include the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit shall include the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit shall include the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit shall include the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit shall include the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit shall include the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, Arkansas, Colorado, Wyoming, North Dakota, South Dakota, Utah, Oklahoma, and New Mexico.

Ninth. The ninth circuit shall include the districts of California, Oregon, Nevada, Washington, Idaho, Montana, Hawaii, and Arizona. (R. S. § 604; June 20, 1910, c. 310, §§ 13, 31, 36 Stat. 565, 576; Mar. 3, 1911, c. 231, § 116, 36 Stat. 1131; Jan. 28, 1915, c. 22, § 1, 38 Stat. 803.)

212. (Judicial Code, section 117.) Circuit courts of appeals.—There shall be in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established. (Mar. 3, 1891, c. 517, § 2, 26 Stat. 826; Mar. 3, 1911, c. 231, § 117, 36 Stat. 1191.)

213. (Judicial Code, section 118, amended.) Circuit judges.—There shall be in the second and seventh circuits, respectively, four circuit judges; and in the eighth circuit, six judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code. (Mar. 3, 1911, c. 231, § 118, 36 Stat. 1131; Jan. 13, 1912, c. 9, 37 Stat. 52; Feb. 25, 1919, c. 29, § 2, 40 Stat. 1156; Sept. 14, 1922, c. 306, § 6, 42 Stat. 840; Mar. 3, 1925, c. 437, 43 Stat. 1116.)

214. Additional circuit judges.—The judges who served, prior to its repeal, under the Act entitled "An Act to create a Commerce Court and to amend the Act entitled 'An Act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit; and in the event of and on the death, resignation, or removal from office of any of such judges, his office is abolished and no successor to him shall be appointed. (June 18, 1910, c. 309, § 1, 36 Stat. 539; Mar. 3, 1911, c. 231, § 201, 36 Stat. 1147; Oct. 22, 1913, c. 32, 38 Stat. 219.)

215. (Judicial Code, section 119.) Allotment of justices to circuits.—The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice may, until a justice is regularly allotted thereto, temporarily assign a justice of another circuit to such circuit. (R. S. §§ 606, 618; Mar. 3, 1911, c. 231, § 119, 36 Stat. 1131.)

216. (Judicial Code, section 120.) Judges who may sit in circuit court of appeals.—The Chief Justice and the associate justices of the Supreme Court assigned to each circuit, and the several district judges within each circuit, shall be competent to sit as judges of the circuit court of appeals within their respective circuits. In case the Chief Justice or an associate justice of the Supreme Court shall attend at any session of the circuit court of appeals, he shall preside. In the absence of such Chief Justice, or associate justice, the circuit judges in attendance upon the court shall preside in the order of the seniority of their respective commissions. In case the full court at any time shall not be made up by the attendance of the Chief Justice or the associate justice, and the circuit judges, one or more district judges within the circuit shall sit in the court according to such order or provision among the district judges as either by general or particular assignments shall be designated by the court. No judge before whom a cause or question may have been tried or heard in a district court, or existing circuit court, shall sit on the trial or hearing of such cause or question in the circuit court of appeals. (Mar. 3, 1891, c. 517, § 3, 26 Stat. 827; Mar. 3, 1911, c. 231, § 120, 36 Stat. 1132.)

217. (Judicial Code, section 121.) Designation of justices allotted to circuits.—The words "circuit justice" and "justice of a circuit" shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice. (R. S. § 605; Mar. 3, 1911, c. 231, § 121, 36 Stat. 1132.)

218. Conference of circuit judges; reports to circuit judges by district judges; expenses of judges attending.—It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, annually, to summon to a conference on the last Monday in September, at Washington, District of Columbia, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit. If any senior circuit judge is unable to attend, the Chief Justice, or in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, that each circuit may be adequately represented at said conference. It shall be the duty of every judge thus summoned

to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated, a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing. Said reports shall be laid before the conference herein provided, by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper.

The Chief Justice, or, in his absence, the senior associate justice, shall be the presiding officer of the conference. Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the judge incurring such expenses, approved by the Chief Justice. (Sept. 14, 1922, c. 306, § 2, 42 Stat. 838.)

219. (Judicial Code, section 122.) Seals, forms of process, and rules.—Each circuit court of appeals shall prescribe the form and style of its seal, and the form of writs and other process and procedure as may be conformable to the exercise of its jurisdiction; and shall have power to establish all rules and regulations for the conduct of the business of the court within its jurisdiction as conferred by law. (Mar. 3, 1891, c. 517, § 2, 26 Stat. 826; Mar. 3, 1911, c. 231, § 122, 36 Stat. 1132.)

220. (Judicial Code, section 123.) Marshals.—The United States marshals in and for the several districts of said courts shall be the marshals of said circuit courts of appeals, and shall exercise the same powers and perform the same duties, under the regulations of the court, as are exercised and performed by the marshal of the Supreme Court of the United States, so far as the same may be applicable. (July 16, 1892, c. 196, § 1, 27 Stat. 222; Mar. 3, 1911, c. 231, § 123, 36 Stat. 1132.)

221. (Judicial Code, section 124.) Clerks.—Each court shall appoint a clerk, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court, so far as the same may be applicable. (Mar. 3, 1891, c. 517, § 2, 26 Stat. 826; Mar. 3, 1911, c. 231, § 124, 36 Stat. 1132.)

222. (Judicial Code, section 125.) Deputy clerks.—The clerk of the circuit court of appeals for each circuit may, with the approval of the court, appoint such number of deputy clerks as the court may deem necessary. Such deputies may be removed at the pleasure of the clerk appointing them, with the approval of the court. In case of the death of the clerk his deputy or deputies shall, unless removed by the court, continue in office and perform the duties of the clerk in his name until a clerk is appointed and has qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable, and his executor or administrator shall have such remedy for such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime. (Feb. 3, 1911, c. 33, 36 Stat. 895; Mar. 3, 1911, c. 231, § 125, 36 Stat. 1132.)

223. (Judicial Code, section 126.) Terms.—A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston and, when in its judgment the public interests require, shall hold a sitting at San Juan, Porto Rico; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, N. C.; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in Saint Louis, Denver, or Cheyenne, and Saint Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; and in each of the above circuits, terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate: *Provided*, That terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, in Montgomery on the third Monday in October, in Denver or in Cheyenne on the first Monday in September, and in Saint Paul on the first Monday in May. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals or writs of error in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing may be heard and disposed of wherever said court may be sitting. All appeals, writs of errors, and other appellate proceedings which may be taken or prosecuted from the district court of the United States at Beaumont, Texas, to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals at the terms of court held at New Orleans: *Provided*, That nothing herein shall prevent the court from hearing appeals or writs of error wherever the said courts shall sit, in cases of injunctions and in all other cases which, under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico to the circuit court of appeals for the eighth judicial circuit, shall be heard and disposed of by said court at the terms held either in Denver or in Cheyenne, except that any case arising in any of said States or Territory may, by consent of all the parties, be heard and disposed of at a term of said court other than the one held in Denver or Cheyenne. (Mar. 3, 1891, c. 517, § 3, 26 Stat. 827; June 9, 1902, c. 1071, 32 Stat. 329; June 30, 1902, c. 1333, 32 Stat. 548; Dec. 18, 1902, c. 4, 32 Stat. 756; Jan. 30, 1903, c. 335, 32 Stat. 784; Mar. 4, 1904, c. 395, 33 Stat. 59; Apr. 22, 1904, c. 1420, 33 Stat. 249;

Mar. 3, 1911, c. 231, § 126, 36 Stat. 1132; July 17, 1916, c. 246, 39 Stat. 385; Jan. 8, 1925, c. 57, 43 Stat. 729.)

224. (Judicial Code, section 127.) Rooms for court.—The marshals for the several districts in which said circuit courts of appeals may be held shall, under the direction of the Attorney General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for the business of said courts, and pay all incidental expenses of said court, including criers, bailiffs, and messengers. In case proper rooms can not be provided in such buildings, then the marshals, with the approval of the Attorney General, may, from time to time, lease such rooms as may be necessary for such courts. (Mar. 3, 1891, c. 517, § 9, 26 Stat. 829; Mar. 3, 1911, c. 231, § 127, 36 Stat. 1133.)

225. (Judicial Code, section 128, amended.) Appellate jurisdiction—

(a) *Review of final decisions.*—The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decisions—

First. In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 345 of this title.

Second. In the United States district courts for Hawaii and for Porto Rico in all cases.

Third. In the district courts for Alaska or any division thereof, and for the Virgin Islands, in all cases, civil and criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $1,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings; and in the district court for the Canal Zone in the cases and mode prescribed in sections 1307, 1324, 1336, and 1341 to 1357 of Title 48.

Fourth. In the Supreme Courts of the Territory of Hawaii and of Porto Rico, in all civil cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $5,000, and in all habeas corpus proceedings.

Fifth. In the United States Court for China, in all cases.

(b) *Review of interlocutory orders or decrees of district courts.*—The circuit court of appeals shall also have appellate jurisdiction—

First. To review the interlocutory orders or decrees of the district courts which are specified in section 227 of this title.

Second. To review decisions of the district courts sustaining or overruling exceptions to awards in arbitrations, as provided in sections 117 to 121 of Title 15.

(c) *Appellate and supervisory jurisdiction in bankruptcy proceedings.*—The circuit courts of appeals shall also have an appellate and supervisory jurisdiction under sections 47 and 48 of Title 11, over all proceedings, controversies, and cases had or brought in the district courts under Title 11, relating to bankruptcy, or any of its amendments, and shall exercise the same in the manner prescribed in those sections; and the jurisdiction of the Circuit Court of Appeals for the Ninth Circuit in this regard shall cover the courts of bankruptcy in Alaska and Hawaii, and that of the Circuit Court of Appeals for the First Circuit shall cover the court of bankruptcy in Porto Rico.

(d) *Circuits in which reviews shall be had.*—The review under this section shall be in the following circuit courts of appeals: The decisions of a district court of the United States within a State in the circuit court of appeals for the circuit embracing such State; those of the District Court of Alaska or any division thereof, the United States district court, and the Supreme Court of Hawaii, and the United States Court for China, in the Circuit Court of Appeals for the Ninth Circuit; those of the United States district court and the Supreme Court of Porto Rico in the Circuit Court of Appeals for the First Circuit; those of the District Court of the Virgin Islands in the Circuit Court of Appeals for the Third Circuit; and those of the District Court of the Canal Zone in the Circuit Court of Appeals for the Fifth Circuit.

(e) *Jurisdiction over Federal Trade Commission, Interstate Commerce Commission, and Federal Reserve Board.*—The circuit courts of appeal are further empowered to enforce, set aside, or modify orders of the Federal Trade Commission, as provided in section 45 of Title 15; and orders of the Interstate Commerce Commission, the Federal Reserve Board, and the Federal Trade Commission, as provided in section 21 of Title 15. (Mar. 3, 1891, c. 517, § 6, 26 Stat. 828; Mar. 3, 1911, c. 231, § 128, 36 Stat. 1133; Jan. 28, 1915, c. 22, § 2, 38 Stat. 803; Feb. 7, 1925, c. 150, 43 Stat. 813; Feb. 13, 1925, c. 229, § 1, 43 Stat. 936.)

226. Review of judgments of district courts exercising concurrent jurisdiction with Court of Claims or adjudicating claims against United States.—In cases in the district courts wherein they exercise concurrent jurisdiction with the Court of Claims or adjudicate claims against the United States the judgments shall be subject to review in the circuit courts of appeals like other judgments of the district courts; and sections 346 and 347 of this title shall apply to such cases in the circuit courts of appeals as to other cases therein. (Feb. 13, 1925, c. 229, § 4, 43 Stat. 939.)

227. (Judicial Code, section 129, amended.) Appeals in proceedings for injunctions and receivers.—Where, upon a hearing in a district court, or by a judge thereof in vacation, an injunction is granted, continued, modified, refused, or dissolved by an interlocutory order or decree, or an application to dissolve or modify an injunction is refused, or an interlocutory order or decree is made appointing a receiver, or refusing an order to wind up a pending receivership or to take the appropriate steps to accomplish the purposes thereof, such as directing a sale or other disposal of property held thereunder, an appeal may be taken from such interlocutory order or decree to the circuit court of appeals; and sections 346 and 347 of this title shall apply to such cases in the circuit courts of appeals as to other cases therein. The appeal to the circuit court of appeals must be applied for within thirty days from the entry of such order or decree, and shall take precedence in the appellate court; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal unless otherwise ordered by the court, or the appellate court, or a judge thereof. The district court, may, in its discretion, require an additional bond as a condition of the appeal. (Mar. 3, 1891, c. 517, § 7, 26 Stat. 828; Feb. 18, 1895, c. 96, 28 Stat. 666; June 6, 1900, c. 803, 31 Stat. 660; Apr. 14, 1906, c. 1627, 34 Stat. 116; Mar. 3, 1911, c. 231, § 129, 36 Stat. 1134; Feb. 13, 1925, c. 229, § 1, 43 Stat. 937.)

228. (Judicial Code, section 132.) Allowance of appeals and writs of error.—Any judge of a circuit court of appeals, in respect of cases brought or to be brought before that court, shall have the same powers and duties as to allowances of appeals and writs of error, and the conditions of such allowances, as by law belong to the justices or judges in respect of other courts of the United States, respectively. (Mar. 3, 1891, c. 517, § 11, 26 Stat. 829; Mar. 3, 1911, c. 231, § 132, 36 Stat. 1134.)

229. (Judicial Code, section 135.) Appeals and writs of error from Alaska.—All appeals, and writs of error, and other cases, coming from the district court for the district of Alaska to the Circuit Court of Appeals for the Ninth Circuit, shall be entered upon the docket and heard at San Francisco, Cali-

fornia, or at Portland, Oregon, or at Seattle, Washington, as the trial court before whom the case was tried below shall fix and determine. At any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there. (Jan. 11, 1909, c. 15, 35 Stat. 585; Mar. 3, 1911, c. 231, § 135, 36 Stat. 1135.)

230. Time for making application for appeal or writ of error.—No writ of error or appeal intended to bring any judgment or decree before a circuit court of appeals for review shall be allowed unless application therefor be duly made within three months after the entry of such judgment or decree. (Mar. 3, 1891, c. 517, § 11, 26 Stat. 829; Feb. 13, 1925, c. 229, § 8 [c], 43 Stat. 940.)

231. Review dependent upon amount in controversy; proof of such amount.—In any case where the power to review, whether in the circuit courts of appeals or in the Supreme Court, depends upon the amount or value in controversy, such amount or value, if not otherwise satisfactorily disclosed upon the record, may be shown and ascertained by the oath of a party to the cause or by other competent evidence. (Feb. 13, 1925, c. 229, § 9, 43 Stat. 941.)

Chapter 7.—THE COURT OF CLAIMS.

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Section 241. (Judicial Code, section 136, amended.) Judges.—The Court of Claims shall consist of a Chief Justice and four judges, who shall be appointed by the President by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States and to discharge faithfully the duties of his office. The Chief Justice shall be entitled to receive an annual salary of $8,000, and each of the other judges an annual salary of $7,500, payable monthly from the Treasury. (R. S. § 1049; Feb. 12, 1903, c. 547, 32 Stat. 825; Mar. 3, 1911, c. 231, § 136, 36 Stat. 1135; Feb. 25, 1919, c. 29, § 4, 40 Stat. 1157.)

242. (Judicial Code, section 137.) Seal.—The Court of Claims shall have a seal, with such device as it may order. (R. S. § 1050; Mar. 3, 1911, c. 231, § 137, 36 Stat. 1136.)

243. (Judicial Code, section 138.) Session; quorum.—The Court of Claims shall hold one annual session at the city of Washington, beginning on the first Monday in December and continuing as long as may be necessary for the prompt disposition of the business of the court. Any three of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business. The concurrence of three judges shall be necessary to the decision of any case. (R. S. § 1052; June 23, 1874, c. 468, 18 Stat. 252; Mar. 3, 1911, c. 231, § 138, 36 Stat. 1136.)

244. (Judicial Code, section 139.) Officers of court.—The said court shall appoint a chief clerk, an assistant clerk, if deemed necessary, a bailiff, and a chief messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause. (R. S. § 1053; Mar. 3, 1911, c. 231, § 139, 36 Stat. 1136.)

245. (Judicial Code, section 140.) Salary of clerk.—The salary of the chief clerk shall be $5,000 a year, payable monthly from the Treasury. (R. S. § 1054; Mar. 3, 1911, c. 231, § 140, 36 Stat. 1136.)

246. (Judicial Code, section 141.) Clerk's bond.—The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury. (R. S. § 1055; Mar. 3, 1911, c. 231, § 141, 36 Stat. 1136.)

247. (Judicial Code, section 142.) Contingent fund.—The said clerk shall have authority when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the General Accounting Office in the same way as the accounts of other disbursing agents of the Government are settled. (R. S. § 1056; Mar. 3, 1911, c. 231, § 142, 36 Stat. 1136; June 10, 1921, c. 18, 42 Stat. 23.)

248. (Judicial Code, section 143.) Reports to Congress.—On the first day of every regular session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together

with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments; to the Solicitor of the Treasury; to the Comptroller General of the United States; to the Commissioner of the General Land Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States. (R. S. § 1057; Mar. 3, 1911, c. 231, § 143, 36 Stat. 1136; June 10, 1921, c. 18, §§ 301, 302, 310, 42 Stat. 23, 25.)

249. **(Judicial Code, section 144.) Members of Congress not to practice in.**—Whoever, being elected or appointed a Senator, Member of, or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment, and either before or after he has qualified, and during his continuance in office, practice in the Court of Claims, shall be fined not more than $10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States. (R. S. § 1058; Mar. 3, 1911, c. 231, § 144, 36 Stat. 1136.)

250. **(Judicial Code, section 145.) Jurisdiction.**—The Court of Claims shall have jurisdiction to hear and determine the following matters:

(1) *Claims against United States.*—First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims which, prior to March 3, 1887, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same. (Mar. 3, 1887, c. 359, § 1, 24 Stat. 505; Mar. 3, 1911, c. 231, § 145, 36 Stat. 1136.)

(2) *Set-offs.*—Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the General Accounting Office fails to act finally thereon within six months after the account is received in said office. (Mar. 3, 1887, c. 359, § 1, par. 2, 24 Stat. 505; June 27, 1898, c. 503, § 1, 30 Stat. 494; July 1, 1898, c. 546, § 3, 30 Stat. 649; Mar. 3, 1911, c. 231, § 145, par. 2, 36 Stat. 1137.)

(3) *Disbursing officers.*—Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible. (R. S. § 1059; Mar. 3, 1911, c. 231, § 145, par. 3, 36 Stat. 1137.)

251. **Jurisdiction not to extend to certain claims.**—The jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States, nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims hear and determine other claims which prior to March 3, 1887, had been rejected or reported on adversely by any court, department or commission authorized to hear and determine the same; nor shall said Court of Claims have jurisdiction of any claim which on March 4, 1915, was barred by the provisions of any law of the United States. (R. S. § 1059; Mar. 3, 1887, c. 359, § 1, 24 Stat. 505; Mar. 3, 1911, c. 231, § 145, 36 Stat. 1136; Mar. 4, 1915, c. 140, § 5, 38 Stat. 966.)

252. **(Judicial Code, section 146.) Judgments for set-off or counterclaims.**—Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced. (R. S. § 1061; Mar. 3, 1911, c. 231, § 146, 36 Stat. 1137.)

253. **(Judicial Code, section 147.) Decree on accounts of disbursing officers.**—Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the General Accounting Office shall allow to such officer the amount so decreed as a credit in the settlement of his accounts. (R. S. § 1062; Mar. 3, 1911, c. 231, § 147, 36 Stat. 1137.)

254. **(Judicial Code, section 148.) Claims referred by departments.**—When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents and proofs pertaining thereto, to the Court of Claims and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action. If it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of the Comptroller General of the United States, direct any claim or matter, of which, by reason of the subject matter or character, the said court might under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents and proofs pertaining thereto, to the said court for trial and adjudication. (R. S. § 1063; Mar. 3, 1883, c. 116, §

2, 22 Stat. 485; Mar. 3, 1887, c. 359, §§ 12, 13, 24 Stat. 507; Mar. 3, 1911, c. 231, § 148, 36 Stat. 1137.)

255. (Judicial Code, section 149.) Procedure in cases transmitted by departments.—All cases transmitted by the head of any department, or upon the certificate of the Comptroller General of the United States, according to the provisions of section 254 of this title, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations. (R. S. § 1064; Mar. 3, 1911, c. 231, § 149, 36 Stat. 1138.)

256. (Judicial Code, section 150.) Judgments in cases transmitted by departments.—The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under sections 254 and 255 of this title, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court. (R. S. § 1065; Mar. 3, 1911, c. 231, § 150, 36 Stat. 1138.)

257. (Judicial Code, section 151.) Reference of claims by Congress.—Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant. If it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter, the subject matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress by which the same was referred to said court. (Mar. 3, 1887, c. 359, § 14, 24 Stat. 507; June 25, 1910, c. 409, 36 Stat. 837; Mar. 3, 1911, c. 231, § 151, 36 Stat. 1138.)

258. (Judicial Code, section 152.) Costs to prevailing party.—If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court. (Mar. 3, 1887, c. 359, § 15, 24 Stat. 508; Mar. 3, 1911, c. 231, § 152, 36 Stat. 1138.)

259. (Judicial Code, section 153.) Claims growing out of treaties.—The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December 1, 1862, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes. (R. S. § 1066; Mar. 3, 1911, c. 231, § 153, 36 Stat. 1138.)

260. (Judicial Code, section 154.) Claims pending in other courts.—No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediately or immediately, under the authority of the United States. (R. S. § 1067; Mar. 3, 1911, c. 231, § 154, 36 Stat. 1138.)

261. (Judicial Code, section 155.) Aliens.—Aliens who are citizens or subjects of any Government which accords to citizens of the United States the right to prosecute claims against such Government in its courts, shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject matter and character, might take jurisdiction. (R. S. § 1068; Mar. 3, 1911, c. 231, § 155, 36 Stat. 1139.)

262. (Judicial Code, section 156.) Claims to be filed within six years.—Every claim against the United States cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrues. The claims of married women, first accrued during marriage, of persons under the age of twenty-one years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. (R. S. § 1069; Mar. 3, 1911, c. 231, § 156, 36 Stat. 1139.)

263. (Judicial Code, section 157.) Rules of practice.—The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law. (R. S. § 1070; Mar. 3, 1911, c. 231, § 157, 36 Stat. 1139.)

264. (Judicial Code, section 158.) Oaths and acknowledgments.—The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same. (R. S. § 1071; Mar. 3, 1911, c. 231, § 158, 36 Stat. 1139.)

265. (Judicial Code, section 159.) Petitions and verification.—The claimant shall in all cases fully set forth in his petition the claim, the action thereon in Congress or by any of the departments, if such action has been had, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim or of any part thereof or interest therein has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets; that the claimant and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent or attorney. (R. S. § 1072; Mar. 3, 1911, c. 231, § 159, 36 Stat. 1139.)

266. (Judicial Code, section 160.) Petition dismissed, when.—The said allegations as to true allegiance and voluntary

aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed. (R. S. § 1073; Mar. 3, 1911, c. 231, § 160, 36 Stat. 1139.)

267. (Judicial Code, section 161.) Burden of proof and evidence as to loyalty.—Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to forces or Government of the late Confederate States during the Civil War, the claimant asserting the loyalty of any such person to the United States during such Civil War shall be required to prove affirmatively that such person did, during said Civil War, consistently adhere to the United States and did give no aid or comfort to persons engaged in said Confederate service in said Civil War. (R. S. § 1074; Mar. 3, 1911, c. 231, § 161, 36 Stat. 1139.)

268. (Judicial Code, section 162.) Claims for proceeds arising from sales of abandoned property.—The Court of Claims shall have jurisdiction to hear and determine the claims of those whose property was taken subsequent to June 1, 1865, under the provisions of the Act of Congress approved March 3, 1863 (Twelfth Statutes, page 820); [authorizing the Secretary of the Treasury to receive and collect all abandoned or captured property except war materials, in any area designated as in insurrection against the lawful Government of the United States during the late "Civil War," and to sell the same at public auction, and to pay the proceeds, thereof into the Treasury of the United States, and authorizing the owner at any time within two years after the suppression of the rebellion, to prefer his claim to the proceeds in the court of claims] and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding. (Mar. 3, 1911, c. 231, § 162, 36 Stat. 1139.)

269. Commissioners of Court of Claims; appointment; powers; procedure.—To afford the Court of Claims needed facilities for the disposition of suits brought therein said court is authorized and empowered to appoint seven competent persons, to be known as commissioners, who shall attend the taking of or take evidence in cases that may be assigned to them severally by the court and make report of the facts in the case to the court. Any commissioner shall proceed under such rules and regulations as may be promulgated by the court and such orders as the court may make in the particular case, and may have and perform the general duties that pertain to special masters in suits in equity. He may fix the times for hearings, administer oaths, examine witnesses, and receive evidence. Parties to the suit may appear before the commissioner in person or by attorney, produce evidence, and examine witnesses. Subpœnas for witnesses or for the production of testimony before the commissioner may issue out of the court by the clerk thereof and shall be served by a United States marshal in any judicial district to whom they are directed. The rules of the court shall provide for a finding and report of facts by a commissioner, to be filed in court with the testimony upon which the same is based, and for exceptions thereto, in whole or in part, by the parties to the suit, and a hearing thereon within such reasonable time as the court's rules or order may prescribe. Nothing in this section shall be so construed as to prevent the court from passing upon all questions and findings without regard to whether exceptions were or were not taken at the hearings before the commissioner. Any person appointed as commissioner may be removed at the pleasure of the court. (Feb. 24, 1925, c. 301, § 1, 43 Stat. 964.)

270. Same; salaries; expenses.—Each of said commissioners shall devote all of his time to the duties of his office, and receive a salary of $5,000 per annum, payable monthly out of the Treasury. The commissioners and stenographers authorized by the court shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed $7 per day in the case of commissioners and $4 per day in the case of stenographers. The expenses of travel and subsistence herein authorized shall be paid upon the order of the court. (Feb. 24, 1925, c. 301, § 2, 43 Stat. 965.)

271. Same; when appointments cease.—Sections 269, 270, and 271 and all appointments made thereunder shall cease and determine on February 24, 1928. (R. S. § 1075; Mar. 3, 1911, c. 231, § 163, 36 Stat. 1140; Feb. 24, 1925, c. 301, §§ 1–3, 43 Stat. 964, 965.)

272. (Judicial Code, section 164.) Calling departments for information.—The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest. (R. S. § 1076; Mar. 3, 1911, c. 231, § 164, 36 Stat. 1140.)

273. (Judicial Code, section 165.) When testimony not to be taken.—When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not authorize the taking of any testimony therein. (R. S. § 1077; Mar. 3, 1911, c. 231, § 165, 36 Stat. 1140.)

274. (Judicial Code, section 166.) Examination of claimant.—The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises. (R. S. § 1080; Mar. 3, 1911, c. 231, § 166, 36 Stat. 1140.)

275. (Judicial Code, section 167.) Testimony; where taken.—The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done. (R. S. § 1081; Mar. 3, 1911, c. 231, § 167, 36 Stat. 1140.)

276. (Judicial Code, section 168.) Witnesses before commissioners.—The Court of Claims may issue subpœnas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein. Such subpœnas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish. (R. S. § 1082; Mar. 3, 1911, c. 231, § 168, 36 Stat. 1140.)

277. (Judicial Code, section 169.) Cross-examinations.—In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be

afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations. (R. S. § 1083; Mar. 3, 1911, c. 231, § 169, 36 Stat. 1140.)

278. (Judicial Code, section 170.) Witnesses; how sworn.—The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination. (R. S. § 1084; Mar. 3, 1911, c. 231, § 170, 36 Stat. 1140.)

279. (Judicial Code, section 172.) Claims forfeited for fraud.—Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same. (R. S. § 1086; Mar. 3, 1911, c. 231, § 172, 36 Stat. 1141.)

280. (Judicial Code, section 173.) Excessive and fraudulent claims for stores and supplies.—No claims shall be allowed by the accounting officers under the provisions of the Act of Congress approved June 16, 1874 (18 Stat. 75), or by the Court of Claims, or by Congress, to any person where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any department or court, in support thereof. (June 16, 1874, c. 285, § 2, 18 Stat. 75; Apr. 30, 1878, c. 77, § 2, 20 Stat. 524; Mar. 3, 1911, c. 231, § 173, 36 Stat. 1141.)

281. (Judicial Code, section 174.) New trial; motion of claimant.—When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial. (R. S. § 1087; Mar. 3, 1911, c. 231, § 174, 36 Stat. 1141.)

282. (Judicial Code, section 175.) Same; motion of United States.—The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as on March 3, 1911, was provided by law. (R. S. § 1088; Mar. 3, 1911, c. 231, § 175, 36 Stat. 1141.)

283. (Judicial Code, section 176.) Cost of printing record.—There shall be taxed against the losing party in each and every cause pending in the Court of Claims the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerk of said court and paid into the Treasury of the United States. (Mar. 3, 1877, c. 105, § 1, 19 Stat. 344; Mar. 3, 1911, c. 231, § 176, 36 Stat. 1141.)

284. (Judicial Code, section 177, amended.) No interest on claims.—No interest shall be allowed on any claim up to the time of the rendition of judgment by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest, except that interest may be allowed in any judgment of any court rendered against the United States for any internal revenue tax erroneously or illegally assessed or collected, or for any penalty collected without authority or any sum which was excessive or in any manner wrongfully collected, under the internal revenue laws. (R. S. § 1091; Mar. 3, 1911, c. 231, § 177, 36 Stat. 1141; Nov. 23, 1921, c. 136, § 1324(b), 42 Stat. 316; June 2, 1924, 4.01 p. m., c. 234, § 1020, 43 Stat. 346.)

285. (Judicial Code, section 178.) Payment of judgment.—The payment of the amount due by any judgment of the Court of Claims, and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy. (R. S. § 1092; Mar. 3, 1911, c. 231, § 178, 36 Stat. 1141.)

286. (Judicial Code, section 179.) Final judgments a bar.—Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy. (R. S. § 1093; Mar. 3, 1911, c. 231, § 179, 36 Stat. 1141.)

287. (Judicial Code, section 180.) Ascertainment of amounts due United States by debtors.—Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, upon review of the decision of the Court of Claims as provided in section 288 of this title as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. The provisions of section 274 of this title shall apply to cases under this section. (Mar. 3, 1887, c. 359, §§ 3, 8, 24 Stat. 505, 506; Mar. 3, 1911, c. 231, § 180, 36 Stat. 1141; Feb. 13, 1925, c. 229, § 3, 43 Stat. 939.)

288. Certification to Supreme Court of questions of law; certiorari by Supreme Court to Court of Claims; no other review allowed.—(a) In any case in the Court of Claims, including those begun under section 287 of this title, that court at any time may certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 287, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause, including

the findings of fact and the judgment or decree, but omitting the evidence, be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought there by appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise. (Feb. 13, 1925, c. 229, § 3, 43 Stat. 939.)

289. (Judicial Code, section 183.) Attorney General's report to Congress.—The Attorney General shall report to Congress, at the beginning of each regular session, the suits under section 287 of this title, in which a final judgment or decree has been rendered, giving the date of each and a statement of the costs taxed in each case. (Mar. 3, 1887, c. 359, § 17, 24 Stat. 507; Mar. 3, 1911, c. 231, § 183, 36 Stat. 1142.)

290. (Judicial Code, section 184.) Loyalty jurisdictional fact.—In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late Civil War, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed. (Mar. 3, 1883, c. 116, § 4, 22 Stat. 486; Mar. 3, 1911, c. 231, § 184, 36 Stat. 1142.)

291. (Judicial Code, section 185.) Appearance by Attorney General for defense.—The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court. (Mar. 3, 1883, c. 116, § 5, 22 Stat. 486; Mar. 3, 1911, c. 231, § 185, 36 Stat. 1142.)

292. (Judicial Code, section 186, amended.) Exclusion as witnesses because of color or because of interest.—No person shall be excluded as a witness in the Court of Claims on account of color or because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government. (R. S. § 1078; Mar. 3, 1883, c. 116, § 6, 22 Stat. 486; Mar. 3, 1887, c. 359, § 8, 24 Stat. 506; Mar. 3, 1911, c. 231, § 186, 36 Stat. 1143; Feb. 5, 1912, c. 28, 37 Stat. 61.)

293. (Judicial Code, section 187.) Reports to Congress.—Reports of the Court of Claims to Congress, under sections 254 and 257 of this title, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon. (Mar. 3, 1883, c. 116, § 7, 22 Stat. 486; Mar. 3, 1911; c. 231, § 187, 36 Stat. 1143.)

Chapter 8.—THE COURT OF CUSTOMS APPEALS.

Sec.
301. Court; judges; salaries; quorum; circuit and district judges may act.
302. Court always open; terms; expenses of judges.
303. Marshal; appointment, salary, and duties.
304. Clerk; appointment, salary, and duties.
305. Assistant clerk, stenographic clerks, and reporter.
306. Rooms for holding court; bailiffs and messengers.
307. Court of record; seals; rules; decisions.
308. Review of final decisions of Board of General Appraisers; review by Supreme Court.
309. Jurisdiction in customs cases.
310. Appeals from Board of General Appraisers.
311. Records placed on calendar; call of calendar.

CROSS REFERENCE

Board of General Appraisers; see Title 19, CUSTOMS DUTIES.

Section 301. (Judicial Code, section 188.) Court; judges; salaries; quorum; circuit and district judges may act.—There shall be a United States Court of Customs Appeals, which shall consist of a presiding judge and four associate judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $8,500 a year, payable monthly from the Treasury. The presiding judge shall be so designated in the order of appointment and in the commission issued to him by the President; and the associate judges shall have precedence according to the date of their commissions. Any three members of said court shall constitute a quorum, and the concurrence of three members shall be necessary to any decision thereof. In case of a vacancy or of the temporary inability or disqualification, for any reason, of one or two of the judges of said court, the President may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place; and such circuit or district judges shall be duly qualified to so act. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Feb. 25, 1910, c. 62, 36 Stat. 214; Mar. 3, 1911, c. 231, § 188, 36 Stat. 1143; Feb. 26, 1919, c. 29, §§ 2, 5, 40 Stat. 1156, 1157.)

302. (Judicial Code, section 189.) Court always open; terms; expenses of judges.—The said Court of Customs Appeals shall always be open for the transaction of business, and sessions thereof may, in the discretion of the court, be held in the several judicial circuits, and at such places as said court may from time to time designate. Any judge who, in pursuance of the provisions of this chapter, shall attend a session of said court at any place other than the city of Washington, shall be paid, upon his written and itemized certificate, by the marshal of the district in which the court shall be held, his actual and necessary expenses incurred for travel and attendance, and the actual and necessary expenses of one stenographic clerk who may accompany him; and such payments shall be allowed the marshal in the settlement of his accounts with the United States. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 189, 36 Stat. 1143.)

303. (Judicial Code, section 190.) Marshal; appointment, salary, and duties.—Said court shall have the services of a marshal, with the same duties and powers, under the regulations of the court, as were provided on March 3, 1911, for the marshal of the Supreme Court of the United States, so far as the same may be applicable. Said services within the District of Columbia shall be performed by a marshal to be appointed by and to hold office during the pleasure of the court, who shall receive a salary of $3,000 per annum. Said services outside of the District of Columbia shall be performed by the United States marshals in and for the districts where sessions of said court may be held; and to this end said marshals shall be the marshals of said court. The marshal of said court, for the District of Columbia, is authorized to purchase, under the direction of the presiding judge, such books, periodicals, and stationery, as may be necessary for the use of said court; and such expenditures shall be allowed and paid by the Secretary of the Treasury upon claim duly made and approved by said presiding judge. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Feb. 25, 1910, c. 62, 36 Stat. 216; Mar. 3, 1911, c. 231, § 191, 36 Stat. 1144.)

304. (Judicial Code, section 191.) Clerk; appointment, salary, and duties.—The court shall appoint a clerk, whose office shall be in the city of Washington, District of Columbia, and who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said court as were exercised and performed on March 3, 1911, by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The clerk shall receive a salary which shall be in full payment for all service rendered by such clerk; and all fees of any kind whatever, and all costs shall be by him turned into the United States Treasury. Said clerk shall not be appointed by the court or any judge thereof as a commissioner, master, receiver, or referee. The costs and fees in the said court shall be fixed and established by said court in a table of fees to be adopted and approved by the Supreme Court of the United States. The costs and fees so fixed shall not, with respect to any item, exceed the costs and fees charged in the Supreme Court of the United States; and the same shall be expended, accounted for, and paid over to the Treasury of the United States. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Feb. 25, 1910, c. 62, 36 Stat. 214; Mar. 3, 1911, c. 231, § 191, 36 Stat. 1144.)

305. (Judicial Code, section 192.) Assistant clerk, stenographic clerks, and reporter.—In addition to the clerk, the court may appoint an assistant clerk, five stenographic clerks, one stenographic reporter, and such other employees as may be appropriated for by Congress, whose salaries shall be payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Feb. 25, 1910, c. 62, 36 Stat. 214; Mar. 3, 1911, c. 231, § 192, 36 Stat. 1144.)

306. (Judicial Code, section 193.) Rooms for holding court; bailiffs and messengers.—The marshal of said court for the District of Columbia and the marshals of the several districts in which said Court of Customs Appeals may be held shall, under the direction of the Attorney General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for said court. In case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney General, may, from time to time, lease such rooms as may be necessary for said court. The bailiffs and messengers of said court shall be allowed the same compensation for their respective services as are allowed for similar services in the district courts existing March 3, 1911. In no case shall said marshals secure other rooms than those regularly occupied by the district courts existing March 3, 1911, or other public officers, except where such can not, by reason of actual occupancy or use, be occupied or used by said Court of Customs Appeals. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 193, 36 Stat. 1144.)

307. (Judicial Code, section 194.) Court of record; seal; rules; decisions.—The said Court of Customs Appeals shall be a court of record, with jurisdiction as in this chapter established and limited. It shall prescribe the form and style of its seal, and the form of its writs and other process and procedure, and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have power to establish all rules and regulations for the conduct of the business of the court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law. It shall have power to review any decision or matter within its jurisdiction, and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 194, 36 Stat. 1145.)

308. (Judicial Code, section 195, amended.) Review of final decisions of Board of General Appraisers; review by Supreme Court.—The Court of Customs Appeals shall exercise exclusive appellate jurisdiction to review by appeal, as herein provided, final decisions by a board of general appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgments and decrees of said Court of Customs Appeals shall be final in all such cases: *Provided, however*, That in any case in which the judgment or decree of the Court of Customs Appeals is made final by the provisions of this title, it shall be competent for the Supreme Court, upon the application of either party, duly made as required by section 350 of this title, in any case in which there is drawn in question the construction of the Constitution of the United States, or any part thereof, or of any treaty made pursuant thereto, or in any other case when the Attorney General of the United States shall before the decision of the Court of Customs Appeals is rendered, file with the court a certificate to the effect that the case is of such importance as to render expedient its review by the Supreme Court, to require, by certiorari or otherwise, such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court: *And provided further, That the first proviso of this section shall not apply to any* case involving only the construction of section 1, or any portion thereof, of an Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909 (Thirty-sixth Statutes, page 11), nor to any case involving the construction of section 2 of an Act entitled "An Act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911 (Thirty-seventh Statutes, page 11). (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 195, 36 Stat. 1145; Aug. 22, 1914, c. 267, 38 Stat. 703; Sept. 6, 1916, c. 448, § 6, 39 Stat. 727; Feb. 13, 1925, c. 229, § 8, 43 Stat. 940.)

309. (Judicial Code, section 196.) Jurisdiction in customs cases.—No appeal shall be taken or allowed from any Board of United States General Appraisers to any court other than the Court of Customs Appeals, and no appellate jurisdiction shall be exercised or allowed by any other courts in cases decided by said Board of United States General Appraisers; but all appeals allowed by law from such Board of General Appraisers shall be subject to review only in the Court of Customs Appeals, according to the provisions of this chapter. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 196, 36 Stat. 1145.)

310. (Judicial Code, section 198.) Appeals from Board of General Appraisers.—If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classi-

fication, or with any other appealable decision of said board, they, or either of them, may, within sixty days next after the entry of such decree or judgment, and not afterwards, apply to the Court of Customs Appeals for a review of the questions of law and fact involved in such decision. In Alaska and in the insular and other outside possessions of the United States ninety days shall be allowed for making such application to the Court of Customs Appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the Board of General Appraisers to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decision thereon; and all the evidence taken by and before said board shall be competent evidence before said Court of Customs Appeals. The decision of said Court of Customs Appeals shall be final, and such cause shall be remanded to said Board of General Appraisers for further proceedings to be taken in pursuance of such determination. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 198, 36 Stat. 1146.)

311. (Judicial Code, section 199.) Records placed on calendar; call of calendar.—Immediately upon receipt of any record transmitted to the Court of Customs Appeals for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every sixty days. Such calendar need not be called during the months of July and August of any year. (Aug. 5, 1909, c. 6, § 28, 36 Stat. 91, 105; Mar. 3, 1911, c. 231, § 199, 36 Stat. 1146.)

Chapter 9.—THE SUPREME COURT.

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CROSS REFERENCE

Law library; see sections 188 and 189 of Title 3.

Section 321. (Judicial Code, section 215.) Number of justices.—The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight Associate Justices, any six of whom shall constitute a quorum. (R. S. § 673; Mar. 3, 1911, c. 231, § 215, 36 Stat. 1152.)

322. (Judicial Code, section 216.) Precedence of Associate Justices.—The Associate Justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages. (R. S. § 674; Mar. 3, 1911, c. 231, § 216, 36 Stat. 1152.)

323. (Judicial Code, section 217.) Vacancy in office of Chief Justice.—In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice. (R. S. § 675; Mar. 3, 1911, c. 231, § 217, 36 Stat. 1152.)

324. (Judicial Code, section 218.) Salaries of justices.—The Chief Justice of the Supreme Court of the United States shall receive the sum of $15,000 a year, and the justices thereof shall receive the sum of $14,500 a year each, to be paid monthly. (R. S. § 676; Feb. 12, 1903, c. 547, 32 Stat. 825; Mar. 3, 1911, c. 231, § 218, 36 Stat. 1152.)

325. (Judicial Code, section 219.) Clerk, marshal, and reporter.—The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions. (R. S. § 677; Mar. 3, 1911, c. 231, § 219, 36 Stat. 1152.)

326. (Judicial Code, section 220.) Clerk; bond.—The clerk of the Supreme Court shall, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court, to the United States, in the sum of not less than $5,000 and not more than $20,000, to be determined and regulated by the Attorney General, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court. The Supreme Court may at any time, upon the motion of the Attorney General, to be made upon thirty days' notice, require a new bond, or a bond for an increased amount within the limits above prescribed; and the failure of the clerk to execute the same shall vacate his office. All bonds given by the clerk shall, after approval, be recorded in his office, and copies thereof from the records, certified by the clerk under seal of the court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice. (Feb. 22, 1875, c. 95, §§ 2, 8, 18 Stat. 333; Mar. 3, 1911, c. 231, § 220, 36 Stat. 1152.)

327. (Judicial Code, section 221.) Same; deputies; liability of clerk for deputy's misfeasance.—One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk, and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties on his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or mis-

feasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime. (R. S. § 678; Mar. 3, 1911, c. 231, § 221, 36 Stat. 1153.)

328. Law clerks; salaries.—There shall be nine law clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $3,600 each. (June 1, 1922, c. 204, Title II, 42 Stat. 614; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1081; May 28, 1924, c. 204, Title II, 43 Stat. 218; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1028.)

329. (Judicial Code, section 222.) Records of old court of appeals.—The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court; and such copies shall have like faith and credit with all other proceedings of said court. (R. S. § 679; Mar. 3, 1911, c. 231, § 222, 36 Stat. 1153.)

330. (Judicial Code, section 223.) Tables of fees.—The Supreme court is authorized and empowered to prepare the tables of fees to be charged by the clerk thereof. (Mar. 3, 1883, c. 143, § 1, 22 Stat. 631; Mar. 3, 1911, c. 231 § 223, 36 Stat. 1153.)

331. (Judicial Code, section 224.) Marshal; salary; duties.—The marshal is entitled to receive a salary at the rate of $4,500 a year. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade. (R. S. § 680; Mar. 3, 1911, c. 231, § 224, 36 Stat. 1153.)

332. (Judicial Code, section 225, amended.) Reporter; duties; printing and binding of decisions.—It shall be the duty of the reporter to prepare the decisions of the Supreme Court for printing and publication in bound volumes, as and when directed by the court or the Chief Justice; and when so directed to cause to be printed and published advance copies of said decisions in pamphlet installments.

The reporter, by requisition upon the Public Printer, shall have the printing and binding herein required done at the Government Printing Office.

The quality and size of the paper, type, format, proofs, and binding shall be determined by the reporter subject to approval of the court or the Chief Justice.

Authority is conferred upon the Public Printer for doing the printing and binding specified herein. (R. S. § 681; Mar. 3, 1911, c. 231, § 225, 36 Stat. 1153; July 1, 1922, c. 267, § 1, 42 Stat. 816.)

333. (Judicial Code, section 226, amended.) Reporter; salary and allowances.—The salary of the reporter shall be $8,000 per annum, payable out of the Treasury in monthly installments, which shall be in full compensation for the services required by law. He shall also be allowed for professional and clerical assistance and stationery not to exceed $3,500 per annum, to be paid upon vouchers signed by him and approved by the Chief Justice. He shall be furnished a room in the Capitol, with suitable furniture, convenient to the space occupied by the Supreme Court and the law library thereof. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 254; Mar. 3, 1911, c. 231, § 226, 36 Stat. 1153; July 1, 1922, c. 267, § 2, 42 Stat. 816.)

334. (Judicial Code, section 227, amended.) Printing, binding, and distribution of reports and digests.—The reports provided for in section 332 of this title shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeal, the judges of the district courts, the judges of the Court of Claims, the judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the solicitor of the General Accounting Office, each of the chiefs of divisions in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General, War Department; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Interstate Commerce Commission, the Federal Trade Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia, the chairman United States Shipping Board; the Naval Academy at Annapolis, Maryland; the Military Academy at West Point, New York; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; to the law library of the Supreme Court, twenty-five copies; to the law library of the Department of the Interior, two copies; to the law library of the Department of Justice, five copies; to the Secretary of the Senate for the use of committees of the Senate, thirty copies; to the Clerk of the House of Representatives for use of the committees of the House, thirty-five copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justice thereof in the conference room, robing room, and court room, three copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, and for the headquarters of military departments in the United States, twelve copies; and to each of the places where district courts of the United States were holden on July 1, 1922, including Hawaii and Porto Rico, one copy.

The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts were held on July 1, 1922, to which reports have not been distributed and to each of the places at which a district

court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them.

No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder. (R. S. § 683; Feb. 12, 1889, c. 135, 25 Stat. 661; July 1, 1902, c. 1355, 32 Stat. 630; Mar. 3, 1911, c. 231, § 227, 36 Stat. 1154; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1419; July 1, 1922, c. 267, § 3, 42 Stat. 816.)

335. (Judicial Code, section 228, amended.) Number of bound volumes and advance pamphlets to be printed; sale; price; reprints.—The number of bound volumes and advance pamphlet installments, to be printed under the provisions of section 332 of this title, shall be determined by the reporter from estimates furnished by the Attorney General and the Superintendent of Documents, and the prices for said bound volumes and pamphlet installments to be sold by the Public Printer shall be fixed by the reporter with the approval of the Attorney General and shall equal the cost of composition, plating, printing, and binding, and such additional amount as shall equal as nearly as may be, one-half the sums appropriated for the salary and expenses of the reporter under the provisions of section 333 of this title.

Receipts from the sale of said reports and pamphlet installments shall be covered into the Treasury to the credit of miscellaneous receipts.

Whenever the supply of bound copies of any volume produced under any requisition pursuant to section 332 shall have been disposed of, reprints from the original plates shall be made at the Government Printing Office from time to time in sufficient numbers to meet current demands. Such reprints shall equal, as nearly as possible, in quality of presswork, paper, and binding the original editions, and shall be sold at the price fixed for the latest volume published when the reprints are made; so much of the money thus derived as equals the cost of making and distributing the reprints sold shall be credited to the appropriation for printing and binding; the remainder thereof shall be deposited in the Treasury to the credit of miscellaneous receipts. (Feb. 12, 1889, c. 135, 25 Stat. 661; July 1, 1902, c. 1355, 32 Stat. 630; Mar. 3, 1911, c. 231, § 228, 36 Stat. 1155; July 1, 1922, c. 267, § 4, 42 Stat. 818.)

336. Appropriations for printing, binding, and so forth, of reports authorized.—Such sums as may be necessary to carry into effect the provisions of sections 332 to 335 of this title are authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated. (July 1, 1922, c. 267, § 5, 42 Stat. 818.)

337. (Judicial Code, section 229.) Distribution of Federal Reporter and digests.—The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals, or a district court, is regularly held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets each. Whenever any such court room, office, or officer shall have a partial or complete set of any such reports, or digests, already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer, only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section, shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates to be submitted to Congress, an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section. (Mar. 3, 1911, c. 231, § 229, 36 Stat. 1155.)

338. (Judicial Code, section 230, amended.) Terms.—The Supreme Court shall hold at the seat of government one term annually, commencing on the first Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business. (R. S. § 684; Mar. 3, 1911, c. 231, § 230, 36 Stat. 1156; Sept. 6, 1916, c. 448, § 1, 39 Stat. 726.)

339. (Judicial Code, section 231.) Adjournment for want of quorum.—If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within said twenty days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day. (R. S. § 685; Mar. 3, 1911, c. 231, § 231, 36 Stat. 1156.)

340. (Judicial Code, section 232.) Orders by less than quorum.—The justices attending at any term, when less than a quorum is present, may, within the twenty days mentioned in section 339 of this title, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof. (R. S. § 686; Mar. 3, 1911, c. 231, § 232, 36 Stat. 1156.)

341. (Judicial Code, section 233.) Original jurisdiction.—The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domes-

tics or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction, of all suits brought by ambassadors, or other public ministers, or in which a consul or vice consul is a party. (R. S. § 687; Mar. 3, 1911, c. 231, § 238, 36 Stat. 1156.)

342. (Judicial Code, section 234.) Prohibition and mandamus.—The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an ambassador, or other public minister, or a consul, or vice consul is a party. (R. S. § 688; Mar. 3, 1911, c. 231, § 234, 36 Stat. 1156.)

343. (Judicial Code, section 235.) Issues of fact.—The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. (R. S. § 689; Mar. 3, 1911, c. 231, § 235, 36 Stat. 1156.)

344. (Judicial Code, section 237, amended.) Appellate jurisdiction of decrees of State courts; certiorari.—(a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity; or where is drawn, in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ.

(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied. Nothing in this paragraph shall be construed to limit or detract from the right to a review on a writ of error in a case where such a right is conferred by the preceding paragraph; nor shall the fact that a review on a writ of error might be obtained under the preceding paragraph be an obstacle to granting a review on certiorari under this paragraph.

(c) If a writ of error be improvidently sought and allowed under this section in a case where the proper mode of invoking a review is by a petition for certiorari, this alone shall not be a ground for dismissal; but the papers whereon the writ of error was allowed shall be regarded and acted on as a petition for certiorari and as if duly presented to the Supreme Court at the time they were presented to the court or judge by whom the writ of error was allowed: *Provided*, That where in such a case there appears to be no reasonable ground for granting a petition for certiorari it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay, and single or double costs, as provided in section 878 of this title. (R. S. §§ 690, 709; Mar. 3, 1911, c. 231, §§ 236, 237, 36 Stat. 1156; Dec. 23, 1914, c. 2, 38 Stat. 790; Sept. 6, 1916, c. 448, § 2, 39 Stat. 726; Feb. 17, 1922, c. 54, 42 Stat. 366; Feb. 13, 1925, c. 229, § 1, 43 Stat. 937.)

345. (Judicial Code, section 238, amended.) Appellate jurisdiction from decrees of United States district courts.—A direct review by the Supreme Court of an interlocutory or final judgment or decree of a district court may be had where it is so provided in the following sections and not otherwise:

(1) Section 29 of Title 15.

(2) Section 682 of Title 18, where the decision of the district court is adverse to the United States.

(3) Section 380 of this title.

(4) So much of section 47 of this title as relates to the review of interlocutory and final judgments and decrees in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission other than for the payment of money.

(5) Section 217 of Title 7. (Mar. 3, 1891, c. 517, § 5, 26 Stat. 827; Jan. 20, 1897, c. 68, 29 Stat. 492; Apr. 12, 1900, c. 191, § 35, 31 Stat. 85; Apr. 30, 1900, c. 339, § 86, 31 Stat. 158; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; Mar. 3, 1911, c. 231, §§ 238, 244, 36 Stat. 1157; Jan. 28, 1915, c. 22, § 2, 38 Stat. 804; Feb. 13, 1925, c. 229, § 1, 43 Stat. 938.)

346. (Judicial Code, section 239, amended.) Certificates of questions by circuit courts of appeals and Court of Appeals of District of Columbia.—In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, the court at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which instructions are desired for the proper decision of the cause; and thereupon the Supreme Court may either give binding instructions on the questions and propositions certified or may require that the entire record in the cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there by writ of error or appeal. (Mar. 3, 1891, c. 517, § 6, 26 Stat. 828; Mar. 3, 1911, c. 231, § 239, 36 Stat. 1157; Feb. 13, 1925, c. 229, § 1, 43 Stat. 938.)

347. (Judicial Code, section 240, amended.) Certiorari to circuit courts of appeals and Court of Appeals of District of Columbia; appeal or writ of error to Supreme Court from circuit courts of appeals in certain cases; other reviews not allowed.—(a) In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted writ of error or appeal.

(b) Any case in a circuit court of appeals where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against its validity, may, at the election of the party relying on such State statute, be taken to the Supreme Court for review on writ of error or appeal; but in that event a review on certiorari shall not be allowed at the instance of such party, and the review on such writ of error or appeal shall be restricted to an examination and decision of the Federal questions presented in the case.

(c) No judgment or decree of a circuit court of appeals or of the Court of Appeals of the District of Columbia shall be subject to review by the Supreme Court otherwise than as provided in this section. (Mar. 3, 1891, c. 517, § 6, 26 Stat. 828;

Mar. 3, 1911, c. 231, § 240, 36 Stat. 1157; Feb. 13, 1925, c. 229, § 1, 43 Stat. 938.)

348. Certification of questions to Supreme Court by circuit courts of appeals, and certiorari thereto, and appeal or writ of error to Supreme Court from circuit courts of appeals in certain other cases.—Cases in a circuit court of appeals under sections 117 to 121 of Title 45, under section 45 of Title 15, and under section 21 of Title 15 are included among the cases to which sections 346 and 347 of this title shall apply. (Feb. 13, 1925, c. 229, § 2, 43 Stat. 939.)

349. Certiorari to review decisions of Supreme Court of Philippine Islands.—In any case in the Supreme Court of the Philippine Islands wherein the Constitution, or any statute or treaty of the United States is involved, or wherein the value in controversy exceeds $25,000, or wherein the title or possession of real estate exceeding in value the sum of $25,000 is involved or brought in question, it shall be competent for the Supreme Court of the United States, upon the petition of a party aggrieved by the final judgment or decree, to require, by certiorari, that the cause be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought before it on writ of error or appeal; and, except as provided in this section, the judgments and decrees of the Supreme Court of the Philippine Islands shall not be subject to appellate review. (Feb. 13, 1925, c. 229, § 7, 43 Stat. 940.)

350. Time for making application for writ of error, appeal, or certiorari; stay pending application for certiorari.—No writ of error, appeal, or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Philippine Islands may be granted where application therefor is made within six months. For good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding sixty days by a justice of the Supreme Court.

Where an application for a writ of certiorari is made with the purpose of securing a removal of the case to the Supreme Court from a circuit court of appeals or the Court of Appeals of the District of Columbia before the court wherein the same is pending has given a judgment or decree the application may be made at any time prior to the hearing and submission in that court.

In any case in which the final judgment or decree of any court is subject to review by the Supreme Courtt on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to apply for and to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of good and sufficient security, to be approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay. (R. S. § 1008; Mar. 3, 1891, c. 517, § 6, 26 Stat. 828; Sept. 6, 1916, c. 448, § 6, 39 Stat. 727; Feb. 13, 1925, c. 229, § 8 [a, b, d], 43 Stat. 940.)

351. (Judicial Code, section 253.) Precedence of writs of error to State courts.—Cases on writ of error to revise the judgment of a State court in any criminal case shall have precedence on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance. (R. S. § 710; Mar. 3, 1911, c. 231, § 253, 36 Stat. 1160.)

352. (Judicial Code, section 254.) Cost of printing records.—There shall be taxed against the losing party in each and every cause pending in the Supreme Court the cost of printing the record in such case, except when the judgment is against the United States. (Mar. 3, 1877, c. 105, 19 Stat. 344; Mar. 3, 1911, c. 231, § 254, 36 Stat. 1200.)

353. (Judicial Code, section 255.) Women may be admitted to practice.—Any woman who shall have been a member of the bar of the highest court of any State or Territory, or of the Court of Appeals of the District of Columbia, for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States. (Feb. 15, 1879, c. 81, 20 Stat. 292; Mar. 3, 1911, c. 231, § 255, 36 Stat. 1160.)

354. Printing for Supreme Court.—The printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order. (Feb. 27, 1925, c. 364, Title II, 43 Stat. 1028.)

Chapter 10.—PROVISIONS COMMON TO MORE THAN ONE COURT.

Sec.

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Section 371. (Judicial Code, section 256, amended.) Exclusive jurisdiction of United States courts.—The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel, their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize.

Fifth. Of all cases arising under the patent-right, or copyright laws of the United States.

Sixth. Of all matters and proceedings in bankruptcy.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens.

Eighth. Of all suits and proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice consuls. (R. S. § 711; Mar. 3, 1911, c. 231, § 256, 36 Stat. 1160; Oct. 6, 1917, c. 97, § 2, 40 Stat. 395; June 10, 1922, c. 216, § 2, 42 Stat. 635.)

372. (Judicial Code, section 257.) Oath of United States judges.—The justices of the Supreme Court, the circuit judges, and the district judges appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——— according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God." (R. S. § 712; Mar. 3, 1911, c. 231, § 257, 36 Stat. 1161.)

373. (Judicial Code, section 258.) Practice of law by United States judges.—It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. Any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor. (R. S. § 713; Mar. 3, 1911, c. 231, § 258, 36 Stat. 1161.)

374. (Judicial Code, section 259.) Traveling expenses of circuit justices and circuit and district judges.—The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed $10 per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon the written certificate of the justice or judge. The official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence. (R. S. §§ 596, 597; Mar. 3, 1881, c. 133, 21 Stat. 454; Mar. 3, 1891, c. 517, § 8, 26 Stat. 828; Mar. 3, 1911, c. 231, § 259, 36 Stat. 1161.)

375. (Judicial Code, section 260, amended.) Salary of United States judges after resignation.—When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least ten years continuously, and having attained the age of seventy years, he shall, during the residue of his natural life receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But, instead of resigning, any judge other than a justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake, or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake.

In the event any circuit judge, or district judge, having so held a commission or commissions at least ten years continuously, and having attained the age of seventy years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate an additional circuit judge of the circuit or district judge of the district to which such disabled judge belongs. And the judge so retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority. In districts where there may be more than one district judge, if the judges or a majority of them can not agree upon the appointment of officials of the court, to be appointed by such judges, then the senior judge shall have the power to make such appointments.

Upon the death, resignation, or retirement of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled. (R. S. § 714; Feb. 15, 1909, c. 127, 35 Stat. 619; Mar. 3, 1911, c. 231, § 260, 36 Stat. 1161; Feb. 25, 1919, c. 29, § 6, 40 Stat. 1157.)

376. (Judicial Code, section 261.) Writs of ne exeat.—Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any district judge, in cases where they might be granted by the district court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States. (R. S. § 717; Mar. 3, 1911, c. 231, § 261, 36 Stat. 1162.)

377. (Judicial Code, section 262.) Power to issue writs.—The Supreme Court and the district courts shall have power to issue writs of scire facias. The Supreme Court, the circuit courts of appeals, and the district courts shall have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law. (R. S. § 716; Mar. 3, 1911, c. 231, § 262, 36 Stat. 1162.)

378. (Judicial Code, section 264.) Injunctions; when granted.—Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a district court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than

within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the district judge of the district. In case of the absence from the district of the district judge, or of his disability, any circuit judge of the circuit in which the district is situated may grant an injunction or restraining order in any case pending in the district court, where the same might be granted by the district judge. (R. S. § 719; Mar. 3, 1911, c. 231, § 264, 36 Stat. 1162.)

379. (Judicial Code, section 265.) Same; stay in State courts.—The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. (R. S. § 720; Mar. 3, 1911, c. 231, § 265, 36 Stat. 1162.)

380. (Judicial Code, section 266, amended.) Same; alleged unconstitutionality of State statutes; appeal to Supreme Court.—No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case. It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State, to enforce such statute or order, accompanied by a stay in such State court of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing, and notice of ten days served upon the attorney general of the State, that the suit in the State courts is not being prosecuted with diligence and good faith. The requirement respecting the presence of three judges shall also apply to the final hearing in such suit in the district court; and a direct appeal to the Supreme Court may be taken from a final decree granting or denying a permanent injunction in such suit. (June 18, 1910, c. 309, § 17, 36 Stat. 557; Mar. 3, 1911, c. 231, § 266, 36 Stat. 1162; Mar. 4, 1913, c. 160, 37 Stat. 1013; Feb. 13, 1925, c. 229, § 1, 43 Stat. 938.)

381. Same; preliminary injunctions and temporary restraining orders.—No preliminary injunction shall be issued without notice to the opposite party.

No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every such temporary restraining order shall be indorsed with the date and hour of issuance, shall be forthwith filed in the clerk's office and entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed ten days, as the court or judge may fix, unless within the time so fixed the order is extended for a like period for good cause shown, and the reasons for such extension shall be entered of record. In case a temporary restraining order shall be granted without notice in the contingency specified, the matter of the issuance of a preliminary injunction shall be set down for a hearing at the earliest possible time and shall take precedence of all matters except older matters of the same character; and when the same comes up for hearing the party obtaining the temporary restraining order shall proceed with the application for a preliminary injunction, and if he does not do so the court shall dissolve the temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require. (R. S. § 718; Mar. 3, 1911, c. 231, § 268, 36 Stat. 1162; Oct. 15, 1914, c. 323, § 17, 38 Stat. 737.)

382. Same; security on issuance of.—Except as otherwise provided in section 26 of Title 15, no restraining order or interlocutory order of injunction shall issue, except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby. (Oct. 15, 1914, c. 323, § 18, 38 Stat. 738.)

383. Same; requisites of order; binding effect.—Every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their officers, agents, servants, employees, and attorneys, or those in active concert or participating with them, and who shall, by personal service or otherwise, have received actual notice of the same. (Oct. 15, 1914, c. 323, § 19, 38 Stat. 738.)

384. (Judicial Code, section 267.) Suits in equity, when not sustainable.—Suits in equity shall not be sustained in any court of the United States in any case where a plain, adequate, and complete remedy may be had at law. (R. S. § 723; Mar. 3, 1911, c. 231, § 267, 36 Stat. 1163.)

385. (Judicial Code, section 268.) Administration of oaths; contempts.—The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or im-

prisonment, at the discretion of the court, contempts of their authority. Such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said courts. (R. S. § 725; Mar. 3, 1911, c. 231, § 268, 36 Stat. 1163.)

386. Contempts; when constituting also criminal offense.—Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed shall be proceeded against for his said contempt as hereinafter provided. (Oct. 15, 1914, c. 323, § 21, 38 Stat. 738.)

387. Same; procedure; bail; attachment; trial; punishment.—Whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged, with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court. If the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

In all cases within the purview of sections 381 to 383, 386 to 390 of this title, section 412 of Title 18, section 52 of Title 29 and sections 12 to 27 of Title 15, such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months. In any case the court or a judge thereof may, for good cause shown, by affidavit or proof taken in open court or before such judge and filed with the papers in the case, dispense with the rule to show cause, and may issue an attachment for the arrest of the person charged with contempt; in which event such person, when arrested, shall be brought before such court or a judge thereof without unnecessary delay and shall be admitted to bail in a reasonable penalty for his appearance to answer to the charge or for trial for the contempt; and thereafter the proceedings shall be the same as provided herein in case the rule had issued in the first instance. (Oct. 15, 1914, c. 323, § 22, 38 Stat. 738.)

388. Same; review of conviction.—The evidence taken upon the trial of any persons so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as provided on October 15, 1914, by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court, or by any justice, or any judge of any district court of the United States or any court of the District of Columbia. (Oct. 15, 1914, c. 323, § 23, 38 Stat. 739.)

389. Same; not specifically enumerated.—Nothing contained in sections 386 to 388 and 390 of this title shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section 386 of this title, may be punished in conformity to the usages at law and in equity prevailing on October 15, 1914. (Oct. 15, 1914, c. 323, § 24, 38 Stat. 739.)

390. Same; limitations.—No proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts. (Oct. 15, 1914, c. 323, § 25, 38 Stat. 740.)

391. (Judicial Code, section 269, amended.) New trials; harmless error.—All United States courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law. On the hearing of any appeal, certiorari, writ of error, or motion for a new trial, in any case, civil or criminal, the court shall give judgment after an examination of the entire record before the court, without regard to technical errors, defects, or exceptions which do not affect the substantial rights of the parties. (R. S. § 726; Mar. 3, 1911, c. 231, § 269, 36 Stat. 1163; Feb. 26, 1919, c. 48, 40 Stat. 1181.)

392. (Judicial Code, section 270.) Security for the peace and good behavior.—The judges of the Supreme Court and of the circuit courts of appeals and district courts, United States commissioners, and the judges and other magistrates of the several States, who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them. (R. S. § 727; Mar. 3, 1911, c. 231, § 270, 36 Stat. 1163.)

393. (Judicial Code, section 271.) Enforcement of awards of foreign consuls.—The district courts and the United States

commissioners shall have power to carry into effect, according to the true intent and meaning thereof, the award or arbitration or decree of any consul, vice consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or commissioner, by petition of such consul, vice consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice consul, or commercial agent. The expenses of the said imprisonment and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners. (R. S. § 728; Mar. 3, 1911, c. 231, § 271, 36 Stat. 1163.)

394. (Judicial Code, section 272.) Appearance personally or by counsel.—In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein. (R. S. § 747; Mar. 3, 1911, c. 231, § 272, 36 Stat. 1164.)

395. (Judicial Code, section 273.) Officers forbidden to act as attorneys.—No clerk, or assistant or deputy clerk, of any Territorial, district, or circuit court of appeals, or of the Court of Claims, or of the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in any of said courts, or in any district for which he is acting as such officer. (R. S. § 748; Mar. 3, 1911, c. 231, § 273, 36 Stat. 1164.)

396. (Judicial Code, section 274.) Same; penalty.—Whoever shall violate the provisions of section 395 of this title shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office. (R. S. § 749; Mar. 3, 1911, c. 231, § 274, 36 Stat. 1164.)

397. (Judicial Code, section 274a.) Amendments to pleadings.—In case any United States court shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment, if preserved, shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form. (Mar. 3, 1915, c. 90, 38 Stat. 956.)

398. (Judicial Code, section 274b.) Equitable defenses and equitable relief in actions at law.—In all actions at law equitable defenses may be interposed by answer, plea, or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense of seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea, the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal the appellate court shall have full power to render such judgment upon the records as law and justice shall require. (Mar. 3, 1915, c. 90, 38 Stat. 956.)

399. (Judicial Code, section 274c.) Amendments to show diverse citizenship.—Where, in any suit brought in or removed from any State court to any district of the United States, the jurisdiction of the district court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal. (Mar. 3, 1915, c. 90, 38 Stat. 956.)

Chapter 11.—JURIES.

Sec.
411. Jurors; qualifications and exemptions.
412. Same; manner of drawing.
413. Same; apportioned in district.
414. Same; grand and petit juries in Indiana.
415. Same; not disqualified because of race or color.
416. Same; venire; service and return.
417. Talesmen for petit juries.
418. Special juries.
419. Grand jurors; number; when less than required number.
420. Same; foreman.
421. Same; when summoned; second grand jury.
422. Same; discharge.
423. Jurors not to serve more than once a year.
424. Challenges.
425. Peremptory challenges exceeding number allowed.
426. Disqualification for service in prosecutions for bigamy, polygamy, or unlawful cohabitation.

Section 411. (Judicial Code, section 275.) Jurors; qualifications and exemptions.—Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned. (R. S. § 800; June 30, 1879, c. 52, § 2, 21 Stat. 43; Mar. 3, 1911, c. 231, § 275, 36 Stat. 1164.)

412. (Judicial Code, section 276, amended.) Same; manner of drawing.—All such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in the section last preceding, which names shall have been placed therein by the clerk of such court, or a duly qualified deputy clerk, and a commissioner, to be appointed by the judge thereof, or by the judge senior in commission in districts having more than one judge, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is

held opposing that to which the clerk, or a duly qualified deputy clerk then acting, may belong, the clerk, or a duly qualified deputy clerk, and said commissioner each to place one name in said box alternately, without reference to party affiliations until the whole number required shall be placed therein. (June 30, 1879, c. 52, § 2, 21 Stat. 43; Mar. 3, 1911, c. 231, § 276, 36 Stat. 1164; Feb. 3, 1917, c. 27, 39 Stat. 873.)

413. (Judicial Code, section 277.) Same; apportioned in district.—Jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly burden the citizens of any part of the district with such service. (R. S. § 802; Mar. 3, 1911, c. 231, § 277, 36 Stat. 1164.)

414. Same; grand and petit juries in Indiana.—A judge of the District Court for the District of Indiana may, in his discretion, cause jurors to be summoned for a petit jury in criminal cases, from the division in which the cause is to be tried or from an adjoining division, and cause jurors for a grand jury to be summoned from such parts of the district as he shall from time to time direct. A grand jury summoned to attend a term of such court may investigate, and find an indictment or make a presentment for, any crime or offense committed in the district, whether or not the crime or offense was committed in the division in which the jury is in session. (Jan. 16, 1925, c. 83, § 5, 43 Stat. 752.)

415. (Judicial Code, section 278.) Same; not disqualified because of race or color.—No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude. (June 30, 1879, c. 52, § 2, 21 Stat. 43; Mar. 3, 1911, c. 231, § 278, 36 Stat. 1165.)

416. (Judicial Code, section 279.) Same; venire; service and return.—Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal in person, or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ. Any person named in such writ who resides elsewhere than at the place at which the court is held, shall be served by the marshal mailing a copy thereof to such person commanding him to attend as a juror at a time and place designated therein, which copy shall be registered and deposited in the post office addressed to such person at his usual post-office address. And the receipt of the person so addressed for such registered copy shall be regarded as personal service of such writ upon such person, and no mileage shall be allowed for the service of such person. The postage and registry fee shall be paid by the marshal and allowed him in the settlement of his accounts. (R. S. § 803; Mar. 3, 1911, c. 231, § 279, 36 Stat. 1165.)

417. (Judicial Code, section 280.) Talesmen for petit juries.—When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the bystanders sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in section 416 of this title. (R. S. § 804; Mar. 3, 1911, c. 231, § 280, 36 Stat. 1165.)

418. (Judicial Code, section 281.) Special juries.—When special juries are ordered in any district court, they shall be returned by the marshal in the same manner and form as is required in such cases by the laws of the several States. (R. S. § 805; Mar. 3, 1911, c. 231, § 281, 36 Stat. 1165.)

419. (Judicial Code, section 282.) Grand jurors; number when less than required number.—Every grand jury impaneled before any district court shall consist of not less than sixteen nor more than twenty-three persons. If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose. (R. S. § 808; Mar. 3, 1911, c. 231, § 282, 36 Stat. 1165.)

420. (Judicial Code, section 283.) Same; foreman.—From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury. (R. S. § 809; Mar. 3, 1911, c. 231, § 283, 36 Stat. 1165.)

421. (Judicial Code, section 284.) Same; when summoned; second grand jury.—No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least three hundred thousand inhabitants shall certify in writing to the district judge, or the senior district judge of the district, that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found. (R. S. § 810; Mar. 28, 1910, c. 134, 36 Stat. 267; Mar. 3, 1911, c. 231, § 284, 36 Stat. 1165.)

422. (Judicial Code, section 285.) Same; discharge.—The district courts, the district courts of the Territories, and the Supreme Court of the District of Columbia may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary. (R. S. § 811; Mar. 3, 1911, c. 231, § 285, 36 Stat. 1166.)

423. (Judicial Code, section 286.) Jurors not to serve more than once a year.—No person shall serve as a petit juror in any district court more than one term in a year; and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within one year prior to the time of such challenge. (R. S. § 812; June 30, 1879, c. 52, § 2, 21 Stat. 43; Mar. 3, 1911, c. 231, § 286, 36 Stat. 1166.)

424. (Judicial Code, section 287.) Challenges.—When the offense charged is treason or a capital offense, the defendant shall be entitled to twenty and the United States to six peremptory challenges. On the trial of any other felony, the defendant shall be entitled to ten and the United States to six peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual

jurors for cause or favor, shall be tried by the court without the aid of triers. (R. S. § 819; Mar. 3, 1911, c. 231, § 287, 36 Stat. 1166.)

425. **Peremptory challenges exceeding number allowed.**—If, in the trial of a capital offense, the party indicted peremptorily challenges jurors above the number allowed him by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if they had not been made. (R. S. § 1031.)

426. **(Judicial Code, section 288.) Disqualification for service in prosecutions for bigamy, polygamy, or unlawful cohabitation.**—In any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman—

First, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by sections 513 and 514 of Title 18; or

Second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman.

Any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge; and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court.

But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense above named; but if he declines to answer on any ground, he shall be rejected as incompetent. (Mar. 22, 1882, c. 47, § 5, 22 Stat. 31; Mar. 3, 1911, c. 231, § 288, 36 Stat. 1166.)

Chapter 12.—GENERAL PROVISIONS.

Sec.
431. References to laws revised refer to sections of Judicial Code.
432. Sections 11 to 15 of Title 1 govern construction of Judicial Code.
433. Inference of legislative construction.
434. Designation as "The Judicial Code."

Section 431. (Judicial Code, section 292.) References to laws revised refer to sections of Judicial Code.—Wherever, in any law not contained within the Judicial Code, a reference is made to any law revised or embraced in such Code, such reference, after March 3, 1911, shall be construed to refer to the section of the Judicial Code into which has been carried or revised the provision of law to which reference is so made. (Mar. 3, 1911, c. 231, § 292, 36 Stat. 1167.)

432. **(Judicial Code, section 293.) Sections 11 to 15 of Title 1 govern construction of the Judicial Code.**—The provisions of sections 11 to 15 of Title 1, both inclusive, shall apply to and govern the construction of the provisions of the Judicial Code. (Mar. 3, 1911, c. 231, § 293, 36 Stat. 1167.)

433. **(Judicial Code, section 295.) Inference of legislative construction.**—The arrangement and classification of the several sections of the Judicial Code have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the chapter under which any particular section of the Judicial Code is placed. (Mar. 3, 1911, c. 231, § 295, 36 Stat. 1167.)

434. **(Judicial Code, section 296.) Designation as "The Judicial Code."**—The Act of March 3, 1911, chapter 231 (36 Stat. 1087), may be designated and cited as "The Judicial Code." (Mar. 3, 1911, c. 231, § 296, 36 Stat. 1168.)

Chapter 13.—REPEALING PROVISIONS.

Sec.
441. Effect of repeal; terms of judges; salaries.
442. Same; rights not affected.
443. Offenses committed, how prosecuted and enforced.

Section 441. (Judicial Code, section 298.) Effect of repeal; terms of judges; salaries.—The repeal by the Judicial Code of laws existing prior to March 3, 1911, providing for the appointment of judges and other officers mentioned in the Judicial Code, or affecting the organization of the courts, shall not be construed to affect the tenure of office of the incumbents (except the office be abolished), but they shall continue to hold their respective offices during the terms for which appointed, unless removed as provided by law; nor (except the office be abolished) shall such repeal affect the salary or fees or compensation of any officer or person holding office or position by virtue of any law. (Mar. 3, 1911, c. 231, § 298, 36 Stat. 1169.)

442. **(Judicial Code, section 299.) Same; rights not affected.**—The repeal by the Judicial Code of laws existing prior to March 3, 1911, or the amendments thereof, embraced in the Judicial Code, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding, including those pending on writ of error, appeal, certificate, or writ of certiorari, in any appellate court referred to or included within, the provisions of the Judicial Code pending on March 3, 1911, but all such suits and proceedings, and suits and proceedings for causes arising or acts done prior to such date, may be commenced and prosecuted within the same time, and with the same effect, as if said repeal or amendments had not been made. (Mar. 3, 1911, c. 231, § 299, 36 Stat. 1169.)

443. **(Judicial Code, section 300.) Offenses committed, how prosecuted and enforced.**—All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to March 3, 1911, under any law embraced in, amended, or repealed by the Judicial Code, may be prosecuted and punished, or sued for and recovered, in the district courts, in the same manner and with the same effect as if such Code had not been passed. (Mar. 3, 1911, c. 231, § 300, 36 Stat. 1169.)

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Section 451. Power of courts.—The Supreme Court and the district courts shall have power to issue writs of habeas corpus. (R. S. § 751.)

452. **Power of judges.**—The several justices of the Supreme Court and the several judges of the circuit courts of appeal and of the district courts, within their respective jurisdictions, shall have power to grant writs of habeas corpus for the purpose of

an inquiry into the cause of restraint of liberty. The order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had. (R. S. § 752; Feb. 13, 1925, c. 229, § 6, 43 Stat. 940.)

453. When prisoner is in jail.—The writ of habeas corpus shall in no case extend to a prisoner in jail unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign State, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign State, or under color thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify. (R. S. § 753.)

454. Application for; complaint in writing.—Application for writ of habeas corpus shall be made to the court, or justice, or judge authorized to issue the same, by complaint in writing, signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint shall be verified by the oath of the person making the application. (R. S. § 754.)

455. Allowance and direction.—The court, or justice, or judge to whom such application is made shall forthwith award a writ of habeas corpus, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained. (R. S. § 755.)

456. Time of return.—Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and not beyond a distance of a hundred miles, within ten days; and if beyond the distance of a hundred miles, within twenty days. (R. S. § 756.)

457. Form of return.—The person to whom the writ is directed shall certify to the court, or justice, or judge before whom it is returnable the true cause of the detention of such party. (R. S. § 757.)

458. Body to be produced.—The person making the return shall at the same time bring the body of the party before the judge who granted the writ. (R. S. § 758.)

459. Day for hearing.—When the writ is returned, a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning requests a longer time. (R. S. § 759.)

460. Denial of return; counter allegations; amendments.—The petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return, or may allege any other facts that may be material in the case. Said denials or allegations shall be under oath. The return and all suggestions made against it may be amended, by leave of the court, or justice, or judge, before or after the same are filed, so that thereby the material facts may be ascertained. (R. S. § 760.)

461. Summary hearing; disposition of party.—The court, or justice, or judge shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require. (R. S. § 761.)

462. Cases involving law of nations; notice of service.—When a writ of habeas corpus is issued in the case of any prisoner who, being a subject or citizen of a foreign State and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of any one of the United States, or process founded thereon, on account of any act done or omitted under an alleged right, title, authority, privilege, protection, or exemption, claimed under the commission or order or sanction of any foreign State, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court, or justice, or judge at the time of granting said writ, shall be served on the attorney general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing. (R. S. § 762.)

463. Review.—

(a) *By circuit courts of appeals; jurisdiction of circuit judge to issue writ.*—In a proceeding in habeas corpus in a district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had. A circuit judge shall have the same power to grant writs of habeas corpus within his circuit that a district judge has within his district.

(b) *Review by Court of Appeals of District of Columbia.*—In such a proceeding in the Supreme Court of the District of Columbia, or before a justice thereof, the final order shall be subject to review, on appeal, by the Court of Appeals of that District.

(c) *Sections 346 and 347 of this title applicable.*—Sections 346 and 347 of this title shall apply to habeas corpus cases in the circuit courts of appeals and in the Court of Appeals of the District of Columbia as to other cases therein.

(d) *Certain sections applicable.*—The provisions of sections 464 to 466 of this title shall apply to appellate proceedings under this section as they have applied prior to February 13, 1925, to direct appeals to the Supreme Court. (Feb. 13, 1925, c. 229, § 6, 43 Stat. 940.)

464. Appeals, how taken.—The appeals allowed by section 463 of this title shall be taken on such terms, and under such regulations and orders, as well for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause. (R. S. § 765.)

465. Pending proceedings in certain cases; limitation of appeals.—Pending the proceedings or appeal in the cases mentioned in sections 463 and 464 of this title, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, shall be deemed null and void. No such appeal shall be had or allowed unless taken within the time prescribed by section 230 of this title. (R. S. § 766; Mar. 3, 1893, c. 226, 27 Stat. 751; Feb. 13, 1925, c. 229, § 8 (c), 43 Stat. 940.)

466. Appeal to circuit court of appeals; certificate of probable cause.—From a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the circuit court of appeals shall be allowed unless the United States court by which the final decision was rendered or a judge of the circuit court of appeals shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or judge shall certify

that there is probable cause for such allowance. (Mar. 10, 1908, c. 76, 35 Stat. 40; Feb. 13, 1925, c. 229, §§ 6, 13, 43 Stat. 940, 942.)

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529. Same; records in criminal cases.
530. Law books for judges transmitted to successors.

Section 481. District attorneys.—There shall be appointed in each district, including the District of Columbia, a person learned in the law, to act as attorney for the United States in such district. (R. S. § 767; June 26, 1876, c. 147, §§ 1, 4, 19 Stat. 61, 62; Feb. 24, 1879, c. 97, § 8, 20 Stat. 320; Mar. 3, 1881, c. 144, § 7, 21 Stat. 507; Apr. 25, 1882, c. 87, §§ 1, 3, 22 Stat. 47; July 20, 1882, c. 512, § 3, 22 Stat. 172; Aug. 5, 1886, c. 928, § 7, 24 Stat. 309; Feb. 22, 1889, c. 180, § 21, 25 Stat. 682; July 3, 1890, c. 656, § 16, 26 Stat. 217; July 10, 1890, c. 664, § 16, 26 Stat. 225; Mar. 3, 1893, c. 220, 27 Stat. 745; July 16, 1894, c. 138, §§ 14, 16, 28 Stat. 110, 111; June 24, 1898, c. 495, § 1, 30 Stat. 487; May 12, 1900, c. 391, § 9, 31 Stat. 176; Jan. 22, 1901, c. 105, §§ 4, 7, 31 Stat. 736, 737; Feb. 12, 1901, c. 355, §§ 5, 7, 31 Stat. 782; Mar. 2, 1901, c. 801, §§ 3, 5, 31 Stat. 881; Mar. 11, 1902, c. 183, §§ 5, 6, 32 Stat. 66; Mar. 2, 1905, c. 1305, §§ 4, 6, 33 Stat. 824; Mar. 3, 1905, c. 1427, §§ 13, 15, 19, 33 Stat. 995, 996; June 16, 1906, c. 3335, § 18, 34 Stat. 275; Mar. 3, 1915, c. 100, §§ 3, 4, 38 Stat. 961.)

482. Same; term and oath.—District attorneys, including the District of Columbia, shall be appointed and commissioned for a term of four years, and shall continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors shall be appointed and qualify in their stead. Every district attorney, before entering upon his office shall be sworn to a faithful execution thereof. (R. S. § 769; June 24, 1898, c. 495, § 1, 30 Stat. 487.)

483. Assistant district attorneys; official residence.—Except as provided in section 591 of this title, whenever, in the opinion of the district judge of any district, including the District of Columbia, evidenced by writing, the public interest requires it, one or more assistant district attorneys may be appointed, by the Attorney General; but such opinion shall state to the Attorney General the facts as distinguished from conclusions, showing the necessity therefor. (May 28, 1896, c. 252, § 8, 29 Stat. 181; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

484. Clerical assistance; salaries.—Except as provided by section 591 of this title, the district attorney of any judicial district, including the district attorney for the District of Columbia, when the facts showing the necessity therefor are certified by the district judge to the Attorney General, may, with the approval of the Attorney General, and no longer than such approval lasts, employ necessary clerical assistance at such salary or salaries as shall be from time to time fixed by the Attorney General. (May 28, 1896, c. 252, § 15, 29 Stat. 183; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

485. District attorneys; duties.—It shall be the duty of every district attorney to prosecute, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned, and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors, or other officers of the revenue, for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury. (R. S. § 771.)

486. Same; prosecution of violations of revenue laws.—It shall be the duty of every district attorney to whom any collector of customs, or of internal revenue, shall report, according to law, any case in which any fine, penalty, or forfeiture has been incurred in the district of such attorney for the violation of any law of the United States relating to the revenue, to cause the proper proceedings to be commenced and prosecuted without delay, for the fines, penalties, and forfeitures in such case provided, unless, upon inquiry and examination, he shall decide that such proceedings can not probably be sustained, or that the ends of public justice do not require that such proceedings should be instituted; in which case he shall report the facts in customs cases to the Secretary of the Treasury, and in internal revenue cases to the Commissioner of Internal Revenue for their direction. (R. S. § 838; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241.)

487. Same; reports of suits to Solicitor of Treasury.—It shall be the duty of the United States district attorneys to make and forward to the Solicitor of the Treasury, for his information and the purposes of a permanent record, such reports relating to suits in which the United States is a party as may be required by the Solicitor of the Treasury with the approval of the Attorney General, and on instituting any suit for the recovery of any fine, penalty, or forfeiture, shall immediately transmit a statement thereof to the Solicitor of the Treasury. (R. S. §§ 772, 773; Apr. 9, 1910, c. 152, 36 Stat. 294.)

488. Same; returns to Commissioner of Internal Revenue in suits under revenue laws.—When any suit or proceeding arising under the internal revenue laws, to which the United States are party, or any suit or proceeding against a collector or other officer of the internal revenue, wherein a district at-

torney appears, is commenced, the attorney for the district in which it is brought shall immediately report to the Commissioner of Internal Revenue the full particulars relating to the same; and he shall, immediately after the end of each term of the court in which such suit or proceeding is pending, forward to the said commissioner a full and particular statement of its condition. (R. S. § 774.)

489. Same; reports to Department of Justice.—Each district attorney shall, immediately after the end of every term in which any suit for moneys due on account of the Post Office Department has been pending in his district, forward to the Department of Justice a statement of any judgment or order made, or step taken in the same, during such term, accompanied by a certificate of the clerk, showing the parties to and amount of every such judgment, with such other information as the Department of Justice may require. And the said attorney shall direct speedy and effectual execution upon said judgment, and the United States marshal to whom the same is directed shall make returns of the proceedings thereon to the Department of Justice, at such times as it may direct. (R. S. § 775.)

490. Marshals.—A marshal shall be appointed in each district, including the District of Columbia. (R. S. § 776; June 26, 1876, c. 147, §§ 1, 4, 19 Stat. 61, 62; Feb. 24, 1879, c. 97, § 8, 20 Stat. 320; Mar. 3, 1881, c. 144, § 7, 21 Stat. 507; Apr. 25, 1882, c. 87, §§ 1, 3, 22 Stat. 47; July 20, 1882, c. 512, § 3, 22 Stat. 172; Aug. 5, 1886, c. 928, § 7, 24 Stat. 309; Feb. 22, 1889, c. 180, § 21, 25 Stat. 682; July 3, 1890, c. 656, § 16, 26 Stat. 217; July 10, 1890, c. 664, § 16, 26 Stat. 225; Mar. 3, 1893, c. 220, 27 Stat. 745; July 16, 1894, c. 138, §§ 14, 16, 28 Stat. 110, 111; June 24, 1898, c. 495, § 1, 30 Stat. 487; May 12, 1900, c. 391, § 9, 31 Stat. 176; Jan. 22, 1901, c. 105, §§ 4, 7, 31 Stat. 736, 737; Feb. 12, 1901, c. 355, §§ 5, 7, 31 Stat, 782; Mar. 2, 1901, c. 801, §§ 3, 5, 31 Stat. 881; Mar. 11, 1902, c. 183, §§ 4, 5, 6, 32 Stat. 66; Mar. 2, 1905, c. 1305, §§ 4, 6, 33 Stat. 824; Mar. 3, 1905, c. 1427, §§ 13, 15, 19, 33 Stat. 995, 996; June 16, 1906, c. 3335, § 13, 34 Stat. 275; Mar. 3, 1915, c. 100, §§ 3, 4, 38 Stat. 961.)

491. Same; term.—Marshals of the United States, including the District of Columbia, shall be appointed and commissioned for a term of four years and shall continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors shall be appointed and qualify in their stead. (R. S. § 779; June 24, 1898, c. 495, § 1, 30 Stat. 487.)

492. Same; field deputies; removal.—Except as provided by section 591 of this title, and as otherwise provided by law, at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and, who, unless sooner removed by the district court as provided in section 491 of this chapter, shall hold office during the pleasure of the marshal, except as provided in the next paragraph of this section.

The marshal, immediately after making any appointment or appointments under this section, shall report the same to the Attorney General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney General may at any time cancel any such appointment as the public interest may require. (May 28, 1896, c. 252, § 11, 29 Stat. 182; Mar. 4, 1911, c. 269, 36 Stat. 1355.)

493. Same; office deputies and clerks; removal.—Except as provided by section 591 of this title and as otherwise provided by law, when in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance. Deputies shall be removable from office by the judge of the district court, at his pleasure. (R. S. § 780; Aug. 8, 1888, c. 792, § 4, 25 Stat. 390; June 1, 1900, c. 601, § 4, 31 Stat. 250; May 28, 1896, c. 252, § 10, 29 Stat. 182; Feb. 19, 1909, c. 161, 35 Stat. 640.)

494. Marshals and deputy marshals; oaths.—Every marshal and deputy marshal shall, before he enters upon the duties of his appointment, take, before any officer of the United States or of any State authorized by law to administer oaths, an oath or affirmation in the following form: "I, A. B., *do* solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the marshal of the district of ———, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of ———, during my continuance in said office, and take only my lawful fees. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath. (R. S. § 782; Dec. 22, 1896, c. 3, 29 Stat. 481.)

495. Marshals; authority to administer oaths.—Each United States marshal and each chief deputy United States marshal is authorized and empowered to administer oaths to the marshal's deputies and other persons presenting to the marshal claims and accounts for payment; but they shall not be entitled to any fee for administering such oaths. (Feb. 21, 1911, c. 144, 36 Stat. 927.)

496. Marshal's bond; augmented bond.—Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of $20,000, for the faithful performance of said duties by himself and his deputies. (R. S. § 783.)

497. Same; augmented bond.—Whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney General, for the marshal to furnish greater security than the official bond theretofore given, a bond in a sum not to exceed $40,000 shall be given when required by the Attorney General, who shall fix the amount thereof. (Feb. 22, 1875, c. 95, § 2, 18 Stat. 333.)

498. Same; augmented bond for southern district of New York.—Whenever the business of the United States district court in the southern judicial district of the State of New York shall make it necessary, in the opinion of the Attorney General, for the United States marshal to furnish greater security than the official bond required by this section, a bond in an amount not to exceed $75,000 shall be given when required by the Attorney General, who shall fix the amount thereof. (Feb. 26, 1923, c. 112, 42 Stat. 1287.)

499. Same; filing and recording.—The marshal's bond shall be filed and recorded in the office of the clerk of the district court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice. (R. S. § 783.)

500. Same; suits; costs on breach of bond.—In case of a breach of the condition of a marshal's bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form. If such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. (R. S. § 784.)

501. Same; further security after judgment.—The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by breach of the condition of the same, until the whole penalty has been

recovered; and the proceedings shall always be as directed in section 500 of this title. (R. S. § 785.)

502. Same; limitation of suit on marshal's bond.—No suit on a marshal's bond shall be maintained unless it is commenced within six years after the right of action accrues, saving, nevertheless, the rights of infants, married women, and insane persons, so that they sue within three years after their disabilities are removed. (R. S. § 786.)

503. Marshals; duties.—It shall be the duty of the marshal of each district to attend the district courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty. (R. S. § 787.)

504. Same; powers as sheriffs.—The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof. (R. S. § 788.)

505. Same; payment of salaries of officers.—It shall be the duty of the United States marshals to pay, under regulations prescribed by the Attorney General, the salaries of all judges of the United States courts, except the justices of the Supreme Court of the United States, the salaries of judges retired under section 375 of this title, and the judges, officials, and employees of all courts whose sessions are held in the District of Columbia, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided, United States district attorneys, their regular assistants, clerks, and messengers, and United States marshals and their deputies. Every United States marshal operating under a bond executed prior to August 1, 1914, shall give bond effective thereafter for the faithful performance of the duties of his office, including the payment of the salaries above mentioned. (Aug. 1, 1914, c. 233, § 1, 38 Stat. 653.)

506. Same; death; deputies to continue.—In case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal is appointed, as provided in this chapter, and duly qualified. The defaults or misfeasances in office of such deputies in the meantime shall be adjudged a breach of the condition of the bond given by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputies, during such interval, as he would be entitled to if the marshal had continued in life and in the exercise of his said office until his successor was appointed and duly qualified. (R. S. § 789.)

507. Same; delivery of prisoners to successor.—Every marshal when removed from office, or when the term for which the marshal is appointed expires, shall be held responsible for the delivery to his successor of all prisoners who may be in his custody at the time of his removal, or when the term for which he is appointed expires; and for that purpose he may retain such prisoners in his custody until his successor is appointed and duly qualified. (R. S. § 790.)

508. Same; delivery of unserved process to successors.—All unserved process remaining in the hands of a United States marshal or his deputies, when the marshal ceases to be such, shall be immediately delivered to the succeeding marshal upon request; and when a deputy United States marshal resigns or is removed he shall, upon request, deliver to the United States marshal for the district all process remaining in his hands. (Mar. 3, 1899, c. 427, § 1, 30 Stat. 1237.)

509. Same; returns to Solicitor of Treasury.—Every marshal shall, within thirty days before the commencement of each term of the district courts in his district, make returns to the Solicitor of the Treasury of the proceedings had upon all writs of execution, or other process which have been placed in his hands, for the collection of moneys adjudged and decreed to the United States in the said courts, respectively. (R. S. § 791.)

510. Same; returns to Auditor of Post Office Department.—Every marshal to whom any execution upon a judgment in any suit for moneys due on account of the Post Office Department has been directed, shall make returns to the Comptroller General of the United States, at such times as he may direct, of the proceedings which have taken place upon the said process of execution. (R. S. § 792; June 10, 1921, c. 18, §§ 304, 310, 42 Stat. 24, 25.)

511. District attorneys and marshals; vacancies; filled temporarily.—In case of a vacancy in the office of the district attorney or marshal the district court of the United States for the district where the vacancy exists, and the Supreme Court of the District of Columbia may appoint persons to exercise the duties of such offices within their respective jurisdictions, until such vacancy shall be filled. Such appointment shall be in writing, which shall be filed in the clerk's office of the court making the appointment, and a copy thereof shall be entered upon the journal of said court. Any marshal so appointed shall give bond, as if appointed by the President, and the bond shall be approved by said court. It shall then be filed in the clerk's office of said court, and a copy shall be entered on the journal of the court. A certified copy of such entry shall be prima facie proof of the execution of such bond, and of the contents thereof. (R. S. § 793; June 24, 1898, c. 495, § 2, 30 Stat. 487.)

512. Clerks; oath.—The clerk of the Supreme Court, and every clerk and deputy clerk of a district court, shall, before he enters upon the execution of his office, take an oath or affirmation in the following form: "I, A B, being appointed a clerk of ———, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath. (R. S. § 794.)

513. Same; bond.—Except as otherwise provided, the clerk of every court shall give bond, in a sum to be fixed and with sureties to be approved by the court which appoints him, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and a new bond may be required whenever the court deems it proper that such bond should be given. A copy of every bond given by a clerk shall be entered on the journal of the court for which he is appointed, and the bond shall be deposited for safe-keeping as the court may direct. A certified copy of such entry shall be prima facie proof of the execution of such bond and of the contents thereof. (R. S. § 795.)

514. Bonds of clerks of district courts; renewal; augmented bonds.—The clerks of the district courts shall, each, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court for which he is appointed, to the United States, in the sum of not less than $5,000 and not more than $20,000, to be determined and regulated by the Attorney General of the United States, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk. It shall be the duty of the district attorneys of the United States, upon requirement by the Attorney General, to give thirty days' notice of motion in their several courts that new bonds, in accordance with the terms of sections 514 to 516 of this title, are required to be executed; and upon failure of any

clerk to execute such new bonds, his office shall be deemed vacant. The Attorney General may at any time, upon like notice through the district attorney, require a bond of increased amount, in his discretion, from any of said clerks within the limit of the amount above specified; and the failure of the clerk to execute the same shall in like manner vacate his office. All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records, certified by the clerks respectively, under seal of court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice. (Feb. 22, 1875, c. 95, § 3, 18 Stat. 333; Mar. 3, 1911, c. 231, § 220, 36 Stat. 1152.)

515. Augmented bonds of clerks.—Whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney General, for the clerk to furnish greater security than the official bond theretofore given, a bond in a sum not to exceed $40,000 shall be given when required by the Attorney General, who shall fix the amount thereof. (Feb. 22, 1875, c. 95, § 2, 18 Stat. 333.)

516. Clerks; bond; renewal.—The Attorney General is authorized to require the official bonds of clerks of United States courts to be renewed every four years, and to fix the amounts of such bonds within statutory limits. Failure to take such action shall not affect the liability under such bonds, but upon failure or refusal of any clerk to execute such new bond or bonds his office shall be deemed vacant by order of the President and so declared by the district attorney in open court. (July 1, 1918, c. 113, § 1, 40 Stat. 683.)

517. Bonds of deputy clerks.—Any district court may require any deputy clerk thereof to give bond to the United States for the faithful discharge of his duty as such deputy, in the same penalty, and with surety in the same manner, as is required by law of clerks; and such bond shall be recorded and preserved in like manner. But the taking of such bond shall not affect the legal responsibility of the clerk for the acts of such deputy. (R. S. § 796.)

518. Clerks; list of judgments, and report of moneys paid in internal revenue cases.—Every clerk of a district court shall, within thirty days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees, to which the United States are parties, which have been entered in said court, respectively, during such term, showing the amount adjudged or decreed, in each case, for or against the United States, and the term to which execution thereon will be returnable.

He shall also, at the close of each quarter or within ten days thereafter, report to the Commissioner of Internal Revenue all moneys paid into court on account of cases arising under the internal revenue laws, as well as all moneys paid on suits on bonds of collectors of internal revenue. The report shall show the name and nature of each case, the date of payment into court, the amount paid on account of debt, tax, or penalty, and also the amount on account of costs. If such money, or any portion thereof, has been paid by the clerk to any internal-revenue officer or other person, the report shall show to whom each of such payments was made; and if to an internal-revenue officer, it shall be accompanied by the receipt of such officer. (R. S. § 797, Mar. 1, 1879, c. 125, § 2, 20 Stat. 327.)

519. Same; account of payments and moneys in court.—At each regular session of any court of the United States, the clerk shall present to the court an account of all moneys remaining therein, or subject to its order, stating in detail in what causes they are deposited, and in what causes payments have been made; and said account and the vouchers thereof shall be filed in the court. (R. S. § 798.)

520. Mandamus to compel returns and performance of duties.—The district courts of the United States, for the purposes of sections 326, 497, 514, 515, 520 to 522, and 598 of this title, shall have power to award the writ of mandamus, according to the course of the common law, upon motion of the Attorney General or the district attorney of the United States, to any officer thereof, to compel him to make the returns and perform the duties required by said sections. (Feb. 22, 1875, c. 95, § 4, 18 Stat. 333.)

521. Clerks; failure to perform duties; removal from office.—If any clerk of any district court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is made his duty, in every such case, to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof, authenticated by the Attorney General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such district judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal. (Feb. 22, 1875, c. 95, § 5, 18 Stat. 334.)

522. Same; misdemeanors; punishment.—If any clerk mentioned in section 521 of this title shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a condition precedent to the removal from office provided for in section 521 of this chapter. (Feb. 22, 1875, c. 95, § 6, 18 Stat. 334.)

523. Clerks; oaths to persons in admiralty causes.—The clerks of the district courts may, in the absence or in case of the disability of the judges, administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes. (R. S. § 799.)

524. Residence of district attorneys, marshals, and clerks.—The Attorney General is authorized to fix and declare the place of the official residence of the district attorney and of each of his assistants: *Provided*, That the said assistants must be residents of the district for which they are appointed. The provisions relative to the residence of district attorneys, assistant district attorneys, and marshals shall not apply to the Territory of Alaska, and the provisions relating to the residence of district attorneys and assistant district attorneys shall not apply to the southern district of New York and the northern district of Illinois. The marshal's official residence shall be deemed to be at one of the places of holding court in the district, and the Attorney General shall be authorized to fix and declare the place of such official residence. Every clerk of the district court of the United States, shall reside permanently in the district where his official duties are to be performed.

Such district attorney, marshal, and clerk shall give his personal attention to his respective official duties; and in case any such officer shall remove from his district or to some place other than the place of his official residence, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant. In the southern district of New York said officers may reside within twenty miles of their districts. (June 20, 1874, c. 328, § 2, 18 Stat. 109; May 28, 1896, c. 252, §§ 8, 12, 29 Stat. 181, 183.)

525. Commissioners, clerks, and deputy clerks may administer oaths.—Except as provided in section 591 of this title United States commissioners and all clerks and all deputy clerks of United States courts are authorized to administer oaths. (May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, § 1, 31 Stat. 956.)

526. Commissioners; holding other office.—Except as provided in section 591 of this title, it shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are conferred and imposed by law. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney General. Such United States commissioners shall hold their offices for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney General. (May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956.)

527. Commissioners or receivers; persons ineligible.—Except as provided in section 591 of this title no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, except as provided in section 526 of this title, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver, or receivers in any case or cases brought in the courts of the United States. (May 28, 1896, c. 252, § 20, 29 Stat. 184.)

528. Commissioners; seals.—Each United States commissioner shall provide himself with an official impression seal, to be prescribed by the Attorney General, which said seal shall be affixed to each jurat or certificate of the official acts of said commissioner, but no increase of fees shall be allowed by reason thereof. (June 28, 1906, c. 3573, 34 Stat. 546.)

529. Same; records in criminal cases.—Except as provided in section 591 of this title, the United States commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation. (May 28, 1896, c. 252, § 21, 29 Stat. 185.)

530. Law books for judges transmitted to successors.—The law books purchased for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals shall in all cases be transmitted to their successors in office; all books so purchased to be marked plainly, "The property of the United States." (May 10, 1916, c. 117, § 1, 39 Stat. 119; June 1, 1922, c. 204, Title II, 42 Stat. 617; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1084; May 28, 1924, c. 204, Title II, 43 Stat. 221; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1031; Mar. 4, 1925, c. 556, § 1, 43 Stat. 1333.)

Chapter 16.—FEES, COMPENSATION, AND ACCOUNTS OF OFFICERS.

CLERKS' FEES, SALARIES, EXPENSES, AND ACCOUNTS

Sec.
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543. Circuit Court of Appeals; costs and fees; tables of fees; revision thereof.
544. Clerks of circuit courts of appeals; allowance and payment of office expenses, personal compensation, etc.
545. Same; travel expenses.
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547. Criers, clerks, bailiffs, and messengers of circuit courts of appeals; compensation.
548. Fees of clerks of district courts; United States not liable for fees.
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553. Same; on filing petition or application for habeas corpus, or appeal from deportation order.
554. Same; for each additional trial or final hearing upon reversal by Circuit Court of Appeals or Supreme Court, or disagreement by jury; on grant of new trial or rehearing.
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Section 541. Clerk of Supreme Court; annual returns.—The clerk of the Supreme Court of the United States, on the 1st day of January in each year, or within thirty days thereafter, shall, on a form prescribed by the Attorney General, make to the Attorney General a return, under oath, of all fees and costs collected by him in cases disposed of at the preceding term or terms of the court, and of all emoluments collected by him, and after deducting from such collections his compensation as provided in section 542 of this chapter, and the incidental expenses of his office, including clerk hire, such expenses to be certified by the Chief Justice, and audited and allowed by the proper accounting officers of the Treasury, shall at the time of making such returns pay any surplus that may remain into the Treasury of the United States. (Mar. 15, 1898, c. 68, § 8, 30 Stat. 317.)

542. Same; compensation retained by; surplus paid into Treasury.—The clerk of the Supreme Court of the United States shall not retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk hire and the incidental expenses of his office, certified to by the court, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the General Accounting Office, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury as provided by law in cases of clerks of the circuit and district courts of the United States. (Mar. 3, 1883, c. 143, 22 Stat. 631; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

543. Circuit Court of Appeals; costs and fees; tables of fees; revision thereof.—The costs and fees in each circuit court of appeals shall be fixed and established by said court in a table of fees and within three months after fixing and establishing such costs and fees, transmit the table to the Chief Justice of the United States, and within one year thereof the Supreme Court of the United States shall revise said table, making it, so far as may seem just and reasonable, uniform throughout the United States, which table shall thereupon be in force in each circuit. The costs and fees so fixed by any court of appeals shall not, with respect to any item, exceed the costs and fees now charged in the Supreme Court. (Mar. 3, 1891, c. 517, § 2, 26 Stat. 826; Feb. 19, 1897, c. 263, 29 Stat. 536.)

544. Clerks of circuit courts of appeals; allowance and payment of office expenses, personal compensation, and so forth.—Office expenses of clerks of United States circuit courts of appeals, also the personal compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business shall be allowed in accordance with the provisions of sections 557, 558, 560, and 562 to 567 of this title, except as otherwise provided in section 545 of this title, after authorization and approval by the Attorney General, and shall be paid by the respective United States marshals designated by the Attorney General. But the salaries of clerks of the United States circuit courts of appeals shall not be fixed at a rate in excess of $5,000 per annum. All fees and other moneys of every character and description received by said clerks, by virtue of their offices, shall be paid into the Treasury, as in the case of clerks of United States district courts. (Mar. 3, 1891, c. 517, § 2, 26 Stat. 826; June 1, 1922, c. 204, Title II, 42 Stat. 616; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1030.)

545. Same; travel expenses.—Only actual expenses of travel and expenses of lodging and subsistence, not to exceed $5 per day, shall be allowed any clerk of a United States circuit court of appeals when absent from his official residence on official business. (July 19, 1919, c. 24, § 1, 41 Stat. 210.)

546. Same; annual returns.—Clerks of the United States circuit courts of appeals, annually and within thirty days after the 30th day of June in each year, shall make a return to the Attorney General of the United States of all the fees and emoluments of their offices respectively. Such return shall cover all fees and emoluments earned during the preceding year. The respective clerks shall, at the time of making such returns, pay into the Treasury of the United States the amount of such fees and emoluments. (June 6, 1900, c. 791, § 1, 31 Stat. 639.)

547. Criers, clerks, bailiffs, and messengers of circuit courts of appeals; compensation.—The criers, clerks, bailiffs, and messengers of the circuit courts of appeals shall be allowed the same compensation for their respective services as are allowed for similar services in the district courts. (Mar. 3, 1891, c. 517, § 9, 26 Stat. 829.)

548. Fees of clerks of district courts; United States not liable for fees.—The fees provided for in sections 549 to 555 of this chapter, and no other, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants. The United States shall not be required to pay any sum or fee herein provided for. (R. S. § 823; Feb. 11, 1925, c. 204, § 1, 43 Stat. 857.)

549. Same; on institution of suit or proceeding.—Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of $5. (Feb. 11, 1925, c. 204, § 2, 43 Stat. 857.)

550. Same; on filing answer or paper joining issue or entering order for trial; on entering plea of guilty.—Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk, from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding, the further sum of $5. After one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervenor, or party, other defendants, cross petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of $2, for each answer or paper so filed. In any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case, a fee of $5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him. (Feb. 11, 1925, c. 204, § 3, 43 Stat. 857.)

551. Same; on entry of judgment, decree, or final order.—Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of $5. In any criminal case the clerk shall not be required to account for any such fee not collected by him. (Feb. 11, 1925, c. 204, § 4, 43 Stat. 857.)

552. Same; on filing petition for appeal or writ of error.—Upon the filing of any petition for appeal or writ of error to

any circuit court of appeals or the Supreme Court of the United States there shall be charged and collected by the clerk, from the party or parties prosecuting such appeal or writ of error, an additional fee in said suit or proceeding of $5. (Feb. 11, 1925, c. 204, § 5, 43 Stat. 857.)

553. Same; on filing petition or application for habeas corpus, or appeal from deportation order.—Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk, from the petitioner or applicant, as full payment for all services performed or to be performed by him in said proceeding, the sum of $5. If an appeal is prosecuted from the order of the district court in said proceeding, then and in that event the additional sum of $5, as provided in section 551 of this title, shall be charged and collected by the clerk. (Feb. 11, 1925, c. 204, § 6, 43 Stat. 857.)

554. Same; for each additional trial or final hearing upon reversal by circuit court of appeals or Supreme Court or disagreement by jury; on grant of new trial or rehearing.—For each additional trial or final hearing, upon a reversal by a circuit court of appeals or the Supreme Court of the United States, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk, from the party or parties securing such reversal, new trial, or rehearing, or from the plaintiff or plaintiffs in the event of a disagreement, the further sum of $5. The clerk shall not be required to account for any such fee not collected by him in any criminal case. Nothing herein contained shall prohibit the court from directing by rule or standing order, the collection at the time the services are rendered of the fees herein enumerated, from either party, but all such fees shall be taxed as costs in the respective cases. (Feb. 11, 1925, c. 204, § 7, 43 Stat. 857.)

555. Same; additional fees enumerated.—In addition to the fees for services rendered in cases, hereinbefore enumerated, the clerk shall charge and collect, for miscellaneous services performed by him, and his assistants, except when on behalf of the United States, the following fees:

1. For issuing any writ or a subpœna for a witness, not in a case instituted or pending in the court from which it is issued, and filing and entering the return of the marshal thereon, 50 cents.

2. For filing and indexing any paper, not in a case or proceeding, 25 cents.

3. For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 10 cents.

4. For an acknowledgment, certificate, affidavit or countersignature, with seal, 50 cents.

5. For taking and certifying depositions to file, 20 cents for each folio of one hundred words, and if taken stenographically, 15 cents per folio additional, for the stenographer.

6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of one hundred words.

7. For filing præcipe or requisition and searching the records of the court for judgments, decrees, or other instruments or suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60 cents for the first name and 25 cents for each additional name embraced in the certificate.

8. For receiving, keeping, and paying out money in pursuance of any statute or order of court, including cash bail or bonds or securities authorized by law to be deposited in lieu of other security, 1 per centum of the amount so received, kept and paid out, or of the face value of such bonds or securities.

9. For keeping a record of surety companies and bonds thereof, 15 cents for each folio of one hundred words.

10. For preparation and mailing notices in bankruptcy, 10 cents each for the first twenty notices and 5 cents for each additional notice. This fee shall cover and include all services and expenses in connection therewith: *And provided further*, That such fee shall not be deemed to be included in any other fee for services in bankruptcy proceedings.

11. For making and comparing a transcript of record on appeal or writ of error when required or requested, 15 cents for each folio of one hundred words.

12. For comparing any transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of one hundred words.

13. For making a final record in any case at the request of either party or upon order of court in a particular case, 15 cents for each folio of one hundred words. When any such final record is made upon order of court the fees therefor shall be taxed in the costs of the case.

14. For admission of attorneys to practice, $1 each; for certificate of admission to be furnished upon request, $2 additional.

15. For making any record not in a case and not provided for in sections 548 to 555 of this title, 15 cents for each folio of one hundred words. Nothing in this section and the sections 548 to 554 of this chapter shall repeal or in any way modify or enlarge the provisions of sections 832 to 836 of this title. (R. S. § 828; June 28, 1902, c. 1301, § 1, 32 Stat. 476; Feb. 11, 1925, c. 204, § 8, 43 Stat. 858.)

556. Clerks of district courts; books open to inspection.—All books in the offices of the clerks of the district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor. (R. S. § 828.)

557. Same; salaries in lieu of fees; collection and disposition of fees.—All fees and emoluments authorized by law to be paid to the clerks of the United States district courts, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, except the clerks of the district courts of Alaska, shall be charged and collected, as far as possible, and paid into the Treasury of the United States in such manner and at such times as hereinafter provided; and such clerks shall be paid, in lieu of the fees and emoluments allowed by law on February 26, 1919, an annual salary as provided in section 558 of this chapter. This section shall not be construed to require or authorize fees to be charged or collected from the United States. (Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

558. Same; salaries; amount.—The clerk of the United States district court for each of the judicial districts of the United States, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, except the clerks of the district courts of Alaska, shall be paid, in lieu of the fees, salaries, and per centum allowed by law on February 26, 1919, an annual salary to be fixed by the Attorney General at not less than $2,500 nor more than $5,000, based in each instance upon the amount of business transacted by the court and the fees and the emoluments received by the clerks in the four years last preceding February 26, 1919. (Feb. 26, 1919, c. 49, § 2, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

559. Same; change in salaries.—The Attorney General is authorized and empowered to increase or decrease the salary of any clerk of a United States district court within the limits prescribed by section 558 of this chapter, where upon investigation the Attorney General finds that there has been such material increase or decrease in the volume of business transacted in any such district when contrasted with the volume of busi-

ness upon which the said salaries have been fixed, as to justify such increase or decrease, but in all cases the said increase or decrease shall be based upon the amount of business transacted by the court and the fees and emoluments collected by the clerks and by them paid into the Treasury of the United States during the four years last preceding the time of such increase or decrease of salary to be made by the Attorney General under the power hereby conferred. No change in the salary of any clerk having been fixed under power hereby conferred shall be made until after the lapse of four years from the date of such change. (Apr. 26, 1922, c. 146, 42 Stat. 500.)

560. Same; traveling expenses.—When any clerk of a district court, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, is necessarily absent from his official residence on any official business he shall be allowed his actual traveling expenses only and his necessary and actual expenses for lodging and subsistence, the latter not to exceed $4 per day. (Feb. 26, 1919, c. 49, § 8, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

561. Same; per diem in lieu of subsistence.—Per diem in lieu of subsistence may be granted to clerks of United States district courts, their deputies and other assistants, instead of, but at the rates prescribed and under conditions applicable to the allowance for actual expenses of subsistence, as provided in sections 557, 558, 560, and 562 to 567 of this title. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 338.)

562. Same; deputies and clerical assistants; compensation; traveling expenses.—The compensation of deputy clerks and clerical assistants to clerks of the district courts, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, shall be fixed by the Attorney General from time to time and paid as provided in section 564 of this title.

When any such deputy or clerical assistant is necessarily absent from the place of his regular employment on official business he shall be allowed his actual traveling expenses only and his necessary and actual expenses for lodging and subsistence, the latter not to exceed $3 per day. (Feb. 26, 1919, c. 49, § 4, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

563. Same; office expenses.—The necessary office expenses of the clerks of the district courts of the United States, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, shall be allowed when authorized by the Attorney General. (Feb. 26, 1919, c. 49, § 5, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

564. Same; salaries; when and by whom payable.—The salaries of the clerks, deputy clerks, and clerical assistants to the clerks of the district courts, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, shall be paid monthly by the marshals of the respective districts. (Feb. 26, 1919, c. 49, § 6, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

565. Same; expense accounts.—The expense accounts of clerks of the United States district courts, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, when made out and verified, and the expense accounts of their deputy clerks and clerical assistants, when made out and certified as correct by the clerk of such court, covering the necessary expenses incurred by such clerk, deputy clerk, or clerical assistants when necessarily absent from the place of regular employment on official business, shall be paid by the marshal, who shall include them in his accounts with the United States. (Feb. 26, 1919, c. 49, § 7, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

566. Same; office expenses; payment.—The necessary office expenses of the clerks of the United States district courts, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, as allowed and authorized by the Attorney General, shall be paid by the marshal and included in his accounts with the United States. (Feb. 26, 1919, c. 49, § 8, 40 Stat. 1182; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

567. Same; accounts.—The clerk of every district court, including the clerks of the district courts of the United States for Hawaii and Porto Rico, and the clerk of the Supreme Court of the District of Columbia, except the clerks of the district courts of Alaska, shall account quarterly for all the fees and emoluments earned during the quarter last preceding such accounting, except where the person requiring the services is relieved by law from prepayment of fees and costs, and for all fees and emoluments received within the quarter which had been earned prior thereto. Such accounting shall be in writing and shall be made to the Attorney General, in such form as he may prescribe, on the first days of January, April, July, and October in each year, or within twenty days thereafter, and shall include all moneys received in connection with the admission of attorneys to practice in the court, all that portion retained by the clerk of moneys received for services in naturalization proceedings in whatever capacity rendered, and all other amounts received for services in any way connected with the clerk's office. Such accounts shall be made in duplicate and be verified by the oath of the officer making them. The Attorney General shall cause each such return or account to be carefully examined by the proper officer of the Department of Justice and shall approve the same as he may deem just and proper, and shall transmit it with his approval to the General Accounting Office, by whom an account shall be stated against the officer rendering such return or account. Immediately upon receipt of notice from the auditor, or within ten days thereafter, the clerk shall deposit to the credit of the Treasurer of the United States the amount so stated against him. (R. S. § 833; June 28, 1902, c. 1301, § 1, 32 Stat. 475; Feb. 26, 1919, c. 49, § 9, 40 Stat. 1183; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

568. Same; reports and accounts of moneys received; dockets.—The Attorney General shall hereafter, under rules and regulations prescribed by him, require the clerks of the United States district courts, clerks of the Territorial courts, and the clerks of the United States courts in Alaska to report and account for all moneys received by them on account of or as security for fees and costs, and to report and account for all amounts collected or received by them on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs. The Attorney General shall also require such clerks to report and account for any other moneys received by them in their official capacity, whether on behalf of the United States or otherwise, and the Attorney General shall prescribe such docket or dockets or other books as he may deem proper to be kept and used by such clerks in recording, reporting, and accounting for moneys mentioned above in this paragraph, and in recording all fees and emoluments earned by them, which dockets or other books shall be kept and used by said clerks in accordance with rules and regulations prescribed by the Attorney General. (June 30, 1906, c. 3914, § 1, 34 Stat. 754.)

569. Same; compensation from other offices prohibited; violation entails vacation of appointment; exception.—No clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or

emoluments through any office or position to which he may be appointed by the court, other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from private litigants, and the acceptance of payment for personal services from private litigants shall be deemed a vacation of their appointments, but clerks of United States district courts, their deputies and assistants, who are or may be appointed United States commissioners, may receive compensation for both offices in an aggregate amount not exceeding the rate of $2,000 per annum. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1413; June 16, 1921, c. 23, § 1, 42 Stat. 41.)

570. Clerks; fees not earned or due.—It shall be unlawful for any clerk of any court of the United States to include in his emolument, account, or return any fee or fees not actually earned and due at the time such account or return is required by law to be made, and no fees not actually earned shall be allowed in any such account. (Mar. 2, 1895, c. 189, 28 Stat. 956.)

FEES OF ATTORNEYS, SOLICITORS, AND PROCTORS

571. Fees to be taxed.—The following fees and no other shall be taxed and allowed to attorneys, solicitors, and proctors in the courts of the United States, and to district attorneys, except in cases otherwise expressly provided by law. But nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties. (R. S. § 823; May 28, 1896, c. 252, § 6, 29 Stat. 179; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099.)

572. Attorneys, solicitors, and proctors.—On a trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of $20: *Provided*, That in cases of admiralty and maritime jurisdiction, where the libelant recovers less than $50, the docket fee of his proctor shall be but $10.

In cases at law, when judgment is rendered without a jury, $10.

In cases at law, when the cause is discontinued, $5.

For scire facias, and other proceedings on recognizances, $5.

For each deposition taken and admitted in evidence in a cause, $2.50. (R. S. § 824.)

MARSHALS' FEES

573. Marshal of Supreme Court of United States.—The marshal of the Supreme Court of the United States shall be entitled to receive for the service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons, or subpœna for a witness, $1 for each person on whom such service may be made. His fees for all other services shall be the same as are allowed to other marshals; but he shall pay into the Treasury of the United States all fees received by him, and render a true account thereof at the close of each term to the Attorney General. (R. S. § 832.)

574. Marshals; fees enumerated.—The following fees and no other shall be taxed and allowed to marshals, except in cases otherwise expressly provided by law: For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpœna for a witness, $2 for each person on whom service is made.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving venires and summoning every twelve men as grand or petit jurors, $4, or 33⅓ cents each.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, $5.

For serving a writ of subpœna on a witness, 50 cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, the same mileage as is allowed for the service of any other writ, and for making the service, seizing or levying on property, advertising and disposing of the same by sale, set off, or otherwise according to law receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the States, respectively, in which the service is rendered.

For each bail-bond, 50 cents.

For summoning appraisers, 50 cents each.

For executing a deed prepared by a party or his attorney, $1.

For drawing and executing a deed, $5.

For copies of writs or papers furnished at the request of any party, 10 cents a folio.

For every proclamation in admiralty, 30 cents.

For serving an attachment in rem or a libel in admiralty, $2.

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding $2.50 a day.

When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of 1 per centum on the first $500 of the claim or decree, and one-half of 1 per centum on the excess of any sum thereof over $500: *Provided*, That, when the value of the property is less than the claim, such commission shall be allowed only on the appraised value thereof.

For sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and for receiving and paying over the money, 2½ per centum on any sum under $500, and 1¼ per centum on the excess of any sum over $500.

For disbursing moneys, 2 per centum.

For expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed $2 a day, in addition to his compensation for service and travel.

For every commitment or discharge of a prisoner, 50 cents.

For transporting criminals, 10 cents a mile for himself and for each prisoner and necessary guard; except in the case provided for in the next paragraph.

For transporting criminals convicted of a crime in any district or Territory where there is no penitentiary available for the confinement of convicts of the United States, to a prison in another district or Territory designated by the Attorney General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

For attending examinations before a commissioner, and bringing in, guarding, and returning prisoners charged with crime, and witnesses, $2 a day; and for each deputy not exceeding two, necessarily attending, $2 a day.

For travel, in going only, to serve any process, warrant, attachment, or other writ, including writs of subpœna in civil or criminal cases, 6 cents a mile, to be computed from the place where the process is returned to the place of service, or, when more than one person is served therewith, to the place of service which is most remote, adding thereto the extra travel which is necessary to serve it on the others. But when more than two writs of any kind required to be served in behalf of the same party on the same person might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the clerk to insert the names

of as many witnesses in a cause in such subpœna as convenience in serving the same will permit.

In all cases where mileage is allowed to the marshal he may elect to receive the same or his actual traveling expenses, to be proved on his oath, to the satisfaction of the court. (R. S. §§ 823, 829; May 28, 1896, c. 252, §§ 6, 7, 12, 29 Stat. 179, 180, 183.)

575. Warrants in prosecutions under internal revenue laws.—No part of any money appropriated to pay any fees to the United States commissioners, marshals, or clerks shall be used for any warrant issued or arrest made, or other fees in prosecutions under the internal revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States district attorney, collector, or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief, and approved either before or after such arrest by a circuit or district judge or the attorney of the United States in the district where the offense is alleged to have been committed or the indictment is found. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 416.)

576. Same; execution or return of writs.—No marshal or deputy marshal shall be allowed more than one mileage for each mile actually and necessarily traveled, irrespective of the number of writs he may execute in making such travel; nor shall any marshal or deputy marshal be allowed any additional mileage incident to the execution or return of any writ of arrest, commitment, or removal other than the 10 cents a mile allowed by law for each deputy, prisoner, and guard; and no mileage shall be allowed upon any writ not executed or when the travel was without cost to marshal or deputy. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 416; June 6, 1900, c. 791, § 1, 31 Stat. 639.)

SALARIES, EXPENSES, AND ACCOUNTS OF DISTRICT ATTORNEYS AND MARSHALS

577. Accounts of fees or costs not reexamined.—No accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or costs. Where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary. (R. S. § 846; Feb. 18, 1875, c. 80, § 1, 18 Stat. 318; Feb. 22, 1875, c. 95, § 1, 18 Stat. 333; May 28, 1896, c. 252, § 13, 29 Stat. 183; May 27, 1908, c. 200, § 1, 35 Stat. 375; Feb. 26, 1919, c. 49, § 7, 40 Stat. 1182.)

578. Salaries to district attorneys and marshals in lieu of fees, and so forth.—Except as provided in section 591 of this title, all fees and emoluments authorized by law to be paid to United States district attorneys including the district attorney and his assistants for the District of Columbia and United States marshals shall be charged and collected, as far as possible, and paid to the clerk of the court having jurisdiction, and by him covered into the Treasury of the United States; and said officers shall be paid for their official services, which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting, salaries and compensation hereinafter provided and not otherwise. This section shall not be construed to require or authorize fees to be charged against or collected from the United States, except as provided by sections 583 and 586 of this title. (May 28, 1896, c. 252, § 6, 29 Stat. 179; Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1207; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

579. Salaries of United States attorneys and marshals.—Except as provided in section 591 of this title, the salaries of the United States attorneys and United States marshals for the several judicial districts of the United States shall be fixed by the Attorney General, at rates not less than $3,000 nor more than $7,500 per annum for attorneys and at rates not less than $3,000 nor more than $6,500 per annum for marshals, the amount to be based in each instance upon the business transacted during the four years ending June 30, 1923. The salaries of the United States attorneys for the southern district of New York, the northern district of Illinois, and the District of Columbia may be fixed at rates not exceeding $10,000 per annum for each of said districts.

The Attorney General may increase or decrease any of the salaries fixed, as aforesaid, within the limits prescribed in the foregoing if, upon investigation, he finds that there has been a material increase or decrease in the volume of business transacted: *Provided*, That no salary fixed under the provisions of this section shall be changed more than once in any four years. (R. S. §§ 823, 824, 829, 830; Mar. 3, 1887, c. 362, 24 Stat. 541; May 28, 1896, c. 252, §§ 7, 9, 29 Stat. 181; Mar. 11, 1902, c. 183, § 15, 32 Stat. 69; Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1207; June 30, 1906, c. 3914, § 1, 34 Stat. 753; Feb. 27, 1907, c. 2073, § 13, 34 Stat. 1000; Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1360; May 27, 1908, c. 200, § 1, 35 Stat. 375; Mar. 3, 1909, c. 269, § 21, 35 Stat. 843; June 25, 1910, c. 397, 36 Stat. 828; June 25, 1910, c. 411, 36 Stat. 838; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1426; Apr. 8, 1912, c. 71, 37 Stat. 79; June 23, 1913, c. 3, § 1, 38 Stat. 54; Mar. 3, 1915, c. 100, §§ 3, 4, 38 Stat. 961; June 13, 1918, c. 99, 40 Stat. 605; Feb. 26, 1919, c. 51, 40 Stat. 1183; Mar. 4, 1923, c. 295, 42 Stat. 1560.)

580. Assistant district attorneys; expenses of district attorney and assistants; official residence.—Except as provided in section 591 of this title, assistant district attorneys including those of the District of Columbia, shall be paid such salary as the Attorney General may from time to time determine as to each, which shall in no case exceed $3,500 per annum except in the case of the assistant district attorney for the eastern district of Pennsylvania, whose salary shall not exceed $4,000. (May 28, 1896, c. 252, § 8, 29 Stat. 181; Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1141; Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1360; May 27, 1908, c. 200, § 1, 35 Stat. 375; July 19, 1919, c. 24, § 1, 41 Stat. 209; Jan. 3, 1923, c. 21 Title II, 42 Stat. 1083.)

581. District attorneys and assistants; per diem in lieu of subsistence.—United States district attorneys and their regular assistants may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence. (June 1, 1922, c. 204, Title II, 42 Stat. 616; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1083; Apr. 2, 1924, c. 81, 43 Stat. 44; May 28, 1924, c. 204, Title II, 43 Stat. 220; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1029.)

582. Marshals; salaries and expenses of office deputies and clerks.—Except as provided in section 591 of this title, office deputies and clerical assistance of the marshal shall receive salaries to be fixed by the Attorney General, from time to time, and paid as provided in section 588 of this title. When any of such office deputies is engaged in the service of any writ, process, subpœna, or other order of the court, or when necessarily absent from the place of his regular employment; on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodg-

ing and subsistence, not to exceed $4 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as provided in section 586 of this title. (May 28, 1896, c. 252, § 10, 29 Stat. 182; Feb. 19, 1909, c. 161, 35 Stat. 640; June 1, 1922, c. 204, Title II, 42 Stat. 615; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1029.)

583. Same; field deputies; compensation.—Except as provided in section 591 of this title, field deputies to the marshal shall each, as his compensation, receive the gross fees, including mileage, as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime. A field deputy may elect to receive actual expenses on any trip in lieu of mileage. In special cases, where in his judgment justice requires, the Attorney General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than the gross fees earned by such field deputy. (May 28, 1896, c. 252, § 11, 29 Stat. 182; Mar. 4, 1911, c. 269, 36 Stat. 1355.)

584. Same; expenses.—Except as provided in section 591 of this title, the marshal, when attending court at any place other than his official residence, and when engaged in the service or attempted service of any process, writ, or subpœna, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day and his actual necessary traveling expenses. He shall also be allowed the actual necessary expenses in transporting prisoners, including necessary guard hire. An account of such expenses shall be made out and paid as provided in section 586 of this title. (May 28, 1896, c. 252, § 12, 29 Stat. 183.)

585. Same; per diem.—Marshals and office deputy marshals (except in the District of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for the present allowance for actual expenses of subsistence. (June 1, 1922, c. 204, Title II, 42 Stat. 615; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1083; May 28, 1924, c. 204, Title II, 43 Stat. 220; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1029.)

586. Attorneys and marshals; expense accounts.—Except as provided in section 591 of this title, whenever in sections 526, 578, 582 to 584, 591, and 597 of this title, an officer, including the district attorney for the District of Columbia and his assistants, is allowed actual expenses the account therefor shall be made out quarterly, in accordance with rules and regulations prescribed by the Attorney General. When made out the account shall be verified on oath before an officer authorized to administer oaths. The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals; said accounts and the expense accounts of the district attorneys and their assistants when made out in accordance with sections 526, 578, 582 to 584, 591, and 597 shall be submitted to and examined by the district court of the district, and when approved by the court shall be audited and allowed as provided by law. Each marshal shall make such returns of the earnings and expenses of his office as shall be required under rules and regulations prescribed by the Attorney General. No office or field deputy shall receive compensation as bailiff, and no field deputy shall receive fees for representing the marshal in court. (R. S. §§ 833, 834; May 28, 1896, c. 252, § 13, 29 Stat. 183; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

587. Same; office expenses.—Except as provided in section 591 of this title, the necessary office expenses of the district attorneys, including the district attorney for the District of Columbia and his assistants, and marshals shall be allowed when authorized by the Attorney General. (May 28, 1896, c. 252, § 14, 29 Stat. 183; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

588. Time of payment of salaries.—All salaries provided by sections 483, 484, 492, 493, 578, 580, 582 to 584, 586, and 587 of this title, inclusive, shall be paid monthly by the Department of Justice, except as provided in section 591 of this title. (May 28, 1896, c. 252, § 16, 29 Stat. 183.)

589. Costs not affected.—Except as provided in section 591 of this title, sections 483, 484, 492, 493, 578, 580, 582 to 584, 586, and 587 of this title shall not be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors. (May 28, 1896, c. 252, § 17, 29 Stat. 183.)

590. Illegal fees; failure to account for or pay over fees.—Except as provided in section 591 of this title, any officer whose compensation is fixed by sections 483, 484, 492, 493, 578, 580, 582 to 584, 586, and 587 of this title, who shall directly or indirectly demand, receive, or accept any fee or compensation for the performance of any official service other than is provided in said sections, or shall willfully fail or neglect to account for or pay over to the proper officer any fee received or collected by him shall, upon conviction thereof, be punished by a fine of not less than $50 nor more than $500, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment. (May 28, 1896, c. 252, § 18, 29 Stat. 183.)

591. Exceptions from provisions of preceding sections.—None of the provisions of sections 483, 484, 492, 493, 525, 526, 527, 529, 578, 580, 582 to 584, 586 to 590, and 597 of this title, 337 of Title 5, and 594 of Title 18, shall apply to the District of Alaska. None of the provisions of sections 483, 484, 578, and 580 of this title shall apply to the office of the United States district attorney and his assistants for the southern district of New York, or the northern district of Illinois. (May 28, 1896, c. 252, § 24, 29 Stat. 186; Feb. 19, 1897, c. 265, § 1, 29 Stat. 577; Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1141; Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1360; July 19, 1919, c. 24, § 1, 41 Stat. 209.)

592. District attorneys; traveling expenses; subsistence.—The necessary expenses for lodging and subsistence actually paid, not exceeding $4 per day and actual and necessary traveling expenses of the United States district attorneys, including the district attorneys and their assistants for the District of Columbia, for the southern district of New York, and for the northern district of Illinois and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the following manner: That the accounts of the United States attorneys and assistant United States attorneys for expenses herein provided for shall be made out monthly in accordance with rules and regulations prescribed by the Attorney General. And when said expense accounts are made out, as hereinbefore provided, and verified on oath before an officer authorized by law to administer oaths, they shall be submitted to and examined by one of the judges of the district court of the district for which said United States attorney or assistant United States attorney was appointed, and when approved by said judge, may be allowed and paid by the United States marshal for said district, and the amount of such payments shall be included in said marshal's accounts with the United States, and audited and allowed as provided by law. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1360; May 27, 1908, c. 200, § 1, 35 Stat. 375; July 1, 1918, c. 113, § 1, 40 Stat. 683.)

593. Same; clerks and messengers for southern district of New York.—Clerks and messengers in the office of the United States district attorney for the southern district of New York shall be paid from appropriations for salaries and expenses of district attorneys, by the disbursing clerk of the Department of Justice, in such number and at such salaries as may be fixed by the Attorney General, and that such office expenses of said district attorney as may be approved by the Attorney General shall also be paid in the same manner and from the same appropriations as similar expenses in other judicial districts. (June 30, 1906, c. 3914, § 1, 34 Stat. 753.)

594. Salaries of district attorney for District of Columbia and assistants.—Certificates to the effect that the public interest requires the appointment of assistants to the district attorney for the District of Columbia shall be made by the chief justice of the Supreme Court of the District of Columbia and the district attorney. The principal assistant to the district attorney shall be paid a salary not in excess of $4,000 per annum, as the Attorney General may from time to time determine. (July 19, 1919, c. 24, § 1, 41 Stat. 209; Mar. 4, 1923, c. 205, 42 Stat. 1560.)

COMPENSATION OF CRIERS AND BAILIFFS

595. Criers of courts and attendants on juries.—All persons employed under section 9 of this title shall be allowed for their services the sum of $3 per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. Such compensation shall be paid only for actual attendance. Such persons shall be deemed to be in actual attendance when they attend upon the order of the courts, but no such person shall be employed during vacation. (R. S. § 715; Mar. 3, 1905, c. 1487, 33 Stat. 1259; June 1, 1922, c. 204, Title II, 42 Stat. 617; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1084; May 28, 1924, c. 204, Title II, 43 Stat. 221.)

596. Per diem of bailiffs and criers.—No per diem shall be paid to any bailiff or crier unless the court is actually in session and the judge present and presiding or present in chambers. (Feb. 27, 1925, c. 364, Title II, 43 Stat. 1030.)

COMMISSIONERS' FEES

597. Commissioners' fees; enumeration.—Except as provided in section 591 of this title, each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $3; for attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio. (May 28, 1896, c. 252, § 21, 29 Stat. 184.)

598. Commissioners' accounts; proof, and approval by court.—United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court, and the court shall cause to be entered of record an order approving or disapproving the account, as may be according to law and just. (Feb. 22, 1875, c. 95, § 1, 18 Stat. 333; May 28, 1896, c. 252, § 13, 29 Stat. 183; Feb. 26, 1919, c. 49; § 9, 40 Stat. 1183.)

599. Commissioners' fees; how paid.—The fees of commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury. (R. S. § 856; May 28, 1896, c. 252, § 6, 29 Stat. 179; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; Feb. 11, 1921, c. 46, 41 Stat. 1099.)

FEES OF JURORS AND WITNESSES

600. Grand and petit jurors; fees.—The fees of grand and petit jurors for actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, shall be $3 a day during such attendance.

For the distance necessarily traveled from their residence in going to and returning from said court by the shortest practicable route, 5 cents a mile. (R. S. § 852; June 21, 1902, c. 1138, 32 Stat. 396.)

601. Witnesses' fees; enumeration.—Witnesses shall be paid for each day's attendance in court, or before any officer pursuant to law, $1.50, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning. When a witness is subpœnaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of $1 a day. (R. S. § 848.)

602. Fees and mileage of jurors and witnesses.—Jurors and witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, Utah, New Mexico, and Arizona shall be entitled to receive for actual attendance at any court or courts and for the time necessarily occupied in going to and returning from the same, $3 a day, and 15 cents for each mile necessarily traveled over any stage line, or by private conveyance, and 5 cents for each mile by any railway or steamship in going to and return-

ing from said courts. No constructive or double mileage fees shall be allowed by reason of any person being summoned as both a witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof. (May 27, 1908, c. 200, § 1, 35 Stat. 377.)

603. No officer of court to have witness fees.—No officer of the United States courts, in any State or Territory, or in the District of Columbia, shall be entitled to witness fees for attending before any court or commissioner where he is officiating. (R. S. § 849.)

604. Expenses of officers of United States as witnesses.—When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage or other compensation in addition to his salary, shall in any case be allowed. (R. S. § 850.)

605. Seamen as witnesses.—There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation as such court may adjudge to be proper, not exceeding $1 for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States.

When such seaman or person is transported in an armed vessel of the United States no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case 50 cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly. (R. S. § 851.)

PRINTERS' FEES

606. Printers' fees.—For publishing any notice, or order, required by law, or the lawful order of any court, department, bureau, or other person, in any newspaper, printers shall be allowed a fee of 40 cents per folio for the first insertion, and 20 cents per folio for each subsequent insertion. The compensation herein provided shall include the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making such publication. (R. S. § 853; Feb. 18, 1875, c. 80, § 1, 18 Stat. 317.)

607. Meaning of folio.—The term folio, in this chapter, shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words. (R. S. § 854.)

FEES, HOW PAID AND RECOVERED

608. Jurors; paid by marshal.—In cases where the United States are parties, the marshal shall, on the order of the court, to be entered on its minutes, pay to the jurors and witnesses all fees to which they appear by such order to be entitled, which sum shall be allowed him at the Treasury in his accounts. (R. S. § 855.)

609. Recovery of fees.—The fees and compensations of the officers and persons hereinbefore mentioned, except those which are directed to be paid out of the Treasury, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered. (R. S. § 857.)

Chapter 17.—EVIDENCE.

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Section 631. Competency of witnesses governed by State laws.—The competency of a witness to testify in any civil action, suit, or proceding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held. (R. S. § 858; June 29, 1906, c. 3608, 34 Stat. 618.)

632. Same; defendants in criminal cases.—In the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, Territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request but not otherwise, be a competent witness. And his failure to make such request shall not create any presumption against him. (Mar. 16, 1878, c. 37, 20 Stat. 30.)

633. Same; husband or wife of defendant in prosecution for bigamy.—In any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law. (Mar. 3, 1887, c. 397, § 1, 24 Stat. 635.)

634. Testimony of witnesses before Congress.—No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege. (R. S. § 859.)

635. Proof in common-law actions.—The mode of proof in the trial of actions at common law shall be by oral testimony and examination of witnesses in open court, except as hereinafter provided. (R. S. § 861.)

636. Production of books and writings.—In the trial of actions at law, the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may, on motion, give the like judgment for the defendant as in cases of nonsuit; and if a defendant fails to comply with such order, the court may, on motion, give judgment against him by default. (R. S. § 724.)

637. Proof in equity and admiralty.—The mode of proof in causes of equity and of admiralty and maritime jurisdiction shall be according to rules now or hereafter prescribed by the Supreme Court, except as herein specially provided. (R. S. § 862.)

638. Comparison of handwriting to determine genuineness.—In any proceeding before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness. (Feb. 26, 1913, c. 79, 37 Stat. 683.)

639. Depositions de bene esse; when and where taken; notice.—The testimony of any witness may be taken in any civil cause depending in a district court by deposition de bene esse, when the witness lives at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than one hundred miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition, to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in rem, the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party, until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section, in the same manner as witnesses may be compelled to appear and testify in court. (R. S. § 863.)

640. Same; mode of taking.—Every person deposing as provided in section 639 of this title shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing or typewriting by the officer taking the deposition, or by some person under his personal supervision, or by the deponent himself in the officer's presence, and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent. (R. S. § 864; May 23, 1900, c. 541, 31 Stat. 182.)

641. Same; transmission to court.—Every deposition taken under sections 639 and 640 of this title shall be retained by the magistrate taking it, until he delivers it with his own hand into the court for which it is taken; or it shall, together with a certificate of the reasons as aforesaid of taking it and of the notice, if any, given to the adverse party, be by him sealed up and directed to such court, and remain under his seal until opened in court. But unless it appears to the satisfaction of the court that the witness is then dead, or gone out of the United States, or to a greater distance than one hundred miles from the place where the court is sitting, or that, by reason of age, sickness, bodily infirmity, or imprisonment, he is unable to travel and appear at court, such deposition shall not be used in the cause. (R. S. § 865.)

642. Depositions, acknowledgments, and affidavits taken by notaries public.—Notaries public of the several States, Territories, and the District of Columbia may take depositions, and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States district court may lawfully take or do. (Aug. 15, 1876, c. 304, 19 Stat. 206.)

643. Depositions; taken in mode prescribed by State laws.—In addition to the mode of taking the depositions of witnesses in causes pending at law or equity in the district courts of the United States, it shall be lawful to take the depositions or testimony of witnesses in the mode prescribed by the laws of the State in which the courts are held. (Mar. 9, 1892, c. 14, 27 Stat. 7.)

644. Depositions under dedimus potestatem and in perpetuam.—In any case where it is necessary, in order to prevent a failure or delay of justice, any of the courts of the United States may grant a dedimus potestatem to take depositions according to common usage; and any district court, upon application to it as a court of equity, may, according to the

usages of chancery, direct depositions to be taken in perpetuam rei memoriam, if they relate to any matters that may be cognizable in any court of the United States. And the provisions of sections 639 to 641 of this title shall not apply to any deposition to be taken under the authority of this section. (R. S. § 866.)

645. Depositions in perpetuam; admissible at discretion of court.—Any court of the United States may, in its discretion, admit in evidence in any cause before it any deposition taken in perpetuam rei memoriam, which would be so admissible in a court of the State wherein such cause is pending, according to the laws thereof. (R. S. § 867.)

646. Deposition under dedimus potestatem; how taken.—When a commission is issued by any court of the United States for taking the testimony of a witness named therein at any place within any district or Territory, the clerk of any court of the United States for such district or Territory shall, on the application of either party to the suit, or of his agent, issue a subpœna for such witness, commanding him to appear and testify before the commissioner named in the commission, at a time and place stated in the subpœna; and if any witness, after being duly served with such subpœna, refuses or neglects to appear, or, after appearing, refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues such subpœna, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpœna to testify issued by such court. (R. S. § 868.)

647. Same; subpœna duces tecum.—When either party in such suit applies to any judge of a United States court in such district or Territory for a subpœna commanding the witness, therein to be named, to appear and testify before said commissioner, at the time and place to be stated in the subpœna, and to bring with him and produce to such commissioner any paper or writing or written instrument or book or other document, supposed to be in the possession or power of such witness, and to be described in the subpœna, such judge, on being satisfied by the affidavit of the person applying, or otherwise, that there is reason to believe that such paper, writing, written instrument, book, or other document is in the possession or power of the witness, and that the same, if produced, would be competent and material evidence for the party applying therefor, may order the clerk of said court to issue such subpœna accordingly. And if the witness, after being served with such subpœna, fails to produce to the commissioner, at the time and place stated in the subpœna, any such paper, writing, written instrument, book, or other document, being in his possession or power, and described in the subpœna, and such failure is proved to the satisfaction of said judge, he may proceed to enforce obedience to said process of subpœna, or punish the disobedience in like manner as any court of the United States may proceed in case of disobedience to like process issued by such court. When any such paper, writing, written instrument, book, or other document is produced to such commissioner, he shall, at the cost of the party requiring the same, cause to be made a correct copy thereof, or of so much thereof as shall be required by either of the parties. (R. S. § 869.)

648. Same; witnesses; when required to attend.—No witness shall be required, under the provisions of either of sections 646 or 647 of this title, to attend at any place out of the county where he resides, nor more than forty miles from the place of his residence, to give his deposition; nor shall any witness be deemed guilty of contempt for disobeying any subpœna directed to him by virtue of either of the said sections, unless his fee for going to, returning from, and one day's attendance at, the place of examination, are paid or tendered to him at the time of the service of the subpœna. (R. S. § 870.)

649. Depositions in District of Columbia in suits pending elsewhere.—When a commission to take the testimony of any witness found within the District of Columbia, to be used in a suit depending in any State or Territorial or foreign court, is issued from such court, or a notice to the same effect is given according to its rules of practice, and such commission or notice is produced to a justice of the supreme court of said District, and due proof is made to him that the testimony of such witness is material to the party desiring the same, the said justice shall issue a summons to the witness, requiring him to appear before the commissioners named in the commission or notice, to testify in such suit, at a time and at a place within said District therein specified. (R. S. § 871.)

650. Same; commission or notice.—When it satisfactorily appears by affidavit to any justice of the Supreme Court of the District of Columbia, or to any commissioner for taking depositions appointed by said court—First. That any person within said District is a material witness for either party in a suit pending in any State or Territorial or foreign court; Second. That no commission nor notice to take the testimony of such witness has been issued or given; and Third. That, according to the practice of the court in which the suit is pending, the deposition of a witness taken without the presence and consent of both parties will be received on the trial or hearing thereof, such officer shall issue his summons, requiring the witness to appear before him at a place within the District, at some reasonable time, to be stated therein, to testify in such suit. (R. S. § 872.)

651. Same; manner of taking and transmitting.—Testimony obtained under sections 649 and 650 of this title shall be taken down in writing by the officer before whom the witness appears, and shall be certified and transmitted by him to the court in which the suit is pending, in such manner as the practice of that court may require. If any person refuses or neglects to appear at the time and place mentioned in the summons, or, on his appearance, refuses to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit. (R. S. § 873.)

652. Same; witness fees.—Every witness appearing and testifying under sections 649 to 651 of this chapter shall be entitled to receive for each day's attendance, from the party at whose instance he is summoned, the fees provided by law for each day he shall give attendance. (R. S. § 874.)

653. Letters rogatory; procedure.—When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. When letters rogatory are addressed from any court of a foreign country to any district court of the United States, a commissioner of such district court designated by said court to make the examination of the witnesses mentioned in said letters, shall have power to compel the witnesses

to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts. (R. S. § 875; Feb. 27, 1877, c. 69, § 1, 19 Stat. 241.)

654. Witnesses; subpœnas; may run into another district.—Until September 19, 1928, subpœnas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia. After September 19, 1928, subpœnas for witnesses who are required to attend a court of the United States, in any district, may run into any other district. In civil causes the witnesses living out of the district in which the court is held do not live at a greater distance than one hundred miles from the place of holding the same. (R. S. § 876; Sept. 19, 1922, c. 344, 42 Stat. 848.)

655. Same; subpœna; form; attendance under.—Witnesses who are required to attend any term of a district court on the part of the United States, shall be subpœnaed to attend to testify generally on their behalf, and not to depart the court without leave thereof, or of the district attorney; and under such process they shall appear before the grand or petit jury, or both, as they may be required by the court or district attorney. (R. S. § 877.)

656. Same; for indigent defendants in criminal cases.—Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within one hundred miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in turn, or any judge thereof in vacation, may order that such witnesses be subpœnaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpœnaed in behalf of the United States. (R. S. § 878.)

657. Same; recognizance; at hearing of charges in criminal cases.—Any judge or other officer who may be authorized to arrest and imprison or bail persons charged with any crime or offense against the United States may, at the hearing of any such charge, require of any witness produced against the prisoner, on pain of imprisonment, a recognizance, with or without sureties, in his discretion, for his appearance to testify in the case. And where the crime or offense is charged to have been committed on the high seas, or elsewhere within the admiralty and maritime jurisdiction of the United States, he may, in his discretion, require a like recognizance, with such sureties as he may deem necessary, of any witness produced in behalf of the accused, whose testimony in his opinion is important, and is in danger of being otherwise lost. (R. S. § 879.)

658. Same; recognizance; Vermont.—In the district of Vermont, all recognizances of witnesses, taken by any magistrate in said district, for their appearance to testify in any case cognizable in the district court thereof, shall be to the district court next thereafter to be held in the said district. (R. S. § 880.)

659. Same; recognizance; when required.—Any judge of the United States, on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and, for that purpose, may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required, the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein. And the said person shall remain in confinement until he is removed to the court for the purpose of giving his testimony, or until he gives the recognizance required by said judge. (R. S. § 881.)

660. Same; attachment without previous subpœna in certain prosecutions.—In any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness fee shall be paid to such witness so attached. The person so attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued. (Mar. 3, 1887, c. 397, § 2, 24 Stat. 635.)

661. Copies of department records and papers; admissibility.—Copies of any books, records, papers, or documents in any of the executive departments authenticated under the seals of such departments, respectively, shall be admitted in evidence equally with the originals thereof. (R. S. § 882.)

662. Same; in office of Solicitor of the Treasury.—Copies of any documents, records, books, or papers in the office of the Solicitor of the Treasury, certified by him under the seal of his office, or, when his office is vacant, by the officer acting as solicitor for the time, shall be evidence equally with the originals. (R. S. § 883.)

663. Instruments and papers of Comptroller of Currency; admissibility.—Every certificate, assignment, and conveyance executed by the Comptroller of the Currency, in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer. (R. S. § 884.)

664. Organization certificates of national banks; admissibility.—Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate. (R. S. § 885.)

665. Transcripts from books of Treasury in suits against delinquents; admissibility.—When suit is brought in any case of delinquency of a revenue officer, or other person accountable for public money, a transcript from the books and proceedings of the Treasury Department, certified by the register and authenticated under the seal of the department, or, when the

suit involves the accounts of the War or Navy Departments, certified by the Comptroller General of the United States, and authenticated under the seal of the General Accounting Office, shall be admitted as evidence, and the court trying the cause shall be authorized to grant judgment and award execution accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with, the settlement of any account between the United States and an individual, when certified by the register, or by the Comptroller General, as the case may me, to be true copies of the originals on file, and authenticated under the seal of the department, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit which would be due to the original papers if produced and authenticated in court. Where suit is brought upon a bond or other sealed instrument, and the defendant pleads "non est factum," or makes his motion to the court, verifying such plea or motion by his oath, the court may take the same into consideration, and, if it appears to be necessary for the attainment of justice, may require the production of the original bond, contract, or other paper specified in such affidavit. (R. S. § 886; June 10, 1921, c. 18, §§ 302, 310, 42 Stat. 23, 25.)

666. Same; certificate by Secretary or Assistant Secretary.—The transcripts from the books and proceedings of the Department of the Treasury and the copies of bonds, contracts, and other papers provided for in section 665 of this chapter shall hereafter be certified by the Secretary or an Assistant Secretary of the Treasury under the seal of the department, or by the Comptroller General under the seal of the General Accounting Office, as the case may be. (July 31, 1894, c. 174, § 17, 28 Stat. 210; Mar. 2, 1895, c. 177, § 10, 28 Stat. 809; June 10, 1921, c. 18, §§ 302, 304, 310, 42 Stat. 23.)

667. Regulations for carrying out provisions of section 666.—It shall be the duty of the Secretary of the Treasury to make appropriate rules and regulations for carrying out the provisions of section 666 of this chapter. (July 31, 1894, c. 174, § 22, 28 Stat. 210.)

668. Same; indictments for embezzlement of public moneys.—Upon the trial of any indictment against any person for embezzling public moneys, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury Department, as provided by section 665 of this title. (R. S. § 887.)

669. Copies of returns in returns office admissible.—A copy of any return of a contract returned and filed in the returns office of the Department of the Interior, as provided by law, when certified by the clerk of the said office to be full and complete, and when authenticated by the seal of the department, shall be evidence in any prosecution against any officer for falsely and corruptly swearing to the affidavit required by law to be made by such officer in making his return of any contract, as required by law, to said returns office. (R. S. § 888.)

670. Admissibility of copies of statements of demands by Post Office Department.—In all suits for the recovery of balances due from postmasters, a copy, duly certified under the seal of the General Accounting Office, of the statement of any postmaster, special agent, or other person, employed by the Postmaster General or the General Accounting Office for that purpose, that he has mailed a letter to such delinquent postmaster at the post office where the indebtedness accrued, or at his last usual place of abode; that a sufficient time has elapsed for said letter to have reached its destination in the ordinary course of the mail; and that payment of such balance has not been received, within the time designated in his instructions, shall be received as sufficient evidence in the courts of the United States, or other courts, that a demand has been made upon the delinquent postmaster; but when the account of a late postmaster has been once adjusted and settled, and a demand has been made for the balance appearing to be due, and afterward allowances are made or credits entered, it shall not be necessary to make a further demand for the new balance found to be due. (R. S. § 890; June 10, 1921, c. 18, 42 Stat. 23.)

671. Admissibility of copies of post office records and statement of accounts.—Copies of the quarterly returns of postmasters and of any papers pertaining to the accounts in the office of the General Accounting Office, and transcripts from the money-order account books of the Post Office Department, when certified by the General Accounting Office under the seal of that office, shall be admitted as evidence in the courts of the United States, in civil suits and criminal prosecutions; and in any civil suit, in case of delinquency of any postmaster or contractor, a statement of the account, certified as aforesaid, shall be admitted in evidence, and the court shall be authorized thereupon to give judgment and award execution, subject to the provisions of law as to proceedings in such civil suits. (R. S. § 889; June 10, 1921, c. 18, 42 Stat. 23.)

672. Admissibility of copies of records of General Land Office.—Copies of any records, books, or papers in the General Land Office, authenticated by the seal and certified by the commissioner thereof, or, when his office is vacant, by the principal clerk, shall be evidence equally with the originals thereof. And literal exemplifications of any such records shall be held, when so introduced in evidence, to be of the same validity as if the names of the officers signing and countersigning the same had been fully inserted in such record. (R. S. § 891.)

673. Admissibility of copies of records, and so forth, of Patent Office.—Written or printed copies of any records, books, papers, or drawings belonging to the Patent Office, of letters patent, of certificates of registration of trade-marks, labels, or prints, authenticated by the seal of the Patent Office and certified by the commissioner thereof, or in his name attested by a chief of division duly designated by the commissioner, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof. (R. S. § 892; Mar. 4, 1925, c. 535, § 2, 43 Stat. 1269.)

674. Copies of foreign letters patent as prima facie evidence.—Copies of the specifications and drawings of foreign letters patent, certified as provided in section 673 of this title, shall be prima facie evidence of the fact of the granting of such letters patent, and of the date and contents thereof. (R. S. § 893.)

675. Copies of specifications and drawings of patents admissible.—The printed copies of specifications and drawings of patents, which the Commissioner of Patents is authorized to print for gratuitous distribution, and to deposit in the capitols of the States and Territories, and in the clerk's offices of the district courts, shall, when certified by him and authenticated by the seal of his office, be received in all courts as evidence of all matters therein contained. (R. S. § 894.)

676. Extracts from Journals of Congress admissible when injunction of secrecy removed.—Extracts from the Journals of the Senate, or of the House of Representatives, and of the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or by the Clerk of the House of Representatives, shall be admitted as evidence in the courts of the United States, and shall have the same force and effect as the originals would have if produced and authenticated in court. (R. S. § 895.)

677. Copies of records in offices of United States consuls admissible.—Copies of all official documents and papers in the office of any consul, vice consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, certified under the hand and seal of such

officer; shall be admitted in evidence in the courts of the United States. (R. S. § 896.)

678. Books and papers in certain district courts.—The transcripts into new books, made by the clerks of the district courts in the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas, in pursuance of the Act of June 27, 1864, chapter 165 [(13 Stat. 199) providing that the books of records and journals of the district courts of said States should be transferred to the circuit courts after having first copied into a book for that purpose provided, all entries, orders, or other proceedings, which may be found in said books, journals, or records relating in any manner to cases which were not of circuit court cognizance, and which could not have been prosecuted in a circuit court] from the records and journals transferred by them, respectively, under the said act, to the clerks of the circuit courts in said districts, when certified by the clerks respectively making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. (R. S. § 897; June 27, 1864, c. 165, 13 Stat. 199; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

679. Records in clerks' offices, western district of North Carolina.—The transcripts into new books made by the clerks of the circuit and district courts for the western district of North Carolina, in pursuance of the Act of June 4, 1872, chapter 282 [(17 Stat. 215) authorizing the clerks of the district and circuit courts of the western district to make transcripts, from any of the records, files or papers of the district and circuit courts remaining in the office of the clerks of the eastern district, of all matters and proceedings which relate to or concern liens upon or titles to real estate situate in the western district] when certified by the clerks respectively making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. And the certificate of the clerk of the district court of the western district of transcripts of any of the said transcribed records, shall also be received in evidence with the like effect as if made from the originals from which such records were transcribed. (R. S. § 898; June 4, 1872, c. 282, 17 Stat. 215; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

680. Records in clerks' offices of former district of California.—The clerk of the district court for the northern district of California is authorized, at the request of the district judge of the southern district, and at the cost of the parties requiring the same, to make transcripts of any of the records, files, or papers of the district court of the United States, remaining in the office of the clerk of the northern district of California, and of all matters and proceedings which relate to or concern liens upon or titles to real estate situated in said southern district; and such transcripts, when so made, shall be certified to be true and correct by the clerk making the same, and the same, when so made and certified, and filed in the proper court, shall constitute the record in such court, and shall be evidence in all courts and places equally with said originals. (Aug. 5, 1886, c. 928, § 9, 24 Stat. 310.)

681. Original records lost or destroyed; certified copy admissible.—When the record of any judgment, decree, or other proceeding of any court of the United States is lost or destroyed, any party or person interested therein may, on application to such court, and on showing to its satisfaction that the same was lost or destroyed without his fault, obtain from it an order authorizing such defect to be supplied by a duly certified copy of the original record, where the same can be obtained; and such certified copy shall thereafter have, in all respects, the same effect as the original record would have had. (R. S. § 899.)

682. Same; when certified copy not obtainable.—When any record of a judgment, decree or other proceeding of any court of the United States is lost or destroyed, and the defect can not be supplied as provided in section 681 of this title, any party or person interested therein may make a written application to the court to which the record belonged, verified by affidavit, showing such loss or destruction; that the same occurred without his fault or neglect; that certified copies of such record can not be obtained by him; and showing also the substance of the record so lost or destroyed, and that the loss or destruction thereof, unless supplied, will or may result in damage to him. The court shall cause said application to be entered of record, and a copy of it shall be served personally upon every person interested therein, together with written notice that on a day therein stated, which shall not be less than sixty days after such service, said application will be heard; and if, upon such hearing, the court is satisfied that the statements contained in the application are true, it shall make and cause to be entered of record an order reciting the substance and effect of said lost or destroyed record. Said order shall have the same effect, so far as concerns the party or person making such application and the persons served as above provided, but subject to intervening rights, which the original record would have had, if the same had not been lost or destroyed. (R. S. § 900.)

683. Same; on removal to Supreme Court.—When any cause has been removed to the Supreme Court, and the original record thereof is afterward lost, a duly certified copy of the record remaining in said court may be filed in the court from which the cause was removed, on motion of any party or person claiming to be interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed. (R. S. § 901.)

684. Same; notice and proof of service.—In any proceedings in conformity with law to restore the records of any court of the United States which have been or may be hereafter lost or destroyed, the notice required may be served on any nonresident of the district in which such court is held anywhere within the jurisdiction of the United States, or in any foreign country; the proof of service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal. (R. S. § 902; Jan. 31, 1879, c. 39, § 1, 20 Stat. 277.)

685. Same; certified copy of official papers.—A certified copy of the official return, or any other official paper of the United States attorney, marshal, or clerk, or other certifying or recording officer of any court of the United States, made in pursuance of law, and on file in any department of the Government, relating to any cause or matter to which the United States was a party in any such court, the record of which has been or may be lost or destroyed, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original report, return, paper, or other document made to or filed in such court; and in any case in which the names of the parties and the date and amount of judgment or decree shall appear from such return, paper, or document, it shall be lawful for the court in which they are filed to issue the proper process to enforce such decree or judgment, in the same manner as if the original record remained in said court. And in all cases where any of the files, papers, or records of any court of the United States have been or shall be lost or destroyed, the files, records, and papers which, pursuant to law, may have been or may be restored or supplied in place of such records, files, and papers, shall have the same force and effect, to all intents and purposes, as the originals thereof would have been entitled to. (R. S. § 903; Jan. 31, 1879, c. 39, § 2, 20 Stat. 277.)

686. Same; restoration by district attorney.—Whenever any of the records or files in which the United States are interested of any court of the United States have been or may be lost or

destroyed, it shall be the duty of the attorney of the United States for the district or court to which such files and records belong, so far as the judges of such courts respectively shall deem it essential to the interests of the United States that such records and files to be restored or supplied, to take such steps, under the direction of said judges, as may be necessary to effect such restoration or substitution, including such dockets, indices, and other books and papers as said judge shall think proper.

Said judges may direct the performance, by the clerks of said courts respectively and by the United States attorneys, of any duties incident thereto; and said clerks and attorneys shall be allowed such compensation for services in the matter and for lawful disbursements as may be approved by the Attorney General of the United States, upon a certificate by the judges of said courts stating that such claim for services and disbursements is just and reasonable; and the sum so allowed shall be paid out of the judiciary fund. (R. S. § 904; Jan. 31, 1879, c. 39, § 3, 20 Stat. 277.)

687. Authentication of legislative acts; proof of judicial proceedings of State.—The acts of the legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, that the said attestation is in due form. And the said records and judicial proceedings, so authenticated, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken. (R. S. § 905.)

688. Proofs of records in offices not pertaining to courts.—All records and exemplifications of books, which may be kept in any public office of any State or Territory, or of any country subject to the jurisdiction of the United States, not appertaining to a court, shall be proved or admitted in any court or office in any other State or Territory, or in any such country, by the attestation of the keeper of the said records or books, and the seal of his office annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county, parish, or district in which such office may be kept, or of the governor, or secretary of state, the chancellor or keeper of the great seal, of the State, or Territory, or country, that the said attestation is in due form, and by the proper officers. If the said certificate is given by the presiding justice of a court, it shall be further authenticated by the clerk or prothonotary of the said court, who shall certify, under his hand and the seal of his office, that the said presiding justice is duly commissioned and qualified; or, if given by such governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or country aforesaid in which it is made. And the said records and exemplifications, so authenticated, shall have such faith and credit given to them in every court and office within the United States as they have by law or usage in the courts or offices of the State, Territory, or country, as aforesaid, from which they are taken. (R. S. § 906.)

689. Copies of foreign records relating to land titles.—It shall be lawful for any keeper or person having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of one of the departments, the Solicitor of the Treasury, or the Commissioner of the General Land Office, to authenticate copies thereof under his hand and seal, and to certify them to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents, respectively; and when such copies are certified by an American minister or consul, under his hand and seal of office, to be true copies of the originals, they shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file them in his office, and cause them to be recorded in a book to be kept for that purpose. A copy of any such law, judgment, order, decree, journal, correspondence, or other public document, so filed, or of the same so recorded in said book, may be read in evidence in any court, where the title to land claimed by or under the United States may come into question, equally with the originals. (R. S. § 907.)

690. Possessory actions for recovery of mining titles.—No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession. (R. S. § 910.)

TESTIMONY FOR USE IN FOREIGN COUNTRIES

701. Taking.—The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters. When counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one hundred miles of the place where the witness resides or shall be served with such summons. (R. S. § 4071.)

702. Privilege of witness.—No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign State. (R. S. § 4072.)

703. Punishment of witness for contempt.—If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section 701 of this title, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States. (R. S. § 4073.)

704. Fees and mileage of witnesses.—Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been sum-

moned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States. (R. S. § 4074.)

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722. Teste of process, day of.—All process issued from the courts of the United States shall bear teste from the day of such issue. (R. S. § 912.)

723. Mesne process; proceedings in equity and admiralty.—The forms of mesne process and the forms and modes of proceeding in suits of equity and of admiralty and maritime jurisdiction in the district courts shall be according to the principles, rules, and usages which belong to courts of equity and of admiralty, respectively, except when it is otherwise provided by statute or by rules of court made in pursuance thereof; but the same shall be subject to alteration and addition by the said courts, respectively, and to regulation by the Supreme Court, by rules prescribed, from time to time, to any district court, not inconsistent with the laws of the United States. (R. S. § 913.)

724. Conformity to practice in State courts.—The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, in the district courts, shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in like causes in the courts of record of the State within which such district courts are held, any rule of court to the contrary notwithstanding. (R. S. § 914.)

725. Laws of States as rules of decision.—The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply. (R. S. § 721.)

726. Attachments as provided by State laws.—In common-law causes in the district courts the plaintiff shall be entitled to similar remedies, by attachment or other process, against the property of the defendant, which are now provided by the laws of the State in which such court is held for the courts thereof; and such district courts may, from time to time, by general rules, adopt such State laws as may be in force in the States where they are held in relation to attachments and other process. Similar preliminary affidavits or proofs, and similar security, as required by such State laws, shall be first furnished by the party seeking such attachment or other remedy. (R. S. § 915.)

727. Executions as provided by State laws.—The party recovering a judgment in any common-law cause in any district court, shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are provided in like causes by the laws of the State in which such court is held, or by any such laws which may subsequently be enacted and adopted by general rules of such district court; and such courts may, from time to time, by general rules, adopt such State laws as may be in force in such State in relation to remedies upon judgments, as aforesaid, by execution or otherwise. (R. S. § 916.)

728. Rights and remedies of occupying claimants of land as given by State laws.—When an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is, in the proper action, found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and, upon instituting the proper proceedings, such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after said improvements were so made. (June 1, 1874, c. 200, 18 Stat. 50.)

729. Proceedings in vindication of civil rights.—The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of chapter 3 of Title 8, and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (R. S. § 722.)

730. Regulation of practice of district courts by Supreme Court.—The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice, to be used, in suits in equity or admiralty, by the district courts. (R. S. § 917.)

731. Rules of practice in district courts.—The district courts may, from time to time, and in any manner not inconsistent with any law of the United States, or with any rule prescribed by the Supreme Court under section 730 of this title, make rules and orders directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments by default, and other matters in vacation, and otherwise regulate their own practice as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings. (R. S. § 918.)

732. Suits for duties, imposts, taxes, penalties, or forfeitures.—All suits for the recovery of any duties, imposts, or taxes, or for the enforcement of any penalty or forfeiture provided by any act respecting imports or tonnage, or the registering and recording or enrolling and licensing of vessels, or the internal revenue, or direct taxes, and all suits arising under the postal laws, shall be brought in the name of the United States. (R. S. § 919.)

733. Consolidation of revenue seizures.—Whenever two or more things belonging to the same person are seized for an alleged violation of the revenue laws, the whole must be included in one suit; and if separate actions are prosecuted in such cases, the court shall consolidate them. (R. S. § 920.)

734. Orders to save costs; consolidation of causes of like nature.—When causes of a like nature or relative to the same question are pending before a court of the United States, or of any Territory, the court may make such orders and rules concerning proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so. (R. S. § 921.)

735. Marshal or deputy as party in cause.—When the marshal or his deputy is a party in any cause, the writs and precepts therein shall be directed to such disinterested person as the court or any justice or judge thereof may appoint, and the person so appointed may execute and return them. (R. S. § 922.)

736. Seizure for forfeiture.—When any vessel, goods, wares, or merchandise are seized by any officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering and recording, or the enrolling and licensing of vessels, the court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth

the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct. And if no person appears and claims such vessel, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law. (R. S. § 923.)

737. Attachment in postal suits.—In all cases where debts are due from defaulting or delinquent postmasters, contractors, or other officers, agents, or employees of the Post Office Department, a warrant of attachment may issue against all real and personal property and legal and equitable rights belonging to such officer, agent, or employee, and his sureties, or either of them, in the following cases:

First. When such officer, agent, or employee, and his sureties, or either of them, is a nonresident of the district where such officer, agent, or employee was appointed, or has departed from such district for the purpose of permanently residing out of the same, or of defrauding the United States, or of avoiding the service of civil process.

Second. When such officer, agent, or employee, and his sureties, or either of them, has conveyed away, or is about to convey away his property, or any part thereof, or has removed or is about to remove the same or any part thereof from the district wherein it is situate, with intent to defraud the United States.

And when any such property has been removed, certified copies of the warrant may be sent to the marshal of the district into which the same has been removed, under which certified copies he may seize said property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. And alias warrants may be issued in such cases upon due application, and the validity of the warrant first issued shall continue until the return day thereof. (R. S. § 924.)

738. Same; application for warrant.—Application for such warrant of attachment may be made by any district or assistant district attorney, or any other person authorized by the Postmaster General, before the judge, or, in his absence, before the clerk of any court of the United States having original jurisdiction of the cause of action. And such application shall be made upon an affidavit of the applicant, or of some other credible person, stating the existence of either of the grounds of attachments enumerated in section 788 of this title, and upon production of legal evidence of the debt. (R. S. § 925.)

739. Same; issue of warrant.—Upon any such application and upon due order of any judge of the court, or, in his absence, without such order, the clerk shall issue a warrant for the attachment of all the property of any kind belonging to the person specified in the affidavit, which warrant shall be executed with all possible dispatch by the marshal, who shall take the property attached, if personal, into his custody, and hold the same subject to all interlocutory or final orders of the court. (R. S. § 926.)

740. Same; trial of ownership of property.—At any time within twenty days before the return day of such warrant, the party whose property is attached may, on giving notice to the district attorney of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached to be in the defendants or either of them; in which case the court may, upon application of either party, order an immediate trial by jury of the issues raised by the affidavit and plea; but the parties may, by consent, waive a trial by jury, in which case the court shall decide the issues raised. And any party claiming ownership of the property attached and a specific return thereof, shall be confined to the remedy herein afforded, but his right to an action of trespass, or other action for damages, shall not be impaired hereby. (R. S. § 927.)

741. Same; investment of proceeds of attached property.—When the property attached is sold on any interlocutory order of the court or is producing any revenue, the money arising from such sale or revenue shall be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the orders of the same. (R. S. § 928.)

742. Same; publication of attachment.—Immediately upon the execution of any such warrant of attachment, the marshal shall cause due publication thereof to be made, in the case of absconding debtors for two months and of nonresidents for four months. The publication shall be made in some newspaper published in the district where the property is situate, and the details thereof shall be regulated by the order under which the warrant is issued. (R. S. § 929.)

743. Same; personal notice of attachment.—After the first publication of such notice of attachment as required by law, every person indebted to, or having possession of any property belonging to, the said defendants, or either of them, and having knowledge of such notice, shall account and answer for the amount of such debt and the value of such property; and any disposal or attempt to dispose of any such property, to the injury of the United States, shall be illegal and void. And when the person indebted to, or having possession of the property of, such defendants, or either of them, is known to the district attorney or marshal, such officer shall see that personal notice of the attachment is served upon such person, but the want of such notice shall not invalidate the attachment. (R. S. § 930.)

744. Same; discharge; bond.—Upon application of the party whose property has been attached, the court, or any judge thereof, may discharge the warrant of attachment as to the property of the applicant, provided such applicant shall execute to the United States a good and sufficient penal bond, in double the value of the property attached, to be approved by a judge of the court, and with condition for the return of said property, or to answer any judgment which may be rendered by the court in the premises. (R. S. § 931.)

745. Same; accrued rights not affected.—Nothing contained in sections 737 to 744 of this title shall be construed to limit or abridge, in any manner, such rights of the United States as have accrued or been allowed in any district under the former practice of, or the adoption of State laws by, the United States courts. (R. S. § 932.)

746. Attachments dissolved in conformity with State laws.—An attachment of property, upon process instituted in any court of the United States, to satisfy such judgment as may be recovered by the plaintiff therein, except in the cases mentioned in the preceding nine sections, shall be dissolved when any contingency occurs by which, according to the laws of the State where said court is held, such attachment would be dissolved upon like process instituted in the courts of said State. Nothing herein contained shall interfere with any priority of the United States in the payment of debts. (R. S. § 933.)

747. Replevy of property taken under revenue laws.—All property taken or detained by any officer or other person, under authority of any revenue law of the United States, shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. (R. S. § 934.)

748. Garnishees in suits by United States against a corporation.—In any suit by the United States against a corporation for the recovery of money upon a bill, note, or other security,

the debtors of the corporation may be summoned as garnishees; and it shall be the duty of any person so summoned to appear in open court and to depose, in writing, to the amount which he was indebted to the said corporation at the time of the service of the summons and at the time of making such deposition; and judgment may be entered in favor of the United States for the sum admitted by such garnishee to be due to the said corporation, in the same manner as if it had been due to the United States. No judgment shall be entered against any garnishee until after judgment has been rendered against the corporation defendant to the said action, nor until the sum in which the garnishee stands indebted is actually due. (R. S. § 935.)

749. Same; issue tendered on denial of indebtedness.—When any person summoned as garnishee deposes in open court that he is not, and was not at the time of the service of the summons, indebted to such corporation, an issue may be tendered by the United States upon such demand, and if, upon the trial of that issue, a verdict is rendered against the garnishee, judgment shall be entered in favor of the United States, pursuant to such verdict, with costs of suit. (R. S. § 936.)

750. Same; garnishee failing to appear.—If any person summoned as garnishee, as aforesaid, fails to appear at the term of the court to which he is summoned, he shall be subject to attachment for contempt of the court. (R. S. § 937.)

751. Property seized under customs laws; bond.—Upon the prayer of any claimant to the court, that any vessel, goods, wares, or merchandise, seized and prosecuted under any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, or any part thereof, should be delivered to him, the court shall appoint three proper persons to appraise such property, who shall be sworn in open court, or before a commissioner appointed by the district court to administer oaths to appraisers, for the faithful discharge of their duty; and the appraisement shall be made at the expense of the party on whose prayer it is granted. If, on the return of the appraisement, the claimant, with one or more sureties, to be approved by the court, shall execute a bond to the United States for the payment of a sum equal to the sum at which the property prayed to be delivered is appraised, and produce a certificate from the collector of the district where the trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage duty on the vessel so claimed, have been paid or secured in like manner as if the same had been legally entered, the court shall, by rule, order such vessel, goods, wares, or merchandise to be delivered to such claimant; and the said bond shall be lodged with the proper officer of the court. If judgment passes in favor of the claimant, the court shall cause the said bond to be canceled: but if judgment passes against the claimant, as to the whole or any part of such vessel, goods, wares, or merchandise, and the claimant does not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall be granted upon the bond, on motion in open court, without further delay. (R. S. § 938.)

752. Same; sale after condemnation.—All vessels, goods, wares, or merchandise which shall be condemned by virtue of any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, and for which bonds shall not have been given by the claimant, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in cases of perishable merchandise) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding $5 shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed. (R. S. § 939.)

753. Bailing of property seized in vacation.—In any cause of admiralty and maritime jurisdiction, or other case of seizure, depending in any court of the United States, any judge of the said court, in vacation, shall have the same authority to order any vessel, or cargo, or other property to be delivered to the claimants, upon bail or bond, or to be sold when necessary, as the said court has in term time, and to appoint appraisers, and exercise every other incidental power necessary to the complete execution of the authority herein granted; and the recognizance of bail or bond, under such order, may be executed before the clerk upon the party's producing the certificate of the collector of the district, of the sufficiency of the security offered; and the same proceedings shall be had in case of said order of delivery or of sale, as are had in like cases when ordered in term time. Upon every such application, either for an order of delivery or of sale, the collector and the attorney of the district shall have reasonable notice in cases of the United States, and the party or counsel in all other cases. (R. S. § 940.)

754. Delivery bond in admiralty proceedings; further security; special bond.—When a warrant of arrest or other process in rem is issued in any cause of admiralty jurisdiction, except in cases of seizures for forfeiture under any law of the United States, the marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the claimant of the property a bond or stipulation in double the amount claimed by the libelant, with sufficient surety, to be approved by the judge of the court where the cause is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court, and judgment thereon, against both the principal and sureties, may be recovered at the time of rendering the decree in the original cause. And the owner of any vessel may cause to be executed and delivered to the marshal a bond or stipulation, with sufficient surety, to be approved by the judge of the court in which he is marshal, conditioned to answer the decree of said court in all or any cases that shall thereafter be brought in said court against the said vessel, and thereupon the execution of all such process against said vessel shall be stayed so long as the amount secured by such bond or stipulation shall be at least double the aggregate amount claimed by the libelants in such suits which shall be begun and pending against said vessel; and like judgments and remedies may be had on said bond or stipulation as if a special bond or stipulation had been filed in each of said suits. The court may make such orders as may be necessary to carry this section into effect, and especially for the giving of proper notice of any such suit. Such bond or stipulation shall be indorsed by the clerk with a minute of the suits wherein process is so stayed, and further security may at any time be required by the court. If a special bond or stipulation in the particular cause shall be given under this section, the liability as to said cause on the general bond or stipulation shall cease. (R. S. § 941; Mar. 3, 1899, c. 441, 30 Stat. 1354.)

755. Special bail in suits for duties and penalties.—In all suits or prosecutions for the recovery of duties or pecuniary

penalties prescribed by the laws of the United States, commenced in any State where, by the laws thereof, imprisonment for debt shall not have been abolished, the person against whom process is issued shall be held to special bail, subject to the rules which prevail in civil suits in which special bail is required. (R. S. § 942.)

756. Defendant giving bail in one district and committed in another.—When a defendant who has procured bail to respond to the judgment in a suit in any court of the United States in any district is afterward arrested in any other district and is committed to a jail, the use of which had been ceded to the United States for the custody of prisoners, the judge of the court wherein the suit in which the defendant has so procured bail is depending, shall, at the request of the bail, order that such defendant be held in said jail, in the custody of the marshal of the district in which it is. The said marshal, upon the delivery of such order, duly authenticated, shall receive such person into his custody, and thereupon be chargeable for an escape, and shall forthwith make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which the order issued, and, if required, shall make and deliver to such bail or to his attorney a duplicate thereof. Upon the return of said certificate, the court which made the said order, or any judge thereof, may direct that an exoneretur be entered upon the bailpiece, where special bail shall have been found, or otherwise discharge such bail. (R. S. § 943.)

757. Same; defendant held until judgment in first suit.—When a defendant is committed by virtue of the order provided in section 756 of this title, he shall, unless sooner discharged by law, be holden in jail until final judgment is rendered in the suit in which he procured bail as aforesaid and sixty days thereafter, if such judgment is rendered against him, in order that he may be charged in execution, which may, in such cases, be directed to and served by the marshal in whose custody he is. (R. S. § 944.)

758. Bail and affidavits; taking by commissioners.—Bail and affidavits, when required or allowed in any civil cause in any district court, may be taken by a commissioner of the district court for the district; and such acknowledgments of bail and affidavits shall have the same effect as if taken before any judge of such court. (R. S. § 945.)

759. Calling of bail in Kentucky.—When a bail bond is given for the appearance of any person to answer in the district court for the district of Kentucky, the clerk of such court shall call the party at the time he is bound to appear. If the party fails, the clerk shall enter such failure on his minutes, and on said entry judgment may afterward be made of record by the court; but if the party appears, the clerk shall take another bond, with sureties similar to the first, for further appearance at the next succeeding term of the court, and if the party fails to give such other bond and surety, he shall stand committed by order of the clerk until he complies. (R. S. § 946.)

760. Clerks may take bail de bene esse.—Recognizances of special bail may be taken de bene esse by the clerks of the district court, in the absence or in case of the disability of the judge, in any action depending in said court, where special bail is demandable. (R. S. § 947.)

761. Proceedings in suits against United States.—The course of procedure for the district courts and the court of claims in cases under section 41, paragraph 20, and section 250 of this title, in so far as applicable and not inconsistent with sections 762 to 765, and the procedure prescribed for the court of claims shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt. (Mar. 3, 1887, c. 359, § 4, 24 Stat. 506; Mar. 3, 1911, c. 231, § 297, 36 Stat. 1168; Feb. 13, 1925, c. 229, § 13, 43 Stat. 941.)

762. Petition in suit against United States.—The plaintiff in any suit brought under the provisions of section 41, paragraph 20, of this title shall file a petition, duly verified with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or any other thing claimed, or the damages sought to be recovered and praying the court for a judgment or decree upon the facts and law. (Mar. 3, 1887, c. 359, § 5, 24 Stat. 506.)

763. Same; service; appearance by district attorney.—The plaintiff shall cause a copy of his petition filed under section 762 of this title, to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises. Should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court. (Mar. 3, 1887, c. 359, § 6, 24 Stat. 506.)

764. Opinion, findings, and conclusions in suit against United States.—It shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts. (Mar. 3, 1887, c. 359, § 7, 24 Stat. 506.)

765. Judgment adverse to Government in suit against United States; appeal.—When the findings of fact and the law applicable thereto have been filed in any case as provided in section 763 of this title, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same. From the date of such final judgment or decree interest shall be computed thereon, at the rate of 4 per centum per annum, until the time when an appropriation is made for the payment of the judgment or decree. (Mar 3, 1887, c. 359, § 10, 24 Stat. 507; Feb. 13, 1925, c. 229, § 8, 43 Stat. 940.)

766. Partition suits where United States is tenant in common or joint tenant.—When any suit in equity is brought by any tenant in common or joint tenant owning an undivided

interest in lands, where the United States is one of such tenants in common or joint tenants, against the United States alone or against the United States and any other of such owners, service shall be made on the United States by causing a copy of the bill filed to be served upon the district attorney of the district wherein the suit is brought, and by mailing a copy of the same by registered letter to the Attorney General of the United States; and the complainant in such bill shall file with the clerk of the court in which such bill is filed an affidavit of such service and of the mailing of such letter. It shall be the duty of the district attorney upon whom service of the bill is made as aforesaid to appear and defend the interests of the Government, and within sixty days after service upon him as hereinabove prescribed, unless the time shall be enlarged by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and the cause shall proceed as other cases for partition by courts of equity, and in making such partition the court shall be governed by the same principles of equity that control courts of equity in partition proceedings between private persons. Whenever in such suit the court shall order a sale of the property or any part thereof the Attorney General of the United States may, in his discretion, bid for the same in behalf of the United States. If the United States shall be the purchaser, the amount of the purchase money shall be paid from the Treasury of the United States upon a warrant drawn by the Secretary of the Treasury, on the requisition of the Attorney General. (May 17, 1898, c. 339, §§ 1, 2, 30 Stat. 416.)

767. Amendment of process.—Any district court may at any time, in its discretion, and upon such terms as it may deem just, allow an amendment of any process returnable to or before it, where the defect has not prejudiced, and the amendment will not injure the party against whom such process issues. (R. S. § 948.)

768. Priority of cases where a State is party.—When a State is a party, or the execution of the the revenue laws of a State is enjoined or stayed, in any suit in a court of the United States, such State or the party claiming under the revenue laws of a State, the execution whereof is enjoined or stayed, shall be entitled, on showing sufficient reason, to have the cause heard at any time after it is docketed, in preference to any civil cause pending in such court between private parties. (R. S. § 949.)

769. Notice of case for trial.—In all civil actions in the courts of the United States either party may notice the same for trial. (R. S. § 950.)

770. Trial of issues of fact; by jury; exceptions.—The trial of issues of fact in the district courts, in all causes except cases in equity and cases of admiralty and maritime jurisdiction, and except as otherwise provided in proceeding in bankruptcy, shall be by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burden or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different States and Territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact shall be by jury when either party requires it. (R. S. §§ 566, 648.)

771. Same; in admiralty causes.—The district courts of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately. And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law. And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law. (Feb. 16, 1875, c. 77, § 1, 18 Stat. 315; Feb. 13, 1925, c. 229, § 1, 43 Stat. 938.)

772. Same; in equity in patent causes.—District courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may, from time to time, be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such district court shall deem expedient and the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings. (Feb. 16, 1875, c. 77, § 2, 18 Stat. 316.)

773. Same; by court.—Issues of fact in civil cases in any district court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury. (R. S. § 649.)

774. Suits by United States against individuals; credits.—In suits brought by the United States against individuals, no claim for a credit shall be admitted, upon trial, except such as appear to have been presented to the accounting officers of the Treasury, for their examination, and to have been by them disallowed, in whole or in part, unless it is proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit at the Treasury by absence from the United States or by some unavoidable accident. (R. S. § 951.)

775. Suits under postal laws; credits.—No claim for a credit shall be allowed upon the trial of any suit for delinquency against a postmaster, contractor, or other officer, agent, or employee of the Post Office Department, unless the same has been presented to the General Accounting Office and by it disallowed, in whole or in part, or unless it is proved to the satisfaction of the court that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the General Accounting Office a claim for such credit by some unavoidable accident. (R. S. § 952; June 10, 1921, c. 118, § 310, 42 Stat. 25.)

776. Bill of exceptions; authentication; signing of by judge.—A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allow-

ance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion, and allow and sign said bill of exceptions, then he may in his discretion grant a new trial to the party moving therefor. (R. S. § 953; June 5, 1900, c. 717, § 1, 31 Stat. 270.)

777. Defects of form; amendments.—No summons, writ, declaration, return, process, judgment, or other proceedings in civil causes, in any court of the United States, shall be abated, arrested, quashed, or reversed for any defect or want of form; but such court shall proceed and give judgment according as the right of the cause and matter in law shall appear to it, without regarding any such defect, or want of form, except those which, in cases of demurrer, the party demurring specially sets down, together with his demurrer, as the cause thereof; and such court shall amend every such defect and want of form, other than those which the party demurring so expresses; and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as it shall, in its discretion and by its rules, prescribe. (R. S. § 954.)

778. Death of parties; substitution of executor or administrator.—When either of the parties, whether plaintiff or petitioner or defendant, in any suit in any court of the United States, dies before final judgment, the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly, and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending twenty days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

The provisions of this section shall apply to suits in equity and in admiralty as well as to suits at law, and the jurisdiction of all courts of the United States shall extend to and over executors and administrators of any party, who dies before final judgment or decree, appointed under the laws of any State or Territory of the United States, and such courts shall have jurisdiction within two years from the date of the death of the party to the suit to issue its scire facias to executors and administrators appointed in any State or Territory of the United States which may be served in any judicial district by the marshal thereof. No executor or administrator shall be made a party unless such service is made before final settlement and distribution of the estate of said deceased party to the suit.

This section shall apply to suits in which any party has deceased prior to November 23, 1921, as well as to suits in which any party may have died thereafter or may die hereafter. (R. S. § 955; Nov. 23, 1921, c. 142, §§ 1, 2, Stat. 324; Dec. 22, 1921, c. 18, 42 Stat. 352.)

779. Death of one of several plaintiffs or defendants.—If there are two or more plaintiffs or defendants, in a suit where the cause of action survives to the surviving plaintiff or against the surviving defendant, and one or more of them dies, the writ or action shall not be thereby abated; but, such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff against the surviving defendant. (R. S. § 956.)

780. Survival of actions, suits, or proceedings—

(a) *By or against officer of United States, District of Columbia, Canal Zone, or territory or insular possession of United States, or of county, and so forth, of such territory or insular possession.*—Where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) *By or against officer of State, county, city, and so forth.*—Similar proceedings may be had and taken where an action, suit, or proceeding brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) *Notice of application for substitution of parties.*—Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have. (Feb. 8, 1899, c. 121, 30 Stat. 822; Feb. 13, 1925, c. 229, § 11, 43 Stat. 941.)

781. Delinquents for public money; judgment.—When suit is brought by the United States against any revenue officer or other person accountable for public money, who neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court (the United States attorney being present), makes and subscribes an oath that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the accounting officers of the Tresaury, and rejected; specifying in the affidavit each particular claim so rejected, and that he can not then safely come to trial. If the court, when such oath is made, subscribed, and filed, is thereupon satisfied, a continuance until the next succeeding term may be granted. Such continuance may also be granted when the suit is brought upon a bond or other sealed instrument, and the defendant pleads non est factum, or makes a motion to the court, verifying such plea or motion by his oath, and the court thereupon requires the production of the original bond, contract, or other paper certified in the affidavit. And no continuance shall be granted except as herein provided. (R. S. § 957.)

782. Suits under postal laws; judgment; continuance.—In suits arising under the postal laws the court shall proceed to trial, and render judgment at the return term; but whenever service of process is not made at least twenty days before the return day of such term, the defendant is entitled to one continuance, if, on his statement, the court deems it expedient; and if he makes affidavit that he has a claim against the Post Office Department, which has been submitted to and disallowed by the General Accounting Office, specifying such claim in his

affidavit, and that he could not be prepared for trial at such term for want of evidence, the court, if satisfied thereof, may grant a continuance until the next term. (R. S. § 958; June 10, 1921, c. 18, § 310, 42 Stat. 25.)

783. Suits on debentures; judgment; continuance.—In all suits for the recovery of money upon debentures issued by the collectors of customs, under any act for the collection of duties, it shall be the duty of the court to grant judgment at the return term, unless the defendant, in open court, exhibits some plea, on oath, by which the court is satisfied that a continuance is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted. (R. S. § 959.)

784. Suits on bonds for recovery of duties; judgment; continuance.—When suit is brought on any bond for the recovery of duties due to the United States, it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court (the United States attorney being present) makes oath that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alleged to have been committed, and that the same have been notified in writing to the collector of the district before the said return term; whereupon a continuance may be granted until the next term, and no longer, if the court is satisfied that such continuance is necessary for the attainment of justice. (R. S. § 960.)

785. Suit to recover forfeiture in bond.—In all suits brought to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or nonperformance appears by the default or confession of the defendant, or upon demurrer, the court shall render judgment for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, it shall, if either of the parties request it, be assessed by a jury. (R. S. § 961.)

786. Judgment for duties; collected in coin.—In all suits by the United States for the recovery of duties upon imports, or of penalties for the nonpayment thereof, the judgment shall recite that it is rendered for duties, and such judgment, with interest thereon, and costs, shall be payable in the coin by law receivable for duties; and the execution issued thereon shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. (R. S. § 962.)

787. Interest; in suits on bonds for recovery of duties.—Upon all bonds, on which suits are brought for the recovery of duties, interest shall be allowed, at the rate of 6 per centum a year, from the time when said bonds became due. (R. S. § 963.)

788. Same; in suits for balances due Post Office Department.—In all suits for balances due to the Post Office Department, interest thereon shall be recovered, from the time of the default, at the rate of 6 per centum per year. (R. S. § 964.)

789. Same; in suits on debentures.—In suits upon debentures, issued by the collectors of the customs under any act for the collection of duties, interest shall be allowed, at the rate of 6 per centum per annum, from the time when such debenture became due and payable. (R. S. § 965.)

790. Final record in equity and admiralty.—In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record. (R. S. § 750.)

791. Penalties and forfeitures; under laws of United States.—No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: *Provided*, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property. (R. S. § 1047.)

JUDGMENTS, COSTS, EXECUTIONS, AND MONEYS PAID INTO COURT

811. Interest on judgments.—Interest shall be allowed on all judgments in civil causes, recovered in a district court, and may be levied by the marshal under process of execution issued thereon, in all cases where, by the law of the State in which such court is held, interest may be levied under process of execution on judgments recovered in the courts of such State; and it shall be calculated from the date of the judgment, at such rate as is allowed by law on judgments recovered in the courts of such State. (R. S. § 966.)

812. Judgments; liens of.—Judgments and decrees rendered in a district court of the United States within any State, shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State. Whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana before a lien shall attach, this section and section 813 of this chapter shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State. (Aug. 1, 1888, c. 729, § 1, 25 Stat. 357; Aug. 17, 1912, c. 300, 37 Stat. 311.)

813. Indices of judgment debtors to be kept by clerks.—The clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of all judgment debtors under decrees, judgments, or orders of said courts, and such indices and judgments shall at all times be open to the inspection and examination of the public. (Aug. 1, 1888, c. 729, § 2, 25 Stat. 357; Feb. 7, 1925, c. 149, 43 Stat. 813.)

814. Judgments cease to be liens, when.—Judgments and decrees rendered in a district court, within any State, shall cease to be liens on real estate or chattels real, in the same manner and at like periods as judgments and decrees of the courts of such State cease, by law, to be liens thereon. (R. S. § 967.)

815. Costs; plaintiff not entitled to, when.—When, in a district court, a plaintiff in an action at law originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of $500, exclusive of costs, in a case which can not be brought there unless the amount in dispute, exclusive of costs, exceeds said sum or value; or a libelant, upon his own appeal, recovers less than the sum or value of $300, exclusive of costs, he shall not be allowed, but, at the discretion of the court, may be adjudged to pay, costs. (R. S. § 968.)

816. Costs of keeping vessels or other property attached or libeled in admiralty.—There shall be paid to the marshal any necessary cost of keeping vessels or other property attached

or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow. (June 1, 1922, c. 204, Title II, 42 Stat. 615; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1083; May 28, 1924, c. 204, Title II, 43 Stat. 220; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1029.)

817. Costs; in internal revenue suits.—When a suit for the recovery of any penalty or forfeiture accruing under any law providing internal revenue is brought upon information received from any person other than a collector, deputy collector, or inspector of internal revenue, the United States shall not be subject to any costs of suit. (R. S. § 969.)

818. Same; seizures; claimant not entitled to, when.—When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent. (R. S. § 970.)

819. Same; seizures; double costs.—If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs. (R. S. § 971.)

820. Same; copyright suits.—In all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon. (R. S. § 972.)

821. Same; infringement of patent; disclaimer.—When judgment or decree is rendered for the plaintiff or complainant, in any suit at law or in equity, for the infringement of a part of a patent, in which it appears that the patentee, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, no costs shall be recovered, unless the proper disclaimer, as provided by the patent laws, has been entered at the Patent Office before the suit was brought. (R. S. § 973.)

822. Same; fines or forfeitures.—When judgment is rendered against the defendant in a prosecution for any fine or forfeiture incurred under a statute of the United States, he shall be subject to the payment of costs; and on every conviction for any other offense not capital, the court may, in its discretion, award that the defendant shall pay the costs of the prosecution. (R. S. § 974.)

823. Same; when recoverable by defendant in prosecution; exception.—If any informer or plaintiff on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff is an officer of the United States specially authorized to commence such prosecution, and the court, at the trial in open court, certifies upon the record that there was reasonable cause for commencing the same; in which case no costs shall be adjudged to the defendant. (R. S. § 975.)

824. Fees of clerk, marshal, or attorney; when payable by informer.—If any informer on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, such informer shall be alone liable to the clerk, marshal, and attorney for the fees of such prosecution, unless he is an officer of the United States whose duty it is to commence such prosecution, and the court certifies that there was reasonable cause for commencing the same; in which case the United States shall be responsible for such fees. (R. S. § 976.)

825. Costs; several actions.—If several actions or processes are instituted, in a court of the United States or one of the Territories, against persons who might legally be joined in one action or process touching the matter in dispute, the party pursuing the same shall not recover, on all of the judgments therein which may be rendered in his favor, the costs of more than one action or process, unless special cause for said several actions or processes is satisfactorily shown on motion in open court. (R. S. § 977.)

826. Same; several libels against vessel and cargo.—When proceedings are had before a court of the United States or of the Territories, on several libels against any vessel and cargo, which might legally be joined in one libel, there shall not be allowed thereon more costs than on one libel, unless special cause for libeling the vessel and cargo separately is satisfactorily shown on motion in open court. And in proceedings on several libels or informations against any cargo, or parts of cargo, or merchandise seized as forfeited for the same cause, there shall not be allowed more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned. But allowance may be made on one libel or information for the costs incidental to several claims. (R. S. § 978.)

827. Same; payment before possession of vessel.—When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid. (R. S. § 979.)

828. Witness fees before commissioner; taxation.—In no case shall the fees of more than four witnesses be taxed against the United States, in the examination of any criminal case before a United States commissioner, unless their materiality and importance are first approved and certified to by the district attorney for the district in which the examination is had; and such taxation shall be subject to revision, as in other cases. (R. S. § 981.)

829. Costs; attorney liable for, when.—If any attorney, proctor, or other person admitted to conduct causes in any court of the United States, or of any Territory, appears to have multiplied the proceedings in any cause before such court, so as to increase costs unreasonably and vexatiously, he shall be required, by order of the court, to satisfy any excess of costs so increased. (R. S. § 982.)

830. Same; bill of; taxation.—The bill of fees of the clerk, marshal, and attorney, and the amount paid printers and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trials in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. Such taxed bills shall be filed with the papers in the cause. (R. S. § 983.)

831. Same; bill of; sworn to.—Before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the Treasury, for services of clerks, marshals, commissioners, or district attorneys, the party claiming such bill shall prove by his own oath, or that of some other person having a knowledge of the facts, to be attached to such bill, and filed therewith, that the services charged therein have been actually and necessarily performed, as therein stated. (R. S. § 984.)

832. Suits, and so forth, by poor persons; prepayment of fees and costs.—Any citizen of the United States entitled to com-

mence any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error or an appeal to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon suing out a writ of error or appealing, upon filing in said court a statement under oath in writing, that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks in such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action, or appeal. In any criminal case the court may, upon the filing in said court of the affidavit hereinbefore mentioned, direct that the expense of printing the record on appeal or writ of error be paid by the United States, and the same shall be paid when authorized by the Attorney General. (July 20, 1892, c. 209, § 1, 27 Stat. 252; June 25, 1910, c. 435, 36 Stat. 866; June 27, 1922, c. 246, 42 Stat. 666.)

833. Same; false swearing in affidavit of poverty, perjury.—After any such suit or action shall have been brought, the plaintiff may answer and avoid a demand for fees or security for costs by filing a like affidavit, and willful false swearing in any affidavit provided for in this section or section 832 of this title, shall be punishable as perjury is in other cases. (July 20, 1892, c. 209, § 2, 27 Stat. 252.)

834. Same; process; witnesses.—The officers of court shall issue, serve all process, and perform all duties in such cases, and witnesses shall attend as in other cases, and the plaintiff shall have the same remedies as are provided by law in other cases. (July 20, 1892, c. 209, § 3, 27 Stat. 252.)

835. Same; assignment of attorney; dismissal of cause.—The court may request any attorney of the court to represent such poor person, if it deems the cause worthy of a trial, and may dismiss any such cause so brought if it be made to appear that the allegation of poverty is untrue, or if said court be satisfied that the alleged cause of action is frivolous or malicious. (July 20, 1892, c. 209, § 4, 27 Stat. 252.)

836. Same; judgment for costs.—Judgment may be rendered for costs at the conclusion of the suit as in other cases: *Provided*, That the United States shall not be liable for any of the costs thus incurred. (July 20, 1892, c. 209, § 5, 27 Stat. 252.)

837. Suits by seamen without prepayment of or bond for costs.—Courts of the United States, including appellate courts, hereafter shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety. (July 12, 1917, c. 27, § 1, 40 Stat. 157; July 1, 1918, c. 113, § 1, 40 Stat. 683.)

838. Executions; run in all districts of State.—All writs of execution upon judgments or decrees obtained in a district court, in any State which is divided into two or more districts, may run and be executed in any part of such State; but shall be issued from, and made returnable to, the court wherein the judgment was obtained. (R. S. § 985.)

839. Same; run in every State and Territory.—All writs of execution upon judgments obtained for the use of the United States, in any court thereof, in one State, may run and be executed in any other State, or in any Territory, but shall be issued from and made returnable to, the court wherein the judgment was obtained. (R. S. § 986.)

840. Same; stay on conditions.—When a district court enters judgment in a civil action, either upon a verdict or on a finding of the court upon the facts, in cases where such finding is allowed, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as it may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court a petition for a new trial. If such petition is filed within said term of forty-two days, with a certificate thereon from any judge of such court that he allows it to be filed, which certificate he may make or refuse at his discretion, execution shall, of course, be further stayed to the next session of said court. If a new trial be granted, the former judgment shall be thereby rendered void. (R. S. § 987.)

841. Same; stay of one term.—In any State where judgments are liens upon the property of the defendant, and where, by the laws of such State, defendants are entitled, in the courts thereof, to a stay of execution for one term or more, defendants in actions in the courts of the United States, held therein, shall be entitled to a stay of execution for one term. (R. S. § 988.)

842. Same; against officers of revenue in cases of probable cause.—When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury, in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury. (R. S. § 989.)

843. Imprisonment for debt.—No person shall be imprisoned for debt in any State, on process issuing from a court of the United States, where, by the laws of such State, imprisonment for debt has been or shall be abolished. And all modifications, conditions, and restrictions upon imprisonment for debt, provided by the laws of any State, shall be applicable to the process issuing from the courts of the United States to be executed therein; and the same course of proceedings shall be adopted therein as may be adopted in the courts of such State. (R. S. § 990.)

844. Same; discharge according to State laws.—When any person is arrested or imprisoned in any State, on mesne process or execution issued from any court of the United States, in any civil action, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested and imprisoned on like process from the courts of such State. The same oath may be taken, and the same notice thereof shall be required, as may be provided by the laws of such State, and the same course of proceedings shall be adopted as may be adopted in the courts thereof. But all such proceedings shall be had before one of the commissioners of the circuit court for the district where the defendant is so held. (R. S. § 991.)

845. Same; jail limits.—Persons imprisoned on process issuing from any court of the United States in civil actions, as well at the suit of the United States as at the suit of any person, shall be entitled to the same privileges of the yards of the respective jails as persons confined in like cases on process from the courts of the respective States are entitled to, and under the like regulations and restrictions. (R. S. § 992.)

846. Fieri facias; appraisal of goods; appraisers.—When it is required by the laws of any State that goods taken in

execution on a writ of fieri facias shall be appraised, before the sale thereof, the appraisers appointed under the authority of the State may appraise goods taken in execution on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court of such State. And the marshal, in whose custody such goods may be, shall summon the appraisers, in the same manner as the sheriff is, by the laws of such State, required to summon them; and if the appraisers, being duly summoned, fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisement. When such appraisers attend they shall be entitled to the like fees as in cases of appraisements under the laws of the State. (R. S. § 993.)

847. Sales; real property under order or decree.—All real estate or any interest in land sold under any order or decree of any United States court shall be sold at public sale at the courthouse of the county, parish, or city in which the property, or the greater part thereof, is located, or upon the premises, as the court rendering such order or decree of sale may direct. (Mar. 3, 1893, c. 225, § 1, 27 Stat. 751.)

848. Same; personal property under order or decree.—All personal property sold under any order or decree of any court of the United States shall be sold as provided in section 847 of this title, unless in the opinion of the court rendering such order or decree, it would be best to sell it in some other manner. (Mar. 3, 1893, c. 225, § 2, 27 Stat. 751.)

849. Same; necessity of notice.—No sale of real estate under any order, judgment, or decree of any United States court shall be had without previous publication of notices of such proposed sale being ordered and had once a week for at least four weeks prior to such sale in at least one newspaper printed, regularly issued and having a general circulation in the county and State where the real estate proposed to be sold is situated, if such there be. If said property shall be situated in more than one county or State, such notice shall be published in such of the counties where said property is situated, as the court may direct. Said notice shall, among other things, describe the real estate to be sold. The court may, in its discretion, direct the publication of the notice of sale herein provided for to be made in such other papers as may seem proper. (Mar. 3, 1893, c. 225, § 3, 27 Stat. 751.)

850. Same; death of marshal after levy or after sale.—When a marshal dies, or is removed from office, or the term of his commission expires, after he has taken in execution, under process from a court of the United States, any lands, tenements, or hereditaments, and before sale or other final disposition thereof, the like process shall issue to the succeeding marshal, and the same proceeding shall be had as if such marshal had not died or been removed, or the term of his commission had not expired. And when a marshal dies or is removed from office, or the term of his commission expires, after he has sold any lands, tenements, or hereditaments, under process from a court of the United States, and before a deed for the same is executed by him to the purchaser, such court may, on application by the purchaser, or by the plaintiff at whose suit the sale was made, setting forth the case and the reason why the title was not perfected by said marshal, order the marshal for the time being to perfect the title and execute a deed to the purchaser, upon his paying the purchase money and costs remaining unpaid. (R. S. § 994.)

851. Moneys paid into court; deposit.—All moneys paid into any court of the United States, or received by the officers thereof, in any cause pending or adjudicated in such court, shall be forthwith deposited with the Treasurer, or a designated depositary of the United States, in the name and to the credit of such court. Nothing herein shall be construed to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court. (R. S. § 995; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

852. Same; withdrawal.—No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said court, respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on acount of which it is drawn.

In every case in which the right to withdraw money so deposited has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, it shall be the duty of the judge or judges of said court, or its successor, to cause such money to be deposited in the Treasury of the United States, in the name and to the credit of the United States. Any person or persons or any corporation or company entitled to any such money may, on petition to the court from which the money was received, or its successor, and upon notice to the United States attorney and full proof of right thereto, obtain an order of court directing the payment of such money to the claimant, and the money deposited as aforesaid shall constitute and be a permanent appropriation for payments in obedience to such orders. (R. S. § 996; Feb. 19, 1897, c. 265, § 3, 29 Stat. 578; Mar. 3, 1911, c. 224, 36 Stat. 1088.)

PROCEDURE ON ERROR AND APPEAL

861. Dismissal of appeal or writ of error because of error in procedure.—No court having power to review a judgment or decree of another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out; but where such error occurs the same shall be disregarded and the court shall proceed as if in that regard its power to review were properly invoked. (Sept. 6, 1916, c. 448, § 4, 39 Stat. 727; Feb. 13, 1925, c. 229, § 10, 43 Stat. 941.)

862. Removal of causes by writ of error.—There shall be annexed to and returned with any writ of error for the removal of a cause, at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and a prayer for reversal, with a citation to the adverse party. (R. S. § 997.)

863. Transcripts on appeals.—Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court. Either the court below or the Supreme Court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence shall be received in the Supreme Court, except in admiralty and prize causes. (R. S. § 698.)

864. One record.—Where appeal is duly taken by both parties from the judgment or decree of a district court to the Supreme Court, a transcript of the record filed in the Supreme Court by either appellant may be used on both appeals, and both shall be heard thereon in the same manner as if records had been filed by the appellants in both cases. (R. S. § 1013.)

865. Printed transcript of record on appeal to circuit court of appeals.—In any cause or proceeding wherein the final judgment or decree is sought to be reviewed on appeal to, or by writ of error from, a United States circuit court of appeals the appellant or plaintiff in error shall cause to be printed under such rules as the lower court shall prescribe, and shall file in

the office of the clerk of such circuit court of appeals at least twenty days before the case is called for argument therein, at least twenty-five printed transcripts of the record of the lower court, and of such part or abstract of the proofs as the rules of such circuit court of appeals may require, and in such form as the Supreme Court of the United States shall by rule prescribe, one of which printed transcripts shall be certified under the hand of the clerk of the lower court and under the seal thereof, and shall furnish three copies of such printed transcript to the adverse party at least twenty days before such argument. Either the court below or the circuit court of appeals may order any original document or other evidence to be sent up in addition to the printed copies of the record or in lieu of printed copies of a part thereof; and no written or typewritten transcript of the record shall be required. (Feb. 13, 1911, c. 47, § 1, 36 Stat. 901.)

866. Printed record as part of transcript on appeal to Supreme Court.—In any cause or proceeding wherein the final judgment or decree is sought to be reviewed on appeal to or by writ of error or of certiorari from the Supreme Court of the United States, in which the record has been printed and used upon the hearing in the court below and which substantially conforms to the printed record in said Supreme Court, if there have been at the time of filing the record in the court below twenty-five copies of said printed record, in addition to those provided in the preceding section, lodged with the clerk of the court below, one copy thereof shall be used by the clerk of the court below in the preparation and as a part of the transcript of the record of the court below; and no fee shall be allowed the clerk of the court below in the preparation of the transcript for such part thereof as is included in said printed record so lodged with him. And the clerk of the court below in transmitting the transcript of record to the Supreme Court of the United States for review shall at the same time transmit the remaining uncertified copies of the printed record so lodged with him, which shall be used in the preparation and as a part of the printed record in the Supreme Court of the United States, and the clerk's fee for preparing the record for the printer, indexing the same, supervising the printing and binding and distributing the copies shall be at such rate per folio thereof, exclusive of the printed record so furnished by the clerk of the court below, as the Supreme Court of the United States may from time to time by rule prescribe; and no written or typewritten transcript of so much of the record as shall have been printed as herein provided shall be required. (Feb. 3, 1911, c. 47, § 2, 36 Stat. 901.)

867. Citation.—When a writ of error is issued by a circuit court of appeals to a district court, the citation shall be signed by the judge of such district court, or by the circuit judge of such circuit court of appeals, or by a justice of the Supreme Court, and the adverse party shall have at least twenty days' notice. (R. S. § 998; Mar. 3, 1911, c. 231, §§ 117, 289, 36 Stat. 1131, 1167.)

868. Citation on writ of error to district court by Supreme Court.—When a writ of error is issued by the Supreme Court to a circuit court of appeals or a district court, the citation shall be signed by a judge of such circuit court of appeals or district court, or by a justice of the Supreme Court, and the adverse party shall have at least thirty days' notice; and when it is issued by the Supreme Court to a State court, the citation shall be signed by the Chief Justice, or judge, or chancellor of such court, rendering the judgment or passing the decree complained of, or by a justice of the Supreme Court of the United States, and the adverse party shall have at least thirty days' notice. (R. S. § 999; Mar. 3, 1911, c. 231, §§ 117, 289, 36 Stat. 1131, 1167.)

869. Bond in error and on appeal.—Every justice or judge signing a citation on any writ of error, shall, except in cases brought up by the United States or by direction of any department of the Government, take good and sufficient security that the plaintiff in error or the appellant shall prosecute his writ or appeal to effect, and, if he fail to make his plea good, shall answer all damages and costs, where the writ is a supersedeas and stays execution, or all costs only where it is not a supersedeas as aforesaid. (R. S. § 1000.)

870. Same; not required of United States.—Whenever a writ of error, appeal, or other process in law, admiralty, or equity, issues from or is brought up to the Supreme Court, or a circuit court of appeals, either by the United States or by direction of any department of the Government, no bond, obligation, or security shall be required from the United States, or from any party acting under the direction aforesaid, either to prosecute said suit, or to answer in damages or costs. In case of an adverse decision, such costs as by law are taxable against the United States, or against the party acting by direction as aforesaid, shall be paid out of the contingent fund of the department under whose directions the proceedings were instituted. (R. S. § 1001; Mar. 3, 1911, c. 231, §§ 118, 289, 36 Stat. 1131, 1167.)

871. Writs of error to State courts, manner of issue.—Writs of error from the Supreme Court to a State court in cases authorized by law, shall be issued in the same manner, and under the same regulations, and shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. (R. S. § 1003.)

872. Writs of error returnable to Supreme Court or to circuit courts of appeals.—Writs of error returnable to the Supreme court or a circuit court of appeals may be issued as well by the clerks of the district courts, under the seal thereof, as by the clerk of the Supreme Court or of a circuit court of appeals. When so issued they shall be as nearly as each case may admit agreeable to the form of a writ of error issued by the clerk of the Supreme Court or the clerk of a circuit court of appeals. (R. S. § 1004; Jan. 22, 1912, c. 12, 37 Stat. 54.)

873. Amendment of writ of error.—The Supreme Court may, at any time, in its discretion and upon such terms as it may deem just, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in all other particulars of form: *Provided*, The defect has not prejudiced, and the amendment will not injure, the defendant in error. (R. S. § 1005.)

874. Supersedeas.—In any case where a writ of error may be a supersedeas, the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterward with the permission of a justice or judge of the appellate court. And in such cases where a writ of error may be a supersedeas, executions shall not issue until the expiration of ten days. (R. S. §1007; Feb. 18, 1875, c. 80, § 1, 18 Stat. 316.)

875. Review in cases tried without jury.—When an issue of fact in any civil cause in a district court is tried and determined by the court without the intervention of a jury, according to section 773 of this title, the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed upon a writ

of error or upon appeal; and when the finding is special the review may extend to the determination of the sufficiency of the facts found to support the judgment. (R. S. § 700; Feb. 13, 1925, c. 229, § 1, 43 Stat. 936.)

876. Judgment or decree on review from district court in prize causes.—The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon. (R. S. § 701.)

877. Remand by Supreme Court or circuit court of appeals.—Whenever on appeal or writ of error or otherwise a case coming directly from the district court shall be reviewed and determined in the Supreme Court the cause shall be remanded to the proper district court for further proceedings to be taken in pursuance of such determination. And whenever on appeal or writ of error or otherwise a case coming from a circuit court of appeals shall be reviewed and determined in the Supreme Court the cause shall be remanded by the Supreme Court to the proper district court for further proceedings in pursuance of such determination. Whenever on appeal or writ of error or otherwise a case coming from a district court shall be reviewed and determined in the circuit court of appeals in a case in which the decision in the circuit court of appeals is final such cause shall be remanded to the said district court for further proceedings to be there taken in pursuance of such determination. (Mar. 3, 1891, c. 517, § 10, 26 Stat. 829.)

878. Damages and costs on affirmance.—Where, upon a writ of error, judgment is affirmed in the Supreme Court or a circuit court of appeals, the court shall adjudge to the respondents in error just damages for his delay, and single or double costs, at its discretion. (R. S. § 1010; Mar. 3, 1911, c. 231, §§ 117, 289, 36 Stat. 1131, 1167.)

879. Reversal on error limited.—There shall be no reversal in the Supreme Court or in a circuit court of appeals upon a writ of error, for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or for any error in fact. (R. S. § 1011; Feb. 18, 1875, c. 80, § 1.)

TITLE 29.—LABOR

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2. WOMEN'S BUREAU	11
3. NATIONAL TRADE UNIONS	21
4. VOCATIONAL REHABILITATION OF PERSONS INJURED IN INDUSTRY	31
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CROSS REFERENCES

Department of Labor; see Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

Hours of service on public works; see chapter 5 of Title 40.

Hours of service on railroads; see Title 45, RAILROADS.

Injuries to employees of railroads; see Title 45, RAILROADS.

Secretary of Labor; see Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

Chapter 1.—BUREAU OF LABOR STATISTICS.

Sec.
1. Design and duties of bureau generally.
2. Collection, collation, and reports of labor statistics.
3. Commissioner; appointment and tenure of office; compensation.
4. Duties of commissioner in general.
5. Bulletin as to labor conditions.
6. Annual and special reports to President and Congress.
7. Reports of labor statistics in Hawaii.

Section 1. Design and duties of bureau generally.—The general design and duties of the Bureau of Labor Statistics shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. (June 13, 1888, c. 389, § 1, 25 Stat. 182; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

2. Collection, collation, and reports of labor statistics.—The Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work, and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise. (Mar. 4, 1913, c. 141, § 4, 37 Stat. 737.)

3. Commissioner; appointment and tenure of office; compensation.—The Bureau of Labor Statistics shall be under the charge of a Commissioner of Labor Statistics, who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, and shall receive a salary of $5,000 per annum. (June 13, 1888, c. 389, § 2, 25 Stat. 182; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

4. Duties of commissioner in general.—It shall be the duty of the Commissioner of Labor Statistics to ascertain and report as to the effect of the customs laws, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. He is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. He shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so from whence. (June 13, 1888, c. 389, § 7, 25 Stat. 183; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

5. Bulletin as to labor conditions.—The Commissioner of Labor Statistics is hereby authorized to prepare and publish a bulletin of the Bureau of Labor Statistics, as to the condition of labor in this and other countries, condensations of State and foreign labor reports, facts as to conditions of employment, and such other facts as may be deemed of value to the industrial interests of the country. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 805.)

6. Annual and special reports to President and Congress.—The Commissioner of Labor Statistics shall annually make a report in writing to the President and Congress, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the department. He is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subjects in his charge require it. He shall, on or before the 15th day of December in each year, make a report in detail to Congress of all moneys expended under his direction during the preceding fiscal year. (June 13, 1888, c. 389, § 8, 25 Stat. 183; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

7. Reports of labor statistics in Hawaii.—It shall be the duty of the United States Commissioner of Labor Statistics to collect, assort, arrange, and present in reports every five years statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said commissioner is especially charged to ascertain the highest, lowest and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress. (Apr. 30, 1900, c. 339, § 76, 31 Stat. 155; Apr. 8, 1904, c. 948, 33 Stat. 164.)

Chapter 2.—WOMEN'S BUREAU.

Sec.
11. Bureau established.
12. Director of bureau; appointment; salary.
13. Powers and duties of bureau.
14. Assistant director of bureau; appointment; salary; duties.
15. Employees of bureau; compensation.
16. Quarters for bureau.

Section 11. Bureau established.—There shall be established in the Department of Labor a bureau to be known as the Women's Bureau. (June 5, 1920, c. 248, § 1, 41 Stat. 987.)

12. Director of bureau; appointment; salary.—The Women's Bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of $5,000. (June 5, 1920, c. 248, § 2, 41 Stat. 987.)

13. Powers and duties of bureau.—It shall be the duty of the Women's Bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve

their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall have authority to investigate and report to the Department of Labor upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe. (June 5, 1920, c. 248, § 2, 41 Stat. 987.)

14. Assistant director of bureau; appointment; salary; duties.—There shall be in the Women's Bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of $3,500 and shall perform such duties as shall be prescribed by the director and approved by the Secretary of Labor. (June 5, 1920, c. 248, § 3, 41 Stat. 987.)

15. Employees of bureau; compensation.—There is hereby authorized to be employed by the Women's Bureau a chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations. (June 5, 1920, c. 248, § 4, 41 Stat. 987.)

16. Quarters for bureau.—The Secretary of Labor is hereby directed to furnish sufficient quarters, office furniture and equipment, for the work of the Women's Bureau. (June 5, 1920, c. 248, § 5, 41 Stat. 987.)

Chapter 3.—NATIONAL TRADE-UNIONS.

Sec.
21. Definition.
22. Incorporation.
23. Constitution, rules, and by-laws.
24. Officers, branches, and subunions.
25. Headquarters.

Section 21. Definition.—The term "national trade-union," in the meaning of this chapter, shall signify any association of working people having two or more branches in the States or Territories of the United States for the purpose of aiding its members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit. (June 29, 1886, c. 567, § 1, 24 Stat. 86.)

22. Incorporation.—National trade-unions shall, upon filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under the technical name by which said national trade-union desires to be known to the trade; and shall have the right to sue and be sued, to implead and be impleaded, to grant and receive, in its corporate or technical name, property, real, personal, and mixed, and to use said property, and the proceeds and income thereof, for the objects of said corporation as in its charter defined: *Provided*, That each union may hold only so much real estate as may be required for the immediate purposes of its incorporation. (June 29, 1886, c. 567, § 2, 24 Stat. 86.)

23. Constitution, rules, and by-laws.—An incorporated national trade-union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out its lawful objects, and the same to alter, amend, add to, or repeal at pleasure. (June 29, 1886, c. 567, § 3, 24 Stat. 86.)

24. Officers, branches, and subunions.—An incorporated national trade-union shall have power to define the duties and powers of all its officers, and prescribe their mode of election and term of office, to establish branches and subunions in any Territory of the United States. (June 29, 1886, c. 567, § 4, 24 Stat. 86.)

25. Headquarters.—The headquarters of an incorporated national trade-union shall be located in the District of Columbia. (June 29, 1886, c. 567, § 5, 24 Stat. 86.)

Chapter 4.—VOCATIONAL REHABILITATION OF PERSONS INJURED IN INDUSTRY.

Sec.
31. Appropriations for use of States for vocational rehabilitation of persons injured in industry or occupation; allotment.
32. Conditions precedent to and limitations on expenditure of appropriations; civil employees of United States to receive benefits.
33. Definitions.
34. Acts required of States to secure benefits of appropriations.
35. Federal Board for Vocational Education; cooperation with State boards; rules and regulations.
36. Further powers and duties of Federal board; deductions from or withholding allotments to States.
37. Payment of allotments to States; disbursement by States.
38. Report by Federal board to Congress.
39. Appropriation for use of Federal board.
40. Report of expenditures of board.
41. Federal board authorized to receive gifts and donations.
42. Gifts or donations to constitute special fund; use of.
43. Report of gifts or donations.
44. Prohibition of discrimination for or against persons entitled to benefits of chapter.
45. Provisions of chapter extended to Territory of Hawaii.

Section 31. Appropriations for use of States for vocational rehabilitation of persons injured in industry or occupation; allotment.—In order to provide for the promotion of vocational rehabilitation of persons disabled in industry or in any legitimate occupation and their return to civil employment there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this chapter, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment for each of the fiscal years ending June 30, 1926, and June 30, 1927, and thereafter for a period of three years, the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population in the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of $5,000 for any fiscal year. And there is hereby authorized to be appropriated for the fiscal years ending June 30, 1926 and 1927, the sum of $34,000, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section. (June 5, 1924, c. 265, 43 Stat. 431.)

32. Conditions precedent to and limitations on expenditure of appropriations; civil employees of United States to receive benefits.—All moneys expended under the provisions of this chapter from appropriations authorized by section 31 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriations authorized by this chapter shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this chapter as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary admin-

istrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this chapter; (4) that no portion of any moneys authorized to be appropriated by this chapter for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty. (June 5, 1924, c. 265, 43 Stat. 431.)

33. Definitions.—For the purpose of this chapter the term "persons disabled" shall be construed to mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation. (June 2, 1920, c. 219, § 2, 41 Stat. 735.)

34. Acts required of States to secure benefits of appropriations.—In order to secure the benefits of the appropriations authorized by section 31, any State shall, through the legislative authority thereof, (1) accept the provisions of this chapter; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of sections 6 to 24 of Title 20, EDUCATION, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this chapter; (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency and the State board charged with the administration of this chapter, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the courses of vocational rehabilitation to be provided by the State board in carrying out the provisions of this chapter; (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations. (June 5, 1924, c. 265, 43 Stat. 431.)

35. Federal Board for Vocational Education; cooperation with State boards; rules and regulations.—The Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this chapter, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this chapter; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate, for the purpose of carrying out the provisions of this chapter, with such public and private agencies as it may deem advisable. (June 2, 1920, c. 219, § 4, 41 Stat. 736.)

36. Further powers and duties of Federal board; deductions from or withholding allotments to States.—It shall be the duty of the Federal board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this chapter; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this chapter; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this chapter and complied therewith, together with the amount which each State is entitled to receive under the provisions of this chapter; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this chapter a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this chapter; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this chapter that by any action or contingency is diminished or lost: *Provided*, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not, within one year from the time of said appeal, direct such sum to be paid, it shall be covered into the Treasury. (June 2, 1920, c. 219, § 4, 41 Stat. 736.)

37. Payment of allotments to States; disbursement by States.—The Secretary of the Treasury, upon the certification of the Federal board as provided in this chapter, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this chapter. The money so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board. (June 2, 1920, c. 219, § 5, 41 Stat. 736.)

38. Report by Federal board to Congress.—The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this chapter and shall include in such report the reports made by the State boards on the administration of this chapter by each State and the expenditure of the money allotted to each State. (June 2, 1920, c. 219, § 5, 41 Stat. 737.)

39. Appropriation for use of Federal board.—There is hereby authorized to be appropriated to the Federal Board for Vocational Education the sum of $75,000 annually for a period of three years, commencing July 1, 1924, for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this chapter, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses. (June 5, 1924, c. 265, 43 Stat. 432.)

40. Report of expenditure of board.—A full report of all expenses under the preceding section, including names of all employees and salaries paid them, traveling expenses and other expenses incurred by each and every employee and by members of the board, shall be submitted annually to Congress by the board. (June 5, 1924, c. 265, 43 Stat. 432.)

41. Federal board authorized to receive gifts and donations.—The Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations

from either public or private sources as may be offered unconditionally. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

42. Gifts or donations to constitute special fund; use of.—All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled persons," to be used under the direction of the Federal board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

43. Report of gifts or donations.—A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

44. Prohibition of discrimination for or against persons entitled to benefits of chapter.—No discrimination shall be made or permitted for or against any person or persons who are entitled to the benefits of this chapter because of membership or nonmembership in any industrial, fraternal, or private organization of any kind under a penalty of $200 for every violation thereof. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

45. Provisions of chapter extended to Territory of Hawaii.—The Territory of Hawaii shall be entitled to share in the benefits of this chapter upon the same terms and conditions as any of the several States. There is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, for each fiscal year ending June 30, the sum of $5,000, to be available for allotment under such chapter to the Territory. (Mar. 10, 1924, c. 46, § 5, 43 Stat. 18.)

Chapter 5.—MISCELLANEOUS PROVISIONS.

Sec.
51. Mediation in labor disputes; appointment of commissioners of conciliation.
52. Statutory restriction of injunctive relief.

Section 51. Mediation in labor disputes; appointment of commissioners of conciliation.—The Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done. (Mar. 4, 1913, c. 141, § 8, 37 Stat. 738.)

52. Statutory restriction of injunctive relief.—No restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States. (Oct. 15, 1914, c. 323, § 20, 38 Stat. 738.)

LAND DISTRICTS

See Title 48, PUBLIC LANDS.

LAND GRANT RAILROADS

See Title 45, RAILROADS.

LAND OFFICE

See Title 43, PUBLIC LANDS.

LEGAL TENDER

See Title 31, MONEY AND FINANCE.

LEGATIONS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

LEPROSY

See Title 42, PUBLIC HEALTH.

LIBRARY OF CONGRESS

See Title 2, CONGRESS.

LIGHTS AND BUOYS

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

LIMITATION OF LIABILITY

See Title 46, SHIPPING; Title 49, TRANSPORTATION.

LITERARY PROPERTY

See Title 17, COPYRIGHTS.

LOG BOOKS

See Title 46, SHIPPING.

MAIL SERVICE

See Title 39, POSTAL SERVICE.

MARINE BIOLOGICAL STATION

See Title 20, EDUCATION.

MARINE CORPS

See Title 34, NAVY.

MARITIME TRANSACTIONS

See Title 9, ARBITRATION.

MARKS AND BRANDS

See Title 21, FOOD AND DRUGS; Title 15, COMMERCE AND TRADE.

MATERNITY HYGIENE

See Title 42, PUBLIC HEALTH.

MASTERS OF VESSELS

See Title 46, SHIPPING.

MECHANICAL COLLEGES

See Title 7, AGRICULTURE.

MEDALS OF HONOR

See Title 10, ARMY.

MEMBERS OF CONGRESS

See Title 2, CONGRESS.

MERCHANT MARINE ACT

See Title 46, SHIPPING.

MIGRATORY BIRD LAW

See Title 16, CONSERVATION.

MILITARY ACADEMY

See Title 10, ARMY.

MILITARY COURTS

See Title 10, ARMY.

MILITARY DECORATIONS AND BADGES

See Title 10, ARMY.

MILITARY PARKS

See Title 16, CONSERVATION.

MILITARY POSTS

See Title 10, ARMY.

MILITARY RESERVATIONS

See Title 43, PUBLIC LANDS; Title 50, WAR.

MILITARY TRAINING CAMPS

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MILITIA

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TITLE 30.—MINERAL LANDS AND MINING

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Chapter 1.—THE BUREAU OF MINES.

Sec.
1. Bureau of Mines; establishment; director; experts and other employees.
2. Same; performance of duties in absence of director.
3. Same; duties of bureau.
4. Investigation of lignite coal and peat.
5. Reports of investigations.
6. Personal interest of director and members of bureau in mines.
7. Fees for tests or investigations.
8. Additional mining experiment stations and mine safety stations authorized.
9. Same; acceptance of lands from State.
10. Headquarters of mine rescue cars; site for experimental work; leases and donations for.
11. Purchase of supplies or procurement of services for Bureau of Mines.

Section 1. Bureau of Mines; establishment; director; experts and other employees.—There is established in the Department of Commerce a bureau of mining, metallurgy, and mineral technology, to be designated the Bureau of Mines, and there shall be a director of said bureau, who shall be thoroughly equipped for the duties of said office by technical education and experience and who shall be appointed by the President, by and with the advice and consent of the Senate; and there shall also be in the said bureau such experts and other employees, to be appointed by the Secretary of the Interior, as may be required to carry out the purposes of this chapter in accordance with the appropriations made from time to time by Congress for such purposes. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Feb. 25, 1913, c. 72, § 1, 37 Stat. 681.)

2. Same; performance of duties in absence of director.—In the absence of the Director of the Bureau of Mines the assistant director of said bureau shall perform the duties of the director during the latter's absence, and in the absence of the Director and of the Assistant Director of the Bureau of Mines the Secretary of Commerce may designate some officer of said bureau to perform the duties of the director during his absence. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; July 1, 1916, c. 209, § 1, 39 Stat. 303.)

3. Same; duties of bureau.—It shall be the province and duty of the Bureau of Mines, subject to the approval of the Secretary of Commerce, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions, and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; to investigate explosives and peat; and on behalf of the Government to investigate the mineral fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient mining, preparation, treatment and use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of the provisions of this chapter. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Feb. 25, 1913, c. 72, § 2, 37 Stat. 681.)

4. Investigation of lignite coal and peat.—The Secretary of Commerce is authorized and directed to make experiments and investigations, through the Bureau of Mines, of lignite coals and peat, to determine the commercial and economic practicability of their utilization in producing fuel oil, gasoline substitutes, ammonia, tar, solid fuels, gas for power and other purposes. The Secretary of Commerce is authorized and directed to sell or otherwise dispose of any property, plant, or machinery purchased or acquired under the provisions of this section, as soon as the experiments and investigations hereby authorized have been concluded, and report the results of such experiments and investigations to Congress. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Feb. 25, 1919, c. 23, §§ 1, 2, 40 Stat. 1154.)

5. Reports of investigations.—The Director of the Bureau of Mines shall prepare and publish, subject to the direction of the Secretary of Commerce, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this chapter. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Feb. 25, 1913, c. 72, § 3, 37 Stat. 681.)

6. Personal interest of director and members of bureau in mines.—In conducting inquiries and investigations authorized under this chapter neither the director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property. Nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed $10 per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau. (Feb. 25, 1913, c. 72, § 4, 37 Stat. 682.)

7. Fees for tests or investigations.—For tests or investigations authorized by the Secretary of Commerce under the provisions of this chapter, other than those performed for the Government of the United States or State governments within the United States, a reasonable fee covering the necessary expenses shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of Commerce, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Feb. 25, 1913, c. 72, § 5, 37 Stat. 682.)

8. Additional mining experiment stations and mine safety stations authorized.—The Secretary of Commerce is authorized and directed to establish and maintain in the several important mining regions of the United States and the Territory of Alaska, as Congress may appropriate for the necessary employees and other expenses, under the Bureau of Mines and in accordance with the provisions of this chapter, ten mining experiment stations and seven mine safety stations, movable or stationary, in addition to those established prior to March 3, 1915, the province and duty of which shall be to make investigations and disseminate information with a view to improving

conditions in the mining, quarrying, metallurgical, and other mineral industries, safeguarding life among employees, preventing unnecessary waste of resources, and otherwise contributing to the advancement of these industries. Not more than three mining experiment stations and mine safety stations hereinabove authorized shall be established in any one fiscal year under the appropriations made therefor. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Mar. 3, 1915, c. 95, § 1, 38 Stat. 959.)

9. Same; acceptance of lands from States.—The Secretary of Commerce is authorized to accept lands, buildings, or other contributions from the several States offering to cooperate in carrying out the purposes of section 8 of this title. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Mar. 3, 1915, c. 95, § 2, 38 Stat. 959.)

10. Headquarters of mine rescue cars; site for experimental work; leases and donations for.—The Secretary of Commerce is authorized to accept any suitable land or lands, buildings, or improvements that may be donated for the headquarters of mine rescue cars and construction of necessary railway sidings and housing for the same or as the site of an experimental mine and plant for studying explosives, and to enter into leases for periods not exceeding ten years subject to annual appropriations by Congress. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; June 5, 1920, c. 235, § 1, 41 Stat. 912.)

11. Purchase of supplies or procurement of services for Bureau of Mines.—The purchase of supplies and equipment or the procurement of services for the Bureau of Mines outside of the District of Columbia, may be made in open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50. (July 1, 1918, c. 113, § 1, 40 Stat. 672.)

Chapter 2.—MINERAL LANDS AND REGULATIONS IN GENERAL.

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Section 21. Mineral lands reserved.—In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law. (R. S. § 2318.)

22. Lands open to purchase by citizens.—All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States. (R. S. § 2319; Feb. 25, 1920, c. 85, § 1, 41 Stat. 437.)

23. Length of claims on veins or lodes.—Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located prior to May 10, 1872, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the 10th day of May, 1872, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the 10th day of May, 1872, render such limitation necessary. The end lines of each claim shall be parallel to each other. (R. S. § 2320.)

24. Proof of citizenship.—Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation. (R. S. § 2321.)

25. Affidavit of citizenship.—Applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record or before any notary public of any State or Territory. (Apr. 26, 1882, c. 106, § 2, 22 Stat. 49.)

26. Locators' rights of possession and enjoyment.—The locators of all mining locations made on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim existed on the 10th day of May, 1872, so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. Nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon

the surface of a claim owned or possessed by another. (R. S. § 2322.)

27. Mining tunnels; right to possession of veins on line with; abandonment of right.—Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel. (R. S. § 2323.)

28. Mining district regulations by miners; annual labor on claims pending issue of patent; expenditure on tunnels considered.—The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims made after May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the 10th day of May, 1872, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year. On all claims located prior to the 10th day of May, 1872, $10 worth of labor shall be performed or improvements made each year, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several coowners to contribute his proportion of the expenditures required hereby, the coowners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent coowner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his coowners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims located since May 10, 1872, including such claims in the Territory of Alaska, shall commence at 12 o'clock meridian on the 1st day of July succeeding the date of location of such claim.

Where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since May 10, 1872; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by this section. On all such valid claims the annual period ending December 31, 1921, shall continue to 12 o'clock meridian July 1, 1922. (R. S. § 2324; Feb. 11, 1875, c. 41, 18 Stat. 315; Jan. 22, 1880, c. 9, § 2, 21 Stat. 61; Aug. 24, 1921, c. 84, 42 Stat. 186.)

29. Patents; procedure to obtain.—A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States supervisor of surveys, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States supervisor of surveys that $500 worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of $5 per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter. Where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits. (R. S. § 2325; Jan. 22, 1880, c. 9, § 2, 21 Stat. 61; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

30. Adverse claim; proceedings and subsequent filing of judgment roll by successful claimant.—Where an adverse claim is filed during the period of publication, mentioned in section 29 of this title, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his

claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the register of the land office, together with the certificate of the United States supervisor of surveys that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the register $5 per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the United States supervisor of surveys, whereupon the register shall certify the proceedings and judgment roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever. (R. S. § 2326; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

31. Same; oath of claimant.—The adverse claim required by section 30 of this title may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or of the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory. (Apr. 26, 1882, c. 106, § 1, 22 Stat. 49.)

32. Same; findings by jury; costs.—If, in any action brought pursuant to section 30 of this title, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy until he shall have perfected his title. (Mar. 3, 1881, c. 140, 21 Stat. 505.)

33. Pending applications; existing rights.—Applications for patents for mining claims under laws existing prior to May 10, 1872, and pending on that date may be prosecuted to a final decision in the General Land Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining claims upon veins or lodes issued prior to May 10, 1872, shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the 10th day of May, 1872. (R. S. § 2328.)

34. Description of vein claims on surveyed and unsurveyed lands; monuments on ground to govern conflicting calls.—The description of vein or lode claims upon surveyed lands shall designate the location of the claims with reference to the lines of the public survey, but need not conform therewith; but where patents have been or shall be issued for claims upon unsurveyed lands, the United States supervisor of surveys in extending the public survey, shall adjust the same to the boundaries of said patented claims so as in no case to interfere with or change the true location of such claims as they are officially established upon the ground. Where patents have issued for mineral lands, those lands only shall be segregated and shall be deemed to be patented which are bounded by the lines actually marked, defined, and established upon the ground by the monuments of the official survey upon which the patent grant is based, and the United States supervisor of surveys in executing subsequent patent surveys, whether upon surveyed or unsurveyed lands, shall be governed accordingly. The said monuments shall at all times constitute the highest authority as to what land is patented, and in case of any conflict between the said monuments of such patented claims and the descriptions of said claims in the patents issued therefor the monuments on the ground shall govern, and erroneous or inconsistent descriptions or calls in the patent descriptions shall give way thereto. (R. S. § 2327; Apr. 28, 1904, c. 1796, 33 Stat. 545; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

35. Placer claims conforming entry to legal subdivisions and surveys; limitation of claims.—Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands. And where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the 10th day of May, 1872, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead purposes. (R. S. §§ 2329, 2331; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

36. Same; subdivisions of ten-acre tracts; maximum of placer locations.—Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim, made after the 9th day of July, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide preemption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser. (R. S. § 2330.)

37. Same; proceedings for patent.—Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of $5 per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of $2.50 per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section 23 of this title, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim which does not

include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof. (R. S. § 2333.)

38. **Evidence of possession and work to establish right to patent.**—Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent. (R. S. § 2332.)

39. **Surveyors of mining claims.**—The United States supervisor of surveys may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register of the Land Office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office. (R. S. § 2334; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

40. **Verification of affidavits.**—All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register of the Land Office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the Land Office as published nearest to the location of such land; and the register shall require proof that such notice has been given. (R. S. § 2335; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

41. **Intersecting or crossing veins.**—Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection. (R. S. § 2336.)

42. **Patents for nonmineral lands.**—Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section. (R. S. § 2337.)

43. **Conditions of sale by local legislature.**—As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent. (R. S. § 2338.)

44. **Certain mineral lands open to homesteads.**—Wherever, upon the lands designated as mineral lands prior to July 26, 1866, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads may avail themselves of the provisions of chapter 7 of title 43, relating to "Homesteads." (R. S. § 2341; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

45. **Mineral lands set apart as agricultural lands.**—Upon the survey of the lands described in section 44 of this title, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to sale as other public lands, and be subject to all the laws and regulations applicable to the same. (R. S. § 2342; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

46. **Additional land districts and officers.**—The President is authorized to establish additional land districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter. (R. S. § 2343.)

47. **Provisions of chapter not to affect certain rights.**—Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under laws in force prior to July 9, 1870; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July 25, 1866. (R. S. § 2344.)

48. **Lands in certain States excepted.**—Except as otherwise provided in sections 141 to 152, 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, the provisions of sections 21 to 24, 26 to 30, 33 to 47, 51 and 52 of this title shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which, except as otherwise provided in this title, are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the 10th day of May, 1872. And any bona fide entries of such lands within the States named since the 10th day of May, 1872, may be

patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, and at the same minimum price, as other public lands. (R. S. § 2345; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1067; Feb. 25, 1920, c. 85, § 1, 41 Stat. 437.)

49. Lands in Missouri and Kansas; disposal as agricultural lands.—Except as otherwise provided in sections 141 to 152, 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral are excluded from the operation of the provisions of this chapter, and all lands in said States shall be subject to disposal as agricultural lands. (May 5, 1876, c. 91, 19 Stat. 52.)

50. Grants to States or corporations not to include mineral lands.—No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the 30th day of January, 1865, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant. (R. S. § 2346.)

51. Vested rights to use of water for mining; right of way for canals.—Whenever, by priority of possession, rights to the use of water for mining purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (R. S. § 2339.)

52. Rights subject to vested and accrued water rights.—All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by section 51 of this title. (R. S. § 2340.)

Chapter 3.—LANDS CONTAINING COAL, PHOSPHATES, PETROLEUM, OIL, OIL SHALE, GAS, SODIUM, POTASSIUM, AND SO FORTH, AND BUILDING STONE.

ENTRY ON COAL LANDS, IN GENERAL

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71. Coal lands; entry.
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77. Coal lands in Alabama opened to agricultural entry.

ENTRY UNDER NONMINERAL-LAND LAWS OF COAL LANDS WITH RESERVATION OF COAL TO UNITED STATES

81. Rights of entrymen of lands subsequently classified as coal lands; disposal of coal deposits.
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83. Same; homestead or desert-land and other entries.
84. Same; applications for entry.
85. Patents for lands, with reservation of coal; disposal of coal deposits.
86. Disposition of lands in Indian reservations with reservation of coal; examination and appraisal of lands.
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88. Same; disposition of coal by United States.
89. Same; disposition of proceeds.
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ENTRY UNDER MINING LAWS OF LANDS CONTAINING PETROLEUM, OR OTHER MINERAL OILS, OR GAS

Sec.
101. Entry of mineral oil lands under placer mining laws.
102. Assessment work on contiguous oil lands, located as claims, of same owner.
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104. Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy petroleum fund.

HOMESTEAD ENTRY OF LANDS IN UTAH WITHDRAWN OR CLASSIFIED AS OIL LANDS

111. Entry under homestead or desert-land laws of lands in Utah, withdrawn or classified as oil lands; reservation of oil and gas.
112. Same; applications for lands.
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AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL, GAS, OR ASPHALTIC MINERALS

121. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil or gas; reservations to United States; application.
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187. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases as to operation of mines, wells, and so forth.
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Sec.
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207. Royalties; annual rentals; term of leases; development and operation.
208. Permits to take coal for local domestic needs.

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211. Authority to lease lands.
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222. Same; extension of time for beginning drilling, and so forth.
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231. Same; limitation of time for applications; grant to assignees or successors in interest of original locators or claimants; conflicting claims.
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241. Authority to make lease; survey of land; term of lease; royalties and annual rentals; rights of existing claimants.

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261. Prospecting permits; lands included.
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263. Permits to use or lease of nonmineral lands for camp sites, and so forth.

CROSS REFERENCE

Naval petroleum reserves; see Title 34, section 524.

ENTRY ON COAL LANDS IN GENERAL

Section 71. Coal lands; entry.—Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the register of not less than $10 per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than $20 per acre for such lands as shall be within fifteen miles of such road. (R. S. § 2347; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

72. Same; preference right of entry.—Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under section 71 of this title, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than $5,000 in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements. (R. S. § 2348.)

73. Same; presentation of claims.—All claims under section 72 of this title must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office. (R. S. § 2349.)

74. Same; one entry only.—Sections 71 to 73 of this title shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section 72 of this title shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant. (R. S. § 2350.)

75. Same; conflicting claims.—In case of conflicting claims upon coal lands where the improvements shall be commenced, after the 3d day of March, 1873, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the 3d day of March, 1873, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of sections 71 to 75 of this title. (R. S. § 2351.)

76. Same; rights reserved.—Nothing in sections 71 to 75 of this title shall be construed to destroy or impair any rights which may have attached prior to the 3d day of March, 1873, or to authorize the sale of lands valuable for mines of gold, silver, or copper. (R. S. § 2352.)

77. Coal lands in Alabama opened to agricultural entry.—Unreserved public lands containing coal deposits in the State of Alabama which on April 23, 1912, were being withheld from homestead entry under the provisions of section 171 of this title, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in sections 83 to 85, inclusive, of this title. (Apr. 23, 1912, c. 87, 37 Stat. 90.)

ENTRY UNDER NONMINERAL LAND LAWS OF COAL LANDS WITH RESERVATION OF COAL TO UNITED STATES

81. Rights of entrymen of lands subsequently classified as coal lands; disposal of coal deposits.—Any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction. The owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit. Nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector, or entryman who has made or shall make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal. (Mar. 3, 1909, c. 270, 35 Stat. 844.)

82. New or supplemental patents, in case of lands subsequently classified as noncoal.—The Secretary of the Interior is authorized and directed in cases where patents for public lands have been issued to entrymen under the provisions of sections 81, 83, 84, and 85 of this title, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents without such reservation. (Apr. 14, 1914, c. 55, 38 Stat. 335.)

83. Same; homestead or desert-land and other entries.—Unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section 641, Title 43, and to withdrawal under sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this section and sections 84 and 85 shall contain more than one hundred and sixty acres, and all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under section 218, Title 43. Those who have initiated nonmineral entries, selections, or locations in good faith, prior to June 22, 1910, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for herein. (June 22, 1910, c. 318, § 1, 36 Stat. 583.)

84. Same; applications for entry.—Any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section 641 of Title 43, and the Secretary of the Interior in withdrawing under sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43 lands classified as coal lands, or valuable for coal, with a view of securing or passing title to the same in accordance with the provisions of said sections, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of sections 83 to 85 of this title. (June 22, 1910, c. 318, § 2, 36 Stat. 584.)

85. Patents for lands, with reservation of coal; disposal of coal deposits.—Upon satisfactory proof of full compliance with the provisions of the laws under which entry is made, and of this section and sections 83 and 84 of this title, the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal in the lands so patented, together with the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by this section and sections 83 and 84 of this title, for the purpose of prospecting for coal thereon upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages. The owner under such limited patent shall have the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as coal lands with a view of disproving such classification and securing a patent without reservation. (June 22, 1910, c. 318, § 3, 36 Stat. 584.)

86. Disposition of lands in Indian reservations with reservation of coal; examination and appraisal of lands.—In any Indian reservation opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and nonmineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same. Such surplus lands, prior to any disposition hereunder, shall be examined, separated into classes the same as are the nonmineral lands in such reservations, and appraised, as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose. (Feb. 27, 1917, c. 133, § 1, 39 Stat. 944.)

87. Same; statements in application; patents.—Any applicant for lands mentioned in section 86 shall state in his application that the same is made in accordance with and subject

to the provisions and reservations of this section and sections 86, 88, and 89 of this title, and upon submission of satisfactory proof of full compliance with the provisions of law under which application or entry is made and of said sections shall be entitled to a patent to the lands applied for and entered by him, which patent shall contain a reservation to the United States of all the coal deposits in the lands so patented, together with the right to prospect for, mine, and remove the same. (Feb. 27, 1917, c. 133, § 2, 39 Stat. 945.)

88. Same; disposition of coal by United States.—If the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands applied for, entered, or patented under this section and sections 86, 87, and 89 of this title, for the purpose of prospecting for coal thereon, if such coal deposits are then subject to disposition, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages. The owner under such limited patent shall have the right to mine coal for personal use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications made under the applicable land laws of the United States for any such surplus lands which have been or may be classified as coal lands with a view of disproving such classification and securing a patent without reservation. (Feb. 27, 1917, c. 133, § 3, 39 Stat. 945.)

89. Same; disposition of proceeds.—The net proceeds derived from the sale and entry of surplus lands in conformity with the provisions of sections 86, 87, and 88 of this title shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation. The provisions of said sections shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma. (Feb. 27, 1917, c. 133, § 4, 39 Stat. 945.)

90. Selection of coal lands by States; sale in isolated or disconnected tracts.—Unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands or are valuable for coal shall, in addition to the classes of entries or filings described in sections 83, 84, and 85 of this title be subject to selection by the several States within whose limits the lands are situate, under grants made by Congress, and to disposition, in the discretion of the Secretary of the Interior, under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so selected or sold and of the right to prospect for, mine, and remove the same in accordance with the provisions of said sections, and such lands shall be subject to all the conditions and limitations of said sections. (Apr. 30, 1912, c. 99, 37 Stat. 105.)

ENTRY UNDER MINING LAWS OF LANDS CONTAINING PETROLEUM, OR OTHER MINERAL OILS, OR GAS

101. Entry of mineral oil lands under placer mining laws.—Any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: *Provided*, That lands containing such petroleum or other mineral oils which had been filed upon, claimed, or improved as mineral, but not yet patented, prior to February 11, 1897, may be held and patented under the provisions of this section the same as if such filing, claim, or improvement were subsequent to February 11, 1897. (Feb. 11, 1897, c. 216, 29 Stat. 526.)

102. Assessment work on contiguous oil lands, located as claims, of same owner.—Where oil lands are located as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all, where such labor will tend to the development or to determine the oil-bearing character of such contiguous claims. (Feb. 12, 1903, c. 548, 32 Stat. 825.)

103. Patents for oil or gas lands not denied because of transfer before discovery of oil or gas.—In no case shall patent be denied to or for any lands located or claimed prior to March 2, 1911, under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified person or persons or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases. The above provisions shall not apply where such lands were at the time of inception of development on or under such claim withdrawn from mineral entry. (Mar. 2, 1911, c. 201, § 1, 36 Stat. 1015.)

104. Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy petroleum fund.—Where applications for patents have been or may be offered for any oil or gas land included in an order of withdrawal upon which oil or gas had been discovered, or was being produced prior to March 2, 1911, or upon which drilling operations were in actual progress on October 3, 1910, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law. Any money which may accrue to the United States under the provisions of this section and section 103 of this title from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise. (Mar. 2, 1911, c. 201, § 2, 36 Stat. 1015; Aug. 25, 1914, c. 287, 38 Stat. 708.)

HOMESTEAD ENTRY OF LANDS IN UTAH, WITHDRAWN OR CLASSIFIED AS OIL LANDS

111. Entry under homestead or desert-land laws of lands in Utah withdrawn or classified as oil lands; reservation of oil and gas.—Unreserved public lands of the United States in the State of Utah, which have been withdrawn or classified as oil lands, or are valuable for oil, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection by the State of Utah under grants made by Congress and under section 641 of Title 43, and to withdrawal under sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43, and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of sections 111 to 113, inclusive, of this title shall contain more than one hundred and sixty acres: *Provided*, That those who have initiated nonmineral entries, selections, or locations in good faith, prior to August 24, 1912, on lands withdrawn or classified as oil lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in section 67 of this title. (Aug. 24, 1912, c. 367, § 1, 37 Stat. 496.)

112. Same; applications for lands.—Any person desiring to make entry under the homestead laws or the desert-land law, and the State of Utah desiring to make selection under section 641 of Title 43, or under grants made by Congress, and the Secretary of the Interior in withdrawing under sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43 lands classified as oil lands, or valuable for oil, with a view of securing or passing title to the same in accordance with the provisions of sections 111 to 113, inclusive, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of said sections. (Aug. 24, 1912, c. 367, § 2, 37 Stat. 496.)

113. Same; patent for lands; reservation of oil and gas in the United States.—Upon satisfactory proof of full compliance with the provisions of the laws under which entry is made and of sections 111 to 113 of this title the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the oil and gas in the lands so patented, together with the right to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such oil or gas. The reserved oil and gas deposits in such lands shall be disposed of only as shall be expressly directed by law. (Aug. 24, 1912, c. 367, § 3, 37 Stat. 496.)

AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL, GAS, OR ASPHALTIC MINERALS

121. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas; reservations to United States; application.—Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this section and sections 122 and 123 shall contain more than one hundred and sixty acres. All applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of the above mentioned sections. (July 17, 1914, c. 142, § 1, 38 Stat. 509.)

122. Same; patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification.—Upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character. (July 17, 1914, c. 142, § 2, 38 Stat. 509.)

123. Same; persons locating lands subsequently withdrawn or classified; patents to.—Any person who has, in good faith, located, selected, entered, or purchased, or any person who shall locate, select, enter, or purchase, after July 17, 1914, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same. (July 17, 1914, c. 142, § 3, 38 Stat. 510.)

LOCATION UNDER PLACER-MINING LAWS OF LANDS CONTAINING PHOSPHATE ROCK

131. Phosphate rock land; validity of bona fide locations prior to January 11, 1915; patents obtainable.—Where public lands containing deposits of phosphate rock had been located in good faith under the placer-mining laws of the United States prior to January 11, 1915, and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of the placer-mining laws, and patents whether issued prior to, or after, said date thereon shall give title to and possession of such deposits. This section shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned. (Jan. 11, 1915, c. 9, 38 Stat. 792.)

PERMITS TO PROSPECT FOR CHLORIDES, SULPHATES, CARBONATES, BORATES, SILICATES, OR NITRATES OF POTASSIUM

141. Permits to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium; territory excepted; area limited.—The Secretary of the Interior is authorized and directed, under such rules and regulations as he may prescribe, to issue to any applicant who is a citizen of the United States, an association of such citizens, or a corporation organized under the laws of any State or Territory thereof, a prospecting permit which shall give the exclusive right, for a period not exceeding two years, to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium on public lands of the United States, except lands in and adjacent to Searles Lake, which would be described if surveyed as townships 24, 25, 26, and 27 south of ranges 42, 43, and 44 east, Mount Diablo meridian, California: *Provided*, That the area to be included in such permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form. (Oct. 2, 1917, c. 62, § 1, 40 Stat. 297.)

142. Same; patents to permittees; leases of potash deposits; reservations.—Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one or more of the substances enumerated in section 141 of this title have been discovered by the permittee within the area covered by his permit, the permittee shall be entitled to a patent for not to exceed one-fourth of the land embraced in the prospecting permit, to be taken in compact form and described by legal subdivisions of the public-land surveys, or if the land be not surveyed, then in tracts which shall not exceed two miles in length, by survey executed at the cost of the permittee, in accordance with rules and regulations prescribed by the Secretary of the Interior. All other lands described and embraced in such a prospecting permit from and after the exercise of the right to patent accorded to the discoverer, and not covered by leases, may be leased by the Secretary of the Interior, through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres, all leases to be conditioned upon the payment by the lessee of such royalty as may be specified in the lease and which shall be fixed by the Secretary of the Interior in advance of offering the same, and which shall not be less than 2 per centum on the gross value of the output at the point of shipment, which royalty, on demand of the Secretary of the Interior, shall be paid in the product of such lease, and the payment in advance of a rental, which shall be not less than 25 cents per acre for the first year thereafter; not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods, upon condition that at the end of each twenty-year period succeeding the date of any lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods, and a patentee under this section may also be a lessee. The potash deposits in the public lands in and adjacent to Searles Lake in what would be if surveyed townships 24, 25, 26, and 27 south of ranges 42, 43, and 44 east, Mount Diablo meridian, California, may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of sections 141 to 152 of this title. The Secretary of the Interior may issue leases under the provisions of such sections for deposits of potash in public lands in Sweetwater County, Wyoming, also containing deposits of coal, on condition that the coal be reserved to the United States. (Oct. 2, 1917, c. 62, § 2, 40 Stat. 298.)

143. Same; leases to permittees for camp sites.—In addition to areas of such mineral land to be included in prospecting permits or leases the Secretary of the Interior, in his discretion, may issue to a permittee or lessee under sections 141 to 152 of this title the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land not exceeding forty acres in area for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. (Oct. 2, 1917, c. 62, § 3, 40 Stat. 298.)

144. Same; cancellation of permits.—The Secretary of the Interior shall reserve the authority and shall insert in any preliminary permit issued under section 141 of this title appropriate provisions for its cancellation by him upon failure by the permittee or licensee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit. (Oct. 2, 1917, c. 62, § 4, 40 Stat. 299.)

145. Same; restrictions on leasehold interests.—No person shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof which, together with the area embraced in any direct holding of a lease under sections 141 to 152 of this title, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, or otherwise, exceeds in the aggregate in any area, fifty miles square an amount equivalent to the maximum number of acres allowed to any one lessee under said sections. No person, association, or corporation holding a lease thereunder shall hold more than a tenth interest, direct or indirect, in any other agency, corporate or otherwise, engaged in the sale or resale of the products obtained from such lease; and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest so held; and the interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located, except that any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition. (Oct. 2, 1017, c. 62, § 5, 40 Stat. 299.)

146. Same; reservations in leases; protection of the United States.—Any permit, lease, occupation, or use, permitted under sections 141 to 152 of this title shall reserve to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands

leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in said sections, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes. The Secretary of the Interior, in his discretion, in making any lease under said sections may reserve to the United States the right to dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein. If such reservation is made it shall be so determined before the offering of such lease. The said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. Each lease shall contain provisions deemed necessary for the protection of the interests of the United States, and for the prevention of monopoly, and for the safeguarding of the public welfare. (Oct. 2, 1917, c. 62, §§ 6, 7, 40 Stat. 299.)

147. Same; forfeiture of leases.—Any lease issued under the provisions of sections 141 to 152 of this title may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property or some part thereof is located whenever the lessee fails to comply with any of the provisions of said sections, of the lease, or of the general regulations promulgated under said sections and in force at the date of the lease, and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (Oct. 2, 1917, c. 62, § 8, 40 Stat. 299.)

148. Same; potassium salts deposits.—The provisions of sections 141 to 152 of this title shall also apply to all deposits of potassium salts in the lands of the United States which may have been or may be disposed of under laws reserving to the United States the potassium deposits with the right to prospect for, drill, mine, and remove the same, subject to such conditions as to the use and occupancy of the surface as are or may be provided by law. (Oct. 2, 1917, c. 62, § 9, 40 Stat. 300.)

149. Same; disposition of royalties and rentals.—All moneys received from royalties and rentals under the provisions of sections 141 to 152 of this title, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by section 391 of Title 43, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43 and Acts amendatory thereof and supplemental thereto, 50 per centum of the amounts derived from such royalties and rentals, so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools. (Oct. 2, 1917, c. 62, § 10, 40 Stat. 300.)

150. Same; rules and regulations.—The Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of sections 141 to 152 of this title. (Oct. 2, 1917, c. 62, § 11, 40 Stat. 300.)

151. Same; regulation for disposition of deposits mandatory; rights of States concerning lessees.—The deposits referred to under sections 141 to 152 of this title in lands valuable for such minerals, shall be subject to disposition only in the form and manner provided therein, except as to valid claims existent October 2, 1917, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws. Nothing in the sections enumerated above shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee. (Oct. 2, 1917, c. 62, § 12, 40 Stat. 300.)

152. Same; provision in leases for regulation of price and disposition of minerals.—The Secretary of the Interior is authorized and directed to incorporate in every lease issued under the provisions of sections 141 to 151 of this title a provision reserving to the President the right to regulate the price of all mineral extracted and sold from the leased premises, which stipulation shall specifically provide that the price or prices fixed shall be such as to yield a fair and reasonable return to the lessee upon his investment and to secure to the consumer any of such products at the lowest price reasonable and consistent with the foregoing. A lease issued under said sections shall also stipulate that the President shall have authority to so regulate the disposal of the potassium products produced under such lease as to secure its distribution and use wholly within the limits of the United States or its possessions. (Oct. 2, 1917, c. 62, § 13, 40 Stat. 300.)

ENTRY OF BUILDING-STONE OR SALINE LANDS UNDER PLACER-MINING LAWS

161. Entry of building-stone lands; previous law unaffected.—Any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer-mineral claims. Lands reserved for the benefit of the public schools or donated to any States shall not be subject to entry under this section. Nothing contained in this section shall be construed to repeal section 471 of Title 16 relating to the establishment of national forests. (Aug. 4, 1892, c. 375, §§ 1, 3, 27 Stat. 348.)

162. Entry of saline lands under placer-mining laws.—All unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, shall be subject to location and purchase under the provisions of the law relating to placer-mining claims. The same person shall not locate or enter more than one claim hereunder. (Jan. 31, 1901, c. 186, 31 Stat. 745.)

DISPOSAL OF LANDS IN ALABAMA AS AGRICULTURAL LANDS

171. Disposal as agricultural lands.—Except as otherwise provided in sections 141 to 152, 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 and 263 of this title, all public lands within the State of Alabama whether mineral or otherwise, shall be subject to disposal only as agricultural lands. All lands which had been reported to the General Land Office prior to March 3, 1883, as containing coal and iron shall first be offered at public sale. (Mar. 3, 1883, c. 118, 22 Stat. 487.)

172. Certain lands in Alabama subject to homestead entry.—All lands designated as agricultural in the reclassification of the public lands of Alabama by the Secretary of the Interior under authority of Act March 27, 1906 (chapter 1347, section 1, Thirty-fourth Statutes, page 88), shall be subject to homestead entry as such. (Mar. 27, 1906, c. 1347, § 2, 34 Stat. 88.)

LEASES AND PROSPECTING PERMITS

1. General Provisions

181. Lands subject to disposition; right to extract helium reserved; persons not entitled to benefits.—Deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in

national forests, but excluding lands acquired under sections 513 to 519 of Title 16 known as the Appalachian Forest Act, and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities. The United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of the sections hereinbefore enumerated, under such rules and regulations as shall be prescribed by the Secretary of the Interior. In the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof. Citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of said sections. (Feb. 25, 1920, c. 85, § 1, 41 Stat. 437.)

182. Lands disposed of with reservation of deposits of coal, and so forth.—The provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits. (Feb. 25, 1920, c. 85, § 34, 41 Stat. 450.)

183. Cancellation of prospecting permits.—The Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229 241, 251, and 261 to 263 of this title appropriate provisions for its cancellation by him. (Feb. 25, 1920, c. 85, § 26, 41 Stat. 448.)

184. Limitation on number of leases to one person; combinations or unlawful trusts.—No person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease hereunder, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this section. Any interests held in violation hereof shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition. Nothing herein contained shall be construed to limit sections 227, 228, and 251 of this title or to prevent any number of lessees from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees, or the transportation of coal. Any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same. If any of the lands or deposits leased under the provisions hereof shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in any-wise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands herein provided, the lease thereof shall be forfeited by appropriate court proceedings. (Feb. 25, 1920, c. 85, § 27, 41 Stat. 448.)

185. Rights of way for pipe lines.—Rights of way through the public lands, including the national forests of the United States are granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 181 of this title, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers. The Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title. No right of way shall be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding. (Feb. 25, 1920, c. 85, § 28, 41 Stat. 449.)

186. Reservation of easements or rights of way for working purposes; reservation of right to sell or lease surface of lands.—Any permit, lease, occupation, or use permitted under

sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in the sections hereinbefore enumerated, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes. The Secretary of the Interior, in his discretion, in making any lease under the sections hereinbefore enumerated, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein. If such reservation is made it shall be so determined before the offering of such lease. The said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. (Feb. 25, 1920, c. 85, § 29, 41 Stat. 449.)

187. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases as to operation of mines, wells, and so forth.—No lease issued under the authority of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare. None of such provisions shall be in conflict with the laws of the State in which the leased property is situated. (Feb. 25, 1920, c. 85, § 30, 41 Stat. 449.)

188. Forfeiture or cancellation of leases.—Any lease issued under the provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of said sections, of the lease, or of the general regulations promulgated under said sections and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (Feb. 25, 1920, c. 85, § 31, 41 Stat. 450.)

189. Rules and regulations; rights of States not affected.—The Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes thereof. Nothing in said sections shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States. (Feb. 25, 1920, c. 85, § 32, 41 Stat. 450.)

190. Oaths required, when.—All statements, representations, or reports required by the Secretary of the Interior under sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require. (Feb. 25, 1920, c. 85, § 33, 41 Stat. 450.)

191. Disposition of moneys received.—Ten per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for production prior to February 25, 1920, 70 per centum, and for production thereafter 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of Title 43, and for production prior to such date 20 per centum, and for production thereafter 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct. All moneys which may accrue to the United States hereunder from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts." (Feb. 25, 1920, c. 85, § 35, 41 Stat. 450.)

192. Payment of royalties in oil or gas; sale of such oil or gas.—All royalty accruing to the United States under any oil or gas lease or permit under sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may re-

advertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee. Pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price. Any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States. (Feb. 25, 1920, c. 85, § 36, 41 Stat. 451.)

193. Disposition of deposits of coal, and so forth, in Wyoming.—The deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits in Lander, Wyoming, coal entries numbered 18 to 49, inclusive, shall be subject to disposition only in the form and manner provided in sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, except as to valid claims existent on February 25, 1920, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery. (Feb. 25, 1920, c. 85, § 37, 41 Stat. 451; Aug. 1, 1912, No. 38, 37 Stat. 1346.)

194. Fees and commissions of registers.—Until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers of United States land offices on account of business transacted under the provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title. (Feb. 25, 1920, c. 85, § 38, 41 Stat. 451; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

2. Coal

201. Division of land into leasing tracts; offer and award of leases; prospecting permits; notice of proposed lease.—The Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant. He is authorized, in awarding leases for coal lands improved and occupied or claimed in good faith, prior to February 25, 1920, to consider and recognize equitable rights of such occupants or claimants. Where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease hereunder for all or part of the land in his permit. No lease of coal hereunder shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated. (Feb. 25, 1920, c. 85, § 2, 41 Stat. 438.)

202. Common carriers; limitations of lease or permit.—No company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of the subchapter for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold more than one permit or lease for each two hundred miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

Nothing in this section shall preclude such a railroad of less than two hundred miles in length from securing one permit or lease hereunder. (Feb. 25, 1920, c. 85, § 2, 41 Stat. 438.)

203. Inclusion of additional lands in lease.—Any person, association, or corporation holding a lease of coal lands or coal deposits under this subchapter may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres. (Feb. 25, 1920, c. 85, § 3, 41 Stat. 439.)

204. Same; upon showing probability of exhaustion.—Upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease. (Feb. 25, 1920, c. 85, § 4, 41 Stat. 439.)

205. Consolidation of leases.—If, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands. (Feb. 25, 1920, c. 85, § 5, 41 Stat. 439.)

206. Noncontiguous tracts in single lease.—Where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit. (Feb. 25, 1920, c. 85, § 6, 41 Stat. 439.)

207. Royalties; annual rentals; term of leases; development and operation.—For the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except

that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods. The Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for. He may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss. (Feb. 25, 1920, c. 85, § 7, 41 Stat. 439.)

208. Permits to take coal for local domestic needs.—In order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title as in his opinion will safeguard the public interests. This privilege shall not extend to any corporations. In the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one thousand two hundred and eighty acres for a municipality of not less than one hundred thousand and not more than one hundred and fifty thousand population; and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand population or more, the land to be selected within the State wherein the municipal applicant may be located upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *Provided*, That the acquisition or holding of a lease under sections 181 and 201 to 207 of this title shall be no bar to the holding of such tract or operation of such mine under said limited license. (Feb. 25, 1920, c. 85, § 8, 41 Stat. 440.)

3. Phosphates

211. Authority to lease lands.—The Secretary of the Interior is authorized to lease to any applicant qualified under sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt. (Feb. 25, 1920, c. 85, § 9, 41 Stat. 440.)

212. Amount of land included in lease; surveys.—Each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal subdivisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives. The land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width. (Feb. 25, 1920, c. 85, § 10, 41 Stat. 440.)

213. Royalties; annual rentals; term of leases; operation.—For the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall not be less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods. The Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease can not be operated except at a loss. (Feb. 25, 1920, c. 85, § 11, 41 Stat. 440.)

214. Use of surface of other lands.—Any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this subchapter shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits. (Feb. 25, 1920, c. 85, § 12, 41 Stat. 441.)

4. Oil and Gas

221. Prospecting permits; term and conditions; extension; location of lands; marking land; notice of application for permit; permits in Alaska.—The Secretary of the Interior is authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil

or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall, during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby. In the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet, unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit. In said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit. (Feb. 25, 1920, c. 85, § 13, 41 Stat. 441.)

222. Same; extension of time for beginning drilling, and so forth.—The Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 221 of this title, extend the time for beginning such drilling or completing it, to the amount specified in such section for such time, not exceeding three years, and upon such conditions as he shall prescribe. (Jan. 11, 1922, c. 28, 42 Stat. 356.)

223. Leases; amount and survey of land; term of lease; royalties and annual rental.—Upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit. The permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 226 of this title. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251, and 261 to 263 of this title, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe. The Secretary shall have the right to reject any or all bids. (Feb. 25, 1920, c. 85, § 14, 41 Stat. 442.)

224. Payments for oil or gas taken prior to application for lease.—Until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition. (Feb. 25, 1920, c. 85, § 15, 41 Stat. 442.)

225. Conditions of permit or lease; forfeiture for violations of.—All permits and leases of lands containing oil or gas, made or issued under the provisions of this subchapter, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease. to be enforced through appropriate proceedings in courts of competent jurisdiction. (Feb. 25, 1920, c. 85, § 16, 41 Stat. 443.)

226. Lease of unappropriated deposits of oil or gas in producing oil or gas field; royalties and annual rentals.—All unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding six hundred and forty acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per centum in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive

periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods. Whenever the average daily production of any oil well shall not exceed ten barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this section shall apply to all oil and gas leases made under this subchapter. (Feb. 25, 1920, c. 85, § 17, 41 Stat. 443.)

227. Leases to persons relinquishing rights under prior claims on withdrawn lands under preexisting placer mining law; claims on naval petroleum reserves; fraud of claimant; adjustment of suits.—Upon relinquishment to the United States, filed in the General Land Office within six months after February 25, 1920, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such land may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under section 104 of this title shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Provided further*, That no lease or leases under this section shall be granted, nor shall any interest therein, inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for. (Feb. 25, 1020, c. 85, § 18, 41 Stat. 443.)

228. Prospecting permits and leases to persons of lands not withdrawn; terms and conditions of; fraud of claimants.—Any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to February 25, 1920, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate to $250 for each location if application therefor shall be made within six months from February 25, 1920, shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this subchapter, or where any such person has made such discovery, prior to said February 25, 1920, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 227 of this title: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy. No claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear. (Feb. 25, 1920, c. 85, § 19, 41 Stat. 445.)

229. Preference right to permits or leases of claimants of lands bona fide entered as agricultural land; terms and conditions of.—In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad

grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 12½ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 223 of this title. (Feb. 25, 1920, c. 85, § 20, 41 Stat. 445.)

230. Permits or leases of certain lands in Oklahoma; adjustment of equitable claims by Secretary of Interior.—The Secretary of the Interior is authorized to adjust and determine the equitable claims of citizens of the United States, and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the medial line of the main channel of Red River, Oklahoma, which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to February 25, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas, by issuance of permits or leases to those found equitably entitled thereto. (Mar. 4, 1923, c. 249, § 1, 42 Stat. 1448.)

231. Same; limitation of time for applications; grant to assignees or successors in interest of original locators or claimants; conflicting claims.—Applications for permits and leases under sections 230 to 236 of this title shall be made to the Secretary of the Interior, and shall be made within and not after sixty days from and after March 4, 1923. Leases and permits under said sections may be granted to the assignees or successors in interest of the original locators or the original claimants in all cases where the original locators or original claimants have assigned or transferred their rights, but when leases or permits are granted to the assignees or successors in interest of the original locators or original claimants the said leases and permits shall be subject to all contracts, not contrary to law or public policy, between the original locators or original claimants and their successors in interest.

In case of conflicting claimants for permits or leases under said sections 230 to 236 of this title, the Secretary of the Interior is authorized to grant permits or leases to one or more of them as shall be deemed just. (Mar. 4, 1923, c. 249, § 2, 42 Stat. 1448.)

232. Same; limitation on amount of land granted.—Not more than one hundred and sixty acres shall be granted by leases or permits under sections 230 to 236 of this title to any one person or corporation, except in those cases where two or more locations or claims have been assigned to one person or corporation, and in such cases not more than six hundred and forty acres shall be granted by leases or permits to any one person or corporation. (Mar. 4, 1923, c. 249, § 3, 42 Stat. 1448.)

233. Same; royalties.—Each lessee shall be required to pay as royalty to the United States an amount equal to the value at the time of production of 12½ per centum of all oil and gas produced by him prior to the issuance of the lease, except oil or gas used on the property for production purposes or unavoidably lost; and shall be required to pay to the United States a royalty of not less than 12½ per centum of all oil and gas produced by him after the issuance of the lease, except oil and gas used on the property for production purposes or unavoidably lost. Of the proceeds of the oil and gas that have been produced or that may hereafter be produced by the receiver of said property, appointed by the Supreme Court of the United States, 12½ per centum as royalty shall be paid to the United States, and the residue after deducting and paying the expenses of the litigation incurred by the United States and the expenses of the receivership shall be paid to the person or corporation to whom may be granted a lease of the land on which said oil and gas were produced. The Secretary of the Interior is authorized and directed to take such legal steps as may be necessary and proper to collect from any person or persons who shall not be awarded a permit or lease under sections 230 to 236 of this title an amount equal to the value of all oil and gas produced by him or them from any of said lands prior to the inclusion of said property in the receivership, except oil or gas used on the property for production purposes or unavoidably lost and except other reasonable and proper allowances for the expenses of production. Of the amount so collected, 12½ per centum shall be reserved to the United States as royalty and the balance after deducting the expense of collection shall be paid over to the person or persons awarded permits or leases under said sections, as their interests may appear. (Mar. 4, 1923, c. 249, § 4, 42 Stat. 1448.)

234. Same; laws applicable; disposition of remaining lands; operation of wells pending final disposition of applications for leases or permits; disposition of royalties and rentals.—Except as otherwise provided herein the applicable provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251 and 261 to 263 of this title shall apply to the leases and permits granted under sections 230 to 236 of this title, including the provisions of sections 191 and 192 relating to the disposition of royalties. After the adjudication and disposition of all applications under said sections 230 to 236 any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241, 251 and 261 to 263. The Secretary of the Interior is authorized to take over and operate wells existing on any of such lands on March 4, 1923, pending the final disposition of applications for leases and permits, and to utilize and expend in connection with such administration and operation so much as may be necessary of moneys impounded prior to that date from past production or thereafter produced, and upon final disposition of applications for and the issuance of leases and permits, after deducting the expenses of administration and operation and payment to the United States of the royalty herein provided, to pay the balance remaining to the person or company entitled thereto. Out of the 10 per centum of money received from royalties and rentals under the provisions of sections 230 to 236 of this title and paid into the Treasury of the United States and credited to miscellaneous receipts, as provided by section 191, the Secretary of the Interior is authorized to use and expend such portion as may be required to pay the expense of administration and supervision over leases and permits and the products thereof. (Mar. 4, 1923, c. 249, § 5, 42 Stat. 1449.)

235. Same; lands in possession of receivers appointed by Supreme Court.—Nothing in sections 230 to 236 of this title shall be construed to interfere with the possession by the Supreme Court of the United States, through its receiver or receivers, of any part of the lands described in section 230, nor to authorize the Secretary of the Interior to dispose of any of said lands or oil or gas deposits involved in litigation pending in the Supreme Court of the United States, on March 4, 1923, until the final disposition of said proceeding. The authority herein granted to the Secretary of the Interior, to take over and operate oil wells on said lands, shall not become effective until the said lands shall be, by the Supreme Court of

the United States, discharged from its possession. And nothing in said sections shall be construed to interfere with the jurisdiction, power, and authority of the Supreme Court of the United States to adjudicate claims against its said receiver, to direct the payment of such claims against the said receiver as may be allowed by the said court, to settle the said receiver's accounts, and to continue the receivership until, in due and orderly course, the same may be brought to an end. The Supreme Court of the United States is authorized, upon the termination of the said receivership, which the Attorney General is directed to apply for and secure at the earliest practicable date, to direct its receiver to pay to the Secretary of the Interior all funds derived from oil and gas produced from lands of the United States that may at that time remain in the hands of the said receiver; and when said funds shall be paid to the Secretary of the Interior the same shall be administered as provided in sections 230 to 236. (Mar. 4, 1923, c. 249, § 6, 42 Stat. 1449.)

236. Same; rules and regulations.—The Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of sections 230 to 235 of this title. (Mar. 4, 1923, c. 249, § 7, 42 Stat. 1450.)

5. Oil Shale

241. Authority to make lease; survey of land; term of lease; royalties and annual rentals; rights of existing claimants.—The Secretary of the Interior is authorized to lease to any person or corporation qualified under this section and sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 251 and 261 to 263 of this title any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with such sections, as he may prescribe. No lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior. For the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease. Any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation. No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section. Not more than one lease shall be granted under this section to any one person, association, or corporation. (Feb. 25, 1920, c. 85, § 21, 41 Stat. 445.)

6. Alaska Oil Proviso

251. Prospecting permits or leases to claimants of withdrawn lands; terms and conditions of; fraud of claimants.—Any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to February 25, 1920, expended not less than $250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from February 25, 1920, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this section and sections 181 to 194, 201 to 208, 211 to 214, 221, 223 to 229, 241 and 261 to 263 of this title covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each. Leases in Alaska under such sections whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease. For the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section. (Feb. 25, 1920, c. 85, § 22, 41 Stat. 446.)

7. Sodium

261. Prospecting permits; lands included.—The Secretary of the Interior is authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium dissolved in and soluble in water, and accumulated by concentration, in lands belonging to the United States for a period of not exceeding two years. The area to be included in such a permit shall be not exceeding two thousand five hundred and sixty acres of land in reasonably compact form. The provisions of this section shall not apply to lands in San Bernardino County, California. (Feb. 25, 1920, c. 85, § 23, 41 Stat. 447.)

262. Leases to permittees; survey of lands; royalties and annual rentals.—Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 261 of this title has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with the rules and regulations to be prescribed by the Secretary of the Interior. The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty of not less than one-eighth of the amount or value of the production to be fixed by the Secretary of the Interior. Lands known to contain such valuable deposits as are enumerated in section 261 of this title and not covered by permits or leases, except such lands as are situated in said

county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty of not less than one-eighth of the amount or value of the production as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each twenty-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit. (Feb. 25, 1920, c. 85, § 24, 41 Stat. 447.)

263. Permits to use or lease of nonmineral lands for camp sites, and so forth.—In addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. (Feb. 25, 1920, c. 85, § 25, 41 Stat. 447.)

MINISTERS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

MINTS AND ASSAY OFFICES

See Title 31, MONEY AND FINANCE.

MISSISSIPPI RIVER COMMISSION

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

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DEFINITIONS

Section 1. Short title.—This chapter may be cited as the "Budget and Accounting Act, 1921." (June 10, 1921, c. 18, § 1, 42 Stat. 20.)

2. Definitions.—When used in this chapter—The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the legislative branch of the Government or the Supreme Court of the United States;

The term "the Budget" means the Budget required by section 11 of this title to be transmitted to Congress;

The term "bureau" means the Bureau of the Budget;

The term "director" means the Director of the Bureau of the Budget; and

The term "assistant director" means the Assistant Director of the Bureau of the Budget. (June 10, 1921, c. 18, § 2, 42 Stat. 20.)

THE BUDGET

11. President to transmit Budget to Congress; contents thereof.—The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government. (June 10, 1921, c. 18, § 201, 42 Stat. 20.)

12. Estimates of appropriations from reclamation fund.—The aggregate of all estimates of appropriations from the "reclamation fund" contained in the Budget for any fiscal year shall be included in the totals of the Budget for that year. (Jan. 24, 1923, c. 42, 42 Stat. 1208.)

13. Recommendations of President accompanying Budget.—(a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time

the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require. (June 10, 1921, c. 18, § 202, 42 Stat. 21.)

14. Supplemental or deficiency estimates transmitted to Congress.—(a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subdivision (a) of section 13 of this title, he shall thereupon make such recommendation. (June 10, 1921, c. 18, § 203, 42 Stat. 21.)

15. Estimates or requests for appropriations, etc., not to be submitted by department officers or employees except by request.—No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. (June 10, 1921, c. 18, § 206, 42 Stat. 21.)

16. Bureau of Budget; director and assistant director; Budget, etc., to be prepared by bureau.—There is created in the Treasury Department a bureau to be known as the Bureau of the Budget. There shall be in the bureau a director and an assistant director, who shall be appointed by the President and receive salaries of $10,000 and $7,500 a year, respectively. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments. (June 10, 1921, c. 18, § 207, 42 Stat. 22.)

17. Attorneys and other employees of bureau; compensation; expenses of bureau; transfer of employees to bureau.—(a) The director, under such rules and regulations as the President may prescribe, shall appoint attorneys and other employees and shall make expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, within the appropriations made therefor.

(b) The director may appoint not more than four persons without regard to the civil service laws and regulations.

(c) All employees in the bureau whose compensation is at a rate of $5,000 a year or less shall be appointed in accordance with the civil service laws and regulations. (June 10, 1921, c. 18, § 208, 42 Stat. 22; Mar. 4, 1923, c. 265, §§ 1–14, 42 Stat. 1488–1499.)

18. Detailed study of departments and establishments by bureau.—The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby. (June 10, 1921, c. 18, § 209, 42 Stat. 22.)

19. Powers and duties transferred to bureau.—The powers and duties relating to the compiling of estimates conferred and imposed upon the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury on June 10, 1921, are transferred to the bureau. (June 10, 1921, c. 18, § 211, 42 Stat. 22.)

20. Aid and information for committees of Congress.—The bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request. (June 10, 1921, c. 18, § 212, 42 Stat. 23.)

21. Information for bureau by departments and establishments; access to books, papers, etc., thereof.—Under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the bureau such information as the bureau may from time to time require, and (2) the director and the assistant director, or any employee of the bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment. (June 10, 1921, c. 18, § 213, 42 Stat. 23.)

22. Budget officers of departments and establishments; designation; duties.—(a) The head of each department and establishment shall designate an official thereof as Budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such Budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work. (June 10, 1921, c. 18, § 214, 42 Stat. 23.)

23. Departmental estimates; revision; time for submission to bureau; failure to submit.—The head of each department and establishment shall revise the departmental estimates and submit them to the bureau on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment. (June 10, 1921, c. 18, § 215, 42 Stat. 23.)

24. Same; form and manner of submission.—The departmental estimates and any supplemental or deficiency estimates submitted to the bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe. (June 10, 1921, c. 18, § 216, 42 Stat. 23.)

GENERAL ACCOUNTING OFFICE

41. Creation; control and direction of; certain offices abolished; officers, employees, books, papers, etc., transferred to General Accounting Office; seal thereof.—There is created an establishment of the Government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the Comptroller General of the United States. The offices of Comptroller

of the Treasury and Assistant Comptroller of the Treasury are abolished. All other officers and employees of the office of the Comptroller of the Treasury, except as otherwise provided in this chapter, shall be officers and employees in the General Accounting Office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment and other property of the office of the Comptroller of the Treasury shall be the property of the General Accounting Office. The Comptroller General is authorized to adopt a seal for the General Accounting Office. (June 10, 1921, c. 18, § 301, 42 Stat. 23.)

42. Comptroller General and Assistant Comptroller General.—There shall be in the General Accounting Office a Comptroller General of the United States and an Assistant Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate, and shall receive salaries of $10,000 and $7,500 a year, respectively. The Assistant Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General, or during a vacancy in that office, shall act as Comptroller General. (June 10, 1921, c. 18, § 302, 42 Stat. 23.)

43. Same; terms of office; removal from office; retirement.—Except as hereinafter provided in this section, the Comptroller General and the Assistant Comptroller General shall hold office for fifteen years. The Comptroller General shall not be eligible for reappointment. The Comptroller General or the Assistant Comptroller General may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Comptroller General or Assistant Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Comptroller General or Assistant Comptroller General removed in the manner herein provided shall be ineligible for reappointment to that office. When a Comptroller General or Assistant Comptroller General attains the age of seventy years, he shall be retired from his office. (June 10, 1921, c. 18, § 303, 42 Stat. 23.)

44. Certain powers and duties transferred to General Accounting Office; conclusiveness of balances certified by Comptroller General.—All powers and duties which on June 30, 1921, were conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with sections 1, 2, 11, 13 to 24, 41 to 47, 49 to 55, 58, 471, and 581 of this title and provisions of law enacted subsequent to June 30, 1921, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921. (June 10, 1921, c. 18, § 304, 42 Stat. 24.)

45. Bureau of Accounts in Post Office Department; administrative examination of accounts and vouchers.—The administrative examination of the accounts and vouchers of the Postal Service imposed by law on June 30, 1921, upon the Auditor for the Post Office Department shall be performed by a bureau in the Post Office Department to be known as the Bureau of Accounts. The Bureau of Accounts shall be under the direction of a comptroller, who shall be appointed by the President with the advice and consent of the Senate, and shall receive a salary of $5,000 a year. The comptroller shall perform the administrative duties performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct. The officers and employees of the Office of the Auditor for the Post Office Department engaged in the administrative examination of accounts shall be officers and employees of the Bureau of Accounts at their grades and salaries on July 1, 1921. (June 10, 1921, c. 18, § 304, 42 Stat. 24.)

46. Laws governing General Accounting Office; copies of books, records, etc., thereof as evidence.—All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the General Accounting Office. Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, when certified by the Comptroller General or the Assistant Comptroller General under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 661 and 665 of Title 28. (June 10, 1921, c. 18, § 306, 42 Stat. 24.)

47. Payment of adjusted accounts or claims.—The Comptroller General may provide for the payment of accounts or claims adjusted and settled in the General Accounting Office, through disbursing officers of the several departments and establishments, instead of by warrant. (June 10, 1921, c. 18, § 307, 42 Stat. 25.)

48. Same; regulating payment of arrears of pay.—The Comptroller General may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same. (R. S. § 274; July 31, 1894, c. 174, § 4, 28 Stat. 205; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

49. Forms, systems and procedure prescribed by Comptroller General.—The Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States. (June 10, 1921, c. 18, § 309, 42 Stat. 25.)

50. Forms for use in offices for collecting customs.—The Comptroller General shall report to the Secretary of the Treasury official forms to be used in the different offices for collecting the public receipts from customs. (R. S. § 318; July 31, 1894, c. 174, § 4, 28 Stat. 205; June 10, 1921, c. 18, §§ 304, 309, 42 Stat. 24, 25.)

51. Rooms of General Accounting Office.—The General Accounting Office shall occupy temporarily the rooms occupied on June 10, 1921, by the office of the Comptroller of the Treasury and the six auditors. (June 10, 1921, c. 18, § 310, 42 Stat. 25.)

52. Attorneys and employees in General Accounting Office; appointment; removal; compensation; duties; official acts; rules and regulations made by Comptroller General.—(a) The Comptroller General shall appoint and remove attorneys and other employees in the General Accounting Office.

(b) All such appointments, except to positions carrying a salary at a rate of more than $5,000 a year, shall be made in accordance with the civil service laws and regulations.

(c) The Comptroller General may appoint not more than four persons without regard to the civil service laws and regulations.

(d) All officers and employees of the General Accounting Office, whether transferred thereto or appointed by the Comptroller General, shall perform such duties as may be assigned to them by him.

(e) All official acts performed by such officers or employees specially designated therefor by the Comptroller General shall

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have the same force and effect as though performed by the Comptroller General in person.

(f) The Comptroller General shall make such rules and regulations as may be necessary for carrying on the work of the General Accounting Office, including rules and regulations concerning the admission of attorneys to practice before such office. (June 10, 1921, c. 18, § 311, 42 Stat. 25.)

53. Investigations and reports by Comptroller General.—(a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

(e) He shall furnish such information relating to expenditures and accounting to the Bureau of the Budget as it may request from time to time. (June 10, 1921, c. 18, § 312, 42 Stat. 25.)

54. Information furnished to Comptroller General by departments and establishments.—All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 107 of this title. (June 10, 1921, c. 18, § 313, 42 Stat. 26.)

55. Eligible register for accountants for General Accounting Office.—The Civil Service Commission shall establish an eligible register for accountants for the General Accounting Office, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the Comptroller General. (June 10, 1921, c. 18, § 314, 42 Stat. 26.)

56. Designation of person to sign warrants.—The Comptroller General is authorized to designate such person or persons in his office as may be required from time to time to countersign in his name such classes of warrants as he may direct. (Mar. 4, 1909, c. 297, § 1, 35 Stat. 866; May 29, 1920, c. 214, § 1, 41 Stat. 647; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

58. Leaves of absence; piece-rate employees.—Under such rules and regulations as may be provided, piece-rate employees in the General Accounting Office and the Bureau of Accounts of the Post Office Department shall be entitled to the same leave of absence with pay as is provided for clerks and employees in the executive departments by sections 29 and 30 of Title 5. The pay of any piece-rate employee during such leave shall be determined by the average quantity of work done by such employee and the pay therefor. (Mar. 4, 1913, c. 142, § 1, 37 Stat. 754; June 10, 1921, c. 18, §§ 304, 310, 42 Stat. 24, 25.)

Chapter 2.—AUDIT AND SETTLEMENT OF ACCOUNTS.

Sec.

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Section 71. Public accounts to be settled in General Accounting Office.—All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office. (R. S. § 236; June 10 1921, c. 18, § 305, 42 Stat. 24.)

72. Same; settlement of accounts.—Accounts shall be examined as follows:

First. The General Accounting Office shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of the Treasury and all bureaus and offices under his direction, all accounts relating to the customs service, public debt, internal revenue, Treasurer and designated depositaries, mints and assay offices, Bureau of Engraving and Printing, Coast Guard, Public Health Service, public buildings, Secret Service, and to all other business within the jurisdiction of the Department of the Treasury, and certify the balances arising thereon to the Division of Bookkeeping and Warrants.

Second. Said office shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of War and all bureaus and offices under his direction, all accounts relating to the military establishment, armories and arsenals, national cemeteries, fortifications, public buildings and grounds under the Chief of Engineers, rivers and harbors, the Military Academy, and to all other business within the jurisdiction of the Department of War, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of War.

Third. Said office shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of the Interior, and of all bureaus and offices under his direction, and all accounts relating to Army and Navy pensions, Geological Survey, public lands, Indians, Architect of the Capitol, and to all other business within the jurisdiction of the Department of the Interior, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of the Interior.

Fourth. Said office shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of the Navy, and of all bureaus and offices under his direction, all accounts relating to the Naval Establishment, Marine Corps, Naval Academy, and to all other business within the jurisdiction of the Department of the Navy, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the Secretary of the Navy.

Fifth. The Bureau of Accounts in the Post Office Department shall receive and examine all accounts of salaries and incidental expenses of the office of the Postmaster General and of all bureaus and offices under his direction, all postal and money-order accounts of postmasters, all accounts relating to the transportation of the mails, and to all other business within the jurisdiction of the Post Office Department. The General Accounting Office shall audit the accounts and certify the balances arising thereon to the Postmaster General for accounts of the postal revenue and expenditures therefrom, and to the Division of Bookkeeping and Warrants for other accounts, and send forthwith copies of the certificates in the latter cases to the Postmaster General.

All expenditures in the Postal Savings System shall be audited by the General Accounting Office.

Sixth. Said office shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce, and of all bureaus and offices under his direction, all accounts relating to the Bureau of Lighthouses, Steamboat Inspection Service, Navigation, Alaskan fur-seal fisheries, the National Bureau of Standards, Coast and Geodetic Survey, Patents, Census, Bureau of Fisheries and to all other business within the jurisdiction of the Department of Commerce, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Commerce.

Seventh. Said office shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Labor and of all bureaus and offices under his direction, and all accounts relating to all other business within the jurisdiction of the Department of Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Labor.

Eighth. Said office shall receive and examine all accounts of salaries and incidental expenses of the offices of the Secretary of State, the Attorney General, and the Secretary of Agriculture, and of all bureaus and offices under their direction; all accounts relating to all other business within the jurisdiction of the Departments of State, Justice, and Agriculture; all accounts relating to the Foreign Service, the judiciary, United States courts, judgments of United States courts, Executive Office, Civil Service Commission, Interstate Commerce Commission, District of Columbia, Court of Claims and its judgments, Smithsonian Institution, Territorial governments, the Senate, the House of Representatives, the Public Printer, Library of Congress, Botanic Garden, and accounts of all boards, commissions, and establishments of the Government not within the jurisdiction of any of the executive departments. Said office shall certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate, according to the character of the account, to the Secretary of the Senate, Clerk of the House of Representatives, Sergeant at Arms of the House of Representatives, or the chief officer of the executive department, commission, board, or establishment concerned.

(July 31, 1894, c. 174, § 7, 28 Stat. 206; Feb. 14, 1903, c. 552, § 2, 32 Stat. 826; June 17, 1910, c. 301, §§ 4, 13, 36 Stat. 537, 539; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309; Aug. 24, 1912, c. 389, § 10, 37 Stat. 559; Mar. 4, 1913, c. 141, § 2, 37 Stat. 737; Jan. 28, 1915, c. 20, § 1, 38 Stat. 800; Aug. 29, 1916, c. 417, 39 Stat. 601; June 10, 1921, c. 18, § 304, 42 Stat. 24; May 24, 1924, c. 182, § 1, 43 Stat. 140.)

73. Accounts of Post Office Department; duties of General Accounting Office and Bureau of Accounts.—The General Accounting Office shall keep and preserve all accounts arising in the Post Office Department or relative thereto and vouchers after settlement. The Bureau of Accounts in the Post Office Department shall close the account of the department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. It shall report to the Postmaster General, when required to do so, the manner and form of keeping and stating the accounts of the department, and the official forms of papers to be used in connection with its receipts and expenditures. It shall report to the Postmaster General all delinquencies of postmasters in rendering their accounts and returns, or in paying over money-order funds and other receipts at their offices. The Comptroller General shall register, charge, and countersign all warrants upon the Treasury for receipts or payments issued by the Postmaster General, when warranted by law. (R. S. § 277; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

74. Suspension of items; issuance of warrant; preservation of vouchers; decision of questions involving payment.—Nothing in this chapter shall prevent the General Accounting Office from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement. The Secretary of the Treasury shall make regulations fixing the time which shall expire before a warrant is issued in payment of an account certified as provided in this section and section 72 of this title.

The General Accounting Office shall preserve, with their vouchers and certificates, all accounts which have been finally adjusted.

Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the General Accounting Office shall

render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern said office in passing upon the account containing said disbursement. (July 31, 1894, c. 174, § 8, 28 Stat. 207; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

75. Regulations for carrying out provisions.—It shall be the duty of the Secretary of the Treasury to make appropriate rules and regulations for carrying out the provisions of sections 72, 74, 76, 78, 84, 87, 496, 506, and 514 of this title, and for transferring or preserving books, papers, or other property appertaining to any office or branch of business affected by them.

It shall also be the duty of the heads of the several executive departments and of the proper officers of other Government establishments, not within the jurisdiction of any executive department, to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section 78 of this title, before their transmission to the General Accounting Office, and for the execution of other requirements of this chapter in so far as the same relate to the several departments or establishments. (July 31, 1894, c. 174, § 22, 28 Stat. 210; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

76. Requisitions for advances.—Every requisition for an advance of money, before being acted on by the Secretary of the Treasury, shall be sent to the General Accounting Office for action thereon as required by section 78 of this title.

All warrants, when authorized by law and signed by the Secretary of the Treasury, shall be countersigned in the General Accounting Office, and all warrants for the payment of money shall be accompanied either by the certificate, mentioned in section 72 of this title, or by the requisition for advance of money, which certificate or requisition shall specify the particular appropriation to which the same should be charged, instead of being specified on the warrant; and shall also go with the warrant to the Treasurer, who shall return the certificate or requisition to the General Accounting Office, with the date and amount of the draft issued indorsed thereon. Requisitions for the payment of money on all audited accounts, or for covering money into the Treasury, shall not be required. And requisitions for advances of money shall not be countersigned in the General Accounting Office. (July 31, 1894, c. 174, § 11, 28 Stat. 209; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

77. Charging warrants to appropriation specified.—Moneys paid by virtue of such warrants shall be charged to the appropriation so specified in the books of the Secretary of the Treasury and General Accounting Office. (R. S. § 3675; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

78. Rendition of current accounts.—Except as otherwise provided by law, all monthly accounts shall be mailed or otherwise sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the General Accounting Office within twenty days of their actual receipt at the proper office in Washington in the case of monthly, and sixty days in the case of quarterly and other accounts. Should there be any delinquency in this regard at the time of the receipt by the General Accounting Office of a requisition for an advance of money, said office shall disapprove the requisition, which said office may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the General Accounting Office's decision as to the sufficiency of these latter reasons. The Secretary of the Treasury shall prescribe suitable rules and regulations, and may make orders in particular cases, relaxing the requirement of mailing or otherwise sending accounts as aforesaid, within ten or twenty days, or waiving delinquency, in such cases only in which there is, or is likely to be, a manifest physical difficulty in complying with the same, it being the purpose of this provision to require the prompt rendition of accounts without regard to the mere convenience of the officers, and to forbid the advance of money to those delinquent in rendering them. Should there be a delay by the administrative departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President, or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury, in the particular case, shall be necessary to authorize the advance of money requested. This section shall not apply to accounts of the postal revenue and expenditures therefrom, which shall be rendered as required by law. (July 31, 1894, c. 174, § 12, 28 Stat. 209; Mar. 2, 1895, c. 177, § 4, 28 Stat. 807; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

79. Transmission of accounts of courts in Alaska to Department of Justice.—When, in the opinion of the Attorney General, it will be impossible for the accounts of any court official or other person whose accounts pertain to the United States courts in Alaska to be transmitted to the Department of Justice within the period prescribed by law, the Attorney General may modify, as he may deem proper, any requirement of law concerning the time when such accounts shall be rendered and transmitted. (Mar. 3, 1909, c. 269, § 10, 35 Stat. 842.)

80. Administrative examination of accounts of Army expenditures.—The time for examination of monthly accounts, covering expenditures from appropriations for the Army, by the bureaus and offices of the War Department, after the date of actual receipt and before transmitting the same to the General Accounting Office, shall be sixty days, and in time of war may be extended to ninety days by the Secretary of the Treasury upon request of the Secretary of War. (Mar. 2, 1901, c. 803, 31 Stat. 910; July 9, 1918, c. 143, subchapter 18, 40 Stat. 892; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

81. Transmission of accounts of marshals.—Accounts of United States marshals and other disbursing officers of the Department of Justice shall be transmitted to the General Accounting Office within eighty days after the date of their receipt in the Department of Justice at Washington, District of Columbia. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1360; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

82. Administrative examination of accounts.—Except as otherwise provided, the administrative examination of all public accounts, preliminary to their audit by the General Accounting Office, shall be made as contemplated by section 78 of this title, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers prepared outside of Washington prior to August 23, 1912, may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 375.)

83. Administrative audit of accounts under Department of Justice.—The administrative audit of all expenditures under the control of the Department of Justice shall be made in the Division of Accounts of that department. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 404.)

84. Rendition of accounts of officers of courts.—Before transmission to the General Accounting Office, the accounts of district attorneys, assistant attorneys, marshals, commissioners, clerks, and other officers of the courts of the United States, except consular courts, made out and approved as required by law, and accounts relating to prisoners convicted or held for

trial in any court of the United States, and all other accounts relating to the business of the Department of Justice or of the courts of the United States other than consular courts, shall be sent with their vouchers to the Attorney General and examined under his supervision. (July 31, 1894, c. 174, § 13, 28 Stat. 210; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

85. Transmission of accounts of expenditures in Territories to Secretary of Interior.—The accounts and vouchers relating to the expenditure of the appropriations for government in the Territories shall be transmitted to the Secretary of the Interior for administrative examination and by him passed to the General Accounting Office. (Mar. 4, 1915, c. 141, § 1, 38 Stat. 1021; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

86. Accounts presented without administrative examination.—In the case of claims presented to the General Accounting Office which have not had an administrative examination, the Comptroller General shall cause them to be examined by two of his subordinates independently of each other. (July 31, 1894, c. 174, § 14, 28 Stat. 210; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

87. Papers transmitted with accounts of customs officers.—It shall be the duty of the collectors of customs and other officers of customs to transmit, with their accounts, to the officers charged with the settlement of their accounts, all such papers, records, or copies thereof relating to their transactions as officers of customs as the Secretary of the Treasury may direct. (July 31, 1894, c. 174, § 20, 28 Stat. 210.)

88. Reexamination of disallowed claims.—Nothing in this chapter shall be construed to authorize the reexamination and payment of any claim or account which had been disallowed or settled prior to July 31, 1894. (July 31, 1894, c. 174, § 23, 28 Stat. 211.)

89. Property returns by officers.—Instead of forwarding to the General Accounting Office returns of public property intrusted to the possession of officers or agents, the Quartermaster General, the Surgeon General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the General Accounting Office, for debiting on the proper account, any charge against any officer or agent intrusted with public property, arising from any loss, accruing by his fault, to the Government as to the property so intrusted to him. (Mar. 29, 1894, c. 49, § 1, 28 Stat. 47; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

90. Same; certificate as to lost property.—Said certificate shall set forth the condition of such officer's or agent's property returns, that it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the General Accounting Office in accounting. (Mar. 29, 1894, c. 49, § 2, 28 Stat. 47; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

91. Same; manner of making.—The manner of making property returns to or in any administrative bureau or department, or of ascertaining liability for property, under existing laws and regulations, shall not be affected by sections 89 to 92 of this title, except as provided in section 89 of this title; but in all cases arising as to such property so intrusted the officer or agent shall have an opportunity to relieve himself from liability. (Mar. 29, 1894, c. 49, § 3, 28 Stat. 47.)

92. Same; regulations.—The heads of the several departments are hereby empowered to make and enforce regulations to carry out the provisions of sections 89 to 92 of this title. (Mar. 29, 1894, c. 49, § 4, 28 Stat. 47.)

93. General Accounting Office superintending recovery of debts.—The General Accounting Office shall superintend the recovery of all debts finally certified by it to be due to the United States. (July 31, 1894, c. 174, § 4, 28 Stat. 206; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

94. Settlement of advance bounties.—Any moneys paid by a paymaster in the Army to an enlisted man as an advance bounty shall be allowed in the settlement of the accounts of the paymaster, notwithstanding the discharge of such enlisted man before serving the time required by law to entitle him to payment of such moneys. (R. S. § 280.)

95. Settlement of accounts of Army officers.—The General Accounting Office shall audit and settle the accounts of line officers of the Army, to the extent of the pay due them for their services as such, notwithstanding the inability of any such line officer to account for property intrusted to his possession, or to make his monthly reports or returns, if such office shall be satisfied by the affidavit of the officer or otherwise that the inability was caused by the officer's having been a prisoner in the hands of the enemy, or by any accident or casualty of war. (R. S. § 278; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

96. Settlement of overpayments.—The proper accounting officers are authorized, in the settlement of the accounts of the paymasters of the Army, to allow such credits for overpayments made in good faith on public account, since the 14th day of April, 1861, and before the 16th day of March, 1868, as shall appear to them, by such vouchers and testimony as they shall require, to be just. (R. S. § 281.)

97. Claims for arrears of pay and bounty already paid.—Nothing in section 72 of this title shall be construed to prevent the General Accounting Office from disallowing claims for arrears of pay and bounty in cases where it appears from the records and files of his office that payment in full has already been made to the soldier himself, or to his widow or legal heirs. The action of such office shall be deemed final and conclusive and be subject to revision only by Congress or the proper courts. (July 16, 1892, c. 196, § 1, 27 Stat. 194; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

98. Same.—The General Accounting Office in certifying balances due for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the Act of July 28, 1866 (14 Stat. 322), and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, if no appeal be taken, without regard to former settlements or adjudications by their predecessors. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1356; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

99. Affidavits and declarations in bounty cases or claims for back pay; certification of official character and signature of officer taking.—Any and all affidavits and declarations other than those provided for in section 42 of Title 38 hereafter made or used in bounty cases, or in claims against the Government for back pay may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary. But when declarations, affidavits, and other papers are verified by justices of the peace and other officers duly authorized by law to administer oaths for general persons, but not required by law to have seals, the official character, signature, and term of service of such justice or other officer shall be certified by the clerk of the county or court of record or other proper officer, under

the seal of such county or court or public officer, in the department or bureau in which such papers are to be used; and one such certificate duly filed in such department or bureau, shall be sufficient as to all verifications of such officer during his official term, and all papers heretobefore or hereafter filed shall be subject to this rule. (July 1, 1890, c. 646, 26 Stat. 209; Sept. 1, 1890, No. 43, 26 Stat. 679.)

100. Claim agent withholding discharge papers.—Any claim agent, attorney, or other person engaged in the collection of claims for pay, bounty, or allowances for any soldier, or for any commissioned officer of the military forces, or who may have been a soldier or officer of the regular or volunteer forces of the United States, and honorably discharged, who shall retain, without the consent of the owner or owners thereof, or shall refuse to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge papers of any such soldier or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not exceeding $500, or by imprisonment not exceeding six months, or both, at the discretion of the court, and shall thereafter be debarred from prosecuting any such claim in any executive department of the Government. (May 21, 1872, c. 178, 17 Stat. 137.)

101. Evidence of honorable discharge returned to officers and enlisted men.—In all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; but his accounts shall first be duly settled, and the fact, date, and amount of such settlement shall be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer before it is delivered. (R. S. § 282.)

102. Payment of claims for pay and allowances.—In the settlement of claims of officers, soldiers, sailors, and marines, or their representatives, and all other claims for pay and allowances covered by paragraphs numbered second and fourth of section 72 of this title presented and filed in which it was the practice on June 6, 1900, to make deductions of attorneys' fees from the amount found due, no deductions of fees for attorneys or agents shall be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business). (June 6, 1900, c. 791, 31 Stat. 637.)

103. Accounts of Departments of War and the Navy.—The General Accounting Office shall keep all accounts of the receipts and expenditures of the public money in regard to the War and Navy Departments, and of all debts due to the United States on moneys advanced relative to those departments; shall preserve the accounts which shall have been finally adjusted, with their vouchers and certificates, and record all requisitions drawn by the Secretaries of those departments. Said office shall annually, on the first Monday in November, report to the Secretary of the Treasury the application of the money appropriated for the Department of War and the Department of the Navy, and it shall make such reports concerning the accounts of those departments as the Secretaries of those departments may deem necessary and require. (R. S. § 283; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

104. Accounts of paymasters of lost or captured public vessels.—In every case of the loss or capture of a vessel belonging to the Navy of the United States, the Comptroller General as to money accounts and the Paymaster General of the Navy as to property accounts are authorized, in the settlement of the accounts of the paymaster of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on their books, as said officers shall be satisfied was inevitably lost by such capture or loss of a public vessel; and such paymaster shall be fully exonerated by such credit from all liability on account of the provisions, clothing, small stores, and money so proved to have been captured or lost. (R. S. § 284; Feb. 18, 1875, c. 80, § 1, 18 Stat. 317; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

105. Relief of disbursing officers of Navy.—The General Accounting Office shall relieve any disbursing officer of the Navy charged with responsibility on account of loss or deficiency while in the line of his duty, of Government funds, vouchers, records, or papers, in his charge, where such loss or deficiency occurred without fault or negligence on the part of said officer: *Provided*, That the Secretary of the Navy shall have determined that the officer was in the line of his duty, and the loss or deficiency occurred without fault or negligence on his part. The determination by the Secretary of the Navy of the aforesaid questions shall be conclusive upon the General Accounting Office: *Provided further*, That all cases of relief granted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy. (July 11, 1919, c. 9, 41 Stat. 132.)

106. Disbursements by order of commanding officer of Navy.—Every disbursement of public moneys, or disposal of public stores, made by a disbursing officer pursuant to an order of any commanding officer of the Navy, shall be allowed by the General Accounting Office, in the settlement of the accounts of the officer, upon satisfactory evidence of the making of such order, and of the payment of money or disposal of stores in conformity with it; and the commanding officer by whose order such disbursement or disposal was made, shall be held accountable for the same. (R. S. § 285; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

107. Settlement of expenses of intercourse with foreign nations.—Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the General Accounting Office, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. (R. S. § 291; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

108. Accounting for appropriations for obtaining information from abroad and at home.—Expenditures by the Department of the Navy from the appropriation for obtaining information from abroad and at home shall be accounted for specifically, if, in the judgment of the Secretary of the Navy, they may be made public, and he shall make a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. (Aug. 29, 1916, c. 417, 39 Stat. 557.)

109. Collection of debts due Post Office Department.—The General Accounting Office shall superintend the collection of all debts due the Post Office Department, and all penalties and forfeitures imposed for any violation of the postal laws, and take all such other measures as may be authorized by law to enforce the payment of such debts and the recovery of such penalties and forfeitures. Such office shall also superintend the collection of all penalties and forfeitures arising under

other statutes, where such penalties and forfeitures are the consequence of unlawful acts affecting the revenues or property of the Post Office Department. (R. S. § 292; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

110. Suits on postmasters' bonds.—All fees for United States attorneys, marshals, clerks of courts and special counsel necessarily employed in prosecuting civil suits instituted by the General Accounting Office through the Solicitor of the Treasury against the sureties on the official bonds of late postmasters, as provided for by section 109 of this title, shall be paid from the appropriations for expenses of the United States courts. (Feb. 26, 1896, c. 33, 29 Stat. 25; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

111. Accounts of money-order business.—The bureau of accounts in the Post Office Department shall keep the accounts of the money-order business separately, and in such manner as to show the number and amount of money orders issued at each office, the number and amount paid, the amount of fees received, and all the expenses of the money-order business. (R. S. § 293; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

112. Accounts of expenses of postmasters.—The General Accounting Office shall state and certify quarterly to the Postmaster General an account of the money paid by postmasters out of the receipts of their offices, and pursuant to appropriations, on account of the expenses of the postal service; designating the heads under which such payments were made. (R. S. § 294; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

113. Accounts of expenditures of Post Office Department under appropriations.—The bureau of accounts in the Post Office Department shall keep the accounts relating to the Post Office Department so as to show the expenditures of the Post Office Department under each item of appropriation provided by law. (Mar. 3, 1875, c. 128, § 4, 18 Stat. 343; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

114. Reports of financial condition of Post Office Department.—The annual reports of the comptroller of the bureau of accounts in the Post Office Department shall show the financial condition of the Post Office Department at the close of each fiscal year, and be made a part of the Postmaster General's annual report to Congress for that fiscal year. (July 12, 1876, c. 179, § 4, 19 Stat. 80; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

115. Compromise of judgments.—Whenever a judgment is obtained for a debt or damages due the Post Office Department, and it satisfactorily appears that such judgment, or so much thereof as remains unpaid, cannot be collected by due process of law, the General Accounting Office may, with the written consent of the Postmaster General, compromise such judgment, and accept in satisfaction less than the full amount thereof. (R. S. § 295; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

116. Papers in suits for delinquencies in Post Office Department.—In case of delinquency of any postmaster, contractor, or other officer, agent, or employee of the Post Office Department, in which suit is brought, the General Accounting Office shall forward to the Department of Justice certified copies of all papers in said office tending to sustain the claim. (R. S. § 296; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

117. Officers authorized to administer oaths.—The proper officers of the General Accounting Office are empowered to administer oaths to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged. (R. S. § 297; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

118. Oaths in settlements of postal accounts.—Any mayor of a city, justice of the peace, or judge of any court of record in the United States, may administer oaths, in relation to the examination and settlement of the accounts of the Post Office Department and Postal Service. (R. S. § 298; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

119. Allowance of lost checks.—Whenever the disbursing officer or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer shall, under such regulations as the Secretary of the Treasury may prescribe, state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent: *Provided*, That in case a check drawn by any officer or agent of the Post Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations prescribed by the Postmaster General, as set forth in section 528 of this title. (R. S. §§ 300, 3647; May 27, 1908, c. 206, 35 Stat. 415; Feb. 23, 1909, c. 174, 35 Stat. 644.)

120. Checks issued by Bureau of Pensions, Bureau of War Risk Insurance, and United States Veterans' Bureau, and for payment of salaries and wages; destruction; claims on, barred.—The General Accounting Office is hereby authorized to destroy United States Government checks that have been paid six full fiscal years, issued by the Bureau of Pensions for the payment of pensions, by the Bureau of War Risk Insurance and the United States Veterans' Bureau for the payment of military and naval compensation on account of death or disability, and checks for the payment of salaries and wages of officers and employees of the Government of the United States, after all unpaid checks have been listed as outstanding as now required by law, and all claims on account of checks of the foregoing classes appearing as having been paid shall be barred if not presented to the General Accounting Office within six full fiscal years after the date of payment. (Feb. 13, 1923, c. 72, 42 Stat. 1231.)

Chapter 3.—THE TREASURER.

Sec.
141. Treasurer.
142. Same; bond.
143. Assistant Treasurer.
144. Same; when may act as Treasurer.
145. Transfer and appointment of employees detailed to office of Treasurer.
146. Divisions of Issue and of Redemption.
147. Treasurer; duties.
148. Same; payment of salaries of Senators, Members, and officers of Congress.
149. Liabilities outstanding three or more years.
150. Vouchers for drafts remaining unpaid.
151. Payment upon presentation of outstanding drafts.
152. Accounts of disbursing officers unchanged for three years.
153. Reports of Treasurer and Assistant Treasurers.
154. Reports of unpaid checks by General Accounting Office.
155. Restrictions upon Treasurer.

Section 141. Treasurer.—There shall be in the Department of the Treasury a Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $8,000 a year. (R. S. § 301; Mar. 4, 1909, c. 314, § 7, 35 Stat. 1065; Jan. 22, 1925, c. 87, Title I, 43 Stat. 770.)

142. Same; bond.—The Treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury, in the sum of $150,000, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be transmitted to the Secretary of the Treasury for filing. (R. S. § 302; Mar. 2, 1895, c. 177, § 5, 28 Stat. 807.)

143. Assistant Treasurer.—There shall be in the Department of the Treasury an Assistant Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 303.)

144. Same; when may act as Treasurer.—The Treasurer may, in his discretion, and with the consent of the Secretary of the Treasury, authorize the Assistant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States; and in the event of the absence or illness of either the Treasurer or the Assistant Treasurer, or both, the Secretary of the Treasury may, on the recommendation of the Treasurer appoint for a term not exceeding thirty days at one time, from among the clerks in the Treasury, any one of said clerks to be Acting Assistant Treasurer during such absence or illness: *Provided, however*, That no such appointment shall be made until the official bond given by the principal of the office shall be made in terms to cover and apply to the acts and defaults of every such person so appointed from time to time. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the Assistant Treasurer, for whom he acts. (R. S. § 304; Mar. 31, 1886, c. 41, 24 Stat. 9.)

145. Transfer and appointment of employees detailed to office of Treasurer.—The Secretary of the Treasury is authorized to transfer and appoint in the office of the Treasurer of the United States such of the employees, in his discretion, as were employed in said office on July 16, 1914, under details authorized by the Act of March 4, 1913 (Thirty-seventh Statutes, page 755), authorizing employees in the offices of Assistant Treasurers to be detailed in the office of the Treasurer of the United States. (July 16, 1914, c. 141, § 1, 38 Stat. 471.)

146. Divisions of Issue and of Redemption.—There shall be in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the Division of Issue and the Division of Redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds. (Mar. 14, 1900, c. 41, § 4, 31 Stat. 46.)

147. Treasurer; duties.—The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned in the General Accounting Office, and not otherwise. He shall take receipts for all moneys paid by him, and shall give receipts for all moneys received by him; and all receipts for moneys received by him shall be indorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. He shall render his accounts to the General Accounting Office quarterly, or oftener if required, and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the General Accounting Office, or either of them, the inspection of the moneys in his hands. (R. S. § 305; July 31, 1894, c. 174, §§ 4, 11, 28 Stat. 205, 209; June 10, 1921, c. 18 § 304, 42 Stat. 24.)

148. Same; payment of salaries of Senators, Members, and officers of Congress.—Whenever any appropriation made for the payment of the salaries of Senators, Members, and Delegates in Congress, or the officers and employees of both or either of the Houses thereof, or for the expenses of the same, or any committees thereof, can not be lawfully disbursed by or through the officers specially charged with such disbursements, such disbursements may be made for the purposes named in said appropriations by the Treasurer of the United States, who shall take proper vouchers therefor and charge such disbursements against such appropriations; and the accounts therefor shall be audited and passed or rejected, as the law may require, in the same manner that similar accounts are or may be required by law to be audited and passed or rejected. (June 22, 1882, c. 236, 22 Stat. 108.)

149. Liabilities outstanding three or more years.—At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any department of the Government, upon the Treasurer or designated depositary of the United States, or upon any national bank designated as a depositary of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities." (R. S. § 306; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

150. Vouchers for drafts remaining unpaid.—The certificate of the Secretary of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by section 149 of this title, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in section 149 shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks. (R. S. § 307; July 31, 1894, c. 174, § 16, 28 Stat. 210.)

151. Payment upon presentation of outstanding drafts.—The payee or the bona fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to sections 149 and 150 of this title, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States. (R. S. § 308.)

152. Accounts of disbursing officers unchanged for three years.—The amounts, except such as are provided for in section 149 of this title, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof

shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the General Accounting Office on the books of the department or establishment, to the officer in whose name it had stood on the books of the General Accounting Office for such department or establishment, if it appears that he is entitled to such credit. (R. S. § 309.)

153. Reports of Treasurer and depositaries.—The Treasurer, each designated depositary of the United States, and the cashier of each of the national banks designated as such depositaries, shall, at the close of business on every 30th day of June, report to the Secretary of the Treasury the condition of every account standing, as in section 152 of this title specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. (R. S. § 310; July 1, 1916, c. 209, § 5, 39 Stat. 336.)

154. Reports of unpaid checks by General Accounting Office.—At the termination of each fiscal year the General Accounting Office shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to the General Accounting Office, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. (July 1, 1916, c. 209, § 5, 39 Stat. 336; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

155. Restrictions upon Treasurer.—No person appointed to the office of Treasurer, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information. (R. S. § 243.)

Chapter 4.—THE REGISTER.

Sec.
161. Register.
162. Same; duties.
163. Restrictions upon register.
164. Assistant register.
165. Same; duties.
166. Temporary acting assistant register.

Section 161. Register.—There shall be in the Department of the Treasury a Register of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 312.)

162. Same; duties.—The duties of the Register of the Treasury shall be such as are required of him in connection with the public debt and such further duties as may be prescribed by the Secretary of the Treasury. (July 31, 1894, c. 174, § 10, 28 Stat. 208.)

163. Restrictions upon register.—No person appointed to the office of Register of the Treasury shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information. (R. S. § 243.)

164. Assistant register.—There shall be in the office of the Register of the Treasury an assistant register, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 314.)

165. Same; duties.—The assistant register shall perform such duties as may be devolved on him by the register, and, in the absence of the register, shall act in his stead; and any official record, certificate, or other document, excepting warrants, bonds, and drafts, signed by the assistant register, shall have the same effect as if signed by the register. (R. S. § 315.)

166. Temporary acting assistant register.—During the absence of the Register of the Treasury, and while the assistant register is discharging, under the law, the duties of register during his said absence, the Secretary of the Treasury may, by appointment under his hand and seal, delegate authority to any chief of division or clerk in the office of register to act as assistant register during the said absence of the register. (Dec. 13, 1892, No. 1, 27 Stat. 752.)

Chapter 5. — THE BUREAU OF ENGRAVING AND PRINTING.

Sec.
171. Powers of and reports by director.
172. Leaves of absence to employees.
173. Same.
174. Impressions of portraits.
175. Engraved plates of portraits of deceased Senators and Representatives.
176. Disposition of receipts for miscellaneous work.
177. Bonds, notes, and checks; printing on presses and power presses directed by Secretary of Treasury; internal revenue stamps.
178. Appropriations for Bureau of Engraving and Printing.
179. Limitation on expenditure of funds.

Section 171. Powers of and reports by director.—All the business of the Bureau of Engraving and Printing shall be under the immediate control of the director of said bureau, subject to the direction of the Secretary of the Treasury, and the director of the said bureau shall report to and be responsible directly to the Secretary of the Treasury. (June 4, 1897, c. 2, § 1, 30 Stat. 18.)

172. Leaves of absence to employees.—The employees of the Bureau of Engraving and Printing, including the pieceworkers, shall be allowed leave of absence with pay, not exceeding thirty days in any one year, under such regulations and at such time or times as the director of the bureau, with the approval of the Secretary of the Treasury, may prescribe and designate:

Provided, That the length of the leave of absence of any employee of said bureau doing piecework, and the pay during such leave of absence, shall be determined by the average amount of work done by such person and the pay therefor during the several months of the year. (July 6, 1892, c. 154, 27 Stat. 87; June 4, 1897, c. 2, § 1, 30 Stat. 18.)

173. Same.—The compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing shall be allowed leave of absence with pay not exceeding thirty days in any one year, or a pro rata portion thereof for a less time than one year, under such regulations and such time or times as the director of the bureau, with the approval of the Secretary of the Treasury, may prescribe and designate, and in conformity with section 172 of this title. (June 8, 1896, c. 373, 29 Stat. 275; June 4, 1897, c. 2, § 1, 30 Stat. 18.)

174. Impressions of portraits.—The Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, may furnish impressions from any portrait or vignette which is now, or may be a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. (Dec. 22, 1879, c. 2, 21 Stat. 59.)

175. Engraved plates of portraits of deceased Senators and Representatives.—The Secretary of the Treasury may deliver the engraved plates of portraits that have been or may be made of deceased Senators and Representatives in Congress, to their heirs or legal representatives on such terms and conditions as he may determine. (July 1, 1916, c. 209, § 1, 39 Stat. 275.)

176. Disposition of receipts for miscellaneous work.—Receipts for miscellaneous work authorized by law to be performed by the Bureau of Engraving and Printing for the several departments of the Government, and the amounts properly chargeable to national banks for engraving their plates shall be deposited, and covered into the Treasury as miscellaneous receipts except as otherwise provided by law. (Aug. 4, 1886, c. 902, § 1, 24 Stat. 227.)

177. Bonds, notes, and checks; printing on presses and power presses directed by Secretary of Treasury; internal revenue stamps.—The proviso of the Act of July 1, 1898 (Thirtieth Statutes at Large, page 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the backs and tints of all United States bonds, the backs and tints of all United States paper money, and the backs and tints of bonds and paper money issued by any of the insular possessions of the United States, any or all of which shall be printed from intaglio plates and on such plate printing presses as may be directed by the Secretary of the Treasury, said presses to be operated by plate printers, except that checks and tints may be printed by any desired process: *Provided*, That the Secretary of the Treasury is authorized to print from plates of more than four subjects each upon power presses the fronts and backs of any paper money, bonds, or other printed matter on or after January 3, 1923, authorized to be executed at the Bureau of Engraving and Printing: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that were on August 24, 1912, or thereafter operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this section. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 430; Jan. 3, 1923, c. 22, 42 Stat. 1099.)

178. Appropriations for Bureau of Engraving and Printing.—The appropriations made for all expenditures of the Bureau of Engraving and Printing shall be used in the manner in which appropriations for said bureau were used June 4, 1897, and no part of said appropriations shall be held to be contingent expenses of the Treasury Department, nor be subject to the provisions of sections 258 of Title 5 and 675 of this title. (June 4, 1897, c. 2, § 1, 30 Stat. 18.)

179. Limitation on expenditure of funds.—No fund appropriated by any Act other than that appropriated for the Bureau of Engraving and Printing shall be used for payment of the director, assistant director, chief of division of assignments and reviews, chief clerk, disbursing agent, cost accountants, stenographers, storekeepers, assistant storekeepers, clerks, attendants, messengers and assistant messengers, captains and lieutenants of watch, watchmen, forewomen of charwomen, charwomen, or laborers, in the Bureau of Engraving and Printing, except in cases of emergency arising after the passage of the Act making appropriations for such bureau, and then only on the written approval of the Secretary of the Treasury, and in every such case of emergency a detailed statement of the expenditures on account thereof shall be reported to Congress at the beginning of each regular session. (Mar. 3, 1921, c. 124, § 1, 41 Stat. 1271.)

Chapter 6.—DEBTS DUE BY, OR TO, THE UNITED STATES.

Sec.
191. Priority established.
192. Liability of fiduciaries.
193. Priority of sureties.
194. Compromise.
195. Purchase on execution.
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197. Same; by President.
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199. Same; what coin receivable.
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202. Same; treasury notes payable for.
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205. Same; who may administer.
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208. Payment to officers for horses lost.
209. Payment for property lost while in military service.
210. Payment for horses lost by capture.
211. Payment for condemned horses and equipage.
212. Payment to guardian for horse lost by minor in military service.
213. Payment to owner for horse furnished and lost in military service.
214. Taking testimony as to loss.
215. Settlement of claims not exceeding $1,000; certification of amounts found due to Congress; time for presentation.
216. Same; definitions.
217. Same; effect of acceptance of amount found due.
218. Settlement of claims for loss of property in military service.
219. Same; extent of liability.
220. Same; examination; payment; replacement.
221. Same; final determination.
222. Same; time for presentation.
223. Settlement of claims for loss or damage to private property from operation, etc., of Army.
224. Settlement of claims for damages from operation of aircraft.
225. Judgments of Court of Claims; payment.
226. Same; certified by Secretary of the Treasury; interest.
227. Offsets against judgments and claims against United States.
228. Payment of judgments against United States made on settlements by auditors.
229. Private claims pending before Congress; taking of testimony.
230. Same; subpœna for taking testimony; compensation of officers and witnesses; return of depositions.
231. Liability of persons making false claims.
232. Same; suits.
233. Duty of district attorney as to such cases.
234. Rights of persons presenting such suits.
235. Limitation of suit.

Section 191. Priority established.—Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which

the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed. (R. S. § 3466.)

192. Liability of fiduciaries.—Every executor, administrator, or assignee, or other person, who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid. (R. S. § 3467.)

193. Priority of sureties.—Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon. (R. S. § 3468.)

194. Compromise.—Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws. (R. S. § 3469.)

195. Purchase on execution.—At every sale, on execution, at the suit of the United States, of lands or tenements of a debtor, the United States may, by such agent as the Solicitor of the Treasury shall appoint, become the purchaser thereof; but in no case shall the agent bid in behalf of the United States a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs. Whenever such purchase is made, the marshal of the district in which the sale is held shall make all needful conveyances, assignments, or transfers to the United States. (R. S. § 3470.)

196. Discharge of poor debtor; by Secretary of the Treasury.—Any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he is unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and thereupon the Secretary may make, or require to be made, an examination and inquiry into the circumstances of the debtor, by the oath of the debtor, which the Secretary, or any other person by him specially appointed, is authorized to administer, or otherwise, as the Secretary shall deem necessary and expedient, to ascertain the truth; and upon proof made to his satisfaction, that the debtor is unable to pay the debt for which he is imprisoned, and that he has not concealed or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or to deprive them of their legal priority, the Secretary is authorized to receive from such debtor any deed, assignment or conveyance of his real or personal estate, or any collateral security, to the use of the United States. Upon a compliance by the debtor with such terms and conditions as the Secretary may judge reasonable and proper, the Secretary must issue his order, under his hand, to the keeper of the prison, directing him to discharge the debtor from his imprisonment under such execution. The debtor shall not be liable to be imprisoned again for the debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor. The benefit of this section shall not be extended to any person imprisoned for any fine, forfeiture, or penalty, incurred by a breach of any law of the United States, or for moneys had and received by any officer, agent, or other person, for their use; nor shall its provisions extend to any claim arising under the postal laws. (R. S. § 3471.)

197. Same; by President.—Whenever any person is imprisoned upon execution for a debt due to the United States, which he is unable to pay, and his case is such as does not authorize his discharge by the Secretary of the Treasury, under section 196 of this title, he may make application to the President, who, upon proof made to his satisfaction that the debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, may order the discharge of such debtor from his imprisonment. The debtor shall not be liable to be imprisoned again for the same debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor. (R. S. § 3472.)

198. Debts to the United States; in what currency to be paid.—All taxes and all other debts and demands than duties on imports, accruing or becoming due to the United States, may be paid in gold and silver coin, Treasury notes, United States notes, or notes of national banks. (R. S. § 3473; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

199. Same; what coin receivable.—No gold or silver other than coin of standard fineness of the United States, shall be receivable in payment of dues to the United States, except as provided in sections 372 and 374 of this title. (R. S. § 3474.)

201. Debts of United States; national bank notes receivable for.—The notes of national banks shall be received at par for all debts and demands owing by the United States to any person within the United States, except interest on the public debt, or in redemption of the national currency. (R. S. § 3475.)

202. Same; Treasury notes payable for.—Treasury notes bearing interest may be paid to any creditor of the United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest. (R. S. § 3476.)

203. Assignments of claims void.—All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share, thereof, except as provided in section 204 of this title, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgements of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgement, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same. The provisions of this section shall not apply to payments for

rent of post-office quarters made by postmasters to duly authorized agents of the lessors. (R. S. § 3477; May 27, 1908, c. 206, 35 Stat. 411.)

204. Oath by person prosecuting claims.—Any person prosecuting claims, either as attorney or on his own account, before any of the departments or bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. (R. S. § 3478.)

205. Same; who may administer.—The oath provided for in section 204 of this title may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered. (R. S. § 3479.)

206. Claims of disloyalists.—It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the 13th day of April, 1861, except claims for services in the Army, Navy, and Marine Corps of the United States prior to such date, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon granted shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. This section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the departments, where such claims were assigned or contracted to be assigned prior to the 1st day of April, 1861, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the 1st day of March, 1861, nor to require proof of loyalty during the late war of the rebellion as a prerequisite in any application for bounty land where the proof otherwise shows that the applicant is entitled thereto. (R. S. § 3480; Mar. 11, 1898, c. 57, 30 Stat. 274; July 6, 1914, c. 136, 38 Stat. 454; Feb. 13, 1923, c. 71, 42 Stat. 1226.)

207. Retention of money due States in default.—Whenever any State is in default in the payment of interest or principal on investments in stocks or bonds issued or guaranteed by such State and held by the United States in trust, the Secretary of the Treasury shall retain the whole, or so much thereof as may be necessary, of any moneys due on any account from the United States to such State, and apply the same to the payment of such principal and interest, or either, or to the reimbursement, with interest thereon, of moneys advanced by the United States on account of interest due on such stocks or bonds. (R. S. § 3481.)

208. Payment to officers for horses lost.—Except as provided in section 218 of this title, any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalryman, engaged in the military service of the United States, who sustains damage without any fault or negligence on his part, while in the service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, which dies of the wound, or which, being so wounded, is abandoned by order of his officer and lost, or who sustains damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea, when on board a United States transport vessel, or because the United States fails to supply transportation for the horse, and the owner is compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider is dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command orders the horse turned out to graze in the woods, prairies, or commons, because the United States fails to supply sufficient forage, and the loss is consequent thereon, or for the loss of necessary equipage, in consequence of the loss of his horse, shall be allowed and paid the value thereof, not to exceed $200. But any payment which is made to any one for the use and risk, or for forage, after the death, loss, or abandonment of his horse, shall be deducted from the value thereof, unless he satisfies the paymaster at the time he makes the payment, or thereafter shows, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot. And any payment made to any person above mentioned, on account of clothing to which he is not entitled by law, shall be deducted from the value of his horse or accouterments. (R. S. § 3482; June 22, 1874, c. 395, 18 Stat. 193; Jan. 9, 1883, c. 15, 22 Stat. 401; Aug. 13, 1888, c. 868, 25 Stat. 437.)

209. Payment for property lost while in military service.—Except as provided in section 218 of this title, every person who sustains damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, sleigh, harness, steamboat or other vessel, railroad engine or railroad car, while such property is in the military service, either by impressment or contract; or who sustains damage by the death or abandonment and loss of any horse, mule, or ox, while in the service, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, or whose horse, mule, ox, wagon, cart, boat, sleigh, harness, vessel, railroad engine, or railroad car is lost or destroyed by unavoidable accident while such property is in the service, shall be allowed and paid the value thereof at the time when such property was taken into the service, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner: *Provided*, It appears that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while the property was actually employed in the service of the United States. (R. S. § 3483.)

210. Payment for horses lost by capture.—Sections 208 and 209 of this title shall extend to all cases of the loss of horses by any officer, noncommissioned officer, or private in the military service of the United States, while in the line of his duty in such service, by capture by the enemy, whenever it shall appear that such officer, noncommissioned officer, or private was ordered by his superior officer to surrender to the enemy, and such capture was made in pursuance of such surrender. (R. S. § 3484.)

211. Payment for condemned horses and equipage.—Whenever any horse is condemned by a board of officers, on account of his unfitness for service, in consequence of the Government failing to supply forage, such horse and his equipage shall be allowed and paid for: *Provided*, It shall be proven, by satisfactory evidence, whether oral or written, that the condemned horse and the equipage were turned over to a quartermaster of the Army, whether any receipt therefor was given and produced, or not. (R. S. § 3485.)

212. Payment to guardian for horse lost by minor in military service.—When any minor engaged in the military service of the United States, and provided with a horse or equipments, or with military accouterments, by his parent or guardian, dies, without paying for the property, and the same is lost, captured, destroyed, or abandoned in the manner before mentioned, such parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same. (R. S. § 3486.)

213. Payment to owner for horse furnished and lost in military service.—When any person other than a minor, engaged in the military service, is provided with a horse or equipments, or with military accouterments, by any person, being the

owner thereof, who takes the risk of such horse, equipments, or military accouterments, on himself, and the same is lost, captured, destroyed, or abandoned, in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself. (R. S. § 3487.)

214. Taking testimony as to loss.—In executing so much of sections 208, 209, and 211 to 213 of this title, as provides for payment for steamboats and other vessels, and railroad engines or cars, lost or destroyed while in the military service of the United States, the Comptroller General is authorized, in person, or in such manner as he may deem most compatible with the public interests, to take testimony, and make such investigations as he may deem necessary in adjudicating claims; and for such necessary expenses incurred therein, payment may be made upon proper vouchers, certified and approved by the General Accounting Office. (R. S. § 3488; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

215. Settlement of claims not exceeding $1,000; certification of amounts found due to Congress; time for presentation.—The head of each department and establishment acting on behalf of the Government of the United States may consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed $1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim. (Dec. 28, 1922, c. 17, § 2, 42 Stat. 1066.)

216. Same; definitions.—When used in section 215 of this title the terms "department and establishment" and "department or establishment" mean any executive department or other independent establishment of the Government; the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps. (Dec. 28, 1922, c. 17, § 1, 42 Stat. 1066.)

217. Same; effect of acceptance of amount found due.—Acceptance by any claimant of the amount determined under the provisions of sections 215 and 216 of this title shall be deemed to be in full settlement of such claim against the Government of the United States. (Dec. 28, 1922, c. 17, § 3, 42 Stat. 1066.)

218. Settlement of claims for loss of property in military service.—Private property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army, including all prescribed articles of equipment and clothing which they are required by law or regulations to own and use in the performance of their duties, and horses and equipment required by law or regulations to be provided by mounted officers, which since the 5th day of April, 1917, has been or shall hereafter be lost. damaged, or destroyed in the military service, shall be replaced, or the damage thereto, or its value recouped to the owner as hereinafter provided, when such loss, damage, or destruction has occurred or shall hereafter occur without fault or negligence on the part of the owner in any of the following circumstances:

First. When such private property so lost, damaged, or destroyed was shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment.

Second. When it appears that such private property was so lost, damaged, or destroyed in consequence of its owner having given his attention to the saving of human life or property belonging to the United States which was in danger at the same time and under similar circumstances, or while, at the time of such loss, damage, or destruction, the claimant was engaged in authorized military duties in connection therewith.

Third. When during travel under orders such private property, including the regulation allowance of baggage, transferred by a common carrier, or otherwise transported by the proper agent or agency of the United States Government, is lost, damaged, or destroyed; but replacement, recoupment, or commutation in these circumstances, where the property was or shall be transported by a common carrier, shall be limited to the extent of such loss, damage, or destruction over and above the amount recoverable from said carrier.

Fourth. When such private property is destroyed or captured by the enemy, or is destroyed to prevent its falling into the hands of the enemy, or is abandoned on account of lack of transportation or by reason of military emergency requiring its abandonment, or is otherwise lost in the field during campaign. (Mar. 3, 1885, c. 335, § 1, 23 Stat. 350; July 9, 1918, c. 143, subchapter VI, 40 Stat. 880; Mar. 4, 1921, c. 163, 41 Stat. 1436.)

219. Same; extent of liability.—Except as to such property as by law or regulation is required to be possessed and used by officers, enlisted men, and members of the Army Nurse Corps (female), respectively, the liability of the Government under sections 218 to 222 of this title shall be limited to damage to or loss of such sums of money or such articles of personal property as the Secretary of War shall decide or declare to be reasonable, useful, necessary, and proper for officers, enlisted men, or members of the Army Nurse Corps (female), respectively, as the case may be, to have in their possession while in quarters, or in the field, engaged in the public service in the line of duty. (Mar. 3, 1885, c. 335, § 2; July 9, 1918, c. 143, subchapter VI, 40 Stat. 880; Mar. 4, 1921, c. 163, 41 Stat. 1437.)

220. Same; examination; payment; replacement.—The Secretary of War is authorized and directed to examine into, ascertain, and determine the value of such property lost, destroyed, captured, or abandoned as specified in sections 218 and 219 of this title, or the amount of damage thereto, as the case may be; and the amount of such value or damage so ascertained and determined shall be paid by disbursing officers of the Army, or such property lost, destroyed, captured, or abandoned, or so damaged as to be unfit for service, may be replaced in kind from Government property on hand when the Secretary of War shall so direct. (Mar. 3, 1885, c. 335, § 3; July 9, 1918, c. 143, subchapter VI, 40 Stat. 881; Mar. 4, 1921, c. 163, 41 Stat. 1437.)

221. Same; final determination.—The tender of replacement or of commutation or the determination made by the Secretary of War upon a claim presented, as provided for in section 220 of this title, shall constitute a final determination of any claim cognizable under sections 218 to 222 of this title, and such claim shall not thereafter be reopened or considered. (Mar. 3, 1885, c. 335, § 4; July 9, 1918, c. 143, subchapter VI, 40 Stat. 881; Mar. 4, 1921, c. 163, 41 Stat. 1437.)

222. Same; time for presentation.—No claim arising under sections 218 to 222 of this title shall be considered unless made within two years from the time that it accrued, except that when a claim accrues in time of war, or when war intervenes within two years after its accrual, such claim may be presented within two years after peace is established. (Mar. 3, 1885, c. 335, § 5; July 9, 1918, c. 143, subchapter VI, 40 Stat. 881; Mar. 4, 1921, c. 163, 41 Stat. 1437.)

223. Settlement of claims for loss or damage to private property from operations, etc., of Army.—Settlement of claims of not to exceed $500 each in amount for damages to and loss

of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may accrue, from time to time, shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages. (June 30, 1922, c. 253, Title I, 42 Stat. 725; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1386; June 7, 1924, c. 291, Title I, 43 Stat. 483; Feb. 12, 1925, c. 225, Title I, 43 Stat. 897.)

224. Settlement of claims for damages from operation of aircraft.—Not more than the amount specified in any appropriation Act may be expended for settlement of claims (not exceeding $250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Service and the Secretary of War. (June 30, 1922, c. 253, Title I, 42 Stat. 737; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1398; June 7, 1924, c. 291, Title I, 43 Stat. 492; Feb. 12, 1925, c. 225, Title I, 43 Stat. 907.)

225. Judgments of Court of Claims; payment.—In all cases of final judgments by the Court of Claims, or, on appeal, by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court. (R. S. § 1089.)

226. Same; certified by Secretary of the Treasury; interest.—The Secretary of the Treasury shall certify to Congress for appropriation only such judgments of the Court of Claims as are not to be appealed, or such cases as shall have been decided by the Supreme Court upon review as provided in section 288 of Title 28 to be due and payable. And on judgments in favor of claimants which have been reviewed upon petition of the United States and affirmed by the Supreme Court, interest, at the rate of 4 per centum per annum, shall be allowed and paid from the date of filing the transcript of judgment in the Treasury Department up to and including the date of the mandate of affirmance by the Supreme Court: *Provided*, That in no case shall interest be allowed after the term of the Supreme Court at which said judgment was affirmed. (Sept. 30, 1890, c. 1126, § 1, 26 Stat. 537; Feb. 13, 1925, c. 229, § 3, 43 Stat. 939.)

227. Offsets against judgments and claims against United States.—When any final judgment recovered against the United States or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff or claimant therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment or claim equal to the debt thus due to the United States; and if such plaintiff or claimant assents to such set-off, and discharges his judgment or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States. But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment. And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch. And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld as before provided, the balance shall then be paid over to such plaintiff by such Secretary with 6 per centum interest thereon for the time it has been withheld from the plaintiff. (Mar. 3, 1875, c. 149, 18 Stat. 481.)

228. Payment of judgments against United States made on settlements by General Accounting Office.—Hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the General Accounting Office. (Feb. 18, 1904, c. 160, § 1, 33 Stat. 41; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

229. Private claims pending before Congress; taking of testimony.—Any committee of either House of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof, proved, before any standing master in chancery within the judicial district where such testimony or evidence is to be taken. Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party. And such master shall issue subpœnas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request. And he shall also issue subpœnas at the request of such private party, or parties, for such witnesses within such judicial district as they may desire: *Provided*, That the United States shall not be liable for the fees of any officer for serving any subpœna for any private party, nor for the fees of any witness on behalf of such party. Said committee may inform the district attorney of the United States for the district where the testimony is to be taken of the time, place, and object of such examination, and request his attendance in behalf of the Government in conducting such examination, in which case it shall be his duty to attend in person, or by an assistant employed by him, to conduct such examination on the part of the United States, or such committee may, at its option, appoint an agent or attorney, or one of its own members, for that purpose, as they may deem best; and in that event, if the committee shall not be unanimous, the minority of the committee may also appoint such agent or attorney or member of such committee to attend and take part in such examination. (Feb. 3, 1879, c. 40, § 1, 20 Stat. 278.)

230. Same; subpœna for taking testimony; compensation of officers and witnesses; return of depositions.—It shall be the duty of the marshal of the United States for the district in which the testimony is to be taken to serve, or cause to be served, all subpœnas issued in behalf of the United States under this section and section 229 of this title, in the same manner as if issued by the district court for his district; and

he shall, upon being first paid his fees therefor, serve any subpœnas that may be issued at the instance of such private party or parties. And the said master may, in his discretion, appoint any other person to serve any subpœna. Such master shall have full power to administer oaths to witnesses, and the same power to issue attachments to compel the attendance of witnesses and the production of books, papers and documents, as the district court of his district would have in a case pending before it; and it shall be his duty to report the conduct of contumacious witnesses before him to the House of Congress appointing such committee. The compensation of such master in chancery, and the fees of marshals and deputy marshals, and of any person appointed to serve papers, shall be the same as for like services in equity cases in the district court of the United States; and the compensation of witnesses shall be the same as for like attendance and travel of witnesses before such district courts; and all such fees and compensation of officers and witnesses on behalf of the United States, and other expenses of all investigations which may be had under the provisions of this section and section 229 of this title on the part of the United States, shall be paid out of the contingent fund of the branch of Congress appointing such committee. Said master, when the examination is concluded, shall attach together all the depositions and exhibits, and attach thereto his certificate setting forth or referring to the authority by which they were taken, any notices he may have given, the names of the witnesses for whom subpœnas or attachments were issued, the names of witnesses who attended, with the time of attendance and mileage and fees of each witness on behalf of the United States, which he may require to be shown by affidavit, his own fees, the fees of the marshal, his deputies or other persons serving papers, giving the items, and such other facts in relation to the circumstances connected with the taking of the depositions as he may deem material. He shall then seal up such depositions and papers securely, direct them to the chairman of such committee at Washington, stating briefly on the outside the nature of the contents, and place the same in the post office, paying the postage thereon; and said package shall be opened only in the presence of such committee. The chairman of any committee ordering testimony to be taken under this section and section 229 of this title shall, at least ten days before the time fixed for such examination, and within two days after the adoption of such order, cause a copy thereof to be directed and delivered to the Attorney General of the United States, or sent to him by mail at the Department of Justice, to enable him to give such instructions as he may deem best to the district attorney of the district where such testimony is to be taken, who may, and, if required by the Attorney General, shall, though not requested by the committee, appear for the United States in person or by assistant, and take such part in such examination as the Attorney General shall direct. (Feb. 3, 1879, c. 40, § 2, 20 Stat. 279; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

231. Liability of persons making false claims.—Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section 80 of Title 18, shall forfeit and pay to the United States the sum of $2,000, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit. (R. S. § 3490.)

232. Same; suits.—The several district courts of the United States, the supreme court of the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent. (R. S. § 3491.)

233. Duty of district attorney as to such cases.—It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section 231 of this title by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of $2,000, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit. (R. S. § 3492.)

234. Rights of persons presenting such suits.—The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States. (R. S. § 3493.)

235. Limitation of suit.—Every such suit shall be commenced within six years from the commission of the act, and not afterward. (R. S. § 3494.)

Chapter 7.—BUREAU OF THE MINT, MINTS, AND ASSAY OFFICES.

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THE BUREAU OF THE MINT

Section 251. Bureau established; director.—There shall be established in the Treasury Department a Bureau of the Mint, embracing in its organization and under its control all mints for the manufacture of coin, and all assay offices for the stamping of bars, which have been, or which may be, authorized by law. The chief officer of the said bureau shall be denominated the Director of the Mint, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate. (R. S. § 343.)

252. Director; salary and expenses.—There shall be allowed to the Director of the Mint an annual salary payable monthly, and actual necessary traveling expenses in visiting the different mints and assay offices, for which vouchers shall be rendered. (R. S. § 344.)

253. Same; powers; reports.—The Director of the Mint shall have the general supervision of all mints and assay offices, and shall make an annual report to the Secretary of the Treasury of their operations, at the close of each fiscal year, and from time to time such additional reports, setting forth the operations and condition of such institutions, as the Secretary of the Treasury shall require, and shall lay before him the annual estimates for their support. And the Secretary of the Treasury shall appoint the number of clerks, classified according to law, necessary to discharge the duties of said bureau. (R. S. § 345.)

254. Acting in absence of director.—In case of the temporary absence of the Director of the Mint, the Secretary of the Treasury may designate some one to act in his place. (R. S. § 3502.)

MINTS AND ASSAY OFFICES

261. Mints and assay offices enumerated.—The different mints and assay offices shall be known as—

First. The mint of the United States at Philadelphia.

Second. The mint of the United States at San Francisco.

Third. The mint of the United States at New Orleans.

Fourth. The mint of the United States at Carson.

Fifth. The mint of the United States at Denver.

Sixth. The United States assay office at New York.

Seventh. The United States assay office at Boise City, Idaho.

Eighth. The United States assay office at Helena, Montana.

Ninth. The United States assay office at Deadwood, South Dakota.

Tenth. The United States assay office at Seattle, Washington.

Eleventh. The United States assay office at Salt Lake City, Utah. (R. S. § 3495; May 12, 1874, c. 168, § 1, 18 Stat. 45; June 20, 1874, c. 328, § 1, 18 Stat. 97; Feb. 1, 1881, c. 33, § 1, 21 Stat. 322; June 11, 1896, c. 420, § 1, 29 Stat. 414; May 21, 1898, c. 348, 30 Stat. 420; May 30, 1908, c. 223, 35 Stat. 474.)

262. Denver mint; coinage of gold and silver at.—The coinage of gold and silver and minor coins shall be carried on at the mint of the United States at Denver, in the State of Colorado. (Feb. 20, 1895, c. 105, §§ 1, 3, 28 Stat. 673.)

263. Officers of mints.—The officers of each coinage mint shall be a superintendent and an assayer; and, for the mint at Philadelphia, an engraver; all to be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 3496; Feb. 20, 1895, c. 105, § 2, 28 Stat. 673; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

264. Superintendents of certain mints to perform duties of treasurer.—The superintendents of the mints at Philadelphia, San Francisco, and Denver shall be, and perform the duties of, treasurers of said mints respectively. (R. S. § 3497; Feb. 20, 1895, c. 105, § 2, 28 Stat. 673; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

265. Salaries of officers of coinage mints.—The officers of the several coinage mints shall be entitled to salaries, to be paid monthly, in accordance with the provisions of section 676 of Title 5. (R. S. § 3498; June 20, 1874, c. 328, § 1, 18 Stat. 96; Apr. 4, 1924, c. 84, 43 Stat. 78; Jan. 22, 1925, c. 87, 43 Stat. 764.)

266. Appointment of assistants and employees.—All assistants and employees of the mints and assay officers of the United States shall be appointed by the Secretary of the Treasury. One of the clerks at each mint shall be designated "chief clerk." (R. S. § 3504; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384.)

267. Duties of coiner and melter and refiner performed by superintendent.—The duties and responsibilities formerly imposed by law on the coiner and the melter and refiner in each of the coinage mints and the assay office at New York shall devolve upon the superintendents of said institutions. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 384.)

268. Salaries of assistants, clerks, and laborers employed in the mints.—There shall be allowed to the assistants and clerks of the several mints annual salaries in accordance with section 676 of Title 5, and the workmen employed therein shall be allowed such wages as may be customary and reasonable according to their respective stations and occupations, to be determined by the superintendent, and approved by the Director of the Mint. The salaries provided for in this section, and the wages of workmen permanently engaged, shall be payable in monthly installments. (R. S. § 3499; June 20, 1874, c. 328, § 1, 18 Stat. 96; Mar. 4, 1915, c. 141, § 6, 38 Stat. 1049.)

269. Oath of office of officers, assistants, and clerks.—Every officer, assistant, and clerk appointed for any mint shall, before he enters upon the execution of his office, take an oath before some judge of the United States, or judge of some court of record of the State in which such mint is located, faithfully and diligently to perform the duties thereof; in addition to other official oaths prescribed by law, such oath, duly certified, shall be transmitted to the Secretary of the Treasury. The superintendent of each mint may require such oath from any of the employees of the mint. (R. S. § 3500.)

270. Bonds of officers, assistants, and clerks.—The superintendent and the assayer, before entering upon the execution of their respective offices, shall become bound to the United States, with one or more sureties, approved by the Secretary of the Treasury, in the sum of not less than $10,000 nor more than $50,000, with condition for the faithful and diligent performance of the duties of his office. Similar bonds may be required of the assistants and clerks, in such sums as the superintendent shall determine, with the approbation of the Director of the Mint; but the same shall not be construed to relieve the superintendent or other officers from liability to the United States for acts, omissions, or negligence of their subordinates or employees; and the Secretary of the Treasury may, at his discretion, increase the bonds of the superintendents. (R. S. § 3501; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

271. Acting in absence of superintendent or other officer.—Whenever any officer of a mint or assay office shall be temporarily absent, on account of sickness or any other cause, it shall be lawful for the superintendent, with the consent of such

officer, to appoint some person attached to the mint to act in the place of such officer during his absence; but all such appointments shall be forthwith reported to the Director of the Mint for his approval; and in all cases whatsoever the principal shall be responsible for the acts of his representative. In case of the temporary absence of the superintendent, the chief clerk shall act in his place. (R. S. § 3502.)

272. General duties of superintendents of mints.—The superintendent of each mint shall have the control thereof, the superintendence of the officers and persons employed therein, and the supervision of the business thereof, subject to the approval of the Director of the Mint. He shall make reports to the Director of the Mint at such times and according to such forms as the director may prescribe; which shall exhibit in detail, and under appropriate heads, the deposits of bullion, the amount of gold, silver, and minor coinage, and the amount of unparted, standard, and refined bars issued, and such other statistics and information as may be required. He shall keep and render, quarter yearly, to the Director of the Mint, for the purpose of adjustment according to such forms as may be prescribed by the Secretary of the Treasury, regular and faithful accounts of his transactions with the other officers of the mint and the depositors; and shall also render to him a monthly statement of the ordinary expenses of the mint or assay office under his charge. (R. S. §§ 3503, 3504.)

273. Duties of superintendents as to coin and bullion.—The superintendent of each mint shall receive and safely keep, until legally withdrawn, all moneys or bullion which shall be for the use or the expenses of the mint. He shall receive all bullion brought to the mint for assay or coinage; shall be the keeper of all bullion or coin in the mint, except while the same is legally in the hands of other officers; and shall deliver all coins struck at the mint to the persons to whom they shall be legally payable. From the report of the assayer and the weight of the bullion, he shall compute the value of each deposit, and also the amount of the charges or deductions, if any, of all which he shall give a detailed memorandum to the depositor; and he shall also give at the same time, under his hand, a certificate of the net amount of the deposit, to be paid in coins or bars of the same species of bullion as that deposited, the correctness of which certificate shall be verified by the assayer, who shall countersign the same, and in all cases of transfer of coin or bullion, shall give and receive vouchers, stating the amount and character of such coin or bullion. (R. S. § 3506.)

274. Duties as to melting and refining.—The superintendent of melting and refining department shall execute all the operations which are necessary in order to form ingots of standard silver or gold, and alloys for minor coinage, suitable for the superintendent of coining department, from the metals legally delivered to him for that purpose; and shall also execute all the operations which are necessary in order to form bars conformable in all respects to the law, from the gold and silver bullion delivered to him for that purpose. He shall keep a careful record of all transactions with the superintendent, noting the weight and character of the bullion, and shall be responsible for all bullion delivered to him until the same is returned to the superintendent and the proper vouchers obtained. (R. S. § 3508; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384.)

275. Duties as to coining.—The superintendent of coining department shall execute all the operations which are necessary in order to form coins, conformable in all respects to the law, from the standard gold and silver ingots, and alloys for minor coinage, legally delivered to him for that purpose; and shall be responsible for all bullion delivered to him, until the same is returned to the superintendent and the proper vouchers obtained. (R. S. § 3509; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

276. Duties of engravers; dies for coins; new designs.—The engraver shall prepare from the original dies already authorized all the working dies required for use in the coinage of the several mints, and, when new coins, emblems, devices, legends, or designs are authorized, shall, if required by the Director of the Mint, prepare the devices, models, hubs, or original dies for the same. The Director of the Mint shall have power, with the approval of the Secretary of the Treasury, to cause new designs or models of authorized emblems or devices to be prepared and adopted in the same manner as when new coins or devices are authorized. But no change in the design or die of any coin shall be made oftener than once in twenty-five years from and including the year of the first adoption of the design, model, die, or hub for the same coin: *Provided*, That no change be made in the diameter of any coin. But the Director of the Mint may nevertheless, with the approval of the Secretary of the Treasury, engage temporarily for this purpose the services of one or more artists, distinguished in their respective departments of art, who shall be paid for such service from the contingent appropriation for the mint at Philadelphia. (R. S. § 3510; Sept. 26, 1890, c. 944, 26 Stat. 484.)

277. Duties of assayers.—The assayer shall assay all metals and bullion, whenever such assays are required in the operations of the mint; and shall make assays of coin or samples of bullion whenever required by the superintendent. (R. S. § 3507.)

278. Business of assay office at New York.—The business of the United States assay office at New York shall be in all respects similar to that of the mints, except that bars only and not coin, shall be manufactured therein; and no metals shall be purchased for minor coinage. All bullion intended by the depositor to be converted into coins, of the United States, and silver bullion purchased for coinage, when assayed, parted, and refined, and its net value certified, shall be transferred to the mint at Philadelphia, under such directions as shall be made by the Secretary of the Treasury, at the expense of the contingent fund of the mint, and shall be there coined. And the Secretary of the Treasury is hereby authorized to make the necessary arrangements for the adjustment of the accounts upon such transfers between the respective offices. (R. S. § 3553.)

279. Officers at New York assay office; appointment.—The officers of the assay office at New York shall be a superintendent and an assayer; each of whom shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 3554; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384.)

280. Same; salaries.—The officers of the assay office at New York shall be entitled to salaries in accordance with the provisions of section 676 of Title 5. (R. S. § 3556; Apr. 4, 1924, c. 84, 43 Stat. 78; Jan. 21, 1925, c. 87, 43 Stat. 764.)

281. Same; duties.—The duties of the superintendent and the assayer of the assay office at New York shall correspond to those of superintendents and assayers of mints; and all the provisions of this title relating to mints and their officers, the duties and responsibilities of such officers, and others employed therein, the oaths to be taken, and the bonds and sureties to be given by them, shall extend, as far as the same may be applicable, to the assay office at New York, and to its officers, clerks, and employees. (R. S. § 3555; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

282. Salaries of assistants and employees.—The compensation of assistants, clerks, and workmen in the assay office at New York shall be regulated in the same manner as is prescribed in regard to mints. (R. S. § 3557; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384.)

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283. Business of assay offices.—Except as otherwise provided in this chapter, the business of the United States assay offices enumerated in section 261 of this title other than the assay office at New York, and that of any other assay offices which may be established, shall be confined to the receipt of gold and silver bullion, for melting and assaying. (R. S. § 3558; June 8, 1878, c. 170, 20 Stat. 102; Feb. 20, 1895, c. 105, § 1, 28 Stat. 673.)

284. Appointment of officers at assay offices.—Except as otherwise provided by law, the officer of the assay offices embraced by section 283 of this title shall be an assayer in charge, who shall also perform the duties of melter, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary in accordance with section 676 of Title 5. (R. S. § 3559; Feb. 20, 1895, c. 105, § 2, 28 Stat. 673; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 22, 1925, c. 87, 43 Stat. 764.)

285. Powers and duties of assayers at assay offices.—The assayer at each of the assay offices embraced by section 283 of this title shall have general charge of the office; and shall discharge the duties of disbursing agent for the expenses of the office under his charge. (R. S. § 3560; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384.)

286. Bond and oath of officers and clerks.—Each officer and clerk appointed at either of the assay offices embraced by section 283 of this title shall, before entering upon the duties of his office, take an oath pursuant to the provisions of section 16 of Title 5, and shall give a bond to the United States, with one or more sureties, satisfactory to the Director of the Mint or to one of the judges of the supreme court of the State or Territory in which the office to which he is appointed is located, conditioned for the faithful performance of his duties. (R. S. § 3561; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

287. Laws relating to mints extended to assay offices.—All provisions of law for the regulation of mints, the government of officers and persons employed therein, and for the punishment of all offenses connected with mints or coinage, shall extend to all assay offices, as far as applicable. (R. S. § 3562.)

Chapter 8.—COINS, COINAGE, AND CURRENCY.

COINS AND COINAGE

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CROSS REFERENCE

Circulating notes; see Title 12.

COINS AND COINAGE

Section 311. Policy of United States as to bimetallism.—It is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts. (Nov. 1, 1893, c. 8, 28 Stat. 4.)

312. International monetary conference commissioners.—Whenever the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he may appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is appropriated. (Mar. 3, 1897, c. 376, § 1, 29 Stat. 624.)

313. International bimetallism.—The provisions of sections 146, 313, 314, 320, 406, 408, 411, 429, 455, and 751 of this title and sections 51, 101, and 178 of Title 12, BANKS AND BANKING, are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver. (Mar. 14, 1900, c. 41, § 14, 31 Stat. 49.)

314. Standard unit of value.—The dollar consisting of twenty-five and eight-tenths grains of gold nine-tenths fine shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity. (R. S. § 3511; Mar. 14, 1900, c. 41, § 1, 31 Stat. 45.)

315. Gold coins of United States; weight.—The gold coins of the United States shall be a quarter-eagle, or $2.50 piece; a half-eagle, or $5 piece; an eagle, or $10 piece; and a double-eagle, or $20 piece. The standard weight of the quarter-eagle, or $2.50 piece, shall be sixty-four and a half grains; of the half-eagle, or $5 piece, one hundred and twenty-nine grains; of the eagle, or $10 piece, two hundred and fifty-eight grains; of the double-eagle, or $20 piece, five hundred and sixteen grains. (R. S. § 3511; Sept. 26, 1890, c. 945, § 1, 26 Stat. 485.)

316. Silver coins; weight.—The silver coins of the United States shall be a dollar; a half-dollar, or fifty-cent piece; a quarter-dollar, or twenty-five-cent piece; and a dime, or ten-cent piece. The weight of the dollar shall be four hundred and twelve and one-half grains troy of standard silver, the weight of the half-dollar shall be one hundred and ninety-two and nine-tenths grains; the quarter-dollar and the dimes shall be, respectively, one-half and one-fifth of the weight of said half-dollar. (R. S. § 3513; Feb. 28, 1878, c. 20, § 1, 20 Stat. 25.)

317. Minor coins; weight and alloy.—The minor coins of the United States shall be a five-cent piece, and a one-cent piece. The alloy for the five-cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-cent piece shall be 95 per centum of copper and 5 per centum of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of 5 cents shall be seventy-seven and sixteen-hundredths grains troy, and of the one-cent piece, forty-eight grains. (R. S. § 3515; Sept. 26, 1890, c. 945, § 1, 26 Stat. 485.)

318. Coins reduced in weight by abrasion.—Any gold coins of the United States, if reduced in weight by natural abrasion not more than one-half of 1 per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by the date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices. (R. S. § 3505.)

319. Recoinage of gold coins.—Any gold coins in the Treasury of the United States, when reduced in weight by natural abrasion more than one-half of 1 per centum below the standard weight prescribed by law, shall be recoined. (R. S. § 3512.)

320. Recoinage of uncurrent subsidiary silver coins.—The Secretary of the Treasury shall cause all worn and uncurrent subsidiary silver coin of the United States received in the Treasury to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated. (Mar. 14, 1900, c. 41, § 9, 31 Stat. 48.)

321. Standard for gold and silver coins.—The standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy. The alloy of the silver coins shall be of copper. The alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy. (R. S. § 3514.)

322. Coins prohibited.—Except as otherwise authorized by Congress, no coins, either of gold, silver, or minor coinage, shall be issued from the Mint other than those of the denominations, standards, and weights set forth in this chapter. (R. S. § 3516.)

323. Withdrawal of discontinued pieces and recoinage.—As fast as $3 gold pieces, $1 gold pieces, and 3-cent nickel pieces shall be paid into the Treasury of the United States they shall be withdrawn from circulation and be recoined into other denominations of coins. (Sept. 26, 1890, c. 945, § 2, 26 Stat. 485.)

324. Inscriptions on coins.—Upon the coins there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the dime, 5, and 1 cent piece, the figure of the eagle shall be omitted; and the motto "In God we trust" shall be inscribed on the denominations of gold and silver coins on which it was inscribed prior to May 18, 1908. (R. S. § 3517; Sept. 26, 1890, c. 945, § 1, 26 Stat. 485; May 18, 1908, c. 173, § 1, 35 Stat. 164.)

325. Gold and silver bars.—At the option of the owner gold or silver may be cast into bars of fine metal, or of standard fineness, or unparted, as he may prefer, with a stamp upon the same designating the weight and fineness, and with such devices impressed thereon as may be deemed expedient to prevent fraudulent imitation, and no such bars shall be issued of a less weight than five ounces. (R. S. § 3518.)

326. Exchange of gold coins for gold bars.—The superintendent of the coinage mints and of the United States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof in sums of not less than $5,000, and pay and deliver in exchange therefor gold bars in value equaling such coin so received. The Secretary of the Treasury may make, in his discretion, such exchange without charge, or may impose a charge therefor. (May 26, 1882, c. 190, 22 Stat. 97; Mar. 3, 1891, c. 541, § 3, 26 Stat. 948; Mar. 3, 1901, c. 867, 31 Stat. 1446.)

327. Coining gold bullion; refusal of deposits.—Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit. It shall be lawful, however, to refuse any deposit of less value than $100, or any bullion so base as to be unsuitable for the operations of the Mint. In cases where gold and silver are combined, if either metal be in such small proportion that it can not be separated advantageously, no allowance shall be made to the depositor for its value. (R. S. § 3519.)

328. Silver bullion for forming into bars.—Any owner of silver bullion may deposit the same at any mint, to be formed into bars, and no deposit of silver for other coinage shall be received. Silver bullion contained in gold deposits, and separated therefrom, may, however, be paid for in silver coin, at such valuation as may be, from time to time, established by the Director of the Mint. (R. S. § 3520; Mar. 3, 1887, c. 396, § 3, 24 Stat. 635.)

329. Weighing and valuing bullion.—When bullion is deposited in any of the mints, it shall be weighed by the superintendent, and, when practicable, in the presence of the depositor, to whom a receipt shall be given, which shall state the description and weight of the bullion. When, however, the bullion is in such a state as to require melting, or the removal of base metals, before its value can be ascertained, the weight, after such operation, shall be considered as the true weight of the bullion deposited. The fitness of the bullion to be received shall be determined by the assayer, and the mode of melting by the superintendent of melting and refining department. (R. S. § 3521; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

330. Assay of bullion.—From every parcel of bullion deposited for coinage or bars, the superintendent shall deliver to the assayer a sufficient portion for the purpose of being assayed. The bullion remaining from the operations of the assay shall be returned to the superintendent by the assayer. (R. S. § 3522.)

331. Report of quality of bullion assayed.—The assayer shall report to the superintendent the quality or fineness of the bullion assayed by him, and such information as will enable him to compute the amount of the charges hereinafter provided for, to be made to the depositor. (R. S. § 3523.)

332. Charges for converting bullion into coin and bars.—The charges for melting or refining bullion, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed, from time to time, by the director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned. (R. S. § 3524; Jan. 14, 1875, c. 15, § 2, 18 Stat. 296; Mar. 1, 1881, c. 95, 21 Stat. 374; Mar. 3, 1887, c. 396, § 3, 24 Stat. 635.)

333. Same; standard gold bullion.—No charge shall be made for converting standard gold bullion into coin. (Jan. 14, 1875, c. 15, § 2, 18 Stat. 296.)

334. Verification of calculations of value of deposits; countersigning certificate.—The assayer shall verify all calculations made by the superintendent of the value of deposits, and, if satisfied of the correctness thereof, shall countersign the certificate required to be given by the superintendent to the depositor. (R. S. § 3525.)

335. Purchase of bullion for silver coinage; silver-profit fund.—In order to procure bullion for the silver coinage authorized by this chapter, other than the silver dollar, the superintendents, with the approval of the Director of the Mint, as to price, terms, and quantity, shall purchase such bullion with the bullion fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. (R. S. § 3526; Mar. 2, 1889, c. 411, 25 Stat. 955.)

336. Paying out silver coins for gold coins.—Silver coins shall be paid out at the several mints, and at the assay office in New York City, in exchange for gold coins at par, in sums not less than $100. It shall be lawful, also, to transmit parcels of the same, from time to time, to depositaries and other officers of the United States, under general regulations proposed by the Director of the Mint, and approved by the Secretary of the Treasury. Nothing herein contained shall, however, prevent the payment of silver coins, at their nominal value, for silver parted from gold, as provided in this chapter, or for change less than $1 in settlement for gold deposits. (R. S. § 3527.)

337. Exchange of subsidiary silver coin for lawful money.—The holder of any of the silver coins of the United States of smaller denominations than $1, may, on presentation of the same in sums of $20, or any multiple thereof, at the office of the Treasurer or any designated depositary of the United States, which the Secretary of the Treasury may direct for that purpose, receive therefor lawful money of the United States. (June 9, 1879, c. 12, § 1, 21 Stat. 7; May 20, 1920, c. 214, § 1, 41 Stat. 655.)

338. Same.—The Treasurer or any depositary of the United States who may receive any coins under sections 337, 338, and 459 of this title shall exchange the same in sums of $20, or any multiple thereof, for lawful money of the United States, on demand of any holder thereof. (June 9, 1879, c. 12, § 2, 21 Stat. 8.)

339. Free transportation of silver coin.—The Secretary of the Treasury is authorized and directed to transport free of charge silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 312.)

340. Purchase of metal for minor coinage; profit fund.—For the purchase of metal for the minor coinage, authorized by this chapter, a sum not exceeding $400,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, and Denver, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former Acts, shall be, from time to time, and at least twice a year,

covered into the Treasury of the United States. (R. S. § 3528; Apr. 24, 1906, c. 1861, 34 Stat. 132; Dec. 2, 1918, c. 1, 40 Stat. 1051.)

341. Delivery of minor coins; redemption.—The minor coins authorized by this chapter may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and the towns of the United States, at the cost of the mints, for transportation, and shall be exchangeable at par at the mints named, at the discretion of the superintendents, for any other coins of copper, bronze, or copper-nickel authorized, and it shall be lawful for the Treasurer and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than $20; and whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise authorized by him. (R. S. § 3529; Apr. 24, 1906, c. 1861, 34 Stat. 132.)

342. Cleaning, reissue, and recoinage of minor coins.—The Secretary of the Treasury may transfer to the United States mint at Philadelphia, for cleaning and reissue, any minor coins received at the offices of designated depositaries in excess of the requirement for the current business of said offices. (June 4, 1897, c. 2, § 1, 30 Stat. 27; May 29, 1920, c. 214, § 1, 41 Stat. 655.)

343. Transfer for bullion for formation into ingots.—Parcels of bullion shall be, from time to time, transferred by the superintendent to the superintendent of melting and refining department. A careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the superintendent of melting and refining department. The bullion thus placed in the hands of the superintendent of melting and refining department shall be subjected to the several processes which may be necessary to form it into ingots of the legal standard, and of a quality suitable for coinage. (R. S. § 3530; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

344. Assay of ingots.—The ingots so prepared shall be assayed. If they prove to be within the limits allowed for deviation from the standard, the assayer shall certify the fact to the superintendent, who shall thereupon receipt for the same, and transfer them to the superintendent of coining department. (R. S. § 3531; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 23, 1923, c. 22, 42 Stat. 1103.)

345. Delivery of ingots for coinage.—The superintendent shall, from time to time, deliver to the superintendent of coining department ingots for the purpose of coinage. A careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the superintendent of coining department. The ingots thus placed in the hands of the superintendent of coining department shall be subjected to the several processes necessary to make from them coins in all respects conformable to law. (R. S. § 3532; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

346. Standard of ingots used for coinage.—No ingots shall be used for coinage which differ from the legal standard more than the following proportions, namely: In gold ingots, one-thousandth; in silver ingots, three-thousandths; in minor-coinage alloys, twenty-five thousandths, in the proportion of nickel. (R. S. § 3533.)

347. Preparation and stamping of bars for payment of deposits.—The superintendent of melting and refining department shall prepare all bars required for the payment of deposits; but the fineness thereof shall be ascertained and stamped thereon by the assayer. The superintendent of melting and refining department shall deliver such bars to the superintendent, who shall receipt for the same. (R. S. § 3534; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

348. Deviations allowed in adjusting weights; gold coins.—In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double-eagle and the eagle, one-half of a grain; in the half-eagle and the quarter-eagle, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the superintendent of coining department to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one-hundredth of an ounce in $5,000 in double-eagles, eagles, half-eagles, or quarter-eagles. (R. S. § 3535; Sept. 26, 1890, c. 945, § 1, 26 Stat. 485; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

349. Same; silver coins.—In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains. (R. S. § 3536; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; Mar. 4, 1911, c. 267, 36 Stat. 1354.)

350. Same; minor coins.—In adjusting the weight of the minor coins provided by this chapter, there shall be no greater deviation allowed than three grains for the 5-cent piece and two grains for the 1-cent piece. (R. S. § 3537; Sept. 26, 1890, c. 945, § 1, 26 Stat. 485.)

351. Delivery of coins to superintendent and trial of pieces.—The superintendent of coining department shall, from time to time, as coins are prepared, deliver them to the superintendent, who shall receipt for the same, and who shall keep a careful record of their kind, number, and actual weight. In receiving coins it shall be the duty of the superintendent to ascertain, by the trial of a number of single pieces separately, whether the coins of that delivery are within the legal limits of the standard weight; and if his trials for this purpose shall not prove satisfactory, he shall cause all the coins of such delivery to be weighed separately, and such as are not of legal weight shall be defaced and delivered to the superintendent of melting and refining department as standard bullion, to be again formed into ingots and recoined; or the whole delivery may, if more convenient, be remelted. (R. S. § 3538; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

352. Sealing and transmitting trial pieces.—At every delivery of coins made by the superintendent of coining department to a superintendent, it shall be the duty of such superintendent, in the presence of the assayer, to take indiscriminately a certain number of pieces of each variety for the annual trial of coins, the number for gold coins being not less than one piece for each one thousand pieces or any fractional part of one thousand pieces delivered; and for silver coins one piece for each two thousand pieces or any fractional part of two thousand pieces delivered. The pieces so taken shall be carefully sealed up in an envelope, properly labeled, stating the date of the delivery, the number and denomination of the pieces inclosed, and the amount of the delivery from which they were taken. These sealed parcels containing the reserved pieces shall be deposited in a pyx, designated for the purpose at each mint, which shall be kept under the joint care of the superintendent and assayer, and be so secured that neither can have access to its contents without the presence of the other, and the reserved pieces in their sealed envelopes from the coinage of each mint shall be transmitted quarterly to the mint at Philadelphia. A record shall also be kept at the same time of the number and denomination of the pieces so taken for the annual trial of coins, and of the number and denomination of the pieces represented by them and so delivered, a copy of which record shall be transmitted quarterly to the Director of the Mint. Other pieces may at any time be taken for such

tests as the Director of the Mint shall prescribe. (R. S. § 3539; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22. 42 Stat. 1103.)

353. Disposals of clippings.—The superintendent of coining department shall, from time to time, deliver to the superintendent the clippings and other portions of bullion remaining after the process of coining; and the superintendent shall receipt for the same and keep a careful record of their weight and character. (R. S. § 3540; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

354. Yearly settlement of accounts.—The superintendent shall debit the superintendent of coining department with the amount in weight of standard metal of all the bullion placed in his hands, and credit him with the amount in weight of all the coins, clippings, and other bullion returned by him to the superintendent. Once at least in every year, and at such time as the Director of the Mint shall appoint, there shall be an accurate and full settlement of the accounts of the superintendent of coining department, and the superintendent of melting and refining department, at which time those officers shall deliver up to the superintendent all the coins, clippings, and other bullion in their possession, respectively, accompanied by statements of all the bullion delivered to them since the last annual settlement, and all the bullion returned by them during the same period, including the amount returned for the purpose of settlement. (R. S. § 3541; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

355. Allowance for wastage.—When all the coins, clippings, and other bullion have been delivered to the superintendent, it shall be his duty to examine the accounts and statements rendered by the superintendent of coining department and the superintendent of melting and refining department. The difference between the amount charged, and credited to each officer shall be allowed as necessary wastage, if the superintendent shall be satisfied that there has been a bona fide waste of the precious metals, and if the amount shall not exceed, in the case of the superintendent of melting and refining department, one-thousandth of the whole amount of gold, and one and one-half thousandths of the whole amount of silver delivered to him since the last annual settlement, and in the case of the superintendent of coining department, one-thousandth of the whole amount of silver, and one-half thousandth of the whole amount of gold that has been delivered to him by the superintendent. All copper used in the alloy of gold and silver bullion shall be separately charged to the superintendent of melting and refining department, and accounted for by him. (R. S. § 3542; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22. 42 Stat. 1103.)

356. Statement of balance sheet forwarded to Director of Mint.—It shall also be the duty of the superintendent to forward a correct statement of his balance sheet, at the close of such settlement, to the Director of the Mint; who shall compare the total amount of gold and silver bullion and coin on hand with the total liabilities of the mint. At the same time a statement of the ordinary expense account, and the moneys therein, shall also be made by the superintendent. (R. S. § 3543.)

357. Delivery of coin or bars to depositor.—When the coins or bars which are the equivalent to any deposit of bullion are ready for delivery, they shall be paid to the depositor, or his order, by the superintendent; and the payments shall be made, if demanded, in the order in which the bullion shall have been brought to the mint. In cases, however, where there is delay in manipulating a refractory deposit, or for any other unavoidable cause, the payment of subsequent deposits, the value of which is known, shall not be delayed thereby. In the denominations of coin delivered, the superintendent shall comply with the wishes of the depositor, except when impracticable or inconvenient to do so. (R. S. § 3544.)

358. Payment in money to depositors when value ascertained.—For the purpose of enabling the several mints and assay offices of the United States to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in such mints and assay offices, when the state of the Treasury will admit thereof, such an amount of public money, or bullion procured for the purpose, as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay offices may, under such rules and regulations as may be prescribed by the said Secretary, be paid the value thereof, in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made, the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund or any portion thereof. (R. S. § 3545; June 19, 1878, c. 329, § 1, 20 Stat. 191.)

359. Payment for bullion in coin certificates.—The Secretary of the Treasury may use, as far as he may deem it proper and expedient, for payment to depositors of bullion at the several mints and the assay office in New York, under such rules and regulations as he may prescribe, coin certificates, representing coin in the Treasury, and issued under the provisions of section 428 of this title. (June 19, 1878, c. 329, § 1, 20 Stat. 191; Mar. 3, 1879, c. 182, § 1, 20 Stat. 383; Mar. 4, 1911, c. 240, 36 Stat. 1292.)

360. Exchange of unparted bullion for fine bars.—Unparted bullion may be exchanged at any of the mints for fine bars, on such terms and conditions as may be prescribed by the Director of the Mint, with the approval of the Secretary of the Treasury. The fineness, weight, and value of the bullion received and given in exchange shall in all cases be determined by the mint assay. The charge to the depositor for refining or parting shall not exceed that allowed and deducted for the same operation in the exchange of unrefined for refined bullion. (R. S. § 3546.)

361. Refining and parting bullion.—Refining and parting of bullion shall be carried on at the coinage mints of the United States and at the assay office at New York, and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, and also the proceeds of sale of by-products (spent acids arising from any surplus bullion recovered in parting and refining processes), pursuant to law, so far as may be necessary, to defraying in full the expenses thereof, including labor, material, wastage, and loss on sale of sweeps. But no part of the moneys appropriated for the support of the coinage mints and assay office at New York shall be used to defray the expenses of parting and refining bullion. (June 19, 1878, c. 329, § 1, 20 Stat. 191; July 7, 1898, c. 571, § 1, 30 Stat. 661.)

362. Same; exchange of unparted bullion for fine bars.—When the bullion received shall not, in the aggregate, be in such proportion of gold and silver as to admit of economical parting, or the necessary supplies of acids can not be procured at reasonable rates, unparted bullion may be exchanged for fine bars, as provided in section 360 of this title. (June 19, 1878, c. 329, § 1, 20 Stat. 191.)

363. Assay commissioners.—To secure a due conformity in the gold and silver coins to their respective standards of fineness and weight, the judge of the District Court for the Eastern District of Pennsylvania, the Comptroller of the Currency, the assayer of the assay office at New York, and such other persons as the President shall, from time to time, designate, shall meet as assay commissioners, at the mint in Philadelphia, to examine and test, in the presence of the Director of the Mint, the fineness and weight of the coins reserved by the several mints for this purpose, on the second Wednesday in February, annually, and may continue their meetings by adjournment, if necessary. If a majority of the commissioners fail to attend

at any time appointed for their meeting, the Director of the Mint shall call a meeting of the commissioners at such other time as he may deem convenient. If it appears by such examination and test that these coins do not differ from the standard fineness and weight by a greater quantity than is allowed by law, the trial shall be considered and reported as satisfactory. If, however, any greater deviation from the legal standard or weight appears, this fact shall be certified to the President; and if, on a view of the circumstances of the case, he shall so decide, the officers implicated in the error shall be thenceforward disqualified from holding their respective offices. (R. S. § 3547.)

364. Standard troy pound for regulation of coinage.—For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of the laws relating to coinage, the standard troy pound of the Bureau of Standards of the United States shall be the standard troy pound of the mint of the United States, conformably to which the coinage thereof shall be regulated. (R. S. § 3548; Mar. 4, 1911, c. 268, § 1, 36 Stat. 1354.)

365. Standard weights for mints and assay offices.—It shall be the duty of the Director of the Mint to procure for each mint and assay office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Bureau of Standards of the United States, consisting of a one-pound weight and the requisite subdivisions and multiples thereof, from the hundredths part of a grain to twenty-five pounds. The troy weight ordinarily employed in the transactions of such mints and assay offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the mint at Philadelphia shall be tested annually, in the presence of the assay commissioners, at the time of the annual examination and test of coins. (R. S. § 3549; Mar. 4, 1911, c. 268, § 2, 36 Stat. 1354.)

366. Destruction of obverse working dies.—The obverse working dies at each mint shall, at the end of each calendar year, be defaced and destroyed by the superintendent of coining department in the presence of the superintendent and assayer. (R. S. § 3550; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

367. Coinage for foreign countries.—It shall be lawful for coinage to be executed at the mints of the United States for any foreign country applying for the same, according to the legally prescribed standards and devices of such country, under such regulations as the Secretary of the Treasury may prescribe; and the charge for the same shall be equal to the expenses thereof, including labor, materials, and use of machinery, to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury: *Provided*, That the manufacture of such coin shall not interfere with the required coinage of the United States. (Jan. 29, 1874, c. 19, 18 Stat. 6.)

368. National and other medals struck at Philadelphia Mint.—Dies of a national character may be executed by the engraver, and national and other metals struck by the superintendent of coining department of the mint at Philadelphia, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe. Such work shall not, however, interfere with the regular coinage operations, and no private metal dies shall be prepared at any mint, or the machinery or apparatus thereof be used for that purpose. (R. S. § 3551; Aug. 23, 1912, c. 350, § 1, 37 Stat. 384; Jan. 3, 1923, c. 22, 42 Stat. 1103.)

369. Money arising from charges and deductions covered into Treasury.—The moneys arising from all charges and deductions on and from gold and silver bullion and the manufacture of medals, and from all other sources, except as provided by this chapter, shall, from time to time, be covered into the Treasury, and no part of such deductions or medal charges, or profit on silver or minor coinage, shall be expended in salaries or wages. All expenditures of the mints and assay offices, not herein otherwise provided for, shall be paid from appropriations made by law on estimates furnished by the Secretary of the Treasury. (R. S. § 3552.)

370. Transfer of bars to depositary; redemption of coin certificates or exchange for gold coins.—The Secretary of the Treasury may, from time to time, transfer to the office of the United States depositary at New York from the bullion fund of the assay office at New York, refined gold bars bearing the United States stamp of fineness, weight and value, or bars from any melt of foreign gold coin or bullion of standard equal to or above that of the United States and may apply the same to the redemption of coin certificates or in exchange for gold coins at not less than par and not less than the market value subject to such regulations as he may prescribe. (June 22, 1874, c. 419, 18 Stat. 202; May 29, 1920, c. 214, § 1, 41 Stat. 654, 655.)

371. Decimal system established.—The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation. (R. S. § 3563.)

372. Value of foreign coins; how ascertained.—(a) The value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint and be proclaimed by the Secretary of the Treasury quarterly on the 1st day of January, April, July, and October in each year.

(b) For the purpose of the assessment and collection of duties upon merchandise imported into the United States, wherever it is necessary to convert foreign currency into currency of the United States, such conversion, except as provided in subdivision (c), shall be made at the values proclaimed by the Secretary of the Treasury under the provisions of paragraph (a) of this section, for the quarter in which the merchandise was exported.

(c) If no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate. For the purposes of this subdivision such buying rate shall be the buying rate for cable transfers payable in the foreign currency so to be converted; and shall be determined by the Federal Reserve Bank of New York and certified daily to the Secretary of the Treasury, who shall make it public at such times and to such extent as he deems necessary. In ascertaining such buying rate such Federal Reserve bank may in its discretion (1) take into consideration the last ascertainable transactions and quotations, whether direct or through the exchange of other currencies, and (2) if there is no market buying rate for such cable transfers, calculate such rate from actual transactions and quotations in demand or time bills of exchange. (Aug. 27, 1894, c. 349, § 25, 28 Stat. 552; May 27, 1921, c. 14, § 403[a], 42 Stat. 17; Sept. 21, 1922, c. 356, Title IV, § 522 (a), 42 Stat. 974.)

373. Recoinage of foreign coins.—All foreign gold and silver coins received in payment for moneys due to the United States shall, before being issued in circulation, be coined anew. (R. S. § 3566.)

374. Spanish and Mexican coins.—The pieces commonly known as the quarter, eighth, and sixteenth of the Spanish pillar dollar, and of the Mexican dollar, shall be receivable

at the Treasury of the United States, and its several offices, and at the several post offices and land offices, at the rates of valuation following: The fourth of a dollar, or piece of two reals, at 20 cents; the eighth of a dollar, or piece of one real, at 10 cents; and the sixteenth of a dollar, or half real, at 5 cents. (R. S. § 3567.)

375. Same; transmission for recoinage.—The Director of the Mint, with the approval of the Secretary of the Treasury, may prescribe such regulations as are necessary and proper, to secure the transmission of the coins mentioned in section 374 of this title to the mint for recoinage, and the return or distribution of the proceeds thereof, when deemed expedient, and may prescribe such forms of account as are appropriate and applicable to the circumstances. The expenses incident to such transmission or distribution, and of recoinage, shall be charged against the account of silver profit and loss, and the net profits, if any, shall be paid, from time to time, into the Treasury. (R. S. § 3568; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

376. Commemorative coins; laws applicable.—All laws in force relating to the gold coins and subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the silver 50-cent pieces coined under authority of law and in such numbers and under the circumstances as authorized by law in commemoration of the one hundredth anniversies of the admission of the States of Illinois, Maine, Alabama, and Missouri, into the Union; the seventy-fifth anniversary of the admission of the State of California into the Union; the three hundredth anniversary of the landing of the Pilgrims; the one hundredth anniversary of the enunciation of the Monroe doctrine; the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots; the one hundred and fiftieth anniversary of the Battle of Lexington and Concord; the one hundredth anniversary of the founding of Fort Vancouver by the Hudson Bay Company, State of Washington, and the commencement of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, and in memory of Warren G. Harding, and shall, so far as applicable, apply to the Grant memorial gold dollar and the Grant memorial silver half dollar struck in commemoration of the centenary of the birth of Ulysses S. Grant. (June 1, 1918, c. 91, §§ 1, 2, 40 Stat. 594; May 10, 1920, c. 176, §§ 1, 2, 41 Stat. 595; May 10, 1920, c. 177, §§ 1, 2, 41 Stat. 595; May 12, 1920, c. 182, §§ 1, 2, 41 Stat. 597; Mar. 4, 1921, c. 153, §§ 1, 2, 41 Stat. 1363; Feb. 2, 1922, c. 45, 42 Stat. 362; Jan. 24, 1923, c. 38, §§ 1–3, 42 Stat. 1172, 1173; Feb. 26, 1923, c. 113, §§ 1–3, 42 Stat. 1287; Mar. 17, 1924, c. 58, §§ 1–3, 43 Stat. 23; Jan. 14, 1925, c. 79, §§ 5, 6, 43 Stat. 749; Feb. 24, 1925, c. 302, §§ 2, 3, 43 Stat. 966.)

377. Gold $2.50 pieces and silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the signing of Declaration of Independence.—(a) In commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence there shall be coined at the mints of the United States gold $2.50 pieces to the number of not more than two hundred thousand and silver 50-cent pieces to the number of not more than one million, such coins to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and such coins shall be legal tender in any payment to the amount of their face value.

(b) All laws in force relating to the gold coins and subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation for this coinage.

(c) The coins authorized by this section shall be issued only to the authorized officers of the Sesquicentennial Exhibition Association, and in such numbers and at such times as they shall request, upon payment by such officers, for and on behalf of such association, of the par value of such coins. (Mar. 3, 1925, c. 482, § 4, 43 Stat. 1254.)

378. Silver 50-cent pieces in commemoration of one hundred and fiftieth anniversary of Battle of Bennington.—In commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont there shall be coined in the mints of the United States silver 50-cent pieces to the number of forty thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (Feb. 24, 1925, c. 302, § 1, 43 Stat. 965.)

379. Laws applicable to coins authorized by sections 377 and 378.—All laws in force relating to the gold and subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage authorized by sections 377 and 378 of this title: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (Feb. 24, 1925, c. 302, § 4, 43 Stat. 966; Mar. 3, 1925, c. 482, § 4, 43 Stat. 1254.)

CURRENCY

401. United States notes.—United States notes shall be of such denominations, not less than $1, as the Secretary of the Treasury may prescribe, shall not bear interest, shall be payable to bearer, and shall be in such form as the Secretary may deem best. (R. S. § 3571.)

402. Limitation of amount of United States notes in circulation.—The amount of United States notes outstanding and to be used as a part of the circulating medium, shall not exceed the sum of $382,000,000, which said sum shall appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve. (June 20, 1874, c. 343, § 6, 18 Stat. 124.)

403. Issue of United States notes of small denominations and retirement of notes of higher denominations.—Whenever and so long as the outstanding silver certificates of the denominations of $1, $2, and $5, issued under the provisions of section 406 of this title, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he may issue United States notes of the denominations of $1, $2, and $5, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: *Provided, however*, That the aggregate amount of United

States notes at any time outstanding shall remain as fixed by law: *And provided further*, That nothing in this section, or section 429 of this title or sections 90 and 178 of Title 12 shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of $5, as provided by law. (Mar. 4, 1907, c. 2913, § 2, 34 Stat. 1289.)

404. Further cancellation or retirement of legal-tender notes prohibited.—It shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired canceled or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as provided by law. (May 31, 1878, c. 146, 20 Stat. 87.)

405. Silver certificates; issuance for silver dollars.—Any holder of silver dollars coined under the Act of February 28, 1878, chapter 20 (Twentieth Statutes, page 26), may deposit the same with the Treasurer or any depositary of the United States designated for that purpose, in sums not less than $10, and receive therefor certificates of the denominations hereinafter in this chapter prescribed. The coin deposited for or representing certificates heretofore or hereafter issued shall be retained in the Treasury for the payment of the same on demand. Said certificates heretofore or hereafter issued shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued. (Feb. 28, 1878, c. 20, § 3, 20 Stat. 26; Mar. 3, 1887, c. 362, 24 Stat. 515.)

406. Denominations of silver certificates.—Silver certificates shall be issued only of denominations of $10 and under, except that not exceeding in the aggregate 10 per centum of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of $20, $50, and $100; and silver certificates of higher denomination than $10, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of $10 or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United States notes of less denomination than $10 shall from time to time be retired and canceled, and notes of denominations of $10 and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled. (Mar. 14, 1900, c. 41, § 7, 31 Stat. 47.)

407. Redemption of fractional currency.—Fractional currency presented for redemption shall be redeemed in any moneys in the Treasury not otherwise appropriated, and, when so redeemed, shall be destroyed. (June 21, 1879, c. 34, § 3, 21 Stat. 30; July 22, 1876, No. 17, § 1, 19 Stat. 215.)

408. Gold reserve; redemption of United States notes and Treasury notes; reissue of redeemed notes.—United States notes, and Treasury notes issued under the Act of July 14, 1890 (26 Stat. 289), when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in section 314 of this title, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set apart in the Treasury a reserve fund of $150,000,000 in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any designated depositary in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 734 of this title. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000 by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of not exceeding 3 per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time, exclusive of the amounts paid into said reserve fund under sections 290 and 1072 of Title 12, and under section 9 of the Act of May 30, 1908, chapter 229 (Thirty-fifth Statutes, page 550), exceed the maximum sum of $150,000,000. (Mar. 14, 1900, c. 41, § 2, 31 Stat. 45; Dec. 23, 1913, c. 6, § 7, 38 Stat. 258; Mar. 4, 1923, c. 252, Title I, § 2, 42 Stat. 1457.)

409. Additional means for maintaining parity and strengthening gold reserve.—The Secretary of the Treasury may, for the purpose of maintaining the parity of all forms of money issued or coined by the United States in accordance with the provisions of section 314 of this title, and to strengthen the gold reserve, borrow gold on the security of United States bonds authorized by section 408 of this title, or for one-year gold notes bearing interest at a rate of not to exceed 3 per centum per annum, or sell the same if necessary to obtain gold. When the funds of the Treasury on hand justify, he may purchase and retire such outstanding bonds and notes. (Dec. 23, 1913, c. 6, § 26, 38 Stat. 274.)

Cross reference: Accounts relating to reserve fund; see section 146 of this title.

410. Treasury notes as legal tender; national bank reserve fund.—Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues. Such notes, when held by any national banking association, may be counted as a part of its lawful reserve. (July 14, 1890, c. 708, § 2, 26 Stat. 289; Mar. 14, 1900, c. 41, § 5, 31 Stat. 47.)

411. Cancellation of Treasury notes on coinage of silver dollars and issue of silver certificates.—Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of section 408 of this title or in the ordinary course of business, shall be retired and canceled with

standard silver dollars coined under the provisions of the Acts of July 14, 1890 (Twenty-sixth Statutes, page 289), and June 13, 1898 (Thirtieth Statutes, page 467), from bullion purchased under the Act of July 14, 1890 (Twenty-sixth Statutes, page 289), and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined. (Mar. 14, 1900, c. 41, § 5, 31 Stat. 47.)

412. Redemption of Treasury notes with silver dollars.—Silver dollars coined in accordance with the provisions of the Act of June 13, 1898 (chapter 448, section 34, Thirtieth Statutes, page 467), providing for the coinage of silver dollars and the redemption of Treasury notes, shall be used for the redemption of Treasury notes issued under the Act of July 14, 1890 (chapter 708, Twenty-sixth Statutes, page 289), directing the purchase of silver bullion and the issue of Treasury notes thereon. (July 14, 1890, c. 708, § 3, 26 Stat. 289; June 13, 1898, c. 448, § 34, 30 Stat. 467.)

413. Portraits of living persons on bonds or notes.—No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States, while the original of such portrait is living. (R. S. § 3576.)

414. Names inscribed under portraits.—The name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, and silver certificates of the United States shall be inscribed below such portrait. (Mar. 2, 1889, c. 411, § 1, 25 Stat. 945.)

415. Engraving and printing notes, bonds, and other securities.—The work of engraving and printing notes, bonds, and other securities shall be performed at the Treasury Department, provided it can be done there as cheaply, as perfectly, and as safely. (Mar. 3, 1877, c. 105, 19 Stat. 353.)

416. Machinery, materials, and employees and officers.—The Secretary of the Treasury may purchase and provide all the machinery and materials, and employ such persons and appoint such officers as are necessary for the purpose of section 415 of this title. (R. S. § 3577.)

417. Expenses of issuing notes.—The necessary expenses of engraving, printing, preparing, and issuing the United States notes and Treasury notes shall be paid out of any money in the Treasury not otherwise appropriated; but no extra compensation for preparing, signing, or issuing such notes shall be allowed to any officer whose salary is fixed by law. (R. S. § 3578; July 22, 1876, No. 17, § 1, 19 Stat. 215.)

418. Distinctive paper for United States securities; contracts for.—The Secretary of the Treasury is authorized, in his discretion, to enter into a contract for the manufacture of distinctive paper for United States securities for a period not to exceed four years. (July 1, 1916, c. 209, § 1, 39 Stat. 277.)

419. Same; additional employees for mills.—During such period as it may be necessary to operate more than one mill for the manufacture of distinctive paper, the Secretary of the Treasury is authorized to employ temporarily such employees as may be necessary at rates of pay corresponding to those of the regular employees, the compensation of such temporary employees to be a charge against the appropriation available for the distinctive paper then manufactured. (Apr. 4, 1924, c. 84, Title I, 43 Stat. 69.)

420. Replacing mutilated notes.—When any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amounts. (R. S. § 3580.)

421. Destruction of notes.—Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up, and not reissued, when taken up, shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe. (R. S. § 3581.)

422. Same.—All national bank notes, United States notes, and other obligations of the United States authorized to be destroyed may be destroyed by maceration instead of burning to ashes. The pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury. (June 23, 1874, c. 455, § 1, 18 Stat. 206.)

423. Laundering paper money.—The Secretary of the Treasury may employ such number of expert money assorters, feeders, and other employees, and expend such sums for contingent and miscellaneous items and for the purchase or construction and installation of paper-money laundering machines as may be necessary, in his judgment, to install, maintain, and operate laundering machines in the Treasury at Washington. (Aug. 26, 1912, c. 408, § 1, 37 Stat. 595.)

424. Counterfeit notes to be marked.—All United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit," "altered," or "worthless," upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, redeem such notes at the face value thereof. (June 30, 1876, c. 156, § 5, 19 Stat. 64.)

425. State taxation.—Circulating notes of national banking associations and United States legal tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency and gold, silver, or other coin shall be subject to taxation as money on hand or on deposit under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax money or currency circulating as money within its jurisdiction. (Aug. 13, 1894, c. 281, § 1, 28 Stat. 278.)

426. Same; national banks not affected.—The provisions of section 425 of this title shall not be deemed or held to change existing laws in respect of the taxation of national banking associations. (Aug. 13, 1894, c. 281, § 2, 28 Stat. 278.)

427. Rules and regulations.—The Secretary of the Treasury shall make and issue from time to time such instructions and regulations to the several collectors, receivers, depositaries, officers, and others who may receive Treasury notes, United States notes, or other securities of the United States, or who may be in any way engaged or employed in the preparation and issue of the same, as he shall deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss. (R. S. § 251.)

428. Gold certificates in exchange for gold bullion.—The Secretary of the Treasury is authorized to receive deposits of gold bullion with the Treasurer or any agencies designated under section 476 of this title, in sums not less than $20, and to issue certificates therefor, in denominations of not less than $20 each, corresponding with the denominations of the United States notes. The bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per centum beyond the amount of coin and bullion in the Treasury. (R. S. § 254.)

429. Deposits of gold coin; gold certificates.—The Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer, or any of the agencies designated under section 476 of this title, in sums of not less than $20, and to issue gold certificates therefor in denominations of

not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates when received for customs, taxes, and all public dues may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order: *And provided further*, That the Secretary of the Treasurer may, in his discretion, receive, with the agencies designated under section 476 of this title, in New York and in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than $1,000 in value and issue gold certificates therefor of the description herein authorized: *And provided further*, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any agencies designated under section 476 of this title, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed two-thirds of the total amount of gold certificates at such time outstanding. (R. S. § 254; July 12, 1882, c. 290, § 12, 22 Stat. 165; Mar. 14, 1900, c. 41, § 6, 31 Stat. 47; May 26, 1906, c. 2558, 34 Stat. 202; Mar. 4, 1907, c. 2913, § 1, 34 Stat. 1289; Mar. 2, 1911, c. 190, 36 Stat. 964; June 12, 1916, c. 142, 39 Stat. 225; May 20, 1920, c. 214, § 1, 41 Stat. 654.)

430. Same; receiving by superintendents of mints or assayers of assay offices.—The Secretary of the Treasury is authorized to constitute any superintendent of mint or assayer of any assay office a depositary to receive gold coin and bullion on deposit for the purposes provided for in sections 428 and 429 of this title. (June 8, 1878, c. 170, 20 Stat. 102; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

Chapter 9.—LEGAL TENDER.

Sec.
451. United States gold certificates.
452. United States notes.
453. Treasury notes.
454. Interest-bearing notes.
455. Legal-tender quality of money not affected by certain sections.
456. Foreign coins.
457. Gold coins of United States.
458. Standard silver dollars; paid in silver.
459. Subsidiary silver coins.
460. Minor coins.
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Section 451. United States gold certificates.—Gold certificates of the United States payable to bearer on demand shall be legal tender in payment of all debts and dues, public and private. (Dec. 24, 1919, c. 15, § 1, 41 Stat. 370.)

452. United States notes.—United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt. (R. S. § 3588.)

453. Treasury notes.—Demand Treasury notes authorized by the Act of July 17, 1861, chapter 5, and the Act of February 12, 1862, chapter 20, shall be lawful money and a legal tender in like manner as United States notes. Treasury notes issued under the Act of July 14, 1890, chapter 708, shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract. (R. S. § 3589; July 14, 1890, c. 708, § 2, 26 Stat. 289.)

454. Interest-bearing notes.—Treasury notes issued under the authority of the Acts of March 3, 1863, chapter 73, and June 30, 1864, chapter 172, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: *Provided*, That Treasury notes issued under the Act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money. (R. S. § 3590.)

455. Legal-tender quality of money not affected by certain sections.—Nothing contained in sections 146, 313, 314, 320, 406, 408, 411, 429, and 751 of this title, and sections 101 and 178 of Title 12 shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States. (Mar. 14, 1900, c. 41, § 3, 31 Stat. 46.)

456. Foreign coins.—No foreign gold or silver coins shall be a legal tender in payment of debts. (R. S. § 3584.)

457. Gold coins of United States.—The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight. (R. S. § 3585.)

458. Standard silver dollars; paid in silver.—Silver dollars coined under the Act of February 28, 1878, together with all silver dollars coined by the United States, of like weight and fineness prior to the date of such Act, shall be a legal tender, at their nominal value, for all debts and dues public and private, except where otherwise expressly stipulated in the contract. But nothing in this section shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of sections 428 and 429 of this title. (Feb. 28, 1878, c. 20, § 1, 20 Stat. 25.)

459. Subsidiary silver coins.—The silver coins of the United States in existence June 9, 1879, of smaller denominations than $1 shall be a legal tender in all sums not exceeding $10 in full payment of all dues public and private. (June 9, 1879, c. 12, § 3, 21 Stat. 8.)

460. Minor coins.—The minor coins of the United States shall be a legal tender, at their nominal value for any amount not exceeding 25 cents in any one payment. (R. S. § 3587.)

461. Commemorative coins.—The following coins coined at the mints of the United States under authority of law shall be legal tender in any payment to the amount of their face value:

1. The silver 50-cent pieces coined in commemoration of the one hundredth anniversaries of the admission of the States of Illinois, Maine, Alabama, and Missouri into the Union as States, the seventy-fifth anniversary of the admission of the State of California into the Union, the three hundredth anniversary of the landing of the Pilgrims, the one hundredth anniversary of the enunciation of the Monroe doctrine, the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, the one hundredth anniversary of the founding of

Fort Vancouver, and the commencement of the work of carving a monument on Stone Mountain, Georgia.

2. The gold $2.50 pieces and the silver 50-cent pieces coined in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence.

3. The Grant memorial gold dollar and the Grant memorial silver half dollar struck in commemoration of the centenary of the birth of Ulysses S. Grant. (June 1, 1918, c. 91, § 1, 40 Stat. 594; May 10, 1920, c. 176, § 1, 41 Stat. 595; May 10, 1920, c. 177, § 1, 41 Stat. 595; May 12, 1920, c. 182, § 1, 41 Stat. 597; Mar. 4, 1921, c. 153, § 1, 41 Stat. 1363; Feb. 2, 1922, c. 45, 42 Stat. 362; Jan. 24, 1923, c. 38, § 1, 42 Stat. 1172; Feb. 26, 1923, c. 113, § 1, 42 Stat. 1287; Mar. 17, 1924, c. 58, § 1, 43 Stat. 23; Jan. 14, 1925, c. 79, § 5, 43 Stat. 749; Feb. 24, 1925, c. 302, §§ 1–3, 43 Stat. 965, 966; Mar. 3, 1925, c. 482, § 4, 43 Stat. 1254.)

Chapter 10.—THE PUBLIC MONEYS.

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Section 471. Certain duties of Division of Public Moneys transferred to Division of Bookkeeping and Warrants.—The duties appertaining on June 10, 1921, to the Division of Public Moneys of the office of the Secretary of the Treasury, so far as they related to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment, shall be performed by the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury. (June 10, 1921, c. 18, § 308, 42 Stat. 25.)

472. The Treasury of the United States.—The rooms provided in the Treasury building at the seat of Government for the use of the Treasurer of the United States, his assistants, and clerks, and occupied by them, and the fireproof vaults and safes erected therein for the keeping of the public moneys in the possession and under the immediate control of the Treasurer, and such other apartments as are provided as places of deposit of the public money, shall be the Treasury of the United States. (R. S. § 3591.)

473. Same; foreign countries, the Territories, and the insular possessions.—The Secretary of the Treasury may designate such depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States as may be necessary for the transaction of the Government's business, under such terms and conditions as to security and otherwise as he may from time to time prescribe: *Provided*, That in designating such depositaries American financial institutions shall be given preference wherever, in the judgment of the Secretary of the Treasury, such institution is safe and able to render the service required. (June 19, 1922, c. 228, 42 Stat. 662.)

474. Public moneys subject to draft of Treasurer.—All public moneys paid into any depository shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law. (R. S. § 3593.)

475. Same; bonds.—All officers in any mint, or assay office, authorized by law to act as depositaries, shall, respectively, give bonds to the United States for the faithful discharge of the duties of their respective offices as assistant treasurers, according to law, and for such amounts as shall be directed by

the Secretary of the Treasury, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds as the Secretary of the Treasury may direct. (R. S. § 3600.)

476. Transfer of duties of assistant treasurers to other officers, etc.—The Secretary of the Treasury may, in his discretion, transfer any or all of the duties and functions performed or authorized to be performed prior to May 29, 1920, by assistant treasurers at Boston, New York, Philadelphia, Baltimore, New Orleans, Saint Louis, San Francisco, Cincinnati, and Chicago, or their offices, to the Treasurer of the United States or the mints or assay offices of the United States, under such rules and regulations as he may prescribe, or may utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, for the purpose of performing any or all of such duties and functions, notwithstanding the limitations of sections 391 and 392 of Title 12, or any other provisions of law. (May 29, 1920, c. 214, § 1, 41 Stat. 655.)

477. Deposit of money or bullion with Federal reserve banks.—If any moneys or bullion, constituting part of the trust funds or other special funds prior to May 29, 1920, required by law to be kept in Treasury offices, shall be deposited with any Federal reserve bank, then such moneys or bullion shall by such bank be kept separate and distinct from the assets, funds, and securities of the Federal reserve bank and be held in the joint custody of the Federal reserve agent and the Federal reserve bank. (May 29, 1920, c. 214, § 1, 41 Stat. 655.)

478. Member banks as depositaries.—Nothing in sections 476 to 479 of this title shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositaries as authorized by law. (May 29, 1920, c. 214, § 1, 41 Stat. 655.)

479. Quarters occupied by subtreasuries; assignment to Federal reserve banks.—The Secretary of the Treasury may assign any or all the rooms, vaults, equipment, and safes or space in the buildings used prior to May 29, 1920, by the subtreasuries to any Federal reserve bank acting as fiscal agent of the United States. (May 29, 1920, c. 214, § 1, 41 Stat. 655.)

480. Deputies in case of sickness or absence.—In case of the sickness or unavoidable absence of any depositary from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the assistant treasurer or depositary, respectively, for whom he acts. (R. S. § 3613; May 29, 1920, c. 214, § 1, 41 Stat. 655.)

481. Bond of special agents.—Whenever it becomes necessary for the head of any department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the department or office employing them may approve. (R. S. § 3614.)

482. Collectors of public moneys to pay over.—All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. It shall be the duty of the Secretary and Postmaster General, respectively, to direct such payments by collectors and receivers, at least as often as once in each week, and as much oftener as they may think proper. (R. S. § 3615; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

483. Marshals and district attorneys paying into Treasury.—All marshals, district attorneys, and other persons than those mentioned in section 482 of this title, having public money to pay to the United States, may pay the same to any depositary constituted by or in pursuance of law, which may be designated by the Secretary of the Treasury. (R. S. § 3616.)

484. Deposit without deduction.—The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post Office Department. (R. S. § 3617.)

485. Receipts from private messages sent over Government lines.—All moneys received for the transmission of private dispatches over any and all telegraph lines owned or operated by the United States, shall be paid into the Treasury of the United States, as required by section 484 of this title. (Mar. 3, 1883, c. 143, 22 Stat. 616.)

486. Private messages over telephone lines controlled by Treasury Department.—Private messages may, with the consent and authority of the Secretary of the Treasury, be transmitted over any and all telephone lines controlled by the Treasury Department, whenever it does not interfere with Government business, at such rates and on such terms and conditions as may from time to time be fixed by the Secretary of the Treasury, the proceeds thereof to be accounted for and paid into the Treasury of the United States. (Apr. 28, 1904, c. 1762, § 1, 33 Stat. 460.)

487. Proceeds of sales of material.—All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of materials, stores, or supplies sold to officers and soldiers of the Army or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, or of sales for which a different provision for the deposition of the proceeds is made, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law. (R. S. § 3618; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

488. Proceeds of sale of surplus cuttings.—The proceeds derived from the sale of surplus cuttings of material for clothing manufactured by the Quartermaster Corps of the Army shall be deposited to the credit of that appropriation out of which the material was purchased. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 635.)

489. Payment of expenses of sales from proceeds.—From the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "proceeds of Government property" or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the General Accounting Office, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the

credit of such appropriations, as the case may be. (June 8, 1896, c. 373, § 1, 29 Stat. 268; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

490. Penalty for withholding money.—Every officer or agent who neglects or refuses to comply with the provisions of section 484 of this title shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled. (R. S. § 3619.)

491. Fees, fines, etc., payable into Treasury to credit of United States and District of Columbia.—All fees, fines, and other miscellaneous items of revenue required by law prior to July 1, 1921, to be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts shall be paid for each fiscal year into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as appropriations for the expenses of the government of the District of Columbia for such fiscal year are paid from the Treasury of the United States and the revenues of the District of Columbia; and all collections on account of special assessments for public improvements for which assessments are levied according to the law shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as the appropriations used in paying for such assessment work are charged, respectively, against the revenues of the District of Columbia and the Treasury of the United States. (Feb. 22, 1921, c. 70, § 7, 41 Stat. 1144.)

492. Duty of disbursing officers.—Except as otherwise provided by law it shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or with one of the depositaries of the United States mentioned in section 476 of this title, and to draw for the same only as it may be required for payments to be made by him in pursuance of law and draw for the same only in favor of the persons to whom payment is made; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury. In places, however, where there is no treasurer or depositary, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depositary, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors. (R. S. § 3620; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; May 29, 1920, c. 214, § 1, 41 Stat. 654, 655.)

493. Officers permitted to keep funds for subsistence of the Army for payments of small amounts.—Officers intrusted with the disbursement of funds for the subsistence of the Army may keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War. (Mar. 2, 1907, c. 2511, 34 Stat. 1166.)

494. Acting disbursing officer in case of sickness or unavoidable absence of disbursing clerk or disbursing agent.—In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require. (Mar. 4, 1909, c. 299, § 8, 35 Stat. 1027.)

495. Deposit of moneys with public depositary; receipts; postal revenues.—Every person who shall have moneys of the United States in his hands or possession, and disbursing officers having moneys in their possession not required for current expenditure, shall pay the same to the Treasurer, or some public depositary of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer or the public depositary shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post Office Department shall be paid into the Treasury in the manner required by law. (R. S. § 3621; May 28, 1896, c. 252, § 5, 29 Stat. 179; May 29, 1920, c. 214, § 1, 41 Stat. 654, 655.)

496. Accounts.—Except as otherwise provided, every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the General Accounting Office for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the General Accounting Office. In case of the nonreceipt at the General Accounting Office or proper bureau of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. Nothing herein contained shall, however, be construed to restrain the heads of any of the departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of departments, as the public interest may require. (R. S. § 3622; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; July 31, 1894, c. 174, § 12, 28 Stat. 209; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

497. Same; disbursing officers.—All disbursing officers of the United States shall render their accounts quarterly; and the Secretary of the Senate shall render his accounts as otherwise provided; but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require. (Aug. 30, 1890, c. 837, § 4, 26 Stat. 413.)

498. Same; distinct accounts required.—All officers, agents, or other persons, receiving public moneys, shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them. (R. S. § 3623.)

499. Same; disbursements under Army appropriation Acts.—All officers, agents, or other persons receiving public moneys appropriated by any Army appropriation Act shall account for the disbursement thereof according to the several and distinct items of appropriation expressed in such Act. (July 5, 1884, c. 217, 23 Stat. 113.)

See also section 536 of this title.

500. Payment of pressing obligations by certain disbursing officers.—Whenever pressing obligations are required to be paid

by a disbursing officer of the Quartermaster Corps, the Ordnance Department, or the Engineer Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been apportioned for the expenditure by the Quartermaster General, the Chief of Ordnance, or of the Chief of Engineers, as the case may be. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the General Accounting Office. (Mar. 3, 1909, c. 252, 35 Stat. 747, 750; Mar. 3, 1911, c. 209, 36 Stat. 1056; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

See also section 536 of this title.

501. Payment by disbursing officers; settlement of transactions of Engineer Department.—In the settlement of transactions between appropriations under the Engineer Department, or between the Engineer Department and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Corps of Engineers or of the office, bureau, or department concerned. (Apr. 27, 1914, c. 72, 38 Stat. 369.)

502. Same; settlement of transactions of Signal Corps.—In the settlement of transactions between appropriations under the Signal Corps, or between the Signal Corps and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Signal Corps, or of the office, bureau, or department concerned. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 622.)

503. Same; Military Academy.—In settling transactions between appropriations for the support of the United States Military Academy and other bureaus of the War Department, or between the United States Military Academy and any other executive department of the Government, payment therefor shall be made by the disbursing officer of the United States Military Academy or of the office, bureau, or department concerned. (Aug. 11, 1916, c. 314, 39 Stat. 504.)

504. Same; Medical Department.—In the settlement of accounts between the appropriations of the Medical Department and those of any other branch of the Army service, or any bureau or office of the War Department, or any other executive department or establishment of the Government, payment thereof may be made by the proper disbursing officer of the Medical Department or of the branch of the Army service, office, bureau, department, or establishment concerned. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1080.)

505. Suits to recover money from officers.—Whenever any person accountable for public money, neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the General Accounting Office shall institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of 6 per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury. (R. S. § 3624; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

506. Distress warrant.—Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the General Accounting Office to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the Solicitor of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshal of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively. (R. S. § 3625; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; July 31, 1894, c. 174, § 4, 28 Stat. 206; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

507. Same; contents.—The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid. (R. S. § 3626.)

508. Same; execution against officer.—The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. (R. S. § 3627.)

509. Same; execution against surety.—If the delinquent officer absconds, or if goods and chattels belonging to him can not be found sufficient to satisfy the warrant, the marshal or his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides. (R. S. § 3628.)

510. Levy to be lien.—The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law. (R. S. § 3629.)

511. Sale of lands regulated.—For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the foregoing provisions, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy. (R. S. § 3630.)

512. Conveyance of lands.—For all lands, tenements, or hereditaments sold in pursuance of section 511 of this title, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties. (R. S. § 3631.)

513. Disposal of surplus.—All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be. (R. S. § 3632.)

514. Failure of disbursing officer to account.—Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the department to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the General Accounting Office, to cause to be stated and certified the account of such delinquent officer to the Solicitor of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in sections 508 to 513 of this title. (R. S. § 3633; July 31, 1894, c. 174, § 4, 28 Stat. 206; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

516. Extent of application of provision for distress warrants.—All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were herein described and enumerated. (R. S. § 3634.)

517. Postponement of proceedings for nonaccounting.—With the approval of the Secretary of the Treasury, the institution of proceedings by a warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement. (R. S. § 3635.)

518. Injunction to stay distress warrant.—Any person who considers himself aggrieved by any warrant of distress issued under the foregoing provisions may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judge may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of 10 per centum a year. Such injunction may be granted or dissolved by the district judge either in or out of court. (R. S. § 3636.)

519. Proceedings on distress.—When the district judge refuses to grant an injunction to stay proceedings on a distress warrant, as aforesaid, or dissolves such injunction after it is granted, any person who considers himself aggrieved by the decision in the premises may lay before the circuit justice, or circuit judge of the circuit within which such district lies, a copy of the proceeding had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. (R. S. § 3637; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

520. Rights of United States reserved.—Nothing contained in the provisions of this chapter relating to distress warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands. (R. S. § 3638.)

521. Duties of officers as custodians of public moneys.—The Treasurer of the United States, all depositaries designated in accordance with section 476 of this title, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collectors of customs, comptrollers of customs, and surveyors of customs, Navy agents, Quartermaster General, registers of public lands, paymasters in the Army, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments. (R. S. § 3639; Aug. 24, 1912, c. 391; § 3, 37 Stat. 591; Apr. 27, 1914, c. 72, 38 Stat. 356; May 29, 1920, c. 214, § 1, 41 Stat. 655; Sept. 21, 1922, c. 356, Title IV, § 523, 42 Stat. 974.)

522. Transfer of moneys from depositaries to Treasury.—The Secretary of the Treasury may, except as provided in section 523 of this title, transfer the moneys in the hands of any depositary of public moneys to the Treasury of the United States to the credit of the Treasurer; and he may transfer moneys in the hands of one depositary to any other depositary, as the safety of the public moneys and the convenience of the public service shall seem to him to require. (R. S. § 3640.)

523. Postal deposits; transfer.—The Postmaster General may transfer money belonging to the Postal Service between the Treasurer and designated depositaries, at his discretion, and as the safety of the public money and the convenience of the service may require. (R. S. § 3641; May 29, 1920, c. 214, § 1, 41 Stat. 655.)

524. Same; accounts.—Every depositary shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited. (R. S. § 3642.)

525. Entry of each deposit, transfer, and payment.—All persons charged by law with the safekeeping, transfer, and disbursement of the public moneys, other than those connected with the Post Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer. (R. S. § 3643.)

526. Public moneys in Treasury and depositaries subject to draft of Treasurer.—All moneys paid into the Treasury of the United States shall be subject to the draft of the Treasurer. And for the purpose of payments on the public account the Treasurer is authorized to draw upon any of the depositaries, as he may think most conducive to the public interest and to the convenience of the public creditors. Each depositary so drawn upon shall make returns to the Treasury and Post Office Departments of all moneys received and paid by him, at such times and in such forms as shall be directed by the Secretary of the Treasury or the Postmaster General. (R. S. § 3644.)

527. Presentment of drafts.—It shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts, for payment, at the place where payable, and to prescribe the

time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but, in all these regulations and directions, it shall be his duty to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or a medium of exchange. (R. S. § 3645.)

528. Duplicates for lost, stolen, or destroyed disbursing officers' checks or postal checks or warrants.—Whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check, as the Secretary of the Treasury shall prescribe: *Provided*, That whenever any original check or warrant of the Post Office Department has been lost, stolen, or destroyed the Postmaster General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided further*, That when such original check or warrant does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant. (R. S. § 3646; Feb. 16, 1885, c. 123, 23 Stat. 306; Mar. 23, 1906, c. 1129, 34 Stat. 84; June 19, 1906, c. 3434, 34 Stat. 301; May 27, 1908, c. 206, 35 Stat. 415; Feb. 23, 1909, c. 174, 35 Stat. 644; Mar. 21, 1916, c. 52, 39 Stat. 37.)

529. Advances of public moneys; prohibition against.—Except as otherwise provided by law, no advance of public money shall be made in any case. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected. (R. S. § 3648.)

530. Same; payment in advance for periodicals.—The annual subscriptions for publications for use in the immigration service at large, and subscriptions for publications for the Department of Agriculture, to be paid for by the Secretary of Agriculture, subscriptions to newspapers, magazines, periodicals, and other publications, purchased from funds of the Quartermaster Corps, subscriptions for foreign and professional newspapers and periodicals to be paid for from the appropriation for the Engineer School, District of Columbia, subscriptions for publications for the United States Veterans' Bureau, to be paid for by the director, subscriptions for newspapers for the naval service, and subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, to be paid from appropriations available therefor, may be paid in advance. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1182; Mar. 4, 1909, c. 301, 35 Stat. 1054; Apr. 27, 1914, c. 72, 38 Stat. 362, 369; Mar. 3, 1915, c. 83, 38 Stat. 929; Mar. 4, 1915, c. 141, § 5, 38 Stat. 1049; June 7, 1924, c. 292, § 1, 43 Stat. 533.)

531. Same; payments for rent of offices in foreign countries.—Section 529 of this title shall not apply to advance payments for rent of offices in foreign countries by the Bureau of Foreign and Domestic Commerce. (Mar. 4, 1925, c. 556, § 1, 43 Stat. 1327.)

532. Same; by United States marshals.—Appropriations for salaries, fees, and expenses of marshals shall be available for advances to be made by United States marshals when authorized or approved by the Attorney General. (Dec. 5, 1924, c. 4, § 1, 43 Stat. 687.)

533. Same; Department of Agriculture.—Advances of public money from the appropriations for the Department of Agriculture shall, except as provided in section 534 of this title, be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers, special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct. (June 3, 1902, c. 985, 32 Stat. 303.)

534. Same; Forest Service for fighting forest fires in emergency cases.—Advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Accounting Office. (May 23, 1908, c. 192, 35 Stat. 259; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

535. Advances from appropriation "Boundary Line, Alaska and Canada, and the United States and Canada."—Advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada," may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the General Accounting Office as under advances made to chiefs of parties prior to March 2, 1921: *Provided*, That when the commissioner is absent from Washington and from his regular place of residence on official business he shall be allowed actual and necessary expenses of subsistence not in excess of $8 per day. (Apr. 15, 1918, c. 52, 40 Stat. 523; Mar. 2, 1921, c. 113, § 1, 41 Stat. 1210; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

536. Advances to disbursing officers and agents under "Army accounts of advances"; amounts; use of.—The Secretary of War may issue his requisitions for advances to disbursing officers and agents of the Army, under an "Army account of advances," not to exceed the total appropriation for the Army, the amount so advanced to be exclusively used to pay, upon proper vouchers, obligations lawfully payable under the respective appropriations. (June 5, 1920, c. 240, 41 Stat. 975.)

537. Same; charge to proper appropriations.—The amount so advanced shall be charged to the proper appropriations and returned to "Army account of advances" by pay and counterwarrant. The said charge, however, to particular appropriations shall be limited to the amount appropriated to each. (June 5, 1920, c. 240, 41 Stat. 975.)

See also sections 499 and 500 of this title.

538. Same; adjustment of liabilities with account.—The General Accounting Office shall declare the sums due from the several special appropriations upon complete vouchers, as prior to June 5, 1920, according to law; and said office shall adjust the said liabilities with the "Army account of advances." (June 5, 1920, c. 240, 41 Stat. 975; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

539. Requisitions of Secretary of Navy for advances.—The Secretary of the Navy may issue his requisitions for advances to disbursing officers and agents of the Navy under a "General account of advances," not to exceed the total appropriation for the Navy, the amount so advanced to be exclusively used to pay current obligations upon proper vouchers for "Pay of the Navy" shall be used only for its legitimate purpose, as provided by law. (June 19, 1878, c. 312, § 1, 20 Stat. 167.)

540. Same; how charged.—The amount so advanced shall be charged to the proper appropriations, and returned to "General account of advances" by pay and counterwarrant; the said charge, however, to particular appropriations, shall be limited to the amount appropriated to each. (June 19, 1878, c. 312, § 2, 20 Stat. 167.)

541. Same; settlement of accounts.—The General Accounting Office shall declare the sums due from the several special appropriations upon complete vouchers according to law; and shall adjust the said liabilities with the "General account of advances." (June 19, 1878, c. 312, § 3, 20 Stat. 168; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

542. Partial payments on vessels for Treasury Department; lien.—The Secretary of the Treasury may make partial payments, from time to time, upon all contracts made after or existing May 5, 1894, for the construction of vessels for the Treasury Department, but not in excess of 75 per centum of the amount of the value of the work already done; and contracts made after said date shall provide for a lien upon such vessels for all advances so made: *Provided*, That nothing in this section shall be construed to authorize any partial payments, except on contracts stipulating for the same and then only in accordance with such contract stipulation. (May 5, 1894, No. 24, 28 Stat. 582.)

543. Exchange of funds restricted.—No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper. (R. S. § 3651.)

544. Premium on sales of public moneys to be accounted for.—No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office. (R. S. § 3652.)

545. Expenses of fiscal agents.—The officers, respectively, whose duty it is made by this chapter to receive, keep, or disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for fireproof chests or vaults, or other necessary expenses of collecting, safekeeping, transferring, or disbursing the moneys; but all such expenses of every character shall be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, shall be strictly followed by all the officers. But no part of the money appropriated for the purposes above mentioned shall be expended for clerical services or payment of employees of any nature or grade. (R. S. § 3653; Aug. 7, 1882, c. 433, 22 Stat. 312; Jan. 2, 1925, c. 87, 43 Stat. 767.)

546. Appropriations for construction of public buildings; disbursement.—All disbursements of money appropriated for the construction of public buildings under the control of the Treasury Department shall be made by the Treasury Department at Washington, District of Columbia, except in cases of public buildings located so remote from the seat of government as to occasion hardship by undue delay in making payments to contractors. In every such exceptional case the Secretary of the Treasury may, in his discretion, require the collector of customs at or nearest the place where such building is being constructed to make the disbursement, as provided in section 70 of Title 5, but in such exceptional cases no additional compensation shall be paid to any collector of customs for disbursements made hereunder; and no compensation or commissions shall be allowed for the disbursement of any appropriation for the construction, extension, enlargement, remodeling, or repairs of any public building under the control of the Treasury Department, except to disbursing agents appointed before March 4, 1911, and who have qualified by giving bonds. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1387.)

547. Disposition of trust funds received from foreign governments for citizens of United States.—All moneys received by the Secretary of State from foreign governments and other sources, in trust for citizens of the United States or others, shall be deposited and covered into the Treasury.

The Secretary of State shall determine the amounts due claimants, respectively, from each of such trust funds, and certify the same to the Secretary of the Treasury, who shall, upon the presentation of the certificates of the Secretary of State, pay the amounts so found to be due.

Each of the trust funds covered into the Treasury as aforesaid is hereby appropriated for the payment to the ascertained beneficiaries thereof of the certificates herein provided for. (Feb. 27, 1896, c. 34, 29 Stat. 32.)

548. Examination of depositaries.—The Secretary of the Treasury is authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries; and for that purpose to appoint special agents, as occasion may require, with such compensation, not exceeding $6 per day and traveling expenses, as he may think reasonable, to be fixed and declared at the time of each appointment. The agent selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby. (R. S. § 3649.)

549. Examination of accounts of custodians of public moneys.—In addition to the examinations provided for in sec-

tion 548 of this title it shall be the duty of each comptroller of customs, as a check upon the collector of the customs, of their respective districts; and of the superintendent of each mint and branch mint, as a check upon the treasurers, respectively, of the mints, or the persons acting as such, at the close of each quarter of the year, and as much oftener as they are directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of said depositaries, collectors, treasurers of the mint and each branch mint, and persons acting as such, and to make a full, accurate, and faithful return of their condition to the Secretary of the Treasury. (R. S. § 3650; Oct. 28, 1921, c. 114, § 1, 42 Stat. 208; Sept. 21, 1922, c. 356, Title IV, § 523, 42 Stat. 974.)

550. Same; Coast and Geodetic Survey.—Advances of money from available appropriations may be made to the Coast and Geodetic Survey and by authority of the superintendent thereof to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of Commerce may direct, and accounts arising under such advances shall be rendered through and by the disbursing officer of the Coast and Geodetic Survey to the General Accounting Office as under advances made to chiefs of parties prior to July 1, 1918. (July 1, 1918, c. 113, § 1, 40 Stat. 688; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

Chapter 11.—APPROPRIATIONS.

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Section 581. Contents of estimates of appropriations and statements of expenditures and estimated expenditures; statements accompanying lump-sum appropriations.—(a) Except as otherwise provided in chapter 1 of this title, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 13 of this title, and the notes and other data submitted therewith, shall conform to the requirements of this chapter and any other applicable laws.

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 14 of this title shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character otherwise required by law. (June 10, 1921, c. 18, § 204, 42 Stat. 21.)

582. Statements required with estimates for lump-sum appropriations.—There shall be submitted in the annual Budget following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Other notes shall not be submitted following any estimate embraced in the annual Budget other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes. (Aug. 24, 1912, c. 355, § 6, 37 Stat. 487; Aug. 1, 1914, c. 223, § 10, 38 Stat. 680; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

583. Enumeration of estimates required.—There shall be submitted annually in addition to any other estimates required by law to be submitted:

(1) **Expenses of national loan.**—Detailed estimates of appropriations required for expenses of the national loan. (June 20, 1874, c. 328, § 4, 18 Stat. 109.)

(2) **Payment of judgments.**—Estimates for the payment of all judgments against the United States, including judgments in Indian depredation claims and of United States courts. (Apr. 27, 1904, c. 1630, § 1, 33 Stat. 422.)

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(4) **Parting and refining bullion.**—Detailed estimates for the expenses of parting and refining bullion. (Mar. 4, 1911, c. 240, 36 Stat. 1292.)

(5) **Laundering paper money.**—Estimates in detail of the expense of laundering paper money. (Aug. 26, 1912, c. 408, § 1, 37 Stat. 595.)

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(7) **Federal Farm Loan Board and Federal Farm Loan Bureau.**—Detailed estimates for appropriations for the Federal Farm Loan Board and the Federal Farm Loan Bureau. (Mar. 3, 1917, c. 163, § 1, 39 Stat. 1084; Sept. 8, 1916, c. 464, § 1, 39 Stat. 803.)

(8) **River and harbor improvements.**—Estimates in detail for river and harbor improvements required for the ensuing fiscal year. (June 4, 1897, c. 2, § 1, 30 Stat. 48.)

(9) **Trusses for soldiers.**—Estimates of sufficient sums for the purchase of trusses for soldiers under section 249 of Title 38. (May 27, 1908, c. 200, § 1, 35 Stat. 367.)

(10) **Fortifications and other works of defense.**—Estimates of appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service upon an annual basis. (Mar. 3, 1919, c. 99, § 6, 40 Stat. 1309.)

(11) **Extension of cable or telegraph lines in Alaska.**—Detailed estimates for any further extension of the cable or telegraph lines in the district of Alaska. (Mar. 2, 1907, c. 2511, 34 Stat. 1159.)

(12) **Navy pension fund.**—Estimates of the claims and demands chargeable upon and payable out of the naval pension fund. (R. S. § 3667.)

(13) **Free delivery service.**—Estimates in detail as far as practicable for expenses of the free delivery service. (Mar. 3, 1897, c. 385, 29 Stat. 648.)

(14) **Personal services in Bureau of Mines.**—Estimates submitted specifically for all personal services required permanently and entirely in the Bureau of Mines at Washington, District of Columbia, and paid prior to March 3, 1915, from

lump-sum or general appropriations. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 858.)

(15) **Clerk hire in office of disbursing clerk for payment of pensions.**—Estimates in detail for clerks and others employed in the office of the disbursing clerk for the payment of pensions and the amounts to be paid to each. (Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

(16) **Department of Commerce.**—Estimates in detail for all personal services and for all general and miscellaneous expenses for the Department of Commerce. (Mar. 3, 1903, c. 1006, § 8, 32 Stat. 1082; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

(17) **Steamboat Inspection Service.**—Detailed estimates for salaries and contingent expenses of the Steamboat Inspection Service. (June 25, 1910, c. 384, § 18, 36 Stat. 773.)

(18) **Alaskan fish hatcheries.**—Estimates to cover the cost of the establishment and maintenance of fish hatcheries in Alaska, the salaries and actual traveling expenses of officials necessary to the proper investigation, inspection, and regulation of the Alaskan fisheries and hatcheries, and such other expenditures as may be necessary to carry out the provisions of sections 230 to 242 of Title 48. (June 26, 1906, c. 3547, § 12, 34 Stat. 480.)

(19) **Shipping commissioners and clerks.**—Detailed estimates for compensation of shipping commissioners and clerks of shipping commissioners, for services under section 331 of Title 46, estimates therefor to be submitted to the Bureau of the Budget by the Secretary of Commerce. (June 25, 1910, c. 384, § 7, 36 Stat. 773.)

(20) **Census Office.**—Estimates in detail for the expenses of the permanent Census Office. (June 28, 1902, c. 1301, § 1, 32 Stat. 456.)

(21) **Federal Trade Commission.**—Estimates in detail for all expenditures under the Federal Trade Commission. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 841.)

(22) **Expenses of Department of Labor.**—Estimates in detail for all personal services and for all general and miscellaneous expenses for the Department of Labor. (May 1, 1913, c. 1, § 1, 38 Stat. 2.)

(23) **Bureau of Immigration and Naturalization; division of information.**—Detailed estimates for appropriations required for additional assistants, clerical and otherwise, necessary to maintain a division of information in the Bureau of Immigration and Naturalization, Department of Labor. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1329.)

(24) **Expenses of collecting internal revenue.**—An estimate in detail, by collection districts, of the expense of assessing and the expense of the collection of internal revenue. (R. S. § 3671.)

(25) **United States Penitentiary, McNeils Island, Wash.**—Estimates in detail for all expenses of maintaining the United States Penitentiary at McNeils Island, Washington, including salaries of all necessary officers and employees therefor, the estimates to be submitted to the Bureau of the Budget by the Attorney General. (May 27, 1908, c. 200, § 1, 35 Stat. 374.)

(26) **Personal services in Indian Office.**—Estimates in detail for all personal services required in the Indian Office. (Aug. 23, 1912, c. 350, 37 Stat. 396.)

584. Expenses of Liberty loans.—Estimates of appropriations shall be submitted to Congress in the manner prescribed by law for expenses arising in connection with the loans authorized by the various Liberty Bond Acts and the Victory Liberty Loan Act. (May 29, 1920, c. 214, § 1, 41 Stat. 646.)

585. Manner of communicating estimates.—Estimates of expenditures and appropriations communicated to the Bureau of the Budget shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of this Code, as the case may be, and the section of the Act in which the authority is to be found. (R. S. § 3660; June 10, 1921, c. 18, § 215, 42 Stat. 23.)

586. Order and arrangement of estimates and general appropriation bills.—The estimates for expenses of the Government, and supplemental or deficiency estimates, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation Acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any executive department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation Acts for the year preceding. (June 22, 1906, c. 3514, § 4, 34 Stat. 448; Sept. 8, 1916, c. 464, § 4, 39 Stat. 830; June 10, 1921, c. 18, §§ 203, 204, 42 Stat. 21.)

587. Estimates not conforming to requirements rearranged.—When estimates hereafter transmitted to the Bureau of the Budget for submission to Congress do not in form and arrangement comply with the provisions of section 586 of this title, they shall be rearranged so as to comply with said requirements of law. (Mar. 4, 1909, c. 297, § 4, 35 Stat. 907; June 10, 1921, c. 18, §§ 204, 215, 42 Stat. 21, 23.)

588. Estimates for printing and binding; only appropriations made for printing and binding used therefor.—There shall be submitted in the regular annual estimates under and as a part of the expenses for "printing and binding," estimates for all printing and binding required by each of the executive departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any executive department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letterheads and noteheads, printed in the course of manufacture, or to so much of the printing and binding as is necessary to expedite the work of that branch of The Adjutant General's Office that was formerly known as the Record and Pension Office of the War Department. (June 30, 1906, c. 3914, § 2, 34 Stat. 762; Mar. 2, 1907, c. 2511, 34 Stat. 1158; Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1367; June 10, 1921, c. 18, § 215, 42 Stat. 23.)

589. Same; other officers.—The annual estimate for appropriations for every other public officer who is authorized to have printing and binding done at the Government Printing Office for the use of his public office, shall include such sum or sums as may seem necessary "for printing and binding, to be executed under the direction of the Public Printer." (R. S. § 3661; July 31, 1876, c. 246, 19 Stat. 105; Jan. 12, 1895, c. 23, § 17, 28 Stat. 603.)

590. Same; Geological Survey, Coast and Geodetic Survey, Hydrographic Office, and Signal Service.—All printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service shall be estimated for separately and in detail, and appropriated for separately for each of said bureaus. (Aug. 4, 1886, c. 902, § 1, 24 Stat. 255.)

591. Estimates; for salaries.—All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution. (R. S. § 3662.)

592. Reports in estimates of number and salaries of inefficient employees.—It shall be the duty of the heads of the several executive departments of the Government to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency. (July 11, 1890, c. 667, § 2, 26 Stat. 268; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

593. Statements in estimates of condition of business in departments.—There shall be submitted to Congress, annually, in the estimates, a statement as to the condition of business in each department or other Government establishment, showing whether any part of the same is in arrears, and, if so, in what divisions of the respective bureaus and offices of his department or other Government establishment such arrears exist, the extent thereof, and the reasons therefor, and also a statement of the number and compensation of employees appropriated for in one bureau or office who have been detailed to another bureau or office for a period exceeding one year. (Mar. 2, 1895, c. 177, § 7, 28 Stat. 808; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

594. Requisites of estimates for appropriations for public works.—Whenever any estimate submitted to the Bureau of the Budget asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated. (R. S. § 3663; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; June 10, 1921, c. 18, § 215, 42 Stat. 23.)

595. Statements in estimates of buildings rented.—There shall be prepared and submitted to Congress each year, in the annual estimates, a statement of the buildings rented within the District of Columbia for the use of the Government, the purposes for which rented, the annual rental of each, the area of each building in square feet of available floor space for Government uses, the rate paid per square foot for such floor space, the assessed valuation of each building, what proportion, if any, of the rental paid includes heat, light, elevator, or other service, and the cost of the care, maintenance, and operation of each building per square foot of floor space of the building or portion of building rented; also a statement of the number of all other buildings rented by the several executive departments, the purposes for which rented, and the annual rental of each. (Mar. 3, 1883, c. 128, § 1, 22 Stat. 552; July 16, 1892, c. 196, § 1, 27 Stat. 199; May 1, 1913, c. 1, § 3, 38 Stat. 3; May 20, 1920, c. 214, § 7, 41 Stat. 691; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

596. Estimates; statements in, of Government-owned buildings in District of Columbia.—There shall also be submitted to Congress annually in the estimates a statement giving for each of the Government-owned buildings in the District of Columbia under the jurisdiction of each department and independent establishment of the Government the following information for the preceding fiscal year: The location and valuation of each building, the purpose or purposes for which used, and the cost of care, maintenance, upkeep, and operation thereof per square foot of floor space. (June 5, 1920, c. 235, § 3, 41 Stat. 945; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

597. Same; additional explanations.—Whenever, in the annual estimates of expenditures required for the coming year for any department, the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, the estimates shall be accompanied by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added. (R. S. § 3664.)

598. Same; amount of outstanding appropriations designated.—Estimates of expenditures required in any department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure. (R. S. § 3665.)

599. Same; statement of persons employed at mints and assay offices.—The number of persons employed, other than workmen and adjusters, and the compensation paid to each, at each mint and assay office, out of appropriations made for wages of workmen, adjusters, and other employees shall be reported to Congress each year in the annual estimates. (Feb. 3, 1905, c. 297, § 1, 33 Stat. 657.)

600. Same; for Coast Guard.—Estimates for the Coast Guard shall be submitted, in detail, showing separately, the amount required for pay of officers, rations for officers, pay of crews, rations of crews, fuel, repairs and outfits, ship chandlery, and for traveling and contingent expenses. There shall also be included in the annual Budget a statement showing the authorized number of officers and cadets in the Coast Guard, their rank and pay; also the number of men constituting the crews of vessels in said service. (Mar. 2, 1889, c. 410, § 1, 25 Stat. 907; Jan. 28, 1915, c. 20 § 1, 38 Stat. 800; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

601. Same; reports of persons employed on public buildings and expenditures for repairs.—There shall be reported to Congress in the annual estimates the number of persons employed outside of the District of Columbia, as superintendents, clerks, watchmen and otherwise, and paid from appropriations for the construction of public buildings showing where said persons are employed, in what capacity, the length of time and at what rate of compensation, and a statement of the expenditure of the appropriation for "repairs and preservation of public buildings" which shall show the amount expended on each public building and the number of persons employed and paid salaries from such appropriation. (Mar. 3, 1887, c. 362, 24 Stat. 512; Aug. 30, 1890, c. 837, § 1, 26 Stat. 374.)

602. Same; appropriations to refund illegally assessed or collected revenue taxes.—The Secretary of the Treasury shall submit annually an estimate of appropriations to refund and pay back duties or taxes erroneously or illegally assessed or collected under the internal-revenue laws, and to pay judgments, including interest and costs, rendered for taxes or penalties erroneously or illegally assessed or collected under the internal-revenue laws. (Nov. 23, 1921, c. 136, § 1317, 42 Stat. 314.)

603. Same; for Foreign Service.—Except as hereinafter otherwise provided, estimates for the annual expenditures of the expenses of the Foreign Service shall state the entire amount required for its support, including all commercial agents and other officers, whether paid by fees or otherwise, specifying the compensation to be allowed or deemed advisable in each individual case, but estimates for rent of consular offices, and, under contingent expenses, the amount required annually to be expended at consular offices for purposes within the discretion of the department shall be segregated and sub-

mitted separately. (July 1, 1882, c. 262, 22 Stat. 133; Mar. 3, 1905, c. 1484, § 1, 33 Stat. 1214; May 24, 1924, c. 182, § 1, 43 Stat. 140.)

604. Same; for river and harbor improvements.—The Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Bureau of the Budget to be included in and carried into the sum total of, the Budget. (June 4, 1897, c. 2, § 1, 30 Stat. 48; June 10, 1921, c. 18, § 215, 42 Stat. 23.)

605. Same; for construction or modernization of batteries.—Estimates shall not be submitted to Congress for appropriations for construction of gun and mortar batteries, modernizing older emplacements, and other construction under the Engineer Department, in connection with fortifications, until after plans and estimates of cost shall have been prepared therefor. (Feb. 13, 1913, c. 51, 37 Stat. 671.)

606. Same; for fortifications for insular possessions.—All estimates for fortifications for insular possessions of the United States shall be made and submitted to Congress showing amount proposed to be expended at each harbor in each insular possession. (Mar. 3, 1905, c. 1402, 33 Stat. 847.)

609. Same; statements in of number and salaries of persons employed under appropriations for increase of Navy.—It shall be the duty of the Secretary of the Navy to submit in the estimates, under the respective bureaus and offices of the Navy Department, a statement in detail, showing the number of persons employed during the previous fiscal year and the rate of compensation of each under appropriations for "Increase of the Navy" or other general appropriations. (Apr. 17, 1900, c. 192, § 1, 31 Stat. 117; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

610. Same; for Post Office Department.—There shall be submitted to Congress at each annual session an estimate of the amount that will be required by the Post Office Department for the ensuing fiscal year, under each of the following heads:

First. Transportation of the mails.
Second. Compensation of postmasters.
Third. Compensation of clerks in post offices.
Fourth. Compensation of letter carriers.
Fifth. Compensation of blank agents and assistants.
Sixth. Mail depredations and special agents.
Seventh. Postage stamps and envelopes.
Eighth. Ship, steamboat, and way letters.
Ninth. Dead letters.
Tenth. Mail bags.
Eleventh. Mail locks, keys, and stamps.
Twelfth. Wrapping paper.
Thirteenth. Office furniture.
Fourteenth. Advertising.
Fifteenth. Balances to foreign countries.
Sixteenth. Rent, light, and fuel for post offices.
Seventeenth. Stationery.
Eighteenth. Miscellaneous.

Such estimates shall show the sums paid under each head, and the names of the persons to whom payment are made out of the miscellaneous fund; but the names of persons employed in detecting depredations on the mail, and of other confidential agents, need not be disclosed. (R. S. § 3668.)

611. Same; for Railway Mail Service.—In making estimates for Railway Mail Service, the estimate for postal-car service shall be separated from the general estimates; and in case any increase or diminution of service by postal cars shall be made by the Postmaster General, the reasons therefor shall be given in his annual report next succeeding such increase or diminution. (Mar. 3, 1879, c. 180, § 1, 20 Stat. 357.)

612. Same; Geological Survey.—The estimates for the Geological Survey shall be itemized, and there shall be submitted in the annual Budget, under each item of appropriation under "General expenses of the Geological Survey," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted. (Mar. 3, 1887, c. 362, 24 Stat. 527; June 28, 1902, c. 1301, § 1, 32 Stat. 455; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

613. Same; for Indian appropriations.—The estimates for appropriations for the Indian Service shall be presented in such form as to show the amounts required for each of the agencies in the several States or Territories, and for said States and Territories, respectively, and shall be accompanied by a detailed statement, classified in the manner prescribed in section 688 of this title, showing the purposes for which the appropriations are required. (Aug. 15, 1876, c. 289, § 4, 19 Stat. 200; June 30, 1913, c. 4, § 26, 38 Stat. 103.)

614. Same; for national parks.—The Secretary of the Interior shall submit in the annual estimates, following the estimates for each of the national parks, a classified statement of the receipts and expenditures for the complete fiscal year next preceding the fiscal year for which estimates of appropriations are submitted. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1421; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

615. Same; for expenses of insular and territorial affairs within jurisdiction of Department of Justice.—Estimates for appropriations for defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, shall be submitted in detail under legislative, executive, and judicial expenses. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1206.)

616. Same; for expenses of government in Territories.—Estimates for expenses of government in the Territories shall be submitted through and be subject to revision by the Department of the Interior. (July 16, 1914, c. 141, § 1, 38 Stat. 479.)

617. Same; estimates for Department of Agriculture.—The Secretary of Agriculture shall transmit to Congress in the annual estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture, and with such estimates shall be included a statement of all executive officers, clerks, and employees below the grade of clerk who may have been employed during the last completed fiscal year on any lump-sum appropriation for the department, and the salary or compensation of each, and a statement showing what proportion of this appropriation is paid for the quarters occupied by the various branches of the department. (June 3, 1902, c. 985, 32 Stat. 303; Mar. 4, 1915, c. 144, 38 Stat. 1108; Aug. 11, 1916, c. 313, 39 Stat. 492; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

618. Same; for Lighthouse Establishment.—There shall be submitted in the annual Budget, under each item of appropriation under the head of "Bureau of Lighthouses," notes showing the number of persons employed and the rate of compensation paid to each from each of said appropriations during the fiscal year next preceding the fiscal year for which estimates are submitted, and following each estimate statements shall be submitted showing the amount required for each object of expenditure mentioned in each of said estimates, together with a statement of the expenditures under each of such objects for the fiscal year terminated next preceding the period of submitting said estimates. (June 28, 1902, c. 1301, § 1, 32 Stat. 433; June 17, 1910, c. 301, § 4, 36 Stat. 537;

June 25, 1910, c. 384, § 1, 36 Stat. 755; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

619. Same; for officers and employees for Bureau of Fisheries.—The Commissioner of Fisheries shall embrace in the estimates of appropriations for the Bureau of Fisheries for each fiscal year estimates for all officers, clerks, and other employees whose services are permanent and continuous in their character and deemed to be necessary for an efficient and economical execution of the appropriations for the Bureau of Fisheries. (Aug. 5, 1892, c. 380, § 1, 27 Stat. 362.)

620. Same; for expenses of regulating immigration.—There shall be submitted, following the estimates under appropriation for expenses of regulating immigration, statements showing the amount required for each object of expenditure mentioned in said estimates, together with a statement of the expenditures under each of such objects for the fiscal year terminated next preceding the period of submitting said estimates. (June 25, 1910, c. 384, § 1, 36 Stat. 764.)

621. Same; for Panama Canal.—The estimates of appropriations for the Panama Canal shall be submitted annually in detail, showing the amounts required for personal services and the amounts required for material including all supplies, under the heads of construction, maintenance, operation, sanitation, and civil government, and following each there shall be submitted notes giving in parallel columns information which will show the number, by grade or classes, of officers, employees, and skilled and unskilled laborers proposed to be paid under each of said appropriations for the ensuing fiscal year and those paid at the close of the fiscal year next preceding the period when said estimates are prepared and submitted; also, in connection with each item for material and miscellaneous purposes other than salaries or pay for personal services, the amounts actually expended or obligated, quantities purchased, and prices paid for material or supplies during the entire fiscal year next preceding the preparation and submission of said estimates.

There shall also be submitted in connection with the foregoing information, statements of actual unit cost of all construction work done, and of estimated unit cost of work proposed to be done, for the fiscal years included in the notes so required to be submitted with the annual estimates. (Aug. 1, 1914, c. 223, § 6, 38 Stat. 679.)

622. Same; compiling and printing.—Estimates of appropriations contained in the Budget or transmitted under section 14 of this title, shall be properly classified, compiled, indexed, and printed, by the Bureau of the Budget. (July 7, 1884, c. 334, § 1, 23 Stat. 254; June 10, 1921, c. 18, §§ 204, 211, 42 Stat. 21, 22.)

623. Same; elimination of unnecessary words.—The Bureau of the Budget shall, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations. (June 23, 1913, c. 3, § 3, 38 Stat. 75; June 10, 1921, c. 18, §§ 204, 207, 42 Stat. 21, 22.)

624. Same; statements accompanying.—The Bureau of the Budget shall annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year, which may have been made by former Acts, and submit, as a part of the appendix to the estimates, such extracts from the annual reports of the several heads of departments and bureaus as relate to estimates for appropriations, and the necessities therefor. (Mar. 3, 1875, c. 129, § 3, 18 Stat. 370; June 10, 1921, c. 18, §§ 204, 207, 42 Stat. 21, 22.)

625. Statement of proceeds of sales of old material.—A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind except materials, stores, or supplies sold to officers and soldiers of the Army, or to exploring or surveying expeditions authorized by law shall be submitted to Congress at the beginning of each regular session thereof as a separate communication not included in the annual estimates. (R. S. § 3672; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; June 25, 1910, c. 384, § 6, 36 Stat. 773.)

626. Statements of money received from proceeds of public property or other sources, and of payments therefrom.—The Secretary of the Treasury shall require, and it shall be the duty of the head of each executive department or other Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the Postal Service, received by said head of department or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the general Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year: *Provided, however*, That this shall not apply to the Quartermaster Corps, as successor to the Subsistence Department. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session. June 30, 1906, c. 3914, § 5, 34 Stat. 763; Aug. 24, 1912, c. 391, §§ 1, 3, 37 Stat. 579, 591.)

627. Construction of appropriation Acts.—No Act of Congress shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed. (June 30, 1906, c. 3914, § 9, 34 Stat. 764.)

628. Application of moneys appropriated.—Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others. (R. S. § 3678.)

629. Lump-sum appropriations; not available for increased salaries.—Except as otherwise provided by law, no part of any money appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be transferred and paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government. (Aug. 26, 1912, c. 408, § 7, 37 Stat. 626; Mar. 4, 1913, c. 142, § 4, 37 Stat. 790.)

630. Same; salaries of scientific and technical employees of Department of Agriculture.—Section 629 of this title shall not apply to the payment, out of moneys appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary. (Mar. 4, 1913, c. 145, 37 Stat. 854.)

631. Drafts for War and Navy Departments.—All moneys appropriated for the use of the War and Navy Departments

shall be drawn from the Treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those departments, respectively, countersigned in the General Accounting Office, and registered. (R. S. § 3673; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

632. Restriction on payments on account of Postal Service.—Payments of money out of the Treasury on account of the Postal Service shall be in pursuance of appropriations made by law, by warrants of the Postmaster General, registered and countersigned in the General Accounting Office, and expressing on their face the appropriation to which they should be charged. (R. S. § 3674; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

633. Charge against fund "Transportation and recruiting," for transportation of men discharged.—The transportation to their homes, if residents of the United States, of enlisted men and apprentices of the Navy discharged on medical survey; and the transportation to the place of enlistment, if residents of the United States, of such enlisted men and apprentices discharged on account of expiration of enlistment, shall be chargeable to the appropriation "Transportation and recruiting." (Mar. 3, 1901, c. 831, § 1, 31 Stat. 1030; Feb. 11, 1925, c. 209, 43 Stat. 864.)

634. Appropriations for Navy controlled by Secretary; for bureaus kept separately.—All appropriations for specific, general, and contingent expenses of the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriation for each bureau shall be kept separate in the Treasury. (R. S. § 3676.)

635. Appropriations for Bureau of Yards and Docks available until expended.—Appropriations made under the Bureau of Yards and Docks for public works, exclusive of repairs and preservation, shall remain available until expended. (July 12, 1921, c. 44, § 3, 42 Stat. 139.)

636. Restrictions upon use of appropriations for "Increase of Navy" under Bureau of Ordnance.—No part of appropriations made for "Increase of the Navy" under the Bureau of Ordnance and no part of allotments of appropriations made to said bureau shall be available for the payment for services or materials used in the construction of any shop, building, living quarters, or other structures, except such temporary structures costing not in excess of $5,000 each as may be incident to current work of said bureau, or for additions and betterments to any existing shore station facilities unless the appropriation shall in terms specifically authorize such construction or additions and betterments: *Provided*, That nothing herein shall be construed as interfering in any way with any existing contract or any work in progress on July 12, 1921. (July 12, 1921, c. 44, § 1, 42 Stat. 128.)

637. Contingent expenses not payable from appropriations for Naval Establishment.—It shall not be lawful to expend, for any of the offices or bureaus of the Navy Department at Washington, any sum out of appropriations made for the Naval Establishment for stationery, furniture, newspapers, plans, drawings, drawing material, horses and wagons to be used only for official purposes, including rental of stable, purchase, maintenance, repair, operation or exchange of horse-drawn passenger-carrying vehicles, automobile mail wagon, including exchange of same, street car tickets, freight, expressage, postage, typewriters, computing machines, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices. (June 22, 1906, c. 3514, § 1, 34 Stat. 427; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1102.)

638. Restrictions upon appropriations for ordnance or ordnance material or material purchased therewith.—No money appropriated for ordnance or ordnance material or material purchased therewith for the Navy shall be used for any other purpose than that for which the appropriation was made: *Provided*, That nothing herein shall be construed as preventing the allocation of armor, armament, ammunition, ordnance material, equipment, and accessories to ships according to the requirements of the naval service. (July 1, 1918, c. 114, 40 Stat. 721; July 12, 1921, c. 44, § 1, 42 Stat. 128.)

639. Credit to appropriation "Pay miscellaneous" of premiums from sale of exchange.—The General Accounting Office may credit appropriation "Pay miscellaneous," with all receipts for interest on the account of the Navy Department with the London fiscal agents, premiums arising from sales of bills of exchange, and from any appreciation in the value of foreign coin. (Mar. 3, 1893, c. 212, 27 Stat. 716; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

640. Clothing and small-stores fund.—The value of issues of clothing and small stores by the Bureau of Supplies and Accounts in the Department of the Navy shall be credited to a consolidated fund to be designated as the "clothing and small-stores fund," in the same manner as the value of the issues of clothing was credited to the "clothing fund" prior to February 14, 1879, and as the value of issues of small stores was credited to the "small-stores fund" prior to June 30, 1890; the resources of the fund to be used in the purchase of supplies of clothing and small stores for issue. (Feb. 14, 1879, c. 68, 20 Stat. 288; June 30, 1890, c. 640, 26 Stat. 197; July 19, 1892, c. 206, § 1, 27 Stat. 243, 245; Mar. 3, 1893, c. 1010, 32 Stat. 1191; Mar. 20, 1922, c. 104, 42 Stat. 451.)

641. Naval supplies; purchase, and classification and issue, for Navy, and not for bureaus.—All supplies purchased with moneys appropriated for any branch of the Naval Establishment shall be deemed purchased for the Navy and not for any bureau thereof, and shall be arranged, classified, catalogued, and issued for consumption or use, under such regulations as the Secretary may prescribe, without regard to the bureau for which they were purchased. (June 30, 1890, c. 640, 26 Stat. 205; Mar. 2, 1891, c. 494, 26 Stat. 807.)

642. "Naval Supply Account"; purchases charged to; payments from "General Account of Advances," returned.—The Naval Supply Account for the Naval Establishment, under the Bureau of Supplies and Accounts, shall govern the charging, crediting, receipt, purchase, transfer, manufacture, repair, issue, and consumption of all stores for the Naval Establishment, excepting such material as provisions, clothing and small stores, medical stores, and such other materials as the Secretary of the Navy may designate, and which may be purchased by specific appropriations or transferred to specific appropriations before such materials are issued for use or consumption; the said charge, however, to any particular appropriation shall be limited to the amount appropriated therefor. The appraised value of all stores, equipage, and supplies turned in from ships, and ships' equipage turned in from yards or stations (except salvage), shall be credited to the current appropriations concerned, and the amounts so credited shall be available for expenditures for the same purposes as the appropriations credited. (June 25, 1910, c. 385, 36 Stat. 792; Mar. 4, 1911, c. 239, 36 Stat. 1279; June 30, 1914, c. 130, 38 Stat. 405.)

643. Permanent special working fund; charges against and credits to.—The permanent special working fund of the Navy shall be charged with the net proceeds of all sales of surplus and condemned stores; with refunds to bidders at sales and to special depositors; and with all labor, overhead, material, and services incident to work done not chargeable to naval appropriations; and shall be credited with all funds received as payment or advances for surplus stores, for condemned stores, and for all expenses incident to work not chargeable to naval appropriations. (May 28, 1924, c. 203, 43 Stat. 195.)

644. Naval Supply Account fund; charges against.—There shall be a naval supply account fund, which shall be charged with the cost of all stores procured for and credited with the value of all issues or sales made from the naval supply account. Deficiencies under appropriations for the Naval Establishment for the fiscal year 1920 and prior years shall be

charged to this fund, to which shall be transferred the unexpended balances of annual appropriations for the Naval Establishment for the fiscal years 1919 and 1920. (Mar. 1, 1921, c. 89, § 1, 41 Stat. 1169.)

645. Prices of material expended from naval supply account; issue of certain material at reduced prices.—The prices at which material is to be expended from the naval supply account shall be fixed by the Paymaster General of the Navy, subject to the approval of the Secretary of the Navy, and materials purchased during the war shall be issued at reduced prices in all cases appropriate, such differences in values and losses to be charged to the respective funds; and no charges on this account shall be made to naval appropriations. (Mar. 1, 1921, c. 89, § 1, 41 Stat. 1170.)

646. Overhead charges charged against appropriations.—There shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined. (June 30, 1914, c. 130, 38 Stat. 413.)

647. Direct and indirect charges included in cost of work under naval appropriations.—In fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost. The Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges, and shall report the same annually for the information of Congress. (Mar. 4, 1911, c. 239, 36 Stat. 1267.)

648. Equipment outfits charged against appropriation "Increase of the Navy, construction and machinery."—Equipment outfits for the Navy shall be charged to appropriation "Increase of the Navy, construction and machinery." (Mar. 3, 1915, c. 83, 38 Stat. 952.)

649. Expenses of certain naval auxiliaries charged against appropriation "Fuel and transportation."—When the lowest obtainable cost of transportation of fuel between the Atlantic and Pacific coasts of the United States by merchant carriers is considered excessive, the appropriation "Fuel and transportation" may be charged with the expense of pay, transportation, shipping, and subsistence of civilian officers and crews, and such other incidental expenses as can not be paid from other appropriations, of naval auxiliaries engaged in the transportation of fuel: *Provided*, That the appropriation "Maintenance of naval auxiliaries" is insufficient therefor. (Mar. 3, 1915, c. 83, 38 Stat. 944.)

650. Charge against fund "Pay of the Army" of detained pay.—Sums known as detained pay, which have already been or may hereafter be withheld from the monthly pay of enlisted men of the Army in obedience to court-martial sentences, shall, when repaid, become a charge against the fund "Pay of the Army" for the year in which said enlisted men have been or may be discharged. (Aug. 6, 1894, c. 228, 28 Stat. 236.)

651. Disbursements; for Signal Service.—All appropriations made for the support of the Signal Service or Corps and for the maintenance and repair of military telegraph lines, shall be disbursed under the direction of the Secretary of War, by the regularly bonded officer who is or may be detailed by the Secretary of War for duty as disbursing officer of the Signal Service. (Aug. 30, 1890, c. 837, § 1, 26 Stat. 399; Feb. 24, 1891, c. 284, 26 Stat. 779.)

652. Appropriations for Quartermaster Corps; no payment of extra-duty pay at West Point.—No part of the moneys appropriated for use of the Quartermaster Corps shall be used in payment of extra-duty pay for the Army service men in the Quartermaster's Department at West Point. (Mar. 2, 1907, c. 2511, 34 Stat. 1167; Aug. 24, 1912, c. 391, § 3, 37 Stat. 591.)

653. Appropriations for horses; expenditures from.—No part of any appropriation shall be expended for defraying expenses of Army officers, enlisted men, or horses in attending or taking part in horse shows or horse races; but nothing in this section shall be held to apply to the officers, enlisted men, and horses of any troop, battery, or company which shall, by order or permission of the Secretary of War, and within the limits of the United States, attend any horse show or any State, county, or municipal fair, celebration, or exhibition. (Apr. 27, 1914, c. 72, 38 Stat. 351.)

654. Appropriations for support of Army; use for supplies for subsequent years.—Funds appropriated for support of the Army may be used for the procurement of supplies to be held in store for issue to the Army during subsequent fiscal years. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1078.)

655. Appropriations for ordnance-stores ammunition, available for two years.—The appropriations "Ordnance-stores ammunition," "Small-arms target practice," and "Ordnance stores and supplies" shall be available for two years to procure the stores authorized by them. (Mar. 2, 1907, c. 2511, 34 Stat. 1175.)

656. Cost of transportation of material charged to appropriations for work in connection with which transportation charges required.—The cost of transportation of material in connection with the manufacturing and purchasing activities of the Signal Corps, Ordnance Department, Chemical Warfare Service, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery Corps may be charged to the appropriations for the work in connection with which such transportation charges are required; and the Budget estimates for each of such appropriations shall hereafter carry separately the amounts required for such transportation costs. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1391.)

657. Appropriations for Ordnance Department; no expenditure for freight charges.—No part of the appropriations made for the Ordnance Department shall be used in payment of freight charges on ordnance or ordnance stores issued by said department. (June 30, 1902, c. 1328, 32 Stat. 520.)

658. Expenses of manufacturing operations by Chief of Ordnance charged against appropriations therefor.—The Chief of Ordnance, in conducting manufacturing or similar operations, may charge any indirect or general expense for labor or material therefor against any of the appropriations authorizing these operations in such manner as is most economical and efficient, provided that the methods adopted shall show that each of such appropriations bears its ratable share of the total amount of these expenses. (Mar. 2, 1907, c. 2507, 34 Stat. 1062.)

659. Use of material procured under any appropriation by Chief of Ordnance.—The Chief of Ordnance, in conducting manufacturing or similar operations under any particular appropriation may use material procured under any appropriation and replace the same in kind or otherwise: *Provided*, That in doing so the methods shall be such that each appropriation will be charged with the full value of the material used in carrying out its object. (Mar. 4, 1911, c. 242, 36 Stat. 1344.)

660. Expenses of Ordnance Department in procuring stores for other departments or bureaus.—Whenever the Ordnance Department, under existing regulations, procures stores for other executive departments or bureaus, including the Philippine government, its appropriations shall be applicable to defray the necessary expenses in connection with the procure-

ment, subject to reimbursement from time to time, or on completion of the work, from the department or bureau for which the stores were procured. (June 12, 1906, c. 3078, 34 Stat. 258.)

661. Appropriation for Coast and Geodetic Survey; purchases from.—The Secretary of Commerce is authorized to purchase, from the appropriation for the United States Coast and Geodetic Survey, provisions, clothing, and small stores for the enlisted men, and food supplies for field parties working in remote localities, such provisions, clothing, small stores, and food supplies to be sold to the employees of said survey and the appropriation reimbursed. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1144; Feb. 14, 1903, c. 552, § 4, 32 Stat. 826.)

662. Appropriations for Bureau of Fisheries; purchases from.—The Secretary of Commerce may purchase, to the extent of not to exceed $5,000, from the appropriations for the Bureau of Fisheries, clothing and small stores for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed. (July 1, 1918, c. 113, § 1, 40 Stat. 694.)

663. Expenditures for supplies for courts and judicial officers.—Money appropriated for supplies for the United States courts and judicial officers, shall be expended in payment for such supplies only as shall be purchased, in the discretion of the Attorney General, for delivery at the Department of Justice for distribution. (June 28, 1902, c. 1301, § 1, 32 Stat. 476.)

664. Appropriation for furniture, and repairs for public buildings; certain expenditures prohibited.—Expenditures for traveling expenses and subsistence of persons detailed to assist the inspector and assistant inspector of furniture shall not be made from the appropriation for "Furniture and repairs of same, for public buildings." (June 25, 1910, c. 384, § 1, 36 Stat. 710.)

665. Expenditures in excess of appropriations; voluntary service forbidden; apportionment of appropriations for contingent expenses or other general purposes.—No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month. (R. S. § 3679; Mar. 3, 1905, c. 1484, § 4, 33 Stat. 1257; Feb. 27, 1906, c. 510, § 3, 34 Stat. 48.)

666. Gratuitous services of members of Officers' Reserve Corps.—Section 665 of this title shall not be construed to prohibit the Secretary of War from accepting the gratuitous services of members of the Officers' Reserve Corps of the Army in the furtherance of the enrollment, organization, and training of the Officers' Reserve Corps, the Reserve Officers' Training Corps, or the Enlisted Reserve Corps of the Army or in consultation upon matters relating to the military service. (May 12, 1917, c. 12, 40 Stat. 72.)

667. Contracts for fuel for public buildings in advance of appropriations.—The Secretary of the Treasury is authorized to contract for the purchase of fuel for public buildings under the control of the Treasury Department in advance of the availability of the appropriation for the payment thereof. Such contracts, however, shall not exceed the necessities of the current fiscal year. (Feb. 17, 1922, c. 55, 42 Stat. 388; Jan. 3, 1923, c. 22, 42 Stat. 1109; Apr. 4, 1924, c. 84, Title I, 43 Stat. 83; Jan. 22, 1925, c. 87, Title I, 43 Stat. 781.)

668. Contracts for fuel by Secretary of War without regard to current fiscal year.—When, in the opinion of the Secretary of War, it is in the interest of the United States so to do, he is authorized to enter into contracts and to incur obligations for fuel in sufficient quantities to meet the requirements for one year without regard to the current fiscal year, and payments for supplies delivered under such contracts may be made from funds appropriated for the fiscal year in which the contract is made, or from funds appropriated or which may be appropriated for such supplies for the ensuing fiscal year. (June 30, 1921, c. 33, § 1, 42 Stat. 78.)

669. Apportionment of contingent fund of departments to offices and bureaus.—In addition to the apportionment required by section 665 of this title, the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus. (Aug. 23, 1912, c. 350, 37 Stat. 414.)

670. Footing of paragraphs to determine amount appropriated.—The total amount appropriated in the various paragraphs of an appropriation Act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided. (May 28, 1896, c. 252, § 1, 29 Stat. 148.)

671. Appropriations for contingent expenses of Congress; restrictions.—Appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the General Accounting Office shall apply the provisions of this section in the settlement of the accounts of expenditures from said appropriations incurred for services

or materials. (Feb. 14, 1902, c. 17, § 1, 32 Stat. 26; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

672. **Expenses of commissions and inquiries.**—No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President. (R. S. § 3681.)

673. **Use of public moneys or appropriations for compensation or expenses of commission; details from executive departments to such commission prohibited.**—No part of the public moneys, or of any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body. (Mar. 4, 1909, c. 299, § 9, 35 Stat. 1027.)

674. **Restrictions on contingent appropriations.**—No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation. (R. S. § 3682.)

675. **Purchases from contingent funds.**—Except as otherwise provided no part of the contingent fund appropriated to any department, bureau, or office, shall be applied to the purchase of any articles except such as the head of the department shall deem necessary and proper to carry on the business of the department, bureau, or office, and shall, by written order, direct to be procured. (R. S. § 3683.)

676. **Purchases by Department of Commerce.**—Section 675 of this title shall not apply to any purchase made by the Department of Commerce when the aggregate amount involved does not exceed the sum of $25. (Mar. 3, 1921, c. 124, § 1, 41 Stat. 1303.)

677. **Expenditure of appropriations for contingent expenses of Post Office Department.**—The appropriations for the contingent expenses of the Post Office Department shall be expended as specially directed in the law, and according to the appropriations for the items specifically named, and no moneys appropriated for the specific purposes named under the head of "For contingent expenses of the Post Office Department" shall be diverted from one purpose to another; and all moneys unexpended for one or more specific purposes shall be turned into the Treasury, and not expended, by the superintendent and disbursing officer, for any object or purpose whatsoever other than the specific ones named in the appropriation for the "Contingent expenses of the Post Office Department." (June 19, 1878, c. 329, § 1, 20 Stat. 203.)

678. **Purchases of books from appropriations for contingent expenses.**—Law books, books of reference, and periodicals for use of any executive department, or other Government establishment not under an executive department, at the seat of Government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation. (Mar. 15, 1898, c. 68, § 3, 30 Stat. 316.)

679. **Expenditure from appropriations for private telephone service.**—Except as otherwise provided by law, no money appropriated by any Act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed. (Aug. 23, 1912, c. 350, § 7, 37 Stat. 414.)

680. **Same; when allowed.**—The provisions of section 679 of this title, or any other law, prohibiting the expenditure of public money for telephone services installed in private residences, shall not be construed to apply to or forbid the installation and use of such telephones as the Chief of Engineers may certify to be necessary for the prosecution of Government business and as the Secretary of War may authorize in connection with the construction and operation of locks and dams in the navigable waters of the United States. (Sept. 22, 1922, c. 427, § 7, 42 Stat. 1042.)

681. **Buildings under control of Treasury Department.**—All appropriations for public buildings under the control of the Treasury Department shall be available immediately upon the approval of the Act containing such appropriations. (R. S. § 3684.)

682. **Appropriations for public buildings available until completion of work.**—All moneys appropriated for the construction of public buildings shall remain available until the completion of the work for which they are, or may be, appropriated; and upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury. (June 23, 1874, c. 476, § 1, 18 Stat. 275.)

683. **Appropriations for public buildings available only for purposes specifically enumerated; separate estimates for administrative work; appointments.**—The appropriations made to carry into effect the provisions of legislation authorizing the acquisition of land for sites for public buildings or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, shall be deemed to be available only for the purposes specifically enumerated in said legislation, and the Secretary of the Treasury shall submit to Congress annually detailed estimates of appropriations necessary for defraying all expenses, both in the office of the Supervising Architect and in the field, of every kind and character incident to, or requisite for, the administrative work of carrying into effect the provisions of public-building Acts, so far as the same relate to public buildings under the control of the Treasury Department, such estimates to be in addition to and separate and apart from the estimates of appropriations providing specifically for the salaries of certain officers and employees in the office of the Supervising Architect. The appropriations for said administrative work, when made, shall be immediately available for such personal services and all other expenses and supplies, both for office and field work, as the Secretary of the Treasury may deem necessary and specially order or approve to carry into effect the provisions of Acts relating to the acquisition of land for sites or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, including the annual appropriations under the control of the Supervising Architect: *Provided*, That such persons as may be regularly appointed and paid from such appropriations shall be subject, in all respects, to the laws, rules, and regulations respecting entrance into or separation from the classified civil service of the United States, and shall be employed only in the office of the Supervising Architect or in field work of construction and repair

under his supervision and control, and the Secretary of the Treasury shall annually submit to Congress in the estimates a statement, showing the names of all persons whose salaries or compensation are paid from said appropriations, their duties, and the rate of compensation and the amount paid to each of them, respectively: *And provided further*, That this section shall not be construed as rendering unavailable for the employment of personal services in the office of the Supervising Architect, or for any other purpose now authorized by law, any of the annual appropriations under the control of the Supervising Architect. All appropriations made for extension of the limits of cost of public buildings or sites, or for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or for any annual appropriation under the control of the Supervising Architect, shall be subject to the provisions hereof. (May 30, 1908, c. 228, § 6, 35 Stat 537; June 10, 1921, c. 18, § 204, 42 Stat. 21.)

684. Pay of assistant custodians and janitors.—No fund appropriated, other than that for pay of assistant custodians and janitors and personal services in connection with the care of public buildings under control of the Treasury Department outside the District of Columbia, shall be used for this service. (Mar. 3, 1901, c. 853, § 1, 31 Stat. 1153.)

685. Lighthouses.—Appropriations for establishing lighthouses shall be available for expenditure for two years after acts of State legislatures ceding jurisdiction over sites take effect. This section shall not, however, apply to general appropriations for lighthouse purposes. In no case shall any special appropriation be available for more than two years without further provision of law. (R. S. § 3685.)

686. Purchase or manufacture of stores or materials or performance of services by bureau or department for another bureau or department.—Whenever any Government bureau or department procures, by purchase or manufacture, stores or materials of any kind, or performs any service for another bureau or department, the funds of the bureau or department for which the stores or materials are to be procured or the service performed may be placed subject to the requisitions of the bureau or department making the procurement or performing the service for direct expenditure: *Provided*, That funds so placed with the procuring bureau shall remain available for a period of two years for the purposes for which the allocation was made unless sooner expended: *And provided further*, That when the stores being procured by one bureau of the War or Navy Departments for another bureau of such departments are for current issue during the year stores of equal value may be issued from stock on hand in place of any of those aforesaid. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1084; May 21, 1920, c. 194, § 7, 41 Stat. 613.)

687. Appropriations for Court of Customs Appeals; detailed statement of expenditure.—A detailed statement of the expenditure of the appropriations for the United States Court of Customs Appeals shall be submitted to Congress at the beginning of each regular session thereof. (Mar. 4, 1911, c. 237, § 1, 36 Stat. 1234.)

688. System of bookkeeping in Bureau of Indian Affairs; allotment of appropriations; classified statement to accompany estimates.—A system of bookkeeping shall be used in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on, the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures, if, in his judgment, he shall deem it advisable.

Annually a detailed statement of expenditures, as hereinbefore described, shall be incorporated in the annual report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December.

Before any appropriation for the Indian Service is obligated or expended, the Secretary of the Interior shall make allotments thereof in conformity with the intent and purpose of this section, and such allotments shall not be altered or modified except with his approval. (June 30, 1913, c. 4, § 26, 38 Stat. 103.)

PERMANENT ANNUAL APPROPRIATIONS

711. Permanent indefinite appropriations.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same, respectively; and such appropriations shall be deemed permanent annual appropriations.

TREASURY DEPARTMENT

(1) **Consular receipts.**—For payment of the proceeds of the personal estates of American citizens who die abroad, to the legal representatives of the said deceased party upon proper demand and proof.

(2) **Interest on public debt.**—For payment of interest on the public debt, under the several Acts authorizing the same.

(3) **Refunding moneys erroneously received and covered.**—To refund moneys received and covered into the Treasury before the payment of legal and just charges against the same.

(4) **Redemption of stamps (internal revenue).**—Of such sum of money as may be necessary to repay the amount or value paid for internal-revenue stamps which may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or which through mistake may have been improperly or unnecessarily used.

(5) **Debentures and other charges (customs).**—To pay debentures and other charges arising from duties, the revenue remaining in the hands of the collecting officers not being sufficient to pay said debentures.

(6) **Debentures and drawbacks (customs).**—For the payment of debentures or drawbacks, bounties, and allowances, which are or may be authorized, to be expended under the direction of the Secretary of the Treasury payable according to laws authorizing them: *Provided*, The collectors of customs shall be the disbursing agents to pay the same.

(7) **Repayment of excess of deposits for unascertained duties (customs).**—To repay to importers the excess of deposits for unascertained customs duties, or duties or other moneys paid under protest.

(8) **Refunding duties on goods destroyed (customs).**—For refunding duties paid or accruing on goods, wares, or merchandise injured or destroyed by accidental fire or other casualty, while in the custody of the officers of customs, in any public or private warehouse, or in the appraisers' stores undergoing appraisal, in pursuance of law or regulations of the Treasury Department, or after their arrival within the limits of any port of entry of the United States, and before the same have been landed under the supervision of the officers of the customs, or while in transportation under bond from the port of entry to any other port of the United States.

(9) **Public Health Service.**—The proceeds of leases and sales of marine-hospital buildings, and lands appertaining thereto, for the Public Health Service, except that all sums received by the Public Health Service during the fiscal year 1926, except allotments and reimbursements on account of patients of the United States Veterans' Bureau, shall be covered into the Treasury as miscellaneous receipts.

(10) **Refunding proceeds of goods seized and sold.**—To refund the proceeds of goods, wares, and merchandise seized

and sold for having been illegally imported into the United States.

(11) **Refunding proceeds of unclaimed merchandise (customs).**—To repay to claimants the overplus received from the sale under the customs laws of unclaimed merchandise, on due proof of their property and entitlement.

WAR DEPARTMENT

(12) **Soldiers' Home.**—For the support of the Soldiers' Home the following funds are set apart and appropriated: All stoppages or fines adjudged against soldiers by sentence of courts-martial over and above any amount that may be due for the reimbursement of Government or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which are or may be unclaimed for the period of three years subsequent to the death of said soldier or soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased.

(13) **Horses and other property lost in military service.**—To pay for horses, mules, oxen, wagons, carts, sleighs, harness, steamboats and other vessels, railroad engines and railroad cars, killed, lost, captured, destroyed, or abandoned while in the military service under the provisions of chapter 6 of this title.

NAVY DEPARTMENT

(14) **Indemnity for lost clothing.**—To allow and pay to each person, not an officer, employed on a vessel of the United States, sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding $60. In the event of the death of the person, this sum is to be paid to his proper legal representatives.

(15) **Prize money.**—For the proceeds of derelict and salvage cases adjudged by the courts of the United States to salvors.

INTERIOR DEPARTMENT

(16) **Deposits for surveying public lands.**—Of the amount deposited by individuals under the provisions of Title 43, to pay the cost and expenses incident to the survey of lands, not mineral or reserved, upon which they have settled, any excess of the sums so deposited, over and above the actual cost of surveys, comprising all expenses incident thereto, for which they were severally deposited, to be repaid to the depositors, respectively.

(17) **Five per centum fund to States.**—To pay to the States of Missouri, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, and Nevada, 5 per centum of the net proceeds of sales of all public lands lying within their limits, for the purpose of education or of making public roads and improvements, in pursuance of the Acts of March 6, 1920, chapter 22 (Third Statutes, page 547); of June 23, 1836, chapter 121 (Fifth Statutes, page 60); of March 3, 1845, chapter 75 (Fifth Statutes, page 788); of March 3, 1845, chapter 76 (Fifth Statutes, page 790); of August 6, 1846, chapter 53 (Ninth Statutes, pages 58, 179); of February 26, 1857, chapter 60 (Eleventh Statutes, page 167); of February 14, 1859, chapter 33 (Eleventh Statutes, page 384); of February 28, 1859, chapter 65 (Eleventh Statutes, page 388); and of March 21, 1864, chapter 86 (Thirteenth Statutes, page 32).

(18) **Indemnity for swamp lands for States.**—To pay to the States the proceeds of swamp lands within their limits which may have been erroneously sold by the United States.

(19) **Refunding money for lands erroneously sold.**—To pay to the purchaser or purchasers the sum or sums of money received for lands erroneously sold by the United States.

(20) **Payment of interest to North Carolina Cherokees.**—To pay each member of every family of the Cherokee Nation of Indians that remained in the State of North Carolina at the time of the treaty of New Echota, May 23, 1836, interest at the rate of 6 per centum per annum on a sum equal to $53.33 for each individual member, ascertained as provided in the Act of July 29, 1848, chapter 118, section 4 (9 Stat. 264).

MISCELLANEOUS

(21) **Smithsonian Institution.**—To pay for the erection of buildings and expenses of the Smithsonian Institution, being 6 per centum on the fund derived from the bequest of James Smithson. (R. S. §§ 3048, 3689; June 20, 1874, c. 328, § 4, 18 Stat. 109; Mar. 3, 1875, c. 129, § 1, 18 Stat. 343; June 19, 1878, c. 329, § 1, 20 Stat. 178; May 26, 1908, c. 198, § 1, 35 Stat. 274; June 25, 1910, c. 384, § 8, 36 Stat. 773; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309; Jan. 22, 1925, c. 87, 43 Stat. 775.)

712. Balances of appropriations; expenditure.—Except as otherwise provided by law, all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. (R. S. § 3690.)

713. Same; carried to surplus fund.—After the 1st day of July, in each year, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, or public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress. (June 20, 1874, c. 328, § 5, 18 Stat. 110; July 26, 1886, c. 781, § 2, 24 Stat. 157; Mar. 3, 1919, c. 99, § 6, 40 Stat. 1309.)

714. Same; reports to Congress as to claims.—It shall be the duty of the General Accounting Office to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 713 of this title that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this section shall be construed to authorize the reexamination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. (June 14, 1878, c. 191, § 4, 20 Stat. 115; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

715. Same; certification as to pending claims.—All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the General Accounting Office, the proper officer of which shall examine the books of such office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in such office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper department shall have certified that it may be carried into the

general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated. (R. S. § 3691; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

716. Same; for pay of Navy or Marine Corps.—All balances of moneys appropriated for the pay of the Navy or pay of the Marine Corps, for any year existing after the accounts for said year shall have been settled shall be covered into the Treasury. (July 26, 1886, c. 781, § 2, 24 Stat. 157.)

717. Same; reappropriation to other purpose construed as new appropriation.—The reappropriation and diversion of the unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted as a new appropriation and the unexpended balance shall be reduced by the sum proposed to be so diverted. (Mar. 4, 1915, c. 147, § 4, 38 Stat. 1161.)

718. Appropriations in annual appropriation Acts not permanent.—No specific or indefinite appropriation made subsequent to August 24, 1912, in any regular annual appropriation Act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following four classes: "Rivers and harbors," "lighthouses," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of section 713 of this title, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation Act in which it is contained makes provision. (Aug. 24, 1912, c. 355, § 7, 37 Stat. 487; Mar. 3, 1919, c. 99, § 6, 40 Stat. 1309.)

719. Unexpended balances for National Home for Disabled Volunteer Soldiers.—The provisions of sections 712 and 715 of this title shall apply to all appropriations made for the maintenance of the National Home for Disabled Volunteer Soldiers: *Provided*, That it shall be the duty of the managers of said home, on or before the 1st day of October in each year, to furnish to the Secretary of War estimates, in detail, for the support of said home for the fiscal year commencing on the 1st day of July thereafter, and the Secretary of War shall annually include such estimates in his estimates for his department. (Oct. 2, 1888, c. 1069, 25 Stat. 543.)

720. Proceeds of sales of material.—All moneys received from the leasing or sale of marine hospitals, or the sale of Coast Guard cutters, or from the sale of commissary stores to the officers and enlisted men of the Army, or from the sale of materials, stores, or supplies sold to officers and soldiers of the Army, or from sales of condemned clothing of the Navy, or from sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they are appropriated by law. (R. S. § 3692; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; Jan. 28, 1915, c. 20, § 1, 38 Stat. 800.)

721. Payments of appropriations for charitable purposes.—All moneys appropriated for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation, shall be placed to the credit of the proper fiscal officer of such association, institution, or corporation, by warrant of the Secretary of the Treasury, on the books of the Treasurer of the United States, or a designated depositary of the United States other than a national bank, and shall be paid out only on the checks of such fiscal officer, drawn payable to the order of the person to whom payment is to be made, for services, materials, or any other purpose, and stating in writing thereon the specific object or purpose to which the avails thereof are to be applied: *Provided*, That when payments are to be made under $20, such fiscal officer may check in his own name, but shall state in writing on the check that the avails thereof are to be applied to the payment of small claims, and shall furnish, to the Treasurer, or designated depositary on whom the check is drawn, a certified list of such claims, which list shall set forth the amount and nature of each claim and the name of each claimant. (June 23, 1874, c. 455, § 1, 18 Stat. 216.)

722. Term of service of Members of Congress as trustees or directors of corporations or institutions appropriated for.—In all cases where Members of Congress or Senators are appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, the term of said Members or Senators, as such trustee or director, shall continue until the expiration of two months after the first meeting of the Congress chosen next after their appointment. (Mar. 3, 1893, c. 199, § 1, 27 Stat. 553.)

Chapter 12.—THE PUBLIC DEBT.

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Bonds bearing circulation privilege; see Title 12.
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Section 731. Payment in coin.—The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. (R. S. § 3693.)

732. Interest; payment.—The Secretary of the Treasury shall cause to be paid, out of any money in the Treasury not otherwise appropriated, any interest falling due, or accruing, on any portion of the public debt authorized by law. (R. S. § 3698.)

733. Same; anticipation.—The Secretary of the Treasury may anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is authorized to dispose of any gold in the Treasury of the United States, not necessary for the payment of interest of the public debt. The obligation to create the sinking fund shall not, however, be impaired thereby. (R. S. § 3699.)

734. Purchase of coin.—The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest. (R. S. § 3700.)

735. Destroyed bonds; duplicates.—Whenever it appears to the Secretary of the Treasury, by clear and unequivocal proof, that any interest-bearing bond of the United States has, without bad faith upon the part of the owner, been destroyed, wholly or in part, or so defaced as to impair its value to the owner, and such bond is identified by number and description, the Secretary of the Treasury shall, under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof, having the same time to run, bearing like interest as the bond so proved to have been destroyed or defaced, and so marked as to show the original number of the bond destroyed and the date thereof. But when such destroyed or defaced bonds appear to have been of such a class or series as has been or may, before such application, be called in for redemption, instead of issuing duplicates thereof, they shall be paid, with such interest only as would have been paid if they had been presented in accordance with such call. (R. S. § 3702.)

736. Same; indemnity for.—The owner of such destroyed or defaced bond shall surrender the same, or so much thereof as may remain, and shall file in the Treasury a bond in a penal sum of double the amount of the destroyed or defaced bond, and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim upon such destroyed or defaced bond. (R. S. § 3703.)

737. Lost registered bond; duplicate for.—Whenever it is proved to the Secretary of the Treasury, by clear and satisfactory evidence, that any duly registered bond of the United States, bearing interest, issued for valuable consideration in pursuance of law, has been lost or destroyed, so that the same is not held by any person as his own property, the Secretary shall issue a duplicate of such registered bond, of like amount and bearing like interest and marked in the like manner as the bond so proved to be lost or destroyed. (R. S. § 3704.)

738. Same; indemnity for.—The owner of such missing bond shall first file in the Treasury a bond in a penal sum equal to the amount of such missing bond, and the interest which would accrue thereon, until the principal thereof becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or destroyed bond. (R. S. § 3705.)

739. Exchange of coupon for registered bonds.—The Secretary of the Treasury is hereby authorized to issue, upon such terms and under such regulations as he may from time to time prescribe, registered bonds in exchange for and in lieu of any coupon bonds which have been or may be lawfully issued; such registered bonds to be similar in all respects to the registered bonds issued under the Acts authorizing the issue of the coupon bonds offered for exchange. (R. S. § 3706.)

740. Credit to officers for stolen notes.—When any officer or agent duly authorized to receive, redeem, or cancel any Treasury notes issued by authority of law, shall receive, or pay, any Treasury note which has been previously received or redeemed by any officer or agent having authority to receive or redeem such note, and which has subsequently thereto been purloined and put into circulation, the Secretary of the Treasury, upon full and satisfactory proof that the same has been received or paid in good faith, and in the exercise of ordinary prudence, may allow a credit for the amount of such note, to the officer or agent so receiving or paying the same. (R. S. § 3707.)

741. Purchase or redemption of bonds.—The Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of the United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled. (Mar. 3, 1881, c. 133, § 2, 21 Stat. 457.)

742. Exemption from taxation.—Except as otherwise provided by law, all stocks, bonds, Treasury notes, and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority. (R. S. § 3701.)

743. Panama Canal bonds to have rights and privileges of other bonds.—The 2 per cent bonds of the United States authorized by section 8 of the Act of June 28, 1902, chapter 1302, shall have all the rights and privileges accorded by law to other 2 per cent bonds of the United States. (Dec. 21, 1905, c. 3, § 1, 34 Stat. 5.)

744. Redemption, payment, and exemption from taxes of Panama Canal bonds.—Bonds issued under authority of section 8 of the Act of June 28, 1902 (chapter 1302, Thirty-second Stat-

utes, page 484), shall be redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bear interest payable quarterly in gold coin at the rate of 2 per centum per annum; and such bonds shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. (June 28, 1902, c. 1302, § 8, 32 Stat. 484.)

745. Payment, interest, and exemption from taxes of Panama Canal bonds.—Bonds issued under authority of section 39 of the Act of August 5, 1909 (chapter 6, Thirty-sixth Statutes, page 117) shall be payable fifty years from the date of issue, and bear interest payable quarterly in gold coin at a rate not exceeding 3 per centum per annum; and such bonds shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. (Aug. 5, 1909, c. 6, § 39, 36 Stat. 117.)

746. Payment, interest, exemptions from taxes, etc., of First Liberty bonds.—Bonds issued under section 1 of the First Liberty Bond Act (Act of April 24, 1917, chapter 4, section 1, Fortieth Statutes, page 35), shall be subject to the terms and conditions of issue, conversion, redemption, maturities, payment, and rate and time of payment of interest, not exceeding 3½ per centum per annum, as the Secretary of the Treasury has prescribed. The principal and interest thereof shall be payable in United States gold coin of the present standard of value and shall be exempt, both as to principal and interest, from all taxation, except estate or inheritance taxes, imposed by authority of the United States, or its possessions, or by any State or local taxing authority; but such bonds shall not bear the circulation privilege. (Apr. 24, 1917, c. 4, § 1, 40 Stat. 35.)

747. Tax exemptions; second and subsequent Liberty loans.—All bonds and certificates authorized by sections 752, 754, and 757 of this title shall be exempt, both as to principal and interest from all taxation imposed on September 24, 1917, or thereafter by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess profits and war-profits taxes, imposed on September 24, 1917, or thereafter by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of such bonds and certificates the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in subdivision (b) of this section. (Sept. 24, 1917, c. 56, § 7, 40 Stat. 291.)

748. Additional Liberty bond tax exemptions.—In addition to the exemptions contained in section 747 of this title 4 per centum and 4¼ per centum Liberty bonds shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, imposed on June 2, 1924, or thereafter by the United States upon the income or profits of individuals, partnerships, corporations, or associations, in respect to the interest on aggregate principal amounts thereof as follows:

Until the expiration of two years after the date of the termination of the war between the United States and the German Government (July 2, 1921), as fixed by proclamation of the President, on $125,000 aggregate principal amount; and for three years more on $50,000 aggregate principal amount. (June 2, 1924, 4.01 p. m., c. 234, § 1028, 43 Stat. 349.)

749. First, second, third, and fourth Liberty loans; bonds; exemption from taxation.—(a) Until the expiration of five years after the date of the termination of the war between the United States and the German Government, (July 2, 1921) as fixed by proclamation of the President, in addition to the exemptions provided in section 747 of this title in respect to the interest on an amount of bonds and certificates, authorized by sections 752, 754 and 757 of this title, the principal of which does not exceed in the aggregate $5,000, and in addition to all other exemptions provided in the Second Liberty Bond Act (September 24, 1917, chapter 56, Fortieth Statutes, page 288) or the supplement to Second Liberty Bond Act, (September 24, 1918, chapter 176, Fortieth Statutes, page 965) the interest received on and after January 1, 1919, on an amount of bonds of the first Liberty loan converted, dated November 15, 1917, May 9, 1918, or October 24, 1918, the second Liberty loan converted and unconverted, the third Liberty loan, and the fourth Liberty loan, the principal of which does not exceed $30,000 in the aggregate, owned by any individual, partnership, association, or corporation, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, imposed on March 3, 1919, or thereafter by the United States, upon the income or profits of individuals, partnerships, associations or corporations.

(b) In addition to the exemption provided in subdivision (a), and in addition to the other exemptions therein referred to, the interest received on and after January 1, 1919, on an amount of the bonds therein specified the principal of which does not exceed $20,000 in the aggregate, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes therein specified: *Provided*, That no owner of such bonds shall be entitled to such exemption in respect to the interest on an aggregate principal amount of such bonds exceeding three times the principal amount of notes of the Victory Liberty loan originally subscribed for by such owner and still owned by him at the date of his tax return. (Mar. 3, 1919, c. 100, § 2, 40 Stat. 1310.)

750. Bonds and certificates of indebtedness beneficially owned by nonresident aliens not engaged in business in United States exempt from taxation.—Notwithstanding the provisions of the Second Liberty Bond Act (September 24, 1917, chapter 56, Fortieth Statutes, page 288) or of chapter 10 of Title 15, (War Finance Corporation Act) or of any other law, bonds, notes, and certificates of indebtedness of the United States and bonds of the War Finance Corporation shall, while beneficially owned by a nonresident alien individual, or a foreign corporation, partnership, or association, not engaged in business in the United States, be exempt both as to principal and interest from any and all taxation imposed on July 9, 1918 or thereafter by the United States, any State, or any of the possessions of the United States or by any local taxing authority. (July 9, 1918, c. 142. § 3, 40 Stat. 845; Mar. 3, 1919, c. 100, § 4, 40 Stat. 1311.)

751. Consols of 1930, interest, payment, exemption from taxes.—The bonds of the United States bearing interest at 5 per centum per annum, payable February 1, 1904, and any bonds of the United States bearing interest at 4 per centum per annum, payable July 1, 1907, and any bonds of the United States bearing interest at 3 per centum per annum, payable August 1, 1908, exchanged for an equal amount of coupon or registered bonds of the United States in the form prescribed by the Secretary of the Treasury, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per centum per annum, payable quarterly, shall be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the standard value on March 14, 1900, and be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. (Mar. 14, 1900, c. 41, § 11, 31 Stat. 48.)

752. Second, third, and fourth Liberty loans; amount; bonds.—The Secretary of the Treasury, with the approval of the President, is authorized to borrow, from time to time, on the credit of the United States for the purposes of sections 752 to 754, 757, 758, 760, 764 to 766, 769, 771, 773, and 774 of this title, and to meet expenditures authorized for the national security and defense and other public purposes authorized by law, not exceeding in the aggregate $20,000,000,000, and to issue therefor bonds of the United States, in addition to the $2,000,000,000 bonds already issued or offered for subscription under authority of the Act approved April 24, 1917 (chapter 4, Fortieth Statutes, page 35), entitled "An Act to authorize an issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend credit to foreign governments, and for other purposes": *Provided*, That of this sum $3,063,945,460 shall be in lieu of that amount of the unissued bonds authorized by sections 1 and 4 of said Act approved April 24, 1917, $225,000,000 shall be in lieu of that amount of the unissued bonds authorized by section 39 of the Act approved August 5, 1909 (chapter 6, Thirty-sixth Statutes, page 117), $150,000,000 shall be in lieu of the unissued bonds authorized by the joint resolution approved March 4, 1917 (chapter 191, Thirty-ninth Statutes, page 1201), and $100,000,000 shall be in lieu of the unissued bonds authorized by section 400 of the Act approved March 3, 1917 (chapter 159, Thirty-ninth Statutes, page 1002).

The bonds herein authorized shall be in such form or forms and denomination or denominations and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding 4¼ per centum per annum, and time or times of payment of interest, as the Secretary of the Treasury from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States gold coin of the present standard of value.

The bonds herein authorized shall from time to time first be offered at not less than par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury from time to time, as will in his opinion give the people of the United States as nearly as may be an equal opportunity to participate therein, but he may make allotment in full upon applications for smaller amounts of bonds in advance of any date which he may set for the closing of subscriptions and may reject or reduce allotments upon later applications and applications for larger amounts, and may reject or reduce allotments upon applications from incorporated banks and trust companies for their own account and make allotment in full or larger allotments to others, and may establish a graduated scale of allotments, and may from time to time adopt any or all of said methods, should any such action be deemed by him to be in the public interest: *Provided*, That such reduction or increase of allotments of such bonds shall be made under general rules to be prescribed by said Secretary and shall apply to all subscribers similarly situated. And any portion of the bonds so offered and not taken may be otherwise disposed of by the Secretary of the Treasury in such manner and at such price or prices, not less than par, as he may determine. The Secretary may make special arrangements for subscriptions at not less than par from persons in the military or naval forces of the United States, but any bonds issued to such persons shall be in all respects the same as other bonds of the same issue. (Sept. 24, 1917, c. 56, § 1, 40 Stat. 288; Apr. 4, 1918, c. 44, § 1, 40 Stat. 502; July 9, 1918, c. 142, § 1, 40 Stat. 844.)

753. United States notes; (a) Authority to issue; amount; forms and denominations; interest; payment and redemption.—In addition to the bonds and certificates of indebtedness and war-savings certificates authorized by sections 752 to 754, 757, 758, 760, 764 to 766, 769, 771, 773 and 774 of this title, the Secretary of the Treasury, with the approval of the President, is authorized to borrow from time to time on the credit of the United States for the purposes of said sections, to provide for the purchase or redemption of any notes issued thereunder, and to meet public expenditures authorized by law, not exceeding in the aggregate $7,500,000,000 at any one time outstanding, and to issue therefor notes of the United States at not less than par in such form or forms and denomination or denominations, containing such terms and conditions, and at such rate or rates of interest, as the Secretary of the Treasury may prescribe, and each series of notes so issued shall be payable at such time not less than one year nor more than five years from the date of its issue as he may prescribe, and may be redeemable before maturity (at the option of the United States) in whole or in part, upon not more than one year's nor less than four months' notice, and under such rules and regulations and during such period as he may prescribe.

(b) Series; exemptions.—The notes herein authorized may be issued in any one or more of the following series as the Secretary of the Treasury may prescribe in connection with the issue thereof:

(1) Exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes) imposed on September 14, 1917, or thereafter by the United States, any State, or any of the possessions of the United States, or by any local taxing authority;

(2) Exempt, both as to principal and interest, from all taxation imposed on September 14, 1917, or thereafter by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, imposed on September 14, 1917, or thereafter by the United States, upon the income or profits of individuals, partnerships, associations, or corporations;

(3) Exempt, both as to principal and interest, as provided in paragraph (2); and with an additional exemption from the taxes referred to in clause (b) of such paragraph, of the interest on an amount of such notes the principal of which does not exceed $30,000, owned by any individual, partnership, association, or corporation; or

(4) Exempt, both as to principal and interest, from all taxation imposed on September 14, 1917, or thereafter by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) all income, excess-profits, and war-profits taxes, imposed on September 14, 1917, or thereafter by the United States, upon the income or profits of individuals, partnerships, associations, or corporations.

(c) Conversion into other series.—If the notes authorized under this section are offered in more than one series bearing the same date of issue, the holder of notes of any such series shall (under such rules and regulations as may be prescribed by the Secretary of the Treasury) have the option of having such notes held by him converted at par into notes of any other such series offered bearing the same date of issue.

(d) No circulation privileges; payment in gold coin; "bond" or "bonds" defined.—None of the notes authorized by this section shall bear the circulation privilege. The principal and interest thereof shall be payable in United States gold coin of the present standard of value. The word "bond" or "bonds" where it appears in sections 735 to 738, 760, 765, 771 and 773 of this title and section 84 of Title 12, but in such sections only, shall be deemed to include notes issued under this section. (Sept. 24, 1917, c. 56, § 18; Mar. 3, 1919, c. 100, § 1, 40 Stat. 1309; Nov. 23, 1921, c. 136, § 1401, 42 Stat. 321.)

754. Second and third Liberty loans; additional loans; certificates of indebtedness.—In addition to the bonds authorized by section 752 of this title the Secretary of the Treasury is authorized to borrow from time to time, on the credit of the United States, for the purposes of sections 752 to 754, 757, 758, 760, 764 to 766, 769, 771, 773, and 774 of this title, and to meet public expenditures authorized by law, such sum or sums as in his judgment may be necessary, and to issue therefor certificates of indebtedness of the United States at not less than par in such form or forms and subject to such terms and conditions and at such rate or rates of interest as he may prescribe; and each certificate so issued shall be payable at such time not exceeding one year from the date of its issue, and may be redeemable before maturity upon such terms and conditions, and the interest accruing thereon shall be payable at such time or times as the Secretary of the Treasury may prescribe. The sum of such certificates outstanding hereunder and under section 755 of this title, shall not at any time exceed in the aggregate $10,000,000,000. (Sept. 24, 1917, c. 56, § 5, 40 Stat. 290; Apr. 4, 1918, c. 44, § 4, 40 Stat. 504; Mar. 3, 1919, c. 100, § 3, 40 Stat. 1311.)

755. First Liberty loan; certificates of indebtedness.—In addition to the bonds authorized by sections 1 and 4 of the Act of April 24, 1917 (chapter 4, Fortieth Statutes, page 36), the Secretary of the Treasury is authorized to borrow from time to time, on the credit of the United States, for the purposes of said Act and to meet public expenditures authorized by law, such sum or sums as, in his judgment, may be necessary, and to issue therefor certificates of indebtedness at not less than par in such form and subject to such terms and conditions and at such rate of interest, not exceeding 3½ per centum per annum, as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe. Certificates of indebtedness herein authorized shall not bear the circulation privilege, and the sum of such certificates outstanding shall at no time exceed in the aggregate $2,000,000,000, and such certificates shall be exempt, both as to principal and interest, from all taxation, except estate or inheritance taxes, imposed by authority of the United States, or its possessions, or by any State or local taxing authority. (Apr. 24, 1917, c. 4, § 6, 40 Stat. 36.)

756. Loans to meet public expenditures; certificates of indebtedness; limitation; counterfeiting.—The Secretary of the Treasury is authorized to borrow, from time to time, at a rate of interest not exceeding 3 per centum per annum, such sum or sums as in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form and in such denominations as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the sum of such certificates outstanding shall at no time exceed $300,000,000, and the provisions of existing law respecting counterfeiting and other fraudulent practices are extended to the bonds and certificates of indebtedness authorized by this section. (June 13, 1898, c. 448, § 32, 30 Stat. 466; Aug. 5, 1909, c. 6, § 40, 36 Stat. 117; Mar. 3, 1917, c. 159, § 401, 39 Stat. 1003.)

757. Second and third Liberty loans; additional loans; war-savings certificates.—In addition to the bonds authorized by section 752 of this title and the certificates of indebtedness authorized by section 754 of this title, the Secretary of the Treasury is authorized to borrow from time to time, on the credit of the United States, for the purposes of sections 752 to 754, 757, 758, 760, 764 to 766, 769, 771, 773 and 774 of this title and to meet public expenditures authorized by law, such sum or sums as in his judgment may be necessary, and to issue therefor, at such price or prices and upon such terms and conditions as he may determine, war-savings certificates of the United States on which interest to maturity may be discounted in advance at such rate or rates and computed in such manner as he may prescribe. Such war-savings certificate shall be in such form or forms and subject to such terms and conditions, and may have such provisions for payment thereof before maturity, as the Secretary of the Treasury may prescribe. Each war-savings certificate so issued shall be payable at such time, not exceeding five years from the date of its issue, and may be redeemable before maturity, upon such terms and conditions as the Secretary of the Treasury may prescribe. The sum of such war-savings certificates outstanding shall not at any one time exceed in the aggregate $4,000,000,000. It shall not be lawful for any one person at any one time to hold war-savings certificates of any one series to an aggregate amount exceeding $5,000. The Secretary of the Treasury may, under such regulations and upon such terms and conditions as he may prescribe, issue, or cause to be issued, stamps to evidence payments for or on account of such certificates. (Sept. 24, 1917, c. 56, § 6, 40 Stat. 291; Sept. 24, 1918, c. 176, § 2, 40 Stat. 966; Nov. 23, 1921, c. 136, § 1402, 42 Stat. 321.)

758. Bonds and certificates not to bear circulation privilege.—None of the bonds authorized by section 752 of this title nor of the certificates authorized by sections 754 and 757 of this title shall bear the circulation privilege. (Sept. 24, 1917, c. 56, § 7, 40 Stat. 291.)

759. First Liberty loan; appropriation to pay expenses.—In order to pay all necessary expenses, including rent, connected with any operations under sections 746, 755, 759, 764, and 804 of this title, a sum not exceeding one-tenth of 1 per centum of the amount of certificates of indebtedness therein authorized is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct: *Provided*, That, in addition to the reports required by law, the Secretary of the Treasury shall, annually, on the first Monday in December, transmit to the Congress a detailed statement of all expenditures under such sections. (Apr. 24, 1917, c. 4, § 8, 40 Stat. 37.)

760. Second and third Liberty loans; appropriation to pay expenses of issue of bonds; report of expenditures.—In order to pay all necessary expenses, including rent, connected with any operations under sections 752 to 754, 757, 758, 760, 764 to 766, 769, 771, and 773 of this title, a sum not exceeding one-fifth of 1 per centum of the amount of bonds and war-saving certificates and one-tenth of 1 per centum of the amount of certificates of indebtedness therein authorized is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct: *Provided*, That in addition to the reports required by law, the Secretary of the Treasury shall, annually on the first Monday in December, transmit to the Congress a detailed statement of all expenditures under such sections. (Sept. 24, 1917, c. 56, § 10, 40 Stat. 292.)

761. Appropriations for expense available for subsequent public debt issues.—The appropriations contained in sections 759 and 760 of this title, are hereby made applicable to any operations arising in connection with any public debt issues made subsequently to June 30, 1921, pursuant to the authority contained in sections 746, 752 to 755, 757 to 760, 764 to 766, 769, 771, 773 and 804 of this title, and section 84 of Title 12, as amended and supplemented: *Provided*, That with respect to operations on account of any such issue made after June 16, 1921, such appropriations shall be available only until the close of the fiscal year next following the fiscal year in which such

issue was made. (May 29, 1920, c. 214, § 1, 41 Stat. 646; June 16, 1921, c. 23, § 1, 42 Stat. 36.)

762. Expenses of sale and distribution of war-savings and thrift stamps.—The Secretary of the Treasury is authorized and directed to advance to the Postmaster General from the appropriation for expenses of preparation and issuance of war-savings stamps such sums as may be necessary to meet the expenses of the Post Office Department for clerical service and other necessary expenditures in connection with the distribution, sale, and keeping of accounts of war-savings and thrift stamps. (Nov. 4, 1918, c. 201, § 1, 40 Stat. 1035.)

763. First and second Liberty loans; bonds; conversion into bonds bearing higher interest rate; extension of time for.—The privilege of converting 4 per centum bonds of the first Liberty loan converted and 4 per centum bonds of the second Liberty loan into 4¼ per centum bonds, which privilege arose on May 9, 1918, and expired on November 9, 1918, may be extended by the Secretary of the Treasury for such period, upon such terms and conditions and subject to such rules and regulations, as he may prescribe. For the purpose of computing the amount of interest payable, bonds presented for conversion under any such extension shall be deemed to be converted on the dates for the payment of the semiannual interest on the respective bonds so presented for conversion next succeeding the date of such presentation. (Mar. 3, 1919, c. 100, § 5, 40 Stat. 1311.)

764. Use of proceeds; exchange of bonds.—Bonds shall be issued from time to time upon the interchange of bonds of different denominations and of coupon and registered bonds and upon the transfer of registered bonds issued under sections 1 and 4 of the Act of April 24, 1917 (chapter 4, Fortieth Statutes, page 36), under such rules and regulations as the Secretary of the Treasury shall prescribe, and, if and to the extent that the privilege of conversion provided for in such bonds shall arise and shall be exercised, in accordance with such provision for such conversion. The proceeds of the bonds authorized by section 752 of this title may be used for the purpose of defraying expenditures, and to reimburse the Treasury for expenditures not covered by previous issues of bonds, on account of the Panama Canal; to raise the money necessary to carry into effect the provisions of section 79 of Title 50, relative to the production of nitrates; to meet expenditures and reimburse the Treasury for expenditures on account of the Mexican situation, the construction of the armor plate plant, the construction of the Alaskan railway, and the purchase of the Danish West Indies; to meet emergency expenditures directed by the President for naval construction or the expediting thereof; and to redeem the 3 per centum loan of 1908 to 1918, maturing August 1, 1918. (Sept. 24, 1917, c. 56, § 11, 40 Stat. 292; Apr. 24, 1917, c. 4, § 4, 40 Stat. 36.)

765. Bonds receivable in payment of estate or inheritance taxes.—Any bonds of the United States bearing interest at a higher rate than 4 per centum per annum (whether issued under section 752 of this title or upon conversion of bonds issued under that section or under the Act of April 24, 1917, (chapter 4, Fortieth Statutes, page 35), which have been owned by any person continuously for at least six months prior to the date of his death, and which upon such date constitute part of his estate, shall, under rules and regulations prescribed by the Secretary of the Treasury, be receivable by the United States at par and accrued interest in payment of any estate or inheritance taxes imposed by the United States, under or by virtue of any present or future law upon such estate or the inheritance thereof. (Sept. 24, 1917, c. 56, § 14; Apr. 4, 1918, c. 44, § 6, 40 Stat.)

766. Bonds or certificates payable in foreign money.—Any of the bonds or certificates of indebtedness authorized by sections 752 to 754, 757, 758, 760, 764 to 766, 769, 771, 773, and 774 of this title may be issued by the Secretary of the Treasury payable, principal and interest, in any foreign money or foreign moneys, as expressed in such bonds or certificates, but not also in United States gold coin, and he may dispose of such bonds or certificates in such manner and at such prices, not less than par, as he may determine, without compliance with the provisions of the third paragraph of section 752 of this title. In determining the amount of bonds and certificates issuable under said section the dollar equivalent of the amount of any bonds or certificates payable in foreign money or foreign moneys shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint, and proclaimed by the Secretary of the Treasury, in pursuance of the provisions of section 372 of this title. The Secretary of the Treasury may designate depositaries in foreign countries, with which may be deposited as he may determine all or any part of the proceeds of any bonds or certificates authorized by said sections payable in foreign money or foreign moneys. (Sept. 24, 1917, c. 56, § 16; Apr. 4, 1918, c. 44, § 6, 40 Stat.)

767. Sinking fund for retirement of Liberty bonds and notes.—There is created in the Treasury a cumulative sinking fund for the retirement of bonds and notes issued under sections 752 to 755 and 757 of this title (the First Liberty Bond Act, the Second Liberty Bond Act, the Third Liberty Bond Act, the Fourth Liberty Bond Act, and the Victory Liberty Loan Act) and the First Liberty Bond Act (April 24, 1917, chapter 4, Fortieth Statutes, page 35), and outstanding on July 1, 1920, and of bonds and notes thereafter issued, under any of such sections, for refunding purposes. The sinking fund and all additions thereto are hereby appropriated for the payment of such bonds and notes at maturity, or for the redemption or purchase thereof before maturity by the Secretary of the Treasury at such prices and upon such terms and conditions as he shall prescribe, and shall be available until all such bonds and notes are retired. The average cost of the bonds and notes purchased shall not exceed par and accrued interest. Bonds and notes purchased, redeemed, or paid out of the sinking fund shall be canceled and retired and shall not be reissued. For each fiscal year, until all such bonds and notes are retired there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of such sinking fund, an amount equal to the sum of (1) 2½ per centum of the aggregate amount of such bonds and notes outstanding on July 1, 1920, less an amount equal to the par amount of any obligations of foreign governments held by the United States on July 1, 1920, and (2) the interest which would have been payable during the fiscal year for which the appropriation is made on the bonds and notes purchased, redeemed, or paid out of the sinking fund during such year or in previous years.

The Secretary of the Treasury shall submit to Congress at the beginning of each regular session a separate annual report of the action taken under the authority contained in this section. (Mar. 3, 1919, c. 100, § 6, 40 Stat. 1311; Mar. 2, 1923, c. 179, 42 Stat. 1427.)

768. Bonds and certificates of indebtedness payable in gold coin.—Any bonds and certificates of indebtedness of the United States issued after February 4, 1910, shall be payable, principal and interest, in United States gold coin of the standard of value on February 4, 1910; and such bonds may be issued in such denomination as may be prescribed by the Secretary of the Treasury. (Feb. 4, 1910, c. 25, § 1, 36 Stat. 192; Mar. 3, 1917, c. 159, § 400, 39 Stat. 1002; Mar. 4, 1917, c. 191, 39 Stat. 1201; Apr. 24, 1917, c. 4, § 1, 40 Stat. 35.)

769. Certificates of indebtedness; taxation; expense of issue.—Any certificates of indebtedness issued after February 4, 1910, shall be exempt from all taxes or duties of the United

States (but, in the case of certificates issued after September 1, 1917, only if and to the extent provided in connection with the issue thereof), as well as from taxation in any form by or under State, municipal, or local authority; and a sum not exceeding one-tenth of 1 per centum of the amount of any certificates of indebtedness issued is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same. (Feb. 4, 1910, c. 25, § 2, 36 Stat. 192; Sept. 24, 1917, c. 56, § 11, 40 Stat. 292.)

770. Certain bonds not receivable as security for national bank circulating notes.—The bonds issued under section 39 of the Act of August 5, 1909 (chapter 6, Thirty-sixth Statutes, page 117), which carry a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks shall not be receivable for that purpose. (Mar. 2, 1911, c. 195, 36 Stat. 1013.)

771. Deposit of proceeds of sales of Liberty bonds, certificates of indebtedness, and war-savings certificates.—The Secretary of the Treasury, in his discretion, is authorized to deposit, in such incorporated banks and trust companies as he may designate, the proceeds, or any part thereof, arising from the sale of the bonds and certificates of indebtedness and war-savings certificates authorized by this section and sections 752 to 754, 757, 758, 760, 764 to 766, 769, 773, and 774 of this title, and by the "First Liberty Bond Act" (Act of April 24, 1917, chapter 4, Fortieth Statutes, page 35) and arising from the payment of income taxes, and such deposits shall bear such rate or rates of interest, and shall be secured in such manner, and shall be made upon and subject to such terms and conditions as the Secretary of the Treasury may from time to time prescribe: *Provided*, That the provisions of sections 141 to 143 of Title 12, with reference to the reserves required to be kept by national banking associations and other member banks of the Federal reserve system, shall not apply to deposits of public moneys by the United States in designated depositaries. (Sept. 24, 1917, c. 56, § 8, 40 Stat. 291; Oct. 3, 1917, c. 63, § 214, 40 Stat. 308; Apr. 4, 1918, c. 44, § 5, 40 Stat. 504.)

772. Fiscal agents.—Any incorporated bank or trust company designated as a depositary by the Secretary of the Treasury under the authority conferred by section 771 of this title, which gives security for such deposits as, and to amounts, by him prescribed, may, upon and subject to such terms and conditions as the Secretary of the Treasury may prescribe, act as a fiscal agent of the United States in connection with the operations of selling and delivering any bonds, certificates of indebtedness, or war-savings certificates of the United States. (July 9, 1918, c. 142, § 4, 40 Stat. 845.)

773. Performance of services by postal employees in connection with bonds, etc.—In connection with the operations of advertising, selling, and delivering any bonds, certificates of indebtedness, or war-savings certificates of the United States provided for in this section and sections 752 to 754, 757, 758, 760, 764 to 766, 769, and 771 of this title, the Postmaster General, under such regulations as he may prescribe, shall require, at the request of the Secretary of the Treasury, the employees of the Post Office Department and of the Postal Service to perform such services as may be necessary, desirable, or practicable, without extra compensation. (Sept. 24, 1917, c. 56, § 9, 40 Stat. 292.)

774. Short titles of Acts.—The short titles of the following Acts referred to or included, wholly or partly in this chapter, shall be as follows: (1) The short title of the Act of April 24, 1917 (chapter 4, Fortieth Statutes, page 35), shall be "First Liberty Bond Act."

(2) The short title of the Act of September 24, 1917 (chapter 56, Fortieth Statutes, page 288), shall be "Second Liberty Bond Act."

(3) The short title of the Act of April 4, 1918 (chapter 44, Fortieth Statutes, page 502), shall be "Third Liberty Bond Act."

(4) The short title of the Act of July 9, 1918 (chapter 142, Fortieth Statutes, page 844), shall be "Fourth Liberty Bond Act."

(5) The short title of the Act of September 24, 1918 (chapter 176, Fortieth Statutes, page 965), shall be "Supplement to Second Liberty Bond Act."

(6) The short title of the Act of March 3, 1919 (chapter 100, Fortieth Statutes, page 1309), shall be "Victory Liberty Loan Act." (Apr. 24, 1917, c. 4, § 9, 40 Stat. 506; Sept. 24, 1917, c. 56, § 17, 40 Stat. 506; Apr. 4, 1918, c. 44, § 8, 40 Stat. 506; July 9, 1918, c. 142, § 5, 40 Stat. 845; Sept. 24, 1918, c. 176, § 7, 40 Stat. 967; Mar. 3, 1919, c. 100, § 11, 40 Stat. 1314.)

OBLIGATIONS OF FOREIGN GOVERNMENTS

801. Conversion into obligations bearing higher interest rate; sale of obligations; redemption of United States bonds.—Except as otherwise provided in sections 805 to 809 of this title, the Secretary of the Treasury is authorized, from time to time, to exercise in respect to any obligations of foreign governments acquired under authority of the First or Second Liberty Bond Acts (April 24, 1917, chapter 4, Fortieth Statutes, page 35; September 24, 1917, chapter 56, Fortieth Statutes, page 288) any privilege of conversion into obligations bearing interest at a higher rate provided for in or pursuant to such Acts, and to convert any short-time obligations of foreign governments which may have been purchased under the authority of such Acts into long-term obligations of such foreign governments, respectively, maturing not later than the bonds of the United States then last issued under the authority of such Acts, and in such form and terms as the Secretary of the Treasury may prescribe; but the rate or rates of interest borne by any such long-time obligations at the time of their acquisition shall not be less than the rate borne by the short-time obligations so converted into such long-time obligations; and, under such terms and conditions as he may from time to time prescribe, to receive payment, on or before maturity, of any obligations of such foreign governments acquired on behalf of the United States under authority of such Acts, and, with the approval of the President, to sell any of such obligations (but not at less than the purchase price with accrued interest unless otherwise hereafter provided by law), and to apply the proceeds thereof, and any payments so received from foreign governments on account of the principal of their said obligations, to the redemption or purchase, at not more than par and accrued interest, of any bonds of the United States issued under authority of such Acts; and if such bonds can not be so redeemed or purchased the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to redemption or which can be purchased at not more than par and accrued interest. (Sept. 24, 1917, c. 56, § 3, 40 Stat. 289.)

802. Conversion of short-time obligations of foreign governments into long-time obligations; interest; payment of obligations.—Except as otherwise provided in sections 805 to 809 of this title, the Secretary of the Treasury is authorized from time to time to convert any short-time obligations of foreign governments which may be received under the authority of paragraph (a) of section 7 of the Act of March 3, 1919 (chapter 100, Fortieth Statutes, page 1312), into long-time obligations of such foreign governments, respectively, maturing not later than October 15, 1938, and in such form and terms as the Secretary of the Treasury may prescribe; but the rate or rates of interest borne by any such long-time obligations at the time of their acquisition shall not be less than the rate borne by the short-time obligations so converted into such long-time obligations; and, under such terms and conditions as he may from time to time prescribe, to receive payment, on or before maturity, of any obligations of such foreign

governments acquired on behalf of the United States under authority of this section, and said paragraph "a" of section 7 of the Act of March 3, 1919 (chapter 100, Fortieth Statutes, page 1312), and, with the approval of the President, to sell any of such obligations (but not at less than par with accrued interest unless otherwise hereafter provided by law), and to apply the proceeds thereof, and any payments so received from foreign governments on account of the principal of such obligations, to the redemption or purchase, at not more than par and accrued interest, of any bonds of the United States issued under the authority of the First Liberty Bond Act or section 752 of this title, and if such bonds can not be so redeemed or purchased, the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to redemption or which can be purchased at not more than par and accrued interest. (Mar. 3, 1919, c. 100, § 7, 40 Stat. 1312.)

803. Maturity of obligations of foreign governments.—Except as otherwise provided in sections 805 to 809 of this title, the obligations of foreign governments acquired by the Secretary of the Treasury by virtue of the provisions of the First Liberty Bond Act (April 24, 1917, chapter 4, Fortieth Statutes, page 35), and the Second Liberty Bond Act (September 24, 1917, chapter 56, Fortieth Statutes, page 288), and amendments and supplements thereto, shall mature at such dates as shall be determined by the Secretary of the Treasury: *Provided*, That such obligations acquired by virtue of the provisions of the First Liberty Bond Act, or through the conversion of short-time obligations acquired under such Act, shall mature not later than June 15, 1947, and all other such obligations of foreign governments shall mature not later than October 15, 1938. (Mar. 3, 1919, c. 100, § 8, 40 Stat. 1313.)

804. Payment before maturity or sale of obligations of foreign governments.—Except as otherwise provided in sections 805 to 809 of this title, the Secretary of the Treasury, under such terms and conditions as he may prescribe, is authorized to receive on or before maturity payment for any obligations of foreign governments purchased on behalf of the United States, under the First Liberty Bond Act (April 24, 1917, chapter 4, Fortieth Statutes, page 35), and to sell at not less than the purchase price any of such obligations and to apply the proceeds thereof, and any payments made by foreign governments on account of their said obligations to the redemption or purchase at not more than par and accrued interest of any bonds of the United States issued under authority of such Act; and if such bonds are not available for this purpose the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to call or which may be purchased at not more than par and accrued interest. (Apr. 24, 1917, c. 4, § 3, 40 Stat. 35.)

805. World War Foreign Debt Commission; members; appointment.—A World War Foreign Debt Commission is created consisting of eight members, one of whom shall be the Secretary of the Treasury who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party. (Feb. 9, 1922, c. 47, § 1, 42 Stat. 363; Feb. 28, 1923, c. 146, § 2, 42 Stat. 1326.)

806. Powers of commission as to refunding, conversion, or extension of time of payment of obligations of foreign governments.—Subject to the approval of the President, the commission created by section 805 of this title is authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign government held on February 9, 1922, by the United States of America, or any obligation of any foreign government thereafter or hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign government in substitution for the bonds or other obligations of such government held on February 9, 1922, or thereafter or hereafter by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America. (Feb. 9, 1922, c. 47, § 2, 42 Stat. 363; Feb. 28, 1923, c. 146, § 1, 42 Stat. 1325.)

807. Exchange of bonds or obligations or cancellation of obligations not authorized.—Sections 805 to 809 of this title shall not be construed to authorize the exchange of bonds or other obligations of any foreign government for those of any other foreign government, or cancellation of any part of such indebtedness except through payment thereof. (Feb. 9, 1922, c. 47, § 3, 42 Stat. 363.)

808. Termination of authority granted.—The authority granted by sections 805 to 809 of this title shall cease and determine on February 9, 1927. (Feb. 9, 1922, c. 47, § 4, 42 Stat. 363; Jan. 21, 1925, c. 86, 43 Stat. 763.)

809. Annual report of commission; copies of refunding agreements for Congress.—The annual report of this commission shall be included in the annual report of the Secretary of the Treasury on the state of the finances, but said commission shall immediately transmit to the Congress copies of any refunding agreements entered into, with the approval of the President, by each foreign government upon the completion of the authority granted under the provisions of sections 805 to 809 of this title. (Feb. 9, 1922, c. 47, § 5, 42 Stat. 363.)

MONOPOLIES

See Title 15, COMMERCE AND TRADE.

MORTGAGES OF VESSELS

See Title 46, SHIPPING.

MOTOR BOATS

See Title 46, SHIPPING.

MUNITIONS PLANTS

See Title 50, WAR.

NARCOTICS

See Title 21, FOOD AND DRUGS; Title 26, INTERNAL REVENUE.

NATIONAL AGRICULTURAL CREDIT CORPORATIONS

See Title 12, BANKS AND BANKING.

NATIONAL BANKS

See Title 12, BANKS AND BANKING.

NATIONAL BUDGET AND AUDIT SYSTEM

See Title 31, MONEY AND FINANCE.

NATIONAL CEMETERIES

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

NATIONAL DEFENSE

See Title 10, ARMY; Title 32, NATIONAL GUARD; Title 34, NAVY; Title 50, WAR.

NATIONAL FORESTS

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15. Inspections of National Guard.
16. Disbanding or reduction of strength.

Section 1. Composition and classes of militia.—The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia. (June 3, 1916, c. 134, § 57, 39 Stat. 197.)

2. Militia exclusively a land force.—The provisions of this title in respect to the militia shall be applicable only to militia organized as a land force. (June 3, 1916, c. 134, § 117, 39 Stat. 212.)

3. Exemptions from militia duty.—The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant. (June 3, 1916, c. 134, § 59, 39 Stat. 197.)

4. Composition of National Guard.—The National Guard shall consist of regularly enlisted men who upon original enlistment shall be not less than eighteen nor more than forty-five years of age, or who in subsequent enlistments shall not be more than sixty-four years of age, organized, armed, and equipped as hereinafter provided, and of commissioned officers and warrant officers between the ages of twenty-one and sixty-four years: *Provided*, That in cases of appointments of warrant officers or enlistments made in accordance with National Guard regulations, no payments heretofore made to such warrant officers and enlisted men for participating in exercises or performing the duties described in sections 62, 63, 64, and 65 of this title, or any bona fide claim therefor, shall be held or considered invalid because such warrant officer or enlisted man was of an age greater than forty-five years at the time of his appointment or enlistment or at the time of the performance of such duties. (June 3, 1916, c. 134, § 58, 39 Stat. 197; Feb. 28, 1925, c. 371, § 1, 43 Stat. 1075.)

5. Organization of tactical units.—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units. The National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States. (June 4, 1920, c. 227, subchapter I, § 36, 41 Stat. 780.)

6. Location of units and headquarters.—The States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders. (June 3, 1916, c. 134, § 68, 39 Stat. 200.)

7. Location and designation of units comprised entirely within State or Territory.—Subject to general regulations approved by the Secretary of War, the location and designation of units of the National Guard entirely comprised within the limits of any State or Territory shall be determined by a board, a majority of whom shall be reserve officers, including reserve officers who hold or have held commissions in the National Guard and recommended for this duty by the governor of the State or Territory concerned. (June 4, 1920, c. 227, subchapter I, § 3, 41 Stat. 760.)

8. Assignment of National Guard to divisions, brigades, etc.; commanding officers.—For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers either from the National Guard or the Regular Army to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced under the provisions of this section. (June 3, 1916, c. 134, § 64, 39 Stat. 198.)

9. Authorized officers and men of staff corps and departments.—The National Guard of any State, Territory, or the District of Columbia shall include such officers and enlisted

men of the staff corps and departments, corresponding to those of the Regular Army, as may be authorized by the Secretary of War. (July 9, 1918, c. 143, 40 Stat. 875.)

10. Chiefs of staff of divisions.—The President may detail one officer of the Regular Army as chief of staff and one officer of the Regular Army or the National Guard as assistant to the chief of staff of any division of the National Guard in the service of the United States as a National Guard organization: *Provided*, That, in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each fully organized tactical division of the National Guard. (June 3, 1916, c. 134, § 65, 39 Stat. 199.)

11. Adjutant general for each State, Territory, and District of Columbia.—There shall be appointed in each State, Territory, and the District of Columbia an adjutant general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively. (Jan. 21, 1903, c. 196, § 12, 32 Stat. 776.)

12. Appointment of adjutant generals for Territories and District of Columbia.—The adjutant generals of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed. (June 3, 1916, c. 134, § 66, 39 Stat. 199.)

13. Annual reports by adjutant generals of States, etc.—The adjutant generals of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe. (June 3, 1916, c. 134, § 66, 39 Stat. 199.)

14. Annual report of Secretary of War to contain abstract of reports of adjutant generals.—The Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutant generals of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress. (Jan. 21, 1903, c. 196, § 12, 32 Stat. 776.)

15. Inspections of National Guard.—The Secretary of War shall cause an inspection to be made at least once each year by inspector generals, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this title. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this title, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this title. (June 3, 1916, c. 134, § 93, 39 Stat. 206.)

16. Disbanding or reduction of strength.—No organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this title, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President. (June 3, 1916, c. 134, § 68, 39 Stat. 200.)

Chapter 2.—FUNDS FOR SUPPORT OF NATIONAL GUARD.

Sec.
21. Annual appropriation.
22. Apportionment and disbursement of appropriation.
23. Proceeds of sale of disused target ranges.
24. Forfeiture of right to allotment of appropriation.
25. Annual estimates of expenses.
26. Reduction of certain units to meet appropriation.

Section 21. Annual appropriation.—A sum of money shall be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are or may be authorized by law. (June 3, 1916, c. 134, § 67, 39 Stat. 199.)

22. Apportionment and disbursement of appropriation.—The appropriation provided for in section 21 of this title shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 19 of Title 37, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are or may be authorized by law. (Sept. 22, 1922, c. 423, § 3, 42 Stat. 1034.)

23. Proceeds of sale of disused target ranges.—When any land acquired by purchase for a target range for the use of the National Guard of any State, Territory, or the District of Columbia shall have become useless or shall be found to be unavailable for such purpose the Secretary of War may cause the same to be sold either in whole or in two or more parts as he may deem best for the interests of the United States. In the disposal of such property, the Secretary of War shall cause the same to be appraised either as a whole or in two or more tracts, having due reference to the requirements of any permanent improvements made thereon; and he shall cause the property to be offered at public or private sale at not less

than the appraised value. The expenses for advertising, appraisement, survey, and sale shall be paid from the proceeds of the sale; and the net proceeds thereof shall be placed to the credit of the State, Territory, or District of Columbia, as additional to its allotment under section 49 of this title. (May 12, 1917, c. 12, 40 Stat. 67.)

24. Forfeiture of right to allotment of appropriation.—Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this title, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this title or any other law. (June 3, 1916, c. 134, § 116, 39 Stat. 212.)

25. Annual estimates of expenses.—The Secretary of War shall cause to be estimated annually the amount necessary for carrying out the provisions of law relating to the militia, and no money shall be expended under said provisions except as shall from time to time be appropriated for carrying them out. (June 3, 1916, c. 134, § 119, 39 Stat. 213.)

26. Reduction of certain units to meet appropriation.—The mounted, motorized, air, medical, and tank units and motor transport, military police, wagon and service companies of the National Guard shall be so reduced that the appropriation made for the National Guard during the fiscal year 1926 shall cover the entire cost of maintenance of such units. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 921.)

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES.

Sec.
31. Type of arms, equipment, etc.
32. Purchase of and accountability for arms and equipment.
33. Issue of arms to National Guard.
34. Issue of new types of small arms.
35. Cost of supplying new types of arms and equipment.
36. Issue of automatic pistols.
37. Issue of Field Artillery matériel.
38. Supplying and exchanging Infantry equipment; requisitions.
39. Purchase of supplies, etc., from War Department; requisition by Government after purchase.
40. Purchase of animals with National Guard funds.
42. Care of animals, armament, etc.
43. Withdrawal of Coast Artillery equipment in emergency.
44. Issue of clothing, equipment, etc.
45. Proceeds of sales of condemned stores.
46. Return of property replaced as obsolete or condemned.
47. Military property lost, destroyed, damaged, or becoming unserviceable.
48. Bond to account for travel ration fund not required.
49. Property and disbursing officers.
50. Agents of disbursing officers.

Section 31. Type of arms, equipment, etc.—The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army. (June 3, 1916, c. 134, § 82, 39 Stat. 203.)

32. Purchase of and accountability for arms and equipment.—The purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipage for the militia under the provisions of this title shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster stores, and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States. (June 22, 1906, c. 3515, § 3, 34 Stat. 450.)

33. Issue of arms to National Guard.—The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, Field Artillery matériel, Engineer, Coast Artillery, Signal, and Sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this title, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army. (June 3, 1916, c. 134, § 83, 39 Stat. 203.)

34. Issue of new types of small arms.—It shall be the duty of the Secretary of War, whenever a new type of small arm shall have been adopted for the use of the Regular Army, and when a sufficient quantity of such arms shall have been manufactured to constitute, in his discretion, an adequate reserve for the armament of any regular and volunteer forces that it may be found necessary to raise in case of war, to cause the Organized Militia of the United States to be furnished with small arms of the type so adopted, with bayonets and the necessary accouterments and equipments, including ammunition therefor. (Mar. 2, 1907, c. 2511, 34 Stat. 1174.)

35. Cost of supplying new types of arms and equipment.—Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun, shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard. (June 3, 1916, c. 134, § 84, 39 Stat. 204.)

36. Issue of automatic pistols.—Whenever in his opinion a sufficient number of automatic pistols of the standard service type, holsters, and pistol cartridge boxes therefor, shall have been procured and be available for the purpose, the Secretary of War is hereby authorized to issue, on the requisition of the governors of the several States and Territories, or of the commanding general of the Militia of the District of Columbia, such number of standard pistols, holsters, and pistol cartridge boxes therefor as are required for arming all of the Organized Militia in said States, Territories, and District of Columbia, without charging the cost or value thereof, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section 21 of this title, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new standard pistol, round for round, for corresponding

ammunition suitable to the old revolver theretofore issued to said States, Territory, or District by the United States: *Provided*, That the said standard pistols, holsters, and pistol cartridge boxes therefor shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories and the commanding general of the Militia of the District of Columbia as now required by law, and that each State, Territory, and District shall, on receipt of the new pistols, holsters, and pistol cartridge boxes, and ammunition, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation, all United States revolvers and ammunition therefor, holsters, and revolver cartridge boxes now in its possession. (Mar. 3, 1911, c. 209, 36 Stat. 1057.)

37. **Issue of Field Artillery matériel.**—The Secretary of War is authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue Field Artillery matériel to the National Guard of the several States, Territories, and the District of Columbia, but to remain the property of the United States and to be accounted for in the manner prescribed by law. (June 5, 1920, c. 240, 41 Stat. 973.)

38. **Supplying and exchanging Infantry equipment; requisitions.**—Whenever in the opinion of the Secretary of War a sufficient number of Infantry equipment, model of 1910, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue on the requisition of the governors of the several States and Territories or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith, against any allotments to said States, Territories, or the District of Columbia: *Provided*, That the equipment thus issued shall be receipted for and shall remain the property of the United States and be annually accounted for in the manner prescribed by section 49 of this title, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of 1910 equipment. (May 12, 1917, c. 12, 40 Stat. 68.)

39. **Purchase of supplies, etc., from War Department; requisition by Government after purchase.**—Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, matériel of war, and military publications furnished to the Army, in addition to those issued under the provisions of this title, at the price at which they shall be listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia. (June 3, 1916, c. 134, § 86, 39 Stat. 204.)

40. **Purchase of animals with National Guard funds.**—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of animals conforming to the Regular Army standards for the training of the National Guard, said animals to remain the property of the United States and to be used solely for military purposes. The number of animals so issued shall not exceed thirty-two for each battery of field artillery or troop of cavalry, and a proportionate number for other mounted organizations, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the training of such organizations, condemned Army animals which are no longer fit for service, but which may be suitable for the purposes of instruction, such animals to be sold as provided by law when said purposes shall have been served. (June 4, 1920, c. 227, subchapter I, § 45, 41 Stat. 783.)

42. **Care of animals, armament, etc.**—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of matériel, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be so compensated shall not exceed five for each organization, except heavier-than-air squadrons, for each of which a maximum of ten to be so compensated is hereby authorized, and shall, save as otherwise provided in the next succeeding proviso, be duly enlisted therein and detailed by the organization commander, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia: *Provided further*, That whenever it shall be found impracticable to secure the necessary competent enlisted caretakers for the matériel, animals, armament, or equipment of any organization from the duly enlisted personnel thereof, the organization commander may employ one civilian caretaker therefor who shall be entitled to such compensation as may be fixed by the Secretary of War. (June 6, 1924, c. 275, § 5, 43 Stat. 471.)

43. **Withdrawal of Coast Artillery equipment in emergency.**—In time of war, or threatened war, matériel, equipment, books of instruction, range finders, and fire-control equipment purchased for the instruction and use of State Coast Artillery organizations may, in the discretion of the Secretary of War, be withdrawn from armories or other places where it is in use by the State Coast Artillery organizations, and may be used in the fortifications of the United States. (Mar. 23, 1910, c. 115, 36 Stat. 261.)

44. **Issue of clothing, equipment, etc.**—The Secretary of War is hereby directed to issue from surplus or reserve stores and matériel on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal matériel and ammunition as may be needed by the National Guard organized under the provisions of this title. This issue shall be made without charge against militia appropriations except for actual expenses incident to such issue. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 921.)

45. **Proceeds of sales of condemned stores.**—The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages

against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard. (June 3, 1916, c. 134, § 88, 39 Stat. 205.)

46. Return of property replaced as obsolete or condemned.—Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor. (June 3, 1916, c. 134, § 85, 39 Stat. 204.)

47. Military property lost, destroyed, damaged, or becoming unserviceable.—All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition by sale or otherwise shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and shall remain available throughout the then current fiscal year and throughout the fiscal year following that in which the sales, stoppages, and collections were effected, for the purposes provided for in that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided*, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made: *Provided further*, That property issued to the National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia accountable shall be relieved from further accountability therefor; such inspection, and sale or other disposition, to be made under regulations prescribed by the Secretary of War, and to constitute as to such property a discretional substitute for the examination, report, and disposition provided for elsewhere in this section. (Feb. 28, 1925, c. 371, § 4, 43 Stat. 1077.)

48. Bond to account for travel ration fund not required.—Officers of the Organized Militia who may hereafter be furnished, under proper authority, with funds for the purchase of coffee, or other components of the travel ration for the use of their respective commands, shall not be required to furnish bonds for the safe-keeping and disbursement of the same. (May 11, 1908, c. 163, 35 Stat. 117.)

49. Property and disbursing officers.—The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, The Adjutant General or an officer of the National Guard of the State, Territory, or District of Columbia, who shall be regarded as property and disbursing officer of the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safekeeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section. (June 3, 1916, c. 134, § 67, 39 Stat. 200; July 9, 1918, c. 143, subchapter III, 40 Stat. 878.)

50. Agents of disbursing officers.—Under such regulations as may be prescribed by the Secretary of War, property and disbursing officers of the National Guard accountable for public moneys may intrust money to other officers of the National Guard for the purpose of having them make disbursements as their agents, and the officers to whom the money is intrusted, as well as the officer intrusting the same to him, shall be held pecuniarily responsible therefor to the United States, and the agent officer shall be subject for his official misconduct to all the liabilities and penalties prescribed by law in like cases for the officer for whom he acts as agent. (June 3, 1924, c. 244, § 5, 43 Stat. 365.)

Chapter 4. — INSTRUCTION, TRAINING, AND DISCIPLINE.

Sec.
61. System of discipline.
62. Company drill and participation in maneuvers, etc.; annual amount required.
63. Encampments or maneuvers for field or coast-defense instruction.
64. Camps for instruction of officers and enlisted men.
65. Officers or enlisted men selected to attend service schools or to receive practical routine instruction during field exercises.
66. Assignment of officers and men of Regular Army for instruction of National Guard.
67. Detail of officers and men of Regular Army to attend encampments, etc., of National Guard.
68. Detail of officers and men of Regular Army to duty with National Guard.
69. Acceptance by Regular Army officers of commissions in National Guard.
70. Assignment of National Guard officers to duty with Army; pay and allowances.
71. Instruction in firing; supply of ammunition.
72. Right of command during joint encampments, etc., with Regular Army.
73. Reduced rates for transportation to and from encampments, etc.
74. Offices for inspector-instructors.
75. Government employees in National Guard; leaves of absence for training periods.

Section 61. System of discipline.—The discipline (which includes training) of the National Guard shall conform to the system which is or may be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this title. (June 3, 1916, c. 134, § 91, 39 Stat. 206.)

62. Company drill and participation in maneuvers, etc.; annual amount required.—Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or when so authorized by the Secretary of War of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War. (June 3, 1924, c. 244, § 2, 43 Stat. 363.)

63. Encampments or maneuvers for field or coast-defense instruction.—Under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia, such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction. (June 3, 1916, c. 134, § 94, 39 Stat. 206.)

64. Camps for instruction of officers and enlisted men.—Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. (June 3, 1916, c. 134, § 97, 39 Stat. 207.)

65. Officers or enlisted men selected to attend service schools or to receive practical routine instruction during field exercises.—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any miltary service school of the United States, except the United States Miltary Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises. (Sept. 22, 1922, c. 423, § 5, 42 Stat. 1035.)

66. Assignment of officers and men of Regular Army for instruction of National Guard.—For duty in the Militia Bureau and for instruction of the National Guard, the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

67. Detail of officers and men of Regular Army to attend encampments, etc., of National Guard.—The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory. (Jan. 21, 1903, c. 196, § 19, 32 Stat. 778; June 3, 1916, c. 134, § 96, 39 Stat. 207.)

68. Detail of officers and men of Regular Army to duty with National Guard.—The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia. The Secretary of War may detail one or more enlisted men of the Regular Army with each State, Territory, or District of Co-

lumbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as provided by law. (June 3, 1916, c. 134, § 100, 39 Stat. 208.)

69. Acceptance by Regular Army officers of commissions in National Guard.—The officers detailed under section 68 of this title may accept commissions in the National Guard, with the permission of the President and terminable in his discretion, without vacating their commissions in the Regular Army or being prejudiced in their relative or lineal standing therein. (June 3, 1916, c. 134, § 100, 39 Stat. 208.)

70. Assignment of National Guard officers to duty with Army; pay and allowances.—The President may assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding five hundred officers of the active federally recognized National Guard, and who are reserve officers, to duty with the Regular Army, in addition to those attending service schools. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

71. Instruction in firing; supply of ammunition.—The troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander. (Jan. 21, 1903, c. 196, § 21, 32 Stat. 779.)

72. Right of command during joint encampments, etc., with Regular Army.—When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction at a United States military post, or reservation, or elsewhere, if in conjunction with troops of the United States, the command of such military post or reservation and of the officers and troops of the United States on duty there or elsewhere shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments, maneuvers, or other exercises. (June 3, 1916, c. 134, § 95, 39 Stat. 207.)

73. Reduced rates for transportation to and from encampments, etc.—Nothing in chapter 1 of Title 49 shall be construed to prohibit any common carrier from giving reduced rates for members of National Guard organizations traveling to and from joint encampments with the Regular Army. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 646.)

74. Offices for inspector instructors.—Whenever practicable inspector-instructors shall use the State armories or other public buildings for offices. (May 12, 1917, c. 12, 40 Stat. 68.)

75. Government employees in National Guard; leaves of absence for training periods.—All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this title. (June 3, 1916, c. 134, § 80, 39 Stat. 203.)

Chapter 5.—CALL OR DRAFT INTO FEDERAL SERVICE.

Sec.
81. Authority of President; draft.
81a. Authority to call forth militia.
82. Law governing National Guard called into Federal service.
83. Physical examination.
84. Drafting Philippine Militia into Federal service.

Section 81. Authority of President; draft.—When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examinations as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, whose permanent retention in the military service is not contemplated by law, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service. On the termination of the emergency all persons so drafted shall be discharged from the Army, shall resume their membership in the militia, and, if the State so provide, shall continue to serve in the National Guard until the dates upon which their enlistments entered into prior to their draft, would have expired if uninterrupted. (June 4, 1920, c. 227, subchapter I, § 49, 41 Stat. 784.)

81a. Authority to call forth militia.—Whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper. (Jan. 21, 1903, c. 196, § 4, 32 Stat. 776.)

82. Law governing National Guard called into Federal service.—The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law. (June 3, 1916, c. 134, § 101, 39 Stat. 208.)

83. Physical examination.—Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment: *Provided*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department. (June 3, 1916, c. 134, § 115, 39 Stat. 212.)

84. Drafting Philippine Militia into Federal service.—The militia and other locally created armed forces in the Philippine

Islands may be called into the service of the United States, and all members thereof may be drafted into said service and organized in such manner as is or may be provided by law for calling or drafting the National Guard into said service, and shall in all respects while therein be upon the same footing with members of the National Guard so called or drafted: *Provided*, That the pay and allowances of officers and men of the Philippine Militia and other locally created armed forces in the Philippine Islands called into the service of the United States under the provisions of this section when serving in the Philippine Islands shall in no case exceed the pay and allowances for corresponding grades of Philippine Scouts. (Jan. 26, 1918, c. 11, 40 Stat.)

Chapter 6.—COURTS-MARTIAL.

Sec.
91. System of courts-martial for National Guard.
92. General courts-martial.
93. Special courts-martial.
94. Summary courts.
95. Sentence to imprisonment in lieu of fine.
96. Approval of sentence of dismissal from service.
97. Issuance of warrants of arrest; execution of sentences.

Section 91. System of courts-martial for National Guard.—Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts. (June 3, 1916, c. 134, § 102, 39 Stat. 208.)

92. General courts-martial.—General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts. (June 3, 1916, c. 134, § 103, 39 Stat. 208.)

93. Special courts-martial.—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100. (June 3, 1916, c. 134, § 104, 39 Stat. 208.)

94. Summary courts.—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment, or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States. (June 3, 1916, c. 134, § 105, 39 Stat. 208.)

95. Sentence to imprisonment in lieu of fine.—All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized. (June 3, 1916, c. 134, § 106, 39 Stat. 209.)

96. Approval of sentence of dismissal from service.—No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia. (June 3, 1916, c. 134, § 107, 39 Stat. 209.)

97. Issuance of warrants of arrest; execution of sentences.—In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same. (June 3, 1916, c. 134, § 108, 39 Stat. 209.)

Chapter 7.—COMMISSIONED OFFICERS.

Sec.
111. Qualifications for officers.
112. Federal oath for officers.
113. Examinations for commissions.
114. Authority to vacate commissions and grounds therefor.
115. Filling vacancies in organizations in Federal service.

Section 111. Qualifications for officers.—Persons commissioned as officers of the National Guard after June 4, 1920, shall not be recognized as such under any of the provisions of this title unless they shall have been selected from the following classes, and shall have taken and subscribed to the oath of office prescribed in section 112 of this title; officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers, of the Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom; graduates of the United States Military and Naval Academies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army who certified their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially

qualified for duty therein. (June 3, 1916, c. 134, § 74, 39 Stat. 201; June 4, 1920, c. 227, subchapter I, § 41, 41 Stat. 781.)

112. Federal oath for officers.—Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia serving on June 3, 1916, under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions: *Provided*, That said officers have taken, or shall take and subscribe to the following oath of office: "I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God." (June 3, 1916, c. 134, § 73, 39 Stat. 201.)

113. Examinations for commissions.—The provisions of this title shall not apply to any person appointed an officer of the National Guard after June 3, 1916, unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both. (June 3, 1916, c. 134, § 75, 39 Stat. 202.)

114. Authority to vacate commissions and grounds therefor.—At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve. (June 3, 1916, c. 134, § 77, 39 Stat. 202.)

115. Filling vacancies in organizations in Federal service.—All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this title shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces. (June 3, 1916, c. 134, § 76, 39 Stat. 202.)

Chapter 8.—ENLISTED FORCE.

Sec.
121. Enlisted strength of National Guard.
122. Compliance with preceding section.
123. Contract and oath of enlistment.
124. Periods of enlistment and reenlistment.
125. Discharge of enlisted men.

Section 121. Enlisted strength of National Guard.—The number of enlisted men of the National Guard to be organized under this title within one year from June 3, 1916, shall be for each State in the proportion of two hundred such men for each Senator and Representative in Congress from such State, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than 50 per centum until a total peace strength of not less than eight hundred enlisted men for each Senator and Representative in Congress shall have been reached: *Provided*, That in States which have but one Representative in Congress such increase shall be at the discretion of the President: *Provided further*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section, or from maintaining existing organizations if they shall conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this title shall be construed to prevent any State with but one Representative in Congress from organizing one or more regiments of troops, with such auxiliary troops as the President may prescribe; such organizations and members of such organizations to receive all the benefits accruing under this title under the conditions set forth herein. (June 3, 1916, c. 134, § 62, 39 Stat. 198.)

122. Compliance with preceding section.—The provisions of the next preceding section shall be considered fulfilled if the first strength mentioned therein be attained by June 30, 1920, and the other increments provided therein be attained by successive years thereafter: *Provided*, That this shall not prevent any State from compliance with the provisions of section 62. (July 11, 1919, c. 8, 41 Stat. 126.)

123. Contract and oath of enlistment.—Men enlisting in the National Guard of the several States, Territories, and the District of Columbia, shall sign an enlistment contract and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three (or one) year—, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War." (June 4, 1920, c. 227, subchapter I, § 38, 41 Stat. 781.)

124. Periods of enlistment and reenlistment.—Original enlistments in the National Guard shall be for a period of three years, and subsequent enlistments for periods of one year or three years each. (June 6, 1924, c. 275, § 4, 43 Stat. 470.)

125. Discharge of enlisted men.—An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States under the provisions of section 81 of this title, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe. (June 4, 1920, c. 227, subchapter I, § 40, 41 Stat. 781.)

Chapter 9.—NATIONAL GUARD RESERVE.

Sec.
131. Establishment and organization.
132. Enlistments.
133. Transfer from reserve to active list and vice versa.
134. Pay and allowances of reservists on active duty.

Section 131. Establishment and organization.—Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such

organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard. (June 3, 1916, c. 134, § 78, 39 Stat. 202.)

132. Enlistments.—Men duly qualified for enlistment in the active National Guard may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, to serve in the Reserve thereof, or in the active National Guard of the United States and said State if transferred thereto, for a period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the Governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War." (Feb. 28, 1925, c. 371, § 2, 43 Stat. 1076.)

133. Transfer from reserve to active list and vice versa.—Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the National Guard Reserve; likewise, enlisted men hereafter enlisted in or transferred to the National Guard Reserve may be transferred to the active National Guard; *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active National Guard or National Guard Reserve as the case may be. (Feb. 28, 1925, c. 371, § 2, 43 Stat. 1076.)

134. Pay and allowances of reservists on active duty.—Members of said Reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: *Provided further*, That except as otherwise specifically provided in this title, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes. (Feb. 28, 1925, c. 371, § 2, 43 Stat. 1076.)

Chapter 10.—PAY AND ALLOWANCES.

Sec.
141. Pay periods for officers entitled to Federal pay.
142. Longevity pay of officers.
143. Pay of officers and warrant officers for armory drills.
144. Pay and allowances for attending encampments, etc., for field or coast-defense instruction.
145. Pay and allowances for attending instruction camps.
146. Pay and allowances for attendance at service schools, etc.
147. Pay and allowances for duty with Regular Army.
148. Administrative function pay of officers.
149. Pay of warrant officers in addition to pay prescribed by section 143.
150. Additional pay for flying duty; travel allowance.
151. Quarters and subsistence for officers and warrant officers during instruction and training.
152. Pay of enlisted men of sixth and seventh grades.
153. Pay for specialist rating in sixth and seventh grades.
154. Pay of enlisted men of grades other than sixth and seventh.
155. Payment of men enlisted by State authorities.
156. Uniforms, accouterments and equipment furnished to officers at cost.
157. Commencement of pay in Federal service.
158. Time of payment for attending encampments, etc.
159. Payment of arrears.
160. Pensions for death or disability in Federal service.
Sec.
161. Pay and allowances continued during hospital treatment for injuries in line of duty; transportation on discharge.
162. Hospital treatment, pay, etc., in case of injury while engaged in flying prescribed under preceding section.
163. Pay and allowances in hospital limited to six months.
164. Burial expenses of persons dying in hospital or while training.

Section 141. Pay periods for officers entitled to Federal pay.—See section 7 of Title 37.

142. Longevity pay of officers.—See section 7 of Title 37.

143. Pay of officers and warrant officers for armory drills.—Under such regulations as the Secretary of War may prescribe, captains, lieutenants, and warrant officers belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 7 and 13 of Title 37, for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding eight in any one calendar month and not exceeding sixty in one year, at which they shall have been officially present for the entire required period of not less than one and one-half hours. Officers above the grade of captain shall receive not more than $500 a year, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay prescribed for them in section 7 of Title 37 for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 7 or section 13 of Title 37, or section 673 of Title 10, as the case may be. (June 3, 1924, c. 244, § 3, 43 Stat. 364.)

144. Pay and allowances for attending encampments, etc., for field or coast-defense instruction.—The officers and enlisted men of the National Guard while engaged in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or may be entitled by law. (June 3, 1916, c. 134, § 94, 39 Stat. 206.)

145. Pay and allowances for attending instruction camps.—Officers and enlisted men of the National Guard attending instruction camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction. (June 3, 1916, c. 134, § 97, 39 Stat. 207.)

146. Pay and allowances for attendance at service schools, etc.—When any National Guard officer or enlisted man is selected to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises, such officer shall receive out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in Title 37 for officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 20 thereof, and any such enlisted man shall receive therefrom, except as otherwise provided in section 23 of Title 37, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period

of travel from and to his home station. (Sept. 22, 1922, c. 423, § 5, 42 Stat. 1035.)

147. Pay and allowances for duty with Regular Army.—National Guard officers assigned to duty with the regular Army shall, while so assigned, receive the pay and allowances authorized in section 175 of this title. (June 3, 1916, c. 134, § 81, 39 Stat. 203; June 4, 1920, c. 227, subschapter I, § 44, 41 Stat. 782; Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034; Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

148. Administrative function pay of officers.—In addition to pay provided, in section 143 of this title, officers commanding organizations less than a brigade and having administrative functions connected therewith, shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 7 or section 13 of Title 37, as the case may be. (June 3, 1924, c. 244, § 3, 43 Stat. 364.)

149. Pay of warrant officers in addition to pay prescribed by section 143.—See section 23 of Title 37.

150. Additional pay for flying duty; travel allowance.—See section 29 of Title 37.

151. Quarters and subsistence for officers and warrant officers during instruction and training.—See section 23 of Title 37.

152. Armory drill pay of enlisted men of sixth and seventh grades.—See section 23 of Title 37.

153. Pay of specialist rating in sixth and seventh grades.—Enlisted men of the sixth and seventh grades of the National Guard holding specialists' ratings under the provisions of section 605 of Title 10, shall, in addition to the pay provided in section 23 of Title 37, be entitled to one-thirtieth of the specialists' pay provided in section 13 of Title 37 for each day of participation in exercises provided for by sections 63, 64, and 65 of this title: *Provided*, That payments made prior to June 3, 1924, to enlisted men of the sixth and seventh grades of the National Guard holding specialists' ratings of one-thirtieth of the specialists' pay provided in said section 13 of Title 37 for each day spent in participating in exercises or performing the duties provided for by sections 63, 64, and 65 of this title are hereby validated. (June 3, 1924, c. 244, § 6, 43 Stat. 365.)

154. Pay of enlisted men of grades other than sixth and seventh.—Each enlisted man belonging to an organization of the National Guard, other than enlisted men of the sixth and seventh grades, shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army, and each of those of the sixth and seventh grades shall receive compensation as is provided in section 23 of Title 37, for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month and not exceeding sixty drills in one year: *Provided*, That the proviso contained in section 62 of this title shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: *Provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service provided for in sections 63, 64, 65, and 82 of this title, as amended) may be accepted as service in lieu of such drills when so provided by the Secretary of War: *And provided further*, That any enlisted man shall, under such regulations as the Secretary of War may prescribe, receive compensation under the provisions of this section for any drill had in accordance with such provisions where he is officially present and in which he participates for not less than one and one-half hours with a National Guard organization within the same State at a station other than his own, upon presentation of a certificate in form prescribed in said regulations from the organization commander to the commanding officer of the organization of which he is a member showing such drill participation.

All amounts appropriated for the purpose of this section and section 143 of this title shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

Except as otherwise specifically provided herein no money appropriated under the provisions of this section or section 143 of this title shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof unless and until such State, Territory, or District provides by law that staff officers, including officers of the Finance, Inspection, Quartermaster, and Medical Departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District. (Sept 22, 1922, c. 423, § 6, 42 Stat. 1035; June 6, 1924, c. 275, § 7, 43 Stat. 471.)

155. Payment of men enlisted by State authorities.—Nothing in this title shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in of said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 624.)

156. Uniforms, accouterments, and equipment furnished to officers at cost.—Uniforms, accouterments, and equipment shall on the request of any officer of the National Guard and National Guard Reserve, whether in State or Federal service, be furnished by the Government at cost for cash on proper identification and under such rules and regulations as the Secretary of War may prescribe. (June 3, 1924, c. 244, § 3, 43 Stat. 364.)

157. Commencement of pay in Federal service.—When the militia is called into the actual service of the United States, their pay shall commence from the day of their appearing at the place of company rendezvous, but this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous. (May 27, 1908, c. 204, § 7, 35 Stat. 401.)

158. Time of payment for attending encampments, etc.—When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including out-

door target practice, for field or coast-defense instruction, under the provisions of this title, it may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same. (June 3, 1916, c. 134, § 98, 39 Stat. 207.)

159. Payment of arrears.—Members of the National Guard who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not been settled, shall receive such pay for each day of such period; and the thirty-first day of a calendar month shall not be excluded from the computation. Such payments may include the entire amount lawfully accruing to such officers as pay, allowances, and mileage on account of such service, and, including pay and mileage for their return home, may be paid to the officers during said period and prior to their departure from the camp or other place at which such service is performed. (June 30, 1922, c. 253, Title I, 42 Stat. 749; Sept. 14, 1922, c. 307, § 3, 42 Stat. 841; Mar. 4, 1923, c. 281, § 3, 42 Stat. 1508.)

160. Pensions for death or disability in Federal service.—When any officer or enlisted man of the National Guard drafted into the service of the United States in time of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws. (June 3, 1916, c. 134, § 112, 39 Stat. 211.)

161. Pay and allowances continued during hospital treatment for injuries in line of duty; transportation on discharge.—Officers, warrant officers, and enlisted men of the National Guard injured in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 63, 64, and 65 of this title shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense, and to a continuation of the pay and allowances whether in money or in kind, they were receiving at the time of such injuries, until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

162. Hospital treatment, pay, etc., in case of injury while engaged in flying prescribed under preceding section.—Officers, warrant officers, and enlisted men of the National Guard injured in line of duty when participating in aerial flights prescribed under the provisions of section 62 of this title shall, under regulations prescribed by the President, be entitled from the date such injury was sustained to the same medical and hospital treatment at Government expense, pay and allowances, and transportation to their homes, as if such injury had occurred while in line of duty at encampments, maneuvers, or other exercises under section 62 of this title. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

163. Pay and allowances in hospital limited to six months.—Any person hereinbefore described in the two next preceding sections, injured as therein stated, who shall remain disabled for more than six months, shall, during the period of disability in excess of six months and until fit for transportation to his home, be entitled to medical and hospital treatment and to subsistence at Government expense, and when fit for transportation shall be entitled to transportation to his home at Government expense, but shall not during such period in excess of six months be entitled to other compensation. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

164. Burial expenses of persons dying in hospital or while training.—If the death of any person mentioned in sections 161 and 162 of this title occurs while he is undergoing the training or medical and hospital treatment contemplated in said sections, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed $100, as may be fixed in regulations prescribed by the President. (June 3, 1924, c. 244, § 4, 43 Stat. 364.)

Chapter 11.—MILITIA BUREAU.

Sec.

171. Creation of bureau.
172. Appointment and term of office of chief of bureau; rank, pay, and allowances; right to retirement.
173. Vacancy in office of chief or disability of incumbent; acting chief.
174. Assignment of officers and enlisted men of Regular Army to Militia Bureau.
175. Assignment of National Guard officers to Militia Bureau; pay and allowances.
176. Fund for payment of officers of Militia Bureau.

Section 171. Creation of bureau.—The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1076.)

172. Appointment and term of office of chief of bureau; rank, pay, and allowances; right to retirement.—The Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of active federally recognized National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who have had ten or more years' commissioned service in the active National Guard, at least five of which have been in the line, and who have attained at least the grade of major. The Chief of the Militia Bureau shall hold office for four years unless sooner removed for cause, shall be eligible to succeed himself and when he is sixty-four years of age he shall cease to hold such office. Upon accepting his office the Chief of the Militia Bureau shall also be appointed a major general in the Officers' Reserve Corps and shall be commissioned in the Army of the United States, which appointment and commission shall terminate when he ceases to hold such office. The Chief of the Militia Bureau shall have the rank, pay, and allowances of a major general provided in section 8 of Title 37, during his tenure of office, but shall not be entitled to retirement or retired pay. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1076.)

173. Vacancy in office of chief or disability of incumbent; acting chief.—In case the office of Chief of the Militia Bureau becomes vacant or the incumbent, because of disability, is unable to discharge the powers and duties of the office, the reserve officer, senior in rank on duty in the Militia Bureau, appointed from the National Guard, shall act as chief of said bureau until the incumbent is able to resume his duties, or the vacancy in the office is regularly filled. (June 3, 1916, c. 134, § 81, 39 Stat. 203; Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

174. Assignment of officers and enlisted men of Regular Army to Militia Bureau.—For duty in the Militia Bureau the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

175. Assignment of National Guard officers to Militia Bureau; pay and allowances.—The President may also assign,

with their consent, to duty in the Militia Bureau three officers who, at the time of their initial assignment, are active federally recognized National Guard officers and who are reserve officers, and any such officer while so assigned shall receive the pay and allowances provided in Title 37, for officers of the National Guard when authorized by law to receive Federal pay. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

176. Fund for payment of officers of Militia Bureau.—The pay and allowances provided in section 172 of this title for the Chief of the Militia Bureau and for the reserve officers assigned to duty from the National Guard shall be paid out of the whole fund appropriated for the support of the National Guard. (Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077.)

Chapter 12.—RIFLE INSTRUCTION AND PRACTICE FOR CIVILIANS.

Sec.
181. Rifle ranges and equipment for instruction and practice.
182. Director of civilian marksmanship.
183. Detail of officers and enlisted men for duty at rifle ranges.
184. Detail of enlisted men to instruct rifle clubs.
185. Commutation of traveling expenses of members of civilian rifle teams.

Section 181. Rifle ranges and equipment for instruction and practice.—The Secretary of War shall, within the limits of appropriations made from time to time by Congress and in accordance with reasonable rules and regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, authorize and provide for—

(a) Construction, equipment, maintenance, and operation of indoor and outdoor rifle ranges and their accessories and appliances;

(b) Instruction of able-bodied citizens of the United States in marksmanship and, in connection therewith, the employment of necessary instructors;

(c) Promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of such arms, and the issuance in connection therewith of the necessary arms, ammunition, targets, and other necessary supplies and appliances, and the award to competitors of trophies, prizes, badges, and other insignia;

(d) Sale to members of the National Rifle Association, at cost to the Government, and issue to clubs organized, for practice with rifled arms, under the direction of the National Board for the Promotion of Rifle Practice, of arms, ammunition, targets, and other supplies and appliances necessary for target practice;

(e) Maintenance of the National Board for the Promotion of Rifle Practice, including provision for the necessary expenses thereof and of its members;

(f) Procurement of necessary materials, supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor;

(g) Transportation of employees, instructors, and civilians to give or undergo instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or commutations in lieu of subsistence, of members of teams especially authorized by the Secretary of War to participate in matches or competitions in the use of rifled arms, making a full report of all things done hereunder annually to Congress. (June 7, 1924, c. 291, Title I, 43 Stat. 510.)

182. Director of civilian marksmanship.—The President is authorized, in his discretion, to appoint, as director of civilian marksmanship, under the direction of the Secretary of War, an officer of the Army or of the Marine Corps. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 648.)

183. Detail of officers and enlisted men for duty at rifle ranges.—The President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. (June 3, 1916, c. 134, § 113, 39 Stat. 211.)

184. Detail of enlisted men to instruct rifle clubs.—The Secretary of War, in his discretion, and under such regulations as he may prescribe, may authorize the detail of enlisted men of the Army as temporary instructors in rifle practice to organized rifle clubs requesting such instruction. (May 12, 1917, c. 12, 40 Stat. 64.)

185. Commutation of traveling expenses to members of civilian rifle teams.—Members of civilian rifle teams may, in the discretion of the Secretary of War, be paid, as commutation of traveling expenses at the rate of 5 cents per mile for the shortest usually traveled route from their homes to national matches, when authorized to participate therein by the Secretary of War and for the return travel thereto: *Provided further*, That the payment of travel pay for the return journey may be made in advance of the actual performance of travel. (June 5, 1920, c. 240, 41 Stat. 966.)

Chapter 13.—MISCELLANEOUS PROVISIONS.

Sec.
191. Preservation of names, numbers, flags, etc., of units serving in World War.
192. Certain corps permitted to retain ancient privileges.
193. Ancient privileges of First Corps Cadets, Massachusetts.
194. Maintenance of other troops by States and Territories.

Section 191. Preservation of names, numbers, flags, etc., of units serving in World War.—In the reorganization of the National Guard, the names, numbers and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War between April 6, 1917, and November 11, 1918, shall be preserved as such as far as practicable. (June 4, 1920, c. 227, subchapter I, § 3, 41 Stat. 760.)

192. Certain corps permitted to retain ancient privileges.—Any corps of Artillery, Cavalry, or Infantry existing in any of the States on May 8, 1792, which by the laws, customs, or usages of said States has been in continuous existence since said day under the provisions of the laws of the United States, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this title, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving. (June 3, 1916, c. 134, § 63, 39 Stat. 198.)

193. Ancient privileges of First Corps Cadets, Massachusetts.—Pursuant to section 192 of this title, the First Corps of Cadets, antedating, and continuously existing in the State of Massachusetts since May 8, 1792, now designated as the Second Battalion, Two hundred and eleventh Artillery, Antiaircraft, Coast Artillery Corps, First Corps Cadets, Massachusetts National Guard, hereby declared to be such a corps as is defined in said section 192 for all the purposes thereof and now incorporated in the Organized Militia and a part of the National Guard of Massachusetts, shall be allowed to retain its ancient privileges and organization. Said First Corps Cadets is hereby further declared to be entitled to a lieutenant colonel in command, and a major second in command; and said officers, when federally recognized, shall receive, in accordance with the provisions of this title and Title

37, the pay of their respective grades: *Provided*, That nothing in this section or other provisions of law shall be deemed to be in derogation of any other ancient privileges to which said First Corps Cadets is entitled under the laws, customs, or usages of the State of Massachusetts. (June 6, 1924, c. 275, § 6, 43 Stat. 471.)

194. Maintenance of other troops by States and Territories.—No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this title: *Provided*, That nothing contained in this title shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this title shall prevent the organization and maintenance of State police or constabulary. (June 3, 1916, c. 134, § 61, 39 Stat. 198.)

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

NATIONAL MUSEUM

See Title 20, EDUCATION.

NATIONAL PARKS

See Title 16, CONSERVATION.

NATIONAL PROHIBITION

See Title 27, INTOXICATING LIQUORS.

NATIONAL TRADE UNIONS

See Title 29, LABOR.

NATIONAL TRAINING SCHOOLS

See Title 20, EDUCATION.

NATIONAL ZOOLOGICAL PARK

See Title 20, EDUCATION.

NATURALIZATION

See Title 8, ALIENS AND CITIZENSHIP.

NAUTICAL ALMANAC OFFICE

See Title 5, DEPARTMENT OF NAVY.

NAVAL ACADEMY

See Title 34, NAVY.

NAVAL AUXILIARY

See Title 46, SHIPPING.

NAVAL HOME

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

NAVAL OBSERVATORY

See Title 34, NAVY.

NAVAL STORES

See Title 7, AGRICULTURE.

TITLE 33.—NAVIGATION AND NAVIGABLE WATERS

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Bureau of Navigation, see Title 46, Shipping

Chapter 1.—NAVIGABLE WATERS GENERALLY.

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5. Abolition of tolls on Government canals, canalized rivers, etc.; expense of operation, repairs to and reconstruction of canals, etc.; Panama Canal excepted.
6. Free passage to harbor of Michigan City, Indiana.
7. Use of Government iron pier in Delaware Bay.
8. Toll-free rivers in Alabama.
9. Des Moines River as toll free.
10. Waters in Louisiana Purchase as public highways.
11. Authority for compact between Middle Northwest States as to jurisdiction of offenses committed on boundary waters.
12. Port Arthur Ship Canal.

WATERS DECLARED NONNAVIGABLE; CHANGE OF NAME

21. Bayou Cocodrie, Louisiana.
22. Bayou Meto, Arkansas.
23. Bear Creek, Mississippi.
24. Big Tarkio River, Missouri.
25. Cache River, Arkansas.
26. Calumet River, Cook County, Illinois, old channel.
27. Chicago River, at Chicago, Illinois.
28. Crum River; old channel at mouth, Delaware Bay.
29. Cuivre River, Missouri.
30. Grand River, Missouri, above Brunswick.
31. Iowa River, Iowa, above Toolsboro.
32. Lake George, Mississippi.
33. Little River, Arkansas, from Big Lake to Marked Tree.
34. Mill Slough, Oregon.
35. Mississippi River, west channel, opposite La Crosse, Wisconsin.
36. Mosquito Creek, South Carolina.
37. Nodaway River, Missouri.
38. Oklawaha River, Florida; Kyle and Young Canal and Morrison Landing extension substituted.
39. Ollala Slough, Oregon.
40. One Hundred and Two River, Missouri.
41. Osage River, Missouri.
42. Platte River, Missouri.
43. Saint Marys River, Ohio and Indiana.
44. Sturgeon Bay, Illinois.
45. Swan Creek, Toledo, Ohio.
46. Tchula Lake, Mississippi.

GENERAL PROVISIONS

Section 1. Regulations by Secretary of War for navigation of waters generally.—It shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

Any regulations prescribed by the Secretary of War in pursuance of this section may be enforced as provided in section 413 of chapter 9 of this title, the provisions whereof are hereby made applicable to the said regulations. (June 13, 1902, c. 1079, § 6, 32 Stat. 374; Aug. 8, 1917, c. 49, § 7, 40 Stat. 266.)

2. Regulations for navigation of "South and Southwest Passes" of Mississippi River; penalties.—The Secretary of War is authorized to make such rules and regulations for the navigation of the South and Southwest Passes of the Mississippi River as to him shall seem necessary or expedient for the purpose of preventing any obstruction to the channels through said South and Southwest Passes and any injury to the works therein constructed. The term "South and Southwest Passes," as herein employed, shall be construed as embracing the entire extent of channel, in each case, between the upper ends of the works at the head of the pass and the outer or sea ends of the jetties at the entrance from the Gulf of Mexico; and any willful violation of any rule or regulation made by the Secretary of War in pursuance of this section shall be deemed a misdemeanor, for which the owner or owners, agent or agents, master or pilot of the vessel so offending shall be separately or collectively responsible, and on conviction thereof shall be punished by a fine of not less than $100, nor exceeding $500, or by imprisonment for not exceeding three months, or by both fine and imprisonment, at the discretion of the court. (Mar. 3, 1909, c. 264, § 5, 35 Stat. 818.)

3. Regulations to prevent injuries from target practice.—*Authority to adopt regulations.*—In the interest of the national defense, and for the better protection of life and property on the navigable waters of the United States, the Secretary of War is authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving grounds at Sandy Hook, New Jersey, or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improvement; and the said Secretary shall have like power to regulate the transportation of explosives upon any of said waters: *Provided*, That the authority hereby

conferred shall be so exercised as not unreasonably to interfere with or restrict the food fishing industry, and the regulations prescribed in pursuance hereof shall provide for the use of such waters by food fishermen operating under permits granted by the War Department.

Detail of vessels to enforce regulations.—To enforce the regulations prescribed pursuant to this section, the Secretary of War may detail any public vessel in the service of the War Department, or, upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department.

Posting and violation of regulations.—The regulations made by the Secretary of War pursuant to this section shall be posted in conspicuous and appropriate places, designated by him, for the information of the public; and every person who and every corporation which shall willfully violate any regulations made by the said Secretary pursuant to this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

Venue and jurisdiction of offenses; procedure.—Offenses against the provisions of this section, or any regulation made pursuant thereto, committed in any Territory or other place subject to the jurisdiction of the United States where there is no court having general jurisdiction of crimes against the United States, shall be cognizable in any court of such place or Territory having original jurisdiction of criminal cases in the place or Territory in which the offense has been committed, with the same right of appeal in all cases as is given in other criminal cases where imprisonment not exceeding six months forms a part of the penalty, and jurisdiction is hereby conferred upon such courts and such courts shall exercise the same for such purposes; and in case any such offense be committed beyond the territorial jurisdiction of any court having jurisdiction thereof, the offense shall be deemed and held to have been committed within the jurisdiction in which the offender may be found or into which he is first brought, and shall be tried by the court having jurisdiction thereof. (July 9, 1918, c. 143, subchapter XIX, §§ 1–4, 40 Stat. 892.)

4. Water gauges on Mississippi River and tributaries.—The Secretary of War is hereby authorized and directed to have water gauges established, and daily observations made of the rise and fall of the Mississippi River and its tributaries.

For the purpose of securing the uninterrupted gauging of the waters of the Mississippi River and its tributaries, as provided for in this section, upon the application of the Chief of Engineers, the Secretary of War is hereby authorized to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of $9,600: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers. (R. S. § 5252; June 13, 1902, c. 1079, § 9, 32 Stat. 374.)

5. Abolition of tolls on Government canals, canalized rivers, etc.; expense of operation, repairs to and reconstruction of canals, etc.; Panama Canal excepted.—No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation, now belonging to the United States or that may be hereafter acquired or constructed; and for the purpose of preserving and continuing the use and navigation of said canals and other public works without interruption, the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army, is hereby authorized to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury to pay the actual expenses of operating, maintaining, and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated: *Provided*, That whenever, in the judgment of the Secretary of War, the condition of any of the aforesaid works is such that its entire reconstruction is absolutely essential to its efficient and economical maintenance and operation as herein provided for, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for existing navigation: *Provided further*, That the modifications are necessary to make the reconstructed work conform to similar works previously authorized by Congress and forming a part of the same improvement, and that such modifications shall be considered and approved by the Board of Engineers for Rivers and Harbors and be recommended by the Chief of Engineers before the work of reconstruction is commenced: *Provided further, also*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers: *And provided further*, That nothing herein contained shall be held to apply to the Panama Canal. (July 5, 1884, c. 229, § 4, 23 Stat. 147; Mar. 3, 1909, c. 264, § 6, 35 Stat. 818.)

6. Free passage to harbor of Michigan City, Indiana.—The passage of vessels to and from the harbor of Michigan City, in Indiana, shall be free and not subject to toll or charge. (R. S. § 5247.)

7. Use of Government iron pier in Delaware Bay.—The Government iron pier in Delaware Bay near Lewes, Delaware, shall be open to public use under regulations to be prescribed by the Secretary of War. (July 27, 1916, c. 260, § 1, 39 Stat. 394.)

8. Toll-free rivers in Alabama.—The Tennessee, Coosa, Cahawba, and Black Warrior Rivers, within the State of Alabama, shall be forever free from toll for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such tolls as may be allowed by Act of Congress. (R. S. § 5244.)

9. Des Moines River as toll-free.—The Des Moines River shall forever remain free from any toll, or other charge whatever, for any property of the United States, or persons in their service, passing along the same. (R. S. § 5246.)

10. Waters in Louisiana Purchase as public highways.—All the navigable rivers and waters in the former Territories of Orleans and Louisiana shall be and forever remain public highways. (R. S. § 5251.)

11. Authority for compact between Middle Northwest States as to jurisdiction of offenses committed on boundary waters.—The consent of the Congress is hereby given to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of them, by such agreement or compact as they may deem desirable or necessary, or as may be evidenced by legislative acts enacted by any two or more of said States, not in conflict with the Constitution of the United States or any law thereof, to determine and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of any of said States upon any of the waters forming the boundary lines between any two or more of said States, or waters through which such boundary line extends, and that the consent of the Congress be, and the same is hereby, given to the concurrent jurisdiction agreed to by the States of Minnesota and South Dakota, as evidenced by the act of the Legislature of the State of Minnesota approved April 20, 1917, and the act of the Legislature of the State of South Dakota approved February 13, 1917. (Mar. 4, 1921, c. 158, 41 Stat. 1366.)

12. Port Arthur Ship Canal.—After there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass,

in the State of Texas, known as the Port Arthur Ship Canal, together with a valid title to the turning basin as existing July 19, 1906, and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built, the said waterways shall thereupon become free public waters of the United States, and be subject to the laws enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: *Provided*, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land one hundred and fifty feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such one hundred and fifty feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States. The charges for the use of said docks and wharves shall be just and reasonable and shall not be greater than charges for similar services at other ports of the United States on the Gulf of Mexico. (June 19, 1906, c. 3436, § 1, 34 Stat. 302.)

WATERS DECLARED NONNAVIGABLE; CHANGE OF NAME

21. Bayou Cocodrie, Louisiana.—Bayou Cocodrie, from its source to its junction with Bayou Chicot, in the State of Louisiana, is declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters. The right to alter, amend, or repeal this section is hereby expressly reserved. (Feb. 25, 1921, c. 71, §§ 1–2, 41 Stat. 1145.)

22. Bayou Meto, Arkansas.—The Bayou Meto, in the State of Arkansas, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. (Aug. 8, 1917, c. 49, § 16, 40 Stat. 268.)

23. Bear Creek, Mississippi.—Bear Creek in Humphreys, Leflore, and Sunflower Counties, in the State of Mississippi, is declared to be a nonnavigable stream within the meaning of the Constitution and the laws of the United States. The right of Congress to alter, amend, or repeal this section is hereby expressly reserved. (Mar. 3, 1923, c. 229, §§ 1–2, 42 Stat. 1442.)

24. Big Tarkio River, Missouri.—The Big Tarkio River, in the counties of Holt and Atchison, in the State of Missouri, is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters. The right to alter, amend, or repeal this section is hereby expressly reserved. (Feb. 15, 1910, c. 33, § 2, 36 Stat. 194.)

25. Cache River, Arkansas.—The Cache River in the State of Arkansas is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. This provision shall become void after one year from July 27, 1916, unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration. The right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved. (July 27, 1916, c. 260, § 1, 39 Stat. 399.)

26. Calumet River, Cook County, Illinois, old channel.—The portion of the old channel of the Calumet River in the north quarter of fractional section 7, township 37 north, range 15, east of the third principal meridian, south of the Indian boundary line, in Cook County, Illinois, which lies outside of the new channel lines as established by the United States and shown on "map of the Calumet River, Illinois, from Lake Michigan to Calumet Lake, to accompany report of W. G. Ewing, United States attorney, to the Attorney General, respecting cession of right of way for improvement of said river, under Act of Congress approved July 5, 1884," is abandoned as navigable water. (Feb. 27, 1915, c. 68, 38 Stat. 817.)

27. Chicago River at Chicago, Illinois.—All of that portion of the West Fork of the South Branch of the Chicago River in the county of Cook and State of Illinois, extending west from the west line of the collateral channel of the sanitary district of Chicago, in the northwest quarter of section 36, township 39 north, range 13 east of the third principal meridian, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. The right of Congress to alter, amend, or repeal this provision is hereby expressly reserved.

The provisions of sections 401 and 402 of chapter 9 of this title shall not apply to that portion of the west arm of the South Fork of the South Branch of the Chicago River, lying between the east line of Ashland Avenue and the north line of Thirty-ninth Street, in the city of Chicago, Illinois, as the same now exists or may hereafter be extended. All rights, authority, or control over that part of the Chicago River possessed or assumed by the United States are hereby relinquished and abandoned, and all rights, authority, or control over the same that were possessed by the State of Illinois are fully restored to said State.

As soon as the city of Chicago, or any other governmental agency or any corporation thereunto duly authorized by the Secretary of War, shall have constructed, after June 7, 1924, a new channel for the South Branch of the Chicago River between West Polk Street and West Nineteenth Street in said city of Chicago, then, and in that event, so much of the channel of the South Branch of the Chicago River as shall be superseded and replaced by said new channel in accordance with the permit of the Secretary of War shall be discontinued and abandoned. (Jan. 24, 1923, c. 33, §§ 1–2, 42 Stat. 1171; Feb. 27, 1923, c. 142, 42 Stat. 1323; June 7, 1924, c. 337, 43 Stat. 646.)

28. Crum River; old channel at mouth, Delaware Bay.—After the channel of the Crum River where the same empties into the Delaware River has been changed, diverted, and straightened under the authority given to Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works by Act July 27, 1916, chapter 260, the said Crum River, as so straightened, shall be a public navigable stream, and the course and channel of the said river, as it existed July 27, 1916, from the right of way of the Philadelphia and Reading Railway Company to the low-water line in the Delaware River shall be abandoned and vacated when the above-mentioned new channel shall have been completed to a depth of four feet at mean low water, with a bottom width of sixty-two feet and width of one hundred feet at mean low-water level: *Provided*, That the Government shall have such right, title, and interest in and to the bed of said new channel as will assure the public the right to the perpetual use of said channel for all the purposes of navigation and commerce. (July 27, 1916, c. 260, § 1, 39 Stat. 393.)

29. Cuivre River, Missouri.—Cuivre River, in the counties of Lincoln and Saint Charles, in the State of Missouri, being the dividing line, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and all other authorities. (Mar. 23, 1900, c. 88, 31 Stat. 50.)

30. Grand River, Missouri, above Brunswick.—Grand River in the State of Missouri above the city of Brunswick, in the county of Chariton in said State, is declared to be not a navigable stream and shall be so treated by the Secretary of War and by all other authorities. (Feb. 15, 1905, c. 574, 33 Stat. 715.)

31. Iowa River, Iowa, above Toolsboro.—So much of the Iowa River within the State of Iowa, as lies north of the town of Wapello, and so much of the said river within the State of Iowa, as lies between the town of Toolsboro and the town of Wapello, in the county of Louisa, shall not be deemed a navigable river or public highway, but dams and bridges may be constructed across it. (R. S. § 5248; Aug. 18, 1894, c. 299, § 1, 28 Stat. 356.)

32. Lake George, Mississippi.—Lake George, in Yazoo County, in the State of Mississippi, is declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters. The right of Congress to alter, amend, or repeal this section is hereby expressly reserved. (May 24, 1922, c. 198, §§ 1–2, 42 Stat. 552.)

33. Little River, Arkansas, from Big Lake to Marked Tree.—Little River, from Big Lake in Mississippi County to Marked Tree in Poinsett County, Arkansas, is declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the protection of such waterways. (Mar. 2, 1919, c. 95, § 4, 40 Stat. 1287.)

34. Mill Slough, Oregon.—Mill Slough, a tidal tributary of Coos Bay, lying within the limits of the city of Marshfield, State of Oregon, is declared to be not a navigable waterway of the United States, within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is given to the filling in of said slough by the said city of Marshfield. (Oct. 23, 1913, c. 33, 38 Stat. 233.)

35. Mississippi River, West Channel, opposite La Crosse, Wisconsin.—The branch of the Mississippi River flowing between Grand Island and the mainland opposite the city of La Crosse, State of Wisconsin, and known as the West Channel, is declared unnavigable, and the said city of La Crosse is relieved of the necessity of maintaining a draw or pontoon bridge over said West Channel. (Feb. 23, 1901, c. 470, 31 Stat. 804.)

36. Mosquito Creek, South Carolina.—Mosquito Creek, in Colleton County, South Carolina, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. (Aug. 8, 1917, c. 49, § 15, 40 Stat. 268.)

37. Nodaway River, Missouri.—Nodaway River, in the counties of Andrew, Holt, and Nodaway, in the State of Missouri, is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters. The right to alter, amend, or repeal this section is hereby expressly reserved. (Feb. 15, 1910, c. 32, §§ 1–2, 36 Stat. 194.)

38. Oklawaha River, Florida; Kyle and Young Canal and "Morrison Landing extension" substituted.—Upon the conveyance to the United States, free of cost, title to the land occupied by what is known as the "Kyle and Young Canal" and the "Morrison Landing extension" of the same, on the Oklawaha River, in the State of Florida, together with title to a strip of land on the east side of said canal of such width as in the judgment of the Secretary of War may be required for the future widening of said canal and extension by the United States, the said canal and extension shall become a free public waterway of the United States in place of the natural bed of the river. (July 27, 1916, c. 260, § 1, 39 Stat. 396.)

39. Ollala Slough, Oregon.—All of that portion of Ollala Slough in Lincoln County, Oregon, above a point where a line that is one hundred and twenty rods south and running east and west and parallel with the section line between sections 8 and 17 in township 11 south, range 10 west of the Willamette meridian, crosses said stream, is declared to be a nonnavigable stream. (Feb. 26, 1917, c. 119, 39 Stat. 937.)

40. One Hundred and Two River, Missouri.—One Hundred and Two River south of the north boundary line of Andrew County, Missouri, as now located, be, and the same is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters. The right to alter, amend, or repeal this section is hereby expressly reserved. (Feb. 15, 1910, c. 31, § 2, 36 Stat. 194.)

41. Osage River, Missouri.—The Osage River in the State of Missouri above the point where the south line of sections 15 and 16 in township 40 north, of range 22 west, of the fifth principal meridian, and in the county of Benton, State of Missouri, crosses said river, is declared not to be a navigable stream, and shall be so treated by the Secretary of War and by all other authorities. (Mar. 4, 1904, c. 393, 33 Stat. 58.)

42. Platte River, Missouri.—The Platte River in the State of Missouri is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said river is hereby declared to be vested in the State of Missouri. The right of Congress to alter, amend, or repeal this section is hereby expressly reserved. (Feb. 16, 1921, c. 62, §§ 1–2, 41 Stat. 1105.)

43. Saint Marys River, Ohio and Indiana.—Saint Marys River, Ohio and Indiana, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. (Aug. 8, 1917, c. 49, § 17, 40 Stat. 268.)

44. Sturgeon Bay, Illinois.—So much of the west fork of Sturgeon Bay within the county of Mercer and State of Illinois as lies west of the line between the east half and the west half of the east half of section 25, in township 14 north, range 6 west of the fourth principal meridian, and so much of the east fork of said Sturgeon Bay as lies north of the north line of section 30, in township 14 north, range 5 west of the fourth principal meridian, shall not be deemed navigable waters of the United States. (Feb. 7, 1907, No. 13, 34 Stat. 1421.)

45. Swan Creek, Toledo, Ohio.—Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, is declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is hereby given for the filling in of said creek by the local authorities. (Mar. 4, 1915, c. 142, § 13, 38 Stat. 1055.)

46. Tchula Lake, Mississippi.—Tchula Lake, in Holmes County, in the State of Mississippi, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. The right of Congress to alter, amend, or repeal this section is hereby expressly reserved. (July 1, 1922, c. 266, §§ 1–2, 42 Stat. 816.)

Chapter 2.—INTERNATIONAL RULES FOR NAVIGATION AT SEA.

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CROSS REFERENCE

As regards lights and sound signal devices on motor boats, and sailing and steering rules, relating thereto, see sections 513, 514, and 520, of Title 46, SHIPPING.

PRELIMINARY

Section 61. Adoption of rules for navigation on high seas.—The following regulations for preventing collisions at sea shall be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith, navigable by sea-going vessels: *Provided*, That such regulations shall not apply to the harbors, rivers and inland waters of the United States, nor to the Great Lakes and their connecting and tributary waters as far east as Montreal, nor to the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, in so far as special rules are adopted in pursuance of article 30. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 320.)

62. "Sailing vessel," "steam vessel" and "under way" defined.—In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 320.)

63. "Visible" as applied to lights defined.—The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 321.)

RULES CONCERNING LIGHTS, ETC.

71. Time for lights; prescribed lights exclusive.—*Article 1.*—The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 321.)

72. Lights of steam vessel under way.—*Art. 2.*—A steam vessel when under way shall carry—(a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than forty feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 321.)

73. Lights of vessel towing another vessel or vessels.—*Art. 3.*—A steam vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart, and when towing more than one vessel shall carry an additional bright white light six feet above or below such light, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a), excepting the additional light, which may be carried at a height of not less than fourteen feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 321.)

74. Lights and day signals of vessel not under control and of telegraph cable vessel.—*Art. 4.*—(a) A vessel which from any accident is not under command shall carry at the same height as a white light mentioned in article 2 (a), where they can best be seen, and if a steam vessel in lieu of that light, two red lights, in a vertical line one over the other, not

less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.

(b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article 2 (a), and if a steam vessel in lieu of that light, three lights in a vertical line one over the other not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon, at a distance of at least two miles. By day she shall carry in a vertical line, one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in shape and red in color, and the middle one diamond in shape and white.

(c) The vessels referred to in this article, when not making way through the water, shall not carry the side lights, but when making way shall carry them.

(d) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and can not therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article 31. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 322.)

75. Lights of sailing vessel under way and of vessel in tow.—*Art. 5.*—A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 322.)

76. Lights of small vessel under way in bad weather.—*Art. 6.*—Whenever, as in the case of small vessels under way during bad weather, the green and red side lights can not be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain and shall be provided with proper screens. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 322.)

77. Substitute lights for small vessel and rowing boats.—*Art. 7.*—Steam vessels of less than forty, and vessels under oars or sails of less than twenty tons gross tonnage, respectively, and rowing boats, when under way, shall not be required to carry the lights mentioned in article 2 (a), (b), and (c), but if they do not carry them they shall be provided with the following lights:

First. Steam vessels of less than forty tons shall carry—

(a) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in article 2 (a), and of such a character as to be visible at a distance of at least two miles.

(b) Green and red side lights constructed and fixed as prescribed in article 2 (b) and (c), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lanterns shall be carried not less than three feet below the white light.

Second. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less height than nine feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision 1 (b).

Third. Vessels under oars or sails of less than twenty tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fourth. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (a) and article 11, last paragraph. (May 28, 1894, c. 83, 28 Stat. 82.)

78. Lights of pilot vessel on and off duty; steam pilot vessel.—*Art. 8.*—Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

A steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 323; Feb. 19, 1900, c. 22, § 1, 31 Stat. 30.)

79. Lights and day signals of fishing vessels and boats.—*Art. 9.*—Fishing vessels and fishing boats, when under way and when not required by this article to carry or show the lights hereinafter specified, shall carry or show the lights prescribed for vessels of their tonnage under way.

(a) Open boats, by which is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing at night, with outlying tackle extending not more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light.

Open boats, when fishing at night, with outlying tackle extending more than one hundred and fifty feet horizontally from

the boat into the seaway, shall carry one all-round white light, and in addition, on approaching or being approached by other vessels, shall show a second white light at least three feet below the first light and at a horizontal distance of at least five feet away from it in the direction in which the outlying tackle is attached.

(b) Vessels and boats, except open boats as defined in subdivision (a), when fishing with drift nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than fifteen feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be in the direction of the nets, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than one sea mile, on the approach of or to other vessels.

(c) Vessels and boats, except open boats as defined in subdivision (a), when line fishing with their lines out and attached to or hauling their lines, and when not at anchor or stationary within the meaning of subdivision (h), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or sailing vessel under way, respectively.

Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than one sea mile on the approach of or to other vessels.

(d) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

First. If steam vessels, shall carry in the same position as the white light mentioned in article two (a) a tri-colored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow to two points abaft the beam on the starboard and port sides, respectively; and not less than six nor more than twelve feet below the tri-colored lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

Second. If sailing vessels, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch in sufficient time to prevent collision.

All lights mentioned in subdivision (d) first and second shall be visible at a distance of at least two miles.

(e) Oyster dredgers and other vessels fishing with dredge nets shall carry and show the same lights as trawlers.

(f) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show, and they may also use working lights.

(g) Every fishing vessel and every fishing boat under one hundred and fifty feet in length, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile.

Every fishing vessel of one hundred and fifty feet in length or upward, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile, and shall exhibit a second light as provided for vessels of such length by article eleven.

Should any such vessel, whether under one hundred and fifty feet in length or of one hundred and fifty feet in length or upward, be attached to a net or other fishing gear, she shall on the approach of other vessels show an additional white light at least three feet below the anchor light, and at a horizontal distance of at least five feet away from it in the direction of the net or gear.

(h) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall in daytime haul down the day signal required by subdivision (k); at night show the light or lights prescribed for a vessel at anchor; and during fog, mist, falling snow, or heavy rain storms make the signal prescribed for a vessel at anchor. (See subdivision (d) and the last paragraph of article fifteen.)

(i) In fog, mist, falling snow, or heavy rain storms, drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag net, and vessels line fishing with their lines out, shall, if of twenty tons gross tonnage or upward, respectively, at intervals of not more than one minute make a blast; if steam vessels, with the whistle or siren, and if sailing vessels, with the foghorn, each blast to be followed by ringing the bell. Fishing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals; but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

(k) All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels show the same signal on the side on which those vessels can pass.

The vessels required by this article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by article four (a) and the last paragraph of article eleven. (Jan. 19, 1907, c. 300, § 1, 34 Stat. 850.)

80. Lights on overtaken vessel.—*Art. 10.*—A vessel which is being overtaken by another shall show from her stern to such last mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side lights. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 324.)

81. Lights on vessel at anchor or aground.—*Art. 11.*—A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern

of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by article four (a). (Aug. 19, 1890, c. 802, § 1, 26 Stat. 324.)

82. Additional lights and signals when necessary authorized.—*Art. 12.*—Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 325.)

83. Special lights for ship of war and convoy; recognition signals adopted by shipowners.—*Art. 13.*—Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective Governments and duly registered and published. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 325.)

84. Day signal of steam vessel under sail.—*Art. 14.*—A steam vessel proceeding under sail only but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape two feet in diameter. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 325.)

SOUND SIGNALS FOR FOG, ETC.; SPEED

91. Sound signals for fog, etc., generally.—*Art. 15.*—All signals prescribed by this article for vessels under way shall be given:

First. By "steam vessels" on the whistle or siren.

Second. By "sailing vessels" and "vessels towed" on the fog horn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, to be sounded by mechanical means, and also with an efficient bell. (In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small seagoing vessels.)

A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar fog horn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely:

(a) A steam vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

(b) A steam vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between.

(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession, and when with the wind abaft the beam, three blasts in succession.

(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

(e) A vessel when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by the rules, shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than two minutes, sound three blasts in succession, namely: One prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

Sailing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do not, they shall make some other efficient sound signal at intervals of not more than one minute. (June 10, 1896, c. 401, § 1, 29 Stat. 381.)

92. Speed in fog, etc.—*Art. 16.*—Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 326.)

STEERING AND SAILING RULES

101. Suggestion for ascertainment of risk of collision.—Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 326.)

102. Sailing vessels approaching one another.—*Art. 17.*—When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 326.)

103. Steam vessels meeting end on.—*Art. 18.*—When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 326.)

104. Steam vessels crossing.—*Art. 19.*—When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

105. Steam and sailing vessels meeting.—*Art. 20.*—When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

106. Vessel having right of way to keep course.—*Art. 21.*—Where, by any of these rules, one of two vessels is to keep out of the way the other shall keep her course and speed.

NOTE.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision can not be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. (See articles 27 and 29.) (May 28, 1894, c. 83, 28 Stat. 83.)

107. Crossing ahead of vessel having right of way.—*Art. 22.*—Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

108. Duty of steam vessel to slacken speed.—*Art. 23.*—Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

109. Overtaking vessel to keep out of the way; definition of "overtaking vessel."—*Art. 24.*—Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

110. Steam vessel in narrow channel.—*Art. 25.*—In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

111. Right of way of fishing vessels or boats; obstruction of fairway.—*Art. 26.*—Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

112. Special circumstances requiring departure from rules.—*Art. 27.*—In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 327.)

113. Sound signals of steam vessel indicating course.—*Art. 28.*—The words "short blast" used in this article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namely:

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going at full speed astern." (Aug. 19, 1890, c. 802, § 1, 26 Stat. 328.)

NO VESSEL, UNDER ANY CIRCUMSTANCES, TO NEGLECT PROPER PRECAUTIONS

121. Additional precautions required generally.—*Art. 29.*—Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 328.)

RESERVATION OF RULES FOR HARBORS AND INLAND NAVIGATION

131. Local rules for harbors and inland waters.—*Art. 30.*—Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland waters. (Aug. 19, 1890, c. 802, § 1, 26 Stat. 328.)

DISTRESS SIGNALS

141. Distress signals in daytime and at night.—*Art. 31.*—When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the day time—

First. A gun or other explosive signal fired at intervals of about a minute.

Second. The international code signal of distress indicated by N. C.

Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

Fourth. A continous sounding with any fog-signal apparatus.

At night—

First. A gun or other explosive signal fired at intervals of about a minute.

Second. Flames on the vessel (as from a burning tar barrel, oil barrel, and so forth.)

Third. Rockets or shells throwing stars of any color or description, fired one at a time, at short intervals.

Fourth. A continuous sounding with any fog-signal apparatus. (May 28, 1894, c. 83, 28 Stat. 82.)

Chapter 3.—NAVIGATION RULES FOR HARBORS, RIVERS, AND INLAND WATERS GENERALLY.

PRELIMINARY

Sec.
151. Demarcation of high seas lines.
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154. Adoption of rules for navigation of harbors, rivers, and inland waters.
155. "Sailing vessel," "steam vessel," and "under way" defined.
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191. Sound signals for fog, etc., generally.
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201. Suggestion for ascertainment of risk of collision.
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212. Special circumstances requiring departure from rules.
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221. Usual additional precautions required generally.
222. Lights on war and Coast Guard vessels; Exhibition suspended.

DISTRESS SIGNALS

231. Distress signals in daytime and at night.

PRELIMINARY

Section 151. Damarcation of high seas lines.—The Secretary of Commerce is hereby authorized, empowered and directed from time to time to designate and define by suitable bearings or ranges with lighthouses, light vessels, buoys or coast objects, the lines dividing the high seas from rivers, harbors and inland waters. (Feb. 19, 1895, c. 102, § 2, 28 Stat. 672; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

152. Regulation of length of towlines.—The Commissioner of Lighthouses, the Supervising Inspector General of the Steamboat Inspection Service, and the Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to the preceding section, and such regulations when approved by the Secretary of Commerce shall have the force of law. (May 28, 1908, c. 212, § 14, 35 Stat. 428.)

153. Penalty for use of unlawful towline.—The master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to the preceding section in the manner prescribed for incompetency, misconduct, or unskillfulness. (May 28, 1908, c. 212, § 15, 35 Stat. 429.)

154. Adoption of rules for navigation of harbors, rivers, and inland waters.—The following regulations for preventing collision shall be followed by all vessels navigating all harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, and are hereby declared special rules duly made by local authority. (June 7, 1897, c. 4, § 1, 30 Stat. 96.)

155. "Sailing vessel," "steam vessel," and "under way" defined.—In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel" shall include any vessel propelled by machinery.

A vessel is "under way," within the meaning of these rules, when she is not at anchor, or made fast to the shore, or aground. (June 7, 1897, c. 4, § 1, 30 Stat. 96.)

156. "Visible" as applied to lights defined.—The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere. (June 7, 1897, c. 4, § 1, 30 Stat. 96.)

157. Special rules by inspectors, etc., of steam vessels authorized.—The supervising inspectors of steam vessels and the Supervising Inspector General shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferryboats and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks or other obstruction to navigation or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this chapter, contained in sections 154 to 231, inclusive, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce are declared special rules duly made by local authority, as provided for in article 30 of chapter 2 of this title, section 131. Two printed copies of such rules shall be furnished to such ferryboats, barges, dredges, canal boats, vessels working on wrecks, and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels, barges, dredges, and boats. (May 25, 1914, c. 98, 38 Stat. 381.)

158. Penalty for violations by pilot, engineer, mate, or master.—Every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge or canal boat, who neglects or refuses to observe the following provisions of this chapter, or the regulations established in pursuance of the preceding section, shall be liable to a penalty of $50, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal: *Provided*, That nothing herein shall relieve any vessel, owner or corporation from any liability incurred by reason of such neglect or refusal. (June 7, 1897, c. 4, § 3, 30 Stat. 102.)

159. Penalty for violations by vessel.—Every vessel that shall be navigated without complying with the provisions of this chapter, contained in sections 154 to 231, inclusive, shall be liable to a penalty of $200, one-half to go to the informer, for which sum the vessel so navigated shall be liable and may be seized and proceeded against by action in any district court of the United States having jurisdiction of the offense. (June 7, 1897, c. 4, § 4, 30 Stat. 103.)

RULES CONCERNING LIGHTS, ETC.

171. Time for lights; prescribed lights exclusive.—*Art. 1.*—The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. (June 7, 1897, c. 4, § 1, 30 Stat. 96.)

172. Lights of steam vessel under way.—*Art. 2.*—A steam vessel when under way shall carry—

(a) On or in front of the foremast, or, if a vessel without a foremast, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) A seagoing steam vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a).

These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

(f) All steam vessels (except seagoing vessels and ferry-boats) shall carry, in addition to green and red lights required by article 2 (b), (c), and screens as required by article 2 (d), a central range of two white lights, the afterlight being carried at an elevation at least fifteen feet above the light at the head of the vessel. The headlight shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the afterlight so as to show all around the horizon. (June 7, 1897, c. 4, § 1, 30 Stat. 96.)

173. Lights of vessel towing another vessel or vessels.—*Art. 3.*—A steam vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart, and when towing more than one vessel shall carry an additional bright white light three feet above or below such lights, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a) or the after range light mentioned in article 2 (f).

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam. (June 7, 1897, c. 4, § 1, 30 Stat. 97.)

174. Lights of sailing vessel under way or in tow.—*Art. 5.*—A sailing vessel under way or being towed shall carry the same lights as are prescribed by article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry. (June 7, 1897, c. 4, § 1, 30 Stat. 97.)

175. Lights of small vessel under way in bad weather.—*Art. 6.*—Whenever, as in the case of vessels of less than ten gross tons under way during bad weather, the green and red side lights can not be fixed, these lights shall be kept at hand, lighted and ready for use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the light they respectively contain and shall be provided with proper screens. (June 7, 1897, c. 4, § 1, 30 Stat. 97.)

176. Lights of rowboats.—*Art. 7.*—Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision. (June 7, 1897, c. 4, § 1, 30 Stat. 98.)

177. Lights of pilot vessel on and off duty; steam pilot vessel.—*Art. 8.*—Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

A steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels. (June 7, 1897, c. 4, § 1, 30 Stat. 98; Feb. 19, 1900, c. 22, § 1, 31 Stat. 30.)

178. Lights of fishing vessels; rafts and unspecified craft.—*Art. 9.*—(a) Fishing vessels of less than ten gross tons, when under way and when not having their nets, trawls, dredges, or lines in the water, shall not be required to carry the colored side lights; but every such vessel shall, in lieu thereof, have ready at hand a lantern with a green glass on one side and a red glass on the other side, and on approaching to or being approached by another vessel such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

(b) All fishing vessels and fishing boats of ten gross tons or upward, when under way and when not having their nets, trawls, dredges, or lines in the water, shall carry and show the same lights as other vessels under way.

(c) All vessels, when trawling, dredging, or fishing with any kind of dragnets or lines, shall exhibit, from some part of the vessel where they can be best seen, two lights. One of these lights shall be red and the other shall be white. The red light shall be above the white light, and shall be at a vertical distance from it of not less than six feet and not more than twelve feet; and the horizontal distance between them, if any, shall not be more than ten feet. These two lights shall be of such a character and contained in lanterns of such construction as to be visible all round the horizon, the white light a distance of not less than three miles and the red light of not less than two miles.

(d) Rafts, or other water craft not herein provided for, navigating by hand power, horse power, or by the current of the river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels. (June 7, 1897, c. 4, § 1, 30 Stat. 98.)

179. Lights on overtaken vessel.—*Art. 10.*—A vessel which is being overtaken by another, except a steam vessel with an after range light showing all around the horizon, shall show from her stern to such last-mentioned vessel a white light or a flare-up light. (June 7, 1897, c. 4, § 1, 30 Stat. 98.)

180. Lights on vessel at anchor.—*Art. 11.*—A vessel under one hundred and fifty feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

A vessel of one hundred and fifty feet or upward in length when at anchor shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry. (June 7, 1897, c. 4, § 1, 30 Stat. 98.)

181. Additional lights when necessary authorized.—*Art. 12.*—Every vessel may, if necessary, in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal. (June 7, 1897, c. 4, § 1, 30 Stat. 99.)

182. Special lights for ship of war and convoy; recognition signals adopted by shipowners.—*Art. 13.*—Nothing in these rules shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective governments and duly registered and published. (June 7, 1897, c. 4, § 1, 30 Stat. 99.)

183. Day signal of steam vessel under sail.—*Art. 14.*—A steam vessel proceeding under sail only, but having her funnel up, may carry in daytime, forward, where it can best be seen, one black ball or shape two feet in diameter. (June 7, 1897, c. 4, § 1, 30 Stat. 99.)

SOUND SIGNALS FOR FOG, ETC.; SPEED

191. Sound signals for fog, etc., generally.—*Art. 15.*—All signals prescribed by this article for vessels under way shall be given—

1. By "steam vessels" on the whistle or siren.

2. By "sailing vessels" and "vessels towed" on the foghorn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient foghorn; also with an efficient bell.

A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar foghorn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely:

(a) A steam vessel under way shall sound, at intervals of not more than one minute, a prolonged blast.

(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession; and when with the wind abaft the beam, three blasts in succession.

(d) A vessel when at anchor shall, at intervals, of not more than one minute, ring the bell rapidly for about five seconds.

(e) A steam vessel when towing, shall, instead of the signals prescribed in subdivision (a) of this article, at intervals of not more than one minute, sound three blasts in succession, namely, one prolonged blast followed by two short blasts.

A vessel towed may give this signal and she shall not give any other.

(f) All rafts or other water craft, not herein provided for, navigating by hand power, horse power, or by the current of the river, shall sound a blast of the foghorn, or equivalent signal, at intervals of not more than one minute. (June 7, 1897, c. 4, § 1, 30 Stat. 99.)

192. Speed in fog, etc.—*Art. 16.*—Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over. (June 7, 1897, c. 4, § 1, 30 Stat. 99.)

STEERING AND SAILING RULES AND SIGNALS

201. Suggestion for ascertainment of risk of collision.—Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist. (June 7, 1897, c. 4, § 1, 30 Stat. 100.)

202. Sailing vessels approaching one another.—*Art. 17.*—When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. (June 7, 1897, c. 4, § 1, 30 Stat. 100.)

203. Steam vessels approaching, meeting, or passing one another; banks obstructing view; leaving dock.—*Art. 18.*—Rule I. When steam vessels are approaching each other head and head, that is, end on, or nearly so, it shall be the duty of

each to pass on the port side of the other; and either vessel shall give, as a signal of her intention, one short and distinct blast of her whistle, which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other.

But if the courses of such vessels are so far on the starboard of each other as not to be considered as meeting head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other.

The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own and by night to cases in which each vessel is in such a position as to see both the sidelights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Rule III. If, when steam vessels are approaching each other, either vessel fails to understand the course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam whistle.

Rule V. Whenever a steam vessel is nearing a short bend or curve, in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction can not be seen for a distance of half a mile, such steam vessel, when she shall have arrived within half a mile of such curve, or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly.

When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

Rule VIII. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall put her helm to port; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall put her helm to starboard; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached a point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals.

The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.

Rule IX. The whistle signals provided in the rules under this article, for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights.

In fog, mist, falling snow or heavy rainstorms, when vessels can not so see each other, fog signals only must be given. (June 7, 1897, c. 4, § 1, 30 Stat. 100.)

204. Steam vessels crossing.—*Art. 19.*—When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

205. Steam and sailing vessels meeting.—*Art. 20.*—When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

206. Vessel having right of way to keep course.—*Art. 21.*—Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

207. Crossing ahead of vessel having right of way.—*Art. 22.*—Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

208. Duty of steam vessel to slacken speed.—*Art. 23.*—Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

209. Overtaking vessel to keep out of the way; definition of "overtaking vessel."—*Art. 24.*—Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

210. Steam vessel in narrow channel.—*Art. 25.*—In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel. (June 7, 1897, c. 4, § 1, 30 Stat. 101.)

211. Right of way of fishing vessel or boats; obstruction of fairway.—*Art. 26.*—Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats. (June 7, 1897, c. 4, § 1, 30 Stat. 102.)

212. Special circumstances requiring departure from rules.—*Art. 27.*—In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to

any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. (June 7, 1897, c. 4, § 1, 30 Stat. 102.)

213. Signal of full speed of engines astern.—*Art. 28.*—When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle. (June 7, 1897, c. 4, § 1, 30 Stat. 102.)

NO VESSEL UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS

221. Usual additional precautions required generally.—*Art. 29.*—Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. (June 7, 1897, c. 4, § 1, 30 Stat. 102.)

222. Lights on war and Coast Guard vessels; exhibition suspended.—*Art. 30.*—The exhibition of any light on board of a vessel of war of the United States or a Coast Guard vessel may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. (June 7, 1897, c. 4, § 1, 30 Stat. 102.)

DISTRESS SIGNALS

231. Distress signals in daytime and at night.—*Art. 31.*—When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

IN THE DAYTIME.—A continuous sounding with any fog-signal apparatus, or firing a gun.

AT NIGHT.—First. Flames on the vessel as from a burning tar barrel, oil barrel, and so forth.

Second. A continuous sounding with any fog-signal apparatus, or firing a gun. (June 7, 1897, c. 4, § 1, 30 Stat. 102.)

Chapter 4.—NAVIGATION RULES FOR GREAT LAKES AND THEIR CONNECTING AND TRIBUTARY WATERS.

PRELIMINARY

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251. Time for lights; prescribed lights exclusive; "visible" defined.
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260. Lights of open boat.
261. Use of torch by sailing vessel on approach of steamer.
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SOUND SIGNALS FOR FOG, ETC.; SPEED

271. Sound signals in fog, etc., of steam and sailing vessels under way, at anchor or aground.
272. Speed in fog, etc.

STEERING AND SAILING RULES

Sec.
281. Sailing vessels approaching one another.
282. Steam vessels meeting end on.
283. Steam vessels crossing.
284. Steam and sailing vessels meeting.
285. Vessel having right of way to keep course.
286. Duty of steam vessel to slacken speed.
287. Overtaking vessel to keep out of the way.
288. Whistle signals of steam vessel to indicate course.
289. Steam vessels meeting in narrow channels having current and certain rivers; right of way.
290. Steam vessels passing in narrow channels; slackening speed.
291. Dissent to or misunderstanding of signal given; duty to reduce speed.
292. Departure from rules to avert immediate danger.
293. Usual additional precautions required generally.

CROSS REFERENCE

As regards light and sounding signal devices on motor boats, and sailing and steering rules, relating thereto, see sections 513, 514, and 520 of Title 46, SHIPPING.

PRELIMINARY

Section 241. Adoption of rules for navigation of Great Lakes, etc.—The following rules for preventing collisions shall be followed in the navigation of all public and private vessels of the United States upon the Great Lakes and their connecting and tributary waters as far east as Montreal. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 645.)

242. "Sailing vessel," "steam vessel," and "under way" defined.—*Rule 1.*—Every steam vessel which is under sail and not under steam, shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The word steam vessel shall include any vessel propelled by machinery. A vessel is under way within the meaning of these rules when she is not at anchor or made fast to the shore or aground. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 645.)

243. Special regulation by Secretary of Commerce and by Board of Supervising Inspectors.—The Secretary of Commerce of the United States shall have authority to establish all necessary regulations, not inconsistent with the provisions of this chapter, required to carry the same into effect.

The Board of Supervising Inspectors of the United States shall have authority to establish such regulations to be observed by all steam vessels in passing each other, not inconsistent with the provisions of this chapter, as they shall from time to time deem necessary; and all regulations adopted by the said Board of Supervising Inspectors under the authority of this chapter, when approved by the Secretary of Commerce, shall have the force of law. Two printed copies of any such regulations for passing, signed by them, shall be furnished to each steam vessel, and shall at all times be kept posted up in conspicuous places on board. (Feb. 8, 1895, c. 64, § 3, 28 Stat. 649.)

244. Penalty for violation of provisions.—A fine, not exceeding $200, may be imposed for the violation of any of the provisions of this chapter. The vessel shall be liable for the said penalty, and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found. (Feb. 8, 1895, c. 64, § 2, 28 Stat. 649.)

RULES CONCERNING LIGHTS, ETC.

251. Time for lights; prescribed lights exclusive; "visible" defined.—*Rule 2.*—The lights mentioned in the following rules and no others shall be carried in all weathers from sunset to sunrise. The word visible in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 645.)

252. Lights of steam vessel under way.—*Rule 3.*—Except in the cases hereinafter expressly provided for, a steam vessel when under way shall carry:

(a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the beam of the vessel exceeds twenty feet, then at a height above the hull not less than such beam, so, however, that such height need not exceed forty feet, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side, a green light, so constructed as to throw an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side, a red light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) A steamer of over one hundred and fifty feet register length shall also carry when under way an additional bright light similar in construction to that mentioned in subdivision (a), so fixed as to throw the light all around the horizon and of such character as to be visible at a distance of at least three miles. Such additional light shall be placed in line with the keel at least fifteen feet higher from the deck and more than seventy-five feet abaft the light mentioned in subdivision (a). (Feb. 8, 1895, c. 64, § 1, 28 Stat. 645.)

253. Lights of steam vessel having a tow other than raft.—*Rule 4.*—A steam vessel having a tow other than a raft shall in addition to the forward bright light mentioned in subdivision (a) of rule 3 carry in a vertical line not less than six feet above or below that light a second bright light of the same construction and character and fixed and carried in the same manner as the forward bright light mentioned in said subdivision (a) of rule 3. Such steamer shall also carry a small bright light abaft the funnel or after mast for the tow to steer by, but such light shall not be visible forward of the beam. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 646.)

254. Lights of steam vessel having raft in tow.—*Rule 5.*—A steam vessel having a raft in tow shall, instead of the forward lights mentioned in rule 4, carry on or in front of the foremast, or if a vessel without a foremast then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the beam of the vessel exceeds twenty feet, then at a height above the hull not less than such beam, so however that such height need not exceed forty feet, two bright lights in a horizontal line athwartships and not less than eight feet apart, each so fixed as to throw the light all around the horizon and of such character as to be visible at a distance of at least five miles. Such steamer shall also carry the small bright steering light aft, of the character and fixed as required in rule 4. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 646.)

255. Lights of sailing vessel under way and vessel in tow.—*Rule 6.*—A sailing vessel under way and any vessel being towed shall carry the side lights mentioned in rule 3.

A vessel in tow shall also carry a small bright light aft, but such light shall not be visible forward of the beam. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 646.)

256. Lights of small tugs, boats on River St. Lawrence, ferryboats, rafts, and canal boats; regulations by Board of Supervising Inspectors.—*Rule 7.*—The lights for tugs under thirty tons register whose principal business is harbor towing, and for boats navigating only on the River Saint Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 646.)

257. Lights of small vessels under way in bad weather.—*Rule 8.*—Whenever, as in the case of small vessels under way during bad weather, the green and red side lights can not be fixed, these lights shall be kept at hand lighted and ready for use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 646.)

258. Lights of vessel at anchor.—*Rule 9.*—A vessel under one hundred and fifty feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern constructed so as to show a clear, uniform, and unbroken light, visible all around the horizon, at a distance of at least one mile.

A vessel of one hundred and fifty feet or upward in register length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 647.)

259. Lights of produce boats, canal boats, etc., navigating by hand or horsepower or by sail or by current, or at anchor.—*Rule 10.*—Produce boats, canal boats, fishing boats, rafts, or other water craft navigating any bay, harbor, or river by hand power, horsepower, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not otherwise provided for in these rules, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Board of Supervising Inspectors of Steam Vessels. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 647.)

260. Lights of open boat.—*Rule 11.*—Open boats shall not be obliged to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up in addition if considered expedient. This rule shall be so construed as not to require row boats and skiffs on the river St. Lawrence to carry lights. (June 19, 1886, c. 421, § 16, 24 Stat. 82; Feb. 8, 1895, c. 64, § 1, 28 Stat. 647.)

261. Use of torch by sailing vessel on approach of steamer.—*Rule 12.*—Sailing vessels shall at all times, on the approach of any steamer during the nighttime, show a lighted torch upon that point or quarter to which such steamer shall be approaching. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 647.)

262. Suspension of lights by vessel of war or Coast Guard vessels.—*Rule 13.*—The exhibition of any light on board of a vessel of war or Coast Guard vessel of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 647.)

SOUND SIGNALS FOR FOG, ETC.; SPEED

271. Sound signals in fog, etc., of steam and sailing vessels under way, at anchor or aground.—*Rule 14.*—A steam vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, placed before the funnel not less than eight feet from the deck, or in such other place as the local inspectors of steam vessels shall determine, and of such character as to be heard in ordinary weather at a distance of at least two miles, and with an efficient bell, and it is hereby made the duty of the United States local inspectors of steam vessels when inspecting the same to require each steamer to be furnished with such whistle and bell. A sailing vessel shall be provided with an efficient fog horn and with an efficient bell.

Whenever there is thick weather by reason of fog, mist, falling snow, heavy rainstorms, or other causes, whether by day or by night, fog signals shall be used as follows:

(a) A steam vessel under way, excepting only a steam vessel with raft in tow, shall sound at intervals of not more than one minute three distinct blasts of her whistle.

(b) Every vessel in tow of another vessel shall, at intervals of one minute, sound four bells on a good and efficient and properly-placed bell as follows: By striking the bell twice in quick succession, followed by a little longer interval, and then again striking twice in quick succession (in the manner in which four bells is struck in indicating time).

(c) A steamer with a raft in tow shall sound at intervals of not more than one minute a screeching or Modoc whistle for from three to five seconds.

(d) A sailing vessel under way and not in tow shall sound at intervals of not more than one minute—

If on the starboard tack with wind forward of abeam, one blast of her fog horn;

If on the port tack with wind forward of the beam, two blasts of her fog horn;

If she has the wind abaft the beam on either side, three blasts of her fog horn.

(e) Any vessel at anchor and any vessel aground in or near a channel or fairway shall at intervals of not more than two minutes ring the bell rapidly for three to five seconds.

(f) Vessels of less than ten tons registered tonnage, not being steam vessels, shall not be obliged to give the above-mentioned signals, but if they do not they shall make some other efficient sound signal at intervals of not more than one minute.

(g) Produce boats, fishing boats, rafts, or other water craft navigating by hand power or by the current of the river, or anchored or moored in or near the channel or fairway and not in any port, and not otherwise provided for in these rules, shall sound a fog horn or equivalent signal, at intervals of not more than one minute. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 647.)

272. Speed in fog, etc.—*Rule 15.*—Every vessel shall, in thick weather, by reason of fog, mist, falling snow, heavy rain storms, or other causes, go at moderate speed. A steam vessel hearing, apparently not more than four points from right ahead, the fog signal of another vessel shall at once reduce her speed to bare steerageway, and navigate with caution until the vessels shall have passed each other. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 648.)

STEERING AND SAILING RULES

281. Sailing vessels approaching one another.—*Rule 16.*—When two sailing vessels are approaching one another so as to involve risk of collision one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When they are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 648.)

282. Steam vessels meeting end on.—*Rule 17.*—When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision each shall alter her course to starboard, so that each shall pass on the port side of the other. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 648.)

283. Steam vessels crossing.—*Rule 18.*—When two steam vessels are crossing so as to involve risk of collision the vessel which has the other on her own starboard side shall keep out of the way of the other. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 648.)

284. Steam and sailing vessels meeting.—*Rule 19.*—When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision the steam vessel shall keep out of the way of the sailing vessel. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 648.)

285. Vessel having right of way to keep course.—*Rule 20.*—Where, by any of the rules in this chapter prescribed, one of two vessels shall keep out of the way, the other shall keep her course and speed. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

286. Duty of steam vessel to slacken speed.—*Rule 21.*—Every steam vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

287. Overtaking vessel to keep out of the way.—*Rule 22.*—Notwithstanding anything contained in these rules every vessel overtaking any other shall keep out of the way of the overtaken vessel. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

288. Whistle signals of steam vessels to indicate course.—*Rule 23.*—In all weathers every steam vessel under way in taking any course authorized or required by these rules shall indicate that course by the following signals on her whistle, to be accompanied whenever required by corresponding alteration of her helm; and every steam vessel receiving a signal from another shall promptly respond with the same signal or, as provided in rule 26:

One blast to mean, "I am directing my course to starboard."

Two blasts to mean, "I am directing my course to port."

But the giving or answering signals by a vessel required to keep her course shall not vary the duties and obligations of the respective vessels. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

289. Steam vessels meeting in narrow channels having current and certain rivers; right of way.—*Rule 24.*—In all narrow channels where there is a current, and in the rivers Saint Mary, Saint Clair, Detroit, Niagara, and Saint Lawrence, when two steamers are meeting, the descending steamer shall have the right of way, and shall, before the vessels shall have arrived within the distance of one-half mile of each other, give the signal necessary to indicate which side she elects to take. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

290. Steam vessels passing in narrow channels; slackening speed.—*Rule 25.*—In all channels less than five hundred feet in width, no steam vessel shall pass another going in the same direction unless the steam vessel ahead be disabled or signify her willingness that the steam vessel astern shall pass, when the steam vessel astern may pass, subject, however, to the other rules applicable to such a situation. And when steam vessels proceeding in opposite directions are about to meet in such channels, both such vessels shall be slowed down to a moderate speed, according to the circumstances. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

291. Dissent to or misunderstanding of signal given; duty to reduce speed.—*Rule 26.*—If the pilot of a steam vessel to which a passing signal is sounded deems it unsafe to accept and assent to said signal, he shall not sound a cross signal; but in that case, and in every case where the pilot of one steamer fails to understand the course or intention of an approaching steamer, whether from signals being given or answered erroneously, or from other causes, the pilot of such steamer so receiving the first passing signal, or the pilot so in doubt, shall sound several short and rapid blasts of the whistle; and if the vessels shall have approached within half a mile of each other both shall reduce their speed to bare steerageway, and, if necessary, stop and reverse. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

292. Departure from rules to avert immediate danger.—*Rule 27.*—In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

293. Usual additional precautions required generally.—*Rule 28.*—Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of a neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 649.)

Chapter 5.—NAVIGATION RULES FOR RED RIVER OF THE NORTH AND RIVERS EMPTYING INTO GULF OF MEXICO AND TRIBUTARIES.

PRELIMINARY

Sec.
301. Adoption of rules.
302. "Sail vessel" and "steam vessel" defined.
303. Penalty for violation by vessel.

RULES CONCERNING LIGHTS

311. Time for lights; prescribed lights exclusive.
312. Lights of ocean-going steamers and steamers carrying sail, when under way.
313. Lights of steam vessels towing other vessels.
314. Lights of steam vessels other than ocean-going steamers and steamers carrying sail.
315. Lights of river steamers on waters flowing into Gulf of Mexico.
316. Lights of steam vessels not otherwise provided for; ferryboats, barges, and canal boats.
317. Lights of sailing vessels under way or in tow.
318. Lights of small vessels in bad weather.
319. Lights of vessels at anchor.
320. Lights of sailing and steam pilot vessels.
321. Lights of coal boats, produce boats, navigating by hand power, horsepower, or by current of river.
322. Lights of open boats.
323. Vessel of war or Coast Guard vessel; suspension of exhibition of lights.

SOUND SIGNALS FOR FOG, ETC.

331. Sound signals for fog, etc.; steamers, sailing vessels, and other water craft at anchor or under way.

STEERING AND SAILING RULES

Sec.
341. Suggestion for ascertainment of risk of collision.
342. Sailing vessels approaching one another.
343. Steam vessels meeting end on.
344. Steam vessels crossing.
345. Steam and sailing vessels meeting.
346. Duty of steam vessel to slacken speed; fog.
347. Overtaking vessel to keep out of the way.
348. Vessel having right of way to keep course.
349. Special circumstance requiring departure from rules.
350. Overtaken sailing vessel to show light.
351. Usual additional precautions required.

CROSS REFERENCE

As regards lights and sound signal devices for motor boats, see sections 513 and 514 of title 46, SHIPPING.

PRELIMINARY

Section 301. Adoption of rules.—The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States upon the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries.

Such rules and regulations pursuant to the provisions of this chapter are hereby declared special rules duly made by local authority relative to the navigation of harbors, rivers and inland waters as provided for in article 30, of chapter 2 of this title, section 131. (R. S. § 4233; Aug. 19, 1890, c. 802, 26 Stat. 320; Feb. 8, 1895, c. 64, 28 Stat. 645; Feb. 19, 1895, c. 102, 28 Stat. 672; June 7, 1897, c. 4, 30 Stat. 96.)

302. "Sail vessel" and "steam vessel" defined.—*Rule 1.*—Every steam vessel which is under sail and not under steam shall be considered a sail vessel; and every steam vessel which is under steam, whether under sail or not, shall be considered a steam vessel. The words steam vessel shall include any vessel propelled by machinery. (Feb. 19, 1895, c. 102, 28 Stat. 672; Mar. 3, 1905, c. 1457, § 10, 33 Stat. 1032.)

303. Penalty for violation by vessel.—Collectors or other chief officers of the customs shall require all sail vessels navigating the Red River of the North and rivers emptying into the Gulf of Mexico, and their tributaries to be furnished with proper signal lights.

Every such vessel that shall be navigated without complying with the Statutes of the United States, or the regulations that may be lawfully made thereunder, shall be liable to a penalty of $200, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. (Feb. 19, 1895, c. 102, § 3, 28 Stat. 672.)

RULES CONCERNING LIGHTS

311. Time for lights; prescribed lights exclusive.—*Rule 2.*—The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

312. Lights of ocean-going steamers and steamers carrying sail, when under way.—*Rule 3.*—All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(a) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(b) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at

a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(c) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

313. Lights of steam vessels towing other vessels.—*Rule 4.*—Steam vessels, when towing other vessels, shall carry two bright white masthead lights vertically, in addition to their side lights, so as to distinguish them from other steam vessels. Each of these masthead lights shall be of the same character and construction as the masthead lights prescribed by rule 3. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

314. Lights of steam vessels other than ocean-going steamers and steamers carrying sail.—*Rule 5.*—All steam vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side lights by rule 3, except in the case provided in rule 6. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

315. Lights of river steamers on waters flowing into Gulf of Mexico.—*Rule 6.*—River steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke pipe, and one green light on the outboard side of the starboard smoke pipe. Such lights shall show both forward and abeam on their respective sides. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

316. Lights of steam vessels not otherwise provided for; ferryboats, barges and canal boats.—*Rule 7.*—All steam vessels other than ferryboats and vessels otherwise expressly provided for, except those mentioned in rule 6, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the afterlight being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The headlight shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the afterlight so as to show all around the horizon. The lights for ferryboats, barges and canal boats when in tow of steam vessels, shall be regulated by such rules as the board of supervising inspectors of steam vessels shall prescribe. (R. S. § 4233; Mar. 3, 1893, c. 202, 27 Stat. 557; Feb. 19, 1895, c. 102, 28 Stat. 672.)

317. Lights of sailing vessels under way or in tow.—*Rule 8.*—Sail vessels, under way or being towed, shall carry the same lights as steam vessels under way, with the exception of the white masthead lights, which they shall never carry. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

318. Lights of small vessels in bad weather.—*Rule 9.*—Whenever, as in case of small vessels during bad weather, the green and red lights can not be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

319. Lights of vessels at anchor.—*Rule 10.*—All vessels, whether steam vessels or sail vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

320. Lights of sailing and steam pilot vessels.—*Rule 11.*—Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Steam pilot boats shall, in addition to the masthead light and green and red side lights required for ocean steam vessels, carry a red light hung vertically from three to five feet above the foremast headlight, for the purpose of distinguishing such steam pilot boats from other steam vessels. (R. S. § 4233; Mar. 3, 1897, c. 389, § 5, 29 Stat. 689; Feb. 19, 1895, c. 102, 28 Stat. 672.)

321. Lights of coal boats, produce boats, etc., navigating by hand power, horse power, or by current of river.—*Rule 12.*—Coal boats, trading boats, produce boats, canal boats, oyster boats, fishing boats, rafts, or other water craft, navigating any bay, harbor, or river, by hand power, horsepower, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam vessels. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

322. Lights of open boats.—*Rule 13.*—Open boats shall not be required to carry the side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

323. Vessel of war or Coast Guard vessel; suspension of exhibition of lights.—*Rule 14.*—The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander in chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a Coast Guard vessel of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it. (Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

SOUND SIGNALS FOR FOG, ETC.

331. Sound signals for fog, etc.; steamers, sailing vessels, and other water craft, at anchor or under way.—*Rule 15.*—(a) Whenever there is a fog, or thick weather, whether by day or night, fog signals shall be used as follows: Steam vessels under way shall sound a steam whistle placed before the funnel, not less than eight feet from the deck, at intervals

of not more than one minute. Steam vessels, when towing, shall sound three blasts of quick succession repeated at intervals of not more than one minute.

(b) Sail vessels under way shall sound a foghorn at intervals of not more than one minute.

(c) Steam vessels and sail vessels, when not under way, shall sound a bell at intervals of not more than two minutes.

(d) Coal boats, trading boats, produce boats, canal boats, oyster boats, fishing boats, rafts, or other water craft, navigating any bay, harbor, or river, by hand power, horsepower, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a foghorn, or equivalent signal, which shall make a sound equal to a steam whistle, at intervals of not more than two minutes. (R. S. § 4233; Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

STEERING AND SAILING RULES

341. Suggestion for ascertainment of risk of collision.—*Rule 16.*—Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change such risk should be deemed to exist. (Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

342. Sailing vessels approaching one another.—*Rule 17.*—When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is closed-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both vessels are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. (Mar. 3, 1897, c. 389, § 12, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

343. Steam vessels meeting end on.—*Rule 18.*—If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

344. Steam vessels crossing.—*Rule 19.*—If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

345. Steam and sailing vessels meeting.—*Rule 20.*—If two vessels, one of which is a sail vessel and the other a steam vessel, are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sail vessel. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

346. Duty of steam vessel to slacken speed; fog.—*Rule 21.*—Every steam vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam vessel shall, when in a fog, go at a moderate speed. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

347. Overtaking vessel to keep out of the way.—*Rule 22.*—Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

348. Vessel having right of way to keep course.—*Rule 23.*—Where, by rules 17, 19, 20, and 22, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of rule 24. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

349. Special circumstance requiring departure from rules.—*Rule 24.*—In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger. (R. S. § 4233; Feb. 19, 1895, c. 102, 28 Stat. 672.)

350. Overtaken sailing vessel to show light.—*Rule 25.*—A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light. (Mar. 3, 1897, c. 389, § 13, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

351. Usual additional precautions required.—*Rule 26.*—Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. (Mar. 3, 1897, c. 389, § 13, 29 Stat. 690; Feb. 19, 1895, c. 102, 28 Stat. 672.)

Chapter 6.—GENERAL DUTIES OF SHIP OFFICERS AND OWNERS AFTER COLLISION OR OTHER ACCIDENT.

Sec.
361. Reports of accidents generally; penalty.
362. Report of probable loss of vessel; penalty.
363. Transmission by collectors of customs of reports to Secretary of Commerce.
364. Remission and recovery of penalties.
365. Reports by owners, etc., of barges in tow.
366. Reports by Secretary of Commerce to Congress.
367. Duty of master of vessel in collision to give aid, name of his vessel, etc.
368. Penalty for failure to give aid, etc.

Section 361. Reports of accidents general; penalty.—Whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel, shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of $100. (June 20, 1874, c. 344, § 10, 18 Stat. 128.)

362. Report of probable loss of vessel; penalty.—Whenever the managing owner or agent of any vessel of the United States has reason, owing to the nonappearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said

vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able; and if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of $100. (June 20, 1874, c. 344, § 11, 18 Stat. 128.)

363. Transmission by collectors of customs of reports to Secretary of Commerce.—It shall be the duty of the collectors of customs to immediately transmit to the Secretary of Commerce such reports and information as they may receive under the provisions of the two preceding sections, and they shall also report to the Secretary of Commerce any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof. (June 20, 1874, c. 344, § 12, 18 Stat. 128.)

364. Remission and recovery of penalties.—The Secretary of Commerce may, upon application therefor, remit or mitigate any penalty provided for in the preceding sections of this chapter, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper. All penalties herein provided may be sued for, prosecuted, recovered, and disposed of in the manner prescribed by section 396 of chapter 8 of this title. (Mar. 3, 1897, c. 389, § 11, 29 Stat. 690.)

365. Reports by owners, etc., of barges in tow.—The owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of the four preceding sections, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce. (Mar. 4, 1915, c. 153, § 15, 38 Stat. 1184.)

366. Reports by Secretary of Commerce to Congress.—The Secretary of Commerce shall transmit annually to Congress a summary of the reports, transmitted to him by the collectors of customs as required in the preceding sections of this chapter during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents. (Mar. 4, 1915, c. 153, § 15, 38 Stat. 1184.)

367. Duty of master of vessel in collision to give aid, name of his vessel, etc.—In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound. If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default. (Sept. 4, 1890, c. 875, § 1, 26 Stat. 425.)

368. Penalty for failure to give aid, etc.—Every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as required in the preceding section shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of $1,000, or imprisonment for a term not exceeding two years; and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person; one-half such sum to be payable to the informer and the other half to the United States. (Sept. 4, 1890, c. 875, § 2, 26 Stat. 425.)

Chapter 7.—REGULATIONS FOR THE SUPPRESSION OF PIRACY.

Sec.
381. Use of public vessels to suppress piracy.
382. Seizure of piratical vessels generally.
383. Resistance of pirates by merchant vessels.
384. Condemnation of piratical vessels.
385. Seizure and condemnation of vessels fitted out for piracy.
386. Commissioning private vessels for seizure of piratical vessels.
387. Duties of officers of customs and marshals as to seizure.

CROSS REFERENCE

As regards piracy and other offenses on the high seas, see section 481 et seq., of Title 18.

Section 381. Use of public vessels to suppress piracy.—The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations. (R. S. § 4293.)

382. Seizure of piratical vessels generally.—The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas. (R. S. § 4294.)

383. Resistance of pirates by merchant vessels.—The commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States. (R. S. § 4295.)

384. Condemnation of piratical vessels.—Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion. (R. S. § 4296.)

385. Seizure and condemnation of vessels fitted out for piracy.—Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured

and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as in the following section mentioned, to the use of the United States, and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States. (R. S. § 4297.)

386. Commissioning private vessels for seizure of piratical vessels.—The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section. (R. S. § 4298.)

387. Duties of officers of customs and marshals as to seizure.—The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section 385 of this chapter, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section. (R. S. § 4299.)

Chapter 8.—SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS.

Sec.
391. Summary trials authorized.
392. Complaint and answer; jury trial.
393. Amendments of complaint and adjournments.
394. Challenge to jurors.
395. Limit of sentence.
396. Recovery of penalties and forfeitures generally.

Section 391. Summary trials authorized.—Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation. (R. S. § 4300.)

392. Complaint and answer; jury trial.—At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counterstatement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty. (R. S. § 4301.)

393. Amendments of complaint and adjournments.—It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court. (R. S. § 4302.)

394. Challenge to jurors.—At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers. (R. S. § 4303.)

395. Limit of sentence.—It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding $500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine. (R. S. § 4304.)

396. Recovery of penalties and forfeitures generally.—All penalties and forfeitures which may be incurred for offenses against this chapter and the six preceding chapters of this title may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed. (R. S. § 4305.)

Chapter 9.—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY.

IN GENERAL

Sec.
401. Construction of bridges, causeways, dams or dikes generally.
402. Construction of bridges, etc., over Illinois and Mississippi Canal.
403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.
404. Establishment of harbor lines; conditions to grants for extension of piers, etc.
405. Establishment and modification of harbor lines on Potomac and Anacostia Rivers.
406. Penalty for wrongful construction of bridges, piers, etc.; removal of structures.
407. Deposit of refuse in navigable waters generally.
408. Taking possession of, use of, or injury to harbor or river improvements.
409. Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels.
410. Exception as to floating loose timber, sack rafts, etc.; violation of regulations; penalty.
411. Penalty for wrongful deposit of refuse; use of or injury to harbor improvements, and obstructions of navigable waters generally.
412. Liability of masters, pilots, etc., and of vessels engaged in violations.
413. Duty of district attorneys and other Federal officers in enforcement of provisions; arrest of offenders.
414. Removal by Secretary of sunken water craft generally.
415. Summary removal of water craft obstructing navigation.
416. Appropriation for removal of sunken water craft.
417. Expenses of investigations by War Department.
418. Provisions for protection of New York Harbor unaffected.
419. Regulation by Secretary governing transportation and dumping of dredgings, refuse, etc., into navigable waters; oyster lands; appropriations.
420. Piers and cribs on Mississippi and St. Croix Rivers.
421. Deposit of refuse, etc., in Lake Michigan near Chicago.
422. Modification and extension of harbor lines at Chicago.
423. Establishment of pierhead and bulkhead lines in Wilmington Harbor, California.
424. Establishment of pierhead or bulkhead lines in Newport Harbor, California.
425. Investigations by Secretary of War as to pollution of navigable waters.

OIL POLLUTION OF COASTAL WATERS

Sec.
431. Short title "Oil Pollution Act."
432. Definitions; "oil"; "person"; "coastal navigable waters"; "Secretary."
433. Prohibition against discharge of oil generally.
434. Penalties for violations; liability of vessel.
435. Revocation or suspension of license of officers of offending vessels.
436. Personnel for enforcement of provisions; arrest of offenders and procedure.
437. Other statutes for preservation and protection of navigable waters unaffected.

NEW YORK HARBOR AND ADJACENT WATERS

441. Deposit of refuse in New York Harbor and adjacent waters prohibited; penalty.
442. Liability of officers of towing vessel.
443. Permit for dumping; penalty for taking or towing boat or scow without permit.
444. Dumping at other place than designated dumping grounds; penalty; person liable; excuses for deviation.
445. Equipment and marking of boats or scows.
446. Inspectors; appointment, powers, and duties.
447. Bribery of inspector; penalty.
448. Return of permit; penalty for failure to return.
449. Disposition of dredged matter; persons liable; penalty.
450. Liability of vessel.
451. Supervisor of harbor; appointment and duties.
452. Taking shellfish or otherwise interfering with navigation in New York Harbor channels; penalty; arrest and procedure.
453. Regulations for navigation of Ambrose Channel; exclusion of tows and sailing vessels.
454. Consent of Congress to obstruction of waters by New York City.

POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA

461. Deposit in river, etc., of materials generally.
462. Deposit of offal.
463. Penalty for violation of preceding sections.
464. Improvements under supervision of Federal Government excepted.

IN GENERAL

Section 401. Construction of bridges, causeways, dams or dikes generally.—It shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War: *Provided*, That such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced: *And provided further*, That when plans for any bridge or other structure have been approved by the Chief of Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War. (Mar. 3, 1899, c. 425, § 9, 30 Stat. 1151.)

402. Construction of bridges, etc., over Illinois and Mississippi Canal.—The provisions of the foregoing section are hereby made applicable alike to the completed and uncompleted portions of the Illinois and Mississippi Canal. Whenever the Secretary of War shall approve plans for a bridge to be built across said canal he may, in his discretion, and subject to such terms and conditions as in his judgment are equitable, expedient, and just to the public, grant to the person or corporation building and owning such bridge a right of way across the lands of the United States on either side of and adjacent to the said canal; also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches. (June 13, 1902, c. 1079, § 10, 32 Stat. 374.)

403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.—The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same. (Mar. 3, 1899, c. 425, § 10, 30 Stat. 1151.)

404. Establishment of harbor lines; conditions to grants for extension of piers, etc.—Where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors he may, and is hereby, authorized to cause such lines to be established, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him: *Provided*, That whenever the Secretary of War grants to any person or persons permission to extend piers, wharves, bulkheads, or other works, or to make deposits in any tidal harbor or river of the United States beyond any harbor lines established under authority of the United States, he shall cause to be ascertained the amount of tidewater displaced by any such structure or by any such deposits, and he shall, if he deem it necessary, require the parties to whom the permission is given to make compensation for such displacement either by excavating in some part of the harbor, including tidewater channels between high and low water mark, to such an extent as to create a basin for as much tidewater as may be displaced by such structure or by such deposits, or in any other mode that may be satisfactory to him. (Mar. 3, 1899, c. 425, § 11, 30 Stat. 1151.)

405. Establishment and modification of harbor lines on Potomac and Anacostia Rivers.—The provisions of the foregoing section are made applicable to the Potomac and Anacostia Rivers, and after July 25, 1912, harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided. (July 25, 1912, c. 253, § 1, 37 Stat. 206.)

406. Penalty for wrongful construction of bridges, piers, etc.; removal of structures.—Every person and every corporation that shall violate any of the provisions of sections 401, 403 and 404 of this chapter or any rule or regulation made by the Secretary of War in pursuance of the provisions of the said sections, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And further, the removal of any structures or parts of structures erected in violation of the provisions of the said sections may be enforced by the injunction of any district court exercising jurisdiction in any district in which such structures may exist, and proper

proceedings to this end may be instituted under the direction of the Attorney General of the United States. (Mar. 3, 1899, c. 425, § 12, 30 Stat. 1151; Feb. 20, 1900, c. 23, § 2, 31 Stat. 32.)

407. Deposit of refuse in navigable waters generally.—It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful. (Mar. 3, 1899, c. 425, § 13, 30 Stat. 1152.)

408. Taking possession of, use of, or injury to harbor or river improvements.—It shall not be lawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, or any piece of plant, floating or otherwise, used in the construction of such work under the control of the United States, in whole or in part, for the preservation and improvement of any of its navigable waters or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works: *Provided*, That the Secretary of War may, on the recommendation of the Chief of Engineers, grant permission for the temporary occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest. (Mar. 3, 1899, c. 425, § 14, 30 Stat. 1152.)

409. Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels.—It shall not be lawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft; or to voluntarily or carelessly sink, or permit or cause to be sunk, vessels or other craft in navigable channels; or to float loose timber and logs, or to float what is known as sack rafts of timber and logs in streams or channels actually navigated by steamboats in such manner as to obstruct, impede, or endanger navigation. And whenever a vessel, raft, or other craft is wrecked and sunk in a navigable channel, accidently or otherwise, it shall be the duty of the owner of such sunken craft to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner so to do shall be unlawful; and it shall be the duty of the owner of such sunken craft to commence the immediate removal of the same, and prosecute such removal diligently, and failure to do so shall be considered as an abandonment of such craft, and subject the same to removal by the United States as hereinafter provided for. (Mar. 3, 1899, c. 425, § 15, 30 Stat. 1152.)

410. Exception as to floating loose timber, sack rafts, etc.; violation of regulations; penalty.—The prohibition contained in the foregoing section against floating loose timber and logs, or sack rafts, so called, of timber and logs in streams or channels actually navigated by steamboats, shall not apply to any navigable river or waterway of the United States or any part thereof whereon the floating of loose timber and logs and sack rafts of timber and logs is the principal method of navigation. But such method of navigation on such river or waterway or part thereof shall be subject to the rules and regulations prescribed by the Secretary of War as hereinafter provided.

The Secretary of War shall have power, and he is hereby authorized and directed to prescribe rules and regulations, which he may at any time modify, to govern and regulate the floating of loose timber and logs, and sack rafts, (so called) of timber and logs and other methods of navigation on the streams and waterways, or any thereof, of the character, as to navigation, heretofore in this section described. The said rules and regulations shall be so framed as to equitably adjust conflicting interests between the different methods or forms of navigation; and the said rules and regulations shall be published at least once in such newspaper or newspapers of general circulation as in the opinion of the Secretary of War shall be best adapted to give notice of said rules and regulations to persons affected thereby and locally interested therein. And all modifications of said rules and regulations shall be similarly published. And such rules and regulations when so prescribed and published as to any such stream or waterway shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of such violation shall be punished by a fine of not exceeding $2,500 nor less than $500, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in the case of crimes or misdemeanors committed against the United States.

The right to alter, amend, or repeal this section at any time is hereby reserved. (May 9, 1900, c. 387, §§ 1–3, 31 Stat. 172.)

411. Penalty for wrongful deposit of refuse; use of or injury to harbor improvements, and obstruction of navigable waters generally.—Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 407, 408, and 409 of this chapter shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction. (Mar. 3, 1899, c. 425, § 16, 30 Stat. 1153.)

412. Liability of masters, pilots, and so forth, and of vessels engaged in violations.—Any and every master, pilot, and engineer, or person or persons acting in such capacity, respectively,

on board of any boat or vessel who shall knowingly engage in towing any scow, boat, or vessel loaded with any material specified in section 407 of this chapter to any point or place of deposit or discharge in any harbor or navigable water, elsewhere than within the limits defined and permitted by the Secretary of War, or who shall willfully injure or destroy any work of the United States contemplated in section 408 of this chapter, or who shall willfully obstruct the channel of any waterway in the manner contemplated in section 409 of this chapter, shall be deemed guilty of a violation of this chapter, and shall upon conviction be punished as provided in the preceding section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. And any boat, vessel, scow, raft, or other craft used or employed in violating any of the provisions of sections 407, 408, and 409, of this chapter shall be liable for the pecuniary penalties specified in the preceding section, and in addition thereto for the amount of the damages done by said boat, vessel, scow, raft, or other craft, which latter sum shall be placed to the credit of the appropriation for the improvement of the harbor or waterway in which the damage occurred, and said boat, vessel, scow, raft, or other craft may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof. (Mar. 3, 1899, c. 425, § 16, 30 Stat. 1153.)

413. Duty of district attorneys and other Federal officers in enforcement of provisions; arrest of offenders.—The Department of Justice shall conduct the legal proceedings necessary to enforce the foregoing provisions of the foregoing sections of this chapter; and it shall be the duty of district attorneys of the United States to vigorously prosecute all offenders against the same whenever requested to do so by the Secretary of War or by any of the officials hereinafter designated, and it shall furthermore be the duty of said district attorneys to report to the Attorney General of the United States the action taken by him against offenders so reported, and a transcript of such reports shall be transmitted to the Secretary of War by the Attorney General; and for the better enforcement of the said provisions and to facilitate the detection and bringing to punishment of such offenders, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary of War, and the United States collectors of customs and other revenue officers shall have power and authority to swear out process, and to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by the aforesaid sections of this chapter, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the foregoing provisions of this chapter, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States. (Mar. 3, 1899, c. 425, § 17, 30 Stat. 1153.)

414. Removal by Secretary of sunken water craft generally.—Whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, or other similar obstruction, and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed "To whom it may concern," in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof: *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than ten days, for the removal of such obstruction as soon as possible after the expiration of the above specified thirty days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: *Provided*, That such bidder shall give satisfactory security to execute the work: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States. (Mar. 3, 1899, c. 425, § 19, 30 Stat. 1154.)

415. Summary removal of water craft obstructing navigation.—Under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in the foregoing section, in such manner as to stop, seriously interfere with, or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent any unnecessary injury; and no one shall interfere with or prevent such removal or destruction: *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it: *And provided further*, That the expense of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within thirty days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States. (Mar. 3, 1899, c. 425, § 20, 30 Stat. 1154.)

416. Appropriation for removal of sunken water craft.—Such sum of money as may be necessary to execute the two preceding sections is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid out on the requisition of the Secretary of War. (Mar. 3, 1899, c. 425, § 20, 30 Stat. 1154.)

417. Expenses of investigations by War Department.—Expenses incurred by the Engineer Department of the War Department in all investigations, inspections, hearings, reports, service of notice, or other action incidental to examination of plans or sites of bridges or other structures built or proposed to be built in or over navigable waters, or to examinations into alleged violations of laws for the protection and preservation of navigable waters, or to the establishment or marking

of harbor lines, shall be payable from any funds which may be available for the improvement, maintenance, operation, or care of the waterways or harbors affected, or if such funds are not available in sums judged by the Chief of Engineers to be adequate, then from any funds available for examinations, surveys, and contingencies of rivers and harbors. (Mar 3, 1905, c. 1482, § 6, 33 Stat. 1148.)

418. Provisions for protection of New York Harbor unaffected.—Nothing contained in the foregoing sections of this chapter shall be construed as repealing, modifying, or in any manner affecting the provisions of sections 441 to 453, inclusive, of this chapter. (June 13, 1902, c. 1079, § 12, 32 Stat. 375.)

419. Regulation by Secretary governing transportation and dumping of dredgings, refuse, etc., into navigable waters; oyster lands; appropriations.—The Secretary of War is authorized and empowered to prescribe regulations to govern the transportation and dumping into any navigable water, or waters adjacent thereto, of dredgings, earth, garbage, and other refuse materials of every kind or description, whenever in his judgment such regulations are required in the interest of navigation. Such regulations shall be posted in conspicuous and appropriate places for the information of the public; and every person or corporation which shall violate the said regulations, or any of them, shall be deemed guilty of a misdemeanor and shall be subject to the penalties prescribed in sections 411 and 412 of this chapter, for violation of the provisions of section 407 of this chapter: *Provided*, That any regulations made in pursuance hereof may be enforced as provided in section 413 of this chapter, the provisions whereof are hereby made applicable to the said regulations: *Provided further*, That this section shall not apply to any waters within the jurisdictional boundaries of any State which are now or may hereafter be used for the cultivation of oysters under the laws of such State, except navigable channels which have been or may hereafter be improved by the United States, or to be designated as navigable channels by competent authority, and in making such improvements of channels, the material dredged shall not be deposited upon any ground in use in accordance with the laws of such State for the cultivation of oysters, except in compliance with said laws: *And provided further*, That any expense necessary in executing this section may be paid from funds available for the improvement of the harbor or waterway, for which regulations may be prescribed, and in case no such funds are available the said expense may be paid from appropriations made by Congress for examinations, surveys, and contingencies of rivers and harbors. (Mar. 3, 1905, c. 1482, § 4, 33 Stat. 1147.)

420. Piers and cribs on Mississippi and St. Croix Rivers.—The owners of sawmills on the Mississippi River and the Saint Croix River in the States of Wisconsin and Minnesota are authorized and empowered, under the direction of the Secretary of War, to construct piers or cribs in front of their mill property on the banks of the river, for the protection of their mills and rafts against damage by floods and ice: *Provided, however*, That the piers or cribs so constructed shall not interfere with or obstruct the navigation of the river. And in case any pier or crib constructed under authority of this section shall at any time, and for any cause, be found to obstruct the navigation of the river, the Government expressly reserves the right to remove or direct the removal of it, at the cost and expense of the owners thereof. (R. S. § 5254; May 1, 1882, c. 112, 22 Stat. 52.)

421. Deposit of refuse, etc., in Lake Michigan near Chicago.—It shall not be lawful to throw, discharge, dump, or deposit, or cause, suffer, or procure, to be thrown, discharged, dumped, or deposited, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state into Lake Michigan, at any point opposite or in front of the county of Cook, in the State of Illinois, or the county of Lake in the State of Indiana, within eight miles from the shore of said lake, unless said material shall be placed inside of a breakwater so arranged as not to permit the escape of such refuse material into the body of the lake and cause contamination thereof; and no officer of the Government shall dump or cause or authorize to be dumped any material contrary to the provisions of this section: *Provided, however*, That the provisions of this section shall not apply to work in connection with the construction, repair, and protection of breakwaters and other structures built in aid of navigation, or for the purpose of obtaining water supply. Any person violating any provision of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not exceeding $1,000. (June 23, 1910, c. 359, 36 Stat. 593.)

422. Modification and extension of harbor lines at Chicago.—The Secretary of War is authorized, in his discretion, to modify and extend harbor lines in front of the city of Chicago in such manner as to permit park extension work which may be desired by the municipal authorities, including the changing and widening of the southern entrance to the Chicago Harbor. (Aug. 26, 1912, c. 408, § 5, 37 Stat. 626.)

423. Establishment of pierhead and bulkhead lines in Wilmington Harbor, California.—The Secretary of War is authorized to fix and establish pierhead and bulkhead lines, either or both, in the inner harbor of San Pedro, otherwise known as Wilmington Harbor, California, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made except under such regulations as shall be prescribed from time to time by the Secretary of War. (Mar. 26, 1908, No. 14, 35 Stat. 569.)

424. Establishment of pierhead or bulkhead lines in Newport Harbor, California.—The Secretary of War is authorized and directed to fix and establish pierhead and bulkhead lines, either or both, at Newport Harbor, California, in accordance with plan dated United States Engineer Office, Los Angeles, California, March 25, 1913, and entitled "Newport Bay, California," showing harbor lines, beyond which no piers, wharfs, bulkheads, or other works shall be extended or deposit made, except under such regulations as shall be prescribed from time to time by the Secretary of War. (July 27, 1916, c. 260, § 3, 39 Stat. 411.)

425. Investigations by Secretary of War as to pollution of navigable waters.—The Secretary is authorized and directed to make such investigation as may be necessary to ascertain what polluting substances are being deposited into the navigable waters of the United States, or into nonnavigable waters connecting with navigable waters, to such an extent as to endanger or interfere with navigation or commerce upon such navigable waters or the fisheries therein; and with a view to ascertaining the sources of such pollutions and by what means they are deposited; and the Secretary shall report the results of his investigation to the Congress not later than two years after July 7, 1924, together with such recommendations for remedial legislation as he deems advisable: *Provided*, That funds appropriated for examinations, surveys, and contingencies of rivers and harbors may be applied to paying the cost of this investigation. (June 7, 1924, c. 316, § 9, 43 Stat. 606.)

OIL POLLUTION OF COASTAL WATERS

431. Short title; "Oil Pollution Act."—This chapter, sections 431 to 437, inclusive, may be cited as the "Oil Pollution Act, 1924." (June 7, 1924, c. 316, § 1, 43 Stat. 604.)

432. Definitions; "oil"; "person"; "coastal navigable waters"; "Secretary."—When used in this chapter, sections 431 to 437, inclusive, unless the context otherwise requires—

(a) The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse;

(b) The term "person" means an individual, partnership, corporation, or association; any owner, master, officer or employee of a vessel; and any officer, agent, or employee of the United States;

(c) The term "coastal navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact in which the tide ebbs and flows;

(d) The term "Secretary" means the Secretary of War. (June 7, 1924, c. 316, § 2, 43 Stat. 604.)

433. Prohibition against discharge of oil generally.—Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter in this chapter, sections 434 to 437, inclusive, authorized, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any method, means, or manner into or upon the coastal navigable waters of the United States from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder. The Secretary is authorized and empowered to prescribe regulations permitting the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be deleterious to health or sea food, or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters, and for the loading, handling, and unloading of oil. (June 7, 1924, c. 316, § 3, 43 Stat. 605.)

434. Penalties for violations; liability of vessel.—Any person who violates the preceding section or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year nor less than thirty days, or by both such fine and imprisonment, for each offense. And any vessel (other than a vessel owned and operated by the United States) from which oil is discharged in violation of the preceding section, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such vessel from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. (June 7, 1924, c. 316, § 4, 43 Stat. 605.)

435. Revocation or suspension of license of officers of offending vessels.—A board of local inspectors of vessels may, subject to the provisions of section 239 of Title 46, Shipping, and of sections 431 to 434, inclusive, of Title 46, Shipping, suspend or revoke a license issued by any such board to the master or other licensed officer of any vessel found violating the provisions of section 433 of this chapter. (June 7, 1924, c. 316, § 5, 43 Stat. 605.)

436. Personnel for enforcement of provisions; arrest of offenders and procedure.—In the administration of this chapter, sections 431 to 437, inclusive, the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors, and in the enforcement of laws for the preservation and protection of navigable waters. And for the better enforcement of the provisions of the said sections, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary, and officers of the Customs and Coast Guard of the United States, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of the said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. (June 7, 1924, c. 316, § 7, 43 Stat. 605.)

437. Other statutes for preservation and protection of navigable waters unaffected.—Sections 431 to 436, inclusive, of this chapter shall be in addition to the laws existing prior to June 7, 1924, for the preservation and protection of navigable waters and shall not be construed as repealing, modifying, or in any manner affecting the provisions of those laws. (June 7, 1924, c. 316, § 8, 43 Stat. 606.)

NEW YORK HARBOR AND ADJACENT WATERS

441. Deposit of refuse in New York Harbor and adjacent waters prohibited; penalty.—The placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound, within the limits which shall be prescribed by the supervisor of the harbor, is hereby strictly forbidden, and every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor. (June 29, 1888, c. 496, § 1, 25 Stat. 209.)

442. Liability of officers of towing vessel.—Any and every master and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of the harbor of New York, or in its adjacent, or tributary waters, or in those of Long Island Sound, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor hereinafter mentioned, in section 451 of this chapter, shall be deemed guilty of a violation of the preceding section, and shall, upon conviction, be punishable as provided for offenses in violation of the preceding section, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. (June 29, 1888, c. 496, § 2, 25 Stat. 209.)

443. Permit for dumping; penalty for taking or towing boat or scow without permit.—In all cases of receiving on board of any scows or boats such forbidden matter or substance as described in section 441 of this chapter, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of de-

posit, shall apply for and obtain from the supervisor of the harbor appointed, as provided in section 451 of this chapter, a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $1,000 nor less than $500, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted. (May 28, 1908, c. 212, § 8, 35 Stat. 426.)

444. Dumping at other place than designated dumping grounds; penalty; person liable; excuses for deviation.—Any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section 441 of this chapter; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this chapter, sections 441 to 449, inclusive, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever shall operate to release the owners and master and employees of scows and towboats from the penalties hereinbefore mentioned. (May 28, 1908, c. 212, § 8, 35 Stat. 426.)

445. Equipment and marking of boats or scows.—Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. Each such scow or boat shall be equipped at all times with a life line or rope extending at least the length of and three feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than two hundred and seventy-five pounds, and at least one hundred feet of cable attached thereto; a list of the names of all men employed on any such scow or boat shall be kept by the owner or master thereof and the said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than $500: *Provided*, That the requirements in regard to life line or rope contained in this section shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed one foot in width: *And provided further*, That on any such scow or boat its name or number and owner's name painted in letters and numbers, at least fourteen inches long on both ends of such scow or boat, shall be a compliance with the provisions of this section in regard to name, number, and owner's name. (May 28, 1908, c. 212, § 8, 35 Stat. 426; Feb. 16, 1909, c. 132, 35 Stat. 623.)

446. Inspectors; appointment, powers, and duties.—The supervisor of the harbor of New York, designated as provided in section 451 of this chapter, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of sections 441 to 449, inclusive, of this chapter, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority:

First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by sections 441 to 449, inclusive, of this chapter, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit, as required in section 443 of this chapter, or otherwise violating any of the provisions of the three preceding sections, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of sections 441 to 453, inclusive, of this chapter.

Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section 441 of this chapter. (May 28, 1908, c. 212, § 8, 35 Stat. 426.)

447. Bribery of inspector; penalty.—Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward, or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violation of the provisions of sections 441 to 449, inclusive, of this chapter, shall, on conviction thereof, be fined not less than $500 nor more than $1,000, and be imprisoned not less than six months nor more than one year. (May 28, 1908, c. 212, § 8, 35 Stat. 426.)

448. Return of permit; penalty for failure to return.—Every permit issued in accordance with the provisions of section 443 of this chapter, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether

the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than $500 nor less than $100. (May 28, 1908, c. 212, § 8, 35 Stat. 426.)

449. Disposition of dredged matter; persons liable; penalty.—All mud, dirt, sand, dredgings, and material of every kind and description whatever taken, dredged, or excavated from any slip, basin, or shoal in the harbor of New York, or the waters adjacent or tributary thereto, and placed on any boat, scow, or vessel for the purpose of being taken or towed upon the waters of the harbor of New York to a place of deposit, shall be deposited and discharged at such place or within such limits as shall be defined and specified by the supervisor of the harbor, as in section 443 of this chapter prescribed, and not otherwise. Every person, firm, or corporation being the owner of any slip, basin, or shoal, from which such mud, dirt, sand, dredgings, and material shall be taken, dredged, or excavated, and every person, firm, or corporation in any manner engaged in the work of dredging or excavating any such slip, basin, or shoal, or of removing such mud, dirt, sand, or dredgings therefrom, shall severally be responsible for the deposit and discharge of all such mud, dirt, sand, or dredgings at such place or within such limits so defined and prescribed by said supervisor of the harbor; and for every violation of the provisions of this section the person offending shall be guilty of an offense, and shall be punished by a fine equal to the sum of $5 for every cubic yard of mud, dirt, sand, dredgings, or material not deposited or discharged as required by this section. (June 29, 1888, c. 496, § 4, 25 Stat. 210.)

450. Liability of vessel.—Any boat or vessel used or employed in violating any provision of this chapter, sections 441 to 449, inclusive, shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against, summarily by way of libel in any district court of the United States having jurisdiction thereof. (June 29, 1888, c. 496, § 4, 25 Stat. 210.)

451. Supervisor of harbor; appointment and duties.—A line officer of the Navy shall be designated by the President of the United States as supervisor of the harbor, to act under the direction of the Secretary of War in enforcing the foregoing provisions of this chapter, sections 441 to 449, inclusive, and in detecting offenders against the same. This officer shall have personal charge and supervision under the Secretary of War, and shall direct the patrol boats and other means to detect and bring to punishment offenders against the provisions of said sections. (June 29, 1888, c. 496, § 5, 25 Stat. 210.)

452. Taking shellfish or otherwise interfering with navigation in New York Harbor channels; penalty; arrest and procedure.—It shall be unlawful for any person or persons to engage in fishing or dredging for shellfish in any of the channels leading to and from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft.

Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than $250 nor less than $50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide.

It shall be the duty of the United States supervisor of the harbor to enforce this section, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States. (Aug. 18, 1894, c. 299, § 2, 28 Stat. 360.)

453. Regulations for navigation of Ambrose Channel; exclusion of tows and sailing vessels.—The Secretary of War is authorized to make such rules and regulations for the navigation of Ambrose Channel as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of every description and to sailing vessels. (Mar. 4, 1913, c. 144, § 1, 37 Stat. 803.)

454. Consent of Congress to obstruction of waters by New York City.—The consent of Congress is hereby given to the city of New York, in the State of New York, to obstruct navigation of any river or other waterway which does not form a connecting link between other navigable waters of the United States, and lying wholly within the limits of said city, by closing all or any portion of the same or by building structures in or over the same when the said city shall be lawfully authorized to do so by the State of New York: *Provided, however*, That any such obstruction shall be unlawful unless the location and plans for the proposed work or works before the commencement thereof shall have been filed with and approved by the Secretary of War and Chief of Engineers; and when the plans for any such obstruction have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after the completion of such obstruction, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That the city of New York shall be liable for any damage that may be inflicted upon private property by reason of any of the provisions of this section.

The right to alter, amend, or repeal this section is expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the city of New York, or to the owner or owners, or any other persons interested in any obstruction which shall have been constructed under its provisions. (June 25, 1910, c. 436, §§ 1, 2, 36 Stat. 866, 867.)

POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA

461. Deposit in river, etc., of materials generally.—It shall be unlawful for any owner or occupant of any wharf or dock, any master or captain of any vessel, or any person or persons to cast, throw, drop, or deposit any ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark, unless for the purpose of making a wharf, after permission has been obtained from the Commissioners of the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured so as to prevent injury to navigation. (May 19, 1896, c. 208, § 1, 29 Stat. 126.)

462. Deposit of offal.—It shall be unlawful for any owner or occupant of any wharf or dock, any captain or master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish, fish offal, dead animals of any kind, condemned oysters in

the shell, watermelons, cantaloupes, vegetables, fruits, shavings, hay, straw, ice, snow, filth, or trash of any kind whatsoever. (May 19, 1896, c. 208, § 2, 29 Stat. 126.)

463. Penalty for violation of preceding sections.—Any person or persons violating any of the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding $100 or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court. (May 19, 1896, c. 208, § 3, 29 Stat. 126.)

464. Improvements under supervision of Federal Government excepted.—Nothing in the three preceding sections contained shall be construed to interfere with the work of improvement in or along the said river and harbor, under the supervision of the United States Government. (May 19, 1896, c. 208, § 4, 29 Stat. 126.)

Chapter 10.—ANCHORAGE GROUNDS AND HARBOR REGULATIONS GENERALLY.

Sec.

471. Establishment by Secretary of War of anchorage grounds and regulations generally.
472. Marking anchorage grounds by Commissioner of Lighthouses.
473. Anchorage and harbor regulations for Potomac River at Washington.
474. Anchorage and general regulations for Saint Marys River.
475. Regulations for Pearl Harbor, Hawaii.

Section 471. Establishment by Secretary of War of anchorage grounds and regulations generally.—The Secretary of War is authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no Coast Guard vessel available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War. (Mar. 4, 1915, c. 142, § 7, 38 Stat. 1053.)

472. Marking anchorage grounds by Commissioner of Lighthouses.—The Commissioner of Lighthouses shall provide, establish, and maintain, out of the annual appropriations for the Lighthouse Service, buoys or other suitable marks for marking anchorage grounds for vessels in waters of the United States, when such anchorage grounds have been defined and established by proper authority in accordance with the laws of the United States. (Sept. 15, 1922, c. 313, 42 Stat. 844.)

(*See also* section 737.)

473. Anchorage and harbor regulations for Potomac River at Washington.—Every vessel coming to anchor in the Potomac River between the junction of the Washington and Georgetown channels of said river and the extension of the south line of P Street southwest, in the city of Washington, shall anchor as near the flats in said river as possible, so that the channel of said river will not be obstructed; and if such vessel is to remain over twelve hours it shall be moored with both anchors, so as to give room for passing vessels and so as not to swing and obstruct said channel. No vessel shall be permitted to anchor in the Washington channel of the Potomac River between the extended lines of P or K Streets south. Vessels coming to anchor above the line of K Street south, aforesaid, shall come to anchor as near the flats as possible and so that the channel will not be obstructed; and all vessels coming to anchor shall be so moored by the use of both anchors as to prevent obstruction of the channel within four hundred feet of the nearest wharf, the said anchorage to continue only twenty-four hours, unless otherwise ordered or directed by the harbor master. No vessel shall be permitted to lie in Seventeenth Street Canal, New Jersey Avenue Canal, or James Creek Canal, or at the entrance thereof, so as to obstruct the passage of any vessel going into or out of the same or moving from one place to another therein, unless such obstructing vessel is actually engaged in loading or unloading, and shall then, if deemed expedient by the harbor master, be removed to such place as shall be necessary to give room to passing vessels. Any captain or owner of, or anyone in charge of, any barge, sand scow, or any vessel that may sink in said canals, shall raise and remove the same in five days. Any vessels at the end of wharves or in docks shall, when required by the harbor master, haul either way to accommodate vessels going in or coming out from such wharves or docks. They shall not occupy regular steamers' or sailing packets' berths without permission from the recognized occupants of such wharves and docks. And they are required to rig in all fore-and-aft spars, have boats hoisted up under the bow, and davits turned up, as the harbor master may direct. Vessels when not engaged in loading or discharging cargo shall give place to such vessels as are ready to receive or deliver freights. And if the captain or person in charge of any vessel refuse to move said vessel when notified by the occupant of the wharf at which she is lying, the harbor master shall order him to haul to some other berth, or into the stream.

The powers and authority herein conferred upon the harbor master may, in his absence or temporary disability, be exercised by the pilot of the harbor police boat. Any person refusing to obey the instructions of the harbor master, or, in case of his absence or temporary disability, the said pilot of the harbor police boat, or any person failing to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding $100, or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court. (Mar. 2, 1895, c. 172, §§ 1, 2, 28 Stat. 740.)

474. Anchorage and general regulations for Saint Marys River.—The Secretary of Commerce is authorized and directed to adopt and prescribe suitable rules and regulations governing the movements of vessels and rafts in Saint Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is hereby authorized to detail one or more Coast Guard cutters for duty upon the request of the Secretary of Commerce on said river.

All officers of the Coast Guard who are directed to enforce the regulations prescribed by the above rules are hereby empowered and directed, in case of necessity, or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

In the event of the violation of any such regulations or rules of the Secretary of Commerce by the owners, master, or person in charge of such vessel, such owners, master, or person in charge shall be liable to a penalty not exceeding $200:

Provided, That the Secretary of Commerce may remit said fine on such terms as he may prescribe: *Provided also*, That nothing in this section shall be construed to amend or repeal chapter 4 of this title regulating navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal. (Mar. 6, 1896, c. 49, §§ 1–3, 29 Stat. 54–55; Apr. 26, 1906, c. 1874, § 2, 34 Stat. 136.)

475. Regulations for Pearl Harbor, Hawaii.—For the proper control, protection, and defense of the naval station, harbor, and entrance channel at Pearl Harbor, Territory of Hawaii, the Secretary of the Navy is authorized, empowered, and directed to adopt and prescribe suitable rules and regulations governing the navigation, movement, and anchorage of vessels of whatsoever character in the waters of Pearl Harbor, island of Oahu, Hawaiian Islands, and in the entrance channel to said harbor, and to take all necessary measures for the proper enforcement of such rules and regulations. (Aug. 22, 1912, c. 335, § 1, 37 Stat. 341.)

Chapter 11.—BRIDGES OVER NAVIGABLE WATERS.

Sec.
491. Approval of and deviation from plans.
492. Bridge as post route; limitation as to charges against Government; telegraph and telephone lines.
493. Use of railroad bridges by other railroad companies.
494. Obstruction of navigation; alterations and removals; lights and signals; draws; tolls.
495. Failure to comply with regulations; penalty; removal of bridge.
496. Time for commencement and completion of bridge.
497. "Persons" defined.
498. Reservation of right to alter or repeal.
499. Regulations for drawbridges; penalties for violation; enforcement.
500. Deflection of current; liability to riparian owners.
501. Consent to bridges over Maquoketa River, Iowa.
511. Criminal liability for failure to alter bridge obstructing navigation.

Section 491. Approval of and deviation from plans.—When, after March 23, 1906, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this chapter, sections 491 to 498, inclusive, have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War. (Mar. 23, 1906, c. 1130, § 1, 34 Stat. 84.)

492. Bridge as post route; limitation as to charges against Government; telegraph and telephone lines.—Any bridge built in accordance with the provisions of this chapter, sections 491 to 498, inclusive, shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies. (Mar. 23, 1906, c. 1130, § 2, 34 Stat. 85.)

493. Use of railroad bridges by other railroad companies.—All railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this chapter, sections 491 to 498, inclusive, shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him. (Mar. 23, 1906, c. 1130, § 3, 34 Stat. 85.)

494. Obstruction of navigation; alterations and removals; lights and signals; draws; tolls.—No bridge erected or maintained under the provisions of this chapter, sections 491 to 498, inclusive, shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this chapter, sections 491 to 498, inclusive, shall, in the opinion of the Secretary of War, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of War, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this chapter, sections 491 to 498, inclusive; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft. If tolls shall be charged for the transit over any bridge constructed under the provisions of this chapter, sections 491 to 498, inclusive, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit. (Mar. 23, 1906, c. 1130, § 4, 34 Stat. 85.)

495. Failure to comply with regulations; penalty; removal of bridge.—Any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this chapter, sections 491 to 498, inclusive, shall be deemed guilty of a violation of this chapter, sections 491 to 498, inclusive, and any persons who shall be guilty of a violation of this chapter, sections 491 to 498, inclusive, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above de-

scribed the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this chapter, sections 491 to 498, inclusive, or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the district court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this chapter, sections 491 to 498, inclusive, the cause or question arising may be tried before the district court of the United States in any district which any portion of said obstruction or bridge touches. (Mar. 23, 1906, c. 1130, § 5, 34 Stat. 85.)

496. Time for commencement and completion of bridge.—Whenever Congress shall by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act. (Mar. 23, 1906, c. 1130, § 6, 34 Stat. 86.)

497. "Persons" defined.—The word "persons" as used in this chapter, sections 491 to 498, inclusive, shall be construed to import both the singular and the plural, as the case demands, and shall include municipalities, quasi municipal corporations, corporations, companies, and associations. (Mar. 23, 1906, c. 1130, § 7, 34 Stat. 86.)

498. Reservation of right to alter or repeal.—The right to alter, amend, or repeal this chapter, sections 491 to 498, inclusive, is hereby expressly reserved as to any and all bridges which may be built in accordance with the provisions of the said sections of this chapter, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisions. (Mar. 23, 1906, c. 1130, § 8, 34 Stat. 86.)

499. Regulations for drawbridges; penalties for violation; enforcement.—It shall be the duty of all persons owning, operating, and tending the drawbridges built prior to August 18, 1894, or which may thereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $2,000 nor less than $1,000, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided: *Provided further*, That any regulations made in pursuance of this section may be enforced as provided in section 413 of chapter 9 of this title, the provisions whereof are made applicable to the said regulations. (Aug. 18, 1894, c. 299, § 5, 28 Stat. 362; June 13, 1902, c. 1079, § 6, 32 Stat. 374.)

500. Deflection of current; liability to riparian owners.—Whenever complaint shall be made to the Secretary of War that by reason of the placing in any navigable waters of the United States of any bridge pier or abutment, the current of such waters has been so deflected from its natural course as to cause by producing caving of banks or otherwise serious damage or danger to property, it shall be his duty to make inquiry, and if it shall be ascertained that the complaint is well founded, he shall cause the owners or persons operating such bridge to repair such damage or prevent such danger to property by such means as he shall indicate and within such time as he may name, and in default thereof the owners or persons operating such bridge shall be liable in any court of competent jurisdiction to the persons injured in a sum double the amount of said injury: *Provided, however*, That nothing herein contained shall be construed so as to affect any rights of action which may have existed prior to August 11, 1888. (Aug. 11, 1888, c. 860, § 2, 25 Stat. 423.)

501. Consent to bridges over Maquoketa River, Iowa.—The assent of Congress, as of July 13, 1868, is given to the construction of bridges across the Maquoketa River, within the State of Iowa, with or without draws, as may be provided by the laws of that State. (R. S. § 5250.)

502. Criminal liability for failure to alter bridge obstructing navigation.—Whenever the Secretary of War shall have good reason to believe that any railroad or other bridge over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, or where there is difficulty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge so to alter the same as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice he shall specify the changes recommended by the Chief of Engineers that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of War shall forthwith notify the United States district attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter in this section mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of War, and within the time prescribed by him willfully fail or refuse to remove the same or to comply with the lawful

order of the Secretary of War in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed: *Provided*, That in any case arising under the provisions of this section an appeal or writ of error may be taken from the district courts direct to the Supreme Court either by the United States or by the defendants. (Mar. 3, 1899, c. 425, § 18, 30 Stat. 1153.)

Chapter 12.—RIVER AND HARBOR IMPROVEMENTS GENERALLY.

GENERAL PROVISIONS

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541. Board of Engineers for Rivers and Harbors; establishments; duties and powers generally.
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GENERAL PROVISIONS

Section 541. Board of Engineers for Rivers and Harbors; establishment; duties and powers generally.—There shall be organized in the office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of seven engineer officers, a majority of whom shall be of rank not less than lieutenant colonel, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement prior to June 13, 1902, or thereafter provided for. And the board shall submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have, prior to June 13, 1902, been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate, in the same manner to examine and report through the Chief of Engineers upon any projects adopted, prior to June 13, 1902, by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable.

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain. (June 13, 1902, c. 1079, § 3, 32 Stat. 372; Mar. 4, 1913, c. 144, § 4, 37 Stat. 826.)

542. Review by Board of Engineers of reports on examinations and surveys and special reports.—All reports on exami-

nations and surveys authorized by law shall be reviewed by the Board of Engineers for Rivers and Harbors as provided for in the preceding section and all special reports ordered by Congress shall, in the discretion of the Chief of Engineers, be reviewed in like manner by said board; and the said board shall also, on request by resolution of the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives, submitted to the Chief of Engineers, examine and review the report of any examination or survey made pursuant to any Act or resolution of Congress, and report thereon through the Chief of Engineers, United States Army, who shall submit his conclusions thereon as in other cases: *Provided*, That in no case shall the board, in its report thus called for by committee resolution, extend the scope of the project contemplated in the original report upon which its examination and review has been requested, or in the provision of law authorizing the original examination or survey. (Mar. 4, 1913, c. 144, § 4, 37 Stat. 826.)

543. Employment of civil engineers on western and northwestern rivers.—The Chief of Engineers may, with the approval of the Secretary of War, employ such civil engineers, not exceeding five in number, for the purpose of executing the surveys and improvements of western and northwestern rivers, ordered by Congress, as may be necessary to the proper and diligent prosecution of the same; and the persons so employed may be allowed a reasonable compensation for their services, not to exceed the sum of $3,000 a year. (R. S. § 5253.)

544. Employment of retired officers of Army or Navy.—Section 62 of chapter 1 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES, shall not be so construed as to prevent the employment of any retired officer of the Army or Navy to do work under the direction of the Chief of Engineers of the United States Army in connection with the improvement of rivers and harbors of the United States, or the payment by the proper officer of the Treasury of any amounts agreed upon as compensation for such employment. (June 3, 1896, c. 314, § 7, 29 Stat. 235.)

545. Preliminary examinations and reports; surveys; contents of report to Congress generally.—In all cases where preliminary examinations and surveys are authorized a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made and a report as to the advisability of its improvement shall be submitted unless a survey or estimate is expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress; but in case the report shall be favorable to such proposed improvement, or that a survey and estimate should be made to determine the advisability of improvement, the Secretary of War is authorized, in his discretion, to cause surveys to be made, and the cost and advisability to be reported to Congress. And such reports containing plans and estimates shall also contain a statement as to the rate at which the work should be prosecuted: *Provided*, That every report submitted to Congress, in addition to full information regarding the present and prospective commercial importance of the project covered by the report and the benefit to commerce likely to result from any proposed plan of improvement, shall also contain such data as it may be practicable to secure in regard to the following subjects:

(a) The existence and establishment of both private and public terminal and transfer facilities contiguous to the navigable water proposed to be improved, and, if water terminals have been constructed, the general location, description, and use made of the same, with an opinion as to their adequacy and efficiency, whether private or public. If no public terminals have been constructed, or if they are inadequate in number, there shall be included in the report an opinion in general terms as to the necessity, number, and appropriate location of the same, and also the necessary relations of such proposed terminals to the development of commerce.

(b) The development and utilization of water power for industrial and commercial purposes.

(c) Such other subjects as may be properly connected with such project: *Provided*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation, to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation, and to their relation to the development and regulation of commerce: *Provided further*, That the investigation and study of these questions may, upon review by the Board of Engineers for Rivers and Harbors when called for as provided by law, be extended to any work of improvement under way and to any locality the examination and survey of which has heretofore been, or may hereafter be, authorized by Congress. (Mar. 4, 1913, c. 144, § 3, 37 Stat. 825.)

546. Investigation of stream flow and watersheds; surveys in connection with dams.—The surveys of navigable streams herein or hereafter authorized shall include such stream-flow measurements and other investigations of the watersheds as may be necessary for preparation of plans of improvement and a proper consideration of all uses of the stream affecting navigation, and whenever necessary similar investigations may be made in connection with all navigable streams under improvement. Whenever permission for the construction of dams in navigable streams is granted, or is under consideration by Congress, such surveys and investigations of the sections of the streams affected may be made as are necessary to secure conformity with rational plans for the improvement of the streams for navigation. (June 25, 1910, c. 382, § 3, 36 Stat. 669.)

547. Reports as to local benefits of improvement and recommendations as to local cooperation.—Every report submitted to Congress in pursuance of any provision of law for a survey, in addition to other information which the Congress has directed shall be given, shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit. (June 5, 1920, c. 252, § 2, 41 Stat. 1010.)

548. Reports on discontinuance or curtailment of projects.—The Chief of Engineers is directed to make a report upon all river and harbor projects adopted, prior to March 3, 1925, the further improvement of which under present conditions is undesirable or in which curtailment of the plans or projects should be made. (Mar. 3, 1925, c. 467, § 7, 43 Stat. 1191.)

549. Report of deterioration in improvements.—The Secretary of War shall cause the Chief of Engineers of the United States Army, in submitting his annual reports to Congress with regard to works of river and harbor improvement under his charge, to state what deterioration, if any, has taken place by destruction, decay, obstructions, or otherwise, in connection with any of such works, together with an estimate of the cost of rebuilding or repairing such works, or removing such obstructions; and he shall also cause the said Chief of Engineers to recommend, with his reasons therefor, the discontinuance of appropriations for any river and harbor work which he may deem unworthy of further improvement. (Mar. 3, 1899, c. 425, § 7, 30 Stat. 1150.)

550. Report on water terminal and transfer facilities.—The Chief of Engineers, United States Army, shall indicate in his annual reports the character of the terminal and transfer facilities existing on every harbor or waterway under maintenance or improvement by the United States, and state whether

they are considered adequate for existing commerce. He shall also submit one or more special reports on this subject, as soon as possible after January 18, 1918, including, among other things, the following:

(a) A brief description of such water terminals, including location and the suitability of such terminals to the existing traffic conditions, and whether such terminals are publicly or privately owned, and the terms and conditions under which they may be subjected to public use.

(b) Whether such water terminals are connected by a belt or spur line of railroad with all the railroads serving the same territory or municipality, and whether such connecting railroad is owned by the public and the conditions upon which the same may be used, and also whether there is an interchange of traffic between the water carriers and the railroad or railroads as to such traffic which is carried partly by rail and partly by water to its destination, and also whether improved and adequate highways have been constructed connecting such water terminal with the other lines of highways.

(c) If no water terminals have been constructed by the municipality or other existing public agency there shall be included in his report an expression of opinion in general terms as to the necessity, number, and appropriate location of such a terminal or terminals.

(d) An investigation of the general subject of water terminals, with descriptions and general plans of terminals of appropriate types and construction for the harbors and waterways of the United States suitable for various commercial purposes and adapted to the varying conditions of tides, floods, and other physical characteristics. (July 18, 1918, c. 155, § 7, 40 Stat. 911.)

551. Policy of Government as to terminal facilities for new projects.—It is hereby declared to be the policy of the Congress that water terminals are essential at all cities and towns located upon harbors or navigable waterways and that at least one public terminal should exist, constructed, owned, and regulated by the municipality or other public agency of the State and open to the use of all on equal terms. The Secretary of War, through the Chief of Engineers, shall give full publicity, as far as may be practicable, to this provision. (Mar. 2, 1919, c. 95, § 1, 40 Stat. 1286.)

552. Report as to employment of civil engineers.—The Secretary of War shall report to Congress, at each session thereof, the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors by means and as the result of appropriations made in river and harbor appropriation bills, the time so employed, the compensation paid, and the place at and work on which employed. (Aug. 5, 1886, c. 929, § 8, 24 Stat. 335.)

553. Freight statistics.—In the collection of statistics relating to traffic, the Corps of Engineers is directed to adopt a uniform system of classification for freight, and upon rivers or inland waterways to collate ton-mileage statistics as far as practicable. (July 25, 1912, c. 253, § 1, 37 Stat. 223.)

554. Duty of shipowners and officers to furnish information to person in local charge of improvement; penalty.—Owners, agents, masters, and clerks of vessels arriving at or departing from localities where works of river and harbor improvement are carried on shall furnish, on application of the persons in local charge of the works, a comprehensive statement of vessels, passengers, freight, and tonnage.

Every person or persons offending against the provisions of this section shall, for each and every offense, be liable to a fine of $100, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. (Feb. 21, 1891, c. 252, §§ 1, 2, 26 Stat. 766.)

555. Duty of shipowners and officers to furnish information required by Secretary of War.—Owners, agents, masters, and clerks of vessels and other craft plying upon the navigable waters of the United States, and all individuals and corporations engaged in transporting their own goods upon the navigable waters of the United States, shall furnish such statements relative to vessels, passengers, freight, and tonnage as may be required by the Secretary of War: *Provided*, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information.

Every person or persons offending against the provisions of this section shall, for each and every offense, be liable to a fine of $100, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. (Sept. 22, 1922, c. 427, § 11, 42 Stat. 1043.)

556. Printing reports generally.—The Secretary of War shall cause the manuscript of the annual report of the Chief of Engineers and subordinate engineers, relating to the improvement of rivers and harbors, and the report of the Mississippi River Commission to be placed in the hands of the Public Printer on or before the 15th day of October in each year, and the Public Printer shall cause said reports to be printed with an accurate and comprehensive index thereof, on or before the first Monday in December in each year, for the use of Congress.

All reports on examinations and surveys which may be prepared during the recess of Congress shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress. (Aug. 11, 1888, c. 860, § 8, 25 Stat. 424; Mar. 4, 1913, c. 144, § 3, 37 Stat. 825.)

557. Payment of costs of printing.—The printing of matter relating to river and harbor works, including all reports, compilations, regulations, and so forth, whose preparation is allowable under War Department regulations, shall be done and paid for out of regular annual appropriations for printing and binding for the War Department. (July 25, 1912, c. 253, § 13, 37 Stat. 234; July 1, 1916, c. 209, § 1, 39 Stat. 330.)

558. Sale of property acquired for improvement.—When any land or other property which has been heretofore or may be hereafter purchased or acquired for the improvement of rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct, and the proceeds credited to the appropriation for the work for which it was purchased or acquired; and the Secretary of War may direct the transfer of any property employed in river and harbor works, and in such event the property so transferred shall be valued and credited to the project upon which it was theretofore used and charged to the project to which it shall be transferred. (June 13, 1902, c. 1079, § 5, 32 Stat. 373.)

559. Disposition of rentals for Government plants.—Amounts paid by private parties or other agencies for rental of plant owned by the Government in connection with the prosecution of river and harbor works shall be deposited in each case to the credit of the appropriation to which the plant belongs. (Aug. 8, 1917, c. 49, § 13, 40 Stat. 268.)

560. Contributions from private parties; return of excess.—The Secretary of War is authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation: *Provided*, That when contributions heretofore or hereafter made by local interests for river and har-

bor improvements, in accordance with specific requirements or under general authority of Congress, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the contributing interests, unless the provision of law under which the contribution is made requires that the entire contribution be retained by the United States. (Mar. 4, 1915, c. 142, § 4, 38 Stat. 1053.)

561. **Advances by private parties; repayment.**—Whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement duly adopted and authorized by law the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is authorized and directed to repay without interest, from appropriations which may be provided by Congress for river and harbor improvements, the moneys so contributed and expended: *Provided*, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, nor under the authority of the preceding section shall be made. (Mar. 3, 1925, c. 467, § 11, 43 Stat. 1197.)

562. **Channel depths and dimensions defined.**—In the preparation of projects under River and Harbor Acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean low water in tidal waters tributary to the Atlantic and Gulf coasts and at mean lower low water in tidal waters tributary to the Pacific coast and the mean depth for a continuous period of fifteen days of the lowest water in the navigation season of any year in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats. (Mar. 4, 1915, c. 142, § 5, 38 Stat. 1053.)

563. **Use of unexpended sums for preservation, etc., of existing works and for new projects.**—Funds appropriated prior to September 22, 1922, for improvement of rivers and harbors and which remain in the Treasury unexpended because the work or projects for which the same were appropriated have been completed, are hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preservation and maintenance of any existing river and harbor works and for the prosecution of such projects of improvement theretofore adopted and authorized as may be most desirable in the interests of commerce and navigation. (Sept. 22, 1922, c. 427, § 6, 42 Stat. 1042.)

564. **Settlement of claims for injuries to or loss of private property.**—Whenever any vessel belonging to or employed by the United States engaged upon river and harbor works collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation, and whenever, in the prosecution of river and harbor works, an accident occurs damaging or destroying property belonging to any person or corporation, and whenever personal property of employees of the United States, who are employed on or in connection with river and harbor works, is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property, the Chief of Engineers shall cause an immediate examination to be made, and if, in his judgment, the facts and circumstances are such as to make the whole or any part of the damages or destruction a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages or destruction caused by the above designated collisions, accidents, and so forth, in cases where the damage or expense does not exceed $500, and pay the same from the appropriation directly involved, and to report such as exceed $500 to Congress for its consideration. (June 5, 1920, c. 252, § 9, 41 Stat. 1015.)

565. **River and harbor improvement by private or municipal enterprise.**—Any person or persons, corporations, municipal or private, who desire to improve any navigable river, or any part thereof, at their or its own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of War and Chief of Engineers of the Army. The plan of said improvement must conform with the general plan of the Government improvements, must not impede navigation, and no toll shall be imposed on account thereof, and said improvement shall at all times be under the control and supervision of the Secretary of War and Chief of Engineers. (June 13, 1902, c. 1079, § 1, 32 Stat. 371.)

566. **Improvement by or under authority of State of New Jersey.**—Authority is given to the State of New Jersey, or, through it, to any commission, individual, corporation, or municipality, singly or collectively, designated by the legislature of said State, or by a commission appointed or authorized by said legislature, to improve the channels on the New Jersey seacoast, or any portion of said coast, or the waters adjacent thereto, lying between thirty-eight degrees fifty-six minutes and forty degrees twenty minutes north latitude, by dredging, or by the construction of piers, jetties, or breakwaters, or other river and harbor work of any description or nature adapted to attain the ends now pursued by the United States Government for the advantage of said coast or the relief of commerce: *Provided*, That such operations shall not encroach upon those portions of said coast, or the channels adjacent thereto, for which the United States Government may undertake similar work according to its own plans: *And provided*, That the plans for said work shall be placed on file with the Chief of Engineers of the War Department for thirty days, during which time he is authorized to disapprove said plans and forbid such work if, in his judgment, the improvements when completed will interfere with navigation or with any works of the United States Government commenced or proposed to be made: *Provided further*, That no tolls or other charges upon commerce shall be imposed by those making such improvements: *And provided further*, That this section shall not be construed as affecting in any way the jurisdiction and control of the Federal Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters. The right to alter, amend, or repeal this section is hereby expressly reserved. (June 30, 1906, c. 3923, §§ 1, 2, 34 Stat. 800.)

567. **Navigation and flood control improvements by Minnesota, North Dakota, and South Dakota.**—Congress hereby consents that the States of Minnesota, North Dakota, and South Dakota, or any two of them, may enter into any agreement or agreements with each other to aid in improving navigation and to prevent and control floods on boundary waters of said States and the waters tributary thereto. And said States, or any two of them, may agree with each other upon any project or projects for the purpose of making such improvements, and upon the amount of money to be contributed by each to carry out such projects. The Secretary of War is authorized and directed to make a survey of any project proposed, as aforesaid, by said States, or any two of them, to determine the feasibility and practicability thereof and the expenses of carrying the same into effect and what share of such expenses should be borne by the respective States, local interests, or by

the National Government. If the Secretary of War approves any such projects, he may authorize the States to make such improvements at their own expense, but under his supervision. (Aug. 8, 1917, c. 49, § 5, 40 Stat. 266.)

568. Limitation on power of committee of Congress to consider projects.—No project shall be considered by any committee of Congress with a view to its adoption, except with a view to a survey, if five years have elapsed since a report upon a survey of such project has been submitted to Congress pursuant to law. (Sept. 22, 1922, c. 427, § 9, 42 Stat. 1043.)

TRAVELING EXPENSES AND SUBSISTENCE

581. Hiring special means of transportation.—In their execution and inspection of river and harbor improvement work, at points beyond easy reach of ordinary regular transportation lines, Engineer officers are authorized to hire and use such transportation as they may consider desirable and advantageous to the progress of work. (July 25, 1912, c. 253, § 9, 37 Stat. 233.)

582. Subsistence allowance to persons engaged in field work.—When the expenses of persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty are chargeable to appropriations of the Engineer Department, a per diem of not exceeding $4 may be allowed in lieu of subsistence when not otherwise fixed by law. (July 18, 1918, c. 155, § 9, 40 Stat. 912.)

583. Payment of allowances, etc., incident to change of station of Engineer officers from appropriation for improvements.—When in the opinion of the Secretary of War the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements. (Mar. 3, 1925, c. 467, § 5, 43 Stat. 1191.)

ACQUISITION OF LAND AND MATERIALS

591. Condemnation, purchase and donation of land and materials.—The Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land, right of way, or material needed to enable him to maintain, operate or prosecute works for the improvement of rivers and harbors for which provision has been made by law; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided, however,* That when the owner of such land, right of way, or material shall fix a price for the same, which in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay: *And provided further,* That the Secretary of War is hereby authorized to accept donations of lands or materials required for the maintenance or prosecution of such works. (Apr. 24, 1888, c. 194, 25 Stat. 94.)

592. Condemnation of land in aid of person, company, corporation, municipal or private.—Whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided,* That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced. (June 29, 1906, c. 3628, 34 Stat. 632.)

593. Condemnation of land in aid of State or State agency.—Whenever any State, or any reclamation, flood control or drainage district, or other public agency created by any State, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided,* That all expenses of said proceedings and any award that may be made thereunder shall be paid by such State, or reclamation, flood control or drainage district, or other public agency as aforesaid, to secure which payment the Secretary of War may require such State, or reclamation, flood control or drainage district, or other public agency as aforesaid, to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced. (Aug. 8, 1917, c. 49, § 9, 40 Stat. 267.)

594. When immediate possession of land may be taken.—Whenever the Secretary of War, in pursuance of authority conferred on him by law, causes proceedings to be instituted in the name of the United States for the acquirement by condemnation of any lands, easements, or rights of way needed for a work of river and harbor improvements duly authorized by Congress, the United States, upon the filing of the petition in any such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way, to the extent of the interest to be acquired, and proceed with such public works thereon as have been authorized by Congress: *Provided,* That certain and adequate provision shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriation by the United States or by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted. The respondent or respondents may move at any time in the court to increase or change the amounts or securities, and the court shall make such order as shall be just in the premises and as shall adequately protect the respondents. In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid. (July 18, 1918, c. 155, § 5, 40 Stat. 911.)

595. Consideration of benefits in assessing compensation.—In all cases where private property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, where a part only of any such parcel, lot, or tract of land shall be taken, the jury or other tribunal awarding the just compensation or

assessing the damages to the owner, whether for the value of the part taken or for any injury to the part not taken, shall take into consideration by way of reducing the amount of compensation or damages any special and direct benefits to the remainder arising from the improvement, and shall render their award or verdict accordingly. (July 18, 1918, c. 155, § 6, 40 Stat. 911.)

PARTICULAR WORK OR IMPROVEMENTS

601. Mississippi River; regulation of reservoirs at headwaters.—It shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of the reservoirs at the headwaters of the Mississippi River as in his judgment the public interest and necessity may require; which rules and regulations shall be posted in some conspicuous place or places for the information of the public. And any person knowingly and willfully violating such rules and regulations shall be liable to a fine not exceeding $500, or imprisonment, not exceeding six months, the same to be enforced by prosecution in any district court of the United States within whose territorial jurisdiction such offense may have been committed. And the Secretary of War shall cause such gaugings to be made at or near Saint Paul during the annual operation of said reservoirs as shall determine accurately the discharge at that point, the cost of same to be paid out of the annual appropriation for gauging the waters of the Mississippi River and its tributaries. (Aug. 11, 1888, c. 860, § 1, 25 Stat. 419.)

602. Maintenance of channel of South Pass of Mississippi River.—Upon the termination of the contract entered into with the late James B. Eads for the maintenance of the channel through the South Pass of the Mississippi River, the Secretary of War is directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel; and for that purpose he is authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year $100,000. For that purpose any available Government dredge may be used.

For the purpose of securing the uninterrupted examinations and surveys at the South Pass of the Mississippi River, the Secretary of War, upon the application of the Chief of Engineers, is authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of $10,000: *Provided, however*, That an itemized statement of said expenditures shall accompany the annual report of the Chief of Engineers. (Aug. 11, 1888, c. 860, §§ 1, 4, 25 Stat. 422, 424; June 6, 1900, c. 790, § 3, 31 Stat. 584; June 13, 1902, c. 1079, § 1, 32 Stat. 340.)

603. Removal of snags, etc., from tributaries.—The Chief of Engineers, in his discretion, and after approval by the Secretary of War, is hereby authorized to make preliminary examinations and minor surveys and to remove snags and other temporary or readily removable obstructions from tributaries of waterways already under Federal improvement or in general use by navigation, to be paid from the appropriations for the adjoining waterways: *Provided*, That the cost of such work in any single year shall not exceed $500 per tributary. (July 25, 1912, c. 253, § 1, 37 Stat. 222.)

604. Removal of snags, etc., from Mississippi River.—For the purpose of removing snags, wrecks, and other obstructions in the Mississippi River, the Atchafalaya and Old Rivers from the junction with the Mississippi and Red Rivers down the Atchafalaya River as far down as Melville, Louisiana, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of $100,000: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers. (Aug. 11, 1888, c. 860, §§ 1, 7, 25 Stat. 421, 424; Mar. 3, 1909, c. 264, § 3, 35 Stat. 817.)

605. Operation of snag boats on Upper Mississippi River.—For the purpose of securing the uninterrupted work of operating snag boats on the Upper Mississippi River, the Illinois River from its mouth to Copperas Creek, and the Minnesota River and other tributaries of the Upper Mississippi River improved by the United States, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of $25,000: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers. (Aug. 11, 1888, c. 860, §§ 1, 7, 25 Stat. 421, 424; Mar. 2, 1907, c. 2509, § 1, 34 Stat. 1102; Mar. 3, 1909, c. 264, § 3, 35 Stat. 817.)

606. Removal of snags, and so forth, from Ohio River.—For the purpose of securing the uninterrupted work of operating snag boats on the Ohio River and removing snags, wrecks, and other obstructions in said river, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of $50,000: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers. (Sept. 19, 1890, c. 907, § 13, 26 Stat. 455; June 3, 1896, c. 314, § 3, 29 Stat. 234.)

607. Removal of drift from New York Harbor.—So much as may be necessary of any appropriations made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift. (Aug. 8, 1917, c. 49, § 1, 40 Stat. 252.)

608. Construction of fishways.—Whenever river and harbor improvements shall be found to operate (whether by lock and dam or otherwise), as obstructions to the passage of fish, the Secretary of War may, in his discretion, direct and cause to be constructed practical and sufficient fishways, to be paid for out of the general appropriations for the streams on which such fishways may be constructed. (Aug. 11, 1888, c. 860, § 11, 25 Stat. 425.)

609. Sluices and other work in dams for development of water power.—In order to make possible the economical future development of water power the Secretary of War, upon recommendation of the Chief of Engineers, is hereby authorized, in his discretion, to provide in the permanent parts of any dam authorized at any time by Congress for the improvement of navigation such foundations, sluices, and other works, as may be considered desirable for the future development of its water power. (July 25, 1912, c. 253, § 12, 37 Stat. 233.)

PROSECUTION OF WORK GENERALLY

621. By what methods river and harbor work may be authorized to be prosecuted.—Any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts. (Sept. 22, 1922, c. 427, § 10, 42 Stat. 1043.)

622. Method of doing work generally.—It shall be the duty of the Secretary of War to apply the money appropriated for

improvements of rivers and harbors, other than surveys, estimates and gaugings, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. And all works of improvement authorized to be prosecuted or completed under contracts may, in the discretion of the Secretary of War, be carried on by contract or otherwise, as may be most economical or advantageous to the United States. In all cases where the project for a work of river or harbor improvement provides for the construction or use of Government dredging plant, the Secretary of War may, in his discretion, have the work done by contract if reasonable prices can be obtained. (Aug. 11, 1888, c. 380, § 3, 25 Stat. 423; July 25, 1912, c. 253, § 1, 37 Stat. 222; Mar. 2, 1919, c. 95, § 3, 40 Stat. 1287.)

623. Letting contract to lowest responsible bidder.—Where works for river and harbor improvements are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract. (Aug. 11, 1888, c. 860, § 3, 25 Stat. 423.)

624. Limitation on power to let contract based on estimation of cost.—No part of the funds appropriated for works of river and harbor improvement shall be used to pay for any work done by private contract if the contract price is more than 25 per centum in excess of the estimated cost of doing the work by Government plant: *Provided*, That in estimating the cost of doing the work by Government plant, including the cost of labor and materials, there shall also be taken into account proper charges for depreciation of plant and all supervising and overhead expenses and interest on the capital invested in the Government plant, but the rate of interest shall not exceed the maximum prevailing rate being paid by the United States on current issues of bonds or other evidences of indebtedness. (Mar. 2, 1919, c. 95, § 8, 40 Stat. 1290.)

625. Combining several projects in one contract.—Whenever the appropriations made by Congress for river and harbor works can be more advantageously expended by combining in one contract two or more works, such combinations shall be made, and nothing contained in section 109 of chapter 1 of Title 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS, nor in section 623 of this chapter, shall be so construed as to prohibit or prevent the cumulation of two or more works of river and harbor improvement in the same proposal and contract, where such works are situated in the same region and of the same kind or character. (Sept. 19, 1890, c. 907, § 2, 26 Stat. 452; July 25, 1912, c. 253, § 8, 37 Stat. 233.)

626. Prosecution of work when appropriation insufficient.—Whenever the appropriations made, or authorized to be made, for the completion of any river and harbor work shall prove insuffcient therefor, the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, apply the funds so appropriated or authorized to the prosecution of such work. (July 25, 1912, c. 253, § 8, 37 Stat. 233.)

627. Application of appropriation when separate works are included therein.—Where separate works or items are consolidated in River and Harbor Acts and an aggregate amount is appropriated therefor, any balances remaining to the credit of the separate works or items may be transferred to the credit of the corresponding aggregate amounts appropriated for the consolidated items, and the amounts appropriated or transferred shall, unless otherwise expressed, be expended in securing maintenance and improvement according to the respective projects adopted by Congress, after giving due regard to the respective needs of traffic. The allotments to the respective works consolidated shall be made by the Secretary of War upon recommendations by the Chief of Engineers. In case such works or items are consolidated and separate amounts are given with each project, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items. (Mar. 4, 1915, c. 142, § 3, 38 Stat. 1052.)

628. Expenditure for dredging within harbor lines.—No money appropriated for the improvement of rivers and harbors shall be expended for dredging inside of harbor lines duly established. (July 13, 1892, c. 158, § 5, 27 Stat. 111.)

629. Contract for hire of dredging plant.—Whenever it shall become, in the opinion of the Secretary of War, necessary or desirable to hire a dredging plant or plants for the performance of any of the public work carried on under his direction the said Secretary may, in his discretion, agree for the same, either in the manner now customary or on the basis of an equitable reimbursement for deterioration of plant when in use by the Government, and a reasonable percentage of the total cost of the work. (Mar. 2, 1907, c. 2509, § 5, 34 Stat. 1119.)

630. Limitation on expenditure for purchase of dredges.—No money authorized to be expended for the acquirement of any dredge or dredges shall be so expended for the purchase of any dredge or dredges from private contractors, which at the time of the proposed purchase can be manufactured at any navy yard or other Government-owned factory for a sum less than it can be purchased for from such private contractor. (Sept. 22, 1922, c. 427, § 5, 42 Stat. 1042.)

631. Transfer of property between projects.—The Secretary of War may direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable. (June 13, 1902, c. 1079, § 5, 32 Stat. 373.)

Chapter 13.—MISSISSIPPI RIVER COMMISSION.

Sec.
641. Creation of Mississippi River Commission.
642. Appointment of commissioners; vacancies; chairman; tenure of office.
643. Compensation of commissioners.
644. Secretary of commission.
645. Traveling expenses of civilian members of commission and of Assistant Engineer of Board of Engineers for Rivers and Harbors.
646. Headquarters and meetings of commission.
647. Mississippi River survey; detail of assistants; vessels and instruments.
648. Arkansas River; levee and bank protection.
649. Vicksburg Harbor and Ohio River below Cache River.
650. Mississippi River below Rock Island; levee and bank protection.
651. Tributaries of Mississippi River below Cairo; levee and bank protection.

Section 641. Creation of Mississippi River Commission.—A commission is created to be called "The Mississippi River Commission," to consist of seven members. (June 28, 1879, c. 43, § 1, 21 Stat. 37.)

642. Appointment of commissioners; vacancies; chairman; tenure of office.—The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commis-

sion shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed under this chapter shall remain in office subject to removal by the President of the United States. (June 28, 1879, c. 43, § 2, 21 Stat 37.)

643. Compensation of commissioners.—The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law; and the three commissioners appointed from civil life shall receive as pay and compensation for their services each the sum of $5,000 per annum. (June 28, 1879, c. 43, § 2, 21 Stat. 37; Mar. 1, 1917, c. 144, § 4, 39 Stat. 951.)

644. Secretary of commission.—The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission. (June 28, 1879, c. 43, § 6, 21 Stat. 38.)

645. Traveling expenses of civilian members of commission and of Assistant Engineer of Board of Engineers for Rivers and Harbors.—The traveling expenses of the civilian members of the Mississippi River Commission, and of the Assistant Engineer of the Board of Engineers for Rivers and Harbors, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said commission and of said board. (July 25, 1912, c. 253, § 1, 37 Stat. 218.)

646. Headquarters and meetings of commission.—The headquarters and general offices of said commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of War, and the meetings of the commission except such as are held on Government boats during the time of the semiannual inspection trips of the commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the commission, who shall cause due notice of such meetings to be given members of the commission and the public. (Feb. 18, 1901, c. 377, 31 Stat. 793.)

647. Mississippi River survey; detail of assistants; vessels and instruments.—It shall be the duty of the Mississippi River Commission to direct and complete such surveys of the Mississippi River, between the Head of the Passes near its mouth to its headwaters as may have been in progress June 28, 1879, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this chapter. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the Secretary of Commerce shall, when requested by said commission in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

Plans; report.—It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

Plans for immediate works.—The said commission may, prior to the completion of all the surveys and examinations contemplated by this chapter, prepare and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress. (June 28, 1879, c. 43, §§ 3–5, 21 Stat. 38.)

648. Arkansas River; levee and bank protection.—The jurisdiction of the Mississippi River Commission is extended so as to include that part of the Arkansas River between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, and any funds which are appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended within the limits of said extended jurisdiction under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, and upon like terms and conditions for levees and bank revetment upon any part of the Mississippi River now under the jurisdiction of said commission, and in such manner as will best promote and accomplish the purposes for which commission was created, in so far as the territory hereby added to its said jurisdiction may be involved. (July 27, 1916, c. 260, § 1, 39 Stat. 402.)

649. Vicksburg Harbor and Ohio River below Cache River.—The harbor at Vicksburg, Mississippi, and the Ohio River from its mouth to the mouth of the Cache River, are transferred to and placed under the control and jurisdiction of the Mississippi River Commission: *Provided*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission. (July 27, 1916, c. 260, § 1, 39 Stat. 402.)

650. Mississippi River below Rock Island; levee and bank protection.—Any funds which are appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between Head of Passes and Rock Island, Illinois, in such manner as, in their opinion, shall best improve navigation and promote the interest of commerce at all stages of the river. (July 27, 1916, c. 260, § 1, 39 Stat. 402.)

651. Tributaries of Mississippi River below Cairo; levee and bank protection.—The jurisdiction of the Mississippi River Commission is extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Illinois, and the Head of the Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River. (Sept. 22, 1922, c. 427, § 13, 42 Stat. 1047.)

Chapter 14.—CALIFORNIA DÉBRIS COMMISSION.

Sec.
661. Creation of commission; appointment of members; vacancies; powers generally.
662. Organization; compensation of members; rules and regulations of procedure; traveling expenses.
663. Territorial jurisdiction over hydraulic mining; hydraulic mining injurious to navigation prohibited.
664. General duties as to plans for protection of navigation.
665. Survey for débris reservoirs; study of methods of mines and mining.
666. Noting conditions of navigable channels.
667. Annual reports.
668. "Hydraulic mining" and "mining by hydraulic process" defined.
669. Petition by hydraulic miners.
670. Surrender to United States of right to regulate débris of mine.
671. Petition for common dumping grounds, etc.
672. Notice of petition for dumping grounds, etc.; hearing.
673. Orders by commission directing method of mining, etc.; expenses of complying with order; exemption from mining taxes.
674. Plans for and supervision of work required by order; permit to commence mining.
675. Conditions precedent for commencement of mining operations.
676. Allotment of expenses for common dumping grounds; location of impounding works.
677. Limitation as to quantity of débris washed away.
678. Modification and revocation of permit to mine.
679. Violation of permit to mine; penalty.
680. Examination of mines; reports.
681. Use of public lands and materials; withdrawal of lands required from sale or entry.
682. Malicious injury to works; injury to navigable waters by hydraulic mining; penalty.
683. Tax on gross proceeds of hydraulic mines; "débris fund"; advances by mine owners.
684. Cooperation by commission with State authorities.
685. Construction by commission of restraining works, ec.; use of débris fund.
686. Construction of restraining work in conjunction with State.
687. Use of State dredge and appliances in river and harbor improvements.

Section 661. Creation of commission; appointment of members; vacancies; powers generally.—A commission is created, to be known as the California Débris Commission, consisting of three members. The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner. It shall have the authority, and exercise the powers hereinafter set forth, in this chapter, under the supervision of the Chief of Engineers and direction of the Secretary of War. (Mar. 1, 1893, c. 183, § 1, 27 Stat. 507.)

662. Organization; compensation of members; rules and regulations of procedure; traveling expenses.—Said commission shall organize by the selection of such officers as may be required in the performance of its duties, the same to be selected from the members thereof. The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers. It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this chapter. While traveling on duty the officers of the commission shall receive the mileage allowed by law. (Mar. 1, 1893, c. 183, § 2, 27 Stat. 507; June 6, 1900, c. 791, § 1, 31 Stat. 631.)

663. Territorial jurisdiction over hydraulic mining; hydraulic mining injurious to navigation prohibited.—The jurisdiction of said commission, in so far as the same affects mining carried on by the hydraulic process, shall extend to all such mining in the territory drained by the Sacramento and San Joaquin River systems in the State of California. Hydraulic mining, as defined in section 668 of this chapter, directly or indirectly injuring the navigability of said river systems, carried on in said territory other than as permitted under the provisions of this chapter is hereby prohibited and declared unlawful. (Mar. 1, 1893, c. 183, § 3, 27 Stat. 507.)

664. General duties as to plans for protection of navigation.—It shall be the duty of said commission to mature and adopt such plan or plans, from examinations and surveys made prior to March 1, 1893, and from such additional examinations and surveys as it may deem necessary, as will improve the navigability of all the rivers comprising said systems, deepen their channels, and protect their banks. Such plan or plans shall be matured with a view of making the same effective as against the encroachment of and damage from débris resulting from mining operations, natural erosion, or other causes, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition existing in 1860, and permitting mining by the hydraulic process, as the term is understood in said State, to be carried on, provided the same can be accomplished, without injury to the navigability of said rivers or the lands adjacent thereto. (Mar. 1, 1893, c. 183, § 4, 27 Stat. 507.)

665. Survey for débris reservoirs; study of methods of mines and mining.—It shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season; and in connection therewith to investigate such hydraulic and other mines as are or may have been worked by methods intended to restrain the débris and material moved in operating such mines by impounding dams, settling reservoirs, or otherwise, and in general to make such study of and researches in the hydraulic mining industry as science, experience, and engineering skill may suggest as practicable and useful in devising a method or methods whereby such mining may be carried on as aforesaid. (Mar. 1, 1893, c. 183, § 5, 27 Stat. 508.)

666. Noting conditions of navigable channels.—The said commission shall from time to time note the conditions of the navigable channels of said river systems, by cross-section surveys or otherwise, in order to ascertain the effect therein of such hydraulic mining operations as may be permitted by its orders and such as is caused by erosion, natural or otherwise. (Mar. 1, 1893, c. 183, § 6, 27 Stat. 508.)

667. Annual reports.—Said commission shall submit to the Chief of Engineers, for the information of the Secretary of War, on or before the 15th day of November of each year, a report of its labors and transactions, with plans for the construction, completion, and preservation of the public works outlined in this chapter, together with estimates of the cost thereof, stating what amounts can be profitably expended thereon each year. The Secretary of War shall thereupon submit same to Congress on or before the meeting thereof. (Mar. 1, 1893, c. 183, § 7, 27 Stat. 508.)

668. "Hydraulic mining" and "mining by hydraulic process" defined.—For the purposes of this chapter "hydraulic mining" and "mining by the hydraulic process" are hereby declared to have the meaning and application given to said terms in the State of California. (Mar. 1, 1893, c. 183, § 8, 27 Stat. 508.)

669. Petition by hydraulic miners.—The individual proprietor or proprietors, or in case of a corporation, its manager or agent appointed for that purpose, owning mining ground in the territory in the State of California mentioned in section 663 of this chapter, which it is desired to work by the hydraulic process, must file with said commission a verified petition, setting forth such facts as will comply with law and the rules prescribed by said commission. (Mar. 1, 1893, c. 183, § 9, 27 Stat. 508.)

670. Surrender to United States of right to regulate débris of mine.—Said petition shall be accompanied by an instrument duly executed and acknowledged, as required by the law of the said State, whereby the owner or owners of such mine or mines surrender to the United States the right and privilege to regulate by law, as provided in this chapter, or any law that may be enacted after March 1, 1893, or by such rules and regulations as may be prescribed by virtue thereof, the manner and method in which the débris resulting from the working of said mine or mines shall be restrained, and what amount shall be produced therefrom; it being understood that the surrender aforesaid shall not be construed as in any way affecting the right of such owner or owners to operate said mine or mines by any other process or method in use in said State on March 1, 1893: *Provided*, That they shall not interfere with the navigability of the aforesaid rivers. (Mar. 1, 1893, c. 183, § 10, 27 Stat. 509.)

671. Petition for common dumping ground, etc.—The owners of several mining claims situated so as to require a common dumping ground or dam or other restraining works for the débris issuing therefrom in one or more sites may file a joint petition setting forth such facts in addition to the requirements of section 669 of this chapter; and where the owner of a hydraulic mine or owners of several such mines have and use common dumping sites for impounding débris or as settling reservoirs, which sites are located below the mine of an applicant not entitled to use same, such fact shall also be stated in said petition. Thereupon the same proceedings shall be had as provided for in this chapter. (Mar. 1, 1893, c. 183, § 11, 27 Stat. 509.)

672. Notice of petition for dumping grounds, etc.; hearing.—A notice specifying briefly the contents of said petition and fixing a time previous to which all proofs are to be submitted shall be published by said commission in some newspaper or newspapers of general circulation in the communities interested in the matter set forth therein. If published in a daily paper such publication shall continue for at least ten days; if in a weekly paper in at least three issues of the same. Pending publication thereof said commission, or a committee thereof, shall examine the mine and premises described in such petition. On or before the time so fixed all parties interested, either as petitioners or contestants, whether miners or agriculturists, may file affidavits, plans, and maps in support of their respective claims. Further hearings, upon notice to all parties of record, may be granted by the commission when necessary. (Mar. 1, 1893, c. 183, § 12, 27 Stat. 509.)

673. Order by commission directing method of mining, etc.; expenses of complying with order; exemption from mining taxes.—In case a majority of the members of said commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if any, if facilities therefor can be found, shall be built and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interests and prevent injury to the said navigable rivers and the lands adjacent thereto, with such further conditions and limitations as will observe all the provisions of this chapter in relation to the working thereof and the payment of taxes on the gross proceeds of the same: *Provided*, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines: *And provided further*, That where it shall appear to said commission that hydraulic mining may be carried on without injury to the navigation of said navigable rivers and the lands adjacent thereto, an order may be made authorizing such mining to be carried on without requiring the construction of any restraining or impounding works or any settling reservoirs: *And provided also*, That where such an order is made a license to mine, no taxes provided for in this chapter on the gross proceeds of such mining operations shall be collected. (Mar. 1, 1893, c. 183, § 13, 27 Stat. 509; Feb. 27, 1907, c. 2077, 34 Stat. 1001.)

674. Plans for and supervision of work required by order; permit to commence mining.—Such petitioner or petitioners must within a reasonable time present plans and specifications of all works required to be built in pursuance of said order for examination, correction, and approval by said commission; and thereupon work may immediately commence thereon under the supervision of said commission or representative thereof attached thereto from said Corps of Engineers, who shall inspect same from time to time. Upon completion thereof, if found in every respect to meet the requirements of the said order and said approved plans and specifications, permission shall thereupon be granted to the owner or owners of such mine or mines to commence mining operations, subject to the conditions of said order and the provisions of this chapter. (Mar. 1, 1893, c. 183, § 14, 27 Stat. 509.)

675. Conditions precedent for commencement of mining operations.—No permission granted to a mine owner or owners under this chapter shall take effect, so far as regards the working of a mine, until all impounding dams or other restraining works, if any are prescribed by the order granting such permission, have been completed and until the impounding dams or other restraining works or settling reservoirs provided by said commission have reached such a stage as, in the opinion of said commission, it is safe to use the same: *Provided, however*, That if said commission shall be of the opinion that the restraining and other works already constructed at the mine or mines shall be sufficient to protect the navigable rivers of said systems and the work of said commission, then the owner or owners of such mine or mines may be permitted to commence operations. (Mar. 1, 1893, c. 183, § 15, 27 Stat. 509.)

676. Allotment of expenses for common dumping grounds; location of impounding works.—In case the joint petition referred to in section 671 of this chapter is granted, the commission shall fix the respective amounts to be paid by each owner of such mines toward providing and building necessary impounding dams or other restraining works. In the event of a petition being filed after the entry of such order, or in case the impounding dam or dams or other restraining works have already been constructed and accepted by said commission, the commission shall fix such amount as may be reasonable for the privilege of dumping therein, which amount shall be divided between the original owners of such impounding dams or other restraining works in proportion to the amount respectively paid by each party owning same. The expense of maintaining and protecting such joint dam or works shall be divided among mine owners using the same in such proportion as the commission shall determine. In all cases where it is practicable, restraining and impounding works are to be provided, constructed, and maintained by mine owners near or below the mine or mines before reaching the main tributaries of said navigable waters. (Mar. 1, 1893, c. 183, § 16, 27 Stat. 509.)

677. Limitation as to quantity of débris washed away.—At no time shall any more débris be permitted to be washed away from any hydraulic mine or mines situated on the tributaries of said rivers and the respective branches of each, worked under the provisions of this chapter, than can be impounded within the restraining works erected. (Mar. 1, 1893, c. 183, § 17, 27 Stat. 509.)

678. Modification and revocation of permit to mine.—The said commission may at any time, when the condition of the navigable rivers or when the capacities of all impounding and settling facilities erected by mine owners or such as may be provided by Government authority require same, modify the order granting the privilege to mine by the hydraulic mining process so as to reduce amount thereof to meet the capacities of the facilities then in use, or if actually required in order to protect the navigable rivers from damage, may revoke same until the further notice of the commission. (Mar. 1, 1893, c. 183, § 18, 27 Stat. 509.)

679. Violation of permit to mine; penalty.—An intentional violation on the part of a mine owner or owners, company, or corporation, or the agents or employees of either, of the conditions of the order granted pursuant to section 673 of this chapter, or such modifications thereof as may have been made by said commission, shall work a forfeiture of the privileges thereby conferred, and upon notice being served by the order of said commission upon such owner or owners, company, or corporation, or agent in charge, work shall immediately cease. Said commission shall take necessary steps to enforce its orders in case of the failure, neglect, or refusal of such owner or owners, company, or corporation, or agents thereof, to comply therewith, or in the event of any person or persons, company, or corporation working by said process in said territory contrary to law. (Mar. 1, 1893, c. 183, § 19, 27 Stat. 510.)

680. Examination of mines; reports.—Said commission, or a committee therefrom, or officer of said corps assigned to duty under its orders, shall, whenever deemed necessary, visit said territory and all mines operating under the provisions of this chapter. A report of such examination shall be placed on file. (Mar. 1, 1893, c. 183, § 20, 27 Stat. 510.)

681. Use of public lands and materials; withdrawal of lands required from sale or entry.—The said commission is hereby granted the right to use any of the public lands of the United States, or any rock, stone, timber, trees, brush, or material thereon or therein, for any of the purposes of this chapter; and the Secretary of the Interior is hereby authorized and requested, after notice has been filed with the Commissioner of the General Land Office by said commission, setting forth what public lands are required by it under the authority of this section, that such land or lands shall be withdrawn from sale and entry under the laws of the United States. (Mar. 1, 1893, c. 183, § 21, 27 Stat. 511.)

682. Malicious injury to works; injury to navigable waters by hydraulic mining; penalty.—Any person or persons who willfully or maliciously injure, damage, or destroy, or attempt to injure, damage, or destroy, any dam or other work erected under the provisions of this chapter for restraining, impounding, or settling purposes, or for use in connection therewith, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed the sum of $5,000 or be imprisoned not to exceed five years, or by both such fine and imprisonment, in the discretion of the court. And any person or persons, company or corporation, their agents or employees, who shall mine by the hydraulic process directly or indirectly injuring the navigable waters of the United States, in violation of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (Mar. 1, 1893, c. 183, § 22, 27 Stat. 511.)

683. Tax on gross proceeds of hydraulic mines; "débris fund"; advances by mine owners.—Upon the construction by the said commission of dams or other works for the detention of débris from hydraulic mines and the issuing of the order provided for by this chapter to any individual, company, or corporation to work any mine or mines by hydraulic process, the individual, company or corporation operating thereunder working any mine or mines by hydraulic process, the débris from which flows into or is in whole or in part restrained by such dams or other works erected by said commission, shall pay a tax of 3 per centum on the gross proceeds of his, their, or its mine so worked; which tax of 3 per centum shall be ascertained and paid in accordance with regulations to be adopted by the Secretary of the Treasury, and the Treasurer of the United States is hereby authorized to receive the same. All sums of money paid into the Treasury under this section shall be set apart and credited to a fund to be known as the "Débris Fund," and shall be expended by said commission under the supervision of the Chief of Engineers and direction of the Secretary of War, in addition to the appropriations made by law in the construction and maintenance of such restraining works and settling reservoirs as may be proper and necessary: *Provided*, That said commission is hereby authorized to receive and pay into the Treasury from the owner or owners of mines worked by the hydraulic process, to whom permission may have been granted so to work under the provisions of this chapter, such money advances as may be offered to aid in the construction of such impounding dams or other restraining works, or settling reservoirs, or sites therefor, as may be deemed necessary by said commission to protect the navigable channels of said river systems, on condition that all moneys so advanced shall be refunded as the said tax is paid into the said débris fund: *And provided further*, That in no event shall the Government of the United States be held liable to refund same except as directed by this section. (Mar. 1, 1893, c. 183, § 23, 27 Stat. 511.)

684. Cooperation by commission with State authorities.—For the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining débris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission. (Mar. 1, 1893, c. 183, § 24, 27 Stat. 511.)

685. Construction by commission of restraining works, etc.; use of débris fund.—Said commission, in order that such material as is now or may hereafter be lodged in the tributaries of the Sacramento and San Joaquin River systems resulting from mining operations, natural erosion, or other causes, shall be prevented from injuring the said navigable rivers or such of the tributaries of either as may be navigable and the land adjacent thereto, is hereby directed and empowered, when appropriations are made therefor by law, or sufficient money is deposited for that purpose in said débris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or branches of such tributaries, or any place adjacent to the same, which in the judgment of said commission, will effect said object (the same to be of such material as will insure safety and perma-

rency), such restraining or impounding dams and settling reservoirs, with such canals, locks, or other works adapted and required to complete same. The recommendations contained in Executive Document Numbered 267, Fifty-first Congress, second session, and Executive Document Numbered 98, Forty-seventh Congress, first session, as far as they refer to impounding dams, or other restraining works, are hereby adopted, and the same are directed to be made the basis of operations. (Mar. 1, 1893, c. 183, § 25, 27 Stat. 511.)

686. Construction of restraining works in conjunction with State.—The Secretary of War, in expending appropriations in the preparation for and construction of works for the restraining or impounding of mining débris in the State of California, is authorized to enter into an agreement that the contractor shall look solely to the State of California for one-half of such expense, to be paid out of said State's appropriation, and the United States shall in nowise be liable for said one-half.

The Secretary of War, in carrying out the provisions of any Act of Congress, providing for the restraining or impounding of mining débris in California, may, in his discretion, when in his judgment the aggregate of appropriations already made by said State and Congress and available therefor are sufficient to complete the same, undertake the works necessary thereto by hired labor and by purchase of supplies and materials therefor, and may accept payments on account thereof as the work progresses under and according to the provisions of the acts of the legislature of said State for such purposes. (July 1, 1898, c. 546, 30 Stat. 631; Mar. 3, 1899, c. 425, § 1, 30 Stat. 1148.)

687. Use of State dredge and appliances in river and harbor improvements.—The Secretary of War is authorized to accept from the State of California the use of any dredger, or appliances owned or controlled by said State, conformably to any offer thereof by the said State; and the Secretary of War is authorized to use any such dredger or appliances in any river or harbor improvement that may be prosecuted therein by the United States, either on the part of the United States alone or conjointly with said State: *Provided*, That nothing shall be paid to the State of California for the use of said dredger, and that nothing herein contained shall create any liability against the United States. (Mar. 3, 1899, c. 425, § 1, 30 Stat. 1148.)

Chapter 15.—FLOOD CONTROL.

Sec.
701. Flood control generally.
702. Mississippi River.
703. Sacramento River, California.

Section 701. Flood control generally.—*Laws applicable to works of improvement relating to flood control.*—All the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable, to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

Examinations and surveys; details from Government departments; reports.—All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds, and the report thereon in addition to any other matter upon which a report is required shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of War, detail representatives from their respective departments to assist the Engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon and the separate report of the representative of any other department, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

Reports by Board of Engineers for Rivers and Harbors.—In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

Aiding Committee on Flood Control.—All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request of the Committee on Rivers and Harbors relating to works or projects of navigation shall in like manner be made upon request of the Committee on Flood Control on all works and projects relating to flood control. (Mar. 1, 1917, c. 144, § 3, 39 Stat. 950.)

702. Mississippi River.—*Authorization of flood-control work.*—For controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission, prior to March 3, 1923, or thereafter adopted, to be paid for as appropriations may from time to time be made by law; and a sum not to exceed $10,000,000 annually is hereby authorized to be appropriated for that purpose, for a period of six years beginning July 1, 1924.

How appropriations expended.—(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers, for controlling the floods and for the general improvement of the Mississippi River, and for surveys, including the survey from the Head of the Passes to the headwaters of the river, and a survey of the Atchafalaya Outlet so far as may be necessary to determine the cost of protecting its basin from the flood waters of the Mississippi River either by its divorcement from the Mississippi River or by other means, and for salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission.

Contributions by local interests to levee work.—(b) No money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall not be less than one-half of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended

in any other State or levee district except with the approval of the authorities of the State or district so contributing.

Improvements between Head of Passes and Rock Island.—(c) Any funds which may be appropriated under authority of this section and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Illinois, and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said river.

Expenditure of appropriations for rights of way.—(d) No money appropriated under authority of this section shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this section, but all such rights of way shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

Allotments for improvement of watercourses connected with Mississippi River.—The watercourses connected with the Mississippi River to such extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements under way March 1, 1917, or thereafter to be undertaken.

Maintenance of levees constructed for flood control.—Upon the completion of any levee constructed for flood control under authority of this section, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion. (Mar. 1, 1917, c. 144, § 1, 39 Stat. 948; Mar. 4, 1923, c. 277, 42 Stat. 1505.)

703. Sacramento River, California.—*Flood-control works authorized.*—For controlling the floods, removing the débris, and continuing the improvement of the Sacramento River, California, in accordance with the plans of the California Débris Commission, the Secretary of War is authorized and directed to carry on continuously, by hired labor or otherwise, the plan of said commission contained in its report submitted August 10, 1910, and printed in House Document Numbered 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document Numbered 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $5,600,000: *Provided*, That not more than $1,000,000 shall be expended therefor during any one fiscal year.

Limitation on expenditure of appropriations generally.—(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the California Débris Commission, as approved by the Chief of Engineers, for the control of floods, removal of débris, and the general improvement of the Sacramento River: *Provided*, That no money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of California will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of California will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the river levees contemplated in the report of the California Débris Commission, dated August 10, 1910, will be constructed to such grade and section and within such time as may be required by said commission: *Provided further*, That said State shall not be required to expend for such work, for any one year, a sum larger than that expended thereon by the United States during the same year: *And provided further*, That the total contributions so required of the State of California shall not exceed in the aggregate $5,600,000.

Expenditure of contributions by State of California; acquisition of sites, easements, etc.—(b) All money contributed by the State of California, as herein provided, shall be expended under the direction of the California Débris Commission and in such manner as it may require or approve, and no money appropriated under authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of California toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

Maintenance of works for flood control by State of California.—(c) Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of California for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion. (Mar. 1, 1917, c. 144, § 2, 39 Stat. 949.)

Chapter 16.—BUREAU OF LIGHTHOUSES AND LIGHTHOUSE SERVICE.

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713. Regulations for Lighthouse Service generally.
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715. Transfer of employees.
716. Employment of temporary draftsmen.
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Section 711. Establishment of Bureau of Lighthouses; personnel; salaries; annual reports.—There shall be in the Department of Commerce a Bureau of Lighthouses and a Commissioner of Lighthouses, who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in the bureau a deputy commissioner, to be appointed by the President, who shall receive a salary of $4,000 per annum, and a chief clerk, who shall perform the duties of chief clerk and such other duties as may be assigned to him by the Secretary of Commerce or by the commissioner. There shall also be in the bureau such inspectors, clerical assistants, and other employees as may from time to time be authorized by Congress, and there shall also be employed one chief constructing engineer at a salary of $4,000 per annum and one superintendent of naval construction at a salary of $4,000 per annum, both to be appointed by the President. The Commissioner of Lighthouses shall make an annual report to the Secretary of Commerce, who shall transmit the same to Congress at the beginning of each regular session thereof. (June 17, 1910, c. 301, § 4, 36 Stat. 537; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; June 5, 1920, c. 264, § 2, 41 Stat. 1059.)

712. Acting commissioner.—In case of the absence of the Commissioner and Deputy Commissioner of the Bureau of Lighthouses, the Secretary of Commerce may designate some officer of said bureau to perform the duties of the commissioner during his absence. (July 27, 1912, c. 255, § 2, 37 Stat. 239.)

713. Regulations for Lighthouse Service generally.—The Commissioner of Lighthouses, under the direction and control of the Secretary of Commerce, shall, from time to time, prescribe and distribute such regulations as he may deem proper for securing an efficient, uniform, and economic administration of the Lighthouse Service. (June 17, 1910, c. 301, § 10, 36 Stat. 538.)

714. Transfer of duties of Lighthouse Board.—All duties performed and all power and authority possessed or exercised by the Lighthouse Board, prior to July 1, 1910, under any provision of law not repealed by Act, are transferred to and imposed and conferred upon and vested in the Commissioner of Lighthouses, under the direction and control of the Secretary of Commerce. (June 17, 1910, c. 301, § 6, 36 Stat. 538.)

715. Transfer of employees.—All employees of or in the Lighthouse Board or the Lighthouse Establishment, on July 1, 1910, are transferred to the Bureau of Lighthouses, excepting, however, Army and Navy officers. (June 17, 1910, c. 301, § 5, 36 Stat. 537.)

716. Employment of temporary draftsmen.—The Commissioner of Lighthouses is authorized to employ temporarily draftsmen for the preparation of plans for tenders and light vessels which may be authorized by Congress, to be paid from the respective appropriations therefor. (June 17, 1910, c. 301, § 9, 36 Stat. 538.)

717. Detail of Army engineers as construction aids.—The President may detail officers of the Engineer Corps of the United States Army for consultation or to superintend the construction or repair of any aid to navigation authorized by Congress. (June 17, 1910, c. 301, § 11, 36 Stat. 538.)

718. Traveling expenses of Army and Navy officers.—Officers of the Army or Navy detailed for service in connection with the Lighthouse Service shall be paid their actual traveling expenses when traveling under orders on official duty to and from points which can not be conveniently reached by vessel or railroad. (Feb. 26, 1907, c. 1638, § 6, 34 Stat. 997.)

719. Additional compensation to civil, military, or naval officers prohibited.—No additional salary shall be allowed to any civil, military, or naval officer on account of his being employed in the Bureau of Lighthouses, or being in any manner attached to the Lighthouse Service. (R. S. § 4679.)

720. General control by Commissioner of Lighthouse Service.—The Commissioner of Lighthouses shall, under the direction and control of the Secretary of Commerce, have charge and control of the construction, maintenance, repair, illumination, inspection, and superintendence of lighthouse depots, supply stations, light and signal stations, lighthouses, light vessels, lighthouse tenders, fog signals, submarine signals, beacons, buoys, day marks, post-lantern lights, and seamarks and their appendages, and generally of the Lighthouse Service; and the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Lighthouse Service. (June 17, 1910, c. 301, § 7, 36 Stat. 538.)

721. Power of commissioner to settle claims for damages.—The Commissioner of Lighthouses, subject to the approval of the Secretary of Commerce, is authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed the sum of $500, occasioned by collisions, for which collisions vessels of the Lighthouse Service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (June 17, 1910, c. 301, § 4, 36 Stat. 537.)

722. Necessity for contract for expenditure of appropriations.—It shall be the duty of the Commissioner of Lighthouses to apply the money appropriated, other than for surveys, as far as can be without detriment to the interests of the Government, by contract. (July 7, 1884, c. 332, 23 Stat. 198.)

723. Proposals for repair of vessels; specifications.—Any and all proposals for bids for any new machinery or other new equipment necessary in the repair of any vessel in the Lighthouse Service shall be on specifications prepared and submitted that will secure competition in the bids for furnishing such machinery or equipment. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 973.)

724. Contracts for materials; necessity for public letting.—All materials for construction, maintenance, repair, and operation shall be procured by public contracts, under such regulations as may from time to time be prescribed by the commissioner, subject to the approval of the Secretary of Commerce, and no contract shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest and best bidder therefor, upon security deemed sufficient in the judgment of the Commissioner of Lighthouses, but all bids may at any time be rejected by the commissioner: *Provided, however*, That the Commissioner of Lighthouses may purchase illuminating oil, wicks, and chimneys for lights, and ground tackle for light vessels and buoys, and to an amount not exceeding $500 at any one time, other materials and supplies when immediate delivery is required by an exigency, by private contract or in the open market, if he deems it for the best interests of the service so to do; but such purchases shall be set forth in the annual report of the commissioner with the reasons for purchasing other than upon bids after public advertisement. (June 17, 1910, c. 301, § 8, 36 Stat. 538.)

725. Prohibition against officers and employees being interested in contracts for materials, etc.—No member of the Bureau of Lighthouses, Superintendent of Lighthouses, light keeper, or other person in any manner connected with the Lighthouse Service, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the Lighthouse Service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the Lighthouse Service. (R. S. § 4680.)

726. Furnishing supplies, etc., for special works from general stock.—Supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "Lighthouse Service, General Expenses," reimbursed therefor from the respective appropriations for special works. (Mar. 4, 1913, c. 168, 37 Stat. 1018.)

727. Lighthouse and other sites; necessity for cession by State of jurisdiction.—No lighthouse, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. (R. S. § 4661.)

728. Sufficiency of cession by State; service of State process in lands ceded.—A cession by a State of jurisdiction over a place selected as the site of a lighthouse, or other structure or work of the Lighthouse Service, shall be deemed sufficient within the preceding section, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded, in the same manner as if no cession had been made. (R. S. § 4662.)

729. Purchase by commissioner of sites for lighthouses.—The Commissioner of Lighthouses, under the direction of the Secretary of Commerce, is authorized, whenever an appropriation is made by Congress for a new lighthouse, the proper site for which does not belong to the United States, to purchase the necessary land for such site, provided the purchase money be paid from the amount appropriated for such lighthouse without exceeding the limit of cost, if any, fixed in such case. (June 17, 1910, c. 301, § 9, 36 Stat. 538.)

730. Purchase of additional land for lighthouses and depots.—The purchase of necessary additional land for light stations and depots is authorized under rules prescribed by the Secretary of Commerce: *Provided*, That no single acquisition of such additional land shall cost in excess of $500. (Mar. 4, 1913, c. 168, 37 Stat. 1018.)

731. Lease of sites for temporary lights.—The Commissioner of Lighthouses is authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 972.)

732. Exchange of right of way pertaining to Lighthouse Service.—The Secretary of Commerce is authorized, whenever he shall deem it advisable, to exchange any right of way of the United States in connection with lands pertaining to the Lighthouse Service for such other right of way as may be advantageous to the service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses, not exceeding the sum of $500, are incurred by the United States in making such exchange, the same shall be payable from the appropriation, "Lighthouse Service, General Expenses," for the fiscal year during which such exchange shall be effected. (Aug. 28, 1916, c. 414, § 2, 39 Stat. 538.)

733. Approval by Attorney General of title to site before expenditure of moneys.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any lighthouse until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretary of Commerce, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the department. (R. S. § 355.)

734. Coloring and numbering buoys.—All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered, so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on either hand. Buoys in channel ways shall be colored with alternate white and black perpendicular stripes. (R. S. § 4678.)

735. Marking pierheads in certain lakes.—The Commissioner of Lighthouses shall properly mark all pierheads belonging to the United States situated on the northern and northwestern lakes, whenever he is duly notified by the department charged with the construction or repair of pierheads that the construction or repair of any such pierheads has been completed. (R. S. § 4677.)

736. Placing warnings over obstructions.—The Commissioner of Lighthouses may, when he deems it is necessary, place a light vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbor, or in the channel or fairway of any bay or sound. (R. S. § 4676.)

737. Maintenance of anchorage buoys in New York and Philadelphia Harbors.—It is hereby made the duty of the Commissioner of Lighthouses to care for and maintain the anchorage buoys in New York Harbor and Philadelphia Harbor placed there by the United States prior to May 14, 1908. (May 14, 1908, c. 168, § 4, 35 Stat. 162.)

(*See also* section 472.)

738. Cooperation with Coast Guard in marking anchorage grounds in New York and Hampton Roads Harbors.—The Lighthouse Service shall cooperate with the Coast Guard in marking anchorage grounds in the harbors of New York and Hampton Roads by furnishing and maintaining buoys necessary for such purposes. (June 5, 1920, c. 235, § 1, 41 Stat. 880.)

739. Substitution of lighthouses for lightships.—Whenever any of the light vessels occupying positions which are adapted to the erection of lighthouses upon pile foundations require to be rebuilt, or require such extensive repairs as to render the substitution of such lighthouses advisable and practicable, such permanent structures may be erected in place of any such light vessels; but the expense arising from all such changes and erections shall be defrayed from the general annual appropriations for repairs, and so forth, of light vessels, except when a special appropriation is made for such change. (R. S. § 4668.)

740. Post-lantern lights, etc., on particular waters authorized.—Post-lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations for the Bureau of Lighthouses on Lakes Okechobee and Hicpochee and connecting waterways across the State of Florida and on the Apalachicola River and Chipola cut-off; on the Mobile, Tombigbee, Warrior, and Black Warrior Rivers, Alabama, and Lake Tahoe, California and Nevada; on Lakes Union and Washington, in the State of Washington; and on the Yukon River and its tributaries, Alaska. (Mar. 3, 1915, c. 81, § 5, 38 Stat. 927; Aug. 28, 1916, c. 414, § 3, 39 Stat. 538; June 20, 1918, c. 103, § 5, 40 Stat. 608; June 5, 1920, c. 235, § 1, 41 Stat. 927.)

741. Reports by commissioner as to aids to navigation not needed.—The Secretary of Commerce shall annually cause the Commissioner of Lighthouses to make a report to him for transmission to Congress of all aids to navigation in service which may be discontinued without distinct injury to the interests of navigation. (May 14, 1908, c. 168, § 7, 35 Stat. 162.)

742. Discontinuance and reestablishment of lights.—The Secretary of Commerce may, upon the recommendation of the Commissioner of Lighthouses, discontinue from time to time such lights as may from any cause become useless or unnecessary. And he may, upon the like recommendation, from time to time reestablish any lights which have been thus discontinued, whenever he believes such reestablishment to be required by public convenience or the necessities of trade or commerce. (R. S. § 4674.)

743. Lighthouse districts.—The ocean, gulf, and lake coasts and the rivers of the United States, Porto Rico, and the naval station in Cuba shall be arranged into not exceeding nineteen lighthouse districts. (June 17, 1910, c. 301, § 11, 36 Stat. 538.)

744. Superintendents of lighthouses; salary.—A superintendent of lighthouses shall be assigned in charge of each lighthouse district: *Provided*, That officers designated as lighthouse inspectors prior to June 20, 1918, shall be transferred to the positions of superintendent of lighthouses herein authorized in lieu of lighthouse inspectors: *Provided further*, That in the districts which include the Mississippi River and its tributaries the President may designate Army engineers to perform the duties of and act as superintendent of lighthouses without additional compensation. (June 20, 1918, c. 103, § 7, 40 Stat. 608.)

745. Keepers of lighthouses; salary.—The Secretary of Commerce is authorized to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of $840 per annum for each keeper; and the authority herein granted to regulate the salaries of keepers of lighthouses shall not be abridged or limited by the provisions of section 629 of chapter 11 of Title 31, MONEY AND FINANCE. (June 20, 1918, c. 103, § 8, 40 Stat. 609.)

747. Medical relief to lighthouse keepers; physical examination before appointment.—Light keepers and assistant light keepers of the Lighthouse Service shall be entitled to medical relief without charge at hospitals and other stations of the Public Health Service under the rules and regulations governing the care of seamen of the merchant marine: *Provided*, That this benefit shall not apply to any keeper or assistant keeper who receives an original appointment after August 28, 1916, unless the applicant passes a physical examination in accordance with rules approved by the Secretary of Commerce and the Secretary of the Treasury. (Aug. 28, 1916, c. 414, § 5, 39 Stat. 538.)

748. Teachers for children of lighthouse keepers.—The appropriation, "Bureau of Lighthouses, General Expenses," shall be available, under regulations prescribed by the Secretary of Commerce, for the payment of traveling and subsistence expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses. (June 20, 1918, c. 103, § 2, 40 Stat. 608.)

749. Reimbursement of lighthouse keepers, and so forth, for clothing, etc., furnished shipwrecked persons.—Reimbursement, under rules prescribed by the Secretary of Commerce, is authorized to keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year. (July 27, 1912, c. 255, § 2, 37 Stat. 230.)

750. Leave of absence to salaried employees.—Employees of the Lighthouse Service, who were not, prior to August 1, 1914, entitled to leave of absence with pay and who have served twelve consecutive months, shall be given fifteen days' leave of absence with pay each year: *Provided*, That pro rata leave shall be allowed those serving fractional parts of a year: *Provided further*, That heads of divisions shall have discretion as to the time when the leave shall be granted. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 658.)

751. Leave of absence to per diem employees.—Employees of the Lighthouse Service compensated at a per diem rate of pay may be granted fifteen working days' leave of absence each year without forfeiture of pay during such absence, under rules prescribed by the Secretary of Commerce: *Provided*, That no employee of the class herein mentioned shall be entitled to any leave until he has served twelve consecutive months, when he may be granted fifteen days' leave, and that during the second or any subsequent year fifteen days' leave at the rate of one and one-fourth days per month, as earned, may be granted from the beginning of the second service year: *Provided further*, That the superintendents of the several lighthouse districts shall have discretion as to the time when the leave can be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted. (Mar. 3, 1915, c. 81, § 4, 38 Stat. 927.)

752. Sale of condemned supplies, etc., and land not needed; disposition of moneys.—When any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service the same shall be appraised and sold, either by sealed proposals for the purchase of the same or by public auction after advertisement of the sale for such time as in the judgment of the Secretary of Commerce the public interests require, the proceeds of such sales, after the payment therefrom of the expenses of making the sales, to be deposited and covered into the Treasury as miscellaneous receipts as now provided for by law in like cases. (Mar. 4, 1913, c. 168, 37 Stat. 1018.)

753. Sale of publications of bureau.—The Secretary of Commerce is authorized to provide, under regulations to be prescribed by him, for the sale of publications of the Bureau of Lighthouses and the Lighthouse Service, including the allowance of a commission for such sales. (June 20, 1918, c. 103, § 4, 40 Stat. 608.)

754. Sale of clothing to employees.—The Secretary of Commerce is authorized to purchase, from the appropriations for the Bureau of Lighthouses, clothing for the crews of vessels,

to be sold to the employees of said service and the appropriations reimbursed. (July 27, 1912, c. 255, § 2, 37 Stat. 230.)

755. Police powers of masters of lighthouse tenders.—Masters of lighthouse tenders shall have police powers in matters pertaining to Government property and smuggling. (June 16, 1880, c. 235, 21 Stat. 263.)

756. Use of appropriations for cooperation with Forest Service.—The annual appropriations for the Bureau of Lighthouses, Lighthouse Service, shall be available for defraying the expenses of cooperation between the Lighthouse Service and the Forest Service in the management of forest land on lighthouse reservations. (Mar. 3, 1915, c. 81, § 6, 38 Stat. 928.)

757. Cooperation with War and Navy Departments in time of or in preparation for war.—The Secretary of the Navy, the Secretary of War, and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Lighthouse Service in time of war, and for the cooperation of that service with the Navy and War Departments in time of peace in preparation for its duties in war, and this may include arrangements for a direct line of communication between the officers or bureaus of the Navy and War Departments and the Bureau of Lighthouses to provide for immediate action on all communications from these departments. (Aug. 29, 1916, c. 417. 39 Stat. 602.)

758. Transfer of vessels, equipment, etc., to Navy or War Department in case of national emergency.—The President is authorized, whenever in his judgment a sufficient national emergency exists to transfer to the service and jurisdiction of the Navy Department, or of the War Department, such vessels, equipment, stations, and personnel of the Lighthouse Service as he may deem to the best interest of the country and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made: *Provided*, That such vessels, equipment, stations, and personnel shall be returned to the Lighthouse Service when such national emergency ceases in the opinion of the President, and nothing in this or the preceding section shall be construed as transferring the Lighthouse Service or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided: *Provided further*, That any of the personnel of the Lighthouse Service who may be transferred as herein provided shall, while under the jurisdiction of the Navy Department or War Department, be subject to the laws, regulations, and orders for the government of the Navy or Army, as the case may be, in so far as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law. (Aug. 29, 1916, c. 417, 39 Stat. 602.)

759. Unauthorized establishment of lights, etc.; penalty.—After the 1st day of January, 1907, it shall be unlawful for any person, company, corporation, or municipality not under the control of the Commissioner of Lighthouses, to establish, erect, or maintain in the navigable waters of the United States any light as an aid to navigation, or any other aid to navigation similar to any of those maintained by the United States under the control and direction of the Commissioner of Lighthouses, without first obtaining permission so to do from the Commissioner of Lighthouses, in accordance with rules and regulations to be established by the Secretary of Commerce; and any person violating the provisions of this section or any of the rules and regulations established by the Secretary of Commerce in accordance herewith shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $100 for each offense, and each day during which such violation shall continue shall be considered as a new offense. (June 20, 1906, c. 3447, § 3, 34 Stat. 324; June 17, 1910, c. 301, § 6, 36 Stat. 538.)

760. Failure to maintain, etc., lights on bridges; penalty.—Any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $100 for each offense, and each day during which such violation shall continue shall be considered as a new offense. (May 14, 1908, c. 168, § 5, 35 Stat. 162.)

761. Wrongful interference with Government aids to navigation; penalty.—It shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Lighthouse Service under the Commissioner of Lighthouses, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $500 for each offense, and each day during which such violation shall continue shall be considered as a new offense. (May 14, 1908, c. 168, § 6, 35 Stat. 162.)

762. Wrongful interference with private aids to navigation; penalty.—The penalties provided in the preceding section for obstruction to or interference with any aid to navigation maintained by the Lighthouse Service shall apply with equal force and effect to any private aid to navigation lawfully maintained under the authority granted the Secretary of Commerce and the Commissioner of Lighthouses by section 759 of this chapter. (Mar. 3, 1915, c. 81, § 8, 38 Stat. 928.)

763. Retirement for age of officers and employees generally.—All officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices or shops, who shall have reached the age of sixty-five years, after having been thirty years in the active service of the Government, may at their option be retired from further performance of duty; and all such officers and employees who shall have reached the age of seventy years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the average annual pay received for the last five years of service for each year of active service in the Lighthouse Service or in a department or branch of the Government having a retirement system, not to exceed in any case thirty-fortieths of such average annual pay received: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowance: *Provided further*, That the retirement provisions and pay shall not apply to persons in the field service of the Lighthouse Service whose duties do not require substantially all their time. (June 20, 1918, c. 103, § 6, 40 Stat. 608; Nov. 4, 1918, c. 201, § 1, 40 Stat. 1036.)

764. Privilege to employee to continue service after retirement age.—The provision of the preceding section shall not apply to an employee of the Lighthouse Service if within sixty days after March 4, 1921, or not less than thirty days before the arrival of such employee at the age of seventy, the Secretary of Commerce shall certify as a matter of public record that by reason of his efficiency and willingness to remain in the Lighthouse Service of the United States the continuance of such employee therein would be advantageous to the public service. In that event such employee may be retained for a term not exceeding two years, and at the end of two years such employee may, by similar certification, be continued for

an additional term not exceeding two years: *Provided, however,* That at the end of ten years after March 4, 1921, no employee shall be continued in the Lighthouse Service beyond the age of compulsory retirement defined in the preceding section: *Provided further,* That nothing herein shall exclude or prevent any employee of the Lighthouse Service who shall have reached the age of compulsory retirement within thirty days before or after March 4, 1921, from enjoying the privileges thereof. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1417.)

765. Retirement for disability.—Any officer or employee to whom the second preceding section applies, who has been in the active service of the Government fifteen years or more and who is found, after examination by a medical officer of the United States, to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance or willful misconduct on his part, shall be retired under rules to be prescribed by the Secretary of Commerce on an annuity computed in the manner provided in such second preceding section. (Mar. 4, 1925, c. 523, § 1, 43 Stat. 1261.)

766. Restoration to active duty after retirement for disability.—Any officer or employee retired under the preceding section may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which he may be retired under the third preceding section, be reexamined by a medical officer of the United States upon the request of the Secretary of Commerce. (Mar. 4, 1925, c. 523, § 2, 43 Stat. 1262.)

767. Oaths of office of employees; power to administer.—Chief clerks in offices of superintendents of lighthouses and employees designated by them are authorized to administer oaths of office to employees of the Lighthouse Service. (Mar. 3, 1915, c. 81, § 7, 38 Stat. 928.)

768. Oaths to expense accounts.—Chief clerks in the offices of superintendents of lighthouses or other employees in the Lighthouse Service designated by them, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487; Mar. 3, 1915, c. 81, § 7, 38 Stat. 928.)

Chapter 17.—COAST AND GEODETIC SURVEY.

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GENERAL PROVISIONS

Section 851. Commissioned personnel; relative rank with Navy; retired officers; assistant director.—There are in the Coast and Geodetic Survey, commissioned officers as follows: One director with relative rank of captain in the Navy; two hydrographic and geodetic engineers with relative rank of captain in the Navy; seven hydrographic and geodetic engineers with relative rank of commander in the Navy; nine hydrographic and geodetic engineers with relative rank of lieutenant commander in the Navy; thirty-eight hydrographic and geodetic engineers with relative rank of lieutenant in the Navy; fifty-five junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade) in the Navy; twenty-nine aids with relative rank of ensign in the Navy, and officers retired in accordance with law: *Provided,* That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director. (Feb. 27, 1925, c. 364, Title III, 43 Stat. 1046.)

852. Director; appointment; pay and allowances.—The title of "Superintendent" of the United States Coast and Geodetic Survey, existing prior to June 5, 1920, is as of that date changed to "Director." The Director of the Coast and Geodetic Survey shall have the relative rank, pay, and allowances of a captain in the Navy, and he shall be appointed by the President, by and with the advice and consent of the Senate, from the list of commissioned officers of the Coast and Geodetic Survey not below the rank of commander for a term of four years, and may be reappointed for further periods of four years each. (June 4, 1920, c. 228, § 1, 41 Stat. 825; June 5, 1920, c. 235, § 1, 41 Stat. 929.)

853. Power of director to settle claims.—The Director of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, is hereby authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed $500, occasioned, subsequent to June 5, 1920, by acts for which the Coast and Geodetic Survey shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (June 5, 1920, c. 256, 41 Stat. 1054.)

854. Qualification of officers for appointment or promotion generally.—No person shall be appointed aid or shall be promoted from aid to junior hydrographic and geodetic engineer or from junior hydrographic and geodetic engineer to hydrographic and geodetic engineer until after passing a satisfactory mental and physical examination conducted in accordance with regulations prescribed by the Secretary of Commerce. (May 22, 1917, c. 20, § 16, 40 Stat. 88.)

855. Cooperation with and transfer to Army or Navy generally.—The President is authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the War Department, or of the Navy Department, such vessels, equipment, stations, and personnel of

the Coast and Geodetic Survey as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made: *Provided*, That such vessels, equipment, stations, and personnel shall be returned to the Coast and Geodetic Survey when such national emergency ceases, in the opinion of the President, and nothing in this section shall be construed as transferring the Coast and Geodetic Survey or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided: *Provided further*, That any of the personnel of the Coast and Geodetic Survey who may be transferred as herein provided, shall, while under the jurisdiction of the War Department or Navy Department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army or Navy, as the case may be, in so far as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law. (May 22, 1917, c. 20, § 16, 40 Stat. 87.)

856. Relative rank of officers when serving with Army or Navy.—When serving with the Army or Navy the relative rank of officers of the Coast and Geodetic Survey shall be as follows:

Hydrographic and geodetic engineers with rank of captain in the Navy shall rank with and after colonels in the Army and captains in the Navy.

Hydrographic and geodetic engineers with rank of commander in the Navy shall rank with and after lieutenant colonels in the Army and commanders in the Navy.

Hydrographic and geodetic engineers with rank of lieutenant commander in the Navy shall rank with and after majors in the Army and lieutenant commanders in the Navy.

Hydrographic and geodetic engineers with rank of lieutenant in the Navy shall rank with and after captains in the Army and lieutenants in the Navy.

Junior hydrographic and geodetic engineers shall rank with and after first lieutenants in the Army and lieutenants (junior grade) in the Navy.

Aids shall rank with and after second lieutenants in the Army and ensigns in the Navy.

And nothing in this section shall be construed to affect or alter their rates of pay and allowances when not assigned to military duty as hereinbefore mentioned. (May 22, 1917, c. 20, § 16, 40 Stat. 88.)

857. Disability, etc., benefits when cooperating with Army or Navy.—While actually employed in active service under direct orders of the War Department or of the Navy Department members of the Coast and Geodetic Survey shall receive the benefit of all provisions of law relating to disability incurred in line of duty or loss of life. (May 22, 1917, c. 20, § 16, 40 Stat. 88.)

858. Rules and regulations when cooperating with Army or Navy.—The Secretary of War, the Secretary of the Navy, and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Coast and Geodetic Survey in time of war, and for the cooperation of that service with the War and Navy Departments in time of peace in preparations for its duties in war, which regulations shall not be effective unless approved by each of the said Secretaries, and included therein may be rules and regulations for making reports and communications between the officers or bureaus of the War and Navy Departments and the Coast and Geodetic Survey. (May 22, 1917, c. 20, § 16, 40 Stat. 88.)

859. Pay and allowances of commissioned officers generally.—The commissioned officers of the Coast and Geodetic Survey are entitled to pay and allowances as provided in Title 37, PAY AND ALLOWANCES. (June 10, 1922, c. 212, 42 Stat. 625–633.)

860. Pay and allowances of naval officers made applicable to Coast and Geodetic Survey generally.—Commissioned officers of the Coast and Geodetic Survey shall receive the same pay and allowances as are or hereafter may be prescribed for officers of the Navy with whom they hold relative rank, including longevity. (May 18, 1920, c. 190, § 11, 41 Stat. 603.)

861. Expenses when traveling on Government-owned vessels.—Officers of the Coast and Geodetic Survey performing travel by Government-owned vessels for which no transportation fare is charged shall only be entitled to reimbursement of actual and necessary expenses incurred. (Feb. 27, 1925, c. 364, Title III, 43 Stat. 1046.)

862. Assignments of pay.—Scientific and other employees of the United States Coast and Geodetic Survey, while employed outside of the District of Columbia, are hereby authorized to make assignments of their pay, under such regulations as the Secretary of Commerce may prescribe. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1322.)

863. Leave of absence; accrued leave while on duty in Philippines.—The Secretary of Commerce, at his discretion, may grant to officers of the field force of the Coast and Geodetic Survey on duty in the Philippine Islands, at one time the whole or any portion of the annual leave accrued and unused during a period of three years. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 974.)

864. Retirement of officers generally.—All laws relating to the retirement of commissioned officers of the Navy shall, after May 18, 1920, apply to commissioned officers of the Coast and Geodetic Survey. (May 18, 1920, c. 190, § 11, 41 Stat. 603.)

865. Computation of length of service of officers; service at Naval or Military Academy.—In computing for any purpose the length of service of any officer of the Coast and Geodetic Survey who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 28, 1924, c. 203, 43 Stat. 194.)

866. Seismological investigations.—The Coast and Geodetic Survey is hereby authorized to make investigations and reports in seismology, including such investigations as have been, prior to January 31, 1925, performed by the Weather Bureau. (Jan. 31, 1925, c. 121, 43 Stat. 802.)

867. Transfer of instruments to institutions.—The Secretary of Commerce is authorized to transfer, under such rules and regulations as he may deem advisable, to educational institutions and to museums, such instruments of the United States Coast and Geodetic Survey as, in his judgment, are of historical value but of no further use in the work of that survey, except such historical instruments as may be needed by the Smithsonian Institution for exhibit at the National Museum. (June 5, 1920, c. 235, § 1, 41 Stat. 930.)

868. Purchase of supplies or procurement of services in field.—The purchase by the Coast and Geodetic Survey of supplies or the procurement of services outside the District of Columbia may be made in the open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50. (July 1, 1918, c. 113, § 1, 40 Stat. 688.)

SURVEYS

881. Authority of President to order surveys of coast.—The President is authorized to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes or headlands, together with such other mat-

ters as he may deem proper for completing an accurate chart of every part of the coasts. (R. S. § 4681.)

882. Additional authority to order surveys beyond twenty-league limit.—The President may also cause such examinations and observations to be made with respect to Saint George's Bank, and to any other bank, or shoal, and the soundings and currents, although beyond the distance of twenty leagues from the shore to the Gulf Stream, as he may deem especially subservient to the commercial interests of the United States. (R. S. § 4682.)

883. Mode of conducting surveys generally.—All appropriations made for the work of surveying the coast of the United States shall, unless otherwise provided by law, be expended in accordance with the plan of reorganizing the mode of executing the survey which has been submitted to the President by a board of officers organized under the Act of March 3, 1843, chapter 100.

The President shall carry into effect the plan of the board, as agreed upon by a majority of its members; and shall cause to be employed as many officers of the Army and Navy of the United States as will be compatible with the successful prosecution of the work; the officers of the Navy to be employed on the hydrographical parts, and the officers of the Army on the topographical parts of the work; and no officer of the Army or Navy shall receive any extra pay out of any appropriations for surveys. (R. S. §§ 4683, 4684.)

884. Power to use books, maps, etc., and to employ persons.—The President is authorized, in executing the foregoing provisions relating to the coast survey, to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons as he shall deem proper. (R. S. § 4685.)

885. Power to use public vessels.—The President is authorized, for any of the purposes of surveying the coast of the United States, to cause to be employed such of the public vessels in actual service as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper, according to the tenor of this chapter. (R. S. § 4686.)

886. Manner of employment of officers of Army or Navy.—Officers of the Army and Navy shall, as far as practicable, be employed in the work of surveying the coast of the United States, whenever and in the manner required by the department having charge thereof. (R. S. § 4687.)

887. Allowance for subsistence to officers of Army or Navy.—The Secretary of the Treasury may make such allowances to the officers and men of the Army and Navy, while employed on coast survey service, for subsistence, in addition to their compensation, as he may deem necessary, not exceeding the sum authorized by the Treasury regulation of the 11th day of May, 1844: *Provided*, That there shall be no allowance for subsistence to officers of the Navy attached to the Coast and Geodetic Survey, except that when officers are detached to do work away from their vessels under circumstances involving them in extra expenditures, the superintendent may allow to any such officer subsistence at a rate not exceeding $1 per day for the period actually covered by such duty away from such vessel. (R. S. § 4688; Aug. 30, 1890, c. 837, § 1, 26 Stat. 382.)

888. Report to Congress on coast surveys.—The Secretary of Commerce shall report to Congress annually the number and names of the persons employed during the last preceding fiscal year upon the coast survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and shall report a full statement of all other expenditures made under the direction of the Director of the Coast and Geodetic Survey.

The coast survey report shall be submitted to Congress during the month of December in each year, and shall be accompanied by a general chart of the whole coasts of the United States, on as large a scale as convenient and practicable, showing, as near as practicable, the configuration of the coasts, and showing, by lines, the probable limits of the Gulf Stream, and showing, by lines, the probable limit to which the soundings off the coast will extend, and showing, by the use of colors and explanations, the exact portions of our coasts, of which complete charts have been published by the coast survey; also, showing such other parts of the coasts of which the triangulation, the topography, and the soundings have been completed, but not published, and, also, such parts of the coasts of which the triangulation and topography, or the triangulation only, have been completed. (R. S. §§ 264, 4690.)

889. Cooperation with North Carolina State Fish Commission in survey of waters of State.—The Secretary of Commerce is authorized and directed, upon the request of the Governor of the State of North Carolina, to designate such officers, experts, and employees of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to cooperate with the North Carolina State fish commissioner in making a survey of and marking in a prominent manner all those areas of the waters of the sounds and their tributaries of the State in which the use of any or all fishing appliances are prohibited by law; and the Secretary of Commerce is hereby authorized and directed to furnish to the officers, experts, and employees of said bureaus so detailed as aforesaid such instruments, appliances, and steam launches as may be necessary to make the survey aforesaid; and the Secretary of Commerce is hereby authorized to have made in the Coast and Geodetic Survey all the plats necessary to show the results of the aforesaid survey, and to furnish to the fish commissioner of the State of North Carolina such copies as may be necessary for his use, and for this purpose to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purposes of this section. (Mar. 4, 1909, c. 313, § 1, 35 Stat. 1064.)

890. Marking triangulation points of North Carolina survey.—The Secretary of Commerce is further authorized to have erected or constructed by the officers detailed as provided in the preceding section, while making said survey, such structures as may be necessary to mark in a prominent and satisfactory manner the points of triangulation so that the same may be used for such future work of the Coast and Geodetic Survey as the said Coast and Geodetic Survey may be hereafter required to perform in prosecuting the Government coast survey of the navigable waters of the United States located within the State of North Carolina. (Mar. 4, 1909, c. 313, § 2, 35 Stat. 1065.)

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GRADES, NUMBER, AND DISTRIBUTION OF LINE AND STAFF

Section 1. Grades of line officers.—The active list of the line officers of the Navy of the United States shall be divided into grades as follows, namely:

First, admirals; second, vice admirals; third, rear admirals; fourth, captains; fifth, commanders; sixth, lieutenant commanders; seventh, lieutenants; eighth, lieutenants (junior grade); ninth, ensigns. (R. S. § 1362; 22 Stat. 472; June 26, 1884, c. 122, 23 Stat. 60; Mar. 3, 1899, c. 413, 30 Stat. 1004; May 13, 1908, c. 166, 35 Stat. 127, 128; May 22, 1917, c. 20, § 18, 40 Stat. 89; Oct. 6, 1917, c. 105, § 3, 40 Stat. 411.)

2. Number of commissioned officers of line.—The total number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be 4 per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps. (Aug. 29, 1916, 39 Stat. 576.)

3. Number of commissioned officers of staff corps.—The total authorized number of commissioned officers of the active list of the following staff corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy as follows:

Supply Corps, 12 per centum; Construction Corps, 5 per centum; Corps of Civil Engineers, 2 per centum; and the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one hundredths of 1 per centum of the total authorized number of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That hereafter the authorized number of surgeons in the United States Navy be, and it is hereby, increased by one.

Dental Corps.—There shall be one dental officer in the Navy for each thousand of the total authorized number of officers and enlisted men of the Navy and Marine Corps.

Corps of Chaplains.—The total number of chaplains and acting chaplains in the Navy shall be one to each twelve hundred and fifty of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners. (June 30, 1914, c. 130, 38 Stat. 404; Aug. 29, 1916, c. 417, 39 Stat. 576, 581; July 1, 1918, c. 114, 40 Stat. 708.)

4. Distribution of commissioned line officers among grades.—The total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of one of the grade of rear admiral to four in the grade of captain, to seven in the grade of commander, to fourteen in the grade of lieutenant commander, to thirty-two and one-half in the grade of lieutenant, to forty-one and one-half in the grades of lieutenant (junior grade) and ensign, inclusive. (Aug. 29, 1916, c. 417, 39 Stat. 576.)

5. Distribution of commissioned officers among grades of staff corps.—The total number of commissioned officers of the active list of the following mentioned staff corps at any one time, exclusive of commissioned warrant officers, shall be distributed in the various grades of the respective corps as follows:

Medical Corps: One-half medical directors with the rank of rear admiral to four medical directors with the rank of captain, to eight medical inspectors with rank of commander, to eighty-seven and one-half in the grades below medical inspector.

Supply Corps: One-half pay directors with the rank of rear admiral to four pay directors with the rank of captain, to eight pay inspectors with the rank of commander, to eighty-seven and one-half in the grades below pay inspector.

Construction Corps: One-half naval constructors with the rank of rear admiral to eight and one-half naval constructors with the rank of captain, to fourteen naval constructors with the rank of commander, to seventy-seven naval constructors and assistant naval constructors with rank below commander.

Corps of Civil Engineers: One-half civil engineers with the rank of rear admiral to five and one-half civil engineers with the rank of captain, to fourteen civil engineers with the rank of commander, to eighty civil engineers and assistant civil engineers with the rank below commander. Nothing contained herein shall be held to reduce below that authorized by law prior to August 29, 1916, the number of officers in any grade or rank in the staff corps. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

6. Distribution in rank of chaplains and acting chaplains.—Of the total number of chaplains and acting chaplains authorized 10 per centum thereof shall have the rank of captain in the Navy, 20 per centum the rank of commander, 20 per centum the rank of lieutenant commander, and the remainder to have the rank of lieutenants and lieutenants, junior grade. (June 30, 1914, c. 130, 38 Stat. 403.)

7. Dates for determining number of officers in various grades and ranks of line and staff.—To determine the authorized number of officers in the various grades and ranks of the line and of the staff corps as provided in sections 4 and 5 computations shall be made by the Secretary of the Navy at least once each year, and at such times as he may direct, and the resulting numbers in the various grades and ranks, as so computed, shall be held and considered for all purposes as the authorized number of officers in such various grades and ranks and shall not be varied between such computations. (Aug. 29, 1916, c. 417, 39 Stat. 577; July 11, 1919, c. 9, 41 Stat. 139.)

8. Officers excluded from consideration in determining number.—For the purpose of determining the authorized number of officers in any grade or rank of the line or of the staff corps, there shall be excluded from consideration those officers carried by law as additional numbers, including staff officers permanently commissioned prior to August 29, 1916, with the rank of rear admiral. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

9. Rule where final fraction occurs in computing number of corps, grade, or rank.—Whenever a final fraction occurs in computing the authorized number of any corps, grade, or rank in the naval service, the nearest whole number shall be regarded as the authorized number: *Provided*, That at least one officer shall be allowed in each grade or rank. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

10. Rule in case of odd number of rear admirals.—When there is an odd number of officers in the grade or rank of rear admiral in the line or in each corps, the lower division thereof shall include the excess in number, except where there is but one. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

11. Appointment of commissioned officers of staff corps.—All appointments as commissioned officers of the staff corps of the Navy shall be made by the President by and with the advice and consent of the Senate. (R. S. §§ 1369, 1378, 1395, 1402, 1413; July 1, 1918, c. 114, 40 Stat. 708.)

MEDICAL CORPS

21. Acting appointments; how made.—The President is authorized to appoint for temporary service twenty-five acting assistant surgeons, who shall have the rank and compensation of assistant surgeons: *Provided*, That the Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons as the exigencies of the service may require who shall receive the compensation of assistant surgeons. (R. S. §§ 1369, 1411; May 4, 1898, c. 234, 30 Stat. 380; Mar. 3, 1899, c. 413, § 7, 30 Stat. 1006.)

22. Assistant surgeon; age.—Appointees to the grade of assistant surgeon shall be between the ages of twenty-one and thirty-two at the time of appointment. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

23. Examination for appointment.—No person shall be appointed assistant surgeon until he has been examined and approved by a board of naval surgeons, designated by the Secretary of the Navy, or by his authority as provided by section 233. (R. S. § 1370; May 4, 1898, c. 234, § 1, 30 Stat. 380; Aug. 29, 1916, c. 417, 39 Stat. 577.)

24. Surgeon of the fleet; appointment.—The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intelligent surgeon,

who shall be denominated "surgeon of the fleet," and shall be surgeon of the flagship. (R. S. § 1373.)

25. Duties of surgeon of the fleet.—The surgeon of the fleet shall, in addition to his duties as surgeon of the flagship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet, and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships, and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet. (R. S. § 1374.)

26. Detail of medical officers for duty with Red Cross.—The Secretary of the Navy is authorized to detail one or more officers of the Medical Corps of the United States Navy for duty with the Military Relief Division of the American National Red Cross. (Aug. 29, 1916, c. 417, 39 Stat. 581.)

HOSPITAL CORPS

31. Establishment.—A Hospital Corps of the United States Navy is hereby established. (June 17, 1898, c. 463, § 1, 30 Stat. 474.)

32. Relation to Medical Department.—The Hospital Corps shall be a constituent part of the Medical Department of the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 573.)

33. Subject to laws and regulations for government of Navy.—The Hospital Corps shall be subject to the laws and regulations for the government of the Navy except as provided by section 716. (June 17, 1898, c. 463, § 2, 30 Stat. 475.)

34. Authorized strength; grades and ratings.—The authorized strength of the Hospital Corps of the Navy shall equal 3½ per centum of the authorized enlisted strength of the Navy and Marine Corps, and shall be in addition thereto, and the Hospital Corps of the United States Navy shall consist of the following grades and ratings, subject to the authority conferred upon the Secretary of the Navy by section 176: Chief pharmacists, pharmacists, and enlisted men classified as chief pharmacists' mates; pharmacists' mates, first class; pharmacists' mates, second class; pharmacists' mates, third class; hospital apprentices, first class; and hospital apprentices, second class; such classifications in enlisted ratings to correspond respectively to the enlisted ratings, seamen branch, of chief petty officers; petty officers, first class; petty officers, second class; petty officers, third class; seamen, first class; and seamen, second class: *Provided*, That enlisted men of other ratings in the Navy and in the Marine Corps shall be eligible for transfer to the Hospital Corps, and men of that corps to other ratings in the Navy and the Marine Corps. (Aug. 29, 1916, c. 417, 39 Stat. 572.)

35. Enlistment in Hospital Corps; regulations.—The Secretary of the Navy is empowered to enlist or cause to be enlisted the authorized number of enlisted men as provided for in section 34, and to make such regulations as may be required for their enlistment and government. (June 17, 1898, c. 463, 30 Stat. 474; Aug. 29, 1916, c. 417, 39 Stat. 572.)

36. Enlisted men as part of enlisted force of Navy.—Enlisted men of the Hospital Corps shall be a part of the enlisted force provided by law for the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 573.)

37. Duties of corps.—Hospital and ambulance service with such commands and at such places as may be prescribed by the Secretary of the Navy shall be performed by members of the Hospital Corps. (Aug. 29, 1916, c. 417, 39 Stat. 573.)

NURSE CORPS

41. Establishment.—The Nurse Corps (female) of the United States Navy is hereby established. (May 13, 1908, c. 166, 35 Stat. 146.)

42. Composition; appointment and removal; qualifications; duties.—The Nurse Corps shall consist of one superintendent, to be appointed by the Secretary of the Navy, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, and of as many chief nurses, nurses, and reserve nurses as may be needed: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon General, with the approval of the Secretary of the Navy, and that they shall be graduates of hospital training schools having a course of instruction not less than two years. The appointment of superintendent, chief nurses, nurses, and reserve nurses shall be subject to an examination as to their professional, moral, mental, and physical fitness, and that they shall be eligible for duty at naval hospitals and on board of hospital and ambulance ships and for such special duty as may be deemed necessary by the Surgeon General of the Navy. Reserve nurses may be assigned to active duty when the necessities of the service demand. (May 13, 1908, c. 166, 35 Stat. 146.)

DENTAL CORPS

51. Officers; grades; original appointments.—Dental officers in the Navy in the grades of assistant dental surgeon, passed assistant dental surgeon and dental surgeon, shall constitute the Naval Dental Corps, and shall be a part of the Medical Department of the Navy. Original appointments to the Naval Dental Corps shall be made in the grade of assistant dental surgeon. (July 1, 1918, c. 114, 40 Stat. 708.)

52. Qualifications of appointees.—All appointees authorized by the preceding section shall be citizens of the United States between twenty-one and thirty-two years of age, and shall be graduates of standard medical or dental colleges and trained in the several branches of dentistry, and shall, before appointment, have successfully passed mental, moral, physical, and professional examinations before medical and professional examining boards appointed by the Secretary of the Navy, or by his authority in accordance with section 233, and have been recommended for appointment by such boards. (Mar. 4, 1917, c. 180, 39 Stat. 1171; July 1, 1918, c. 114, 40 Stat. 709.)

SUPPLY CORPS

61. Qualifications for office of assistant paymaster.—No person shall be appointed assistant paymaster who is, at the time of such appointment, less than twenty-one or more than twenty-six years of age; nor until his physical, mental, and moral qualifications have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, or by his authority in accordance with section 233, and according to such regulations as he may prescribe, except that chief pay clerks and pay clerks must be between the ages of twenty-one and thirty-five years at the time of appointment as assistant paymasters: *Provided*, That this shall not be construed as giving any preference in said appointment of assistant paymasters to said chief pay clerks and pay clerks except as to the limitation of age. (R. S. § 1379; Mar. 3, 1915, c. 83, 38 Stat. 943; Mar. 4, 1917, c. 180, 39 Stat. 1171.)

62. Acting appointments at sea, on foreign stations, or on Pacific coast.—When the office of paymaster or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting. (R. S. § 1381.)

63. Paymaster of the fleet.—The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated "paymaster of the fleet." (R. S. § 1382.)

64. Bonds of pay officers generally.—Except as provided in Title 6, OFFICIAL AND PENAL BONDS, every paymaster, passed assistant paymaster, and assistant paymaster shall, before entering on the duties of his office, give bond, with two or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof. Paymasters shall give bonds in the sum of $25,000, passed assistant paymasters in the sum of $15,000, and assistant paymasters in the sum of $10,000. (R. S. § 1383.)

65. Requirement of new bonds.—Officers of the Supply Corps shall give new bonds with sufficient sureties, whenever required to do so by the Secretary of the Navy. (R. S. § 1384; July 11, 1919, c. 9, 41 Stat. 147.)

66. New appointment and commission as affecting existing bonds.—The issuing of a new appointment and commission to any officer of the Supply Corps shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission. (R. S. § 1385; July 11, 1919, c. 9, 41 Stat. 147.)

67. Loans to officers prohibited.—It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster, to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money, public or private, or any credit, or any article or commodity whatever. (R. S. § 1389.)

OFFICERS FOR ENGINEERING DUTY

71. Assignment of line officers to engineering duty.—Officers of the line of the Navy not below the grade of lieutenant may, upon application, and with the approval of the Secretary of the Navy, be assigned to engineering duty only. (Aug. 29, 1916, c. 417, 39 Stat. 580.)

72. Number of line officers assigned.—The number of officers of the line of the Navy assigned to engineering duty only for any one year, under the preceding section, shall be in accordance with the requirements of the service as determined by the Secretary of the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 580.)

73. Nature of duty.—Officers of the line of the Navy assigned to engineering duty only under section 71, shall when so assigned and until they reach the grade of commander, perform sea or shore duty such as is performed by engineers in the Navy, and thereafter shore duty only as prescribed prior to August 29, 1916, for officers transferred to the line from the former Engineer Corps, except that commanders may be assigned to duty as fleet and squadron engineers: *Provided*, That when so assigned they shall retain their place with respect to other line officers in the grades they then or thereafter occupy, and also the right to succession to command on shore in accordance with their seniority. (Aug. 29, 1916, c. 417, 39 Stat. 580.)

74. Officers performing shore duty in 1911 as additional to numbers of each grade.—Officers on the active list of the line of the United States Navy who, under authority of law, were, on March 4, 1911, performing engineering duty on shore only shall be additional to the numbers in the grades in which they are now serving, and shall be carried as additional to the numbers of each grade to which they may hereafter be promoted: *Provided*, That said officers shall be entitled to all the benefits of retirement under existing or future laws equally with other officers of like rank and service. (Mar. 4, 1911, c. 239, 36 Stat. 1267.)

75. Acting ensigns for engineering duty.—The Secretary of the Navy is authorized to appoint annually in the line of the Navy for a period of ten years from August 29, 1916, in the order of merit determined by such competitive examination as he may prescribe, thirty acting ensigns for the performance of engineering duties only. Persons so appointed must have received a degree of mechanical or electrical engineer from a college or university of high standing or be graduates of technical schools approved by the Secretary of the Navy, must have been found physically qualified by a board of medical officers of the Navy for the performance of the duties required, and must at the time of appointment be not less than twenty nor more than twenty-six years of age. Such appointments shall be for a probationary period of three years, and may be revoked at any time by the Secretary of the Navy. Such acting ensigns shall, upon the completion of the probationary period of three years, of which two years shall have been spent on board cruising vessels and one year pursuing a course of instruction at the Naval Academy prescribed by the Secretary of the Navy, be commissioned in the grade of lieutenant of the junior grade after satisfactorily passing such examination as may be prescribed by the Secretary of the Navy, and having been recommended for promotion by the examining board and found physically qualified by a board of medical officers of the Navy. Such officers shall thereafter be required to perform engineering duties only, and shall be eligible for advancement to the higher grades in the manner herein provided for line officers assigned to engineering duty only. (Aug. 29, 1916, c. 417, 39 Stat. 580.)

76. Engineer of the fleet.—The President may designate among the officers of the Navy performing engineering duty and appoint to every fleet or squadron, an engineer, who shall be denominated "engineer of the fleet." (R. S. § 1393.)

CONSTRUCTION CORPS

81. Appointment of midshipmen as assistant naval constructors.—Midshipmen who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors. (R. S. § 1403; Aug. 5, 1882, c. 391, § 1, 22 Stat. 285; July 1, 1902, c. 1368, 32 Stat. 686.)

82. Filling vacancies in corps.—Vacancies in the Construction Corps shall be filled in the manner now prescribed by law, at such annual rate as the Secretary of the Navy may prescribe. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

83. Transfer of line officers to corps.—(a) Officers of the line of the Navy who have had not less than three years' service in the grade of ensign and have taken or are taking satisfactorily a postgraduate course in naval architecture under orders from the Secretary of the Navy shall be eligible for transfer to the grade of assistant naval constructor: *Provided*, That there shall not be more than five such transfers in any one calendar year. (Mar. 3, 1915, c. 83, 38 Stat. 945.)

(b) Ensigns of not less than one year's service as such shall be eligible for transfer to the Construction Corps. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

CORPS OF CHAPLAINS

91. Age of appointees.—A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment. (R. S. § 1396.)

92. Appointment of acting chaplain.—Original appointments shall be made by the Secretary of the Navy in the grade of acting chaplain, after such examination as he may prescribe. (June 30, 1914, c. 130, 38 Stat. 403, 404.)

93. Revocation of appointment of acting chaplain.—The appointment of any acting chaplain may be revoked at any time in the discretion of the Secretary of the Navy. (June 30, 1914, c. 130, 38 Stat. 403.)

94. Commissioning acting chaplains as chaplains.—After three years' sea service on board ship each acting chaplain before receiving a commission in the Navy shall establish to

the satisfaction of the Secretary of the Navy by examination by a board of chaplains and medical officers of the Navy his physical, mental, moral, and professional fitness to perform the duties of chaplain in the Navy, and if found so qualified, shall be commissioned a chaplain in the Navy. If any acting chaplain shall fail on the examinations herein prescribed he shall be honorably discharged from the naval service. Not more than seven acting chaplains shall be commissioned chaplains in any one year. (June 30, 1914, c. 130, 38 Stat. 403.)

95. Form of worship.—Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member. (R. S. § 1397.)

96. Annual report by chaplains.—Chaplains shall report annually to the Secretary of the Navy the official services performed by them. (R. S. § 1398.)

CORPS OF PROFESSORS OF MATHEMATICS

101. Abolition of corps.—No further appointments shall be made to the Corps of Professors of Mathematics, and that corps shall cease to exist upon the death, resignation, or dismissal of the officers now carried in that corps on the active and retired lists of the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 577.)

102. Duties of existing professors.—Professors of mathematics shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise. (R. S. § 1401.)

SECRETARIES AND CLERKS

111. Secretaries to Admiral and Vice Admiral.—The Admiral and Vice Admiral shall each be allowed a secretary, who shall be entitled to the rank and allowances of a lieutenant in the Navy. (R. S. § 1367; Mar. 3, 1883, c. 97, 22 Stat. 472.)

112. Detail of officers as secretaries and clerks.—There shall be no appointments made from civil life of secretaries or clerks to the Admiral, or Vice Admiral, when on sea service, commanders of squadrons, or of clerks to commanders of vessels; and an officer not above the grade of lieutenant shall be detailed to perform the duties of secretary to the Admiral or Vice Admiral, when on sea service, and one not above the grade of lieutenant (junior grade) to perform the duties of clerk to a rear admiral or commander, and one not above the grade of ensign to perform the duties of clerk to a captain, commander, or lieutenant commander when afloat. (May 4, 1878, c. 91, § 1, 20 Stat. 50.)

COMMISSIONED WARRANT AND WARRANT OFFICERS

121. In general.—Boatswains, gunners, carpenters, sailmakers, pharmacists, machinists, pay clerks, electricians, and radio electricians shall be known and entered upon the Naval Register as "warrant officers in the naval service of the United States." Chief boatswains, chief gunners, chief carpenters, chief sailmakers, chief pharmacists, chief machinists, chief pay clerks, chief electricians, and chief radio electricians shall be known as "commissioned warrant officers." (R. S. § 1406; June 17, 1898, c. 463, 30 Stat. 474; Mar. 3, 1899, c. 413, § 12, 30 Stat. 1007; Mar. 3, 1909, c. 255, 35 Stat. 771; Mar. 3, 1915, c. 83, 38 Stat. 942; Aug. 29, 1916, c. 417, 39 Stat. 573; Mar. 4, 1925, c. 536, § 12, 43 Stat. 1274.)

122. Boatswains, gunners, sailmakers, and carpenters.—The President may appoint for the vessels in actual service, as many boatswains, gunners, sailmakers, and carpenters as may, in his opinion, be necessary and proper. (R. S. § 1405.)

123. Electricians, chief electricians, radio electricians, and chief radio electricians; appointments.—The commissioned warrant grades of chief electrician and chief radio electrician, and the warrant grades of electrician and radio electrician are hereby established in the United States Navy, and all appointments in such grades shall be in accordance with such regulations as the Secretary of the Navy may prescribe. (Mar. 4, 1925, c. 536, § 12, 43 Stat. 1274.)

124. Machinists; number.—There shall be as many machinists as the President may from time to time deem necessary to appoint. (Mar. 3, 1899, c. 413, § 14, 30 Stat. 1007; Mar. 3, 1901, c. 852, 31 Stat. 1108; Apr. 27, 1904, c. 1622, 33 Stat. 324; Mar. 3, 1909, c. 255, 35 Stat. 771; Aug. 29, 1916, c. 417, 39 Stat. 575; Feb. 11, 1925, c. 209, 43 Stat. 872.)

125. Manner of appointment.—All appointments as machinists shall be by competitive examination before a board ordered by the Secretary of the Navy, or by his authority in accordance with section 233, and open to all machinists by trade who are in the Navy, and machinists of good character, not above thirty years of age, in civil life authorized by the Secretary of the Navy to appear before said board, and, where candidates from civil life and from the naval service possess equal qualifications, the preference shall be given to those from the naval service. (Mar. 3, 1899, c. 413, § 14, 30 Stat. 1007; Mar. 3, 1909, c. 255, 35 Stat. 771; Mar. 4, 1917, c. 180, 39 Stat. 1171.)

126. Acting appointment.—Machinists shall receive at first an acting appointment, which may be made permanent under regulations established by the Navy Department for other warrant officers. (Mar. 3, 1899, c. 413, § 15, 30 Stat. 1008.)

127. Uniform.—Machinists shall wear such uniform as may be prescribed by the Navy Department. (Mar. 3, 1899, c. 413, § 15, 30 Stat. 1008.)

128. Pharmacists; appointment.—The President may hereafter, from time to time, appoint as many pharmacists as may be deemed necessary, from the rating of chief pharmacist's mate, subject to the provisions of section 34 and to such moral, physical, and professional examinations and requirements as to length of service as the Secretary of the Navy may prescribe. (Aug. 29, 1916, c. 417, 39 Stat. 572.)

129. Chief pay clerks, pay clerks, and acting pay clerks; number.—The total number of chief pay clerks, pay clerks, and acting pay clerks allowed by this chapter shall not exceed one for each two hundred and fifty enlisted men in the United States Navy allowed by law. (Mar. 3, 1915, c. 83, 38 Stat. 942.)

130. General qualifications for appointment.—No person shall be appointed a chief pay clerk, pay clerk, or acting pay clerk under any provisions contained in this chapter until his physical, mental, moral, and professional qualifications have been satisfactorily established by examination before a board of examining officers appointed by the Secretary of the Navy, or by his authority in accordance with section 233, from officers of the Supply Corps when practicable and according to such regulations as he may prescribe: *Provided*, That no person shall be appointed a chief pay clerk, pay clerk, or acting pay clerk unless his accumulated previous service in the Army, Navy, and Marine Corps, together with his possible future service prior to attaining the age of sixty-four years, will amount to at least thirty years, except that this proviso shall not apply to such persons as were serving in the Navy as paymasters' clerks during the period from September 1, 1913, to October 31, 1913. (Mar. 3, 1915, c. 83, 38 Stat. 942; Aug. 29, 1916, c. 417, 39 Stat. 579; Mar. 4, 1917, c. 180, 39 Stat. 1171; July 11, 1919, c. 9, 41 Stat. 147.)

131. Appointment of pay clerks and acting pay clerks.—All pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men in the Navy holding act-

ing or permanent appointments as chief petty officers who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy. All appointments as acting pay clerks shall be made by the Secretary of the Navy, and all such appointees, in addition to the qualifications above set forth, must be citizens of the United States. All acting appointments herein provided for shall be made permanent under regulations established by the Secretary of the Navy. (Mar. 3, 1915, c. 83, 38 Stat. 942.)

132. Assignment to duty.—Chief pay clerks, pay clerks, and acting pay clerks shall be assigned to duty with pay officers under such rules as the Secretary of the Navy may prescribe. (Mar. 3, 1915, c. 83, 38 Stat. 942.)

133. Preference in appointment of warrant officers.—In the appointment of warrant officers in the naval service of the United States, preference shall be given to men who have been honorably discharged upon the expiration of an enlistment as an apprentice or boy, to serve during minority, and reenlisted within three months after such discharge, to serve during a term of three or more years: *Provided*, That nothing in this section shall be held to abrogate the provisions of the next section. (R. S. § 1417; June 30, 1876, c. 159, 19 Stat. 66; May 12, 1879, c. 5, 21 Stat. 3.)

134. Promotion of seamen to warrant officers for heroism.—Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to warrant officers, upon the recommendation of their commanding officer, approved by the flag officer and Secretary of the Navy. (R. S. § 1407.)

STOREKEEPERS AND PETTY OFFICERS

141. Appointment of storekeepers at navy yards.—The President, by and with the advice and consent of the Senate, may appoint a naval storekeeper at each of the navy yards where such officers may be necessary. (R. S. § 1413.)

142. Appointment on foreign stations.—The Secretary of the Navy may appoint citizens who are not officers of the Navy to be storekeepers on foreign stations, when suitable officers of the Navy can not be ordered on such service, or when, in his opinion, the public interest will be thereby promoted. (R. S. § 1414.)

143. Bond required of appointee on foreign station.—Every person who is appointed storekeeper under the provisions of the preceding section shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty. (R. S. § 1415.)

144. Officers as storekeepers on foreign stations.—The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section 142, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a storekeeper may be necessary. (R. S. § 1438.)

145. Bonds of officers acting as storekeepers.—Every officer so acting as storekeeper on a foreign station shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty. (R. S. § 1439.)

146. Petty officers.—All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings. (R. S. § 1410.)

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NUMBER

Section 151. General provisions.—The permanent authorized enlisted strength of the active list of the regular Navy shall be one hundred and thirty-one thousand four hundred and eighty-five: *Provided*, That the President is hereby authorized, whenever in his judgment a sufficient emergency exists, to increase the authorized enlisted strength of the Navy to one hundred and ninety-one thousand men. (July 1, 1918, c. 114, 40 Stat. 714; July 11, 1919, c. 9, 41 Stat. 137, 138.)

152. "Authorized enlisted strength" defined.—The phrase "authorized enlisted strength," as applied to the personnel of the Navy, shall mean the total number of enlisted men of the Navy authorized by law, exclusive of the Hospital Corps, apprentice seamen, those sentenced by court-martial to discharge, those detailed for duty with Naval Militia, those furloughed without pay, enlisted men of the Flying Corps, and those under instruction in trade schools: *Provided further*, That the number of enlisted men for instruction in trade schools shall not at any time exceed fourteen thousand. (May 22, 1917, c. 20, § 2, 40 Stat. 84; July 1, 1918, c. 114, 40 Stat. 714.)

153. Daily average number as test of strength.—The number of enlisted men of the Navy and Marine Corps provided for shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year. (June 30, 1914, c. 130, 38 Stat. 403.)

ELIGIBILITY FOR ENLISTMENT

161. Minors.—No minor under the age of fourteen years shall be enlisted in the naval service; and minors between the age of fourteen and eighteen years shall not be enlisted for the

naval service without the consent of their parents or guardians. (R. S. §§ 1419, 1420, 1624, Art. 19; May 12, 1879, c. 5, 21 Stat. 3; Feb. 23, 1881, c. 73, § 2, 21 Stat. 338; Aug. 22, 1912, c. 336, 37 Stat. 356.)

162. Evidence required in recruiting minors.—No part of any appropriation for the naval service shall be expended in recruiting seamen or apprentice seamen unless, in case of minors, a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment; except in cases where such certificate is unobtainable, enlistment may be made when the recruiting officer is convinced that oath of applicant as to age is credible. (Mar. 3, 1915, c. 83, 38 Stat. 931; Aug. 29, 1916, c. 417, 39 Stat. 575.)

163. Insane or intoxicated person or deserter.—No insane or intoxicated person, and no person who has deserted in time of war from the naval or military service of the United States, shall be enlisted in the naval service. (R. S. § 1420; May 12, 1879, c. 5, 21 Stat. 3; Feb. 23, 1881, c. 73, § 2, 21 Stat. 338; Aug. 22, 1912, c. 336, 37 Stat. 356.)

GRADES, RATINGS, AND TRANSFERS

171. Ratings in artificer branch.—Subject to the provisions of section 176 of this title and section 15 of Title 37, PAY AND ALLOWANCES, the ratings of storekeeper; engineman, first class; engineman, second class; coppersmith, first class; coppersmith, second class; pattern maker, first class; pattern maker, second class; molder, first class; molder, second class; chief special mechanic and special mechanic, first class, are established in the artificer branch of the Navy: *Provided*, That appointments or enlistments in the said ratings may be made from enlisted men in the Navy or from civil life respectively, and the qualifications of candidates for any of said ratings shall be determined in accordance with such regulations as the Secretary of the Navy may prescribe. (Aug. 29, 1916, c. 417, 39 Stat. 575; Oct. 6, 1917, c. 103, 40 Stat. 397.)

172. Changing designation of rating of ordinary seaman.—The designation of the rating of ordinary seaman is changed to seaman, second class, without change of pay, subject to the provisions of section 176 of this title and section 15 of Title 37, PAY AND ALLOWANCES. (Aug. 29, 1916, c. 417, 39 Stat. 575.)

173. Changing designation of rating of coal passer.—The designation of the rating of coal passer is changed to fireman, third class, without change of pay, subject to the provisions of section 176 of this title and section 15 of Title 37, PAY AND ALLOWANCES. (Aug. 29, 1916, c. 417, 39 Stat. 575.)

174. Rating mates from enlisted men.—Mates may be rated, under authority of the Secretary of the Navy, from men who have enlisted in the naval service for not less than two years. (R. S. § 1408; Aug. 29, 1916, c. 417, 39 Stat. 575; June 4, 1920, c. 228, § 7, 41 Stat. 836.)

175. Ratings of printers.—The Bureau of Navigation is authorized under rules established for the advancement of other enlisted men, to advance printers to the ratings of printer, first class, and chief printer, which ratings are hereby authorized subject to the provisions of section 176 of this title and section 15 of Title 37, PAY AND ALLOWANCES. (Aug. 29, 1916, c. 417, 39 Stat. 575.)

176. Establishment of grades and ratings by Secretary of Navy.—The Secretary of the Navy is authorized, in his discretion, to establish such grades and ratings as may be necessary for the proper administration of the enlisted personnel of the Navy and Marine Corps. (June 4, 1920, c. 228, § 7, 41 Stat. 836.)

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177. Transfers from military to naval service.—Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of his term of enlistment, subject to the laws and regulations for the government of the Navy. But such transfer shall not release him from any indebtedness to the Government, nor, without the consent of the President, from any penalty incurred for a breach of military law. (R. S. § 1421.)

TERM OF ENLISTMENT

181. Length of term.—Enlistments in the Navy may be for terms of two, three, four, or six years, and all laws applicable on March 4, 1925, to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment. (R. S. §§ 1418, 1608; July 11, 1919, c. 9, 41 Stat. 134; June 4, 1920, c. 228, § 7, 41 Stat. 836; Mar. 4, 1925, c. 536, § 19, 43 Stat. 1276.)

182. Minority enlistments.—Boys between the ages of fourteen and eighteen years may, under such limitations as are contained in sections 161 and 162, be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years. (R. S. § 1418; May 12, 1879, c. 5, 21 Stat. 3; Feb. 23, 1881, c. 73, § 2, 21 Stat. 338.)

183. Term as affected by absence from duty on account of sickness resulting from misconduct.—An enlistment in the Navy or Marine Corps shall not be regarded as complete until the enlisted man shall have made good any time in excess of one day lost on account of injury, sickness, or disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct. (Aug. 29, 1916, c. 417, 39 Stat. 580; July 1, 1918, c. 114, 40 Stat. 717.)

184. Extension of term.—The term of enlistment of any enlisted man in the Navy and Marine Corps, including enlistment for minority, may, by his voluntary written agreement, under such regulations as may be prescribed by the Secretary of the Navy with the approval of the President, be extended for a period of either one, two, three, or four full years from the date of expiration of the then existing term of enlistment, and subsequent to said date such enlisted men as extend the term of enlistment as authorized in this section shall be entitled to and shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of their term of enlistment, and such extension shall not operate to deprive them upon discharge at the termination thereof of any right, privilege, or benefit to which they would be entitled at the expiration of the former term of enlistment. (Aug. 22, 1912, c. 335, 37 Stat. 331; Apr. 25, 1917, c. 6, 40 Stat. 38; Mar. 4, 1925, c. 536, § 19, 43 Stat. 1276.)

FURLOUGHS AND DISCHARGES; DISPOSITION OF ENLISTED MEN AT EXPIRATION OF TERM OF ENLISTMENT

191. Furlough without pay for unexpired portion of enlistment.—The Secretary of the Navy is authorized to grant furlough without pay to enlisted men for a period covering the unexpired portion of their enlistment: *Provided*, That such furlough be granted under the same conditions and in lieu of discharge by purchase or by special order of the department. Enlisted men so furloughed shall be subject to recall in time of war or national emergency to complete the unexpired portion of their enlistment, and shall be in addition to the authorized number of enlisted men of the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 580.)

192. Honorable discharges; to whom granted.—Honorable discharges may be granted to all enlisted persons in the Navy. (R. S. § 1426; June 11, 1896, No. 62, 29 Stat. 476; Mar. 4, 1925, c. 536, § 19, 43 Stat. 1276.)

193. Form of honorable discharge.—Honorable discharges shall be granted according to a form prescribed by the Secretary of the Navy. (R. S. § 1427.)

194. Report of men entitled to honorable discharge.—It shall be the duty of every commanding officer of a vessel, on returning from a cruise, and immediately on his arrival in port, to forward to the Secretary of the Navy a list of the names of such of the crew as, in his opinion, on being discharged, are entitled to an "honorable discharge" as a testimonial of fidelity and obedience; and he shall grant the same to the persons so designated. (R. S. § 1429; Aug. 22, 1912, c. 335, 37 Stat. 330; Mar. 4, 1925, c. 536, § 19, 43 Stat. 1276.)

195. Discharge within three months before expiration of term.—Under such regulations as the Secretary of the Navy may prescribe, with the approval of the President, any enlisted man may be discharged at any time within three months before the expiration of his term of enlistment or extended enlistment without prejudice to any right, privilege, or benefit that he would have received, except pay and allowances for the unexpired period not served, or to which he would thereafter become entitled, had he served his full term of enlistment or extended enlistment. (Aug. 22, 1912, c. 335, 37 Stat. 331.)

196. Purchase of discharge.—In time of peace the President may in his discretion, and under such rules and upon such conditions as he may prescribe, permit any enlisted man to purchase his discharge from the Navy, the amounts received therefrom to be covered into the Treasury. (Mar. 3, 1893, c. 212, 27 Stat. 717.)

197. Discharge for good of service; payments.—Persons discharged from the naval service by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed $25: *Provided*, That the said sum shall be fixed by, and in the discretion of, the Secretary of the Navy, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs. (Mar. 4, 1925, c. 536, § 10, 43 Stat. 1274.)

198. New rating or promotion as not effecting discharge.—The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment. (R. S. § 1409.)

199. Temporary home for discharged seamen.—The Secretary of the Navy is hereby authorized to permit any person receiving the honorable discharge authorized by section 194 to elect a home on board of any of the United States receiving ships, during any portion of the three months granted by law as the limit of time within which to receive the pecuniary benefit of such discharge, the men so choosing a home to be entitled to one ration per day for their keeping while furnished with such home, but not to pay, other than the enlistment allowance authorized by section 16 of Title 37 upon reenlistment: *Provided*, That the persons so furnished with a home shall be amenable to such regulations as may be prescribed by the Secretary of the Navy or other competent authority. (Feb 8, 1889, c. 115, 25 Stat. 657; Aug. 22, 1912, c. 335, 37 Stat. 331)

200. Refund of bounty on discharge.—The Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment by request, for inaptitude, as undesirable, or for disability not incurred in line of duty. (Mar. 2, 1907, c. 2512, 34 Stat. 1176.)

201. Disposition of enlisted men at expiration of term of enlistment.—It shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment. All persons sent home, or detained by a commanding officer, according to the provisions of this section, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge; and all persons so detained by such officer, or reentering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port. All persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily reenter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping articles shall hereafter contain the substance of this section. (R. S. § 1422; Mar. 3, 1875, c. 155, 18 Stat. 484.)

202. Discharge of men under twenty-one.—Upon the presentation of satisfactory evidence as to his age, and upon application for discharge by his parent or guardian presented to the Secretary within sixty days after the date of his enlistment, any man enlisted in the naval service, including the Marine Corps, under twenty-one years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience. (May 28, 1924, c. 203, 43 Stat. 194; Mar. 4, 1925, c. 536, § 19, 43 Stat. 1276.)

203. Discharge of men under eighteen.—In cases provided for in section 162 where it is afterwards found, upon evidence satisfactory to the Navy Department, that recruit has sworn falsely as to age, and is under eighteen years of age at the time of enlistment, he shall, upon request of either parent, or, in case of their death, by the legal guardian, be released from service in the Navy, upon payment of full cost of first outfit, unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment. (Mar. 3, 1915, c. 83, 38 Stat. 931.)

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Section 211. Citizenship.—The officers of vessels of the United States shall in all cases be citizens of the United States. (R. S. § 1428.)

212. Designation of officers for command of fleets; number and rank.—The President is authorized to designate six officers of the Navy for the command of fleets or subdivisions thereof, and, after being so designated, from the date of assuming such command until relinquishing thereof, not more than three of such officers shall each have the rank and pay of an Admiral, and the others shall each have the rank and pay of a Vice Admiral; and the grades of Admiral and Vice Admiral are hereby authorized and continued for the purpose of this section. (May 22, 1917, c. 20, § 18, 40 Stat. 89.)

213. From what grades designated.—In time of war the selections under the provisions of the preceding section shall be made from the grades of rear admiral or captain on the active list of the Navy. In time of peace officers for the command of fleets and subdivisions thereof, as authorized in the preceding section, shall be designated from among the rear admirals on the active list of the Navy. (May 22, 1917, c. 20, § 18, 40 Stat. 89.)

214. Designation as not creating vacancies in grades or increasing number of officers.—Nothing contained in the two preceding sections shall create any vacancy in any grade in the Navy or increase the total number of officers authorized by law. (May 22, 1917, c. 20, § 18, 40 Stat. 89.)

215. Detachment from command; return to former rank.—When an officer with the rank of Admiral or Vice Admiral is detached from the command of a fleet or subdivision thereof, as authorized in this chapter, he shall return to his regular rank in the list of officers of the Navy and shall thereafter receive only the pay and allowances of such rank. (May 22, 1917, c. 20, § 18, 40 Stat. 89.)

216. Commanding officer of squadron; rank and title; authority.—The President may select any officer not below the grade of commander on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag officer"; and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron, holding commissions of an older date than his, that he would be entitled to receive if his commission were the oldest. (R. S. § 1434; May 22, 1917, c. 20, § 18, 40 Stat. 89.)

217. Consular powers of commanding officers.—The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States. (R. S. § 1433.)

218. Commanding officers of vessels not required to act as pay officers.—No commanding officer of any vessel of the Navy shall be required to perform the duties of a paymaster, passed assistant paymaster, or assistant paymaster. (R. S. § 1432.)

219. Duty of commanding officer to discourage sale of wages by crew.—Every commanding officer of a vessel is required to discourage his crew from selling any part of their wages, and never to attest any power of attorney for the transfer thereof until he is satisfied that the same is not granted in consideration of money given for the purchase of wages. (R. S. § 1430; Mar. 3, 1899, c. 413, § 13, 30 Stat. 1006.)

220. Duty of commanding officers in granting leave and liberty.—It shall be the duty of commanding officers of vessels, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient. (R. S. § 1431.)

221. Lieutenant commanders; assignment to duty.—Lieutenant commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant commanders. (R. S. § 1435.)

222. Shore duty; employment of officers.—No officer of the Navy shall be employed on any shore duty, except in cases specially provided by law, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and he shall so state in the order of employment, but need not state the duration of such service. (Mar. 3, 1883, c. 97, § 2, 22 Stat. 481; July 19, 1892, c. 206, 27 Stat. 245.)

223. Eligibility for shore duty.—Officers who, prior to March 3, 1915, performed engineering duty on shore only and officers of the Construction Corps shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them. (R. S. § 1404; June 30, 1914, 38 Stat. 394; Mar. 3, 1915, c. 83, 38 Stat. 930.)

224. Sea service; what constitutes.—No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a department and in vessels employed by authority of law. (R. S. § 1571.)

225. Staff officers; exemption from sea duty.—Any staff officer of the Navy who has performed the duty of a chief of a bureau of the Navy Department for a full term shall thereafter be exempt from sea duty, except in time of war. (R. S. § 1436.)

226. Effect of appointment in Diplomatic Service.—If any officer of the Navy accepts or holds an appointment in the Diplomatic or Consular Service of the Government, he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy. (R. S. § 1440.)

227. Effect of dismissal or resignation to escape dismissal.—No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, shall ever again become an officer of the Navy. (R. S. § 1441.)

228. Furlough.—The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy. (R. S. § 1442.)

229. Leave of absence to warrant officers.—Warrant officers shall be allowed such leave of absence, with full pay, as is now or may hereafter be allowed other officers of the United States Navy. (Aug. 29, 1916, c. 417, 39 Stat. 578.)

230. Computation of length of service; time spent at Naval or Military Academy excluded.—The service of a midshipman at the United States Naval Academy, or that of a cadet at the United States Military Academy, appointed to the United States Naval Academy, or to the United States Military Academy, after March 4, 1913, shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps. (Mar. 4, 1913, c. 148, 37 Stat. 891; May 28, 1924, c. 203, 43 Stat. 194; Feb. 11, 1925, c. 209, 43 Stat. 872.)

231. Credit for all service in Regular or Volunteer Army or Navy.—All officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the Regular or Volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service: *Pro-*

vided, That nothing in this section shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers: *Provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the Volunteer Army or Navy. (Mar. 3, 1883, c. 97, § 1, 22 Stat. 473.)

232. Officers reappointed; credit for service in different corps.—All officers who have been or may be appointed to any corps of the Navy or to the Marine Corps after service in a different corps of the Navy or of the Marine Corps shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy or into the Marine Corps. (June 10, 1896, c. 399, § 1, 29 Stat. 361.)

233. Examination on foreign station of candidates for appointment, promotion, and retirement.—The Secretary of the Navy may authorize the senior officer present, or other commanding officer, on a foreign station to order boards of medical examiners, examining boards, and retiring boards for the examination of such candidates for appointment, promotion, and retirement in the Navy and Marine Corps as may be serving in such officer's command and may be directed to appear before any such board. (Mar. 4, 1917, c. 180, 39 Stat. 1171.)

Chapter 4.—RANK AND PRECEDENCE.

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259. Rank of commissioned warrant and warrant officers.
260. Commissioned warrant officers; quarters and command.
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Section 241. Relative rank of Navy and Army officers.—The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, shall be as follows, lineal rank only being considered:

Vice admirals shall rank with lieutenant generals.
Rear admirals with major generals.
Commodores with brigadier generals.
Captains with colonels.
Commanders with lieutenant colonels.
Lieutenant commanders with majors.
Lieutenants with captains.
Lieutenants (junior grade) with first lieutenants.
Ensigns with second lieutenants. (R. S. § 1466; Mar. 3, 1883, c. 97, § 1, 22 Stat. 472.)

242. Dates of commissions as determining rank; line officers.—Line officers shall take rank in each grade according to the dates of their commissions. (R. S. § 1467.)

243. Officers of staff corps.—Officers shall take rank in each staff corps according to the dates of commission in the several grades, excepting in cases where they have gained or lost numbers. (Aug. 29, 1916, c. 417, 39 Stat. 578.)

244. Precedence between officers of line and staff.—The officers of the staff corps of the Navy shall take precedence with officers of the line with whom they hold rank according to length of service in the Navy: *Provided*, That all officers entering the Navy after March 4, 1913, shall take precedence when of the same grade according to their respective dates of commission in that grade. (R. S. § 1485; Mar. 4, 1913, c. 148, 37 Stat. 892; Aug. 29, 1916, c. 417, 39 Stat. 578.)

245. Estimating length of service generally.—In estimating the length of service under the preceding section, the several officers of the staff corps shall, respectively, take precedence with those officers of the line of the Navy with whom they hold rank who have been in the naval service six years longer than such officers of said staff corps have been in said service; and officers who have been advanced or lost numbers on the Navy Register shall be considered as having gained or lost length of service accordingly: *Provided*, That nothing in this section shall be so construed as to give to any officer of the staff corps precedence of, or a higher rank than that of, another staff officer in the same grade and corps, and whose commission in such grade and corps antedates that of such officer: *Provided further*, That this section shall not apply in the case of officers entering the Navy after March 4, 1913. (R. S. § 1486; Mar. 3, 1881, c. 150, 21 Stat. 510; Mar. 3, 1899, § 7, 30 Stat. 1006; Mar. 4, 1913, c. 148, 37 Stat. 892; Aug. 29, 1916, c. 417, 39 Stat. 578.)

246. Precedence accorded commanding officers of vessels and stations.—Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command. (R. S. § 1468.)

247. Aid or executive of commanding officer of vessel or station.—The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer, and the aid or executive shall have no independent authority in consequence of such detail. (R. S. § 1469.)

248. Staff officers, when to communicate directly with commanding officer.—Staff officers, senior to the officer detailed in accordance with the preceding section, shall have the right to communicate directly with the commanding officer. (R. S. § 1470.)

249. Precedence in processions, courts, and boards.—In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank. (R. S. § 1489.)

250. Ensigns as steerage officers.—Ensigns shall be steerage officers, unless assigned to duty as watch and division officers. (R. S. § 1490.)

251. Rank of certain lower grade staff officers.—Officers of the lower grades of the Medical Corps, Supply Corps, and Construction Corps, on the active list of the Navy, shall have rank as follows: Medical Corps, surgeons, the rank of lieutenant commander or lieutenant; passed assistant surgeons, the rank of lieutenant or lieutenant (junior grade); assistant surgeons, the rank of lieutenant (junior grade). Supply Corps, paymasters, the rank of lieutenant commander or lieutenant; passed assistant paymasters, the rank of lieutenant or lieutenant (junior grade); assistant paymasters, the rank of lieutenant (junior grade) or ensign. Construction Corps, assistant naval constructors, the rank of lieutenant or lieutenant (junior grade), and, when authorized by operation of sections 321 and 324, the rank of lieutenant commander. (R. S. §§ 1474, 1475, 1477; Mar. 3, 1883, 22 Stat. 472; Mar. 3, 1899, §§ 7, 10, 30 Stat. 1006; June 7, 1900, c. 859, 31 Stat. 697; Aug. 29, 1916, c. 417, 39 Stat. 577; July 11, 1919, c. 9, 41 Stat. 147.)

252. Rank of professors of mathematics.—Subject to the provisions of section 101, professors of mathematics shall have rank as follows: Three, the rank of captain; four, that of commander; and five, that of lieutenant commander or lieutenant. (R. S. § 1480; Mar. 3, 1899, c. 413, § 7, 30 Stat. 1006.)

253. Rank given officers of staff corps confers no authority to command.—The rank conferred on March 3, 1899, upon officers or positions in the staff corps of the Navy shall not entitle officers of such corps to command in the line or in other staff corps; nor shall the rank given to such officers or positions on said date be construed as changing the titles of officers in the staff corps: *Provided*, That line officers may be detailed for duty under staff officers in the manufacturing and repair departments of navy yards and naval stations. (R. S. § 1488; Mar. 3, 1899, c. 413, § 7, 30 Stat. 1006; June 24, 1910, c. 378, 36 Stat. 614.)

254. Rank and precedence of assistant surgeons.—All assistant surgeons shall from date of their original appointment take rank and precedence with lieutenants (junior grade). (Aug. 29, 1916, c. 417, 39 Stat. 577.)

255. Rank and precedence of officers of Dental Corps.—All officers in the Dental Corps shall take rank and precedence with officers of the Naval Medical Corps of the same rank according to the dates of their respective commissions or original appointments. Assistant dental surgeons shall have the rank of lieutenant (junior grade), and all dental officers shall be eligible for advancement in grade and rank in the same manner and under the same conditions as officers of the Naval Medical Corps with or next after whom they take precedence, up to and including the rank of lieutenant commander. (Aug. 29, 1916, c. 417, 39 Stat. 573; July 1, 1918, c. 114, 40 Stat. 708.)

256. Rank and precedence of officers of Corps of Civil Engineers.—Officers of the Corps of Civil Engineers appointed after March 4, 1917, shall, from the date of their original appointment, take rank and precedence with lieutenants (junior grade). (Mar. 4, 1917, c. 180, 39 Stat. 1184.)

257. Rank of chaplains and acting chaplains.—Acting chaplains shall have the rank of lieutenant (junior grade) in the Navy. Naval chaplains commissioned from acting chaplains shall have the rank of lieutenant (junior grade) in the Navy until they shall have completed four years' service in that grade, when, subject to examination as prescribed in section 94, they shall have the rank of lieutenant in the Navy, and chaplains with the rank of lieutenant shall have at least four years' service in that grade before promotion to the grade of lieutenant commander, after which service chaplains shall be promoted as vacancies occur to the grades of lieutenant commander, commander, and captain: *Provided*, That no provision of this section or of section 6 shall operate to reduce the rank that would have been received by any person in the Navy except for the passage of said sections. (June 30, 1914, c. 130, 38 Stat. 403.)

258. Rank of graduates of Naval Academy.—Graduates of the Naval Academy shall take rank according to their proficiency as shown by their order of merit at the date of graduation. (R. S. § 1483.)

259. Rank of commissioned warrant and warrant officers.—Commissioned warrant officers shall rank with but after ensign. Warrant officers shall take rank with other warrant officers according to date of appointment: *Provided*, That chief gunners and gunners in the service on March 4, 1925, appointed in the grades of chief electrician, chief radio electrician, electrician, or radio electrician, shall take precedence from the dates of their original appointments as commissioned warrant and warrant officers, respectively. (Mar. 3, 1899, c. 413, § 12, 30 Stat. 1007; Mar. 3, 1899, c. 413, § 15, 30 Stat. 1008; Mar. 3, 1909, c. 255, 35 Stat. 771; Mar. 3, 1915, c. 83, 38 Stat. 942; Aug. 29, 1916, c. 417, 39 Stat. 573; Mar. 4, 1925, c. 536, § 12, 43 Stat. 1274.)

260. Commissioned warrant officers; quarters and command.—Nothing in the preceding section shall give commissioned warrant officers additional rights to quarters on board ship or to command. (Mar. 3, 1899, c. 413, § 12, 30 Stat. 1007.)

261. Inscription of rank on monuments, tablets, or other memorials.—The Secretary of the Navy is authorized, in his discretion, to sanction the inscription upon any monument, tablet, or other memorial erected to any person who has died or may hereafter die from wounds, injuries, or disease incurred in the line of duty while a member of the naval service, of the rank for which the deceased qualified and to which he would have been appointed in due course except for his death. (Mar. 8, 1922, c. 95, 42 Stat. 415.)

Chapter 5.—PROMOTION AND ADVANCEMENT.

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GENERAL PROVISIONS

Section 271. Physical examination as prerequisite to promotion.—Subject to the provisions of section 284 no officer shall be promoted to a higher grade on the active list of the Navy, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea. (R. S. § 1493.)

272. Effect of examination showing physical disqualification by wounds.—The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted. (R. S. § 1494.)

273. When applicants for examination entitled thereto.—Officers subject to examination before promotion to a grade limited in number by law shall not be entitled to examination in such a sense as to give increase of pay until designated by the Secretary of the Navy to fill vacancies in the higher grade; and officers eligible for promotion to a grade not limited in number shall not be entitled to examination until ordered to present themselves for examination or until a class, in which they are included, has been so ordered by the Secretary of the Navy. (R. S. § 1495.)

274. Mental, moral, and professional examination; appointment of examining board.—Subject to the provisions of section 284 no officer shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President or as provided in section 233. (R. S. § 1496; Mar. 3, 1899, c. 413, § 4, 30 Stat. 1005.)

275. Composition of board.—Such examining board shall consist of not less than three officers, senior in rank to the officer to be examined. (R. S. § 1498.)

276. Powers of board.—Said board shall have power to take testimony and to examine all matter on the files and records of the Navy Department relating to any officer whose case may be considered by them. The witnesses, when present, shall be sworn by the president of the board: *Provided*, That no fact which occurred prior to the last examination of the candidate whereby he was promoted, which has been inquired into and decided upon, shall be again inquired into, but such previous examination, if approved, shall be conclusive, unless such fact continuing shows the unfitness of the officer to perform all his duties at sea. (R. S. § 1499; June 18, 1878, c. 267, § 1, 20 Stat. 165.)

277. Officer may be present and make statements.—Any officer whose case is to be acted upon by such examining board shall have the right to be present, if he so desires, and to submit a statement of his case on oath. (R. S. § 1500.)

278. Record of proceedings at examination.—The statement of such officer, if made, and the testimony of the witnesses and his examination shall be recorded. (R. S. § 1501.)

279. Presentation of findings to President for approval.—Subject to the provisions of sections 276 and 280, any matter on the files and records of the Navy Department, touching each case, which may, in the opinion of the board, be necessary to assist them in making up their judgment, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. (R. S. § 1502.)

280. Secretary of Navy empowered to act for President on records of board.—The President is authorized to direct the Secretary of the Navy to take such action on the records of proceedings of naval examining boards and boards of naval surgeons for the promotion of officers of the Navy as is now required by law to be taken by the President. (May 22, 1917, c. 20, § 20, 40 Stat. 89.)

281. Officer not to be rejected without public examination.—No officer shall be rejected until after such public examination of himself and of the records of the Navy Department in his case, unless he fails, after having been duly notified, to appear before said board. (R. S. § 1503.)

282. Report of recommendation of officer for promotion.—Such examining board shall report their recommendation of any officer for promotion in the following form: "We hereby certify that ——— ——— has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion." (R. S. § 1504.)

283. Suspension from promotion of officer found not professionally qualified.—Subject to the provisions of section 300, any officer of the Navy on the active list below the rank of commander who, upon examination for promotion, is found not professionally qualified, shall be suspended from promotion for a period of six months from the date of approval of said examination, and shall suffer a loss of numbers equal to the average six months' rate of promotion to the grade for which said officer is undergoing examination during the five fiscal years next preceding the date of approval of said examination, and upon the termination of said suspension from promotion he shall be reexamined, and in case of his failure upon such reexamination, he shall be dropped from the service with not more than one year's pay. (R. S. § 1505; Mar. 11, 1912, c. 55, 37 Stat. 73.)

284. Laws relating to examination applicable to advancement of staff officers.—All laws relating to the examination of officers of the Navy for promotion shall be construed to apply to the regular advancement of staff officers to higher ranks on the active list the same as though such advancements in rank were promotions to higher grades: *Provided*, That examinations for such staff officers shall not be required except for such regular advancements in rank. (May 22, 1917, c. 20, § 20, 40 Stat. 89; July 1, 1918, c. 114, 40 Stat. 708.)

285. Examination of officers of line assigned to engineering duties.—Officers of the line of the Navy assigned to engineering duty only under section 71 shall be promoted as vacancies occur subject to physical examination and to such examination in engineering as the Secretary of the Navy may prescribe. (Aug. 29, 1916, c. 417, 39 Stat. 580.)

MODE OF PROMOTION TO GRADES OF COMMANDER, CAPTAIN, AND REAR ADMIRAL

291. In general.—Subject to the provisions of sections 341 and 345 all promotions to the grades of commander, captain, and rear admiral of the line of the Navy, including the promotion of

those captains, commanders, and lieutenant commanders who are, or may be, carried on the Navy list as additional to the numbers of such grades, shall be by selection only from the next lower respective grade upon the recommendation of a board of naval officers as herein provided. (Aug. 29, 1916, c. 417, 39 Stat. 578.)

292. Composition, appointment, and convening of selection board.—The board shall consist of nine rear admirals on the active list of the line of the Navy not restricted by law to the performance of shore duty only, and shall be appointed by the Secretary of the Navy and convened at least once each year and at such times as the Secretary of the Navy may direct. (Aug. 29, 1916, c. 417, 39 Stat. 578; July 11, 1919, c. 9, 41 Stat. 139.)

293. Oath of members of board.—Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him as herein provided. (Aug. 29, 1916, c. 417, 39 Stat. 578.)

294. Secretary of Navy to furnish number of vacancies; written communications of candidates.—The board shall be furnished by the Secretary of the Navy with the number of vacancies in the grades of rear admiral, captain, and commander then existing and which may occur during the next period of time, and with the names of all officers who are eligible for consideration for selection as herein authorized, together with the record of each officer: *Provided*, That any officer eligible for consideration for selection shall have the right to forward through official channels at any time not later than ten days after the convening of said board a written communication inviting attention to any matter of record in the Navy Department concerning himself which he deems important in the consideration of his case. (Aug. 29, 1916, c. 417, 39 Stat. 578; July 11, 1919, 41 Stat. 139.)

295. Service in grade necessary before selection.—No captains, commanders, or lieutenant commanders who shall have had less than four years' service in the grade in which they are serving on November 30 of the year of the convening of the board shall be eligible for consideration by the board. (Aug. 29, 1916, c. 417, 39 Stat. 578.)

296. Engineer officers; eligibility for selection; additional numbers.—The recommendation of the board in the case of officers of the former Engineer Corps who are restricted by law to the performance of shore duty only and in that of officers who may hereafter be assigned to engineering duty only shall be based upon their comparative fitness for the duties prescribed for them by law. Upon promotion they shall be carried as additional numbers in grade. (Aug. 29, 1916, c. 417, 39 Stat. 578.)

297. Number of officers recommended for promotion; necessity for concurrence of six members of board.—The board shall recommend for promotion such number of officers as may be necessary to fill vacancies then existing and which may occur during the next period of time: *Provided*, That no officer shall be recommended for promotion unless he shall have received the recommendation of not less than six members of said board. (Aug. 29, 1916, c. 417, 39 Stat. 579; May 22, 1917, c. 20, § 14, 40 Stat. 87; July 11, 1919, c. 9, 41 Stat. 139.)

298. Report of board.—The report of the board shall be in writing signed by all of the members and shall certify that the board has carefully considered the case of every officer eligible for consideration under the provisions of this law, and that in the opinion of at least six of the members, the officers therein recommended are the best fitted of all those under consideration to assume the duties of the next higher grade, except that the recommendation of the board in the case of officers of the former Engineer Corps who are restricted by law to the performance of shore duty only, and in that of officers who may hereafter be assigned to engineering duty only, shall be based upon their comparative fitness for the duties prescribed for them by law. (Aug. 29, 1916, c. 417, 39 Stat. 579.)

299. Submission of report to President; reconvening of board in case of disapproval.—The report of the board shall be submitted to the President for approval or disapproval. In case any officer or officers recommended by the board are not acceptable to the President, the board shall be informed of the name of such officer or officers, and shall recommend a number of officers equal to the number of those found not acceptable to the President and if necessary shall be reconvened for this purpose. (Aug. 29, 1916, c. 417, 39 Stat. 579.)

300. Effect of President's approval; examinations; failure to pass.—When the report of the board shall have been approved by the President, the officers recommended therein shall be deemed eligible for selection, and if promoted shall take rank with one another in accordance with their seniority in the grade from which promoted: *Provided*, That any officers so selected shall prior to promotion be subject in all respects to the examinations prescribed by law for officers promoted by seniority, and in case of failure to pass the required professional examination such officer shall thereafter be ineligible for selection and promotion. And should any such officer fail to pass the required physical examination he shall not be considered, in the event of retirement, entitled to the rank of the next higher grade. (Aug. 29, 1916, c. 417, 39 Stat. 579.)

301. Provisions relating to promotion by selection as applicable to staff corps.—The provisions of existing laws with reference to promotion by selection in the line of the Navy are hereby extended to include and authorize advancement to the ranks of commander, captain, and rear admiral in the staff corps of the Navy under the same conditions in all respects except as may be necessary to adapt the said provisions to such staff corps: *Provided*, That boards of selection shall in each case be composed, when practicable, of not less than five members of the corps concerned and promotions shall be made on the basis of fitness alone by selection from among the officers of the rank next below: *Provided further*, That the requirements for sea service in grade, length of service in grade and maximum age in grade for promotion shall not apply. (July 1, 1918, c. 114, 40 Stat. 718; July 11, 1919, c. 9, 41 Stat. 139.)

302. Effect of provisions on promotion of captains wounded in line of duty.—The provisions regarding the promotion by selection of captains in the line of the permanent Navy shall not restrict the promotion of such captains as may have been wounded in line of duty prior to July 11, 1919, and who were on the active list on that date, and such captains shall be entitled to the benefits of the provisions of section 272 and also to the benefits of section 390. (July 11, 1919, c. 9, 41 Stat. 147.)

SERVICE AND AGE REQUIREMENTS

311. Sea service and age of captain, commander, or lieutenant commander.—No captain, commander, or lieutenant commander shall be promoted unless he has had not less than two years' actual sea service on seagoing ships in the grade in which serving or who is more than fifty-six, fifty, or forty-five years of age, respectively: *Provided*, That in exceptional cases where officers are specifically designated during war or national emergency declared by the President by the Secretary of the Navy as performing, or as having performed, such highly important duties on shore that their services can not be or could not have been spared from such assignment without serious prejudice to the successful prosecution of the war, the qualification of sea service in the cases of those officers so specifically designated shall not apply while the United States is at war, or during a national emergency declared by the President, or within two and one-half years subsequent to the ending of

such war or national emergency: *Provided*, That the qualification of sea service shall not apply to officers restricted to the performance of engineering duty only. (Aug. 29, 1916, c. 417, 39 Stat. 579; July 1, 1918, c. 114, 40 Stat. 717.)

312. Requirements temporarily suspended as to officers appointed from sources other than Naval Academy.—Officers of the line of the Navy who were appointed thereto pursuant to the Act of June 4, 1920, from sources other than the Naval Academy shall not be ineligible for promotion by reason of age, as prescribed by the preceding section, until they have rendered ten years' service in the grade of lieutenant commander, six years' service in the grade of commander, or eight years' service in the grade of captain, respectively, upon the completion of which service such officers, if then ineligible for promotion by reason of age, shall be retired in accordance with section 992. (June 4, 1920, c. 228, § 5, 41 Stat. 836; Mar. 4, 1925, c. 536, § 9, 43 Stat. 1273.)

313. Lieutenants (junior grade).—Lieutenants (junior grade) shall have had not less than three years' service in that grade before being eligible for promotion to the grade of lieutenant. (Aug. 29, 1916, c. 417, 39 Stat. 576.)

314. Ensigns.—Officers, after performing three years' service in the grade of ensign, shall, after passing the examinations required by law, be eligible to promotion to the grade of lieutenant (junior grade). (Mar. 3, 1899, c. 413, § 7, 30 Stat. 1005.)

ADVANCEMENT OF CERTAIN LOWER-GRADE STAFF OFFICERS

321. General provision.—Officers of the lower grades of the Medical Corps, Supply Corps, Construction Corps, and Corps of Civil Engineers shall be advanced in rank up to and including the rank of lieutenant commander with the officers of the line with whom or next after whom they take precedence under existing law. (Aug. 29, 1916, c. 417, 39 Stat. 576; July 11, 1919, c. 9, 41 Stat. 147.)

322. Assistant surgeons and passed assistant surgeons.—Assistant surgeons shall be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons. (Feb. 13, 1897, c. 221, 29 Stat. 526; May 22, 1917, c. 20, § 20, 40 Stat. 89.)

323. Passed assistant paymasters and assistant paymasters.—Passed assistant paymasters shall be regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters. (R. S. § 1380; May 22, 1917, c. 20, § 20, 40 Stat. 89.)

324. Assistant naval constructors.—Assistant naval constructors shall be promoted to the grade of naval constructor after not less than eight or more than fourteen years' service as assistant naval constructor. (Mar. 3, 1899, c. 413, § 10, 30 Stat. 1006.)

PROMOTION OF WARRANT OFFICERS

331. Eligibility of boatswains, gunners, carpenters, and sailmakers for commissions as chief boatswains, etc.—Subject to the restriction imposed by the next section, boatswains, gunners, carpenters, and sailmakers shall be eligible for commissions as chief boatswains, chief gunners, chief carpenters, and chief sailmakers after six years from date of warrant. (Mar. 3, 1899, c. 413, § 12, 30 Stat. 1007; Apr. 27, 1904, c. 1622, 33 Stat. 346.)

332. Examination as prerequisite for promotion.—No warrant officer shall be promoted under the preceding section until he shall have passed an examination before a board of chief boatswains, chief gunners, chief carpenters and chief sailmakers, in accordance with regulations prescribed by the Secretary of the Navy. (Mar. 3, 1899, c. 413, § 12, 30 Stat. 1007.)

333. Machinists commissioned chief machinists.—All machinists shall, after six years from date of warrant, be commissioned chief machinists: *Provided*, That no machinist shall be so promoted until he shall have passed such examination before a board as the Secretary of the Navy may prescribe. (Mar. 3, 1909, c. 255, 35 Stat. 771.)

334. Appointment to fill vacancies in grade of ensign.—Whenever, in view of the vacancies in the grade of ensign unfilled by graduates of the Naval Academy, the Secretary of the Navy shall so recommend, the President may appoint to that grade, from among the boatswains, gunners, or machinists, not exceeding twelve in any one calendar year. No person shall be so appointed who is over thirty-five years of age; who has served less than four years as a warrant officer; who is not recommended by a commanding officer under whom he has served; nor until he shall have passed such competitive examination as may be prescribed by the Navy Department. (Mar. 3, 1901, c. 852, 31 Stat. 1129; Mar. 3, 1903, c. 1010, 32 Stat. 1197; Apr. 27, 1904, c. 1622, 33 Stat. 346; Aug. 29, 1916, c. 417, 39 Stat. 577.)

335. Eligibility of chief boatswains, chief gunners, and chief machinists for appointment as ensigns.—Chief boatswains, chief gunners, and chief machinists shall be eligible for appointment to the grade of ensign under the restrictions imposed by the preceding section, upon the appointment of boatswains, gunners, and machinists to that grade. (Mar. 3, 1909, c. 255, 35 Stat. 771.)

336. Pharmacists commissioned chief pharmacists.—Pharmacists shall, after six years from the date of warrant, be commissioned chief pharmacists after passing satisfactorily such examinations as the Secretary of the Navy may prescribe. (Aug. 29, 1916, c. 417, 39 Stat. 573.)

337. Pay clerks commissioned chief pay clerks.—Subject to the provisions of section 130 all pay clerks shall, after six years' service as such, be commissioned chief pay clerks. In computing the six years' service credit shall be given for all service in the Navy as pay clerk, acting pay clerk, and paymaster's clerk. (Mar. 3, 1915, c. 83, 38 Stat. 942.)

ADVANCEMENT IN RANK FOR EMINENT AND CONSPICUOUS CONDUCT

341. Advancement in number.—Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism; and the rank of officers shall not be changed except in accordance with the provisions of existing law, and by and with the advice and consent of the Senate. (R. S. § 1506; June 17, 1878, c. 260, 20 Stat. 143.)

342. Advancement as affecting promotion when higher grade is full.—Any officer who is nominated to a higher grade by the provisions of the preceding section, shall be promoted, notwithstanding the number of said grade may be full; but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law. (R. S. § 1507.)

343. Officers advanced and later promoted carried as additional numbers.—Subject to the provisions of section 631, officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall be carried as additional numbers of each grade in which they serve. (June 16, 1906, c. 3338, 34 Stat. 296.)

344. Officers advanced for services in Spanish War carried as additional numbers.—Subject to the provisions of section 631 the advancement in rank of officers of the Navy and Marine Corps, whensoever made, for service rendered during

the war with Spain, pursuant to the provisions of sections 341 and 670 shall not interfere with the regular promotion of officers otherwise entitled to promotion, but officers so advanced, by reason of war service, shall, after they are promoted to higher grades, be carried thereafter as additional to the numbers of each grade to which they may at any time be promoted except as provided in section 631; and subject to the provisions of sections 291 and 301 each such officer shall hereafter be promoted in due course, contemporaneously with and to take rank next after the officer immediately above him; and all advancements made by reason of war service shall be appropriately so designated upon the official Navy list: *Provided, however*, That no promotion shall be made to fill a vacancy occasioned by the promotion, retirement, death, resignation, or dismissal of any officer who, at the time of such promotion, retirement, death, resignation, or dismissal, is an additional member of his grade under the foregoing provisions. (Mar. 3, 1901, c. 852, 31 Stat. 1108.)

345. Advancement of officers receiving thanks of Congress.—Any line officer, whether of volunteers or of the regular Navy, may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession. (R. S. § 1508.)

346. Advancements resulting from thanks of Congress as affecting other officers.—A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion. (R. S. § 1509.)

347. Filling vacancies caused by death of officers advanced as result of thanks of Congress.—No promotion shall be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks, unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law. (R. S. § 1510.)

Chapter 6.—GRATUITIES, MEDALS, AND OTHER INSIGNIA OF HONOR; MEDAL OF HONOR ROLL; BADGES.

GRATUITIES, MEDALS, ETC.

Sec.
351. Gratuities and medals of honor to enlisted men for heroism.
352. Rosettes and ribbons for holders of medals.
353. Medals of honor to officers.
354. Medals of honor, to whom presented.
355. Distinguished-service medals; to whom presented.
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357. Additional pay to persons awarded medals or crosses.
358. Bars or other insignia for additional acts of valor.
359. Expenditure for medals, crosses, or other devices; replacement of lost medals, crosses, or devices.
360. Time limit on award of medals, crosses, or other devices; statement or report as to act or distinguished service.
361. Exceptions to rule as to time.
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(a) Establishment; conditions for entry on.
(b) Evidence to be considered; certificate to be issued.
(c) Special pension to persons enrolled.
(d) Fund from which pensions to be paid.
(e) Number of pensions limited to one; rank not considered in the applications.

BADGES

371. Military society badges.
372. Badges for services in Spanish War.
373. Badges for services in Chinese relief expedition.
374. Regular Army and Navy Union badge.
375. Army and Navy Union badge.

GRATUITIES, MEDALS, ETC.

Section 351. Gratuities and medals of honor to enlisted men for heroism.—Enlisted men of the Navy or Marine Corps distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, shall, upon the recommendation of their commanding officer, approved by the flag officer and Secretary of the Navy, receive a gratuity of $100 and a medal of honor, to be prepared under the direction of the Secretary of the Navy. (R. S. § 1407; Mar. 3, 1901, c. 850, 31 Stat. 1099; June 10, 1922, c. 212, § 21, 42 Stat. 633.)

352. Rosettes and ribbons for holders of medals.—The Secretary of the Navy is authorized to issue to any person to whom a medal of honor has been awarded, or may hereafter be awarded, under the provisions of the preceding section a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the Navy Department is hereby made available for the purposes of this section: *Provided*, That whenever a ribbon issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of the Navy shall cause a new ribbon to be issued to such person without charge therefor. (May 4, 1898, No. 30, 30 Stat. 741.)

353. Medals of honor to officers.—The President of the United States is empowered to prepare a suitable medal of honor to be awarded to any officer of the Navy, Marine Corps, or Coast Guard who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession. (Mar. 3, 1915, c. 83, 38 Stat. 931.)

354. Medals of honor, to whom presented.—The President of the United States is authorized to present, in the name of Congress, a medal of honor to any person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or the command to which attached. (Feb. 4, 1919, c. 14, § 1, 40 Stat. 1056.)

355. Distinguished-service medals; to whom presented.—The President is authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while in the naval service of the United States, since the 6th day of April, 1917, has distinguished, or who hereafter shall distinguish, himself by exceptionally meritorious service to the Government in a duty of great responsibility. (Feb. 4, 1919, c. 14, § 2, 40 Stat. 1056.)

356. Navy crosses; to whom presented.—The President is authorized to present, but not in the name of Congress, a Navy cross of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while in the naval service of the United States, since the 6th day of April, 1917, has distinguished, or who shall hereafter distinguish, himself by extraordinary heroism or distinguished service in the line of his profession, such heroism or service not being sufficient to justify the award of a medal of honor or a distinguished-service medal. (Feb. 4, 1919, c. 14, § 3, 40 Stat. 1056.)

357. Additional pay to persons awarded medals or crosses.—Each enlisted or enrolled person of the naval service to whom is awarded a medal of honor, distinguished-service medal, or a Navy cross shall, for each such award, be entitled to additional pay at the rate of $2 per month from the date of the distinguished act or service on which the award is based, and each bar, or other suitable emblem or insignia, in lieu of a medal of honor, distinguished-service medal, or Navy cross, as hereinafter provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the distinguished act or service for which the bar is awarded, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (Feb. 4, 1919, c. 14, § 4, 40 Stat. 1056; June 10, 1922, c. 212, § 21, 42 Stat. 633.)

358. Bars or other insignia for additional acts of valor.—No more than one medal of honor or one distinguished-service medal or one Navy cross shall be issued to any one person; but for each succeeding deed or service sufficient to justify the award of a medal of honor or a distinguished-service medal or Navy cross, respectively, the President may award a suitable bar, or other suitable emblem or insignia, to be worn with the decoration and the corresponding rosette or other device. (Feb. 4, 1919, c. 14, § 5, 40 Stat. 1056.)

359. Expenditure for medals, crosses, or other devices; replacement of lost medals, crosses, or devices.—The Secretary of the Navy is authorized to expend from the appropriation "Pay of the Navy" of the Navy Department so much as may be necessary to defray the cost of the medals of honor, distinguished-service medals, and Navy crosses, and bars, emblems, or insignia herein provided for, and so much as may be necessary to replace any medals, crosses, bars, emblems, or insignia as are herein or may heretofore have been provided for: *Provided*, That such replacement shall be made only in those cases where the medal of honor, distinguished-service medal, or Navy cross, or bar, emblem, or insignia presented shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, and shall be made without charge therefor. (Feb. 4, 1919, c. 14, § 6, 40 Stat. 1056.)

360. Time limit on award of medals, crosses, or other devices; statement or report as to act or distinguished service.—Except as otherwise prescribed in the next section, no medal of honor, distinguished-service medal, Navy cross, or bar or other suitable emblem or insignia in lieu of either of said medals or of said cross, shall be issued to any person after more than five years from the date of the act or service justifying the award thereof, nor unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made by his naval superior through official channels at the time of the act or service or within three years thereafter. (Feb. 4, 1919, c. 14, § 7, 40 Stat. 1057.)

361. Exceptions to rule as to time.—In cases of persons now in the naval service for whom the award of the medal of honor has been recommended in full compliance with then existing regulations, but on account of services which, though insufficient fully to justify the award of the medal of honor, appear to have been such as to justify the award of the distinguished-service medal or Navy cross hereinbefore provided for, such cases may be considered and acted upon under the provisions of this chapter authorizing the award of the distinguished-service medal and Navy cross notwithstanding that said services may have been rendered more than five years before said cases shall have been considered as authorized by this proviso, but all consideration or any action upon any of said cases shall be based exclusively upon official records now on file in the Navy Department. (Feb. 4, 1919, c. 14, § 8, 40 Stat. 1057.)

362. Entire subsequent service must have been honorable.—No medal or cross or bar or other emblem or insignia shall be awarded or presented to any individual or to the representative of any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable. (Feb. 4, 1919, c. 14, § 8, 40 Stat. 1057.)

363. Awards in case of death.—In case an individual who shall distinguish himself dies before the making of the award to which he may be entitled the award may nevertheless be made and the medal or cross or the bar or other emblem or insignia presented within five years from the date of the act or service justifying the award thereof to such representative of the deceased as the President may designate. (Feb. 4, 1919, c. 14, § 8, 40 Stat. 1057.)

364. Delegation of power to make awards; rules and regulations.—The President is authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to flag officers who are commanders in chief or commanding on important independent duty the power conferred upon him by this chapter to award the Navy cross; and he is further authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this chapter and to execute the full purpose and intention thereof. (Feb. 4, 1919, c. 14, § 9, 40 Stat. 1057.)

365. Medal of honor roll.

(a) Establishment; conditions for entry on.—There is hereby established in the Navy Department, a roll designated as "the Navy medal of honor roll." Upon written application made to the Secretary of the Navy, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the naval service of the United States in any war, who has attained or shall attain the age of sixty-five years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the Navy, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the Navy Department, and proper blanks and instructions shall be, by the Secretary of the Navy, furnished without charge upon request made by any person claiming the benefits of this section. (Apr. 27, 1916, c. 88, § 1, 39 Stat. 53.)

(b) Evidence to be considered; certificate to be issued.—It shall be the duty of the Secretary of the Navy to carry this section into effect and to decide whether each applicant, under this section is entitled to the benefit of this section. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this section, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this section, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of the Navy shall deliver to the Commissioner of

Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for. (Apr. 27, 1916, c. 88, § 2, 39 Stat. 54.)

(c) Special pension to persons enrolled.—Each such surviving person whose name shall have been entered on said roll in accordance with this section shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, a special pension of $10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of the Navy after April 27, 1916, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this section shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever. (Apr. 27, 1916, c. 88, § 3, 39 Stat. 54.)

(d) Fund from which pensions to be paid.—All allowances made, or hereafter to be made, to medal of honor pensioners under the provisions of this section, shall be paid from the moneys appropriated for the payment of invalid and other pensions. (June 30, 1916, c. 194, 39 Stat. 242.)

(e) Number of pensions limited to one; rank not considered in the applications.—In case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder. (Apr. 27, 1916, c. 88, § 4, 39 Stat. 54.)

BADGES

371. Military society badges.—The distinctive badges adopted by military societies of men who served in the armies and navies of the United States in the war of the Revolution, the war of 1812, the Mexican war, and the war of the rebellion, respectively, may be worn upon all occasions of ceremony by officers and enlisted men of the Army and Navy of the United States, who are members of said organizations in their own right. (Sept. 25, 1890, No. 50, 26 Stat. 681.)

372. Badges for services in Spanish war.—The distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right. (Feb. 2, 1901, c. 192, § 41, 31 Stat. 758.)

373. Badges for services in Chinese relief expedition.—The distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of 1900 may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organization in their own right. (Jan. 12, 1903, No. 2, 32 Stat. 1229.)

374. Regular Army and Navy Union badge.—The distinctive badge adopted by the Regular Army and Navy Union of the United States may be worn, in their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization. (May 11, 1894, No. 26, 28 Stat. 583.)

375. Army and Navy Union badge.—The distinctive badge adopted by the Army and Navy Union of the United States may be worn, in their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization. (Mar. 2, 1907, No. 18, 34 Stat. 1423.)

Chapter 7.—RETIREMENT.

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GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

Section 381. Retirement after forty years' service.—When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application. (R. S. § 1443.)

382. Exceptions.—The preceding section shall not apply to any lieutenant commander, lieutenant, lieutenant (junior grade), ensign, passed assistant surgeon, passed assistant paymaster, assistant surgeon, or assistant paymaster. (R. S. § 1445; Mar. 3, 1883, c. 97, 22 Stat. 472; Mar. 3, 1899, c. 413,

§ 1, 30 Stat. 1004; Mar. 3, 1899, c. 413, § 8, 30 Stat. 1006; May 13, 1908, c. 166, 35 Stat. 128; Aug. 29, 1916, c. 417, 39 Stat. 579.)

383. Retirement after thirty years' service.—When an officer of the Navy has been thirty years in the service, he may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with three-fourths of the highest pay of his grade. (May 13, 1908, c. 166, 35 Stat. 128.)

384. Age of retirement.—When any officer below the rank of vice admiral is sixty-four years old, he shall be retired by the President from active service. (R. S. § 1444; Aug. 29, 1916, c. 417, 39 Stat. 579.)

385. Officers not to be retired for misconduct.—No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct. (R. S. § 1456.)

386. Discharge of officers unfit for promotion by reason of drunkenness or other misconduct.—Whenever on an inquiry had pursuant to law, concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct, and having been informed of and heard upon the charges against him, he shall not be placed on the retired list of the Navy, and if the finding of the board be approved by the President, he shall be discharged with not more than one year's pay. (Aug. 5, 1882, c. 391, § 1, 22 Stat. 286.)

387. Voluntary retirements, to create vacancies.—Officers of the line in the grades of captain, commander, and lieutenant commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to March 3, 1899, above the grade of commander have been less than thirteen, above the grade of lieutenant commander less than twenty, above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant (junior grade) less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list to cause the aforesaid vacancies for the fiscal year then being considered. (Mar. 3, 1899, c. 413, § 8, 30 Stat. 1006; Aug. 22, 1912, c. 335, 37 Stat. 328.)

388. Rank and pay of officer so retired.—Any officer retired under the provisions of the preceding section shall be retired with the rank and three-fourths the sea pay of the grade from which he is retired. (Aug. 22, 1912, c. 335, 37 Stat. 328.)

389. Grades and status of retired officers; privileges and liabilities.—Except as otherwise provided in this title, officers retired from active service shall be placed on the retired list of officers of the grades to which they belonged respectively at the time of their retirement, and continue to be borne on the Navy Register. They shall be entitled to wear the uniform of their respective grades, and shall be subject to the rules and articles for the government of the Navy and to trial by general court-martial. The names of officers wholly retired from the service shall be omitted from the Navy Register. (R. S. § 1457.)

390. Retired rank of officer failing in physical examination.—Hereafter, if any officer of the United States Navy, below the rank of lieutenant commander, shall fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted. (Mar. 4, 1911, c. 239, 36 Stat. 1267; Aug. 29, 1916, c. 417, 39 Stat. 579; July 1, 1918, c. 114, 40 Stat. 718.)

391. Retired rank and pay of officers of Civil War; in general.—Any officer of the Navy, with a creditable record, who served during the Civil War, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade. (Mar. 3, 1899, c. 413, § 11, 30 Stat. 1007.)

392. Retirement in next higher grade.—Any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the Civil War prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this section shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy, and placed on the retired list by virtue of the provisions of a special Act of Congress. (June 29, 1906, c. 3590, 34 Stat. 554.)

393. Officer not to be deprived of increased rank and pay.—The provisions of the preceding section providing for the retirement in the next higher grade of officers of the Navy who served during the Civil War, shall not operate to deprive any officer of the Navy who has been, or may be, retired, since June 29, 1906, of the right to increased rank and pay to which, but for said section, he would have been entitled. (Mar. 3, 1909, c. 255, 35 Stat. 753.)

394. Commissions to retired officers advanced in rank.—Commissioned officers of the Navy and Marine Corps on the retired list whose rank has been or shall hereafter be advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank. (Mar. 4, 1911, c. 266, 36 Stat. 1354.)

395. Officers of Medical and Supply Corps, chaplains, professors of mathematics, and constructors.—Officers of the Medical and Supply Corps, chaplains, professors of mathematics, and constructors, who shall have served faithfully for forty-five years, shall, when retired, have the rank of commodore; and officers of these several corps who have been or shall be retired for age after completing forty years from their entry into the service and before having served forty-five years, but who shall have served faithfully until retired, shall have the rank of commodore: *Provided*, That no person shall be retired with the rank of commodore, under the provisions of this section unless he has attained at the time of retirement the rank of captain in the Navy. (R. S. § 1481; Aug. 5, 1882, c. 391, 22 Stat. 286; Mar. 3, 1899, c. 413, § 1, 30 Stat. 1004; Mar. 3, 1899, c. 413, § 7, 30 Stat. 1006; Aug. 29, 1916, c. 417, 39 Stat. 579; July 11, 1919, c. 9, 41 Stat. 147; Mar. 4, 1925, c. 536, § 5, 43 Stat. 1271.)

396. Officers of Naval Dental Corps.—Officers of the Naval Dental Corps shall become eligible for retirement in the same manner and under the same conditions as now prescribed by law for officers of the Naval Medical Corps, except that section 382 shall not be applicable to dental officers, and they shall not be entitled to rank above lieutenant commander on the retired list, or to retired pay above that of captain. No dental officer in the Navy who on original appointment as dental officer was over forty years of age shall be eligible for retirement before he has reached the age of seventy years, except for physical disability incurred in line of duty. (July 1, 1918, c. 114, 40 Stat. 709.)

397. Staff officers retired for causes incident to service.—Except as otherwise provided in this Code, staff officers, who

have been or shall be retired for causes incident to the service before arriving at the retirement age, shall have the same rank on the retired list as pertained to their position on the active list. (R. S. § 1482; Aug. 29, 1916, c. 417, 39 Stat. 579.)

398. Staff officers with permanent rank of rear admiral during World War.—Any staff officer of the Navy now on the active list who held the permanent rank of rear admiral during the World War, after serving ten years in that rank, may, in the discretion of the President, be placed upon the retired list with three-fourths of the pay received by him on the active list at the date of his retirement. (Mar. 4, 1925, c. 536, § 29, 43 Stat. 1278.)

399. Officers of Navy and Marine Corps specifically commended for performance of duty in actual combat during World War.—All officers of the Navy and Marine Corps who have been specially commended for their performance of duty in actual combat with the enemy during the World War, by the head of the executive department under whose jurisdiction such duty was performed, when retired by reason of age ineligibility for promotion, shall be placed upon the retired list with the rank of the next higher grade and with three-fourths of the pay they would have received if not advanced in rank pursuant to this section. (Mar. 4, 1925, c. 536, § 30, 43 Stat. 1279.)

400. Vacancies consequent on retirement filled by promotion according to seniority.—Except as otherwise provided in this title, the next officer in rank shall be promoted to the place of a retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer. (R. S. § 1458.)

401. Officers on retired list withdrawn from command and from line of promotion.—Except as otherwise provided in this title, officers on the retired list shall be withdrawn from command and from the line of promotion on the active list. (R. S. § 1459.)

402. No promotion or increase of pay in retired list.—Except as otherwise provided in this title, there shall be no promotion or increase of pay in the retired list of the Navy but the rank and pay of officers on the retired list shall be the same that they are when such officers shall be retired. (Aug. 5, 1882, c. 391, § 1, 22 Stat. 286.)

RETIRING BOARD

411. Cases proper for reference to retiring board; composition of board.—Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy. Said board, except the officers taken from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of. (R. S. § 1448.)

412. Officers not to be retired without a hearing before board; exceptions.—No officer of the Navy shall be retired from active service, or wholly retired from the service, without a full and fair hearing before such Navy retiring board, if he shall demand it, except in cases where he may be retired by the President at his own request, or on account of age or length of service, or because of his ineligibility for promotion on account of age. (R. S. § 1455; Aug. 29, 1916, c. 417, 39 Stat. 579.)

413. Powers and duties of board.—Said retiring board shall be authorized to inquire into and determine the facts touching the nature and occasion of the disability of any such officer, and shall have such powers of a court-martial and of a court of inquiry as may be necessary. (R. S. § 1449.)

414. Oath of members of board.—The members of said board shall be sworn in each case to discharge their duties honestly and impartially. (R. S. § 1450.)

415. Findings; cause of incapacity.—When said retiring board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, produced his incapacity, and whether such cause is an incident of the service. (R. S. § 1451.)

416. Revision by the President.—A record of the proceedings and decision of the board in each case shall be transmitted to the Secretary of the Navy, and shall be laid by him before the President for his approval or disapproval, or orders in the case. (R. S. § 1452.)

417. Effect of finding of disability due to incident of service.—When a retiring board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, such officer shall, if said decision is approved by the President, be retired from active service with retired pay. (R. S. § 1453.)

418. Effect of finding of disability from other causes.—When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough pay, or wholly retired from service with one year's pay, as the President may determine. (R. S. § 1454.)

ACTIVE DUTY OF RETIRED OFFICERS

421. General rule.—Except as otherwise provided by law, no officer on the retired list of the Navy shall be employed on active duty except in time of war. (R. S. § 1462.)

422. Employment on active duty with officer's consent.—In time of peace any naval officer on the retired list may, with his consent, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore. (Aug. 22, 1912, c. 335, 37 Stat. 329.)

423. Liability to active duty in time of war or national emergency.—During the existence of war or of a national emergency declared by the President to exist, any commissioned or warrant officer of the Navy or Marine Corps of the United States on the retired list may, in the discretion of the Secretary of the Navy, be ordered to active duty at sea or on shore. (July 1, 1918, c. 114, 40 Stat. 717; June 10, 1922, c. 212, § 17, 42 Stat. 632.)

424. Assignment of retired officers to command of squadrons and ships.—In time of war the President, by and with the advice and consent of the Senate, may detail officers on the retired list for the command of squadrons and single ships, when he believes that the good of the service requires that they shall be so placed in command. (R. S. § 1463; May 22, 1917, c. 20, § 18, 40 Stat. 89.)

425. From what grades commanders of squadrons selected; rank, title, and authority.—In making said details the President may select any officer not below the grade of commander and assign him to the command of a squadron, with the rank and title of "flag officer"; and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest. (R. S. § 1464; May 22, 1917, c. 20, § 18, 40 Stat. 89.)

426. Restoration of such commanders to active list.—Retired officers so detailed for the command of squadrons and single ships may be restored to the active list, if, upon the recommendation of the President, they shall receive a vote of thanks

of Congress for their services and gallantry in action against the enemy, and not otherwise. (R. S. § 1465.)

RETIREMENT OF ENLISTED MEN AND PETTY OFFICERS

431. In general.—When an enlisted man of the Navy or Marine Corps shall have served thirty years he shall, upon making application to the President, be placed upon the retired list with the rating or rank held by him at the date of retirement, and with 75 per centum of the pay of the said rating or rank as provided by sections 13, and 16 of Title 37, PAY AND ALLOWANCES, and with the following allowances: $9.50 per month in lieu of rations and clothing and $6.25 per month in lieu of quarters, fuel, and light. (Mar. 3, 1899, c. 413, § 17, 30 Stat. 1008; Mar. 2, 1907, c. 2515, 34 Stat. 1217.)

432. Computation of length of service.—In computing the necessary thirty years' time for retirement under the preceding section, all service in the Army, Navy, and Marine Corps, and all creditable service in the Coast Guard and former Revenue Cutter Service, shall be credited; and if said enlisted man had active service in the Army, Navy, or Marine Corps, either as volunteer or regular, during the Civil or Spanish-American War, such war service shall be computed as double time in computing the thirty years necessary to enable him to be retired. (Mar. 3, 1899, c. 413, § 17, 30 Stat. 1008; June 22, 1906, c. 3518, 34 Stat. 451; Mar. 2, 1907, c. 2515, § 1, 34 Stat. 1217; June 4, 1920, c 228, § 3, 41 Stat. 834.)

433. Call into active service of retired enlisted men.—The Secretary of the Navy is authorized in time of war, or when a national emergency exists, to call any enlisted man on the retired list into active service for such duty as he may be able to perform. While so employed such enlisted men shall receive the pay and allowances authorized by section 26 of Title 37, except as otherwise provided in the next section. (Mar. 3, 1915, c. 83, 38 Stat. 941; Aug. 29, 1916, c. 417, 39 Stat. 591.)

434. Promotion of retired enlisted men called into active service.—Any enlisted man of the Navy or Marine Corps upon the retired list who has been ordered into active service since April 6, 1917, or who may hereafter be ordered into active service, shall be eligible for promotion and he shall be entitled to the pay and benefits of continuous service of such rank and for such length of time as he is or has been employed in active service, and when relieved of active service shall retain upon the retired list the rank and service held by him at the time of such relief, with the pay and allowances of such rank on the retired list. (July 1, 1918, c. 114, 40 Stat. 719.)

435. Provision as to promotion construed.—So much of the preceding section as authorizes the promotion of retired enlisted men of the Navy and Marine Corps ordered to active duty shall not be so construed as to make illegal promotions of such men as have heretofore been made to warrant grades or as to deprive them of any of the pay, allowances, or other benefits accruing under such promotion. (July 11, 1919, c. 9, 41 Stat. 153.)

Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN.

Sec.
441. Detail of officers to serve with Republics of South America.
442. Detail of officers to assist Republic of Brazil.
443. Detail of officers and men to service with Republic of Haiti; in general.
444. Substitution; pay and allowances.
445. Credit for service.
446. Detail of officers and men to assist Dominican Republic.
447. Detail of officers for service of War Department.
448. Detail of officers or men for work on rural post roads.
449. Enlisted men prohibited from civil employment.

Section 441. Detail of officers to service with Republics of South America.—The President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests require, to detail officers of the United States naval service to assist the governments of the Republics of South America in naval matters: *Provided*, That the officers so detailed are authorized to accept offices from the government to which detailed with such compensation and emoluments therefor as may be first approved by the Secretary of the Navy: *Provided further*, That while so detailed such officers shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances of their rank in the United States naval service, and they shall be entitled to the same credit while so detailed for longevity, retirement, and for all other purposes that they would receive if they were serving with the United States naval service. (June 5, 1920, c. 261, 41 Stat. 1056.)

442. Detail of officers to assist Republic of Brazil.—The President is authorized, in his discretion, to grant leave of absence to not more than two commissioned officers of the line of the Navy of the United States to assist the Republic of Brazil as instructors in naval strategy and tactics in the Naval War College of Brazil, in pursuance of an arrangement to be made between such officers so detailed and the Government of Brazil; and such officers while absent on such leave are authorized to accept from the Government of Brazil the said employment with compensation from the said Government: *Provided, however*, That the permission so given shall be held to terminate at such date as the President may determine. To insure the continuance of this work during such times as may be desirable, the President may have the power of substitution in case of the termination of the detail of an officer for any cause; and the officers, while so absent in the service of the Republic of Brazil, shall receive no pay or allowances from the United States Government. (Oct. 13, 1914, No. 48, 38 Stat. 780.)

443. Detail of officers and men to service with Republic of Haiti; in general.—The President of the United States is authorized, in his discretion, to detail to assist the Republic of Haiti such officers and enlisted men of the United States Navy and the United States Marine Corps as may be mutually agreed upon by him and the President of the Republic of Haiti: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of Haiti the said employment with compensation and emoluments from the said Government of Haiti, subject to the approval of the President of the United States. (June 12, 1916, c. 140, § 1, 39 Stat. 223.)

444. Substitution; pay and allowances.—To insure the continuance of the work provided for in the preceding section during such time as may be desirable, the President may have the power of substitution in the case of the termination of the detail of any officer or enlisted man for any cause: *Provided*, That during the continuance of such details the officers and enlisted men shall continue to receive the pay and allowances of their ranks or ratings in the Navy or Marine Corps. (June 12, 1916, c. 140, § 2, 39 Stat. 224.)

445. Credit for service.—Officers and enlisted men of the Navy and Marine Corps detailed for duty to assist the Republic of Haiti shall be entitled to the same credit for such service, for longevity, retirement, foreign service, pay, and for all other purposes, that they would receive if they were serving with the Navy or with the Marine Corps. (June 12, 1916, c. 140, § 5, 39 Stat. 224.)

446. Detail of officers and men to assist Dominican Republic.—The President of the United States is authorized, in his discretion, to detail to assist the Dominican Republic, officers and enlisted men of the United States Navy and the United States Marine Corps: *Provided*, That officers and enlisted men

so detailed are authorized to accept from the Government of the Dominican Republic offices under said Government with compensation and emoluments from the said Dominican Republic, subject to the approval of the President of the United States: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by the Dominican Republic, the pay and allowances of their rank or rating in the United States Navy or United States Marine Corps, as the case may be, and they shall be entitled to the same credit, while so serving, for longevity, retirement, foreign-service pay, and for all other purposes that they would receive if they were serving with the United States Navy or Marine Corps in said Dominican Republic. (Feb. 11, 1918, c. 15, 40 Stat. 437.)

447. Detail of officers for service of War Department.—The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War. (R. S. § 1437.)

448. Detail of officers or men for work on rural post roads.—No officer or enlisted man of the Navy or Marine Corps shall be detailed for work on the roads which come within the provisions of the Act of February 28, 1919, chapter 69, Fortieth Statutes 1202, except by his own consent. (Feb. 28, 1919, c. 69, § 9, 40 Stat. 1202.)

449. Enlisted men prohibited from civil employment.—No enlisted man in the active service of the United States in the Navy and Marine Corps, except as provided in section 702 of this title, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions. (June 3, 1916, c. 134, § 35, 39 Stat. 188; Aug. 29, 1916, c. 417, 39 Stat. 612.)

Chapter 9.—VESSELS.

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452. Vessels kept in service in time of peace.
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484. Repairs; hull and spars.
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491. Examination of vessels; unfit vessels stricken from register.
492. Sale of vessels stricken from register.
493. Sale of unsuitable vessels.

GENERAL PROVISIONS

Section 451. Classification of vessels; assignments to command.—The President of the United States is authorized to establish, and from time to time to modify, as the needs of the service may require, a classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons. (Mar. 3, 1901, c. 852, 31 Stat. 1133.)

452. Vessels kept in service in time of peace.—The President is authorized to keep in actual service in time of peace, such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports. (R. S. § 1534.)

453. How such vessels officered and manned.—Vessels in actual service, in time of peace, shall be officered and manned as the President may direct. (R. S. § 1535.)

NAMES OF VESSELS

461. First-class battleships and monitors.—All first-class battleships owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted. Monitors now owned by the United States or hereafter built may be named as the President may direct. (May 4, 1898, c. 234, 30 Stat. 390; May 13, 1908, c. 166, 35 Stat. 159.)

462. Avoidance of duplication in names.—Care shall be taken that not more than one vessel in the Navy shall bear the same name. (R. S. § 1532.)

463. Change in names of purchased vessels.—The Secretary of the Navy may change the names of any vessels purchased for the Navy by authority of law. (R. S. § 1533.)

EMPLOYMENT OF VESSELS

471. Assistance of distressed navigators.—The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance. (R. S. § 1536.)

472. Salvage service.—The Secretary of the Navy is authorized to cause vessels under his control adapted to the purpose, to afford salvage service to public or private vessels in distress: *Provided*, That when such salvage service is rendered by a vessel specially equipped for the purpose or by a tug, the Secretary of the Navy may determine and collect reasonable compensation therefor. (July 1, 1918, c. 114, 40 Stat. 705.)

473. Detail to remove or destroy derelicts.—The President in his discretion may temporarily detail any vessel or vessels of the Navy to remove or destroy derelicts in the course of vessels at sea. The regulations to govern the detail and service of said vessels shall be prescribed by the Secretary of the Navy and approved by the President. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1164.)

CONSTRUCTION AND REPAIR

481. Steel material for construction of vessels.—Subject to the provisions of section 568 of this title, in the construction of all naval vessels the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy. (Aug. 3, 1886, c. 849, § 2, 24 Stat. 215; May 4, 1898, c. 234, 30 Stat. 390.)

482. Factory for manufacture of armor.—The Secretary of the Navy shall keep accurate and itemized account of the cost per ton of the product of any factory now owned by the United States for the manufacture of armor for the vessels of the Navy, and report the same to Congress in his annual report. (Aug. 29, 1916, c. 417, 39 Stat. 563.)

483. Purchase and use of patented articles connected with marine engines.—No patented article connected with marine engines shall be purchased or used in connection with any steam vessels of war until the same shall have been submitted

to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use. (R. S. § 1537.)

484. Repairs; hull and spars.—Not more than $3,000 shall be expended at any navy yard in repairing the hull and spars of any vessel, until the necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master workmen of said yard, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master workmen and engineer shall be designated by the head of the Bureau of Construction and Repair. (R. S. § 1538.)

485. Repairs on sails and rigging.—Not more than $1,000 shall be expended in repairs on the sails and rigging of any vessel, until the necessity and expediency of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, which shall be composed of one naval officer, designated by the Secretary of the Navy, and the master rigger and the master sail maker of the yard where such vessel may be ordered. (R. S. § 1539.)

DISPOSAL OF UNFIT OR UNSUITABLE VESSELS

491. Examination of vessels; unfit vessels stricken from register.—It shall be the duty of the Secretary of the Navy to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels on their return from foreign stations, and all vessels in the United States as often as once in three years, when practicable; and said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy yard, those which can not be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion. And it shall be the duty of the Secretary of the Navy, if he shall concur in opinion with said report, to strike the name of such vessel or vessels from the Navy Register and report the same to Congress. (Aug. 5, 1882, c. 391, § 2, 22 Stat. 296.)

492. Sale of vessels stricken from register.—It shall be the duty of the Secretary of the Navy to cause to be appraised, in such manner as may seem best, all vessels of the Navy which have been stricken from the Navy Register under the provisions of the preceding section. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall, after such appraisal, advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold, for cash, to the person or persons or corporation or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made. The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than 10 per centum of the amount of the offer or proposal, and also, except as provided in Title 6, OFFICIAL AND PENAL BONDS, a bond, with two or more sureties to be approved by him, conditioned for the payment of the remaining 90 per centum of the amount of such offer or proposal within the time fixed in the advertisement. And in case default is made in the payment of the remaining 90 per centum, or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this section. And in that event said cash deposit of 10 per centum shall be considered as forfeited to the Government, and shall be applied, first, to the payment of all costs and expenditures attending the advertisement and resale of said vessel; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury: *Provided, however,* That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions. Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer; and the net proceeds of such sale shall be covered into the Treasury. Except as otherwise provided by law, no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing. (Mar. 3, 1883, c. 141, § 5, 22 Stat. 599.)

493. Sale of unsuitable vessels.—The Secretary of the Navy is authorized to sell any or all of the auxiliary ships of the Navy classified as colliers, transports, tenders, supply ships, special types, and hospital ships, which are eighteen years and over in age, which he deems unsuited to present needs of the Navy and which can be disposed of at an advantageous price, which shall not be less than 50 per centum of their original cost, the money obtained from such sale to be covered into the Treasury as miscellaneous receipts. (Aug. 29, 1916, c. 417, 39 Stat. 605.)

Chapter 10.—NAVY YARDS AND NAVAL STATIONS.

Sec.
501. Commandants of navy yards.
502. Master workmen.
503. Pay and number of clerical, drafting, inspection, and messenger force; annual report to Congress.
504. Pay of drafting, technical, and inspection force.
505. Conformity of rates of pay with those of private establishments in vicinity.
506. Travel pay of civilian employees in certain islands.
507. Selection of laborers.
508. Preference for employment.
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510. Requiring contributions for political purposes prohibited.
511. Leave of absence of navy yard employees.
512. Extension of leave of absence.
513. Accrued leave of absence of employees outside United States.
514. Duties of enlisted men or seamen on battleships docked or laid up at navy yard for repairs.

Section 501. Commandants of navy yards.—The President may select the commandants of the several navy yards from officers not below the grade of commander. (R. S. § 1542.)

502. Master workmen.—The persons employed at the several navy yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler makers, master sailmakers, master plumbers, master painters, master calkers, master masons, master boat builders, master spar makers, master block makers, master laborers, and the superintendents of ropewalks shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy. (R. S. § 1543.)

503. Pay and number of clerical, drafting, inspection, and messenger force; annual report to Congress.—The rates of pay of the clerical, drafting, inspection, and messenger force at navy yards and naval stations and other stations and offices under the Navy Department shall be paid from lump appropriations and shall be fixed by the Secretary of the Navy on a per annum or per diem basis as he may elect; the number may be increased or decreased at his option and shall be distributed at the various navy yards and naval stations by the Secretary of the Navy to meet the needs of the naval service. The total amount expended annually for pay for such clerical, drafting,

inspection, and messenger force shall not exceed the amounts specifically allowed by Congress under the several lump appropriations, and the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each. (Mar. 3, 1909, c. 255, 35 Stat. 754.)

504. Pay of drafting, technical, and inspection force.—Such amount may be expended annually for pay of drafting, technical, and inspection force from the several lump-sum appropriations in which specific authority for such expenditure is given, as the Secretary of the Navy may deem necessary within the limitation of appropriation provided for such service in said lump-sum appropriations at such rates of compensation as the Secretary of the Navy may prescribe; and the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each. (Aug. 29, 1916, c. 417, 39 Stat. 558.)

505. Conformity of rates of pay with those of private establishments in vicinity.—The rate of wages of the employees in the navy yards shall conform, as nearly as is consistent with the public interest, with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy yards, subject to the approval and revision of the Secretary of the Navy. (July 16, 1862, c. 184, 12 Stat. 587.)

506. Travel pay of civilian employees in certain islands.—The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty in the Philippine, Hawaiian, and Samoan Islands, the island of Guam, and the island of Porto Rico, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States by the most direct route and with due expedition, a per diem compensation corresponding to their pay while actually employed; and in cases where the appointee is not to fill an existing vacancy his pay while traveling may be charged to the annual appropriation of the bureau concerned. (July 1, 1902, c. 1368, 32 Stat. 663.)

507. Selection of laborers.—Laborers shall be employed in the several navy yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations. (R. S. § 1544.)

508. Preference for employment.—Persons employed in the clerical, drafting, and inspection force at navy yards and stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy yards and stations in the clerical, drafting, inspection, and messenger forces. (Mar. 3, 1909, c. 255, 35 Stat. 755.)

509. Force not to be increased before elections.—No increase of the force at any navy yard shall be made at any time within sixty days next before any election to take place for President of the United States, or members of Congress, except when the Secretary of the Navy shall certify that the needs of the public service make such increase necessary at that time which certificate shall be immediately published when made. (June 30, 1876, c. 159, § 1, 19 Stat. 69.)

510. Requiring contributions for political purposes prohibited.—No officer or employee of the Government shall require or request any workingman in any navy yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employee of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States. (R. S. § 1546.)

511. Leave of absence of navy yard employees.—Each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government is hereby granted thirty days' leave of absence each year, without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *Provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed: *Provided further*, That not more than thirty days' leave with pay shall be allowed any such employee in one year: *Provided further*, That this provision shall not be construed to deprive employees of any sick leave or legal holidays to which they may now be entitled under existing law. (Aug. 29, 1916, c. 417, 39 Stat. 617.)

512. Extension of leave of absence.—The leave of absence of the per diem employees referred to in section 503 may, in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of the Navy, not to exceed fifteen days additional in any one year. (Mar. 3, 1909, c. 255, 35 Stat. 755; Aug. 29, 1916, c. 417, 39 Stat. 617.)

513. Accrued leave of absence of employees outside United States.—Any civilian employee of the Navy Department who is a citizen of the United States and employed at any station outside the continental limits of the United States may, in the discretion of the Secretary of the Navy, after at least two years' continuous, faithful, and satisfactory service abroad, and subject to the interests of the public service, be granted accrued leave of absence, with pay, for each year of service, and if an employee should elect to postpone the taking of any or all of the leave to which he may be entitled in pursuance hereof such leave may be allowed to accumulate for a period of not exceeding four years, the rate of pay for accrued leave to be the rate obtaining at the time the leave is granted. (Aug. 29, 1916, c. 417, 39 Stat. 557.)

514. Duties of enlisted men or seamen on battleships docked or laid up at navy yard for repairs.—No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port. (Aug. 22, 1912, c. 335, 37 Stat. 355.)

Chapter 11.—NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS.

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GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

Section 520. Prerequisites to expenditure of public money on site purchased for navy yard or buildings.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building, of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively. (R. S. § 355.)

521. Leases of water-front property from State or municipality.—The Secretary of the Navy is authorized in leasing water-front property from any State or municipality where the State law or charter of the municipality requires that the improvements placed upon leased lands shall at the termination of the lease become the property of the State or municipality, to provide, as a part or all of the consideration therefor, that improvements placed thereon by the United States shall become the property of the lessor upon the expiration of the lease or any renewal thereof. (July 1, 1918, c. 114, 40 Stat. 705.)

522. Lease of property of United States not required for public use.—The Secretary of the Navy is authorized, when in his discretion it will be for the public good, to lease for periods not exceeding five years and revocable at any time, such property of the United States under his control as may not for the time being be required for public use and for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress. The authority herein granted shall not be held to apply to oil, mineral, or phosphate lands. All moneys received from such leases shall be covered into the Treasury as miscellaneous receipts. (Aug. 29, 1916, c. 417, 39 Stat. 559.)

523. Site for radio station or other naval purposes.—Such land of the United States under the control of a particular department or other branch of the Government that has been or may hereafter be mutually selected as a site for a naval radio station may, by direction of the President, be transferred to and placed under the control and jurisdiction of the Navy Department for use as a naval radio station or other naval purposes. (Aug. 29, 1916, c. 417, 39 Stat. 606.)

524. Naval petroleum reserves; Secretary of Navy to take possession of, conserve, develop, use, operate, or lease; rights of claimants; royalties.—The Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of sections 223–229 of Title 30, MINERAL LANDS AND MINING, or pending applications for United States patent under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States: *And provided further*, That the rights of any claimant under sections 223–229 of Title 30 are not affected adversely thereby. (June 4, 1920, c. 228, § 1, 41 Stat. 813.)

525. Transfer of accumulated supplies.—For the purpose of utilizing accumulated naval supplies, the transfer is authorized, after requisition upon the Paymaster General of the Navy, of any supplies belonging to one bureau and available for the use of another without reimbursement therefor by the bureau receiving the supplies so transferred: *Provided*, That supplies obtained for a specific object and still needed therefor, and supplies bought within the fiscal year in which the requisition is made, and provisions, clothing, and small stores shall not be subject to transfer without charge under the terms of this section. (Mar. 2, 1889, c. 371, 25 Stat. 818.)

526. Experiments for private shipbuilders at model tank.—Upon the authorization of the Secretary of the Navy experiments may be made at the model tank at the navy yard at Washington, District of Columbia, for private shipbuilders, who shall defray the cost of material and of labor of per diem employees for such experiments: *Provided*, That the results of such private experiments shall be regarded as confidential and shall not be divulged without the consent of the shipbuilder for whom they may be made. (June 10, 1896, c. 399, § 1, 29 Stat. 372.)

527. Heat and light for Young Men's Christian Association buildings.—The Secretary of the Navy is authorized, in his discretion, to furnish without charge, heat and light for the Young Men's Christian Association buildings in navy yards and stations. (Mar. 4, 1911, c. 239, 36 Stat. 1274.)

528. Transportation of supplies.—Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Navy unless the President shall find

that the rates of freight charges by such vessels are excessive and unreasonable: *Provided*, That no greater charges be made by such vessels for transportation for the use of the said Navy than are made by such vessels for transportation of like goods for private parties or companies. (Apr. 28, 1904, c. 1766, § 1, 33 Stat. 518.)

529. Regulations as to articles, stores, and supplies for persons in Navy; duty of President to make.—It shall be the duty of the President to make, subject to the provisions of law concerning supplies, such regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the Navy, as may be necessary for the safe and economical administration of that branch of the public service. (R. S. § 1549.)

530. Reserve material fund.—The reserve material Navy fund shall be used for procuring apparatus and materials (other than ordnance materials and medical stores), as a war reserve necessary to be carried in the supply departments for the purpose of fitting out vessels of the fleet and merchant auxiliaries in time of war or when, in the opinion of the President, a national emergency exists: *Provided*, That to prevent deterioration materials purchased under this fund shall be used as required in time of peace, and when so used reimbursement shall be made to this fund from current naval appropriations in order that additional stocks may be procured. (Mar. 4, 1917, c. 180, 39 Stat. 1183; June 15, 1917, c. 29, 40 Stat. 211.)

531. Sale of fuel to volunteer patrol squadrons.—The Secretary of the Navy is authorized to sell at cost and issue lubricating oil and fuel to vessels of the volunteer patrol squadrons duly enrolled in the several naval districts; and during maneuvers or practice drills when any vessels of said patrol-boat squadrons shall be acting singly or as squadrons under the direct command or control of an officer or officers of the United States Navy, fuel shall be supplied to them free of charge. (Aug. 29, 1916, c. 417, 39 Stat. 600; Mar. 4, 1917, c. 180, 39 Stat. 1172.)

532. Exchanging worn-out motor vehicles.—Worn-out motor-propelled vehicles for the Naval Establishment may be exchanged as a part of the purchase price of new ones. (Aug. 29, 1916, c. 417, 39 Stat. 565.)

533. Procurement and sale of stores to officers and men and to civilian employees.—Such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy and Marine Corps, also to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe. (Mar. 3, 1909, c. 255, 35 Stat. 768.)

534. Sales to officers, enlisted men, and civilian employees, of subsistence stores.—So much of the appropriation "Provisions, Marine Corps," as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 613.)

535. Sale of naval supplies to personnel of Coast Guard and Public Health Service.—Officers and enlisted men of the Coast Guard and officers of the Public Health Service may be permitted to purchase quartermaster supplies from the Navy and Marine Corps at the same price as is charged the officers and enlisted men of the Navy and Marine Corps. (Mar. 6, 1920, c. 94, 41 Stat. 506, 507.)

536. Sale of subsistence stores, etc., to discharged persons under Public Health treatment.—Honorably discharged officers and enlisted men of the Army, Navy, or Marine Corps who are being cared for and are receiving medical treatment from the Public Health Service or United States Veterans' Bureau shall, while undergoing such care and treatment, be permitted to purchase subsistence stores and articles of other authorized supplies, except articles of the uniform, from the Army, Navy, and Marine Corps at the same price as charged the officers and enlisted men of the Army, Navy, and Marine Corps. (June 5, 1920, c. 240, 41 Stat. 976; Aug. 29, 1921, c. 57, 42 Stat. 148; June 7, 1924, c. 320, 43 Stat. 610.)

537. Sale of uniforms, accouterments, and equipment at cost.—Uniforms, accouterments, and equipment shall, upon the request of any officer of the Navy or any officer of the Marine Corps or any officer of the Coast Guard while operating with the Navy or any midshipman at the Naval Academy or cadets at the Coast Guard Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of the Navy may prescribe. (Jan. 12, 1919, c. 8, 40 Stat. 1054.)

538. Sale of Army subsistence supplies.—The officers and enlisted men of the Navy and Marine Corps shall be permitted to purchase subsistence supplies from the Army at the same price as is charged the officers and enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and enlisted men of the Navy and Marine Corps. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 630.)

539. Sale of Army quartermaster property.—Articles of serviceable quartermaster property may be sold by the Quartermaster General of the Army to officers of the Navy and Marine Corps for their use in the public service, in the same manner as these articles are now sold to officers of the Army. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1079.)

540. Sale of Army ordnance property.—Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the Army. (Mar. 3, 1909, c. 252, 35 Stat. 751.)

541. Supplies and transportation to naval and marine detachments cooperating with land troops.—The officers of the Quartermaster Corps of the Army shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in cooperation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp equipage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage, and shall furnish rations to the officers, seamen, and marines. (R. S. §§ 1135, 1143.)

542. Profit on sales of stores.—A profit not to exceed 15 per centum may be charged on sales from ships' stores, such profit to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, for the amusement, comfort, and contentment of the enlisted force, and to be accounted for to the Bureau of Supplies and Accounts, Navy Department. (June 24, 1910, c. 378, 36 Stat. 619.)

543. Sale of condemned supplies, stores, and materials.—The Secretary of the Navy is authorized to sell, after advertisement of the sale for such time as in his judgment the public interests may require, condemned naval supplies, stores, and materials, either by public auction or by advertisement for sealed proposals for the purchase of the same. (June 30, 1890, c. 640, § 1, 26 Stat. 194.)

544. Use or sale of old material.—No old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of

vessels, their machinery, armor, armament, or equipment; but the same shall be stored and preserved for future use. And when any such old material can not be profitably used as aforesaid, the same shall be appraised and sold at public auction after public notice and advertisement shall have been given according to law under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sales of such old materials shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of materials, stores, and supplies, made under the provisions of this section, and the expenses attending such sales. (Aug. 5, 1882, c. 391, § 2, 22 Stat. 296.)

545. Sale of armament; sentimental reasons.—Individual pieces of United States armament which are not needed on account of historical value, and can be advantageously replaced, may be sold at a price not less than their cost price, when there exist for such sale sentimental reasons adequate in the judgment of the Secretary of the Navy. (Mar. 2, 1905, c. 1307, 33 Stat. 841.)

546. Loan or gift of condemned ordnance.—The Secretary of the Navy is authorized, in his discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations, condemned ordnance, guns, and cannon balls which may not be needed in the service of the Navy Department. Such loan or gift shall be made subject to rules and regulations covering the same, and the Government shall be at no expense in connection with any such loan or gift. (May 22, 1896, c. 231, 29 Stat. 133.)

547. Useless papers in files of naval vessels.—Accumulations in the files of vessels of the Navy of papers that, in the judgment of the commander in chief of the fleet, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the commander in chief of the fleet by sale, after advertisement for proposals, as waste paper if practicable, or if not practicable, then otherwise as may appear best for the interests of the Government, the commander in chief of the fleet to make report thereon to the Secretary of the Navy: *Provided always*, That no papers less than two years old from the date of the last indorsement thereon and no correspondence, or the related papers, with officers or representatives of a foreign government shall be destroyed or disposed of by such commander in chief of the fleet. (Aug. 22, 1912, c. 335, 37 Stat. 329–330.)

548. Useless papers in files of navy yards and naval stations.—Accumulations in the files of navy yards and naval stations that, in the judgment of the Secretary of the Navy, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the Secretary of the Navy by sale, after advertisement for proposals as waste paper if practicable, or if not practicable then otherwise as may appear best for the interests of the Government, the said Secretary to make detailed report to the Congress in every case of the papers destroyed: *Provided always*, That no papers less than two years old from the date of the last indorsement thereon shall be destroyed or disposed of by the Secretary of the Navy, except in the manner provided in section 112 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES. (Mar. 3, 1915, c. 83, 38 Stat. 929.)

549. Issue of articles required for instruction and practice by organizations formed by Red Cross.—The Secretary of War and the Secretary of the Navy are hereby, authorized to issue, each at his discretion and under proper regulations to be prescribed by him, out of equipment for medical and other establishments on hand, belonging to the Government and which can be temporarily spared, such articles as may appear to be required for instruction and practice by organizations formed by the American National Red Cross, for the purpose or rendering aid to the Army and Navy in war. (May 8, 1914, No. 15, § 1, 38 Stat. 771.)

550. Regulations for return of such articles.—The regulations prescribed by the Secretary of War or by the Secretary of the Navy, in pursuance of the authority granted by the preceding section, shall provide for the immediate return of the articles of equipment loaned the American National Red Cross when called for by the authority which issued them; and the said Secretaries shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required. (May 8, 1914, No. 15, § 2, 38 Stat. 771.)

551. Issue of national flag free of cost under certain circumstances.—The Secretary of the Navy is authorized at his discretion to issue free of cost the national flag (United States national ensign No. 7) used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps whose death occurs while in the service of the United States Navy or Marine Corps, upon request, to the relatives of the deceased officer or enlisted man or upon request to a school, patriotic order, or society to which the deceased officer or man belonged: *Provided*, That the Secretary of the Navy is further authorized at his discretion to issue free of cost the national flag (United States national ensign No. 7), upon request, to the mother or nearest relative of any officer, enlisted man or nurse, whose death occurred at any time during the period between April 6, 1917, and March 3, 1921, while in the service of the United States Navy, Marine Corps, Naval Reserve Force, or Marine Corps Reserve, and whose mother or nearest relative has not heretofore been issued such a flag free of cost. (June 30, 1914, c. 130, 38 Stat. 406; Mar. 4, 1925, c. 536, § 27, 43 Stat. 1278.)

CONTRACTS FOR NAVAL SUPPLIES

561. Supplies to be furnished by contract by lowest bidder when time will permit; advertisements; security.—All provisions, clothing, hemp, and other materials of every name and nature, for the use of the Navy, and the transportation thereof, when time will permit, shall, except as otherwise provided by law, be furnished by contract, by the lowest bidder, as follows: In the case of provisions, clothing, hemp, and other materials, the Secretary of the Navy shall advertise, twice a week for two weeks or longer, not to exceed four weeks, or once a week for two weeks or longer, not to exceed four weeks, in the discretion of the Secretary of the Navy, in one or more of the principal papers published in the place where such articles are to be furnished, for sealed proposals for furnishing the same, or the whole of any particular class thereof, specifying the classes of materials and referring bidders to the several chiefs of bureaus, who will furnish them with printed schedules, giving a full description of each and every article, with dates of delivery, and so forth. In the case of transportation of such articles, he shall advertise for a period of not less than five days. All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by or under the direction of the officer making such advertisement, in the presence of at least two persons. The person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same. (R. S. § 3718; June 30, 1890, c. 640, § 1, 26 Stat. 197; July 19, 1892, c. 206, § 1, 27 Stat. 243; Mar. 3, 1893, c. 212, § 1, 27 Stat. 724.)

562. Guarantee of bid; delinquent bidder; new contract.—Except as provided in section 564, every proposal for naval sup-

plies invited by the Secretary of the Navy, under the preceding section, shall be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of the Navy, give bond, with good and sufficient sureties, to furnish the supplies proposed; and no proposal shall be considered, unless accompanied by such guarantee. If, after the acceptance of a proposal, and a notification thereof to the bidder, he fails to give such bond within the time prescribed by the Secretary of the Navy, the Secretary shall proceed to contract with some other person for furnishing the supplies; and shall forthwith cause the difference between the amount contained in the proposal so guaranteed and the amount for which he may have contracted for furnishing the supplies, for the whole period of the proposal, to be charged up against the bidder and his guarantor; and the same may be immediately recovered by the United States, for the use of the Navy Department, in an action of debt against either or all of such persons. (R. S. § 3719.)

563. Record of bid; liability of delinquent contractor and sureties.—All such proposals for naval supplies shall be preserved and recorded. In case of a failure to supply the articles or to perform the work by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States. (R. S. § 3720; June 22, 1910, c. 331, 36 Stat. 591.)

564. Certified check in lieu of guaranty and bond.—The Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty and bond required by section 562, a certified check, payable to the order of the Secretary of the Navy, for from 25 to 50 per centum of the amount of such proposal or contract, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same. (May 25, 1896, c. 239, 29 Stat. 136; Dec. 11, 1906, c. 1, 34 Stat. 841.)

565. Material for steam boilers.—The Secretary of the Navy is authorized to purchase at the lowest market price, such plate iron and other material as may enter into the construction of steam boilers for the Navy without advertising for bids to furnish the same: *Provided*, That he shall cause to be sent to the principal dealers and manufacturers of iron and such other materials as may be required specifications of the quality, description and character of such iron and materials so required: *And provided further*, That such plate iron and materials shall be subjected to the same tests and inspection as now provided for and which inspection and tests shall be made publicly and in presence of such bidders or their authorized agents as may choose to attend at the making thereof. (June 14, 1878, No. 30, 20 Stat. 253.)

566. Gun steel or armor.—No contract for the purchase of gun steel or armor for the Navy shall be made until the subject matter of the same shall have been submitted to public competition by the department by advertisement. (Mar. 3, 1893, c. 212, § 1, 27 Stat. 732.)

567. Projectiles.—No part of any appropriation shall be expended for the purchase of shells or projectiles for the Navy except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals: *Provided*, That this restriction shall not apply to purchases of shells or projectiles of an experimental nature or to be used for experimental purposes and paid for from the appropriation "Experiments, Bureau of Ordnance." (June 30, 1914, c. 130, 38 Stat. 398.)

568. Emergency purchases abroad.—The Secretary of the Navy is authorized to make emergency purchases of war material abroad: *Provided*, That when such purchases are made abroad, this material shall be admitted free of duty. (June 30, 1914, c. 130, 38 Stat. 399.)

569. Purchases without advertisement.—The provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder, after advertisement, shall not apply to ordnance, gunpowder, or medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations, or bunting delivered for the use of the Navy, or butter or cheese destined for the use of the Navy, or things contraband of war. Contracts for butter and cheese for the use of the Navy may be made for periods longer than one year, if, in the opinion of the Secretary of the Navy, economy and the quality of the ration will be promoted thereby. (R. S. § 3721; June 10, 1896, c. 399, § 1, 29 Stat. 370.)

570. Purchase of tobacco.—The Secretary of the Navy is authorized and directed to cause advertisement to be made for tobacco for the use of the Navy, as the needs of the service may require, in the manner prescribed by law for other supplies. Bidders shall submit with their proposals a sample of the tobacco which they propose to furnish. The said Secretary may enter into contracts for tobacco for a period not exceeding four years, and in making such contracts he shall not be restricted to the lowest bidder but the contract shall, in his discretion, be awarded to the bidder whose sample is found by a board of officers to be best adapted for use in the Navy. (R. S. § 3721; June 10, 1896, c. 399, § 1, 29 Stat. 370.)

571. When open market purchases without contract or bond are authorized.—The purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed $500, and when, in the opinion of the proper administrative officers, such limitation of amount is not designed to evade purchase under formal contract or bond, and equally or more advantageous terms can thereby be secured. (Mar. 2, 1907, c. 2512, 34 Stat. 1193.)

572. Rejection of bids; contractor must be manufacturer or regular dealer; right of bidders to inspect bids.—The chief of any bureau of the Navy Department, in contracting for naval supplies, shall be at liberty to reject the offer of any person who, as principal or surety, has been a defaulter in any previous contract with the Navy Department. Parties who have made default as principals or sureties in any former contract shall not be received as sureties on other contracts; nor shall the copartners of any firm be received as sureties for such firm or for each other; nor, in contracts with the same bureau, shall one contractor be received as surety for another. Every contract shall require the delivery of a specified quantity, and no bids having nominal or fictitious prices shall be considered. If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected; and no person shall be received as a contractor who is not a manufacturer of, or regular dealer in, the articles which he offers to supply. All persons offering bids shall have the right to be present when the bids are opened and inspect the same. (R. S. § 3722.)

573. Contracts for foreign supplies.—No chief of a bureau shall make any contract for supplies for the Navy, to be executed in a foreign country, except it be on first advertising for at least thirty days in two daily newspapers of the city of New York, inviting sealed bids for furnishing the supplies desired; which bids shall be opened in the presence of the Secretary of the Navy and the heads of two bureaus; and contracts shall in all cases be awarded to the lowest bidder; and

paymasters for the Navy on foreign stations shall render, when practicable, with their accounts, an official certificate from the resident consul, or consular agent of the United States, if there be one, to be furnished gratuitously, vouching that all purchases and expenditures made by the paymasters were made at the ruling market prices of the place at the time of purchase or expenditure. (R. S. § 3723; Apr. 5, 1906, c. 1366, § 3, 34 Stat. 100.)

574. Rejection of excessive bids.—Where articles are advertised and bid for in classes, and in the judgment of the Secretary of the Navy any one or more articles appear to be bid for at excessive or unreasonable prices, exceeding 10 per centum above their fair market value, he shall be authorized to reject such bid. (R. S. § 3724.)

575. Awards by items.—All awards of contracts for provisions for the Navy shall be made by individual items; the contract for each item being awarded to the lowest responsible bidder. (Mar. 4, 1913, c. 148, 37 Stat. 904.)

576. Hemp.—All hemp, or preparations of hemp, used for naval purposes by the Government of the United States, shall be of American growth or manufacture, when the same can be obtained of as good quality and at as low a price as foreign hemp. (R. S. § 3725.)

577. Preserved meats; pickles; butter, and desiccated vegetables.—The Secretary of the Navy is authorized to procure the preserved meats, pickles, butter, and desiccated vegetables, in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles. (R. S. § 3726.)

578. Flour and bread.—The Secretary of the Navy is authorized to purchase, in such manner as he shall deem most advantageous to the Government, the flour required for naval use; and to have the bread for the Navy baked from this flour by special contract under naval inspection. (R. S. § 3727.)

579. Bunting.—The Secretary of the Navy may enter into contract, in open market, for bunting of American manufacture, as the naval service requires, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported. (R. S. § 3729.)

580. Articles of home growth, production, and manufacture preferred, other things being equal; discrimination as to fuel.—The Secretary of the Navy, in making contracts and purchases of articles for naval purposes, shall give the preference, all other things, including price and quality, being equal, to articles of the growth, production, and manufacture of the United States. In purchasing fuel for the Navy, or for naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is to be used. (R. S. § 3728.)

581. Relinquishment of reservations on deliveries.—The Secretary of the Navy may relinquish and pay all reservations of the 10 per centum upon deliveries made under contracts with the Navy Department, where these reservations have arisen and the contracts have been afterward extended, or where the contracts have been completed after the time of delivery, by and with the consent of the department, or where the contracts have been dissolved by the like consent, or have been terminated, or an extension thereof has been prevented by operation of law, where no injury has been sustained by the public service. (R. S. § 3730.)

582. Partial payments during work.—The Secretary of the Navy is authorized, in his discretion, to make partial payments from time to time during the progress of the work under all contracts made under the Navy Department for public purposes, but not in excess of the value of work already done; and the contracts made shall provide for a lien in favor of the Government, which lien is made paramount to all other liens, upon the articles or thing contracted for on account of all payments so made: *Provided*, That partial payments shall not be made under such contracts except where stipulated for, and then only in accordance with contract provisions. (Aug. 22, 1911, c. 42, 37 Stat. 32.)

583. Name of contractor to appear on supplies.—Every person who shall furnish supplies of any kind to the Navy shall be required to mark and distinguish the same with the name of the contractor furnishing such supplies, in such manner as the Secretary of the Navy may direct; and no supplies of any kind shall be received, unless so marked and distinguished. (R. S. § 3731.)

Chapter 12.—MISCELLANEOUS PROVISIONS RELATING TO THE NAVY.

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Section 591. Regulations of Navy; what constitute.—The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner. (R. S. § 1547.)

592. Officers to be furnished with copy of regulations and general orders of Navy Department.—The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued. (R. S. § 1548.)

593. Oath of allegiance.—The oath of allegiance now provided for the officers and men of the Army and Marine Corps shall be administered hereafter to the officers and men of the Navy. (Mar. 3, 1899, c. 413, § 25, 30 Stat. 1009.)

594. Appointment of persons disbursing money on foreign stations.—No person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate. (R. S. § 1550.)

595. Care of insane; payments to hospitals.—The Secretary of the Navy may cause persons in the naval service or Marine Corps, who become insane while in the service, to be placed in such hospital for the insane as, in his opinion, will be most convenient and best calculated to promise a restoration of reason. And he may pay to any such hospital, other than Saint Elizabeths Hospital, in the District of Columbia, the pay which may from time to time be due to such insane person, and he may, in addition thereto, pay to such institution, from the annual appropriation for the naval service, under the head of contingent enumerated, any deficiency of a reasonable expense, not exceeding $100 per annum. (R. S. § 1551; July 1, 1916, § 1, 39 Stat. 309.)

596. United States Navy Band.—Hereafter the band now stationed at the navy yard, Washington, District of Columbia, and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy: *Provided*, That all service as an enlisted man in the naval

service shall be counted in computing longevity increases for pay of this leader: *Provided further*, That no back pay or allowances shall be allowed to this leader by reason of the passage of this section: *And provided further*, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances. (Mar. 4, 1925, c. 536, § 17, 43 Stat. 1275.)

597. Certificates of discharge in true names of persons enlisting or serving under assumed names.—The Secretary of the Navy is authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Navy during the War of the Rebellion, or any war between the United States and any other nation or people, and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence. (Apr. 14, 1890, c. 80, 26 Stat. 55; June 25, 1910, c. 393, 36 Stat. 824; Aug. 22, 1912, c. 329, 37 Stat. 324.)

598. Lost or destroyed certificates of discharge.—Whenever satisfactory proof is furnished at the Navy Department that any commissioned officer, regular or volunteer, appointed or enlisted man who served in the Navy or the Marine Corps of the United States in the War of 1812, the Mexican War, or the War of the Rebellion, has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of the Navy shall be authorized to furnish to such commissioned officer, regular or volunteer, appointed or enlisted man, a certificate of discharge in lieu thereof: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or any other allowance, or as evidence in any other case. (Feb. 7, 1890, c. 8, 26 Stat. 6.)

599. Claims for damages occasioned by vessels.—The Secretary of the Navy is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages occasioned since the 6th day of April, 1917, where the amount of the claim does not exceed the sum of $3,000, occasioned by collisions or damages incident to the operation of vessels for which collisions or other damage vessels of the Navy or vessels in the naval service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (Dec. 28, 1922, c. 16, 42 Stat. 1066.)

600. Claims for damages not occasioned by vessels.—The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, and pay the amounts due in all claims for damages (other than such as are occasioned by vessels of the Navy), to and loss of privately owned property, occurring subsequent to April 6, 1917, where the amount of the claim does not exceed $500, for which damage or loss men in the naval service or Marine Corps are found to be responsible, all payments in settlement of said claims to be made out of the appropriation "Pay, miscellaneous." All claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy. (July 1, 1918, c. 114, 40 Stat. 132; July 11, 1919, c. 9, 41 Stat. 132.)

Chapter 13.—THE MARINE CORPS.

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ORGANIZATION GENERALLY

Section 621. Major General Commandant; appointment and tenure.—When a vacancy shall exist in the position of Major

General Commandant of the Marine Corps the President may appoint to such position, by and with the advice and consent of the Senate, an officer of the Marine Corps on the active list, not below the rank of colonel, who shall hold office as such Major General Commandant for a term of four years, unless sooner relieved. (Dec. 19, 1913, c. 3, 38 Stat. 241; Aug. 29, 1916, c. 417, 39 Stat. 609.)

622. **Major General Commandant; rank and pay.**—The Major General Commandant of the Marine Corps, while so serving, shall have the rank, pay, and allowances of a major general in the Army. (Dec. 19, 1913, c. 3, 38 Stat. 241; Aug. 29, 1916, c. 417, 39 Stat. 609.)

623. **Officer serving as Major General Commandant shall be additional number.**—An officer serving as Major General Commandant shall be carried as an additional number in his grade while so serving, and after his return to duty in his grade until said grade is reduced to the number authorized by law. This section shall not operate to increase or reduce the total number of officers in the Marine Corps. (Dec. 19, 1913, c. 3, 38 Stat. 241; Aug. 29, 1916, c. 417, 39 Stat. 609.)

624. **Appointment of heads of staff department.**—Hereafter, as vacancies occur, the heads of staff departments shall be appointed for terms of four years from officers holding permanent appointments in the departments in which the vacancies occur whose names appear on eligible lists prepared annually by a board of not less than five officers of the Marine Corps above the grade or rank of colonel, including the Major General Commandant and the heads of the staff departments, and approved by the President, but no head of a staff department appointed for a term of four years shall sit as a member of the board during consideration of names for the eligible list for his department. Such appointments shall be made by the President and be for a term of four years, and the officer so appointed shall be recommissioned in the grade to which appointed: *Provided*, That in case there be no officer holding a permanent appointment in a staff department whose name is borne on the eligible list for appointment as head of that department, the appointment shall be made from officers of field rank of the Marine Corps whose names are borne on the aforesaid eligible list for that department. (Aug. 29, 1916, c. 417, 39 Stat. 610; Mar. 4, 1925, c. 536, § 7, 43 Stat. 1272.)

625. **Officers with rank and pay of brigadier general.**—The officers serving in the senior grade of the Adjutant and Inspector's, Quartermaster's, and Paymaster's Departments shall, while serving therein, have the rank, pay, and allowances of a brigadier general. (Aug. 29, 1916, c. 417, 39 Stat. 609.)

626. **Commissioned personnel; proportionate distribution.**—The total number of commissioned officers of the active list of the line and staff of the Marine Corps, exclusive of officers borne on the Navy list as additional numbers, shall be 4 per centum of the total authorized enlisted strength of the active list of the Marine Corps, exclusive of the Marine Band, and of men under sentence of discharge by court-martial, distributed in the proportion of one officer with rank senior to colonel to four with the rank of colonel, to five with the rank of lieutenant colonel, to fourteen with the rank of major, to thirty-seven with the rank of captain, to thirty-one with the rank of first lieutenant, to thirty-one with the rank of second lieutenant. (Aug. 29, 1916, c. 417, 39 Stat. 609.)

627. **Major General Commandant included in determining officers with rank senior to colonel.**—In determining the officers with rank senior to colonel there shall be included the officer serving as Major General Commandant. (Aug. 29, 1916, c. 417, 39 Stat. 609.)

628. **Staff officers counted as being of rank of colonel.**—For the purpose of determining the number of officers in the various ranks as herein provided the staff officers mentioned in section 625 shall be counted as being of the rank of colonel. (Aug. 29, 1916, c. 417, 39 Stat. 609.)

629. **Major generals.**—The rank and title of major general is hereby created in the Marine Corps, and the President is authorized to nominate, and, by and with the advice and consent of the Senate, to appoint one major general, who shall at all times be junior in rank to the Major General Commandant, and also one temporary major general in the Marine Corps, who shall at all times be junior to the permanent major general. (July 1, 1918, c. 114, 40 Stat. 715.)

630. **Brigadier generals.**—Brigadier generals of the line shall, subject to physical examination, be appointed from colonels of the line whose names are borne on the eligible list prepared annually by a board of not less than five general officers of the Marine Corps, and approved by the President. (Aug. 29, 1916, c. 417, 39 Stat. 609; Mar. 4, 1925, c. 536, § 7, 43 Stat. 1272.)

631. **Promotion to grade of brigadier general as filling vacancy therein.**—The promotion to the grade of brigadier general of any officer carried as an additional number in the grade of colonel shall be held to fill a vacancy in the grade of brigadier general. (Aug. 29, 1916, c. 417, 39 Stat. 609; Mar. 4, 1925, c. 536, § 7, 43 Stat. 1272.)

632. **Staff officers; number; distribution among departments.**—The total commissioned personnel of the active list of the staff departments, whether serving therein under permanent appointments or under temporary detail, as herein provided, shall be 8 per centum of the authorized commissioned strength of the Marine Corps, and of this total one-fifth shall constitute the adjutant and inspector's department, one-fifth the paymaster's department, and three-fifths the quartermaster's department. (Aug. 29, 1916, c. 417, 39 Stat. 610.)

633. **Vacancies in lower grades of staff departments; how filled.**—Any vacancy hereafter occurring in the lower grade of any staff department shall be filled by the detail of an officer of the line for a period of four years unless sooner relieved. (Aug. 29, 1916, c. 417, 39 Stat. 610.)

634. **Vacancies in grade of second lieutenant; how filled.**—Vacancies in the grade of second lieutenant shall be filled, first, as far as practicable from graduates at the Naval Academy each year on completing the prescribed course at the Naval Academy; second, from meritorious noncommissioned officers of the Marine Corps; and, third, from civil life. (Mar. 3, 1899, c. 413, § 19, 30 Stat. 1008; Mar. 3, 1903, c. 1010, 32 Stat. 1198; May 13, 1908, c. 166, 35 Stat. 155; Mar. 7, 1912, c. 53, 37 Stat. 73; July 9, 1913, c. 5, 38 Stat. 103.)

635. **Midshipmen or cadets; when not eligible.**—No midshipman at the United States Naval Academy or cadet at the United States Military Academy who fails to graduate therefrom shall be eligible for appointment as a commissioned officer in the Marine Corps until after the graduation of the class of which he was a member. (Aug. 29, 1916, c. 417, 39 Stat. 611.)

636. **Appointees from civil life.**—Appointees to the grade of second lieutenant, if appointed from civil life, shall be between the ages of twenty and twenty-five years, and before receiving a commission in the Marine Corps, each appointee shall establish to the satisfaction of the Secretary of the Navy his mental, physical, moral, and professional qualifications for such commission. (Aug. 29, 1916, c. 417, 39 Stat. 610.)

637. **Age and qualifications of appointees; in general.**—Except as otherwise provided in this title, no person shall be appointed a commissioned officer in the Marine Corps who is under twenty or over thirty years of age nor until he shall have passed such examination as may be prescribed by the President of the United States. (Mar. 3, 1899, c. 413, § 20, 30 Stat. 1009.)

638. **Probationary appointments.**—Appointments from noncommissioned officers of the Marine Corps and from civil life, except as provided in section 639, shall be for a probationary period of two years and may be revoked at any time during that period by the Secretary of the Navy: *Provided further*,

That the rank of such officers of the same date of appointment among themselves at the end of said probationary period shall, with the approval of the Secretary of the Navy, be determined by the report of a board of Marine officers who shall conduct a competitive professional examination under such rules as may be prescribed by the Secretary of the Navy and the rank of such officers so determined shall be as of date of original appointment with reference to other appointments to the Marine Corps. (Aug. 29, 1916, c. 417, 39 Stat. 611.)

639. Appointment of former officers.—The President of the United States is authorized, by and with the advice and consent of the Senate, to appoint as second lieutenants on the active list in the United States Marine Corps, to take rank at the foot of the list of second lieutenants as it stands at the date of reinstatement, former officers of the Marine Corps who resigned from the naval service in good standing: *Provided*, That they shall establish their moral, physical, mental, and professional qualifications to perform the duties of that grade to the satisfaction of the Secretary of the Navy: *Provided further*, That the Secretary of the Navy, in his discretion, may waive the age limit in favor of the aforesaid former officers of the Marine Corps: *Provided further*, That the prior service of such officers and the service after reinstatement shall be not less than thirty years before the age of retirement. (Aug. 29, 1916, c. 417, 39 Stat. 610.)

640. Warrant grades of marine gunner and quartermaster clerk.—The warrant grades of marine gunner and quartermaster clerk shall consist of fifty marine gunners and fifty quartermaster clerks and such additional officers in each said grade as have heretofore been appointed thereto in accordance with law. Officers in said grades shall have the rank and receive the allowances, except as otherwise provided in Title 37, PAY AND ALLOWANCES, of warrant officers in the Navy. They shall be appointed from noncommissioned officers of the Marine Corps. (Aug. 29, 1916, c. 417, 39 Stat. 611; May 22, 1917, c. 20, § 11, 40 Stat. 87.)

641. Pay clerks.—Pay clerks shall receive the same allowances and other benefits as provided by law for second lieutenants in the Army; and the total number of pay clerks shall not exceed ten for duty in the office of the paymaster, Marine Corps, fifteen for duty in the paymaster's department at large, and one for each assistant paymaster: *Provided*, That nothing in this section shall be construed to reduce the allowances or other benefits granted by law in force July 1, 1918, to any clerk for assistant paymasters who was then in service. (June 24, 1910, c. 378, 36 Stat. 625; June 3, 1916, c. 134, 39 Stat. 170; July 1, 1918, c. 114, 40 Stat. 735; June 10, 1922, c. 212, § 1, 42 Stat. 625.)

RANK; BREVETS; COMPUTATION OF LENGTH OF SERVICE; CREDIT FOR VOLUNTEER SERVICE

651. Relative rank with Army.—The officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the Army. (R. S. § 1603.)

652. Brevets.—Commissions by brevet may be conferred upon commissioned officers of the Marine Corps in the same cases, upon the same conditions, and in the same manner as are or may be provided by law for officers of the Army. (R. S. § 1604.)

653. Credit for volunteer service.—All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States. (R. S. § 1600.)

PROMOTIONS AND ADVANCEMENTS

661. Promotions as in Army.—Promotions to every grade of commissioned officers in the Marine Corps below the grade of major general commandant shall, except as otherwise provided in this chapter, be made in the same manner and under the same conditions as were, prior to June 4, 1920, prescribed in pursuance of law, for commissioned officers of the Army. (Oct. 1, 1890, c. 1241, § 1, 26 Stat. 562; July 28, 1892, c. 315, 27 Stat. 321; June 3, 1916, c. 134, § 24, 39 Stat. 183; Aug. 29, 1916, c. 417, 39 Stat. 609, 610; June 4, 1920, c. 227, § 24, 41 Stat. 774.)

662. Examining board; composition.—Examining boards which may be organized under the provisions of the preceding section to determine the fitness of officers of the Marine Corps for promotion shall in all cases consist of not less than five officers, three of whom shall, if practicable, be officers of the Marine Corps, senior to the officer to be examined, and two of whom shall be medical officers of the Navy: *Provided*, That when not practicable to detail officers of the Marine Corps as members of such examining boards, officers of the line in the Navy shall be so detailed. (July 28, 1892, c. 315, 27 Stat. 321.)

663. Certificate of examining board.—No officer of the Marine Corps below the grade or rank of colonel shall be promoted or advanced in grade or rank on the active list unless the examining board provided for in the preceding section shall, in addition to making such certificate of qualification for promotion or advancement as may be prescribed by the Secretary of the Navy, certify that there is sufficient evidence before the board to satisfy the board that the officer is fully qualified professionally for the higher grade or rank. (Mar. 4, 1925, c. 536, § 7, 43 Stat. 1272.)

664. Examinations generally.—The officers of the Marine Corps above the grade of captain, except brigadier general, shall, before being promoted, be subject to such physical, mental and moral examination as is now, or may hereafter be, prescribed by law for other officers of the Marine Corps. (Mar. 3, 1899, c. 413, § 20, 30 Stat. 1009.)

665. Physical examination.—No officer shall be promoted to a higher grade on the active list of the Marine Corps, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea. (R. S. § 1493; Aug. 29, 1916, c. 417, 39 Stat. 611.)

666. Physical disqualification by wounds.—The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted. (R. S. § 1494; Aug. 29, 1916, c. 417, 39 Stat. 611.)

667. Common promotion list.—For the purpose of advancement in rank to and including the grade of colonel, all commissioned officers of the line and staff of the Marine Corps shall be placed on a common list in the order of seniority each would hold had he remained continuously in the line. All advancements in rank to captain, major, lieutenant colonel, and colonel shall, subject to the usual examinations, be made from officers with the next junior respective rank, whether of the line or staff, in the order in which their names appear on said list. (Aug. 29, 1916, c. 417, 39 Stat. 610.)

668. Loss of numbers for professional failure.—Any officer of the Marine Corps who fails to pass a satisfactory professional examination for promotion shall suffer loss of numbers, upon approval of the recommendation of the examining board, in the respective ranks, as follows: Lieutenant colonel, one; major, two; captain, three; first lieutenant, five; second lieutenant, eight. (Aug. 29, 1916, c. 417, 39 Stat. 611.)

669. Reexamination for promotion or advancement; discharge or retirement on failure to qualify on reexamination; retired pay.—Any officer of the Marine Corps who fails to

qualify professionally upon examination for promotion or advancement shall be reexamined as soon as may be expedient after the expiration of one year if he in the meantime again becomes due for promotion, and if he does not in the meantime again become due for promotion he shall be reexamined at such time anterior to again becoming due for promotion as may be for the best interests of the service: *Provided*, That if any such officer of less than ten years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination he shall be honorably discharged from the Marine Corps with one year's pay: *Provided further*, That if any such officer of more than ten years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination, he shall not be discharged from the Marine Corps on account of such failure, but shall thereafter be ineligible for promotion or advancement; and any such officer shall be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per centum for each year of total active service to be computed in accordance with the provisions of Title 37, PAY AND ALLOWANCES, not to exceed 75 per centum, upon attaining, or if he had previously attained, the ages in the various grades and ranks, as follows: Lieutenant colonel, fifty years, major and company officers, forty-five years. (Mar. 4, 1925, c. 536, § 7, 43 Stat. 1272.)

670. Advancement in number.—Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism. (R. S. § 1605.)

671. Promotion when grade is full.—Any officer who is nominated to a higher grade by the provisions of the preceding section shall be promoted, notwithstanding the number of said grade may be full. (R. S. § 1606.)

672. Promotion for gallantry.—Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession. (R. S. § 1607.)

RETIREMENT

681. In general.—The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions, in all respects, as are provided for officers of the Army: *Provided*, That in case of an officer of the Marine Corps, the retiring board shall be selected by the Secretary of the Navy, under the direction of the President. Two-fifths of the board shall be selected from the Medical Corps of the Navy, and the remainder shall be selected from officers of the Marine Corps, senior in rank, so far as may be, to the officer whose disability is to be inquired of. (R. S. §§ 1622, 1623.)

682. Officers who served during Civil War.—Officers of the Marine Corps with creditable records who served during the Civil War shall, when retired, be retired in like manner and under the same conditions as provided for officers of the Navy who served during the civil war. (Apr. 27, 1904, c. 1622, 33 Stat. 349.)

683. Officers below grade of brigadier general who served during Civil War.—Any officer of the Marine Corps below the grade of brigadier general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the Civil War prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this section shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of the provisions of a special Act of Congress. (June 29, 1906, c. 3590, 34 Stat. 554.)

684. Retirement of certain officers of grade or rank of colonel; pay.—Any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than fifty-six years of age, be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per centum, to be computed in accordance with the provisions of Title 37, PAY AND ALLOWANCES, not to exceed 75 per centum. (Mar. 4, 1925, c. 536, § 7, 43 Stat. 1273.)

685. Major General Commandant, retirement of.—Any officer who shall be retired from the position of Major General Commandant of the Marine Corps by reason of incaapcity for active service resulting from an incident of the service, or by reason of age or length of service, shall have the rank and retired pay of a major general; if retired for any other reason, he shall be placed on the retired list of officers of the grade to which he belonged at the time of his retirement. (Dec. 19, 1913, c. 3, 38 Stat. 241; Aug. 29, 1916, c. 417, 39 Stat. 609.)

686. Retirement of marine gunners and quartermaster clerks.—Marine gunners and quartermasters' clerks shall have the privileges of retirement of warrant officers in the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 611.)

ENLISTED FORCE

691. Authorized enlisted strength of active list.—The authorized enlisted strength of the active list of the Marine Corps is permanently established at twenty-seven thousand four hundred, distribution in the various grades to be made in the same proportion as provided under existing law, subject to the provisions of section 176. (June 4, 1920, c. 228, § 1, 41 Stat. 830.)

692. Term of enlistment.—Enlistments in the Marine Corps may be for terms of two, three, or four years, and all laws applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter period with proportionate benefits upon discharge and reenlistment. (Mar. 3, 1901, c. 852, 31 Stat. 1132; June 4, 1920, c. 228, § 7, 41 Stat. 836.)

693. Advertising for recruits.—Authority is granted to employ the services of advertising agencies in advertising for recruits under such terms and conditions as are most advantageous to the Government. (July 1, 1918, c. 114, 40 Stat. 736.)

694. Oath.—The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the officers and enlisted men of the Army. (R. S. § 1609.)

695. Exemption from arrest.—Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract. (R. S. § 1610.)

MARINE BAND

701. Composition; pay and allowances.—The band of the United States Marine Corps shall consist of one leader whose pay and allowances shall be those of a captain in the Marine Corps; one second leader whose pay shall be $200 per month and who shall have the allowances of a sergeant major; ten

principal musicians whose pay shall be $150 per month; twenty-five first-class musicians whose pay shall be $125 per month; twenty second-class musicians whose pay shall be $100 per month; and ten third-class musicians whose pay shall be $85 per month; such musicians of the band to have the allowances of a sergeant: *Provided*, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: *Provided further*, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: *Provided further*, That in the event of promotion of the second leader, or a musician of the band to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: *And provided further*, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances. (Mar. 4, 1925, c. 536, § 11, 43 Stat. 1274.)

702. Competition with civilian musicians; remuneration for furnishing music.—A member of the said band shall not, as an individual, furnish music, or accept an engagement to furnish music, when such furnishing of music places him in competition with any civilian musician or musicians, and shall not accept or receive remuneration for furnishing music except under special circumstances when authorized by the President. (Aug. 29, 1916, c. 417, 39 Stat. 612.)

DUTIES, POWERS, AND GOVERNMENT OF MARINES; FORMATION INTO COMPANIES AND DETACHMENTS

711. Service on armed vessels.—Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint, for service on said vessels, such of the officers of said corps as he may deem necessary. (R. S. § 1616.)

712. Duty on shore.—The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the seacoast, or any other duty on shore, as the President, at his discretion, may direct. (R. S. § 1619.)

713. Marine officers not to command navy yards or vessels.—No officer of the Marine Corps shall exercise command over any navy yard or vessel of the United States. (R. S. § 1617.)

714. Regulations.—The President is authorized to prescribe such military regulations for the discipline of the Marine Corps as he may deem expedient. (R. S. § 1620.)

715. Laws governing.—The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and Articles of War prescribed for the government of the Army: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against the Articles of War he may be tried by naval court-martial after such detachment ceased. (R. S. § 1621; June 4, 1920, c. 227, art. 2, 41 Stat. 787.)

716. Members of Navy Medical Department serving with marines.—Officers and enlisted men of the Medical Department of the Navy, serving with a body of marines detached for service with the Army in accordance with the provisions of the preceding section, shall, while so serving, be subject to the rules and Articles of War prescribed for the government of the Army in the same manner as the officers and men of the Marine Corps while so serving. (Aug. 29, 1916, c. 417, 39 Stat. 573.)

717. Brigades, regiments, etc.—The Marine Corps may be formed into as many brigades, regiments, battalions, companies, or detachments as the President may direct, with a proper distribution of the commissioned and noncommissioned officers and musicians to each brigade, regiment, battalion, company or detachment. (R. S. § 1611; Aug. 29, 1916, c. 417, 39 Stat. 586.)

MISCELLANEOUS

721. Purchase of uniforms, accouterments, and equipment for sale at cost prices.—The appropriation "Clothing, Marine Corps" shall be available for the purchase of uniforms, accouterments, and equipment for sale at cost prices to officers under such regulations as the Secretary of the Navy may prescribe. (July 11, 1919, c. 9, 41 Stat. 132.)

722. Clothing for marines discharged for bad conduct.—The appropriation, "General expenses, Marine Corps," shall be available for the purchase of civilian outer clothing, not to exceed $15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude. (Mar. 4, 1925, c. 536, § 10, 43 Stat. 1274.)

723. Exchange of used articles in part payment for purchase of like articles.—Worn-out sewing machines, machinery, rubber tires, and band instruments may be exchanged in part payment for the purchase of like articles. (Mar. 4, 1917, c. 180, 39 Stat. 1189.)

724. Use of receipts from post laundries.—Hereafter the funds received in payment for laundry work performed by post laundries shall be used to defray the cost of operation of such laundries and the receipts and expenditures shall be accounted for in accordance with the methods prescribed by law and any sums remaining at the end of the fiscal year after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plants is paid. (July 11, 1919, c. 9, 41 Stat. 155.)

Chapter 14.—NAVAL AVIATION.

GENERAL PROVISIONS

Sec.
731. Naval aviation to control all aerial operations attached to a fleet.
732. Number of officers and enlisted men of Navy and Marine Corps detailed to duty in aircraft.
733. Temporary detail of other officers and men for aircraft duty.
734. Command of flying units or detachments.

NAVAL FLYING CORPS

741. Composition of Naval Flying Corps.
742. Promotion of officers commissioned for aeronautic duty only.
743. Regulations governing term of enlistment, qualifications, and advancement of enlisted men.
744. Ratings of enlisted men.
745. Pay.
746. Student flyers in addition to officers and enlisted men.
747. Detail from other branches as student aviators or airmen.
748. Pay and allowances of officers and enlisted men thus detailed.

GENERAL PROVISIONS

Section 731. Naval aviation to control all aerial operations attached to a fleet.—Naval aviation shall have control of all aerial operations attached to a fleet, including shore stations whose maintenance is necessary for operation connected with the fleet, for construction and experimentation and for the training of personnel. (June 5, 1920, c. 240, 41 Stat. 954.)

732. Number of officers and enlisted men of Navy and Marine Corps detailed to duty in aircraft.—Subject to the provisions of section 29 of Title 37, PAY AND ALLOWANCES, the number of officers and enlisted men of the Navy and Marine Corps detailed to duty in aircraft and involving actual flying and to

duties in connection with aircraft shall hereafter be in accordance with the requirements of naval aviation as determined by the Secretary of the Navy. (July 12, 1921, c. 44, § 8, 42 Stat. 141.)

733. Temporary detail of other officers and men for aircraft duty.—Nothing in this or any other chapter shall be so construed as to prevent the temporary detail of officers and enlisted men of any branch of the Navy for duty with aircraft. (Aug. 29, 1916, c. 417, 39 Stat. 585.)

734. Command of flying units or detachments.—Flying units or detachments, with the exception of aircraft carriers or other vessels, shall in all cases be commanded by flying officers. (July 12, 1921, c. 44, § 8, 42 Stat. 141.)

NAVAL FLYING CORPS

741. Composition of Naval Flying Corps.—The Naval Flying Corps shall be composed of one hundred and fifty officers and three hundred and fifty enlisted men, detailed, appointed, commissioned, enlisted, and distributed in the various grades, ranks, and ratings of the Navy and Marine Corps as hereafter provided. The said number of officers, student fliers, and enlisted men shall be in addition to the total number of officers and enlisted men which is now or may hereafter be provided by law for the other branches of the naval service. (Aug. 29, 1916, c. 417, 39 Stat. 582.)

742. Promotion of officers commissioned for aeronautic duty only.—Officers commissioned for aeronautic duty only shall be eligible for advancement to the higher grades, not above captain in the Navy or colonel in the Marine Corps, in the same manner as other officers whose employment is not so restricted, except that they shall be eligible to promotion without restriction as to sea duty, and their professional examinations shall be restricted to the duty to which personally assigned: *Provided*, That any such officer must serve at least three years in any grade before being eligible to promotion to the next higher grade. (Aug. 29, 1916, c. 417, 39 Stat. 584.)

743. Regulations governing term of enlistment, qualifications, and advancement of enlisted men.—The Secretary of the Navy shall establish regulations governing the term of enlistment, the qualifications, and advancement of the enlisted men of the Flying Corps. (Aug. 29, 1916, c. 417, 39 Stat. 586.)

744. Ratings of enlisted men.—Subject to the provisions of section 176, the enlisted personnel of the Naval Flying Corps shall be distributed by the Secretary of the Navy in the various ratings as obtained in the Navy on August 29, 1916, in so far as such ratings are applicable to duties connected with aircraft. (Aug. 29, 1916, c. 417, 39 Stat. 585.)

745. Pay.—The officers detailed and the enlisted men of the Naval Flying Corps shall receive the same pay and allowances that are now provided by law for officers and enlisted men of the same grade or rank and rating in the Navy and Marine Corps detailed to duty with aircraft involving actual flying. (Aug. 29, 1916, c. 417, 39 Stat. 583.)

746. Student flyers in addition to officers and enlisted men.—The student flyers hereinafter provided for shall be in addition to the officers and enlisted men comprising the Naval Flying Corps. (Aug. 29, 1916, c. 417, 39 Stat. 582.)

747. Detail from other branches as student aviators or airmen.—Nothing in this chapter shall be so construed as to prevent the detail of officers and enlisted men of other branches of the Navy as student aviators or student airmen in such numbers as the needs of the service may require. (Aug. 29, 1916, c. 417, 39 Stat. 584.)

748. Pay and allowances of officers and enlisted men thus detailed.—Such officers and enlisted men, while detailed as student aviators and student airmen involving actually flying in aircraft, shall receive the same pay and allowances that are now provided by law for officers and enlisted men of the same grade or rank and rating in the Navy detailed for duty with aircraft. (Aug. 29, 1916, c. 417, 39 Stat. 584.)

Chapter 15.—RESERVE FORCES AND NAVAL MILITIA.

GENERAL PROVISIONS

Sec.
751. Naval Reserve; classes; status and pay of retired members of Naval Reserve Force unaffected.
752. Marine Corps Reserve created; classes.
753. Composition of Naval Reserve; transfers; aliens; membership in other naval or military organizations; employment in civil branch of public service.
754. Ranks, grades, and ratings in Naval Reserve; officers appointed for various duties; regulations governing appointments, etc., commissions; term of enlistment.
755. Discharges from service in Naval Reserve; separation from service in time of war or national emergency.
756. Commissioned and warrant officers appointed or transferred to Naval Reserve; grades and ranks.
757. Active duty of officers and men of Naval Reserve.
758. Laws of Navy as governing officers and men of Naval Reserve.
759. Pay, allowances, transportation, and mileage of officers and men of Naval Reserve.
760. Uniform gratuity to officers of Fleet Naval Reserve and Naval Reserve.
761. Issuance of uniforms, bedding, and equipment to enlisted men of Naval Reserve.
762. Compensation for physical injuries to officers or men of Naval Reserve in time of peace.
763. Precedence among officers of Naval Reserve.
764. Precedence with officers of regular Navy.
765. Advancement of officers of Naval Reserve in time of war or national emergency; pay and allowances.
766. Physical examination of officers of Naval Reserve; discharge or retirement for disability.
767. Retirement of officers of Naval Reserve for age or length of service.
768. Regulations for recruiting, organization, etc., of Naval Reserve; detail of officers and men and furnishing of vessels and supplies from Navy; leave of absence of United States employees for training duty.
769. Annual appropriation of funds for support of Naval Reserve.
770. Annual estimates by Secretary of the Navy.

THE FLEET NAVAL RESERVE

781. Training or other duty; subsistence; pay for aviation duty.
782. Drill pay; annual pay for satisfactory performance of duties; additional pay to certain officers.
783. Obligation of enlisted men in regular Navy to serve in Fleet Naval Reserve on termination of Navy enlistment; assignment; duty; pay and allowances; reenlistment in regular Navy.
784. Transfer to Fleet Naval Reserve of men enlisted in regular Navy; pay; duties; discharge for physical disqualification; retirement.
785. Pay and retirement of enlisted men transferred under former law.
786. Reenlistment in regular Navy of enrolled men of old Naval Reserve Force transferred to Naval Reserve; benefits.
787. Transfer of enlisted men serving in regular Navy or serving in Naval Reserve Force and reenlisting in regular Navy; pay.
788. Active duty and retirement of enlisted men transferred under provisions of preceding section; pay and allowances.
789. Inspection of Naval Reserve units.

THE MERCHANT MARINE NAVAL RESERVE

801. Composition.
802. Transfer of members to Volunteer Naval Reserve; discharge.
803. Training duty.
804. Pay of officers and enlisted men in time of peace.
805. Flag or pennant.

THE VOLUNTEER NAVAL RESERVE

811. Active or training duty; pay and allowances.

NAVAL RESERVE OFFICERS' TRAINING CORPS

821. Establishment and operation; regulations; appropriations for expenditures; appointment of members as Naval Reserve officers; total of personnel.

MARINE CORPS TRAINING CAMPS

831. Establishment, maintenance, and regulations.

NAVAL MILITIA

841. Admission of officers or enlisted men in Fleet Naval Reserve; rank and rating; exemptions; use of facilities of Navy.

ELIGIBLE LIST FOR REGULAR AND RESERVE FORCES

Sec.
851. Civilians commissioned in regular Navy in time of war; reappointment of former officers.

GENERAL PROVISIONS

Section 751. Naval Reserve; classes; status and pay of retired members of Naval Reserve Force unaffected.—The Naval Reserve, which shall be a component part of the United States Navy, shall consist of three classes, namely: the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve: *Provided*, That transfers of officers and enrolled men heretofore made from the Naval Reserve Force to the Naval Reserve shall be for the unexpired period of their current enrollment in the Naval Reserve Force on July 1, 1925: *Provided further*, That nothing in this chapter shall affect the status or pay of members of the Naval Reserve Force heretofore retired with or without pay. (Feb. 28, 1925, c. 374, §§ 1, 40, 43 Stat. 1080, 1090.)

752. Marine Corps Reserve created; classes.—The Marine Corps Reserve is created and established as a component part of the United States Marine Corps, under the same provisions in all respects (except as may be necessary to adapt the said provisions to the Marine Corps) as those contained in this chapter or which may hereafter be enacted providing for the Naval Reserve: *Provided*, That the Marine Corps Reserve shall consist of two classes, namely: The Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, corresponding, as near as may be, to the Fleet Naval Reserve and the Volunteer Naval Reserve, respectively. (Feb. 28, 1925, c. 374, § 2, 43 Stat. 1080.)

753. Composition of Naval Reserve; transfers; aliens; membership in other naval or military organizations; employment in civil branch of public service.—The Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States of eighteen years of age or over who by appointment or enlistment therein, under regulations prescribed by the Secretary of the Navy, or by transfer or assignment thereto as in this chapter provided, obligate themselves to serve in the Navy in time of war or during the existence of a national emergency declared by the President: *Provided*, That any enlisted man who was serving in the regular Navy on July 1, 1925, who is not a citizen of the United States and who on that date had completed not less than eight years' naval service shall be deemed eligible for transfer to the Fleet Naval Reserve upon completion of the minimum amount of service required for such transfer: *Provided further*, That no officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia: *And provided further*, That no existing law shall be construed to prevent any member of the Naval Reserve from accepting employment in any civil branch of the public service, nor from receiving the pay and allowances incident to such employment in addition to any pay or allowances to which he may be entitled under the provisions of this chapter. (Feb. 28, 1925, c. 374, §§ 4, 40, 43 Stat. 1081, 1090.)

754. Ranks, grades, and ratings in Naval Reserve; officers appointed for various duties; regulations governing appointments, etc., commissions; term of enlistment.—There shall be allowed in the Naval Reserve the various ranks, grades, and ratings corresponding to those in the regular Navy, but not above the rank of lieutenant commander, except as otherwise provided in this chapter. Officers of the line may be appointed for deck duties, engineering duties, or both, or for aviation duties. All appointments and promotions of officers, and enlistments and changes in rating of men, in the Naval Reserve, and transfers to and from any of the three classes therein, unless otherwise provided in this chapter, shall be made in accordance with regulations prescribed by the Secretary of the Navy: *Provided*, That persons appointed to commissioned grades in the Naval Reserve shall be commissioned by the President alone and those appointed to warrant grades shall be warranted by the Secretary of the Navy: *Provided further*, That enlistments in the Naval Reserve shall be for a term of four years, subject to the provisions of section 757 of this chapter, and may be extended for periods of one, two, three, or four years, in accordance with regulations prescribed by the Secretary of the Navy. (Feb. 28, 1925, c. 374, § 5, 43 Stat. 1081.)

755. Discharges from service in Naval Reserve; separation from service in time of war or national emergency.—In time of peace no officer or man of the Naval Reserve shall be discharged except upon expiration of his term of service or upon his own request, or for full and sufficient cause, in the discretion of the Secretary of the Navy; *Provided*, That enlisted men heretofore or hereafter transferred to the Fleet Naval Reserve from the regular Navy in accordance with law shall at all times be governed by the laws and regulations for the government of the Navy and shall not be discharged from the Naval Reserve without their consent except by sentence of a court-martial or in accordance with the provisions of section 784 of this chapter: *Provided further*, That in time of war, or a national emergency, declared by the President to exist, officers and enlisted, enrolled and assigned men of the Naval Reserve shall be subject to separation therefrom in the same manner as may be provided by or in pursuance of law for the separation of officers and enlisted men from the regular Navy, subject to the provisions of section 757 of this chapter. (Feb. 28, 1925, c. 374, § 6, 43 Stat. 1081.)

756. Commissioned and warrant officers appointed or transferred to Naval Reserve; grades and ranks.—Commissioned and warrant officers appointed or transferred to the Naval Reserve shall be commissioned or warranted to serve during the pleasure of the President, in grades or ranks not above that of lieutenant commander, except that a small percentage of officers, who may be required in higher grades or ranks for the recruiting, organization, administration, training, inspection, and mobilization of the Naval Reserve, may be commissioned in the grades or ranks of commodore, captain, and commander. The actual number of line officers so commissioned in higher grades shall be distributed in the proportion of one in the grade of commodore, to fifteen in the grade of captain, to twenty-eight in the grade of commander. The actual number of staff officers so commissioned in higher ranks shall be commissioned in the proportion of eight in the rank of captain, to sixteen in the rank of commander. The total number of line officers in such higher grades shall not exceed forty-four one-hundredths of 1 per centum and of staff officers in such higher ranks shall not exceed twenty-four one-hundredths of 1 per centum of the actual number of enlisted men regularly assigned to divisions or other organized units of the Fleet Naval Reserve entitled to pay as provided in section 782 of this chapter. Whenever a final fraction occurs in computing the authorized number of officers in said higher grades or ranks, the nearest whole number shall be regarded as the authorized number, but at least one officer may be allowed in each grade or rank: *Provided*, That to determine the authorized number of officers in the various grades or ranks above lieutenant commander as provided in this section, computations shall be made by the Secretary of the Navy at least once during each calendar year and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number of officers in such various grades or ranks and shall not be

varied between the dates of such computations: *Provided further*, That no officer shall be reduced in rank as the result of any computation so made and that nothing in this chapter shall be construed as reducing the confirmed grade, rank, or rating on July 1, 1925, of any officer or man transferred to the Naval Reserve from the Naval Reserve Force, pursuant to law, or as prohibiting the appointment of such officers in the confirmed grades or ranks then held by them, or as restricting the promotion of officers of the Naval Reserve in time of war as provided for in section 765 of this chapter. (Feb. 28, 1925, c. 374, §§ 7, 40, 43 Stat. 1082, 1090.)

757. Active duty of officers and men of Naval Reserve.—Officers and men of the Naval Reserve, including those who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as is otherwise provided in this chapter, they shall only be ordered to or continued on active duty with their own consent: *Provided*, That the Secretary of the Navy may release any officer or man from active duty at any time. (Feb. 28, 1925, c. 374, § 9, 43 Stat. 1082.)

758. Laws of Navy as governing officers and men of Naval Reserve.—Officers and men of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to and from such duty, drill, or instruction, or during such time as they may by law be required to perform active duty in accordance with their obligations, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy: *Provided*, That disciplinary action for an offense committed while so subject to the laws, regulations, and orders for the government of the Navy shall not be barred by reason of release from duty status of an officer or man charged with the commission thereof: *Provided further*, That officers and men who have heretofore been or may hereafter be transferred to the retired list of the Naval Reserve Force or the Naval Reserve with pay shall at all times be subject to the laws, regulations, and orders for the government of the Navy. (Feb. 28, 1925, c. 374, § 10, 43 Stat. 1083.)

759. Pay, allowances, transportation, and mileage of officers and men of Naval Reserve.—Commissioned officers of the Naval Reserve when employed on active duty or on training duty, with pay, or when employed in authorized travel to and from such duty, shall be deemed to have been confirmed in grade and qualified for all general service and shall receive the pay, allowances, including longevity pay, as provided by law for the reserve forces of the United States, and shall when traveling under orders receive transportation in kind, mileage or actual expenses as provided by law for travel performed by officers of the regular Navy. Warrant officers and men of the Naval Reserve when employed on active duty or on training duty with pay or when employed in authorized travel to and from such duty shall receive the same pay and allowances as received by warrant officers and enlisted men of the regular Navy of the same rank, grade, or rating, and of the same length of service which shall include service in the Navy, Marine Corps, Coast Guard, Naval Reserve Force, Navy Militia, National Naval Volunteers, Marine Corps Reserve, or Naval Reserve: *Provided*, That when officers or men of the Naval Reserve perform active duty or training duty with pay for a period of less than thirty days such duty performed on the thirty-first day of any month shall be paid for at the same rate as for other days. (Feb. 28, 1925, c. 374, § 11, 43 Stat. 1083.)

760. Uniform gratuity to officers of Fleet Naval Reserve and Naval Reserve.—Upon being appointed in the Fleet Naval Reserve an officer shall be paid a sum of $100 for purchase of required uniforms and thereafter he shall be paid an additional sum of $50 for the same purpose upon completion of each period of four years in the Fleet Naval Reserve: *Provided*, That any officer who received a uniform gratuity prior to July 1, 1925, shall not be entitled to either of the above-mentioned sums until the expiration of four years from the date of the receipt of such gratuity: *Provided further*, That in time of war or national emergency a further sum of $150 for purchase of required uniforms shall be paid to officers of all classes of the Naval Reserve when they first report for active duty. (Feb. 28, 1925, c. 374, §§ 12, 40, 43 Stat. 1083, 1090.)

761. Issuance of uniforms, bedding, and equipment to enlisted men of Naval Reserve.—In time of peace enlisted men of the Naval Reserve shall be issued articles of uniform, bedding, and equipment in accordance with regulations to be prescribed by the Secretary of the Navy: *Provided*, That upon first reporting for active duty in time of war or national emergency enlisted men of the Naval Reserve shall receive in addition the same outfit as may be authorized for the enlisted personnel of the regular Navy upon first enlistment. (Feb. 28, 1925, c. 374, § 13, 43 Stat. 1083.)

762. Compensation for physical injuries to officers or men of Naval Reserve in time of peace.—If in time of peace any officer or enlisted man of the Naval Reserve is physically injured in the line of duty while performing active duty, authorized training duty with or without pay, or when employed in authorized travel to and from such duty, or dies as the result of such physical injury, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as the result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: *Provided*, That in no case shall sickness or disease be regarded as an injury within the meaning of this section relating to the Naval Reserve. (Feb. 28, 1925, c. 374, § 14, 43 Stat. 1084.)

763. Precedence among officers of Naval Reserve.—Commissioned officers of the same rank and warrant officers in the Naval Reserve shall take precedence among themselves by date of commission or warrant. Officers of the same date of commission or warrant shall take precedence according to such regulations as the Secretary of the Navy may prescribe: *Provided*, That commissioned officers of the same rank and warrant officers who were transferred from the Naval Reserve Force to the Naval Reserve in accordance with law shall take precedence among themselves and with other officers of the Naval Reserve according to the dates of the commissions, warrants, or provisional assignments of rank or grade held by them at the time of transfer, except that such officers who were transferred to the Naval Reserve Force from the National Naval Volunteers, if they were not separated from the Naval Reserve Force for more than four months since said transfer, shall take precedence among themselves and with other officers of the Naval Reserve according to the date of the commissions or warrants held by them on the active lists of the Naval Militia at the time of their enrollment in the National Naval Volunteers, or, if subsequently promoted in the National Naval Volunteers, according to the dates of said promotions: *Provided further*, That former officers of the Navy or Coast Guard who, within four months of their separation therefrom, enrolled in the Naval Reserve Force in the same ranks or grades last held by them in the Navy or Coast Guard, and who were transferred to the Naval Reserve

in the said ranks or grades pursuant to law, and such former officers of the Navy or Coast Guard who have been since July 1, 1925, or who may hereafter, within the same period, be appointed in the Naval Reserve in the same ranks or grades as last held by them in the Navy or Coast Guard, shall take precedence among themselves and with other officers of the Naval Reserve according to the dates of the commissions or warrants held by them in the Navy or Coast Guard when separated therefrom. (Feb. 28, 1925, c. 374, §§ 15, 40, 43 Stat. 1084, 1090.)

764. Precedence with officers of regular Navy.—In time of peace officers of the Naval Reserve shall take precedence with but after officers of the same rank or grade in the regular Navy. When mobilized with the regular Navy for war or national emergency, officers of the Naval Reserve shall, for the duration of the war or national emergency, take precedence after the junior of their respective ranks or grades in the regular Navy on date of such mobilization: *Provided*, That officers of the Naval Reserve of and above the rank of lieutenant commander who are selected for advancement in accordance with the provisions of section 765 of this chapter shall, when so advanced, take precedence during the then existing war or national emergency with officers of the regular Navy of the same rank or grade in accordance with the dates stated in their commissions. (Feb. 28, 1925, c. 374, § 16, 43 Stat. 1084.)

765. Advancement of officers of Naval Reserve in time of war or national emergency; pay and allowances.—In time of war or national emergency, officers on the active list of the Naval Reserve employed on active duty shall be advanced in grade and rank up to and including the rank of lieutenant commander with the officers of the regular Navy with whom or next after whom they take precedence in accordance with this chapter and such officers of and above the rank of lieutenant commander shall be eligible for selection upon recommendation by a board appointed, constituted, and approved as required by law for the regular Navy and when so selected shall be eligible for advancement, either temporary or permanent, to the next higher grade or rank in the Naval Reserve corresponding to such higher grades or ranks as may then exist on the active list of the regular Navy, in such numbers for each grade or rank as may be prescribed from time to time by the Secretary of the Navy: *Provided*, That no officer of the Naval Reserve shall be advanced to a higher rank until he has qualified therefor by such mental, moral, professional, and physical examinations as the Secretary of the Navy may prescribe: *Provided further*, That all officers of the Naval Reserve who may be advanced to a higher grade or rank shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions: *Provided further*, That the provisions of this section shall not apply to officers who have been or may hereafter be retired from the Naval Reserve Force or the Naval Reserve. (Feb. 28, 1925, c. 374, § 17, 43 Stat. 1084.)

766. Physical examination of officers of Naval Reserve; discharge or retirement for disability.—All officers of the Naval Reserve shall be examined physically once every four years, or oftener, as may be deemed necessary, and if upon such examination they are found not physically qualified for active service they shall be honorably discharged or, within the discretion of the Secretary of the Navy, placed on the honorary retired list provided for in section 767 of this chapter. (Feb. 28, 1925, c. 374, § 18, 43 Stat. 1085.)

767. Retirement of officers of Naval Reserve for age or length of service.—Officers of the Naval Reserve shall be placed on an honorary retired list of the Naval Reserve without pay or allowances upon reaching the age of sixty-four years, or, within the discretion of the Secretary of the Navy, upon the officer's own request, after twenty-five years' service in the Naval Reserve: *Provided*, That service in the Navy, Marine Corps, Naval Reserve Force, National Naval Volunteers, Naval Militia, Naval Auxiliary Service, and Coast Guard shall be counted as service in the Naval Reserve under the provisions of this section. (Feb. 28, 1925, c. 374, § 19, 43 Stat. 1085.)

768. Regulations for recruiting, organization, etc., of Naval Reserve; detail of officers and men and furnishing of vessels and supplies from Navy; leave of absence of United States employees for training duty.—The Secretary of the Navy shall prescribe all necessary and proper regulations, not inconsistent with the provisions of this chapter, for the recruiting, organization, government, administration, training, inspection, and mobilization of the Naval Reserve hereby created and established, and shall detail such officers and enlisted men and shall make available such vessels, material, armament, equipment, and other facilities of the regular Navy as he may deem necessary and advisable for the development of the Naval Reserve in accordance with the provisions of this chapter: *Provided*, That all officers and employees of the United States or of the District of Columbia, who are members of the Naval Reserve, shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they are employed, under orders, on training duty for periods not to exceed fifteen days in any one calendar year. (Feb. 28, 1925, c. 374, § 36, 43 Stat. 1089.)

769. Annual appropriation of funds for support of Naval Reserve.—The necessary funds are hereby authorized to be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Naval Reserve, including all expenses pertaining thereto as authorized by law. (Feb. 28, 1925, c. 374, § 37, 43 Stat. 1090.)

770. Annual estimates by Secretary of the Navy.—The Secretary of the Navy shall submit annually in connection with the estimates for the Navy Department a statement showing separately the sums required for the following purposes under this chapter:

(a) The estimated amount necessary for all purposes for the Fleet Naval Reserve for the succeeding fiscal year, not including pay and allowances of former enlisted men of the regular Navy transferred or assigned to the Fleet Naval Reserve.

(b) The estimated amount for said fiscal year required to cover the pay and allowances of those former enlisted men of the regular Navy transferred to the Fleet Naval Reserve.

(c) The amount estimated for said fiscal year to cover the annual payment of $25 allowed by section 783 of this chapter to those men of the Naval Reserve who have been assigned thereto. (Feb. 28, 1925, c. 374, § 38, 43 Stat. 1090.)

THE FLEET NAVAL RESERVE

781. Training or other duty; subsistence; pay for aviation duty.—In time of peace, except as herein otherwise provided, officers and enrolled and enlisted men of the Fleet Naval Reserve shall be required to perform such training duty, not to exceed fifteen days annually, as may be prescribed by the Secretary of the Navy, unless excused therefrom for good and sufficient reasons by direction of the Secretary of the Navy: *Provided*, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by the Secretary of the Navy: *Provided further*, That when authorized training or other duty without pay is performed by officers or men they may, in the discretion of the Secretary of the Navy, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Navy: *And provided further*, That officers and men while detailed for training or other duty in

aviation which involves actual flying in aircraft, in accordance with regulations prescribed by the Secretary of the Navy, shall receive the same increase of the pay of their grades, ranks, or ratings as may be received by officers and enlisted men in similar grades, ranks, and ratings in the regular Navy for the performance of similar duty. (Feb. 28, 1925, c. 374, § 20, 43 Stat. 1085.)

782. Drill pay; annual pay for satisfactory performance of duties; additional pay to certain officers.—Officers below the grade or rank of lieutenant commander and enlisted men of the Fleet Naval Reserve attached to a division thereof, organized under regulations prescribed by the Secretary of the Navy, shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades, ranks, or ratings for attending, under competent orders, each regular drill, or other equivalent instruction or duty, as may be prescribed by the Secretary of the Navy: *Provided*, That no such officer or enlisted man shall receive pay for more than 60 drills or other equivalent instruction or duty in any one fiscal year: *Provided further*, That week-end cruises shall not be regarded as drills or other equivalent instruction or duty.

For satisfactory performance of their appropriate duties under such regulations as the Secretary of the Navy may prescribe, officers above the grade or rank of lieutenant of the Fleet Naval Reserve shall receive compensation at the rate of not more than $500 a year, and officers below the grade or rank of lieutenant commander and enlisted men of the Fleet Naval Reserve not attached to a division thereof, shall receive not more than four-thirtieths of the monthly base pay of their grades, ranks, or ratings, each month.

In addition to the pay to which they may otherwise become entitled under this section, officers of or below the grade or rank of captain of the Fleet Naval Reserve regularly assigned to and commanding organizations of the Fleet Naval Reserve, organized under regulations prescribed by the Secretary of the Navy, and having administrative functions, shall receive compensation at the rate of $240 a year for the faithful performance of the administrative duties connected therewith.

Pay under the provisions of this section shall not accrue to any officer or enlisted man during a period when he shall be lawfully entitled to pay for active duty or training duty. (Feb. 28, 1925, c. 374, § 21, 43 Stat. 1085.)

783. Obligation of enlisted men in regular Navy to serve in Fleet Naval Reserve on termination of Navy enlistment; assignment; duty; pay and allowances; reenlistment in regular Navy.—The Secretary of the Navy, in his discretion, under such regulations as he may prescribe, may require any person hereafter when first enlisting in the regular naval service and may authorize any enlisted man in such service to obligate himself to serve four years in the Fleet Naval Reserve upon termination of his enlistment in the regular naval service: *Provided*, That upon termination of their enlistment in the regular naval service, men who have so obligated themselves shall be assigned to the Fleet Naval Reserve for the four-year period, unless they apply for reenlistment or extension of their enlistment in the regular naval service, in which event they may be reenlisted or may extend their enlistment in the regular naval service: *Provided further*, That the men so assigned to the Fleet Naval Reserve for the four-year period shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training duty or drill during that period, but shall be paid in advance $25 per annum, except when, with their own consent, they become attached to a division of the Fleet Naval Reserve, or satisfactorily perform appropriate duties assigned by direction of the Secretary of the Navy, in which case they shall receive the pay, allowances, gratuities, and other emoluments as herein specifically provided for enlisted men of the Fleet Naval Reserve.

Enlisted men of the regular naval service assigned to the Fleet Naval Reserve in accordance with the provisions of this section, or enlisted men who within three months from date of discharge from the regular naval service upon completion of a four or six year enlistment, enlist in the Naval Reserve, may, while so in the Naval Reserve, be permitted to reenlist in the regular naval service, in which case they shall be entitled to the same benefits as if they had enlisted in the regular naval service within three months of their last discharge therefrom. (Feb. 28, 1925, c. 374, § 22, 43 Stat. 1086; Mar. 4, 1925, c. 536, § 19, 43 Stat. 1276.)

784. Transfer to Fleet Naval Reserve of men enlisted in regular Navy; pay; duties; discharge for physical disqualification; retirement.—Men who have enlisted since July 1, 1925, or may hereafter enlist in the regular Navy after the passage of this chapter, except as herein otherwise provided, may be transferred to the Fleet Naval Reserve only upon the completion of at least twenty years' naval service and provided they are then found physically and otherwise qualified to perform duty in time of war and apply for such transfer, and thereafter, except when on active duty, shall be paid at the rate of one-half of the base pay they are receiving at the time of transfer: *Provided*, That in time of peace all enlisted men so transferred to the Fleet Naval Reserve may be required to perform not more than two months' active duty in each four-year period and shall be physically examined at least once during each four-year period, and if upon such examination they are found not physically qualified to perform duty in time of war they shall be discharged: *Provided further*, That all enlisted men so transferred to the Fleet Naval Reserve shall upon completion of thirty years' service, including naval service and time in the Fleet Naval Reserve, be transferred to the retired list of the regular Navy with one-half of the base pay of their ratings plus all permanent additions thereto, and the allowances to which enlisted men of the same ratings are entitled on retirement after thirty years' naval service. (Feb. 28, 1925, c. 374, §§ 23, 40, 43 Stat. 1087, 1090.)

785. Pay and retirement of enlisted men transferred under former law.—All enlisted men who, prior to July 1, 1925, were transferred from the regular Navy to the Fleet Naval Reserve of the Naval Reserve Force established by the Act of August 29, 1916, and who on that date were transferred by law to the Fleet Naval Reserve of the Naval Reserve, shall receive the rate of pay they were legally entitled to receive in the Naval Reserve Force: *Provided*, That such enlisted men so transferred to the Fleet Naval Reserve of the Naval Reserve shall, upon completing thirty years' service, including naval service and time in the Fleet Naval Reserve of the Naval Reserve Force and in the Fleet Naval Reserve of the Naval Reserve, be transferred to the retired list of the regular Navy with the pay they were then legally entitled to receive, plus the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' naval service. (Feb. 28, 1925, c. 374, §§ 24, 40, 43 Stat. 1087, 1090.)

786. Reenlistment in regular Navy of enrolled men of old Naval Reserve Force transferred to Naval Reserve; benefits.—Enrolled men of the Naval Reserve Force transferred by law to the Naval Reserve herein created, who had enrolled in the Naval Reserve Force within four months from the date of their discharge from the regular Navy, and who have reenlisted since July 1, 1925, or who may hereafter reenlist in the regular Navy within three months from the date of their discharge from the Naval Reserve shall be entitled to the same benefits as if they had reenlisted in the regular Navy within three

months of their last discharge therefrom. (Feb. 28, 1925, c. 374, §§ 25, 40, 43 Stat. 1087, 1090.)

787. Transfer of enlisted men serving in regular Navy or serving in Naval Reserve Force and reenlisting in regular Navy; pay.—Enlisted men who were serving in the regular Navy on July 1, 1925, or who, having been discharged therefrom prior to that date, reenlisted in the regular Navy after July 1, 1925, and within three months from date of said discharge, or who were serving in the Naval Reserve Force on July 1, 1925, in an enrollment entered into within four months from the date of their discharge from the regular Navy and have heretofore reenlisted or may hereafter reenlist in the regular Navy within three months from the date of their discharge from the Naval Reserve, shall be entitled to be transferred to the Fleet Naval Reserve on the completion of sixteen or more years' naval service, and when so transferred shall, except when on active duty, be entitled to receive, if they have had sixteen but less than twenty years' naval service, pay at the rate of one-third the base pay received by them at the time of transfer, plus all permanent additions thereto, and if they have had twenty or more years' naval service, pay at the rate of one-half of the base pay received by them at the time of transfer, plus all permanent additions thereto: *Provided*, That the pay authorized in this section shall be increased 10 per centum for all men who may be credited with extraordinary heroism in the line of duty or whose average marks in conduct for twenty years or more shall not be less than 95 per centum of the maximum: *Provided further*, That for all purposes of this section a complete enlistment during minority shall be counted as four years' service, and any enlistment terminated within three months prior to the expiration of the term of such enlistment shall be counted as the full term of service for which enlisted. (Feb. 28, 1925, c. 374, §§ 26, 40, 43 Stat. 1087, 1090.)

788. Active duty and retirement of enlisted men transferred under provisions of preceding section; pay and allowances.—In time of peace all enlisted men so transferred to the Fleet Naval Reserve in accordance with the preceding section may be required to perform not more than two months' active duty in each four-year period and shall be examined physically at least once during each four-year period, and if upon such examination they are found not physically qualified they shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of thirty years' service, including naval service, time in the Fleet Naval Reserve and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' naval service: *Provided*, That all enlisted men so transferred to the Fleet Naval Reserve who are not transferred to the retired list pursuant to the foregoing provisions of this section shall, upon completion of thirty years' service, including naval service and time in the Fleet Naval Reserve, be transferred to the retired list of the regular Navy with the pay they were then receiving, and the allowances to which enlisted men of the same rating are entitled on retirement after thirty years' naval service. (Feb. 28, 1925, c. 374, § 27, 43 Stat. 1088.)

789. Inspection of Naval Reserve units.—An inspection of Naval Reserve units shall be made at least once each year by officers of the regular Navy detailed by the Secretary of the Navy for that purpose, and said officers shall report to the Secretary of the Navy upon the qualifications, organization, and administration of said units. (Feb. 28, 1925, c. 374, § 29, 43 Stat. 1088.)

THE MERCHANT MARINE NAVAL RESERVE

801. Composition.—The Merchant Marine Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States who follow or who have followed the sea as a profession and who are employed, or who have been employed within three years, on public vessels of the United States or such other seagoing vessels documented under the laws of the United States as may be approved by the Secretary of the Navy. (Feb. 28, 1925, c. 374, § 30, 43 Stat. 1089.)

802. Transfer of members to Volunteer Naval Reserve; discharge.—Officers and enlisted men of the Merchant Marine Naval Reserve shall be transferred to the Volunteer Naval Reserve, or discharged, three years after they have ceased to follow the sea as a profession. (Feb. 28, 1925, c. 374, § 31, 43 Stat. 1089.)

803. Training duty.—Officers and enlisted men of the Merchant Marine Naval Reserve may, upon their own application, approved by direction of the Secretary of the Navy, be given the same training duty, with or without pay, as is provided for officers and enlisted men of the Fleet Naval Reserve. (Feb. 28, 1925, c. 374, § 32, 43 Stat. 1089.)

804. Pay of officers and enlisted men in time of peace.—In time of peace officers and enlisted men of the Merchant Marine Naval Reserve when not employed on active duty with the regular Navy shall be paid per annum, under such regulations as the Secretary of the Navy may prescribe, at the rate of not exceeding one month's base pay of their corresponding grades, ranks, or ratings in the regular Navy, which pay shall be additional to any pay to which they may be entitled for training duty: *Provided*, That funds equal to the amount required for the purposes of this section shall first have been made available by the Congress for this specific purpose. (Feb. 28, 1925, c. 374, § 33, 43 Stat. 1089.)

805. Flag or pennant.—The Secretary of the Navy shall prescribe a suitable flag or pennant which may be flown as an emblem of the Merchant Marine Naval Reserve on any seagoing merchant vessel documented under the laws of the United States: *Provided*, That such vessel be first designated by the Secretary of the Navy as suitable for service as a naval auxiliary in time of war: *Provided further*, That the master or commanding officer and not less than 50 per centum of the officers are members of the Naval Reserve: *And provided further*, That such flag or pennant shall not be flown in lieu of the national ensign. (Feb. 28, 1925, c. 374, § 34, 43 Stat. 1089.)

THE VOLUNTEER NAVAL RESERVE

811. Active or training duty; pay and allowances.—Officers and enlisted men of the Volunteer Naval Reserve shall not be required to attend drills or perform training duty and shall receive no pay or allowances, except when ordered to active duty or training duty: *Provided*, That they may, upon their own application, approved by the direction of the Secretary of the Navy, be given the same active duty or training duty, with or without pay, as is provided for officers and enlisted men of the Fleet Naval Reserve. (Feb. 28, 1925, c. 374, § 35, 43 Stat. 1089.)

NAVAL RESERVE OFFICERS' TRAINING CORPS

821. Establishment and operation; regulations; appropriations for expenditures; appointment of members as Naval Reserve officers; total of personnel.—A Naval Reserve Officers' Training Corps is hereby authorized to be established and operated under such regulations as the President may prescribe, which regulations shall, so far as may be practicable, conform to the provisions of sections 381 to 390, of Title 10, ARMY: *Provided*, That the powers conferred therein upon the Secretary of War with regard to the Reserve Officers' Training Corps are hereby conferred upon the Secretary of the Navy with regard to the Naval Reserve Officers' Training Corps: *Provided further*, That all expenditures in connection with the establishment and operation of the Naval Reserve Officers' Training Corps shall be specifically appropriated therefor: *And provided further*, That members of

the Naval Reserve Officers' Training Corps shall be eligible for appointment as Naval Reserve officers under the same conditions as provided by law for the appointment of Naval Reserve officers from other citizens of the United States, and when so appointed shall have the same status and be entitled to the same benefits in all respects as provided by law for other members of the Naval Reserve: *And provided further*, That the word "naval" wherever used in this section shall be construed to include Marine Corps: *Provided further*, That the total personnel of the Naval Reserve Officers' Training Corps shall not exceed at any one time more than twelve hundred. (Mar. 4, 1925, c. 536, § 22, 43 Stat. 1276.)

MARINE CORPS TRAINING CAMPS

831. Establishment, maintenance, and regulation.—The Secretary of the Navy is authorized to establish and maintain at such places as he may designate, and prescribe regulations for the government thereof, Marine Corps training camps for the instruction of citizens of the United States who make application and are designated for such training; no such camps to be in existence for a period longer than six weeks in each fiscal year, except in time of actual or threatened war; to use Marine Corps and such other Government property as he may deem necessary for the military training of such citizens while in attendance at such camps. The Quartermaster's Department, United States Marine Corps, is authorized to sell such articles of uniform clothing as may be prescribed at cost price to the volunteer citizens who are designated to participate in these instructions: *Provided*, That these citizens shall be required to furnish at their own expense transportation and subsistence to and from these camps, and subsistence while undergoing training therein. (Aug. 29, 1916, c. 417, 39 Stat. 614.)

NAVAL MILITIA

841. Admission of officers or enlisted men in Fleet Naval Reserve; rank and rating; exemptions; use of facilities of Navy.—Of the Organized Militia, as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia shall constitute a Naval Militia. Any officer or enlisted man of such Naval Militia may, in the discretion of the Secretary of the Navy, be appointed or enlisted in the Fleet Naval Reserve in the grade, rank, or rating not above the rank of lieutenant for which he may be found qualified in accordance with such special regulations as may be prescribed by the Secretary of the Navy: *Provided*, That each officer and enlisted man of the Naval Militia appointed or enlisted in the Fleet Naval Reserve shall be required within one year after the date of his appointment or enlistment in the Fleet Naval Reserve to qualify for the rank or rating he may hold in accordance with the general regulations governing the Fleet Naval Reserve: *Provided further*, That officers and men of the Naval Reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or national emergency: *Provided further*, That such vessels, material, armament, equipment, and other facilities of the regular Navy as are or may be made available for the Fleet Naval Reserve shall also be available, in the discretion of the Secretary of the Navy, for issue or loan to the several States, Territories, or the District of Columbia, for the administration and training of units of the Naval Militia, but no such facilities of the regular Navy shall be furnished for use by any portion or unit of the Naval Militia unless at least 95 per centum of its personnel has been appointed or enlisted in the Fleet Naval Reserve and unless its organization, administration, and training conform to the standard prescribed by the Secretary of the Navy for such units. (Feb. 28, 1925, c. 374, § 28, 43 Stat. 1088.)

ELIGIBLE LIST FOR REGULAR AND RESERVE FORCES

851. Civilians commissioned in regular Navy in time of war; reappointment of former officers.—For the purpose of securing a list of persons especially qualified to hold commissions in the Navy or in any reserve or volunteer naval force which may hereafter be called for and organized under the authority of Congress, other than a force composed of Organized Naval Militia, the Secretary of the Navy is authorized from time to time to convene examining boards at suitable and convenient places in different parts of the United States, who shall examine as to their qualifications for naval duties all applicants who shall have served in the regular Navy of the United States or in the Organized Naval Militia of any State or Territory or the District of Columbia. Such examination shall be under rules and regulations prescribed by the Secretary of the Navy. The record of previous services of the applicant shall be considered as part of the examination. Those applicants who pass such examinations shall be certified as to their fitness for naval duties and rank, and shall, subject to a physical examination at any time, constitute an eligible class for commissions, pursuant to such certification, in any volunteer naval force hereafter called for and organized under the authority of Congress other than a force composed of Organized Naval Militia; and the President is hereby further authorized, upon the outbreak of war, or when, in his opinion, war is imminent, to commission in the regular Navy for the exigency of such war such of the persons whose names have been certified as above provided as he may select: *Provided*, That no one shall be commissioned to a higher rank than the rank for which he may have been recommended by said examining board: *And provided further*, That the President may also commission or warrant as of the highest rank formerly held by him, or the present equivalent of such former rank in case the nomenclature or some of the specific duties of the same may have been changed, any person who having been formerly a commissioned or warrant officer of the United States Navy shall have been honorably discharged from the service: *And provided further*, That persons may be commissioned in the Navy, for engineer duties only, and for all line duties other than engineer duties, and when so commissioned shall have the full rank, pay, precedence, and so forth, of the line grade for which they are commissioned. (Feb. 16, 1914, c. 21, § 21, 38 Stat. 289.)

Chapter 16.—PAY, EMOLUMENTS, AND ALLOWANCES OF PERSONNEL OF NAVY AND MARINE CORPS.

GENERAL PROVISIONS AS TO OFFICERS AND ENLISTED MEN

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GENERAL PROVISIONS AS TO OFFICERS AND ENLISTED MEN

Section 862. Commencement of pay of officer on original entry into service.—The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority. (R. S. § 1560.)

863. Pay of graduates of Naval Academy.—Every midshipman who has heretofore graduated or may hereafter graduate from the Naval Academy, and who has been or may hereafter be commissioned, within six months after such graduation, an officer in the Navy or Marine Corps of the United States, under the laws appointing such graduate to the Navy or Marine Corps, shall be allowed the pay of the grade in which he may be so commissioned from the date he takes rank as stated in his commission to the date of qualification and acceptance of his commission. (Mar. 3, 1893, c. 212, 27 Stat. 715; July 1, 1902, c. 1368, 32 Stat. 686.)

864. Pay of Admiral and Vice Admiral.—Except as otherwise provided in section 12 of Title 37, PAY AND ALLOWANCES, the pay of an Admiral shall be $10,000 and the pay of a Vice Admiral $9,000 per annum. (May 22, 1917, c. 20, § 18, 40 Stat. 89.)

865. Allowances; commissioned officers generally.—Commissioned officers of the Navy shall receive the same allowances, except forage, as provided by or in pursuance of law for the officers of corresponding rank in the Army. (Mar. 3, 1899, c. 413, § 13, 30 Stat. 1007; Aug. 29, 1916, c. 417, 39 Stat. 581; June 10, 1922, § 21, c. 212, 42 Stat. 633.)

866. Allowances of Admiral and Vice Admiral.—Except as otherwise provided in section 12 of Title 37, PAY AND ALLOWANCES, the officers of the Navy holding the rank and title of Admiral and Vice Admiral in the Navy while holding such rank and title shall receive the allowances of a General and lieutenant general of the Army, respectively. (Mar. 3, 1899, c. 421, 30 Stat. 1024; July 1, 1918, c. 114, 40 Stat. 717.)

867. Additional pay of aids to rear admirals.—Aids to rear admirals embraced in the lower half of that grade shall each receive $150 additional per annum, and aids to all other rear admirals, $200 additional per annum each. (May 13, 1908, c. 166, 35 Stat. 128; Aug. 29, 1916, c. 417, 39 Stat. 577; June 10, 1922, § 21, c. 212, 42 Stat. 633.)

868. Pay of Superintendent, Naval Academy.—The pay of the Superintendent of the Naval School at Annapolis shall be at the rate allowed to an officer of his rank when in service at sea. (Sept. 28, 1850, c. 80, 9 Stat. 515.)

869. Pay of commandant, Mare Island Navy Yard.—The pay of the officer of the Navy assigned to the command of the

navy yard at Mare Island, California, shall be the sea pay of his grade. (Mar. 3, 1863, No. 25, 12 Stat. 825.)

870. Pay and allowances of officers advanced in grade and rank after March 3, 1899.—All officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions. (Mar. 4, 1913, c. 148, 37 Stat. 892.)

871. Pay and allowances of officer of Navy or Marine Corps on leave of absence and engaged in service other than that of Government.—No officer of the Navy or Marine Corps while on leave of absence engaged in a service other than that of the Government of the United States, shall be entitled to any pay or allowances for a period in excess of that for which he is entitled to full pay, unless the President otherwise directs. (May 28, 1924, c. 203, 43 Stat. 202; Feb. 11, 1925, c. 209, 43 Stat. 879.)

872. Pay and allowances of officers of Navy and Marine Corps while serving on duty in coordination of business of Government.—Hereafter no commissioned officer of the Navy or Marine Corps shall be deprived of his right to pay and allowances while serving on such duty as the President may direct in the coordination of the business of the Government, as now being conducted by him under the general supervision of the Director of the Bureau of the Budget: *Provided*, That the number of officers detailed to this duty shall not at any time exceed twenty-six. (June 7, 1924, c. 291, Title I, 43 Stat. 481; Feb. 12, 1925, c. 225, Title I, 43 Stat. 895.)

873. Pay and allowances of acting chaplains.—Acting chaplains provided for in section 92 shall have the pay and allowances of lieutenant (junior grade) in the Navy. .(June 30, 1914, c. 130, 38 Stat. 403.)

874. Pay and allowances of dental officers.—All dental officers shall receive the same pay and allowances as officers of corresponding rank and length of service in the Naval Medical Corps up to and including the rank of lieutenant commander: *Provided*, That dental surgeons shall be eligible for advancement in pay and allowances, but not in rank, to and including the pay and allowances of commander and captain, subject to such examinations as the Secretary of the Navy may prescribe, except that the number of dental surgeons with the pay and allowances of captain shall not exceed 4½ per centum and the number of dental surgeons with the pay and allowances of commander shall not exceed 8 per centum of the total authorized number of dental officers: *Provided further*, That dental surgeons shall be eligible for advancement to the pay and allowances of commander and captain when their total active service as dental officers in the Navy is such that if rendered as officers of the Naval Medical Corps, it would place them in the list of medical officers with the pay and allowances of commander or captain, as the case may be: *And provided further*, That dental officers who shall have gained or lost numbers on the Navy list shall be considered to have gained or lost service accordingly; and the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to July 1, 1918, shall be reckoned in computing the increased service pay and service for precedence and promotion of dental officers herein authorized or heretofore appointed. (Aug. 29, 1916, c. 417, 39 Stat. 573; July 1, 1918, c. 114, 40 Stat. 708.)

875. Advances to officers ordered to and from sea or shore duty beyond seas.—Advances of pay not to exceed three months' pay in any one case may be made to officers ordered to and from sea duty and to and from shore duty beyond the seas, under such regulations as the Secretary of the Navy may prescribe: *Provided*, That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the Naval Service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled can not be regularly effected. (R. S. § 1563; Mar. 4, 1917, c. 180, 39 Stat. 1181.)

876. Pay of persons acting as paymaster when office vacant in ship at sea.—Any person performing the duties of paymaster, acting assistant paymaster, or assistant paymaster, in a ship at sea, or on a foreign station, or on the Pacific coast of the United States, by appointment of the senior officer present, in case of vacancy of such office, in accordance with the provisions of section 62, and not otherwise, shall be entitled to receive the pay of such grade while so acting. (R. S. § 1564.)

877. Pay, allowances, and benefits of electricians and radio electricians.—All persons appointed in the commissioned warrant grades of chief electrician and chief radio electrician, and the warrant grades of electrician and radio electrician in the United States Navy, shall have the same pay, allowances, and other benefits as now are or may hereafter be allowed other commissioned warrant and warrant officers in the Navy. (Mar. 4, 1925, c. 536, § 12, 43 Stat. 1274.)

878. Pay and allowances of reserve nurses.—Reserve nurses when assigned to active duty as provided in section 42 shall receive the pay and allowances of nurses. But they shall receive no compensation except when on active duty. (May 13, 1908, c. 166, 35 Stat. 146.)

879. Longevity pay; credit for service in Coast Guard and former Revenue-Cutter Service.—For the purposes of computing longevity pay and retirement privileges of officers and enlisted men of the Navy, all creditable service in the Coast Guard and former Revenue-Cutter Service shall be counted. (June 4, 1920, c. 228, § 3, 41 Stat. 835.)

880. Constructive service; not to apply to officers appointed after March 4, 1913.—All officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited, for computing their pay, with five years' service: *Provided*, That this shall not apply to any person entering the Navy from and after March 4, 1913. (Mar. 3, 1899, c. 413, § 13, 30 Stat. 1007; Mar. 4, 1913, c. 148, 37 Stat. 891.)

881. Furlough pay.—Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence. (R. S. § 1557.)

882. Pay as affected by absence from duty on account of sickness resulting from misconduct.—No officer or enlisted man in the Navy or Marine Corps in active service who shall be absent from duty on account of injury, sickness, or disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of the Navy. (Aug. 29, 1916, c. 417, 39 Stat. 580; July 1, 1918, c. 114, 40 Stat. 717.)

883. No payment to be made to officers employed by contractors.—No payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful. (June 10, 1896, c. 399, 29 Stat. 361.)

884. Promotion of warrant officers not to reduce pay.—No warrant officer promoted six years from date of warrant shall suffer a reduction in pay which but for such promotion would have been received by him. (Mar. 3, 1909, c. 255, 35 Stat. 771.)

MILEAGE AND TRAVEL ALLOWANCE

891. Mileage books or commutation tickets.—The Secretary of the Navy is authorized to continue to purchase such mileage books, commutation tickets, and other similar transporta-

tion tickets as may in his discretion seem necessary, and to furnish same to officers and others ordered to perform travel on official business; and payment for such transportation tickets upon their receipt, in accordance with commercial usage, or prior to the actual performance of the travel involved, shall not be regarded as an advance of public money within the meaning of section 529 of Title 31, MONEY AND FINANCE. (Apr. 27, 1904, c. 1630, § 1, 33 Stat. 403.)

892. Officers traveling abroad.—Officers of the Navy traveling abroad under orders shall travel by the most direct route, the occasion and necessity for such order to be certified by the officer issuing the same. (Aug. 5, 1882, c. 391, 22 Stat. 286.)

893. Per diem to officers and enlisted men of Navy and Marine Corps making aerial surveys of rivers, harbors, etc.—To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day. (Mar. 3, 1925, c. 467, § 5, 43 Stat. 1190.)

894. Settlement of traveling expense claims.—The settlement of all traveling expense claims, where the payment of such is authorized by existing law, and the determination of distances and of what constitutes the shortest usually traveled route in the meaning of laws relating to traveling allowances, shall accord to such rules as the Secretary of the Navy may prescribe. (Mar. 3, 1909, c. 255, 35 Stat. 774.)

895. Travel allowance to enlisted men on discharge.—An enlisted man discharged from the Navy or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service: *Provided*, That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportation in kind and subsistence en route shall be allowed: *Provided further*, That enlisted men under the age of eighteen discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment. (June 3, 1916, c. 134, § 126, 39 Stat. 217; Feb. 28, 1919, c. 70, § 3, 40 Stat. 1203; Sept. 22, 1922, c. 409, 42 Stat. 1021.)

896. Transportation to families of officers and enlisted men on permanent change of station; transportation of household effects.—Subject to the provisions of section 20 of Title 37, PAY AND ALLOWANCES, hereafter when any commissioned officer, noncommissioned officer of the grade of color sergeant and above, including any noncommissioned officer of the Marine Corps of corresponding grade, warrant officer, chief petty officer, or petty officer (first class), having a wife or dependent child or children, is ordered to make a permanent change of station, the United States shall furnish transportation in kind from funds appropriated for the transportation of the Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service to his new station for the wife and dependent child or children: *Provided*, That for persons in the naval service the term "permanent station," as used in this section, shall be interpreted to mean a shore station or the home yard of the vessel to which the person concerned may be ordered; and a duly authorized change in home yard or home port of such vessel shall be deemed a change of station: *Provided further*, That if the cost of such transportation exceeds that for transportation from the old to the new station the excess cost shall be paid to the United States by the officer concerned: *Provided further*, That transportation supplied the wife or dependent child or children of such officer, to or from stations beyond the continental limits of the United States, shall not be other than by Government transport, if such transportation is available: *And provided further*, That the personnel of the Navy shall have the benefit of all existing laws applying to the Army and the Marine Corps for the transportation of household effects. (May 18, 1920, c. 190, § 12, 41 Stat. 604.)

RATIONS

901. Rations of enlisted men and boys, and midshipmen.—All enlisted men and boys in the Navy, attached to any United States vessel or station and doing duty thereon, and midshipmen, shall be allowed a ration, or commutation thereof in money, under such limitations and regulations as the Secretary of the Navy may prescribe. (Jan. 30, 1885, c. 43, § 1, 23 Stat. 291.)

902. Constituents of Navy ration.—The Navy ration shall consist of the following daily allowance of provisions to each person: One pound and a quarter of salt or smoked meat, with three ounces of dried or six ounces of canned or preserved fruit, and three gills of beans or pease, or twelve ounces of flour; or one pound of preserved meat, with three ounces of dried or six ounces of canned or preserved fruit and eight ounces of rice or twelve ounces of canned vegetables, or six ounces of desiccated vegetables; together with one pound of biscuit, two ounces of butter, four ounces of sugar, two ounces of coffee or cocoa, or one-half ounce of tea and one ounce of condensed milk or evaporated cream; and a weekly allowance of one-quarter pound of macaroni, four ounces of cheese, four ounces of tomatoes, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, four ounces of salt, one-half ounce of pepper, one-eighth ounce of spices, and one-half ounce of dry mustard. Seven pounds of lard, or a suitable substitute, shall be allowed for every hundred pounds of flour issued as bread, and such quantities of yeast and flavoring extracts as may be necessary. (R. S. § 1580; July 1, 1902, c. 1368, 32 Stat. 679; June 29, 1906, c. 3590, 34 Stat. 570.)

903. Substitutions in ration.—The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command: For one and one-quarter pounds of salt or smoked meat or one pound of preserved meat, one and three-quarter pounds of fresh meat or fresh fish, or eight eggs; in lieu of the articles usually issued with salt, smoked or preserved meat, one and three-quarter pounds of fresh vegetables; for one pound of biscuit, one and one-quarter pounds of soft bread or eighteen ounces of flour; for three gills of beans or pease, twelve ounces of flour or eight ounces of rice or other starch food, or twelve ounces of canned vegetables; for one pound of condensed milk or evaporated cream, one quart of fresh milk; for three ounces of dried or six ounces of canned or preserved fruit, nine ounces of fresh fruit; and for twelve ounces of flour or eight ounces of rice or other starch food, or twelve ounces of canned vegetables, three gills of beans or pease; in lieu of the weekly allowance of one-quarter pound of macaroni, four ounces of

cheese, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, and one-eighth ounce of spices, three pounds of sugar, or one and a half pounds of condensed milk, or one pound of coffee, or one and a half pounds of canned fruit, or four pounds of fresh vegetables, or four pounds of flour.

Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an under issue of the same value in some other article or articles. (R. S. § 1581; June 29, 1906, c. 3590, 34 Stat. 571; Mar. 2, 1907, c. 2512, 34 Stat. 1193; May 3, 1880, c. 73, 21 Stat. 86; July 1, 1902, c. 1368, 32 Stat. 680.)

904. Short allowance.—In case of necessity the daily allowance of provisions may be diminished at the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance is thus diminished, according to the scale of prices for the same established at the time of such diminution. And every commander who makes any diminution or variation shall give to the paymaster written orders therefor, specifying particularly the diminution or variation which is to be made, and shall report to his commanding officer, or to the Navy Department, the necessity for the same. (R. S. § 1582.)

905. Rations stopped for the sick.—Rations stopped for the sick on board vessels shall remain and be accounted for by the paymaster as a part of the provisions of the vessels. (R. S. § 1583.)

906. Extra allowance to men standing night watches.—An extra allowance of one ounce of coffee or cocoa, two ounces of sugar, four ounces of hard bread or its equivalent, and four ounces of preserved meat or its equivalent shall be allowed to enlisted men of the engineer and dynamo force who stand night watches between eight o'clock postmeridian and eight o'clock antemeridian, under steam. (June 29, 1906, c. 3590, 34 Stat. 571.)

907. Commutation price of ration.—Forty cents shall in all cases be deemed the commutation price of the Navy ration: *Provided, however,* That after January 1, 1918, the commutation price shall not exceed the average cost of the ration during the preceding six months, not to exceed 40 cents. (R. S. § 1585; Oct. 6, 1917, c. 102, 40 Stat. 397.)

908. Money accruing from rations commuted for benefit of mess; payment to commissary officer.—Money accruing from the rations of enlisted men commuted for the benefit of any mess may be paid on public bills to the commissary officer by the pay officer having their accounts. (July 1, 1902, c. 1368, 32 Stat. 680.)

QUARTERS

911. Assignment of quarters or commutation thereof; authority of Secretary of Navy.—The Secretary of the Navy may determine where and when there are no public quarters available for persons in the Navy and Marine Corps, or serving therewith, within the meaning of any Acts or parts of Acts relating to the assignment of quarters. (July 1, 1918, c. 114, 40 Stat. 718; June 10, 1922, c. 212, § 21, 42 Stat. 633.)

912. Heat or light in kind prohibited to persons receiving allowance for rental of quarters.—Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of Title 37, PAY AND ALLOWANCES. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1385.)

913. Rank or precedence of staff officer as giving no additional right to quarters.—No staff officer shall, in virtue of his rank or precedence, have any additional right to quarters. (R. S. § 1487.)

CLOTHING ALLOWANCE

916. Outfits on first enlistment.—In order to encourage the enlistment of boys as apprentices in the United States Navy, the Secretary of the Navy is authorized to furnish as a bounty to each of said apprentices after his enlistment, and when first received on board of a training ship, an outfit of clothing not to exceed in value the sum of $45. (Mar. 1, 1889, c. 331, 25 Stat. 781.)

917. Outfits on second enlistment.—The Secretary of the Navy is authorized to issue a clothing outfit to all enlisted men serving in their second enlistment who failed to receive an outfit of the value authorized by law on their first enlistment, or who, having received such outfit, were required to refund its value on account of discharge prior to expiration of enlistment: *Provided further,* That the net cost to the Government of clothing outfits furnished any one enlisted man shall not exceed $60. (Mar. 3, 1915, c. 83, 38 Stat. 932.)

MEDICINES AND MEDICAL ATTENDANCE; FUNERAL EXPENSES

921. Medicines and medical attendance.—Expenses incurred by any officer of the Navy for medicines and medical attendance shall not be allowed unless they were incurred when he was on duty, and the medicines could not have been obtained from naval supplies, or the attendance of a naval medical officer could not have been had. (R. S. § 1586.)

922. Funeral expenses.—No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of an officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay. (R. S. § 1587.)

ALLOTMENT OF PAY; ASSIGNMENT OF WAGES; DEPOSITS OF SAVINGS

931. Allotment of pay by officers.—The Secretary of the Navy is authorized to permit officers of the Navy and the Marine Corps to make allotments from their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other proper purposes, during such time as they may be absent at sea, on distant duty, or under other circumstances warranting such action. (June 10, 1896, c 399, § 1, 29 Stat. 361.)

932. Assignment of wages.—Every assignment of wages due to persons enlisted in the naval service, and all powers of attorney, or other authority to draw, receipt for, or transfer the same, shall be void, unless attested by the commanding officer and paymaster. The assignment of wages must specify the precise time when they commence. (R. S. § 1576.)

933. Deposits of savings.—Any enlisted man or appointed petty officer of the Navy may deposit his savings, in sums not less than $5, with the paymaster upon whose books his account is borne; and he shall be furnished with a deposit book, in which the said paymaster shall note, over his signature, the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for "Pay for the Navy," and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased sailor, and that such deposit be exempt from liability for such sailor's debts: *Provided,* That the Government shall be liable for the amount deposited to the person so depositing the same. (Feb. 9, 1889, c. 119, § 1, 25 Stat. 657.)

934. Interest on deposits.—For any sums not less than $5 so deposited for the period of six months or longer, the sailor, on his final discharge, shall be paid interest at the rate of 4 per centum per annum. (Feb 9, 1889, c. 119, § 2, 25 Stat. 658.)

935. Regulation of system of deposits.—The system of deposits established under the preceding sections shall be carried into execution under such regulations as may be established by the Secretary of the Navy. (Feb. 9, 1889, c. 119, § 3, 25 Stat. 658.)

SETTLEMENT OF ACCOUNTS OF DECEASED OFFICERS AND MEN; ALLOWANCES TO DEPENDENTS

941. Settlement of accounts of deceased officers and men.—In the settlement of the accounts of deceased officers or enlisted men of the Navy and Marine Corps, where the amount due the decedent's estate is less than $500 and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. (May 27, 1908, c. 200, § 1, 35 Stat. 373.)

942. Disposition of effects of decedents.—All moneys, articles of value, papers, keepsakes, and other similar effects belonging to deceased persons in the naval service, not claimed by their legal heirs or next of kin, shall be deposited in safe custody, and if any such moneys, articles of value, papers, keepsakes, or other similar effects so deposited have been, or shall hereafter be, unclaimed for a period of two years from the date of the death of such person, such articles and effects shall be sold and the proceeds thereof, together with the moneys above mentioned, shall be deposited in the Treasury to the credit of the Navy pension fund: *Provided*, That the Secretary of the Navy is authorized and directed to make diligent inquiry in every instance after the death of such person to ascertain the whereabouts of his heirs or next of kin, and to prescribe such regulations as may be necessary to carry out the foregoing provisions: *Provided further*, That claims may be presented hereunder at any time within five years after such moneys or proceeds have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration. (Mar. 29, 1918, c. 31, 40 Stat. 231.)

943. Allowance on death of officer or enlisted man or nurse, to widow, child, or dependent relative.—Immediately upon official notification of the death from wounds or disease, not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: *Provided*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the regular Navy or Marine Corps: *Provided*, That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly. (June 4, 1920, c. 228, § 1, 41 Stat. 824.)

PAY AND EMOLUMENTS OF CREWS OF VESSELS WRECKED, LOST, OR TAKEN BY ENEMY

951. Pay and emoluments of crews of wrecked or lost vessels.—When the crew of any vessel of the United States are separated from such vessel, by means of her wreck, loss, or destruction, the pay and emoluments of such of the officers and men as shall appear to the Secretary of the Navy, by the sentence of a court-martial or court of inquiry, or by other satisfactory evidence, to have done their utmost to preserve her, and, after said wreck, loss, or destruction, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid them until their discharge or death. (R. S. § 1574.)

952. Pay and emoluments of crews of vessels taken by enemy.—The pay and emoluments of the officers and men of any vessel of the United States taken by an enemy who shall appear, by the sentence of a court-martial or otherwise, to have done their utmost to preserve and defend their vessel, and, after the taking thereof, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid to them until their exchange, discharge, or death. (R. S. § 1575.)

953. Fixing date of loss of missing vessel.—The General Accounting Office is authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the Navy which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been destroyed or lost with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed to have occurred. (R. S. § 286; June 10, 1921, §§ 301, 310, c. 18, 42 Stat. 23, 25.)

954. Accounts of petty officers on lost vessel.—The General Accounting Office is authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the accounting officers are authorized to adjust and settle such accounts on principles of equity and justice. (R. S. § 287; June 10, 1921, §§ 301, 310, c. 18, 42 Stat. 23, 25.)

ALLOWANCES TO PRISONERS

961. General provisions.—Persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed $3 per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed $25: *Provided*, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs. (Feb. 16, 1909, c. 131, § 13, 35 Stat. 622.)

962. Transportation and clothing for discharged prisoners.—The Secretary of the Navy is authorized to transport to their homes or places of enlistment, as he may designate, all discharged naval prisoners; the expense of such transportation shall be paid out of any money that may be to the credit of prisoners when discharged; where there is no such money, the expense shall be paid out of money received from fines and forfeitures imposed by naval courts-martial: *Provided further*, That the Secretary of the Navy is hereby authorized to furnish naval prisoners upon discharge suitable civilian clothing in case, and only where, said discharged prisoners would otherwise be unprovided with suitable clothing to meet their immediate needs. (Mar. 3, 1909, c. 255, 35 Stat. 756.)

PAY AND ALLOWANCES OF MARINE CORPS

971. Same as in Army.—Except as otherwise provided by law the officers of the Marine Corps shall be entitled to receive the same pay and allowances, and the enlisted men shall be entitled to receive the same pay and bounty for reenlisting, as are or may be provided by or in pursuance of law for the officers and enlisted men of like grades in the Infantry of the Army. (R. S. § 1612.)

972. Additional pay of members of Marine Band.—The marines who compose the corps of musicians known as the "Marine Band" shall be entitled to receive at the rate of $4 a month, each, in addition to their pay as noncommissioned officers, musicians, or privates of the Marine Corps, so long as they shall perform, by order of the Secretary of the Navy, or other superior officer, on the Capitol grounds or the President's grounds. (R. S. § 1613.)

973. Additional pay of privates detailed as cooks.—Privates of the Marine Corps regularly detailed and serving as cooks, shall receive, in addition to the pay otherwise allowed by law, the following: First-class cooks, $10 per month; second-class cooks, $8; third-class cooks, $7; and fourth-class cooks, $5. (Mar. 2, 1907, c. 2512, 34 Stat. 1200.)

974. No forfeiture of pay and allowances on furlough.—No part of the pay and allowances authorized for enlisted men detailed as clerks and messengers in the office of the Major General Commandant and the several staff offices shall be forfeited when granted furlough for not exceeding thirty days in each calendar year. (Mar. 4, 1917, c. 180, 39 Stat. 1191.)

975. Deposits of savings by enlisted men.—Enlisted men of the Marine Corps shall be entitled to deposit their savings with the United States, through any paymaster, in the same manner and under the same conditions as is now or may hereafter be provided for the enlisted men of the Navy: *Provided, however*, That the sums so deposited shall pass to the credit of the appropriation for pay of the Marine Corps. (June 29, 1906, c. 3590, 34 Stat. 579.)

976. Rations or commutations to enlisted men on shore.—Except when detached by the President of the United States for duty with the Army, enlisted men of the Marine Corps shall be entitled to the same allowance for rations as are enlisted men of the Navy, under such rules and regulations as may be prescribed by the Secretary of the Navy. (July 11, 1919, c. 9, 41 Stat. 154.)

REIMBURSEMENT OF OFFICERS AND MEN OF NAVY AND MARINE CORPS FOR PERSONAL PROPERTY LOST, DESTROYED, OR DAMAGED BY OPERATIONS OF WAR, ETC.

981. Nature and extent of liability of Government; claims.—The Paymaster General of the Navy is authorized and directed to reimburse such officers, enlisted men, and others in the naval service of the United States as may have suffered, or may hereafter suffer, loss or destruction of or damage to their personal property and effects in the naval service due to the operations of war or by shipwreck or other marine disaster when such loss, destruction, or damage was without fault or negligence on the part of the claimant, or where the private property so lost, destroyed, or damaged was shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment, or where it appears that the loss, destruction, or damage of or to the private property of the claimant was in consequence of his having given his attention to the saving of the lives of others or of property belonging to the United States which was in danger at the same time and under similar circumstances. And the liability of the Government under this section shall be limited to such articles of personal property as the Chief of the Bureau of Navigation of the Navy Department, with reference to the personnel of the Navy, or the Major General Commandant of the Marine Corps, with reference to the personnel of that corps, in his discretion, shall decide to be reasonable, useful, and proper for such officer, enlisted man, or other person while engaged in the public service in line of duty, and the certificate of said chief of bureau or Major General Commandant, as the case may be, shall be sufficient voucher for and shall be final as to all matters necessary to the establishment and payment or settlement of any claim filed hereunder; and the action of the said chief of bureau or Major General Commandant, as the case may be, upon all claims arising under this section shall be final, and no right to prosecute a claim or action in the Court of Claims or in any other court of the United States, or before any accounting officer of the United States, or elsewhere, except as herein provided, shall accrue to any person by virtue of this section: *Provided*, That the liability of the Government under this section shall be limited to such articles of personal property as are required by the United States Naval Regulations and in force at the time of loss or destruction for such officers, petty officers, seamen, or others engaged in the public service in the line of duty: *Provided further*, That with reference to claims of persons in the Marine Corps filed under the terms of this section the paymaster of the Marine Corps shall make the reimbursement in money, and the quartermaster of the Marine Corps shall make the reimbursement in kind herein provided for: *Provided further*, That all claims hereafter arising under this section shall be presented within two years from the occurrence of the loss, destruction, or damage: *And provided further*, That the term "in the naval service," as herein employed, shall be held to include service performed on board any vessel, whether of the Navy or not, provided the claimant is serving on such vessel pursuant to the orders of duly constituted naval authority: *And provided further*, That all claimants under this section shall be required to submit their claims in writing and under oath to the said Chief of the Bureau of Navigation or Major General Commandant, as the case may be: *And provided further*, That claims arising in the manner

indicated in this section and which have been settled under the terms of previously existing law shall be regarded as finally determined and no other or further right of recovery under the provisions hereof shall accrue to persons who have submitted such claims as aforesaid. (Oct. 6, 1917, c. 85, 40 Stat. 389.)

982. Reimbursement in kind or in money; from what appropriations made.—Reimbursement for loss, destruction, or damage sustained and determined as provided in the preceding section shall be made in kind for such articles as are customarily issued to the service and shall be made in money for other articles at the valuation thereof at the time of their loss, destruction, or damage: *Provided*, That in cases involving persons in the Navy reimbursement in money shall be made from the appropriation "Pay of the Navy," and reimbursement in kind shall be made from the appropriation "Outfits on first enlistment," and in cases involving persons in the Marine Corps reimbursement in money shall be made from the appropriation "Pay, Marine Corps," and reimbursement in kind shall be made from the appropriation "Clothing, Marine Corps," respectively, current at the time the claim covering such loss, damage, or destruction is paid. (Oct. 6, 1917, c. 85, 40 Stat. 389.)

RETIRED PAY

991. General provisions.—Except as otherwise provided by law, the pay of all officers of the Navy who have been retired on account of age or length of service, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to 75 per centum of the pay provided by law for the grade or rank which they held, respectively, at the time of their retirement; and the pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the pay provided by law for the grade or rank held by them, respectively, at the time of their retirement. (R. S. § 1588; May 30, 1908, c. 227, 35 Stat. 501; Aug. 29, 1916, c. 417, 39 Stat. 579.)

992. Pay of captains, commanders, and lieutenant commanders ineligible for promotion on account of age.—Captains, commanders, and lieutenant commanders who become ineligible for promotion on account of age shall be retired on a percentage of pay equal to 2½ per centum of their shore-duty pay for each year of service: *Provided further*, That the total retired pay shall not exceed 75 per centum of the shore-duty pay they were entitled to receive while on the active list. (Aug. 29, 1916, c. 417, 39 Stat. 579.)

993. Pay not increased by promotion.—Except as otherwise provided by law, no officer, heretofore or hereafter promoted upon the retired list, shall, in consequence of such promotion, be entitled to any increase of pay. (R. S. § 1591.)

994. Active-duty pay, generally.—(a) Officers on the retired list, when on active duty, shall receive the full pay of their respective grades. (R. S. § 1592.)

(b) Any naval officer on the retired list, employed on active duty in time of peace shall receive the pay and allowances of an officer of the active list of the same rank: *Provided*, That no such retired officer so employed on active duty shall receive, in time of peace, any greater pay and allowances than the pay and allowances which are now or may hereafter be provided by law for a lieutenant (senior grade) on the active list of like length of service: *And provided further*, That any such officer whose retired pay exceeds the highest pay and allowances of the grade of lieutenant (senior grade), shall, while so employed in time of peace, receive his retired pay only, in lieu of all other pay and allowances. (Aug. 22, 1912, c. 335, 37 Stat. 329.)

(c) Any retired officer of the naval service who shall be detailed on active duty shall, while so serving, receive the active duty pay and allowances of the grade, not above that of lieutenant commander in the Navy or of major in the Marine Corps, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement: *Provided*, That nothing herein shall be construed to reduce the pay of any retired officer on active duty whose retired pay exceeds the active duty pay and allowances for the grade of lieutenant commander. (Aug. 29, 1916, c. 417, 39 Stat. 581.)

995. Active-duty pay of retired chief warrant officers.—Any retired chief warrant officer who has been on active duty since August 29, 1916, or who may hereafter perform active duty, and whose record is creditable, shall, during such time as he has been or may hereafter be, on active duty, and from the time his service on the active list after date of commission, plus his service on active duty while on the retired list, is equal to six years, receive the pay and allowances that are now, or may hereafter be, allowed a lieutenant (junior grade), United States Navy; and shall, during such time as he has been, or may hereafter be, on active duty, and from the time such total service is equal to twelve years, receive the pay and allowances that are now, or may hereafter be, allowed a lieutenant, United States Navy. (Apr. 10, 1918, c. 49, § 1, 40 Stat. 516.)

996. Active-duty pay of retired warrant officers.—Any retired warrant officer who has been on active duty since August 29, 1916, or who may hereafter perform active duty, and whose record is creditable, shall, during such time as he has been or may hereafter be on active duty, and from the time his service on the active list after date of warrant, plus his service on active duty while on the retired list, is equal to twelve years, receive the pay and allowances that are now or may hereafter be allowed a lieutenant (junior grade), United States Navy; and shall, during such time as he has been or may hereafter be on active duty, and from the time such total service is equal to eighteen years, receive the pay and allowances that are now or may hereafter be allowed a lieutenant, United States Navy. (Apr. 10, 1918, c. 49, § 2, 40 Stat. 516.)

997. Credit for service in World War.—All retired commissioned and warrant officers of the United States Navy and Marine Corps who served on active duty in the Navy and Marine Corps of the United States during the World War shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay. (Mar. 4, 1925, c. 536, § 3, 43 Stat. 1271.)

998. Officers retired on furlough pay.—Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list. (R. S. § 1593.)

999. Pay of retired enlisted men of Navy or Marine Corps with service as commissioned officers.—Retired enlisted men of the regular Navy and Marine Corps heretofore or hereafter retired who served honorably as commissioned officers, regular, temporary, or reserve, in the naval service at some time between April 6, 1917, and November 11, 1918, and who at the time of their retirement were members of the regular Navy or Marine Corps, shall be entitled to receive the pay of retired warrant officers of the Navy and Marine Corps, respectively: *Provided*, That such enlisted man retired prior to July 1, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired prior to that date, and that any such enlisted man

retired subsequent to June 30, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired subsequent to that date: *Provided further*, That nothing in this section shall operate to prevent any person from receiving the pay and allowances of his grade, rank, or rating on the retired list when such pay and allowances exceed the pay to which he would be entitled under this section by virtue of his commissioned service. (June 6, 1924, c. 275, § 8, 43 Stat. 472.)

Chapter 17.—DESERTIONS FROM NAVY OR MARINE CORPS.

Sec.

1011. Arrest of deserter by civil officers.
1012. Civil War cases; removal from record of charge of desertion.
1013. Return to duty or death after desertion.
1014. Reenlistment without discharge from previous enlistment.
1015. Certificate of discharge.
1016. Effect of removal of charge on right to pay and bounty.
1017. Removal from record of charge of desertion; World War.

Section 1011. Arrest of deserter by civil officers.—It shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the Navy or Marine Corps of the United States and deliver him into the custody of the naval authorities. (Feb. 16, 1909, c. 131, § 15, 35 Stat. 622.)

1012. Civil War cases; removal from record of charge of desertion.—The charge of desertion now standing on the rolls and records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the Civil War may in the discretion of the Secretary of the Navy be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records or from other satisfactory evidence, that any such appointed or enlisted man served faithfully until the expiration of his term of enlistment, or until the 1st day of May anno Domini 1865, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time he became entitled to his discharge, failed to be mustered out and to receive a discharge from the service: *Provided*, That no such appointed or enlisted man shall be relieved under this section who, not being sick or wounded, left his command, without proper authority, while the same was in presence of the enemy. (Aug. 14, 1888, c. 890, § 1, 25 Stat. 442; May 24, 1900, c. 550, § 1, 31 Stat. 183.)

1013. Return to duty or death after desertion.—The Secretary of the Navy is authorized to remove the charge of desertion standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the Civil War, in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence, that such appointed or enlisted man charged with desertion or with absence without leave, after such charge of desertion or absence without leave, and within a reasonable time thereafter, voluntarily returned to and served in the line of his duty until he was mustered out of the service, and received a certificate of discharge therefrom, or, while so absent, and before the expiration of his term of enlistment, died from wounds, injury, or disease received or contracted in the service and in the line of duty. (Aug. 14, 1888, c. 890, § 2, 25 Stat. 442; May 24, 1900, c. 550, § 1, 31 Stat. 183.)

1014. Reenlistment without discharge from previous enlistment.—The charge of desertion now standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the Civil War, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment: *Provided*, That no appointed or enlisted man shall be relieved under sections 1011 to 1016, inclusive, who, not being sick or wounded, left his command without proper authority while the same was in presence of the enemy, or who, at the time of leaving his command, was in arrest or under charges, or in whose case the period of absence from the service exceeded three months. (Aug. 14, 1888, c. 890, § 3, 25 Stat. 442; May 24, 1900, c. 550, § 1, 31 Stat. 183.)

1015. Certificate of discharge.—In all cases where the charge of desertion shall be removed under the provisions of the preceding sections from the record of any appointed or enlisted man of the Navy or Marine Corps who has not received a certificate of discharge it shall be the duty of the Secretary of the Navy to issue to such appointed or enlisted man, or in case of his death, to his heirs or legal representatives, a certificate of discharge. (Aug. 14, 1888, c. 890, § 4, 25 Stat. 443; May 24, 1900, c. 550, § 1, 31 Stat. 183.)

1016. Effect of removal of charge on right to pay and bounty.—When the charge of desertion shall be removed under the provisions of the preceding sections from the record of any appointed or enlisted man of the Navy or Marine Corps, such man, or, in case of his death, the heirs or legal representatives of such man, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That sections 1011 to 1016, inclusive, shall not be so construed as to give to any such man as may be entitled to relief under the provisions thereof, or, in case of his death, to the heirs or legal representatives of any such man, the right to receive pay and bounty for any period of time during which such man was absent from his command without leave of absence: *And provided further*, That no appointed or enlisted man, nor the heirs or legal representatives of any such man, who served in the Navy or Marine Corps a period of less than six months shall be entitled to the benefit of the provisions of the aforesaid sections. (Aug. 14, 1888, c. 890, § 5, 25 Stat. 443; May 24, 1900, c. 550, §§ 1, 2, 31 Stat. 183.)

1017. Removal from record of charge of desertion; World War.—In all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion now standing against him on the rolls and records of the Navy or Marine Corps has since such charge was entered served honorably in the World War, either in the military or naval forces of the Allies or in the Army, Navy, or Marine Corps or in other branches of the military service of the United States prior to November 11, 1918, the President is authorized, in his discretion, to cause an entry to be made on said rolls and records of the Navy or Marine Corps, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President, such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: *Provided*, That nothing contained in this section shall operate to entitle any officer

or enlisted man to back pay or allowances of any kind or to a pension for any service rendered prior to the World War. (Mar. 4, 1925, c. 536, § 2, 43 Stat. 1270.)

Chapter 18.—NAVAL ACADEMY.

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LOCATION

Section 1021. Where established.—The Naval Academy shall be at Annapolis, in the State of Maryland. (R. S. § 1511.)

NUMBER OF MIDSHIPMEN

1031. Students styled midshipmen.—The students at the Naval Academy shall be styled midshipmen. (R. S. § 1512; Aug. 5, 1882, c. 391, 22 Stat. 285; July 1, 1902, c. 1368, 32 Stat. 686.)

1032. Number of midshipmen exclusive of Naval and Marine Reserve.—There shall be allowed at the United States Naval Academy five midshipmen for each Senator, Representative, Delegate in Congress, and Resident Commissioner from Porto Rico, and five for the District of Columbia, fifteen appointed each year at large, and one hundred appointed annually from enlisted men of the Navy. (Dec. 20, 1917, c. 5, § 1, 40 Stat. 430; July 11, 1919, c. 9, 41 Stat. 140; Feb. 28, 1925, c. 374, § 3, 43 Stat. 1081.)

1033. Number of midshipmen from Naval Reserve and Marine Corps Reserve.—The Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from the enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions as prescribed by law for appointments from enlisted men of the Navy: *Provided*, That not more than twenty-five midshipmen shall be appointed in any one year under the authority contained in this section. (Feb. 28, 1925, c. 374, § 8, 43 Stat. 1082.)

1034. Additional midshipman from Porto Rico.—There shall be at the Naval Academy one midshipman from Porto Rico, who shall be a native of said island, and whose appointment shall be made by the President on the recommendation of the Governor of Porto Rico. (Mar. 3, 1903, c. 1010, 32 Stat. 1198.)

1035. Additional midshipmen from Philippine Islands.—The Secretary of the Navy is authorized to permit not exceeding four Filipinos, to be designated, one for each class, by the Governor General of the Philippine Islands, to receive instruction at the United States Naval Academy at Annapolis, Maryland: *Provided*, That the Filipinos undergoing instruction, as herein authorized, shall receive the same pay, allowances, and emoluments, to be paid out of the same appropriations, and shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as are authorized by law and regulation for midshipmen appointed from the United States, but the Filipino midshipmen herein authorized shall not be entitled to appointment to any commissioned office in the United States Navy by reason of their graduation from the Naval Academy. (Aug. 29, 1916, c. 417, 39 Stat. 576.)

1036. Admission of foreigners.—No person shall be admitted for instruction at the Naval Academy at Annapolis from any foreign country except upon authority of law hereafter enacted. (June 29, 1906, c. 3590, 34 Stat. 577.)

APPOINTMENT OF MIDSHIPMEN

1041. Nomination of candidates; authority of Secretary and President.—The Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy

from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates. (June 29, 1906, c. 3590, 34 Stat. 578.)

1042. Appointments from enlisted men.—The appointments allowed from enlisted men of the Navy shall be made by the Secretary of the Navy from enlisted men of the Navy who are citizens of the United States and who shall have served not less than one year as enlisted men on the date of entrance. Such appointments shall be made in the order of merit from candidates who have, in competition with each other, passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination before entrance under existing laws. (Mar. 4, 1917, c. 180, 39 Stat. 1182; May 14, 1918, c. 73, 40 Stat. 550; Feb. 28, 1925, c. 374, § 8, 43 Stat. 1082.)

1043. Examination of candidates.—All candidates for admission into the academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners. (R. S. § 1515.)

1044. Second recommendation.—When any candidate who has been nominated upon the recommendation of a Member or Delegate of the House of Representatives is found, upon examination, to be physically or mentally disqualified for admission, the Member or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section. (R. S. § 1516.)

1045. Qualifications.—Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates for admission to the Naval Academy must be not less than sixteen years of age nor more than twenty years of age on April 1 of the calendar year in which they enter the academy, and must be physically sound, well formed, and of robust constitution. (R. S. § 1517; Mar. 2, 1889, c. 396, § 2, 25 Stat. 879; Mar. 3, 1903, c. 1010, 32 Stat. 1198; May 14, 1918, c. 73, 40 Stat. 550.)

1046. Appropriations; how applied.—No money appropriated for the support of the Naval Academy shall be applied to the support of any midshipman appointed otherwise than in strict conformance with the provisions of this chapter. (R. S. § 1518.)

PAY AND ALLOWANCES; STUDIES; GRADUATION

1051. Pay of midshipmen.—The pay of midshipmen shall be $780 per annum. (July 11, 1919, c. 9, 41 Stat. 146.)

1052. Initial money credit.—Each new midshipman shall, upon admission to the Naval Academy, be credited with the sum of $250 to cover the cost of his initial clothing and equipment issue, to be deducted subsequently from his pay. (July 12, 1921, c. 44, § 1, 42 Stat. 131.)

1053. Midshipmen found deficient.—Midshipmen found deficient at any examination shall not be continued at the academy or in the service unless upon the recommendation of the academic board. (R. S. § 1519; Aug. 5, 1882, c. 391, 22 Stat. 285; July 1, 1902, c. 1368, 32 Stat. 686; Oct. 22, 1921, c. 113, § 1, 42 Stat. 207.)

1054. Length of course.—The course at the Naval Academy shall be four years. (R. S. § 1520; Mar. 7, 1912, c. 53, 37 Stat. 73.)

1055. Special courses.—The Secretary of the Navy may prescribe a special course of study and training at home or abroad for any midshipman. (Aug. 5, 1882, c. 391, § 1, 22 Stat. 285; July 1, 1902, c. 1368, 32 Stat. 686.)

1056. Studies on Sunday.—The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday. (R. S. § 1526.)

1057. Commission on graduation.—Midshipmen on graduation shall be commissioned ensigns in the Navy, or may be assigned by the Secretary of the Navy to fill vacancies in the lowest commissioned grades of the Marine Corps or Staff Corps of the Navy. They may be commissioned effective from date of graduation. They shall take rank according to their proficiency as shown by the order of their merit at date of graduation: *Provided*, That if there be a surplus of graduates, those who do not receive such appointments shall be given a certificate of graduation, an honorable discharge, and one year's sea pay. (R. S. § 1521; Aug. 5, 1882, c. 391, § 1, 22 Stat. 285; July 1, 1902, c. 1368, 32 Stat. 686; Mar. 7, 1912, c. 53, 37 Stat. 73; July 9, 1913, c. 5, 38 Stat. 103; July 1, 1918, c. 114, 40 Stat. 716.)

GOVERNMENT

1061. General courts-martial.—The Secretary of the Navy shall have power to convene general courts-martial for the trial of midshipmen, subject to the same limitations and conditions now existing as to other general courts-martial, and to approve the proceedings and execute the sentences of such courts, except the sentences of suspension and dismissal, which, after having been approved by the superintendent, shall not be carried into effect until confirmed by the President. (Mar. 2, 1895, c. 186, 28 Stat. 838; July 1, 1902, c. 1368, 32 Stat. 686.)

1062. Dismissal of midshipmen; board of inquiry.—It shall be the duty of the Superintendent of the United States Naval Academy, whenever he shall believe the continued presence of any midshipman at the said academy to be contrary to the best interests of the service, to report in writing such fact, with a full statement of the facts upon which are based his reasons for such belief, to the Secretary of the Navy, who, if after due consideration of the said report he shall deem the superintendent's said belief reasonable and well founded, shall cause a copy of the said report to be served upon the said midshipman and require the said midshipman to show cause, in writing and within such time as the said Secretary shall deem reasonable, why he should not be dismissed from the said academy; and after due consideration of any cause so shown the said Secretary may, in his discretion, but with the written approval of the President, dismiss such midshipman from the said academy. And the truth of any issue of fact so raised, except upon the record of demerit, shall be determined by a board of inquiry convened by the Secretary of the Navy under the rules and regulations for the government of the Navy. (Apr. 9, 1906, c. 1370, § 1, 34 Stat. 104.)

1063. Rules to prevent hazing.—The Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing. (Mar. 3, 1903, c. 1010, 32 Stat. 1198.)

1064. Hazing defined.—The offense of "hazing" shall consist of any unauthorized assumption of authority by one midshipman over another midshipman whereby the last-mentioned midshipman shall or may suffer or be exposed to suffer any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgment of any right, privilege, or advantage to which he shall be legally entitled. (Apr. 9, 1906, c. 1370, § 4, 34 Stat. 105.)

1065. Hazing punishable as offense against discipline.—The offense known as "hazing" may be proceeded against,

dealt with, and punished as offenses against good order and discipline and for violation and breaches of the rules of the Naval Academy. But no midshipman shall be dismissed for a single act of hazing except under the provisions of the following section. (Apr. 9, 1906, c. 1370, § 2, 34 Stat. 104.)

1066. Trial by Naval Academy court-martial; punishment.—The Superintendent of the United States Naval Academy may, in his discretion and with the approval of the Secretary of the Navy, cause any midshipman in the said academy to be tried by court-martial for the offense of hazing. Such court-martial shall be ordered by the said superintendent and shall be composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon, and such court-martial, upon conviction, may sentence such midshipman to be dismissed or summarily expelled from the academy, or to any punishment authorized for any violation or breach of the rules of the said academy by the said rules, or, in cases of brutal or cruel hazing may, in addition to dismissal, sentence such midshipman to imprisonment for a period not exceeding one year: *Provided*, That such midshipman shall not be confined in a military or naval prison or elsewhere with men who have been convicted of crimes or misdemeanors; and such finding and sentence shall be subject to review by the convening authority and by the Secretary of the Navy, as in the cases of other courts-martial. (June 23, 1874, c. 453, 18 Stat. 203; Mar. 3, 1903, c. 1010, 32 Stat. 1198; Apr. 9, 1906, c. 1370, § 3, 34 Stat. 104.)

1067. Effect of dismissal.—Any midshipman found guilty of participating in or encouraging or countenancing the practice of hazing, and dismissed or summarily expelled from the academy in punishment thereof, shall not thereafter be reappointed to the corps of midshipmen or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. (June 23, 1874, c. 453, 18 Stat. 203; July 1, 1902, c. 1368, 32 Stat. 686; Mar. 3, 1903, c. 1010, 32 Stat. 1198.)

1068. Duty of officers and civilian instructors to report offenses.—It shall be the duty of every professor, assistant professor, academic officer, or any cadet officer or cadet petty officer, or instructor, as well as every other officer stationed at the United States Naval Academy, to promptly report to the superintendent thereof any fact which comes to his attention tending to indicate any violation by a midshipman or midshipmen of any of the provisions of this chapter relating to hazing, or any violation of the regulations of the said academy. Any naval officer attached to the academy who shall fail to make such report as provided in this section shall be tried by court-martial for neglect of duty and if convicted he shall be dismissed from the service. Any civilian instructor attached to the academy who shall fail to make such report as provided in this section shall be dismissed by the superintendent of the academy upon the approval of the Secretary of the Navy. (Apr. 9, 1906, c. 1370, § 5, 34 Stat. 105.)

PROFESSORS AND INSTRUCTORS

1071. Number and compensation.—The Secretary of the Navy is authorized to employ at the Naval Academy such number of professors and instructors, including one professor as librarian, as, in his opinion, may be necessary for the proper instruction of the midshipmen; and professors and instructors so employed shall receive such compensation for their services as may be prescribed by the Secretary of the Navy. The Secretary of the Navy shall report to Congress each year the number of professors and instructors so employed and the amount of compensation prescribed for each. (Aug. 29, 1916, c. 417, 39 Stat. 607; May 18, 1920, c. 190, § 7, 41 Stat. 603; Feb. 11, 1925, c. 209, 43 Stat. 878.)

1072. Professors of ethics, Spanish, and drawing.—Subject to the provisions of section 101 of this title, three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing. (R. S. § 1528.)

BOARD OF VISITORS

1081. Composition, appointment, and compensation.—There shall be appointed every year, in the following manner, a Board of Visitors, to visit the academy, the date of the annual visit of the board aforesaid to be fixed by the Secretary of the Navy: Seven persons shall be appointed by the President and four Senators and five Members of the House of Representatives shall be designated as visitors by the Vice President or President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, in the month of January of each year. The chairman of the Committee on Naval Affairs of the Senate and chairman of the Committee on Naval Affairs of the House of Representatives shall be ex officio members of said board.

Each member of said board shall receive while engaged upon duties as a member of the board not to exceed $5 a day and actual expenses of travel by the shortest mail routes. (Aug. 29, 1916, c. 417, 39 Stat. 608.)

1082. Use of appropriation for expenses.—No part of any appropriation by Congress for expenses of the Board of Visitors, shall be used to pay for intoxicating liquors. (Aug. 4, 1886, c. 903, § 1, 24 Stat. 268.)

BAND

1091. Composition and pay.—The Naval Academy Band shall consist of one leader, with pay and allowances of first lieutenant in the Marine Corps; one second leader; forty-five musicians, first class; twenty-seven musicians, second class; one drum major; and the said leader of the band, second leader of the band, drum major of the band, and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are or may hereafter become applicable to other officers or enlisted men of the Navy. (July 11, 1919, c. 9, 41 Stat. 152.)

The pay and allowances of the members of the Naval Academy Band shall be those provided for enlisted men of the Navy by section 14 of Title 37, PAY AND ALLOWANCES, except that the second leader shall receive the pay and allowances provided in said section for warrant officers of the Navy of corresponding length of service: *Provided*, That nothing in this section shall operate to reduce the pay that any member of the Naval Academy Band was in receipt of on June 30, 1922, nor to deprive him of credit for any service with which he was then entitled to be credited. (Mar. 4, 1925, c. 536, § 18, 43 Stat. 1275.)

STORES AND SUPPLIES

1101. Storekeeper; authority.—The storekeeper at the Naval Academy shall be detailed from the Supply Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen in the same manner as supplies are furnished to the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy. (R. S. § 1527; Aug. 5, 1882, c. 391, 22 Stat. 285; July 11, 1919, c. 9, 41 Stat. 147.)

1102. Duty to render returns of property.—The storekeeper at the Naval Academy, authorized by the preceding section, shall render quarterly returns of property to the Chief of the Bureau of Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of

the Bureau of Supplies and Accounts to the Secretary of the Navy. (May 13, 1908, c. 166, 35 Stat. 153.)

1103. Inspection of storekeeper's accounts.—An inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Supply Corps, with such recommendation as he may deem necessary, to the Chief of the Bureau of Supplies and Accounts. (May 13, 1908, c. 166, 35 Stat. 153; July 11, 1919, c. 9, 41 Stat. 147.)

1104. Dairy farm.—The dairy farm shall be continued and operated as an activity of the midshipmen's store. (Mar. 4, 1925, c. 536, § 26, 43 Stat. 1278.)

1105. Additional payments to servants in commissary department.—Such additional payments from the midshipmen's commissary fund as the Superintendent of the Naval Academy may deem necessary may be made to the servants authorized in the commissary department. (Mar. 4, 1913, c. 148, 37 Stat. 907.)

MEMORIALS IN CHAPEL

1111. Restriction on use of crypt and window spaces.—The crypt and window spaces of the United States Naval Academy chapel are to be used only for memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, or who have received or may receive the thanks of the Congress of the United States for conspicuously distinguished services in time of war, and no memorial shall be accepted for or installed in said crypt or window spaces until at least five years after the death of the officer in question: *Provided*, That nothing in this provision shall be considered as invalidating any agreement made by any Superintendent of the Naval Academy prior to March 3, 1909, authorizing a memorial window in the old Naval Academy chapel to be transferred to the new Naval Academy chapel. (Mar. 3, 1909, c. 255, 35 Stat. 773.)

Chapter 19.—NAUTICAL INSTRUCTION IN EDUCATIONAL INSTITUTIONS.

Sec.
1121. Vessels for nautical schools at certain points.
1122. Appropriations for nautical schools.
1123. Detail of Navy officers as superintendents or instructors; restoration of vessel and recall of officers.
1124. Nautical schools, Philippine Islands.
1125. Detail of enlisted men as ship keepers.
1126. Detail of engineer officers to educational institutions.
1127. Detail of retired officers as teachers or professors in schools or colleges.
1128. Loan of naval equipment to military schools.

Section 1121. Vessels for nautical schools at certain points.—The Secretary of the Navy, to promote nautical education, is authorized and empowered to furnish, upon the application in writing of the governor of a State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each of the following ports of the United States: Boston, Philadelphia, New York, Seattle, San Francisco, Baltimore, Detroit, Saginaw, Michigan, Norfolk, and Corpus Christi, upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, steamship-marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels or any particular branch thereof. (Mar. 4, 1911, c. 265, § 1, 36 Stat. 1353.)

1122. Appropriations for nautical schools.—A sum not exceeding the amount annually appropriated by any State or municipality for the purpose of maintaining such a marine school or schools or the nautical branch thereof is authorized to be appropriated for the purpose of aiding in the maintenance and support of such school or schools: *Provided, however*, That appropriations shall be made for one school in any port heretofore named in the preceding section and that the appropriation for any one year shall not exceed $25,000 for any one school. (Mar. 4, 1911, c. 265, § 2, 36 Stat. 1353.)

1123. Detail of Navy officers as superintendents or instructors; restoration of vessel and recall of officers.—The President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of or instructors in such schools: *Provided*, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: *And provided further*, That no person shall be sentenced to or received at such schools as a punishment or commutation of punishment for crime. (Mar. 4, 1911, c. 265, § 3, 36 Stat. 1353.)

1124. Nautical schools, Philippine Islands.—The Secretary of the Navy is authorized and empowered to loan temporarily to the government of the Philippine Islands, upon the written application of the Secretary of War, a vessel of the United States Navy, to be selected from such vessels as are not suitable or required for general service, together with such of her apparel, charts, books, and instruments of navigation as he may deem proper, said vessel to be used only by such nautical schools as are or may hereafter be maintained by said government of the Philippine Islands: *Provided*, That when such schools shall be abandoned, or when the interests of the naval service shall so require, such vessel, together with her apparel, charts, books, and instruments of navigation, shall be immediately restored to the custody of the Secretary of the Navy. (June 30, 1906, c. 3937, 34 Stat. 817.)

1125. Detail of enlisted men as ship keepers.—When such loan is made to the government of the Philippine Islands, in accordance with the preceding section, the Secretary of the Navy is authorized to detail from the enlisted force of the Navy a sufficient number of men, not exceeding six for any vessel, as ship keepers, the men so detailed to be additional to the number of enlisted men allowed by law for the naval establishment, and in making details for this service preference shall be given to those men who have served twenty years or more in the Navy. (June 30, 1906, c. 3937, 34 Stat. 817.)

1126. Detail of engineer officers to educational institutions.—For the purpose of promoting a knowledge of steam engineering and iron-ship building among the young men of the United States, the President may, upon the application of an established scientific school or college within the United States, detail an engineer officer of the Navy as professor in such school or college: *Provided*, That the number of officers so detailed shall not at any time exceed twenty-five, and such details shall be governed by rules to be prescribed from time to time by the President: *And provided further*, That such details may be withheld or withdrawn whenever, in the judgment of the President, the interests of the public service shall so require. (Feb. 26, 1879, c. 105, 20 Stat. 322; Mar. 3, 1899, § 1, c. 413, 30 Stat. 1004; Aug. 29, 1916, c. 417, 39 Stat. 580.)

1127. Detail of retired officers as teachers or professors in schools or colleges.—Any retired officer of the Navy or Marine Corps may, on his own application, be detailed to service as a teacher or professor in any school or college, but while so serving such officer shall be allowed no additional compensation. (Mar. 2, 1895, c. 186, 28 Stat. 826.)

1128. Loan of naval equipment to military schools.—The President is authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State,

desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every twenty-five cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least seventy-five cadets over fifteen years of age in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time one hundred and fifty cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required. (Mar. 3, 1901, c. 863, 31 Stat. 1440; June 29, 1906, c. 3612, 34 Stat. 620; June 24, 1910, c. 378, 36 Stat. 613.)

Chapter 20.—PRIZE.

Sec.
1131. Application of provisions of chapter.
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1133. Duties of commanding officer making capture.
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1158. Recaptures; award of salvage, costs and expenses.

Section 1131. Application of provisions of chapter.—The provisions of this chapter shall apply to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States. (R. S. § 4613.)

1132. "Vessels of the Navy" defined.—The term "vessels of the Navy," as used in this chapter, shall include all armed vessels officered and manned by the United States, and under the control of the Department of the Navy. (R. S. § 4614.)

1133. Duties of commanding officer making capture.—The commanding officer of any vessel making a capture shall secure the documents of the ship and cargo, including the log book, with all other documents, letters, and other papers found on board, and make an inventory, of the same, and seal them up, and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and are in the condition in which they were found; or explaining the absence of any documents or papers, or any change in their condition. He shall also send to such court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize master and prize crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall deem most convenient, in view of the interests of probable claimants. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisement made by persons as competent and impartial as can be obtained, and their reports shall be sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the Government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the Treasurer of the United States or public depositary most accessible to such court, and subject to its order in the cause. (R. S. § 4615; Mar. 3, 1899, c. 413, § 13, 30 Stat. 1007; May 29, 1920, c. 214, § 1, 41 Stat. 654.)

1134. Duties of prize master.—The prize master shall make his way diligently to the selected port, and there immediately deliver to a prize commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same, and are in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize court. (R. S. § 4617.)

1135. Libel and proceedings by district attorney.—Upon receiving the report of the prize master directed by the preceding section, the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court, directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation thereof; and to that end shall see that the proper preparatory evidence is taken by the prize commissioners, and that the prize commissioners also take the depositions de bene esse of the prize crew, and of other transient persons cognizant of any facts bearing on condemnation. (R. S. § 4618; Mar. 3, 1899, c. 413, 30 Stat. 1007.)

1136. Duties of district attorneys.—The district attorneys of the several judicial districts shall represent the interests of the United States in all prize causes. They shall examine all fees, costs, and expenses, sought to be charged on any prize fund, and protect the interest of the United States. The district attorneys of all districts in which any prize causes are or may be pending shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require. (R. S. § 4619; Mar. 3, 1899, c. 413, 30 Stat. 1007.)

1137. Appointment of prize commissioners.—Any district court may appoint prize commissioners, not exceeding three in number; of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the Department of the Navy in the prize property; and at least one of the others shall be a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions. (R. S. § 4621; Mar. 3, 1899, c. 413, 30 Stat. 1007.)

1138. Duties of prize commissioners.—The prize commissioners, or one of them, shall receive from the prize master the documents and papers, and inventory thereof, and shall take the affidavit of the prize master required by section

1134, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize commissioners shall also take depositions de bene esse of the prize crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken de bene esse, and their own inventory of the prize property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy. (R. S. § 4622.)

1139. Duties of marshal.—The marshal shall safely keep all prize property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize property, if in his judgment it is for the interest of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase money, and forthwith deposit the gross proceeds of the sales with the Treasurer of the United States or public depositary nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as the Secretary of the Navy may require it, a full statement of the condition of each prize and of the disposal made thereof. (R. S. § 4623; May 29, 1920, § 1, c. 214, 41 Stat. 654.)

1140. Appraisal of property taken for Government.—Whenever any captured vessel, arms, munitions, or other material are taken for the use of the United States before it comes into the custody of the prize court, it shall be surveyed, appraised, and inventoried, by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterward, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants. In all cases of prize property taken for or appropriated to the use of the Government, the department for whose use it is taken or appropriated shall deposit the value thereof with the Treasurer of the United States or public depositary nearest to the place of the session of the court, subject to the order of the court in the cause. (R. S. § 4624; Mar. 3, 1899, c. 413, 30 Stat. 1007; May 29, 1920, c. 214, 41 Stat. 654.)

1141. Proceedings for adjudication where property not sent in; effect of failure to commence proceedings within reasonable time.—If by reason of the condition of the captured property, or if because the whole has been appropriated to the use of the United States, no part of it has been or can be sent in for adjudication, or if the property has been entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate; and in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the United States, shall be deposited with the Treasurer of the United States or public depositary in or nearest to that district, subject to the order of the court in the cause. And if in any case of capture no proceedings for adjudication are commenced within a reasonable time, any parties claiming the captured property may, in any district court as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified. (R. S. § 4625; Mar. 3, 1899, c. 413, 30 Stat. 1007; May 29, 1920, c. 214, 41 Stat. 654.)

1142. Delivery of property on stipulation.—No prize property shall be delivered to the claimants on stipulation, deposit, or other security, except where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market value. In such case, the court may deliver the property on stipulation or deposit of its value, if satisfied that the rights and interests of the United States, or of other claimants, will not be prejudiced thereby; but a satisfactory appraisement shall be first made, and an opportunity given to the district attorney and naval prize commissioner to be heard as to the appointment of appraisers. Any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the Treasurer of the United States or public depositary in the same manner as proceeds of a sale. (R. S. § 4626; Mar. 3, 1899, c. 413, 30 Stat. 1007; May 29, 1920, c. 214, 41 Stat. 654.)

1143. Sale of prize; when ordered.—Whenever any prize property is condemned, or at any stage of the proceedings is found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same are disproportionate to its value, the court shall order a sale of such property; and whenever, after the return day on the libel, all the parties in interest who have appeared in the cause agree thereto, the court may make such order; and no appeal shall operate to prevent the making or execution of such order. (R. S. § 4627.)

1144. Mode of making sale.—Upon a sale of any prize property by order of the court, the Secretary of the Navy shall employ an auctioneer of known skill in the branch of business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize commissioner, and the goods shall be open to inspection at least three days before the sale. (R. S. § 4628.)

1145. Transfer of prize property to another district for sale.—Whenever it appears to the court, in the case of any prize property ordered to be sold, that it will be for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected

by the court for the sale, and to insure the same, with proper orders as to the time and manner of selling the same. It shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the Treasurer of the United States or public depositary nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending. The necessary expenses attending the insuring, transferring, receiving, keeping, and selling the property shall be a charge upon it and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he is not repaid from the proceeds, any amount not so repaid shall be allowed to him, as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or by special direction in any cause, require a marshal to transfer any prize property from the district in which the judicial proceedings are pending, to any other district for sale; and the same proceedings shall be had as if such transfer had been made by order of the court. (R. S. § 4629; May 29, 1920, c. 214, 41 Stat. 654.)

1146. Appeals and amendments in prize cases.—The circuit court of appeals may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize cases, or allow a prize appeal therein, if it appears that any notice of appeal or of intention to appeal was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. (R. S. §§ 1006, 4636; Mar. 3, 1911, c. 231, § 128, 36 Stat. 1133; Feb. 13, 1925, c. 229, 43 Stat. 938.)

1147. Powers of district court after appeal.—Notwithstanding any appeal, the district court may make and execute all necessary orders for the custody and disposal of the prize property. (R. S. § 4637; Mar. 3, 1899, c. 413, 30 Stat. 1007; Mar. 3, 1911, c. 231, § 128, 36 Stat. 1133; Feb. 13, 1925, c. 229, 43 Stat. 938.)

1148. Security for costs.—The court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs. (R. S. § 4638.)

1149. Costs and expenses.—All costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize property, when allowed by the court, shall be a charge upon such property, and shall be paid from the proceeds thereof, unless the court shall decree restitution free from such charge. (R. S. § 4639.)

1150. Payment of expenses from prize fund.—No payments shall be made for any prize fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the Treasurer or public depositary in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the Treasurer or public depositary to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, the fund for defraying the expenses of suits in which the United States is a party or interested. (R. S. § 4640; May 29, 1920, c. 214, 41 Stat. 654.)

1151. Payment of prize money.—The net proceeds of all property condemned as prize shall be decreed to the United States, and shall be ordered by the court to be paid into the Treasury of the United States. (R. S. §§ 4630, 4641, 4752; Mar. 3, 1899, c. 413, § 13, 30 Stat. 1007.)

1152. Accounts of clerks of district courts.—The clerk of each district court shall render, to the Secretary of the Treasury and the Secretary of the Navy, a semiannual statement of all the sums allowed by the court, and ordered to be paid, within the previous half year, to the prize commissioners for services; and he shall, in all prize causes in the district, for the purpose of the final decree, ascertain and keep an account of the amount deposited with the Treasurer or public depositary, subject to the order of the court, in each prize cause, and the amounts ordered to be paid therefrom as costs and charges; and shall send copies of all final decrees to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the disposition of the residue. (R. S. § 4644; May 28, 1896, c. 252, § 6, 29 Stat. 179; Mar. 3, 1899, § 13, 30 Stat. 1007; Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182; May 19, 1920, c. 214, 41 Stat. 654.)

1153. Allowances and commissions to marshals.—The marshal shall be allowed his actual and necessary expenses for the custody, care, preservation, insurance, sale, or other disposal of the prize property, and for executing any order of the court respecting the same. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated. (R. S. § 4645; May 28, 1896, c. 252, § 6, 29 Stat. 179.)

1154. Compensation of prize commissioners.—The prize commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize cause, to be adjusted and determined by the court, and to be paid as costs in the cause. (R. S. § 4646.)

1155. Accounts of prize commissioners.—Each prize commissioner, except the naval officer, shall render to the Attorney General an annual account of all sums he shall have received for all services in prize causes within the previous year; and each such prize commissioner shall be allowed to retain a sum not exceeding $3,000 a year, which shall be in full for all his official services in prize causes; and any excess over those respective amounts shall be paid by the officer receiving the same into the Treasury of the United States, and shall be credited to the fund for paying naval pensions. (R. S. § 4647; May 28, 1896, c. 252, § 6, 29 Stat. 179.)

1156. Commissions of auctioneers.—The auctioneers employed to make sales of prize property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one-half of 1 per centum on any sum exceeding $10,000 on vessels, nor 1 per centum on that sum on other prize property, which shall be in full for expenses, as well as for services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case. (R. S. § 4650.)

1157. Payment of witness fees.—Whenever the court shall allow fees to any witness in a prize cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in the cause; and any amount not so repaid the marshal shall be allowed as witness fees paid by him in cases in which the United States is a party. (R. S. § 4651.)

1158. Recaptures; award of salvage, costs, and expenses.—When any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the circumstances of each case. If the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the Treasury of the United States the costs,

and expenses ordered by the court. If the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners, upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses. If the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or State in amity with the United States, and by the law or usage of such prince, government, or State, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner, upon his claim, upon such terms as by the law or usage of such prince, government, or State would be required of a citizen of the United States under like circumstances of recapture; or when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order. The whole amount awarded as salvage shall be disposed of as in the case of proceeds of property condemned as prize. Nothing in this chapter shall be construed to contravene any treaty of the United States. (R. S. § 4652; Mar. 3, 1899, c. 413, § 13, 30 Stat. 1007.)

Chapter 21.—ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Section 1200. Articles established.

CONDUCT AND MORALS IN GENERAL

Article 1. Commanders' duties of example and correction.
2. Divine service.
3. Irreverent behavior.

OFFENSES PUNISHABLE BY DEATH

Article 4. Persons to whom applicable.
1. Mutiny.
2. Disobedience of orders.
3. Striking superior officer.
4. Intercourse with enemy.
5. Messages from an enemy.
6. Desertion in time of war.
7. Deserting trust.
8. Sleeping on watch.
9. Leaving station.
10. Willful stranding or injury of vessels.
11. Unlawful destruction of public property.
12. Striking flag or treacherously yielding.
13. Cowardice in battle.
14. Deserting duty in battle.
15. Neglecting orders to prepare for battle.
16. Neglecting to clear for action.
17. Neglecting to join on signal for battle.
18. Failing to encourage men to fight.
19. Failing to seek encounter.
20. Failing to afford relief in battle.

Article 5. Spies.
6. Murder.
7. Imprisonment in lieu of death.

OFFENSES PUNISHABLE AT DISCRETION OF COURT-MARTIAL

Article 8. Persons to whom applicable.
1. Scandalous conduct.
2. Cruelty.
3. Quarreling.
4. Fomenting quarrels.
5. Duels.
6. Contempt of superior officer.
7. Combinations against superior officer.
8. Mutinous words.
9. Neglect of orders.
10. Preventing destruction of public property.
11. Negligent stranding.
12. Negligence in convoy service.
13. Receiving articles for freight.
14. False muster.
15. Waste of public property.
16. Plundering on shore.
17. Refusal to apprehend offenders.

Article 8. Persons to whom applicable.—Continued.
18. Refusing to receive prisoners.
19. Absence from duty without leave.
20. Violating general orders or regulations.
21. Desertion in time of peace.
22. Harboring deserters.

SPECIAL PROVISIONS APPPLICABLE TO OFFICERS

Article 9. Officer absent without leave reduced.
10. Desertion by resignation.

RESTRICTIONS ON PRIVATE PROPERTY

Article 11. Dealing in supplies.
12. Importing dutiable goods in public vessels.
13. Distilled spirits only as medical stores.

OFFENSES PUNISHABLE BY FINE AND IMPRISONMENT

Article 14. Persons to whom applicable.
1. Presenting false claims.
2. Agreement to obtain payment of false claims.
3. False paper.
4. Perjury.
5. Forgery.
6. Delivering less property than receipt calls for.
7. Giving receipt without knowing truth of.
8. Stealing, wrongfully selling, etc.
9. Buying public military property.
10. Any other fraud against United States.
11. Trial of offender after discharge.

PROVISIONS APPLICABLE TO PRIZE

Article 15. Prize money.
16. Removing property from a prize.
17. Maltreating persons on board prize.

SPECIAL PROVISIONS APPLICABLE TO DESERTERS AND RECRUITING

Article 18. Forfeiture of citizenship rights for desertion.
19. Enlisting deserters, minors, etc.

DUTIES OF COMMANDING OFFICERS

Article 20. Rules to be obeyed by.
1. Men received on board.
2. List of officers, men, and passengers.
3. Deaths and desertion.
4. Property of deceased persons.
5. Accounts of men received.
6. Accounts of men sent from the ship.
7. Inspection of provisions.
8. Health of crew.
9. Attendance at final payment of crew.
10. Articles for the government of the Navy.
11. Punishment for offending against this article.

PUNISHMENT OF OFFENSES NOT SPECIFIED

Article 21. Authority of officers after loss of vessel
22. (a) Offenses not specified.
(b) Fraudulent enlistment.
23. Offenses committed on shore.
24. Punishments by order of commander.
25. Punishments by other officers.

SUMMARY COURTS-MARTIAL

Article 26. Convening authority.
27. Constitution of summary courts-martial.
28. Oath of members and recorder.
29. Testimony.
30. Punishments by summary courts-martial.
31. Disrating for incompetency.
32. Execution of sentence of summary court.
33. Remission of sentence.
34. Proceedings and record of summary court.

GENERAL COURTS-MARTIAL

Article 35. Authority to inflict summary court-martial punishments.
36. Dismissal of officers.
37. Officer dismissed by President may demand trial.
38. Convening authority.
39. Constitution of general court-martial.
40. Oath of members and judge advocate.
41. Oath of witness.
42. (a) Contempts of court.
(b) Witnesses; process for.
(c) Refusal of witness to appear or testify; privilege.

Article 43. Charges and specifications; arrest of accused.
44. Duty of officer arrested.
45. Suspension of proceedings.
46. Absence of members.
47. Witnesses examined in absence of a member.
48. Suspension of pay.

PUNISHMENTS AND SENTENCES; IN GENERAL

Article 49. Prohibited punishments.
50. Sentences, how determined.
51. Adequate punishment; recommendation to mercy.
52. Authentication of judgment.
53. Confirmation of sentence.
54. (a) Remission and mitigation of sentence.
(b) Power of Secretary of Navy over proceedings and sentences of courts-martial.

COURTS OF INQUIRY

Article 55. By whom convened.
56. Constitution.
57. Powers.
58. Oath of members and judge advocate.
59. Rights of party or attorney.
60. Proceedings; authentication; use in evidence.

LIMITATION OF TRIAL AND PUNISHMENT

Article 61. Limitation of trials; offenses in general.
62. Desertion in time of peace.
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DECK COURTS

Article 64. (a) Officers authorized to order.
(b) Constitution and powers.
(c) Recorder.
(d) Approval of sentence of deck court.
(e) Rules governing.
(f) Records of proceedings; filing and review.
(g) Objection to trial by deck court.

MISCELLANEOUS PROVISIONS

Article 65. Personnel; eligibility of officers of auxiliary naval forces.
66. Courts-martial and punishments in hospitals and hospital ships.
67. Authority of officers of separate organization of marines.
68. Depositions in naval courts.
69. Oaths for purpose of naval justice, etc.
70. Investigations; oaths of witnesses.

Section 1200. Articles established.—The Navy of the United States shall be governed by the following articles (R. S. § 1624):

CONDUCT AND MORALS IN GENERAL

Article 1. Commanders' duties of example and correction.—The commanders of all fleets, squadrons, naval stations, and vessels belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and any such commander who offends against this article shall be punished as a court-martial may direct. (R. S. § 1624, art. 1.)

Article 2. Divine service.—The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God. (R. S. § 1624, art. 2.)

Article 3. Irreverent behavior.—Any irreverent or unbecoming behavior during divine service shall be punished as a court-martial may direct. (R. S. § 1624, art. 3; Feb. 16, 1909, c. 131, §§ 1, 2, 35 Stat. 621.)

OFFENSES PUNISHABLE BY DEATH

Article 4. Persons to whom applicable.—The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

First (Mutiny). Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

Second (Disobedience of orders). Or disobeys the lawful orders of his superior officer;

Third (Striking superior officer). Or strikes or assaults, or attempts or threatens to strike or assault, his superior officer while in the execution of the duties of his office;

Fourth (Intercourse with an enemy). Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander in chief of the fleet, the commander of the squadron, or, in case of a vessel acting singly, from his commanding officer;

Fifth (Messages from an enemy). Or receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof;

Sixth (Desertion in time of war). Or, in time of war, deserts or entices others to desert;

Seventh (Deserting trust). Or, in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust;

Eighth (Sleeping on watch). Or sleeps upon his watch;

Ninth (Leaving station). Or leaves his station before being regularly relieved;

Tenth (Willful stranding or injury of vessels). Or intentionally or willfully suffers any vessel of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel of the Navy, or any part of her tackle, armament, or equipment, whereby the safety of the vessel is hazarded or the lives of the crew exposed to danger;

Eleventh (Unlawful destruction of public property). Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel;

Twelfth (Striking flag or treacherously yielding). Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarter;

Thirteenth (Cowardice in battle). Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself;

Fourteenth (Deserting duty in battle). Or, in time of battle, deserts his duty or station, or entices other to do so;

Fifteenth (Neglecting orders to prepare for battle). Or does not properly observe the orders of his commanding officer, and use his utmost exertions to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy;

Sixteenth (Neglecting to clear for action). Or, being in command of a fleet, squadron, or vessel acting singly, neglects, when an engagement is probable, or when an armed vessel of an enemy or rebel is in sight, to prepare and clear his ship or ships for action;

Seventeenth (Neglecting to join on signal for battle). Or does not, upon signal for battle, use his utmost exertions to join in battle;

Eighteenth (Failing to encourage men to fight). Or fails to encourage, in his own person, his inferior officers and men to fight courageously;

Nineteenth (Failing to seek encounter). Or does not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter;

Twentieth (Failing to afford relief in battle). Or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle. (R. S. § 1624, art. 4.)

Article 5. Spies.—All persons who, in time of war, or of rebellion against the supreme authority of the United States, come or are found in the capacity of spies, or who bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death, or such other punishment as a court-martial may adjudge. (R. S. § 1624, art. 5.)

Article 6. Murder.—If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death. (R. S. § 1624, art. 6.)

Article 7. Imprisonment in lieu of death.—A naval court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated. (R. S. § 1624, art 7.)

OFFENSES PUNISHABLE AT DISCRETION OF COURT-MARTIAL

Article 8. Persons to whom applicable.—Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy—

First (Scandalous conduct). Who is guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals;

Second (Cruelty). Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders;

Third (Quarreling). Or quarrels with, strikes, or assaults, or uses provoking or reproachful words, gestures, or menaces toward, any person in the Navy;

Fourth (Fomenting quarrels). Or endeavors to foment quarrels between other persons in the Navy;

Fifth (Duels). Or sends or accepts a challenge to fight a duel or acts as a second in a duel;

Sixth (Contempt of superior officer). Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while in the execution of his office;

Seventh (Combinations against commanding officer). Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer;

Eighth (Mutinous words). Or utters any seditious or mutinous words;

Ninth (Neglect of orders). Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty;

Tenth (Preventing destruction of public property). Or does not use his best exertions to prevent the unlawful destruction of public property by others;

Eleventh (Negligent stranding). Or, through inattention or negligence, suffers any vessel of the Navy to be stranded, or run upon a rock or shoal, or hazarded;

Twelfth (Negligence in convoy service). Or, when attached to any vessel appointed as convoy to any merchant or other vessels, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessels;

Thirteenth (Receiving articles for freight). Or takes, receives, or permits to be received, on board the vessel to which he is attached, any goods or merchandise, for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President or Secretary of the Navy;

Fourteenth (False muster). Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster;

Fifteenth (Waste of public property). Or wastes any ammunition, provisions, or other public property, or, having power to prevent it, knowingly permits such waste;

Sixteenth (Plundering on shore). Or, when on shore, plunders, abuses, or maltreats any inhabitant, or injures his property in any way;

Seventeenth (Refusing to apprehend offenders). Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose;

Eighteenth (Refusing to receive prisoners). Or, when rated or acting as master-at-arms, refuses to receive such prisoners as may be committed to his charge, or, having received them, suffers them to escape, or dismisses them without orders from the proper authority;

Nineteenth (Absence from duty without leave). Or is absent from his station or duty without leave, or after his leave has expired;

Twentieth (Violating general orders or regulations). Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy;

Twenty-first (Desertion in time of peace). Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert;

Twenty-second (Harboring deserters). Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander in chief, or to the commander of the squadron. (R. S. § 1624, art. 8.)

SPECIAL PROVISIONS APPLICABLE TO OFFICERS

Article 9. Officer absent without leave reduced.—Any officer who absents himself from his command without leave, may, by the sentence of a court-martial, be reduced to the rating of seaman, second class. (R. S. § 1624, art. 9; Aug. 29, 1916, c. 417, 39 Stat. 575.)

Article 10. Desertion by resignation.—Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter. (R. S. § 1624, art. 10.)

RESTRICTIONS ON PRIVATE PROPERTY

Article 11. Dealing in supplies.—No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted men on vessels

of the Navy, or at navy yards or naval stations, for his own account or benefit. (R. S. § 1624, art. 11.)

Article 12. Importing dutiable goods in public vessels.—No person connected with the Navy shall, under any pretense, import in a public vessel any article which is liable to the payment of duty. (R. S. § 1624, art. 12.)

Article 13. Distilled spirits only as medical stores.—Distilled spirits shall be admitted on board of vessels of war only upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes. (R. S. § 1624, art. 13.)

OFFENSES PUNISHABLE BY FINE AND IMPRISONMENT

Article 14. Persons to whom applicable.—Fine and imprisonment, or such other punishment as a court-martial may adjudge, shall be inflicted upon any person in the naval service of the United States—

First (Presenting false claims). Who presents or causes to be presented to any person in the civil, military, or naval service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Second (Agreement to obtain payment of false claims). Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Third (False paper). Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Fourth (Perjury). Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Fifth (Forgery). Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Sixth (Delivering less property than receipt calls for). Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Seventh (Giving receipt without knowing truth of). Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Eighth (Stealing, wrongfully selling, etc.). Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof; or

Ninth (Buying public military property). Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in said service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same; or

Tenth (Any other fraud against United States). Who executes, attempts, or countenances any other fraud against the United States.

Eleventh (Trial of offender after discharge). And if any person, being guilty of any of the offenses described in this article while in the naval service, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed. (R. S. § 1624, art. 14.)

PROVISIONS APPLICABLE TO PRIZE

Article 15. Prize money.—The proceeds of vessels or any property hereafter captured, condemned as prize, shall not be distributed among the captors, in whole or in part, nor shall any bounty be paid for the sinking or destruction of vessels of the enemy hereafter occurring in time of war. (R. S. § 1624, art. 15; Mar. 3, 1899, c. 413, § 13, 30 Stat. 1007.)

Article 16. Removing property from a prize.—No person in the Navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels or armed forces of the United States, before the same are adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, in order that judgment may be passed thereon; and every person who offends against this article shall be punished as a court-martial may direct. (R. S. § 1624, art. 16.)

Article 17. Maltreating persons on board prize.—If any person in the Navy strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize, he shall suffer such punishment as a court-martial may adjudge. (R. S. § 1624, art. 17.)

SPECIAL PROVISIONS APPLICABLE TO DESERTERS AND RECRUITING

Article 18. Forfeiture of citizenship rights for desertion.—Every person who in time of war deserts the naval service of the United States shall be deemed to have voluntarily relinquished and forfeited his rights of citizenship, as well as his right to become a citizen, and shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof. (R. S. §§ 1996, 1998; Aug. 22, 1912, c. 336, 37 Stat. 356.)

Article 19. Enlisting deserters, minors, etc.—Any officer who knowingly enlists into the naval service any person who has deserted in time of war from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of fourteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of fourteen years, shall be punished as a court-martial may direct. (May 12, 1879, c. 5, 21 Stat. 3; Aug. 22, 1912, c. 336, § 2, 37 Stat. 356.)

DUTIES OF COMMANDING OFFICERS

Article 20. Rules to be obeyed by.—Every commanding officer of a vessel in the Navy shall obey the following rules:

First (Men received on board). Whenever a man enters on board, the commanding officer shall cause an accurate entry to be made in the ship's books, showing his name, the date, place, and term of his enlistment, the place or vessel from

which he was received on board, his rating, his descriptive list, his age, place of birth, and citizenship, with such remarks as may be necessary.

Second (List of officers, men, and passengers). He shall, before sailing, transmit to the Secretary of the Navy a complete list of the rated men under his command, showing the particulars set forth in rule 1, and a list of officers and passengers, showing the date of their entering. And he shall cause similar lists to be made out on the 1st day of every third month and transmitted to the Secretary of the Navy as opportunities occur, accounting therein for any casualty which may have happened since the last list.

Third (Deaths and desertion). He shall cause to be accurately minuted on the ship's books the names of any persons dying or deserting, and the times at which such death or desertion occurs.

Fourth (Property of deceased persons). In case of the death of any officer, man, or passenger on said vessel, he shall take care that the paymaster secures all the property of the deceased, for the benefit of his legal representatives.

Fifth (Accounts of men received). He shall not receive on board any man transferred from any other vessel or station to him, unless such man is furnished with an account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry on said vessel or at said station, the period and term of his service, the sums paid him, the balance due him, the quality in which he was rated, and his descriptive list.

Sixth (Accounts of men sent from the ship). He shall, whenever officers or men are sent from his ship, for whatever cause, take care that each man is furnished with a complete statement of his account, specifying the date of his enlistment, the period and term of his service, and his descriptive list. Said account shall be signed by the commanding officer and paymaster.

Seventh (Inspection of provisions). He shall cause frequent inspections to be made into the condition of the provisions on his ship, and use every precaution for their preservation.

Eighth (Health of crew). He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health. And he shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon so advises, and shall direct that some of the crew attend them and keep the place clean.

Ninth (Attendance at final payment of crew). He shall attend in person, or appoint a proper officer to attend, when his crew is finally paid off, to see that justice is done to the men and to the United States in the settlement of the accounts.

Tenth (Articles for the government of the Navy). He shall cause the articles for the government of the Navy to be hung up in some public part of the ship and read once a month to his ship's company.

Eleventh (Punishment for offending against this article). Every commanding officer who offends against the provisions of this article shall be punished as a court-martial may direct. (R. S. § 1624, art. 20.)

PUNISHMENT OF OFFENSES NOT SPECIFIED

Article 21. Authority of officers after loss of vessel.—When the crew of any vessel of the United States are separated from their vessel by means of her wreck, loss, or destruction, all the command and authority given to the officers of such vessel shall remain in full force until such ship's company shall be regularly discharged from or ordered again into service, or until a court-martial or court of inquiry shall be held to inquire into the loss of said vessel. And if any officer or man, after such wreck, loss, or destruction, acts contrary to the discipline of the Navy, he shall be punished as a court-martial may direct. (R. S. § 1624, art. 21.)

Article 22. (a) Offenses not specified.—All offenses committed by persons belonging to the Navy which are not specified in the foregoing articles shall be punished as a court-martial may direct. (R. S. § 1624, art. 22.)

(b) Fraudulent enlistment.—Fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared an offense against naval discipline and made punishable by general court-martial, under this article. (Mar. 3, 1893, c. 212, 27 Stat. 716.)

Article 23. Offenses committed on shore.—All offenses committed by persons belonging to the Navy while on shore shall be punished in the same manner as if they had been committed at sea. (R. S. § 1624, art. 23.)

Article 24. Punishments by order of commander.—No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial by a court-martial; nor shall he inflict, or cause to be inflicted, upon any petty officer, or person of inferior rating, or marine, for a single offense, or at any one time, any other than one of the following punishments, namely:

First. Reduction of any rating established by himself.

Second. Confinement not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement, on bread and water, not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a court-martial. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log. (R. S. § 1624, art. 24; Feb. 16, 1909, c. 131, §§ 1, 2, 35 Stat. 621.)

Article 25. Punishments by other officers.—(a) All officers of the Navy and Marine Corps who are authorized to order either general or summary courts-martial shall have the same authority to inflict minor punishments as is conferred by law upon the commander of a naval vessel.

(b) No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishment than confinement. (R. S. § 1624, art. 25; Aug. 29, 1916, c. 417, 39 Stat. 586.)

SUMMARY COURTS-MARTIAL

Article 26. Convening authority.—Summary courts-martial may be ordered upon petty officers and enlisted men in the naval service under his command by the commanding officer of any vessel, the commandant of any navy yard or naval station, brigade, regiment, or separate or detached battalion, or other separate or detached command, or marine barracks, and, when empowered by the Secretary of the Navy, by the commanding officer or officer in charge of any command not specifically mentioned in the foregoing, for the trial of offenses which such commanding officer or commandant may deem deserving of greater punishment than he is authorized to inflict, but not sufficient to require trial by a general court martial. (R. S. § 1624, art. 26; Aug. 29, 1916, c. 417, 39 Stat. 586.)

Article 27. Constitution of summary courts-martial.—A summary court-martial shall consist of three officers not below

the rank of ensign, as members, and of a recorder. The commander of a ship may order any officer under his command to act as such recorder. (R. S. § 1624, art. 27.)

Article 28. Oath of members and recorder.—Before proceeding to trial the members of a summary court-martial shall take the following oath or affirmation, which shall be administered by the recorder: "I, A B, do swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience." After which the recorder of the court shall take the following oath or affirmation, which shall be administered by the senior member of the court: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof." (R. S. § 1624, art. 28.)

Article 29. Testimony.—Except as provided in articles 60 and 68, all testimony before a summary court-martial shall be given orally, upon oath or affirmation, administered by the senior member of the court. (R. S. § 1624, art. 29.)

Article 30. Punishments by summary courts-martial.—Summary courts-martial may sentence petty officers and persons of inferior ratings to either a part or the whole, as may be appropriate, of any one of the following punishments, namely:

First. Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.

Second. Solitary confinement, not exceeding thirty days, on bread and water, or on diminished rations.

Third. Solitary confinement not exceeding thirty days.

Fourth. Confinement not exceeding two months.

Fifth. Reduction to next inferior rating.

Sixth. Deprivation of liberty on shore on foreign station.

Seventh. Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments. (R. S. § 1624, art. 30; Feb. 16, 1909, c. 131, § 8, 35 Stat. 621.)

Article 31. Disrating for incompetency.—A summary court-martial may disrate any rated person for incompetency. (R. S. § 1624, art. 31.)

Article 32. Execution of sentence of summary court.—No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence have been approved by the officer ordering the court, or his successor in office, and by his immediate superior in command: *Provided*, That if the officer ordering the court, or his successor in office, be the senior officer present, such sentence may be carried into execution upon his approval thereof, subject to the provisions of article 54 (b). (R. S. § 1624, art. 32; Feb. 16, 1909, c. 131, § 17, 35 Stat. 623; Aug. 29, 1916, c. 417, 39 Stat. 586.)

Article 33. Remission of sentence.—The officer ordering a summary court-martial shall have power to remit, in part or altogether, but not to commute, the sentence of the court. And it shall be his duty either to remit any part or the whole of any sentence, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce serious injury to the health of the person sentenced, or to submit the case again, without delay, to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment and to assign some other of the authorized punishments in the place thereof. (R. S. § 1624, art. 33.)

Article 34. Proceedings and record of summary court.—The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed in the discretion of the Secretary of the Navy. (Feb. 16, 1909, c. 131, § 14, 35 Stat. 622.)

GENERAL COURTS-MARTIAL

Article 35. Authority to inflict summary court-martial punishments.—Any punishment which a summary court-martial is authorized to inflict may be inflicted by a general court-martial. (R. S. § 1624, art. 35.)

Article 36. Dismissal of officers.—No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof: *Provided*, That the President is authorized to drop from the rolls of the Navy or Marine Corps any officer thereof who is absent from duty without leave for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a State or Federal penitentiary: *Provided further*, That no officer so dropped shall be eligible for reappointment. (R. S. §§ 1229, 1624, art. 36; Apr. 2, 1918, c. 39, 40 Stat. 501.)

Article 37. Officer dismissed by President may demand trial.—When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void: *Provided*, That the accounting officers of the Treasury are prohibited from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March 3, 1865, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces and for other purposes," to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in said act. (R. S. § 1624, art. 37; June 22, 1874, c. 392, § 2, 18 Stat. 192.)

Article 38. Convening authority.—General courts-martial may be convened:

First. By the President, the Secretary of the Navy, the commander in chief of a fleet or squadron, and the commanding officer of a naval station beyond the continental limits of the United States; and

Second. When empowered by the Secretary of the Navy, by the commanding officer of a squadron, division, flotilla, or larger naval force afloat, and of a brigade or larger force of the naval service on shore beyond the continental limits of the United States; and

Third. In time of war, if then so empowered by the Secretary of the Navy, by the commandant of any navy yard or naval station and by the commanding officer of a brigade or larger force of the Navy or Marine Corps on shore not attached to a navy yard or naval station. (R. S. § 1624, art. 38; Feb. 16, 1909, c. 131, § 10, 35 Stat. 621; Aug. 29, 1916, c. 417, 39 Stat. 586.)

Article 39. Constitution of general court-martial.—A general court-martial shall consist of not more than thirteen nor less than five commissioned officers as members; and as many offi-

cers, not exceeding thirteen, as can be convened without injury to the service, shall be summoned on every such court. But in no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the officer to be tried. The senior officer shall always preside and the others shall take place according to their rank. (R. S. § 1624, art. 39.)

Article 40. Oaths of members and judge advocate.—The president of the general court-martial shall administer the following oath or affirmation to the judge advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; that I will not divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law." (R. S. § 1624, art. 40.)

Article 41. Oath of witness.—An oath or affirmation in the following form, shall be administered to all witnesses, before any court-martial, by the president thereof:

"You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges. So help you God; (or 'this you do under the pains and penalties of perjury')." (R. S. § 1624, art. 41.)

Article 42. (a) Contempts of court.—Whenever any person refuses to give his evidence or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months: *Provided*, That the person charged shall, at his own request but not otherwise, be a competent witness before a court-martial or court of inquiry, and his failure to make such request shall not create any presumption against him. (R. S. § 1624, art. 42; Mar. 16, 1878, c. 37, 20 Stat. 30.)

(b) Witnesses; process for.—A naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue. (Feb. 16, 1909, c. 131, § 11, 35 Stat. 621.)

(c) Refusal of witness to appear or testify; privilege.—Any person duly subpœnaed to appear as a witness before a general court-martial or court of inquiry of the Navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence, which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by such naval court to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witness and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him. (Feb. 16, 1909, c. 131, § 12, 35 Stat. 622.)

Article 43. Charges and specifications; arrest of accused.—The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; and no other charges than those so furnished shall be urged against him at the trial, unless it shall appear to the court that intelligence of such other charge had not reached the officer ordering the court when the accused was put under arrest, or that some witness material to the support of such charge was at that time absent and can be produced at the trial; in which case reasonable time shall be given to the accused to make his defense against such new charge. (R. S. § 1624, art. 43.)

Article 44. Duty of officer arrested.—Every officer who is arrested for trial shall deliver up his sword to his commanding officer and confine himself to the limits assigned him, on pain of dismissal from the service. (R. S. § 1624, art. 44.)

Article 45. Suspension of proceedings.—When the proceedings of any general court-martial have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more are assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence is given, unless temporarily adjourned by the authority which convened it. (R. S. § 1624, art. 45.)

Article 46. Absence of members.—No member of a general court-martial shall, after the proceedings are begun, absent himself therefrom, except in case of sickness, or of an order to go on duty from a superior officer, on pain of being cashiered. (R. S. § 1624, art. 46.)

Article 47. Witnesses examined in absence of a member.—Whenever any member of a court-martial, from any legal cause, is absent from the court after the commencement of a case, all the witnesses who have been examined during his absence must, when he is ready to resume his seat, be recalled by the court, and the recorded testimony of each witness so examined must be read over to him, and such witness must acknowledge the same to be correct and be subject to such further examination as the said member may require. Without a compliance with this rule, and an entry thereof upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case. (R. S. § 1624, art. 47.)

Article 48. Suspension of pay.—Whenever a court-martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension. (R. S. § 1624, art. 48.)

PUNISHMENTS AND SENTENCES; IN GENERAL

Article 49. Prohibited punishments.—In no case shall punishment by flogging, or by branding, marking, or tattooing on the body be adjudged by any court-martial or be inflicted upon any person in the Navy. The use of irons, single or double,

is abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial. (R. S. § 1624, art. 49; Feb. 16, 1909, c. 131, § 8, 35 Stat. 621.)

Article 50. Sentences, how determined.—No person shall be sentenced by a court-martial to suffer death, except by the concurrence of two-thirds of the members present, and in the cases where such punishment is expressly provided in these articles. All other sentences may be determined by a majority of votes. (R. S. § 1624, art. 50.)

Article 51. Adequate punishment; recommendation to mercy.—It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; but the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing. (R. S. § 1624, art. 51.)

Article 52. Authentication of judgment.—The judgment of every court-martial shall be authenticated by the signature of the president, and of every member who may be present when said judgment is pronounced, and also of the judge advocate. (R. S. § 1624, art. 52.)

Article 53. Confirmation of sentence.—No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the court. (R. S. § 1624, art. 53.)

Article 54 (a). Remission and mitigation of sentence.—Every officer who is authorized to convene a general court-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court which he is authorized to approve and confirm. (R. S. § 1624, art. 54.)

(b) Power of Secretary of Navy over proceedings and sentences of courts-martial.—The Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the Navy or Marine Corps. (Feb. 16, 1909, c. 131, § 9, 35 Stat. 621.)

COURTS OF INQUIRY

Article 55. By whom convened.—Courts of inquiry may be convened by the President, the Secretary of the Navy, the commander of a fleet or squadron, and by any officer of the naval service authorized by law to convene general courts-martial. (R. S. § 1624, art. 55; Aug. 29, 1916, c. 417, 39 Stat. 586.)

Article 56. Constitution.—A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge advocate, or person officiating as such. (R. S. § 1624, art. 56.)

Article 57. Powers.—Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion, unless expressly required so to do in the order for convening. (R. S. § 1624, art. 57.)

Article 58. Oath of members and judge advocate.—The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing." (R. S. § 1624, art. 58.)

Article 59. Rights of party or attorney.—The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses. (R. S. § 1624, art. 59.)

Article 60. Proceedings; authentication; use in evidence.—The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge advocate, and shall, in all cases not capital, nor extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony can not be obtained. (R. S. § 1624, art. 60.)

LIMITATION OF TRIAL AND PUNISHMENT

Article 61. Limitation of trials; offenses in general.—No person shall be tried by court-martial or otherwise punished for any offense, except as provided in the following article, which appears to have been committed more than two years before the issuing of the order for such trial or punishment, unless by reason of having absented himself, or of some other manifest impediment he shall not have been amenable to justice within that period. (R. S. § 1624, art 61; Feb. 25, 1895, c. 128, 28 Stat. 680.)

Article 62. Desertion in time of peace.—No person shall be tried by court-martial or otherwise punished for desertion in time of peace committed more than two years before the issuing of the order for such trial or punishment, unless he shall meanwhile have absented himself from the United States, or by reason of some other manifest impediment shall not have been amenable to justice within that period, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person was enlisted in the service. (R. S. § 1624, art. 62; Feb. 25, 1895, c. 128, 28 Stat. 680.)

Article 63. Punishment for offenses in time of peace.—Whenever, by any of the Articles for the Government of the Navy of the United States, the punishment on conviction of an offense is left to the discretion of the court-martial, the punishment therefor shall not, in time of peace, be in excess of a limit which the President may prescribe. (R. S. § 1624, art. 63; Feb. 27, 1895, c. 137, 28 Stat. 689.)

DECK COURTS

Article 64 (a). Officers authorized to order.—All officers of the Navy and Marine Corps who are authorized to order either general or summary courts-martial may order deck courts upon enlisted men under their command, for minor offenses now triable by summary court-martial. (Aug. 29, 1916, c. 417, 39 Stat. 586.)

(b) Constitution and powers.—Deck courts shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose either a part or the whole, as may be appropriate, of any one of the punishments prescribed by article 30 of the Articles for the Government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement of forfeiture of pay for a longer period than twenty days. (Feb. 16, 1909, c. 131, § 2, 35 Stat. 621.)

(c) Recorder.—Any person in the Navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof. (Feb. 16, 1909, c. 131, § 3, 35 Stat. 621.)

(d) Approval of sentence of deck court.—All sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office, who shall have full power as reviewing authority to remit or mitigate, but not to commute, any such sentence and to pardon any punishment such court may adjudge; but no sentence of a deck court shall be carried into effect until it shall have been so approved

or mitigated. (Feb. 16, 1909, c. 131, §§ 4, 17, 35 Stat. 621, 623.)

(e) Rules governing.—Deck courts shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe. (Feb. 16, 1909, c. 131, § 5, 35 Stat. 621.)

(f) Records of proceedings; filing and review.—The records of the proceedings of deck courts shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record or so much as he desires shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filed in, the office of the Judge Advocate General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action. (Feb. 16, 1909, c. 131, § 6, 35 Stat. 621.)

(g) Objection to trial by deck court.—No person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-martial, as may be appropriate. (Feb. 16, 1909, c. 131, § 7, 35 Stat. 621.)

MISCELLANEOUS PROVISIONS

Article 65. Personnel; eligibility of officers of auxiliary naval forces.—When actively serving under the Navy Department in time of war or during the existence of an emergency, pursuant to law, as a part of the naval forces of the United States, commissioned officers of the Naval Reserve, Marine Corps Reserve, Naval Militia, Coast Guard, Lighthouse Service, Coast and Geodetic Survey, and Public Health Service are empowered to serve on naval courts-martial and deck courts under such regulations necessary for the proper administration of justice and in the interests of the services involved, as may be prescribed by the Secretary of the Navy. (Oct. 6, 1917, c. 93, 40 Stat. 393; July 1, 1918, c. 114, 40 Stat. 708; Feb. 28, 1925, c. 374, §§ 1, 28, 43 Stat. 1080, 1088.)

Article 66. Courts-martial and punishments in hospitals and hospital ships.—When empowered by the Secretary of the Navy pursuant to article 26 to order summary courts-martial, the commanding officer of a naval hospital or hospital ship shall be empowered to order such courts and deck courts, and inflict the punishments which the commandant of a naval vessel is authorized by law to inflict, upon all enlisted men of the naval service attached thereto, whether for duty or as patients. (Aug. 29, 1916, c. 417, 39 Stat. 586.)

Article 67. Authority of officers of separate organization of marines.—When a force of marines is embarked on a naval vessel, or vessels, as a separate organization, not a part of the authorized complement thereof, the authority and powers of the officers of such separate organization of marines shall be the same as though such organization were serving at a navy yard on shore, but nothing herein shall be construed as impairing the paramount authority of the commanding officer of any naval vessel over the vessel under his command and all persons embarked thereon. (Aug. 29, 1916, c. 417, 39 Stat. 586.)

Article 68. Depositions in naval courts.—The depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year as follows:

First, depositions of civilian witnesses residing outside the State, Territory, or District in which a naval court is ordered to sit.

Second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District.

Third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance. (Feb. 16, 1909, c. 131, § 16, 35 Stat. 622.)

Article 69. Oaths for purpose of naval justice, etc.—Judges advocate of naval general courts-martial and courts of inquiry, and all commanders in chief of naval squadrons, commandants of navy yards and stations, officers commanding vessels of the Navy, and recruiting officers of the Navy, and the adjutant and inspector, assistants adjutant and inspector, commanding officers, recruiting officers of the Marine Corps, and such other officers of the regular Navy and Marine Corps, of the Naval Reserve, and of the Marine Corps Reserve, as may be hereafter designated by the Secretary of the Navy, are authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration. (Jan. 25, 1895, c. 45, 28 Stat. 639; Mar. 3, 1901, c. 834, 31 Stat. 1086; Mar. 4, 1917, c. 180, 39 Stat. 1171; July 1, 1918, c. 114, 40 Stat. 708; Feb. 28, 1925, c. 374, § 1, 43 Stat. 1080.)

Article 70. Investigations; oaths of witnesses.—Any officer of the Navy or Marine Corps detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any naval board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation. (R. S. § 183; Feb. 13, 1911, c. 43, 36 Stat. 898.)

NAVY DEPARTMENT

See chapter 7 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

NEAR EAST RELIEF

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

NEUTRALITY

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

NORTHERN PACIFIC HALIBUT FISHERY

See Title 16, CONSERVATION.

OFFICERS RESERVE CORPS

See Title 10, ARMY.

OIL AND GAS LANDS

See Title 30, MINERAL LANDS AND MINING.

OLEOMARGARINE

See Title 21, FOOD AND DRUGS.

OPIUM

See Title 21, FOOD AND DRUGS.

ORDNANCE

See Title 10, ARMY; Title 50, WAR.

OVERFLOWED LANDS

See Title 43, PUBLIC LANDS.

PACIFIC RAILROADS

See Title 45, RAILROADS.

PACKERS AND STOCKYARDS ACT.

See Title 7, AGRICULTURE.

PANAMA CANAL

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

PARKS

See Title 16, CONSERVATION.

PASSPORTS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

TITLE 35.—PATENTS

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Chapter 1.—PATENT OFFICE.

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Section 1. Establishment.—There shall be in the Department of Commerce an office known as the Patent Office, where all records, books, models, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved. (R. S. § 475; Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.)

2. Officers and employees.—There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents. (R. S. §§ 476, 477; Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; May 4, 1909, c. 297, § 1, 35 Stat. 891; June 27, 1910, c. 297, § 1, 36 Stat. 514; Feb. 15, 1916, c. 22, §§ 1, 2, 39 Stat. 8; May 10, 1916, c. 117, § 1, 39 Stat. 101; May 3, 1925, c. 462, 43 Stat. 8.)

3. Seal.—The seal provided for the Patent Office prior to July 8, 1870, shall be the seal of the office, with which letters patent and papers issued from the office shall be authenticated. (R. S. § 478.)

4. Restrictions on officers and employees of Patent Office as to interest in patents.—All officers and employees of the Patent Office shall be incapable, during the period for which they hold their appointments, to acquire or take, directly or indirectly, except by inheritance or bequest, any right or interest in any patent issued by the office. (R. S. § 480.)

5. Bonds of commissioner and chief clerk.—The Commissioner of Patents and the chief clerk, who shall be qualified to act as a principal examiner, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the former in the sum of $10,000, and the latter in the sum of $5,000, conditioned for the faithful discharge of their respective duties, and that they shall render to the General Accounting Office a true account of all money received by virtue of their offices. (R. S. § 479; Mar. 4, 1909, c. 297, § 1, 35 Stat. 891.)

6. Duties of commissioner.—The Commissioner of Patents, under the direction of the Secretary of Commerce, shall superintend or perform all duties respecting the granting and issuing of patents directed by law; and he shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, from time to time establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office. (R. S. §§ 481, 483; Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.)

7. Duties of examiners in chief.—The examiners in chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissues of patents, and in interference cases; and, when required by the commissioner, they shall hear and report upon claims for extensions, and perform such other like duties as he may assign them. (R. S. § 482.)

10. Library.—There shall be purchased for the use of the Patent Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose. (R. S. § 486.)

11. Patent agents or attorneys; rules and regulations for; suspension or exclusion from practice.—The Commissioner of Patents, subject to the approval of the Secretary of Commerce, may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing applicants or other parties before his office, and may require of such persons, agents, or attorneys, before being recognized as representatives of applicants or other persons, that they shall show that they are of good moral character and in good repute, are possessed of the necessary qualifications to enable them to render to applicants or other persons valuable service, and are likewise competent to advise and assist applicants or other persons in the presentation or prosecution of their applications or other business before the office. The Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before his office any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who refuses to comply with the said rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the office, by word, circular, letter, or by advertising. The reasons for any such suspension or exclusion shall be duly recorded. The action of the commissioner may be reviewed upon the petition of the person so refused recognition or so suspended or excluded by the Supreme Court of the District of Columbia under such conditions and upon such proceedings as the said court may by its rules determine. (R. S. § 487; Feb. 18, 1922, c. 58, § 3, 42 Stat. 390.)

12. Printing of papers filed.—The Commissioner of Patents may require all papers filed in the Patent Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them. (R. S. § 488.)

13. Printing copies of claims, laws, decisions.—The Commissioner of Patents may print, or cause to be printed, copies of

the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public. (R. S. § 489.)

14. Certified copies of drawings of patents issued; fees.—Certified copies of drawings and specifications of patents issued may be furnished by the Commissioner of Patents to persons applying therefor upon payment of the rates for uncertified copies, and 25 cents additional for each certification. Nothing in sections 487 to 491 of Title 5 shall be so construed as to repeal the provisions of this section. (Mar. 3, 1891, c. 541, § 1, 26 Stat. 939; Aug. 24, 1912, c. 370, § 5, 37 Stat. 498.)

15. Exchange of printed copies of patents with Canada.—The Commissioner of Patents of the United States is authorized to exchange with the Dominion of Canada, under such terms of contract as may by him be deemed practicable, printed copies of patents issued by the United States. (Jan. 14, 1915, No. 3, 38 Stat. 1221.)

16. Multigraphing headings of drawings for patented cases.—Headings of the drawings for patented cases may be multigraphed in the Patent Office for the purpose of photolithography. (June 5, 1924, c. 264, 43 Stat. 415; Mar. 3, 1925, c. 462, 43 Stat. 1165.)

17. Custody of collections of exploring expedition.—The collections of the exploring expedition, now in the Patent Office, shall be under the care and management of the Commisioner of Patents. (R. S. § 495.)

18. Commission to select Patent Office models for preservation and exhibition; expenses; report to Congress.—A commission to consist of the Commissioner of Patents and the Secretary of the Smithsonian Institution, or their representatives, and a patent attorney duly registered as such in the Patent Office, the latter to be designated by the Commissioner of Patents, with the approval of the Secretary of Commerce, is created to select such of the Patent Office models and exhibition exhibits as may be deemed to be of value and of historical interest, and thereafter store or place the same on exhibition in the Patent Office or the National Museum, and cause the remainder of the said models and exhibits to be disposed of by public auction, gift to Federal, State, or private museums or institutions, or returned without expense to the Government to the original depositors or their representatives, where demanded in writing by them, or destroyed, as the commission may determine.

The Commissioner of Patents is authorized to pay necessary drayage and all other expenses incident to handling and removing the said models and exhibits and to employ per diem employees in such numbers and at such times as he may determine, and pay each of the said employees at a rate of compensation not to exceed $5 per day, such employees to be engaged upon the work of uncrating, removing, crating, storing, listing, sorting, and otherwise handling said models and exhibits.

All actions and expenditures herein authorized shall be subject to the approval of the Secretary of Commerce.

A report shall be made to Congress of the action of the commission hereunder. (Feb. 14, 1903, c. 552, § 12, 32 Stat. 830; Feb. 13, 1925, c. 230, 43 Stat. 942.)

19. Disbursements for Patent Office.—Disbursements for the Patent Office shall be made by the disbursing clerk of the Department of Commerce. (R. S. § 496; Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.)

20. Annual report of commissioner.—The Commissioner of Patents shall lay before Congress, in the month of January, annually, a report, giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of all the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent Office as may be useful to Congress or the public. (R. S. § 494.)

Chapter 2.—PATENTS.

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INVENTIONS PATENTABLE

Section 31. Inventions patentable.—Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor. (R. S. § 4886; Mar. 3, 1897, c 391, § 1, 29 Stat. 692.)

32. Inventions previously patented abroad.—No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section 31 of this title, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section 31 of this title, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing. (R. S. § 4887; Mar. 3, 1897, c. 391, § 3, 29 Stat. 693; Mar. 3, 1903, c. 1019, § 1, 32 Stat. 1225.)

GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

33. Application for patent; description; specification and claim.—Before any inventor or discoverer shall receive a patent for his invention or discovery he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor. (R. S. § 4888; Mar. 3, 1915, c. 94, § 1, 38 Stat. 958.)

34. Same; drawings, specimen of ingredients or models to accompany.—When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, which shall be filed in the Patent Office; and a copy of the drawing to be furnished by the Patent Office, shall be attached to the patent as a part of the specification. When the invention or discovery is of a composition of matter, the applicant, if required by the commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment. In all cases which admit of representation by model, the applicant, if required by the commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery. (R. S. §§ 4889 to 4891; Mar. 3, 1915, c. 94, § 2, 38 Stat. 959.)

35. Same; oath of applicant.—The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States. (R. S. § 4892; Mar. 3, 1903, c. 1019, § 2, 32 Stat. 1226.)

36. Same; examination of invention, and issuing of patent.—On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the alleged new invention or discovery; and, if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the commissioner shall issue a patent therefor. (R. S. § 4893.)

37. Time of completing application; applications regarded abandoned.—All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable. No application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States. Within ninety days, and not less than thirty days, before the expiration of any such three-year period the Commissioner of Patents shall, in writing, notify the head of the department interested in any pending applica-

tion for patent, of the approaching expiration of the three-year period within which any application for patent shall have been pending. (R. S. § 4894; Mar. 3, 1897, c. 391, § 4, 29 Stat. 693; July 6, 1916, c. 225, § 1, 39 Stat. 348.)

38. Renewal of application in cases of failure to pay fees in season.—Any person who has an interest in an invention or discovery, whether as inventor, discoverer, or assignee, for which a patent was ordered to issue upon the payment of the final fee, but who fails to make payment thereof within six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent, shall have a right to make an application for a patent for such invention or discovery the same as in the case of an original application. But such second application must be made within two years after the allowance of the original application. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent was ordered to issue under such renewed application prior to the issue of the patent. And upon the hearing of renewed applications preferred under this section, abandonment shall be considered as a question of fact. (R. S. § 4897.)

39. Patents, how issued, attested, and recorded.—All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose. (R. S. § 4883; Feb. 18, 1888, c. 15, 25 Stat. 40; Apr. 11, 1902, c. 417, 32 Stat. 95; Feb. 18, 1922, c. 58, § 5, 42 Stat. 391.)

40. Same; contents and duration.—Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States, and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof. (R. S. § 4884.)

41. Same; time of issue; payment of final fee; withholding patent.—Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld. (R. S. § 4885; May 23, 1908, c. 189, 35 Stat. 246.)

42. Same; publication of inventions during war; compensation for war-time use of invention tendered to the United States.—Whenever during a time when the United States is at war the publication of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense or might assist the enemy or endanger the successful prosecution of the war he may order that the invention be kept secret and withhold the grant of a patent until the termination of the war. The invention disclosed in the application for said patent may be held abandoned upon it being established before or by the commissioner that in violation of said order said invention has been published or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents, or under a license of the Secretary of Commerce as provided by law.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately received a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from date of the use of the invention by the Government. (Oct. 6, 1917, c. 95, 40 Stat. 394.)

43. Same; representation of heads of departments requesting expedition of patents.—In every case where the head of any department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent it shall be the duty of such head of a department to be represented before the commissioner in order to prevent the improper issue of a patent. (Mar. 3, 1897, c. 391, § 7, 29 Stat. 694.)

44. Same; issue to assignee.—Patents may be granted and issued or reissued to the assignee of the inventor or discoverer; but the assignment must first be entered of record in the Patent Office. And in all cases of an application by an assignee for the issue of a patent, the application shall be made and the specification sworn to by the inventor or discovered; and in all cases of an application for a reissue of any patent, the application must be made and the corrected specification signed by the inventor or discoverer, if he is living, unless the patent was issued and the assignment made before the 8th day of July, 1870. (R. S. § 4895.)

45. Same; issue to Government officers for inventions used in public service.—The Secretary of Commerce and the Commissioner of Patents are authorized to grant any officer of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 31 of this title, when such invention is used or to be used in the public service, without the payment of any fee. The applicant in his application shall state that the invention described therein, if patented, may be used by the Government or any of its officers or employees in the prosecution of work for the Government, or by any other person in the United States, without the payment to him of any royalty thereon, which stipulation shall be included in the patent. (Mar. 3, 1883, c. 143, 22 Stat. 625; Feb. 14, 1903, c. 552, § 12, 32 Stat. 830.)

46. Death or insanity of inventor or person making discovery.—When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted the right of applying for and obtaining the patent shall devolve on his legally appointed guardian, conservator, or representative in trust for his estate in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane; and when the application is made by such legal representatives the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States. (R. S. § 4896; Feb. 28, 1899, c. 227, 30 Stat. 915; Mar. 3, 1903, c. 1019, § 3, 32 Stat. 1226; May 23, 1908, c. 188, 35 Stat. 245.)

47. Assignments of patents; evidence of execution.—Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or

legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any District or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 131 of Title 22, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance. (R. S. § 4898; Mar. 3, 1897, c. 391, § 5, 29 Stat. 692; Feb. 18, 1922, c. 58, § 6, 42 Stat. 391.)

48. Use or sale by persons purchasing of inventor, before application.—Every person who purchases of the inventor, or discoverer, or with his knowledge and consent constructs any newly invented or discovered machine, or other patentable article, prior to the application by the inventor or discoverer for a patent, or who sells or uses one so constructed, shall have the right to use, and vend to others to be used, the specific thing so made or purchased, without liability therefor. (R. S. § 4899.)

49. Patented articles marked as such; notice of infringement.—It shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this can not be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented. (R. S. § 4900.)

50. Falsely marking or labeling articles; penalty.—Every person who, in any manner, marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of any person who has obtained a patent therefor without the consent of such patentee, or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any such patented article the word "patent" or "patentee," or the words "letters patent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any unpatented article the word "patent," or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offense, to a penalty of not less than $100, with costs; one-half of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any district court of the United States within whose jurisdiction such offense may have been committed. (R. S. § 4901.)

51. Notice of rejection of claim.—Whenever, on examination, any claim for a patent is rejected, the commissioner shall notify the applicant thereof, giving him briefly the reasons for such rejection, together with such information and references as may be useful in judging of the propriety of renewing his application or of altering his specification; and if, after receiving such notice, the applicant persists in his claim for a patent, with or without altering his specifications, the commissioner shall order a reexamination of the case. (R. S. § 4903.)

52. Interferences; determination of priority; issue of patent.—Whenever an application is made for a patent which, in the opinion of the commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner, or of the board of examiners in chief, as the case may be, within such time, not less than twenty days, as the commissioner shall prescribe. (R. S. § 4904.)

53. Affidavits and depositions.—The Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where the officer resides. (R. S. § 4905.)

54. Subpœnas to witnesses; subpœnas duces tecum.—The clerk of any court of the United States, for any district or Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such district or Territory, commanding him to appear and testify before any officer in such district or Territory authorized to take depositions and affidavits at any time and place in the subpœna stated. But no witness shall be required to attend at any place more than forty miles from the place where the subpœna is served upon him; and the provisions of section 647 of Title 28 relating to the issuance of subpœnas duces tecum shall apply to contested cases in the Patent Office. (R. S. § 4906; Feb. 18, 1922, c. 58, § 7, 42 Stat. 391.)

55. Witness fees.—Every witness duly subpœnaed and in attendance shall be allowed the same fees as are allowed to witnesses attending the courts of the United States. (R. S. § 4907.)

56. Failing to attend or refusing to testify.—Whenever any witness, after being duly served with such subpœna, neglects or refuses to appear, or after appearing refuses to testify, the judge of the court whose clerk issued the subpœna may, on proof of such neglect or refusal, enforce obedience to the process, or punish the disobedience, as in other like cases. But no witness shall be deemed guilty of contempt for disobeying such subpœna, unless his fees and traveling expenses in going to, returning from, and one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpœna; nor for refusing to disclose any secret invention or discovery made or owned by himself. (R. S. § 4908.)

APPEALS IN PATENT CASES AND DEFECTIVE PATENTS

57. Appeals; from primary examiners to examiners in chief.—Every applicant for a patent or for the reissue of a patent, any of the claims of which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interferences in such case, to the board of examiners in chief; having once paid the fee for such appeal. (R. S. § 4909.)

58. Same; from examiners in chief to commissioner.—If such party is dissatisfied with the decision of the examiners

in chief, he may, on payment of the fee prescribed, appeal to the commissioner in person. (R. S. § 4910.)

59. Same; from commissioner.—The determination of appeals from the decision of the Commissioner of Patents is vested in the Court of Appeals of the District of Columbia; and in addition, any party aggrieved by a decision of the Commissioner of Patents in any interference case may appeal therefrom to said court of appeals. (Feb. 9, 1893, c. 74, § 9, 27 Stat. 436.)

60. Same; notice of appeal from decision of commissioner.—When an appeal is taken to the Court of Appeals of the District of Columbia, the appellant shall give notice thereof to the commissioner, and file in the Patent Office, within such time as the commissioner shall appoint, his reasons of appeal, specifically set forth in writing. (R. S. § 4912.)

61. Same; proceedings on appeal from decision of commissioner.—The court shall, before hearing such appeal, give notice to the commissioner of the time and place of the hearing, and on receiving such notice the commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the commissioner shall furnish the court with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the commissioner and the examiners may be examined under oath, in explanation of the principles of the thing for which a patent is demanded. (R. S. § 4913.)

62. Same; determination of appeal; revision of former decision.—The court, on petition, shall hear and determine such appeal, and revise the decision appealed from in a summary way, on the evidence produced before the commissioner, at such early and convenient time as the court may appoint; and the revision shall be confined to the points set forth in the reasons of appeal. After hearing the case the court shall return to the commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office, and shall govern the further proceedings in the case. But no opinion or decision of the court in any such case shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question. (R. S. § 4914.)

63. Bill in equity to obtain patent.—Whenever a patent on application is refused, either by the Commissioner of Patents or by the Court of Appeals of the District of Columbia upon appeal from the commissioner, the applicant may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the commissioner to issue such patent on the applicant filing in the Patent Office a copy of the adjudication, and otherwise complying with the requirements of law. In all cases, where there is no opposing party, a copy of the bill shall be served on the commissioner; and all the expenses of the proceeding shall be paid by the applicant, whether the final decision is in his favor or not. (R. S. § 4915.)

64. Reissue of defective patents; patents for separate parts.—Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in the case of his death or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters patent. The specifications and claim in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so reissued, together with the corrected specification, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid. (R. S. § 4916.)

PROTECTION OF PATENT RIGHTS

65. Disclaimer.—Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimor of such parts of the thing patented as he shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimor shall be in writing, attested by one or more witnesses, and recorded in the Patent Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing it. (R. S. § 4917.)

66. Interfering patents; relief against.—Whenever there are interfering patents, any person interested in any one of them, or in the working of the invention claimed under either of them, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court, on notice to adverse parties, and other due proceedings had according to the course of equity, may adjudge and declare either of the patents void in whole or in part, or inoperative, or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication shall affect the right of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment. (R. S. § 4918.)

67. Infringement of patent; damages for.—Damages for the infringement of any patent may be recovered by action on the case, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the

verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs. (R. S. § 4919.)

68. Suit for unlicensed use of invention by the United States; compensation for; Government employees.—Whenever an invention described in and covered by a patent of the United States shall be used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture. The Court of Claims shall not entertain a suit or award compensation under the provisions of this section where the claim for compensation is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States prior to June 25, 1910. In any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement, as set forth in this chapter, or otherwise. The benefits of the provisions of this section shall not inure to any patentee who, when he makes such claim, is in the employment or service of the Government of the United States, or the assignee of any such patentee. This section shall not apply to any device discovered or invented by such employee during the time of his employment or service. (June 25, 1910, c. 423, 36 Stat. 851; July 1, 1918, c. 114, 40 Stat. 705.)

69. Pleading and proof in actions for infringement.—In any action for infringement the defendant may plead the general issue, and, having given notice in writing to the plaintiff or his attorney thirty days before, may prove on trial any one or more of the following special matters:

First. That for the purpose of deceiving the public the description and specification filed by the patentee in the Patent Office was made to contain less than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect; or,

Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same; or,

Third. That it has been patented or described in some printed publication prior to his supposed invention or discovery thereof, or more than two years prior to his application for a patent therefor; or,

Fourth. That he was not the original and first inventor or discoverer or any material and substantial part of the thing patented; or,

Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

And in notices as to proof of previous invention, knowledge, or use of the thing patented, the defendant shall state the names of the patentees and the dates of their patents, and when granted, and the names and residences of the persons alleged to have invented or to have had the prior knowledge of the thing patented, and where and by whom it had been used; and if any one or more of the special matters alleged shall be found for the defendant, judgment shall be rendered for him with costs. And the like defenses may be pleaded in any suit in equity for relief against an alleged infringement; and proofs of the same may be given upon like notice in the answer of the defendant, and with the like effect. (R. S. § 4920; Mar. 3, 1897, c. 391, § 2, 29 Stat. 692.)

70. Power of courts to grant injunctions and estimate damages; assessment of damages and profits; increase of damages; limitation on recovery of damages or profits; notice to commissioner of suits filed and decrees rendered.—The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages or profits are not susceptible of calculation and determination with reasonable certainty, the court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence and all other evidence in the record the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as profits or general damages for the infringement. The court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order so far as known the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner of Patents, and within one month after the decision is rendered or a decree issued the clerk of the court shall give notice thereof to the Commissioner of Patents, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit. (R. S. § 4921; Mar. 3, 1897, c. 391, § 6, 29 Stat. 694; Feb. 18, 1922, c. 58, § 8, 42 Stat. 392.)

71. Suit for infringement where specification too broad.—Whenever, through inadvertence, accident, or mistake, and without any willful default or intent to defraud or mislead the public, a patentee has, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor or discoverer, every such patentee, his executors, administrators, and assigns, whether of the whole or any sectional interest in the patent, may maintain a suit at law or in equity, for the infringement of any part thereof, which was bona fide his own, if it is a material and substantial part of the thing patented, and definitely distinguishable from the parts claimed without right, notwithstanding the specifications may embrace more than that of which the patentee was the first inventor or discoverer. But

in every such case in which a judgment or decree shall be rendered for the plaintiff no costs shall be recovered unless the proper disclaimer has been entered at the Patent Office before the commencement of the suit. But no patentee shall be entitled to the benefits of this section if he has unreasonably neglected or delayed to enter a disclaimer. (R. S. § 4922.)

72. Patent not void for previous use of thing in foreign country.—Whenever it appears that a patentee, at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented or described in a printed publication. (R. S. § 4923.)

DESIGN PATENTS

73. Patents for designs; how obtained; regulations applicable.—Any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries covered by section 31 of this title, obtain a patent therefor.

All the regulations and provisions which apply to obtaining or protecting patents for inventions or discoveries not inconsistent with the provisions of this title, shall apply to patents for designs. (R. S. §§ 4929, 4933; May 9, 1902, c. 783, 39 Stat. 193.)

74. Same; penalty for unauthorized use; injunction to restrain infringement.—During the term of letters patent for a design, it shall be unlawful for any person other than the owner of said letters patent, without the license of such owner, to apply the design secured by such letters patent, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or to sell or expose for sale any article of manufacture to which such design or colorable imitation shall, without the license of the owner, have been applied, knowing that the same has been so applied. Any person violating the provisions, or either of them, of this section, shall be liable in the amount of $250; and in case the total profit made by him from the manufacture or sale, as aforesaid, of the article or articles to which the design, or colorable imitation thereof, has been applied, exceeds the sum of $250, he shall be further liable for the excess of such profit over and above the sum of $250. And the full amount of such liability may be recovered by the owner of the letters patent, to his own use, in any district court of the United States having jurisdiction of the parties, either by action at law or upon a bill in equity for an injunction to restrain such infringement. (Feb. 4, 1887, c. 105, § 1, 24 Stat. 387.)

75. Same; remedy by existing law not impaired, but owner not to recover twice.—Nothing in section 74 of this title contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any owner of letters patent for a design, aggrieved by the infringement of the same, might have had if said section 74 had not been passed; but such owner shall not twice recover the profit made from the infringement. (Feb. 4, 1887, c. 105, § 2, 24 Stat. 388.)

76. Same; drawings or photographs in lieu of models.—The commissioner may dispense with models or designs when the design can be sufficiently represented by drawings or photographs. (R. S. § 4930.)

77. Same; duration.—Patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant may, in his application, elect. (R. S. § 4931.)

PATENT FEES

78. Patent fees.—The following shall be the rates for patent fees:

On filing each original application for a patent, except in design cases, $20.

On issuing each original patent, except in design cases, $20.

In design cases: For three years and six months, $10; for seven years, $15; for fourteen years, $30.

On every application for the reissue of a patent, $30.

On filing each disclaimer, $10.

On an appeal for the first time from the primary examiners to the examiners in chief, $10.

On every appeal from the examiners in chief to the commissioner, $20.

For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for $50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

For each certificate, 25 cents.

For recording every assignment, agreement, power of attorney, or other paper of three hundred words or under, $1; of over three hundred and under one thousand words, $2; and for each additional thousand words or fraction thereof, $1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 25 cents additional.

For copies of drawings, the reasonable cost of making them.

Nothing in sections 487 to 491 of Title 5 shall be so construed as to repeal the provisions of this section. (R. S. §§ 493, 4934; Mar. 3, 1891, c. 541, § 1, 26 Stat. 939; May 19, 1896, c. 204, 29 Stat. 124; May 27, 1908, c. 200, § 1, 35 Stat. 343; June 25, 1910, c. 414, § 2, 36 Stat. 843; Aug. 24, 1912, c. 370, § 5, 37 Stat. 498; Nov. 4, 1919, c. 93, § 1, 41 Stat. 335; Feb. 18, 1922, c. 58, § 9, 42 Stat. 393.)

79. Same; disposition of; return of excess fees.—All patent fees shall be paid to the Commissioner of Patents, who shall give the depositor a receipt or certificate of deposit therefor and shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury shall direct, and said commissioner is authorized to pay back any sum or sums of money paid to him by any person by mistake or in excess of the fee required by law. (R. S. §§ 4935, 4936; Mar. 6, 1920, c. 94, § 1, 41 Stat. 512.)

MISCELLANEOUS PROVISIONS; CERTIFICATES CORRECTING MISTAKES

80. Certain priority rights for filing applications extended.—The rights of priority provided by section 32 of this title, for the filing of applications for patent for inventions and designs, which rights had not expired on the 1st day of August, 1914, or which rights have arisen since the 1st day of August, 1914, are extended until the expiration of a period of six months from March 3, 1921, in favor of the citizens of the United States or citizens or subjects of all countries which have extended, or which now extend, or which within said period of six months shall extend substantially reciprocal privileges to citizens of the United States, and such extension shall apply to applications upon which patents have been granted, as well as to applications now pending or filed within

the period herein. Such extension shall in no way furnish a basis of claim against the Government of the United States, and shall in no way affect the right of any citizen of the United States, who, prior to March 3, 1921, was bona fide in possession of any rights in patents or applications for patent conflicting with rights in patents granted or validated by reason of such extension, to exercise such rights by itself or himself personally, or by such agents, or licensees, as derived their rights from it, or him, before March 3, 1921, and such persons shall not be amenable to any action for infringement of any patent granted or validated by reason of such extension.

A patent shall not be refused on an application coming within the provisions of this section, and sections 81 to 87 of this title, nor shall a patent granted on such application be held invalid by reason of the invention having been patented or described in any printed publication or in public use or on sale in the United States prior to the filing of the application, unless such patent or publication or such public use or sale was prior to the filing of the foreign application upon which the right of priority is based. (Mar. 3, 1921, c. 126, § 1, 41 Stat. 1313.)

81. Time for payment of fee or taking of action on application extended after August 1, 1914.—The time fixed by law on March 3, 1921, for the payment of any fee or for the taking of any action with respect to an application for patent, which time had not expired on August 1, 1914, or which commenced after August 1, 1914, is extended until the expiration of one year from March 3, 1921, without the payment of extension fees or other penalty in favor of the citizens or subjects of countries which have extended, now extend, or shall extend during a period of one year from March 3, 1921, substantially reciprocal privileges to citizens of the United States, provided that no extension herein shall confer such privileges on the citizens or subjects of a foreign country for a longer term than the term during which such privileges are conferred by such foreign country on the citizens of the United States, but nothing in this section, or sections 80 and 82 to 87 of this title, shall give any right to reopen interference proceedings where final hearing before the examiner of interferences has taken place. (Mar. 3, 1921, c. 126, § 2, 41 Stat. 1314.)

82. Same; certain manufacturing, etc., rights not abridged.—No patent granted or validated by reason of the extensions provided for in sections 80 and 81 of this title shall abridge or otherwise affect the right of any citizen of the United States, or his agent or agents, or his successor in business, to continue any manufacture, use, or sale commenced prior to March 3, 1921, by such citizen, nor shall the continued manufacture, use, or sale by such citizen, or the use or sale of the devices resulting from such manufacture or use constitute an infringement. (Mar. 3, 1921, c. 126, § 3, 41 Stat. 1314.)

83. Applications executed by agents between August 1, 1914, and June 15, 1920.—All applications for patent filed since August 1, 1914, and prior to June 15, 1920, which were executed by an agent of the applicant and in which a petition, specification, and oath, signed by the inventor, or his executor or administrator, was filed within a period of one year after March 3, 1921, and the patents granted on such applications, shall have the same force and effect as if the papers signed by the inventor, or his executor or administrator, had been filed on the date on which the papers signed by the agent were filed. (Mar. 3, 1921, c. 126, § 4, 41 Stat. 1314.)

84. Applications subscribed before consular officers since August 1, 1914, etc.—All applications for patent filed since August 1, 1914, in which the oath was executed before or authenticated by a consular officer, or other representative qualified to administer oaths, of a government acting in the interest of the Government of the United States, shall have the same force and effect as if said oath had been executed by the applicant before a consular officer of the United States. (Mar. 3, 1921, c. 126, § 5, 41 Stat. 1314.)

85. Rights as to inventions made while serving abroad with United States forces during World War.—Where an invention was made by a person while serving abroad, during the World War, with the forces of the United States, civil or military, the inventor thereof shall be entitled, in interference and other proceedings arising in connection with such invention, to the same rights of priority with respect of such invention as if the same had been made in the United States. (Mar. 3, 1921, c. 126, § 6, 41 Stat. 1314.)

86. Claims under patent rights owned by alien enemies.—No claim shall be made or action brought in respect of the use since August 1, 1914, up to March 3, 1921, by the Government of the United States, or by any persons acting on behalf of, or under contract with, or with the assent of the Government of the United States or of Governments or their representatives associated with the United States, under any patent rights owned in whole or in part since August 1, 1914, by an alien enemy, nor in respect of the use of any process during such period, or the sale, offering for sale, or use, at any time, of any products, articles, or apparatus whatsoever manufactured during such period to which such patent rights applied. (Mar. 3, 1921, c. 126, § 7, 41 Stat. 1314.)

87. Special war measures not affected.—Nothing in sections 80 to 86 of this title shall affect any Act done by virtue of the special measures taken during the World War under legislative, executive, or administrative authority of the United States in regard to the rights of an enemy, or ally of an enemy, as defined by the Trading with the Enemy Act, October 6, 1917, chapter 106, Fortieth Statute, page 411, in patents for inventions and designs. (Mar. 3, 1921, c. 126, § 8, 41 Stat. 1315.)

88. Mistake in registration of patent; certificate thereof issued by Patent Office; effect.—Whenever a mistake in a patent, incurred through the fault of the Patent Office, is clearly disclosed by the records or files of the office, a certificate, stating the fact and nature of such mistake, signed by the Commissioner of Patents and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of patents, and a printed copy thereof attached to each printed copy of the patent, and such certificate shall thereafter be considered as part of the original, and every patent, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates issued prior to March 4, 1925, in accordance with the rules of the Patent Office and the patent to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute. (Mar. 4, 1925, c. 535, § 1, 43 Stat. 1268.)

TITLE 36.—PATRIOTIC SOCIETIES AND OBSERVANCES

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Chapter 1.—AMERICAN NATIONAL RED CROSS.

Sec.
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8. Repeal or amendment of chapter.
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11. Transportation and subsistence.
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Section 1. Reincorporation.—Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, District of Columbia; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle, George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gilman, Eugene Lovering, of Maryland; J. Taylor Ellyson, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are created a body corporate and politic in the District of Columbia. (Jan. 5, 1905, c. 23, § 1, 33 Stat. 599.)

2. Name of corporation; powers.—The name of the corporation created by this chapter shall be "The American National Red Cross" and by that name shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to accept bequests for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August 22, 1864, for the amelioration of the condition of the wounded in armies in the field, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this chapter and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article 7 of the treaty so providing, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority. (Jan. 5, 1905, c. 23, § 2, 33 Stat. 600.)

3. Purposes.—The purposes of the corporation are and shall be—

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, 1863, and also of the treaty of the Red Cross, or the treaty of Geneva, of August 22, 1864, to which the United States of America gave its adhesion on March 1, 1882.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly incorporated by Act of Congress June 6, 1900, which Act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other governments through the "Comité International de Secours," and the Government and the people and the Army and Navy of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same. (Jan. 5, 1905, c. 23, § 3, 33 Stat. 600.)

4. Fraudulent representations or use of insignia.—It shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek red cross on a

white ground, or any sign or insignia made or colored in imitation thereof or of the words "Red Cross" or "Geneva Cross" or any combination of these words. No person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, shall be deemed forbidden to continue the use thereof for the same purpose and for the same class of goods. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any Federal court shall be liable to a fine of not less than one or more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. (Jan. 5, 1905, c. 23, § 4, 33 Stat. 600; June 23, 1910, c. 372, § 1, 36 Stat. 604.)

5. Governing body; meetings.—The governing body of the American National Red Cross shall consist, in the first instance, of a central committee numbering eighteen persons, to be appointed in the manner following, namely: Six by the incorporators herein named and twelve by the President of the United States, one of whom shall be designated by the President to act as chairman. It shall be the duty of the central committee to organize with as little delay as possible State and Territorial societies, including the District of Columbia, under such rules as the said committee may prescribe. When six or more State or Territorial societies have been formed, thereafter the central committee shall be composed as follows: Six to be appointed by the incorporators, six by the representatives of the State and Territorial societies at the annual meeting of the incorporators and societies, and six by the President of the United States, one of whom shall be designated by him as chairman and one each to be named by him from the Departments of State, War, Navy, Treasury, and Justice.

The first six members of the central committee elected by the incorporators at the first annual meeting, and the first six members of the central committee elected by the State and Territorial delegates, shall when elected select by lot from their number two members to serve one year, two members to serve two years, and two members to serve three years, and each subsequent election of members shall be for a period of three years or until their successors are duly elected and qualify. The six members of the central committee appointed by the President at the annual meeting shall serve for one year.

The President shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the chairmanship or in the membership of the central committee appointed by him. And any vacancy that may occur in the six members of the central committee herein provided to be appointed by the incorporators or in the six to be appointed by the representatives of the State societies shall be filled by temporary appointments to be made by the remaining members of the six in which the vacancy or vacancies may occur, such appointees to serve until the next annual meeting.

The central committee shall have power to appoint from its own members an executive committee of nine persons, five of whom shall be a quorum, who, when the central committee is not in session, shall have and exercise all the powers of the central committee.

The annual meeting of said incorporators, their associates and successors, shall be held in the city of Washington on Wednesday preceding the second Thursday in the month of December in each and every year. Fifteen members shall constitute a quorum at any annual or special meeting.

Voting by proxy shall not be allowed at any meeting of the incorporators, annual or special, nor at any meeting of State or Territorial societies organized under the provisions of this charter. (Jan. 5, 1905, c. 23, § 5, 33 Stat. 601; Dec. 10, 1912, c. 1, § 1, 37 Stat. 647; Mar. 3, 1921, c. 131, § 1, 41 Stat. 1354.)

6. Reports; auditing of accounts by War Department.—The American National Red Cross shall as soon as practicable after the first day of July of each year make and transmit to the Secretary of War a report of its proceedings for the fiscal year ending June 30 next preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department. (Jan. 5, 1905, c. 23, § 6, 33 Stat. 602; Feb. 27, 1917, c. 137, 39 Stat. 946.)

7. Reimbursement of War Department for auditing accounts.—The American National Red Cross annually shall reimburse the War Department for auditing its accounts, and the sum so paid shall be covered into the Treasury of the United States as a miscellaneous receipt. (May 29, 1920, c. 214, § 1, 41 Stat. 659.)

8. Repeal or amendment of chapter.—Congress shall have the right to repeal, alter, or amend this chapter at any time. (Jan. 5, 1905, c. 23, § 7, 33 Stat. 602.)

9. Endowment fund.—The endowment fund of the American National Red Cross shall be kept and invested under the management and control of a board of nine trustees, who shall be elected from time to time by the incorporators and their successors under such regulations regarding terms and tenure of office, accountability, and expense as said incorporators and successors shall prescribe. (June 23, 1910, c. 372, § 2, 36 Stat. 604.)

10. Aid to land and naval forces in time of war.—Whenever in time of war, or when war is imminent, the President may deem the cooperation and use of the American National Red Cross with the sanitary services of the land and naval forces to be necessary, he is authorized to accept the assistance tendered by the said Red Cross and to employ the same under the sanitary services of the Army and Navy in conformity with such rules and regulations as he may prescribe. (Apr. 24, 1912, c. 90, § 1, 37 Stat. 90.)

11. Transportation and subsistence.—When the Red Cross cooperation and assistance with the land and naval forces in time of war or threatened hostilities shall have been accepted by the President, the personnel entering upon the duty specified in section 10 of this title shall, while proceeding to their place of duty, while serving thereat, and while returning therefrom, be transported and subsisted at the cost and charge of the United States as civilian employees employed with the said forces, and the Red Cross supplies that may be tendered as a gift and accepted for use in the sanitary service shall be transported at the cost and charge of the United States. (Apr. 24, 1912, c. 90, § 2, 37 Stat. 91.)

12. Buildings for Red Cross supplies.—Authority is given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster. (June 3, 1916, c. 134, § 10, 39 Stat. 173.)

Chapter 2.—BOY SCOUTS OF AMERICA.

Sec.
21. Corporation created.
22. Name; general powers and duties.
23. Purpose of organization.
24. Assets of existing corporation; stock; dividends.
25. Executive board; powers.
26. Annual and special meetings; quorum.
27. Emblems and badges.
28. Reports.
29. Reservation of power to repeal, alter, or amend chapter.

Section 21. Corporation created.—Colin H. Livingstone and Ernest P. Bicknell, of Washington, District of Columbia; Benjamin L. Dulaney, of Bristol, Tennessee; Milton A. McRae, of

Detroit, Michigan; David Starr Jordan, of Berkeley, California; F. L. Seely, of Asheville, North Carolina; A. Stamford White, of Chicago, Illinois; Daniel Carter Beard, of Flushing, New York; George D. Pratt, of Brooklyn, New York; Franklin C. Hoyt, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, and James E. West, of New York, New York; G. Barrett Rich, junior, of Buffalo, New York; Robert Garrett, of Baltimore, Maryland; John Sherman Hoyt, of Norwalk, Connecticut; Charles C. Jackson, of Boston, Massachusetts; John H. Nicholson, of Pittsburgh, Pennsylvania; William D. Murray, of Plainfield, New Jersey; and George D. Porter, of Philadelphia, Pennsylvania, their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be. (June 15, 1916, c. 148, § 1, 39 Stat. 227.)

22. **Name; general powers and duties.**—The name of the corporation created by this chapter shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this chapter and promote the purposes of said corporation. (June 15, 1916, c. 148, § 2, 38 Stat. 227.)

23. **Purpose of organization.**—The purpose of the corporation shall be to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which were in common use by boy scouts on June 15, 1916. (June 15, 1916, c. 148, § 3, 39 Stat. 228.)

24. **Assets of existing corporation; stock; dividends.**—The corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members. (June 15, 1916, c. 148, § 4, 39 Stat. 228.)

25. **Executive board; powers.**—The governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in section 21 of this title shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The by-laws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the by-laws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the by-laws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation. (June 15, 1916, c. 148, § 5, 39 Stat. 228.)

26. **Annual and special meetings; quorum.**—An annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the by-laws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the by-laws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia. (June 15, 1916, c. 148, § 6, 39 Stat. 228.)

27. **Emblems and badges.**—The corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this chapter shall interfere or conflict with established or vested rights. (June 15, 1916, c. 148, § 7, 39 Stat. 228.)

28. **Reports.**—On or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31 preceding, including a full, complete, and itemized report of receipts and expenditures, of whatever kind. (June 15, 1916, c. 148, § 8, 39 Stat. 229.)

29. **Reservation of power to repeal, alter, or amend chapter.**—Congress shall have the right to repeal, alter, or amend this chapter at any time. (June 15, 1916, c. 148, § 9, 39 Stat. 229.)

Chapter 3.—THE AMERICAN LEGION.

Sec.
41. Corporation created; incorporators; name.
42. Organization of corporation; delegates.
43. Purposes of corporation.
44. Powers of corporation.
45. Persons eligible to membership.
46. Political activities prohibited.
47. Acquisition of assets of existing American Legion.
48. Use of name "American Legion."
49. Reports to Congress.
50. Agents for service of process.
51. Reservation of right to repeal chapter.

Section 41. Corporation created; incorporators; name.—That the following persons, to wit: William S. Beam, of North Carolina; Charles H. Brent, of New York; William H. Brown, of Connecticut; G. Edward Buxton, junior, of Rhode Island; Bennett C. Clark, of Missouri; Richard Derby, of New York; L. H. Evridge, of Texas; Milton J. Foreman, of Illinois; Ruby D. Garrett, of Missouri; Fred J. Griffith, of Oklahoma; Roy C. Haines, of Maine; John F. J. Herbert, of Massachusetts; Roy Hoffman, of Oklahoma; Fred B. Humphreys, of New

Mexico; John W. Inzer, of Alabama; Stuart S. Janney, of Maryland; Luke Lea, of Tennessee; Henry Leonard, of Colorado; Henry D. Lindsley, of Texas; Ogden L. Mills, of New York; Thomas W. Miller, of Delaware; Edward Myers, of Pennsylvania; Franklin D'Olier, of Pennsylvania; W. G. Price, junior, of Pennsylvania; S. A. Ritchie, of New York; Theodore Roosevelt, junior, of New York; Albert A. Sprague, of Illinois; John J. Sullivan, of Washington; Dale Shaw, of Iowa; Daniel G. Stivers, of Montana; H. J. Turney, of Ohio; George A. White, of Oregon; Eric Fisher Wood, of Pennsylvania; George H. Wood, of Ohio; Mathew H. Murphy, of Alabama; Andrew P. Martin, of Arizona; J. J. Harrison, of Arkansas; Henry G. Mathewson, of California; H. A. Saidy, of Colorado; Alfred M. Phillips, junior, of Connecticut; George N. Davis, of Delaware; A. H. Blanding, of Florida; Walter Harris, of Georgia; E. C. Boom, of Idaho; George G. Seaman, of Illinois; Raymond S. Springer, of Indiana; Mathew A. Tinley, of Iowa; W. A. Phares, of Kansas; Henry De Haven Moorman, of Kentucky; T. Semmes Walmsley, of Louisiana; A. L. Robinson, of Maine; James A. Gary, junior, of Maryland; George C. Waldo, of Michigan; Harrison Fuller, of Minnesota; Alexander Fitzhugh, of Mississippi; H. C. Clark, of Missouri; Charles E. Pew, of Montana; John G. Maher, of Nebraska; J. G. Scrugham, of Nevada; Frank Knox, of New Hampshire; Hobart Brown, of New Jersey; Charles M. De Bremon, of New Mexico; C. K. Burgess, of North Carolina; Julius Baker, of North Dakota; F. C. Galbraith, of Ohio; Ross N. Lillard, of Oklahoma; E. J. Eivers, of Oregon; George F. Tyler, of Pennsylvania; Alexander H. Johnson, of Rhode Island; Julius H. Walker, of South Carolina; M. L. Shade, of South Dakota; Roane Waring, of Tennessee; Claude V. Birkhead, of Texas; Wesley E. King, of Utah; Charles Francis Cocke, of Virginia; H. Nelson Jackson, of Vermont; Harvey I. Moss, of Washington; Jackson Arnold, of West Virginia; John C. Davis, of Wisconsin; A. H. Beach, of Wyoming; E. Lester Jones, of the District of Columbia; Lawrence Judd, of Hawaii; Robert R. Landon, of the Philippine Islands; and such persons as may be chosen who are members of the "American Legion," an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War, 1917-1918, known as the "American Legion," and their successors, are hereby created and declared to be a body corporate. The name of this corporation shall be "The American Legion." (Sept. 16, 1919, c. 59, § 1, 41 Stat. 284.)

42. Organization of corporation; delegates.—The persons named in section 41 of this title and such other persons as may be selected from among the membership of the American Legion, an unincorporated society of the soldiers, sailors, and marines of the Great War of 1917–1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the "American Legion" shall be permitted to participate in the proceedings thereof. (Sept. 16, 1919, c. 59, § 2, 41 Stat. 284.)

43. Purposes of corporation.—The purpose of the corporation shall be: To promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the Great War of 1917–1918; to cement the ties of love and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country. (Sept. 16, 1919, c. 59, § 3, 41 Stat. 285.)

44. Powers of corporation.—The corporation hereby created shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation. (Sept. 16, 1919, c. 59, § 4, 41 Stat. 285.)

45. Persons eligible to membership.—No person shall be a member of this corporation unless he served in the naval or military service of the United States at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, or who, being citizens of the United States at the time of enlistment, served in the military or naval services of any of the Governments associated with the United States during the Great War. (Sept. 16, 1919, c. 59, § 5, 41 Stat. 285.)

46. Political activities prohibited.—The organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office. (Sept. 16, 1919, c. 59, § 6, 41 Stat. 285.)

47. Acquisition of assets of existing American Legion.—The corporation may acquire any or all the assets of the existing unincorporated national organization known as the "American Legion" upon discharging or satisfactorily providing for the payment and discharge of all its liabilities. (Sept. 16, 1919, c. 59, § 7, 41 Stat. 285.)

48. Use of name "American Legion."—The corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The American Legion." (Sept. 16, 1919, c. 59, § 8, 41 Stat. 285.)

49. Reports to Congress.—The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures. Said report shall not be printed as public documents. (Sept. 16, 1919, c. 59, § 9, 41 Stat. 285.)

50. Agents for service of process.—As a condition precedent to the exercise of any power or privilege herein granted or conferred the American Legion shall file in the office of the secretary of state of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the American Legion may be served. (Sept. 16, 1919, c. 59, § 9½, 41 Stat. 285.)

51. Reservation of right to repeal chapter.—The right to repeal, alter, or amend this chapter at any time is expressly reserved. (Sept. 16, 1919, c. 59, § 10, 41 Stat. 285.)

Chapter 4.—BELLEAU WOOD MEMORIAL ASSOCIATION.

Sec.
61. Incorporators; name.
62. Purposes of corporation.
63. Powers of corporation.
64. Transfer of property to, by Belleau Wood Memorial Association, incorporated under laws of District of Columbia.
65. Reports to Congress.
66. Right to alter or amend reserved.

Section 61. Incorporators; name.—Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McClellan, Wendell C. Neville, Frank B. Noyes, John Barton Payne,

Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors, are hereby created a body corporate by the name of "Belleau Wood Memorial Association." (Mar. 3, 1923, c. 228, § 1, 42 Stat. 1441.)

62. Purposes of corporation.—The purposes of the corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial. (Mar. 3, 1923, c. 228, § 2, 42 Stat. 1441.)

63. Powers of corporation.—The corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter by-laws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of, such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with, or permitted by, the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created. (Mar. 3, 1923, c. 228, § 3, 42 Stat. 1441.)

64. Transfer of property to, by Belleau Wood Memorial Association, incorporated under laws of District of Columbia.—The Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this chapter all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer, such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of, and claims against, such association, and all of such obligations and claims may be enforced against the corporation. (Mar. 3, 1923, c. 228, § 4, 42 Stat. 1441.)

65. Reports to Congress.—The corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents. (Mar. 3, 1923, c. 228, § 5, 42 Stat. 1441.)

66. Right to alter or amend reserved.—The right to alter, amend, or repeal this chapter at any time is expressly reserved. (Mar. 3, 1923, c. 228, § 6, 42 Stat. 1441.)

Chapter 5.—GRAND ARMY OF THE REPUBLIC.

Sec.

71. Body corporate; name; corporate powers.
72. Object and purpose of corporation; office; acquisition, etc., of property.
73. Governing body.
74. Membership.
75. Agencies of corporation.
76. Corporate existence; modification of governing powers.
77. Disposition of property, archives, etc.

Section 71. Body corporate; name; corporate powers.—The organization known as the Grand Army of the Republic, with a membership limited to persons who served as soldiers and sailors of the United States Army and Navy or Marine Corps and Revenue Cutter Service between April 12, 1861, and April 9, 1865, and of such State regiments as were called into active service and subject to the orders of the United States general officers between the dates mentioned, and have been honorably discharged therefrom after such service, is created a body corporate and politic of the District of Columbia, by the name of "The Grand Army of the Republic," by which name it shall be a person in law, capable of suing and being sued, and of having and exercising all incidental powers as a litigant or otherwise as if it were a natural person, with power to acquire by purchase, gift, devise, or bequest, and to hold, convey, or otherwise dispose of property, real or personal, as may be necessary or calculated to carry into effect the patriotic, fraternal, and charitable purposes of its organization. (June 3, 1924, c. 242, § 1, 43 Stat. 358.)

72. Object and purpose of corporation; office; acquisition, etc., of property.—The object and purpose of the corporation shall be to perpetuate the name of "The Grand Army of the Republic" and to preserve in corporate form said organization as on June 3, 1924, and thereafter maintained and conducted, and to thus provide and continue an agency and instrumentality through and by which its members, for and during the remainder of their natural lives, may assemble and meet for the promotion of comradeship and social intercourse. The corporation shall not at any time engage in any business for pecuniary profit and gain.

The principal office of this corporation shall be kept and maintained in the city of Washington, District of Columbia, but annual, or other meetings, of its governing body and members may be held in any State or Territory of the Union, and the corporation shall have the power to possess and hold property needful or desirable for its objects and purposes anywhere in the United States or any of its Territories or dependencies, consistently with the provisions of local laws pertaining thereto. (June 3, 1924, c. 242, § 2, 43 Stat. 359.)

73. Governing body.—The supreme governing and controlling authority in said organization shall be the national encampment thereof, composed of representatives from the several department encampments existing on June 3, 1924, or thereafter organized: *Provided*, That there shall never be any change in the plan of organization of said national encampment that shall materially change its present representative form of government or render possible the concentration of the control thereof in the hands of a limited number, or in a self-perpetuating body not representative of the membership at large. (June 3, 1924, c. 242, § 3, 43 Stat. 359.)

74. Membership.—The qualifications for membership in said organization, except as they are limited by the provisions of section 71 of this title, and the rights and privileges of the members thereof, shall be such as are fixed by the ordinances, rules, and regulations adopted by said national encampment. (June 3, 1924, c. 242, § 4, 43 Stat. 359.)

75. Agencies of corporation.—The activities of said corporation shall be exercised through and by the following agencies, in accordance with the laws, rules, and regulations in force on June 3, 1924, or thereafter enacted by the national encampment thereof, namely:

First. Through the national encampment, its officers and committees.

Second. Through such department encampments as may have been, or may be, organized, their officers and committees.

Third. Through such posts as may have been, or may be, organized, their officers and committees.

Such department encampments shall be subject and subordinate in authority to the national encampment, and such posts shall be also subject to such control, exercised through the department encampment and department officers of the par-

ticular department to which it belongs. (June 3, 1924, c. 242, § 5, 43 Stat. 359.)

76. Corporate existence; modification of governing powers.—The corporate existence of the Grand Army of the Republic, and the exclusive rights of its surviving members to wear the insignia of membership therein, shall terminate only when the last of its members dies. If at any national encampment a memorial shall be adopted by the vote of three-fourths of the members present, reciting that because of the decrease in its membership, or because of the age and infirmity of its surviving members, it is no longer advisable and practicable to hold future national annual encampments, such action shall not operate to deprive said organization of any of its corporate powers, but the government thereof may be modified to provide for such contingency, subject to the restrictions contained in section 73 of this title. Nothing in this chapter shall in any manner affect the right or the power of such posts or departments to dispose of, or otherwise affect the ownership of, property held by any post or department in its own name, nor affect the right of such posts or departments to organize corporations under State laws for the purpose of caring for and disposing of such property. (June 3, 1924, c. 242, § 6, 43 Stat. 360.)

77. Disposition of property, archives, etc.—The national encampment may, by resolution, provide for the disposition and future ownership of its property and archives, and may declare the event in which such disposition shall become effective and such ownership vested, and a duly authenticated copy of such resolution shall be filed in the office of the Supreme Court of the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said Supreme Court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution. (June 3, 1924, c. 242, § 7, 43 Stat. 360.)

Chapter 6.—UNITED STATES BLIND VETERANS OF WORLD WAR.

Sec.
81. Incorporators; name of corporation.
82. Completion of organization.
83. Purpose of corporation.
84. Corporate powers.
85. Membership.
86. Nonpolitical nature of corporation.
87. Exclusive right to name.
88. Right to repeal, etc., reserved.

Section 81. Incorporators; name of corporation.—The following persons, to wit: James P. Funk, of Pennsylvania; Bernard Corcoran, of New York; James Kozeluh, of Arkansas; Earl Booher, of Kansas; Carl Bronner, of Michigan; Samuel Hendrickson, of Cincinnati; Harvey E. Gilbert, of Illinois; Quiller Cole, of Georgia; Lawrence A. Bunce, of Colorado; Ludwig Guminish, of New York; Richard H. Miller, junior, of Maryland; Charles R. Fear, of Pennsylvania; Oscar M. Simpkins, of Oklahoma; Everett L. Radford, of Texas; Thomas H. Huskey, of Missouri; Lee M. Brame, of Alabama; Frank O. Berg, of Wisconsin; Henry G. Beggs, of Georgia; Lawrence V. Morrow, of Missouri; Charles R. Leguerrir, of Missouri; Walter Taylor, of Missouri; Laigear Antee, of Louisiana; Alois F. Greene, of Illinois; Loyal M. Holmes, of Maryland; Newton A. Kulp, of Pennsylvania; Roswell D. Pitman of New York; Connie L. McLean, of Texas; Hamilton C. Miles, of Ohio; John J. Austin, of South Dakota; Irvine E. Barnes, of Missouri; Bertie W. Randall, of Missouri; Max N. Kujawski, of Indiana; Charles Freeland, of Illinois; James M. Daniels, of Tennessee; William E. Yates, of Texas; Mike Kereli, of Ohio; Peter Lionudakes, of Utah; Vaclav T. Jesek, of Texas; Samuel Hillman, of Ohio; Herbert S. Journeau, of Michigan; Charles F. Ross, of New York; Morgan Rose, of New York; Walter F. Develing, of Illinois; Rudolph E. Frye, of Maryland; Steve D. Tanner, of Montana; Joseph Hulin, of North Carolina; Blaine G. Yeoman, of Oklahoma; Thomas Williams, of West Virginia; William J. Murray, of New York; Ivan E. Bushong, of Washington; Raymond Washburn, of Ohio; William P. Alexander, of Kentucky; Burl Glover, of Ohio; John H. Williams, of Washington; Joseph L. Herver, of Oklahoma; Daniel Carbone, of Pennsylvania; John J. Varga, of Connecticut; John J. Rapp, of Pennsylvania; Charles S. Bennett, of Arkansas; Richard Knigge, of Idaho; Walter Mau, of New York; Domenico Capuczi, of New York; John Kosic, of Massachusetts; Raymond S. Day, of Pennsylvania; Harry Herring, of Pennsylvania; Samuel Singer, of Massachusetts; George Graves, of Missouri; Abe Kittay, of New York; John Halahan, of Pennsylvania; Frank J. Lhota, of Pennsylvania; Edward J. Paulson, of Pennsylvania; Ellis De Witt, of the District of Columbia; Bernard Cady, of Maryland; John Marzullo, of Illinois; Joe Brew, of Pennsylvania; Lloyd Pierson, of Nebraska; Philip N. Harrison, of Pennsylvania, and their successors, are hereby created and declared to be a body corporate of the District of Columbia. The name of this corporation shall be "The United States Blind Veterans of the World War." (June 7, 1924, c. 296, § 1, 43 Stat. 535.)

82. Completion of organization.—The persons named in section 81 of this title are authorized to meet to complete the organization of the corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter. (June 7, 1924, c. 296, § 2, 43 Stat. 535.)

83. Purpose of corporation.—The purposes of the corporation are to bind together for their mutual fellowship and assistance those citizens of the United States of America who have served their country in war, and who bear as a mark of such service the loss of their sight and to perpetuate and keep alive the memories of their comradeship and to enable them by their organization to render what aid they can to the blind in general. (June 7, 1924, c. 296, § 3, 43 Stat. 535.)

84. Corporate powers.—The corporation created by this chapter shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications, and generally do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation. (June 7, 1924, c. 296, § 4, 43 Stat. 536.)

85. Membership.—Any honorably discharged American veteran of the allied forces who participated in the World War and whose vision has become defective to such an extent that he is eligible for training under supervisor for the blind of the United States Veterans' Bureau, and any ex-service man who is eligible for such training shall be eligible for "active membership" in the United States Blind Veterans of the World War. The members of this corporation shall have the power to admit such other persons to "honorary" membership as they may see fit. (June 7, 1924, c. 296, § 5, 43 Stat. 536.)

86. Nonpolitical nature of corporation.—This organization shall be nonpolitical and shall not be used for the dissemina-

tion of partisan principles. (June 7, 1924, c. 296, § 6, 43 Stat. 536.)

87. Exclusive right to name.—The corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The United States Blind Veterans of the World War." (June 7, 1924, c. 296, § 7, 43 Stat. 536.)

88. Right to repeal, etc., reserved.—The right to repeal, alter, or amend this chapter at any time is expressly reserved. (June 7, 1924, c. 296, § 8, 43 Stat. 536.)

Chapter 7.—AMERICAN WAR MOTHERS.

Sec.
91. Incorporators; name.
92. Completion of organization.
93. Purpose of corporation.
94. Meetings.
95. Corporate powers.
96. Property; exemption from taxation.
97. Membership.
98. Nonpolitical.
99. Assets of existing corporation.
100. Exclusive right to name.
101. Reports to Congress.
102. State agents.
103. Acceptance by majority of incorporators.
104. Right to repeal, etc., reserved.
105. Present officers.

Section 91. Incorporators; name.—The following-named persons, namely: Alice M. French, founder, Indianapolis, Indiana; Mable C. Digney, State War Mother, White Plains, New York; Mrs. George Gordon Seibold, Washington, District of Columbia; Mary I. Huntington, State War Mother, Bloomington, Indiana; Edna C. Wilson, State War Mother, Warrensburg, Missouri; Libbie Thomas, State War Mother, Racine, Wisconsin; Virginia Heaen, State War Mother, Frankfort, Kentucky; A. Shanahan, State War Mother, Jersey City, New Jersey; Blanche A. Bellak, State War Mother, Philadelphia, Pennsylvania; Lydia Burby, State War Mother, Butte, Montana; Estelle T. Wilcox, State War Mother, Omaha, Nebraska; Emile Hendricks, State War Mother, Salem, Oregon; Grace R. Montgomery, State War Mother, Charlotte, North Carolina; Kate C. DeKay, State War Mother, Blackfoot, Idaho; Elizabeth Allen, State War Mother, Loveland, Colorado; Ida McCullough, State War Mother, Ottawa, Illinois; Rose S. Sargent, State War Mother, San Francisco, California; Jessie Monahan, State War Mother, Edmond, Oklahoma; Margaret N. McCluer, Kansas City, Missouri; Carrie R. Root, Gardner, Illinois; Mary E. Spence, Milwaukee, Wisconsin; Alice Bronson Oldham, Lexington, Kentucky; Florence A. Latham, Kansas City, Missouri; Mahala M. Boyd, New Castle, Indiana; Carrie White Avery, Washington, District of Columbia; H. C. Morrison, Shelbyville, Indiana; Jeanette Boone, Kansas City, Missouri; Gertrude R. Cary, Joliet, Illinois; Mrs. R. E. Little, Wadesboro, North Carolina; Mrs. Isabelle Clements, Sacramento, California; Mrs. Alice E. Evans, Pueblo, Colorado; Mrs. Mary Dawson, Idaho Falls, Idaho; Mrs. Jessie T. Lesh, Chicago, Illinois; Mrs. Harry C. Morrison, Shelbyville, Indiana; Mrs. Jessie E. Moody, Carterville, Missouri; Mrs. J. L. Roddy, North Platte, Nebraska; Mrs. Catherine H. Connelly, Newark, New Jersey; Mrs. Ella O'Gorman Stanton, Bronx, New York City, New York; Mrs. R. C. Warren, Gastonia, North Carolina; Mrs. Hattie V. Selkin, Oklahoma City, Oklahoma; Mrs. Ida Boxwell, Middletown, Ohio; Mrs. Charles S. Fohl, Harrisburg, Pennsylvania; Mrs. E. L. Phillip, Milwaukee, Wisconsin; Mrs. Julia A. Wilkinson, Portland, Maine; and their associates and successors duly chosen are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of American War Mothers, and by such name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained. (Feb. 24, 1925, c. 303, § 1, 43 Stat. 966.)

92. Completion of organization.—The persons named in section 91 of this title and such other persons as may be selected from among the membership of American War Mothers, an association of women whose sons and daughters served the allied cause in the great World War between the dates of April 6, 1917, and November 11, 1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any local or State organization of the existing organization known as American War Mothers shall be permitted to participate in the proceedings thereof. (Feb. 24, 1925, c. 303, § 2, 43 Stat. 967.)

93. Purpose of corporation.—The object of the corporation shall be to keep alive and develop the spirit that prompted world service; to maintain the ties of fellowship born of that service and to assist and further any patriotic work; to inculcate a sense of individual obligation to the community, State, and Nation; to work for the welfare of the Army and Navy; to assist in any way in their power men and women who served and were wounded or incapacitated in the World War; to foster and promote friendship and understanding between America and the Allies in the World War. (Feb. 24, 1925, c. 303, § 3, 43 Stat. 967.)

94. Meetings.—The corporation shall hold its meetings in such place as the incorporators or their successors shall determine. (Feb. 24, 1925, c. 303, § 4, 43 Stat. 967.)

95. Corporate powers.—The corporation created by this chapter shall have the following powers: To have succession until the membership as hereinafter provided for shall become extinct, with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State, Territorial, and local subdivisions; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper to carry into effect the purposes of the corporation. (Feb. 24, 1925, c. 303, § 5, 43 Stat. 967.)

96. Property; exemption from taxation.—All of the personal property and funds of the corporation held or used for the purposes hereof, pursuant to the provisions of this chapter, whether of principal or income, shall, so long as the same shall be so used, be exempt from taxes by the United States or any Territory or district thereof. The corporation shall not accept, own, or hold directly or indirectly any property, real or personal, except such as may be reasonably necessary to carry out the purposes of its creation as defined in this chapter. (Feb. 24, 1925, c. 303, § 6, 43 Stat. 967.)

97. Membership.—Membership is limited to women, and no woman shall be a member of this corporation unless she is a citizen of the United States and unless her son or sons or daughter or daughters of her blood served in the Army or Navy of the United States or in the military or naval service of its allies in the great World War at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, having an honorable discharge or still in the service. (Feb. 24, 1925, c. 303, § 7, 43 Stat. 968.)

98. Nonpolitical.—This organization shall be nonpolitical, and as an organization shall not promote the candidacy of any person seeking public office. (Feb. 24, 1925, c. 303, § 8, 43 Stat. 968.)

99. Assets of existing corporation.—The corporation may acquire any or all of the assets of the existing organization known as American War Mothers upon discharging or satisfactorily providing for the payment and discharge of all its liabilities. (Feb. 24, 1925, c. 303, § 9, 43 Stat. 968.)

100. Exclusive right to name.—The corporation and its State, Territorial, and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its business purposes the name of American War Mothers. (Feb. 24, 1925, c. 303, § 10, 43 Stat. 968.)

101. Reports to Congress.—The corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures. Said report shall not be printed as a public document. (Feb. 24, 1925, c. 303, § 11, 43 Stat. 968.)

102. State agents.—As a condition precedent to the exercise of any power or privilege herein granted or conferred the corporation shall file in the office of the secretary of each State the name and post-office address of an authorized agent in such State upon whom local process or demands against American War Mothers may be served. (Feb. 24, 1925, c. 303, § 12, 43 Stat. 968.)

103. Acceptance by majority of incorporators.—This charter shall take effect upon its being accepted by a majority vote of the incorporators named herein who shall be present at the first meeting of the corporation, due notice of which meeting shall be given to each of the incorporators named herein, and a notice of such acceptance shall be given by said corporation, causing a certificate to that effect, signed by its president and secretary, to be filed in the office of the recorder of deeds of the District of Columbia. (Feb. 24, 1925, c. 303, § 13, 43 Stat. 968.)

104. Right to repeal, etc., reserved.—Congress may from time to time alter, repeal, or modify this chapter of incorporation, but no contract or individual right made or acquired shall hereby be divested or impaired. (Feb. 24, 1925, c. 303, § 14, 43 Stat. 968.)

105. Present officers.—The management and direction of the affairs of the corporation and the controlling and disposing of its property and funds shall be vested in the persons duly elected at the last annual convention held in Kansas City, Missouri, who shall be the officers of the American War Mothers for the year beginning October, 1923, to serve until the next annual convention to be held at Philadelphia, Pennsylvania, on October 8, 1925, or until their successors are duly appointed, and who are the following:

Margaret N. McCluer, National War Mother, Kansas City, Missouri; Carrie L. Root, first vice National War Mother, Gardner, Illinois; Blanche A. Bellak, second vice National War Mother, Philadelphia, Pennsylvania; Mary E. Spence, third vice National War Mother, Milwaukee, Wisconsin; Rose S. Sargent, fourth vice National War Mother, San Francisco, California; Alice Bronson Oldham, national recording secretary, Lexington, Kentucky; Florence A. Latham, national corresponding secretary, Kansas City, Missouri; Mahala M. Boyd, national treasurer, Newcastle, Indiana; Kate C. De Kay, national historian, Blackfoot, Idaho; Carrie White Avery, national custodian of records, Washington, District of Columbia; Estelle T. Wilcox, national auditor, Omaha, Nebraska. (Feb. 24, 1925, c. 303, § 15, 43 Stat. 968.)

Chapter 8.—AMERICAN BATTLE MONUMENTS COMMISSION.

Sec.
121. American Battle Monuments Commission; members; appointment; secretary; terms of office; vacancies; expenses; designation of personnel of Army, Navy, or Marine Corps to assist.
122. Expense of Army officers serving on commission.
123. Powers and duties as to memorials.
124. Approval of designs or materials for memorials.
125. Arrangements with foreign countries.
126. Funds received from States, municipalities, or private individuals.
127. Preparations, etc., of memorials at arsenals or navy yards; use of captured war material.
128. Replicas of memorials.
129. Cooperation with States, etc., in erection of memorials.
130. Maintenance of memorials erected.
131. Statements to President.
132. Records and archives.
133. Disbursing agent for disbursement of expenditures outside of United States.

Section 121. American Battle Monuments Commission; members; appointment; secretary; terms of office; vacancies; expenses; designation of personnel of Army, Navy, or Marine Corps to assist.—A commission is created and established, to be known as the American Battle Monuments Commission (hereinafter referred to as the commission), to consist of seven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur. The secretary shall also serve as disbursing officer of the commission, who shall make disbursements upon vouchers approved by its chairman.

The members of the commission shall serve without compensation except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this chapter, or acquired by other means hereinafter authorized.

Upon the request of the commission the President is authorized to designate such personnel of any department or of the Army, Navy, or Marine Corps as may be necessary to assist in carrying out the purposes of this chapter, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this chapter, within the limits of any appropriation or appropriations made for such purposes. (Mar. 4, 1923, c. 283, § 1, 42 Stat. 1509.)

122. Expenses of Army officers serving on commission.—When traveling with the commission or on the business of the commission officers of the Army serving as members or as secretary of the commission shall be reimbursed as provided by law for Army officers. (Apr. 2, 1924, c. 81, § 1, 43 Stat. 35; June 7, 1924, c. 292, § 1, 43 Stat. 522.)

123. Powers and duties as to memorials.—The commission shall prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American forces in Europe and erect memorials therein at such places as the commission shall determine, including works of architecture and art in the American cemeteries in Europe.

The commission shall control as to materials and design, provide regulations for and supervise the erection of all memorial monuments and buildings in the American cemeteries in Europe.

The commission shall cause such photographs to be secured or taken of the terrain of the various battle fields of Europe, upon which units of the armed forces of the United States were actively engaged with the enemy, as will complete the historical photographic record of the operations of such units; and the commission shall transmit such record when completed to the Secretary of War for permanent file with the records of the War Department. (Mar. 4, 1923, c. 283, § 2, 42 Stat. 1509.)

124. Approval of designs or materials for memorials.—Before any design or material for memorials is accepted by the commission, the same shall be approved by the National Commission of Fine Arts. (Mar. 4, 1923, c. 283, § 3, 42 Stat. 1510.)

125. Arrangements with foreign countries.—The President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the

commission to carry out the purposes of this chapter. (Mar. 4, 1923, c. 283, § 4, 42 Stat. 1510.)

126. Funds received from States, municipalities, or private individuals.—The commission is authorized to receive funds from any State, municipal, or private source for the purposes of this chapter, and such funds shall be deposited by the commission with the Chief of Finance of the United States Army and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the chairman of the commission. (Mar. 4, 1923, c. 283, § 5, 42 Stat. 1510.)

127. Preparation, etc., of memorials at arsenals or navy yards; use of captured war material.—Authority is given for the preparation of models and designs and the fabrication of memorials, and the materials for such memorials, at arsenals or navy yards or by other governmental agencies, if the commission shall so determine.

Authority is given for the use of captured war materials, not otherwise disposed of by congressional action, in the fabrication of not to exceed ten thousand pounds of bronze to be used on the memorials constructed under the provisions of this chapter. In the selection of materials the commission shall refrain from utilizing material which might otherwise be available for decorative or memorial purposes. (Mar. 4, 1923, c. 283, § 6, 42 Stat. 1510.)

128. Replicas of memorials.—The commission is authorized to furnish replicas of any memorial, or any part thereof, to States, municipalities, or interested private persons or associations at actual cost, and to apply any proceeds from such sales to the purposes of this chapter. (Mar. 4, 1923, c. 283, § 7, 42 Stat. 1510.)

129. Cooperation with States, etc., in erection of memorials.—The commission is authorized and directed to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials in Europe in such manner as may be determined by the commission. No assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this chapter. (Mar. 4, 1923, c. 283, § 8, 42 Stat. 1510.)

130. Maintenance of memorials erected.—It shall be the duty of the Secretary of War to maintain the memorials erected by the commission under authority of this chapter, and the commission shall advise the Secretary of War of the location and date of completion of each memorial. (Mar. 4, 1923, c. 283, § 9, 42 Stat. 1510.)

131. Statements to President.—The commission shall transmit to the President of the United States annually on the 1st of July a statement of all its financial and other transactions during the preceding fiscal year. (Mar. 4, 1923, c. 283, § 10, 42 Stat. 1510.)

132. Records and archives.—The records and archives of the commission shall, upon the termination of its duties, be deposited with the Secretary of War. (Mar. 4, 1923, c. 283, § 12, 42 Stat. 1510.)

133. Disbursing agent for disbursement of expenditures outside of United States.—Disbursements for expenditures outside of continental United States may be made by a special disbursing agent designated by the commission and under such regulations as it may prescribe. (Apr. 2, 1924, c. 81, § 1, 43 Stat. 35; June 7, 1924, c. 292, § 1, 43 Stat. 522.)

Chapter 9.—MISCELLANEOUS.

Sec.

141. Display of flag on buildings on second Sunday in May.
142. Second Sunday in May designated as Mother's Day.

Section 141. Display of flag on buildings on second Sunday in May.—The President of the United States is authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places, on the second Sunday in May, as a public expression of our love and reverence for the mothers of our country. (May 8, 1914, No. 13, § 1, 38 Stat. 770.)

142. Second Sunday in May designated as Mother's Day.—The second Sunday in May shall hereafter be designated and known as Mother's Day, and it shall be the duty of the President to request its observance as provided for in this resolution. (May 8, 1914, No. 13, § 2, 38 Stat. 771.)

TITLE 37.—PAY AND ALLOWANCES (ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE)

Sec.
1. General provisions as to pay periods and rates of pay.
2. Pay of certain officers during existence of state of war.
3. Increase for length of service; no increase of pay for officers or warrant officers on retired list.
4. Service to be counted in computing pay.
5. Pay of persons not officers but whose pay equivalent to that of commissioned officers of certain grades; contract surgeons; commissioned warrant officers.
6. No increase of pay for field or sea duty.
7. Pay of officers of National Guard or of reserve forces authorized to receive Federal pay; increase.
8. "Dependent" defined.
9. Subsistence allowance to commissioned officers below grade of brigadier general or equivalent.
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11. Amount of allowances, where subject to reduction.
12. Base pay and allowances of brigadier generals, rear admirals and commodores, surgeon general, and officers above those grades.
13. Base pay of warrant officers and enlisted men of Army and Marine Corps; increase for service; reenlistment allowances; retired pay of enlisted men.
14. Base pay of warrant officers and enlisted men of Navy and Coast Guard.
15. Pay grade for various ratings of enlisted men of Navy and Coast Guard; increase for length of service.
16. Pay of insular force of Navy; reenlistment gratuity laws repealed; enlistment allowances; retired pay of enlisted men.
17. Retainer pay of men transferred to Fleet Naval Reserve or Fleet Marine Corps Reserve.
18. Credit to enlisted men of service as warrant or commissioned officers.
19. Money allowances to warrant officers and enlisted men for subsistence and rental of quarters; subsistence for pilots; commutation of rations of enlisted men.
20. Mileage allowance to officers; travel expenses.
21. Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel.
22. Pay and allowances of female nurses of Army and Navy.
23. National Guard officers and enlisted men; reserve officers; pay and allowances; armory drill pay; validation of payments.
24. Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed.
25. Existing pay of officers and persons whose pay is based on pay of commissioned officers not reduced; total of existing pay and allowanees of enlisted men not reduced.
26. Retired pay; officers and warrant officers; no promotion of retired officers for active duty; pay and allowances of retired officers, warrant officers, and enlisted men when on active duty.
27. Additional pay to enlisted men for special qualifications.
28. Pay and allowances of cadets and cadet engineers.
29. Increase of pay of officers, warrant officers, and enlisted men detailed to duty involving flying; number detailed.
30. Existing laws and regulations governing pay and allowances which are not affected by readjustment provisions.
31. When provisions of chapter effective; inconsistent laws repealed.

Section 1. General provisions as to pay periods and rates of pay.—Beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period, $2,000; the third period, $2,400; the fourth period, $3,000; the fifth period, $3,500; and the sixth period, $4,000.

The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed twenty-six years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army to fill vacancies created by the increase of the commissioned personnel thereof in 1920; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the Coast Guard who have completed thirty years' service; and to the Chief of Chaplains of the Army.

The pay of the fifth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who have completed twenty years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army to fill vacancies created by the increase of the commissioned personnel thereof in 1920; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed twenty-three years' service: *Provided*, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing twenty years' service.

The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed fourteen years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army to fill vacancies created by the increase of the commissioned personnel thereof in 1920; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seventeen years' service, except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade; and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period.

The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed ten years' service;

and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

The pay of the first period shall be paid to all other officers whose pay is provided for in this section. (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

2. Pay of certain officers during existence of state of war.—During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenants of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of the preceding section to the pay of a higher period. (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

3. Increase for length of service; no increase of pay of officers or warrant officers on retired list.—Every officer paid under the provisions of the first five sections of this title shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years: *Provided*, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750. Nothing contained in the first sentence of section 26 or in any other section of this title shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922. (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

4. Service to be counted in computing pay.—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers in the service on June 30, 1922, there shall be included in the computation all service which was then counted in computing longevity pay, and service as a contract surgeon serving full time; and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation. (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

5. Pay of persons not officers but whose pay equivalent to that of commissioned officers of certain grades; contract surgeons; commissioned warrant officers.—The provisions of this title shall apply equally to those persons serving, not as commissioned officers in the Army, or in the other services mentioned in the first paragraph of section 1 of this title, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. Pay clerks of the Marine Corps shall receive the pay of second lieutenants of the Army of the same length of service. Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period. Commissioned warrant officers on the active list with cerditable records shall, after six years' commissioned service, receive the pay of the second period, and after twelve years' commissioned service, receive the pay of the third period: *Provided*, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion. Army field clerks and field clerks, Quartermaster Corps, shall have the allowances for subsistence and rental authorized for officers receiving the pay of the first period. (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

6. No increase of pay for field or sea duty.—No commissioned officer while on field or sea duty shall receive any increase of his pay or compensation by reason of such duty. (June 10, 1922, c. 212, § 2, 42 Stat. 627.)

7. Pay of officers of National Guard or of reserve forces authorized to receive Federal pay; increase.—When officers of the National Guard or of the reserve forces of any of the services mentioned in the first paragraph of section 1 of this title are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in section 3. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the first paragraph of section 1 of this title, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions. (June 10, 1922, c. 212, § 3, 42 Stat. 627; May 31, 1924, c. 224, § 1, 43 Stat. 250.)

8. "Dependent" defined.—The term "dependent" as used in the succeeding sections of this title shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the mother of the officer provided she is in fact dependent on him for her chief support. (June 10, 1922, c. 212, § 4, 42 Stat. 627.)

9. Subsistence allowance to commissioned officers below grade of brigadier general or equivalent.—Each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the first paragraph of section 1 of this title, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to

two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: *Provided*, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 10, 1922, c. 212, § 5, 42 Stat. 628.)

10. Rental allowance to commissioned officers below grade of brigadier general or equivalent.—Except as otherwise provided in the fourth paragraph of this section, each commissioned officer below the grade of brigadier general or its equivalent, in any of the services mentioned in the first paragraph of section 1 of this title, while either on active duty or entitled to active duty pay shall be entitled at all times to a money allowance for rental of quarters. The amount of such money allowance for the rental of quarters shall be determined by the rate for one room to be fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the cost of rents in the United States for the preceding calendar year as compared with rents for the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years.

To an officer having a dependent, receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to such an officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to such an officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that of five rooms, and to such an officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms.

An officer having no dependent, receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms.

No rental allowance shall accrue to an officer, having no dependents, while he is on field or sea duty, nor while an officer with or without dependents is assigned as quarters at his permanent station the number of rooms provided by law for an officer of his rank or a less number of rooms in any particular case wherein, in the judgment of competent superior authority of the service concerned, a less number of rooms would be adequate for the occupancy of the officer and his dependents.

Regulations in execution of the provisions of this section in peace and in war shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned, including adjunct forces thereof. (June 10, 1922, c. 212, § 6, 42 Stat. 628; May 31, 1924, c. 224, § 2, 43 Stat. 250.)

11. Amount of allowances, where subject to reduction.—When the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this title for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,200: *Provided*, That this section shall not apply to the commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey. (June 10, 1922, c. 212, § 7, 42 Stat. 628; Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130.)

12. Base pay and allowances of brigadier generals, rear admirals and commodores, surgeon general, and officers above those grades.—Commencing July 1, 1922, the annual base pay of a brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service shall be $6,000; and the annual base pay of a major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy shall be $8,000. Every such officer shall be entitled to the same money allowance for subsistence as is authorized in section 9 of this title for officers receiving the pay of the sixth period and to the same money allowance for rental of quarters as is authorized in section 10 of this title for officers receiving the pay of the sixth period: *Provided*, That when the total of base pay, subsistence, and rental allowances exceeds $7,500 for officers serving in the grade of brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service, and $9,700 for those serving in the grade of major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,500 or $9,700, respectively. Rear admirals of the Navy serving in higher grades shall be entitled, while so serving, to the pay and allowances of a rear admiral (upper half) and to a personal money allowance per year as follows: When serving in the grade of vice admiral, $500; when serving in the grade of admiral or as Chief of Naval Operations, $2,200. (June 10, 1922, c. 212, § 8, 42 Stat. 629.)

13. Base pay of warrant officers and enlisted men of Army and Marine Corps; increase for service; reenlistment allowances; retired pay of enlisted men.—Commencing July 1, 1922, the monthly base pay of warrant officers and enlisted men of the Army and Marine Corps shall be as follows: Warrant officers of the Army and Marine Corps, $148; warrant officers, Army Mine Planter Service, master, $185; first mate, $141; second mate, $109; engineer, $175; assistant engineer, $120; enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30; enlisted men of the seventh grade, $21; and the pay for specialists' ratings shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Existing laws authorizing continuous-service pay for each five years of service are hereby repealed, effective June 30, 1922. Commencing July 1, 1922, warrant officers of the Army and Marine Corps, including warrant officers of the Army Mine Planter Service and enlisted men of the Army and Marine Corps, shall receive, as a permanent addition to their pay, an increase of 5 per centum of their base pay for each four years of service in any of the services mentioned in the first paragraph of section 1 of this title not to exceed 25 per centum. On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Marine Corps Reserve. On and after July 1, 1922, retired enlisted men

of the Army and Marine Corps shall have their retired pay computed as now authorized by law on the basis of pay provided in this title. (June 10, 1922, c. 212, § 9, 42 Stat. 629.)

14. Base pay of warrant officers and enlisted men of Navy and Coast Guard.—On and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first six years of service—at sea, $153; on shore, $135; during the second six years of service—at sea, $168; on shore, $147; after twelve years' service—at sea, $189; on shore, $168. On and after July 1, 1922, for purposes of pay, enlisted men of the Navy and Coast Guard shall be distributed in seven grades, with monthly base rates of pay as follows: First grade, $126; second grade, $84; third grade, $72; fourth grade, $60; fifth grade, $54; sixth grade, $36; seventh grade, $21. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $99. (June 10, 1922, c. 212, § 10, 42 Stat. 630.)

15. Pay grade for various ratings of enlisted men of Navy and Coast Guard; increase for length of service.—The Secretary of the Navy is authorized to fix the pay grade for the various ratings of enlisted men of the Navy; and the Secretary of the Treasury is authorized to fix the pay grade for the various ratings of enlisted men of the Coast Guard. Mates shall receive the pay of enlisted men of the first grade of the Navy. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Naval Reserve. In lieu of all permanent additions to pay now authorized for enlisted men of the Navy and Coast Guard, they shall receive, as a permanent addition to their pay, an increase of 10 per centum on the base pay of their rating upon completion of the first four years of enlisted service, and an additional increase of 5 per centum for each four years' service thereafter, the total not to exceed 25 per centum. All transient additions to pay of enlisted men of the Navy and Coast Guard are hereby repealed, except as provided for in section 30 of this title. (June 10, 1922, c. 212, § 10, 42 Stat. 630.)

16. Pay of insular force of Navy; reenlistment gratuity laws repealed; enlistment allowances; retired pay of enlisted men.—The rates of pay of the insular force of the Navy shall be one-half the rates of pay prescribed for enlisted men of the Navy in corresponding ratings. Existing laws authorizing a reenlistment gratuity to enlisted men of the Navy and Coast Guard are hereby repealed, and an enlistment allowance equal to $50 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $200, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge; and an enlistment allowance of $25 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $100, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. On and after July 1, 1922, retired enlisted men of the Navy and Coast Guard shall have their retired pay computed as now authorized by law on the basis of pay provided by this title. (June 10, 1922, c. 212, § 10, 42 Stat. 630.)

17. Retainer pay of men transferred to Fleet Naval Reserve or Fleet Marine Corps Reserve.—The retainer pay of all men who were on July 1, 1922, transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserve shall be computed on the rates of pay authorized for enlisted men of the naval service by this title: *Provided*, That the retainer pay of such reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date. (June 10, 1922, c. 212, § 10; May 31, 1924, c. 224, § 3, 43 Stat. 251.)

18. Credit to enlisted men of service as warrant or commissioned officers.—All enlisted men of all the services mentioned in the first paragraph of section 1 of this title who serve as warrant or commissioned officers in any of said services, including adjunct forces thereof, shall be credited with all active service so performed during the period from April 6, 1917, to December 31, 1921, in the computation of their enlisted service for longevity pay purposes, and shall be paid accordingly. (June 10, 1922, c. 212, § 10; May 31, 1924, c. 224, § 3, 43 Stat. 251.)

19. Money allowances to warrant officers and enlisted men for subsistence and rental of quarters; subsistence for pilots; commutation of rations of enlisted men.—Warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 9 of this title for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in section 10 of this title for officers receiving the pay of the first period. To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $4 per day. These regulations shall be uniform for all the services mentioned in the first paragraph of section 1 of this title. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law. (June 10, 1922, c. 212, § 11, 42 Stat. 630.)

20. Mileage allowance to officers; travel expenses.—Officers of any of the services mentioned in the first paragraph of section 1 of this title, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the first paragraph of section 1 of this title, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the first paragraph of section 1 of this title shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty. (June 10, 1922, c. 212, § 12, 42 Stat. 631.)

21. Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel.—In lieu of the transportation in kind authorized by section 896, Title 34, NAVY, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel

shall have been completed. Dependent children shall be such as are defined in section 8 of this title. (June 10, 1922, c. 212, § 12, 42 Stat. 631.)

22. Pay and allowances of female nurses of Army and Navy.—Commencing July 1, 1922, the annual pay of female nurses of the Army and Navy shall be as follows: During the first three years of service, $840; from the beginning of the fourth year of service until the completion of the sixth year of service, $1,080; from the beginning of the seventh year of service until the completion of the ninth year of service, $1,380; from the beginning of the tenth year of service, $1,560. Superintendents of the Nurse Corps shall receive a money allowance at the rate of $2,500 a year, assistant superintendents, directors, and assistant directors at the rate of $1,500 a year, and chief nurses at the rate of $600 a year, in addition to their pay as nurses. Nurses shall be entitled to the same allowance for subsistence as is authorized in section 9 of this title for officers receiving the pay of the first period, and to the same allowance for rental of quarters as is authorized in section 10 of this chapter for officers receiving the pay of the first period. (June 10, 1922, c. 212, § 13, 42 Stat. 631.)

23. National Guard officers and enlisted men; reserve officers; pay and allowances; armory drill pay; validation of payments.—Officers of the National Guard receiving Federal pay, except for armory drill, and reserve officers of any of the services mentioned in the first paragraph of section 1 of this title, while on active duty shall receive the allowances herein prescribed for officers of the regular services in sections 9 and 10 in addition to the pay authorized in section 143 of Title 32; field officers and lieutenants of the National Guard commanding organizations less than a brigade, and having administrative functions, shall receive $240 per year for the faithful performance of the administrative duties connected therewith; and warrant officers of the National Guard shall receive not more than four-thirtieths of the monthly base pay of their grade for satisfactory performance of their appropriate duties, under such regulations as the Secretary of War may prescribe.

On and after July 1, 1922, the armory drill pay for enlisted men of the National Guard of the sixth grade shall be $1.15, and for those of the seventh grade shall be $1, in lieu of that theretofore authorized; and the pay of enlisted men of the National Guard of the sixth and seventh grades shall be $1.15 and $1 per day, respectively, whenever they are participating in exercises provided for by sections 63, 64, and 65 of Title 32.

Officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 63, 64, and 65 of Title 32, and reserve officers and reserve warrant officers of any of the services mentioned in the first paragraph of section 1 of this chapter, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 9, 10, and 19 of this title, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (June 10, 1922, c. 212, § 14, 42 Stat. 631, 632; Mar. 4, 1923, c. 281, 42 Stat. 1507.)

24. Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed.—Existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed, effective July 1, 1922. (June 10, 1922, c. 212, § 15, 42 Stat. 632.)

25. Existing pay of officers and persons whose pay is based on pay of commissioned officers not reduced; total of existing pay and allowances of enlisted men not reduced.—Nothing contained in this title shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay then authorized by law; and nothing contained in this title shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating.

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer. (June 10, 1922, c. 212, § 16, 42 Stat. 632.)

26. Retired pay; officers and warrant officers; no promotion of retired officers for active duty; pay and allowances of retired officers, warrant officers, and enlisted men when on active duty.—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this title: *Provided*, That nothing contained in this title shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the first paragraph of section 1 of this title: *Provided*, That the pay saved to an officer by section 25 of this title or by section 972 of Title 10 shall be construed as the pay provided in this title for the purpose of computing retired pay. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion: *Provided*, That officers and former officers of the Philippine Scouts who were placed on the retired list prior to June 4, 1920, shall be entitled to promotion on the retired list for active duty performed prior to July 1, 1922, subsequent to retirement, in accordance with the provisions of section 1011 of Title 10, and to the same pay and benefits received by other officers of the Army of like grade and length of service, on the retired list. Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances. (June 10, 1922, c. 212, § 17, 42 Stat. 632; May 31, 1924, c. 224, § 6, 43 Stat. 252.)

27. Additional pay to enlisted men for special qualifications.—Under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 or more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use. All laws and parts of laws authorizing extra pay for qualification in the use of arms or instruments, or for holding rated positions, except as otherwise specifically provided herein, are hereby repealed, to take effect July 1, 1922. (June 10, 1922, c. 212, § 18, 42 Stat. 632.)

28. Pay and allowances of cadets and cadet engineers.—Cadets at the Military Academy and cadets and cadet engineers of the Coast Guard shall receive the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy. (June 10, 1922, c. 212, § 19, 42 Stat. 632.)

29. Increase of pay of officers, warrant officers, and enlisted men detailed to duty involving flying; number detailed.—All officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when detailed to duty involving flying, shall receive the same increase of their pay and the same allowance for traveling expenses as are now authorized for the performance of like duties in the Army. Exclusive of the Army Air Service, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the

services mentioned in the first paragraph of section 1 of this title detailed to duty involving flying shall not at any one time exceed one-half of 1 per centum of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 62, 63, 64, and 65 of Title 32, and of the reserves of the services mentioned in the first paragraph of section 1 of this title called to active duty shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights, and when such flying duty involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned. (June 10, 1922, c. 212, § 20, 42 Stat. 632; May 31, 1924, c. 224, § 4, 43 Stat. 251.)

30. Existing laws and regulations governing pay and allowances which are not affected by readjustment provisions.—Nothing in this title shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men; nor additional pay for aides; nor extra pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress: *Provided*, That the pay and allowances of the members of the Naval Academy Band shall be not less than that which was authorized for the various ranks and ratings in said bands on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date. (June 10, 1922, c. 212, § 21, 42 Stat. 633; May 31, 1924, c. 224, § 5, 43 Stat. 251.)

31. When provisions of chapter effective; inconsistent laws repealed.—The provisions of this title shall be effective beginning July 1, 1922, and all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed as of that date. (June 10, 1922, c. 212, § 22, 42 Stat. 633.)

PENAL BONDS

See Title 6, OFFICIAL AND PENAL BONDS.

PENAL LAWS

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

PENALTIES

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

TITLE 38.—PENSIONS, BONUSES, AND VETERANS' RELIEF

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Chapter 1.—THE COMMISSIONER OF PENSIONS.

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5. Pension disbursing clerk; appointment.
6. Acting pension disbursing clerk; designation of clerks to sign checks.
7. Bond of disbursing clerk.
8. Detail of clerks to assist House Committees on Pensions.

Section 1. Commissioner of Pensions.—There shall be in the Department of the Interior a Commissioner of Pensions who shall be appointed by the President by and with the advice and consent of the Senate. (R. S. § 470; Mar. 3, 1925, c. 462, 43 Stat. 1164.)

2. Same; duties.—The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension laws as may be prescribed by the President. (R. S. § 471.)

3. Deputy commissioner; duties.—There shall be in the Department of the Interior a Deputy Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be charged with such duties in the Pension Bureau as may be prescribed by the Secretary of the Interior, or may be required by law, and in case of death, resignation, absence, or sickness of the commissioner, his duties shall devolve upon the deputy commissioner, until a successor is appointed or such absence or sickness ceases. (R. S. § 472.)

4. Annual report of pensions.—The Commissioner of Pensions shall, so far as may be practicable, in his annual reports state the amount paid for pensions during the fiscal year for which the report is made, in such manner as will indicate, separately, the number of pensioners and the aggregate payments for pensions on account of each of the wars for which pensions have been authorized, and on account of military and naval services since the close of the Civil War. He shall report in his annual report the total annual amount paid for additions also reductions on the annual pension rolls. (Jan. 19, 1877, c. 27, § 1, 19 Stat. 223; Apr. 4, 1890, c. 63, 26 Stat. 40.)

5. Pension disbursing clerk; appointment.—There shall be one disbursing clerk in the Bureau of Pensions to be selected and appointed by the Secretary of the Interior. (Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

6. Acting pension disbursing clerk; designation of clerks to sign checks.—In case of sickness or unavoidable absence of the disbursing clerk for the payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk for payment of pensions.

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk for the payment of pensions may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk for the payment of pensions to official checks. (Aug. 17, 1912, c. 301, § 5, 37 Stat. 313.)

7. Bond of disbursing clerk.—The disbursing clerk shall give bond with good and sufficient surety for such amount and in such form as the Secretary of the Interior may approve, and such bond shall be held to cover and apply to the acts of persons authorized to act in his place. (Aug. 17, 1912, c. 301, § 5, 37 Stat. 313.)

8. Detail of clerks to assist House Committees on Pensions.—The Secretary of the Interior is authorized, if in his opinion the public interests will not suffer thereby, upon the request of either of the committees hereinafter named, to detail from that department, one clerk to act as assistant clerk to the House Committee on Pensions, and one clerk to act as assistant clerk to the House Committee on Invalid Pensions. (Feb. 1, 1884, No. 4, 23 Stat. 266.)

Chapter 2.—GENERAL PROVISIONS GOVERNING RIGHT TO PENSION.

MISCELLANEOUS PROVISIONS

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21. Laws extended to rates prior to March 4, 1861.
23. Provisions extended to Missouri State Militia.
24. Applicants presumed not disabled at time of enlistment.
25. One pension at a time.
26. Allowance to persons in Army, Navy, or Marine Corps.
27. Pension to retired officers and men of Revenue Cutter Service or Coast Guard.
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129. Pledge or transfer of pension; penalty; retaining pension certificate.
130. Claim agent withholding discharge papers.

MISCELLANEOUS PROVISIONS

Section 21. Laws extended to rates prior to March 4, 1861.—The provisions of this title in respect to the rates of pension to persons whose right accrued since the 4th day of March, 1861, are extended to pensioners whose right to pension accrued under general Acts passed since the War of the Revolution and prior to the 4th day of March, 1861. (R. S. § 4712.)

23. Provisions extended to Missouri State Militia.—The provisions of sections 151 and 191 of this title are extended to the officers and privates of the Missouri State Militia, and the Provisional Missouri Militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was cooperating with United States forces, and the widow or children of any such person, dying of injury received or disease contracted under the circumstances herein set forth, shall be entitled to the benefits of this title. But the pensions on account of such militia shall not commence prior to the 3d day of March, 1873. (R. S. § 4722.)

24. Applicants presumed not disabled at time of enlistment.—All applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted. (Mar. 3, 1885, c. 340, 23 Stat. 362.)

25. One pension at a time.—Nothing in this title shall be so construed as to allow more than one pension at the same time to the same person, or to persons entitled jointly; but any pensioner who shall so elect may surrender his certificate, and receive, in lieu thereof, a certificate for any other pension to which he would have been entitled had not the surrendered certificate been issued. But all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by such certificate. (R. S. § 4715.)

26. Allowance to persons in Army, Navy, or Marine Corps.—No pension shall be allowed or paid to any officer, noncommissioned officer, or private in the Army, Navy, or Marine Corps of the United States, either on the active or retired list. (Mar. 3, 1891, c. 548, § 1, 26 Stat. 1082.)

27. Pension to retired officers and men of Revenue Cutter Service or Coast Guard.—No pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue Cutter Service or Coast Guard on the retired list. (May 27, 1908, c. 200, § 1, 35 Stat. 322; Jan. 28, 1915, c. 20, § 1, 38 Stat. 800; Jan. 28, 1915, c. 20, § 3, 38 Stat. 801.)

28. Pension allowed by special Acts not subject to general laws; suspension of payment.—When the rate, commencement, and duration of a pension allowed by special Act are fixed by such Act, they shall not be subject to be varied by the provisions and limitations of the general pension laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special Act, and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special Act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress. (R. S. § 4720.)

29. Same; pensioners under special Act; rights under general law.—No person receiving a pension under a special Act shall be entitled to receive in addition thereto a pension under the general law, unless the special Act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law. (July 25, 1882, c. 349, § 5, 22 Stat. 176.)

30. Absentees on furlough.—Officers absent on sick leave, and enlisted men absent on sick furlough, or on veteran furlough with the organization to which they belong, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital. (R. S. § 4700.)

31. Period of service construed.—The period of service of all persons entitled to the benefits of the pension laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such persons belonged, or until their actual discharge for other cause than the expiration of the service of such organization. (R. S. § 4701.)

32. Presumption of death after seven years' unexplained absence.—In considering claims filed under the pension laws, the death of an enlisted man or officer shall be considered as sufficiently proved if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of such enlisted man or officer from his home and family for a period of seven years, during which period no intelligence of his existence shall have been received. And any pension granted under this title shall cease upon proof that such officer or enlisted man is still living. (Mar. 13, 1896, c. 54, 29 Stat. 57.)

APPLICATION AND DECLARATION OF CLAIMANT; PAYMENT OF PENSIONS

41. Pension forms furnished on application; notice of issuance of certificate.—The Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, or other allowance required by law to be adjusted or paid by the Pension Office, shall furnish

such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension, he shall forthwith notify the claimant or applicant, and also the attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof. (R. S. § 4748; Aug. 14, 1912, c. 301, § 1, 37 Stat. 312.)

42. Declarations of claimants; before whom made; certificate of official character; recognition.—Declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, or before some officer who, under the laws of his State, city or county, has authority to administer oaths for general purposes; and said officers are fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor. Where such declaration or other papers are executed before an officer authorized as above but not required by the laws of his State to have and use a seal to authenticate his official acts, he shall file in the Pension Bureau a certificate of his official character, showing his official signature and term of office, certified by a clerk of a court of record or other proper officer of the State as to the genuineness thereof; and when said certificate has been filed in the Bureau of Pensions his own certificate will be recognized during his term of office. (July 26, 1892, c. 255, § 1, 27 Stat. 272.)

43. Same; in foreign countries; Indians.—The Commissioner of Pensions may accept declarations and other papers of claimants residing in foreign countries made before a United States minister or consul or other consular officer, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul or other consular officer; and declarations in claims of Indians may be made before a United States Indian agent. (July 26, 1892, c. 255, § 2, 27 Stat. 272.)

44. Payment of pension to persons entitled only; exceptions.—No pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title; and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person shall be recognized, nor shall any pension be paid thereon; but the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed. In case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him (the wife being a woman of good character), the Commissioner of Pensions may, in his discretion, cause the pension to be paid to the wife, upon her properly executed voucher, or in case there is no wife, to the guardian of the children, upon the properly executed voucher of such guardian, and in like manner cause the pension of invalid pensioners who are or may be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children. (R. S. § 4766; Aug. 8, 1882, c. 469, 22 Stat. 373; Mar. 14, 1898, c. 60, 30 Stat. 276; Mar. 3, 1899, c. 460, 30 Stat. 1379; Aug. 17, 1912, c. 301, §§ 1, 3, 37 Stat. 312.)

45. Same; desertion of wife or minor children by resident pensioner.—In case a resident pensioner of the United States shall for a period of over six months desert his lawful wife, she being a woman of good moral character and in necessitous circumstances, or, if he have no lawful wife, shall desert his legitimate minor child or children under sixteen years of age, or his permanently helpless and dependent child, the Commissioner of Pensions, upon being satisfied by competent evidence of such desertion, shall cause one-half of the pension due or to become due said pensioner during the continuance of such desertion to be paid to the wife, or in case there is no wife, to the legal guardian of the child or children. (R. S. § 4766; Aug. 8, 1882, c. 469, 22 Stat. 373; Mar. 3, 1899, c. 460, 30 Stat. 1379.)

46. Same; pensioner inmate of national soldiers' home.—If any such pensioner shall become an inmate of a national soldiers' home one-half of the pension drawn in his behalf or to which he may become entitled during his residence therein shall be paid by the treasurer of that institution to such pensioner's wife, she being in necessitous circumstances and a woman of good moral character, or, if there be no wife, to the legal guardian of the minor child or children, or the permanently dependent and helpless child or children of such pensioner, on the order of the Commissioner of Pensions. (R. S. § 4766; Aug. 8, 1882, c 469, 22 Stat. 373; Mar. 3, 1899, c. 460, 30 Stat. 1379.)

47. Same; pensioner entering State home for soldiers or sailors.—When a soldier or sailor enters into a State home for soldiers or sailors as an inmate thereof, one-half of his pension accruing during his residence therein shall be paid on the order of the Commissioner of Pensions to his wife, she being a woman of good moral character and in necessitous circumstances, or if there be no wife, then to his child or children under sixteen years of age, or his permanently helpless and dependent child, if any, unless such wife and children shall also be inmates of the same institution or of some home provided for the wives and children of soldiers and sailors. (R. S. § 4766; Aug. 8, 1882, c. 469, 22 Stat. 373; Mar. 3, 1899, c. 460, 30 Stat. 1379.)

48. Same; inmates of State soldiers' and sailors' homes for volunteer soldiers.—All pensioners who may be inmates of any soldiers' and sailors' home, or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers, shall have their respective pensions paid to them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located. (May 28, 1908, c. 208, 35 Stat. 419.)

49. Same; determination of questions of desertion, entrance into a home; necessitous circumstances, etc.—In all cases under sections 44 to 47, inclusive, of this title the questions of desertion, entrance into a home, necessitous circumstances, and of good moral character shall be ascertained and determined by the Commissioner of Pensions under such rules and regulations as he shall prescribe, and the treasurers or governors of the several soldiers' and sailors' homes shall be advised of such action from time to time. (R. S. § 4766; Aug. 8, 1882, c. 469, 22 Stat. 373; Mar. 3, 1899, c. 460, 30 Stat. 1379.)

50. Payment of pensions by checks without vouchers; delivery or return of mail.—Pensions shall be paid by checks drawn, under the direction of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the proper assistant treasurer or designated depositary, except in the case of any pension which the law authorizes to be paid to some person other than the pensioner, or in any case in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address.

Postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mail to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried; and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned as herein provided on account of

the death or remarriage of the pensioner shall be canceled. (Mar. 14, 1898, c. 60, 30 Stat. 276; Aug. 17, 1912, c. 301, § 3, 37 Stat. 312.)

51. Same; payable monthly.—Payment of pensions shall be made monthly, on the 4th day of each month. The provisions of this section shall not apply to civil pensions. (Aug. 17, 1912, c. 301, § 2, 37 Stat. 312; May 3, 1922, c. 177, § 1, 42 Stat. 505.)

52. Same; payment to inmates of the National Home for Disabled Volunteer Soldiers unaffected.—Nothing in sections 50 and 128 of this title shall be construed as amending or repealing section 138 of Title 24 of this Code, concerning the payment of pensions due inmates of the National Home for Disabled Volunteer Soldiers. (Aug. 17, 1912, c. 301, § 6, 37 Stat. 313.)

53. Unclaimed pensions.—The failure of any pensioner to claim his pension for three years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from the disability, or otherwise, and the pensioner's name shall be stricken from the list of pensioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension, and by medical evidence in cases of invalids who were not exempt from biennial examinations as to the continuance of the disability. (R. S. § 4719.)

54. Attachment, levy, or seizure of moneys due pensioners prohibited.—No sum of money due, or to become due, to any pensioner shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner. (R. S. § 4747.)

55. Withholding pension prohibited.—The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld. (R. S. § 4734.)

56. Same; notice and hearing.—Any pension granted to any applicant therefor under any law of the United States authorizing the granting and payment of pensions, on application made and adjudicated upon, shall be deemed and held by all officers of the United States to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than thirty days, the Commissioner of Pensions, after hearing all the evidence, shall decide to annul, vacate, modify, or set aside the decision upon which such pension was granted. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified. (Dec. 21, 1893, c. 3, 28 Stat. 16.)

57. Same; increase or reduction of pensions.—The Commissioner of Pensions shall have power to increase or reduce pensions according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon. (June 21, 1879, c. 34, § 3, 21 Stat. 30.)

58. Increase of pension from date of examiner's certificate.—Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same made under the pending claim for increase; and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions. (R. S. § 4698½.)

CROSS REFERENCE

For further provisions regarding pensioner inmates of soldiers' homes see ch. 2 of Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

EXAMINATION OF CLAIMANTS AND PENSIONERS; FEES

71. Boards of examining surgeons; reviewing boards; examinations; expert surgeons; fees for examination of nonresidents.—The Commissioner of Pensions is authorized to appoint surgeons who, under his control and direction shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board. The commissioner may, when in his opinion the exigencies of the service require it, organize a board of three surgeons who, under his direction, shall review the work of any regularly appointed board or surgeon. All examinations shall be thorough and searching. When a claimant is so disabled as not to be able to present himself to a board of surgeons for examination, the commissioner may order a surgeon to make the examination at the claimant's residence. The commissioner may, when in his judgment the degree of disability can not be determined truthfully or satisfactorily excepting by expert examination, employ an expert, not a regularly appointed surgeon, to make the examination; and the fee for such examination shall be $5. The fee for an expert examination shall not be paid to any regularly appointed examining surgeon. The fee for the examination of claimants who reside out of the United States shall not exceed $10, which shall be paid, upon the presentation of satisfactory vouchers, out of the appropriation for the payment of the examining surgeons, and through the United States consulate nearest to the claimant's place of residence. (July 25, 1882, c. 349, § 4, 22 Stat. 175; Sept. 22, 1922, c. 417, § 1, 42 Stat. 1030.)

72. Same; fees; mileage.—Each duly designated examining surgeon except expert and foreign surgeons, and each member of a board of examining surgeons, appointed by the Commissioner of Pensions for the examination of pensioners and claimants for pension or increased pension, shall receive the sum of $3 for each examination and satisfactory report thereof. The fee for each examination made by an examining surgeon at a claimant's residence for use in a pension claim shall be $5, and in lieu of actual traveling expenses there shall be paid the sum of 20 cents per mile for the distance actually and necessarily traveled, not exceeding the distance by the usually traveled route from the surgeon's office to the claimant's home and return. No fee shall be paid to any member of an examining board unless he is personally present and assists in the examination of the claimant. The report shall specifically and accurately set forth the physical condition of the claimant and include a full description of every existing disability. (May 28, 1908, c. 208, 35 Stat. 419; Mar. 3, 1917, c. 170, 39 Stat. 1132; Sept. 22, 1922, c. 417, § 1, 42 Stat. 1030.)

73. Same; report; inspection by claimant.—The report of examining surgeons when filed in the Pension Office shall be open to the examination and inspection of the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide. (July 18, 1894, c. 141, 28 Stat. 113.)

74. Medical referee and examining surgeons.—The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee who, under the control and direc-

tion of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons and such other duties touching medical and surgical questions in the Pension Office, as the interests of the service may demand. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, but such appointments shall not increase the clerical force of said bureau. (R. S. § 4776.)

75. Visit to medical examining boards or surgeons by Commissioner of Pensions; expenses.—The Commissioner of Pensions may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, any of the medical examining boards or surgeons, or may send any one or more of the officers of his bureau for that purpose, and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior, upon properly executed vouchers, out of the contingent fund of said bureau. (R. S. § 4766; Aug. 8, 1882, c. 469, 22 Stat. 373; Mar. 8, 1899, c. 460, 30 Stat. 1379.)

ACCRUAL AND COMMENCEMENT OF PENSIONS

91. Commencement of pension.—All pensions granted in consequence of death occurring from a cause which originated in the service since March 4, 1861, or in consequence of wounds, or injuries received or disease contracted since that date shall commence, except as otherwise provided by law, from the date of filing the application in the Bureau of Pensions. (Jan. 25, 1879, c. 23, § 1, 20 Stat. 265; Mar. 3, 1879, c. 187, § 2, 20 Stat. 470; June 7, 1888, c. 369, 25 Stat. 173.)

92. Same; insane persons and children.—Except as otherwise provided by law, all pensions granted, on claims by or in behalf of insane persons and children under sixteen years of age, in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or death contracted since that date, shall commence from the death or discharge of the person on whose account the claim is granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of the party having prior title to such pension. (Mar. 3, 1879, c. 187, § 2, 20 Stat. 470.)

93. Same; applications filed prior to July 1, 1880.—Where application was filed prior to July 1, 1880, all pensions granted in consequence of death occurring from a cause which originated in the service since March 4, 1861, or in consequence of wounds or injuries received or disease contracted since that date shall commence from the death or discharge of the person on whose account the claim has been granted if the disability occurred prior to discharge and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of party having prior title to such pension. (Mar. 3, 1879, c. 187, § 2, 20 Stat. 470.)

94. Widows' pensions to date from death of husband.—All pensions granted under the general laws regulating pensions to widows in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, shall commence from the date of death of the husband except as otherwise provided in this title. (June 7, 1888, c. 369, 25 Stat. 173.)

95. Commencement; for services prior to March 4, 1861.—In all cases in which the cause of disability or death originated in the service prior to the 4th day of March, 1861, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the 6th day of June, 1866, shall be affected by anything herein contained. (R. S. § 4713.)

96. Accrued pensions.—The accrued pension to the date of the death of any pensioner, or of any person entitled to a pension having an application therefor pending, and whether a certificate therefor shall issue prior or subsequent to the death of such person, shall, in the case of a person pensioned, or applying for pension, on account of his disabilities or service, be paid, first, to his widow; second, if there is no widow, to his child or children under the age of sixteen years at his death; third, in case of a widow, to her minor children under the age of sixteen years at her death. Such accrued pension shall not be considered a part of the assets of the estate of such deceased person, nor be liable for the payment of the debts of said estate in any case whatsoever, but shall inure to the sole and exclusive benefit of the widow or children. And if no widow or child survive such pensioner, and in the case of his last surviving child who was such minor at his death, and in case of a dependent mother, father, sister, or brother, no payment whatsoever of their accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of their last sickness and burial, if they did not leave sufficient assets to meet such expense. (Mar. 2, 1895, c. 193, 28 Stat. 964; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

97. Settlement of claims for reimbursement of last sickness and burial of deceased pensioners; reimbursement of claims.—The settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions.

No part of any accrued pension shall be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1169; Mar. 4, 1909, c. 302, 35 Stat. 1058.)

FEES OF AGENTS AND ATTORNEYS

111. Compensation of agent or attorney.—No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such pension shall be allowed. In all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and pay the same to the recognized attorney. (R. S. § 4785; July 4, 1884, c. 181, § 3, 23 Stat. 99; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

112. Same; demanding more than legal fee.—Any agent or attorney, or any other person instrumental in prosecuting any claim for pension, who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services, or instrumentality in prosecuting a claim for pension than is provided in this title, or who shall wrongfully withhold from a pensioner the whole, or any part of the pension or claim allowed and due such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $500, or imprisonment at hard labor not exceeding two years, or both,

at the discretion of the court. (R. S. § 5485; July 4, 1884, c. 181, § 4, 23 Stat. 98.)

113. Same; for procuring pension legislation.—No pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or imprisoned not exceeding two years, or both, in the discretion of the court. (May 28, 1908, c. 208, 35 Stat. 419.)

114. Same; agreement for fee filed; fee in case of failure to file; form; amount paid deducted from fee.—The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension, and no agreement is filed with the commissioner as herein provided, the fee shall be $10 and no more And such articles of agreement as may be filed with the Commissioner of Pensions are not authorized, nor will they be recognized except in claims for original pensions, claims for increase of pension on account of a new disability, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension rolls on testimony taken by a special examiner, showing that the disability or cause of death, on account of which the pension was allowed, did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be, dropped from the rolls on like testimony, upon the ground of nondependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them. No greater fee than $2 shall be demanded, received, or allowed in any claim for pension granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed. No fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension, or of increase of pension, may be allowed. The articles of agreement herein provided for shall be in substance as follows, to wit:

Articles of Agreement

Whereas I, ——— ———, late a ——— in company ———, of the ——— regiment of ——— volunteers, War of 1861 (or, if the service be different, here state the same), having made application for pension under the laws of the United States: Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, ——— ——— of ———, the fee of ——— dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney (or attorneys), in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him (or them) in accordance with the provisions of existing law.

(Claimant's signature.)
(Two witnesses' signatures.)

State of ———
County of ———, *ss.*

Be it known that on this, the ——— day of ———, Anno Domini 19— ———, personally appeared the above-named ———, who, after having had read over to ———, in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be ——— free act and deed.

(Official signature.)

And now, to wit, this ——— day of ———, Anno Domini 19— ———, I (or we) accept the provisions contained in the foregoing articles of agreement, and will, to the best of my (or our) ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my (or our) hand, the day and year first above written.

(Signature of attorney.)

County of ———
State of ———, *ss.*

Personally came ——— ———, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be ——— free act and deed.

(Official signature.)

And if in the adjudication of any claim for pension in which such articles of agreement have been, or may be, filed, it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of $10 allowed by law such sum as claimant shall show that he has paid to his said attorney. Any agent or attorney or other person instrumental in prosecuting any claim for pension, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or any agent, attorney, or other person instrumental in prosecuting any claim for increase of pension on account of the increase of disability for which pension was allowed, who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services, except as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or imprisoned, not exceeding two years, or both, in the discretion of the court. (R. S. § 4786; July 4, 1884, c. 181, § 4, 23 Stat. 99; Mar. 3, 1891, c. 548, 26 Stat. 1082.)

115. Same; commissioner may reject contract for fees.—The commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, provided for in section 114 of this title, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract. (July 4, 1884, c. 181, § 6, 23 Stat. 101.)

116. Same; prosecuting claims for arrears.—No claim agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension. (R. S. § 4711; Jan. 25, 1879, c. 23, § 4, 20 Stat. 265.)

IRREGULARITIES IN CONNECTION WITH PENSIONS; FRAUDS AND INVESTIGATIONS

121. Investigating frauds; special service.—The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension claims, whether pending or adjudicated, as he may deem proper, and to investi-

gate any suspected attempt to defraud the United States in or affecting the administration of any laws relative to pensions, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer, when deemed necessary by the Commissioner of Pensions, in important cases. Such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts. Any person so detailed shall be entitled to such additional compensation as is customary in cases of special service. (R. S. §§ 474, 4744; July 25, 1882, c. 349, § 2, 22 Stat. 175.)

122. Same; special examiners authorized to administer oaths.—Special examiners and additional special examiners employed under authority of Congress to aid in investigating suspected attempts at fraud on the Government through and by virtue of the pension laws, and to aid in prosecuting any person so offending, shall have the same power to administer oaths and take affidavits as is conferred by section 121 of this title upon clerks detailed by the Commissioner of Pensions from his office for that purpose. (Mar. 3, 1891, c. 548, § 3, 26 Stat. 1083.)

123. Same; compensation.—Clerks detailed to investigate suspected attempts of fraud upon the Government through and by virtue of the pension laws under section 121 of this title, shall be paid the actual and necessary expenses of transportation, and a per diem allowance in lieu of subsistence, not exceeding $4 per diem. (Mar. 3, 1875, c. 130, § 1, 18 Stat. 374.)

124. Same; subpœna to witnesses; witnesses' fees.—In addition to the authority conferred by section 94 of Title 5, any judge or clerk of any court of the United States in any State, District, or Territory shall have power, upon the application of the Commissioner of Pensions, to issue a subpœna for a witness, being within the jurisdiction of such court, to appear, at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, or before any officer, clerk, or person from the Pension Bureau designated or detailed to investigate or examine into the merits of any pension claim and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross-interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claims; and witnesses subpœnaed pursuant to this section or section 121 of this title shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner. (July 25, 1882, c. 349, § 3, 22 Stat. 175.)

125. Same; report of special examiners; inspection.—The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe. (May 28, 1908, c. 208, 35 Stat. 419.)

126. False affidavit and postdating vouchers; false certificate to vouchers.—Every person who knowingly or willfully makes or aids, or assists in the making, or in any wise procures the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully makes or causes to be made, or aids or assists in the making, or presents or causes to be presented any paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner, and every person before whom any declaration, affidavit, voucher, or other paper or writing to be used in aid of the prosecution of any claim for pension or payment thereof purports to have been executed who shall knowingly certify that the declarant, affiant, or witness named in such declaration, affidavit, voucher, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof, when, in fact, such declarant, affiant, or witness did not personally appear before him or was not sworn thereto, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding $500, or by imprisonment for a term of not more than five years. (R. S. § 4746; July 7, 1898, c. 578, 30 Stat. 718; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

127. Embezzlement by guardian, etc.; penalties.—Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court. (R. S. § 4783; Feb. 10, 1891, c. 130, 26 Stat. 746.)

128. Forgery of indorsement of pension checks.—Whoever shall forge the indorsement of the person to whose order any pension check shall be drawn, or whoever with the knowledge that such indorsement is forged shall utter such check, or whoever, by falsely personating such person, shall receive from any person, firm, corporation, or officer or employee of the United States the whole or any portion of the amount represented by such check, shall upon conviction be punished by a fine of not more than $1,000, or be imprisoned not more than five years, or both. (Aug. 17, 1912, c. 301, § 4, 37 Stat. 313.)

129. Pledge or transfer of pension; penalty; retaining pension certificate.—Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect, and any person who shall pledge, or receive a pledge, mortgage, sale, assignment or transfer of any right, claim, or interest in any pension, or pension certificate, which has been, or may hereafter be granted or issued, or who shall hold the same as collateral security for any debt, or promise, or upon any pretext of such security, or promise, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $100 and the costs of the prosecution; and any person who shall retain the certificate of a pensioner and refuse to surrender the same upon the demand of the Commissioner of Pensions, or any other person, authorized by the Commissioner of Pensions, or the pensioner, to receive the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $100 and the costs of the prosecution. (R. S. § 4745; Feb. 28, 1883, c. 58, § 2, 22 Stat. 432; Aug. 17, 1912, c. 301, § 1, 37 Stat. 312.)

130. Claim agent withholding discharge papers.—Any claim agent, attorney, or other person engaged in the collection of claims for pension, for any soldier, sailor, or marine, or for any commissioned officer of the military or naval forces, or person who may have been a soldier, sailor, marine, or officer of the regular or volunteer forces of the United States, and honorably discharged, who shall retain, without the consent of the owner or owners thereof, or shall refuse to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge papers of any such soldier, sailor, or marine, or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be deemed guilty of a misdemeanor, and shall, upon conviction be punished by fine not exceeding $500, or by imprisonment not exceeding six months,

or both, at the discretion of the court, and shall thereafter be debarred from prosecuting any such claim in any executive department of the Government. (May 21, 1872, c. 178, 17 Stat. 137.)

Chapter 3.—DISABILITY OR DEATH CAUSE DUE TO SERVICE SINCE MARCH 4, 1861

VETERANS

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WIDOWS, REMARRIED WIDOWS, CHILDREN, AND DEPENDENTS

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VETERANS

Section 151. Pensions; who are eligible.—Every person specified in the several classes enumerated in the following section, who has been, since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability. (R. S. § 4692.)

152. Classes enumerated.—The persons entitled as beneficiaries under the preceding section are as follows:

(1) Officers of Army, Navy or Marine Corps, and enlisted men.—Any officer of the Army, including Regulars, Volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

(2) Lieutenants serving on gunboat.—Any lieutenant serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gunboat or war vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty, for procuring his subsistence by manual labor.

(3) Volunteers, not enlisted.—Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service, and whose claim was prosecuted to a successful issue prior to July 4, 1874.

(4) Acting assistant surgeon.—Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu, or in hospital.

(5) Provost marshal.—Any provost marshal, deputy provost marshal, or enrolling officer disabled, by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor. (R. S. § 4693.)

153. Rates for total disability.—The pension for total disability shall be as follows, except as otherwise provided in this title: For lieutenant colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commander, lieutenant commanding and master commanding, in the naval service, $30 per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, $25 per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost marshal, professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain in the naval service, $20 per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost marshal, $17 per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling officer, $15 per month; for cadet midshipman, passed midshipman, midshipmen, clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant officers in the naval service, $10 per month; and for all other persons whose rank or office is not mentioned in this section, $8 per month; and the masters, pilots, engineers, sailors, and crews upon the gunboats and war vessels shall be entitled to receive the pension allowed herein to those of like

rank in the naval service. (R. S. § 4695; June 18, 1878, c. 268, 20 Stat. 166.)

154. Same; according to rank.—Except as otherwise provided by law, every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided in the preceding section, for the rank he held at the time he received the injury or contracted the disease which resulted in the disability, on account of which he may be entitled to a pension; and any commission or presidential appointment, regularly issued to such person, shall be taken to determine his rank from and after the date, as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred; that the person commissioned was not disabled for military duty; and that he did not willfully neglect or refuse to be mustered. (R. S. § 4696.)

155. Wounds received or diseases contracted only in line of duty pensionable.—No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the 27th day of July, 1868, unless the person who was wounded, or injured, or contracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or en route, by direction of competent authority to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital. (R. S. § 4694.)

156. Permanent specific disability; rate after June 4, 1872.—Except as otherwise provided in this title from and after June 4, 1872, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of $31.25 per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of $24 per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of $18 per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they can not use artificial limbs, shall be rated in the second class and receive $24 per month from and after June 4, 1872; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of $13 per month from the same date: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree. (R. S. § 4698.)

157. Same; from and after June 18, 1874.—Except as hereinafter provided in this title, all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so permanently and totally disabled as to require the regular personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled from and after June 18, 1874, to a pension of $50 per month in lieu of a pension of $31.25 per month granted to such person by section 156 of this title: *Provided*, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same have resulted in permanent total helplessness requiring the regular personal aid and attendance of another person. (June 18, 1874, c. 298, § 1, 18 Stat. 78.)

158. Increase; for permanent disability.—All soldiers and sailors who were receiving on June 16, 1880, a pension of $50 per month, under the provisions of section 157 of this title, shall receive, in lieu, and there shall be paid them in the same manner as pensions are paid to such persons, the sum of $72 per month thereafter. (June 16, 1880, c. 236, § 1, 21 Stat. 281.)

159. Loss of both hands, or both feet, or both eyes; pension after June 17, 1878.—On and after June 17, 1878, except as provided in sections 160 to 163 of this title, all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States, shall receive, and there shall be paid to them, in the same manner as pensions are paid to such persons, the sum of $72 per month. This section shall be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States. (June 17, 1878, c. 261, 20 Stat. 144; Mar. 3, 1879, c. 200, 20 Stat. 484.)

160. Loss of both eyes or total blindness; pension after April 8, 1904.—From and after April 8, 1904, all persons who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of $100 per month: *Provided, however*, That this section shall not be so construed as to reduce any pension under any Act, public or private. (Apr. 8, 1904, c. 945, 33 Stat. 163.)

161. Blindness or loss of sight due to injury.—From and after June 5, 1920, all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps, and in the line of duty shall have lost both eyes, or been disabled in the same, or who, in like service and in like manner, sustained injuries that proved the direct cause of the subsequent total loss of the sight of both eyes shall receive a pension at the rate of $100 per month. (June 5, 1920, c. 245, § 3, 41 Stat. 982.)

162. Loss of both feet.—From and after March 2, 1903, all persons who while in the military or naval service of the United States and in the line of duty shall have lost both feet shall receive a pension at the rate of $100 per month. (Mar. 2, 1903, c. 977, 32 Stat. 944.)

163. Loss of both hands.—From and after February 12, 1889, all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, shall be entitled to a pension of $100 per month. (Feb. 12, 1889, c. 132, 25 Stat. 659.)

164. Loss of one hand and one foot.—All persons who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand and one foot, or been totally or permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability: *Provided*, That this section shall not be so construed as to reduce pensions in any case. (Feb. 28, 1877, c. 73, 19 Stat. 264.)

165. Loss of hand, foot, arm, or leg; pension from and after March 3, 1883.—From and after March 3, 1883, and except as otherwise provided in this title all persons who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, shall receive a pension of $24 per month; all persons who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, shall receive a pension of $30 per month: *Provided*, That nothing contained in this section shall be construed to repeal section 177 of this title, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 153 of this title makes no provision. (Mar. 3, 1883, c. 91, 22 Stat. 453.)

166. Increase; from and after August 4, 1886.—From and after August 4, 1886, and except as otherwise provided in this title, all persons who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension of $30 a month; all persons who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension of $36 per month; and all persons who in like manner shall have lost either an arm at the shoulder joint or a leg at the hip joint, or so near the joint as to prevent the use of an artificial limb, shall receive a pension at the rate of $45 per month. (Aug. 4, 1886, c. 899, 24 Stat. 220.)

167. Same; from and after March 2, 1903.—From and after March 2, 1903, and except as otherwise provided in this title, all persons who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of $40 per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $46 per month; all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $55 per month, and all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $60 per month. (Mar. 2, 1903, c. 977, 32 Stat. 944.)

168. Same; increase from and after May 1, 1920, and June 5, 1920.—From and after May 1, 1920, all persons whose names were on the pension roll at that date and who while in the service of the United States in the Army, Navy, or Marine Corps during the Civil War, and from and after June 5, 1920, all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; all persons who, in such service and in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and all persons who, in such service and in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $90 per month. (May 1, 1920, c. 165, § 3, 41 Stat. 585; June 5, 1920, c. 245, § 3, 41 Stat. 982.)

169. Disability equivalent to loss of hand or foot.—From and after March 3, 1883, all persons who while in the military or naval service of the United States, and in the line of duty shall have been so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month. (Mar. 3, 1883, c. 91, 22 Stat. 453.)

170. Incapacity for performing manual labor.—All persons who while in the military or naval service of the United States and in the line of duty shall have been so disabled otherwise than as stated in section 165 or 169 of this title as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of $30 per month. (Mar. 3, 1883, c. 91, 22 Stat. 453.)

171. Deafness; rate from and after August 27, 1888.—From and after August 27, 1888, and except as provided in section 172 of this title, all persons on the pension rolls of the United States, drawing pensions on account of loss of hearing, shall be entitled to receive the sum of $30, in cases of total deafness. (Aug. 27, 1888, c. 913, 25 Stat. 449.)

172. Same; from and after January 15, 1903.—From and after January 15, 1903, all persons on the pension roll of the United States on that date, or who may be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive the sum of $40 per month. (R. S. § 4698; Aug. 27, 1888, c. 913, 25 Stat. 449; Jan. 15, 1903, c. 190, 32 Stat. 773.)

173. Partial deafness.—From and after August 27, 1888, all persons on the pension rolls of the United States drawing pensions on account of loss of hearing shall be entitled to receive in cases of partial deafness such proportion of the sum of $30 per month as the Secretary of the Interior may deem equitable; the amount paid to be determined by the degree of disability existing in each case. (Aug. 27, 1888, c. 913, 25 Stat. 449.)

174. Disability requiring regular personal attention.—All soldiers, sailors and marines who may become so totally and permanently helpless from injuries received or disease contracted in the service and line of duty as to require the regular personal aid and attendance of another person otherwise than as specifically provided for under section 158 of this title shall be entitled to receive a pension at the rate of $72 per month from the date of the certificate of the examining surgeons or board of examining surgeons, showing such degree of disability. (Mar. 4, 1890, c. 25, 26 Stat. 16.)

175. Disability requiring frequent and periodical attendance.—From and after July 14, 1892, soldiers and sailors who are shown to be totally incapacitated for performing manual labor by reason of injuries received or disease contracted in the service of the United States and in line of duty, and who are thereby disabled to such a degree as to require frequent and periodical, though not regular and constant, personal aid and attendance of another person, shall be entitled to receive a pension of $50 per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability. (July 14, 1892, c. 169, 27 Stat. 149.)

176. Minimum rate for pensions.—Pensioners shall be rated at not less than $6 per month. (Mar. 2, 1895, c. 161, 28 Stat. 704.)

177. Disability not otherwise provided for.—The rate of $18 per month may be proportionately divided for any degree of disability established for which section 153 of this title makes no provision. (R. S. § 4699.)

178. Age of 62 and over considered a disability.—The age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws. (Mar. 4, 1907, c. 2920, 34 Stat. 1406.)

WIDOWS, REMARRIED WIDOWS, CHILDREN, AND DEPENDENTS

191. Widows, or children under sixteen; right to pension.—If any person embraced within the provisions of sections 151 and 152 of this title has died since the 4th day of March, 1861, or hereafter dies, by reason of any wound, injury, or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, except as otherwise provided in this title, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid. (R. S. § 4702; Aug. 7, 1882, c. 438, § 1, 22 Stat. 345.)

192. Widow's pension; marriage prior to March 3, 1899; widows of Spanish War veterans excepted.—Except as hereinafter specifically provided no pension under any law of the United States shall be granted, allowed, or paid to the widow of a soldier, sailor, officer, naval or military, marine, marine officer, or any other male person entitled to a pension under any law of the United States, unless it shall be proved and established that the marriage of such widow to the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked, was duly and legally contracted and entered into prior to March 3, 1899, or unless such wife shall have lived and cohabited with such soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death, or unless the marriage shall have taken place after that date and prior to or during the military or naval service of the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked or claimed. This section shall not apply to or affect the widow of any soldier, sailor, marine, officer, or marine officer who served in the war between the United States and the Kingdom of Spain. (R. S. § 4766; Aug. 8, 1882, c. 469, 22 Stat. 373; Mar. 3, 1899, c. 460, 30 Stat. 1379.)

193. Same; increase on account of minor children.—Except as hereinafter provided the pensions of widows shall be increased at the rate of $2 per month for each child under the age of sixteen years, of the husband on account of whose death the claim has been, or shall be, granted. And in every case in which the deceased husband has left, or shall leave, no widow, or where his widow has died or married again, or where she has been deprived of her pension under the provisions of the pension law, the pension granted to such child or children shall be the same amount per month that would be allowed under the foregoing provisions to the widow, if living and entitled to a pension. The additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans. (R. S. § 4703.)

194. Additional pension by special act on account of helpless child not to affect rate to widow.—When an additional pension has been, or may be, granted by special act to a widow or guardian on account of a helpless child, such additional pension shall in no wise affect the rate of pension the widow may be entitled to independent of such additional allowance. (Mar. 4, 1909, c. 302, 35 Stat. 1058.)

195. Widows, children, and dependent relatives; increase from and after March 19, 1886; limitation.—From and after March 19, 1886, and except as hereinafter provided in this title, the rate of pension for widows, minor children, and dependent relatives placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance for each child under the age of sixteen years. This section shall apply only to widows who were married to the deceased soldier or sailor prior to March 19, 1886, and to those who married prior to or during the service of the soldier or sailor. (Mar. 19, 1886, c. 22, § 1, 24 Stat. 5.)

196. Same; claim agents not to receive compensation.—No claim agent or attorney shall be recognized in the adjudication of claims under section 195 of this title, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder. (Mar. 19, 1886, c. 22, § 2, 24 Stat. 6.)

197. Widows and children; minimum rate from and after April 19, 1908.—From and after April 19, 1908, the rate of pension for widows, minor children under the age of sixteen years, and helpless minors as defined by existing laws, otherwise entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance for each child under the age of sixteen years and for each helpless child: *Provided, however*, That this section shall not be so construed as to reduce any pension under any Act, public or private. (Apr. 19, 1908, c. 147, § 1, 35 Stat. 64.)

198. Widows of colored and Indian soldiers.—The widows of colored and Indian soldiers and sailors, enlisting prior to March 1, 1873, dying, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor. (R. S. § 4705.)

199. Proof of marriage; adulterous cohabitation terminating pension.—Marriages, except such as are mentioned in section 198 of this title, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued; and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation. (Aug. 7, 1882, c. 438, § 2, 22 Stat. 345.)

200. Abandonment by widow; children's pension.—If any person die, leaving a widow entitled to a pension by reason of his death, and a child or children under sixteen years of age by such widow, and it shall be duly certified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and such pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid. (R. S. § 4706.)

201. Time for which a widow shall not receive pension.—No pension shall be granted to a widow for the same time that her husband received one. (R. S. § 4735.)

202. What children deemed legitimate.—In the administration of the pension laws, children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate. (R. S. § 4704.)

203. Succession of dependent relatives; when dependent parents entitled.—If any person embraced within the provisions of sections 151 and 152 of this title, die, by reason of any wound, injury, casualty, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support, in whole or in part, at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, except as otherwise provided by law, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly. When orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward. If in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, commencing from and after the death of the mother; and upon the death of the mother and father, or upon the death of the father and the remarriage of the mother, the dependent brothers and sisters under sixteen years of age shall jointly become entitled to such pension until they attain the age of sixteen years respectively, commencing from the death or remarriage of the party who had the prior right to the pension.

In considering the pension claims of dependent parents, the fact of the soldier's death by reason of any wound, injury, casualty, or disease which, under the conditions and limitations of existing laws, would have entitled him to an invalid pension, and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support. All pensions allowed to dependent parents under this title shall commence from the date of the filing of the application hereunder and shall continue no longer than the existence of the dependence. (R. S. § 4707; June 27, 1890, c. 634, § 1, 26 Stat. 182.)

204. Minor brothers and sisters; dependency construed.—A minor brother or sister shall be assumed to have been dependent within the meaning of section 203 of this title if, at the date of the brother's death, said brother or sister had no other adequate means of support than the ordinary proceeds of their own manual labor and the contributions of said brother or of any other persons not legally bound to aid in their support; and if, by actual contributions, or in any other way, the brother had recognized his obligations to aid in support of his minor brother or sister, or was by law bound to such support. The pension allowed to any person on account of his or her dependence, as hereinbefore provided, shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence. (R. S. § 4707.)

205. Widows and dependent mothers and sisters; remarriage of; restoration on renewed widowhood.—The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease. Any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs 1, 2, and 3 of section 152 of this title, during the period of his service in any war, and whose name was placed or shall be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall be dropped from said pension roll by reason of her marriage to another person who has since died or shall die, or from whom she has been or shall be divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor and has an actual net income of not exceeding $250 per year, shall be entitled to have her name again placed on the pension roll at the rate provided for widows by law, such pension to commence from the date of the filing of her application in the Pension Bureau. Where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this section. Where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this section unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease. (R. S. § 4708; June 27, 1890, c. 634, § 3, 26 Stat. 182; May 9, 1900, c. 385, 31 Stat. 171; Mar. 3, 1901, c. 865, § 1, 31 Stat. 1445; Feb. 28, 1903, c. 858, § 1, 32 Stat. 920.)

206. Same; compensation of claim agents.—No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under section 205 of this title. (Feb. 28, 1903, c. 858, § 3, 32 Stat. 921.)

Chapter 4.—NAVY PENSIONS.

Sec.
221. Officers; warrant officers and other naval ratings; disability prior to March 4, 1861.
222. Same; engineer officers.
223. Same; widows and children.
224. Navy pension fund; trustee.
225. Same; prize money.
226. Same; investment.
227. Same; rate of interest.
228. Same; pensions payable from.

Sec.
229. Navy or Marine Corps; half rating to disabled enlisted persons serving twenty years.
230. Same; serving not less than ten years.
231. Double pension in cases of death or disability as result of aviation accident.

Section 221. Officers; warrant officers and other naval ratings; disability prior to March 4, 1861.—If any officer, warrant or petty officer, seaman, engineer, first, second, or third assistant engineer, fireman or coal heaver of the Navy or any marine has been disabled prior to the 4th day of March, 1861, by reason of any injury received or disease contracted in the service and line of duty, he shall be entitled to receive during the continuance of his disability a pension proportionate to the degree of his disability not exceeding half the monthly pay of his rank as it existed in January, 1835, except as otherwise provided in this title. But the pension of a chief engineer shall be the same as that of a lieutenant of the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal heaver the same as that of a seaman; but an engineer, fireman or coal heaver shall not be entitled to any pension by reason of a disability incurred prior to the 31st day of August, 1842. (R. S. § 4728.)

222. Same; engineer officers.—From and after March 3, 1877, the pension for total disability of passed assistant engineers, and assistant engineers, and cadet engineers in the naval service, respectively, shall be the same as the pensions allowed to officers of the line in the naval service with whom they have relative rank. (Mar. 3, 1877, c. 121, 19 Stat, 403; Aug. 5, 1882, c. 391, § 1, 22 Stat. 285.)

223. Same; widows and children.—If any person referred to in section 221 of this title has died in the service, of injury received or disease contracted under the conditions therein stated, his widow shall be entitled to receive half the monthly pay to which the deceased was entitled at the date of his death except as otherwise provided in this title; and in case of her death or marriage, the child or children under sixteen years of age shall be entitled to the pension. But the rate of pension herein allowed shall be governed by the pay of the Navy as it existed in January, 1835; and the pension of the widow of a chief engineer shall be the same as that of a widow of a lieutenant in the Navy; the pension of the widow of a first assistant engineer shall be the same as that of the widow of a lieutenant of marines; the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of the widow of a fireman or coal heaver shall be the same as that of the widow of a seaman. The rate of pension prescribed by this section and section 221 of this title shall be varied in accordance with the provisions of section 21 of this title. (R. S. § 4729.)

224. Navy pension fund; trustee.—The Secretary of the Navy shall be trustee of the Navy pension fund. (R. S. § 4750.)

225. Same; prize money.—All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines. (R. S. § 4752.)

226. Same; investment.—The Secretary of the Navy, as trustee of the naval pension fund, is directed to cause to be invested in the registered securities of the United States, on the 1st day of January and the 1st day of July of each year, so much of such fund then in the Treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the Secretary, so much of the fund as may not be required for such payment of pensions accruing during the current fiscal year shall be held in the Treasury on the days above named in each year, subject to his order, for the purpose of such immediate investment; and the interest payable in coin upon the securities in which the fund may be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the interest so converted in the Treasury to the credit of the naval pension fund; but nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior, as regulated by law. (R. S. § 4753.)

227. Same; rate of interest.—The interest on the naval pension fund shall be at the rate of 3 per centum per annum in lawful money. (R. S. § 4754.)

228. Same; pensions payable from.—Navy pensions shall be paid from the Navy pension fund, so far as the same shall be sufficient for that purpose, but no payments shall be made therefrom except upon appropriations authorized by Congress. (R. S. § 4755; Mar. 3, 1925, c. 462, 43 Stat. 1164.)

229. Navy or Marine Corps; half rating to disabled enlisted persons serving twenty years.—There shall be paid out of the naval pension fund to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted person or as an appointed petty officer, or both, in the Navy or Marine Corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Home, Philadelphia, if he so elects, a sum equal to one-half the pay of his rating at the time he was discharged, to be paid to him monthly, under the direction of the Commissioner of Pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this section, shall certify the same to the Commissioner of Pensions, and such certificate shall be his warrant for making payment as herein authorized. (R. S. § 4756; Dec. 23, 1886, c. 9, 24 Stat. 353; May 3, 1922, c. 177, § 1, 42 Stat. 505.)

230. Same; serving not less than ten years.—Every disabled person who has served in the Navy or Marine Corps as an enlisted man or as an appointed petty officer, or both, for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in the preceding section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one-fourth the rate of such pension. (R. S. § 4757; Dec. 23, 1886, c. 9, 24 Stat. 353.)

231. Double pension in cases of death or disability as result of aviation accident.—In all cases where an officer or enlisted man or student flyer of the Navy or Marine Corps dies, or where a student flyer or an enlisted man of the Navy or Marine Corps is disabled by reason of any injury received or disease contracted in line of duty, the result of an aviation accident, received while employed in actual flying in or in

handling aircraft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty, not the result of an aviation accident. (Mar. 3, 1915, c. 83, 38 Stat. 940; Aug. 29, 1916, c. 417, 39 Stat. 585.)

Chapter 5.—ARTIFICIAL LIMBS AND TRUSSES.

Sec.
241. Artificial limbs; furnished every five years.
242. Same; veterans of the Civil War every three years.
243. Same; commutation rates in money value for limb.
244. Same; payment of money commutation; fee to agent or attorney.
245. Same; transportation for fitting.
246. Same; transportation for Civil War veterans to whom limbs are furnished.
247. Trusses; to whom furnished.
248. Same; application for.
249. Same; purchase of.
250. Same; naval service.

Section 241. Artificial limbs; furnished every five years.—Every officer, soldier, seaman and marine, who, in the line of duty, in the military or naval service of the United States, shall have lost a limb, or sustained bodily injuries, depriving him of the use of any of his limbs, shall receive once every five years, except as provided in section 242 of this title, an artificial limb or appliance, or commutation therefor, as provided and limited by law, under such regulations as the Surgeon General of the Army may prescribe; and the period of five years shall be held to commence with the filing of the first application. (Aug. 15, 1876, c. 300, § 1, 19 Stat. 203.)

242. Same; veterans of the Civil War every three years.—Every officer, soldier, seaman, and marine who was disabled during the Civil War, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department since the 17th day of June, 1870, with an artificial limb or apparatus for resection, or who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every three years thereafter, under such regulations as have been or may be prescribed by the Surgeon General of the Army, who is authorized to pay not exceeding $125 for each artificial limb or apparatus for resection furnished in kind. (R. S. § 4787; Aug. 15, 1876, c. 300, § 1, 19 Stat. 203; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; Mar. 3, 1891, c. 562, 26 Stat. 1103; June 5, 1920, c. 235, § 1, 41 Stat. 901.)

243. Same; commutation rates in money value for limb.—Every person entitled to the benefits of the preceding section including every such person who from the nature of his injury is not able to use an artificial limb may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, $75; for arms, $50; for feet, $50; for apparatus for resection, $50. (R. S. §§ 4788, 4790; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

244. Same; payment of money commutation; fee to agent or attorney.—In case of commutation, as provided hereinbefore, the money shall be paid directly to the soldier, sailor, or marine, and no fee or compensation shall be allowed or paid to any agent or attorney. (Mar. 3, 1891, c. 542, 26 Stat. 979.)

245. Same; transportation for fitting.—Except as provided in section 246 of this title, necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs. (Aug. 15, 1876, c. 300, § 2, 19 Stat. 204.)

246. Same; transportation for Civil War veterans to whom limbs are furnished.—The Secretary of War shall furnish to the persons embraced by the provisions of section 242 of this title, transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law. The transportation allowed for having artificial limbs fitted shall be furnished by the Quartermaster General of the Army, the cost of which shall be refunded from the appropriations for invalid pensions. (R. S. § 4791; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

247. Trusses; to whom furnished.—Every soldier of the Union Army, or petty officer, seamen, or marine in the naval service, who was ruptured while in the line of duty during the Civil War, or who shall be so ruptured thereafter in any war, shall be entitled to receive a single or double truss of such style as may be designated by the Surgeon General of the United States Army as best suited for such disability; and whenever the said truss or trusses so furnished shall become useless from wear, destruction, or loss, such soldier, petty officer, seaman, or marine shall be supplied with another truss on making application as provided for in section 248 of this title: *Provided*, That such application shall not be made more than once in two years and six months. (May 28, 1872, c. 228, § 1, 17 Stat. 164; Mar. 3, 1879, c. 173, 20 Stat. 353.)

248. Same; application for.—Application for truss as mentioned in section 247 of this title shall be made by the ruptured soldier, to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia, to prepare and forward to the Surgeon General an application for such truss without charge to the soldier. (R. S. § 1177.)

249. Same; purchase of.—The Surgeon General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon General out of any moneys in the Treasury not otherwise appropriated. (R. S. § 1178.)

250. Same; naval service.—Sections 248 and 249 of this title shall be construed so as to apply to petty officers, seamen, and marines of the naval service. (May 28, 1872, c. 228, § 1, 17 Stat. 164; Mar. 3, 1879, c. 173, 20 Stat. 353.)

Chapter 6.—CIVIL WAR, WAR WITH MEXICO, AND REVOLUTIONARY WAR—SERVICE AND DISABILITY PENSIONS OF VETERANS; WIDOWS, CHILDREN, DEPENDENT RELATIVES; PENSION TO ARMY NURSES.

VETERANS

Sec.
261. Mexican war survivors placed on pension roll; widows.
262. Same; rate.
264. Same; increase.
265. March 3, 1903; rate of pension.
266. Civil War service and disability pension from and after June 27, 1890.
267. Civil War and war with Mexico; pension on account of service and age from and after February 6, 1907.
268. Same; pension from and after May 11, 1912; commencement of pension.
269. Service pension Civil War; period June 10, 1918, to May 1, 1920; increase on account of age.
270. Service pensions to persons serving in Army, Navy, or Marine Corps during Civil War or war with Mexico; pension from and after May 1, 1920.
271. Same; persons helpless or blind; amount.
272. Civil War pension law construed; limitation.

WIDOWS, CHILDREN, AND DEPENDENT RELATIVES

281. Widows of Civil War veterans; children; pension from and after June 27, 1890.
282. Same; from and after April 19, 1908; income or dependency immaterial.
283. Same; pension extended widows marrying soldiers or sailors prior to June 27, 1905.
284. Widows of veterans of Civil War, war with Mexico, and War of 1812; pension from and after September 8, 1916; agents.
285. Remarried widows of Civil War restored to roll on termination of marriage.
286. Same; claim agents or attorneys; limitation of fees under.

Sec.
287. Minimum rate from and after October 6, 1917, to widows of officers and enlisted men of Army serving in Civil War.
288. Widows and children of veterans of the Civil War; widows of veterans of War of 1812 or war with Mexico; pension from and after May 1, 1920.
289. Certain battalions of Arkansas and Missouri Volunteers; application of pension law.
290. Laws extended to Missouri Militia.

ARMY NURSES AND DEPENDENT PARENTS OF CIVIL WAR VETERANS

311. Army nurses.
312. Nurses and dependent parents of persons serving in Civil War; entitled to pension; amount.

MISCELLANEOUS PROVISIONS; COMMENCEMENT OF PENSION

321. Time of commencement of pensions provided for.
322. Honorable discharge from last contract of service during Civil War; effect on right to pension.
323. Same; date of pension on application after rejection of claim.
324. Same; fees of attorneys for prosecuting claims; withholding pension; penalty.
325. Same; compensation for prosecuting claims for pensions.
326. Claim agents or attorneys; recognition of; punishment.
327. Pensions to Army and Navy Medal Roll not diminished.
328. Same; rank not considered.
329. Certain claims for Revolutionary pensions prohibited.

VETERANS

Section 261. Mexican War survivors placed on pension roll; widows.—The Secretary of the Interior is authorized and directed to place on the pension roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or en route thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow of such officers and enlisted men who have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall except as otherwise provided for in this title be entitled to the benefits of this section; but it shall not be held to include any person not within the rule of age or disability or dependence herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States. (Jan. 29, 1887, c. 70, § 1, 24 Stat. 371.)

262. Same; rate.—Except as otherwise provided in this title pensions under section 261 of this title shall be at the rate of $8 per month and payable from January 29, 1887, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which same shall be granted. Said section 261 of this title shall not apply to any person who was receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension less than $8 per month, during the period for which such pension is claimed, except for the difference between the pension received (if less than $8 per month) and $8 per month. (Jan. 29, 1887, c. 70, § 2, 24 Stat. 371.)

264. Same; increase.—The Secretary of the Interior may increase to $12 per month from and after April 23, 1900, the pension of all survivors of the Mexican War who are pensionable under Mexican War service pension laws, and who have become or may become wholly disabled for manual labor and in such destitute circumstances that $8 per month are insufficient to provide them the necessaries of life, and for whom no greater pension is otherwise provided by law, irrespective of the date of the granting of the said service pension. (Jan. 5, 1893, c. 18, 27 Stat. 413; Apr. 23, 1900, c. 251, 31 Stat. 137.)

265. March 3, 1903; rate of pension.—From and after March 3, 1903, all Mexican War survivors placed on the roll, under section 261 of this title, shall receive, except as otherwise provided for in this title, a pension of $12 per month. (Mar. 3, 1903, c. 1021, 32 Stat. 1228.)

266. Civil War service and disability pension from and after June 27, 1890.—Except as otherwise provided in this title, all persons who served ninety days or more in the military or naval service of the United States during the Civil War and who have been honorably discharged therefrom, and who were on June 27, 1890, or who may thereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after June 27, 1890, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same. (June 27, 1890, c. 634, § 2, 26 Stat. 182; May 9, 1900, c. 385, 31 Stat. 170.)

267. Civil War and war with Mexico; pension on account of service and age from and after February 6, 1907.—Except as provided hereinafter any person who served ninety days or more in the military or naval service of the United States during the Civil War or sixty days in the war with Mexico, and who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years, $12 per month; seventy years, $15 per month; seventy-five years or over, $20 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after February 6, 1907. (Feb. 6, 1907, c. 468, § 1, 34 Stat. 879.)

268. Same; pension from and after May 11, 1912; commencement of pension.—Except as hereinafter provided any person who served ninety days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years and served ninety days, $13 per month; six months, $13.50 per month; one year, $14 per month; one and a half years, $14.50 per month; two years, $15 per month; two and a half years, $15.50 per month; three years or over, $16 per month. In case such person has reached the age of sixty-six years and served ninety days, $15 per month; six months, $15.50 per month; one year, $16 per month; one and a half years, $16.50 per month; two years, $17 per month; two and a half years, $18 per month; three years or over, $19 per month. In case such person has reached the age of seventy years and served ninety

days, $18 per month; six months, $19 per month; one year, $20 per month; one and a half years, $21.50 per month; two years, $23 per month; two and a half years, $24 per month; three years or over, $25 per month. In case such person has reached the age of seventy-five years and served ninety days, $21 per month; six months, $22.50 per month; one year, $24 per month; one and a half years, $27 per month; two years or over, $30 per month. Any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and was on May 11, 1912, unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability was unable to perform manual labor, shall be paid the maximum pension under this section, to wit, $30 per month, without regard to length of service or age.

Except as hereinafter provided, any person who has served sixty days or more in the military or naval service of the United States in the war with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after May 11, 1912. (May 11, 1912, c. 123, § 1, 37 Stat. 112.)

269. Service pension Civil War; period June 10, 1918, to May 1, 1920; increase on account of age.—Except as provided in section 270 of this title, from and after June 10, 1918, the rate of pension for any person who served ninety days or more in the military or naval service of the United States during the Civil War, on the pension roll on that date or thereafter placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $30 per month. In case such a person has reached the age of seventy-two years and served six months, the rate shall be $32 per month; one year, $35 per month; one and a half years, $38 per month; two years or over, $40 per month. (May 11, 1912, c. 123, § 6; June 10, 1918, c. 96, 40 Stat. 603.)

270. Civil War or war with Mexico; pension from and after May 1, 1920.—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, or who on May 1, 1920, was upon the pension rolls as a Civil War veteran, and every person who served sixty days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who on May 1, 1920, was in receipt of, or entitled to receive, a pension of less than $50 per month, shall, from and after that date, be entitled to and shall be paid a pension at the rate of $50 per month. (May 1, 1920, c. 165, § 1, 41 Stat. 585.)

271. Same; persons helpless or blind; amount.—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, or was on May 1, 1920, upon the pension rolls as a Civil War veteran, and every person who served sixty days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who was on May 1, 1920, or thereafter became, by reason of age and physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to require the regular personal aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of $72 per month. (May 1, 1920, c. 165, § 2, 41 Stat. 586.)

272. Civil War pension law construed; limitation.—Sections 266, 267, and 268 of this title shall include all persons and sections 281 and 282 of this title shall include the widows and minor children of all deceased persons, subject to the limitations of said sections, who served for ninety days in the military or naval service of the United States during the Civil War, and who have been honorably discharged therefrom: *Provided, however,* That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth Regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States, nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865. (July 1, 1902, No. 42, § 1, 32 Stat. 750.)

WIDOWS, CHILDREN, AND DEPENDENT RELATIVES

281. Widows of Civil War veterans; children; pension from and after June 27, 1890.—If any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late Civil War, and who was honorably discharged has died, or shall hereafter die, leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or minor children under the age of sixteen years, such widow shall, except as otherwise provided in this title, upon due proof of her husband's death, without proving his death to be the result of his Army service, be placed on the pension roll from the date of the application therefor under this section, at the rate of $8 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under sixteen years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided,* That in case a minor child is insane, idiotic, or otherwise physically or mentally helpless, the pension shall continue during the life of said child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute; and such pensions shall commence from the date of application therefor after June 27, 1890: *And provided further,* That said widow shall have married said soldier prior to that date. (June 27, 1890, c. 634, § 3, 26 Stat. 182; May 9, 1900, c. 385, 31 Stat. 171.)

282. Same; from and after April 19, 1908; income or dependency immaterial.—If any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the Civil War and who has been honorably discharged therefrom has died or shall die leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this section at the rate of $12 per month, except as hereinafter provided, during her widowhood: *Provided,* That said widow shall have married said soldier or sailor prior to June 27, 1890. (Apr. 19, 1908, c. 147, § 2, 35 Stat. 64.)

283. Same; pension extended to widows marrying soldiers or sailors prior to June 27, 1905.—Any widow, as described in section 282 of this title, who married the soldier or sailor prior to June 27, 1905, shall have title to pension under the provisions of said section, to commence from the date of filing

her application in the Bureau of Pensions after September 8, 1916: *Provided, however*, That where a pension has been granted to a soldier's or sailor's helpless or idiotic child or children, or child or children under the age of sixteen years, his widow shall not be entitled to pension under this section, unless the pension to such child or children has terminated, or unless such child or children be a member or members of her family and cared for by her, and upon allowance of pension to the widow, payment of pension to such child or children shall cease. (Sept. 8, 1916, c. 470, § 3, 39 Stat. 845.)

284. Widows of veterans of Civil War, war with Mexico, and War of 1812; pension from and after September 8, 1916; agents.—From and after September 8, 1916, except as otherwise provided in this title, the rate of pension for a widow, on the roll at that date or thereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in the Civil War, shall be $20 per month, and the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the war with Mexico, or the War of 1812, on the roll on September 8, 1916, or thereafter to be placed on the pension roll and entitled to receive a less rate than hereafter provided, who has reached or shall hereafter reach the age of seventy years shall be $20 per month; and nothing herein shall be construed to affect the allowance for each child under the age of sixteen years and for each helpless child. This section shall not be so construed as to reduce any pension under any Act, public or private. No claim agent or attorney shall be recognized in the adjudication of claims under this section. (Sept. 8, 1916, c. 470, §§ 1, 4, 39 Stat. 844, 845.)

285. Remarried widows of Civil War restored to roll on termination of marriage.—Except as hereinafter provided in this title any widow of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War whose name was placed or shall hereafter be placed on the pension roll, under any existing law, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die or from whom she has been heretofore or shall be hereafter divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law under which she was formerly pensioned, and the law or laws amendatory thereof, unless she be entitled to a greater rate of pension under section 284 of this title, such pension to commence from the date of filing her application in the Bureau of Pensions after September 8, 1916. Where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to renewal under this section unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the renewal of pension to said widow payment of pension to said child or children shall cease. The provisions of this section shall be extended to those widows otherwise entitled, whose husbands died of wounds, injuries, or disease incurred during the period of their military or naval service, but who were deprived of pension under section 191 of this title, because of their failure to draw any pensions by reason of their remarriage, and to any person who was lawfully married to an officer or enlisted man, who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death is again a widow, or has been divorced from her last husband upon her own application without fault on her part and who, otherwise entitled, was barred by reason of such remarriage from receiving pension under any existing law. (Sept. 8, 1916, c. 470, § 2, 39 Stat. 845.)

286. Same; claim agents or attorneys; limitation of fees under.—No claim agent or attorney shall be recognized in the adjudication of claims under section 285 of this title for renewal of pension previously allowed, and in claims for original pension under said section no greater sum than $10 shall be allowed for services in preparing, presenting, or prosecuting such claim, which sum shall be payable only upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make. (Sept. 8, 1916, c. 470, § 4, 39 Stat. 845.)

287. Minimum rate to widows of officers and enlisted men of Army serving in Civil War from and after October 6, 1917.—From and after October 6, 1917, the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, on the pension roll at that date or thereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided shall be $25 per month; and nothing herein shall be construed to affect the additional allowance provided on account of a helpless child or child under sixteen years of age. This section shall not be so construed as to reduce any pension under any Act, public or private. The provisions of this section shall be administered, executed and enforced by the Commissioner of Pensions. (Oct. 6, 1917, c. 105, § 2, 40 Stat. 408.)

288. Widows and children of veterans of the Civil War; widows of veterans of War of 1812 or war with Mexico; pension from and after May 1, 1920.—The widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for ninety days or more, and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, anno Domini 1905, shall be entitled to and shall be paid, subject to the provisions of section 321 of this title, a pension at the rate of $30 per month. And this section shall apply to a former widow of any person who served for ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged from such service, or who, having so served for less than ninety days was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has, or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $30 per month; and any widow as mentioned in this section, shall also be paid $6 per month for each child of such officer or enlisted man under the age of sixteen years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen years. In case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability, and this shall apply to all pensions heretofore granted or hereafter to be granted. In case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children

under the age of sixteen years, she shall not be entitled to renewal of pension under this section until that pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease. The rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for sixty days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be $30 per month. (May 1, 1920, c. 165, § 4, 41 Stat. 586.)

289. Certain battalions of Arkansas and Missouri Volunteers; application of pension law.—The names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers and of Powell's Battalion of Missouri Mounted Volunteers, raised under the Act of Congress of May 13, 1846, for service during the war with Mexico, and the names of surviving widows of such officers and enlisted men, shall be carried on the pension roll subject to the limitations and regulations of this chapter for pensioning the survivors of the war with Mexico. (Mar. 3, 1891, c. 568, 26 Stat. 1418; Feb. 17, 1897, c. 248, 29 Stat. 805.)

290. Laws extended to Missouri militia.—The provisions of sections 266, 267, 268, 281, and 282 of this title shall include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served ninety days during the Civil War, and were honorably discharged, and the widows and minor children of such persons. (Feb. 15, 1895, No. 13, 28 Stat. 970.)

ARMY NURSES AND DEPENDENT PARENTS OF CIVIL WAR VETERANS

311. Army nurses.—Except as hereinafter provided in this title all women employed by the Surgeon General of the Army as nurses, under contract or otherwise, during the Civil War, or who were employed as nurses during such period by authority which is recognized by the War Department, and who rendered actual service as nurses in attendance upon the sick or wounded in any regimental, post, camp, or general hospital of the Armies of the United States for a period of six months or more, and who were honorably relieved from such service, and who were on August 5, 1892, or may thereafter be unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners of the United States and be entitled to receive a pension of $12 per month, and such pension shall commence from the date of the filing of the application in the Pension Office after said date: *Provided*, That no person shall receive more than one pension for the same period. (Aug. 5, 1892, c. 379, § 1, 27 Stat. 348; May 1, 1920, c. 165, § 5, 41 Stat. 587.)

312. Nurses and dependent parents entitled to pension; amount.—All Army nurses of the Civil War and all dependent parents of any officer or enlisted man who served in the Civil War whose names were on the pension roll on May 1, 1920, or who are entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $30 per month. (Aug. 5, 1892, c. 379, 27 Stat. 348; May 1, 1920, c. 165, § 5, 41 Stat. 587.)

MISCELLANEOUS PROVISIONS; COMMENCEMENT OF PENSION

321. Time of commencement of pensions provided for.—The increase of pension provided for under section 271 of this title shall commence at the rate therein provided when the requisite condition is shown to exist after May 1, 1920, and as to persons whose names were not on the pension roll on that date, or who were not then in receipt of a pension but who may be entitled to pension under the provisions of sections 270, 271, 288, or 312 of this title, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior: *Provided*, That as to any former widow as mentioned in section 288 of this title, who since the death of her soldier, sailor, or marine husband has remarried either once or more than once, and such subsequent or successive marriage has been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife, and who filed her application for pension under sections 283 to 285 of this title, her pension shall commence from the date when her original application was filed in the Bureau of Pensions, and shall be at the rate in such sections provided, with increase at the rate or rates subsequently provided for the widows of Civil War soldiers, sailors, and marines, and by section 288 of this title from the date or dates when any such subsequent Act or Acts took effect or may hereafter take effect, it being the intent and purpose to give to any such widow the same status as other widows of Civil War soldiers, sailors, and marines who have not remarried, and from September 8, 1916. (May 1, 1920, c. 165, § 6, 41 Stat. 587.)

322. Honorable discharge from last contract of service during Civil War; effect on right to pension.—In the administration of the pension laws any enlisted man or commissioned officer of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the Civil War, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war, where such enlisted or appointed man or commissioned officer served at least six months under any subsequent enlistment, appointment, or commission; and his entire service under any said subsequent enlistment, appointment, or commission was faithful, and he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the said Civil War. (July 1, 1902, No. 42, § 2, 32 Stat. 750; June 28, 1906, No. 39, 34 Stat. 536.)

323. Same; date of pension on application after rejection of claim.—Whenever a claim for pension under sections 203 and 266 of this title has been rejected, suspended, or dismissed, and a new application filed, and a pension allowed in such claim, such pension shall date from the time of filing the first application, provided the evidence in the case shall show a pensionable disability to have existed, or to exist, at the time of filing such first application, anything in any law or ruling of the department to the contrary notwithstanding. (Mar. 6, 1896, c. 46, 29 Stat. 45.)

324. Same; fees of attorneys for prosecuting claims; withholding pension; penalty.—No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of sections 203 and 266 of this title shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the

whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. (June 27, 1890, c. 634, § 4, 26 Stat. 183.)

325. Same; compensation for prosecuting claims for pensions.—No pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under sections 268 or 269 of this title, except in applications for original pension by persons who have not heretofore received a pension. (May 11, 1912, c. 123, § 3, 37 Stat. 113; June 10, 1918, c. 96, 40 Stat. 603.)

326. Claim agents or attorneys; recognition of; punishment.—No claim agent or attorney or other person shall be recognized in the adjustment of claims under sections 270, 271, 288, 312 and 321 of this title, except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to such pensioner or claimant under said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (May 1, 1920, c. 165, § 8, 41 Stat. 588.)

327. Pensions to Army and Navy Medal Roll not diminished.—Nothing in sections 270, 271, 288, 312 and 321 of this title contained shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided in sections 391 to 393 of this title, but any increase herein provided for shall be in addition thereto; and no pension granted prior to May 1, 1920, under any Act, public or private, shall be reduced by anything contained in said sections 270, 271, 288, 312 and 321 of this title. (May 1, 1920, c. 165, § 7, 41 Stat. 587.)

328. Same; rank not considered.—Rank in the service shall not be considered in applications filed under the provisions of this chapter. (May 11, 1912, c. 123, § 2, 37 Stat. 113; Feb. 6, 1917, c. 468, § 2, 34 Stat. 879.)

329. Certain claims for Revolutionary pensions prohibited.—No claim for a pension, or for an increase of pension, shall be allowed in favor of the children or other descendants of any person who served in the War of the Revolution, or of the widow of such person, when such person or his widow died without having established a claim to a pension. (R. S. § 4742.)

Chapter 7.—WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE BOXER REBELLION; VETERANS, WOMEN NURSES, AND DEPENDENTS.

Sec.

351. Pensions to persons serving in military or naval service during war with Spain, Philippine insurrection, and China relief expedition; amount; commencement and duration.
352. Same; disability pensions coupled with age; amounts.
353. Same; persons receiving pensions.
354. Loss of both hands, both feet, or total disability of same; amount.
355. Widows and children of officers and enlisted men serving in war with Spain, Chinese Boxer rebellion, or Philippine insurrection; amount.
356. Same; from and after September 1, 1922.
357. Rate of widows of officers or enlisted men of Army serving in war with Spain or the Philippine insurrection; pension laws not affected.
358. Contract nurses of war with Spain; dependent parents of officers or enlisted men serving in war with Spain, Chinese Boxer rebellion, or Philippine insurrection.
359. Commencement of pension to specified person.
360. Determining period of pensionable service; furlough under certain general orders.
361. Claim agents or attorneys; compensation in disability cases; punishment.
362. Rank in service not considered.
363. Claim agents or attorneys; compensation in disability cases; nurses or widows' claims; punishment.

Section 351. Pensions to persons serving in military or naval service during war with Spain, Philippine insurrection, and China relief expedition; amount; commencement and duration.—All persons who served ninety days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, and the China relief expedition, and who have been honorably discharged therefrom, and who were, on June 5, 1920, or may thereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $30 per month and not less than $12 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after June 5, 1920, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same. (June 5, 1920, c. 245, § 1, 41 Stat. 982.)

352. Same; disability pensions coupled with age; amounts.—Any person mentioned in section 351 of this title who has reached the age of sixty-two years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $12 per month. In case such person has reached the age of sixty-eight years, $18 per month; in case such person has reached the age of seventy-two years, $24 per month; and in case such person has reached the age of seventy-five years, $30 per month. (June 5, 1920, c. 245, § 1, 41 Stat. 982.)

353. Same; persons receiving pensions.—Persons who were receiving pensions under laws existing on June 5, 1920, or whose claims were pending in the Bureau of Pensions, at that date, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of sections 351 and 352 of this title; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special Act. (June 5, 1920, c. 245, § 1, 41 Stat. 982.)

354. Loss of both hands, both feet, or total disability of same; amount.—From and after September 1, 1922, all persons who, while in the military or naval service of the United States, served in the war with Spain, the Philippine insurrection, or the Chinese Boxer rebellion and in line of duty shall have lost both hands or both feet or been totally disabled therein, or who while in such service and in like manner sustained injuries that proved the direct cause of the subsequent total disability of both hands or both feet, shall receive a pension at the rate of $100 per month. (Sept. 1, 1922, c. 302, § 3, 42 Stat. 835.)

355. Widows and children of officers and enlisted men serving in war with Spain, Chinese Boxer rebellion, or Philippine insurrection; amount.—From and after July 16, 1918, if any volunteer officer or enlisted man who served ninety days

or more in the Army, Navy, or Marine Corps of the United States, during the war with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, or any officer or enlisted man of the Regular Establishment who rendered ninety days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the war with Spain or the Philippine insurrection between April 21, 1898, and July 4, 1902, inclusive, or as a participant in the Chinese Boxer rebellion campaign between June 16, 1900, and October 1, 1900, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of sixteen years, such widow shall except as otherwise provided in this title upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this section, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after July 16, 1918: *Provided further*, That said widow shall have married said officer or enlisted man previous to that date. (July 16, 1918, c. 153, § 1, 40 Stat. 903.)

356. Same; from and after September 1, 1922.—The widow of any officer or enlisted man who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Chinese Boxer rebellion, or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service and line of duty, such widow having married such soldier, sailor, or marine prior to September 1, 1922, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this section, at the rate of $20 per month during her widowhood. And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described, and who was honorably discharged, or died in service due to disability or disease incurred in the service, such widow having remarried either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $20 per month; and any widow or former widow as mentioned in this section shall also be paid $4 per month for each child of such officer or enlisted man under the age of sixteen years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen years. In case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter to be granted. In case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child or to a child or children under the age of sixteen years, she shall not be entitled to renewal of pension under this section until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon renewal of pension to such widow payment of pension to such child or children shall cease. (Sept. 1, 1922, c. 302, § 1, 42 Stat. 834.)

357. Rate to widows of officers or enlisted men of Army serving in war with Spain or the Philippine insurrection; pension laws not affected.—From and after October 6, 1917, the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the war with Spain, or the Philippine insurrection, on the pension roll at that date or thereafter to be placed on the pension roll, under then existing law and entitled to receive a less rate than hereinafter provided, shall be $25 per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws on account of a helpless child or child under sixteen years of age. This section shall not be so construed as to reduce any pension under any Act, public or private. The provisions of this section shall be administered, executed, and enforced by the Commissioner of Pensions. (Sept. 2, 1914, c. 293, § 314; Oct. 6, 1917, c. 105, § 4, 40 Stat. 408.)

358. Contract nurses of war with Spain; dependent parents of officers or enlisted men serving in war with Spain, Chinese Boxer rebellion, or Philippine insurrection.—The benefits of sections 351 to 353, and 362 of this title shall include any woman who served honorably as an Army nurse, chief nurse, or superintendent of the Nurse Corps, under contract for ninety days or more between the beginning of the war with Spain and February 2, 1901, when the Nurse Corps (female) was declared by law a component part of the Army, and any such nurse who was released from service before the expiration of ninety days because of disability contracted in line of duty in said service. The release from service of any nurse, chief nurse, or superintendent shall operate as if she had received an honorable discharge, it being the intent and purpose to give to said nurses, chief nurses, and superintendents of the Nurse Corps (female) the same status in all respects as members of said corps who served after February 2, 1901. All dependent parents of any officer or enlisted man who served in the war with Spain, the Philippine insurrection, or the Chinese Boxer rebellion, whose names were, on September 1, 1922, on the pension roll, or who were, on that date, entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $20 per month. (Sept. 1, 1922, c. 302, § 2, 42 Stat. 835.)

359. Commencement of pension to specified persons.—The pension or increase of pension provided for in sections 354, 356 and 358 of this title as to all persons whose names were on the pension roll on September 1, 1922, or who were at that date in receipt of a pension under then existing law shall commence at the rates provided in said above mentioned sections from September 1, 1922, and as to persons whose names were not on the pension roll on that date or who were not then in receipt of pension under then existing laws but who may be entitled to a pension under the provisions of sections 354, 356 and 358 of this title such pension shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior. (Sept. 1, 1922, c. 302, § 4, 42 Stat. 835.)

360. Determining period of pensionable service; furlough under certain General Orders.—In the adjudication of claims arising under section 356 of this title, and claims arising under

the provisions of sections 351 to 353 of this title, all leaves of absence, and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service. As to any claimant who filed an application for pension under section 355 of this title or under sections 351 to 353 of this title, and whose application is still pending in the Bureau of Pensions or has been rejected on the ground that ninety days' service was not shown exclusive of the leave of absence or furlough under the order herein referred to, the pension shall commence from the date when the original application was filed in the Bureau of Pensions, and as to claims under said section 355 of this title, the pension shall be at the rate provided in that section, with increase at the rate provided under section 356 of this title from September 1, 1922; *Provided*, That persons who were, on September 1, 1922, receiving pensions under then existing law, or whose claims were then pending in the Bureau of Pensions, may by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto receive the benefits of sections 354, 356, and 358 of this title; and nothing herein shall be so construed as to prevent any pensioner thereunder from prosecuting his claim under any other general or special Act. This section shall not be so construed as to reduce any pension under any Act, public or private. (Sept. 1, 1922, c. 302, § 5, 42 Stat. 835.)

361. Claim agents or attorneys; compensation in veterans' cases; punishment.—No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of sections 351 to 353 of this title shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $20, which sum shall be payable only upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. (June 5, 1920, c. 245, § 2, 41 Stat. 982.)

362. Rank in service not considered.—Rank in the service shall not be considered in applications filed under this chapter. (June 5, 1920, c. 245, § 1, 41 Stat. 982; Sept. 1, 1922, c. 302, § 5, 42 Stat. 835.)

363. Claim agents or attorneys; compensation in disability cases; nurses or widows' claims; punishment.—No claim agent or attorney or other person shall be recognized in the adjustment of claims under sections 354 to 356 or 358 and 360 of this title, except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to such pensioner or claimant under this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (July 16, 1918, c. 153, § 2, 40 Stat. 904; Sept. 1, 1922, c. 302, § 7, 42 Stat. 836.)

Chapter 8.—THE INDIAN WARS.

Sec.
371. Survivors of certain wars and widows placed on pension roll; rate.
372. Same; benefits extended to survivors of other wars; widows.
373. Same; extension to Texas volunteers who served in defense of frontier against Mexicans and Indians; widows; proof of enlistment or muster; contracts with attorneys and claim agents.
374. Increase of pension rate from and after February 19, 1913.
375. Same; further extension to Texas volunteers serving in defense of frontier against Indians; widows; proof of enlistment or muster, and so forth.
376. Same; period of service.
377. Residence of pensioners; proof of citizenship.
378. Laws applicable.
379. Proof required; perjury; striking from rolls; loss of certificate of discharge.

Section 371. Survivors of certain wars and widows placed on pension roll; rate.—The Secretary of the Interior is directed to place on the pension roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States, who served for thirty days in the Black Hawk war, the Creek war, the Cherokee disturbances, or the Florida war with the Seminole Indians, embracing a period from 1832 to 1842, inclusive, and were honorably discharged, and such other officers, soldiers, and sailors as may have been personally named in any resolution of Congress, for any specific service in said Indian wars, although their term of service may have been less than thirty days, and the surviving widows of such officers and enlisted men, where such widows have not remarried. This section shall not apply to any person not a citizen of the United States. Pensions under this section, except as otherwise provided in this chapter, shall bear the rate of $8 per month, payable from and after July 27, 1892, for and during the natural lives of the persons entitled thereto. (July 27, 1892, c. 277, §§ 1, 2, 27 Stat. 281.)

372. Same; benefits extended to survivors of other wars; widows.—From and after June 27, 1902, the provisions, limitations, and benefits contained in section 371 of this title, are hereby extended to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre River Indian war of Illinois of 1827; the Sac and Fox Indian war of 1831; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848, on the Pacific coast; the Florida wars with the Seminole Indians, from 1842 to 1858, inclusive; the Texas and New Mexico Indian war of 1849 to 1856; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853, inclusive, and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive; and also include the surviving widows of such officers and enlisted men provided such widows have not remarried. Where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this section the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service. All contracts made between the beneficiaries under this section and pension attorneys and claim agents prior to June 27, 1902, are hereby declared null and void. (June 27, 1902, c. 1156, 32 Stat. 399.)

373. Same; extension to Texas volunteers who served in defense of frontier against Mexicans and Indians; widows; proof of enlistment or muster; contracts with attorneys and claim agents.—From and after May 30, 1908, the provisions, limitations, and benefits contained in section 371 of this title, are hereby extended to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year 1855 to the year 1860, inclusive; and also include the surviving widows of such of said officers and enlisted men, provided such widows have not remarried. Where

there is no record of enlistment or muster into the service of the United States in the service mentioned herein the fact of reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service. All contracts made between the beneficiaries under this section and pension attorneys and claim agents prior to May 30, 1908, are hereby declared null and void. (May 30, 1908, c. 230, 35 Stat. 553.)

374. Increase of pension rate from and after February 19, 1913.—From and after February 19, 1913, the rate of pension to surviving soldiers of the various Indian wars who were then on the pension roll or who may be placed thereon under sections 371, 372, or 373 of this title shall be $20 per month. (Feb. 19, 1913, c. 59, 37 Stat. 679.)

375. Same; further extension to Texas volunteers serving in defence of frontier against Indians; widows; proof of enlistment or muster, etc.—From and after March 4, 1917, the provisions, limitations, and benefits of sections 371 and 374 of this title shall also extend to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1877, inclusive, and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of sixty-two years, and who served for thirty days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive; the campaign against the Sioux in Minnesota and the Dakotas in 1862 and 1863, and the campaigns against the Sioux in Wyoming in 1865 to 1868; to the following organizations of the First Regiment Nebraska Militia engaged in fighting Indians and guarding United States mails on the western frontier: Company A, First Regiment, First Brigade Nebraska Militia, who served from August 30, 1864, to November 12, 1864; Company B, First Regiment Nebraska Militia, who served from August 13, 1864, to February 13, 1865; Company C, First Regiment, Second Brigade Nebraska Militia, who served from August 24, 1864, to February 7, 1865; to Captain Edward P. Childs's artillery detachment, Nebraska Militia, who served from August 30, 1864, to November 12, 1864; and Company A, First Regiment, Second Brigade Nebraska Militia, who served from August 12, 1864, to December 24, 1864; the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory from 1867 to 1869, inclusive; the Modoc war of 1872 and 1873; the campaign against the Apaches of Arizona and New Mexico, or either of them, in 1873; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico in 1874 and 1875; the campaign against the Northern Cheyennes and Sioux in 1876 and 1877; the Nez Perce war of 1877; the Bannock war of 1878; the campaign against the Northern Cheyennes in 1878 and 1879; the campaigns in the Black Hawk Indian war in Utah from 1865 to 1867, inclusive; the campaign against the Ute Indians in Colorado and Utah, from September, 1879, to November, 1880, inclusive; the campaign against the Apache Indians in Arizona and New Mexico, or either of them, in 1885 and 1886; and the campaign against the Sioux Indians in South Dakota, from November, 1890, to January, 1891, inclusive; and to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colorado, in 1864, for services against the Indians; and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to March 4, 1917, and have not remarried. If any certain one of the said campaigns did not cover a period of thirty days, the provisions of this chapter shall apply to those who served during the entire period of said campaign. Where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this section, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service. All contracts made between the beneficiaries under this section and pension attorneys and claim agents prior to March 4, 1917, are hereby declared null and void. (Mar. 4, 1917, c. 189, § 1, 39 Stat. 1199.)

376. Same; period of service.—The period of service performed by beneficiaries under section 375 of this title shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the Treasury Department showing payment by the United States, where there is no record of regular enlistment or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the Treasury Department, by satisfactory evidence from muster rolls on file in the several State or territorial archives; fourth, where there is no muster roll or pay roll on file in the several State or territorial archives showing service of the beneficiary or same has been destroyed by fire or otherwise lost, and no record of service has been made in the War Department or Treasury Department, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions. The want of a certificate of discharge shall not deprive any applicant of the benefits of section 375 of this title. (Mar. 4, 1917, c. 189, § 2, 39 Stat. 1200; Sept. 1, 1922, c. 302, § 6, 42 Stat. 836.)

377. Residence of pensioners; proof of citizenship.—The Commissioner of Pensions shall accept as sufficient proof of the citizenship of an applicant for pension under this chapter, the fact that such applicant at the date of the application was an actual and bona fide resident of the United States. (Feb. 3, 1893, c. 58, 27 Stat. 429.)

378. Laws applicable.—The pension laws in force, which are not inconsistent or in conflict with the provisions of this chapter, shall be a part of this chapter, so far as they may be applicable thereto. (July 27, 1892, c. 277, § 5, 27 Stat. 282.)

379. Proof required; perjury; striking from rolls; loss of certificate of discharge.—Before the name of any person shall be placed on the pension roll under the provisions of this chapter, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under the provisions of this chapter. The loss of the certificate of discharge shall not deprive any person of the benefits of said provisions, but other evidence of service performed and of an honorable discharge may be deemed sufficient. (July 27, 1892, c. 277, § 3, 27 Stat. 282.)

Chapter 9.—ARMY AND NAVY MEDAL OF HONOR ROLL.

Sec.
391. Army and Navy Medal of Honor Roll; persons eligible.
392. Same; certificates entitling holder to pension; procedure.
393. Same; pensions; additional to other pensions; liability to attachment, etc.
394. Same; one special pension only awarded; rank immaterial.

Section 391. Army and Navy Medal of Honor Roll; persons eligible.—There is established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy Medal of Honor Roll." Upon written application made

to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of sixty-five years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of sections 391 to 394 of this title. (Apr. 27, 1916, c. 88, § 1, 39 Stat. 53.)

392. Same; certificates entitling holder to pension; procedure.—It shall be the duty of the Secretary of War and of the Secretary of the Navy to carry the provisions of sections 391 to 394 of this title into effect and to decide whether each applicant, under said sections, in his department is entitled to the benefit thereof. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of said sections, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under said sections, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for. (Apr. 27, 1916, c. 88, § 2, 39 Stat. 54.)

393. Same; pensions; additional to other pensions; liability to attachment, etc.—Each such surviving person whose name shall have been entered on said roll in accordance with the provisions of sections 391 to 394 of this title shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, from the moneys appropriated for the payment of invalid and other pensions, a special pension of $10 per month for life, payable monthly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this section shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever. (Apr. 27, 1916, c. 88, § 3, 39 Stat. 54; June 30, 1916, c. 194, 39 Stat. 242.)

394. Same; one special pension only awarded; rank immaterial.—In case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder. (Apr. 27, 1916, c. 88, § 4, 39 Stat. 54.)

Chapter 10.—WORLD WAR VETERANS' RELIEF.

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428. Report by director to Congress of activities of bureau.
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Sec.
474. Same; partial and permanent disability; reduction in earning power.
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PART I.—GENERAL

Section 421. Citation.—This chapter may be cited as the "World War Veterans' Act, 1924." (June 7, 1924, c. 320, § 1, 43 Stat. 607.)

422. Purpose; other gratuities or pensions; military or naval retirement laws; compensation to persons receiving active service or retirement pay.—This chapter is intended to provide a system for the relief of persons who were disabled, and for the dependents of those who died as a result of disability suffered in the military service of the United States between April 6, 1917, and July 2, 1921. For such disabilities and deaths no other pension laws or laws providing for gratuities or payments in the event of death in the service shall be applicable: *Provided, however*, That the laws relating to the retirement of persons in the regular military or naval service shall not be considered to be laws providing for pensions, gratuities, or payments within the meaning of this section: *And provided further*, That compensation under Part I of this chapter shall not be paid while the person is in receipt of active-service or retirement pay. Parts II and IV of this chapter shall not be applicable to any disability or resultant death in the service if such disability occurred as a result of service prior to April 6, 1917, or after July 2, 1921. (June 7, 1924, c. 320, § 212, 43 Stat. 623.)

423. General definitions.—When used in this chapter—

The term "bureau" means the United States Veterans' Bureau.

The term "director" means the Director of the United States Veterans' Bureau. (June 7, 1924, c. 320, § 2, 43 Stat. 607.)

424. Definitions of words and phrases.—In Parts II, III, and IV of this chapter unless the context otherwise requires—

(1) The term "child" includes—

(a) A legitimate child.

(b) A child legally adopted.

(c) A stepchild, if a member of the man's household.

(d) An illegitimate child, but, as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child.

(2) The term "grandchild" means a child as above defined of a child as above defined.

(3) Except as used in section 511 the terms "child" and "grandchild" are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if permanently incapable of self-support by reason of mental or physical defect.

(4) The term "parent" includes a father, mother, grandfather, grandmother, father through adoption, mother through adoption, stepfather, and stepmother, either of the persons in the service or of the spouse.

(5) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to his enlistment or induction for a period of not less than one year.

(6) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

(7) The terms "brother" and "sister" include the children of a person who, for a period of not less than one year, stood in loco parentis to a member of the military or naval forces of the United States at any time prior to his enlistment or induction, or another member of the same household as to whom such person during such period likewise stood in loco parentis.

(8) The term "commissioned officer" includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

(9) The terms "man" and "enlisted man" mean a person, whether male or female and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers and members of training camps authorized by law.

(10) The term "enlistment" includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

(11) The term "injury" includes disease.

(12) The term "pay" means the pay for service in the United States according to grade and length of service, excluding all allowances.

(13) The term "military or naval forces" means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.

(14) The terms "World War," "during the period of the war," and "during the World War" mean the period beginning April 6, 1917, and ending July 2, 1921.

(15) The terms "date of termination of the war" and "termination of the war" mean July 2, 1921. (June 7, 1924, c. 320, § 3, 43 Stat. 607; Mar. 4, 1925, c. 553, § 1, 43 Stat. 1302.)

425. United States Veterans' Bureau; establishment; director; appointment; salary; technical and administrative staff.—There is established an independent bureau under the President to be known as the United States Veterans' Bureau, the director of which shall be appointed by the President by and with the advice and consent of the Senate. The Director of the United States Veterans' Bureau shall receive a salary of $10,000 per annum, payable monthly.

There shall be included on the technical and administrative staff of the director such staff officers, experts, inspectors, and assistants as the director shall prescribe; and there shall be in the United States Veterans' Bureau such sections and subdivisions thereof as the director shall prescribe. With such exceptions as the President may deem advisable, all employees shall be subject to the civil-service law and regulations made thereunder. (June 7, 1924, c. 320, § 4, 43 Stat. 608.)

426. Same; director; powers and duties; duties of officers and employees; rules and regulations; proofs and evidence; forms of applications; investigations; medical examinations; adjudications and awards.—The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this chapter, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this chapter, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this chapter and all decisions of questions of fact affecting any claimant to the benefits of Parts II, III, or IV of this chapter, shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of this chapter regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training or maintenance and support allowance provided for in this chapter, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards. (June 7, 1924, c. 320, § 5, 43 Stat. 608.)

427. Statement by director to Congress of employees and rates of pay.—On the first day of each regular session of Congress the Director of the Veterans' Bureau shall transmit to the President of the Senate and the Speaker of the House of Representatives a statement giving in detail (a) the total number of positions at a rate of $2,000 or more per annum, (b) the rate of salary attached to each position, (c) the number of positions at each rate in the central office and in each regional office or suboffice and hospital, and (d) a brief statement of the duties of each position. (Mar. 3, 1925, c. 468, § 1, 43 Stat. 1210.)

428. Report by director to Congress of activities of bureau.—The Director of the United States Veterans' Bureau shall on the first Monday in December of each year file with the Speaker of the House of Representatives and the President of the Senate a full and complete report of all activities of the United States Veterans' Bureau, showing in detail the number of claimants and the amount of compensation paid, the number of veterans of the various wars and expeditions receiving hospitalization and medical treatment, the number of dependents drawing compensation and the amount of such compensation, the number of persons holding and paying for Government life insurance, and a full and itemized statement of all moneys received and disbursed by the director, or any of his agents, for the preceding year. (June 7, 1924, c. 320, § 14, 43 Stat. 611.)

429. Placement of rehabilitated persons; use of facilities of Department of Labor.—The bureau shall have the power, and it shall be its duty, to provide for the placement of rehabilitated persons in suitable or gainful occupations. The director is authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations. (June 7, 1924, c. 320, § 6, 43 Stat. 609.)

430. Central and regional and suboffices of bureau; powers.—The director shall establish a central office in the District of Columbia, and such regional offices and suboffices, not exceeding one hundred in number, within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the Veterans' Bureau and to carry out the purposes of this chapter. Such regional offices and sub-

offices, may, subject to final action by the director in case of an appeal, and under such rules and regulations as may be prescribed by the director, exercise such powers for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable after care, granting vocational training and all other matters delegated to them, or some of them, by the director as could be performed lawfully under this chapter by the central office.

The director may abolish any regional offices or suboffices when in his judgment this may be done without detriment to the administration of this chapter, and upon such termination all records and supplies pertaining thereto shall be delivered to the central office, or as the director shall otherwise prescribe. (June 7, 1924, c. 320, § 7, 43 Stat. 609.)

431. Witnesses; subpœnas; contempt; fees.—For the purposes of this chapter the director, and such persons as the director may designate, shall have the power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles from the place of hearing, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses upon any matter within the jurisdiction of the bureau. In case of disobedience to a subpœna the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. (June 7, 1924, c. 320, § 8, 43 Stat. 609.)

432. Detail of employees to examine claims.—For the purpose of this chapter, the director is authorized to detail from time to time clerks or persons employed in the bureau to make examinations into the merits of compensation and insurance claims, whether pending or adjudicated, as he may deem proper, and to aid in the preparation, presentation, or examination of such claims; and any such person so detailed shall have power to administer oaths, take affidavits, and certify to the correctness of the papers and documents pertaining to the administration of the provisions of this chapter. (June 7, 1924, c. 320, § 8, 43 Stat. 609.)

433. Opinions of Attorney General.—In addition to the services of the legal assistants employed by the bureau, the director may require the opinion of the Attorney General on any questions of law arising in the administration of the bureau. (June 7, 1924, c. 320, § 9, 43 Stat. 610.)

434. Hospitalization, medical care, and treatment of beneficiaries; powers of director; hospital facilities; transfer of hospitals from Treasury and Public Health Department.—The director, subject to the general directions of the President, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care, necessary and reasonable after care, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this chapter, and for that purpose is authorized, at the direction of the President or with the approval of the head of the department concerned, to utilize the facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Home for Disabled Volunteer Soldiers, and such other governmental facilities as may be made available for the purposes set forth in this chapter; and such governmental agencies are authorized to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this chapter, in addition to such governmental facilities as are made available.

When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this chapter are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of such beneficiaries by other means.

In the event that there are not sufficient Government hospital and other facilities for the proper medical care and treatment of beneficiaries under this chapter, and the director deems it necessary and advisable to secure additional Government facilities, he may, within the limits of appropriations made for carrying out the provisions of this paragraph, and with the approval of the President, improve or extend governmental facilities, or acquire additional facilities by purchase or otherwise. Such new property and structures as may be improved, extended, or acquired shall become part of the permanent equipment of the United States Veterans' Bureau or of some one of the now existing agencies of the Government, including the War Department, Navy Department, Interior Department, Treasury Department, the National Home for Disabled Volunteer Soldiers, in such way as will best serve the present emergency, taking into consideration the future services to be rendered the veterans of the World War, including the beneficiaries under this chapter.

In the event Government hospital facilities are insufficient or inadequate the director may, subject to the provisions of section 438 of this title, contract with State, municipal, or, in exceptional cases, with private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding three years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this chapter.

There shall be permanently transferred to the Veterans' Bureau all hospitals on June 7, 1924, or prior to that date, under the jurisdiction of the Public Health Service or of the Treasury Department, the operation, management, or control of which have, prior to June 7, 1924, been transferred by the President to said bureau pursuant to the authority contained in section 9 of the Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and further to amend and modify the War Risk Insurance Act, approved August 9, 1921, chapter 57, Forty-second Statutes, page 147." (June 7, 1924, c. 320, § 10, 43 Stat. 610.)

435. Additional hospital and out-patient dispensary facilities; powers of director; construction, etc.—In order to provide sufficient hospital and out-patient dispensary facilities to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is authorized to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under this chapter by purchase, replacement, and remodeling or extension of existing plants, and by construction on sites owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto; vehicles, livestock, furniture, equipment and ac-

cessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants to be constructed shall be of fireproof construction and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: *Provided, however*, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds, owned by the United States, as may be available for the purposes aforesaid, and the President is authorized by Executive order to transfer any such buildings, structures, and grounds to the control and jurisdiction of the United States Veterans' Bureau upon the request of the director thereof. (Mar. 3, 1925, c. 469, § 1, 43 Stat. 1212.)

436. **Same; construction of buildings.**—The construction of new hospitals or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals or dispensaries constructed prior to, or after March 3, 1925, shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable. (Mar. 3, 1925, c. 469, § 2, 43 Stat. 1213.)

437. **Same; appropriation; use of.**—A sum not to exceed 3 per centum of the $10,000,000 appropriated March 3, 1925, for carrying into effect the provisions of sections 435 and 436 of this title relating to additional hospital and out-patient dispensary facilities shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment and supplies in connection therewith. (Mar. 3, 1925, c. 469, § 3, 43 Stat. 1213.)

438. **Same; other hospitals not to be used.**—Upon completion of the hospital program provided for in sections 435 to 437 of this title no contract or other hospital or institution other than those hospitals and institutions under the jurisdiction and control of the United States Veterans' Bureau or those governmental hospitals or institutions specified in section 434 of this title, shall be used, except where due to the nature of a claimant's disease or disability it would endanger his life to remove him from such hospital to a Veterans' Bureau hospital, or in the event of extreme emergency in the discretion of the director. (Mar. 3, 1925, c. 469, § 4, 43 Stat. 1213.)

439. **Same; rules and regulations; penalty for breaches.**—The director is authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct on the part of persons who are receiving care or treatment in hospitals, homes, or institutions as patients or beneficiaries of said bureau during their stay in such hospitals, homes, institutions, or training centers. Penalties for the breach of such rules and regulations may, with the approval of the director, extend to a forfeiture by the offender of such portion of the compensation payable to him, not exceeding three-fourths of the monthly installment per month for three months, for a breach committed while receiving treatment in such hospital, home, institution, or training center as may be prescribed by such rules and regulations. (June 7, 1924, c. 320, § 11, 43 Stat. 611.)

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440. **Vocational rehabilitation; gifts and donations for; special fund for.**—The bureau is authorized and empowered to receive, for purposes of benefits provided by Part IV of this chapter, such gifts and donations from either public or private sources as may be offered unconditionally. All moneys so received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said bureau in connection with the appropriations made or to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted and all disbursements therefrom shall be submitted annually to Congress by the director. (June 7, 1924, c. 320, § 12, 43 Stat. 611.)

441. **Same; revolving fund for.**—All sums appropriated prior to June 7, 1924, for use by the Federal Board for Vocational Education as a revolving fund, not exceeding $500,000, may be used by the bureau as a revolving fund for the purpose of making advancement to persons commencing or undergoing training under Part IV of this chapter, such advancements to bear no interest and to be reimbursed in such installments as may be determined by the director by proper deductions from the monthly maintenance and support allowances allowed by this chapter. (June 7, 1924, c. 320, § 13, 43 Stat. 611.)

442. **Previous appropriations for military and naval insurance appropriation and premiums collected for term insurance available for bureau; future premiums for term insurance.**—All sums appropriated prior to June 7, 1924, for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Part III deposited and covered into the Treasury to the credit of this appropriation, shall, where unexpended, be made available for the bureau. All premiums that may be collected after June 7, 1924, for the yearly renewable term insurance provided by the provisions of Part III shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum including all premium payments is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of Part III, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director. (June 7, 1924, c. 320, § 16, 43 Stat. 612.)

443. **United States Government life insurance fund; premiums paid on account of converted insurance credited to; payments from; reserve funds.**—All premiums paid on account of insurance converted under the provisions of Part III of this chapter shall be deposited and covered into the Treasury to the credit of the United States Government life insurance fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance, including such liabilities as shall have been or shall be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this fund shall be made upon and in accordance with awards by the director.

The bureau is authorized to set aside out of the fund so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest the said United States Government life insurance fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of

the Federal farm-loan banks for the purposes of such fund. (June 7, 1924, c. 320, § 17, 43 Stat. 612.)

444. Credit in accounts of disbursing clerk of bureau for payments of insurance installments.—The Comptroller General of the United States is authorized and directed to allow credit in the accounts of the disbursing clerk of the bureau for all payments of insurance installments made after June 7, 1924, without verification of the deduction on the pay rolls, of such premiums as may have accrued prior to January 1, 1921, while the insured was in the service. (June 7, 1924, c. 320, § 18, 43 Stat. 612.)

445. Actions on claims; jurisdiction; parties; procedure.—In the event of disagreement as to claim under a contract of insurance between the bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 762 and 763 of Title 28, and section 765 of Title 28 in so far as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside. Not less than thirty days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 346 and 347 of Title 28, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final. This section shall apply to all suits pending against the United States, under the provisions of the War Risk Insurance Act, as amended or of this chapter on March 4, 1925. (June 7, 1924, c. 320, § 19, 43 Stat. 612; Mar. 4, 1925, c. 553, § 2, 43 Stat. 1302.)

446. Proof of marriage of claimant.—For the purpose of this chapter the marriage of the claimant to the person on account of whom the claim is made shall be shown by such testimony as the director may prescribe by regulations. (June 7, 1924, c. 320, § 20, 43 Stat. 613.)

447. Effect of discharge from military or naval forces on insurance, etc.—The discharge or dismissal of any person from the military or naval forces on the ground that he was guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he was found guilty by a court-martial, or that he was an alien, conscientious objector who refused to perform military duty or refused to wear the uniform, or a deserter, shall bar all rights to any compensation under Part II, or any training, or any maintenance and support allowance under Part IV of this chapter: *Provided*, That this section shall not apply to an alien who volunteered or who was drafted into or who served in the Army, Navy, or Marine Corps of the United States during the World War, who was discharged subsequent to November 11, 1918, or who was not discharged from the service on or prior to November 11, 1918, on his own application or solicitation by reason of his being an alien, and whose service was honest and faithful: *Provided further*, That in case any person has been discharged or dismissed from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, such person shall be entitled to the compensation and vocational training benefits under Parts II and IV hereof: *Provided further*, That discharge or dismissal or finding of guilt for any of the offenses specified in this section shall not affect the payment of compensation or maintenance and support allowance for disabilities incurred in or aggravated by service in any prior or subsequent enlistment: *Provided further*, That no compensation or insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy: *Provided further*, That as to converted insurance the cash surrender value, if any, on the date of such death shall be paid to the designated beneficiary if living, or if there be no designated beneficiary alive at the death of the insured the said value shall be paid to the estate of the insured: *Provided further*, That the discharge of a person for having concealed the fact that he was a minor at the time of his enlistment shall not bar him from the benefits of this chapter if his service was otherwise honorable. This section shall be deemed to be in effect as of April 6, 1917. (June 7, 1924, c. 320, § 23, 43 Stat. 613; Mar. 4, 1925, c. 553, § 3, 43 Stat. 1303.)

448. Effect of death or disability, after induction by draft boards or calling into Federal service, but before enrollment for actual service.—If after induction by the local draft board, or after being called into Federal service as a member of the National Guard, but before being accepted and enrolled for active service, the person died or became disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct involving moral turpitude, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct involving moral turpitude, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under Part II of this chapter, and any insurance application made by such person after induction by the local draft board but before being accepted and enrolled for active service shall be deemed valid. (June 7, 1924, c. 320, § 24, 43 Stat. 614.)

449. Persons applying for enlistment or enrollment between April 6, 1917, and November 11, 1918, and accepted provisionally; benefits.—Any person who between the 6th day of April, 1917, and the 11th day of November, 1918, applied for enlistment or enrollment in the military or naval forces, and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into such service, shall be deemed to have the same status as an inducted man not yet accepted and enrolled for active service during the period while such person was complying with such order or direction, and during such compliance, and until his final acceptance or rejection for enlistment or enrollment into the military or naval forces, shall be entitled to the same benefits under Parts II and III of this chapter as an inducted man not yet accepted and enrolled for active service. (June 7, 1924, c. 320, § 25, 43 Stat. 614.)

450. Payments to minors, mental incompetents, or persons under legal disability.—Where any payment under this chapter is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant,

or is otherwise legally vested with responsibility or care of the claimant or his estate: *Provided*, That prior to receipt of notice by the bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That for the purpose of payments of benefits under Part II of this chapter, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate: *And provided further*, That the director, in his discretion, may suspend such payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary. (June 7, 1924, c. 320, § 21, 43 Stat. 613.)

451. Payments to personal representatives.—The amount of the monthly installments of compensation, yearly renewable term insurance, or accrued maintenance and support allowance which has become payable under the provisions of Parts II, III, or IV of this chapter, but which has not been paid prior to the death of the person entitled to receive the same, may be payable to the personal representatives of such person: *Provided*, That in cases where the estate of the decedent would escheat under the laws of the place of his residence, such installments shall not be paid to the estate of the decedent but shall escheat to the United States and shall be credited to the appropriation from which the original award was made. (June 7, 1924, c. 320, § 26, 43 Stat. 614.)

452. Validation of payments made prior to June 7, 1924.—All payments of compensation and insurance made prior to June 7, 1924, pursuant to a regulation permitting permanent and total disability to be presumed from hospitalization or ratings of less than permanent total disability shall be deemed valid and no recovery thereof shall be made: *Provided*, That nothing in this chapter shall operate to validate insurance not in force on the date an award thereof was approved, except where premiums have been thereafter accepted. (June 7, 1924, c. 320, § 27, 43 Stat. 615.)

453. Payments not to be recovered from beneficiaries, when.—There shall be no recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. (June 7, 1924, c. 320, § 28, 43 Stat. 615.)

454. Assignability and exempt status of compensation, insurance, and maintenance and support allowances.—The compensation, insurance, and maintenance and support allowance payable under Parts II, III, and IV, respectively, shall not be assignable; shall not be subject to the claims of creditors of any person to whom an award is made under Parts II, III, or IV; and shall be exempt from all taxation. Such compensation, insurance, and maintenance and support allowance shall be subject to any claims which the United States may have, under Parts II, III, IV, and V, against the person on whose account the compensation, insurance, or maintenance and support allowance is payable.

The provisions of this section shall not be construed to prohibit the assignment by any person to whom converted insurance shall be payable under Part III of this chapter of his interest in such insurance to any other member of the permitted class of beneficiaries. (June 7, 1924, c. 320, § 22, 43 Stat. 613.)

455. Sale, etc., by director of surplus equipment, etc.—The director is authorized, in his discretion, to sell, lease, or exchange surplus equipment, supplies, products, or waste materials belonging to the bureau or any of its plants, or institutions; and to lease for a term, not exceeding three years, lands or buildings, or parts or parcels thereof, belonging to the United States and under the control of the bureau. The net proceeds of all such sales, leases, or exchanges shall be covered into the Treasury of the United States as miscellaneous receipts. (June 7, 1924, c. 320, § 29, 43 Stat. 615.)

456. Files, records, etc., confidential and privileged.—All files, records, reports, and other papers and documents pertaining to any claim for the benefits of the provisions of this chapter, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made except as follows:

(a) To a claimant or his duly authorized representative, as to matters concerning himself alone, when in the judgment of the director such disclosure would not be injurious to the physical or mental health of the claimant;

(b) Where required by the process of a United States court to be produced in any suit or proceeding therein pending; or when such production is deemed by the director to be necessary in any suit or proceeding brought under the provisions of this chapter;

(c) In all proceedings in the nature of an inquest into the mental competency of a claimant, and in all other judicial proceedings, when in the judgment of the director such disclosure is deemed necessary and proper;

(d) The amount of compensation or training allowance of any beneficiary shall be made known to any person who applies for such information.

Wherever the production of a file, record, report, or other document is required or permitted by this section a certified copy thereof may be produced in lieu of the original, and such certified copy shall be received in evidence with like force and effect as the original. (June 7, 1924, c. 320, § 30, 43 Stat. 615.)

457. Telephone service; payment for.—Payment may be made for official telephone service and rental in the field wherever incurred in case of official telephones for medical officers of the bureau where such telephones are installed in private residences or private apartments or quarters when authorized under regulations established by the director. (Mar. 4, 1925, c. 553, § 5, 43 Stat. 1304.)

PART II.—COMPENSATION AND TREATMENT

471. Compensation for death or disability; to whom payable and for what causes payable; presumptions as to soundness of condition and time of acquisition of disabilities.—For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be

denied compensation by reason of willful misconduct. For the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per centum degree of disability or more in accordance with the provisions of section 474 of this title, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculous disease, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per centum degree (in accordance with the provisions of section 474 of this title) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim. (June 7, 1924, c. 320, § 200, 43 Stat. 615; Mar. 4, 1925, c. 553, § 6, 43 Stat. 1304.)

472. Death resulting from injury; amounts payable; burial allowances; payments to widow or children; veterans of other wars.—If death results from injury—

If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

(a) If there is a widow but no child, $30.

(b) If there is a widow and one child, $40, with $6 for each additional child.

(c) If there is no widow, but one child, $20.

(d) If there is no widow, but two children, $30.

(e) If there is no widow, but three children, $40, with $5 for each additional child.

(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

(1) If death occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those persons who served honorably as Army nurses under contracts for ninety days or more during the Spanish-American War, who was not dishonorably discharged dies after discharge or resignation from the service and does not in the judgment of the director leave sufficient assets to meet the expenses of burial and funeral and the transportation of the body, the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $7; also, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories or possessions and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *And provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed.

(2) The payment of compensation to a widow shall continue until her death or remarriage, and the payment of compensation to a parent shall continue to the death of such parent.

(3) The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity.

(4) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

(5) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

(6) The term "widow," as used in this section, shall not include one who shall have married the deceased later than ten years after July 2, 1921, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

(7) This section shall be deemed to be in effect as of April 6, 1917: *Provided however*, That the receipt of a gratuity, pension, or compensation, including adjusted compensation, by widow, child, or parent, on account of the death, disability, or service of any person shall not bar the payment of compensation on account of the death or disability of any other person. Before compensation under this section shall be paid the claimant shall first surrender all claim to any gratuity or pension payable under any other law on account of the death of the same person. No changes in rates or compensation made by the provisions of this chapter shall be retroactive in effect. (June 7, 1924, c. 320, § 201, 43 Stat. 616; Mar. 4, 1925, c. 553, § 7, 43 Stat. 1305.)

473. Disability resulting from injury; total and permanent disability; loss of both eyes; loss of use of both eyes and one or more limbs; tubercular ex-service men.—If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however*, That the permanent loss of the use of both feet or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or becoming permanently helpless or permanently bedrid-

den, shall be deemed to be total, permanent disability: *Provided further*, That the compensation for the loss of the use of both eyes shall be $150 per month, and compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month. For double total, permanent disability the rate of compensation shall be $200 per month.

Any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however*, That nothing in this section shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

474. Same; partial and permanent disability; reduction in earning power.—If and while the disability is rated as partial and permanent, the monthly compensation shall be a percentage of the compensation that would be payable for his total and permanent disability equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per centum. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

475. Same; total and temporary disability; rates.—If and while the disability is rated as total and temporary, the monthly compensation shall be the following amounts, payable monthly or semimonthly as the director may prescribe:

(a) If the disabled person has neither wife nor child living, $80.

(b) If he has a wife but no child living, $90.

(c) If he has a wife and one child living, $95, and $5 for each additional child.

(d) If he has no wife and one child living, $90, with $5 for each additional child.

(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

476. Same; partial and temporary disability; tubercular ex-service men after complete arrest of disease.—If and while the disability is rated as partial and temporary, the monthly compensation shall be a percentage of the compensation that would be payable for his total and temporary disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per centum.

Any ex-service man shown to have had a tubercular disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director has reached a condition of complete arrest of his disease, and who shall be discharged from further hospitalization, shall be rated as temporarily totally disabled, and such rating shall not be decreased within a period of six months. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

477. Schedule of rating in reduction of earning capacity; readjustment of ratings.—A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau. Ratings may be as high as 100 per centum. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations similar to the occupation of the injured man at the time of enlistment and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of an injury. The bureau in adopting the schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries. The bureau shall from time to time readjust this schedule of ratings whenever actual experience shall show that it is unjust to the disabled veteran. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

478. Disability requiring nurse or attendant; additional compensation.—If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

479. Medical, surgical, and dental treatment in addition to compensation; artificial limbs, trusses, etc.—In addition to the compensation above provided, the injured person shall be furnished by the United States Veterans' Bureau such reasonable governmental care or medical, surgical, dental, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for the commitment of mentally incompetent persons to institutions for the care or treatment of the insane, and shall be furnished with such supplies including dental appliances, wheel chairs, artificial limbs, trusses, and similar appliances, including special clothing made necessary by the wearing of prosthetic appliances prescribed by the bureau, as the director may determine to be useful and reasonably necessary, which dental appliances, wheel chairs, artificial limbs, trusses, special clothing, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary. Nothing in this chapter shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

480. Insane persons maintained in institutions; payment of compensation; additional allowance on recovery of reason.—Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the bureau for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That if such person shall recover his reason and shall be discharged from such institution as competent, an additional amount of $60 per month shall be paid to him for each month the rate of compensation was $20 per month as provided by this section.

All or any part of the compensation, of any mentally incompetent inmate of an institution, may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may in the discretion of the director be apportioned to wife, child, or children, or dependent parents, in accordance with regulations. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

481. Compensation of veterans in institutions; rate after June 30, 1927.—After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled), who are being maintained by the bureau in

an institution of any description and who are without wife, child, or dependent parent, shall not exceed $40. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

482. Director to prescribe regulations for allowing apportionment of compensation of hospital patients; deposit of portion of compensation in Treasury investments.—The director shall prescribe by regulation the conditions and limitations whereby all patients or beneficiaries of the bureau who are receiving treatment through the bureau as patients in a hospital may allot any proportion or proportions or any fixed amount or amounts of their monthly compensation for such purposes and for the benefit of such person or persons as they may direct.

In case such patient has not allotted three-fourths of his monthly compensation and in case the director shall find that by gross dissipation he is retarding his own progress to recovery, then regulations to be made by the director may provide that (except in the case of neuropsychiatric patients who are within the terms of the first paragraph of section 480 of this title) any unallotted portion of such three-fourths compensation shall be deposited to the patient's credit with the Treasurer of the United States to accumulate at such rate of interest as the Secretary of the Treasury may determine but at a rate never less than 3½ per centum per annum, and when such patient shall be discharged by the bureau from hospital care, the said deposit and interest shall be paid to such patient if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the executor or administrator of the estate of such deceased person: *Provided*, That this paragraph shall not be so construed as to prevent payment by the bureau from the amounts due to the decedent's estate of his funeral expenses, expenses of last illness, board, rent, lodging, or other household expenses for which the decedent is liable, provided a claim therefor is presented by the creditors or by the person or persons who actually paid the same before settlement by the bureau.

The Secretary of the Treasury is authorized to invest and reinvest the said allotments deposited with him, or any part thereof, in interest-bearing obligations of the United States and to sell the obligations for the purposes of said funds. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

483. Additional medical, surgical, and convalescent treatment.—In addition to the care, treatment, and appliances otherwise authorized by law, said bureau shall also provide, without charge therefor, hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances (including such dental appliances as may be found reasonably necessary by the director) for any member of the military or naval forces of the United States, not dishonorably discharged, disabled by reason of any wound or injury received or disease contracted, or by reason of any aggravation of a preexisting injury or disease, specifically noted at examination for entrance into or employment in the active military or naval service while in the active military or naval service of the United States on or after April 6, 1917, and before July 2, 1921, provided the wound or injury received or disease contracted or aggravation of a preexisting injury or disease, for which such hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances (including such dental appliances as may be found reasonably necessary by the director) shall be furnished, was incurred in the military or naval service and not caused by his own willful misconduct. Where a beneficiary of the bureau suffers or has suffered an injury or contracted a disease in service entitling him to the benefits of this section, and an emergency develops or has developed requiring immediate treatment or hospitalization on account of such injury or disease, and no bureau facilities are or were then feasibly available and in the judgment of the director delay would be or would have been hazardous, the director is authorized to reimburse such beneficiary the reasonable value of such service received from sources other than the bureau. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

484. Hospitalization for veterans of other wars; hospitalization in the insular possessions.—All hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases paralysis agitans, encephalitis lethargica or amœbic dysentery, or the loss of sight of both eyes regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this chapter. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged without regard to the nature or origin of their disabilities. Preference to admission to any Government hospital for hospitalization under the provisions of this section shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses. In the insular possessions of the United States, the director is further authorized to furnish hospitalization in other than Government hospitals. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

485. Sale of surplus supplies; sale or disposal of articles produced by patients.—The director shall have the same power, and shall be subject to the same limitations, in the sale of surplus or condemned supplies, material, and other personal property as otherwise pertains to the Secretary of War. The director is authorized to make regulations governing the disposal of articles produced by patients of such bureau in the course of their curative treatment, or to allow the patients to sell or to retain such articles. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

486. Apportioning compensation.—Where the disabled person is a patient in a hospital or where for any other reason the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation shall be apportioned as may be prescribed by regulations. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

487. Definition; "wife"; "husband."—The term "wife" as used in sections 473 to 491 of this title shall include "husband" if the husband is dependent upon the wife for support. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

488. Discharged members of military or naval forces of allied Governments.—The bureau is authorized to furnish transportation, also the medical, surgical, and hospital services and the supplies and appliances provided by section 479 of this title to discharged members of the military or naval forces of those Governments which have been associated in war with the United States since April 6, 1917, and come within the provisions of laws of such Governments similar to this chapter, at such rates and under such regulations as the director may prescribe; and the bureau is authorized to utilize the similar services, supplies, and appliances provided for the discharged members of the military and naval forces of those Governments which have been associated in war with the United States since April 6, 1917, by the laws of such Governments similar to this chapter, in furnishing the discharged members

of the military and naval forces of the United States who live within the territorial limits of such Governments and come within the provisions of said section 479, with the services, supplies, and appliances provided for in such section; and any appropriations that have been or may hereafter be made for the purpose of furnishing the services, supplies, and appliances provided for by said section 479 are made available for the payment to such Governments or their agencies for the services, supplies, and appliances so furnished at such rates and under such regulations as the director may prescribe. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

489. Surrender of prior gratuity or pension before receiving compensation.—Any person who is otherwise receiving a gratuity or pension from the United States under existing law shall not receive compension under sections 473 to 491, inclusive, of this title, unless he shall first surrender all claim to further payments of such gratuity or pension, except as provided in subdivision 7 of section 472 of this title. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

490. Compensation during period of vocational rehabilitation and support.—No compensation under sections 473 to 491, inclusive, shall be paid for the period during which any such person is being furnished by the bureau a course of vocational rehabilitation and support as authorized in Part IV of this chapter: *Provided, however,* That in the event any person pursuing a course of vocational rehabilitation is entitled under Part II of this chapter to compensation in an amount in excess of the payments made to him under Part IV hereof for his support and the support of his dependents, if any, the bureau shall pay monthly to such person such additional amount as may be necessary to equal the total compensation due under Part II hereof. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

491. Change in rates of compensation not retroactive.—No changes in rates of compensation made by this chapter shall be retroactive in effect. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306. 1307.)

492. Examination of applicants for compensation for disability; necessity for; neglect or refusal to submit to.—Every person applying for or in receipt of compensation for disability under the provisions of Part II of this chapter and every person applying for treatment under the provisions of sections 483 and 484 of this title shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he shall neglect or refuse to submit to such examination, or shall in any way obstruct the same, his right to claim compensation under Part II of this chapter shall be suspended until such neglect, refusal, or obstruction ceases. No compensation shall be payable while such neglect, refusal or obstruction continues, and no compensation shall be payable for the intervening period. (June 7, 1924, c. 320, § 203, 43 Stat. 622.)

493. Examination of persons receiving compensation for disability.—Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for. (June 7, 1924, c. 320, § 204, 43 Stat. 622.)

494. Review by bureau of awards; increase or decrease of compensation.—Upon its own motion or upon application the bureau may at any time review an award and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation is increased, or if compensation has been refused, reduced. or discontinued, may (subject to the provisions of section 499 of this title) award compensation in proportion to the degree of disability sustained as of the date such degree of disability began, but not earlier than the date of discharge or resignation. Except in cases of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive, and no reduction or discontinuance of compensation shall be effective until the 1st day of the third calendar month next succeeding that in which such reduction or discontinuance is determined. (June 7, 1924, c. 320, § 205, 43 Stat. 622.)

495. Time of occurrence of death or disability as affecting liability therefor.—No compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 471 of this title, and except where there is an official record of the injury during service or at the time of separation from active service, or where within one year from June 7, 1924, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of Part II of this chapter, for death or disability whenever occurring, proximately resulting from such injury. (June 7, 1924, c. 320, § 206, 43 Stat. 622.)

496. Official record of death necessary; compensation for period reported "missing."—Compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which the person may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II of the Act of October 6, 1917 (chapter 105, Fortieth Statutes, pages 402–405). (June 7, 1924, c. 320, § 207, 43 Stat. 622.)

497. Arrests for crimes in hospital reservations.—For the purpose of maintaining law and order and of protecting persons and property at United States Veterans' Bureau hospitals the director is authorized to designate at such hospitals persons who shall have authority to make arrests for any crime or offense against the United States committed on the hospital reservation. Any person so arrested shall be taken forthwith before the nearest United States commissioner, within whose jurisdiction the hospital is located. Travel and transportation expenses incident to carrying out the provisions of this section shall be paid from the appropriation for administrative expenses. (June 7, 1924, c. 320, § 208, 43 Stat. 622; Mar. 4, 1925, c. 553, § 10, 43 Stat. 1308.)

498. Time for filing claim for compensation or treatment; extension of time.—No compensation shall be payable and (except as provided by section 484) no treatment shall be furnished unless a claim therefor shall be filed in case of disability within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed two years for good cause shown. If at the time

that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases. (June 7, 1924, c. 320, § 209, 43 Stat. 623.)

499. Payment of compensation for period prior to claim; retroactive effect of increase of compensation.—No compensation shall be payable for any period more than one year prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than six months prior to the date of claim therefor. Except in case of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive. (June 7, 1924, c. 320, § 210, 43 Stat. 623.)

500. Compensation to members of Army or Navy Nurse Corps (female).—Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under sections 751 to 791, inclusive, of Title 5. (June 7, 1924, c. 320, § 211, 43 Stat. 623.)

501. Compensation to beneficiaries suffering injuries or aggravation of injuries due to training, hospitalization, or medical or surgical treatment.—Where any beneficiary suffers or has suffered an injury or an aggravation of an existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded to him under the Vocational Rehabilitation Act, June 27, 1918 (chapter 107, Fortieth Statutes, page 617), as amended, the War Risk Insurance Act, September 2, 1914 (chapter 293, Thirty-eighth Statutes, page 711), as amended, or this chapter, or as a result of having submitted to examination under authority of section 303 of the War Risk Insurance Act, October 6, 1917 (chapter 105, Fortieth Statutes, pages 406–407), or section 492 of this chapter, and not the result of his misconduct, and such injury or aggravation of an existing injury results in additional disability to or the death of such beneficiary, the benefits of this title shall be awarded in the same manner as though such disability, aggravation, or death was the result of military service during the World War. The benefits of this section shall be in lieu of the benefits under sections 751 to 791, inclusive, of Title 5. Application shall be made for such benefits within two years after such injury or aggravation was suffered or such death occurred or after March 4, 1925, whichever is the later date. The provisions of section 502 of this title shall be applicable to beneficiaries under this section. (June 7, 1924, c. 320, § 213, 43 Stat. 623; Mar. 4, 1925, c. 553, § 11, 43 Stat. 1308.)

502. Assignment of right of action to the United States for injury causing death or disability.—(1) If an injury or death for which compensation is payable under Part II of this chapter is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person, or if it appears to be for the best interests of the beneficiary the director may require him to prosecute the said action in his own name, subject to regulations. The director may require such assignment or prosecution at any time after the injury or death, and the failure on the part of the beneficiary to so assign or to prosecute said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned to the United States may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be placed to the credit of the military and naval compensation appropriation. If the amount placed to the credit of such appropriation in such case is in excess of the amount of the award of compensation, if any, such excess shall be paid to the beneficiary after any compensation award for the same injury or death is made.

If a beneficiary or conditional beneficiary shall have recovered, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such money or other property so recovered shall be credited upon any compensation payable, or which may become payable, to such beneficiary, or conditional beneficiary by the United States on account of the same injury or death.

(2) If an injury or death for which compensation may be payable under Part II of this chapter is caused under circumstances creating a legal liability upon some person, other than the United States or the enemy, to pay damages therefor, then, in order to preserve the right of action, the director may require the conditional beneficiary at any time after the injury or death, to assign such right of action to the United States, or, if it appears to be for the best interests of such conditional beneficiary, to prosecute the said cause of action in his own name, subject to regulations. The failure on the part of the beneficiary to so assign or to prosecute the said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be paid to such beneficiary, and be credited upon any future compensation which may become payable to such beneficiary by the United States on account of the same injury or death.

(2a) The Veterans' Bureau is authorized to pay the beneficiary or other person or persons in whose name an action may have been commenced or prosecuted, and all witnesses in such action, fees and mileage, the same as is paid and allowed to witnesses in the United States courts in going to, remaining at, and returning from place of trial, and without any regard to whether the action, if any, is brought or prosecuted in a court of the United States or some other court.

In all cases of assignment of causes of action under this section, whether the assignment be heretofore or hereafter made, where it shall appear to the director to be to the best interests of the beneficiary so to do, the director, acting for and in the name of the United States, may assign the cause of action back to the beneficiary or to his personal representatives.

(3) The bureau shall make all necessary regulations for carrying out the purposes of this section. For the purposes of computation only under this section the total amount of compensation due any beneficiary shall be deemed to be equivalent to a lump sum equal to the present value of all future payments of compensation computed as of the date of the award of compensation at 4 per centum, true discount, compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality.

A conditional beneficiary is any person who may become entitled to compensation under Part II of this chapter on or after the death of the injured person.

Nothing in this section shall be construed to impose any administrative duties upon the War or Navy Departments. (Sept. 2, 1914, c. 293, § 313; Oct. 6, 1917, c. 105, § 2, 40 Stat. 408; June 25, 1918, c. 104, § 18, 40 Stat. 613; Aug. 9, 1921, c. 57, § 21, 42 Stat. 154.)

PART III.—INSURANCE

511. Persons entitled to; amounts; time for application for; to whom payable; expense of; premium rates.—In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation.

The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

Where a beneficiary at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per centum per annum. This section shall be deemed to be in effect as of June 7, 1924. (June 7, 1924, c. 320, § 300, 43 Stat. 624; Mar. 4, 1925, c. 553, § 12, 43 Stat. 1308.)

512. Term insurance; when terminated; conversion to elected policies; payment.—Not later than July 2, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

All term insurance shall cease on July 2, 1926, except when death or total permanent disability shall have occurred before July 2, 1926.

In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided.

The insurance except as provided herein shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the War Risk Insurance Act, October 6, 1917, chapter 105, Fortieth Statutes, pages 409 and 410, or Part III of this chapter, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided*, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924. (June 7, 1924, c. 320, § 301, 43 Stat. 624; Mar. 4, 1925, c. 553, § 13, 43 Stat. 1309.)

513. Liability of United States for matured converted insurance; funds usable for payment of; reserve fund.—Whenever benefits under United States Government life insurance (converted insurance) become, or have become, payable because of total permanent disability of the insured or because of the death of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the director, the liability shall be borne by the United States, and the director is authorized and directed to transfer from the military and naval insurance appropriation to the United States Government life insurance fund a sum which, together with the reserve of the policy at the time of maturity by total permanent disability or death, will equal the then value of such benefits. When a person receiving total permanent disability benefits under a United States Government life policy (converted policy), recovers from such disability, and is then entitled to continue a reduced amount of insurance, the director is authorized and directed to transfer to the military and naval insurance appropriation all of the loss reserve to the credit of such policy claim except a sum sufficient to set up the then required reserve on the reduced amount of the in-

surance that may be continued, which sum shall be retained in the United States Government life insurance fund for the purpose of such reserve. (June 7, 1924, c. 320, § 302, 43 Stat. 625.)

514. Payment of insurance to estate of deceased beneficiary; escheat to United States.—If no person within the permitted class be designated as beneficiary for yearly renewable term insurance by the insured either in his lifetime or by his last will and testament or if the designated beneficiary does not survive the insured or survives the insured and dies prior to receiving all of the two hundred and forty installments or all such as are payable and applicable, there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable, said value to be computed as of date of last payment made under any existing award: *Provided*, That all awards of yearly renewable term insurance which were in course of payment on March 4, 1925, shall continue until the death of the person receiving such payments, or until he forfeits same under the provisions of this chapter. When any person to whom such insurance was awarded prior to such date dies or forfeits his rights to such insurance then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments of the insurance so awarded to such person: *Provided further*, That no award of yearly renewable term insurance made to the estate of a last surviving beneficiary prior to March 4, 1925, shall be affected by the foregoing provisions. In cases when the estate of an insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate but shall escheat to the United States and be credited to the military and naval insurance appropriation. This section shall be deemed to be in effect as of October 6, 1917. (June 7, 1924, c. 320, § 303, 43 Stat. 625; Mar. 4, 1925, c. 553, § 14, 43 Stat. 1310.)

515. Lapsed or canceled insurance; reinstatement; procedure; termination of term insurance unaffected.—In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with, an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) made after June 7, 1924, may be approved if made within one year after that date, or within two years after the date of lapse or cancellation: *Provided*, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per centum per annum compounded annually, on each premium from the date said premium is due by the terms of the policy: *And provided further*, That no term insurance shall be reinstated after July 2, 1926. (June 7, 1924, c. 320, § 304, 43 Stat. 625; Mar. 4, 1925, c. 553, § 15, 43 Stat. 1310.)

516. Same; availability of compensation to revive insurance.—Where any person has, prior to June 7, 1924, allowed his insurance to lapse while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the War Risk Insurance Act as amended December 24, 1919, chapter 16, Forty-first Statutes, page 371, would purchase if applied as premiums when due, shall not be considered as lapsed; and the United States Veterans' Bureau is authorized and directed to pay to said soldier, or his beneficiaries as the case may be the amount of said insurance less the unpaid premiums and interest thereon at 5 per centum per annum compounded annually in installments as provided by law. (June 7, 1924, c. 320, § 305, 43 Stat. 626.)

517. Waiver of lapse of yearly renewable term insurance from nonpayment of premiums; regulations for.—The bureau is authorized to make provisions in accordance with regulations, whereby the payment of premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) on the due date thereof may be waived and the insurance may be deemed not to lapse in the cases of the following persons, to wit: (a) Those who are confined in hospital under said bureau for a compensable disability during the period while they are so confined; (b) those who are rated as temporarily totally disabled by reason of any injury or disease entitling them to compensation during the period of such total disability and while they are so rated; (c) those who, while mentally incompetent and for whom no legal guardian had been or has been appointed, allowed or may allow their insurance to lapse while such rating is effective during the period for which they have been or hereafter may be so rated, or until a guardian has notified the bureau of his qualification, but not later than six months after appointment as guardian, the waiver in such cases to be made without application and retroactive when necessary: *Provided*, That such relief from payment of premiums on yearly renewable term insurance on the due date thereof shall be for full calendar months, beginning with the month in which said confinement to hospital, temporary total disability rating, or in cases of mental incompetents for whom no guardian has been appointed with the month in which such rating or mental incompetency began or begins and ending with that month during the half or major fraction of which the person is confined in hospital is rated as temporarily totally disabled or had or has no legal guardian while rated as mentally incompetent or until a guardian has notified the bureau of his qualification, but not later than six months after appointment as guardian: *Provided further*, That all premiums the payment of which when due is waived as above provided shall bear interest at the rate of 5 per centum per annum, compounded annually from the due date of each premium, and if not paid by the insured shall be deducted from the insurance in any settlement thereunder or when the same matures either because of permanent total disability or death: *And provided further*, That in the event any lien or other indebtedness established by the provisions of this chapter exists against any policy of converted insurance in excess of the then cash surrender value thereof at the time of the termination of such policy of converted insurance for any reason other than by death or total permanent disability the director is authorized to transfer and pay from the military or naval insurance appropriation to the United States Government life insurance fund a sum equal to the amount such lien or indebtedness exceeds the then cash surrender value. (June 7, 1924, c. 320, § 306, 43 Stat. 626.)

518. Policies incontestable; exceptions; contest defined.—Policies of insurance heretofore or hereafter issued shall be incontestable after the insurance has been in force six months from the date of issuance or reinstatement, except for fraud or nonpayment of premiums and subject to the provisions of sec-

tion 447 of this title. A letter mailed by the bureau to the insured at his last known address informing him of the invalidity of his insurance shall be deemed a contest within the meaning of this section. This section shall be deemed to be in effect as of April 6, 1917. (June 7, 1924, c. 320, § 307, 43 Stat. 627.)

PART IV.—VOCATIONAL REHABILITATION

531. Vocational rehabilitation; persons entitled to; rehabilitation already commenced.—Every person who was enlisted, enrolled, drafted, inducted, or appointed in the military or naval forces of the United States, including members of training camps authorized by law, and who has resigned or has been discharged or furloughed therefrom, having a disability incurred, increased, or aggravated after April 6, 1917, and before July 2, 1921, in the military or naval service and not the result of his own willful misconduct, while a member of such forces, or later developing a disability traceable in the opinion of the director to service during said period with such forces, and not the result of his own willful misconduct, and who, in the opinion of the director, is in need of vocational rehabilitation to overcome the handicap of such disability, shall be furnished by the bureau, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the bureau shall prescribe and provide. Nothing in this section shall operate to terminate any course of vocational training prescribed and actually commenced under the Vocational Rehabilitation Act (June 27, 1918, chapter 107, Fortieth Statutes, pages 617 to 620), as originally enacted and subsequently amended, where such course was actually commenced prior to June 7, 1924. (June 7, 1924, c. 320, § 400, 43 Stat. 627.)

532. Same; maintenance and support allowance to persons undergoing; amounts; alternative payments.—The bureau shall have the power, and it shall be its duty until June 30, 1926, to furnish the persons included in section 531 of this title suitable courses of vocational rehabilitation, to be prescribed and provided by the bureau; and every person electing to follow such a course of vocational rehabilitation shall, while following the same, be paid by the bureau monthly or semimonthly as the director may prescribe such sum as in the judgment of the director is necessary for his maintenance and support and for the maintenance and support of persons depending upon him, if any. The sum so paid such person while pursuing such course shall not exceed $80 per month for a single man without dependents, or for a man with dependents $100 per month plus the following family allowances:

(a) If there is a wife, but no child, $15.

(b) If there is a wife and one child, $25, with $5 per month additional for each additional child.

(c) If there is no wife, but one child, $10.

(d) If there is no wife, but two children, $15, with $5 per month additional for each additional child.

The bureau may pay, subject to the conditions and limitations prescribed by this title, to all trainees undergoing training hereunder, residing where the cost of maintenance and support is above the average and comparatively high, in lieu of the monthly payments for maintenance and support prescribed by this title, such sum as in the judgment of the director is necessary for the trainee's maintenance and support and for the maintenance and support of persons dependent upon him, if any. The sum so paid such person while pursuing such course shall not exceed $100 per month for a single man without dependents or for a man with dependents $120 per month, plus the several sums prescribed as family allowances under this section: *Provided*, That payments for the support and maintenance of persons dependent upon any trainee of the bureau as provided herein may, in the discretion of the director, be paid either direct to such dependent or dependents or to the trainee upon whom they are dependent. (June 7, 1924, c. 320, § 401, 43 Stat. 627.)

533. Same; other persons entitled to for limited period.—Until June 30, 1926, the courses of vocational training provided for under this chapter shall, as far as practicable, and under such conditions as the director may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Part II of this chapter and who is not included in section 531 thereof. (June 7, 1924, c. 320, § 402, 43 Stat. 628.)

534. Same; failure to commence training; time for commencement of training.—No person who has been declared eligible for training under the provisions of Part IV of this chapter, for whom training has been prescribed, and who has been notified by the bureau to begin training, shall be eligible to the benefits of Part IV of this chapter in the event of his failure to commence training within a reasonable time after notice has been sent such person by the bureau. Except when such failure is due, in the opinion of the director, to physical incapacity, such time shall not be longer than twelve months after notice shall have been given for persons declared eligible and notified to begin training. No training shall be furnished to any person under any of the provisions of this chapter unless such person actually commenced such training on or before June 30, 1925. (June 7, 1924, c. 320, § 403, 43 Stat. 628.)

535. Same; test for rehabilitation; maintenance and support allowance and liability of United States to cease, when.—The test of rehabilitation shall be employability, to be determined by the director. The allowance for maintenance and support provided by the provisions of Part IV of this chapter shall be payable for two months after the employability of the rehabilitated person is determined, and thereupon all duty and obligation of the United States toward such person with respect to his vocational rehabilitation shall cease and determine. (June 7, 1924, c. 320, § 404, 43 Stat. 628.)

536. Same; time for application for vocational training.—Vocational training provided by this chapter shall be granted to persons entitled under its provisions only where application therefor was made on or prior to June 30, 1923. (June 7, 1924, c. 320, § 405, 43 Stat. 628.)

537. Same; time after which training and allowance shall not be granted.—No vocational training shall be granted or continued to any person whatsoever after June 30, 1926, and no training allowance shall thereafter be paid to any person. (June 7, 1924, c. 320, § 406, 43 Stat. 628.)

538. Sale by director of surplus vocational-training material, supplies, and equipment.—Under such regulations as the director may prescribe he is authorized to sell at 90 per cent of the appraised valuation to rehabilitated trainees of the United States Veterans' Bureau, trade, technical, and public schools and universities, and other recognized educational institutions, upon application in writing, such surplus material, supplies, and equipment acquired for the purpose of vocational training as are suitable for their use which were owned by the United States of America and under control of the United States Veterans' Bureau on March 3, 1925, and are not needed for Government purposes. (Mar. 3, 1925, c. 468, § 1, 43 Stat. 1211.)

539. Equipment and supplies retained by trainees.—The director is authorized to make provisions by regulation whereby trainees of the United States Veterans' Bureau who have successfully completed their courses or such part of their courses as enables them to enter employment or business in line with their training shall be allowed to retain such equipment, sup-

plies, and books as the director may by regulation prescribe. (Mar. 4, 1925, c. 553, § 16, 43 Stat. 1311.)

PART V.—PENALTIES

551. Amount permitted to be paid agents or attorneys; solicitation, etc., of unauthorized fees or compensation; punishment.—Except in the event of legal proceedings under section 445 of this chapter, no claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and Veterans of Foreign Wars, and such other organizations as shall be approved by the director shall be recognized in the presentation or adjudication of claims under Parts II, III, and IV of this chapter, and payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed $10 in any one case: *Provided, however,* That wherever a judgment or decree shall be rendered in an action brought pursuant to said section 445 of this chapter the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 per centum of the amount recovered and to be paid by the bureau out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive, any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment. (June 7, 1924, c. 320, § 500, 43 Stat. 628; Mar. 4, 1925, c. 553, § 17, 43 Stat. 1311.)

552. False statements; punishment.—Whoever in any claim for compensation, insurance, or maintenance and support allowance, or in any document required by this chapter, or by regulation made under this chapter, makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both. (June 7, 1924, c. 320, § 501, 43 Stat. 628.)

553. Fraudulent acceptance of payments; punishment.—If any person entitled to payment of compensation, or maintenance and support allowance under this chapter, whose right to such payment under this chapter ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both. (June 7, 1924, c. 320, § 502, 43 Stat. 629.)

554. Receiving money, etc., without being entitled thereto; punishment.—Whoever shall obtain or receive any money, check, compensation, insurance, or maintenance and support allowance under the War Risk Insurance Act (September 2, 1914, chapter 293, Thirty-eighth Statutes, page 711) as amended, the Vocational Rehabilitation Act (June 27, 1918, chapter 107, Fortieth Statutes, pages 617 to 620) as amended, or under provisions of this chapter, and any amendments thereto without being entitled to the same, and with intent to defraud the United States or any beneficiary of the United States Veterans' Bureau shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (June 7, 1924, c. 320, § 503, 43 Stat. 629; Mar. 4, 1925, c. 553, § 18, 43 Stat. 1311.)

555. False or fraudulent affidavits, etc.; punishment.—Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim or the approval of any claim for compensation or maintenance and support allowance, or the payment of any money, for himself or for any other person, under Parts II or IV of this chapter, shall forfeit all rights, claims, and benefits under said titles, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, for each such offense. (June 7, 1924, c. 320, § 504, 43 Stat. 629; Mar. 4, 1925, c. 553, § 19, 43 Stat. 1312.)

556. Embezzlement by guardian, etc.; punishment.—Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of the claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the War Risk Insurance Act (September 2, 1914, chapter 293, Thirty-eighth Statutes, page 711) as amended, or under the provisions of this chapter, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust or fraudulently convert the same to his own use, shall be punished by fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both. (Mar. 4, 1925, c. 553, § 20, 43 Stat. 1312.)

PART VI.—MISCELLANEOUS PROVISIONS

571. Acts, proceedings, etc., under certain prior laws unaffected.—The repeal of—

An Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914," approved August 11, 1916.

An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914," approved March 3, 1917.

An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved June 12, 1917.

An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917; saving and excepting from repeal sections 313 and 314 of Article III of said Act.

An Act entitled "An Act to amend the War Risk Insurance Act," approved July 11, 1918.

The War Risk Insurance Act as amended.

The Vocational Rehabilitation Act as amended. And,

The Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and, further, to amend and modify the War Risk Insurance Act," as of June 7, 1924, shall not affect any act done or any right or liability accrued, or any suit commenced before the said repeal, but all such rights and liabilities under said Acts shall continue and may be enforced in the same manner as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof. (June 7, 1924, c. 320, § 602, 43 Stat. 630.)

572. Offenses, etc., under repealed Acts not affected.—All offenses committed and all penalties or forfeiture incurred

under any of the repealed laws referred to in section 571 of this title may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made. (June 7, 1924, c. 320, § 603, 43 Stat. 630.)

573. Limitation laws not affected.—All Acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses embraced in this chapter and covered by said repeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to June 7, 1924, may be commenced and prosecuted within the same time as if said repeal had not been made. (June 7, 1924, c. 320, § 604, 43 Stat. 630.)

574. Partial invalidity; effect of.—If any clause, section, paragraph, or part of this chapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered. (June 7, 1924, c. 320, § 605, 43 Stat. 630.)

575. Recovery of allotments in certain cases.—No recovery of allotments paid prior to August 9, 1921, to beneficiaries designated under the Army allotment system by any person who served in the Army, shall be made for any reason whatsoever. (Oct. 6, 1917, c. 105, § 2, 40 Stat. 398; June 25, 1918, c. 104, § 8, 40 Stat. 611; Feb. 25, 1919, c. 36, 40 Stat. 1160; Aug. 9, 1921, c. 57, § 17, 42 Stat. 153; Feb. 24, 1925, c. 299, 43 Stat. 964.)

576. Care of alien persons discharged from military service.—The President of the United States is authorized and empowered to make provision for such care and treatment as he may deem advisable of persons discharged from the military or naval forces of the United States on account of physical disability who are citizens of any nation at war with a nation with which the United States is at war; but such provision shall be made only for the citizens of a nation that makes suitable provision for the care and treatment of persons discharged from military or naval forces on account of physical disability who are citizens of the United States: *Provided*, That such care and treatment shall in no case exceed the care and treatment authorized by law and regulations for members of the Army and Navy of the United States discharged from the military or naval service for like cause. (July 9, 1918, c. 143, subchapter VIII, 40 Stat. 881.)

Chapter 11.—WORLD WAR VETERANS' ADJUSTED COMPENSATION.

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PART I.—DEFINITIONS.

Section 591. Citation.—This chapter may be cited as the "World War Adjusted Compensation Act." (May 19, 1924, c. 157, § 1, 43 Stat. 121.)

592. Definitions.—As used in this chapter—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "oversea service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service and not oversea service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Part II; and

(e) The term "person" includes a partnership, corporation, or association as well as an individual. (May 19, 1924, c. 157, § 2, 43 Stat. 121.)

PART II.—ADJUSTED SERVICE CREDIT

601. Computation of amount; maximum.—The amount of adjusted service credit shall be computed by allowing the following sums for each day of active service, in excess of sixty days,

in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: $1.25 for each day of oversea service, and $1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed $500, and the amount of the credit of a veteran who performed any oversea service shall not exceed $625. (May 19, 1924, c. 157, § 201, 43 Stat. 122.)

602. Persons to whom allowances shall not be made.—In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet or cadet engineer of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy;

(g) Any individual granted a farm or industrial furlough—for the period of such furlough;

(h) Any individual detailed for work on roads or other construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 47 of Title 23; or

(i) Any individual who was discharged or otherwise released from the draft—for the period of service terminating with such discharge or release. (May 19, 1924, c. 157, § 202, 43 Stat. 122.)

603. Allowance to commissioned or warrant officer performing home service not with troops; manner of computing credit to veteran; part oversea and part home service; computation of excluded sixty-day period; computation of service of members of National Guard or National Guard Reserve.—(a) The periods referred to in subdivision (e) of section 602 of this title may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 617 of this title.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 602 of this title which are applicable.

(c) If part of the service is oversea service and part is home service, the home service shall first be used in computing the sixty days' period referred to in section 601 of this title.

(d) For the purpose of computing the sixty days' period referred to in section 601 of this title, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 602 of this title, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 601 of this title, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States. (May 19, 1924, c. 157, § 203, 43 Stat. 123.)

PART III.—GENERAL PROVISIONS

611. Adjusted service pay; adjusted service certificate.—Each veteran shall be entitled:

(1) To receive "adjusted service pay" as provided in Part IV of this chapter if the amount of his adjusted service credit is $50 or less;

(2) To receive an "adjusted service certificate" as provided in Part V of this chapter if the amount of his adjusted service credit is more than $50. (May 19, 1924, c. 157, § 301, 43 Stat. 123.)

612. Application for benefits; time for making; by whom made; regulations as to.—(a) A veteran may receive the benefits to which he is entitled by filing an application claiming the benefits of this chapter with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before January 1, 1928, and if not made on or before such date shall be held void.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section. (May 19, 1924, c. 157, § 302, 43 Stat. 123.)

613. Transmittal of application to Director of United States Veterans' Bureau; certificate accompanying.—(a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Director of the United States Veterans' Bureau (hereinafter in this chapter referred to as the "director") the application and a certificate setting forth—

(1) That the applicant is a veteran;

(2) His name and address;

(3) The date and place of his birth; and

(4) The amount of his adjusted service credit together with the facts of record in his department upon which such above conclusions are based.

(b) Upon receipt of such certificate the director shall proceed to extend to the veteran the benefits provided for in Part

IV or V of this chapter. (May 19, 1924, c. 157, § 303, 43 Stat. 124.)

614. Publication of digest of and information relating to law.—(a) The director shall, as soon as practicable after May 19, 1924, prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this chapter; and shall from time to time thereafter prepare and publish such additional or supplementary information as may be found necessary.

(b) The publications provided for in subdivision (a) shall be distributed in such manner as the director may determine to be most effective to inform veterans and their dependents of their rights under this chapter. (May 19, 1924, c. 157, § 304, 43 Stat. 124.)

615. Lists of veterans with amounts of credits; payments by disbursing officers in accordance with.—The Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 592 of this title, and, as to each veteran, the number of days of oversea service and of home service, as defined in section 592 of this title, for which he is entitled to receive adjusted service credit, and their findings shall not be subject to review by the General Accounting Office, and payments made by disbursing officers of the United States Veterans' Bureau made in accordance with such findings shall be passed to their credit. (May 19, 1924, c. 157, § 305, 43 Stat. 124.)

616. Persons who may make regulations.—Any officer charged with any function under the provisions of this chapter shall make such regulations, not inconsistent with the provisions of this chapter, as may be necessary to the efficient administration of such function. (May 19, 1924, c. 157, § 306, 43 Stat. 124.)

617. Administrative reports to Congress.—Any officer charged with the administration of any part of this chapter shall make a full report to Congress on the first Monday of December of each year as to his administration thereof. (May 19, 1924, c. 157, § 307, 43 Stat. 124.)

618. Benefits exempt from seizure under process and taxation.—No sum payable under this chapter to a veteran or his dependents, or to his estate, or to any beneficiary named under Part V of this chapter, no adjusted service certificate, and no proceeds of any loan made on such certificate, shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation. (May 19, 1924, c. 157, § 308, 43 Stat. 125.)

619. Unlawful fees for services rendered; punishment.—Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran or his dependents in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than $500, or imprisonment for not more than one year, or both. (May 19, 1924, c. 157, § 309, 43 Stat. 125.)

PART IV.—ADJUSTED SERVICE PAY

631. To whom payable.—There shall be paid to each veteran by the director (as soon as practicable after receipt of an application in accordance with the provisions of section 612 of this title), in addition to any other amounts due such veteran in pursuance of law, the amount of his adjusted service credit, if, and only if, such credit is not more than $50. (May 19, 1924, c. 157, § 401, 43 Stat. 125.)

632. Assignment; to whom payable.—No right to adjusted service pay under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. Except as provided in Part VI, the director shall not pay the amount of adjusted service pay to any person other than the veteran or such representative of the veteran as he shall by regulation prescribe. (May 19, 1924, c. 157, § 402. 43 Stat. 125.)

PART V.—ADJUSTED SERVICE CERTIFICATES

641. Amounts; time when certificates become operative; naming and changing beneficiaries; to whom and when payable.—The director upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 613 of this title, is directed to issue without cost to the veteran designated therein a nonparticipating adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the amount in dollars of twenty-year endowment insurance that the amount of his adjusted service credit increased by 25 per centum would purchase, at his age on his birthday nearest the date of the certificate, if applied as a net single premium, calculated in accordance with accepted actuarial principles and based upon the American Experience Table of Mortality and interest at 4 per centum per annum, compounded annually. The certificate shall be dated, and all rights conferred under the provisions of this chapter shall take effect, as of the 1st day of the month in which the application is filed, but in no case before January 1, 1925. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the director, change such beneficiary. The amount of the face value of the certificate (except as provided in subdivisions (c), (d), (e), and (f) of section 642 of this title shall be payable out of the fund created by section 645 of this title (1) to the veteran twenty years after the date of the certificate, or (2) upon the death of the veteran prior to the expiration of such twenty-year period, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran. If the veteran died after making application under section 612 of this title, but before January 1, 1925, then the amount of the face value of the certificate shall be paid in the same manner as if his death had occurred after January 1, 1925. (May 19, 1924, c. 157, § 501, 43 Stat. 125.)

642. Loans on adjusted service certificates; when and by whom made; amounts; interest; sale, discount, or rediscount of notes secured by certificates; payment of loans; redemption of certificates by Director of United States Veterans' Bureau; redemption by veteran; death of veteran before or after maturity of loan; loan basis of certificates; payments on loans by director to banks; fees by bank officers in making loans.—(a) A loan may be made to a veteran upon his adjusted service certificate only in accordance with the provisions of this section.

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized, after the expiration of two years after the date of the certificate, to loan to any veteran upon his promissory note secured by his adjusted service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of the loan basis (as defined in subdivision (g) of this section) of the certificate. The rate of interest charged upon the loan by the bank shall not exceed, by more than 2 per centum per annum, the rate charged at the date of the loan for the discount of ninety-day commercial paper under sections 324 to 326 of Title 12 by the Federal reserve bank for the Federal reserve district in which the bank is located. Any bank holding a note for a loan under this section secured by a certificate (whether the bank originally making the loan

or a bank to which the note and certificate have been transferred) may sell the note to, or discount or rediscount it with, any bank authorized to make a loan to a veteran under this section and transfer the certificate to such bank. Upon the indorsement of any bank, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations to be prescribed by the Federal Reserve Board, any such note secured by a certificate and held by a bank shall be eligible for discount or rediscount by the Federal reserve bank for the Federal reserve district in which the bank is located. Such note shall be eligible for discount or rediscount whether or not the bank offering the note for discount or rediscount is a member of the Federal Reserve System and whether or not it acquired the note in the first instance from the veteran or acquired it by transfer upon the indorsement of any other bank. Such note shall not be eligible for discount or rediscount unless it has at the time of discount or rediscount a maturity not in excess of nine months exclusive of days of grace. The rate of interest charged by the Federal reserve bank shall be the same as that charged by it for the discount or rediscount of ninety-day notes drawn for commercial purposes. The Federal Reserve Board is authorized to permit, or on the affirmative vote of at least five members of the Federal Reserve Board to require, a Federal reserve bank to rediscount, for any other Federal reserve bank, notes secured by a certificate. The rate of interest for such rediscounts shall be fixed by the Federal Reserve Board. In case the note is sold, discounted, or rediscounted the bank making the transfer shall promptly notify the veteran by mail at his last known post-office address.

(c) If the veteran does not pay the principal and interest of the loan upon its maturity, the bank holding the note and certificate may, at any time after maturity of the loan but not before the expiration of six months after the loan was made, present them to the director. The director may, in his discretion, accept the certificate and note, cancel the note (but not the certificate), and pay the bank, in full satisfaction of its claim, the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note, up to the date of the check issued to the bank. The director shall restore to the veteran, at any time prior to its maturity, any certificate so accepted, upon receipt from him of an amount equal to the sum of (1) the amount paid by the United States to the bank in cancellation of his note, plus (2) interest on such amount from the time of such payment to the date of such receipt, at 6 per centum per annum, compounded annually.

(d) If the veteran fails to redeem his certificate from the director before its maturity, or before the death of the veteran, the director shall deduct from the face value of the certificate (as determined in section 641 of this title) an amount equal to the sum of (1) the amount paid by the United States to the bank on account of the note of the veteran, plus (2) interest on such amount from the time of such payment to the date of maturity of the certificate or of the death of the veteran, at the rate of 6 per centum per annum, compounded annually, and shall pay the remainder in accordance with the provisions of section 641.

(e) If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, the bank holding the note and certificate shall, upon notice of the death, present them to the director, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the director and fails to present the certificate and note to the director within fifteen days after the notice, such interest shall be only up to the fifteenth day after such notice. The director shall deduct the amount so paid from the face value (as determined under section 641 of this title) of the certificate and pay the remainder in accordance with the provisions of said section 641 of this title.

(f) If the veteran has not died before the maturity of the certificate, and has failed to pay his note to the bank or the Federal reserve bank holding the note and certificate, such bank shall, at the maturity of the certificate, present the note and certificate to the director, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the maturity of the certificate. The director shall deduct the amount so paid from the face value (as determined in section 641 of this title) of the certificate and pay the remainder in accordance with the provisions of said section 641 of this title.

(g) The loan basis of any certificate at any time shall, for the purpose of this section, be an amount which is not in excess of 90 per centum of the reserve value of the certificate on the last day of the current certificate year. The reserve value of a certificate on the last day of any certificate year shall be the full reserve required on such certificate, based on an annual level net premium for twenty years and calculated in accordance with the American Experience Table of Mortality and interest at 4 per centum per annum, compounded annually.

(h) No payment upon any note shall be made under this section by the director to any bank, unless the note when presented to him is accompanied by an affidavit made by an officer of the bank which made the loan, before a notary public or other officer designated for the purpose by regulation of the director, and stating that such bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation (except interest as authorized by this section) in respect of any loan made under this section by the bank to a veteran. Any bank which, or director, officer, or employee thereof who, does so charge, collect, or attempt to charge or collect any such fee or compensation, shall be liable to the veteran for a penalty of $100, to be recovered in a civil suit brought by the veteran. The director shall upon request of any bank or veteran furnish a blank form for such affidavit. (May 19, 1924, c. 157, § 502, 43 Stat. 126.)

643. Prohibited negotiations or assignments of certificates.—No certificate issued or right conferred under the provisions of this title shall, except as provided in section 642 of this title, be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void. (May 19, 1924, c. 157, § 503, 43 Stat. 128.)

644. Conditions and terms printed on certificates.—Any certificate issued under the provisions of this title shall have printed upon its face the conditions and terms upon which it is issued and to which it is subject, including loan values under section 642 of this title. (May 19, 1924, c. 157, § 504, 43 Stat. 128.)

645. Adjusted service-certificate fund; how constituted; appropriations for; estimates for.—There is created a fund in the Treasury of the United States to be known as "The adjusted service-certificate fund," hereinafter in this title called "fund." There is authorized to be appropriated for each calendar year (ending with the calendar year 1946) an amount sufficient as an annual premium to provide for the payment of the face value of each adjusted service certificate in twenty years from its date or on the prior death of the veteran, such amount to be deter-

mined in accordance with accepted actuarial principles and based upon the American Experience Table of Mortality and interest at 4 per centum per annum, compounded annually. The amounts so appropriated shall be set aside in the fund on the first day of the calendar year for which appropriated. The director shall submit estimates for appropriations for the fund created by this section. (May 19, 1924, c. 157, §§ 505, 703, 43 Stat. 128, 131.)

646. **Investment of fund.**—The Secretary of the Treasury is authorized to invest and reinvest the moneys in the fund, or any part thereof, in interest-bearing obligations of the United States and to sell such obligations of the United States for the purposes of the fund. The interest on and the proceeds from the sale of any such obligations shall become a part of the fund. (May 19, 1924, c. 157, § 506, 43 Stat. 128.)

647. **Fund available for payments.**—All amounts in the fund shall be available for payment, by the director, of adjusted service certificates upon their maturity or the prior death of the veteran, and for payments under section 642 of this title to banks on account of notes of veterans. (May 19, 1924, c. 157, § 507, 43 Stat. 128.)

PART VI.—PAYMENTS TO VETERAN'S DEPENDENTS

661. **Enumeration of preference of dependents.**—(a) If the veteran has died before making application under section 612 of this title, or, if entitled to receive adjusted service pay, has died after making application but before he has received payment under Part IV of this chapter, then the amount of his adjusted service credit shall (as soon as practicable after receipt of an application in accordance with the provisions of section 664 of this title, but not before March 1, 1925) be paid to his dependents, in the following order of preference:

(1) To the widow or widower if unmarried;

(2) If no unmarried widow or widower, then to the children, share and share alike;

(3) If no unmarried widow or widower, or children, then to the mother;

(4) If no unmarried widow or widower, children, or mother, then to the father.

(b) For the purposes of this section payments made under paragraph (2) of subdivision (g) of section 301 of the War Risk Insurance Act (October 6, 1917, chapter 105, Fortieth Statutes, page 405) shall not be considered payments made by the United States on account of the death of the veteran. (May 19, 1924, c. 157, § 601, 43 Stat. 128.)

662. **Dependent defined.**—(a) No payment shall be made to any individual under Part VI of this chapter unless at the time of the death of the veteran such individual was dependent.

(b) For the purposes of this section:

(1) A child of the veteran shall be presumed to have been dependent upon him at the time of his death if at such time such child was under eighteen years of age;

(2) The widow or widower shall be presumed to have been dependent upon the veteran upon showing by them, respectively, the marital cohabitation; the father and mother, respectively, shall submit under oath a statement of the dependency, to be filed with the application. (May 19, 1924, c. 157, § 602, 43 Stat. 129.)

663. **Installments; by whom and to whom made.**—The payments authorized by section 661 of this title shall be made in ten equal quarterly installments, unless the total amount of the payment is less than $50, in which case it shall be paid on the first installment date. No payments under the provisions of this title shall be made to the heirs or legal representatives of any dependents entitled thereto who die before receiving all the installment payments, but the remainder of such payments shall be made to the dependent or dependents in the next order of preference under section 661 of this title. All payments under Part VI of this chapter shall be made by the director. (May 19, 1924, c. 157, § 603, 43 Stat. 129.)

664. **Application by dependents; how and when made; regulations.**—(a) A dependent may receive the benefits to which he is entitled under this title by filing an application therefor with the Secretary of War, if the last service of the veteran was with the military forces, or with the Secretary of the Navy, if his last service was with the naval forces.

(b) Applications for such benefits, whether vested or contingent, shall be made by the dependents of the veteran on or before January 1, 1928; except that in case of the death of the veteran during the six months immediately preceding such date the application shall be made at any time within six months after the death of the veteran. Payments under this title shall be made only to dependents who have made application in accordance with the provisions of this subdivision.

(c) An application shall be made (1) personally by the dependent, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the dependent and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section. (May 19, 1924, c. 157, § 604, 43 Stat. 129.)

665. **Same; certificates accompanying transmittal; contents.**—(a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the director the application and a certificate setting forth—

(1) The name and address of the applicant;

(2) That the individual upon whom the applicant bases his claim to payment was a veteran;

(3) The name of such veteran and the date and place of his birth; and

(4) The amount of the adjusted service credit of the veteran, together with the facts of record in the department upon which such above conclusions are based.

(b) Upon receipt of such certificate the director shall proceed to extend to the applicant the benefits provided in Part VI of this chapter if the director finds that the applicant is the dependent entitled thereto. (May 19, 1924, c. 157, § 605, 43 Stat. 130.)

666. **Assignments void; persons to whom payments shall not be made.**—No right to payment under the provisions of Part VI of this chapter shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. The director shall not make any payments under Part VI of this chapter to any person other than the dependent or such representative of the dependent as the director shall by regulation prescribe. (May 19, 1924, c. 157, § 606, 43 Stat. 130.)

667. **"Dependent," "child," "father," and "mother" defined.**—As used in this chapter—

(a) The term "dependent" means a widow, widower, child, father, or mother;

(b) The term "child" includes (1) a legitimate child; (2) a child legally adopted; (3) a stepchild, if a member of the veteran's household; (4) an illegitimate child, but, as to the father only, if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child; and

(c) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have, for a period of not less than one year, stood

in loco parentis to the veteran at any time prior to the beginning of his service. (May 19, 1924, c. 157, § 607, 43 Stat. 130.)

PART VII.—MISCELLANEOUS PROVISIONS

681. Authority of administrative officers; appointment of officers, employees, etc.; expenditures.—The officers having charge of the administration of any of the provisions of this chapter are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this chapter and as may be provided for by the Congress from time to time. All such appointments shall be made subject to the civil-service laws. In all appointments under this section preference shall so far as practicable, be given to veterans. For the administration of the provisions of this chapter, the President may except from the operation of sections 6, 8, 27, 28, 29, and 1026 of Title 10, or of any Act amendatory thereof or supplemental thereto, not more than seven officers of the Army. (May 19, 1924, c. 157, § 701, 43 Stat. 130.)

682. False or fraudulent statements; penalty.—Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Parts III, IV, V, or VI of this chapter, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than five years, or both. (May 19, 1924, c. 157, § 702, 43 Stat. 131.)

683. Estimates by Secretary of War, Secretary of the Navy, and director.—The Secretary of War, the Secretary of the Navy, and the director shall severally submit in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this chapter as each is charged with administering. There is authorized to be appropriated amounts sufficient to defray such expenditures. (May 19, 1924, c. 157, § 703, 43 Stat. 131.)

PHILIPPINE ISLANDS

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

PHILIPPINE SCOUTS

See Title 10, ARMY.

PHOSPHATE LANDS

See Title 30, MINERAL LANDS AND MINING.

PILOTS AND PILOTAGE

See Title 46, SHIPPING.

PIPE LINES

See Title 49, TRANSPORTATION.

POISONS

See Title 21, FOOD AND DRUGS.

POLLUTION OF COASTAL NAVIGABLE WATERS

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

POPULATION

See Title 13, CENSUS.

PORTO RICO

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

POSTAL SAVINGS

See chapter 20 of Title 39, POSTAL SERVICE.

TITLE 39.—THE POSTAL SERVICE

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Post Office Department; see chapter 6 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

Chapter 1.—POST OFFICES.

Sec.
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13. Restrictions on allowances for rent for third-class offices.

Section 1. Establishment of post offices.—The Postmaster General shall establish post offices at all such places on post roads established by law as he may deem expedient, and he shall promptly certify such establishment to the General Accounting Office. (R. S. § 3829; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

2. Discontinuing offices.—The Postmaster General may discontinue any post office where the safety and security of the Postal Service and revenues are endangered from any cause whatever, or where the efficiency of the service requires such discontinuance, and he shall promptly certify such discontinuance to the General Accounting Office. (R. S. § 3864; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

3. Offices at county seats continued.—No post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General, and any such post office at a county seat heretofore consolidated shall be established as a separate post office at such county seat. This provision shall not apply to the city of Cambridge, Massachusetts, or to Towson, Maryland, or to Clayton, Saint Louis County, Missouri. (June 9, 1896, c. 386, 29 Stat. 313; Aug. 24, 1912, c. 389, § 1, 37 Stat. 545.)

4. Post offices to be kept open.—Every postmaster shall keep an office in which one or more persons shall be on duty during such hours of each day as the Postmaster General may direct, except as provided in section 5 of this title, for the purpose of receiving, delivering, making up, and forwarding all mail matter received thereat. (R. S. § 3839.)

5. Sundays; first and second classes excepted.—Post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special delivery mail. (Aug. 24, 1912, c. 389, § 1, 37 Stat. 543.)

6. Making up mail.—All letters brought to any post office half an hour before the time for the departure of the mail shall be forwarded therein; but at offices where, in the opinion of the Postmaster General, more time for making up the mail is required, he may prescribe accordingly, not exceeding one hour. (R. S. § 3840.)

7. Arrival and departure of mail.—The Postmaster General shall furnish to the postmasters at the termination of each route a schedule of the time of arrival and departure of the mail at their offices, respectively, to be posted in a conspicuous place in the office; and he shall also give them notice of any change in the arrival and departure that may be ordered; and he shall cause to be kept and returned to the department, at short and regular intervals, registers, showing the exact times of the arrivals and departures of the mail. (R. S. § 3841.)

8. Disposal of useless papers.—The Postmaster General is hereby authorized to sell as waste paper or otherwise dispose of the files of papers which have accumulated or may accumulate in post offices, that are not needed in the transaction of current business and have no permanent value or historical interest, and pay the proceeds of said sales into the Treasury as postal revenues. (May 11, 1906, c. 2448, 34 Stat. 186.)

9. Rewards for detection of post-office burglars.—Rewards may be paid for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, or, in the discretion of the Postmaster General, when an offender of the class mentioned is killed in the act of committing the crime or in resisting lawful arrest. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1059; June 19, 1922, c. 227, § 1, 42 Stat. 655; Feb. 14, 1923, c. 79, § 1, 42 Stat. 1251; Apr. 4, 1924, c. 84, Title II, 43 Stat. 85; Dec. 5, 1924, c. 4, § 1, 43 Stat. 690; Jan. 22, 1925, c. 87, Title II, 43 Stat. 784; Mar. 4, 1925, c. 556, § 1, 43 Stat. 1337.)

10. Premises leased for post offices.—Whenever any building or part of a building under lease becomes unfit for use as a post office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post office, or the lease may be canceled, at the option of the Postmaster General. (Mar. 3, 1885, c. 342, § 1, 23 Stat. 386; June 19, 1922, c. 227, § 1, 42 Stat. 656.)

11. Rental of first, second, and third class post offices.—The Postmaster General may, in the disbursement of the appropriation for rent, light, and fuel for first, second, and third class post offices, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid monthly for a term not exceeding twenty years. (July 24, 1888, c. 702, § 1, 25 Stat. 345; Apr. 24, 1920, c. 161, § 1, 41 Stat. 578; Mar. 3, 1925, c. 420, 43 Stat. 1105.)

12. Monthly payment of rental for post offices.—The Postmaster General may make monthly payment of rental for post-office premises under lease. (Mar. 3, 1925, c. 420, 43 Stat. 1105.)

13. Restrictions on allowances for rent for third-class offices.—The aggregate allowance for rent of third-class post offices made in any year shall not exceed the amount appropriated for such purpose. (July 24, 1888, c. 702, § 1, 25 Stat. 345.)

Chapter 2.—POSTMASTERS.

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Section 31. Appointment and removal; tenure of office.—Postmasters of the first, second, and third classes shall be appointed and may be removed by the President by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster General, by whom all appointments and removals shall be notified to General Accounting Office. (July 12, 1876, c. 179, § 6, 19 Stat. 80; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

32. Residence.—Every postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated. (Apr. 28, 1904, c. 1759, § 8, 33 Stat. 441.)

33. Oaths to expense accounts.—Postmasters and assistant postmasters are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

34. Bond.—Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster General shall deem sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him either by law or the rules and regulations of the department. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the Bureau of Accounts in the Post Office Department. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole. (R. S. § 3834; Mar. 1, 1909, c. 232, 35 Stat. 670; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

35. Approval of bonds.—The bonds of all postmasters may by the direction of the Postmaster General be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster General or by the Fourth Assistant Postmaster General in the name of the Postmaster General. (Mar. 3, 1877, c. 103, § 2, 19 Stat. 335; Dec. 21, 1893, c. 6, 28 Stat. 21.)

36. New bonds; application of payments.—Whenever any postmaster is required to execute a new bond, all payments made by him after the execution of such new bond, may, if the Postmaster General or the Comptroller General deem it just, be applied first to discharge any balance which may be due from such postmaster under his old bond. (R. S. § 3835; Feb. 4, 1879, c. 45, 20 Stat. 281.)

37. Deficiency in accounts; notice to sureties.—When a deficiency shall be discovered in the accounts of any postmaster, who after the adjustment of his accounts fails, to make good such deficiency, it shall be the duty of the General Accounting Office to notify the Postmaster General of such failure, and upon receiving such notice the Postmaster General shall forthwith deposit a notice in the post office at Washington, District of Columbia, addressed to the sureties respectively upon the bonds of said postmaster, at the office where he or they may reside, if known; but a failure to give or mail such notice shall not discharge such surety or sureties upon such bond. (R. S. § 3835; Feb. 4, 1879, c. 45, 20 Stat. 281; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

38. Time of sureties' liability.—Every postmaster and his sureties shall be responsible under their bond for the safekeeping of the public property of the post office, and the due performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster General. When a person designated to act as postmaster under section 39 of this title shall have taken charge of such post office, the liability of the sureties of the former postmaster shall cease. (R. S. § 3836.)

39. Vacancies; ad interim appointments; bonds of appointees; regular appointments to fill vacancies.—Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safe-keeping of the public property pertaining to the post office and the performance of the duties of his office until

a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay and the Postmaster General shall promptly notify the General Accounting Office of the change. (R. S. § 3836; Mar. 1, 1921, c. 88, § 1, 41 Stat. 1151; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

40. Release of sureties on bond.—If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness. (R. S. § 3838.)

41. Records at post offices.—Every postmaster shall keep a record, in such form as the Postmaster General shall direct, of all postage stamps, envelopes, postal books, blanks, and property received from his predecessor, or from the department or any of its agents; of all receipts in money for postages and box rents, and of all other receipts on account of the postal service, and of any other transactions which may be required by the Postmaster General; and these records shall be preserved and delivered to his successor, and shall be at all times subject to examination by any post-office inspector. (R. S. §§ 3842, 4017; June 11, 1880, c. 206, § 1, 21 Stat. 177.)

42. Quarterly accounts of receipts.—Every postmaster shall render to the Postmaster General, under oath, and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him or at his office, for postage, rent of boxes or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever. (R. S. § 3843.)

43. Same; to be sworn to.—The Postmaster General may require a sworn statement to accompany each quarterly account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box rents, charges, and moneys collected or received at his office during the quarter; that he has not knowingly delivered, or permitted to be delivered, any mail matter on which the postage was not at the time paid; that such account exhibits truly and faithfully the entire receipts collected at his office, and which, by due diligence, could have been collected; and that the credits he claims are just and right. (R. S. § 3844.)

44. Neglect to render accounts.—Whenever any postmaster neglects to render his accounts for one month after the time, and in the form and manner prescribed by law and the regulations of the Postmaster General, he and his sureties shall forfeit and pay double the amount of the gross receipts at such office during any previous or subsequent equal period of time; and if, at the time of trial, no account has been rendered, they shall be liable to a penalty of such sum as the court and jury shall estimate to be equivalent thereto, to be recovered in an action on the bond. (R. S. § 3845.)

45. Withholding commissions based on false returns; affidavit to returns.—In any case where the Postmaster General shall be satisfied that a postmaster has made a false return of business, it shall be within his discretion to withhold commissions on such returns, and to allow any compensation that under the circumstances he may deem reasonable. The form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General. (June 17, 1878, c. 259, § 1, 20 Stat. 141.)

46. Money to be safely kept.—Postmasters shall keep safely without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster General to be transferred or paid out. (R. S. § 3846.)

47. Custody of money in hands of postmasters.—Any postmaster, having public money belonging to the Government, at an office within a city or town where there is no designated depositary, may deposit the same temporarily, at his own risk and in his official capacity, in any national or State bank in the State in which the said postmaster resides, or in which his office is located, or within a reasonable radius of his post office in an adjacent State, but no authority or permission is or shall be given for the payment to or receipt by a postmaster or any other person, of interest, directly or indirectly, on any deposit made as herein described. (R. S. § 3847; May 27, 1908, c. 206, 35 Stat. 415.)

48. Frequent deposits of revenues.—Postmasters shall deposit the postal revenues and all money accruing at their office, as often as once a week at least, and as much oftener as the Postmaster General may direct. (R. S. § 3848.)

49. Adjustment of claims of postmasters and Navy mail clerks for losses by burglary and fire.—The Postmaster General may investigate all claims of postmasters, Navy mail clerks, and assistant Navy mail clerks, for the loss of money-order funds, postal funds, postal savings funds, postage stamps, stamped envelopes, newspaper wrappers, postal cards, postal savings cards, postal savings stamps, postal savings certificates, United States war savings certificate stamps, United States Government thrift stamps, war-tax revenue stamps, and funds received from the sale of such stamps belonging to the United States in the hands of such postmasters, Navy mail clerks, or assistant Navy mail clerks, and for the loss of key-deposit funds, funds deposited to cover postage on mailings, and funds received as deposits to cover orders for stamped envelopes, in the hands of such postmasters, Navy mail clerks, or assistant Navy mail clerks, resulting from burglary, fire, or other unavoidable casualty, and if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, Navy mail clerks, or assistant Navy mail clerks, may pay to such postmasters, Navy mail clerks, or assistant Navy mail clerks, or credit them with the amount so ascertained to have been lost or destroyed, and may also credit postmasters, Navy mail clerks, or assistant Navy mail clerks with the amount of any remittance of money-order funds, postal funds, postal savings funds or funds received from the sale of United States war savings certificate stamps, United States Government thrift stamps, and war tax revenue stamps, made by them in compliance with the instructions of the Postmaster General, which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster, Navy mail clerk, or assistant Navy mail clerk to the office designated as his depository, or after arrival at such depository office and before the postmaster at such depository office has become responsible therefor. No claim exceeding the sum of $10,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor. All such claims must be presented within six months from the time the loss occurred. The Postmaster General shall report his action herein to Congress annually with his reasons therefor in each particular case. (Mar. 17, 1882, c. 41, § 1, 22 Stat. 29; May 9, 1888, c. 231, § 1, 25 Stat. 135; June 11, 1896, c. 424, 29 Stat. 458; Jan. 21, 1914, c. 12, § 1, 38 Stat. 279; May 18, 1916, c. 126, § 14, 39 Stat. 163; July 2, 1918, c. 117, § 10, 40 Stat. 754.)

50. Postmasters as disbursing officers.—Postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails. He may also designate postmasters at presidential post offices as disbursing officers for the payment of the salaries of the officers and

employees of the postal service concerned in the transportation of mails or in their distribution in transit, and for such other payments as they are authorized to make from postal revenues, and he may designate postmasters at money-order post offices as disbursing officers for the payment of the salaries of officers and employees of the postal service, and for such other payments as postmasters are authorized to make from postal revenues. (May 4, 1882, c. 116, § 1, 22 Stat. 54; July 5, 1884, c. 234, § 1, 23 Stat. 156; July 28, 1916, c. 261, § 1, 39 Stat. 418; June 3, 1924, c. 237, 43 Stat. 356.)

51. Report of delinquencies.—Every postmaster shall promptly report to the Postmaster General every delinquency, neglect, or malpractice of contractors, their agents or carriers, which comes to his knowledge. (R. S. § 3849.)

52. Postmasters not to be contractors.—No postmaster, assistant postmaster, or clerk employed in any post office shall be a contractor or concerned in any contract for carrying the mail. (R. S. § 3850.)

53. Classification of postmasters and employees of Postal Service and adjustment of salaries and compensation.—Postmasters and employees of the Postal Service shall be classified and their salaries and compensation adjusted, except as otherwise provided as follows:

Postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are $3,200 or more.

The second class shall embrace all those whose annual salaries are less than $3,200, but not less than $2,400.

The third class shall embrace all those whose annual salaries are less than $2,400, but not less than $1,100.

The fourth class shall embrace all postmasters whose annual compensation amounts to less than $1,100, exclusive of commissions on money orders issued. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

54. Same; compensation of postmasters of first, second, and third classes to be annual salaries payable semimonthly; computation of salaries of respective classes; transfer of third-class offices to fourth class.—The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely:

First class—$40,000, but less than $50,000, $3,200; $50,000, but less than $60,000, $3,300; $60,000, but less than $75,000, $3,400; $75,000, but less than $90,000, $3,500; $90,000, but less than $120,000, $3,600; $120,000, but less than $150,000, $3,700; $150,000, but less than $200,000, $3,800; $200,000, but less than $250,000, $3,900; $250,000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000, but less than $500,000, $4,500; $500,000, but less than $600,000, $5,000; $600,000, but less than $7,000,000, $6,000; $7,000,000 and upward, $8,000.

Second class—$8,000, but less than $12,000, $2,400; $12,000, but less than $15,000, $2,500; $15,000, but less than $18,000, $2,600; $18,000, but less than $22,000, $2,700; $22,000, but less than $27,000, $2,800; $27,000, but less than $33,000, $2,900; $33,000, but less than $40,000, $3,000.

Third class—$1,500, but less than $1,600, $1,100; $1,600, but less than $1,700, $1,200; $1,700, but less than $1,900, $1,300; $1,900, but less than $2,100, $1,400; $2,100, but less than $2,400, $1,500; $2,400, but less than $2,700, $1,600; $2,700, but less than $3,000, $1,700; $3,000, but less than $3,500, $1,800; $3,500, but less than $4,200, $1,900; $4,200 but less than $5,000, $2,000; $5,000, but less than $6,000, $2,100; $6,000, but less than $7,000, $2,200; $7,000, but less than $8,000, $2,300. When the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than $1,500, or when in any calendar year the gross postal receipts are less than $1,400, it shall be relegated to the fourth class.

In order to ascertain the amount of the postal receipts of each office, the Postmaster General may require postmasters to furnish the department with certified copies of their quarterly returns to the Bureau of Accounts in the Post Office Department at such times and for such periods as he may deem necessary in each case. (Mar. 3, 1875, c. 128, § 1, 18 Stat. 340; Mar. 3, 1883, c. 142, §§ 1, 4, 22 Stat. 600, 602; Feb. 7, 1900, c. 11, 31 Stat. 6; Mar. 3, 1903, c. 1009, § 1, 32 Stat. 1166; May 27, 1908, c. 206, 35 Stat. 407; Mar. 4, 1911; c. 241, § 1, 36 Stat. 1329; July 28, 1916, c. 261, § 1, 39 Stat. 413; Oct. 28, 1919, c. 86, 41 Stat. 323; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

55. Salary of postmaster at Washington.—In fixing the salary of the postmaster in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

56. Postmasters' salaries; certain sales of stamps not included.—In determining the gross receipts upon which the salary of a postmaster shall be based, stamps, stamped envelopes, and postal cards sold in large or unusual quantities to any person to be used in mailing matter at other post offices, or in mailing matter diverted from other offices, shall not be included, whether the sale be made with or without solicitation by the postmaster. (Mar. 9, 1914, c. 33, 38 Stat. 296.)

57. Compensation of postmasters of fourth class.—The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, and postal cards canceled, on matter actually mailed at their offices, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed without postage stamps affixed, and on postage collected in money on matter of the first class mailed without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first $75 or less per quarter the postmaster shall be allowed 160 per centum on the amount; on the next $100 or less per quarter, 85 per centum; and on all the balance, 75 per centum, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns. In no case shall there be allowed any postmaster of this class a compensation greater than $300 in any one of the first three quarters of the fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sums as he may by law be entitled to, not exceeding for the whole fiscal year the sum of $1,100, exclusive of money-order commissions. (Mar. 3, 1883, c. 142, § 2, 22 Stat. 602; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1054.)

58. Additional compensation to fourth-class postmasters for separating services and for unusual conditions during portion of year.—The Postmaster General may allow to fourth-class postmasters additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of an allowance for clerical services for this purpose. (May 12, 1910, c. 230, 36 Stat. 359.)

59. Assignment of fourth-class offices to proper class on increase of receipts.—When the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to $1,100, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be

assigned to its proper class on July 1, following, and the salary of the postmaster fixed according to the receipts. (May 18, 1916, c. 126, § 16, 39 Stat. 163; July 28, 1916, c. 261, § 1, 39 Stat. 418; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055.)

60. Advancement of fourth-class offices to appropriate class under unusual conditions; reduction to appropriate class.—Whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the provisions of section 59 of this title. When the Postmaster General has exercised the authority herein granted, he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055.)

61. Salaries; orders relating to.—The Postmaster General shall make all orders relative to the salaries of postmasters; and any change made in such salaries shall not take effect until the first day of the quarter next following the order; and the General Accounting Office shall be notified of any and all changes of salaries. (Mar. 3, 1883, c. 142, § 3, 22 Stat. 602; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

62. Same; limit of pay.—No postmaster shall, under any pretense whatever, have, receive, or retain for himself, in the aggregate, more than the amount of his salary and his commission on the money-order business as provided by law. (R. S. § 3857.)

63. Salaries of acting postmasters.—Any person performing the duties of postmaster, by authority of the President, at any post office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster. (Mar. 3, 1879, c. 180, § 31, 20 Stat. 362.)

64. Post offices; expenses.—The Postmaster General may allow to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, and necessary incidentals to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster General. (R. S. § 3860.)

65. Deductions out of receipts.—The salary of a postmaster, and such other expenses of the Postal Service authorized by law as may be incurred by him, and for which appropriations have been made, may be deducted out of the receipts of his office, under the direction of the Postmaster General. (R. S. § 3861.)

66. Same; audit of vouchers.—Vouchers for all deductions made by a postmaster out of the receipts of his office, on account of the expenses of the Postal Service, shall be submitted for examination to the Bureau of Accounts in the Post Office Department, who shall transmit them for settlement to the General Accounting Office, and no such deduction shall be valid unless found to be in conformity with law. (R. S. § 3862; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

Chapter 3.—ASSISTANT POSTMASTERS, AND CLERKS AND EMPLOYEES.

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81. Allowance for clerk hire at third-class post offices.
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101. Messengers, watchmen, and laborers in first and second class post offices; grades; salaries; promotion; substitute watchmen, etc.; pay.
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118. Compensatory time to foremen, special clerks, carriers, watchmen, messengers, or laborers, at first and second class offices for work on Sundays or holidays; overtime in lieu thereof.
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131. No reduction in rank.
132. Bonds of assistant postmasters and cashiers at first, second, and third class offices.

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133. Extra labor at offices.
134. Navy mail clerks and assistants.
135. Same; bonds.

Section 81. Allowance for clerk hire at third-class post offices.—Postmasters at offices of the third class shall be granted for clerk hire an allowance of $240 per annum where the salary of the postmaster is $1,100 per annum; an allowance of $330 per annum where the salary of the postmaster is $1,200 per annum; an allowance of $420 per annum where the salary of the postmaster is $1,300 per annum; an allowance of $510 per annum where the salary of the postmaster is $1,400 per annum; an allowance of $600 per annum where the salary of the postmaster is $1,500 per annum; an allowance of $690 per annum where the salary of the postmaster is $1,600 per annum; an allowance of $780 per annum where the salary of the postmaster is $1,700 per annum; an allowance of $870 per annum where the salary of the postmaster is $1,800 per annum; an allowance of $960 per annum where the salary of the postmaster is $1,900 per annum; an allowance of $1,050 per annum where the salary of the postmaster is $2,000 per annum; an allowance of $1,140 per annum where the salary of the postmaster is $2,100 per annum; an allowance of $1,400 per annum where the salary of the postmaster is $2,200 per annum; an allowance of $1,600 per annum where the salary of the postmaster is $2,300 per annum. The Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per centum: *Provided, however*, That the aggregate of such allowances, as modified, shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class. (Mar. 3, 1875, c. 128, § 1, 18 Stat. 340; Mar. 3, 1883, c. 142, §§ 1, 4, 22 Stat. 600, 602; Feb. 7, 1900, c. 11, 31 Stat. 6; Mar. 3, 1903, c. 1009, § 1, 32 Stat. 1166; May 27, 1908, c. 206, 35 Stat. 407; Mar. 4, 1911, c. 241, § 1, 36 Stat. 1329; July 28, 1916, c. 261, § 1, 39 Stat. 413; Oct. 28, 1919, c. 86, 41 Stat. 323; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

82. Distributing offices; allowance for clerk hire.—The Postmaster General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties. (July 12, 1876, c. 179, § 11, 19 Stat. 82.)

83. Clerk-hire allowances to postmasters of first, second, and third class; what to cover.—The allowances for clerk hire made to postmasters of the first, second, and third class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, and excepting allowances for separating mails at third-class post offices, as provided by law. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1054.)

84. Clerk hire for third-class postmasters on leave without pay for military purposes.—Where postmasters at offices of the third class are granted leave without pay for military purposes, the Postmaster General may allow, in addition to the maximum amounts which may otherwise be allowed such offices for clerk hire, in accordance with law, an amount not to exceed 50 per centum of the salary of the postmaster. (Oct. 3, 1917, c. 63, § 1109, 40 Stat. 329.)

85. Appointment and assignment of clerks.—The appointment and assignment of clerks at first and second class post offices shall be so made during each fiscal year as not to involve a greater aggregate expenditure than the sum appropriated. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1060; Apr. 24, 1920, c. 161, § 1, 41 Stat. 577.)

86. Salaries of employees other than in automatic grades at offices of first class; computation.—At offices of the first class the annual salaries of the employees, other than those in the automatic grades, shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

Receipts $40,000, but less than $50,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $50,000, but less than $60,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $60,000, but less than $75,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $75,000, but less than $90,000—assistant postmaster, $2,700; superintendent of mails, $2,500. Receipts $90,000, but less than $120,000—assistant postmaster, $2,700; superintendent of mails, $2,600; foremen, $2,500. Receipts $120,000, but less than $150,000—assistant postmaster, $2,800; superintendent of mails, $2,700; foremen, $2,500. Receipts $150,000, but less than $200,000—assistant postmaster, $2,900; superintendent of mails, $2,800; foremen, $2,500. Receipts $200,000, but less than $250,000—assistant postmaster, $3,000; superintendent of mails, $2,900; foremen, $2,500. Receipts $250,000, but less than $300,000—assistant postmaster, $3,100; superintendent of mails, $3,000; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $300,000, but less than $400,000—assistant postmaster, $3,200; superintendent of mails, $3,100; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $400,000, but less than $500,000—assistant postmaster, $3,300; superintendent of mails, $3,200; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $500,000, but less than $600,000—assistant postmaster, $3,500; superintendent of mails, $3,300; assistant superintendent of mails, $2,600; foremen, $2,500; postal cashier, $2,900; money-order cashier, $2,600. Receipts $600,000, but less than $1,000,000—assistant postmaster, $3,700; superintendent of mails, $3,500; assistant superintendent of mails, $2,800; foremen, $2,500; postal cashier, $3,100; money-order cashier, $2,800. Receipts $1,000,000, but less than $2,000,000—assistant postmaster, $3,900; superintendent of mails, $3,700; assistant superintendents of mails, $2,700, $2,800, and $3,100; foremen, $2,500 and $2,600; postal cashier, $3,300; assistant cashiers, $2,600; money-order cashier, $3,000; bookkeepers, $2,400; station examiners, $2,400. Receipts $2,000,000, but less than $3,000,000—assistant postmaster, $4,000; superintendent of mails, $3,800; assistant superintendents of mails, $2,700, $2,800, $3,000, and $3,300; foremen, $2,500 and $2,600; postal cashier, $3,400; assistant cashiers, $2,600 and $2,900; money-order cashier, $3,100; bookkeepers, $2,400 and $2,500; station examiners, $2,600. Receipts $3,000,000, but less than $5,000,000—assistant postmaster, $4,100; superintendent of mails, $3,900; assistant superintendents of mails, $2,700, $2,800, $3,100, and $3,500; foremen, $2,500 and $2,600; postal cashier, $3,600; assistant cashiers, $2,600, $2,800, and $3,100; money-order cashier, $3,300; bookkeepers, $2,400 and $2,500; station examiners, $2,600 and $2,800. Receipts, $5,000,000, but less than $7,000,000—assistant postmaster, $4,300; superintendent of mails, $4,100; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,300, and $3,700; foremen, $2,500 and $2,600; postal cashier, $3,800; assistant cashiers, $2,600, $2,900, and $3,100; money-order cashier, $3,500; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $7,000,000, but less than $9,000,000—assistant postmaster, $4,600; superintendent of mails, $4,300; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,500, and $3,900; foremen, $2,500 and $2,600; postal cashier, $4,000; assistant cashiers, $2,600, $2,800, $3,100, and $3,400; money-order cashier, $3,600; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $9,000,000, but less than $20,000,000—assistant postmasters, $4,700 and $4,800; superintendent of mails, $4,500; assistant superintendents of mails, $2,800, $2,900, $3,100,

$3,500, $3,700, and $4,100; foremen, $2,500, $2,600, and $2,700; postal cashier, $4,100; assistant cashiers, $2,600, $2,800, $3,200, and $3,600; money-order cashier, $3,700; bookkeepers, $2,400, $2,500, $2,600, and $2,800; station examiners, $2,600 and $2,800. Receipts $20,000,000 and upward,—assistant postmasters, $4,800 and $4,900; superintendent of mails, $4,700; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; superintendent of delivery, $4,700; assistant superintendents of delivery, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; foremen, $2,500, $2,600, and $2,700; superintendent of registry, $4,300; assistant superintendents of registry, $2,800, $2,900, $3,100, $3,500, and $4,100; superintendent of money order, $4,300; assistant superintendent of money order, $4,100; auditor, $4,000; postal cashier, $4,300; assistant cashiers, $2,600, $2,800, $3,100, $3,300, and $3,800; money-order cashier, $3,900; bookkeepers, $2,400, $2,600, $2,800, and $3,300; station examiners, $2,600, $2,800, and $3,000. (Mar. 2, 1889, c. 374, § 1, 25 Stat. 841; Mar. 3, 1903, c. 1009, § 1, 32 Stat. 1166; May 27, 1908, c. 206, 35 Stat. 208; Mar. 3, 1917, c. 162, § 1, 39 Stat. 1062; Feb. 28, 1919, c. 69, § 2, 40 Stat. 1199; Feb. 28, 1925, c. 368, § 3, 43 Stat. 1056.)

87. Number of assistant postmasters at certain first-class post offices.—Not more than two assistant postmasters shall be employed at offices where the receipts are $9,000,000 and upward. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

88. Assistant postmasters at second-class offices; salaries; computation.—At offices of the second class the annual salaries of assistant postmasters shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows: $8,000, but less than $10,000, $2,200; $10,000, but less than $12,000, $2,200; $12,000, but less than $15,000, $2,200; $15,000, but less than $18,000, $2,300; $18,000, but less than $22,000, $2,300; $22,000, but less than $27,000, $2,400; $27,000, but less than $33,000, $2,400; $33,000, but less than $40,000, $2,500. (Mar. 2, 1889, c. 374, § 1, 25 Stat. 814; Feb. 28, 1925, c. 368, § 3, 43 Stat. 1056.)

89. Assistant postmasters at certain third-class offices.—The Postmaster General may in the disbursement of the appropriation for clerical services at third-class post offices and within its limitation provide for the employment at a salary of $900 per annum, unless increased under section 676 of Title 5, of assistant postmasters at post offices of the third class where the salary of the postmaster is $2,200 or $2,300 per annum. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1063; June 5, 1920, c. 254, 41 Stat. 1052; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

90. Salaries of supervisory employees at Washington post office.—In fixing the salaries of the supervisory employees in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

91. Number of assistant superintendents of mails, delivery, registry, and assistant cashiers to be paid maximum salaries.—Not more than one assistant superintendent of mails, one assistant superintendent of delivery, one assistant superintendent of registry, and one assistant cashier shall be paid the maximum salary provided for these positions, except where receipts are $9,000,000 and less than $14,000,000, to which offices two assistant superintendents of mail shall be assigned at the maximum salary, one to be in charge of city delivery. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

92. Employees in charge of records and adjustment of accounts in State depositories for surplus postal funds and central accounting offices; increased salaries.—At State depositories for surplus postal funds and central accounting offices, where the gross receipts are less than $500,000, and no postal cashier is provided, the employee in charge of such records and adjustments of the accounts shall be allowed an increase of $200 per annum; if receipts are $500,000 and less than $5,000,000, the postal cashier shall be allowed an increase of $200 per annum. At all central accounting offices where the bookkeeper in charge performs the duties of auditor, he shall be designated chief bookkeeper, at a salary equal to that of the assistant cashier of the highest grade at that office. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

93. Superintendents of classified stations; salaries; basis.—The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each $25,000 of postal receipts shall be considered equal to one additional employee. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1057.)

94. Same; salaries; rates.—At classified stations the salary of the superintendent shall be as follows: One and not exceeding five employees, $2,400; six and not exceeding eighteen employees, $2,500; nineteen and not exceeding thirty-two employees, $2,600; thirty-three and not exceeding forty-four employees, $2,700; forty-five and not exceeding sixty-four employees, $2,800; sixty-five and not exceeding ninety employees, $2,900; ninety-one and not exceeding one hundred and twenty employees, $3,000; one hundred and twenty-one and not exceeding one hundred and fifty employees, $3,100; one hundred and fifty-one and not exceeding three hundred and fifty employees, $3,300; three hundred and fifty-one and not exceeding five hundred employees, $3,500; five hundred and one or more employees, $3,800. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1057.)

95. Assistant superintendents of classified stations; salaries.—At classified stations having forty-five or more employees there shall be assistant superintendents of stations with salaries as follows: Forty-five and not exceeding sixty-four employees, $2,400; sixty-five and not exceeding ninety employees, $2,500; ninety-one and not exceeding one hundred and twenty employees, $2,600; one hundred and twenty-one and not exceeding one hundred and fifty employees, $2,700; one hundred and fifty-one and not exceeding three hundred and fifty employees, $2,900; three hundred and fifty-one and not exceeding five hundred employees, $3,100; five hundred and one employees and upward, $3,400. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

96. Superintendents of delivery and assistant superintendents of delivery at certain post offices; salaries.—At post offices where the receipts are $14,000,000 but less than $20,000,000, there shall be a superintendent of delivery whose salary shall be the same as that provided for the superintendent of mails, and assistant superintendents of delivery at the salaries provided for assistant superintendents of mails. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

97. Promotion of supervisory employees on advancement of office to higher grade.—When an office advances to a higher grade because of increased gross postal receipts for a calendar year, promotion of all supervisory employees shall be made to the corresponding grade at the higher salary provided for the same titles or designations under the higher classification of the office based on its postal receipts. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

98. Minimum of salaries of employees in supervisory grades.—No employee in the supervisory grades shall receive a salary less than $100 more than that paid to the highest grade of clerk or special clerk. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

99. Expenses of supervisory employees.—Supervisory employees of post offices shall be paid their actual expenses as fixed by law. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

100. Grades of certain employees designated by titles for which more than one grade of salary is provided.—In the readjustment of salaries of all employees above the highest grade

for special clerks, those designated on December 31, 1924, by titles for which more than one grade of salary is provided shall be placed in the same relative grade and designation and receive the increased salary provided for. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

101. Messengers, watchmen, and laborers in first and second class post offices; grades; salaries; promotion; substitute watchmen, etc.; pay.—Messengers, watchmen, and laborers in first and second class post offices shall be divided into two grades, as follows: First grade, salary $1,500; second grade, salary $1,600. Watchmen, messengers, and laborers shall be promoted to the second grade after one year's satisfactory service in grade 1. The pay of substitute watchmen, messengers, and laborers shall be at the rate of 55 cents per hour. (Feb. 28, 1925, c. 368, § 5, 43 Stat. 1060.)

102. Excess of number of clerks appropriated for for particular grades.—The Postmaster General to carry out the provisions of this chapter may exceed the number of clerks appropriated for for particular grades. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1002; Apr. 24, 1920, c. 161, § 1, 41 Stat. 577.)

103. Clerks in first and second class post offices and letter carriers in City Delivery Service; grades; salaries; readjustment of grades.—Clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into five grades as follows: First grade—salary, $1,700; second grade—salary, $1,800; third grade—salary, $1,900; fourth grade—salary, $2,000; fifth grade—salary, $2,100. In the readjustment of grades for clerks at first and second class post offices and letter carriers in the City Delivery Service to conform to the grades herein provided, each of the various grades shall include the grade of the same number existing on December 31, 1924. (Mar. 2, 1907, c. 2513, 34 Stat. 1206; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

104. Substitute clerks in first and second class offices and substitute letter carriers appointed regular clerks or carriers; credit for time served as substitutes.—Substitute clerks in first and second class post offices and substitute letter carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served on a basis of one year for each three hundred and six days of eight hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1. (Mar. 4, 1913, c. 143, 37 Stat. 796; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

105. Substitute clerks at other than first and second class offices; other temporary employees.—Except as otherwise provided substitute clerks when assigned to perform the work of regular employees absent on vacations, or when performing auxiliary or temporary work, shall be paid at the rate of 30 cents an hour unless increased under section 676 of Title 5. Other temporary employees connected with the Postal Service shall be paid at the usual rate for each day's service. (Mar. 2, 1907, c. 2513, 34 Stat. 1213; Mar. 4, 1913, c. 143, 37 Stat. 796.)

106. Salaries of carriers and substitutes in Village Delivery Service.—The pay of carriers in the Village Delivery Service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,150 to $1,350 per annum. The pay of substitute letter carriers in the Village Delivery Service shall be at the rate of 50 cents per hour. (Feb. 28, 1925, c. 368, § 10, 43 Stat. 1064.)

107. Credit to postal employees and substitute postal employees for time served in military, naval, or marine service.—Postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military, marine, or naval service on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service, and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade 1. This provision shall apply to postal employees and substitute postal employees who were in the Postal Service on October 1, 1920. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

108. Promotion of clerks in first and second class offices and letter carriers in City Delivery Service.—Clerks in first and second class post offices and letter carriers in the City Delivery Service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade. (Feb. 21, 1879, c. 95, § 4, 20 Stat. 317; Aug. 2, 1882, c. 373, § 2, 22 Stat. 185; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.

109. Same.—No promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year. The Post Office Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline. Clerks and carriers of the highest grade in their respective offices shall be eligible for promotion to the higher positions in said post offices. (Mar. 2, 1907, c. 2513, 34 Stat. 1206.)

110. Special clerks; grades; salaries; adjustment of grades; promotion.—There shall be two grades of special clerks, as follows: First grade—salary, $2,200; second grade—salary, $2,300. In the adjustment of grades for special clerks to conform to the grades herein provided special clerk grade 1 shall include grade 1 existing on December 31, 1924, and special clerk grade 2 shall include grade 2 existing on that date. In all special clerk promotions the senior competent employee shall have preference. (Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

111. Special clerks; executive, finance, money-order, postal-savings, registry, mailing, and other divisions of first-class offices.—As a reward for faithful and meritorious service, special clerks may be appointed in the executive, finance, money-order, postal-savings, registry, mailing, and other divisions of first-class post offices. Clerks in the executive, finance, money-order, postal-savings, registry, and other divisions of first-class post offices who were designated as special clerks, finance clerks, cashiers, foremen, bookkeepers, chief stamp clerks, chief mailing clerks, and stenographers on June 30, 1920, and who were, on and after July 1, 1920, assigned as clerks of grade 5 shall, unless they were demoted for cause, be given the designation and status of special clerks, and assigned to the first or second grade. Clerks who have been designated as special clerks shall not be demoted except for cause. (July 21, 1921, c. 50, § 2, 42 Stat. 144.)

112. Auxiliary and substitute employees.—Auxiliary employees may be employed at offices of the first and second classes and in the City Delivery Service. Such employees shall be required to work not less than two hours daily, and may serve as substitutes and shall be eligible for appointment as clerks and carriers of the first grade.

Substitutes may be employed who shall be eligible for appointment as auxiliary employees and as clerks and carriers of the first grade. (Mar. 2, 1907, c. 2513, 34 Stat. 1206.)

113. Pay of substitute, temporary, or auxiliary clerks at first and second class offices and substitute letter carriers in City Delivery Service.—The pay of substitute, temporary, or auxiliary clerks at first and second class post offices and substitute letter carriers in the City Delivery Service shall be at

the rate of 65 cents per hour. (Mar. 9, 1914, c. 33, 38 Stat. 299; July 27, 1916, c. 261, § 1, 39 Stat. 412; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

114. No distinction in salary between carriers assigned to collection and to delivery duty.—There shall be no distinction in salary made between letter carriers assigned to collection duty and letter carriers assigned to delivery duty. (July 28, 1916, c. 261, § 1, 39 Stat. 417.)

115. Salaries of marine carriers assigned to Detroit River Marine Service.—Marine carriers assigned to the Detroit River Marine Service shall be paid an annual salary of $300 in excess of the highest salary paid carriers in the City Delivery Service. (July 28, 1916, c. 261, § 1, 39 Stat. 417; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

116. Employees in motor-vehicle service; classification; salaries; grades; readjustment; promotion; pay of substitutes; hours of work of certain employees; overtime pay.—Employees in the motor-vehicle service shall be classified as follows: Superintendents, $2,400, $2,600, $2,800, $3,000, $3,400, $3,600, $3,800, $4,000, and $5,000 per annum; assistant superintendents, $2,500, $2,600, and $2,800 per annum; chiefs of records, $2,200, $2,300, $2,400, $2,500, $2,600, $2,800, and $3,000; chiefs of supplies, $2,200, $2,300, and $2,400; chief dispatchers, $2,300 and $2,500; route supervisors, $2,400, $2,500, and $2,600; dispatchers, $2,100, $2,200, and $2,300; chief mechanics, $2,400, $2,500, $2,600, $2,800, and $3,000; mechanics in charge, $2,200, $2,300, and $2,400, and special mechanics, $2,100, $2,200, and $2,300. Assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than $3,000 per annum. General mechanics employed in the motor-vehicle service shall be divided into three grades: First grade, salary $1,900; second grade, salary $2,000; third grade, salary $2,100; and clerks employed in the motor-vehicle service shall be divided into five grades, as follows: First grade, salary $1,700; second grade, salary $1,800; third grade, salary $1,900; fourth grade, salary $2,000; fifth grade, salary $2,100. In the readjustment of grades for clerks in the motor-vehicle service to conform to the grades above provided, each of the various grades shall include the grade of the same number existing on December 31, 1924. General mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade, and clerks employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade, at the respective offices where employed, and promotion shall be made at the beginning of the quarter following one year's satisfactory service in the grade. At first-class post offices there shall be two grades of special clerks in the motor-vehicle service—grade 1, salary $2,200; grade 2, salary $2,300. In the readjustment of grades for special clerks to conform to the grades herein provided, special clerk, grade 1, shall include special clerk, grade 1, existing on December 31, 1924, and special clerk, grade 2, shall include special clerk, grade 2, existing on that date.

Mechanics' helpers employed in the motor-vehicle service shall receive a salary of $1,600 per annum. On satisfactory evidence of their qualifications after one year's service mechanics' helpers shall be promoted to the first grade of general mechanics as vacancies may occur.

Driver-mechanics employed in the motor-vehicle service shall be divided into five grades: First grade, salary $1,600; second grade, salary $1,700; third grade, salary $1,800; fourth grade, salary $1,900; fifth grade, salary $2,000; and garagemen-drivers employed in the motor-vehicle service shall be divided into two grades: First grade, salary $1,550; second grade, salary $1,650. In the readjustment of salaries provided for in this title all driver-mechanics shall be classified in the respective grades as follows: Those with less than one year's service shall be placed in grade 1; those with more than one year's service and less than two years' service shall be placed in grade 2; those with more than two years' service and less than three years' service shall be placed in grade 3; those with more than three years' service and less than four years' service shall be placed in grade 4; those with more than four years' service shall be placed in grade 5. Driver-mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade at the respective offices where employed. Garagemen-drivers in the motor-vehicle service shall be promoted after one year's satisfactory service in the first grade to the second grade at the respective offices where employed, and promotions of driver-mechanics and garagemen-drivers shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

The pay of substitute, temporary, or auxiliary employees in the motor-vehicle service shall be as follows: Special mechanics at the rate of 75 cents per hour; general mechanics at the rate of 70 cents per hour; clerks and driver-mechanics at the rate of 65 cents per hour; and garagemen-drivers at the rate of 55 cents per hour.

Special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service shall be required to work not more than eight hours a day. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duties of the employees shall be regulated accordingly. In cases of emergency, or if the needs of the service require, special clerks, clerks, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees. In computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in section 119 of this title; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. When the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics in charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays. (Feb. 28, 1925, c. 368, § 6, 43 Stat. 1060.)

117. Hours of work for special clerks, clerks, and laborers in first and second class offices, and carriers in City Delivery Service; overtime pay.—Special clerks, clerks, and laborers, in the first and second class post offices and carriers in the City Delivery Service shall be required to work not more than eight hours a day. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the employees shall be regulated accordingly. In cases of emergency, or if the needs of the service require, and it is not practicable to employ substitutes, special clerks, clerks, and laborers, in first and second class post offices and carriers in the City Delivery Service can be required to work in excess of eight hours per day, and for such overtime service they shall

be paid on the basis of the annual pay received by such employees. In computing compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in section 119 of this title; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. (Mar. 4, 1911, c. 241, § 3, 36 Stat. 1339; Aug. 24, 1912, c. 389, § 5, 37 Stat. 554; July 28, 1916, c. 261, § 1, 39 Stat. 416; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

118. Compensatory time to foremen, special clerks, carriers, watchmen, messengers, or laborers, at first and second class offices for work on Sundays or holidays; overtime in lieu thereof.—When the needs of the service require the employment on Sundays and holidays of foremen, special clerks, clerks, carriers, watchmen, messengers, or laborers at first and second class post offices they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1062; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

119. Holidays in Postal Service.—For the purpose of sections 116, 118, and 616 of this title holidays shall be New Year's Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Christmas (December 25); and such other days as the President of the United States may set apart as fast or thanksgiving days. All days, other than the holidays enumerated herein, set aside by the President of the United States as holidays to be observed by the other departments of the Government throughout the United States shall be construed as applicable to the Postal Service in the same manner and to the same extent as the executive departments. (July 28, 1916, c. 261, § 1, 39 Stat. 416; Feb. 28, 1919, c. 69, § 1, 40 Stat. 1193; Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

120. Compensatory time to supervisory employees.—For services required on Sundays of supervisory officers in first and second class post offices, compensatory time off during working days in amount equal to that of the Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe. (Mar. 4, 1911, c. 241, § 3, 36 Stat. 1339.)

121. Reduction in salary; restoration to former grade or advancement to intermediate grade.—Whenever an employee provided for in this chapter shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1064.)

122. Promotion regardless of increase of pay.—All employees provided for in this chapter in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases in salaries granted them by the provisions of this chapter. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

123. Promotion of employee whose promotion withheld.—Whenever the promotion of an employee provided for in this chapter is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1064.)

124. Substitutes for clerks; first or second class post offices, or carriers in City Free Delivery Service.—When any clerk in post offices of the first or second class, or any letter carrier in the City Free Delivery Service, is absent from duty from any cause, other than the fifteen days' annual leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk, or letter carrier, at a rate not to exceed the pay of the grade of work performed by such substitute. (Mar. 3, 1905, c. 1480, § 1, 33 Stat. 1085.)

125. Same; employment to prevent overtime.—Whenever practicable, in case of emergency or otherwise, if a substitute is available the postmaster shall not employ a regular clerk overtime. (Feb. 28, 1919, c. 69, § 1, 40 Stat. 1192.)

126. Same; clerks subpœnaed as witnesses.—The Postmaster General may employ substitutes in the place of clerks subpœnaed as witnesses in the United States courts in cases arising under the United States laws, and expend for the employment of such substitutes a sum equal to the compensation allowed the clerks during the time actually absent from duty attending court. (June 13, 1898, c. 446, § 1, 30 Stat. 440.)

127. Same; carriers on annual leave.—The Postmaster General may employ, when necessary, during the time leave of absence is granted to letter carriers at free-delivery offices, such number of substitute letter carriers as may be deemed advisable. (June 27, 1884, c. 126, 23 Stat. 60.)

128. Assignment of clerks to duty.—Postmasters are authorized, with the approval of the Postmaster General, to assign at any time any clerk or employee of their respective post offices to duty in any branch thereof: *Provided always*, That any employee shall be paid from money-order funds for such time as he is engaged in money-order work. (Mar. 3, 1885, c. 342, § 1, 23 Stat. 385.)

129. Transfer of clerks, carriers, etc.—The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

130. Computation of service on transfer.—The time which such clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion: *Provided*, That no clerk or carrier shall be promoted more than one grade within any one year's period of service. (Mar. 2, 1907, c. 2513, 34 Stat. 1206.)

131. No reduction in rank.—No employee in the Postal Service shall be reduced in rank or salary as the result of the provisions of this title. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

132. Bonds of assistant postmasters and cashiers at first, second, and third class offices.—Assistant postmasters and cashiers at first, second, and third class post offices, and when deemed necessary by the Postmaster General for the better protection of the interests of the Government any other em-

ployees in such offices, shall, before entering upon the duties of their office, give bond to the United States with good and approved security, and in such penalty as the Postmaster General shall prescribe, conditioned for the faithful discharge of all duties and trusts imposed upon them either by law or the rules and regulations of the Post Office Department. (June 13, 1898, c. 446, § 3, 30 Stat. 444.)

133. Extra labor at offices.—Whenever unusual business accrues at any post office, the Postmaster General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business. (R. S. § 3863.)

134. Navy mail clerks and assistants.—Enlisted men of the United States Navy or Marine Corps may, upon selection by the Secretary of the Navy, be designated by the Post Office Department as "Navy mail clerks" and "assistant Navy mail clerks," who shall be authorized to receive and open all pouches and sacks of mail addressed to naval vessels, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Such enlisted men may also be designated as Navy mail clerks and assistant Navy mail clerks with expeditionary forces on shore or for duty at stations and shore establishments under the Navy Department where the services of such mail clerks and assistant mail clerks are necessary. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall give bond to the United States in the sum of $1,000 for the faithful performance of his duties as such clerk, and shall be amenable in all respects to naval discipline, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed $500 per annum, and in that of assistant mail clerks not to exceed $300 per annum, as may be determined and allowed by the Navy Department. (May 27, 1908, c. 206, 35 Stat. 417; Aug. 24, 1912, c. 389, § 11, 37 Stat. 560; Mar. 4, 1917, c. 180, 39 Stat. 1188; July 1, 1918, c. 114, 40 Stat. 718.)

135. Same; bonds.—Every Navy mail clerk and assistant Navy mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk. (Aug. 24, 1912, c. 389, § 3, 37 Stat. 554.)

Chapter 4.—CITY DELIVERY, BRANCH OFFICES, AND RECEIVING BOXES.

Sec.
151. Letter-carrier delivery.
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153. Experimental delivery.
154. Uniform for carriers.
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157. Bonds of carriers.
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170. Same; compensation of persons employed.
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172. Same; false returns; compensation in case of.
173. Same; persons employed deemed postal employees.
174. Same; messengers deemed carriers.
175. Same; allowance for car fare for messengers in first-class offices; delivery in first and second class offices.
176. Same; assistant superintendents; per diem.

Section 151. Letter-carrier delivery.—Letter carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of fifty thousand within its corporate limits, and may be so employed at every place containing a population of not less than ten thousand, within its corporate limits, according to the last general census, taken by authority of State or United States law, or at any post office which produced a gross revenue, for the preceding fiscal year, of not less than $10,000. This section shall not affect the existence of the free delivery in places where it was established prior to January 3, 1887. In offices where the free delivery shall be established, such free delivery shall not be abolished by reason of decrease below ten thousand in population or $10,000 in gross postal revenue, except in the discretion of the Postmaster General. (Jan. 3, 1887, c. 14, § 1, 24 Stat. 355.)

152. Letter carriers on consolidation of offices.—When two or more post offices situated within the corporate limits of any city, village, or borough are consolidated by authority of the Postmaster General, and the said offices together produced a gross revenue for the preceding fiscal year of not less than $10,000, letter carriers may be employed for the free delivery of mail matter in like manner as if any one of such post offices had produced such revenue in said fiscal year. (Feb. 16, 1911, c. 87, 36 Stat. 911.)

153. Experimental delivery.—Experimental mail delivery may be established, under such regulations as the Postmaster General may prescribe, in towns and villages having post offices of the second or third class that are not by law entitled to free-delivery service. (Aug. 24, 1912, c. 389, § 9, 37 Stat. 559.)

154. Uniform for carriers.—The Postmaster General may prescribe a uniform dress to be worn by letter carriers. (R. S. § 3867.)

155. Receiving boxes.—The Postmaster General may establish, in places where letter carriers are employed, and in other places where, in his judgment, the public convenience requires it, receiving boxes for the deposit of mail matter, and shall cause the matter deposited therein to be collected as often as public convenience may require. (R. S. § 3868.)

156. Same; in buildings; chutes as part of.—No boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station, and the Postmaster General is authorized, in his discretion, to declare by official order that the chutes connected with mail boxes that are attached to any chute or device which may be approved by him are a part of said receiving boxes and under the exclusive care and custody of the Post Office Department. (Mar. 3, 1887, c. 388, § 1, 24 Stat. 569; Jan. 23, 1893, c. 41, 27 Stat. 421.)

157. Bonds of carriers.—Every letter carrier shall give bonds, with sureties, to be approved by the Postmaster General, for the safe custody and delivery of all mail matter, and the faithful account and payment of all money received by him. (R. S. § 3870.)

158. Branch offices.—The Postmaster General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed. (R. S. § 3871.)

159. Same; in Hawaii, Porto Rico, and Virgin Islands.—The Postmaster General shall establish in the islands of Hawaii, in Porto Rico and the Virgin Islands under appropriate regulations to be prescribed by him, such branch offices, nonaccounting offices, or stations of Honolulu, San Juan, and Charlotte Amalie, respectively, as in his judgment may be necessary to improve the service and as may be required for the convenience of the public. Such branches, nonaccounting offices, and stations shall be conducted under the name of the existing post offices affected so as to maintain the identity of the offices concerned. (Oct. 28, 1919, c. 86, 41 Stat. 323.)

160. Restrictions on establishing stations and branches.—No station, substation, or branch post office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of fifteen hundred or more inhabitants not distant more than five miles as near as may be from the outer boundary or limits of such city or town in which the principal office is located. (June 9, 1896, c. 386, 29 Stat. 313.)

161. Contracts for conduct of contract stations.—The Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding two years. (May 18, 1916, c. 126, § 15, 39 Stat. 163.)

162. Extra postage or carriers' fees prohibited.—No extra postage or carriers' fees shall be charged or collected upon any mail matter collected or delivered by carriers. (R. S. § 3873.)

163. Expenses of carriers and branch offices.—All expenses of letter carriers, branch offices, and receiving boxes, or incident thereto, shall be kept and reported in a separate account, and shall be shown in comparison with the proceeds from postage on local mail matter at each office, and the Postmaster General shall be guided in the expenditures for this branch of the service by the income derived therefrom. (R. S. § 3874.)

164. Contracts for supplies for free-delivery service.—The Postmaster General may, if in his judgment the good of the service so requires make contract for necessary supplies for the free-delivery service for a period not exceeding four years. (Mar. 2, 1889, c. 374, § 1, 25 Stat. 844.)

165. Special delivery; stamps; deficient postage.—A special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster General, which, when attached to a letter or article of mailable matter weighing not more than two pounds, in addition to the lawful postage thereon, shall be regarded as entitling such letter or other article to immediate delivery within the limits and at the offices specified in section 167 of this title. The omission by the sender to place the lawful postage upon a letter bearing such special-delivery stamp and otherwise entitled to immediate delivery under the provisions of this section shall not hinder or delay the transmission and delivery thereof as provided herein, but such lawful postage shall be collected upon its delivery, in the manner provided by law for the collection of deficient postage resulting from the overweight of letters. (Mar. 3, 1885, c. 342, § 3, 23 Stat. 387; Aug. 4, 1886, c. 901, § 1, 24 Stat. 220; Jan. 16, 1889, c. 50, 25 Stat. 650.)

166. Same; stamps for mail matter weighing more than two pounds.—(a) To procure the immediate delivery of mail matter weighing more than two pounds and not more than ten pounds, stamps of the value of 15 cents shall be affixed (in addition to the regular postage).

(b) To procure the immediate delivery of mail matter weighing more than ten pounds, stamps of the value of 20 cents shall be affixed (in addition to the regular postage).

(c) The Postmaster General is authorized to provide and issue special-delivery stamps of the denominations of 15 and 20 cents. (Feb. 28, 1925, c. 368, § 212, 43 Stat. 1069.)

167. Same; offices at which special delivery may be had; messengers; contracts and compensation.—Every article of mailable matter upon which the proper special stamp shall be duly affixed, shall be entitled to immediate delivery, within the carrier-delivery limit of any free-delivery office, and within one mile of any other post office which the Postmaster General shall at any time designate as a special-delivery post office. The postmaster shall be responsible for such immediate delivery of every such article, and shall cause delivery to be made of all such articles received at his office bearing such stamp and entitled to delivery thereat, and may employ any persons, including clerks and assistants, at third and fourth class offices, as messengers, on such terms as he shall fix as compensation for such delivery; and to defray the expense thereof, such postmaster shall be entitled, upon the adjustment of his quarterly account, to 80 per centum of the face value of all such special-delivery stamps received at his office and recorded, according to this chapter and regulations of the Post Office Department during the quarter; and such allowance shall be in full of all the expenses of such delivery. The Postmaster General may, in his discretion, direct any free-delivery office to be excepted from the foregoing provision, and require the delivery to be made entirely by special messengers, according to the provisions of sections 169 and 170 of this title. He may contract for the immediate delivery of all articles from any post office at any price less than 8 cents per piece, when he shall deem it expedient. (Aug. 4, 1886, c. 901, § 1, 24 Stat. 220.)

168. Same; use of ordinary stamps.—When, in addition to the stamps required to transmit any letter or package of mail matter through the mails, there shall be attached to the envelope or covering ordinary postage stamps of any denomination equivalent to the value fixed by law to procure the immediate delivery of any mail matter, with the words "special delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster General may prescribe, said letter or package shall be handled, transmitted, and delivered in all respects as though it bore a regulation special-delivery stamp. (Mar. 2, 1907, c. 2561, 34 Stat. 1244; Feb. 28, 1925, c. 368, § 213, 43 Stat. 1069.)

169. Same; employment to deliver; receipts.—To provide for the immediate delivery of letters bearing the special stamp, the postmaster may, with the approval of the Postmaster General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post office, and at all times subject to examination by an inspector of the department; but the Postmaster General may, under such rules and regulations as he shall prescribe, authorize the delivery of special-delivery matter without obtaining a receipt therefor: *Provided*, That nothing herein contained shall be construed as excusing the delivery of special-delivery matter by messenger in the first instance. (Mar. 3, 1885, c. 342, § 5, 23 Stat. 388; June 19, 1922, c. 227, § 1, 42 Stat. 656.)

170. Same; compensation of persons employed.—To provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 167 of this title shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt books heretofore specified, and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per centum of the face value of all stamps of the face value of 10 cents received and recorded during that month. For the special delivery of mail matter weighing more than two pounds and not more than ten pounds, 11 cents may be paid to the messenger or other person making such delivery, and for the special delivery of mail matter weighing more than ten pounds, 15 cents may be so paid. Nothing in this section and sections 165 and 169 of this title shall interfere with the prompt delivery of letters as now provided by law or regulations of the Post Office Department. (Mar. 3, 1885, c. 342, § 6, 23 Stat. 388; Mar. 3, 1903, c. 1009, § 2, 32 Stat. 1175; Feb. 28, 1925, c. 368, § 212, 43 Stat. 1069.)

171. Same; regulations.—The Postmaster General shall prescribe suitable regulations, not inconsistent with law, for the performance of the immediate-delivery service, the keeping of the records and rendering of accounts thereof, and all matters connected therewith, and may prescribe the hours within which such immediate delivery shall be made at any post office. (Aug. 4, 1886, c. 901, § 2, 24 Stat. 221.)

172. Same; false returns; compensation in case of.—Any postmaster, or any assistant postmaster, clerk, or employee of a postmaster, who shall make any false return or record of the receipt or delivery of any article of mailable matter as being stamped with a special-delivery stamp, or shall make any false return of the number of articles specially delivered from his office, for the purpose of increasing his compensation, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than $100 nor more than $500, or imprisoned for a term of not less than thirty days nor more than one year, or both such fine and imprisonment at the discretion of the court; and whenever, upon evidence deemed satisfactory to him, the Postmaster General shall determine that any such false return has been made, he may, by order, fix absolutely the compensation of the postmaster for such special delivery during any quarter or quarters which he shall deem affected by such false return, and the General Accounting Office shall adjust the postmaster's account accordingly. (Aug. 4, 1886, c. 901, § 3, 24 Stat. 221; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

173. Same; persons employed deemed postal employees.—Any person employed to make immediate delivery of letters or other mail matter shall be deemed an employee of the postal service, whether he may have been sworn or not, or temporarily or permanently employed, and as such employee shall be liable to any penalties or punishments provided by law for the improper detention, delay, secretion, rifling, embezzlement, purloining, or destruction of any letter or other article of mail matter, or the contents thereof, intrusted to him for delivery or placed in his custody. (Aug. 4, 1886, c. 901, § 4, 24 Stat. 221.)

174. Same; messengers deemed carriers.—Every special-delivery messenger, when actually engaged in carrying or delivering letters or other mail matter under contract, directly or indirectly, with the Post Office Department, or employed by the Post Office Department, shall be deemed a carrier or person intrusted with the mail and having custody thereof within the meaning of sections 320, 321, and 324 of Title 18. (Mar. 3, 1903, c. 1009, § 4, 32 Stat. 1176.)

175. Same; allowance for car fare for messengers in first-class offices; delivery in first and second class offices.—Out of the revenue arising from special-delivery business the Postmaster General may allow expenditures by postmasters at first-class post offices, under regulations to be established by him, for car fare for special-delivery messengers in emergent cases where immediate delivery in the usual way is impracticable, not to exceed in the aggregate, for all offices, $10,000 a year. At first and second class post offices the Postmaster General may establish rules under which special delivery may be effected by any salaried clerk or employee thereof, and the lawful special-delivery fees allowed therefor, in cases where such delivery can not be made by regular messengers. (June 2, 1900, c. 613, § 1, 31 Stat. 260.)

176. Same; assistant superintendents; per diem.—The assistant superintendents of free-delivery shall be allowed a per diem of $4 in lieu of all expenses when traveling on business of the department. (Feb. 24, 1899, c. 187, § 1, 30 Stat. 884.)

Chapter 5.—RURAL DELIVERY SERVICE.

Sec.
191. Extension of service.
192. Routes; classes; increase of length of routes and pay of carriers.
193. Motor vehicles.
194. Carriers to furnish necessary vehicle equipment.
195. Sufficient equipment.
196. Carriers; restrictions; carrying merchandise.
197. Salaries of carriers.
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199. Determination of pay of carriers and substitute carriers.
200. Deductions from salaries.
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202. Rate of compensation of temporary carriers.
203. Carriers; leave of absence; substitutes.
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206. Carriers; equipment maintenance.
207. Temporary reduction of pay of rural carriers.
208. Carrier on Lake Winnepesaukee.
209. Classification of clerks in Rural Free Delivery Service not otherwise provided for.
210. Allowance of expenses by Postmaster General.
211. Post-office inspectors; administering oaths.

Section 191. Extension of service.—Rural mail delivery shall be extended so as to serve, as nearly as practicable, the entire rural population of the United States. (July 28, 1916, c. 261, § 1, 39 Stat. 423.)

192. Routes; classes; increase of length of routes and pay of carriers.—All rural mail-delivery routes shall be divided into two classes to be known as—

Standard horse-drawn vehicle routes, which shall be twenty-four miles in length, and

Standard motor-vehicle routes, which shall be fifty miles in length, and shall only be established when a majority of the proposed patrons who are heads of families residing upon such proposed routes shall by written petition ask the Post Office Department to establish the same.

Nothing herein contained shall be construed to prohibit the establishment of horse-drawn vehicle routes of less length than the standard of twenty-four miles. If, in the discretion of the Postmaster General, in order to render more complete service, it should be necessary to do so the Postmaster General may increase the length of routes not to exceed 50 per centum above the standards herein prescribed. (July 28, 1916, c. 261, § 1, 39 Stat. 423.)

193. Motor vehicles.—Nothing herein shall be construed, and no order shall be issued, to prevent the use of motor vehicles on horse-drawn vehicle routes. (July 28, 1916, c. 261, § 1, 39 Stat. 423.)

194. Carriers to furnish necessary vehicle equipment.—Carriers in rural mail-delivery service shall furnish all necessary vehicle equipment for prompt handling of the mail. (July 28, 1916, c. 261, § 1, 39 Stat. 423.)

195. Sufficient equipment.—The Postmaster General in his discretion may require all carriers to furnish sufficient equip-

ment to properly handle postal business on their routes. (July 28, 1916, c. 261, § 1, 39 Stat. 423.)

196. Carriers; restrictions; carrying merchandise.—Letter carriers of the rural free-delivery service shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster General may prescribe. (Apr. 28, 1904, c. 1759, § 1, 33 Stat. 439; Mar. 4, 1915, No. 15, 38 Stat. 1227; Feb. 28, 1925, c. 368, § 8, 43 Stat. 1063.)

197. Salaries of carriers.—The salary of carriers in the Rural Mail Delivery Service for serving a rural route of twenty-four miles six days in the week shall be $1,800; on routes twenty-two miles and less than twenty-four miles, $1,728; on routes twenty miles and less than twenty-two miles, $1,620; on routes eighteen miles and less than twenty miles, $1,440; on routes sixteen miles and less than eighteen miles, $1,260; on routes fourteen miles and less than sixteen miles, $1,080; on routes twelve miles and less than fourteen miles, $1,008; on routes ten miles and less than twelve miles, $936; on routes eight miles and less than ten miles, $864; on routes six miles and less than eight miles, $792; on routes four miles and less than six miles, $720. Each rural carrier assigned to a route on which daily service is performed shall receive $30 per mile per annum for each mile said route is in excess of twenty-four miles or major fraction thereof, based on actual mileage, and each rural carrier assigned to a route on which triweekly service is performed shall receive $15 per mile for each mile said route is in excess of twenty-four miles or major fraction thereof, based on actual mileage. (Mar. 4, 1915, No. 15, 38 Stat. 1227; Feb. 28, 1925, c. 368, § 8, 43 Stat. 1063.)

198. Salaries of carriers serving triweekly routes.—A rural carrier serving one triweekly route shall be paid a salary and equipment allowance on the basis of a route one-half the length of the route served by him. A rural carrier serving two triweekly routes shall be paid a salary and equipment allowance on the basis of a route one-half of the combined length of the two routes. (Feb. 28, 1925, c. 368, § 8, 43 Stat. 1064.)

199. Determination of pay of carriers and substitute carriers.—The pay of rural carriers and substitute rural carriers, which depends upon the length of the route, shall be determined in accordance with the records of the Post Office Department, which records shall be promptly corrected whenever the Postmaster General determines that such records are not correct. (Apr. 24, 1920, c. 161, § 1, 41 Stat. 582.)

200. Deductions from salaries.—Deductions for failure to perform service on a standard rural delivery route for twenty-four miles and less shall not exceed the rate of pay per mile for service for twenty-four miles and less; and deductions for failure to perform service on mileage in excess of twenty-four miles shall not exceed the rate of compensation allowed for such excess mileage. (Feb. 28, 1925, c. 368, § 8, 43 Stat. 1064.)

201. Substitute carriers.—Under such regulations as the Postmaster General may prescribe, a substitute carrier may be employed at the expense of the regular carrier, to temporarily perform the service on any rural free-delivery mail route. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 112.)

202. Rate of compensation of temporary carriers.—Acting or substitute rural letter carriers shall be paid at the usual rate for each day's service. (Mar. 2, 1907, c. 2513, 34 Stat. 1213.)

203. Carriers; leave of absence; substitutes.—Rural letter carriers after twelve months' service shall be allowed annual leave with pay not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate paid the carrier. (Mar. 2, 1907, c. 2513, 34 Stat. 1215.)

204. Compensation of carriers on water routes.—In the discretion of the Postmaster General the pay of any rural carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding $900 in any one calendar year, unless increased under section 676 of Title 5. (Mar. 1, 1909, c. 232, 35 Stat. 669.)

205. Additional compensation to carriers carrying pouch mail to intermediate post offices.—The Postmaster General may, in his discretion, allow and pay additional compensation to rural letter carriers who are required to carry pouch mail to intermediate post offices, or for intersecting loop routes, in all cases where it appears that the carriage of such pouches increases the expense of the equipment required by the carrier or materially increases the amount of labor performed by him, such compensation not to exceed the sum of $12 per annum for each mile such carrier is required to carry such pouch or pouches. (July 28, 1916, c. 261, § 1, 39 Stat. 423.)

206. Carriers; equipment maintenance.—In addition to the salary herein provided, each carrier in Rural Mail Delivery Service shall be paid for equipment maintenance a sum equal to 4 cents per mile per day for each mile or major fraction of a mile scheduled. Payments for equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers. (July 28, 1916, c. 261, § 1, 39 Stat. 423; Feb. 28, 1925, c. 368, § 8, 43 Stat. 1064.)

207. Temporary reduction of pay of rural carriers.—The Postmaster General may, in his discretion, whenever for disciplinary purposes he deems it advisable to do so, reduce temporarily the pay of rural carriers. In no case shall such a reduction in pay be of more than one grade as fixed by law, nor extend over a greater period of time than one year. (Sept. 21, 1922, c. 363, 42 Stat. 993.)

208. Carrier on Lake Winnepesaukee.—The compensation of the carrier of mail on Lake Winnepesaukee from the post office at Laconia, New Hampshire, who furnishes his own equipment shall be $1,800 per annum unless increased under section 676, of Title 5. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1068; Feb. 28, 1919, c. 69, § 1, 40 Stat. 1194.)

209. Classification of clerks in Rural Free Delivery Service not otherwise provided for.—The Postmaster General may classify clerks in the Rural Free Delivery Service into four classes, graded even hundreds of dollars, at $900, $1,000, $1,100, and not exceeding $1,200 per annum unless increased under section 676 of Title 5. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 112.)

210. Allowance of expenses by Postmaster General.—The Postmaster General may allow such per diem and other incidental expenses in connection with the Rural Free Delivery Service as Congress may from time to time provide. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 112.)

211. Post-office inspectors; administering oaths.—Post-office inspectors and examining inspectors in the Rural Free Delivery Service shall be authorized and empowered to administer oaths to carriers and other persons employed in said service or in connection with any business relating to the same. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 113; Apr. 28, 1904, c. 1759, § 1, 33 Stat. 439; June 26, 1906, c. 3546, 34 Stat. 467.)

Chapter 6.—MAIL MATTER.

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Section 221. Classification of mail matter.—Mailable matter shall be divided into four classes:

First, written matter;

Second, periodical publications;

Third, miscellaneous printed matter and other mailable matter not in the second, third, or fourth classes;

Fourth, merchandise and other mailable matter weighing not less than eight ounces and not in any other class. (Mar. 3, 1879, c. 180, § 7, 20 Stat. 358; Feb. 28, 1925, c. 368, §§ 206, 207, 43 Stat. 1067.)

222. First-class matter.—Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing, except as hereinafter provided. (Mar. 3, 1879, c. 180, § 8, 20 Stat. 358.)

223. Same; limit of weight.—The limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class. (May 18, 1916, c. 126, § 11, 39 Stat. 162.)

224. Second-class matter.—Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in sections 225 and 226 of this title. (Mar. 3, 1879, c. 180, § 10, 20 Stat. 359.)

225. Same; examination; advertisements attached to periodicals.—Matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject. Nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same. (Mar. 3, 1879, c. 180, § 12, 20 Stat. 359.)

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226. Same; conditions admitting publications to.—Except as otherwise provided by law, the conditions upon which a publication shall be admitted to the second class are as follows: First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively. Second. It must be issued from a known office of publication. Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications. Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers. Nothing herein contained shall be so construed as to admit to the second class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Mar. 3, 1879, c. 180, § 14, 20 Stat. 359.)

227. Same; foreign periodicals as; publications violating copyright laws.—Foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States. Nothing herein contained shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States. (Mar. 3, 1879, c. 180, § 15, 20 Stat. 359.)

228. Same; supplements to periodicals.—Publishers of matter of the second class may without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication. (Mar. 3, 1879, c. 180, § 16, 20 Stat. 359.)

229. Same; publications of benevolent or professional societies, educational institutions, State boards, and trades-unions; advertisements; circulation.—All periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than one thousand persons, or by a regularly incorporated institution of learning, or by a regularly established State institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, and by State boards or departments of public charities and corrections, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and such periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades-unions, or by strictly professional, literary, historical, or scientific societies, shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades-unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such benevolent or fraternal societies or orders, trades-unions, or other

societies, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather or other substantial binding, such as distinguish printed books for preservation from periodical publications. The circulation through the mails of periodical publications issued by, or under the auspices of, benevolent or fraternal societies or orders, or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class mail matter, shall be limited to copies mailed to such members as pay therefor, either as a part of their dues or assessments, or otherwise, not less than 50 per centum of the regular subscription price; to other bona fide subscribers; to exchanges, and 10 per centum of such circulation as sample copies. When such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required. The office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto. (Aug. 24, 1912, c. 389, § 1, 37 Stat. 550.)

230. Same; periodical publications of State departments of agriculture.—All periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State departments of agriculture shall be admitted to the mails as second-class mail matter: *Provided*, That such matter shall be published only for the purpose of furthering the objects of such departments: *And provided further*, That such publications shall not contain any advertising matter of any kind. (June 6, 1900, c. 801, 31 Stat. 660.)

231. Same; affidavit of publishers; prepayment of postage.—The Postmaster General, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails, or news agent who distributes any of such newspapers or periodical publications, or employee of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of 1 cent for each two ounces or fractional part thereof; and if such publisher or news agent, or employee of such publisher or news agent, when required by the Postmaster General or any special agent of the Post Office Department to make such affidavit, shall refuse so to do, and shall thereafter, without having made such affidavit deposit any newspapers in the mail for transmission, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not exceeding $1,000 for each refusal; and if any such person shall knowingly and willfully mail any such matter without the payment of postage, or procure the same to be done with the intent to avoid the prepayment of postage due thereon; or if any postmaster or post-office official shall knowingly permit any such matter to be mailed without prepayment of postage, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than $1,000, or imprisoned not exceeding one year, one or both, in the discretion of the court. (Aug. 24, 1874, c. 456, § 9, 18 Stat. 233.)

232. Same; privileges annulled only after hearing.—When any publication has been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested. (Mar. 3, 1901, c. 851, § 1, 31 Stat. 1107.)

233. Same; sworn statements relating to newspapers and other publications.—The editor, publisher, business manager, or owner of every newspaper, magazine, periodical, or other publication, except religious, fraternal, temperance, scientific, or other similar publications, shall file with the Postmaster General and the postmaster at the office at which said publication is entered, not later than the 1st day of April and the 1st day of October of each year, on blanks furnished by the Post Office Department, a sworn statement setting forth the names and post-office addresses of the editor and managing editor, publisher, business managers, and owners, and, in addition, the stockholders, if the publication be owned by a corporation; and also the names of known bondholders, mortgagees, or other security holders; and also, in the case of daily newspapers, the average of the number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding six months. It shall not be necessary to include in such statement the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. A copy of such sworn statement shall be published in the second issue of such newspaper, magazine, or other publication printed next after the filing of such statement. Any such publication shall be denied the privileges of the mail if it shall fail to comply with the provisions of this section within ten days after notice by registered letter of such failure. (Aug. 24, 1912, c. 389, § 2, 37 Stat. 553.)

234. Same; paid editorials and reading matter marked "Advertisement."—All editorial or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other valuable consideration is paid, accepted, or promised shall be plainly marked "Advertisement." Any editor or publisher printing editorial or other reading matter for which compensation is paid, accepted, or promised without so marking the same, shall upon conviction in any court having jurisdiction, be fined not less than $50 nor more than $500. (Aug. 24, 1912, c. 389, § 2, 37 Stat. 554.)

235. Third-class matter.—Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products) and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 240 of this title. (Feb. 28, 1925, c. 368, § 206 (a), 43 Stat. 1067.)

236. Same; circular defined.—The term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such, when the date and the name of the addressed and of the sender shall be written therein, nor by the correction of mere typographical errors in writing. (Mar. 3, 1879, c. 180, § 18, 20 Stat. 360.)

237. Same; printed matter defined.—"Printed matter" is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence. (Mar. 3, 1879, c. 180, § 19, 20 Stat. 360.)

238. Same; letters written by blind.—All letters written in point print or raised characters used by the blind when unsealed shall be transmitted through the mails as third-class matter. (Mar. 2, 1899, c. 362, 30 Stat. 984.)

239. Foreign publications; when free of customs duty.—Printed matter other than books received in the mails from foreign countries under the provisions of postal treaties or conventions shall be free of customs duty, and books which are admitted to the international mails exchanged under the provisions of the Universal Postal Union Convention may, when subject to customs duty, be delivered to addresses in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster General. (Mar. 3, 1879, c. 180, § 17, 20 Stat. 359; Feb. 28, 1925, c. 368, § 206, 43 Stat. 1067.)

240. Fourth-class matter; minimum weight; nonmailable matter.—Mail matter of the fourth class shall weigh in excess of eight ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 235 of this title, not exceeding eleven pounds in weight, nor greater in size than seventy-two inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery. (R. S. § 3879; June 8, 1896, c. 370, 29 Stat. 262; Aug. 24, 1912, c. 389, § 8, 37 Stat. 557; Feb. 28, 1925, c. 368, § 207 (a), 43 Stat. 1067.)

241. Same; experimental transportation of food products.—During the twelve months next succeeding February 28, 1925, the Postmaster General is authorized to conduct experiments in the operation of not more than fifty rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues. The amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

A report on the progress of this experiment shall be made to Congress at the next regular session. (July 28, 1916, c. 261, § 1, 39 Stat. 424; Feb. 28, 1925, c. 368, § 207 (c), 43 Stat. 1068.)

242. Same; purchase or rental of equipment and supplies for Parcel Post System.—The Postmaster General may provide by purchase, rental, or otherwise, such equipment and supplies, including vehicles, maps, stamps, directories, and printed instructions, as may be necessary, to carry out the provisions of this chapter with reference to fourth-class mail matter, and appoint and compensate such employees as may be required. (Aug. 24, 1912, c. 389, § 8, 37 Stat. 558; Mar. 4, 1913, c. 149, 37 Stat. 928.)

243. Same; disposition of nonmailable matter.—All matter of the fourth class shall be subject to examination. If any matter excluded from the mails by section 240 of this title, except that declared nonmailable by section 334 of Title 18, shall, by inadvertence, reach the office of destination, the same shall be delivered in accordance with its address. The party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster General. If the person addressed refuse to give the required information, the postmaster shall hold the package subject to the order of the Postmaster General. All matter declared nonmailable by section 334 of Title 18, which shall reach the office of delivery, shall be held by the postmaster at the said office subject to the order of the Postmaster General. (Mar. 3, 1879, c. 180, § 21, 20 Stat. 360; Aug. 24, 1912, c. 389, § 8, 37 Stat. 557.)

244. Insurance of parcels and collection of postage.—The Postmaster General shall make provision by regulation for the indemnification of shippers of articles sent by fourth-class mail or third-class domestic mail, for shipments injured or lost, by insurance or otherwise, and, when desired, for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional services. (Aug. 24, 1912, c. 389, § 8, 37 Stat. 558; June 7, 1924, c. 347, 43 Stat. 652; Feb. 28, 1925, c. 368, § 211 (c), 43 Stat. 1069.)

245. Same; fee for insurance; receipt of delivery.—The fee for insurance shall be 5 cents for indemnification not to exceed $5; 8 cents for indemnification not to exceed $25; 10 cents for indemnification not to exceed $50; and 25 cents for indemnification not to exceed $100. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of such insured mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery. (Feb. 28, 1925, c. 368, § 211 (a), 43 Stat. 1069.)

246. Same; collect-on-delivery fee.—The fee for collect-on-delivery service shall be 12 cents for collections not to exceed $10; 15 cents for collections not to exceed $50; and 25 cents for collections not to exceed $100. (Feb. 28, 1925, c. 368, § 211 (b), 43 Stat. 1069.)

247. Reformation of classification, etc.—If the Postmaster General shall find on experience that the classification of articles mailable, the weight limit, the rates of postage, zone or zones and other conditions of mailability or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he shall, subject to the consent of the Interstate Commerce Commission after investigation, reform from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or insure the receipt of revenue from such service adequate to pay the cost thereof. (July 28, 1916, c. 261, § 6, 39 Stat. 431; Feb. 28, 1925, c. 368, § 207 (b), 43 Stat. 1067.)

248. Addresses on postal cards and unsealed circulars.—Addresses upon postal cards and unsealed circulars may be either written, printed, or affixed thereto, at the option of the sender. (July 12, 1876, c. 179, § 15, 19 Stat. 82.)

249. Permissible marks on and inclosures in second, third, and fourth class matter.—Mailable matter of the second class shall contain no writing, print, or sign thereon or therein in addition to the original print, except as herein provided, to wit: the name and address of the person to whom the matter shall be sent, index figures of subscription book either printed or written, the printed title of the publication and the place of its publication, the printed or written name and address without addition of advertisement of the publisher or sender, or both, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end, the correction of any typographical error, a mark except by written or printed words, to designate a word or passage to which it is desired to call attention; the words "Sample copy" when the matter is sent as such, the words "Marked copy" when the matter contains a marked item or article, and publishers or news agents may inclose in their publications bills, receipts, and orders for subscriptions thereto, but the same shall be in such form as to convey no other information than the name, place of publication, subscription price of the publication to which they refer and the subscription due thereon. Upon matter of the third and fourth classes or upon the wrapper or envelope inclosing the same or the tag or label

attached thereto the sender may write his own name, occupation, and residence or business address, preceded by the word "From," and may make marks other than by written or printed words to call attention to any word or passage in the text, and may correct any typographical errors. There may be placed upon the blank leaves or cover of any book or printed matter of such classes a simple manuscript dedication or inscription not of the nature of a personal correspondence. Upon the wrapper or envelope or the tag or label attached thereto may be printed any matter mailable as third-class matter. The sender of any third or fourth class matter may write upon the wrapper or cover thereof, or tag or label accompanying the same, any marks, numbers, names, or letters for purpose of description, or may print thereon the same, and any printed matter not in the nature of a personal correspondence, but there must be left on the address side or face of the package a space sufficient for a legible address and necessary stamps. In all cases directions for transmit, delivery, forwarding, or return shall be deemed part of the address; and the Postmaster General shall prescribe suitable regulations for carrying this section into effect. There may be placed on third or fourth class mail matter, or on the package, wrapper, or envelope inclosing the same, or on a tag or label attached thereto, either in writing or otherwise, the words "Please do not open until Christmas," or words to that effect. With a package of fourth-class matter prepaid at the proper rate for that class the sender may inclose any mailable third-class matter. (Jan. 20, 1888, c. 2, § 1, 25 Stat. 1; Mar. 4, 1911, c. 241, § 6, 36 Stat. 1340; Feb. 28, 1925, c. 368, § 206, 43 Stat. 1067.)

250. Wrapping and securing matter not charged with first-class postage.—The Postmaster General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first-class postage, so that the contents of such packages may be easily examined; and no package the contents of which can not be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class. (Mar. 3, 1879, c. 180, § 24, 20 Stat. 361.)

251. Same; removing wrappers.—Postmasters at the office of delivery may remove the wrappers and envelopes from mail matter not charged with letter postage, when it can be done without destroying them, for the purpose of ascertaining whether there is upon or connected with any such matter anything which would authorize or require the charge of a higher rate of postage thereon. (R. S. § 3882.)

252. Newspapers; dried and in wrappers.—No newspapers shall be received to be conveyed by mail unless they are sufficiently dried and inclosed in proper wrappers. (R. S. § 3883.)

253. Same; notice of refusal to receive.—Postmasters shall notify the publisher of any newspaper, or other periodical, when any subscriber shall refuse to take the same from the office, or neglect to call for it for the period of one month. (R. S. § 3885.)

254. Same; carrying out of mail.—Contractors or mail carriers may convey, out of the mail, newspapers for sale or distribution to subscribers. (R. S. § 3888.)

255. Identification of persons claiming mail under fictitious address.—The Postmaster General may, upon evidence satisfactory to him, that any person is using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the Post Office Establishment of the United States, any business scheme or device in violation of the provisions of sections 338 and 339 of Title 18, instruct any postmaster at any post office at which such letters, cards, or packets, addressed to such fictitious, false, or assumed name or address arrive to notify the party claiming or receiving such letters, cards, or packets to appear at the post office and be identified; and if the party so notified fails to appear and be identified, or if it shall satisfactorily appear that such letters, cards, or packets are addressed to a fictitious, false, or assumed name or address, such letters, postal cards, or packages shall be forwarded to the dead-letter office as fictitious matter. (Mar. 2, 1889, c. 393, § 3, 25 Stat 873.)

256. Matter relating to spurious money not mailable.—All matter the deposit of which in the mails is made punishable by sections 338 and 339 of Title 18 is hereby declared nonmailable; but nothing herein contained shall be so construed as to authorize any person other than an employee of the dead-letter office, duly authorized thereto, to open any letter not addressed to himself. (Mar. 2, 1889, c. 393, § 4, 25 Stat. 874.)

257. Delivery of mail to persons not residents of place of address.—Whenever the Postmaster General is satisfied that letters or packets sent in the mails are addressed to places not the residence or business address of the persons for whom they are intended, to enable such persons to escape identification, he may direct postmasters to deliver such letters only from the post office upon identification of persons addressed. (Mar. 2, 1889, c. 393, § 5, 25 Stat. 874.)

258. Letters seized to be returned to senders.—All letters, packets, or other matter which may be seized or detained for violation of law shall be returned to the owner or sender of the same, or otherwise disposed of as the Postmaster General may direct. (R. S. § 3895.)

259. Mail of persons conducting lotteries or fraudulent schemes returned; evidence of agency.—The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters or any other letters or mail matter arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such mail matter to the postmaster at the office at which it was originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof; and all such mail matter so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster General may prescribe. Nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by mail to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself. (R. S. § 3929; Sept. 19, 1890, c. 908, § 2, 26 Stat. 466; Mar. 2, 1895, c. 191, § 4, 28 Stat. 964.)

Chapter 7.—POSTAGE.

Sec.

271. Prepayment of postage.
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273. Acceptance and delivery of prepaid first-class matter without stamps affixed.
274. Disposal of partly paid and unpaid mail matter.
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299. Postage on aeroplane mail.
300. Refund of postage paid for service not rendered, or in excess of legal rate.
301. Special joint Congressional committee to investigate postal rates.

Section 271. Prepayment of postage.—Postage on all mail matter must be prepaid by stamps at the time of mailing, unless herein otherwise provided for. (R. S. § 3896.)

272. Payment of postage before delivery.—No mail matter shall be delivered until the postage due thereon has been paid. (R. S. § 3900.)

273. Acceptance and delivery of prepaid first-class matter without stamps affixed.—The Postmaster General, under such regulations as he may prescribe for the collection of such postage, may accept for delivery and deliver, without postage stamps affixed thereto, mail matter of the first class on which the postage has been fully prepaid at the rate provided by law. (Apr. 24, 1920, c. 161, § 5, 41 Stat. 583.)

274. Disposal of partly paid and unpaid mail matter.—If any mail matter, on which by law the postage is required to be prepaid at the mailing office, shall by inadvertence reach its destination without any prepayment, double the prepaid rates shall be charged and collected on delivery. (R. S. § 3898; June 13, 1898, c. 446, § 4, 30 Stat. 444; Mar. 3, 1903, c. 1009, § 8, 32 Stat. 1176.)

275. Disposal of part-paid first-class matter; deficiency stamps.—All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery; but postmasters, before delivering the same, or any article of mail matter upon which prepayment in full has not been made, shall affix, or cause to be affixed, and canceled as ordinary stamps are canceled, one or more stamps equivalent in value to the amount of postage due on such article of mail matter, which stamps shall be of such special design and denomination as the Postmaster General may prescribe, and which shall in no case be sold by any postmaster nor received by him in prepayment of postage. (Mar. 3, 1879, c. 180, § 26, 20 Stat. 361.)

276. Forwarding or returning to sender charged with postage certain fourth-class mail matter.—Under such regulations as the Postmaster General may prescribe, fourth-class matter of obvious value which is of a perishable nature may be forwarded to the addressee at another post office charged with the amount of the forwarding postage, and when such matter of a perishable nature is undeliverable to the addressee it may be returned to the sender charged with the return postage. Other undeliverable matter of the second, third, and fourth classes may be forwarded to the addressee or to such other person as the sender may direct, at another post office, charged with the amount of the forwarding postage, or it may be returned to the sender charged with the return postage, when it bears the sender's pledge that the postage for forwarding and return will be paid, such postage to be collected on delivery but when the sender refuses to furnish such postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge may be refused. (June 13, 1898, c. 446, § 4, 30 Stat. 444; Mar. 3, 1903, c. 1009, § 9, 32 Stat. 1176; Nov. 19, 1919, c. 119, 41 Stat. 360.)

277. Second-class publications not deliverable at address thereon; return charged with third-class rate.—When copies of any publication of the second class, mailed by a publisher at the pound rate or free in the county of publication, are undeliverable at the address thereon, the postmaster at the office of destination shall promptly notify the publisher of the fact, giving the reason therefor, and copies received five weeks after the mailing of the notice to the publisher, and in no instance until two successive issues thereof have been published, shall, under such regulations as the Postmaster General may prescribe, be separately returned to the publisher thereof charged with postage at the third-class rate. (May 12, 1910, c. 230, 36 Stat. 366.)

278. Returning or remailing without full prepayment; second, third, and fourth class matter.—Except as provided in sections 276 and 277 of this title second, third, and fourth class mail matter shall not be returned to sender or remailed until the postage has been fully prepaid on the same. In all cases where undelivered matter of the second class is of obvious value, the sender, if known, shall be notified of the fact of nondelivery, and be given the opportunity of prepaying the return postage. In all cases when undelivered mail matter of the third and fourth classes is of obvious value, the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself or upon his order, at the office where it is held, upon the payment of 1 cent postage for each card notice given him, under such regulations as the Postmaster General may prescribe. (June 13, 1898, c. 446, § 4, 30 Stat. 444; Mar. 3, 1903, c. 1009, § 9, 32 Stat. 1176.)

279. Box rents to be prepaid.—No box at any post office shall be assigned to the use of any person until the rent thereof has been paid for at least one quarter in advance, for which the postmaster shall give a receipt. (R. S. § 3901.)

280. Postage on first-class matter.—On mailable matter of the first class, except postal cards and drop letters, postage shall be prepaid at the rate of 2 cents for each ounce or fraction thereof; postal cards shall be transmitted through the mails at a postage charge of 1 cent each, including the cost of manufacture; and drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. The Postmaster General may, however, provide, by regulation, for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery. (Mar. 3, 1879, c. 180, § 9, 20 Stat. 358; Mar. 3, 1885, c. 342, § 1, 23 Stat. 386; Oct. 3, 1917, c. 63, § 1100, 40 Stat. 327; Feb. 24, 1919, c. 18, § 1401, 40 Stat. 1150.)

281. Postage on private mailing cards.—It shall be lawful to transmit by mail, at the postage rate of 2 cents apiece, payable by stamps to be affixed by the sender, and under such regulations as the Postmaster General may prescribe, written

messages on private mailing cards, such cards to be sent openly in the mails, to be no larger than the size fixed by the convention of the Universal Postal Union, and to be approximately of the same form, quality, and weight as the stamped postal card in general use in the United States on May 19, 1898. (May 19, 1898, c. 347, 30 Stat. 419; Feb. 28, 1925, c. 368, § 201, 43 Stat. 1066.)

282. Postage on second-class matter; time for paying.—Upon the receipt of newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon. (June 23, 1874, c. 456, § 6, 18 Stat. 233.)

283. Postage on second-class matter sent by publisher or news agent; second-class matter issued by religious, etc., organizations; second-class matter for delivery by carriers; statements, etc., filed by publishers.—(a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per centum of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound, or fraction thereof;

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first and second zones, 2 cents, and third zone, 3 cents.

For the fourth, fifth, and sixth zones, 6 cents.

For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 9 cents;

(3) The rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1½ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

(b) Where the space devoted to advertisements does not exceed 5 per centum of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements.

(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section when deposited in a letter-carrier office for delivery by its carriers, shall be the same as otherwise provided by law, and nothing herein shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication. The Postmaster General may require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing.

(d) With the first mailing of each issue of each such publication the publisher shall file with the postmaster a copy of such issue together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon. (June 23, 1874, c. 456, § 5, 18 Stat. 232; Mar. 3, 1885, c. 342, § 1, 23 Stat. 387; Oct. 3, 1917, c. 63, §§ 1101, 1102, 1103, 40 Stat. 327, 328; Feb. 28, 1925, c. 368, § 202, 43 Stat. 1066.)

284. Postage on proofs of advertisements intended for publications entered as second-class matter.—Single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter. (Mar. 3, 1923, c. 215, 42 Stat. 1434.)

285. Discontinuance of newspaper stamps; collecting and accounting for postage on second-class matter; prepayment.—Newspaper and periodical stamps need not be used, and all postage on second-class matter mailed shall be collected and accounted for under such regulations as the Postmaster General may prescribe. This shall in no manner be construed so as to repeal existing law requiring prepayment of postage upon second-class mail matter. (June 23, 1874, c. 456, § 6, 18 Stat. 233; June 13, 1898, c. 446, § 1, 30 Stat. 443.)

286. Postage on newspapers mailed in county of publication and at free-delivery offices.—Publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section 283 of this title. The rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at 1 cent each; periodicals weighing more than two ounces shall be subject, when delivered by such carriers, to a postage of 2 cents each, and these rates shall be prepaid by stamps affixed. (Mar. 3, 1879, c. 180, § 25, 20 Stat. 361.)

287. Postage on second-class matter mailed by others than publishers or news agents.—The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 2 cents for each two ounces or fraction thereof, for weights not exceeding eight ounces, and for weights of such matter exceeding eight ounces the rates of postage prescribed for fourth-class matter shall be applicable thereto. (June 9, 1884, c. 73, 23 Stat. 40; Oct. 3, 1917, c. 63, § 1106, 40 Stat. 328; Feb. 28, 1925, c. 368, § 203, 43 Stat. 1067.)

288. Postage on second-class matter not exceeding one pound.—Where the total weight of any one edition or issue of any such publication mailed to any one zone does not exceed one pound, the rate of postage shall be 1 cent. (Oct. 3, 1917, c. 63, § 1104, 40 Stat. 328; Feb. 28, 1925, c. 368, § 204, 43 Stat. 1067.)

289. Zone rate to relate to entire bulk.—The zone rates provided in section 283 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages. (Oct. 3, 1917, c. 63, § 1105, 40 Stat. 328; Feb. 28, 1925, c. 368, § 205, 43 Stat. 1067.)

290. Postage on Congressional Record mailed at Washington.—The postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be 1 cent. (June 23, 1874, c. 456, § 13, 18 Stat. 237.)

291. Third-class matter; rate of postage.—The rate of postage on mail matter of the third class shall be 1½ cents for each two ounces or fraction thereof, up to and including eight ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding eight ounces in weight, shall be 1 cent for each two ounces or fraction thereof. (Feb. 28, 1925, c. 368, § 206, 43 Stat. 1067.)

292. Fourth-class matter; postal zones.—For fourth-class mail matter the United States and its several Territories and possessions, excepting the Philippine Islands, shall be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately fifty miles from the center of any given unit of area.

The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately one hundred and fifty miles from the center of a given unit of area.

The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately three hundred miles from the center of a given unit of area.

The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately six hundred miles from the center of a given unit of area.

The fifth zone shall include all units of area outside the fourth zone lying in whole or in part within a radius of approximately one thousand miles from the center of a given unit of area.

The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately one thousand four hundred miles from the center of a given unit of area.

The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately one thousand eight hundred miles from the center of a given unit of area.

The eighth zone shall include all units of area outside the seventh zone. (Aug. 24, 1912, c. 389, § 8, 37 Stat. 557.)

293. Same; rates of postage; service charge.—The rate of postage on fourth-class matter shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by distinctive postage stamps affixed.

Postage on matter of the fourth class shall be prepaid at the following rates:

On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

For delivery within the second zone, 6 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

For delivery within the third zone, 7 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 9 cents for each additional pound or fraction of a pound.

For delivery within the seventh zone, 11 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound. In addition to the rate of postage as established in this section, there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General. (Aug. 24, 1912, c. 389, § 8, 37 Stat. 557; Feb. 28, 1925, c. 368, § 207 (a, b), 43 Stat. 1067.)

294. Same; special handling.—Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words "Special handling" written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class. (Feb. 28, 1925, c. 368, § 207 (b), 43 Stat. 1067.)

295. Quantities of identical pieces of third or fourth class matter accepted for transmission without stamps if prepaid.—Under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than three hundred identical pieces of third-class matter and of second-class matter and two hundred and fifty identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter. (Apr. 28, 1904, c. 1759, § 2, 33 Stat. 440; May 18, 1916, c. 126, § 13, 39 Stat. 162.)

296. Clothing to soldiers by mail.—Packages of woolen, cotton, or linen clothing, not exceeding two pounds in weight, may be sent through the mail to any noncommissioned officer or private in the Army of the United States, if prepaid, at the rate of 1 cent for each one ounce or fraction thereof, subject to such regulations as the Postmaster General may prescribe. (R. S. § 3911.)

297. Postage on foreign mail matter.—The rate of United States postage on mail matter sent to or received from foreign countries with which different rates have not been established by postal convention or other arrangement, when forwarded by vessels regularly employed in transporting the mail, shall be 10 cents for each half ounce or fraction thereof on letters, unless reduced by order of the Postmaster General; 2 cents each on newspapers; and not exceeding 2 cents for each two ounces, or fraction thereof, on pamphlets, periodicals, books, and other printed matter, which postage shall be prepaid on matter sent and collected on matter received; and to avoid loss to the United States in the payment of balances, the Postmaster General may collect the unpaid postage on letters from foreign countries in coin or its equivalent. (R. S. § 3912.)

298. Postage on irregular sea letters.—All letters conveyed by vessels not regularly employed in carrying the mail shall, if for delivery within the United States, be charged with double postage, to cover the fee paid to the vessel. (R. S. § 3913.)

299. Postage on aeroplane mail.—The Postmaster General, in his discretion, may require the payment of postage on mail

carried by aeroplane at not exceeding 24 cents per ounce or fraction thereof. (May 10, 1918, c. 71, 40 Stat. 548.)

300. Refund of postage paid for service not rendered, or in excess of legal rate.—Whenever it shall be shown to the satisfaction of the Postmaster General that any postage is paid on any mail matter for which service is not rendered, or is collected in excess of the lawful rate, he may, in his discretion, authorize the postmaster at the office where paid to refund the proper amount out of the postal receipts in the possession of the postmaster. (Mar. 3, 1905, c. 1480, §, 2, 33 Stat. 1091.)

301. Special joint Congressional committee to investigate postal rates.—A special joint subcommittee is hereby created to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees. The said special joint subcommittee is authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place and to report during the first week of the first regular session of the Sixty-ninth Congress, by bill, its recommendations for a permanent schedule of postal rates. Said special joint subcommittee is hereby authorized to administer oaths, to send for persons or papers, to employ necessary clerks, accountants, experts, and stenographers, the latter to be paid at a cost not exceeding 25 cents per one hundred words; and the expense attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon voucher of its chairman. (Feb. 28, 1925, c. 368, Title II, § 217, 43 Stat. 1070.)

Chapter 8.—THE FRANKING PRIVILEGE.

Sec.
321. Matter relating to official business; official envelopes.
322. Penalty envelopes for answers inclosed.
323. Official correspondence of Superintendent of Documents.
324. Matter relating to naturalization and census.
325. Congressional Record under frank of Members of Congress.
326. Public documents sent and received by Vice President and Members of Congress.
327. Official correspondence of Vice President and Members of Congress.
328. Resident Commissioners.
329. Seeds and reports from Department of Agriculture.
330. Agricultural extension work between agricultural colleges and Department of Agriculture.
331. Reading matter for blind; Bibles.
332. Hawaiian Islands.
333. Matter admitted under penalty privilege restricted.
334. Overweight matter.
335. Lending or permitting use of frank unlawful.

Section 321. Matter relating to official business; official envelopes.—It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States; official mail matter of all officers of the United States Government, not including Members of Congress; all official mail matter of Smithsonian Institute; all official mail matter of the Pan American Union; and all official mail matter of the National Home for Disabled Volunteer Soldiers, the envelopes of such matter in all cases to bear appropriate indorsement containing the proper designation of the office from which, or officer from whom, the same is transmitted with the statement of the penalty for their misuse. Every such letter or package to entitle it to pass free, shall bear over the words "Official business" an indorsement showing also the name of the department, and if from a bureau or office, the names of the department and bureau or office, as the case may be, whence transmitted. It shall be the duty of each of the executive departments of the United States to provide for itself and its subordinate offices necessary envelopes and in addition to the indorsement designating the department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon. Any department or office authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto. Any part paid letter or packet addressed to any of the departments or bureaus may be delivered free, but where there is good reason to believe the omission to prepay the full postage thereon was intentional such letter or packet shall be returned to the sender. This section shall not extend or apply to officers who receive a fixed allowance as compensation for their services including expenses of postages. (Mar. 3, 1877, c. 103, §§ 5, 6, 19 Stat. 335; Mar. 3, 1879, c. 180, § 29, 20 Stat. 362; July 5, 1884, c. 234, § 3, 23 Stat. 158; Aug. 18, 1894, c. 301, § 1, 29 Stat. 412; Feb. 20, 1897, c. 268, 29 Stat. 590.)

322. Penalty envelopes for answers inclosed.—The respective departments shall inclose to Senators, Representatives and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes, addressed as far as practicable, for forwarding or answering such official correspondence. (Mar. 3, 1883, c. 128, § 2, 22 Stat. 563.)

323. Official correspondence of Superintendent of Documents.—All official correspondence of the Superintendent of Documents and all replies to the same shall be entitled to free transmission by mail; and he shall be entitled to frank public documents: *Provided*, That in the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed. (Jan. 12, 1895, c. 23, § 65, 28 Stat. 611.)

324. Matter relating to naturalization and census.—All mail matter, of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Bureau of Naturalization by clerks of State or Federal courts, addressed to the Department of Labor, or the Bureau of Naturalization, or to any official thereof, and indorsed "Official business," and all mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction. (July 2, 1909, c. 2, § 29, 36 Stat. 10; Oct. 6, 1917, c. 79, § 1, 40 Stat. 376; Mar. 3, 1919, c. 97, § 29, 40 Stat. 1301.)

325. Congressional Record under frank of Members of Congress.—The Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a Member of Congress, or Delegate, or Resident Commissioner from Porto Rico or the Philippines, written by himself, be carried in the mail free of postage, under such regulations as the Postmaster General may prescribe. (Mar. 3, 1875, c. 128, § 5, 18 Stat. 343; Aug. 29, 1916, c. 416, § 20, 39 Stat. 552; Mar. 2, 1917, c. 145, § 36, 39 Stat. 963.)

326. Public documents sent and received by Vice President and Members of Congress.—The Vice President, Senators, Representatives, and Delegates in Congress, the Resident Commissioners from Porto Rico and the Philippines, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice President, Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper

designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office. (Jan. 12, 1895, c. 23, § 85, 28 Stat. 622; Aug. 29, 1916, c. 416, § 20, 39 Stat. 552; Mar. 2, 1917, c. 145, § 36, 39 Stat. 963.)

327. Official correspondence of Vice President and Members of Congress.—The Vice President, Members and Members-elect of, Delegates and Delegates-elect to Congress, and the Resident Commissioners from Porto Rico and the Philippines, shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding four ounces in weight, upon official or departmental business. (Apr. 28, 1904, c. 1759, § 7, 33 Stat. 441; Aug. 29, 1916, c. 416, § 20, 39 Stat. 552; Mar. 2, 1917, c. 145, § 36, 39 Stat. 963.)

328. Resident Commissioners.—The Resident Commissioners from Porto Rico and the Philippines shall be allowed the franking privileges allowed by law to Members of Congress. (Aug. 29, 1916, c. 416, § 20, 39 Stat. 552; Mar. 2, 1917, c. 145, § 36, 39 Stat. 963.)

329. Seeds and reports from Department of Agriculture.—Seeds transmitted by the Department of Agriculture, or by any Member of Congress or Delegate receiving seeds for distribution from said department, together with agricultural reports emanating from that department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates. (Mar. 3, 1875, c. 128, § 7, 18 Stat. 343; Feb. 9, 1889, c. 122, § 1, 25 Stat. 659.)

330. Agricultural extension work between agricultural colleges and Department of Agriculture.—All correspondence, bulletins, and reports for the furtherance of the purposes of sections 341 to 348 of Title 7, may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General. (June 30, 1914, c. 131, 38 Stat. 438.)

331. Reading matter for blind; Bibles.—Books, pamphlets, and other reading matter in raised characters for the use of the blind, whether prepared by hand or printed, in single volumes, not exceeding ten pounds in weight, or in packages not exceeding four pounds in weight and containing no advertising or other matter whatever, unsealed and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries, and magazines, periodicals and other regularly issued publications in such raised characters whether prepared by hand or printed, which contain no advertisements, and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage, and under such regulations as the Postmaster General may prescribe. Volumes of the Holy Scriptures, or any part thereof, in raised characters for the use of the blind, whether prepared by hand or printed, which do not contain advertisements, (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe. (Apr. 27, 1904, c. 1612, 33 Stat. 313; Aug. 24, 1912, c. 389, § 1, 37 Stat. 556; June 7, 1924, c. 375, 43 Stat. 668.)

332. Hawaiian Islands.—The franking privilege, as the same is regulated by law, shall extend to the Hawaiian Islands. (Mar. 1, 1899, c. 327, § 4, 30 Stat. 966.)

333. Matter admitted under penalty privilege restricted.—No article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. (June 26, 1906, c. 3546, 34 Stat. 477.)

334. Overweight matter.—No article or package exceeding four pounds in weight shall be admitted to the mails under the penalty privilege except postage stamps, stamped envelopes, newspaper wrappers, postal cards, internal-revenue stamps, single books weighing in excess of that amount, and books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government, or from the Smithsonian Institution. (June 8, 1896, c. 370, 29 Stat. 262; June 26, 1906, c. 3546, 34 Stat. 477; May 18, 1916, c. 126, § 11, 39 Stat. 162.)

335. Lending or permitting use of frank unlawful.—It shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This provision shall not apply to any committee composed of Members of Congress. (June 26, 1906, c. 3546, 34 Stat. 477.)

Chapter 9.—POSTAGE STAMPS, POSTAL CARDS, AND ENVELOPES.

Sec.
351. Stamps.
352. Same; manufacture by Bureau of Engraving and Printing.
353. Same; contracts for manufacture.
354. Stamped envelopes.
355. Contracts for envelopes by Postmaster General.
356. Postal cards.
357. Same; international cards.
358. Letter-sheet envelopes, double postal cards, double-letter envelopes.
359. Deliveries by contractor.
360. Improvements in stamps and envelopes.
361. Sale of stamps at post offices.
362. Limitation on price of stamped envelopes and newspaper wrappers.
363. Stamps and envelopes at discount.
364. Selling stamps at more than face.
365. Stamps to be defaced; precanceled stamps.
366. Failure to deface; report.
367. Uniform ink or appliance for canceling stamps.
368. Permits for special cancellation stamps or postmarking dies; when authorized; duration of; no expenditure of postal funds or appropriations; revocation of permits.
369. Use of precanceled stamped envelopes.

Section 351. Stamps.—The Postmaster General shall prepare postage stamps of suitable denominations, which, when attached to mail matter, shall be evidence of the payment of the postage thereon. (R. S. § 3914.)

352. Same; manufacture by Bureau of Engraving and Printing.—When in the opinion of the Postmaster General the interests of the Post Office Department require it, the manufacturing of special-delivery and adhesive postage stamps may be done by the Treasury Department (Bureau of Engraving and Printing), in conformity with an agreement satisfactory to both the Postmaster General and the Secretary of the Treasury. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 117.)

353. Same; contracts for manufacture.—No contract for the manufacture of adhesive postage stamps, special-delivery stamps, or books of stamps shall be made by the Government

with any department or bureau of the Government below the cost of such work to the Government. (June 26, 1906, c. 3546, 34 Stat. 475.)

354. Stamped envelopes.—The Postmaster General shall provide suitable letter and newspaper envelopes, with such watermarks or other guards against counterfeits as he may deem expedient, and with postage stamps with such device and of such suitable denominations as he may direct, impressed thereon; and such envelopes shall be known as "stamped envelopes," and shall be sold, as nearly as may be, at the cost of procuring them, with the addition of the value of the postage stamps impressed thereon; but no stamped envelope or any other envelope furnished or sold by the Government shall contain any lithographing or engraving, nor any printing nor advertisement except that the usual request for return of the letter to the writer may be printed thereon. Letters and papers inclosed in such stamped envelopes shall, if the postage stamp is of a denomination sufficient to cover the postage properly chargeable thereon, pass in the mail as prepaid matter. (R. S. § 3915; June 23, 1874, c. 456, § 1, 18 Stat. 231; Mar. 3, 1893, c. 213, § 1, 27 Stat. 733; June 26, 1906, c. 3546, 34 Stat. 476.)

355. Contracts for envelopes by Postmaster General.—The Postmaster General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post Office Department, the Postal Service, and other executive departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor. (R. S. § 3915; June 26, 1906, c. 3546, 34 Stat. 476.)

356. Postal cards.—To facilitate letter correspondence, and to provide for the transmission in the mails, at a reduced rate of postage, of messages, orders, notices, and other short communications, either printed or written in pencil or ink, the Postmaster General is authorized and directed to furnish and issue to the public, with postage stamps impressed upon them, "postal cards," manufactured of good stiff paper, of such quality, form, and size as he shall deem best adapted for general use; which cards shall be used as a means of postal intercourse, under rules and regulations to be prescribed by the Postmaster General, and when so used shall be transmitted through the mails at a postage charge of 1 cent each, including the cost of their manufacture. (R. S. § 3916.)

357. Same; international cards.—The Postmaster General may furnish and issue to the public, postal cards with postage stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention of June 1, 1878, at a postage charge of 2 cents each, including the cost of their manufacture. (June 11, 1880, c. 206, § 1, 21 Stat. 179.)

358. Letter-sheet envelopes, double postal cards, double-letter envelopes.—The Postmaster General may take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage stamps of the denominations in use on ordinary envelopes shall be placed. He may also furnish for public use a double postal card, on which shall be placed two 1-cent stamps, said card to be so arranged for the address that it may be forwarded and returned, and to be sold for 2 cents apiece; and also introduce and furnish for public use a double-letter envelope, on which stamps of the denominations in use may be placed, and with the arrangement for the address similar to the double postal card; said letter sheet and double postal card and double envelope to be issued under such regulations as the Postmaster General may prescribe. No money shall be paid for royalty or patent on any of the articles named. (Mar. 3, 1879, c. 180, § 32, 20 Stat. 362.)

359. Deliveries by contractor.—In making contracts for stamped envelopes, stamped paper, and all other supplies, the Postmaster General may require the contractor, under such regulations as he may prescribe, to make delivery at such points in the United States as he may direct, whenever, in his opinion, any such contract can be made at a saving to the Government. (July 16, 1894, c. 137, § 2, 28 Stat. 106.)

360. Improvements in stamps and envelopes.—The Postmaster General may, from time to time, adopt such improvements in postage stamps and stamped envelopes as he may deem advisable; and when any such improvement is adopted it shall be subject to all the provisions herein respecting postage stamps or stamped envelopes. (R. S. § 3917.)

361. Sale of stamps at post offices.—Postage stamps and stamped envelopes shall be furnished by the Postmaster General to all postmasters, and shall be kept for sale at all post offices; and each postmaster shall be held accountable for all such stamps and envelopes furnished to him. (R. S. § 3918.)

362. Limitation on price of stamped envelopes and newspaper wrappers.—No stamped envelopes or newspaper wrappers shall be sold by the Post Office Department at less (in addition to the legal postage) than the cost, including all salaries, clerk hire, and other expenses connected therewith. (July 12, 1876, c. 179, § 14, 19 Stat. 82.)

363. Stamps and envelopes at discount.—Postage stamps and stamped envelopes may be sold at a discount to certain designated agents, who will agree to sell again without discount, under rules to be prescribed by the Postmaster General; but the quantities of each sold to any one agent at one time shall not exceed $100 in value, and the discount shall not exceed 5 per centum on the face value of the stamps, nor the same per centum on the current price of the envelopes when sold in less quantities. (R. S. § 3919.)

364. Selling stamps at more than face.—Postage stamps shall not be sold for any larger sum than the value indicated on their face, nor stamped envelopes for more than is charged therefor by the Post Office Department for like quantities. (R. S. § 3920.)

365. Stamps to be defaced; precanceled stamps.—Postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office in such manner as the Postmaster General may direct. When practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe. (R. S. § 3291; May 18, 1916, c. 126, § 12, 39 Stat. 162.)

366. Failure to deface; report.—If any mail matter shall be forwarded without the stamps or envelopes being so defaced, the postmaster at the office of delivery shall deface them, and report the delinquent postmaster to the Postmaster General. (R. S. § 3921.)

367. Uniform ink or appliance for canceling stamps.—The Postmaster General may adopt a uniform canceling ink or other appliance for canceling stamps which experiments and tests have proved or may prove to be the most practicable and the best calculated to protect the revenues of the department from the frauds practiced upon it, to be used in all the post offices where stamps are canceled, and he may distribute said canceling ink or other appliance in the same manner as other supplies are distributed to the different post offices in the United States. (June 20, 1878, c. 359, § 1, 20 Stat. 240.)

368. Permits for special cancellation stamps or postmarking dies; when authorized; duration of; no expenditure of

postal funds or appropriations; revocation of permits.—The Postmaster General may, under such rules and regulations as he may prescribe, grant permission for the use in first and second class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only: First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit. Such permit shall not be for a longer period than six months and the duration of the event to be advertised. Nothing in this section shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee. Any permission granted under this section shall be revocable in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes. (May 11, 1922, c. 186, §§ 1, 2, 42 Stat. 540.)

369. Use of precanceled stamped envelopes.—The Postmaster General may, under such regulations as he may prescribe, issue a permit to persons using Government stamped envelopes to deface the postage stamps thereon in connection with the placing on the envelopes of the name of the post office and State of mailing, together with such other indicia as may be prescribed. (Feb. 20, 1925, c. 275, 43 Stat. 955.)

Chapter 10.—REGISTERED MAIL.

Sec.
381. System of registration; indemnity for loss of first-class matter.
382. Payment of limited indemnity claims by postmasters.
383. Indemnity for loss of third-class and fourth-class matter.
384. Registered matter and fees.
385. Registry of letters containing currency.
386. Receipt for delivery of registered mail.

Section 381. System of registration; indemnity for loss of first-class matter.—For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the sender or owners of first-class registered matter shall be indemnified for losses thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed $100 for any one registered piece, or the actual value thereof when that is less than $100, and for which no other compensation or reimbursement to the loser has been made. The Post Office Department or its revenues shall not be liable for the loss of mail matter on account of its having been registered except as provided in this chapter. (R. S. § 3926; Feb. 27, 1897, c. 340, § 1, 29 Stat. 559; Mar. 3, 1903, c. 1009, § 1, 32 Stat. 1174.)

382. Payment of limited indemnity claims by postmasters.—The Postmaster General may, under such rules and regulations as he shall prescribe, authorize postmasters to pay limited indemnity claims on insured and collect-on-delivery mail. (Apr. 24, 1920, c. 161, § 1, 41 Stat. 581.)

383. Indemnity for loss of third-class and fourth-class matter.—The Postmaster General may indemnify the senders or owners of third and fourth class domestic registered matter lost in the mails, the indemnity, which shall be paid out of the postal revenues, not to exceed $25 for a single piece of registered matter or the actual value thereof if less than $25: *Provided*, That no indemnity shall be paid if the loser has been otherwise reimbursed. (Mar. 4, 1911, c. 241, § 1, 36 Stat. 1337.)

384. Registered matter and fees.—Mail matter shall be registered only on the application of the party posting the same, and the fees therefor shall not be less than 15 nor more than 20 cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster General shall direct; but the Postmaster General may fix the fee for registered mail matter at any amount less than 20 cents. Letters upon the official business of the Post Office Department which require registering shall be registered free of charge, and pass through the mails free of charge, and any letter or packet to be registered by any of the executive departments or bureaus thereof or by the Public Printer may be registered without the payment of any registry fee. (R. S. § 3927; Mar. 3, 1879, c. 180, § 29, 20 Stat. 362; July 6, 1884, c. 234, § 3, 23 Stat. 158; Feb. 28, 1925, c. 368, § 209, 43 Stat. 1068.)

385. Registry of letters containing currency.—Under such regulations as the Postmaster General may prescribe, all postmasters are authorized to register in the manner prescribed by law, but without payment of any registration fee, all letters containing fractional or other currency of the United States, which shall be by them sent by mail to the Treasurer of the United States for redemption; and the postmaster at the city of Washington, in the District of Columbia, shall register, in like manner, without charge, all letters containing new currency returned for currency redeemed, which shall be received by him from the Treasurer, in sealed packages, marked with the word "Register" over the official signature of the said Treasurer. (R. S. § 3932.)

386. Receipt for delivery of registered mail.—Whenever the sender shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery. (R. S. § 3928; May 23, 1910, c. 255, 36 Stat. 416; Feb. 28, 1925, c. 368, § 210, 43 Stat. 1068.)

Chapter 11.—UNCLAIMED, DEAD, AND REQUEST LETTERS, AND UNCLAIMED PRINTED MATTER.

Sec.
401. Advertising letters not delivered.
402. Same; foreign letters.
403. Same; posting lists.
404. Same; pay for.
405. Same; charge on.
406. Return of undelivered letters.
407. Unpaid letters to dead-letter office.
408. Disposition of dead letters.
409. Request for return.
410. Forwarding letters.
411. Disposal of uncalled-for printed matter.

Section 401. Advertising letters not delivered.—The Postmaster General may direct the publication of the list of nondelivered letters at any post office by written list posted in some public place, or, when he shall deem it for the public interest, he may direct the publication of such list in the daily or weekly newspaper regularly published within the post-office delivery which has the largest circulation within such delivery, and where no daily paper is published within the post-office delivery, such list may be published in the daily newspaper of any adjoining delivery having the largest circulation within the delivery of the post office publishing the list; and in case of dispute as to the circulation of competing newspapers, the postmaster shall receive evidence and decide upon the fact. Such list shall be published as frequently as the Postmaster General may deem proper, but not oftener than once a week. (R. S. § 3930.)

402. Same; foreign letters.—The list of nondelivered letters addressed to foreign-born persons may be published in a newspaper printed in the language most used by them, which shall be selected in the manner prescribed in section 401 of this title. (R. S. § 3931.)

403. Same; posting lists.—Every postmaster shall post, in a conspicuous place in his office, a copy of each list of nondelivered letters immediately after its publication. (R. S. § 3933.)

404. Same; pay for.—The compensation for publishing the list of nondelivered letters shall in no case exceed 1 cent for each letter so published. (R. S. § 3934.)

405. Same; charge on.—All letters published as nondelivered shall be charged with 1 cent in addition to the regular postage, to be accounted for as part of the postal revenue. (R. S. § 3935.)

406. Return of undelivered letters.—The Postmaster General may regulate the period during which undelivered letters shall remain in any post office and when they shall be returned to the dead-letter office; and he may make regulations for their return from the dead-letter office to the writers when they can not be delivered to the parties addressed. When letters are returned from the dead-letter office to the writers, a fee of 3 cents shall be collected at the time of delivery, under such rules and regulations as the Postmaster General may prescribe. (R. S. § 3936; Apr. 24, 1920, c. 161, § 4, 41 Stat. 583.)

407. Unpaid letters to dead-letter office.—All domestic letters deposited in any post office for mailing, on which the postage is wholly unpaid or paid less than one full rate as required by law, except letters lawfully free, and duly certified letters of soldiers, sailors, and marines in the service of the United States, shall be sent by the postmaster to the dead-letter office in Washington. But in large cities and adjacent districts of dense population, having two or more post offices within a distance of three miles of each other, any letter mailed at one of such offices and addressed to a locality within the delivery of another of such offices, which shall have been inadvertently prepaid at the drop or local letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery. (R. S. § 3937.)

408. Disposition of dead letters.—All letters of domestic origin which can not be delivered by postmasters shall be sent to the Post Office Department or to a post office designated by the Postmaster General and such as contain inclosures of value, other than correspondence, shall be recorded. If the sender or addressee can not be identified, such letters shall be held for a period of one year awaiting reclamation. If within one year they have not been claimed, they shall be disposed of as the Postmaster General may direct. All other undeliverable letters shall be disposed of without record and not held for reclamation. (R. S. § 3938; July 28, 1916, c. 261, § 1, 39 Stat. 418.)

409. Request for return.—When the writer of any letter on which the postage is prepaid shall indorse on the outside thereof his name and address, such letter shall not be advertised, but, after remaining uncalled for at the office to which it is directed the time the writer may direct or the Postmaster General prescribe, shall be returned to the writer without additional charge for postage, and if not then delivered, shall be treated as a dead letter. (R. S. § 3939; June 24, 1910, c. 380, 36 Stat. 630.)

410. Forwarding letters.—Prepaid letters shall be forwarded from one post office to another, at the request of the party addressed, without additional charge for postage. (R. S. § 3940.)

411. Disposal of uncalled-for printed matter.—The Postmaster General may provide, by regulations, for disposing of printed and mailable matter which may remain in any post office, or in the department, not called for by the party addressed; but if the publisher of any refused or uncalled-for newspaper or other periodical shall pay the postage due thereon, such newspaper or other periodical shall be excepted from the operation of such regulations. (R. S. § 4061.)

Chapter 12.—CONTRACTS FOR CARRYING THE MAILS.

Sec.
421. Advertisement; general mail lettings.
422. Same; temporary mail lettings; contracts.
423. Transmission by pneumatic tubes; contracts; expert commission; report.
424. Contracts for inland and foreign steamboat mail service.
425. Proposals; sealing; opening.
426. Bond of bidder.
427. Same; justification of sureties; false oath.
428. Recording and preserving bids; unaccepted bids; reports as to movement of mails.
429. Contracts to lowest bidder.
430. Signing contracts for mail transportation.
431. Copies of contracts.
432. Combinations to prevent bids.
433. Same; for star routes; service, how obtained.
434. Failure to enter into or perform contract; proceedings.
435. New sureties on mail contracts.
436. Limit of time of contract.
437. Changing terms of contract.
438. Same; notice of intention.
439. Payment on contract.
440. Pay for additional regular service.
441. Allowance for additional expedition; limit.
442. Extension of mail route.
443. Fining contractors.
444. Mail contracts not assignable.
445. Subletting or transfer of contract.
446. Same; settlements and payments.
447. Cancellation of contract sublet; subcontractor's rights.
448. Services performed for contractor or subcontractor.
449. Water-route contracts.
450. Water routes; carriage of mails as freight or express.
451. Star routes served entirely by Rural Delivery Service.

Section 421. Advertisement; general mail lettings.—The Postmaster General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted in each post office named in said advertisements for at least sixty days before the time of such general lettings, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings. (R. S. § 3941; Mar. 1, 1881, c. 96, § 1, 21 Stat. 374; May 12, 1910, c. 230, 36 Stat. 366.)

422. Same; temporary mail lettings; contracts.—After providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days, in the post offices at the termini of any route to be let, and upon a bulletin board in the Post Office Department, inviting proposals, in such form and with such guaranty as may be prescribed by the Postmaster General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service. (July 26, 1892, c. 249, § 1, 27 Stat. 268.)

423. Transmission by pneumatic tubes; contracts; expert commission; report.—The Postmaster General may enter into contracts not exceeding in the aggregate $1,388,750 for the transmission of mail by pneumatic tubes or other similar devices, for a period not exceeding ten years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. Contracts for this service shall be subject to the provisions of the postal laws and regulations relating to the letting of mail contracts, except as herein otherwise provided, and no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster General

the needs of the Postal Service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

The Postmaster General shall have the right to reject any and all bids; no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster General, of his ability to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

No contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of 4 per centum of the gross postal revenue of said city for the last preceding fiscal year.

In the city of New York, including the borough of Brooklyn, the annual rate of expenditure for the transmission of mail by such tubes or devices, including power, labor, and all operating expenses, shall not exceed $18,500 per mile of double line of tubes or such other sum not exceeding $19,500 per mile as may have been prescribed by the Interstate Commerce Commission under the Act of June 19, 1922, chapter 227.

No contract shall be made in any other city providing for three miles or more of double lines of tube which shall involve an expenditure in excess of $17,000 per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

Only such contracts shall be made as may from time to time be provided for in the annual appropriation Act for the Postal Service. Said service shall not be extended in any cities other than those in which the service was under contract under authority of Congress on March 2, 1907, except the borough of Brooklyn, of the city of New York, and the cities of Baltimore, Maryland, Cincinnati, Ohio, Kansas City, Missouri, Pittsburgh, Pennsylvania, and San Francisco, California. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 114; Mar. 2, 1907, c. 2513, 34 Stat. 1211; May 27, 1908, c. 206, 35 Stat. 412.)

424. Contracts for inland and foreign steamboat mail service.—The Postmaster General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service. (Mar. 3, 1885, c. 342, § 1, 23 Stat. 386.)

425. Proposals; sealing; opening.—Proposals for carrying the mail shall be delivered sealed, and so kept until the bidding is closed, and shall then be opened and marked in the presence of the Postmaster General, and one of the Assistant Postmasters General, or of two of the Assistant Postmasters General, or of any other two officers of the department, to be designated by the Postmaster General; and any bidder may withdraw his bid at any time before twenty-four hours previous to the time fixed for the opening of proposals, by serving upon the Postmaster General notice in writing of such withdrawal. (R. S. § 3944; July 28, 1916, c. 261, § 1, 39 Stat. 418.)

426. Bond of bidder.—Every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds $5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted. (R. S. § 3945; June 8, 1872, c. 335, § 245, 17 Stat. 313; June 23, 1874, c. 456, § 12, 18 Stat. 235.)

427. Same; justification of sureties; false oath.—Before the bond of a bidder, provided for in section 426 of this title, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster General, and answered by the sureties under oath showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, in what county and State the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury. (R. S. § 3946; June 8, 1872, c. 335, § 246, 17 Stat. 313; June 23, 1874, c. 456, § 12, 18 Stat. 235; Aug. 11, 1876, c. 260, 19 Stat. 129.)

428. Recording and preserving bids; unaccepted bids; reports as to movement of mails.—The Postmaster General shall have recorded, in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid, and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals until the end of the contract term to which they relate, after which the proposals that were not accepted may be destroyed or disposed of as waste paper. The reports of the arrivals and departures of the mails on mail routes made and sent by postmasters to the Second Assistant Postmaster General, on which no fines or deductions from the pay of contractors for carrying the mails have been based, and the certificates of oaths taken by carriers on mail routes may be disposed of as waste paper after the expiration of one year from the end of the contract term to which they relate. (R. S. § 3948; June 13, 1898, c. 446, § 2, 30 Stat. 444.)

429. Contracts to lowest bidder.—All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. Such contracts shall require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract. (R. S. § 3949; May 18, 1916, c. 126, § 6, 39 Stat. 161.)

430. Signing contracts for mail transportation.—Contracts made in the Post Office Department for the various classes of

mail transportation may, upon order of the Postmaster General, be signed in the place and stead of the Postmaster General by the Assistant Postmaster General who is charged with the supervision of the mail transportation involved, and such officer shall attest his signature to such contracts by the seal of the Post Office Department. (Mar. 3, 1887, c. 103, § 3, 19 Stat. 335; Mar. 3, 1917, c. 162, § 2, 39 Stat. 1068.)

431. Copies of contracts.—The Postmaster General shall deliver to the General Accounting Office, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof. (R. S. § 404; June 10, 1921, c. 18 § 304, 42 Stat. 24.)

432. Combinations to prevent bids.—No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for five years, and for the second offense shall be forever disqualified. (R. S. § 3950.)

433. Same; for star routes; service, how obtained.—Whenever in the judgment of the Postmaster General the bids received for any star route are exhorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General may, out of the appropriation for inland transportation by star routes, employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies. (May 18, 1916, c. 126, § 7, 39 Stat. 161.)

434. Failure to enter into or perform contract; proceedings.—After any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster General shall proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall readvertise such route. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster General shall consider such bid too high) who will enter into contract and give bond, with sureties, to be approved by the Postmaster General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder; and if no contract can be secured at the price named in said next lowest bid, then the Postmaster General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and if no satisfactory contract can be thus secured, the route shall be readvertised. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law. The cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor. The Postmaster General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term. In all cases of regular contracts the contract may, in the discretion of the Postmaster General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster General. (R. S. § 3951; June 8, 1872, c. 335, § 251, 17 Stat. 314; June 23, 1874, c. 456, § 12, 18 Stat. 235; Aug. 11, 1876, c. 260, 19 Stat. 129; Aug. 3, 1882, c. 379, § 21, 22 Stat. 216; May 18, 1916, c. 126 § 8, 39 Stat. 16.)

435. New sureties on mail contracts.—The Postmaster General, whenever, he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety. (R. S. § 3955; Mar. 3, 1879, c. 180, § 30, 20 Stat. 362.)

436. Limit of time of contract.—Except as otherwise provided by law, no contract for carrying the mail shall be made for a longer term than four years, and no contract for carrying the mail on the sea shall be made for a longer term than two years. (R. S. § 3956.)

437. Changing terms of contract.—Whenever, by reason of any error, omission, or other cause, any route which should properly be advertised for the regular letting is omitted, it shall be the duty of the Postmaster General to advertise the same as soon as the error or omission shall be discovered, and the proposals for such route shall be opened as soon as possible after the other proposals in the same contract section; and the contract made under such supplementary advertisement shall run, as nearly as possible, from the beginning to the end of the regular contract term, and, during the time necessarily lost by reason of such error, omission, or other cause, the Postmaster

General shall provide for the carrying of the mail on such route at as low rate as possible, without advertising. (R. S. § 3957.)

438. Same; notice of intention.—Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in section 437 of this title, notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts. (R. S. § 3958.)

439. Payment on contract.—No person whose bid for carrying the mail is accepted shall receive any pay until he has executed his contract according to law and the regulations of the department. (R. S. § 3959.)

440. Pay for additional regular service.—Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order. (R. S. § 3960.)

441. Allowance for additional expedition; limit.—No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution. The Postmaster General shall not expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding 50 per centum upon the contract as originally let. (R. S. § 3961; Apr. 7, 1880, c. 48, § 2, 21 Stat. 72.)

442. Extension of mail route.—The Postmaster General may, in cases where the mail service would be thereby improved, extend service on a mail route under contract, at not exceeding pro rata additional pay. The extensions beyond either terminus ordered during a contract term shall not, in the aggregate, exceed twenty-five miles. (Mar. 4, 1911, c. 241, § 1, 36 Stat. 1339.)

443. Fining contractors.—The Postmaster General may make deductions from the pay of contractors, for failures to perform service according to contract, and impose fines upon them for other delinquencies. He may deduct the price of the trip in all cases where the trip is not performed; and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier. (R. S. § 3962.)

444. Mail contracts not assignable.—No contractor for transporting the mail within or between the United States and any foreign country shall assign or transfer his contract, and all such assignments or transfers shall be null and void. (R. S. § 3963.)

445. Subletting or transfer of contract.—No subletting or transfer of any mail contracts shall be permitted without the consent in writing of the Postmaster General; and whenever it shall come to the knowledge of the Postmaster General that any contractor has sublet or transferred his contract, except with the consent of the Postmaster General as aforesaid, the same shall be considered as violated and the service may be again advertised as provided by law; and the contractor and his securities shall be liable on their bond to the United States for any damage, resulting to the United States in the premises. (May 17, 1878, c. 107, § 2, 20 Stat. 62.)

446. Same; settlements and payments.—When any person or persons being under contract with the Government of the United States for carrying the mails, shall lawfully sublet any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Postmaster General a copy of his or their contract; and thereupon it shall be the duty of the Postmaster General to notify the General Accounting Office of the fact of the filing in his office of such contract. Said notice shall embrace the name or names of the original contractor or contractors, the number of the route or routes, the name or names of the subcontractor or subcontractors, and the amount agreed to be paid to the subcontractor or subcontractors. And upon the receipt of said notice by the General Accounting Office it shall be his duty to retain, out of the amount due the original contractor or contractors, the amount stated in said notice as agreed to be paid to the subcontractor or subcontractors, and shall pay said amount, upon the certificate of the Postmaster General, to the subcontractor or subcontractors, under the same rules and regulations governing the payments made to original contractors. Upon satisfactory evidence that the original contractor or contractors have paid off and discharged the amount due under his or their contract to the subcontractor or subcontractors, it shall be the duty of the Postmaster General to certify such fact to the General Accounting Office; and thereupon said office shall settle with the original contractor or contractors, under the same rules as are provided by law for such settlements. (May 17, 1878, c. 107, § 3, 20 Stat. 62; July 28, 1916, c. 261, § 1, 39 Stat. 418; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

447. Cancellation of contract sublet; subcontractor's rights.—Whenever any contractor or subcontractor shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster General may, whenever he shall deem it for the good of the service, declare the original contract at an end, and enter into a contract with the last subcontractor, without advertising, to perform the service on the terms at which the last subcontractor agreed with the original contractor or former subcontractor to perform the same. Such last subcontractor shall enter into a good and sufficient bond and the original contractor shall not be released from his contract until a good and sufficient bond has been made by such last subcontractor and accepted by the Post Office Department. When a contract is declared void on account of its having been sublet, the contractor shall not be entitled to one month's extra pay as formerly provided. Where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied. (May 4, 1882, c. 116, § 1, 22 Stat. 53.)

448. Services performed for contractor or subcontractor.—If any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor. Such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor. (May 18, 1916, c. 126, § 9, 39 Stat. 162.)

449. Water-route contracts.—When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between the ports of the United States,

upon which mail service has previously been performed, the Postmaster General may contract with the owner or master of any steamship, steamboat or other vessel plying upon the waters or between ports of the United States, for carrying the mail upon said route for any length of time not exceeding four years and without advertising for proposals therefor whenever the public interest and convenience will thereby be promoted; but the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract upon the same route. And the Postmaster General may contract with the owners or masters of steamships, steamboats or other vessels plying upon the waters or between ports of the United States for carrying the mails upon such routes where no mail service has previously been performed, without advertising for proposals therefor; but no contract for such new service shall be for a longer time than one year. No contract for carrying the mails between the United States and any foreign port shall be for a longer time than two years, unless otherwise directed by Congress. (R. S. § 3943; May 17, 1878, c. 107, § 5, 20 Stat. 62.)

450. Water routes; carriage of mails as freight or express.—When there is no competition for inland transportation by steamboat or other power-boat routes or by aeroplanes and the rate of compensation asked is excessive, or no proposal is received, the Postmaster General may require that the mails be carried as freight or express, and it shall be unlawful for any common carrier by water to refuse to carry the mails when so required, and the penalty for such offense shall be a fine of $500. Each day of refusal shall constitute a separate offense. (July 2, 1918, c. 117, § 1, 40 Stat. 747.)

451. Star routes served entirely by Rural Delivery Service.—No part of the appropriation for inland transportation by star routes shall be expended for continuance of any star route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served by Rural Delivery Service, unless the services of a qualified rural carrier can not be secured. (July 2, 1918, c. 117, § 1, 40 Stat. 751.)

Chapter 13.—AIR MAIL.

Sec.
461. Short title.
462. Air mail defined.
463. Same; postage rates.
464. Same; contracts for transportation of air mail.
465. Same; rules and regulations.
466. Aeroplane for aeroplane mail service.
467. Purchase of equipment and supplies for aeroplane mail service.
468. Sale of unsuitable aviation material.

Section 461. Short title.—Sections 461 to 465 of this chapter may be cited as the "Air Mail Act." (Feb. 2, 1925, c. 128, § 1, 43 Stat. 805.)

462. Air mail defined.—When used in sections 463 to 465 of this title the term "air mail" means first-class mail prepaid at the rates of postage herein prescribed. (Feb. 2, 1925, c. 128, § 2, 43 Stat. 805.)

463. Same; postage rates.—The rates of postage on air mail shall be not less than 10 cents for each ounce or fraction thereof. (Feb. 2, 1925, c. 128, § 3, 43 Stat. 805.)

464. Same; contracts for transportation of air mail.—The Postmaster General may contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such air mail, and further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail. The cost of such transportation to be paid for out of the appropriation for inland transportation by railroad routes. (Mar. 1, 1921, c. 88, § 1, 41 Stat. 1152; Feb. 2, 1925, c. 128, § 4, 43 Stat. 805.)

465. Same; rules and regulations.—The Postmaster General may make such rules, regulations, and orders as may be necessary to carry out the provisions of sections 462 to 465 of this title. Nothing in such sections shall be construed to interfere with the postage charged or to be charged on Government-operated air mail routes. (Feb. 2, 1925, c. 128, § 5, 43 Stat. 806.)

466. Aeroplanes for aeroplane mail service.—The Postmaster General may expend any sum appropriated for that purpose for the purchase of aeroplanes and the operation and maintenance of aeroplane mail service between such points, including service to and between points in Alaska, as he may determine. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1064; Feb. 28, 1919, c. 69, § 1, 40 Stat. 1194.)

467. Purchase of equipment and supplies for aeroplane mail service.—The Postmaster General shall purchase, as far as practicable, such available and suitable equipment and supplies for the aeroplane mail service as may be owned by or under construction for the War Department or the Navy Department when no longer required because of the cessation of war activities, and it shall be his duty to first ascertain if such articles of the character described may be secured from the War Department or the Navy Department before purchasing such equipment or supplies elsewhere. If such equipment or supplies, other than emergency supplies, are purchased elsewhere than from the War Department or the Navy Department, the Postmaster General shall report such action to Congress, together with the reasons for such purchases. All articles purchased from either of said departments shall be paid for at a reasonable price considering wear and tear and general condition. Said departments are authorized to sell such equipment and supplies to the Post Office Department under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts. The Secretary of War and the Secretary of the Navy are authorized and directed to deliver immediately to the Postmaster General, as he may request, and as hereinbefore provided, such aeroplane machines, supplies, equipment, and parts as may be serviceable and available for the aeroplane mail service, the same to be out of any equipment that the War Department or the Navy Department has on hand or under construction, the War Department and the Navy Department appropriations to be credited with the equipment turned over to the Post Office Department. Separate accounts shall be kept of the amount expended for aeroplane mail service. (Feb. 28, 1919, c. 69, § 1, 40 Stat. 1194.)

468. Sale of unsuitable aviation material.—The Postmaster General may sell under such rules and regulations as he may prescribe any airplanes, parts thereof, field equipment, tools and other aviation material which have become unsuitable in the Postal Service or which will deteriorate and become unsuitable before it can be used. The proceeds of such sales shall be covered into the Treasury as "Miscellaneous receipts." (June 5, 1920, c. 253, § 1, 41 Stat. 1031.)

Chapter 14.—CARRYING THE MAIL.

Sec.
481. What are post roads.
482. Post routes.
483. Provisions for carrying the mail.
484. Mail to every courthouse.
485. Carrying the mail on canals.
486. Carrying the mail on plank roads.
487. Carrying the mail on waters of the United States.
488. Emergency mail service in Alaska.
489. Extending line of posts; compensation.
490. Selecting post roads.
491. Change of post-road terminus.
492. Discontinuing service on post road.
493. Contract for service over routes not established by law.

Sec.
494. Mail carrying by vessels not in mail service.
495. Prepaid way letters to be received.
496. Carrying foreign letters.
497. Searching vessels for letters.
498. Seizing and detaining letters.
499. Disposition of seizures.
500. Letters in stamped envelopes carried out of mail.
501. Separating letter mail for expedition.
502. Transfer of motor-propelled vehicles and equipment belonging to Military Establishment to Post Office Department; purposes of.
503. Freight charges on property transferred; payment by States for property received.
504. Transfer of motor vehicles, aeroplanes, machinery, and tools to Postmaster General for use in Postal Service.

Section 481. What are post roads.—The following are established post roads:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals, during the time the mail is carried thereon.

All plank roads during the time the mail is carried thereon.

The road on which the mail is carried to supply any courthouse which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster General for extending the line of posts to supply mails to post offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters. (R. S. § 3964.)

482. Post routes.—All public roads and highways while kept up and maintained as such are post routes. (Mar. 1, 1884, c. 9, 23 Stat. 3.)

483. Provisions for carrying the mail.—The Postmaster General shall provide for carrying the mail on all post roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper. (R. S. § 3965.)

484. Mail to every courthouse.—The Postmaster General shall cause a mail to be carried from the nearest post office on any established post road to the courthouse of any county in the United States which is without a mail. (R. S. § 3966.)

485. Carrying the mail on canals.—The Postmaster General may contract for carrying the mail on the navigable canals of the several States, when, in his opinion, the public interest or convenience requires it. (R. S. § 3967.)

486. Carrying the mail on plank roads.—The Postmaster General may contract for carrying the mail on any plank road in the United States, when the public interest or convenience requires it. (R. S. § 3968.)

487. Carrying the mail on waters of the United States.—The Postmaster General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States. (R. S. § 3969.)

488. Emergency mail service in Alaska.—The Postmaster General may provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor. (Feb. 21, 1925, c. 283, 43 Stat. 960.)

489. Extending line of posts; compensation.—The Postmaster General may enter into contracts for extending the line of posts to supply mails to post offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices. (R. S. § 3971.)

490. Selecting post roads.—When there is more than one road between places designated by law for a post road, the Postmaster General may direct which shall be considered the post road. (R. S. § 3972.)

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491. Change of post-road terminus.—The Postmaster General may change the terminus of post roads connecting with or intersecting railways when the service can be thereby improved. (R. S. § 3973.)

492. Discontinuing service on post road.—Whenever, in the opinion of the Postmaster General, the postal service can not be safely continued, the revenues collected, or the laws maintained on any post road, he may discontinue the service on such road or any part thereof until the same can be safely restored. (R. S. § 3974.)

493. Contract for service over routes not established by law.—The Postmaster General may, when he deems it advisable, contract for the transportation of the mails to and from any post office; but where such service is performed over a route not established by law, he shall report the same to Congress at its meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post route by Congress. (R. S. § 3975.)

494. Mail carrying by vessels not in mail service.—The Postmaster General may pay, to the master or owner of any vessel not regularly employed in carrying the mail, 2 cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States; but all such letters shall be deposited in the post office at the port of arrival. (R. S. § 3978.)

495. Prepaid way letters to be received.—Every railway postal clerk or other carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post office at which he arrives; but no fees shall be allowed him therefor. (R. S. § 3980; July 31, 1882, c. 361, § 1, 22 Stat. 180.)

496. Carrying foreign letters.—No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section 500 of this title; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section. (R. S. § 3987.)

497. Searching vessels for letters.—Any post-office inspector, when instructed by the Postmaster General to make examinations and seizures, and the collector or other customs officer of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. (R. S. §§ 3989, 4017; June 11, 1880, c. 206, § 1, 21 Stat. 177.)

498. Seizing and detaining letters.—Any post-office inspector, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel or on any post route, and convey the same to the nearest post office, or may, by the direction of the Postmaster General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. (R. S. §§ 3990, 4017; June 11, 1880, c. 206, § 1, 21 Stat. 177.)

499. Disposition of seizures.—Every package or parcel seized by any post-office inspector, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise

forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating revenue laws shall apply to officers making seizures for violating the postal laws. (R. S. §§ 3991, 4017; June 11, 1880, c. 206, § 1, 21 Stat. 177.)

500. Letters in stamped envelopes carried out of mail.—All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster General may suspend the operation of this section upon any mail route where the public interest may require such suspension. (R. S. § 3993.)

501. Separating letter mail for expedition.—When the amount of mail matter to be carried on any mail route is so great as to seriously retard the progress or endanger the security of the letter mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster General may provide for the separate carriage of the letter mail at the usual rate of speed; but the other mail matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for effecting the same. (R. S. § 3994; Feb. 18, 1875, c. 80, § 1, 18 Stat. 319.)

502. Transfer of motor-propelled vehicles and equipment belonging to Military Establishment to Post Office Department; purposes of.—The Secretary of War is hereby authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may be found to be surplus and no longer required for military purposes, to the Post Office Department for use in the transmission of mails. (Mar. 15, 1920, c. 100, § 1, 41 Stat. 530.)

503. Freight charges on property transferred; payment by States for property received.—Freight charges incurred in the transfer of the property provided for in section 502 of this title shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the Post Office Department by an adjustment of the appropriations of the two departments. (Mar. 15, 1920, c. 100, § 4, 41 Stat. 531.)

504. Transfer of motor vehicles, aeroplanes, machinery, and tools to Postmaster General for use in Postal Service.—The Secretary of War is also authorized, in his discretion, to deliver and turn over to the Postmaster General, without charge therefor, from time to time, such motor vehicles, aeroplanes, and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for use in the Postal Service; and the Postmaster General is authorized to use the same in the transportation of the mails and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, out of any appropriation available for the service in which such vehicles or aeroplanes are used. (July 2, 1918, c. 117, § 8, 40 Stat. 753; Apr. 24, 1920, c. 161, § 3, 41 Stat. 583.)

Chapter 15.—RAILWAY SERVICE.

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522. Transportation of official matter by railway or express companies.—The Postmaster General may provide for the transportation of official matter of any department of the Government, over any railroad or express company, whenever he can do so at a saving to the Government and without detriment to the public service. Nothing in this section shall apply to official matter franked by Members of Congress. (July 13, 1892, c. 165, § 5.)

523. Carrying on trains without extra charge persons in charge of.—Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service and post-office inspectors while traveling on official business, upon the exhibition of their credentials. (July 28, 1916, c. 261, § 1, 39 Stat. 419.)

524. Conditions of railway service; adjustment of compensation.—The Postmaster General is authorized and directed to adjust the compensation to be paid to railroad companies for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided. (July 28, 1916, c. 261, § 5, subd. 1, 39 Stat. 425.)

525. Classes of routes enumerated.—The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service. (July 28, 1916, c. 261, § 5, subd. 2, 39 Stat. 425.)

526. Full railway post-office car service.—Full railway post-office car mail service shall be service by cars forty feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars sixty feet in length, inside measurement, except as hereinafter provided. (July 28, 1916, c. 261, § 5, subd. 3, 39 Stat. 425.)

527. Apartment railway post-office car service.—Apartment railway post-office car mail service shall be service by apartments less than forty feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments fifteen feet and thirty feet in length, inside measurement, except as hereinafter provided. (July 28, 1916, c. 261, § 5, subd. 4, 39 Stat. 425.)

528. Storage-car service.—Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars sixty feet in length, inside measurement, except as hereinafter provided. Storage space in units of three feet, seven feet, fifteen feet, and thirty feet, both sides of car, may be authorized in baggage cars at not exceeding pro rata of the rates hereinafter named for sixty-foot storage cars. (July 28, 1916, c. 261, § 5, subd. 5, 39 Stat. 425.)

529. Service by full and apartment railway post-office cars and storage cars.—Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried. (July 28, 1916, c. 261, § 5, subd. 6, 39 Stat. 426.)

530. Closed-pouch service.—Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided. The authorizations for closed-pouch service shall be for units of seven feet and three feet in length, both sides of car. (July 28, 1916, c. 261, § 5, subd. 7, 39 Stat. 426.)

531. Rates of payment for classes of routes.—The rates of payment for the services authorized in accordance with this section shall be as follows, namely:

(a) Full railway post-office car service.—For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a sixty-foot car.

In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a sixty-foot car.

(b) Apartment railway post-office car service.—For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a thirty-foot apartment car and 6 cents for each mile of service by a fifteen-foot apartment car.

In addition thereto he may allow not exceeding $2.75 as a combined initial and terminal rate for each one-way trip of a thirty-foot apartment car and $2 as a combined initial and terminal rate for each one-way trip of a fifteen-foot apartment car.

(c) Storage-car service.—For storage-car mail service at not exceeding 21 cents for each mile of service by a sixty-foot car.

In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a sixty-foot car.

(d) Closed-pouch service.—For closed-pouch service, at not exceeding 1½ cents for each mile of service when a three-foot unit is authorized, and 3 cents for each mile of service when a seven-foot unit is authorized.

In addition thereto he may allow not exceeding 25 cents as the combined initial and terminal rate for each one-way trip of a three-foot unit of service and 50 cents as a combined initial and terminal rate for each one-way trip of a seven-foot unit of service. (July 28, 1916, c. 261, § 5, subd. 8 (a, b, c, e), 39 Stat. 426.)

532. Cars of less than standard lengths; cars of excess length.—Where authorizations are made for cars of the standard lengths of sixty, thirty, and fifteen feet, as provided by sections 526 and 527 of this title, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by section 531 of this title for the standard length so authorized. The Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths. (July 28, 1916, c. 261, § 5, subd. 8 (d), 39 Stat. 426.)

533. Initial and terminal rates to cover certain expenses; varying allowances for full railway post-office cars, apartment railway post-office cars, and storage cars.—The initial and terminal rates provided for in section 531 of this title shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included

in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance. (July 28, 1916, c. 261, § 5, subd. 8 (g), 39 Stat. 426.)

534. Computation of car-miles; railway post-office cars and apartment railway post-office cars.—In computing the car-miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon. (July 28, 1916, c. 261, § 5, subd. 8 (h), 39 Stat. 427.)

535. Same; storage cars.—In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon. (July 28, 1916, c. 261, § 5, subd. 8 (i), 39 Stat. 427.)

536. Land-grant roads.—Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per centum of the compensation otherwise authorized by this chapter. (July 28, 1916, c. 261, § 5, subd. 8 (f), 39 Stat. 426.)

537. Style, construction, and maintenance of post-office cars; pay for unsound cars; steel cars.—All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. The Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material; and all full railway post-office cars accepted for this service and contracted for by the railroad companies shall be constructed of steel. (July 28, 1916, c. 261, § 5, subd. 11, 39 Stat. 427.)

538. Facilities for carrying and handling mails; cars at station; station room; offices for employees.—Railroad companies carrying the mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, storing, and transfer of mails in transit, including the separation thereof, by packages for connecting lines, and such distribution of registered mail in transit as may be necessary, and for offices for the employees of the Railway Mail Service engaged in such station work when required by the Postmaster General, in which mail from station boxes may be distributed if it does not require additional space. (July 28, 1916, c. 261, § 5, subd. 13, 39 Stat. 427.)

539. Selection of trains; carrying on any train.—The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper. (July 28, 1916, c. 261, § 5, subd. 15, 39 Stat. 425.)

540. Service operated by railroad and steamboats.—The provisions of sections 524 to 568, 576 and 579 of this title shall apply to service operated by railroad companies partly by railroad and partly by steamboats. (July 28, 1916, c. 261, § 5, subd. 17, 39 Stat. 428.)

541. Transportation required in manner, under conditions, and with service prescribed by Postmaster General; compensation therefor.—All railway common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith. (July 28, 1916, c. 261, § 5, subd. 27, 39 Stat. 429.)

542. Interstate Commerce Commission to fix and determine rates and compensation.—The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter by railway common carriers and the service connected therewith, prescribing the method or methods by weight, or space, or both, or otherwise, for ascertaining such rate or compensation, and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. (July 28, 1916, c. 261, § 5, subd. 28, 39 Stat. 429.)

543. Relation between the railroads as public-service corporations and the Government to be considered.—In fixing and determining the fair and reasonable rates for such service the commission shall consider the relation existing between the railroads as public-service corporations and the Government, and the nature of such service as distinguished, if there be a distinction, from the ordinary transportation business of the railroads. (July 28, 1916, c. 261, § 5, subd. 29, 39 Stat. 429.)

544. Procedure for ascertaining rates.—The procedure for the ascertainment of said rates and compensation shall be as provided in sections 545 to 554 of this title. (July 28, 1916, c. 261, § 5, subd. 30, 39 Stat. 429.)

545. Filing of statement by Postmaster General with Interstate Commerce Commission showing transportation required.—The Postmaster General shall file with the commission a statement showing the transportation required of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the commission. (July 28, 1916, c. 261, § 5, subd. 30 (a), 39 Stat. 429.)

546. Employment of clerical assistance; plan for transportation filed with Interstate Commerce Commission.—The Postmaster General may employ such clerical and other assistance as shall be necessary to carry out the provisions of sections 524 to 568, 576 and 579 of this title, and may rent quarters in Washington, District of Columbia, if necessary, for the clerical force engaged thereon, and pay for the same out of the appropriation for inland transportation by railroad routes. The Postmaster General shall file with the commission a comprehensive plan for the transportation of the mails on said railways and shall embody therein what he believes to be the

reasonable rate or compensation the said railway carriers should receive. (July 28, 1916, c. 261, § 5, subd. 30 (b), 39 Stat. 430.)

547. Notice by Interstate Commerce Commission to railroads; answer of railroads; hearings.—Thereupon the commission shall give notice of not less than thirty days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission, not later than thirty days after the expiration of the notice herein required, each of said carriers shall make answer and the commission shall proceed with the hearing as provided by law for other hearings between carriers and shippers or associations. (July 28, 1916, c. 261, § 5, subd. 30 (c), 39 Stat. 430.)

548. Taking testimony, evidence, penalties, and procedure.—All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are hereby made applicable. (July 28, 1916, c. 261, § 5, subd. 30 (d), 39 Stat. 430.)

549. Classification of carriers by Interstate Commerce Commission.—For the purpose of determining and fixing rates or compensation hereunder the commission is authorized to make such classification of carriers as may be just and reasonable and, where just and equitable, fix general rates applicable to all carriers in the same classification. (July 28, 1916, c. 261, § 5, subd. 30 (e), 39 Stat. 430.)

550. Additional weighing of mails.—Pending such hearings, and the final determination of the question, if the Interstate Commerce Commission shall determine that it is necessary or advisable, in order to carry out the provisions of this chapter, to have additional and more frequent weighing of the mails for statistical purposes, the Postmaster General, upon request of the commission, shall provide therefor in the manner prescribed by law, but such weighing need not be for more than thirty days. (July 28, 1916, c. 261, § 5, subd. 30 (f), 39 Stat. 430.)

551. Orders of Interstate Commerce Commission establishing rate or compensation.—At the conclusion of the hearing the commission shall establish by order a fair, reasonable rate or compensation to be received, at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the continuance of the order the Postmaster General shall pay the carrier from the appropriation for inland transportation by railroad routes such rate or compensation. (July 28, 1916, c. 261, § 5, subd. 30 (g), 39 Stat. 430.)

552. Percentage of rates allowed land-grant railroads.—The Interstate Commerce Commission shall allow to railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on condition that the mails should be transported over their roads at such price as Congress should by law direct only 80 per centum of the compensation paid other railroads for transporting the mails and all service by the railroads in connection therewith. (July 28, 1916, c. 261, § 5, subd. 30 (j), 39 Stat. 430.)

553. Applications for reexaminations.—Either the Postmaster General or any such carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had with respect to the rate or rates for service covered by said application, provided said carrier or carriers have an interest therein. (July 28, 1916, c. 261, § 5, subd. 30 (h), 39 Stat. 425.)

554. Powers conferred on Interstate Commerce Commission.—For the purposes of sections 524 to 568 of this title the Interstate Commerce Commission is hereby vested with all the powers which it is authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers. (July 28, 1916, c. 261, § 5, subd. 30 (i), 39 Stat. 430.)

555. Conveyance under special arrangement in freight trains; rates.—The provisions of sections 524 to 568 of this title respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission. (July 28, 1916, c. 261, § 5, subd. 18, 39 Stat. 428.)

556. Proof of performance of service.—Railroad companies carrying the mails shall submit, under oath when and in such form as may be required by the Postmaster General, evidence as to the performance of service. (July 28, 1916, c. 261, § 5, subd. 19, 39 Stat. 428.)

557. Information from Interstate Commerce Commission as to revenues from express companies; rates for transporting matter other than first class.—The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General. (July 28, 1916, c. 261, § 5, subd. 20, 39 Stat. 428.)

558. Determination by Interstate Commerce Commission of postal carload or less rate for transportation of fourth-class matter and periodicals.—The Postmaster General may, in his discretion, petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General. (July 28, 1916, c. 261, § 5, subd. 21, 39 Stat. 428.)

559. Distinguishing between several classes of matter.—The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service. (July 28, 1916, c. 261, § 5, subd. 22, 39 Stat. 428.)

560. Return to mails; postal cards, stamped envelopes, and newspaper wrappers.—The Postmaster General may return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service. (July 28, 1916, c. 261, § 5, subd. 23, 39 Stat. 429.)

561. Same; empty mail bags.—The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes. (July 28, 1916, c. 261, § 5, subd. 24, 39 Stat. 429.)

562. Weighing mail; computations.—The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes. (July 28, 1916, c. 261, § 5, subd. 25, 39 Stat. 429.)

563. Refusal to perform service at rates or methods of compensation provided by law.—It shall be unlawful for any

railroad company to refuse to perform mail service at the rates or methods of compensation provided by law when required by the Postmaster General so to do, and for such offense shall be fined $1,000. Each day of refusal shall constitute a separate offense. (July 28, 1916, c. 261, § 5, subd. 33, 39 Stat. 431.)

564. New and additional service; reduction or discontinuance of service.—New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require. No additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General. (July 28, 1916, c. 261, § 5, subd. 9, 39 Stat. 427.)

565. Special contracts for transportation; reports of.—The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where in his judgment the conditions warrant the application of higher rates than those herein specified, and make report to Congress of all cases where such special contracts are made and the terms and reasons therefor. (July 28, 1916, c. 261, § 5, subd. 10, 39 Stat. 427.)

566. Service over property owned by another company; over land-grant companies.—Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company. Service over land-grant road shall be paid for as herein provided. (July 28, 1916, c. 261, § 5, subd. 12, 39 Stat. 427.)

567. Failure to furnish cars or compartments.—If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper. (July 28, 1916, c. 261, § 5, subd. 14, 39 Stat. 428.)

568. Deductions from pay for reduction in or nonperformance of service.—The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of sections 524 to 568 of this title for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company. (July 28, 1916, c. 261, § 5, subd. 16, 39 Stat. 428.)

569. Rates for transportation by electric and cable cars.—The rate of compensation to be paid per mile for inland transportation of mail by electric and cable cars shall not exceed the rate paid on April 24, 1920, to companies performing such service, except that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile paid on that date for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel. The rates for electric-car service on routes over twenty miles in length outside of cities shall not exceed the rates paid for service on steam railroads. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1066; Apr. 24, 1920, c. 161, § 1, 41 Stat. 580.)

570. Same; rates fixed by Interstate Commerce Commission.—The Interstate Commerce Commission is empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. It shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation thus provided for such service when required by the Postmaster General so to do, and for such offense shall be fined $100. Each day of refusal shall constitute a separate offense. (July 2, 1918, c. 117, § 1, 40 Stat. 748.)

571. Contracts with railways without advertising.—The Postmaster General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor. (R. S. § 3942.)

572. Weighing of mails; readjustments.—When, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, may, in his discretion, add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails. (May 18, 1916, c. 126, § 4, 39 Stat. 161.)

573. Same; withdrawal of freightable lots of postal supplies.—The Postmaster General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country, immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service, except postage stamps, shall be transmitted by either freight or express. (May 12, 1910, c. 230, 36 Stat. 362.)

574. Readjustment of pay for mail diverted after weighing periods.—When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly. (Aug. 24, 1912, c. 389, § 4, 37 Stat. 554.)

575. Weighing mails; payment of expenses of computations.—Out of the appropriation for inland mail transportation the Postmaster General may pay rental if necessary in Washington, District of Columbia, and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes, as provided by law. (Mar. 4, 1911, c. 241, § 1, 36 Stat. 1334.)

576. Sending second-class matter by freight; discriminations; appeals; precedence of proceedings in Court of Appeals.—No publication shall be sent by freight if such method of transportation results in unfair discrimination. Whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is unfairly discriminated against, he may apply to the Post Office Department for an opportunity to be heard; and upon such application being duly filed in writing, the owner of such publication shall have opportunity for a full and fair hearing before said department, and pending final determination no change shall be made in the method of transportation of such publication as ordered by the department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. Upon such hearing if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right, within the period of twenty days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States Court of Appeals of the District of Columbia, for a review of such order by said court of appeals, by filing in the court a written petition praying that the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department and thereupon the said department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such transcript the court shall have jurisdiction to affirm, set aside or modify the order of the department.

The jurisdiction of the Court of Appeals of the District of Columbia to affirm, set aside or modify such orders of the Post Office Department shall be exclusive.

Such proceedings in the Court of Appeals of the District of Columbia shall be given precedence over other cases pending therein and shall be in every way expedited. (July 28, 1916, c. 261, § 2, 39 Stat. 424.)

577. Lease of terminal railway post offices.—The Postmaster General may apply a part of the appropriation for rental of space for terminal railway post offices for the distribution of the mails when the furnishing of space for such distribution can not properly be required of railroad companies without additional compensation, to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental, to be paid quarterly, for a term not exceeding twenty years. (Mar. 9, 1914, c. 33, 38 Stat. 301; Apr. 24, 1920, c. 161, § 1, 41 Stat. 580.)

578. Mail messengers.—The Postmaster General may employ such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over bridges or ferries, between post offices, post offices and branch offices or stations, in cases where by the laws and regulations of the Post Office Department, railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post offices the mails carried on their lines or vessels. (Mar. 3, 1887, c. 346, 24 Stat. 492.)

579. Same; contracts for service.—In the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third class, and postmasters, assistant postmasters, and clerks at post offices of the fourth class may enter into contracts for the performance of mail-messenger service, and allowance may be made therefor from the appropriations for mail-messenger service. The total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed $300 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (July 28, 1916, c. 261, § 1, 39 Stat. 418; June 3, 1924, c. 237, 43 Stat. 356.)

Chapter 16.—RAILWAY MAIL OFFICERS AND EMPLOYEES.

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Section 601. Expenses of officers of Railway Mail Service.—The superintendent and the assistant general superintendent and chief clerk of the Railway Mail Service shall be paid their necessary and actual expenses while traveling on the business of the department. (Apr. 16, 1890, c. 85, 26 Stat. 56.)

602. Salaries of division superintendents, assistant division superintendents, assistant superintendents at large, assistant superintendents in charge of car construction, chief clerks, and assistant chief clerks.—The annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, $4,500; assistant division superintendents and assistant superintendents at large, $3,600; assistant superintendent in charge of car construction, $3,300; chief clerks, $3,300; assistant chief clerks, $2,800. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1061.)

603. Assistant superintendents; traveling expenses.—Assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of $4 per day while actually traveling on business of the department away from their several designated headquarters. (Mar. 3, 1901, c. 851, §1, 31 Stat. 1105.)

604. Expenses of supervisory employees.—Supervisory employees of the Railway Mail Service shall be paid their actual expenses as fixed by law. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

605. Rating of clerks in charge of sections in offices of division superintendents.—The clerks in charge of sections in the offices of the division superintendents shall be rated as assistant chief clerks at $2,800 salary. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

606. Laborers; grades; salaries.—Laborers in the Railway Mail Service shall be divided into two grades with annual salaries as follows: Grade 1, salary $1,500; grade 2, $1,600. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

607. Same; promotion; readjustment of grades.—Laborers shall be promoted to grade 2 after one year's satisfactory service in grade 1. In the readjustment of the service to conform to the grades herein provided for laborers, each grade shall include laborers in the grade of the same number existing on December 31, 1924. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

608. Classification of railway postal clerks.—The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law without regard to the classification of railway post offices. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 555.)

609. Railway postal clerks; appointment.—The Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks and such other services as may pertain to the Railway Mail Service. Such clerks shall be designated as railway postal clerks. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 555.)

610. Same; classes and grades; salaries.—Railway postal clerks shall be divided into two classes, class A and class B, and into seven grades with annual salaries as follows: Grade 1, salary $1,900; grade 2, salary $2,000; grade 3, salary $2,150; grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; grade 7, salary $2,700. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

611. Same; original appointments; time of promotion.—All original appointments shall be made to the rank of substitute railway postal clerk, and promotions shall be made successively at the beginning of the quarter following a total satisfactory service of three hundred and six days in the next lower grade. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556; Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

612. Same; readjustment of grades.—In the readjustment of the service to conform to the grades herein provided, each grade shall include clerks in the grade of the same number existing on December 31, 1924. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

613. Same; hours of service; overtime pay or compensatory time.—Service of clerks shall be based on an average of not exceeding eight hours daily for three hundred and six days per annum, including proper allowances for all service required on lay-off periods. Clerks required to perform service in excess of eight hours daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time at their option for such overtime. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

614. Substitute clerks; probationary period; pay; credit for time served as probationers on appointment as regular clerks; promotion.—Substitute railway postal clerks shall be paid for services actually performed at the rate of $1,850 per annum, the first year of service to constitute a probationary period, and when appointed regular clerks shall receive credit on the basis of one year of actual service performed as a substitute and be appointed to the grade to which such clerk would have progressed had his original appointment as a substitute been to grade 1. Any fractional part of a year's substitute service will be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position. (Mar. 2, 1907, c. 2513, 34 Stat. 1213; Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

615. Same; full time and travel expenses when traveling under orders.—Substitute railway postal clerks shall be credited with full time while traveling under orders of the department to and from their designated headquarters to take up an assignment, together with actual and necessary travel expenses, not to exceed $3 per day, while on duty away from such headquarters. When a substitute clerk performs service in a railway post office starting from his official headquarters he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

616. Compensatory time to laborers or railway postal clerks at terminal railway post offices and transfer offices for work on Sundays or holidays; overtime in lieu thereof.—When the needs of the service require the employment on Sundays or holidays of laborers or railway postal clerks at terminal railway post offices and transfer offices, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

617. Classes of railway post-office lines; promotion of clerks.—Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 4 and clerks in charge to grade 5. Clerks assigned to class B lines shall be promoted successively to grade 5 and clerks in charge to grade 6. Lines in class A existing on December 31, 1924, shall be continued in class A, and lines in class B existing on that date shall be continued in class B. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

618. Classes of terminal railway post offices; promotion of clerks.—Terminal railway post offices shall be divided into two classes, class A and class B; those having less than twenty employees shall be assigned to class A, and those having twenty or more employees shall be assigned to class B. Clerks in class A terminals shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B terminals shall be promoted successively to grade 5, and clerks in charge of tours to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

619. Classes of transfer offices; promotion of clerks.—Transfer offices shall be divided into two classes, class A and class B; those having less than five employees shall be assigned to class A and those having five or more employees to class B. Clerks in class A shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B shall be promoted successively to grade 5, and clerks in charge of tours to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

620. Clerk in charge defined.—A clerk in charge is defined as a clerk in charge of a railway post office, terminal railway post office, or transfer office whether he performs service alone or

has a crew of clerks under his supervision, or of a tour or a crew within a tour of a terminal railway post office or transfer office. (June 5, 1920, c. 254, 41 Stat. 1050.)

621. Promotion of clerks assigned to offices of division superintendents or chief clerks.—Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5 and two clerks to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

622. Promotion of examiners.—Examiners shall be promoted successively to grade 6 and assistant examiners to grade 5 whether assigned to the office of division superintendent or chief clerk. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

623. Promotions for meritorious services.—Promotions above these grades hereinbefore specified, but within the maximum grades of the classification, may be made in the discretion of the Postmaster General for meritorious service. No promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

624. Same; transfer.—A clerk of any grade of any classification of railway post offices, terminal railway post offices, transfer offices, or in the office of a division superintendent or chief clerk, may be transferred and assigned to any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem proper. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

625. Same; failing of promotion.—Whenever the promotion of an employee provided for in this chapter is withheld because of unsatisfactory service such employee may be promoted at the beginning of the second quarter thereafter or any subsequent quarter on evidence that his record has been satisfactory during the intervening period. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556; Feb. 28, 1925, c. 368, § 11, 43 Stat. 1064.)

626. Same; in highest grades of their lines; promotions.—Clerks in the highest grade in their respective lines or other assignments shall be eligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerks assigned as assistant chief clerks and clerks in charge of crews consisting of more than one clerk, either assigned to the line, the transfer service, or to a terminal railway post office, and clerks in the highest grades in offices of division superintendents in their respective divisions, shall, after two years of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service during the preceding two-year period, under such regulations as the Postmaster General shall prescribe. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

627. Same; restoration after reduction in grade.—Whenever an employee provided for in this chapter shall have been reduced in salary for any cause he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year. All employees provided for in this chapter in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases granted them by the provisions of this chapter. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556; Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

628. Same; advancement restricted.—In filling positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

629. Hours of work for postal clerks assigned to terminal railway post offices and transfer offices, and laborers in Railway Mail Service; overtime pay.—Railway postal clerks assigned to terminal railway post offices and transfer offices and laborers in the Railway Mail Service shall be required to work not more than eight hours a day, and the eight hours of service shall not extend over a longer period than ten consecutive hours, but in cases of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day, and for such additional service they shall be paid in proportion to their salaries as fixed by law. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

630. Postal clerks assigned to road duty; full time for delay to trains.—Clerks assigned to road duty shall be credited with full time for delays to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

631. Postal clerks; residences.—All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route to which they are assigned; but railway postal clerks appointed prior to February 28, 1895, and performing such duty on August 24, 1912, shall not be required to change their residences, except when transferred to another line. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

632. Transfer; salaries not reduced.—When railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1065.)

633. Same; travel allowances.—In addition to the salaries provided by law, the Postmaster General may make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after ten hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $3 per day. (Aug. 24, 1912, c. 389, § 1, 37 Stat. 548; Mar. 3, 1917, c. 162, § 1, 39 Stat. 1065; Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

634. Same; preference in transfers from service to department or post offices.—In the assignment or transfer of clerks from the Railway Mail Service, preference shall be given to the persons honorably discharged from the military or naval service who served in the civil war and who are serving as clerks on the railway mail cars in order that they may be transferred to clerical service in the department or in the post offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred. (June 26, 1906, c. 3546, 34 Stat. 474.)

635. Same; annual vacation.—The Postmaster General may allow railway postal clerks an annual vacation of fifteen days, with pay, and may, in his discretion, under such regulations as he may provide, allow any railway postal clerk leave of absence with pay for a period not exceeding thirty days, with

the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense. (Mar. 3, 1901, c. 851, § 1, 31 Stat. 1105; Mar. 1, 1909, c. 232, 35 Stat. 667; Mar. 4, 1913, c. 143, 37 Stat. 798; July 28, 1916, c. 261, § 1, 39 Stat. 420.)

636. Same; full time to clerks deadheading under orders.—Railway postal clerks and substitute railway postal clerks shall be credited with full time when deadheading under orders of the department. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1065; Apr. 24, 1920, c. 161, § 1, 41 Stat. 580.)

637. Substitutes for clerks absent otherwise than on annual leave.—When any clerk in the Railway Mail Service is absent from duty for any cause, other than the fifteen days' annual leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk, at a rate not to exceed the pay of the grade of work performed by such substitute. (Mar. 3, 1905, c. 1480, § 1, 33 Stat. 1085.)

638. Badges of postal clerks and mail messengers.—Postal clerks, railway postal clerks, and mail messengers shall not be required to wear uniform other than a cap or badge. (Mar. 3, 1879, c. 180, § 1, 20 Stat. 357; July 31, 1882, c. 361, § 1, 22 Stat. 180.)

639. Newspapers; delivery by railway postal clerks.—The Postmaster General may provide by order the terms upon which railway postal clerks may receive from publishers or any news agents in charge thereof, and deliver the same as directed, if presented and called for at the mail car or steamer, packages of newspapers and other periodicals not received from or intended for delivery at any post office. (R. S. § 3889.)

Chapter 17.—FOREIGN MAIL SERVICE.

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673. Agents on mail steamers to foreign ports.
674. Postal agencies in China and Japan.

Section 651. Foreign mail-transportation contracts.—The Postmaster General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor. (R. S. § 4006.)

652. Same; for carrying mails between the United States and foreign countries.—The Postmaster General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted. (R. S. § 4007.)

653. How mail transported.—The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster General may have such transportation performed by sailing vessels when the service can be facilitated thereby. (R. S. § 4008.)

654. Pay for transporting.—For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage except as otherwise provided by law; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage, on the mail so transported. (R. S. § 4009.)

655. Fine of contractors for delay.—The Postmaster General may impose fines on contractors for transporting the mail between the United States and any foreign country, for any unreasonable or unnecessary delay in the departure of such mail, or the performance of the trip; but the fine for any one default shall not exceed one-half the contract price for the trip except as otherwise provided by law. (R. S. § 4010.)

656. Discontinuing transportation contracts.—Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster General to discontinue the same, the further stipulation that it may be terminated by Congress. (R. S. § 4011.)

657. Ocean mail service on American vessels; contracts.—The Postmaster General is authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named. (Mar. 3, 1891, c. 519, § 1, 26 Stat. 830.)

658. Same; advertisements for proposals.—Before making any contract for carrying ocean mails in accordance with sections 657 to 665 of this title the Postmaster General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Saint Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 12 of this title so far as the same shall be applicable to the ocean mail service. (Mar. 3, 1891, c. 519, § 2, 26 Stat. 831.)

659. Same; ownership of vessels; classification.—The vessels employed in the mail service under sections 657 to 665 of this title shall be American-built steamships, owned and officered

by American citizens, in conformity with law, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of twenty knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than eight thousand tons. No vessel except of said first class shall be accepted for said mail service under the provisions of sections 657 to 665 between the United States and Great Britain. The second class shall be iron or steel steamships, capable of maintaining a speed of sixteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than five thousand tons. The third class shall be iron or steel steamships, capable of maintaining a speed of fourteen knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than two thousand five hundred tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of twelve knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than one thousand five hundred tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships. (Mar. 3, 1891, c. 519, § 3, 26 Stat. 831; Mar. 3, 1917, c. 162, § 1, 39 Stat. 1066.)

660. Same; construction of vessels; specifications; inspection.—All steamships of the first, second, and third classes employed as above and built after March 3, 1891, shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than six inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes built prior to such date and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster General. (Mar. 3, 1891, c. 519, § 4, 26 Stat. 831.)

661. Same; rates of compensation; deductions and fines.—The rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile, and for the second-class ships, $2 a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed $1 a mile. And for the fourth-class ships two-thirds of $1 a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage. In the case of failure from any cause to perform the regular voyages stipulated for in said contracts, or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages. Suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster General. No steamship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States. (Mar. 3, 1891, c. 519, § 5, 26 Stat. 832.)

662. Same; transportation of messengers.—Upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail messenger, whose duty it shall be to receive, sort, take in charge and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails. (Mar. 3, 1891, c. 519, § 6, 26 Stat. 832.)

663. Same; service of naval officers on vessels; compensation; duties.—Officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties. They shall only be required to perform such duties as appertain to the merchant service. (Mar. 3, 1891, c. 519, § 7, 26 Stat. 832.)

664. Same; cadets or apprentices on vessels.—Said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable. (Mar. 3, 1891, c. 519, § 8, 26 Stat. 832.)

665. Same; payment for vessels taken as transports.—Such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value of the same at the time of the taking, between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree. (Mar. 3, 1891, c. 519, § 9, 26 Stat. 832.)

666. Contracts for service on American vessels; rate.—The Postmaster General may enter into contracts with American citizens for the carrying of the mail between the United States and Great Britain on steamships built in the United States capable of maintaining a speed of thirty knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than thirty-five thousand tons, the said service to commence not more than four years after the contract shall be let. The rate of compensation to be paid for the said ocean mail service shall not exceed the sum of $8 per mile by the shortest practicable route for each outward voyage. The Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named. All of the provisions of sections 657 to 665 of this title, so far as they are not inconsistent herewith shall control and apply to the methods to be used and contracts to be made hereunder. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1066.)

667. Sea post service; transfer of foreign mails.—The Postmaster General is authorized to expend such sums as may be necessary, not to exceed the amounts appropriated by Congress, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States; and for transferring the foreign mail from incoming steamships in New York Bay to the steamship and

railway piers, for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers and for transferring the foreign mail from incoming steamships at Honolulu from quarantine to the piers; also for transferring the mail from steamships performing service under contract for transporting United States mail. (Mar. 2, 1907, c. 2513, 34 Stat. 1214; Mar. 4, 1913, c. 143, 37 Stat. 799; Jan. 22, 1925, c. 87, Title II, 43 Stat. 786.)

668. Sea post clerks; disability allowance; compensation for death.—Acting clerks may be employed in place of clerks or substitutes injured while on duty who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per centum of the clerk's annual salary for the period of disability exceeding one year but not exceeding twelve months additional, and the Postmaster General may pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representative of any sea post clerk or substitute sea post clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury. (Mar. 4, 1913, c. 143, 37 Stat. 799.)

669. Transportation of Canadian mail through the United States.—The Postmaster General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post office department of the country whose privilege is to be annulled. (R. S. § 4012.)

670. Payment of postage by consuls.—The Postmaster General or the Secretary of State is hereby authorized to empower the consuls of the United States to pay the foreign postage on such letters destined for the United States as may be detained at the ports of foreign countries for the nonpayment of postage, which postage shall be by the consul marked as paid by him, and the amount thereof shall be collected in the United States as other postage, on the delivery of the letters, and repaid to said consul, or credited on his account at the State Department. (R. S. § 4014.)

671. Postage on letters carried in foreign vessel.—The Postmaster General, under the direction of the President of the United States, is authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet ship or other vessel, the same rate or rates of charge for American postage which the government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such government, and at any time to revoke the same; and all custom-house officers and other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post office. (R. S. § 4015.)

672. Resident agents on Isthmus of Panama, etc.—The Postmaster General may establish resident mail agencies at the ports of Panama and Colon, in the Republic of Panama; Havana, in Cuba; at Saint Thomas, and at such other foreign ports at which United States mail steamers touch to land and receive mails, as may, in his judgment, promote the efficiency of the Foreign Mail Service; and may pay the agents employed by him at such ports, out of the appropriation for transportation of the mail, a reasonable compensation for their services, and the necessary expenses for office rent, clerk hire, office furniture, and other incidentals, to be allowed him at each of such agencies. (R. S. § 4021.)

673. Agents on mail steamers to foreign ports.—The Postmaster General may appoint an agent in charge of the mail on board of each of the mail steamers on the routes between San Francisco, Japan, and China; between San Francisco and Honolulu, in the Hawaiian Islands, and between New York and Rio Janeiro, who shall be allowed, out of the appropriation for transportation of the mail, a salary of $2,000 a year. (R. S. § 4022.)

674. Postal agencies in China and Japan.—The Postmaster General may establish, in connection with the mail steamship service to Japan and China, a general postal agency at Shanghai, in China, or at Yokohama, in Japan, with such branch agencies at any other ports in China and Japan as he shall deem necessary for the prompt and efficient management of the postal service in those countries; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for rent, furniture, clerk hire, and incidental expenses. (R. S. § 4023.)

Chapter 18.—POST-OFFICE INSPECTORS.

Sec.
691. Expenses of chief of post-office inspectors.
692. Post-office inspectors; appointment.
693. Same; grades and salaries; promotions.
694. Same; expenses while on official business away from homes.
695. Salary and per diem of inspector detailed to free-delivery system.
696. When to give bond.
697. Assistant Postmasters General as inspectors.
698. Clerks at division headquarters; grades; promotions; transfer of clerks or carriers in City Delivery Service to position of clerks at division headquarters.
699. Same; substitutes.
700. Searches authorized.
701. Reduction in salary; restoration to former grade or advancement to immediate grade.
702. Promotion regardless of increase of pay.
703. Promotion of employee whose promotion withheld.

Section 691. Expenses of chief of post-office inspectors.—The chief of post-office inspectors shall be paid his actual expenses while traveling on the business of the department. (Mar. 1, 1881, c. 96, § 1, 21 Stat. 374.)

692. Post-office inspectors; appointment.—The Postmaster General may employ such number of post-office inspectors as the good of the service and the safety of the mail may require; and the appointment of additional inspectors shall be made upon certification of the Civil Service Commission. (R. S. § 4017; June 11, 1880, c. 206, § 1, 21 Stat. 177; June 19, 1922, c. 227, § 1, 42 Stat. 655; Jan. 22, 1925, c. 87, Title II, 43 Stat. 784.)

693. Same; grades and salaries; promotions.—Post-office inspectors shall be divided into six grades, as follows: Grade 1—salary, $2,800; grade 2—salary, $3,000; grade 3—salary, $3,200; grade 4—salary, $3,500; grade 5—salary, $3,800; grade 6—salary, $4,000, and there shall be fifteen inspectors in charge at $4,500. In the readjustment of grades for inspectors to conform to the grades herein provided, inspectors in grades 1 and 2 on December 31, 1924, shall be included in grade 1;

inspectors in grade 3 on that date shall be included in grade 2; inspectors in grade 4 on that date shall be included in grade 3; inspectors in grade 5 on that date shall be included in grade 4; inspectors in grade 6 on that date shall be included in grade 5; and inspectors in grade 7 on that date shall be included in grade 6. Inspectors shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade, and not to exceed 35 per centum of the force to grade 6 for meritorious service after not less than one year's service in grade 5; and the time served by inspectors in their grade on December 31, 1924, shall be included in the year's service required for promotion in the grades provided herein, except as to inspectors in grade 1 on that date. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

694. Same; expenses while on official business away from homes.—Inspectors shall be paid their actual expenses not to exceed $5 per day while engaged on official business away from their homes and official domiciles. (Apr. 24, 1920, c. 161, § 1, 41 Stat. 574; June 5, 1920, c. 254, 41 Stat. 1052; Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

695. Salary and per diem of inspector detailed to free-delivery system.—The bureau of accounts, in the Post Office Department, shall charge to the appropriation for the free-delivery system the salary and per diem of the post-office inspector detailed for that service. (R. S. §§ 4017, 4020; June 11, 1880, c. 206, § 1, 21 Stat. 177; Mar. 3, 1897, c. 385, § 1, 29 Stat. 648; June 10, 1921, c. 18, 42 Stat. 23.)

696. When to give bond.—Whenever a post-office inspector is required to collect or disburse any public money, he shall, before entering upon such duty, give bond in such sum and form, and with such security, as the Postmaster General may approve. (R. S. § 4018.)

697. Assistant Postmasters General as inspectors.—The Postmaster General may employ, when the service requires it, the Assistant Postmasters General and superintendents in his department as post-office inspectors; and he may allow them therefor not exceeding the amount expended by them as necessary traveling expenses while so employed. (R. S. § 4019.)

698. Clerks at division headquarters; grades; promotions; transfer of clerks or carriers in City Delivery Service to position of clerks at division headquarters.—Clerks at division headquarters of post-office inspectors shall be divided into six grades, as follows:

Grade 1—salary, $1,900; grade 2—salary, $2,000; grade 3—salary, $2,150; grade 4—salary, $2,300; grade 5—salary, $2,450; grade 6—salary, $2,600; and there shall be one chief clerk at each division headquarters at a salary of $3,000. In the readjustment of grades for clerks at division headquarters to conform to the grades herein provided, clerks in each of the grades existing on December 31, 1924, shall be included in the grade of the same number herein provided. Clerks at division headquarters shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade and not to exceed 35 per centum of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and the time served by clerks in their grades on December 31, 1924, shall be included in the year's service required for promotion in the grades provided herein. Whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks or carriers in the City Delivery Service from post offices at which division headquarters of post-office inspectors are located to the position of clerk at such division headquarters after passing a noncompetitive examination at a salary not to exceed $2,300. After such transfer is made effective clerks so transferred shall be eligible for promotion to the grades of salary provided for clerks at division headquarters of post-office inspectors. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

699. Same; substitutes.—When any clerk in the office of division headquarters in the post-office inspection service is absent from duty for any cause other than leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk at a rate not to exceed the grade of pay of the clerk absent without pay. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1056.)

700. Searches authorized.—The Postmaster General may, by a letter of authorization under his hand, to be filed among the records of his department, empower any post-office inspector or other officer of the Post Office Establishment to make searches for mailable matter transported in violation of law; and the inspector or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such inspector or officer has reason to believe that mailable matter, transported contrary to law, may therein be found. (R. S. § 4026.)

701. Reduction in salary; restoration to former grade or advancement to intermediate grade.—Whenever an employee provided for in this chapter shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1064.)

702. Promotion regardless of increase of pay.—All employees provided for in this chapter in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases in salaries granted them by the provisions of this chapter. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

703. Promotion of employee whose promotion withheld.—Whenever the promotion of an employee provided for in this chapter is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1064.)

Chapter 19.—THE MONEY-ORDER SYSTEM.

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Section 711. Money-order system established.—To promote public convenience, and to insure greater security in the transfer of money through the mail, the Postmaster General may establish and maintain, under such rules and regulations as he may deem expedient, a uniform money-order system, at all suitable post offices, which shall be designated as "money-order offices." (R. S. § 4027.)

712. Foreign money-order exchanges.—The Postmaster General may conclude arrangements with the post departments of foreign governments with which postal conventions have been or may be concluded for the exchange, by means of postal orders, of small sums of money, not exceeding $100 in amount, at such rates of exchange and compensation to postmasters and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such systems of exchange may be paid out of the proceeds of the money-order business. (R. S. § 4028; Jan. 30, 1889, c. 100, § 1, 25 Stat. 654.)

713. Issuance of money orders at branch offices and stations.—The postmaster of every city where branch post offices or stations are established and in operation, subject to his supervision, is authorized, under the direction of the Postmaster General, to issue, or to cause to be issued, by any of his assistants or clerks in charge of branch post offices or stations, postal money orders, payable at his own or at any other money-order office, or at any branch post office or station of his own, or of any other money-order office, as the remitters thereof may direct; and the postmaster and his sureties shall, in every case, be held accountable upon his official bond for all moneys received by him or his designated assistants or clerks in charge of stations, from the issue of money orders, and for all moneys which may come into his or their hands, or be placed in his or their custody by reason of the transaction by them of money-order business. (R. S. § 4029.)

714. Who to act in absence of postmaster.—In case of the sickness or unavoidable absence from his office of the postmaster of any money-order post office, he may, with the approval of the Postmaster General, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such postmaster; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases; and such acting officer shall, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the postmaster for whom he shall act. (R. S. § 4031.)

715. Blanks and books in business.—Except as provided in section 111 of Title 44, or otherwise provided by law, all blanks, blank books, and printed or engraved matter supplied to postmasters by the Postmaster General or used in his department for the transaction of the money-order business shall be obtained from the lowest responsible bidders for furnishing printed and engraved matter, respectively, under separate advertisements calling for proposals to furnish the same for a period of four years, upon such conditions as the Postmaster General may prescribe. The Director of the Bureau of Engraving and Printing of the Treasury Department shall submit estimates of the cost of furnishing such printed and engraved matter as may be required for use in the money-order business, and shall furnish such printed and engraved matter whenever upon his estimates of cost the expenditure therefor will be less than upon proposals made as above provided for. (Mar. 3, 1883, c. 123, § 2, 22 Stat. 527; June 4, 1897, c. 2, § 1, 30 Stat. 18.)

716. Amount of orders, and fees.—A money order shall not be issued for more than $100, and the fees for domestic orders shall be as follows—

For orders not exceeding $2.50, 5 cents.
For orders exceeding $2.50 and not exceeding $5, 7 cents.
For orders exceeding $5 and not exceeding $10, 10 cents.
For orders exceeding $10 and not exceeding $20, 12 cents.
For orders exceeding $20 and not exceeding $40, 15 cents.
For orders exceeding $40 and not exceeding $60, 18 cents.
For orders exceeding $60 and not exceeding $80, 20 cents.
For orders exceeding $80 and not exceeding $100, 22 cents.

(Mar. 3, 1883, c. 123, § 3, 22 Stat. 527; Jan. 27, 1894, c. 21, § 2, 28 Stat. 31; Feb. 28, 1925, c. 368, § 208, 43 Stat. 1068.)

717. Clerks; compensation; additional clerks at international exchange offices.—Postmasters at money-order post offices of the first and second classes may be allowed by the Postmaster General to employ such number of clerks in the transaction of their money-order business, and at such rates of compensation, respectively, as he may deem expedient, except as otherwise provided in chapter 1 of this title. At all money-order post-offices, other than post offices of the first, second, and third classes, the compensation for the clerical labor in the money-order business shall be paid out of the fees received for the issue of money orders, and shall be 3 cents for each domestic or international money order issued. The Postmaster General may allow to the postmaster at each international exchange office such additional amount in each case, out of the annual appropriation for clerks in post offices, as he may deem expedient to enable these postmasters to obtain the clerical labor necessary for the performance of such special duties as are imposed upon them by the operations of the money-order system and are not required of other postmasters. The salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred and for the personal services rendered by them as custodians of the money-order and other funds of the Post Office Department. (Mar. 3, 1883, c. 123, § 4, 22 Stat. 528; Jan. 27, 1894, c. 21, § 3, 28 Stat. 31; Feb. 28, 1925, c. 368, §§ 1, 3, 4, 43 Stat. 1054, 1056, 1059.)

718. Unpaid orders.—Domestic money orders shall not be paid at the offices upon which they are drawn, or at the offices of issue after one year from the last day of the month of issue of such money orders; but such money orders shall be sent to the Post Office Department and shall be paid by a warrant of the Postmaster General countersigned by the Comptroller General of the United States out of any money in the Treasury to the credit of the Post Office Department, to the extent of the moneys paid in on this account, the payments so made to be charged to an appropriation account hereby created to be denominated "Unpaid money orders more than one year old." (Mar. 3, 1883, c. 123, § 5, 22 Stat. 528; Jan. 27, 1894, c. 21, § 4, 28 Stat. 32; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

719. Blank applications for orders.—The Postmaster General shall supply such money-order offices, as he may deem expedient, with blank forms of applications for money orders, in such form as he may direct. (R. S. § 4033; Jan. 27, 1894, c. 21, § 7, 28 Stat. 32.)

720. Forms for orders.—The Postmaster General shall prescribe the forms for the issue of money orders and shall furnish money-order offices with printed or engraved forms for domestic money orders, and no money order shall be valid unless drawn upon such form. (R. S. § 4034; Jan. 27, 1894, c. 21, § 9, 28 Stat 33; Mar. 1, 1899, c. 327, § 5, 30 Stat. 966; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

721. Limited money-order offices.—The Postmaster General may authorize postmasters at post offices other than those designated as money-order offices to issue money orders in the same form as provided for in section 720 of this title, excepting that such money orders shall be in such form as to prevent their being drawn for a sum in excess of $5; the rates for such money orders to be the same as those provided for in section 716 of this title, and post offices so authorized shall be designated "limited money-order offices." (Jan. 27, 1894, c. 21, § 10, 28 Stat. 33.)

722. Regulations; designation of officer to sign warrants.—The Postmaster General shall have power to make all needful regulations for the enforcement of this chapter, and may designate any officer of the Post Office Department above the grade of fourth-class clerk to sign all warrants authorized by this chapter in his stead, and such warrants when so signed shall be of the same validity as if they had been signed by the Postmaster General. (Jan. 27, 1894, c. 21, § 12, 28 Stat. 33.)

723. Indorsement of orders.—The payee of a money order may, by his written indorsement thereon, direct it to be paid to any other person, and the postmaster on whom it is drawn shall pay the same to the person thus designated, provided he shall furnish such proof as the Postmaster General may prescribe that the indorsement is genuine, and that he is the person empowered to receive payment; but more than one indorsement shall render an order invalid and not payable, and the holder, to obtain payment, must apply in writing to the Postmaster General for a new order in lieu thereof, returning the original order, and making such proof of the genuineness of the indorsements as the Postmaster General may require. (R. S. § 4037; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

724. Identification of payee.—Postmasters shall not issue any money order conditioned that identification of payee, indorsee, or attorney may be waived, nor shall any postmaster pay any money order issued without requiring identification of the payee, indorsee, or attorney. (Mar. 1, 1899, c. 327, § 5, 30 Stat. 966.)

725. Changes and modification of orders.—After a money order has been issued, if the purchaser desires to have it modified or changed, the postmaster who issued the order shall take it back and issue another in lieu of it, for which a new fee shall be exacted. (R. S. § 4038.)

726. Orders to correct errors.—Money orders may be drawn by the Superintendent of the Division of Money Orders without the exaction of an additional fee for the purpose of correcting errors made by issuing or paying postmasters. (Mar. 1, 1899, c. 327, § 5, 30 Stat. 966.)

727. Orders payable at any office.—Under such rules and regulations as the Postmaster General shall prescribe postal money orders may be issued payable at any money-order post office, and all money orders shall be legally payable at any money-order post office, although drawn on a specified office. (Feb. 6, 1914, c. 15, 38 Stat. 280.)

728. Repayment of orders.—The postmaster issuing a money order shall repay the amount of it upon the application of the person who obtained it, and the return of the order; but the fee paid for it shall not be returned. (R. S. § 4039; Jan. 27, 1894, c. 21, § 6, 28 Stat. 32; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

729. Replacing lost orders.—Whenever a money order has been lost within one year from the last day of the month of issue the Postmaster General, upon the application of the remitter or payee of such order, may cause a duplicate thereof to be issued, without charge, providing the person losing the original shall furnish a certificate from the postmaster by whom it was payable that it has not been, and will not thereafter be, paid; and a similar certificate from the postmaster by whom it was issued that it has has not been, and will not thereafter be, repaid. Whenever a money order, which has not been paid within one year from the last day of the month of issue, has been lost, the Postmaster General, upon the application of the remitter or payee of such order, shall issue a warrant for the payment thereof, as provided for in section 718 of this title, without charge, on the certificate of the General Accounting Office, or upon such other proof satisfactory to the Postmaster General, that the order has not been paid. (R. S. § 4040; Jan. 27, 1894, c. 21, § 11, 28 Stat. 33; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

730. Payment; unpaid orders after lapse of seven years.—The Postmaster General upon evidence satisfactory to him, and under such special regulations as he shall prescribe, may cause payment to be made in the manner prescribed in sections 718 and 729 of this title, of the amount of any money order remaining unpaid after the lapse of seven years from the date of its issue. (July 16, 1894, c. 137, § 4, 28 Stat. 107; Mar. 3, 1897, c. 385, 29 Stat. 648.)

731. Same; domestic orders unpaid after three years.—The Postmaster General, upon evidence satisfactory to him, and under such special regulations as he shall prescribe, may cause payment to be made in the manner prescribed in sections 718 and 729 of this title, of the amount of any domestic money order remaining unpaid after the lapse of three years from the date of its issue. It shall be the duty of the General Accounting Office to maintain a complete and permanent record of all unpaid money orders issued by postmasters in the United States, or such of its insular possessions as are amenable to the authority of the Postmaster General for payment within its own territory, such record to serve as a basis for adjudicating claims for payment by warrant of the amounts of said orders. (May 27, 1908, c. 206, 35 Stat. 416; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

732. Payment of orders issued in favor of lotteries.—The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders.

This shall not authorize any person to open any letter not addressed to himself.

The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way. (R. S. § 4041; Sept. 19, 1890, c. 908, § 3, 26 Stat. 466.)

733. Transfer of funds.—All payments and transfers to and from money-order offices shall be under the direction of the Postmaster General. He may transfer money-order funds from one postmaster to another, and from the postal revenue to the money-order funds; and he may transfer money-order funds to creditors of the department, to be replaced by equivalent transfers from the postal revenues. (R. S. § 4042.)

734. Transfer by warrant to funds.—The Postmaster General may transfer to the postmaster at any money-order office, by warrant on the Treasury, countersigned by the Comptroller General of the United States and payable out of the postal revenues, such sum as may be required over and above the current revenues at his office to pay the money orders drawn upon him. (R. S. § 4043; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

735. Report of funds.—It shall be the duty of postmasters at post offices authorized to issue money orders to render to the comptroller, bureau of accounts, Post Office Department, quarterly, monthly, semimonthly, weekly, semiweekly, or daily accounts of all money orders issued and paid, of all fees received for issuing them, of all transfers and payments made from money-order funds, and of all money received to be used for the payment of money orders or on account of money-order business. (R. S. § 4044; Jan. 27, 1894, c. 21, § 8, 28 Stat. 32; Feb. 18, 1925, c. 265, 43 Stat. 950.)

736. What to be funds.—All money received for the sale of money orders, including all fees thereon, all money transferred from the postal revenues to the money-order funds, all money transferred or paid from the money-order funds to the service of the Post Office Department, and all money-order funds transferred from one postmaster to another, shall be deemed and taken to be money-order funds and money in the Treasury of the United States. And it shall be the duty of the Treasurer of the United States or depositary designated by the Secretary of the Treasury under section 476 of Title 31 to open, at the request of the Postmaster General, an account of "money-order funds" deposited by postmasters to the credit of the Postmaster General, and of drafts against the amount so deposited, drawn by him and countersigned by the comptroller of the bureau of accounts in the Post Office Department. (R. S. § 4045; June 10, 1921, c. 18, § 304, 42 Stat. 24; May 29, 1920, c. 214, § 1, 41 Stat. 655.)

737. Duplicates of lost checks.—Disbursing officers of the United States shall issue, under regulations to be prescribed by the Secretary of the Treasury, duplicates of lost checks drawn by them in favor of any postmaster on account of money order or other public funds received by them from some other postmaster. (R. S. § 4046.)

738. Postal notes.—The Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall prescribe, to issue and pay money orders of fixed denominations, not exceeding $10, to be known as postal notes.

Postal notes shall be valid for six calendar months from the last day of the month of their issue, but thereafter may be paid under such regulations as the Postmaster General may prescribe.

Postal notes shall not be negotiable or transferable through indorsement.

If a postal note has been once paid, to whomsoever paid, the United States shall not be liable for any further claim for the amount thereof. (Mar. 4, 1911, c. 241, § 8, 36 Stat. 1340.)

739. Disposition of money-order statements.—The Secretary of the Treasury and the Postmaster General shall cause to be destroyed, in such manner as they may deem best, all money-order statements rendered by postmasters and all paid money orders accompanying the same, as well as all descriptive lists of international money orders certified to or by the exchange offices designated for conducting money-order transactions with foreign countries, and all coupons of issued international money orders filed in the General Accounting Office, after three years shall have elapsed from the expiration of the period covered by such statements and lists. (May 27, 1908, c. 206, § 1, 35 Stat. 415; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

Chapter 20.—POSTAL SAVINGS DEPOSITORIES.

Sec.

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Section 751. Board of trustees; regulations; annual report.—There shall be a board of trustees for the control, supervision, and administration of the postal savings depository offices designated and established under the provisions of this chapter, and of the funds received as deposits at such postal savings depository offices by virtue thereof. Said board shall consist of the Postmaster General, the Secretary of the Treasury, and the Attorney General, severally, acting ex officio, and, except as otherwise provided by section 768 of this title, shall have power to make all necessary and proper regulations for the receipt, transmittal, custody, deposit, investment, and repayment of the funds deposited at postal savings depository offices.

The board of trustees shall submit a report to Congress at the beginning of each regular session showing by States and Territories (for the preceding fiscal year) the number and names of post offices receiving deposits, the aggregate amount of deposits made therein, the aggregate amount of withdrawals therefrom, the number of depositors in each, the total amount standing to the credit of all depositors at the conclusion of the year, the amount of such deposits at interest, the amount of interest received thereon, the amount of interest paid thereon, the amount of deposits surrendered by depositors for bonds issued by authority of this chapter, and the number and amount of unclaimed deposits. Also the amount invested in Government securities by the trustees, the amount of extra expense of the Post Office Department and the Postal Service incident to the operation of the postal savings depository system, and all other facts which it may deem pertinent and proper to present. (June 25, 1910, c. 386, § 1, 36 Stat. 814; Aug. 24, 1912, c. 389, § 10, 37 Stat. 559; Sept. 23, 1914, c. 308, 38 Stat. 716.)

752. Mail pertaining to business transmitted free.—The provisions of section 321 of this title are hereby extended and made applicable to all official mail matter pertaining to the business of the Postal Savings System. (June 25, 1910, c. 386, § 2, 36 Stat. 815; Sept. 23, 1914, c. 308, 38 Stat. 716.)

753. Designation of offices.—Every post office designated by order of the Postmaster General is declared to be a postal savings depository office within the meaning of this chapter and to be authorized and required to receive deposits of funds from the public and to account for and dispose of the same, according to the provisions of this chapter and the regulations made in pursuance thereof. (June 25, 1910, c. 386, § 3, 36 Stat. 815; Aug. 24, 1912, c. 389, § 10, 37 Stat. 559.)

754. Opening accounts and making deposits.—Accounts may be opened and deposits made in any postal savings depository established under this chapter by any person of the age of ten years or over, in his or her own name, and by a married woman in her own name and free from any control or interference by her husband; but no person shall at the same time have more than one postal savings account in his or her own right. (June 25, 1910, c. 386, § 4, 36 Stat. 815.)

755. Pass books; entries therein.—The postmaster at a postal savings depository office shall, upon the making of an application to open an account under this chapter and the submission of an initial deposit, deliver to the depositor a pass book free of cost, upon which shall be written the name and signature or mark of the depositor and such other memoranda as may be necessary for purposes of identification, in which pass book entries of all deposits and withdrawals shall be made in both figures and writing: *Provided*, That the Postmaster General may adopt some other device or devices in lieu of a pass book as a means of making and preserving evidence of deposits and withdrawals. (June 25, 1910, c. 386, § 5, 36 Stat. 815; Aug. 24, 1912, c. 389, § 10, 37 Stat. 559.)

756. Deposits; amount; cards and stamps for small amounts.—At least $1, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and $1, or multiples thereof, may be deposited after such account has been opened, but the balance to the credit of any one person, upon which interest is payable, shall not exceed $2,500, exclusive of accumulated interest, and noninterest paying deposits shall not be accepted. In order that smaller amounts may be accumulated for deposit, any person may purchase for 10 cents, from any postal savings depository, specially prepared adhesive stamps to be known as "postal savings stamps," and attach them to a card which shall be furnished for the purpose. A card with ten postal savings stamps affixed shall be accepted as a deposit of $1 either in opening an account or in adding to an existing account, or may be redeemed in cash. It is hereby made the duty of the Postmaster General to prepare such postal savings cards and postal savings stamps of denominations of 10 cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof. (June 25, 1910, c. 386, § 6, 36 Stat. 815; May 18, 1916, c. 126, § 1, 39 Stat. 159; July 2, 1918, c. 117, §§ 12, 13, 40 Stat. 754.)

757. Interest; limitation of balance.—Interest at the rate of 2 per centum per annum shall be allowed and entered to the credit of each depositor once in each year, the same to be computed on such basis and under such rules and regulations as the board of trustees may prescribe; but interest shall not be computed or allowed on fractions of a dollar. (June 25, 1910, c. 386, § 7, 36 Stat. 816; May 18, 1916, c. 126, § 1, 39 Stat. 159; July 2, 1918, c. 117, § 12, 40 Stat. 754.)

758. Withdrawals; payment from deposits.—Any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, upon demand and under such regulations as the Postmaster General may prescribe. Withdrawals shall be paid from the deposits in the State or Territory, so far as the postal funds on deposit in such State or Territory may be sufficient for the purpose, and, so far as practicable, from the deposits in the community in which the deposit was made. No bank in which postal savings funds shall be deposited shall receive any exchange or other fees or compensation on account of the cashing or collection of any checks or the performance of any other service in connection with the Postal Savings Depository System. (June 25, 1910, c. 386, § 8, 36 Stat. 816; Aug. 24, 1912, c. 389, § 10, 37 Stat. 559.)

759. Deposit of funds in banks; interest; reserve; security; deposits with treasurer of board of trustees.—Postal savings funds received under the provisions of this chapter shall be deposited in solvent banks, whether organized under national or State laws, and whether member banks or not of the Federal reserve system, being subject to national or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2¼ per centum per annum, which rate shall be uniform throughout the United States and Territories thereof; but 5 per centum of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by Act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this chapter and the regulations made by authority thereof. If one or more member banks of the Federal reserve system exists in the city, town, village, or locality where the postal savings deposits are made, such deposits shall be placed in such qualified member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this chapter in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then such funds shall be deposited with the treasurer of the board of trustees and shall be counted in making up the reserve of 5 per centum. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from the banks and savings depository offices for the repayment of postal savings depositors when required for that purpose. If at any time the postal savings deposits in any State or Territory shall exceed the amount which the qualified banks therein are willing to receive under the terms of this chapter, and such excess amount is not required to make up the reserve fund of 5 per centum hereinbefore provided for, the board of trustees may invest all or any part of such excess amount in bonds or other securities of the United States. When, in the judgment of the President, the general welfare and interests of the United States so require, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of 5 per centum herein provided for, in bonds or other securities of the United States. The board of trustees may in its discretion purchase from the holders thereof bonds which have been or may be issued under the provisions of section 760 of this title. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal

savings depositors, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue. Postal savings funds in the treasury of said board shall be subject to disposition as provided in this chapter, and not otherwise. The board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. The word "Territory" as used herein shall be held to include the District of Columbia, the Territory of Alaska, and Porto Rico, and the word "bank" shall be held to include savings banks and trust companies doing a banking business. (Aug. 24, 1912, c. 387, § 1, 37 Stat. 512; May 18, 1916, c. 126, § 2, 39 Stat. 159.)

760. Bonds issued to depositors; investment of savings funds in bonds.—Any depositor in a postal savings depository may surrender his deposit, or any part thereof, in sums of $20, $40, $60, $80, $100, and multiples of $100 and $500, and receive in lieu of such surrendered deposits, under such regulations as may be established by the board of trustees, the amount of the surrendered deposits in United States coupon or registered bonds of the denominations of $20, $40, $60, $80, $100, and $500, which bonds shall bear interest at the rate of 2½ per centum per annum, payable semiannually, and be redeemable at the pleasure of the United States after one year from the date of their issue and payable twenty years from such date, and both principal and interest shall be payable in United States gold coin of the present standard of value. The bonds herein authorized shall be issued only (first) when there are outstanding bonds of the United States subject to call, in which case the proceeds of the bonds shall be applied to the redemption at par of outstanding bonds of the United States subject to call, and (second) at times when under authority of law other than that contained in this chapter the Government desires to issue bonds for the purpose of replenishing the Treasury, in which case the issue of bonds under authority of this chapter shall be in lieu of the issue of a like amount of bonds issuable under authority of law other than that contained in this chapter. The bonds authorized by this chapter shall be issued by the Secretary of the Treasury under such regulations as he may prescribe. The authority contained in section 759 of this title for the investment of postal savings funds in United States bonds shall include the authority to invest in the bonds herein authorized whenever such bonds may be lawfully issued. The bonds herein authorized shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority. No bonds authorized by this chapter shall be receivable by the Treasurer of the United States as security for the issue of circulating notes by national banking associations. (June 25, 1910, c. 386, § 10, 36 Stat. 817.)

761. Investment of funds in United States bonds subject to call for redemption.—Whenever the trustees of the postal savings fund have in their possession funds available for investment in United States bonds they may notify the Secretary of the Treasury of the amount of such funds in their hands which they desire to invest in bonds of the United States subject to call, whereupon, if there are United States bonds subject to call, the Secretary of the Treasury shall call for redemption an amount of such bonds equal to the amount of the funds in the hands of the trustees which the trustees desire to thus invest, and the bonds so called shall be redeemed at par with accrued interest at the Treasury of the United States on and after three months from the date of such call, and interest on the said bonds shall thereupon cease. Said bonds when redeemed shall be reissued at par to the trustees without change in their terms as to rate of interest and date of maturity. The bonds so reissued may, in the discretion of the Secretary of the Treasury, be called for redemption from the trustees in like manner as they were originally called for redemption from their former owners whenever there are funds in the Treasury of the United States available for such redemption. (June 25, 1910, c. 386, § 11, 36 Stat. 818.)

762. Funds kept separate; accountability therefor; application of laws relating to postal receipts; additional bonds of postmasters.—Postal savings depository funds shall be kept separate from other funds by postmasters and other officers and employees of the Postal Service, who shall be held to the same accountability under their bonds for such funds as for public moneys; and no person connected with the Post Office Department shall disclose to any person other than the depositor the amount of any deposits, unless directed so to do by the Postmaster General. All statutes relating to the safekeeping of and proper accounting for postal receipts are made applicable to postal savings funds, and the Postmaster General may require postmasters, assistant postmasters, and clerks at postal savings depositories to give any additional bond he may deem necessary. (June 25, 1910, c. 386, § 12, 36 Stat. 818.)

763. No additional compensation to postmasters or other employees.—Postmasters, assistant postmasters, clerks, or other employees at post offices of the presidential grade, and postmasters at post offices of the fourth class, shall not be allowed or paid any additional compensation for the transaction of postal savings depository business. (June 25, 1910, c. 386, § 13, 36 Stat. 818; Sept. 23, 1914, c. 308, 38 Stat. 716.)

764. Duties of postmasters and other officers.—The Postmaster General is authorized to require postmasters and other postal officers and employees to transact, in connection with their other duties, such postal savings depository business as may be necessary; and he is also authorized to make, and with the approval of the board of trustees to promulgate, and from time to time to modify or revoke, subject to the approval of said board, such rules and regulations not in conflict with law as he may deem necessary to carry the provisions of this chapter into effect. (June 25, 1910, c. 386, § 14, 36 Stat. 818.)

765. Application of safeguards for protection of public moneys and of laws as to offenses against Postal Service.—All the safeguards provided by law for the protection of public moneys, and all statutes relating to the embezzlement, conversion, improper handling, retention, use, or disposal of postal and money-order funds and the punishments provided for such offenses are hereby extended and made applicable to postal savings depository funds, and all statutes relating to false returns of postal and money-order business, the forgery, counterfeiting, alteration, improper use or handling of postal and money-order blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor, with the penalties provided in such statutes, are hereby extended and made applicable to postal savings depository business, and the forgery, counterfeiting, alteration, improper use or handling of postal savings depository blanks, forms, vouchers, accounts, and records, and the dies, plates, and engravings therefor. (June 25, 1910, c. 386, § 15, 36 Stat. 818.)

766. Faith of United States pledged to payment of deposits.—The faith of the United States is solemnly pledged to the payment of the deposits made in postal savings depository offices, with accrued interest thereon as herein provided. (June 25, 1910, c. 386, § 16, 36 Stat. 819.)

767. Judgment adjudicating right or interest in deposit.—The final judgment, order, or decree of any court of competent jurisdiction adjudicating any right or interest in the credit of any sums deposited by any person with a postal savings depository if the same shall not have been appealed from and the time for appeal has expired shall, upon submission to the Postmaster General of a copy of the same, duly authenticated in the manner provided by the laws of the United States for the authentication of the records and judicial proceedings of

the courts of any State or Territory or of any possession subject to the jurisdiction of the United States, when the same are proved or admitted within any other court within the United States, be accepted and pursued by the board of trustees as conclusive of the title, right, interest, or possession so adjudicated, and any payment of said sum in accordance with such order, judgment, or decree shall operate as a full and complete discharge of the United States from the claim or demand of any person or persons to the same. (June 25, 1910, c. 386, § 17. 36 Stat. 819.)

768. Powers of Postmaster General as to designation of offices, compensation of superintendents and inspectors, office hours, and regulations as to deposits and withdrawals.—The Postmaster General shall select and designate the post offices which are to be postal savings depository offices, and shall appoint and unless otherwise provided by law, fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, District of Columbia, and shall prescribe the hours during which postal savings depository offices shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawals of moneys from postal savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals. (Aug. 24, 1912, c. 389, § 10, 37 Stat. 559.)

769. Transaction of business of Postal Savings System.—The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to transact the business of the Postal Savings System in the office of the Treasurer of the United States: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail annually. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 377.)

Chapter 21.—ACCOUNTS AND REVENUES.

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790. Delivery of stolen money to owner.
791. Disposal of fines, penalties, and forfeitures.
792. Preservation of accounts.

Section 781. Manner of keeping accounts.—The accounts of the postal service shall be kept in such a manner as to exhibit separately the amount of revenue derived from the following sources respectively:

First. Letter postage.
Second. Book, newspaper, and pamphlet postage.
Third. Registered letters.
Fourth. Box rents and branch offices.
Fifth. Postage stamps and envelopes.
Sixth. Dead letters.
Seventh. Fines and penalties.
Eighth. Revenue from money-order business.
Ninth. Miscellaneous. (R. S. § 4049; Mar. 3, 1875, c. 128, § 4, 18 Stat. 343.)

782. Miscellaneous and money-order receipts.—Unclaimed money in dead letters for which no owner can be found; all money taken from the mail by robbery, theft, or otherwise, which may come into the hands of any agent or employee of the United States, or any other person whatever; all fines and penalties imposed for any violation of the postal laws, except such part as may by law belong to the informer or party prosecuting for the same; and all money derived from the sale of waste paper or other public property of the Post Office Department, shall be deposited in the Treasury, under the direction of the Postmaster General, as part of the postal revenue. And the Postmaster General shall cause to be placed to the credit of the Treasurer of the United States, for the service of the Post Office Department, the net proceeds of the money-order business; and the receipts of the Post Office Department derived from this source during each quarter shall be entered by the bureau of accounts in the Post Office Department in the accounts of such department, under the head of "revenue from money-order business." (R. S. § 4050; June 10, 1921, c. 18, 42 Stat. 23.)

783. Postal revenue to be accounted for.—All postages, box rents, and other receipts at post offices, shall be accounted for as part of the postal revenues; and each postmaster shall be charged with and held accountable for any part of the same, accruing at his office, which he has neglected to collect, the same as if he had collected it. (R. S. § 4051.)

784. Disposal of moneys recovered for loss of registered matter not restored to owners.—All moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners, shall be covered into the Treasury of the United States. (May 27, 1908, c. 206, 35 Stat. 415.)

785. Box holders may provide lock boxes.—Postmasters may allow box holders who desire to do so to provide lock boxes or drawers for their own use, at their own expense, which lock boxes or drawers, upon their erection in any post office, shall become the property of the United States, and be subject to the direction and control of the Post Office Department, and shall pay a rental at least equal to that of other boxes in the same office, or, if there be no other boxes in such office, of boxes in other offices of the same class, which rental shall be accounted for as other box rents. (R. S. § 4052.)

786. Revenues appropriated for Postal Service.—The money required for the Postal Service in each year shall be appropriated by law out of the revenues of the service except as otherwise provided by law. (R. S. § 4054.)

787. Payments, how made; advances.—All payments on account of the Postal Service shall be made to persons to whom the same shall be certified to be due by the General Accounting Office; but advances of necessary sums to defray expenses may be made by the Postmaster General to post-office inspectors employed to investigate mail depredations, examine post routes and offices, and on other like services, to be charged to them by the General Accounting Office, and to be accounted for in the settlement of their accounts. (R. S. § 4055; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

788. Transfer of debts to contractors.—The Postmaster General may transfer debts due to the department from postmasters and others to such contractors as have given bonds, with security, to refund any money that may come into their hands over and above the amount found due them on the settlement of their accounts; but such transfers shall only be in satisfaction of legal demands for which appropriations have been made. (R. S. § 4056.)

789. Suits to recover wrongful or fraudulent payments.—In all cases where money has been paid out of the funds of the Post Office Department under the pretense that service has been performed therefor, when, in fact, such service has not been performed, or as additional allowance for increased serv-

ice actually rendered, when the additional allowance exceeds the sum which, according to law, might rightfully have been allowed therefor, and in all other cases where money of the department has been paid to any person in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or other employee in the Postal Service, the Postmaster General shall cause suit to be brought to recover such wrong or fraudulent payment or excess, with interest thereon. (R. S. § 4057.)

790. Delivery of stolen money to owner.—Whenever the Postmaster General is satisfied that money or property stolen from the mail, or the proceeds thereof, has been received at the department, he may, upon satisfactory evidence as to the owner, deliver the same to him. (R. S. § 4058.)

791. Disposal of fines, penalties, and forfeitures.—All penalties and forfeitures imposed for any violation of law affecting the Post Office Department for its revenue or property shall be recoverable, one half to the use of the person informing and prosecuting for the same, and the other half to be paid into the Treasury for the use of the Post Office Department, unless a different disposal is expressly prescribed. All fines collected for violations of such laws shall be paid into the Treasury for the use of the Post Office Department. (R. S. § 4059.)

792. Preservation of accounts.—The Postmaster General may dispose of any quarterly returns of mails sent or received, preserving the accounts current and all accompanying vouchers, and use such portions of the proceeds as may be necessary to defray the cost of separating and disposing of them; but the accounts shall be preserved entire for at least two years. (R. S. § 4060.)

Chapter 22.—MISCELLANEOUS PROVISIONS RELATING TO THE POSTAL SERVICE.

Sec.

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826. Ascertainment of revenues derived from and cost of carrying and handling several classes of mail matter; statement of annually; payment of cost.
827. Motor-vehicle truck routes and motor express routes.

Section 801. Salaries of requisition fillers and packers in division of equipment and supplies.—The salary of requisition fillers and packers in the division of equipment and supplies shall be as follows: One foreman, $2,100 per annum; ten requisition fillers and nine packers at $1,800 each per annum. (Feb. 28, 1925, c. 368, § 9, 43 Stat. 1064.)

802. Contracts; rental of canceling machines, hire of equipages for City Delivery Service and collection service.—The Postmaster General may, in his discretion, enter into contracts for a period of not exceeding four years for the rental of canceling machines, for the hire of the equipages for the City Delivery Service, for the collection service by means of boxes attached to street cars, and for the steamboat and other equipment necessary for the Detroit River Postal Service, but no contract shall be made for any canceling machine for more than $270 per annum, including repairs on said machine, and all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency. (Mar. 4, 1911, c. 241, § 1, 36 Stat. 1333; Mar. 9, 1914, c. 33, 38 Stat. 303.)

803. Same; miscellaneous supplies.—The Postmaster General may also contract for a term not exceeding four years, for miscellaneous equipment and supplies for the Postal Service, when, in his judgment, it shall appear to be for the best interests of the service. (Apr. 21, 1902, c. 563, § 1, 32 Stat. 114.)

804. Same; printing post-route maps.—The Postmaster General may, in his discretion, cause the contract for printing post-route maps to be let for a term of four years. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 803.)

805. Sale of post-route maps and rural-delivery maps.—The Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per centum thereof added, the proceeds of such sale to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blue prints. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1067; Mar. 1, 1921, c. 88, § 1, 41 Stat. 1154.)

806. Post-route maps; pay rolls of topographer's office.—The disbursements of the moneys appropriated for the preparation and publication of post-route maps shall be made by a regular bonded disbursing officer of the Post Office Department, according to the laws, rules, and customs as recognized by the General Accounting Office. The pay rolls of the draftsmen, clerks, messengers, and other employees of the topographer's office, shall be regularly made out by the topographer, examined and checked by the appointment clerk of the Post Office Department, and the payments thereof made by a bonded disbursing officer of the Post Office Department. All expenditures made by the topographer for the preparation and publication of post-route maps shall be accounted for by vouchers, accompanied by affidavit, and the moneys therefor shall be disbursed by a disbursing officer of the Post Office Department; and all of the above disbursements shall be paid out of the appropriation for the preparation and publication of post-route maps. (June 17, 1878, c. 259, § 2, 20 Stat. 143; June 10, 1921, c. 18, § 304, 42 Stat. 24; Feb. 14, 1923, c. 79, 42 Stat. 1249.)

807. Contracts for furnishing Official Postal Guide; sale thereof.—Except as otherwise provided in section 111 of Title 44 Postmaster General may, in his discretion, cause the contract for furnishing the Official Postal Guide to be let for a term of four years, and he may authorize the sale to the public of such guides at the total cost thereof, the proceeds of such sale to be covered into the Treasury as a miscellaneous receipt.

Contracts let for the publication of such guide shall provide for the supply of such copies as may be required for public use by the several executive departments and other Government establishments at a price not exceeding the cost of such guides to the Post Office Department. (May 28, 1896, c. 252, § 1, 29 Stat. 176; May 10, 1916, c. 117, § 1, 39 Stat. 108; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1295.)

808. Contracts for supplies with persons combining to fix prices.—No contract for furnishing supplies to the Post Office Department or the Postal Service shall be made with any

person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than $100 nor more than $5,000, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year. (Aug. 24, 1912, c. 389, § 2, 37 Stat. 553.)

809. Contracts; mail bags, mail locks, and keys.—Section 13 of Title 41 shall not apply to, or include mail bags, mail locks and keys, postal cards, postage stamps, newspaper wrappers, or stamped envelopes. (Mar. 24, 1874, No. 6, 18 Stat. 286.)

810. Metric postal balances.—The Postmaster General shall furnish to the post offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so on in progression. (R. S. § 3880.)

811. Civil pension roll prohibited.—Except as otherwise provided by law, the establishment of a civil pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the Postal Service from the existing laws respecting employment in such service, is hereby prohibited. (Mar. 1, 1909, c. 232, 35 Stat. 670.)

812. No employee to receive fees.—No person employed in the Postal Service shall receive any fees or perquisites on account of the duties to be performed by virtue of his appointment. (R. S. § 3858.)

813. Rewards for inventions and improvements in service.—The Postmaster General may pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency. The sums so paid to employees shall be in addition to their usual compensation. The total amount paid shall not exceed $1,000 in any month or for any one invention or suggestion. No employee shall be paid a reward until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns. (Mar. 4, 1913, c. 143, 37 Stat. 795; Jan. 22, 1925, c. 87, 43 Stat. 782.)

814. Bonds; Liberty loan bonds in lieu of other bonds.—The Postmaster General may, under such rules and regulations as he shall prescribe, accept United States Liberty loan bonds in lieu of either corporate or personal surety from contractors, officers, and employees of the Postal Service to indemnify the Government against losses resulting from the failure of any contractor, officer, or employee of the Postal Service to properly discharge his official duty. (July 2, 1918, c. 117, § 6, 40 Stat. 753.)

815. Bonds of postmaster, clerk, carrier, or postal employees; renewal.—Whenever any postmaster, clerk, carrier, or other person in the Postal Service, employed in the Post Office Department or elsewhere, notifies the Postmaster General of his desire to execute a new bond, or whenever any of the sureties of such postmaster, clerk, carrier, or other person, notifies the Postmaster General of his desire to be released from such suretyship, or whenever the Postmaster General deems a new bond necessary or expedient, the execution of the new bond may be directed by the Postmaster General. When accepted by the Postmaster General the sureties of postmasters in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted, and the sureties of other persons in the prior bond shall be released from responsibility for all acts or defaults of such persons which may be done or committed subsequent to the day such new bond becomes operative. (Mar. 3, 1905, c. 1488, 33 Stat. 1259.)

816. Payment to legal representatives of deceased clerks killed or dying from injuries.—The Postmaster General may pay the sum of $2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives, for the benefit of wife, children, or dependent relatives, of any railway postal clerk, substitute railway postal clerk, supervisory official of the Railway Mail Service, post-office inspector, letter carrier in the City Delivery Service, rural letter carrier, post-office clerk, special-delivery messenger, post-office laborer or any classified civil-service employee in post offices of the first and second classes who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury. No compensation shall be paid any such employee for any injury occasioned by his own negligence. (July 28, 1916, c. 261, § 1, 39 Stat. 413.)

817. Acting employees for employees and substitutes injured while on duty.—The Postmaster General shall have authority to employ acting employees in place of all employees or substitutes mentioned in section 816 of this title who are injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per centum of the employee's salary for the period of disability exceeding one year, but not exceeding twelve months additional. (July 28, 1916, c. 261, § 1, 39 Stat. 413.)

818. Reinstatement of employees entering military service.—Any postal employee who has entered or shall enter the military service of the United States shall, upon being honorably discharged therefrom, be permitted to resume the position in the postal department which he left to enter such military service. Employees, including substitute employees, of the Postal Service who entered the military or naval service of the United States prior to July 2, 1918, or thereafter during the existence of the World War shall, when honorably discharged from such service, be reassigned to their duties in the Postal Service at the salary to which they would have been automatically promoted had they remained in the Postal Service, provided they are physically and mentally qualified to perform the duties of such positions. (July 28, 1916, c. 261, § 1, 39 Stat. 413; July 2, 1918, c. 117, § 9, 40 Stat. 754.)

819. Termination of employment by reason of absence on account of illness.—The Postmaster General shall not approve or continue any rule or regulation which terminates the employment of any employee by reason of absence on account of illness for a period of less than one year. (July 28, 1916, c. 261, § 1, 39 Stat. 413.)

820. Per diem allowed to officers and employees of department only when actually traveling.—All officers and employees of the Post Office Department who are entitled to a per diem allowance when traveling, in lieu of actual expenses, shall only be allowed such per diem when actually engaged in traveling on official business away from their home, their official domicile, and their headquarters. The Postmaster General shall designate an official domicile and headquarters within the division or territory to which such officer or employee is assigned. (Apr.

28, 1904, c. 1759, § 4, 33 Stat. 440; Apr. 24, 1920, c. 161, § 1, 41 Stat. 574; June 5, 1920, c. 254, 41 Stat. 1052.)

821. Compensation and promotion of printers, mechanics, etc.—Printers, mechanics, and skilled laborers, employees of the United States Stamped Envelope Agency at Dayton, Ohio, shall for the purpose of promotion and compensation be deemed a part of the clerical force. (Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

822. Salaries at annual or monthly rate; division of time and computation of pay.—Where the salary or compensation of any employee in the Postal Service is at an annual or monthly rate, the following rules shall be followed in computing the amount due: An annual salary or compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payment for a fractional part of any calendar month there shall be paid such proportion of one of such installments, or of the amount of the monthly salary or compensation, as the number of days in the fractional part of that month bears to the actual number of days in that month. (Mar. 4, 1911, c. 241, § 4, 36 Stat. 1339.)

823. Leaves of absence; sick leave.—Employees in the Postal Service shall be granted fifteen days' leave of absence with pay exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of ten days a year, exclusive of Sundays and holidays, to be cumulative, but no sick leave with pay in excess of thirty days shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General.

The fifteen days' leave shall be credited at the rate of one and one-quarter days for each month of actual service. Not exceeding five days of the fifteen days' annual leave with pay, exclusive of Sundays and holidays, granted to railway postal clerks assigned to road duty each fiscal year may be carried over to the succeeding fiscal year. (June 27, 1884, c. 126, 23 Stat. 60; Oct. 1, 1890, c. 1260, 26 Stat. 648; May 27, 1908, c. 206, 35 Stat. 413; Aug. 24, 1912, c. 389, 37 Stat. 346; June 5, 1920, c. 254, 40 Stat. 1052; June 19, 1922, c. 227, § 3, 42 Stat. 660; Feb. 28, 1925, c. 368, §§ 7, 11, 43 Stat. 1063, 1064.)

824. Same; employees of mail-bag and mail-lock repair shops.—The employees of the mail-bag repair shop in Washington, District of Columbia, and Chicago, Illinois, and the employees of the mail-lock repair shop in Washington, District of Columbia, may be allowed thirty days' annual leave of absence. (Aug. 24, 1912, c. 389, 37 Stat. 546.)

825. Suits and prosecutions in State courts.—All causes of action arising under the postal laws may be sued, and all offenders against the same may be prosecuted, before the justices of the peace, magistrates, or other judicial courts of the several States and Territories having competent jurisdiction by the laws thereof, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent; and such justices, magistrates, or judiciary shall take cognizance thereof, and proceed to judgment and execution as in other cases. (R. S. § 3833.)

826. Ascertainment of revenues derived from and cost of carrying and handling several classes of mail matter; statement of annually; payment of cost.—The Postmaster General is authorized to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special services, and to state the results annually as far as practicable and pay the cost thereof out of the appropriation for inland transportation by railroad routes. (Feb. 28, 1925, c. 368, § 214, 43 Stat. 1069.)

827. Motor-vehicle truck routes and motor express routes.—To promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer and the delivery to producers of articles necessary in the production of such food products, the Postmaster General is hereby authorized to conduct experiments in the operation of motor-vehicle truck routes, to be selected by him. The Postmaster General is further authorized to conduct experiments in the operation of country motor express routes, which shall be primarily operated as a means of expediting the transportation of fourth-class mail between producing and consuming localities and shall not displace or supplant any existing methods of mail transportation or delivery. These two classes of experiments shall be conducted under such rules and regulations, including modifications in rates of postage and in packing and wrapping requirements, as the Postmaster General may prescribe.

Mail other than that of the fourth class shall not be dispatched on experimental motor-vehicle truck routes or on experimental country motor express routes unless the same can be expedited thereby in delivery at destination.

Separate accounts shall be kept of the amount of all the mail of all classes carried on such routes. The Postmaster General shall report to Congress the result of such experiments at the beginning of the next regular session. (Feb. 28, 1919, c. 69, § 1, 40 Stat. 1198.)

PRINTING

See Title 44, PUBLIC PRINTING AND DOCUMENTS.

PRISONS AND PRISONERS

See Title 10, ARMY (United States Disciplinary Barracks);
Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

PRIZE

See Title 34, NAVY.

PROBATION SYSTEM

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

PROHIBITION

See Title 27, INTOXICATING LIQUORS.

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

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Chapter 1.—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA.

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Section 1. Public Buildings Commission; members; powers and duties.—With a view to the control and allotment of space in owned or leased Government buildings in the District of

Columbia, a Public Buildings Commission is created to be composed of two Senators to be appointed by the President of the Senate and two Members of the House of Representatives to be appointed by the Speaker, who shall serve thereon only so long as they are Members of Congress, and the Architect of the Capitol, the officer in charge of public buildings and grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office. Said commission shall elect one of its members as chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary.

Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

Said commission shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia, with the exception of the Executive Mansion and office of the President, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building, and shall from time to time assign and allot, for the use of the several activities of the Government, all such space. (July 1, 1916, c. 209, § 1, 39 Stat. 398; Mar. 1, 1919, c. 86, § 10, 40 Stat. 1269; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

2. Office of Public Buildings and Public Parks of National Capital; Director of Public Buildings and Public Parks of National Capital.—The office of Public Buildings and Grounds under the Chief of Engineers, United States Army, and the office of superintendent of the State, War, and Navy Department Buildings are consolidated into a single office and shall be designated as the office of Public Buildings and Public Parks of the National Capital. The superintendent of the State, War, and Navy Department Buildings and the officer in charge of Public Buildings and Grounds shall be designated as the Director of Public Buildings and Public Parks of the National Capital, and shall be assigned by the President from the officers of the Corps of Engineers for duty in this position as on February 26, 1925, provided by law for the officer in charge of Public Buildings and Grounds and the superintendent of the State, War, and Navy Department Buildings. (Feb. 26, 1925, c. 339, § 1, 43 Stat. 983.)

3. Commission in charge of State, War, and Navy Department Building abolished; duties, etc., of commission and superintendent transferred to director.—The commission in charge of the State, War, and Navy Department Building, established by the Act approved March 3, 1883, is abolished and all powers and duties conferred and imposed by law upon such commission and the superintendent of the State, War, and Navy Department Buildings shall be exercised and performed by such director, under the general direction of the President of the United States. (Feb. 26, 1925, c. 339, § 2, 43 Stat. 983.)

4. Office of Public Buildings and Grounds abolished; duties, etc., transferred to director.—The office of Public Buildings and Grounds, under the direction and control of the Chief of Engineers of the United States Army, is abolished, and all authority, powers, and duties conferred and imposed by law upon the Secretary of War or upon the Chief of Engineers of the United States Army in relation to the construction, maintenance, care, custody, policing, upkeep, or repair of public buildings, grounds, parks, monuments, or memorials in the District of Columbia, together with the authority, powers, and all duties and powers conferred and imposed by law upon the officer in charge of public buildings and grounds, shall be held, exercised, and performed by the Director of Public Buildings and Public Parks of the National Capital, under the general direction of the President of the United States. (Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

5. Officers and employees of office of Public Buildings and Public Parks; records, papers, etc., transferred; detail of Army officers to assist director.—The officers and employees in the offices hereby consolidated shall become officers and employees of the office of Public Buildings and Public Parks of the National Capital without reappointment, and all official records, papers, files, furniture, supplies, and other property in use in or in the possession of the offices so consolidated are hereby transferred to the office hereby created. The director is authorized to appoint, in accordance with existing law, such officers and employees, and to incur such expenses, as may be necessary for the proper administration of his office within the limits of the appropriations from time to time granted therefor. There may be detailed to assist the director not to exceed two qualified officers of the United States Army not above the rank of major. (Feb. 26, 1925, c. 339, § 4, 43 Stat. 983.)

6. Laws not affected by creation of office of Public Buildings and Public Parks of National Capital.—Nothing contained in sections 2 to 6 of this title shall be held to modify existing law with respect to the assignment of space in the public buildings in the District of Columbia by the Public Buildings Commission or to modify sections 4 to 10, inclusive, of the Act approved May 27, 1924, relating to the United States park police, except as provided in section 4 of this title. (Feb. 26, 1925, c. 339, § 6, 43 Stat. 984.)

7. Distribution of employees.—The said director may from time to time alter the distribution among the various office buildings under his direction and control of the employees allowed by law as he may find it necessary and proper to do. (July 8, 1918, c. 139, § 1, 40 Stat. 831; Feb. 26, 1925, c. 339, § 2, 43 Stat. 983.)

8. Estimates and appropriations.—All estimates for public buildings and grounds in charge of the Director of Public Buildings and Public Parks shall be approved and submitted by the Secretary of War, through the Treasury Department, as other estimates, to the two Houses of Congress; and all appropriations, which have been or may be made for repairs or improvements of the public buildings and grounds in the District of Columbia, and now in charge of the said director, shall be expended under the direction of the Secretary of War. (R. S. § 1798.)

9. State, War, and Navy Building; care and supervision.—The Director of Public Buildings and Public Parks shall have charge of the State, War, and Navy Department Building, and all the engines, machinery, steam and water supply, heating, lighting, and ventilating apparatus, elevators, and all other fixtures in said building, and all necessary repairs and alterations thereof, as well as the direction and control of such force of engineers, watchmen, laborers, and others engaged about the building or the apparatus under his supervision; of the cleaning of the corridors and water closets; of the approaches, sidewalks, lawns, courtyards, and areas of the building, and of all rooms in the sub-basement which contain the boilers and other machinery, or so much of said rooms as may be indispensable to the proper performance of his duties as herein provided. (Mar. 3, 1883, c. 128, § 1, 22 Stat. 553; Feb. 26, 1925, c. 339, § 2, 43 Stat. 983.)

10. Director's duties extended to annex buildings.—The Director of Public Buildings and Public Parks shall also act as superintendent of the Navy Department Annex, or Mills Building, and the State Department Annex Building, and the War and Navy Department Buildings (Henry Park Reservation). (May 22, 1908, c. 186, § 1, 35 Stat. 218; Mar. 28, 1918, c. 28, § 1, 40 Stat. 482; Feb. 26, 1925, c. 339, § 2, 43 Stat. 983.)

11. Duties extended to temporary office buildings.—The maintenance and protection of the temporary office building erected by the War Department between Eighteenth and Nineteenth Streets and B Street and Virginia Avenue northwest, the

two three-story temporary office buildings of reinforced concrete for the Navy Department and War Department in Potomac Park west of Seventeenth Street and south of B Street, the two three-story temporary office buildings of the type erected in Henry Park, one located in Seaton Park (north) between Four-and-a-half and Sixth Streets and south of Missouri Avenue and one located on the Mall between Seventh and Ninth Streets and B Street north and B Street south, and the three-story temporary office building of reinforced concrete located in Seaton Park (south) between Four-and-a-half and Sixth Streets and north of Maine Avenue shall be under the supervision and direction of the said director. (Mar. 28, 1918, c. 28, § 1, 40 Stat. 483; June 4, 1918, c. 92, 40 Stat. 598; Feb. 26, 1925, c. 339, § 2, 43 Stat. 983.)

12. Care, maintenance, etc., of Interior Department, Pension Office, Patent Office, and General Land Office buildings.—The responsibility for the care, maintenance, and protection of the Interior Department Building, the Pension Office Building, the Patent Office Building, and the General Land Office Building, including the power, heating and lighting plant therein, and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, is transferred to the Director of Public Buildings and Public Parks of the National Capital. (May 24, 1922, c. 199, 42 Stat. 554; Feb. 26, 1925, c. 339, §§ 1, 6, 43 Stat. 983.)

13. Care, maintenance, etc., of Department of Justice buildings.—The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Department of Justice in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith is transferred to the Director of Public Buildings and Public Parks of the National Capital. (Feb. 13, 1923, c. 72, 42 Stat. 1239; Feb. 26, 1925, c. 339, §§ 1–6, 43 Stat. 983.)

14. Care, maintenance, etc., of Department of Commerce buildings.—The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Department of Commerce in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, is transferred to the Director of Public Buildings and Public Parks of the National Capital. (Feb. 13, 1923, c. 72, 42 Stat. 1239; Feb. 26, 1925, c. 339, §§ 1–6, 43 Stat. 983.)

15. Care, maintenance, etc., of Department of Labor buildings.—The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Department of Labor in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, is transferred to the Director of Public Buildings and Public Parks of the National Capital. (Feb. 13, 1923, c. 72, 42 Stat. 1239; Feb. 26, 1925, c. 339, §§ 1–6, 43 Stat. 983.)

16. Care, maintenance, etc., of Treasury Department Annex Building.—The Director of Public Buildings and Public Parks of the National Capital shall be responsible for the care, maintenance, and protection of the buildings known as Treasury Department Annex Numbered 2, located at Fourteenth and B Streets northwest, the Winder Building, located at Seventeenth and F Streets northwest, and the Cox Building, located at 1709 New York Avenue northwest, all in the city of Washington, District of Columbia, including the furnishing of heat, gas, and electricity therein; and any funds appropriated therefor, together with all machinery, tools, equipment, and supplies used, or for use, in connection therewith, is transferred from the Secretary of the Treasury to said director. (Apr. 4, 1924, c. 84, Title I, 43 Stat. 66; Feb. 26, 1925, c. 339, §§ 1–6, 43 Stat. 983.)

17. Care, maintenance, etc., of Civil Service Commission buildings.—The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Civil Service Commission in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, is transferred from the United States Civil Service Commission to the Director of Public Buildings and Public Parks of the National Capital. (Feb. 13, 1923, c. 72, 42 Stat. 1240; Feb. 26, 1925, c. 339, §§ 1–6, 43 Stat. 983.)

18. Care, maintenance, etc., of Interstate Commerce Commission buildings.—The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Interstate Commerce Commission in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, is transferred from the Interstate Commerce Commission to the Director of Public Buildings and Public Parks of the National Capital. (Feb. 13, 1923, c. 72, 42 Stat. 1240; Feb. 26, 1925, c. 339, §§ 1–6, 43 Stat. 983.)

19. Director to have charge of public buildings and grounds.—The said Director of Public Buildings and Public Parks shall also have charge of all other public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President, through the War Department, except those buildings and grounds which are otherwise provided for by law; and when it shall be made to appear to the said director, or to the officer under his direction having immediate charge of said public buildings and grounds, that any person or persons is in unlawful occupation of any portion of said public lands in the District of Columbia, it shall be the duty of said officer in charge thereof to notify the marshal of the District of Columbia in writing of such unlawful occupation, and the said marshal shall thereupon cause the said trespasser or trespassers to be ejected from said lands, and shall restore possession of the same to the officer charged by law with the custody thereof. (R. S. § 1797; Apr. 28, 1902, c. 594, 32 Stat. 152; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

20. Report of director.—He shall annually submit to the Secretary of War in time to accompany the annual message of the President to Congress, a report of his operations for the preceding year, with an account of the manner in which all appropriations for public buildings and grounds have been applied, including a statement of the number of public lots sold, or remaining unsold each year, of the condition of the public buildings and grounds, and of the measures necessary to be taken for the care and preservation of all public property under his charge. (R. S. § 1812.)

21. Manufacture and sale of ice, electricity, and steam to executive departments and independent establishments.—The Director of Public Buildings and Public Parks, is authorized to manufacture and sell at cost to the executive departments and independent establishments of the Government such quantities of ice, electricity, and steam as he may be able to manufacture or generate with the equipment that is available in the buildings under his supervision. (May 24, 1922, c. 199, 42 Stat. 554.)

22. Central heatifig, lighting, and power plant.—The Secretary of the Treasury is authorized and directed to furnish heat, light, and power from the central heating, lighting, and

power plant for the buildings, old and new, of the Bureau of Engraving and Printing, the buildings of the Department of Agriculture, the Treasury Building, the White House and the buildings on the grounds thereof, the State, War, and Navy Building, the Winder Building, the Mills Building, the Court of Claims Building, the buildings, old and new, of the National Museum, the Smithsonian Institution Building, the Army Medical Museum Building, the Fish Commission Building, the Washington Monument, the District Building, the Post Office Department Building, and the buildings, when constructed on the site acquired, for each of the Departments of State, Justice, and Commerce and Labor, the Pan American Building, the building occupied by the Civil Service Commission, and the municipal fish market. Authority is given for making a cross connection between the central heating, lighting, and power plant aforesaid and the Capitol power plant, so that either plant may supply to the other electric energy in case of a breakdown or other emergency, such connection to be equipped with the necessary meters so that reimbursement may be made for the amount of current actually supplied by either of said plants to the other. (June 23, 1913, c. 3, § 1, 38 Stat. 25; June 12, 1917, c. 27, § 1, 40 Stat. 112.)

23. Maximum rates for gas.—No part of any money appropriated by any Act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per one thousand cubic feet. (Sept. 1, 1916, c. 433, § 6, 39 Stat. 716.)

24. Lighting lamps in public grounds.—No greater sum shall be paid any company for lighting any gas or electric lamp in the public grounds, or for installing or moving the same, than is paid by the District of Columbia for similar services, and no contract shall be required to be entered into for lighting the public grounds. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1404.)

25. Rentals for gas governors.—Rentals shall not be paid for gas governors for use in buildings under the control of the Treasury Department greater than 35 per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. (Feb. 17, 1922, c. 55, 42 Stat. 388; Jan. 3, 1923, c. 22, 42 Stat. 1109; Apr. 4, 1924, c. 84, Title I, 43 Stat. 83; Jan. 22, 1925, c. 87, Title I, 43 Stat. 781.)

26. Inspection of gas and electric meters.—The superintendent of meters, of the Capitol power plant shall inspect all gas and electric meters of the Government in the District of Columbia without compensation other than his annual compensation as such superintendent. (Mar. 20, 1922, c. 103, 42 Stat. 430; Feb. 20, 1923, c. 98, 42 Stat. 1273; June 7, 1924, c. 303, § 1, 43 Stat. 587; Mar. 4, 1925, c. 549, § 1, 43 Stat. 1295.)

27. Superintendent of meters to report consumption of gas.—The said superintendent of meters shall render to the proper accounting officers of the Treasury Department the consumption of gas each month in the several department buildings. (July 31, 1876, c. 246, 19 Stat. 115.)

28. Telegraph connecting public buildings; supervision.—The lines of telegraph, connecting the Capitol with the various departments in Washington, constructed under and by virtue of the Act of Congress approved March 3, 1873, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," are placed under the supervision of the officer in charge of the public buildings and grounds; and the said officer is authorized and empowered to make rules and regulations for the working of said lines. And the Secretary or head of each executive department, and the Public Printer, are authorized to detail one person from their force of employees to operate the instruments in said departments and printing office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding $100 per month, during the sessions of Congress. (Feb. 4, 1874, c. 22, 18 Stat. 14.)

29. Same; use of lines.—Said lines of telegraph shall be for the use only of Senators, Members of Congress, judges of the United States courts, and officers of Congress and of the executive departments, and solely on public business. (Mar. 7, 1874, c. 50, 18 Stat. 20.)

30. Same; sale of material or lines.—The Director of Public Buildings and Public Parks is authorized to sell any condemned material or lines not needed by the departments, and cover the proceeds into the Treasury. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 388; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

31. Use of public buildings for public ceremonies.—No public building, or the approaches thereto, other than the Capitol Building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States, or other public function, except as may hereafter be expressly authorized by law. (Apr. 28, 1902, c. 594, 32 Stat. 152.)

32. Alterations or work on Treasury Building.—No alteration shall be made, or work done upon the Treasury Building, except for ordinary repairs, except upon authorization of and in accordance with specific appropriations therefor. (July 15, 1870, c. 293, § 1, 16 Stat. 311.)

33. Restriction on expenditures for production of electricity.—No appropriation for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power can not be obtained at a less cost. (Mar. 4, 1907, c. 2918, § 9, 34 Stat. 1371.)

34. Rent of buildings in District of Columbia; contracts not to be made until appropriation.—No contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or any part of building. (Mar. 3, 1877, c. 106, 19 Stat. 370.)

35. Same; rent of other buildings.—Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That, except as otherwise provided, no increase in the number of buildings in use, nor in the amounts paid for rents, shall result therefrom. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 241.)

36. Lease of storage accommodations by heads of executive departments.—The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding six years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments. (Mar. 2, 1913, c. 93, 37 Stat. 718.)

37. Lease of buildings; for military purposes.—In time of war, or when war is imminent, the Secretary of War is authorized, in his discretion, to rent or lease any building or part of building in the District of Columbia that may be required for military purposes. (July 9, 1918, c. 143, 40 Stat. 861.)

38. Rent of building; for Navy Department.—The Secretary of the Navy is authorized to enter into contract for the rental of a suitable fireproof building or buildings or parts thereof

for the use of the Navy Department for a period of not exceeding ten years from July 1, 1913, at an annual rental of not exceeding $30,000. (Mar. 4, 1913, c. 142, § 1, 37 Stat. 771.)

39. Same; for Department of Justice.—The Attorney General is authorized to enter into a contract for the lease of a modern fireproof office building for the use of the Department of Justice for a period not to exceed five years, renewable, at the option of the Government, for an additional period not exceeding five years, at an annual rental not exceeding $36,000 and at a rate per annum per square foot of available floor space not to exceed 36$\frac{3}{10}$ cents. (May 10, 1916, c. 117, § 1, 39 Stat. 109.)

40. Same; for Department of Labor.—The Secretary of Labor is authorized to enter into a contract for the lease of a modern fireproof building for the use of the Department of Labor for a period not to exceed five years, renewable, at the option of the Government, for an additional period not exceeding five years, at an annual rental not exceeding $24,000 and at a rate per annum per square foot of available floor space not to exceed 36$\frac{3}{10}$ cents. (May 10, 1916, c. 117, § 1, 39 Stat. 118.)

41. Requisition of buildings in District of Columbia by Secretary of War.—The Secretary of War is authorized, for the official purposes of the War Department, and within the limits of the appropriations for rent made by any act making appropriations for the War Department, to requisition the use of, and take possession of, any building or any space in any building, and the appurtenances thereof, in the District of Columbia, other than a dwelling house occupied as such or a building occupied by any other branch of the United States Government, and he shall ascertain and pay just compensation for such use. If the amount of compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per centum of such amount and shall be entitled to sue the United States to recover such further sum as, added to said 75 per centum, will make up such amount as will be just compensation for such use in the manner provided by section 41, paragraph 20, of Title 28, and section 250 of Title 28. (July 8, 1918, c. 139, § 1, 40 Stat. 826.)

42. Rooms and accommodations for Civil Service Commission.—It shall be the duty of the Civil Service Commission to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said commission and the examinations provided for in section 635 of Title 5, and to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for the said commission. (Jan. 16, 1883, c. 27, § 4, 22 Stat. 405; May 29, 1920, c. 214, § 1, 41 Stat. 642.)

43. Advertisements and sales in or around Washington Monument.—No advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Washington Monument, except upon the written authority of the Secretary of War. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 997.)

44. Fishponds in Monument Grounds.—When the fishponds in the Monument Grounds, the ground around them and the buildings upon the same, are abandoned by the Bureau of Fisheries, the officer in charge of public buildings and grounds is authorized to assume control of them. (June 30, 1906, c. 3912, § 1, 34 Stat. 659.)

45. Chief of Engineers; charge of Washington Aqueduct.—The Chief of Engineers shall have the immediate superintendence of the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law. (R. S. § 1800.)

46. Same; compensation.—The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of this title. (R. S. § 1807.)

47. Same; apartments for.—He shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the Public Buildings Commission, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties. (R. S. § 1808; Mar. 1, 1919, c. 86, § 10, 40 Stat. 1269.)

48. Same; to obey President.—He shall obey, in the discharge of the duties mentioned in section 45 of this title, such regulations, pursuant to law, as may be prescribed by the President, through the Department of War. (R. S. § 1801.)

49. Same; record of property.—He shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia. (R. S. § 1809.)

50. Same; reports.—He shall, as superintendent of the Washington Aqueduct, annually submit to the Secretary of War, in time to accompany the annual message of the President to Congress, a report of his operations for the preceding year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under his charge. (R. S. § 1812.)

51. Same; authority.—He and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds. (R. S. § 1810.)

52. Same; appeal to Secretary of War.—His decision on all questions concerning the supply of water, as provided in the preceding section, shall be subject to appeal to the Secretary of War only. (R. S. § 1811.)

53. Same; regulations for protection of Washington Aqueduct and Filtration Plant.—The Chief of Engineers of the War Department is authorized and empowered to enforce the following regulations of traffic for the protection of the Washington Aqueduct and Filtration Plant and their accessories, including Conduit Road: No vehicle shall, on the Conduit Road, exceed a speed of twenty miles per hour within the District of Columbia, and in the State of Maryland the speed laws of that State. No reckless or careless driving shall be permitted, and drivers of all vehicles shall conform to the generally accepted rules for the use of public roads as to passing to the right, signaling desire to pass, and so forth, and all vehicles using this road shall carry and display the lights specified by municipal regulations for vehicles within the District of Columbia, and all such lights shall be so dimmed or masked as to obviate any blinding effect upon travelers on the road, and any violation of the above regulations shall constitute an offense upon conviction for which the party or parties offending shall be punished by a fine of not less than $1 or more than $40. (Sept. 1, 1916, c. 433, § 1, 39 Stat. 693.)

54. Moneys for public works; expenditure.—All moneys appropriated for the Washington Aqueduct, and for the other public works in the District of Columbia, not otherwise expressly provided for by law, shall be expended under the direction of the Secretary of War. (R. S. § 1802.)

55. Mains or pipes; laying for use of public buildings.—No greater number of main pipes of the Washington Aqueduct

shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington and Georgetown, must be paid by the District of Columbia, in the manner provided by law. (R. S. § 1805.)

56. Same; unauthorized opening.—No person, unless by consent of the Chief of Engineers, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than $50 nor more than $500. (R. S. § 1803.)

57. Same; malicious breaking.—Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of Washington and Georgetown, shall be punishable by imprisonment in the county jail for not more than two years. (R. S. § 1804.)

58. Maliciously making water impure.—Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the cities of Washington and Georgetown, becomes impure, filthy, or unfit for use, shall be fined not less than $500 nor more than $1,000, or imprisoned at hard labor in the District of Columbia not more than three years nor less than one year. (R. S. § 1806.)

59. Water in public buildings; shutting off.—All officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from five o'clock post meridian to eight o'clock ante meridian: *Provided*, That the water in said public buildings is not necessarily in use for public business. (Mar. 3, 1883, c. 143, 22 Stat. 615.)

60. Street parking.—The jurisdiction and control of the street parking in the streets and avenues of the District of Columbia is transferred to and vested in the Commissioners of the District of Columbia. (July 1, 1898, c. 543, § 1, 30 Stat. 570.)

61. Jurisdiction of Highway Bridge given to Commissioners of District.—The jurisdiction and control of the Highway Bridge across the Potomac River, including appropriations and employees, shall be under the Commissioners of the District of Columbia. (Feb. 22, 1921, c. 70, § 1, 41 Stat. 1117.)

62. Francis Scott Key Bridge.—The jurisdiction and control of the Georgetown bridge, to be known as the Francis Scott Key Bridge, across the Potomac River and approaches shall be under the Commissioners of the District of Columbia. (Feb. 28, 1923, c. 148, § 1, 42 Stat. 1338.)

63. Use of appropriations for bridges.—Appropriations made for the construction and repair of bridges shall be available for repairing, when necessary, any bridge carrying a public street over the right of way or property of any railway company, or for constructing, reconstructing, or repairing, in such manner as shall in the judgment of the commissioners be necessary reasonably to accommodate public traffic, any bridge required to carry or carrying such traffic in a public street over the right of way or property of any canal company operating as such in the District of Columbia, on the neglect or refusal of such railway or canal company to do such work when notified and required by the commissioners, and the amounts thus expended shall be a valid and subsisting lien against the property of such railway company or of such canal company, and shall be collected from such railway company or from such canal company in the manner provided in section 5 of an act providing a permanent form of government for the District of Columbia, approved June 11, 1878, and shall be deposited in the Treasury to the credit of the United States and the District of Columbia in the manner provided by law. (June 7, 1924, c. 302, § 1, 43 Stat. 550.)

64. Jurisdiction over portion of B Street.—The jurisdiction over that portion of B Street west of Virginia Avenue, formerly under the control of the Commissioners of the District of Columbia, shall be under the Director of Public Buildings and Public Parks. (May 27, 1908, c. 200, § 1, 35 Stat. 356; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

65. Limitation on contracts of District Commissioners.—The Commissioners of the District of Columbia are prohibited from incurring or contracting liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress. (R. S. § 1813; June 20, 1874, c. 337, 18 Stat. 116.)

66. Improper appropriation of streets.—The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States. (R. S. § 1818.)

67. Permits for extensions of buildings beyond building line.—The action of the Commissioners of the District of Columbia in granting permits before March 3, 1891, for the extension of any building or buildings, or any part or parts thereof, in the District of Columbia, beyond the building line, and upon the streets and avenues of said District, is hereby ratified, without prejudice, however, to the legal rights of the Government in the event of the destruction by fire, or otherwise, of any such structure. And after June 21, 1906, no such permits shall be granted except upon special application and with the concurrence of all of said Commissioners, and where such extensions are to be placed upon buildings to be erected on land adjoining United States public reservations, the approval of the Secretary of War. (Mar. 3, 1891, c. 540, 26 Stat. 868; July 1, 1898, c. 543, § 3, 30 Stat. 570; June 21, 1906, c. 3506, 34 Stat. 385.)

68. Buildings on reservations, parks, or public grounds.—There shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 444.)

69. Watchmen; powers of police.—All watchmen provided for by the United States Government for service in any of the public squares and reservations in the District of Columbia shall have and perform the same powers and duties as the Metropolitan Police of said District. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 243.)

70. Same; medical attendance.—Park watchmen provided for by law for service in any of the public squares and reservations in the District of Columbia shall receive free medical attendance, the same as the Metropolitan Police of said District. (Apr. 28, 1902, c. 594, 32 Stat. 152.)

71. Park and playground system; National Capital Park Commission.—To preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Ana-

costia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive systematic, and continuous development of the park, parkway, and playground system of the National Capital, there is constituted a commission, to be known as the National Capital Park Commission, composed of the Director of Public Buildings and Public Parks of the National Capital, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the officer in charge and the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives. At the close of each Congress the presiding officer of the Senate and the Speaker of the House of Representatives shall appoint, respectively, a Senator elect and a Representative elect to the succeeding Congress to serve as members of this commission until the chairmen of committees of the succeeding Congress shall be chosen. The officer in charge of public buildings and grounds shall be the executive and disbursing officer of said commission. (June 6, 1924, c. 270, § 1, 43 Stat. 463; Feb. 26, 1925, c. 339, 43 Stat. 983.)

72. Same; acquisition of land by commission.—Said commission or a majority thereof is authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. Said commission is authorized to acquire such lands by purchase when they can be acquired at prices reasonable in the judgment of said commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of section 120 of this title, the Director of Public Buildings and Public Parks being, for the purposes of sections 71 to 74 of this title, hereby clothed with all the power vested by section 120 of this title in the board thereby created. Said commission is hereby authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States. (June 6, 1924, c. 270, § 2, 43 Stat. 463; Feb. 6, 1925, c. 339, § 3, 43 Stat. 983.)

73. Same; appropriation.—There is authorized to be appropriated, each year, in the annual District of Columbia Appropriation Act, a sum not exceeding 1 cent for each inhabitant of the continental United States as determined by the last preceding decennial census, said sum to be used by said commission for the payment of its expenses and for the acquisition of the lands herein authorized to be acquired by said commission for the purposes named, the compensation for the land, the expense of surveys, ascertainment of title, condemnation proceedings, if any, and necessary conveyancing to be paid from said appropriations. The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia. The land so acquired within the District of Columbia shall be a part of the park system of the District of Columbia and be under control of the Director of Public Buildings and Public Parks. Areas suitable for playground purposes may, in the discretion of said commission, be assigned to the control of the Commissioners of the District of Columbia for playground purposes. The land so acquired outside the District of Columbia shall be controlled as determined by agreement between said commission and the proper officers of the States of Maryland and Virginia, such agreements to be subject to the approval of the President. (June 6, 1924, c. 270, § 3, 43 Stat. 463; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

74. Same; report to Congress; estimate for Bureau of Budget.—Said commission shall report to Congress annually on the first Monday of December the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract. It shall also submit to the Bureau of the Budget on or before September 15 of each year its estimate of the total sum to be appropriated for expenditure under the provisions of sections 71 to 73 of this title during the succeeding fiscal year. (June 6, 1924, c. 270, § 4, 43 Stat. 464.)

75. Park system; control.—The park system of the District of Columbia is placed under the exclusive charge and control of the Director of Public Buildings and Public Parks, under such regulations as may be prescribed by the President of the United States, through the Secretary of War.

The said park system shall include in addition to parks specifically mentioned in this chapter:

(a) All public spaces laid down as reservations on the map of 1894 accompanying the annual report of the officer in charge of public buildings and grounds for 1894;

(b) All portions of the space in the streets and avenues of the said District, after the same shall have been set aside by the Commissioners of the District of Columbia for park purposes.

Provided, That no areas less than two hundred and fifty square feet between sidewalk lines shall be included within the said park system, and no improvements shall be made in unimproved public spaces in streets between building lines or building lines prolonged until the outlines of such portions as are to be improved as parks shall have been laid out by the Commissioners of the District of Columbia: *And provided further*, That the said director is authorized temporarily to turn over the care of any of the parking spaces included in classes (a) and (b) above, to private owners of adjoining lands under such regulations as he may prescribe and with the condition that the said private owners shall pay special assessments for improvements contiguous to such parking, under the same regulations as are or may be prescribed for private lands: *And provided further*, That the Commissioners of the District of Columbia are authorized and directed to denominate portions of streets in the District of Columbia as business streets and to authorize the use, on such portions of streets, for business purposes by abutting property owners, under such general regulations as said commissioners may prescribe, of so much of the sidewalk and parking as may not be needed, in the judgment of said commissioners, by the general public, under the following conditions, namely: First, where in a portion of a street not already denominated a business street a majority of a frontage not less than three blocks in length is occupied and used for business purposes; and second, where a portion of a street has already been denominated a business street, and there exists adjoining such portion a block or more whose frontage is occupied and used for business purposes. (July 1, 1898, c. 543, § 2, 30 Stat. 570; Feb. 2, 1904, c. 89, 33 Stat. 10; Apr. 14, 1906, c. 1622, 34 Stat. 112; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

76. Same; control by director; traffic regulations.—Nothing contained in the provision regarding the making and enforcing of regulations governing the speed of motor vehicles in the District of Columbia found in section 1 of the District of Columbia Act approved March 3, 1917, shall be construed to interfere with the exclusive charge and control committed to the Director of Public Buildings and Public Parks over the park system of the District of Columbia, and he is authorized and

empowered to make and enforce all regulations for the control of vehicles and traffic, and limiting the speed thereof on roads, highways, and bridges within the public grounds in the District of Columbia, under his control, subject to the penalties prescribed in the Act entitled "An Act regulating the speed of automobiles in the District of Columbia, and for other purposes," approved June 29, 1906. (June 5, 1920, c. 235, § 1, 41 Stat. 898; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

77. Special police; appointment; powers.—The officer in charge of public buildings and grounds, in his discretion, may appoint special policemen, without compensation, for duty in connection with the policing of the public parks and other reservations under his jurisdiction within the District of Columbia, such special policemen to have the same powers and perform the same duties as the United States park police and the Metropolitan police of said District of Columbia, and to be subject to such regulations as the Chief of Engineers may prescribe: *Provided*, That the jurisdiction and police power of such special policemen shall be restricted to the public parks and other reservations under the control of the officer in charge of public buildings and grounds. (May 27, 1924, c. 199, § 9, 43 Stat. 176.)

78. Use of spaces or reservations for widening roadways.—When, in the judgment of the Commissioners of the District of Columbia, the public necessity or convenience requires them to enter upon any of the spaces or reservations under the jurisdiction of the Director of Public Buildings and Public Parks, for the purpose of widening the roadway of any street or avenue adjacent thereto or to establish sidewalks along the same, the Director of Public Buildings and Public Parks is authorized to grant the necessary permission upon the application of the commissioners. (July 1, 1898, c. 543, § 4, 30 Stat, 570; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

79. Transfers of jurisdiction between director and Commissioners of District.—When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred from the jurisdiction of the director as established by sections 60, 67, 75, and 78 to 80 of this title to that of the Commissioners of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary. (July 1, 1898, c. 543, § 5, 30 Stat. 570; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

80. Regulations for care of public grounds.—The said director and the said commissioners are authorized to make all needful rules and regulations for the government and proper care of all the public grounds placed by sections 60, 67, 75, 78, and 79 of this title under their respective charge and control; and to annex to such rules and regulations such reasonable penalties as will secure their enforcement. (July 1, 1898, c. 543, § 6, 30 Stat. 571; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

81. Same; extended to sidewalks.—The application of such rules and regulations as have been or that may be prescribed for the government and proper care of all public grounds placed by sections 60, 67, 75, and 78 to 80 of this title under the charge and control of the said director, is extended to cover the sidewalks around the public grounds and the carriageways of such streets as lie between and separate the said public grounds. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 994; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

82. Public spaces resulting from filling of canals under jurisdiction of director.—All public spaces resulting from the filling of canals in the original city of Washington, except such portions as are included in the navy yard or in actual use as roadways and sidewalks, and except the portions assigned by law to the District of Columbia for use as a property yard and the location of a sewerage pumping station, respectively, are placed under the jurisdiction of the Director of Public Buildings and Public Parks and shall be laid out as reservations as a part of the park system of the District of Columbia. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 633; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

83. Rock Creek Park; establishment.—The tract of land lying on both sides of Rock Creek, beginning at Klingle Ford Bridge, and running northwardly, following the course of said creek, acquired under the Act of September 27, 1890, chapter 1001, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known by the name of Rock Creek Park. (Sept. 27, 1890, c. 1001, § 1, 26 Stat. 492.)

84. Same; control and regulations.—The public park authorized and established by section 83 of this title shall be a part of the park system of the District of Columbia, defined by section 75 of this title and shall be under the control of the Director of Public Buildings and Public Parks, whose duty it shall be, as soon as practicable, to lay out and prepare roadways and bridle paths, to be used for driving and for horseback riding, respectively, and footways for pedestrians; and whose duty it shall also be to make and publish such regulations as he deems necessary and proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, animals, or curiosities within said park, and their retention in their natural condition, as nearly as possible. (Sept. 27, 1890, c. 1001, § 7, 26 Stat. 495; July 1, 1918, c. 113, § 1, 40 Stat. 650; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

85. Piney Branch Parkway part of park system.—The Piney Branch Parkway is made a part of the park system of the District of Columbia defined by section 75 of this title. (July 1, 1918, c. 113, § 1, 40 Stat. 650.)

86. Potomac Park; establishment.—The entire reclaimed area formerly known as the Potomac Flats, together with the tidal reservoirs, are made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people. (Mar. 3, 1897, c. 375, 29 Stat. 624.)

87. Same; control.—Potomac Park is made a part of the park system of the District of Columbia undeer the exclusive charge and control of the Director of Public Buildings and Public Parks and subject to the provisions of section 80 of this title. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 634; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

88. Same; restriction on construction of lagoon or speedway.—No part of any money appropriated in any Act shall be expended for or toward the construction of any lagoon, or other artificial body of water, or speedway, on any portion of said park unless specifically authorized by Congress. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 634.)

89. Same; temporary occupancy by Department of Agriculture.—The Director of Public Buildings and Public Parks is authorized to grant permission to the Department of Agriculture for the temporary occupation of such area or areas of Potomac Park, not exceeding a total of seventy-five acres in extent, as may not be needed in any one season for the reclamation or park improvement, the said areas to be used by the Department of Agriculture as testing grounds: *Provided*, That nothing herein contained shall be construed to change the essential character of the lands so used, which lands shall continue to be a public park, as provided in section 86 of this title: *And provided further*, That said area or areas shall be vacated by the Department of Agriculture at the close of any season upon the request of the said director: *And provided further*, That the entire park shall remain under the charge of the said director. (Mar. 3, 1899, c. 458, § 2, 30 Stat. 1378.)

90. Licenses for boathouses on banks of tidal reservoir.—Licenses may be granted for the erection of boathouses along

the banks of the tidal reservoir on the Potomac River fronting Potomac Park, under regulations to be prescribed by the Chief of Engineers, and all such licenses granted under this authority shall be revocable, without compensation, by the Secretary of War. (May 27, 1908, c. 200, § 1, 35 Stat. 355.)

91. Same; tidal basin bathing beach.—The Chief of Engineers of the United States Army is authorized and directed to establish and maintain at a suitable place upon the shore of the tidal basin, in Potomac Park, a public bathhouse, with the necessary equipment, with a sloping sandy beach in the tidal basin, and to install a proper equipment to purify the water entering the basin so that it will not endanger the health of those bathing in it. The direction and control of said public bathing facilities shall be vested in the Chief of Engineers of the United States Army, who shall prescribe such regulations for their use as may be necessary to insure the greatest benefit to the public: *Provided*, That no charge shall be made for the use of the bathhouse or beach, except that uniform fees may be collected for the hire of bathing suits, soap, towels, and such other conveniences as may be provided upon the request of persons desiring to use them. (June 12, 1917, c. 27, § 1, 40 Stat. 133.)

92. Same; parkway connecting with Zoological and Rock Creek Parks.—For the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park, a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as were not, on March 4, 1913, the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May 17, 1911, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park; and the sum of $1,300,000 is hereby authorized to be expended toward the acquirement of such lands. All lands belonging, on March 4, 1913, to the United States or to the District of Columbia lying within the exterior boundaries of the land to be acquired by this section as shown and designated on said map are appropriated to and made a part of the parkway herein authorized to be acquired. One-half of the cost of the said lands shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia in eight equal annual installments, with interest at the rate of 3 per centum per annum, upon the deferred payments. (Mar. 4, 1913, c. 147, § 22, 37 Stat. 885.)

93. Small parks at certain street intersections.—Public parks acquired by the condemnation of small park areas at the intersections of streets outside the limits of the original city of Washington, shown on the map on file showing areas surrounded by streets, in the office of the engineer commissioner, shall become a part of the park system of the District of Columbia and be under the control of the Director of Public Buildings and Public Parks. (Mar. 4, 1913, c. 150, § 1, 37 Stat. 971; Aug. 1, 1914, c. 223, § 1, 38 Stat. 625; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

94. Anacostia Park.—The entire area of the Anacostia River and Flats reclaimed and to be reclaimed from the mouth of the river to the District line is made and declared a part of the park system of the District of Columbia and designated Anacostia Park. (Aug. 31, 1918, c. 164, § 1, 40 Stat. 950, 951.)

95. Glover Parkway and Children's Playground.—The Commissioners of the District of Columbia are authorized and directed to accept the land lying along Foundry Branch between Massachusetts Avenue and Reservoir Street, dedicated by Charles C. Glover for park purposes, and containing approximately seventy-seven and one-half acres, as more accurately shown on map Number 1003, filed in the office of the surveyor of the District of Columbia, which tract of land shall be known as "The Glover Parkway and Children's Playground"; and the said commissioners are further authorized to accept any dedications of additional land contiguous to this tract for park purposes. (June 6, 1924, c. 271, § 1, 43 Stat. 464.)

96. Same; part of park system of District.—The Glover Parkway and Children's Playground and additions thereto, when acquired, shall become a part of the park system of the District of Columbia. (June 6, 1924, c. 271, § 2, 43 Stat. 464.)

97. Jurisdiction over reservation 185.—When in the judgment of the Director of Public Buildings and Public Parks the use of reservation 185, transferred to the Commissioners of the District of Columbia for use as a property yard, is desirable for park purposes, the Commissioners of the District of Columbia, upon his request, are authorized and directed to retransfer said reservation to his jurisdiction. (May 18, 1910, c. 248, 36 Stat. 383; Feb. 26, 1925, c. 339, § 3, 43 Stat. 983.)

98. Use of public grounds for playgrounds.—The officer in charge of public buildings and grounds may authorize the temporary use of the Monument Grounds or ground south of the Executive Mansion or other reservations in the District of Columbia for playgrounds for children and adults, under regulations to be prescribed by him. (Mar. 3, 1903, c. 1007, 32 Stat. 1122.)

99. Licenses for temporary structures on reservations used as playgrounds.—Such officer is authorized to grant licenses revocable by him, without compensation, to erect temporary structures upon reservations used as children's playgrounds, under such regulations as he may impose. (May 27, 1908, c. 200, § 1, 35 Stat. 355.)

100. Part of Washington Aqueduct for playground purposes.—The Chief of Engineers is authorized to transfer for playground purposes the possession, use, and control of all that portion of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around said pumping station existing on August 31, 1918, to the control and jurisdiction of the Commissioners of the District of Columbia. (Aug. 31, 1918, c. 164, § 1, 40 Stat. 951.)

101. Laws of District extended to public buildings and grounds.—The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the United States within the District of Columbia. Any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall, upon conviction thereof, be fined not more than $50. (July 29, 1892, c. 320, § 15, 27 Stat. 325.)

102. Ailantus trees prohibited.—No more ailantus trees shall be purchased for or planted in the public grounds. (R. S. § 1830.)

103. Trees, shrubs, and plants, in greenhouses and nursery.—Only such trees, shrubs, and plants shall be propagated at the greenhouses and nursery as are suitable for planting in the public reservations, to which purpose only the said productions of the greenhouses and nursery shall be applied. (June 20, 1878, c. 359, § 1, 20 Stat. 220.)

104. Commission of Fine Arts.—A permanent Commission of Fine Arts is created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the Presi-

dent, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this section shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the commission may authorize, and the members of the commission shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said commission and while attending the same. (May 17, 1910, c. 243, § 1, 36 Stat. 371.)

105. Same; secretary and executive officer.—The officer in charge of public buildings and grounds shall be the secretary and shall act as the executive officer of said commission. (June 25, 1910, c. 384, § 1, 36 Stat. 728.)

106. Same; limitation of annual expenditure.—To meet the expenses made necessary by section 104 of this title an expenditure of not exceeding $10,000 a year is authorized. (May 17, 1910, c. 243, § 2, 36 Stat. 371.)

107. Wharf property; control by Commissioners of District.—With the exceptions hereinafter provided, the Commissioners of the District of Columbia shall have exclusive charge and control of all wharf property belonging to the United States or to the District of Columbia within said District, including all the wharves, piers, bulkheads, and structures thereon and waters adjacent thereto within the pier lines, and all slips, basins, docks, water fronts, land under water, and structures thereon, and the appurtenances, easements, uses, reversions, and rights belonging thereto, which on March 3, 1899, were owned or possessed by the United States or the District of Columbia, or to which they or either of them was on that date or may thereafter become entitled, or which they or either of them may acquire under the provisions hereof or otherwise; and said Commissioners of the District of Columbia shall have exclusive charge and control of the repairing, building, rebuilding, maintaining, altering, strengthening, leasing, and protecting said property and every part thereof, and all the cleaning, dredging, and deepening necessary in and about the same within the pier lines. Said commissioners are also authorized and empowered to make all needful rules and regulations for the government and control of all wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto within the pier lines, and all the basins, slips, and docks, with the land under water, in said District not owned by the United States or the District of Columbia: *Provided,* That the following described property shall be placed under the immediate jurisdiction and control of the Chief of Engineers of the United States: The banks of the Potomac River from the north line of the Arsenal Grounds to the southern curb line of N Street south; also five hundred linear feet of shore line in the Flushing Reservoir at the foot of Seventeenth Street, west, and west from the western curb of said street, including a levee one hundred feet wide. (Mar. 3, 1899, c. 458, § 1, 30 Stat. 1377.)

108. Same; regulation.—Said commissioners and the Chief of Engineers of the United States Army are authorized and empowered to make all needful rules and regulations for the government and proper care of all the property placed in their charge and under their respective control by the provisions of section 107 of this title and to annex such reasonable penalties to said rules and regulations as will secure their enforcement; and also to make and enforce rules and regulations in regard to building and repairing wharves, the rental thereof, and the rate of wharfage. All rents so collected shall be covered into the Treasury of the United States, one-half to be placed to the credit of the United States and one-half to the credit of the District of Columbia. No lease made under the provisions of said section 107 shall extend beyond the period of ten years. (Mar. 3, 1899, c. 458, § 2, 30 Stat. 1378.)

109. Inspection of fuel in District of Columbia; inspectors, weighers, and measurers.—It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person, to be appointed by the head of the department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such department or branch of the service. The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel. The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under this section. It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer. (R. S. §§ 3711, 3712, 3713; Mar. 2, 1895, c. 177, § 6, 28 Stat. 808; Mar. 15, 1898, c. 68, § 6, 30 Stat. 316.)

110. Government fuel yards.—The Secretary of the Interior is authorized and directed to establish in the District of Columbia storage and distributing yards for the storage of fuel for the use of and delivery to all branches of the Federal service and the municipal government in the District of Columbia and such parts thereof as may be situated immediately without the District of Columbia and economically can be supplied therefrom, and to select, purchase, contract for, and distribute all fuel required by the said services. Authority is granted the Secretary of the Interior, in connection with the establishment of the said yards, to procure by purchase, requisition for immediate use, condemnation, or lease for such period as may be necessary, land, wharves, and railroad trestles and sidings requisite therefor. All branches of the Federal service except as provided in section 111 of this title, and the municipal government in the District of Columbia, from and after the establishment of the said fuel yards, shall purchase all fuel from the Secretary of the Interior and make payment therefor from applicable appropriations at the actual cost thereof to the United States, including all expenses connected therewith. (July 1, 1918, c. 113, § 1, 40 Stat. 672.)

111. Same; Naval Establishment excepted.—The provisions of section 110 of this title shall not apply to the fuel required for the Naval Establishment, except the naval hospital, in the District of Columbia. (July 11, 1919, c. 9, 41 Stat. 148.)

112. Appropriation for fuel; contracts in advance of.—The Secretary of the Interior is authorized to contract for the pur-

chase of fuel for the Government fuel yard in advance of the availability of the appropriation for the payment thereof. Such contracts, however, shall not exceed the necessities of the current year. (July 19, 1919, c. 24, § 1, 41 Stat. 200.)

113. Delivery of coal for use during ensuing fiscal year.—The said Secretary is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practicable to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year. (June 5, 1920, c. 235, § 1, 41 Stat. 913.)

114. Payments for fuel furnished.—The various branches of the Federal service and the municipal government in the District of Columbia shall make payment of accounts rendered against them by the Government fuel yard for fuel furnished them by depositing the proper amount directly to the credit of the Treasurer of the United States for the credit of the appropriation "Maintenance and operation, United States Government fuel yard," and duplicate certificates of deposits issued therefor shall be promptly forwarded by the depositors to the Government fuel yard. (Jan. 24, 1923, c. 42, 42 Stat. 1211.)

115. Disposition of proceeds of sale of fuel.—All moneys received from the sales of fuel shall be credited to the appropriation for operating expenses of the fuel yard and be available for the purposes of such appropriation. (Jan. 24, 1923, c. 42, 42 Stat. 1211; June 5, 1924, c. 264, 43 Stat. 422; Mar. 3, 1925, c. 462, 43 Stat. 1176.)

116. Appropriation for fuel; use.—No part of any moneys appropriated shall be used for the purpose of taking over or in any way interfering with the yards or coal dumps or other facilities for storage and distribution of coal that have been used and occupied during the year preceding July 1, 1918, by coal dealers for supplying the general public. (July 1, 1918, c. 113, § 1, 40 Stat. 673.)

117. Appropriations for fuel yard and garage; use of.—All appropriations made for the maintenance and operation of the fuel yard in the District of Columbia may also be used and expended for the purchase or condemnation of land for fuel yard and garage purposes as well as for the construction of a garage building thereon, for the joint use of, and in connection with, such fuel yard and the Department of the Interior, and shall continue available for those purposes until expended: *Provided, however*, That no moneys expended for those purposes shall be considered as expenditures to be returned to such appropriations: *And provided also*, That the Department of the Interior shall from applicable appropriations reimburse said appropriations for its proportionate share of the expenses of maintaining and operating the garage mentioned. (Jan. 24, 1923, c. 42, 42 Stat. 1211.)

118. Exchange of motor vehicles for new equipment.—The Secretary of the Interior may exchange, as part consideration in the purchase of new equipment, motor vehicles and any other equipment used by said fuel yards. (July 19, 1919, c. 24, § 1, 41 Stat. 200.)

119. Use of fuel trucks to haul sand, gravel, stone, etc.—The said Secretary of the Interior may have sand, gravel, stone, and other material hauled for the municipal government of the District of Columbia and for branches of the Federal service in the District of Columbia, whenever it may be practicable and economical to have such work performed by using trucks of the Government fuel yards not needed at the time for the hauling of fuel. Payment for such work shall be made on the basis of the actual cost to the Government fuel yards. (June 5, 1920, c. 235, § 1, 41 Stat. 913.)

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120. Acquisition of lands in District of Columbia; proceedings.—In all cases of the taking of property in the District of Columbia for public use, if the proper officer shall be unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price he shall make application to the Supreme Court of the District of Columbia, at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value. Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisement of the value of the interests of all persons, respectively, in such land; and in case any of the persons entitled according to the judgment of the court are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use. (Aug. 30, 1890, c. 837, § 3, 26 Stat. 412.)

Chapter 2.—CAPITOL BUILDING AND GROUNDS.

Sec.

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Section 161. Title of Superintendent of Capitol Building and Grounds changed to Architect of the Capitol.—The title of "Superintendent of the Capitol Building and Grounds" is changed to "Architect of the Capitol." (Feb. 14, 1902, c. 17, 32 Stat. 20; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

162. Architect of Capitol; powers and duties.—The Architect of the Capitol shall exercise all the power and authority exercised by the former Architect of the Capitol and perform all the duties relative to the Capitol Building heretofore performed by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress. (Aug. 15, 1876, c. 287, § 1, 19 Stat. 147; Feb. 14, 1902, c. 17, 32 Stat. 20; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

163. Same; care and superintendence of Capitol.—The Architect of the Capitol shall have the care and superintendence of the Capitol, including lighting, and shall submit through the Secretary of the Interior estimates thereof. His office shall be in the Capitol Building. (Aug. 15, 1876, c. 287, § 1, 19 Stat. 147.)

164. Same; chief clerk to act in case of absence, disability, or vacancy.—In case of the absence or disability of the Architect of the United States Capitol, the chief clerk shall have full power and authority to do and perform all the acts which the said Architect might himself do, and in case of a vacancy the chief clerk shall perform the duties of the Architect until the vacancy shall be filled according to law. (July 7, 1898, c. 571, § 1, 30 Stat. 672.)

165. Same; disbursing clerk of Interior Department to act as disbursing clerk of.—The disbursing clerk of the Department of the Interior shall act as disbursing clerk of the Architect of the Capitol, and disburse all moneys appropriated for the United States Capitol extension and improvement of the grounds, and receive an annual compensation of $1,000, to be paid out of said appropriation. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 391.)

166. Same; repairs of Capitol.—All improvements, alterations, additions, and repairs of the Capitol Building shall be made by the direction and under the supervision of the Architect of the Capitol, and the same shall be paid for by the Secretary of the Interior out of the appropriations for such extension, and from no other appropriation. (R. S. § 1816.)

167. Lighting, heating, and ventilating House of Representatives.—The electrician, together with everything pertaining to the electrical machinery and apparatus, and the ventilation and heating of the House of Representatives, and all laborers and others connected with the lighting, heating and ventilating thereof, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. (Mar. 3, 1877, c. 105, 19 Stat. 348; Mar. 3, 1881, c. 130, § 1, 21 Stat. 388.)

168. Heating and ventilating Senate wing.—All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules. (July 11, 1888, c. 615, § 1, 25 Stat. 258.)

169. Furniture for House of Representatives.—The Architect of the Capitol shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Architect. (Apr. 28, 1902, c. 594, 32 Stat. 125; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

170. Purchase of furniture or carpets for House or Senate.—No furniture or carpets for either House shall be purchased without the written order of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, for the Senate, or without the written order of the chairman of the Committee on Accounts of the House of Representatives, for the House. (R. S. § 1816.)

171. Transfer of discontinued apparatus to other branches.—The Architect of the Capitol may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to other branches of the service of the United States, or District of Columbia, whenever, with the approval of the Secretary of the Interior, in his judgment the interests of the Government service may require it. A detailed statement of all such transfers shall be submitted in the annual report to Congress of the Architect. (June 26, 1912, c. 182, § 11, 37 Stat. 184; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

172. Unused documents and Patent Office models removed from Capitol.—The Architect of the Capitol shall be the custodian of the building or buildings on reservation numbered 13 in the District of Columbia selected by him in which to store unused documents and material removed from the Capitol Building and Senate and House Office Buildings, and the Patent Office models removed from the Senate and House Office Buildings under the Act of July 16, 1914, chapter 141. (July 16, 1914, c. 141, § 1, 38 Stat. 458; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

173. Estimates for improvements in grounds.—All changes and improvements in the Capitol Grounds, including approaches

to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimate cost of the same. (Mar. 3, 1883, c. 143, 22 Stat. 621.)

174. Care and control of buildings and land acquired for enlargement of grounds.—The Secretary of the Interior is authorized, until their removal becomes necessary, to rent for such periods and under such terms and conditions as he may deem proper, any building or buildings, or vacant land, that may be acquired under the provisions of the sundry civil Acts of June 25, 1910 (Thirty-sixth Statutes, page 738), and March 4, 1911 (Thirty-sixth Statutes, page 1414), or subsequent Acts, for the enlargement of the Capitol Grounds, the proceeds to be deposited in the Treasury and a detailed report thereof to be submitted to Congress at the beginning of each regular session thereof. The Architect of the Capitol, under the direction of the Secretary of the Interior, is charged with the immediate care of said buildings, and the direction and supervision of all repairs thereto, and the lands acquired under the provision of the above-mentioned Acts: *Provided*, That the authority hereby granted shall also apply to the Maltby Building. (Aug. 26, 1912, c. 208, § 1, 37 Stat. 605; Mar. 3, 1921, c. 124, § 1, 41 Stat.1291.)

175. House Office Building; control, supervision, and care.—The House of Representatives Office Building, which shall hereafter be designated as the House Office Building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Architect of the Capitol shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said architect in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1365; May 28, 1908, No. 30, § 1, 35 Stat. 578; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

176. Same; Speaker as member of commission.—The Speaker shall continue a member of the commission in control of said building until his successor as Speaker is elected or his term as a Representative in Congress shall have expired. (Mar. 4, 1911, c. 240, 36 Stat. 1306.)

177. Same; assignment of rooms.—The assignment of rooms in the House Office Building, heretofore made by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of sections 177 to 184 of this title, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of sections 177 to 184 of this title, and no Representative shall allow his office room to be used for any other purpose. (May 28, 1908, No. 30, § 1, 35 Stat. 578.)

178. Same; vacant rooms; assignment.—Any Member or Member elect of the House of Representatives may file with the Architect of the Capitol a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives elect make request for the same room, preference shall be given to the one first preferring his request. (May 28, 1908, No. 30, § 1, 35 Stat. 578; Mar. 3, 1921, c. 124, 41 Stat. 1291.)

179. Same; vacant rooms; withdrawal of request for assignment; relinquishment of rooms previously assigned.—A Representative or Representative elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him. (May 28, 1908, No. 30, § 1, 35 Stat. 578.)

180. Same; exchange of rooms.—Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members elect of the House of Representatives. (May 28, 1908, No. 30, § 1, 35 Stat. 578.)

181. Same; record of assignment of rooms, etc.—The Architect of the Capitol shall keep a record of the assignment of rooms heretofore or hereafter made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives elect of the House. (May 28, 1908, No. 30, § 1, 35 Stat. 579; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

182. Same; assignment of rooms to Delegates and Commissioners.—In the matter of the assignment of rooms under sections 177 to 184 of this title, Delegates in Congress and the Commissioners from Porto Rico and the Philippine Islands shall be treated the same as Representatives. (May 28, 1908, No. 30, § 1, 35 Stat. 579.)

183. Same; assignment, etc., of rooms; control of by House.—The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in sections 177 to 184 of this title shall be construed to affect or repeal the provisions of section 175 of this title, placing said House Office Building under the control of the Architect of the Capitol, subject to the approval and direction of the commission provided therein. (May 28, 1908, No. 30, § 1, 35 Stat. 579; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

184. Same; assignment of unoccupied space.—Unoccupied space in said building shall be assigned by the Architect of the Capitol under the direction of the commission and subject to the control of the House of Representatives. (May 28, 1908, No. 30, § 1, 35 Stat. 579; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

185. Capitol power plant.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904, shall be known as the Capitol power plant; and all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by the Architect of the Capitol with the approval of the said commission in control of the House Office Building appointed under

section 175 of this title. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 414; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

186. Transfer of material and equipment to architect.—The Secretary of War is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the War Department, as the superintendent may request for use at the Capitol power plant, the Capitol Building, and the Senate and House Office Buildings. (June 5, 1920, c. 253, § 1, 41 Stat. 1035; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

187. National Statuary Hall.—Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Architect of the Capitol. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated. (R. S. § 1814; Aug. 15, 1876, c. 287, § 1, 19 Stat. 147; Mar. 3, 1921, c. 124, § 1, 41 Stat. 1291.)

188. Works of fine arts.—The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol. (R. S. § 1831.)

189. Art exhibits.—No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the rotunda, or the corridors of the Capitol. (R. S. § 1815; Mar. 3, 1875, c. 130, § 1, 18 Stat. 376; Mar. 3, 1879, c. 182, § 1, 20 Stat. 391.)

190. Same.—No room in the Capitol shall be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol to carry this provision into effect. (Mar. 3, 1875, c. 130, § 1, 18 Stat. 376.)

191. Sale of intoxicating liquors in Capitol.—No intoxicating liquors of any character shall be sold within the limits of the Capitol Building of the United States. (Mar. 3, 1903, c. 1012, § 34, 32 Stat. 1221.)

192. Laws of District extended to Capitol Square.—All laws and regulations of the District of Columbia for the preservation of the public peace and order shall extend to the Capitol Square, whenever application for the same is requested by the presiding officer of either House of Congress, or by the Architect of the Capitol. (R. S. § 1819; Aug. 15, 1876, c. 287, § 1, 19 Stat. 147.)

193. Protection of buildings and property.—The Sergeants at Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial. (R. S. § 1820.)

194. Capitol grounds; public use.—Public travel in and occupancy of the Capitol Grounds shall be restricted to the roads, walks, and places prepared for the purpose by flagging, paving, or otherwise. (July 1, 1882, c. 258, § 1, 22 Stat. 126.)

195. Same; obstruction of roads.—It is forbidden to occupy the roads in such manner as to obstruct or hinder their proper use, to drive violently upon them, or with animals not under perfect control, or to use them for the conveyance of goods or merchandise, except to or from the Capitol on Government service. (July 1, 1882, c. 258, § 2, 22 Stat. 126.)

196. Same; offer of articles for sale; signs.—It is forbidden to offer or expose any article for sale; to display any sign, placard, or other form of advertisement; to solicit fares, alms, subscriptions, or contributions. (July 1, 1882, c. 258, § 3, 22 Stat. 126.)

197. Same; injuries to.—It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, or other erection, or any tree, shrub, plant, or turf. (July 1, 1882, c. 258, § 4, 22 Stat. 126.)

198. Same; firearms or fireworks; harangues or orations.—It is forbidden to discharge any firearm, firework, or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language. (July 1, 1882, c. 258, § 5, 22 Stat. 127.)

199. Same; parades or assemblages; display of flags.—It is forbidden to parade, stand, or move in processions or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement. (July 1, 1882, c. 258, § 6, 22 Stat. 127.)

200. Same; prosecution and punishment of offenses.—Offenses against sections 194 to 199 of this title shall be triable before the police court of the District of Columbia, and shall be punishable by fine or imprisonment, or both, at the discretion of the judge of said court; the fine not to exceed $100, the imprisonment not to exceed sixty days. But in the case of heinous offenses by reason of which public property shall have suffered damage to an amount exceeding $100 in value, said judge of the police court may commit or hold to bail the offender for trial before the supreme court of the District of Columbia, when the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years. (July 1, 1882, c. 258, § 7, 22 Stat. 127.)

201. Same; arrests.—It shall be the duty of all policemen and watchmen having authority to make arrests in the District of Columbia to be watchful for offenses against sections 194 to 199 of this title, and to arrest and bring before the proper tribunal those who shall offend against it under their observation, or of whose offenses they shall be advised by witnesses. (July 1, 1882, c. 258, § 8, 22 Stat. 127.)

202. Same; Capitol employees to aid in enforcement.—It shall be the duty of all persons employed in the service of the Government in the Capitol or on its grounds to prevent, as far as may be in their power, offenses against sections 194 to 199 of this title, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders. (July 1, 1882, c. 258, § 9, 22 Stat. 127.)

203. Same; suspending regulations.—In order to admit of the due observance within the Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are authorized to suspend for such proper occasions so much of the above prohibitions as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed, and arrangements determined, adequate, in the judgment of said President of the Senate and Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and

its grounds from injury. (July 1, 1882, c. 258, § 10, 22 Stat. 127.)

204. Same; suspending regulations; Capitol police commission.—In the absence from Washington of either of the officers designated in the last section the authority therein given to suspend certain prohibitions of sections 194 to 199 of this title shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol police commission. (July 1, 1882, c. 258, § 11, 22 Stat. 127.)

205. Same; concerts on grounds.—Nothing in sections 194 to 204 of this title, shall be construed to prohibit concerts on the Capitol Grounds at times when neither House of Congress is sitting by any band in the service of the United States under the direction of the Architect of the Capitol. (June 6, 1900, c. 791, § 1, 31 Stat. 613.)

206. Capitol police; appointment.—There shall be a Capitol police. The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives. (R. S. § 821; Apr. 28, 1902, c. 594, § 1, 32 Stat. 124; Mar. 4, 1925, c. 540, § 1, 43 Stat. 1294.)

207. Same; payment.—The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them. (R. S. § 1822.)

208. Same; suspension of members.—The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants at Arms and of the Architect of the Capitol. (R. S. § 1823.)

209. Same; pay of members under suspension.—Whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated. (Mar. 3, 1875, c. 129, § 1, 18 Stat. 345.)

210. Same; uniform, belts and arms.—The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, at a cost not to exceed $20 per man, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named. (R. S. § 1824.)

211. Same; uniform; at whose expense.—The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants at Arms. (R. S. § 1825.)

212. Same; wearing uniform on duty.—The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 963.)

213. Same; to police building and grounds.—The Capitol police, under the direction of the Sergeants at Arms of the Senate and of the House of Representatives and of the Architect of the Capitol, shall police the Capitol Building and the Capitol Grounds. (May 28, 1896, c. 252, § 1, 29 Stat. 143.)

214. Same; to protect grounds.—It shall be the duty of the Capitol police to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury. (Apr. 29, 1876, c. 86, 19 Stat. 41.)

215. Same; supervision of Botanical Garden.—The supervision of the Capitol police shall extend over the Botanical Garden. (R. S. § 1826.)

216. Superintendent, etc., of Botanical Garden and greenhouses.—There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library. (R. S. § 1827.)

217. Purchases for Botanic Garden exceeding $25.—The sum of $25 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 7 of Title 41. (Mar. 20, 1922, c. 103, 42 Stat. 431; Feb. 20, 1923, c. 98, 42 Stat. 1275; June 7, 1924, c. 303, § 1, 43 Stat. 588; Mar. 4, 1925, c. 549, § 1, 43 Stat. 1297.)

218. Annual statement of public property.—It shall be the duty of the officer or officers having in charge the property of the United States in and about the Capitol and the Botanical Garden, to furnish an annual statement to the Architect of the Capitol by the 1st day of December, setting forth the public property in all the buildings, rooms, and grounds under their charge, purchased during each year, and an account of the disposition of such property during the same period, whether by sale or otherwise. (R. S. § 1832.)

219. Inventory of public property.—The Architect of the Capitol shall make out and keep in proper books, a complete inventory of all public property in and about the Capitol and the Botanical Garden, adding thereto, from time to time, an account of such property as may be procured, subsequently to the taking of the first inventory, as well as an account of the sale of other disposal of such property. And he shall submit an annual report of such inventories and accounts, on the first Monday of December to Congress. (R. S. § 1833.)

220. Application of sections 218 and 219 to Library of Congress.—Sections 218 and 219 of this title shall not apply to the books, pamphlets, papers and documents in the Library of Congress, nor to the supplies of stationery and fuel in the several public buildings and offices therein referred to. (R. S. § 1834.)

221. Extra pay.—No pay or compensation other than is fixed by chapters 1 and 2 of this title shall be allowed to any officer, employee, or laborer embraced within the provisions hereof. (R. S. § 1835.)

Chapter 3.—PUBLIC BUILDINGS AND WORKS GENERALLY.

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Section 251. Supervising Architect; annual estimates.—Annual specific estimates shall be submitted for salaries for all personal services required in the office of the Supervising Architect of the Treasury, and except as appropriations may be made thereunder no such personal services shall be employed in said office at Washington, District of Columbia. (Aug. 23, 1912, c. 350, § 1, 37 Stat. 374.)

252. Same; technical experts.—The employment of an architectural designer, a structural engineering expert, and a heating, lighting, and ventilating engineering expert, is authorized to serve in the Office of the Supervising Architect of the Treasury Department, to assist the Supervising Architect in connection with the designing and standardizing of public buildings authorized to be erected under the control of the Treasury Department and the mechanical equipment thereof, and in connection with architectural and engineering work of said office of unusual magnitude or complication. Such services may be employed without regard to civil-service laws, rules, or regulations, and no person in the employ of the Supervising Architect's Office on March 4, 1913, shall be eligible to such employment. The foregoing authorization for the employment of technical experts to assist the Supervising Architect shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made. (Mar. 4, 1913, c. 147, § 28, 37 Stat. 888.)

253. Detail of members of field force of public-buildings service.—Members of the field force of the public-buildings service, such as supervising superintendents, superintendents, junior superintendents, and inspectors of the several classes, may be detailed to the District of Columbia, in the discretion of the Secretary of the Treasury, for temporary duty for periods not exceeding thirty days in any one case, in the Office of the Supervising Architect, but no subsistence or other expenses of like character shall be allowed such employees while on duty in Washington serving under such details. (June 23, 1913, c. 3, § 1, 38 Stat. 17.)

254. Building sites; selection.—In the selection of a site for any public building, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto. Before any site shall be finally adopted each and every person appointed as commissioner in selecting such site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same. A failure on the part of any commissioner to make and file such an affidavit shall render the selection void. (June 23, 1874, c. 476, § 2, 18 Stat. 276.)

255. Title to land to be purchased by United States.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any customhouse, or other public building, of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments respectively. (R. S. § 355.)

256. Legal services by district attorneys; abstracts of title.—All legal services connected with the procurement of titles to site for public buildings, other than for life-saving stations and pierhead lights, shall be rendered by United States district attorneys: *Provided*, That in the procurement of sites for such public buildings, it shall be the duty of the Attorney General to require of the grantors in each case to furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title that the Attorney General may deem necessary. (Mar. 2, 1889, c. 411, § 1, 25 Stat. 941.)

257. Condemnation of sites; jurisdiction.—In every case in which the Secretary of the Treasury or any other officer of the Government has been or shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so. And the United States district courts of the district wherein such real estate is located, shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258 of this title, or such other officer, to cause proceedings to be commenced for condemnation, within thirty days from the receipt of the application at the Department of Justice. (Aug. 1, 1888, c. 728, § 1, 25 Stat. 357.)

258. Same; procedure.—The practice, pleadings, forms and modes of proceedings in causes arising under the provisions of section 257 of this title shall conform, as near as may be, to the practice, pleadings, forms and proceedings existing at the time in like causes in the courts of record of the State within which such district court is held, any rule of the court to the contrary notwithstanding. (Aug. 1, 1888, c. 728, § 2, 25 Stat. 357.)

259. Payment for sites; limit of cost.—No money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor. (R. S. § 3734; June 25, 1910, c. 383, § 33, 36 Stat. 699.)

260. Commissions on purchases of sites; payment for sites.—Commissions shall not be paid for disbursements on account of sites for public buildings; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, District of Columbia, by drafts or checks payable to the grantors of such sites or their legal representatives. (Mar. 2, 1889, c. 411, § 1, 25 Stat. 941.)

261. Contracts authorized within limit of cost fixed, though appropriations are in part only.—In all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of land for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Secretary of the Treasury, unless

otherwise specifically directed, may enter into contracts within the full limit of cost fixed by Congress therefor. (May 30, 1908, c. 228, § 34, 35 Stat. 545.)

262. Renting buildings on lands acquired for sites.—The Secretary of the Treasury is authorized, until their removal becomes necessary, to rent any building or buildings not reserved by the vendors on lands acquired before March 4, 1909, or thereafter for building sites or for the enlargement of building sites, the proceeds to be deposited in the Treasury, and a report thereof to be submitted to Congress at the beginning of each regular session thereof. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 959.)

263. Acts not construed to appropriate money.—No Act passed authorizing the Secretary of the Treasury to purchase a site and erect a public building thereon shall be held or construed to appropriate money unless the Act in express language makes such appropriations. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 305.)

264. Restriction on future authorizations for construction of post offices.—No authorization shall be made for the construction of a building to be used exclusively for post-office purposes at any town or city where the postal receipts have not reached the sum of $10,000 annually, nor shall any authorization for the purchase of a site for post-office purposes only be made at any town or city where the postal receipts have not reached the sum of $6,000 annually. (Mar. 4, 1913, c. 147, § 5, 37 Stat. 879.)

265. Plans by Treasury Department for buildings under other executive departments or establishments.—The Secretary of the Treasury may, in his discretion, upon the request of the head of any other executive department, or establishment of the Government not under any executive department, cause the plans, drawings, designs, specifications, and estimates to be prepared in the Office of the Supervising Architect, for any building or building for governmental purposes which the head of any other executive department or establishment not under an executive department may be authorized to have constructed: *Provided*, That the proper appropriations for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of such work. (June 25, 1910, c. 383, § 35, 36 Stat. 699.)

266. Plans for public buildings.—The purchase of specially prepared paper for the duplication of plans, and such other incidental expenses and supplies as the Secretary of the Treasury may deem necessary and specially order for the use of the Office of the Supervising Architect, exclusively for the purpose of carrying into effect appropriations for public buildings, shall be paid for from and equitably charged against such appropriations, in accordance with the practice existing on March 3, 1903. (Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1091.)

267. Restrictions on buildings; approval of sketch plans; changes; limit of cost.—No money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended. (R. S. § 3734; June 25, 1910, c. 383, § 33, 36 Stat. 699.)

268. Plans not to be approved until selection of site.—No plan shall be approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been finally selected; and he shall not authorize or approve any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building excluding cost of site. (Mar. 2, 1889, c. 411, § 1, 25 Stat. 941.)

269. Contracts for public buildings or works; stipulation for damages for delay.—In all contracts entered into with the United States for the construction or repair of any public building or public work under the control of the Treasury Department, a stipulation shall be inserted for liquidated damages for delay; and the Secretary of the Treasury is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable; and in all suits commenced on any such contracts or on any bond given in connection therewith it shall not be necessary for the United States, whether plaintiff or defendant, to prove actual or specific damages sustained by the Government by reason of delays, but such stipulation for liquidated damages shall be conclusive and binding upon all parties. (June 6, 1902, c. 1036, § 21, 32 Stat. 326.)

270. Bonds of contractors for public buildings or works; rights of persons furnishing labor and materials.—Any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the district court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete

performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And provided further*, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this section such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor. (Aug. 13, 1894, c. 280, 28 Stat. 278; Feb. 24, 1905, c. 778, 33 Stat. 811; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

271. Relief of certain contractors and subcontractors for losses due to increased costs.—The Secretary of the Treasury is authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse contractors and their subcontractors, including material men, for the construction, improvement, special repair, equipment, or furnishing of post offices and other buildings or work under the supervision of the Treasury Department (as well as the United States Courthouse in the District of Columbia and the approaches and retaining wall to the Lincoln Memorial in the District of Columbia) whose contracts were awarded or whose bids as thereafter accepted were mailed or delivered to the proper governmental authority prior to the entrance of the United States into the war with Germany, to wit, April 6, 1917, and whose contracts have been or will be completed after said date, for loss due directly to increased costs thereafter arising, due either, first, to increased cost of labor or materials, or, second, to delay on account of the action of the United States Priority Board or other governmental activities, or, third, to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by them in the fulfillment of such contracts by reason of war conditions alone: *Provided*, That any subcontractor may submit his claim through the contractor or to the Secretary of the Treasury. And the Secretary of the Treasury is directed to submit from time to time estimates for appropriations to carry out the provisions of this section: *Provided further*, That no claims for such reimbursement shall be paid unless filed with the Treasury Department within three months after August 25, 1919: *And provided further*, That in no case shall the contractor or subcontractor be reimbursed to an extent greater than is sufficient to cover his actual increased cost in fulfilling his contract or subcontract, exclusive of any and all profits to such contractor or subcontractor; nor shall such reimbursement include any advances or payments made by the sureties of such contractor or subcontractor in executing the work, but the surety on any contract coming within the provisions of this section who, as surety, has completed, or may complete, the work of any defaulting contractor on any such contract or who has furnished financial assistance to a failing contractor on any such contract whereby such contractor has been enabled to complete such contract, may file claim, within the period hereinbefore fixed, and be reimbursed in the manner hereinbefore provided for the increased cost due to the causes hereinbefore specified of the labor and material supplied in so completing any such contract, or for the increased cost of the labor and material paid for from funds so furnished by such surety: *And provided further*, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based. (Aug. 25, 1919, c. 52, 41 Stat. 281.)

272. Same; payments.—The Secretary of the Treasury is authorized to make partial payments of any claim payable under section 271 of this title, and to make payment of any and all loss and expense (exclusive of profits) incurred by a contractor or subcontractor in fulfilling his contract or subcontract with the Treasury Department in excess of the amount which such contractor or subcontractor may receive under the terms of his contract or subcontract, if such loss and expense were, in the opinion of the Secretary of the Treasury, due to war conditions. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 507.)

273. Contracts for heating apparatus.—Contracts shall be made by the Secretary of the Treasury for furnishing and putting in heating apparatus for public buildings, upon advertisements in some leading newspaper in the State where each building is situated, containing specifications of the kind of heating apparatus required, and such contracts shall be made with the lowest responsible bidder therefor. (Mar. 3, 1887, c. 362, 24 Stat. 512.)

274. Payment for electric wiring.—The Secretary of the Treasury is directed, if in his judgment such work should be performed, to pay for the wiring for electric lighting of all buildings in process of erection or which may be erected under the control of the Treasury Department from the construction funds of such buildings. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 914.)

275. Payment for gas and electric fixtures.—Gas and electric-lighting fixtures for the equipment of public buildings and extensions in course of construction under the control of the Treasury Department, except such gas and electric-lighting fixtures as are under contract or may be otherwise provided for by law, shall be paid for from the respective appropriations provided for the construction of such public buildings or extensions. (July 1, 1916, c. 209, § 1, 39 Stat. 273.)

276. Payment for engineering and electric-light plants.—The Secretary of the Treasury is authorized, whenever in his judgment such work should be performed, to pay for the installation of engineering and electric-light plants in all buildings in process of erection, or which may be erected, under the control of the Treasury Department, from the construction funds of such buildings. (June 6, 1900, c. 791, § 1, 31 Stat. 591.)

277. Compensation of employees from appropriations for public buildings.—Not more than $6 per day shall be paid to any person employed outside of the District of Columbia, in any capacity whatever, whose compensation is paid from appropriations for public buildings in course of construction, but the Secretary of the Treasury may, in his discretion, authorize payment in cities of eighty thousand or more inhabitants of a sum not exceeding $8 per day for such purposes. (Aug. 5, 1892, c. 380, § 1, 27 Stat. 351.)

278. Employment of persons for supervision and care of buildings.—Where public buildings shall be completed with the exception of heating apparatus and approaches but one person shall be employed by the Government for the supervision and care of such building. (Mar. 3, 1887, c. 362, 24 Stat. 512.)

279. Appropriations for buildings available for use in temporary rented quarters.—Unless otherwise specifically pro-

vided by law, whenever the Secretary of the Treasury is authorized to secure temporary quarters for the use of Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of, any public building belonging to the United States under the control of the Treasury Department, the appropriation for vaults, safes, and locks for public buildings shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1161.)

280. Same; operating supplies, operating force, and repairs.—Unless otherwise specifically provided by law, whenever the Secretary of the Treasury is so authorized to secure temporary quarters for the use of the Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of any public building under the control of the Treasury Department, including the customhouse at Washington, District of Columbia, but excluding any other public building under the control of the Treasury Department within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints and branch mints, appropriations for operating force and operating supplies for public buildings shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States. (Aug. 24, 1912, c. 355, § 1, 37 Stat. 432; June 23, 1913, c. 3, § 1, 38 Stat. 22.)

281. Same; furniture and repairs.—Unless otherwise specifically provided by law, whenever the Secretary of the Treasury is so authorized to secure temporary quarters for the use of Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction or enlargement of any public building under the control of the Treasury Department, excluding marine hospitals and quarantine stations, mints and branch mints, appropriations for furniture and repairs of furniture, shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States. (June 23, 1913, c. 3, § 1, 38 Stat. 22.)

282. Appropriations for care, maintenance, and repair available for assay offices.—The annual appropriations for the care, maintenance, and repair of Federal buildings and their mechanical and vault and safe equipments, shall be available in the same manner and to the same extent for assay offices assigned quarters in Federal buildings under the authority contained in section 285 of this title, as such appropriations are available for other branches of the Government service quartered in such buildings. (July 1, 1916, c. 209, § 1, 39 Stat. 273.)

283. Furniture for new buildings.—The furniture for all new public buildings shall be procured in accordance with plans and specifications approved by the Supervising Architect of the Treasury. (May 27, 1908, c. 200, § 1, 35 Stat. 327.)

284. Old furniture to be used.—All furniture owned on February 17, 1922, by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not. (Feb. 17, 1922, c. 55, 42 Stat. 387; Jan. 3, 1923, c. 22, 42 Stat. 1108; Apr. 4, 1924, c. 84, Title I, 43 Stat. 82; Jan. 22, 1925, c. 87, Title I, 43 Stat. 781.)

285. Buildings under control of Secretary of Treasury.—All courthouses, customhouses, post offices, appraiser's stores, barge offices, subtreasuries, and other public buildings outside of the District of Columbia and outside of military reservations which have been purchased or erected, or are in course of construction, or which may be erected or purchased out of any appropriation under the control of the Treasury Department, together with the site or sites thereof, are expressly declared to be under the exclusive jurisdiction and control and in the custody of the Secretary of the Treasury, who shall have full power to take possession of and assign and reassign rooms therein to such Federal officials, clerks, and employees as in his judgment and discretion should be furnished with offices or rooms therein. (July 1, 1898, c. 546, § 1, 30 Stat. 614.)

286. Buildings not to be draped in mourning.—No building owned, or used for public purposes, by the Government of the United States, shall be draped in mourning and no part of the public fund shall be used for such purpose. (Mar. 3, 1893, c. 211, § 3, 27 Stat. 715.)

287. Reports of Supervising Architect.—The Supervising Architect of the Treasury shall include in his annual report statements showing, under the following titles, the number of customhouses, courthouses, post offices, and buildings used for two or more of said objects: The actual cost of construction, cost of alterations and repairs, cost of sites, and date of purchase, as to each of said buildings, and the aggregate of such expenditures under each of said titles; also the same information, under their respective titles, as to marine hospitals, quarantine stations, and all other buildings under the control of the Treasury Department. (June 6, 1900, c. 791, § 1, 31 Stat. 592.)

288. Customhouse wharf at Charleston, South Carolina.—The United States customhouse wharf at Charleston, South Carolina, shall be in the custody and under the control of the War Department, and all branches of the public service using said wharf on January 11, 1922, shall be permitted to continue their use of the same. (Jan. 11, 1922, c. 27, 42 Stat. 356.)

Chapter 4.—THE PUBLIC PROPERTY.

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Section 301. Charge of property transferred to the United States.—The Solicitor of the Treasury shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them; and of the sale and disposal of lands assigned or set off to the United States in payment of debts, or vested in them by mortgage or other security for the payment of debts: *Provided*, That this section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them. (R. S. § 3750.)

302. Renting or selling unproductive lands or property.—The Solicitor of the Treasury is authorized, with the approval of the Secretary of the Treasury, to rent, for a period not

exceeding three years, or to sell, at public sale, any unproductive lands, or other property of the United States acquired under judicial process or otherwise in the collection of debts, after advertising the time, place, and conditions of such sale for three months preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as may, in his judgment, be most advantageous to the public interest. (R. S. § 3749.)

303. Leasing unproductive property or property not required for public use.—Authority is given to the Secretary of War, when in his discretion it will be for the public good, to lease, for a period not exceeding five years and revocable at any time, such property of the United States under his control as may be unoccupied and unproductive, or may not for the time be required for public use and for the leasing of which there is no other authority under existing law, and such leases shall be reported annually to Congress: *Provided*, That nothing in this section contained shall be held to apply to mineral or phosphate lands. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 383; July 28, 1892, c. 316, 27 Stat. 321.)

304. Sale of lands acquired by devise.—The Secretary of the Treasury is authorized to sell such lands as have been or may be acquired by the United States by devise, upon such terms and after such public notice by advertisement as he may deem best for the public interest. (Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1112.)

305. Power to obtain releases.—Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States. (R. S. § 3752.)

306. Release of lands in certain cases.—In cases where real estate has become the property of the United States, by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Solicitor of the Treasury may release by deed or otherwise convey the same real estate to the debtor from whom it was taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws. (R. S. § 3751.)

307. Conveyance of lots in certain reservations.—Upon payment of the purchase money, and upon compliance with the conditions of improvement by the purchaser or purchasers of lots sold under section 2 of the Act of May 7, 1822, chapter 96, or his or their heirs or assigns, the Secretary of the Interior shall execute, under his hand and official seal, a deed or deeds in fee to such purchaser, or purchasers, his or their heirs or assigns, when it shall appear to him that the persons applying for such deeds are duly entitled to have the same, which deed or deeds shall be recorded among the land records of the District of Columbia within the time prescribed for the recording of conveyances of real estate: *Provided*, That this shall not be so construed as to create or revive any right lost by lapse of time. (May 7, 1822, c. 96, § 3, 3 Stat. 691; July 1, 1879, c. 62, 21 Stat. 47.)

308. Releasing property from attachment.—Whenever any property owned or held by the United States, or in which the United States have or claim an interest, shall, in any judicial proceeding under the laws of any State, District, or Territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, the Secretary of the Treasury, in his discretion, may direct the Solicitor of the Treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this and the following section. Nothing herein contained shall, however, be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim. (R. S. § 3753.)

309. Payment.—In all cases where a stipulation is entered into under the preceding section, and, in consequence thereof, the property is discharged, and final judgment is afterward given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of such property had not been changed. Whenever such claim is for the payment of money, and the same is by such judgment found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the Treasury not otherwise appropriated. The amount so to be allowed and paid shall not, however, exceed the value of the interest of the United States in the property in question. (R. S. § 3754.)

310. Abandoned property.—The Secretary of the Treasury is authorized to make such contracts and provisions as he may deem for the interest of the Government, for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States, and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable. No costs or claim shall, however, become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement. (R. S. § 3755.)

311. Purchase of material and supplies from Government services.—The heads of the several executive departments and other responsible officials, in expending appropriations contained in any Act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities. It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the articles described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable. Articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt:

Provided, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities. (July 11, 1919, c. 6, § 5, 41 Stat. 67.)

312. Disposition of typewriters and computing machines transferred to General Supply Committee.—Typewriters and computing machines transferred to the General Supply Committee as surplus, where such machines have become unfit for further use, may, in the discretion of the Secretary of the Treasury, be issued to other Government departments and establishments at exchange prices quoted in the current general schedule of supplies or sold commercially. (Feb. 17, 1922, c. 55, 42 Stat. 369; Jan. 3, 1923, c. 22, 42 Stat. 1090; Apr. 4, 1924, c. 84, Title I, 43 Stat. 67; Jan. 22, 1925, c. 87, Title I, 43 Stat. 766.)

313. Repairs to typewriting machines in District of Columbia.—Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the General Supply Committee, payment therefor to be effected by transfer and counter warrant, charging the proper appropriation and crediting the appropriation "General Supply Committee, transfer of office material, supplies, and equipment." (Feb. 17, 1922, c. 55, 42 Stat. 369; Jan. 3, 1923, c. 22, 42 Stat. 1090; Apr. 4, 1924, c. 84, Title I, 43 Stat. 67; Jan. 22, 1925, c. 87, Title I, 43 Stat. 766.)

Chapter 5.—HOURS OF LABOR ON PUBLIC WORKS.

Sec.

321. Eight-hour day on public works; river and harbor dredging; longer hours unlawful.
322. Violation of act punishable.
323. Existing contracts not affected.
324. Public contracts to provide for eight-hour day; stipulation for penalty; inspectors to report violations; deduction of penalty; appeals; right of action in Court of Claims.
325. Same; contracts excepted; work included; waiver in time of war; when penalty not to be imposed; eight-hour law not affected.
326. Suspension of eight-hour law in case of emergency; overtime pay.

Section 321. Eight-hour day on public works; river and harbor dredging; longer hours unlawful.—The service and employment of all laborers and mechanics who are or may be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are or may be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this section and section 322 of this title, shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States. (Aug. 1, 1892, c. 352, § 1, 27 Stat. 340; Mar. 3, 1913, c. 106, 37 Stat. 726.)

322. Violation of act punishable.—Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of section 321 of this title, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed $1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (Aug. 1, 1892, c. 352, § 2, 27 Stat. 340; Mar. 3, 1913, c. 106, 37 Stat. 726.)

323. Existing contracts not affected.—The provisions of sections 321 and 322 of this title shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts were entered into prior to August 1, 1892, or under the provisions of appropriation Acts approved prior to that date. (Aug. 1, 1892, c. 352, § 3, 27 Stat. 340; Mar. 3, 1913, c. 106, 37 Stat. 727.)

324. Public contracts to provide for eight-hour day; stipulation for penalty; inspectors to report violations; deduction of penalty; appeals; right of action in Court of Claims.—Every contract made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this section directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the

payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court. (June 19, 1912, c. 174, § 1, 37 Stat. 137.)

325. Same; contracts excepted; work included; waiver in time of war; when penalty not to be imposed; eight-hour law not affected.—Nothing in section 324 of this title shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, or may be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section 324. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this section or section 324 shall be construed to repeal or modify sections 321 to 323 of this title, or apply to contracts entered into under the provisions of appropriation Acts approved prior to June 19, 1912. (June 19, 1912, c. 174, § 2, 37 Stat. 138.)

326. Suspension of eight-hour law in case of emergency; overtime pay.—In case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States: *Provided*, That the wages of persons employed upon such contracts shall be computed on a basic day rate of eight hours work, with overtime rates to be paid for at not less than time and one-half for all hours work in excess of eight hours. (Mar. 4, 1917, c. 180, 39 Stat. 1192.)

TITLE 41.—PUBLIC CONTRACTS

Sec.
1. Returns office; establishment.
2. Same; clerk to file returns.
3. Same; indexes.
4. Same; copies of returns.
5. Advertisements for proposals for purchases and contracts for supplies or services for departments of Government.
6. Same; exceptions to section 5.
7. Miscellaneous supplies for executive departments and other Government establishments in Washington; advertisements and contracts for.
8. Opening bids.
9. Separate proposals for works or material or labor.
10. Contracts for material for public improvements.
11. No contracts or purchases unless authorized or under adequate appropriation.
12. No contract to exceed appropriation.
13. Contracts limited to one year.
14. Restriction on purchases of land.
15. No transfer of contract.
16. Contracts to be in writing.
17. Oath to contract.
18. Omitting returns.
19. Instructions.
20. Deposit of contracts.
21. Same; rules and regulations.
22. Interest of Member of Congress.
23. Orders or contracts for material placed with Government-owned establishments deemed obligations.
24. Contracts for transportation of moneys, bullion, coin, and securities.
25. Contracts for bunting.
26. Exchange of typewriters and adding machines in part payment for new machines.
27. Disposition of typewriting machines.

Section 1. Returns office; establishment.—The Secretary of the Interior shall from time to time provide a proper apartment, to be called the returns office, in which he shall cause to be filed the returns of contracts made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and shall appoint a clerk to attend to the same. (R. S. § 512.)

2. Same; clerk to file returns.—The clerk of the returns office shall file all returns made to the office, so that the same may be of easy access, keeping all returns made by the same officer in the same place, and numbering them in the order in which they are made. (R. S. § 513.)

3. Same; indexes.—The clerk of the returns office shall provide and keep an index book, with the names of the contracting parties, and the number of each contract opposite to the names; and shall submit the index book and returns to any person desiring to inspect it. (R. S. § 514.)

4. Same; copies of returns.—The clerk of the returns office shall furnish copies of such returns to any person paying therefor at the rate of 5 cents for every one hundred words, to which copies certificates shall be appended in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of the return. (R. S. § 515.)

5. Advertisements for proposals for purchases and contracts for supplies or services for departments of Government.—Except as otherwise provided by law all purchases and contracts for supplies or services in any of the departments of the Government and purchases of Indian supplies, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals. (R. S. § 3709; June 25, 1910, c. 431, § 23, 36 Stat. 861.)

6. Same; exceptions to section 5.—Section 5 of this title shall not be construed to apply to any purchase or service for the Department of Agriculture, the Indian field service, or the United States Veterans' Bureau when the aggregate amount involved does not exceed the sum of $50. Nor shall such section be construed to apply to any purchase or service for the Department of Commerce, the Department of Labor, the Department of Justice, the Civil Service Commission, or the District of Columbia when the aggregate amount involved does not exceed the sum of $25. Nor shall so much of said section as requires advertisement before purchase apply to the purchase of medicines and medical supplies for the Medical Department of the Army. (Feb. 27, 1893, c. 168, 27 Stat. 485; Mar. 1, 1899, c. 325, 30 Stat. 957; Mar. 2, 1911, c. 192, 36 Stat. 975; May 8, 1916, c. 125, § 1, 39 Stat. 126; Mar. 1, 1919, c. 86, § 1, 40 Stat. 1262, 1264; May 29, 1920, c. 214, § 1, 41 Stat. 677; June 12, 1922, c. 218, 42 Stat. 638; Feb. 13, 1923, c. 72, 42 Stat. 1244.)

7. (1) Miscellaneous supplies for executive departments and other Government establishments in Washington; advertisements and contracts for.—Except as otherwise provided by law all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other Government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, upon such days as he may designate.

(2) Same; General Supply Committee; composition of; annual schedule of required miscellaneous supplies; examination and tests.—There shall be a General Supply Committee composed of officers, one from each of the executive departments, designated by the head thereof, except that no disbursing officer shall be a member of such committee, the duties of which committee shall be to make, under the direction of the Secretary of the Treasury, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased.

(3) Same; bond of contractor.—In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or Government establishment are included in such contract.

(4) Same; purchase or drawing of supplies.—Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department: *Provided, That telephone service, electric light, and power service* purchased or contracted for from companies or individuals shall be so obtained by him. (June 17, 1910, c. 297, § 4, 36 Stat. 531.)

8. Opening bids.—Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made. (R. S. § 3710.)

9. Separate proposals for works or material or labor.—Whenever the Secretary of War invites proposals for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work. (R. S. § 3717.)

10. Contracts for material for public improvements.—In all contracts for material for any public improvement, the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States. (Mar. 3, 1875, c. 133, § 2, 18 Stat. 455.)

11. No contracts or purchases unless authorized or under adequate appropriation.—No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year. (R. S. § 3732; June 12, 1906, c. 3078, 34 Stat. 255.)

12. No contract to exceed appropriation.—No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. (R. S. § 3733.)

13. Contracts limited to one year.—It shall not be lawful for any of the executive departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made. (R. S. § 3735.)

14. Restriction on purchases of land.—No land shall be purchased on account of the United States, except under a law authorizing such purchase. (R. S. § 3736.)

15. No transfer of contract.—No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States. (R. S. § 3737.)

16. Contracts to be in writing.—Except as otherwise provided by law, it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof; a copy of which shall be filed by the officer making and signing the contract in the returns office of the Department of the Interior, as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return: *Provided*, That the Secretary of War or the Secretary of the Navy may extend the time for filing such contracts in the returns office of the Department of the Interior to ninety days whenever in their opinion it would be to the interest of the United States to follow such a course. (R. S. § 3744; June 15, 1917, c. 29, § 1, 40 Stat. 198.)

17. Oath to contract.—It shall be the further duty of the officer, before making his return, according to section 16 of this title, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ———; that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ———, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided." (R. S. § 3745.)

18. Omitting returns.—Every officer who makes any contract, and fails or neglects to make return of the same, according to the provisions of sections 16 and 17 of this title, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than $100 nor more than $500, and imprisoned not more than six months. (R. S. § 3746.)

19. Instructions.—It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to furnish every officer appointed by them with authority to make contracts on behalf of the Government with a printed letter of instructions, setting forth the duties of such officer, under sections 17 and 18 of this title, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible. (R. S. § 3747.)

20. Deposit of contracts.—All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited promptly in the General Accounting Office: *Provided*, That this section shall not apply to the existing laws in regard to the contingent funds of Congress. (R. S. § 3743; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249; July 31, 1894, c. 174, § 18, 28 Stat. 210; June 10, 1921, c. 18, §§ 304, 310, 42 Stat. 24, 25.)

21. Same; rules and regulations.—The heads of the several executive departments and the proper officers of other Government establishments, not within the jurisdiction of any executive department, shall make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them as required by section 78 of Title 31, before their transmission to the General Accounting Office, and for the execution of the requirements of section 20 of this title, in so far as the same relate to the several departments or establishments. (July 31, 1894, c. 174, § 22, 28 Stat. 210.)

22. Interest of Member of Congress.—In every contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of or Delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon. (R. S. § 3741; Feb. 27, 1877, c. 69, § 1, 19 Stat. 249.)

23. Orders or contracts for material placed with Government-owned establishments deemed obligations.—All orders or contracts for the manufacture of material pertaining to appropriate projects placed before June 5, 1920, or thereafter or hereafter with Government-owned establishments shall be considered as obligations in the same manner as provided for similar orders placed with commercial manufacturers, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers. (June 5, 1920, c. 240, 41 Stat. 975.)

24. Contracts for transportation of moneys, bullion, coin, and securities.—Whenever it is practicable contracts for the transportation of moneys, bullion, coin, notes, bonds, and other securities of the United States, and paper shall be let to the lowest responsible bidder therefor, after notice to all parties having means of transportation. (July 7, 1884, c. 332, § 1, 23 Stat. 204.)

25. Contracts for bunting.—The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may enter into contract, in open market, for bunting of American manufacture, as their respective services require, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported. (R. S. § 3729.)

26. Exchange of typewriters and adding machines in part payment for new machines.—The executive departments and other Government establishments and all branches of the public service may exchange typewriters, adding machines, and other similar labor-saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. There shall be submitted to Congress, on the first day of the session following the close of each fiscal year, a report showing, as to each exchange hereunder, the make of the article, the period of its use, the allowance therefor, and the article, make thereof, and price, including exchange value paid or to be paid for each article procured through such exchange. (Mar. 4, 1915, c. 147, § 5, 38 Stat. 1161.)

27. Disposition of typewriting machines.—No department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years. (June 5, 1920, c. 235, § 7, 41 Stat. 947.)

PUBLIC DEBT

See Title 31, MONEY AND FINANCE.

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62. Longevity pay: credit for service in other branches.
63. Computation of length of service of officers of Public Health Service.
64. Transportation of dependents.
65. Heat or light prohibited to persons receiving allowances for rental of quarters.

Section 1. Public Health Service; laws and regulations applicable to.—The Public Health and Marine Hospital Service shall be known and designated as the Public Health Service; and all laws appertaining to said Public Health and Marine Hospital Service shall apply to the Public Health Service, and all regulations in force, made in accordance with law for said Public Health and Marine Hospital Service shall apply to and be in force as regulations of and for the Public Health Service until changed or rescinded. (July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

2. Jurisdiction of Treasury Department over service.—The Public Health Service shall be under the jurisdiction of the Treasury Department until otherwise specifically provided by law. (Feb. 3, 1905, c. 297, § 1, 33 Stat. 650; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

3. Rules and regulations for service by President.—The President shall from time to time prescribe rules for the conduct of the Public Health Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. (July 1, 1902, c. 1370, § 9, 32 Stat. 714; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

4. Report of Surgeon General.—It shall be the duty of the Surgeon General of the Public Health Service to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements. (R. S. § 4802; July 1, 1902, c. 1370, § 9, 32 Stat. 714.)

5. Appointment to higher grade of officers of Public Health Service detailed with Isthmian Canal Commission.—The President is authorized, by and with the advice and consent of the Senate, to appoint such officers of the Public Health Service as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years to the grade next above that at present held by such officers. (Mar. 4, 1915, c. 167, § 4, 38 Stat. 1191.)

6. Duties, funds, and property of Public Health Service; care of sick and disabled seamen.—The care of sick and disabled seamen and all other duties formerly required by law to be performed by the Marine Hospital Service shall be performed by the Public Health Service, and all funds, properties, and rights pertaining to said Marine Hospital Service shall be available for use for like purposes and in like manner by the Public Health Service. (July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

7. Investigations by service, and publications relating thereto.—The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States, and it may from time to time issue information in the form of publications for the use of the public. (July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

8. Use of service in time of war.—The President is authorized, in his discretion, to utilize the Public Health Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained. (July 1, 1902, c. 1370, § 4, 32 Stat. 713; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

9. Suppression of Spanish influenza and other communicable diseases.—The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury are authorized and directed, respectively, to utilize jointly the personnel and facilities of the Medical Department of the Army, the Medical Department of the Navy, and the Public Health Service, so far as possible, in aiding to combat and suppress Spanish influenza and other communicable diseases. (Oct. 1, 1918, c. 179, § 2, 40 Stat. 1008.)

10. Surgeon General; appointment.—The Surgeon General of the Public Health Service shall be appointed by the President, by and with the advice and consent of the Senate. (Mar. 3, 1875, c. 130, § 1, 18 Stat. 377; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

11. Same; supervisory powers.—The Surgeon General of the Public Health Service shall, under the direction of the Secretary of the Treasury, supervise all matters connected with the Public Health Service. (R. S. § 4802; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

12. Medical officers; appointment after examination.—Medical officers of the Public Health Service of the United States shall be appointed by the President, by and with the advice and consent of the Senate; and no person shall be so appointed until after passing a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service. Said examination shall be conducted according to rules prepared by the Surgeon General, and approved by the Secretary of the Treasury and the President. (Jan. 4, 1889, c. 19, § 1, 25 Stat. 639.)

13. Original appointments as assistant surgeon; promotion.—Original appointments in the service shall only be made to the rank of assistant surgeon; and no officer shall be promoted to the rank of passed assistant surgeon until after four years' service and a second examination as aforesaid; and no passed assistant surgeon shall be promoted to be surgeon until after due examination. (Jan. 4, 1889, c. 19, § 2, 25 Stat. 639.)

14. Help provided by Congress.—There may be employed in the Public Health Service such help as may be provided for from time to time by Congress. (Aug. 14, 1912, c. 288, § 2, 37 Stat. 309.)

15. Details; duty in bureau.—The Surgeon General is authorized to cause the detail of two surgeons, two passed assistant surgeons, and one medical officer and one hospital steward for duty in the bureau, who shall each receive the pay and allowances of their respective grades in the general service. (Mar. 3, 1891, c. 541, 26 Stat. 923; July 31, 1894, c. 174, § 1, 28 Stat. 179.)

16. Same; for work with Bureau of Mines.—The Secretary of the Treasury may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from applicable appropriations made for the Bureau of Mines. (June 12, 1917, c. 27, § 1, 40 Stat. 146; May 24, 1922, c. 199, 42 Stat. 588; Jan. 24, 1923, c. 42, 42 Stat. 1210; June 5, 1924, c. 264, 43 Stat. 422; Mar. 3, 1925, c. 462, 43 Stat. 1175.)

17. Same; to Department of Agriculture.—The Secretary of of the Treasury may detail medical officers of the Public Health Service to the Department of Agriculture for cooperative assistance in the administration of sections 1 to 14, inclusive, of Title 21, FOOD AND DRUGS, and the compensation and expenses of the officers so detailed may be paid from applicable appropriations made for enforcement of said sections. (Oct. 1, 1918, c. 178, 40 Stat. 992.)

18. Reserve of Public Health Service.—For the purpose of securing a reserve for duty in the Public Health Service in time of national emergency there shall be organized, under the direction of the Secretary of the Treasury, under such rules and regulations as the President shall prescribe, a reserve of the Public Health Service. The President alone shall be authorized to appoint and commission as officers in the said reserve such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions, and said commissions shall be in force for a period of five years, unless sooner terminated in the discretion of the President, but commission in said reserve shall not exempt the holder from military or naval service: *Provided*, That the officers commissioned under this section, none of whom shall have rank above that of Assistant Surgeon General, shall be distributed in the several grades in the same proportion as obtained on October 27, 1918 among the commissioned medical officers of the United States Public Health Service and shall at all times be subject to call to active duty by the Surgeon General and when on such active duty shall receive the same pay and allowances, as are provided by law and regulation for the commissioned medical officers in the said regular commissioned medical corps. (Oct. 27, 1918, c. 196, 40 Stat. 1017.)

19. Leave of absence to medical officers.—The Secretary of the Treasury is authorized, in his discretion, to grant to the medical officers of the Public Health Service commissioned by the President, without deduction of pay, leaves of absence for the same periods of time and in the same manner as is authorized to be granted to officers of the Army by the Secretary of War. (Feb. 19, 1897, c. 265, § 1, 29 Stat. 554.)

20. Pensions to officers detailed for service with Coast Guard, Army, or Navy.—When officers of the United States Public Health Service are serving on Coast Guard vessels in time of war, or are detailed in time of war for duty with the Army or Navy in accordance with law, they shall be entitled to pensions for themselves and widows and children, if any, as on July 9, 1917 were provided for officers of corresponding grade and length of service of the Coast Guard, Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed. (July 9, 1917, c. 37, 40 Stat. 242.)

21. Hygienic Laboratory; advisory board.—There shall be an advisory board for the Hygienic Laboratory for consultation with the Surgeon General of the Public Health Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of $10 per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant. (July 1, 1902, c. 1370, § 5, 32 Stat. 713.)

22. Same; chiefs of divisions; director of laboratory.—There shall be appointed by the Surgeon General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon General, commissioned medical officers of the Public Health Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the Hygienic Laboratory, who shall each receive such pay as shall be fixed by the Surgeon General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health Service. All commissioned officers of the Public Health Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the Hygienic Laboratory, and

while serving in such capacity shall be entitled to the pay and emoluments of their rank. (July 1, 1902, c. 1370, § 6, 32 Stat. 713; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

23. Same; pay of director.—The director of the Hygienic Laboratory shall receive the pay and allowances of a senior surgeon. (Mar. 4, 1913, c. 149, § 1, 37 Stat. 915.)

24. Division of Venereal Diseases; officers and employees.—There is established in the Bureau of the Public Health Service a Division of Venereal Diseases, to be under the charge of a commissioned medical officer of the United States Public Health Service detailed by the Surgeon General of the Public Health Service, which officer while thus serving shall be an Assistant Surgeon General of the Public Health Service, subject to the provisions of law applicable to Assistant Surgeons General in charge of administrative divisions in the District of Columbia of the Bureau of the Public Health Service. There shall be in such division such assistants, clerks, investigators, and other employees as may be necessary for the performance of its duties and as may be provided for by law. (July 9, 1918, c. 143, subchapter XV, § 3, 40 Stat. 886.)

25. Same; duties.—The duties of the Division of Venereal Diseases shall be in accordance with rules and regulations prescribed by the Secretary of the Treasury (1) to study and investigate the cause, treatment, and prevention of venereal diseases; (2) to cooperate with State boards or departments of health for the prevention and control of such diseases within the States; and (3) to control and prevent the spread of these diseases in interstate traffic. Nothing in sections 24 to 27, inclusive, of this title shall be construed as limiting the functions and activities of other departments or bureaus in the prevention, control, and treatment of venereal diseases and in the expenditure of moneys therefor. (July 9, 1918, c. 143, subchapter XV, § 4, 40 Stat. 886.)

26. Isolation of civilians for protection of military and naval forces.—The Secretary of War and the Secretary of the Navy are authorized and directed to adopt measures for the purpose of assisting the various States in caring for civilian persons whose detention, isolation, quarantine, or commitment to institutions may be found necessary for the protection of the military and naval forces of the United States against venereal diseases. (July 9, 1918, c. 143, subchapter XV, § 2, 40 Stat. 886.)

27. Definitions.—The terms "State" and "States," as used in sections 25 and 26 of this title, shall be held to include the District of Columbia. (July 9, 1918, c. 143, subchapter XV, § 8, 40 Stat. 887.)

28. Divisions under Assistant Surgeons General; assistants; pay and allowances; rank.—Commissioned medical officers, when detailed by the Surgeon General for duty in the Bureau of the Public Health Service at Washington, District of Columbia, in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, venereal diseases, and scientific research, shall, while thus serving, be Assistant Surgeons General of the Public Health Service. Their pay and allowances shall be the same as are provided by regulations of the Public Health Service for officers in charge of said divisions. The senior officer thus serving shall be the assistant within the meaning of section 5 of Title 5. No such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon. (July 1, 1902, c. 1370, § 3, 32 Stat. 712; July 9, 1918, c. 143, subchapter XV, § 3, 40 Stat. 886.)

29. Conferences with State and Territorial boards of health.—When, in the opinion of the Surgeon General of the Public Health Service, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference. An annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate. It shall be the duty of the said Surgeon General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate. (July 1, 1902, c. 1370, § 7, 32 Stat. 713.)

30. Mortality, morbidity, and vital statistics.—To secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon General of the Public Health Service, after the annual conference required by section 29 of this title to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health Bureau on said forms, shall be compiled and published by the Public Health Service as a part of the health reports published by said service. (July 1, 1902, c. 1370, § 8, 32 Stat. 714.)

31. Allotments of pay.—The Secretary of the Treasury is authorized to permit officers of the Public Health Service to make allotments from their pay under such regulations as he may prescribe. (June 5, 1920, c. 235, § 1, 41 Stat. 883.)

32. Purchase of quartermaster supplies.—Officers of the Public Health Service may purchase quartermaster supplies from the Army, Navy, and Marine Corps at the same price as is charged officers of the Army, Navy, and Marine Corps. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 507.)

33. Limitation on expenditure of appropriations.—Appropriations for the Public Health Service shall not be expended for advertising in newspapers, magazines, or periodicals for any purpose other than the procurement of necessary employees and bids for necessary services, supplies, materials, and equipment. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1378.)

34. Titles of officers.—The officers of the Public Health Service shall be known as the Surgeon General, Assistant Surgeons General, senior surgeons, of which there shall be ten in number, on active duty, surgeons, passed assistant surgeons, and assistant surgeons. (July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 2, 37 Stat. 309.)

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Cross reference—Pay of officers of the Public Health Service, see Title 37, PAY AND ALLOWANCES.

61. Travel expenses for travel on Government-owned vessels.—Officers of the Public Health Service performing travel by Government-owned vessels for which no transportation fare is charged shall only be entitled to reimbursement of actual and necessary expenses incurred. (Jan. 22, 1925, c. 87, Title I, 43 Stat. 774.)

62. Longevity pay; credit for service in other branches.—Officers of the Public Health Service shall be credited with service in the Army, Navy, Marine Corps, Coast and Geodetic Survey, and the Coast Guard in computing longevity pay. (Mar. 6, 1920, c. 94, § 1, 41 Stat. 507; May 18, 1920, c. 190, § 11, 41 Stat. 604.)

63. Computation of length of service of officers of Public Health Service.—In computing for any purpose the length of service of any officer of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent

at either academy shall not be counted. (May 28, 1924, c. 203, 43 Stat. 194; Feb. 11, 1925, c. 209, 43 Stat. 872.)

64. Transportation of dependents.—When any commissioned officer, having a wife or dependent child or children, is ordered to make a permanent change of station, the United States shall furnish transportation in kind from funds appropriated for the transportation of the Public Health Service to his new station for the wife and dependent child or children. If the cost of such transportation exceeds that for transportation from the old to the new station the excess cost shall be paid to the United States by the officer concerned. Transportation supplied the wife or dependent child or children of such officer, to or from stations beyond the continental limits of the United States, shall not be other than by Government transport, if such transportation is available. (May 18, 1920, c. 190, § 12, 41 Stat. 604.)

65. Heat or light prohibited to persons receiving allowances for rental of quarters.—No person in the Public Health Service while such person is receiving an allowance for rental of quarters shall receive any issuance for heat or light in kind. (Mar. 2, 1923, c. 178, Title I, 42 Stat. 1385.)

Chapter 2.—SANITATION AND QUARANTINE.

Sec.

81. Entry of vessels in violation of quarantine laws.
82. Bill of health; contents; fees; detail of medical officer at consulate; vessel clearing without bill; vessels from ports near frontier.
83. Vessels from foreign ports without bill of health not entering United States subject to regulations.
84. Disposition of infected vessels.
85. Unauthorized entry within or departure from quarantine grounds or anchorages; masters or owners of vessels violating law or making false statement as to condition of vessel or contents, or as to health of passenger or person thereon.
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Section 81. Entry of vessels in violation of quarantine laws.—It shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this section and sections 82 to 84, 92 to 94, 99, 100, 102, and 111 of this title and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with said sections; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States. (Feb. 15, 1893, c. 114, § 1, 27 Stat. 449.)

82. Bill of health; contents; fees; detail of medical officer at consulate; vessel clearing without bill; vessels from ports near frontier.—Any vessel at any foreign port clearing or departing for any port or place in the United States or its possessions or other dependencies or any vessel at any port in the possessions or other dependencies of the United States clearing or departing for any port or place in the United States or its possessions or other dependencies, shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The provisions of the preceding paragraph shall not apply to vessels operating exclusively in trade between foreign ports on or near the northern frontier of the United States and ports in the United States; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than $5,000, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels. (Feb.

15, 1893, c. 114, § 2, 27 Stat. 450; Aug. 18, 1894, c. 300, 28 Stat. 372; Feb. 27, 1921, c. 80, 41 Stat. 1149; Feb. 7, 1925, c. 146, 43 Stat. 809.)

83. Vessels from foreign ports without bill of health not entering United States subject to regulations.—Any vessel sailing from any foreign port without the bill of health required by section 82 of this title, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States. (Mar. 3, 1901, c. 836, 31 Stat. 1086.)

84. Disposition of infected vessels.—On the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station. (Feb. 15, 1893, c. 114, § 6, 27 Stat. 452.)

85. Unauthorized entry within or departure from quarantine grounds or anchorages; masters or owners of vessels violating law or making false statement as to condition of vessel or contents, or as to health of passenger or person thereon.—Any vessel, or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $300 or by imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel violating any provision of sections 81 to 85, 92 to 94, 96, 99 to 105, and 111 of this title, or violating any rule or regulation made in accordance with said sections, relating to the inspection of vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, or as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 or imprisonment for not more than one year, or both, in the discretion of the court. (June 19, 1906, c. 3433, § 4, 34 Stat. 300.)

86. Vessels from infected ports subject to State quarantine laws.—No vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as provided in this chapter. (Apr. 29, 1878, c. 66, § 1, 20 Stat. 37.)

87. Cost of fumigation and disinfection of foreign vessels.—The cost of fumigation and disinfection shall be charged vessels from foreign ports at rates to be fixed by the Secretary of the Treasury. (Apr. 17, 1917, c. 3, § 1, 40 Stat. 6.)

88. Discharge of cargo of vessel in quarantine.—Whenever, by the health laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health laws require or permit the cargo of the vessel to be unladen at some other place within or near to such district, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unlading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue. (R. S. § 4793.)

89. Quarantine warehouses; erection.—There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health laws may require. (R. S. § 4794.)

90. Same; deposit of goods in.—Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under sections 88 and 89 of this title, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures. (R. S. § 4795.)

91. Extending time for entry of vessels subject to quarantine.—The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established. (R. S. § 4796.)

92. Enforcement of regulations.—The Surgeon General of the Public Health Service shall, under the direction of the Secretary of the Treasury, cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execu-

tion and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew; which shall be published and communicated to and enforced by the consular officers of the United States. None of the penalties imposed by any of sections 81 to 84, 92 to 94, 99, 100, 102, and 111 of this title shall attach to any vessel or owner or officer thereof until a copy of all the above-mentioned sections, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States. (Feb. 15, 1893, c. 114, § 3, 27 Stat. 450; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

93. Duties of Surgeon General as to quarantine; reports.—It shall be the duty of the Surgeon General of the Public Health Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by sections 81 to 84, 92 to 94, 99, 100, 102, and 111 of this title, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary cooperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interest. (Feb. 15, 1893, c. 114, § 4, 27 Stat. 451; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

94. Regulations to secure sanitary conditions of vessels; inspection; health certificate.—The Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary conditions of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States. (Feb. 15, 1893, c. 114, § 5, 27 Stat. 451.)

95. Regulations to prevent spread of contagious diseases; violation of rules.—Whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, smallpox, or plague exists in any State or Territory, or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. The said rules and regulations shall be prepared by the Surgeon General of the Public Health Service under the direction of the

Secretary of the Treasury. Any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $500, or imprisonment for not more than two years, or both, in the discretion of the court. (Mar. 27, 1890, c. 51, § 1, 26 Stat. 31; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

96. Jurisdiction over established station, to be ceded before payment of compensation.—Whenever any established station, or any land or water, or any part thereof, shall be acquired by the United States under the provisions of this section and sections 85, 101, and 103 to 105 of this title, jurisdiction over the same shall be ceded to the United States by any State in which the same is situated before any compensation therefor shall be paid. (June 19, 1906, c. 3433, § 6, 34 Stat. 301.)

97. State health laws observed by United States officers.—The quarantines and other restraints established by the health laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue cutters, and by the military officers commanding in any fort or station upon the seacoast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this section and sections 88 to 91 and 112 to 114 of this title shall enable any State to collect a duty of tonnage or impost without the consent of Congress. (R. S. § 4792.)

98. Vessels for quarantine officers.—The Secretary of the Navy is authorized, in his discretion, at the request of the Secretary of the Treasury, to place gratuitously, at the disposal of the Public Health Service, at any of the ports of the United States, to be used temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses of the National Government, subject to such restrictions and regulations as the Secretary of the Navy may deem necessary to impose for the preservation thereof. (June 14, 1879, No. 6, 21 Stat. 50; Feb. 15, 1893, c. 114, 27 Stat. 449.)

99. Authority of medical officers acting as quarantine officers.—The medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States. (Mar. 3, 1901, c. 836, 31 Stat. 1086.)

100. Compensation for use of State buildings.—Whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use, if, in his opinion, they are necessary to the United States. (Feb. 15, 1893, c. 114, § 8, 27 Stat. 452.)

101. Acquisition of quarantine stations and plants already established by State or local authorities.—In any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes and the quarantine stations established by authority of this section and sections 85, 96, and 103 to 105 of this title shall, when so established, be used to prevent the introduction of all quarantinable diseases. (June 19, 1906, c. 3433, § 5, 34 Stat. 301.)

102. Establishment of quarantine grounds; trespasses; violation of quarantine laws.—The Surgeon General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person, other than State or municipal health or quarantine officers, trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than $300 or imprisonment for not more than one year, or both, in the discretion of the court. Any master or owner of any vessel, or any person violating any provision of this section and sections 81 to 84, 92 to 94, 99, 100, and 111 of this title, or any rule or regulation made in accordance therewith, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than $500 or imprisonment for not more than one year, or both, in the discretion of the court. (Mar. 3, 1901, c. 836, 31 Stat. 1086.)

103. Quarantine stations, grounds, and anchorages.—The Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and shall select and designate such suitable places for them and establish the same at such points on or near the coast line of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the Dry Tortugas, at the western end of the Florida Reef, and at such other point or points on or near the coast line of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereat or whereto infected vessels bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharged, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed. (June 19, 1906, c. 3433, § 1, 34 Stat. 299.)

104. Land and water selected for quarantine stations transferred from other departments to Secretary of Treasury, or acquired by purchase or condemnation.—In cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, not used by the Government for other purposes designated by law, or possession of said Dry Tortugas Islands, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession for the use of the Public Health Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury. That in cases

in which the title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health Service of the United States, by purchase at a reasonable price, if possible; but if, in his judgment, the price demanded for such property be excessive, he is authorized to apply to the Attorney General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney General shall, as soon as possible after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion, and the custody and possession of such land and water, when duly acquired in accordance with the award made in such condemnation proceedings, shall be delivered to the Secretary of the Treasury for the use of the Public Health Service. (June 19, 1906, c. 3433, § 2, 34 Stat. 299; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

105. Notice of selection of places for quarantine stations and anchorages; instrumentalities for disinfecting vessels and cargoes and hospital buildings; treatment of sick and eradication of disease.—On acquiring possession of any land and water in accordance with the provisions of sections 103 and 104 of this title for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages, with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instrumentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews. (June 19, 1906, c. 3433, § 3, 34 Stat. 300.)

106. Trespass on quarantine reservations; vessels entering United States in violation of laws.—Whenever any person shall trespass upon the grounds belonging to any quarantine reservation, or whenever any person, master, pilot, or owner of a vessel entering any port of the United States, shall so enter in violation of section 86 of this title, or in violation of the quarantine regulations framed under said section, such person trespassing, or such master, pilot, or other person in command of a vessel shall, upon conviction thereof, pay a fine of not more than $300, or be sentenced to imprisonment for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court. And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Public Health Service, or by any officer of the customs service, or by any State officer acting under proper authority. (Aug. 1, 1888, c. 727, § 1, 25 Stat. 355; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

107. Violation of quarantine laws; by officers.—Any officer, or person acting as an officer, or agent of the United States at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall willfully violate any of the quarantine laws of the United States, or any of the rules and regulations made and promulgated by the Secretary of the Treasury as provided for in section 95 of this title, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $300 or imprisonment for not more than one year, or both, in the discretion of the court. (Mar. 27, 1890, c. 51, § 2, 26 Stat. 31.)

108. Same; by common carriers.—When any common carrier or officer, agent, or employee of any common carrier shall willfully violate any of the quarantine laws of the United States, or the rules and regulations made and promulgated as provided for in section 95 of this title, such common carrier, officer, agent, or employee, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than $500, or imprisonment for not more than two years, or both, in the discretion of the court. (Mar. 27, 1890, c. 51, § 3, 26 Stat. 31.)

109. Report of expenditures to prevent epidemics.—A detailed report shall be submitted annually to Congress, showing the expenditures made under appropriations to enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, trachoma, influenza, Rocky Mountain spotted fever, or infantile paralysis, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force. (June 12, 1917, c. 27, § 1, 40 Stat. 121; Feb. 17, 1922, c. 55, 42 Stat. 380; Jan. 3, 1923, c. 22, 42 Stat. 1102; Apr. 4, 1924, c. 84, Title I, 43 Stat. 76; Jan. 20, 1925, c. 85, § 1, 43 Stat. 757; Jan. 22, 1925, c. 87, Title I, 43 Stat. 775.)

110. Schedule of fees for vessels at quarantine stations; New York Station.—The Secretary of the Treasury is authorized and directed to promulgate such a schedule of fees to be charged vessels at each of the national quarantine stations as will be fair and reasonable for the services rendered by each station. This authority shall not be applicable to any quarantine station where the fees are fixed by law.

The schedule of fees and rates of charges in effect at the New York Quarantine Station at the time of the transfer of the title thereto to the United States shall be adopted and promulgated by the Secretary of the Treasury as the schedule of fees and rates of charges for the operation of the said station under the jurisdiction of the United States. (June 5, 1920, c. 235, § 1, 41 Stat. 875; June 16, 1921, c. 23, § 1, 42 Stat. 38.)

111. Suspension of immigration.—Whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary. (Feb. 15, 1893, c. 114, § 7, 27 Stat. 452.)

112. Removal of revenue officers from port during epidemic.—Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection district, it becomes dangerous or inconvenient for the officers of the revenue employed therein

to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the Undersecretary of the Treasury, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection district. And at such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be. (R. S. § 4797; July 31, 1894, c. 174, § 4, 28 Stat. 205; June 10, 1921, c. 18, § 301, 42 Stat. 23; Feb. 17, 1922, c. 55, 42 Stat. 366.)

113. Adjournment of courts during epidemic.—Whenever, in the opinion of the Chief Justice, or, in case of his death, or inability, of the senior Associate Justice of the Supreme Court, a contagious or epidemic sickness shall render it hazardous to hold the next stated session of the court at the seat of government, the Chief or such Associate Justice may issue his order to the marshal of the Supreme Court, directing him to adjourn the next session of the court to such other place as such justice deems convenient. The marshal shall thereupon adjourn the court, by making publication thereof in one or more public papers printed at the seat of government from the time he shall receive such order until the time by law prescribed for commencing the session. The several circuit and district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the several circuit courts of appeals and district courts to some convenient place within their circuits or districts respectively. (R. S. § 4799.)

114. Removal of prisoners during epidemic.—The judge of any district court, within whose district any contagious or epidemic disease shall at any time prevail, so as, in his opinion, to endanger the lives of persons confined in the prison of such district, in pursuance of any law of the United States, may direct the marshal to cause the persons so confined to be removed to the next adjacent prison where such disease does not prevail, there to be confined until they may safely be removed back to the place of their first confinement. Such removals shall be at the expense of the United States. (R. S. § 4800.)

Chapter 3.—LEPROSY.

STATION AND LABORATORY AT MOLOKAI, HAWAII

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LEPROSY HOME IN UNITED STATES

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STATION AND LABORATORY AT MOLOKAI, HAWAII

Section 121. Establishment.—There is established on the tract of land on the leper reservation at Molokai, Hawaii, ceded by the Territorial government of Hawaii to the United States in perpetuity a hospital station and laboratory of the Public Health Service of the United States for the study of the methods of transmission, cause, and treatment of leprosy. (Mar. 3, 1905, c. 1443, § 1, 33 Stat. 1009.)

122. Patients; admission and treatment.—For the purposes of this subchapter the Surgeon General, through his accredited agent, is authorized to receive at such station such patients afflicted with leprosy as may be committed to his care under legal authorization of the Territory of Hawaii, not to exceed forty in number to be under treatment at any time, said patients to remain under the jurisdiction of the said Surgeon General, or his agent, until returned to the proper authorities of Hawaii. (Mar. 3, 1905, c. 1443, § 3, 33 Stat. 1009.)

123. Detail of medical officers and employees of Public Health Service.—The Surgeon General of the Public Health Service of the United States is authorized to detail or appoint, for the purposes of these investigations and treatment, such medical officers, acting assistant surgeons, pharmacists, and employees as may be necessary for said purpose. (Mar. 3, 1905, c. 1443, § 4, 33 Stat. 1009.)

124. Regulations for administration.—The Surgeon General of the Public Health Service shall, subject to the approval of the Secretary of the Treasury, make and adopt regulations for the administration and government of the hospital station and laboratory and for the management and treatment of all patients of such hospital. (Mar. 3, 1905, c. 1443, § 6, 33 Stat. 1010.)

125. Additional pay and allowances to officers detailed.—When any commissioned or noncommissioned officer of the Public Health Service is detailed for duty at the leprosarium provided for in sections 121 to 124 of this title, or while engaged in investigations of leprosy at Kalihi and other places in Hawaii, he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided for by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury. (Mar. 3, 1905. c. 1443, § 7, 33 Stat. 1010; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1394.)

LEPROSY HOME IN UNITED STATES

131. Establishment; administration by Public Health Service.—There is established a home for the care and treatment of persons afflicted with leprosy, to be administered by the United States Public Health Service. (Feb. 3, 1917, c. 26, § 1, 39 Stat. 872.)

132. Erection of buildings.—The Secretary of the Treasury is authorized to cause the erection upon such site of suitable and necessary buildings for the purposes of this subchapter at a cost not to exceed the sum appropriated for such purpose. (Feb. 3, 1917, c. 26, § 4, 39 Stat. 873.)

133. Persons receivable into; removal of afflicted persons to.—There shall be received into said home, under regulations prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, any person afflicted with leprosy who presents himself or herself for care, detention, and treatment, or who may be apprehended under authority of the United States Quarantine Acts, or any person afflicted with leprosy duly consigned to said home by the proper health authorities of any State, Territory, or the District of Columbia. The Surgeon General of the Public Health Service is authorized, upon request of said authorities, to send for any person afflicted with leprosy within their respective jurisdicitions, and to convey said persons to such home for detention and treatment, and when the transportation of any such person is undertaken for the protection of the public health, the expense of such removal shall be paid from funds set aside for the maintenance of said home. (Feb. 3, 1917, c. 26, § 2, 39 Stat. 873.)

134. Regulations.—Regulations shall be prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, for the government and administration of said home and for the apprehension, detention, treatment, and release of all persons who are inmates thereof. (Feb. 3, 1917, c. 26, § 3, 39 Stat. 873.)

135. Detail of officers of Public Health Service to; pay.—When any commissioned or other officer of the Public Health

Service is detailed for duty at the home herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury. (Feb. 3, 1917, c. 26, § 5, 39 Stat. 873.)

Chapter 4.—VIRUSES, SERUMS, TOXINS, ANTITOXINS, ETC.

Sec.
141. Regulation of sale of and interstate traffic.
142. Falsely labeling or marking package or container; altering label or mark.
143. Inspection of establishment for propagation and preparation.
144. Same; foreign establishments; conditional license.
145. Board to prescribe regulations for licenses for establishments for propagation and preparation.
146. Enforcement of regulations.
147. Interference with officers.
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Section 141. Regulation of sale of and interstate traffic.—No person shall sell, barter, or exchange, or offer for sale, barter, or exchange in the District of Columbia, or send, carry, or bring for sale, barter, or exchange from any State, Territory, or the District of Columbia into any State, Territory, or the District of Columbia, or from any foreign country into the United States, or from the United States into any foreign country, any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of man, unless (a) such virus, serum, toxin, antitoxin, or product has been propagated and prepared at an establishment holding an unsuspended and unrevoked license, issued by the Secretary of the Treasury as hereinafter authorized, to propagate and prepare such virus, serum, toxin, antitoxin, or product for sale in the District of Columbia, or for sending, bringing, or carrying from place to place aforesaid; nor (b) unless each package of such virus, serum, toxin, antitoxin, or product is plainly marked with the proper name of the article contained therein, the name, address, and license number of the manufacturer, and the date beyond which the contents can not be expected beyond reasonable doubt to yield their specific results. The suspension or revocation of any license shall not prevent the sale, barter, or exchange of any virus, serum, toxin, antitoxin, or product aforesaid which has been sold and delivered by the licentiate prior to such suspension or revocation, unless the owner or custodian of such virus, serum, toxin, antitoxin, or product aforesaid has been notified by the Secretary of the Treasury not to sell, barter, or exchange the same. (July 1, 1902, c. 1378, § 1, 32 Stat. 728.)

142. Falsely labeling or marking package or container; altering label or mark.—No person shall falsely label or mark any package or container of any virus, serum, toxin, antitoxin, or product aforesaid; nor alter any label or mark on any package or container of any virus, serum, toxin, antitoxin, or product aforesaid so as to falsify such label or mark. (July 1, 1902, c. 1378, § 2, 32 Stat. 729.)

143. Inspection of establishment for propagation and preparation.—Any officer, agent, or employee of the Treasury Department, duly detailed by the Secretary of the Treasury for that purpose, may during all reasonable hours enter and inspect any establishment for the propagation and preparation of any virus, serum, toxin, antitoxin, or product aforesaid for sale, barter, or exchange in the District of Columbia, or to be sent, carried, or brought from any State, Territory, or the District of Columbia into any other State or Territory or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States. (July 1, 1902, c. 1378, § 3, 32 Stat. 729.)

144. Same; foreign establishments; conditional license.—All licenses issued for the maintenance of establishments for the propagation and preparation in any foreign country of any virus, serum, toxin, antitoxin, or product aforesaid, for sale, barter, or exchange in the United States, shall be issued upon condition that the licentiates will permit the inspection of the establishments where said articles are propagated and prepared in accordance with the provisions of section 143 of this title. (July 1, 1902, c. 1378, § 4, 32 Stat. 729.)

145. Board to prescribe regulations for licenses for establishments for propagation and preparation.—The Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Public Health Service are constituted a board with authority, subject to the approval of the Secretary of the Treasury, to promulgate from time to time such rules as may be necessary in the judgment of said board to govern the issue, suspension, and revocation of licenses for the maintenance of establishments for the propagation and preparation of viruses, serums, toxins, antitoxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale in the District of Columbia or to be sent, carried or brought for sale from any State, Territory, or the District of Columbia, into any other State, Territory, or the District of Columbia, or from the United States into any foreign country, or from any foreign country into the United States. (July 1, 1902, c. 1378, § 4, 32 Stat. 729; Aug. 14, 1912, c. 288, 37 Stat. 309.)

146. Enforcement of regulations.—The Secretary of the Treasury is authorized and directed to enforce the provisions of sections 141 to 148 of this title and of such rules and regulations as may be made by authority thereof; to issue, suspend, and revoke licenses for the maintenance of establishments aforesaid, and to detail for the discharge of such duties such officers, agents, and employees of the Treasury Department as may in his judgment be necessary. (July 1, 1902, c. 1378, § 5, 32 Stat. 729.)

147. Interference with officers.—No person shall interfere with any officer, agent, or employee of the Treasury Department in the performance of any duty imposed upon him by sections 141 to 148 of this title or by regulations made by authority thereof. (July 1, 1902, c. 1378, § 6, 32 Stat. 729.)

148. Offenses; punishment.—Any person who shall violate, or aid or abet in violating, any of the provisions of sections 141 to 148 of this title shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (July 1, 1902, c. 1378, § 7, 32 Stat. 729.)

Chapter 5.—MATERNITY AND INFANCY WELFARE AND HYGIENE.

Sec.
161. Board of Maternity and Infant Hygiene; members; chairman; powers and duties of Children's Bureau.
162. Appropriation for.
163. Same; amount; apportionment to States; additional apportionment.
164. Acceptance of provisions by States.
165. Deduction from appropriation for administrative expenses.
166. Clerical assistants for Children's Bureau.
167. Apportionment of appropriation to States.
168. Submission of plans by States; approval.
169. Power of representatives of Children's Bureau to enter homes or take charge of children.
170. Certification of amounts apportioned to States.
171. Reports by States; withholding certifications to States.
172. Limitation on expenditure of amounts apportioned to States.
173. Children's Bureau to perform duties of chapter; report to Congress.
174. Construction of chapter.
175. Provisions of chapter extended to Hawaii.

Section 161. Board of Maternity and Infant Hygiene; members; chairman; powers and duties of Children's Bureau.—There is created a Board of Maternity and Infant Hygiene,

which shall consist of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. The board shall elect its own chairman and perform the duties provided for in this chapter.

The Children's Bureau of the Department of Labor shall be charged with the administration of this chapter, except as otherwise provided in this chapter, and the Chief of the Children's Bureau shall be the executive officer. It shall be the duty of the Children's Bureau to make or cause to be made such studies, investigations, and reports as will promote the efficient administration of this chapter. (Nov. 23, 1921, c. 135, § 3, 42 Stat. 224.)

162. Appropriation for.—There is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sums specified in section 163 of this title, to be paid to the several States for the purpose of cooperating with them in promoting the welfare and hygiene of maternity and infancy as provided. (Nov. 23, 1921, c. 135, § 1, 42 Stat. 224.)

163. Same; amount; apportionment to States; additional apportionment.—For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated annually until June 30, 1927, out of any money in the Treasury not otherwise appropriated, $240,000, to be equally apportioned among the several States in the manner provided in this chapter, and for the use of the States, subject to the provisions of this chapter, annually, for the same period, an additional sum not to exceed $1,000,000. The additional appropriations authorized shall be apportioned $5,000 to each State and the balance among the States in the proportion which their population bears to the total population of the States of the United States, according to the last preceding United States census. No payment out of the additional appropriation authorized shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State for the maintenance of the services and facilities provided for in this chapter.

So much of the amount apportioned to any State for any fiscal year as remains unpaid to such State at the close thereof shall be available for expenditures in that State until the close of the succeeding fiscal year. (Nov. 23, 1921, c. 135, § 2, 42 Stat. 224.)

164. Acceptance of provisions by States.—In order to secure the benefits of the appropriations authorized in section 163 of this title, any State shall, through the legislative authority thereof, accept the provisions of this chapter and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary powers to cooperate as herein provided in the administration of the provisions of this chapter. In any State having a child-welfare or child-hygiene division in its State agency of health, the said State agency of health shall administer the provisions of this chapter through such divisions. (Nov. 23, 1921, c. 135, § 4, 42 Stat. 225.)

165. Deduction from appropriation for administrative expenses.—So much, not to exceed 5 per centum, of the additional appropriations authorized for any fiscal year under section 163 of this title, as the Children's Bureau may estimate to be necessary for administering the provisions of this chapter, shall be deducted for that purpose, to be available until expended. (Nov. 23, 1921, c. 135, § 5, 42 Stat. 225.)

166. Clerical assistants for Children's Bureau.—Out of the amounts authorized under section 165 of this title the Children's Bureau is authorized to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the Civil Service Commission, and to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as it may deem necessary for carrying out the purposes of this chapter. (Nov. 23, 1921, c. 135, § 6, 42 Stat. 225.)

167. Apportionment of appropriation to States.—Within sixty days after any appropriation authorized by this chapter has been made, the Children's Bureau shall make the apportionment provided for and shall certify to the Secretary of the Treasury the amount estimated by the bureau to be necessary for administering the provisions of this chapter, and shall certify to the Secretary of the Treasury and to the treasurers of the various States the amount which has been apportioned to each State for the fiscal year for which such appropriation has been made. (Nov. 23, 1921, c. 135, § 7, 42 Stat. 225.)

168. Submission of plans by States; approval.—Any State desiring to receive the benefits of this chapter shall, by its agency described in section 164 of this title, submit to the Children's Bureau detailed plans for carrying out the provisions of this chapter within such State, which plans shall be subject to the approval of the board. The plans of the States under this chapter shall provide that no official, or agent, or representative in carrying out the provisions of this chapter shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child. If these plans shall be in conformity with the provisions of this chapter and reasonably appropriate and adequate to carry out its purposes they shall be approved by the board and due notice of such approval shall be sent to the State agency by the Chief of the Children's Bureau. (Nov. 23, 1921, c. 135, § 8, 42 Stat. 225.)

169. Power of representatives of Children's Bureau to enter homes or take charge of children.—No official, agent, or representative of the Children's Bureau shall by virtue of this chapter have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing in this chapter shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose. (Nov. 23, 1921, c. 135, § 9, 42 Stat. 225.)

170. Certification of amounts apportioned to States.—Within sixty days after any appropriation authorized by this chapter has been made, and as often thereafter while such appropriation remains unexpended as changed conditions may warrant, the Children's Bureau shall ascertain the amounts that have been appropriated by the legislatures of the several States accepting the provisions of this chapter and shall certify to the Secretary of the Treasury the amount to which each State is entitled under the provisions of this chapter. Such certificate shall state (1) that the State has, through its legislative authority, accepted the provisions of this chapter and designated or authorized the creation of an agency to cooperate with the Children's Bureau, or that the State has otherwise accepted this chapter, as provided in section 164 of this title; (2) the fact that the proper agency of the State has submitted to the Children's Bureau detailed plans for carrying out the provisions of this chapter, and that such plans have been approved by the board; (3) the amount, if any, that has been appropriated by the legislature of the State for the maintenance of the services and facilities of this chapter, as provided in section 163 of this title; and (4) the amount to which the State is entitled under the provisions of this chapter. Such certificate, when in conformity with the provisions hereof, shall, until revoked as provided in section 172 of this title, be sufficient authority to the Secretary of the Treasury to make payment to the State in accordance therewith. (Nov. 23, 1921, c. 135, § 10, 42 Stat. 225.)

171. Reports by States; withholding certifications to States.—Each State agency cooperating with the Children's Bureau under this chapter shall make such reports concerning its operations and expenditures as shall be prescribed or requested by the bureau. The Children's Bureau may, with the approval of the board, and shall, upon request of a majority of the board, withhold any further certificate provided for in section 170 of this title whenever it shall be determined as to any State that the agency thereof has not properly expended the money paid to it or the moneys required to be appropriated by such State for the purposes and in accordance with the provisions of this chapter. Such certificate may be withheld until such time or upon such conditions as the Children's Bureau, with the approval of the board, may determine; when so withheld the State agency may appeal to the President of the United States who may either affirm or reverse the action of the bureau with such directions as he shall consider proper. Before any such certificate shall be withheld from any State, the chairman of the board shall give notice in writing to the authority designated to represent the State, stating specifically wherein said State has failed to comply with the provisions of this chapter. (Nov. 23, 1921, c. 135, § 11, 42 Stat. 226.)

172. Limitation on expenditure of amounts apportioned to States.—No portion of any moneys apportioned under this chapter for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such moneys or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this chapter be used for the payment of any maternity or infancy pension, stipend, or gratuity. (Nov. 23, 1921, c. 135, § 12, 42 Stat. 226.)

173. Children's Bureau to perform duties of chapter; report to Congress.—The Children's Bureau shall perform the duties assigned to it by this chapter under the supervision of the Secretary of Labor, and he shall include in his annual report to Congress a full account of the administration of this chapter and expenditures of the moneys herein authorized. (Nov. 23, 1921, c. 135, § 13, 42 Stat. 226.)

174. **Construction of chapter.**—This chapter shall be construed as intending to secure to the various States control of the administration of this chapter within their respective States, subject only to the provisions and purposes of this chapter. (Nov. 23, 1921, c. 135, § 14, 42 Stat. 226.)

175. Provisions of chapter extended to Hawaii.—The Territory of Hawaii shall be entitled to share in the benefits of this chapter and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as would be apportioned to the Territory if such chapter had originally included the Territory. (Mar. 10, 1924, c. 46, § 3, 43 Stat. 17.)

Chapter 6.—THE CHILDREN'S BUREAU.

Sec.
191. Bureau established.
192. Chief of Bureau; investigations and reports.
193. Quarters for bureau.

Section 191. Bureau established.—There shall be established in the Department of Labor a bureau to be known as the Children's Bureau. (Apr. 9, 1912, c. 73, § 1, 37 Stat. 79.)

192. Chief of Bureau; investigations and reports.—The said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate. The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official, or agent, or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Labor. (Apr. 9, 1912, c. 73, § 2, 37 Stat. 79; Feb. 27, 1925, c. 364, Title IV, 43 Stat. 1050.)

193. Quarters for bureau.—The Secretary of Labor is directed to furnish sufficient quarters for the work of this bureau at an annual rental not to exceed $2,000. (Apr. 9, 1912, c. 73, § 4, 37 Stat. 80.)

PUBLIC HEALTH SERVICE

See Title 42, PUBLIC HEALTH.

TITLE 43.—PUBLIC LANDS

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CROSS REFERENCES

PUBLIC LANDS

Mineral lands; see Title 30, MINERAL LANDS AND MINING.

Public lands in Alaska; see Title 48, TERRITORIES AND INSULAR POSSESSIONS.

Chapter 1.—GENERAL LAND OFFICE.

Sec.
1. Commissioner.
2. Duties of commissioner.
3. Assistant commissioner.
4. Temporary assistant commissioner.
5. Recorder.
6. Duties of recorder.
7. Temporary recorder.
8. Clerk to sign land patents.
9. Assistant to sign land patents.
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11. Restriction on officers, clerks, and employees.
12. Seal, books and records.
13. Original papers on file as evidence.
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19. Certified copies of records.
20. Exemplifications of records as evidence.
21. Fees for exemplifications.
22. Sale of photolithographic copies of township plats.
23. Fees for depositions in hearings in land office.

Section 1. Commissioner.—There shall be in the Department of the Interior a Commissioner of the General Land Office, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 446.)

2. Duties of commissioner.—The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government. (R. S. § 453; Feb. 18, 1875, c. 80, § 1, 18 Stat. 317.)

3. Assistant commissioner.—One assistant commissioner shall be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the commissioner, and shall act as commissioner in the absence of that officer, or in case of a vacancy in the office of commissioner. (July 11, 1890, c. 667, § 1, 26 Stat. 257; June 17, 1910, c. 297, 36 Stat. 512.)

4. Temporary assistant commissioner.—The Secretary of the Interior is authorized to designate an officer or employee of the General Land Office to act temporarily as assistant commissioner of that office during the absence of the assistant commissioner, or in case of a vacancy in the office of such assistant commissioner, or when such assistant commissioner is acting as commissioner, and all acts performed by any officer or employee while acting under such designation shall have the same force and effect as if performed by the commissioner or assistant commissioner. (May 22, 1908, c. 186, § 1, 35 Stat. 225.)

5. Recorder.—There shall be in the General Land Office an officer called the Recorder of the General Land Office, who shall be appointed by the President, by and with the advice and consent of the Senate. (R. S. § 447.)

6. Duties of recorder.—It shall be the duty of the Recorder of the General Land Office, in pursuance of instructions from the commissioner, to certify and affix the seal of the office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of such patents. He shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and he shall prepare such copies and exemplifications of matters on file or recorded in the General Land Office as the commissioner may from time to time direct. (R. S. § 459.)

7. Temporary recorder.—The Secretary of the Interior is authorized to designate an officer or employee of the General Land Office to perform temporarily the duties of the recorder of that office in the absence of that officer and in the case of a vacancy in the office of such recorder, and the acts of any person so designated shall have all the force and effect of an act performed by the recorder. (May 22, 1908, c. 186, § 1, 35 Stat. 225.)

8. Clerk to sign land patents.—A clerk in the office of the Secretary of the Interior of grade 1, clerical, administrative and fiscal service, shall be designated by the President to sign in his name, and for him, all patents for lands sold or granted under the authority of the United States. (R. S. § 450; June 19, 1878, c. 329, § 1, 20 Stat. 183; May 24, 1922, c. 199, 42 Stat. 552; Jan. 24, 1923, c. 42, 42 Stat. 1174; June 5, 1924, c. 264, 43 Stat. 391; Mar. 3, 1925, c. 462, 43 Stat. 1142.)

9. Assistant to sign land patents.—If at any time the number of patents for lands sold or granted under the authority of the United States, is such that they cannot be signed within a reasonable time by the clerk designated under the preceding section, the President may appoint an assistant to sign the same, but such assistant shall be employed by the express direction of the President, and only for such time as may be neces-

sary to bring up the arrears of patents which may be ready for signature. (R. S. § 451; June 19, 1878, c. 329, § 1, 20 Stat. 183.)

10. Depositary acting for commissioner as receiver of public moneys.—The depositary acting for the commissioner as receiver of public moneys may, with the approval of the commissioner, designate a clerk of the General Land Office to act as such depositary in his absence. (May 24, 1922, c. 199, 42 Stat. 555; Jan. 24, 1923, c. 42, 42 Stat. 1177.)

11. Restriction on officers, clerks, and employees.—The officers, clerks, and employees in the General Land Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office. (R. S. § 452.)

12. Seal, books and records.—The Commissioner of the General Land Office shall retain the charge of the seal adopted for the office, which may continue to be used, and of the records, books, papers, and other property appertaining to the office. (R. S. § 454.)

13. Original papers on file as evidence.—Whenever the register of any United States land office shall be served with a subpœna duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the General Land Office of the United States on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such register to at once notify the Commissioner of the General Land Office of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any register of a United States land office the Commissioner of the General Land Office shall at once transmit to such register the original papers specified in such notice, and which such register is required to produce, and to attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued; and such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union: *Provided*, That the Secretary of the Interior shall make rules and regulations to secure the return of such documents to the General Land Office, after use in evidence, without cost to the United States. (Apr. 19, 1904, c. 1398, 33 Stat. 186.)

14. Returns relative to lands.—All returns relative to the public lands shall be made to the Commissioner of the General Land Office. (R. S. § 456; July 31, 1894, c. 174, § 7, 28 Stat. 207.)

15. Issue of patents.—All patents issuing from the General Land Office shall be issued in the name of the United States, and be signed by the President, and countersigned by the Recorder of the General Land Office; and shall be recorded in the office, in books to be kept for the purpose. (R. S. § 458; June 19, 1878, c. 329, § 1, 20 Stat. 183; May 24, 1922, c. 199, 42 Stat. 552; Jan. 24, 1923, c. 42, 42 Stat. 1174; June 5, 1924, c. 264, 43 Stat. 391; Mar. 3, 1925, c. 462, 43 Stat. 1142.)

16. Engrossing and recording patents.—The engrossing and recording of patents for public lands may be done by means of typewriters or other machines, under regulations to be made by the Secretary of the Interior and approved by the President. (Mar. 2, 1895, c. 177, § 3, 28 Stat. 807.)

17. Plats of land surveyed.—The Commissioner of the General Land Office shall, when required by the President or either House of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands and concerning the business of his office as shall be directed. (R. S. § 455.)

18. Copies of papers filed.—Whenever any person claiming to be interested in or entitled to land, under any grant or patent from the United States, applies to the Department of the Interior for copies of papers filed and remaining therein, in anywise affecting the title to such land, it shall be the duty of the Secretary of the Interior to cause such copies to be made out and authenticated, under his hand and the seal of the General Land Office, for the person so applying. (R. S. § 460.)

19. Certified copies of records.—The Commissioner of the General Land Office shall cause to be prepared, and shall certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used in evidence in courts of justice. (R. S. § 2469.)

20. Exemplifications of records as evidence.—Literal exemplifications of any records which have been or may be granted in virtue of the preceding section shall be deemed of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the officers signing and countersigning the same had been fully inserted in such record. (R. S. § 2470.)

21. Fees for exemplifications.—All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the commissioner upon payment by such parties at the rate of 15 cents per hundred words, and 30 cents each for photolithographic copies of township plats or diagrams unverified, not to exceed ten copies to any one person, and 25 cents each for all copies in excess of ten, with an additional sum of $1 for the commissioner's certificate of verification, with the General Land Office seal; and the amount so received shall, under the direction of the commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the commissioner, in his discretion, may deem proper to furnish; but said commissioner may, if he deem it advisable, make such charge for unverified copies as will, in his judgment, cover the cost of the preparation thereof. (R. S. § 461; Apr. 2, 1888, c. 54, 25 Stat. 76; Oct. 12, 1888, c. 1098, 25 Stat. 557; May 29, 1908, c. 220, § 15, 35 Stat. 469; June 5, 1920, c. 235, § 1, 41 Stat. 908.)

22. Sale of photolithographic copies of township plats.—Photolithographic copies of township plats shall be sold to the public at 50 cents each. (June 5, 1920, c. 235, § 1, 41 Stat. 908.)

23. Fees for depositions in hearings in land office.—Where depositions are taken for use in hearings or other proceedings held by order of the Commissioner of the General Land Office to determine the character of lands; whether alleged fraudulent entries are of that character or have been made in compliance with law; and hearings in disbarment proceedings, the fees of the officer taking them shall be 20 cents per folio for taking and certifying same and 10 cents per folio for each copy furnished to a party on request. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 855; May 24, 1922, c. 199, 42 Stat. 558; Jan. 24, 1923, c. 42, 42 Stat. 1179; June 5, 1924, c. 264, 43 Stat. 395; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

Chapter 2.—GEOLOGICAL SURVEY.

Sec.

31. Appointment and duties of director; prohibitions in respect to lands and surveys.
32. Acting Director.
33. Detail of ordnance officers.
34. Scientific employees.
35. Assignments of pay by employees.
36. Purchase of books.
37. Purchases or services for Geological Survey.
38. Topographic surveys; marking elevations.
39. Utility topographical survey; completion.
40. Cooperative agreements with States to expedite completion of topographical survey.
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Sec.
42. Distribution of maps and atlases.
43. Copies to Senators, Representatives, and Delegates.
44. Sale of transfers or copies of data.
45. Sale of copies of photographs or lantern slides.
46. Exchange of old freight-carrying vehicles as part payment for new.

Section 31. Appointment and duties of director; prohibitions in respect to lands and surveys.—The Director of the Geological Survey, which office is hereby established, under the Interior Department, shall be appointed by the President by and with the advice and consent of the Senate and shall receive a salary of $6,000 a year. This officer shall have the direction of the Geological Survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain. The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 394.)

32. Acting Director.—The Secretary of the Interior may authorize one of the geologists to act as Director of the Geological Survey in the absence of that officer. (July 31, 1894, c. 174, § 1, 28 Stat. 197.)

33. Detail of ordnance officers.—The Secretary of War is authorized to detail not exceeding two officers of the Ordnance Department to serve with the Geological Survey: *Provided*, That in his judgment it can be done without injury to the service. (June 16, 1880, c. 235, 21 Stat. 274; June 3, 1916, c. 134, § 12, 39 Stat. 174.)

34. Scientific employees.—The scientific employees of the Geological Survey shall be selected by the director, subject to the approval of the Secretary of the Interior exclusively for their qualifications as professional experts. (July 7, 1884, c. 332, 23 Stat. 212.)

35. Assignments of pay by employees.—The Secretary of the Interior is authorized to permit scientific and other employees of the United States Geological Survey, employed in the field, to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the United States Geological Survey. And the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse the scientific and other employees for expenses incurred by them in the discharge of their duties in the field and paid from their personal funds. (June 30, 1906, c. 3914, § 1, 34 Stat. 727.)

36. Purchase of books.—The purchase of professional and scientific books and periodicals needed for statistical purposes by the scientific divisions of the United States Geological Survey is hereby authorized to be made and paid for out of appropriations made for the said Survey. (June 28, 1902, c. 1301, § 1, 32 Stat. 455.)

37. Purchases or services for Geological Survey.—The purchase of supplies or the procurement of services outside the District of Columbia may be made in open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50. (June 12, 1917, c. 27, § 1, 40 Stat. 144.)

38. Topographic surveys; marking elevations.—In making topographic surveys west of the ninety-fifth meridian elevations above a base level located in each area under survey shall be determined and marked on the ground by iron or stone posts or permanent bench marks, at least two such posts or bench marks to be established in each township or equivalent area, except in the forest-clad and mountain areas, where at least one shall be established, and these shall be placed, whenever practicable, near the township corners of the public-land surveys; and in the areas east of the ninety-fifth meridian at least one such post or bench mark shall be similarly established in each area equivalent to the area of a township of the public land surveys. (June 11, 1896, c. 420, §-1, 29 Stat. 435.)

39. Utility topographical survey; completion.—The President is authorized to complete, within a period of twenty years from February 27, 1925, a general utility topographical survey of the territory of the United States, including adequate horizontal and vertical control, and the securing of such topographic and hydrographic data as may be required for this purpose, and the preparation and publication of the resulting maps and data: *Provided*, That in carrying out the provisions of this and the following section the President is authorized to utilize the services and facilities or such agency or agencies of the Government as exist, or may be created, and to allot to them (in addition to and not in substitution for other funds available to such agencies under other appropriations or from other sources) funds from such appropriation or appropriations as may be made for the purpose of said sections. (Feb. 27, 1925, c. 360, § 1, 43 Stat. 1011.)

40. Cooperative agreements with States to expedite completion of topographical survey.—The agencies which may be engaged in carrying out the provisions of this and the preceding section are authorized to enter into cooperative agreements with and to receive funds made available by any State or civic subdivision for the purpose of expediting the completion of the mapping within its borders. (Feb. 27, 1925, c. 360, § 2, 43 Stat. 1011.)

41. Reports of operations.—Except as otherwise provided in section 260 of Title 44, PUBLIC PRINTING, the publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology. The annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the director, but otherwise in ordinary octavos. Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication, and all literary and cartographic materials received in exchange shall be the property of the United States and form a part of the library of the organization; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States, under the direction of the Secretary of the Interior. (Mar. 3, 1879, c. 182, § 1, 20 Stat. 394; May 16, 1902, No. 22, 32 Stat. 741.)

42. Distribution of maps and atlases.—The Director of the Geological Survey is authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and a number of copies of each map or atlas, not exceeding five hundred, shall be distributed gratuitously among foreign governments and departments of our own Government, to literary and scientific associations, and to such educational institutions or libraries as may be designated by the Director of the Survey and approved by the Secretary of the Interior. (Feb. 18, 1897, No. 13, § 1, 29 Stat. 701.)

43. Copies to Senators, Representatives, and Delegates.—One copy of each map and atlas shall be sent to each Senator and each Representative and Delegate in Congress, if published within his term; and a second copy shall be placed at the disposal of each such Senator, Representative, and Delegate (Feb. 18, 1897, No. 13, § 2, 29 Stat. 701.)

44. Sale of transfers or copies of data.—The Director of the Geological Survey shall, if the regular map work of the Survey is in no wise interfered with thereby, furnish to any

person, concern, institution, State or foreign government, that shall pay in advance the whole cost thereof with 10 per centum added, transfers or copies of any cartographic or other engraved or lithographic data in the division of engraving and printing of the Survey, and the moneys received by the Director for such transfers or copies shall be deposited in the Treasury. (June 30, 1906, c. 3914, § 1, 34 Stat. 727.)

45. Sale of copies of photographs or lantern slides.—The Director of the Geological Survey shall furnish to any person, concern, or institution, in the interest of education and the dissemination of knowledge, that shall pay in advance the whole cost of material and services thereof, copies of any photographs or lantern slides in the possession of the United States Geological Survey; and the moneys received by the director for the same shall be deposited in the United States Treasury. (Mar. 4, 1909, c. 299, § 1, 35 Stat. 989.)

46. Exchange of old freight-carrying vehicles as part payment for new.—The Geological Survey is authorized to exchange unserviceable and worn-out freight-carrying vehicles as part payment for new freight-carrying vehicles. (May 24, 1922, c. 199, 42 Stat. 586; Jan. 24, 1923, c. 42, 42 Stat. 1208; June 5, 1924, c. 264, 43 Stat. 419; Mar. 3, 1925, c. 462, 43 Stat. 1172.)

Chapter 3.—SUPERVISOR OF SURVEYS AND DEPUTY SURVEYORS.

Sec.
51. Office of surveyor general abolished; activities transferred to Field Surveying Service.
52. Supervisor of Surveys; general duties.
53. Powers devolved on Commissioner of Land Office on turning over of papers to States.
54. Completion of surveys; delivery to States.
55. Field notes delivered to States; access to.
56. Conditions of delivery to States.
57. Authenticated copies or extracts from records as evidence.
58. Transcripts from records of Louisiana.
59. Official papers in office of Surveyor General in California; copies.
60. Stationery for mineral surveys.
61. Deputy surveyor; bond.
62. Oath of deputy surveyor.
63. Suit on bond of deputy.

Section 51. Office of surveyor general abolished; activities transferred to Field Surveying Service.—The office of surveyor general is abolished, effective July 1, 1925, and the administration of all activities theretofore in charge of surveyors general, including the necessary personnel, all records, furniture, and other equipment, and all supplies of their respective offices, are transferred to and consolidated with the Field Surveying Service, under the jurisdiction of the United States Supervisor of Surveys, who shall administer same in association with the surveying operations in his charge and under such regulations as the Secretary of the Interior may provide. (Mar. 3, 1925, c. 462, 43 Stat. 1144.)

52. Supervisor of Surveys; general duties.—The Supervisor of Surveys shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land Office, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the General Land Office, in respect to the public lands to which the Indian title has been or may be extinguished.

Third. He shall cause to be surveyed all private land claims after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the register of the respective land offices general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to the Commissioner of the General Land Office.

Fifth. He shall, so far as is compatible with the desk duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for the Supervisor of Surveys to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and $5 a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when the Supervisor of Surveys, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary. (R. S. § 2223; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

53. Powers devolved on Commissioner of Land Office on turning over of papers to States.—In all cases where, as provided in the preceding section, the field notes, maps, records, and other papers appertaining to land titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor general, whose district included such State, shall be vested in, and devolved upon, the Commissioner of the General Land Office. (R. S. § 2219.)

54. Completion of surveys; delivery to States.—The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying districts, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the Supervisor of Surveys shall deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field notes, maps, records, and other papers appertaining to land titles within the same. (R. S. §§ 2207, 2218; June 5, 1924, c. 264, 43 Stat. 394; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

55. Field notes delivered to States; access to.—Under the authority and direction of the Commissioner of the General Land Office, any deputy surveyor or other agent of the United States shall have free access to any such field notes, maps, records, and other papers, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind. (R. S. § 2220.)

56. Conditions of delivery to States.—The field notes, maps, records, and other papers mentioned in section 53, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States. (R. S. § 2221.)

57. Authenticated copies or extracts from records as evidence.—Any copy of or extract from the plats, field notes, records, or other papers of the offices of the former surveyors general for the districts of Oregon and California, when authenticated by the seal and signature of the Supervisor of Surveys, shall be evidence in all cases in which the original would be evidence. (R. S. § 2224; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

58. Transcripts from records of Louisiana.—Any copy of a plat of survey, or transcript from the records of the office

of the former surveyor general of Louisiana, duly certified, shall be admitted as evidence in all the courts of the United States and the Territories thereof. (R. S. § 2225.)

59. Official papers in office of surveyor general in California; copies.—All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been authorized by law to be collected and deposited in the surveyor general's office in California, shall be safely and securely kept by the Supervisor of Surveys in the archives of his office; and copies thereof, authenticated by the Supervisor of Surveys under his seal of office, shall be evidence in all cases where the originals would be evidence. (R. S. § 2229; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

60. Stationery for mineral surveys.—The stationery and drafting instruments purchased for exclusive use of the Field Surveying Service in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys. (Mar. 3, 1901, c. 830, § 1, 31 Stat. 1003; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

61. Deputy surveyor; bond.—Every deputy surveyor shall enter into bond, with sufficient security, for the faithful performance of all surveying contracts confided to him; and the penalty of the bond, in each case, shall be double the estimated amount of money accruing under such contracts, at the rate per mile stipulated to be paid therein. The sufficiency of the sureties to all such bonds shall be approved and certified by the Supervisor of Surveys. (R. S. § 2230; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

62. Oath of deputy surveyor.—The Supervisor of Surveys, in addition to the oath authorized by law to be administered to deputies on their appointment to office, shall require each of his deputies, on the return of his surveys, to take and subscribe an oath that those surveys have been faithfully and correctly executed, according to law and the instructions of the Supervisor of Surveys. (R. S. § 2231; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

63. Suit on bond of deputy.—The district attorney of the United States, in whose district any false, erroneous, or fraudulent surveys have been executed, shall, upon the application of the Supervisor of Surveys, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted. (R. S. § 2232; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

Chapter 4.—REGISTERS.

Sec.
71. Offices of register and receiver consolidated.
72. Appointment of register; duties; bonds.
73. Designation of chief clerk to act in case of death, resignation, removal, or disability or register.
74. Transfer of duties of register.
75. Oaths administered by.
76. Duration of office.
77. Continuation of duties after expiration of commission.
78. Residence.
79. Bonds.
80. Salary; maximum compensation.
81. Commencement of compensation.
82. Fees and commissions.
83. Fees for transcripts of records; transcripts of records as evidence.
84. Fees for consolidated land offices.
85. Excess of fees covered into Treasury.
86. Accounting for fees for notices of cancellation of entries.
87. Plats of townships and lists of lands sold; compensation.
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89. Monthly and quarterly returns of registers.
90. Expenses incurred.
91. Deposit in Treasury of unearned fees and unofficial moneys.
92. Lists furnished with deposits.
93. Deposit of moneys deposited by unknown parties.
94. Reimbursement of sums disbursed by receivers as special disbursing agents.
95. Repayment of purchase moneys paid under applications rejected.
96. Repayment of excess payments.
97. Certification of amount of excess moneys and repayment.
98. Rules and regulations.
99. Repayment of moneys deposited and covered into Treasury.
100. Disqualification.
101. Report by register of disqualification; designation of officer to act in place of.
102. Attendance of witnesses.
103. Witnesses' fees.
104. Disobedience to subpoena.
105. Depositions of witnesses residing outside county.
106. Continuing taking of depositions in behalf of opposite party.
107. Penalty for false information by register.

Section 71. Offices of register and receiver consolidated.—The offices of register and receiver of such land offices as may have two officials shall be consolidated as of July 1, 1925, and the applicable provisions of the Act of October 28, 1921, chapter 114, authorizing the President to consolidate the offices of register and receiver in any district land office and to appoint by and with the advice and consent of the Senate a register for such land office and to abolish the office of receiver of such land office shall be followed in effecting such consolidation. (Mar. 3, 1925, c. 462, 43 Stat. 1145.)

72. Appointment of register; duties; bonds.—There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land office for each land district established by law, who shall have charge of and attend to the sale of public and Indian lands within his district, as provided by law and official regulations, and shall be accountable under his official bond for the proceeds of such sales, and for all fees, commissions, or other moneys received by him under any provision of law or official regulation. (R. S. § 2234; Jan. 27, 1898, c. 10, 30 Stat. 234.)

73. Designation of chief clerk to act in case of death, resignation, removal, or disability of register.—In case of a vacancy in the office of register by reason of death, resignation, or removal, or in case of inability to act, the Secretary of the Interior may designate for the period of such vacancy or inability to act the chief clerk of such office, or any other qualified employee of the Department of the Interior to act as register, subject to the filing of such bond or bonds as the Secretary of the Interior may prescribe, and the same authority is conferred upon the person so designated which such register lawfully possesses, except that no contest or protest shall be decided or disposed of by such clerk or employee, but all such decisions shall be deferred until the appointment or return of the register. (Oct. 28, 1921, c. 114, § 2, 42 Stat. 208.)

74. Transfer of duties of register.—The President is authorized, in any case where he thinks the public interest may require it, to transfer the duties of register in any district to the Field Surveying Service. (R. S. § 2228; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

75. Oaths administered by.—The register is authorized, and it shall be his duty, to administer any oath required by law or the instructions of the General Land Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath. (R. S. § 2246; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

76. Duration of office.—All registers shall be appointed for the term of four years, but shall be removable at pleasure. (R. S. § 2244; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

77. Continuation of duties after expiration of commission.—Every register, except where the President sees cause otherwise to determine, is authorized to continue in the unin-

terrupted discharge of his regular official duties, after the day of expiration of his commission, and until a new commission is issued to him for the same office, or until the day when a successor enters upon the duties of such office; and the existing official bond of any officer so acting shall be deemed good and sufficient, and in force, until the date of the approval of a new bond to be given by him, if recommissioned, or otherwise, for the additional time he may so continue officially to act, pursuant to the authority of this section. (R. S. § 2222; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

78. Residence.—Every register shall reside at the place where the land office for which he is appointed is directed by law to be kept. (R. S. § 2235; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

79. Bonds.—Every register shall, before entering on the duties of his office, give bond in the penal sum of $10,000, with approved security, for the faithful discharge of his trust. (R. S. § 2236; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

80. Salary; maximum compensation.—Every register shall be paid a salary of $500 per annum except as otherwise provided in section 367 of Title 48, TERRITORIES, together with the fees and commissions otherwise allowable, but the salary, fees, and commissions shall in no case exceed in the aggregate $3,000 a year, and no register shall receive for any one quarter or fractional quarter more than a pro rata allowance of such maximum. (R. S. §§ 2237, 2240; Oct. 28, 1921, c. 114, § 1, 42 Stat. 208; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

81. Commencement of compensation.—The compensation of registers, both for salary and commissions, shall commence and be calculated from the time they enter on the discharge of their duties. (R. S. § 2243; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

82. Fees and commissions.—Registers, in addition to their salaries, shall be allowed the following fees and commissions, namely:

First. A fee of $2 for each declaratory statement filed.

Second. A commission of 2 per centum on all moneys received.

Third. A commission to be paid by the homestead applicant, at the time of entry, of 2 per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

Fourth. For locating military bounty land warrants, issued since the 11th day of February, 1847, and for locating agricultural-college land scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of $1.25 per acre.

Fifth. A fee in donation cases of $5 for each final certificate for one hundred and sixty acres of land, $10 for three hundred and twenty acres, and $15 for six hundred and forty acres.

Sixth. In the location of lands by States and corporations under grants from Congress for railroads and other purposes (except for agricultural colleges), a fee of $2 for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

Seventh. A fee of $10 for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

Eighth. A fee at the rate of 15 cents per hundred words for testimony reduced to writing for claimants, in establishing desert-land and homestead rights.

Ninth. A like fee as provided in the preceding subdivision when such writing is done in the land office, in establishing claims for mineral lands.

Tenth. Registers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana are each entitled to collect and receive 50 per centum on the fees and commissions provided for in the first, third, and eighth subdivisions of this section.

Eleventh. A fee of 10 cents per hundred words for each transcript of the records in their office made and furnished to individuals.

Twelfth. A fee of $1 for giving notice to contestant of a homestead entry that the contested entry has been cancelled, which fee shall be paid by the contestant. (R. S. § 2238; Mar. 21, 1864, c. 38, § 6, 13 Stat. 36; May 14, 1880, c. 89, § 21, 21 Stat. 141; Dec. 17, 1880, c. 2, 21 Stat. 311; July 26, 1892, c. 251, 27 Stat. 270; Mar. 22, 1904, c. 748, 33 Stat. 144; May 29, 1908, c. 220, § 14, 35 Stat. 468; May 24, 1922, c. 199, 42 Stat. 558; Jan. 24, 1923, c. 42, 42 Stat. 1179; June 5, 1924, c. 264, 43 Stat. 395; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

83. Fees for transcripts of records; transcripts of records as evidence.—Registers of United States land offices shall, in addition to the fees allowed by law on March 22, 1904, be entitled to charge and receive for making transcripts of the records in their offices for individuals, the sum of 10 cents per hundred words for each transcript so furnished; and the transcripts thus furnished, when duly certified to by the register, shall be admitted as evidence in all courts of the United States and the Territories thereof, and before all officials authorized to receive evidence, with the same force and effect as the original records. (Mar. 22, 1904, c. 748, 33 Stat. 144; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

84. Fees for consolidated land offices.—The register for any consolidated land district, in addition to the fees otherwise allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land titles in his consolidated land district, such fees as are properly authorized by the tariff existing in the local courts of his district. (R. S. § 2239; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

85. Excess of fees covered into Treasury.—All fees collected by registers from any source whatever, which would increase their salaries beyond $3,000 a year, shall be covered into the Treasury, except only so much as may be necessary to pay the actual cost of clerical services employed exclusively in contested cases; and they shall make report quarterly, under oath, of all expenditures for such clerical services, with vouchers therefor. (Mar. 3, 1887, c. 362, 24 Stat. 526; Mar. 4, 1911, c. 261, § 2, 36 Stat. 1352; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

86. Accounting for fees for notices of cancellation of entries.—All money or fees received or collected by registers of United States land offices for issuing notices of cancellation of entries shall be reported and accounted for by such registers in the same manner as other fees or moneys received or collected. (Mar. 4, 1911, c. 261, § 2, 36 Stat. 1352.)

87. Plats of townships and lists of lands sold; compensation.—Registers shall, upon application, furnish plats or diagrams of townships in their respective districts showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor from the party obtaining said plat or diagram at such rates as may be prescribed by the Commissioner of the General Land Office and said officer shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same not to exceed 10 cents per entry. (Mar. 3, 1883, c. 101, § 2, 22 Stat. 484; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

88. Illegal fees.—No register shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that such officer has charged or received fees or other rewards not

authorized by law, he shall be forthwith removed from office. (R. S. § 2242; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

89. Monthly and quarterly returns of registers.—Registers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land Office like monthly returns, and transmit to him quarterly accounts current of the debits and credits of their several offices with the United States. (R. S. § 2245; Mar. 4, 1911, c. 261, § 2, 36 Stat. 1352; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

90. Expenses incurred.—No expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office. (Mar. 3, 1915, c. 75, 38 Stat. 855; June 12, 1917, c. 27, § 1, 40 Stat. 142; May 24, 1922, c. 199, 42 Stat. 557; Jan. 24, 1923, c. 42, 42 Stat. 1179; June 5, 1924, c. 264, 43 Stat. 395; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

91. Deposit in Treasury of unearned fees and unofficial moneys.—Registers are authorized, under the direction of the Commissioner of the General Land Office, to deposit to the credit of the Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated "Outstanding liabilities." (Mar. 2, 1907, c. 2562, § 1, 34 Stat. 1245; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

92. Lists furnished with deposits.—At the time of making such deposit the register shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the register that the same is correct; that the amounts are due and payable; that diligence has been exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more. (Mar. 2, 1907, c. 2562, § 2, 34 Stat. 1245; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

93. Deposit of moneys deposited by unknown parties.—Amounts that appear in a register's accounts as "Moneys deposited by unknown parties" shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of the receipt of each item; which list shall bear the certificate of the register that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more. (Mar. 2, 1907, c. 2562, § 3, 34 Stat. 1245; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

94. Reimbursement of sums disbursed by receivers as special disbursing agents.—The Secretary of the Treasury is authorized and directed to pay, out of any unexpended balances of appropriations for contingent expenses of land offices, for the expenses of hearings in land entries and the expenses of depositing public moneys, such sums as have been or may be disbursed by registers acting as special disbursing agents at United States land offices, before the receipt of Government funds: *Provided*, That no payment shall be made under this section in excess of the amount appropriated by the Congress for the particular purpose in each instance and for the fiscal year in which such disbursements were made: *Provided*, That all such disbursements shall have been or shall be made in pursuance of law in carrying out departmental regulations or to meet authorizations by the Commissioner of the General Land Office: *Provided further*, That the accounts containing such items shall have been duly approved by the Commissioner of the General Land Office. (Mar. 2, 1907, c. 2563, 34 Stat. 1245.)

95. Repayment of purchase moneys paid under applications rejected.—Where purchase moneys and commissions paid under any public land law have been or shall be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application: *Provided*, That such person or his legal representatives shall file a request for the repayment of such purchase moneys and commissions within two years from the rejection of such application, entry, or proof. (Mar. 26, 1908, c. 102, § 1, 35 Stat. 48; Dec. 11, 1919, c. 5, 41 Stat. 366.)

96. Repayment of excess payments.—In all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has made any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives: *Provided*, That such person or his legal representatives shall file a request for the repayment of such excess within two years after the patent has issued for the land embraced in such payment. (Mar. 26, 1908, c. 102, § 2, 35 Stat. 48; Dec. 11, 1919, c. 5, 41 Stat. 366.)

97. Certification of amount of excess moneys and repayment.—When the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by the two preceding sections, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof. (Mar. 26, 1908, c. 102, § 3, 35 Stat. 48; Dec. 11, 1919, c. 5, 41 Stat. 366.)

98. Rules and regulations.—The Secretary of the Interior is authorized to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of the three preceding sections into full force and effect. (Mar. 26, 1908, c. 102, § 4; Dec. 11, 1919, c. 5, 41 Stat. 367.)

99. Repayment of moneys deposited and covered into Treasury.—Any person or persons other than those specified in the four preceding sections who shall have made payment to a register, or to his predecessor, and the money shall have been covered into the Treasury pursuant to section 91, or shall, on presenting satisfactory evidence of such payment to the proper officer of the Treasury Department, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred: *Provided*, That no homestead entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the register, but such payment shall be made within ten days after notice of such approval. (Mar. 2, 1907, c. 2562, § 4, 34 Stat. 1245; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

100. Disqualification.—No register shall receive evidence in, hear, or determine any cause pending in any district land office in which cause he is interested directly or indirectly, or has been of counsel, or where he is related to any of the parties

in interest by consanguinity or affinity within the fourth degree, computing by the rules adopted by the common law. (Jan. 11, 1894, c. 10, § 1, 28 Stat. 26; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

101. Report by register of disqualification; designation of officer to act in place of.—It shall be the duty of every register so disqualified to report the fact of his disqualification to the Commissioner of the General Land Office, as soon as he shall ascertain it, and before the hearing of such cause, who thereupon, with the approval of the Secretary of the Interior, shall designate some other register or special agent of the Land Department to act in the place of the disqualified officer, and the same authority is conferred on the officer so designated which such register would otherwise have possessed to act in such case. (Jan. 11, 1894, c. 10, § 2, 28 Stat. 26; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

102. Attendance of witnesses.—Registers in all matters requiring a hearing before them are authorized and empowered to issue subpœnas directing the attendance of witnesses, which subpœnas may be served by any person by delivering a true copy thereof to such witness, and when served, witnesses shall be required to attend in obedience thereto: *Provided*, That if any subpœna be served under the provisions of this section by any person other than an officer authorized by the laws of the United States, or of the State or Territory in which the depositions are taken, the service thereof shall be proved by the affidavit of the person serving the same: *Provided further*, That said subpœnas shall be served within the county in which attendance is required, and at least five days before attendance is required. (Jan. 31, 1903, c. 344, § 1, 32 Stat. 790.)

103. Witnesses' fees.—Witnesses shall have the right to receive their fee for one day's attendance and mileage in advance. The fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing. (Jan. 31, 1903, c. 344, § 2, 32 Stat. 790.)

104. Disobedience to subpœna.—Any person willfully neglecting or refusing obedience to such subpœna, or neglecting or refusing to appear and testify when subpœnaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by indictment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than $200, or imprisonment not to exceed ninety days, or both, at the discretion of the court: *Provided*, That if such witness has been prevented from obeying such subpœna without fault upon his part he shall not be punished under the provisions of this section. (Jan. 31, 1903, c. 344, § 3, 32 Stat. 790.)

105. Depositions of witnesses residing outside county.—Whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness's residence in the form of depositions by giving ten days' written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States commissioner, notary public, judge or clerk of a court of record. Subpœnas for witnesses before the officer taking depositions may issue from the office of the register, or may be issued by the officer taking the depositions, and disobedience thereof, as defined in section 104, shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpœna to appear before the register, and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions. (Jan. 31, 1903, c. 344, § 4, 32 Stat. 790; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

106. Continuing taking of depositions in behalf of opposite party.—Whenever the taking of any depositions taken in pursuance of section 105 is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: *Provided*, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions, of his intention to do so. (Jan. 31, 1903, c. 344, § 5, 32 Stat. 791.)

107. Penalty for false information by register.—If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for $5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount. (R. S. § 2247.)

Chapter 5.—LAND DISTRICTS.

Sec.
121. Discontinuance of land offices by President.
122. Discontinuance of land offices by Secretary of Interior.
123. Continuance of land offices when required by public convenience.
124. Consolidation of land offices.
125. Annexation of discontinued land office to adjacent district.
126. Change of location of land offices.
127. Change of boundaries of land districts.
128. Division or change of boundaries; continuance of business of original district.
129. Office rent and clerk hire for consolidated land offices.
130. Entry of public lands in States where no land offices exist.

Section 121. Discontinuance of land offices by President.—Upon the recommendation of the Commissioner of the General Land Office, approved by the Secretary of the Interior, the President may order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory. (R. S. § 2252.)

122. Discontinuance of land offices by Secretary of Interior.—Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land office, the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued, of which the Secretary of the Interior shall give notice. (R. S. § 2248.)

123. Continuance of land offices when required by public convenience.—The Secretary of the Interior may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land system in such State. (R. S. § 2249.)

124. Consolidation of land offices.—It shall be the duty of the Secretary of the Interior to consolidate the district land offices where practicable and consistent with the public interests. (Aug. 5, 1892, c. 380, § 1, 27 Stat. 368.)

125. Annexation of discontinued land office to adjacent district.—Whenever the cost of collecting the revenue from the sales of the public lands in any land district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land office in such district, and to annex the same to some other adjoining land district. (R. S. § 2250.)

126. Change of location of land offices.—The President is authorized to change the location of the land offices in the several land districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient. (R. S. § 2251.)

127. Change of boundaries of land districts.—The President is authorized to change and reestablish the boundaries of land districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land offices or land districts. (R. S. § 2253.)

128. Division or change of boundaries; continuance of business of original district.—In case of the division of existing land districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land office, after such lands have been made part of another district by any Act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights. (R. S. § 2254.)

129. Office rent and clerk hire for consolidated land offices.—The Secretary of the Interior is authorized to make a reasonable allowance for office rent for each consolidated land office; and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks, at a reasonable per diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 84, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior. (R. S. § 2255.)

130. Entry of public lands in States where no land offices exist.—Public lands situated in States in which there are no land offices may be entered at the General Land Office, subject to the provisions of law touching the entry of public lands; and the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury. (June 19, 1878, c. 329, § 1, 20 Stat. 201.)

Chapter 6.—WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY.

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141. Withdrawal and reservation of lands for water-power sites or other purposes.
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143. Reports of withdrawals to Congress.
144. Entries on land withdrawn as valuable for oil or gas validated.
145. Sale of lands withdrawn; notice of.
146. Patents to purchasers of lands withdrawn.
147. Disposition of proceeds of sale of withdrawn lands.
148. Withdrawal of lands in Indian reservations for power or reservoir sites.
149. Exchange of private lands included in Indian reservation for other lands.
150. Withdrawals of land for Indian reservations prohibited.
151. Opening of lands restored to entry after withdrawals.
152. Restoration of lands previously withdrawn.
153. Reservation of lands in North Dakota.

Section 141. Withdrawal and reservation of lands for water-power sites or other purposes.—The President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress. (June 25, 1910, c. 421, § 1, 36 Stat. 847.)

142. Lands withdrawn open to exploration under mining laws; rights of occupants or claimants of oil or gas bearing lands; forest reserves.—All lands withdrawn under the provisions of this and the preceding section shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: *Provided*, That the rights of any person who, at the date of any order of withdrawal, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further*, That this and the preceding section shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June 25, 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this and the preceding section all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That no national forest shall be created, nor shall any additions be made to one created, prior to August 24, 1912, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress. (June 25, 1910, c. 421, § 2, 36 Stat. 847; Aug. 24, 1912, c. 369, 37 Stat. 497.)

143. Reports of withdrawals to Congress.—The Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals. (June 25, 1910, c. 421, § 3, 36 Stat. 848.)

144. Entries on land withdrawn as valuable for oil or gas validated.—Existing entries allowed prior to April 1, 1924, under sections 291 to 301, inclusive, for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are hereby validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field. (Feb. 7, 1925, c. 147, § 12, 43 Stat. 812.)

145. Sale of lands withdrawn; notice of.—Whenever in the opinion of the Secretary of the Interior any lands which have been withdrawn under the provisions of section 142 for the purpose of exploratory drilling to discover water supplies for irrigation or other purposes, and which have had wells or other permanent improvements placed thereon by and at the expense of the United States are no longer needed for the purpose for

which they were withdrawn and improved, the Secretary of the Interior may appraise the lands, together with the improvements thereon, and thereafter sell the same to a citizen of the United States for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land. (Jan. 26, 1921, c. 27, § 1, 41 Stat. 1089.)

146. Patents to purchasers of lands withdrawn.—Upon payment of the purchase price the Secretary of the Interior is authorized by appropriate patent to convey all the right, title, and interest in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person: *Provided further*, That any patent issued hereunder shall contain a reservation to the United States of all oil, gas, coal, and other mineral. (Jan. 26, 1921, c. 27, § 2, 41 Stat. 1089.)

147. Disposition of proceeds of sale of withdrawn lands.—The moneys derived from the sale of such lands and improvements shall be disposed of as are other receipts from the sale and disposal of public lands. (Jan. 26, 1921, c. 27, § 3, 41 Stat. 1090.)

148. Withdrawal of lands in Indian reservations for power or reservoir sites.—The Secretary of the Interior is authorized, in his discretion, to reserve from location, entry, sale, allotment, or other appropriation any lands within any Indian reservation, valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project authorized by Congress: *Provided*, That if no irrigation project shall be authorized prior to the opening of any Indian reservation containing such power or reservoir sites the Secretary of the Interior may, in his discretion, reserve such sites pending future legislation by Congress for their disposition, and he shall report to Congress all reservations made. (June 25, 1910, c. 431, § 13, 36 Stat. 858.)

149. Exchange of private lands included in Indian reservation for other lands.—Any private land over which an Indian reservation has been extended by Executive order, may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory. (Apr. 21, 1904, c. 1402, § 1, 33 Stat. 211.)

150. Withdrawals of land for Indian reservations prohibited.—No public lands of the United States shall be withdrawn by Executive order, proclamation, or otherwise, for or as an Indian reservation except by Act of Congress. (June 30, 1919, c. 4, § 27, 41 Stat. 34.)

151. Opening of lands restored to entry after withdrawals.—When public lands are excluded from national forests or released from withdrawals the President may, whenever in his judgment it is proper or necessary, provide for the opening of the lands by settlement in advance of entry, by drawing, or by such other method as he may deem advisable in the interest of equal opportunity and good administration, and in doing so may provide that lands so opened shall be subject only to homestead entry by actual settlers only or to entry under the desert land laws for a period not exceeding ninety days, the unentered lands to be thereafter subject to disposition under the public land laws applicable thereto. (Sept. 30, 1913, c. 15, § 1, 38 Stat. 113.)

152. Restoration of lands previously withdrawn.—Where under the law the Secretary of the Interior is authorized or directed to make restoration of lands previously withdrawn he may also restrict the restoration as prescribed in the preceding section. (Sept. 30, 1913, c. 15, § 2, 38 Stat. 114.)

153. Reservation of lands in North Dakota.—Upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota. (July 3, 1916, c. 219, 39 Stat. 344.)

Chapter 7.—HOMESTEADS.

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163. Record of applications; returns to Land Office.
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Section 161. Who may enter unappropriated public lands generally.—Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one-quarter section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory, shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres. (R. S. § 2289; Mar. 3, 1891, c. 561, § 5, 26 Stat. 1097.)

162. Application for entry; affidavit.—Any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and upon filing such affidavit with the register on payment of $5 when the entry is of not more than eighty acres, and on payment of $10 when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified. (R. S. § 2290; Mar. 3, 1891, c. 561, § 5, 26 Stat. 1097.)

163. Record of applications; returns to Land Office.—The register of the land office shall note all applications under the provisions of this chapter, on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded. (R. S. § 2295.)

164. Certificate or patent generally; general requisites to issuance.—No certificate shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit and makes affidavit that no part of such land has been alienated, except as provided in section 174 of this division of this chapter, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That upon filing in the local land office notice of the beginning of such absence the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office, but in case of commutation the fourteen months' actual residence required by law must be shown, and the person commuting must be at the time a citizen of the

United States: *Provided further*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death, and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land: *Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry and until final proof, except that in the case of entries under section 218, paragraph (f) of this chapter, double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *And provided further*, That the above provision as to cultivation shall not apply to entries under section 224 of this chapter, commonly known as the Kinkaid Act, or entries under chapter 12 of this title, commonly known as the reclamation law, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required. (R. S. 2291; June 6, 1912, c. 153, 37 S. 123, 124.)

165. Suspension of entries for correction of clerical errors; patents.—Whenever it shall appear to the Commissioner of the General Land Office that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the error has been corrected; and all entries made under the homestead or desert land laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona-fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the land department of such sale or incumbrance: *Provided*, That after the lapse of two years from the date of the issuance of the register's receipt upon the final entry of any tract of land under the homestead or desert land laws, or under this section, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor. (Mar. 3, 1891, c. 561, § 7, 26 Stat. 1098.)

166. Time of filing application and of perfecting entry; marriage of entrywoman; preferential right of entry.—Any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as allowed on May 14, 1888, to settlers under the then existing preemption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under such preemption laws.

Where an unmarried woman who has heretofore settled, or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona-fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall thereafter marry, before making entry of said land, or before making application to enter said land, she shall not on account of her marriage forfeit her right to make entry and receive patent for the land: *Provided*, That she does not abandon her residence on said land, and is otherwise qualified to make homestead entry: *Provided further*, That the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the homestead law: *Provided further*, That any settler upon lands designated by the Secretary of the Interior as subject to the provisions of paragraphs (a) to (e), inclusive, of section 218 of this chapter and paragraphs (a) to (e), inclusive of section 219 of this chapter, shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *And provided further*, That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the Enlarged Homestead Acts, sections 218 and 219 of this chapter, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the Enlarged Homestead Acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder. (May 14, 1880, c. 89, § 3, 21 Stat. 141; June 6, 1900, c. 821, 31 Stat. 683; Aug. 9, 1912, c. 280, 37 Stat. 267.)

167. Marriage of entryman to entrywoman.—The marriage of a homestead entryman to a homestead entrywoman after each shall have fulfilled the requirements of the homestead law for one year next preceding such marriage shall not impair the right of either to a patent, but the husband shall elect, under rules and regulations prescribed by the Secretary of the Interior, on which of the two entries the home shall thereafter be made, and residence thereon by the husband and wife shall constitute a compliance with the residence requirements upon each entry: *Provided*, That the provisions hereof shall apply to entries on March 1, 1921: *Provided, further*, That in the administration of this section the terms "entryman" and "entrywoman" shall be construed to include bona-fide settlers who have complied with the homestead law for at least one year next preceding such marriage. (Apr. 6, 1914, c. 51, 38 Stat. 312; Mar. 1, 1921, c. 90, 41 Stat. 1193.)

168. Marriage of entrywoman to alien.—Any female citizen of the United States who has initiated a claim to a tract of public land under any of the laws applicable thereto, and who thereafter has complied with all the conditions as to the acquisition of title to such land prescribed by the public land laws of the United States, shall, notwithstanding her intermarriage with an alien, who is entitled to become a citizen of the United States, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen. (Oct. 17, 1914, c. 325, 38 Stat. 740.)

169. Failure to establish residence; reversion to Government.—If, at any time after the filing of the affidavit as required in section 162 and before the expiration of the three years mentioned in section 164, of this chapter, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided fur-*

ther, That where there may be climatic reasons, sickness, or other unavoidable cause, the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. (R. S. § 2297; Mar. 3, 1881, c. 153, 21 Stat. 511; June 6, 1912, c. 153, 37 Stat. 123.)

170. Rights of wife abandoned by husband.—In any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section 164 of this chapter: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe. (Oct. 22, 1914, c. 335, 38 Stat. 766.)

171. Rights inuring to infant children.—In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose, and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and the commutation if any money. (R. S. § 2292.)

172. Insanity of settlers.—In all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the homestead laws, became insane, prior June 8, 1880, or shall have thereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties. (June 8, 1880, c. 136, 21 Stat. 166.)

173. Commutation after fourteen months.—All commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement. Nothing in this chapter shall be so construed as to prevent any person who shall avail himself of the benefits of section 161 of this chapter from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months. (R. S. § 2301; Mar. 3, 1891, c. 561, § 6, 26 Stat. 1098; June 3, 1896, c. 312, § 2, 29 Stat. 197.)

174. Right to transfer claim.—Any bona fide settler under the homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches, for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim. (R. S. § 2288; Mar. 3, 1891, c. 561, §§ 3, 4, 26 Stat. 1097; Mar. 3, 1905, c. 1424, 33 Stat. 991.)

175. Exemption from execution of homestead land.—No lands acquired under the provisions of the homestead laws and laws supplemental and amendatory thereof shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor. (R. S. § 2296; Apr. 28, 1922, c. 155, 42 Stat. 502.)

176. Commissioners.—*Appointment.*—The chief justice of the court exercising Federal jurisdiction in the Territories shall have power to appoint commissioners in the several judicial districts, to be known when appointed as United States court commissioners.

Administration of oaths.—Said commissioners shall have power, and it shall be their duty on application by proper person, to administer the oaths in preliminary affidavits and final proofs required under the homestead and desert land laws in their respective districts, in like manner as provided for in reference to United States commissioners, in section 254 of this chapter.

Residence.—No commissioner shall be appointed who resides within thirty miles of any local land office, nor shall any commissioner be appointed who resides within thirty miles of any other commissioner. (Mar. 2, 1895, c. 174, §§ 1–3, 28 Stat. 744.)

RIGHT OF PARTICULAR PERSONS TO MAKE ENTRY

181. Additional entry after loss or forfeiture of former entry.—Any person who prior to June 5, 1900, has made entry under the homestead laws, but from any cause has lost or forfeited the same shall be entitled to the benefits of the homestead laws as though such former entry had not been made. (June 5, 1900, c. 716, § 3, 31 Stat. 270.)

182. Entry after forfeiture of prior entry without fault.—Any person otherwise duly qualified to make entry or entries of public lands under the homestead or desert-land laws, who has prior to September 5, 1914, made or may thereafter make entry under said laws, and who, through no fault of his own, may have lost, forfeited, or abandoned the same, or who may lose, forfeit, or abandon same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry or entries had never been made: *Provided*, That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries. (Sept. 5, 1914, c. 294, 38 Stat. 712.)

183. Minor veterans.—No person who shall serve, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either Regular or Volunteer, under the laws thereof, during the existence of an actual

war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

Minors serving in Military Establishment.—Any person, under the age of twenty-one, who has served or shall hereafter serve in the Army of the United States during the emergency contemplated by the act of August 31, 1918, shall be entitled to the same rights under the homestead and other land and mineral entry laws, general or special, as those over twenty-one years of age now possess under said laws: *Provided*, That any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service: *And provided further*, That applications for entry may be verified before any officer in the United States, or any foreign country, authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

Relinquishment of entries.—No relinquishment of any public-land entry made under and by authority of the preceding paragraph shall be valid or effective for any purpose unless executed after the entryman shall have actually resided upon and cultivated the land, in the case of a homestead entry, for at least six months, and in the case of an entry made under other than the homestead laws, after the entryman shall have complied with the provisions of the applicable law for at least one year.

Any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry prior to the completion of compliance with the applicable law and with this section, and who or which solicits, demands, or receives or accepts any fee or compensation for locating, filing, or securing the claims or entries for persons entitled to the benefits of said paragraph shall, upon conviction, be fined not to exceed $1,000 or imprisoned for not exceeding two years, or both. (R. S. 2300; Sept. 13, 1918, c. 173, 40 Stat. 960.)

184. No distinction on account of race or color.—No distinction shall be made in the construction or execution of this chapter, on account of race or color. (R. S. § 2302.)

185. Preference right of entry of successful contestants.—In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any homestead entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of $1 for the giving of such notice, to be paid by the contestant and not to be reported: *Provided further*, That should any such person who has initiated a contest die before the final termination of the same, said contest shall not abate by reason thereof, but his heirs who are citizens of the United States, may continue the prosecution under such rules and regulations as the Secretary of the Interior may prescribe, and said heirs shall be entitled to the same rights under this section that contestant would have been if his death had not occurred. (May 14, 1880, c. 89, § 2, 21 Stat. 141; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097; July 26, 1892, c. 251, 27 Stat. 270; Mar. 3, 1893, c. 208, 27 Stat. 593.)

186. Preference right of entry of World War veterans; rules and regulations.—For the period of ten years following February 14, 1920, on the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than ninety days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in the war with Germany and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve, or citizens of the United States who served with the allied armies during the World War, and were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service required by this section in the United States Army, shall have a preferred right of entry under the homestead or desert land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That the rights and benefits conferred by this section shall not extend to any person who, having been drafted for service under the provisions of the selective service act, shall have refused to render such service or to wear the uniform of such service of the United States.

The Secretary of the Interior is authorized to make any and all regulations necessary to carry into full force and effect the provisions of this section. (Feb. 14, 1920, c. 76, §§ 1, 2, 41 Stat. 434; Dec. 28, 1922, c. 19, 42 Stat. 1067; Jan. 21, 1922, c. 32, 42 Stat. 358.)

187. Entrants on ceded Indian reservations.—Any person who prior to February 25, 1925, entered, under the homestead laws, and paid a price equivalent to or greater than $2.50 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this section shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud. (Feb. 25, 1925, c. 326, 43 Stat. 981.)

188. Purchaser of Flathead Indian land, Montana.—Persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March 2, 1889, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase. (June 5, 1900, c. 716, § 3, 31 Stat. 270.)

189. Indians abandoning tribal relations.—Any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of this chapter, except that the provisions of section 173 of this chapter shall not be held to apply to entries made under this section: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void. (Mar. 3, 1875, c. 131, § 15, 18 Stat. 420.)

190. Indians located on public lands; patents.—Such Indians as may have been located on public lands, prior to July 4, 1884, or as may, under the direction of the Secretary of the Interior, or otherwise, thereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States. No fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such

entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. (July 4, 1884, c. 180, § 1, 23 Stat. 96.)

191. Stockbridge Munsee Indians.—Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee Tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

Exemption of homesteads.—The homestead secured, by virtue of this section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States. (R. S. §§ 2310, 2311.)

LANDS SUBJECT TO ENTRY

201. Mineral lands.—Mineral lands shall not be liable to entry and settlement under its provisions. (R. S. § 2302.)

202. Relinquished entries.—When a homestead claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office. (May 14, 1880, c. 89, § 1, 21 Stat. 140; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097; Mar. 3, 1893, c. 208, 27 Stat. 593.)

203. Former Ute Indian Reservation in Colorado.—The provisions of the homestead laws are extended over and shall apply to the lands included within the limits of the former Ute Indian Reservation in Colorado not included in any forest reservation, in addition to the existing laws relating to cash entries thereon: *Provided*, That no selection or entry of lands in lieu of land included within a forest reservation or of soldiers' or sailors' additional homesteads shall be allowed within said limits.

Reimbursement of Ute Indian fund.—All sums of money that may be lost to the Ute Indian fund by reason of the enactment of this section shall be paid into the fund by the United States, and all moneys received by reason of the commutation of any homestead entry shall be credited to said Ute Indian fund.

Lands on which Government has improvements excepted.—No lands shall be included in any location or settlement under the provisions of this section on which the United States Government has valuable improvements. (June 13, 1902, c. 1080, §§ 1–3, 32 Stat. 384.)

204. Entries on even sections within railroad and other grants.—The even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has, under laws in force March 3, 1879, taken a homestead on any even section within the limits of any railroad or military road land grant, and who, by such laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this section until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year. (Mar. 3, 1879, c. 191, 20 Stat. 472.)

205. Entries on odd sections within railroad and other grants.—The odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such States respectively, in aid of any railroad where the even sections have been granted to and received by any railroad company or by such States respectively in aid of any railroad shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has under laws in force July 1, 1879, taken a homestead on any section within the limits of any railroad grant in said States, and who by such laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions; and the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this section until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year. (July 1, 1879, c. 60, 21 Stat. 46.)

206. Patents for additional entries within railway limits.—All homestead settlers on public lands within the railway limits restricted to less than one hundred and sixty acres of land, who have prior to May 6, 1886, made or may thereafter make the additional entry allowed by either of the two preceding sections, after having made final proof of settlement and cultivation under the original entry, shall be entitled to have the lands covered by the additional entry patented without any further cost or proof of settlement and cultivation. (May 6, 1886, c. 88, 24 Stat. 22.)

207. Military reservations in Nevada.—All the agricultural lands embraced within the military reservations in the State of Nevada which have been placed under the control of the Secretary of the Interior for disposition may be disposed of under the homestead and desert-land laws, and not otherwise: *Provided*, That this section is intended to make applicable to the desert-land laws only such lands as were included under the Act of March 3, 1877, providing for the disposition of public lands under the desert-land laws. (Aug. 21, 1916, c. 361, 39 Stat. 518.)

208. Unreserved public lands in Columbia or Moses Reserve.—All unreserved public lands within the former Columbia or Moses Reserve in the State of Washington, made subject to

acquisition under the homestead laws by the Act of Congress approved July 4, 1884 (Twenty-third Statutes, page 76), be, and they are, made subject to acquisition under section 1171 of chapter 28 of this title, and chapter 9, and other Acts applicable generally to the public domain. (June 3, 1924, c. 240, 43 Stat. 357.)

LIMITATION AS TO AMOUNT AND ADDITIONAL AND ENLARGED ENTRIES

211. Limitation of amount of homestead entry.—Except as otherwise provided, no person shall be permitted to acquire title to more than one quarter section under the provisions of this chapter. (R. S. § 2298.)

212. Limitation of aggregate amount of entries.—No person who shall enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, except as otherwise provided, under all of said laws, but this limitation shall not operate to curtail the right of any person who has before August 30, 1890, made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by chapter 15 of this title.

The above provisions of this section shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws. (Aug. 30, 1890, c. 837, § 1, 26 Stat. 391.)

213. Additional entry on land contiguous to former entry of less than quarter section.—Any homestead settler who has, prior to April 28, 1904, entered, or may thereafter enter, less than one-quarter section of land may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres, without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: *Provided*, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: *And provided*, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

Commutation under the provisions of section 173 shall not be allowed of an entry made under this section. (Apr. 28, 1904, c. 1776, §§ 2, 3, 33 Stat. 527.)

214. Additional entry; after final proof on entry of less than quarter-section.—Every person entitled, under the provisions of the homestead laws, to enter a homestead, who has prior to March 3, 1889, complied with or who shall thereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the register's final receipt therefor, shall be entitled under said laws to enter as a personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres: *Provided*, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered and otherwise fully complied with such laws: *Provided, also*, That this section shall not be construed as affecting any rights as to location of soldiers' certificates issued, prior to March 3, 1889, under section 274 of this chapter. (Mar. 2, 1889, c. 381, § 6, 25 Stat. 854.)

215. Additional entry after patent on entry for less than quarter section.—Any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions for enlarged homesteads, for such an area of public land as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided*, That this section shall not be construed to apply to soldiers' additional homestead entries made under section 274 of this chapter, or Acts amendatory thereof or supplemental thereto. (Feb. 20, 1917, c. 98, 39 Stat. 925.)

216. Validation of additional entry after patent.—All pending homestead entries pending March 4, 1915, made in good faith prior to January 1, 1914, under the provisions of the enlarged homestead laws, by persons who before making such enlarged homestead entry had acquired title to land under the homestead laws and therefore were not qualified to make an enlarged homestead entry, are validated, if in all other respects regular, in all cases where the original homestead entry was for less than one hundred and sixty acres of land. (Mar. 4, 1915, c. 148, 38 Stat. 1162.)

217. Additional entry after commutation of former entry.—Any person who has, prior to June 5, 1900, made entry under the homestead laws and commuted same under provisions of section 173 of this chapter, shall be entitled to the benefits of the homestead laws, as though such former entry had not been made, except that commutation under the provisions of section 173, shall not be allowed of an entry made under this section. (June 5, 1900, c. 716, § 2, 31 Stat. 269.)

218. Enlarged entries of certain nonmineral, nonirrigable lands in certain States.—(*a*) Any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this section, in the States of Arizona, California, Colorado, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, three hundred and twenty acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over one and one-half miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this Act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

(*b*) *Applications; affidavits; fees.*—Any person applying to enter land under the provisions of this section shall make and subscribe before the proper officer an affidavit as required by section 162 of this chapter and in addition thereto shall make affidavit that the land sought to be entered is of the character described in paragraph (*a*) of this section, and shall pay the fees required to be paid under the homestead laws.

(*c*) *Additional entry of land contiguous to former entry not to exceed limitation.*—Any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this section, contiguous to his first entry, which shall not, together with the original entry, exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this section, as provided by paragraph (*a*) hereof.

(*d*) *Proof of cultivation; final proofs on additional entries.*—At the time of making final proof, as provided in section 164 of this chapter, the entryman under this section shall, in addition to the proofs and affidavits required under said section 164 prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has prior to February 19, 1909, made, or who thereafter makes, additional entry under the provisions of paragraph (*c*) of this section to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of said section 164, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this section must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvements made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proof has theretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this section must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with the original entries under this section, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 164.

(*e*) *Other rights of entry not affected.*—Nothing in this section contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in paragraph (a) of this section under the provisions of section 161 of this chapter, but no person who has made entry under this section shall be entitled to make homestead entry under the provisions of said section 161, and no entry made under this section shall be commuted.

(*f*) *Lands in Utah without domestic water supply designated; residence and cultivation.*—Whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this section, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 2,000,000 acres, and thereafter they shall be subject to entry under this section without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this paragraph.

(*g*) *Additional entry of noncontiguous land; amount; patents.*—Any person who has made or shall make homestead entry of less than three hundred and twenty acres of lands of the character described, in this section, and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this section, not contiguous to his first entry, which shall not with the original entry exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this section as provided by paragraph (a): *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding twenty miles from the land embraced in the original entry no residence shall be required on such additional entry if the entryman is residing on his former entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 274 of this chapter.

(*h*) *Provisions extended to Kansas.*—The provisions of paragraphs (*a*) to (*e*), inclusive, of the Act entitled "An Act to provide for an enlarged homestead," approved February 19, 1909 (Thirty-fifth Statutes at Large, page 639), as modified and amended, are hereby extended and made applicable to the State of Kansas. (Feb. 19, 1909, c. 160, §§ 1-7, 35 Stat. 639; June 13, 1912, c. 166, 37 Stat. 132; Mar. 3, 1915, c. 84, 38 Stat. 953; Mar. 4, 1915, c. 152, § 2, 38 Stat. 1163; July 3, 1916, c. 220, 39 Stat. 344.)

219. Enlarged entries of certain nonmineral, nonirrigable lands in Idaho.—(*a*) Any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivision, under the provisions of this section, in the State of Idaho, three hundred and twenty acres or less of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body and not over one and one-half miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this section until the lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation, at a reasonable cost, from any known source of water supply.

(*b*) *Applications; affidavits; fees.*—Any person applying to enter land under the provisions of this section shall make and subscribe before the proper officer an affidavit as required by section 162 of this chapter and in addition thereto shall make affidavit that the land sought to be entered is of the character described in paragraph (*a*) of this section, and shall pay the fees now required to be paid under the homestead laws.

(*c*) *Additional entry of land contiguous to former entry not to exceed limitation.*—Any person who has made, or shall make, homestead entry of lands of the character described in this section, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this section, contiguous to his first entry, which shall not, together with the original entry, exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this section, as provided by paragraph (*a*) hereof.

(*d*) *Proof of cultivation; final proofs on additional entries.*—At the time of making final proof, as provided in section 164 of this chapter, the entryman under this section shall, in addition to the proofs and affidavits required under said section 164 prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has, prior to June 10, 1910, made, or who hereafter makes, additional entry under the provisions of paragraph (*c*) of this section to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section 164, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this section must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this paragraph has been performed; and to this end the time within which proof must be made upon such a combined entry is extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proof has theretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this section must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with the original entries under this section, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 164 of this chapter.

(*e*) *Other rights of entry not affected.*—Nothing contained in this section shall be held to affect the right of a qualified entryman to make homestead entry in the State of Idaho under the provisions of section 161 of this chapter, but no person who has made entry under this section shall be entitled to make homestead entry under the provisions of said section 161, and no entry made under this section shall be commuted.

(*f*) *Lands without domestic water supply designated; residence and cultivation.*—Whenever the Secretary of the Interior shall find any tracts of land in the State of Idaho, subject to entry under this section, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible he may, in his discretion, designate such tracts of land, not to exceed in the aggregate one million acres, and thereafter they shall be subject to entry under this section without the necessity of residence upon the land entered: *Provided*, That the entryman shall in good faith cultivate not less than one-sixteenth of the entire area of the entry which is susceptible of cultivation during the first year of the entry, not less than one-eighth during the second year, and not less than one-fourth during the third year of the entry and until final proof: *Provided further*, That after six months from the date of entry and until final proof the entryman shall be a resident of the State of Idaho.

(*g*) *Noncontiguous lands; occupancy and improvements; soldiers' additional homesteads.*—Any person who has made or shall make homestead entry of less than three hundred and twenty acres of lands of the character described in this section and who shall have submitted final proof thereon, shall have the right to enter public lands subject to the provisions of this section, not contiguous to his first entry, which shall not with the original entry exceed three hundred and twenty acres: *Provided*, That the land originally entered and that covered by the additional entry shall first have been designated as subject to this section or the preceding section (Thirty-fifth Statutes, page 639), as provided by section 1 of said Acts: *Provided further*, That in no case shall patent issue for the land covered by such additional entry until the person making same shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise complied with such laws, except that where the land embraced in the additional entry is located not exceeding twenty miles from the land embraced in the original entry no residence shall be required on such additional entry if the entryman is residing on his former entry: *And provided further*, That this section shall not be construed as affecting any rights as to location of soldiers' additional homesteads under section 274. (June 17, 1910, c. 298, § 7, 36 Stat. 532; Feb. 11, 1913, c. 39, 37 Stat. 666; Mar. 3, 1915, c. 91, 38 Stat. 957; Sept. 6, 1916, c. 440, 39 Stat. 724.)

220. Applications for entry of lands not designated as subject to entry and for additional entry of contiguous land.—Where any person qualified to make entry under the provisions of the second preceding section, shall make application to enter under the provisions of said sections any unappropriated public land in any State affected thereby which has not been designated as subject to entry under the section (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate, showing prima facie that the land applied for is of the character contemplated by said section), such application, together with the regular fees and commissions, shall be received by the register of the land district in which said land is located, and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character; that during such suspension the land described in said application shall be segregated by the said register and not subject to entry until the case is disposed of; and if it shall be determined that such land is of the character contemplated by the said section, then such application shall be allowed; otherwise it shall be rejected, subject to appeal: *Provided*, That the provisions of this section shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed three hundred and twenty acres. (Mar. 4, 1915, c. 150, § 1, 38 Stat. 1162, 1163.)

221. Provisions extended to South Dakota.—The provisions of the preceding section and of the first five paragraphs, third preceding section, shall extend to and include the State of South Dakota. (Mar. 4, 1915, c. 150, § 2, 38 Stat. 1163.)

222. Additional entries by homestead entrymen in lands in national forests.—Any homestead entrymen of one hundred and sixty acres or less of lands which have been prior to March 3, 1923, or may thereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of sections 216 and 217 of this chapter, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received

patent, for such an amount of lands which have been at that time or may thereafter be designated or classified by the Secretary of the Interior as of the character described in said sections, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed three hundred and twenty acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said sections. For the purposes of this section the Secretary of the Interior is authorized to designate as subject to such sections, lands embraced, at the time of such designation, within valid subsisting entries within national forests. (Mar. 4, 1923, c. 245, § 1, 42 Stat. 1445.)

223. Preference of settler to entry under Enlarged Homestead Act.—Any settler upon lands designated by the Secretary of the Interior as subject to the provisions of paragraphs (*a*) to (*e*), inclusive, of section 218 of this chapter, and section 219 of this chapter, shall be entitled to the preference right of entry accorded by section 166 of this chapter; provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *Provided*, That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of sections 218 and 219, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the said sections shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder. (May 14, 1880, c. 89, § 3, 21 Stat. 141; June 6, 1900, c. 821, 31 Stat. 683; Aug. 9, 1912, c. 280, 37 Stat. 267.)

224. Limitation of entries within certain boundaries in Nebraska extended; exclusion of irrigable lands.—(*a*) After June 27, 1904, entries made under the homestead laws in the State of Nebraska west and north of the following line, to wit: Beginning at a point on the boundary line between the States of South Dakota and Nebraska where the first guide meridian west of the sixth principal meridian strikes said boundary; thence running south along said guide meridian to its intersection with the fourth standard parallel north of the base line between the States of Nebraska and Kansas; thence west along said fourth standard parallel to its intersection with the second guide meridian west of the sixth principal meridian; thence south along said second guide meridian to its intersection with the third standard parallel north of the said base line; thence west along said third standard parallel to its intersection with the range line between ranges 25 and 26 west of the sixth principal meridian; thence south along said line to its intersection with the second standard parallel north of the said base line; thence west on said standard parallel to its intersection with the range line between ranges 30 and 31 west; thence south along said line to its intersection with the boundary line between the States of Nebraska and Kansas, shall not exceed in area six hundred and forty acres, and shall be as nearly compact in form as possible, and in no event over two miles in extreme length: *Provided*, That there shall be excluded from the provisions of this section such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law, or by private enterprise; and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this section the lands, particularly along the North Platte River, which in his opinion it may be possible to irrigate as aforesaid; and shall thereafter, from time to time, open to entry under this section any of the lands so excluded, which, upon further investigation, he may conclude can not be practically irrigated in the manner aforesaid.

(*b*) *Limit of additional entry of contiguous land.*—Entrymen under the homestead laws of the United States within the territory above described who owned and occupied the lands heretofore entered by them prior to April 28, 1904, may, under the provisions of this section and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence continued and improvements made upon the original homestead, subsequent to the making of the additional entry, shall be accepted as equivalent to actual residence and improvements made upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same, except in favor of entrymen entitled to credit for military service.

(*c*) *Fees and commissions on entries; commutation.*—The fees and commissions on all entries under this section shall be uniformly the same as those charged for a maximum entry at the minimum price. The commutation provisions of the homestead law shall not apply to entries under this section, and at the time of making final proof the entryman must prove affirmatively that he has placed upon the lands entered permanent improvements of the value of not less than $1.25 per acre for each acre included in his entry: *Provided*, That a former homestead entry shall not be a bar to the entry under the provisions of this section of a tract which, together with the former entry, shall not exceed six hundred and forty acres: *Provided*, That any former homestead entryman who shall be entitled to an additional entry under paragraph (*b*) of this section shall have for ninety days after April 28, 1904, the preferential right to make additional entry as provided in said paragraph.

(*d*) *Benefits of section extended to certain entries.*—All qualified entrymen who, during the period beginning on the 28th day of April, 1904, and ending on the 28th day of June, 1904, made homestead entry in the State of Nebraska within the area affected by this section, shall be entitled to all the benefits of said Act as if their entries had been made prior or subsequent to the above-mentioned dates, subject to all existing rights.

(*e*) *Benefits of military service extended to entries.*—The benefits of military service in the Army or Navy of the United States granted under the homestead laws shall apply to entries made under the aforesaid Act approved April 28, 1904, and all homestead entries hereafter made within the territory described in the aforesaid Act shall be subject to all the provisions thereof.

(*f*) *Sale of isolated tracts.*—Within the territory described in said Act approved April 28, 1904, it shall be lawful for the Secretary of the Interior to order into market and sell under the provisions of the laws providing for the sale of isolated or disconnected tract or parcels of land any isolated or disconnected tract not exceeding three quarter sections in area: *Provided*, That not more than three quarter sections shall be sold to any one person.

(*g*) *Qualifications of entrymen making additional entries.*—The qualifications of a former homestead entryman who has, prior to August 24, 1912, been permitted to make an additional or another entry under this section, prior to August 24, 1912, shall be determined by the qualifications, except as to citizen-

ship, possessed on the date of his first entry in all cases where the rights of third persons shall not have intervened and the additional or second entry has not been canceled. (Apr. 28, 1904, c. 1801, §§ 1–3, 33 Stat. 548; Mar. 2, 1907, c. 2527, §§ 1–3, 34 Stat. 1224; May 29, 1908, c. 220, § 7, 35 Stat. 466; Aug. 24, 1912, c. 371, 37 Stat. 499.)

LEAVES OF ABSENCE AND EXCUSES FOR NONRESIDENCE OR NONCULTIVATION

231. Optional leaves of absence; proof on commutation.—The entryman mentioned in section 164 of this chapter upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods, not exceeding in the aggregate five months in each year after establishing residence: *Provided*, That the register of the local land office under rules and regulations made by the Commissioner of the General Land Office may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed twenty-five months, not less than five of which shall be in each year; proof to be made within five years after entry; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the fourteen months' actual residence, as now required by law, must be shown, and the person commuting be at the time a citizen of the United States. (R. S. § 2291; June 6, 1912, c. 153, 37 Stat. 123; Aug. 22, 1914, c. 270, 38 Stat. 704; Feb. 25, 1919, c. 21, 40 Stat. 1153; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

232. Settlers on unsurveyed land.—Any qualified person who has prior to July 3, 1916, or shall thereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office. (July 3, 1916, c. 214, 39 Stat. 341.)

233. Persons receiving vocational rehabilitation or treatment for wounds.—Every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any course of vocational rehabilitation under the terms of the Vocational Rehabilitation Act, constituting sections 531 to 539 of Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF, upon the ground that he comes within Article III of the Act of October 6, 1917, Fortieth Volume, Statutes at Large, page 398, and who before entering upon such course shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing training by the Federal Board of Vocational Education, and such absence, while actually engaged in such training shall be counted as constructive residence: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

The above provisions of this section are extended to those who, after discharge from the military or naval service of the United States, are furnished treatment by the Government for wounds received or disability incurred in line of duty. (Sept. 29, 1919, c. 64, 41 Stat. 288; Apr. 6, 1922, c. 122, § 2, 42 Stat. 491.)

234. Destruction or failure of crops, sickness, or unavoidable casualty.—Whenever it shall be made to appear to the register of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such register may grant to such settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: *Provided*, That the time of such actual absence shall not be deducted from the actual residence required by law: *Provided further*, That if any such settler has, prior to December 29, 1894, forfeited his or her entry for any of said reasons, such person shall be permitted to make entry of, not to exceed a quarter section on any public land subject to entry under the homestead law, and to perfect title to the same under the same conditions in every respect as if he had not made the former entry. (Mar. 2, 1889, c. 381, § 3, 25 Stat. 854; Dec. 29, 1894, c. 14, 28 Stat. 599; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

235. Destruction or injury to crops by grasshoppers.—It shall be lawful for homestead settlers on the public lands, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands, under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe; but in no case shall such absence extend beyond one year continuously; and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred. (July 1, 1879, c. 63, § 1, 21 Stat. 48; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

236. Absence to perform farm labor during World War.—During the pendency of the war with Germany and her allies any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall, upon compliance with the terms of this section, be counted as constructive residence: *Provided*, That each settler or entryman within fifteen days after leaving his claim for the purpose herein provided shall file notice thereof in the United States Land Office, and at the expiration of the calendar year file in said land office of the district wherein his claim is situated a written statement, under oath and corroborated by two witnesses, giving the date or dates when he left his claim, date or dates of return thereto, and where and for whom he was engaged in farm labor during such period or periods of absence: *Provided further*, That nothing herein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry: *Provided further*, That the provisions of this section shall apply only to homestead settlers and entrymen who may have filed their application prior to December 20, 1917. The Secretary of the Interior is authorized to provide rules and regulations for carrying this section into effect. (Dec. 20, 1917, c. 6, 40 Stat. 430.)

237. Period of drought in 1919.—Any homestead settler or entryman who, during the calendar year 1919, found it necessary to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself, family, and work stock, because of great and serious drought conditions, causing total or partial failures of crops, may, upon filing with the register proof of such conditions in the form of a corroborated affidavit, be excused from residence upon his homestead during all or part of the calendar year 1919, or the current year of such homestead which may fall principally in the year 1919, and in the making of final proof upon such an entry absence granted under this section shall be counted and construed as constructive residence by said homesteader. (July 24, 1919, c. 26, 41 Stat. 271.)

238. Residence and cultivation, etc., by disabled veterans excused.—Any bona fide settler, applicant, or entryman under the homestead laws of the United States, or any desert-land entryman whose entry is subject to the provisions of chapter 12 of this title, who, after settlement, application, or entry, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to the service is unable to return to the land, may make final proof, without further residence, improvement, cultivation, or reclamation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon, subject to the provisions of the Act or Acts under which such settlement or entry was made: *Provided*, That no such patent shall issue prior to the conformation of the entry to a single farm unit, as required by the Act of August 13, 1914 (Thirty-eighth Statutes, page 686): *And provided further*, That this section shall not be construed to exempt or relieve such applicant or entryman from payment of any lawful fees, commissions, purchase moneys, water charges, or other sums due to the United States, or its successors in control of the reclamation project, in connection with such lands. (Mar. 1, 1921, c. 102, § 1, 41 Stat. 1202; Apr. 7, 1922, c. 125, 42 Stat. 492.)

239. Service in Army or Navy, etc., as equivalent to residence.—Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service. (R. S. § 2308.)

240. Service in time of war as equivalent to residence and cultivation.—In every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and after July 16, 1898, no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases thereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service: *Provided*, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

The above provisions of this section shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States. (July 16, 1898, c. 458, 30 Stat. 473; Aug. 29, 1916, c. 420, 39 Stat. 671.)

241. Military, naval, or other service; contest; discharge for disability; death.—Any settler upon the public lands of the United States; or any entryman whose application has been allowed; or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who, after such settlement, entry, or application, enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, shall, in the administration of the homestead laws, have his services therein construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and after July 28, 1917, no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, entryman, or person unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases thereafter initiated that the alleged absence from the land was not due to his employment in such military or naval service; that if he shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence, without reference to the time of actual service: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year. (July 28, 1917, c. 44, § 1, 40 Stat. 248.)

242. Widows and minor children of applicants for homesteads dying in military or naval service.—Any settler upon the public lands of the United States; or any entryman whose application has been allowed; or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who dies while actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, then his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or their legal representatives may proceed forthwith to make final proof upon such entry or application thereafter allowed, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and

cultivation upon such homestead. (July 28, 1917, c. 44, § 2, 40 Stat. 248.)

FINAL PROOF GENERALLY

251. Notice of intention to make final proof.—Before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice, the register shall publish a notice, that such application has been made once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days, the claimant shall be entitled to make proof in the manner provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions. (Mar. 3, 1879, c. 192, 20 Stat. 472.)

252. Time of taking testimony for final proof in case of unavoidable delay.—The testimony for final proof may be taken within ten days following the day advertised as upon which such final proof shall be made, in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified. (Mar. 2, 1889, c. 381, § 7, 25 Stat. 855.)

253. Notice of contest; publication.—The notices of contest now provided by law under the homestead, [pre-emption and tree-culture] laws of the United States shall, after June 3, 1878, be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land. (June 3, 1878, c. 152, § 1, 20 Stat. 91.)

254. Officers before whom affidavits or proofs may be made; perjury; fees.—All proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the Homestead, Desert Land, and Timber and Stone Acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavits need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register when transmitted to him with the fees and commissions allowed and required by law. If any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. The fees for entries and for final proofs, when made before any other officer than the register shall be as follows:

For each affidavit, 25 cents.

For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, $1.

Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100. (R. S. § 2294; May 26, 1890, c. 355, 26 Stat. 121; Mar. 3, 1891, c. 561, §§ 1, 4, 26 Stat. 1097; Mar. 3, 1893, c. 208, 27 Stat. 593; Mar. 11, 1902, c. 182, 32 Stat. 63; Mar. 4, 1904, c. 394, 33 Stat. 59; Feb. 23, 1923, c. 105, 42 Stat. 1281; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

255. Persons in military or naval service; affidavits taken by commanding officer.—In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

During the continuance of the present war with Germany, and until his discharge from service, any man serving in the armed forces of the United States, who, prior to the beginning of his services was a settler, an applicant, or entryman under the land laws of the United States, or who has, prior to enlistment, filed a contest, with the view of exercising preference right of entry therefor, may make any affidavit required by law or regulation of the department, affecting such application, entry, or contest, or necessary to the making of entry in the case of the successful termination of such contest awarding him preference right of entry, before his commanding officer as provided above in this section, which affidavits shall be as binding in law and with like penalties as if taken before the Register of the United States Land Office. (R. S. § 2293; Oct. 6, 1917, c. 86, 40 Stat. 391.)

256. Election as to law under which to make final proof.—Any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands (which were subject to homestead entry) prior to June 6, 1916, may perfect his proof for such lands under the provisions of this chapter, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary. (Mar. 4, 1913, c. 149, 37 Stat. 925.)

PAYMENTS AND REFUNDS

261. Time for payments; extension of time for payment.—Whenever it shall appear by the filing of such evidence in the office of any register and receiver as shall be prescribed by the Secretary of the Interior that any settler on the public lands, by reason of a failure of crops for which he is in no wise responsible, is unable to make the payment on his homestead claim required by law, the Commissioner of the General Land

Office is authorized to extend the time for such payment for not exceeding one year from the date when the same becomes due. (Sept. 30, 1890, No. 59, 26 Stat. 684; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

262. Repayment of excess on final proof or commutation.—In all cases in which homestead entrymen upon final proof or commutation shall have been required to pay more than the lawful purchase money for their lands, the Secretary of the Interior shall cause the excess to be repaid to the entryman or to his heirs or assigns. (Mar. 2, 1907, c. 2568, 34 Stat. 1248.)

263. Cancellation of entries; repayment.—In all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under section 274, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions, and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase money on lands erroneously sold by the United States.

Canceled and unconfirmed entries.—In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

Appropriation.—The Secretary of the Interior is authorized to make the payments herein provided for, out of any money in the Treasury not otherwise appropriated.

Rules by Commissioner of General Land Office.—The Commissioner of the General Land Office shall make all necessary rules, and issue all necessary instructions, to carry the provisions of the preceding section into effect; and for the repayment of the purchase money and fees therein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of the cancellation of the entries.

Proof of loyalty not required.—No proof of loyalty shall be required in the cases mentioned in this section. (June 16, 1880, c. 244, §§ 1–4, 21 Stat. 287; Apr. 18, 1904, No. 25, 33 Stat. 589.)

SOLDIERS' AND SAILORS' HOMESTEAD

271. Soldiers and sailors entitled to make entry generally.—Every private soldier and officer who served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an Act approved February 13, 1862, and every seaman, marine, and officer who served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who served in the Army of the United States during the Spanish war, or during the suppression of the insurrection in the Philippines for ninety days, and who was honorably discharged; and every seaman, marine, and officer who served in the Navy of the United States or in the Marine Corps during the Spanish war, or during the suppression of the insurrection in the Philippines for ninety days; and every person engaged for ninety days in the military or naval service of the United States, as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress, in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, or during the war with Germany and her allies, and who was honorably discharged, and every citizen of the United States who served with the allied armies during the World War, and who was honorably discharged, upon his resumption of citizenship in the United States, provided the service with the allied armies was similar to the service in the Armies of the United States required in this section, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement. (R. S. § 2304; Mar. 1, 1901, c. 674, 31 Stat. 847; Feb. 25, 1919, c. 37, 40 Stat. 1161; Dec. 28, 1922, c. 19, 42 Stat. 1067.)

272. Deduction of military and naval service from time required to perfect title; rights of widows and children of veterans.—The time which the homestead settler has served in the Army, Navy, or Marine Corps of the United States, or in the military or naval service, as defined in the preceding section, in connection with the Mexican border operations, or during the war with Germany and her allies with the allied armies during the World War shall be deducted from the time otherwise required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, or if discharged from service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time so required to perfect title without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, the Mexican border operations, or the war with Germany and her allies, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive Government patent for said land; and that

upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue. (R. S. § 2305; Mar. 1, 1901, c. 674, 31 Stat. 847; July 28, 1917, c. 44, § 2, 40 Stat. 248; Feb. 25, 1919, c. 37, 40 Stat. 1161; Apr. 6, 1922, c. 122, § 1, 42 Stat. 491.)

273. Veterans receiving compensation for wounds or disability.—The provisions of the two preceding sections, so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, are extended to those regularly discharged from such service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty. (Apr. 6, 1922, c. 122, § 1, 42 Stat. 491.)

274. Additional entry by veteran.—Every person entitled, under the provisions of section 271 to enter a homestead who may have, prior to March 1, 1901, entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres. (R. S. § 2306.)

275. Additional entries invalid; commutation.—Where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate. (Mar. 3, 1893, c. 208, 27 Stat. 593.)

276. Additional homestead certificates; sale.—All soldiers' additional homestead certificates issued under the rules and regulations of the General Land Office under section 274 of this division of this chapter, or in pursuance of the decisions or instructions of the Secretary of the Interior, of date March 10, 1877, or any subsequent decisions or instructions of the Secretary of the Interior or the Commissioner of the General Land Office, shall be, and are declared to be valid, notwithstanding any attempted sale or transfer thereof; and where such certificates have been, prior to August 18, 1894, or may thereafter be sold or transferred, such sale or transfer shall not be regarded as invalidating the right, but the same shall be good and valid in the hands of bona fide purchasers for value; and all entries prior to August 18, 1894, or thereafter made with such certificates by such purchasers shall be approved, and patent shall issue in the name of the assignees. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 397.)

277. Entry by agent.—Every soldier, sailor, marine, officer, or other person coming within the provisions of section 271, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law. (R. S. § 2309; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

278. Right of widow of veteran to make entry; rights of children on her death.—In the case of the death of any person who would be entitled to a homestead under the provisions of sections 271 and 272 of this division of this chapter, his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said preceding sections of this division of this chapter subject to the provisions and requirements as to settlement, residence, and improvement therein contained: *Provided*, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law. (R. S. § 2307; Sept. 21, 1922, c. 357, 42 Stat. 990.)

STOCK-RAISING HOMESTEAD

291. Persons entitled to make entry; number of acres.—From and after December 29, 1916, it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public land in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands." (Dec. 29, 1916, c. 9, § 1, 39 Stat. 862.)

292. Designation of lands subject to entry; applications.—The Secretary of the Interior is authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this division of this chapter lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family: *Provided*, That where any person qualified to make original or additional entry under the provisions of this division of this chapter shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that land applied for is of the character contemplated by this division of this chapter), such application, together with the regular fees and commissions, shall be received by the register of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. During such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this division of this chapter, then such application shall be allowed, otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands, unless the applicant actually establishes his residence and resides on the land; and until final action on such application, the settler may, if the land be not designated under this division of this chapter, change his application to one under the enlarged homestead law if such lands be designated thereunder, or to one under the ordinary provisions of the homestead law: *Provided*, That if the settler shall change his application he shall embrace therein the lands upon which his residence and principal improvements are located, and conform to the provisions, limitations, and conditions of the applicable law. (Dec. 29, 1916, c. 9, § 2, 39 Stat. 862; June 6, 1924, c. 274, 43 Stat. 469; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

293. Persons entitled to make entry; effect of entries.—Any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding six hundred and forty acres, and in compact form so far as may be subject to the provisions of this division of this chapter, and secure title thereto by compliance

with the terms of the homestead laws: *Provided*, That a former homestead entry of land of the character described in the preceding section shall not be a bar to the entry of a tract within a radius of twenty miles from such former entry under the provisions of this division of this chapter, which, together with the former entry, shall not exceed six hundred and forty acres, subject to the requirements of law as to residence and improvements, except that no residence shall be required on such additional entry if the entryman owns and is residing on his former entry: *Provided further*, That the entryman shall be required to enter all contiguous areas of the character described in this division of this chapter open to entry prior to the entry of any noncontiguous land: *And provided further*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof. (Dec. 29, 1916, c. 9, § 3, 39 Stat. 863; Oct. 25, 1918, c. 195, 40 Stat. 1016.)

294. Additional entries; amount.—Any homestead entryman of lands of the character described in this division of this chapter, who has not submitted final proof upon his existing entry shall have the right to enter, subject to the provisions of said division, such amount of lands designated for entry under the provisions of said division, within a radius of twenty miles from said existing entry, as shall not, together with the amount embraced in his original entry, exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof: *Provided*, That the entryman shall be required to enter all contiguous areas of the character described in said division open to entry prior to the entry of any noncontiguous land. (Dec. 29, 1916, c. 9, § 4, 39 Stat. 863; Sept. 29, 1919, c. 63, 41 Stat. 287.)

295. Additional entries; persons entitled generally.—Persons who have submitted final proof upon, or received patent for, lands of the character described in this division of this section under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of said division, make additional entry for and obtain patent to lands designated for entry under the provisions of said division, within a radius of twenty miles from the lands theretofore acquired under the homestead laws, which, together with the area theretofore acquired under the homestead laws, shall not exceed six hundred and forty acres, on proof of the expenditure required by said division on account of permanent improvements upon the additional entry: *Provided*, That the entryman shall be required to enter all contiguous areas of the character described in said division open to entry prior to the entry of any noncontiguous land. (Dec. 29, 1916, c. 9, § 5, 39 Stat. 863; Sept. 29, 1919, c. 63, 41 Stat. 287.

296. Additional entries; heads of families, etc.—Any person who is the head of a family, or who has arrived at the age of twenty-one years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to December 29, 1916, lands of the character described in this division of this chapter, the area of which is less than six hundred and forty acres, and who is unable to exercise the right of additional entry conferred by said division because no lands subject to entry under said division adjoin the tract so entered or acquired or lie within the twenty-mile limit provided for in said division, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to six hundred and forty acres of the land subject to entry under said division, but must show compliance with all the provisions of said division respecting the new entry and with all the provisions of existing homestead laws except as modified in said division. (Dec. 29, 1916, c. 9, § 6, 39 Stat. 863.)

297. Commutation.—The commutation provisions of the homestead laws shall not apply to any entries made under this division of this chapter. (Dec. 29, 1916, c. 9, § 7, 39 Stat. 864.)

298. Additional entries; preferential rights.—Any homestead entrymen or patentees who shall be entitled to additional entry under this division of this chapter shall have, for ninety days after the designation of lands subject to entry under the provisions of said division and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in said division: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such division to be in tracts of not less than forty acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right. (Dec. 29, 1916, c. 9, § 8, 39 Stat. 864.)

299. Reservation of coal and mineral rights.—All entries made and patents issued under the provisions of this division of this chapter shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by said division, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improve-

ments of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of said division with reference to the disposition, occupancy, and use of the land as permitted to an entryman under said division. (Dec. 29, 1916, c. 9, § 9, 39 Stat. 864.)

300. Reservation of land containing water holes; cattle driveways.—Lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this division of this chapter but may be reserved under the provisions of sections 141 to 143, inclusive, and 148 of chapter 6 of this title and such lands, prior to December 29, 1916, or thereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than one mile in width for a driveway less than twenty miles in length, not more than two miles in width for driveways over twenty and not more than thirty-five miles in length and not over five miles in width for driveways over thirty-five miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than three miles per day for sheep and goats and an average of not less than six miles per day for cattle and horses. (Dec. 29, 1916, c. 9, § 10, 39 Stat. 865.)

301. Rules and regulations.—The Secretary of the Interior is authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this section for the purpose of carrying the same into effect. (Dec. 29, 1916, c. 9, § 11, 39 Stat. 865.)

302. Additional entries by entrymen on lands in national forests.—Any homestead entryman of one hundred and sixty acres or less of lands which have been March 4, 1923, or may thereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of this division of this chapter, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of said division, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof. For the purposes of this section the Secretary of the Interior is authorized to designate lands embraced, at the time of such designation, within valid subsisting entries within national forests. (Mar. 4, 1923, c. 245, § 2, 42 Stat. 1445.)

Chapter 8.—TIMBER AND STONE LANDS.

Sec.
311. Sale.
312. Applications for purchase; false swearing.
313. Publication; proofs; entry and patent; regulations.

Section 311. Sale.—Surveyed public lands of the United States within the public land States, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of $2.50 per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by sections 43 to 45 and 51 of Title 30, MINERAL LANDS AND MINING, and section 932 of this title shall be abrogated by this chapter; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said sections; and such rights shall be expressly reserved in any patent issued under this chapter. (June 3, 1878, c. 151, § 1, 20 Stat. 89; Aug. 4, 1892, c. 375, § 2, 27 Stat. 348.)

312. Applications for purchase; false swearing.—Any person desiring to avail himself of the provisions of this chapter shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this chapter; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void. (June 3, 1878, c. 151, § 2, 20 Stat. 89; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

313. Publication; proofs; entry and patent; regulations.—Upon the filing of said statement, as provided in the preceding section, the register of the land office shall post a notice of

such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this chapter, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register as provided for in case of mining claims in section 39 of Title 30, MINERAL LANDS AND MINING, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the provisions of this chapter by regulations to be prescribed by the Commissioner of the General Land Office. (June 3, 1878, c. 151, § 3, 20 Stat. 90; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

Chapter 9.—DESERT-LAND ENTRIES.

Sec.
321. Entry right generally; extent of right to appropriate waters.
322. Desert lands defined; question how determined.
323. States in which chapter applies.
324. Assignment of entries.
325. Resident citizenship of State as qualification for entry.
326. Unsurveyed lands not subject to entry; preferential right of entry after survey.
327. Filing irrigation plan; association of entrymen.
328. Expenditures and cultivation required.
329. Issue of patent on final proof; citizenship requirement as to patentee; limit as to amount of holding.
330. Desert-land entry in addition to homestead entry.
331. Reclamation requirements waived in favor of disabled soldiers, etc.
332. Expenditure and cultivation requirements suspended in favor of officers and enlisted men during war with Germany.
333. Extension of time for completion of irrigation works.
334. Further extension of time for final proofs.
335. Further extension in cases not covered by two preceding sections.
336. Further extension in addition to that authorized by three preceding sections.
337. Entry, after expenditures, perfected as homestead entry.
338. Election to perfect entry; final proof.

Section 321. Entry right generally; extent of right to appropriate waters.—It shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of 25 cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one-half section, by conducting water upon the same, within the period of three years thereafter: *Provided, however*, That the right to the use of water by the person so conducting the same, on or to any tract of desert land of three hundred and twenty acres shall depend upon bona fide prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said one-half section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of $1 per acre for a tract of land not exceeding three hundred and twenty acres to any one person, a patent for the same shall be issued to him: *Provided*, That no person shall be permitted to enter more than one tract of land and not to exceed three hundred and twenty acres which shall be in compact form. (Mar. 3, 1877, c. 107, § 1, 19 Stat. 377; Mar. 3, 1891, c. 561, § 2, 26 Stat. 1096.)

322. Desert lands defined; question how determined.—All lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this chapter, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

The determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office. (Mar. 3, 1877, c. 107, §§ 2, 3, 19 Stat. 377.)

323. States in which chapter applies.—This chapter shall only apply to and take effect in the States of California, Colorado, Oregon, Nevada, Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and North and South Dakota. (Mar. 3, 1877, c. 107, § 3, 19 Stat. 377; Mar. 3, 1891, c. 561, § 2, 26 Stat. 1096.)

324. Assignment of entries.—No assignment after March 28, 1908, of an entry made under this chapter shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under this chapter of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized. (Mar. 28, 1908, c. 112, § 2, 35 Stat. 52.)

325. Resident citizenship of State as qualification for entry.—Excepting in the State of Nevada, no person shall be entitled to make entry of desert lands unless he be a resident citizen of the State or Territory in which the land sought to be entered is located. (Jan. 6, 1921, c. 12, 41 Stat. 1086.)

326. Unsurveyed lands not subject to entry; preferential right of entry after survey.—From and after March 28, 1908, the right to make entry of desert lands under the provisions of this chapter shall be restricted to surveyed public lands of the character contemplated by this chapter, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under this chapter who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under this chapter, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office. (Mar. 28, 1908, c. 112, § 1, 35 Stat. 52.)

327. Filing irrigation plan; association of entrymen.—At the time of filing the declaration hereinbefore in this chapter required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and

reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands, may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements. (Mar. 3, 1891, c. 561, § 2, 26 Stat. 1096.)

328. Expenditures and cultivation required.—No land shall be patented to any person under this chapter unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least $3 per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid the party so entering shall expend not less than $1 per acre for the purposes aforesaid; and he shall in like manner expend the sum of $1 per acre during the second and also during the third year thereafter, until the full sum of $3 per acre is so expended. Said party shall file during each year with the register proof, by the affidavits of two or more credible witnesses, that the full sum of $1 per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the 25 cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of $3 per acre: *Provided*, That proof be further required of the cultivation of one-eighth of the land. (Mar. 3, 1891, c. 561, § 2, 26 Stat. 1096.)

329. Issue of patent on final proof; citizenship requirement as to patentee; limit as to amount of holding.—At any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of $1 per acre for said land, a patent shall issue therefor to the applicant or his assigns; but no person or association of persons shall hold by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands but this section shall not apply to entries made or initiated prior to March 3, 1891: *Provided, however*, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this chapter shall be subject to contest, as provided by the law, relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands, and moneys paid therefor, shall be forfeited to the United States. (Mar. 3, 1891, c. 561, § 2, 26 Stat. 1096.)

330. Desert-land entry in addition to homestead entry.—The right to make a desert-land entry shall not be denied to any applicant therefor who has already made an enlarged homestead entry of three hundred and twenty acres: *Provided*, That said applicant is a duly qualified entryman and the whole area to be acquired as an enlarged homestead entry and under the provisions of this chapter does not exceed four hundred and eighty acres. (Feb. 27, 1917, c. 134, 39 Stat. 946.)

331. Reclamation requirements waived in favor of disabled soldiers, etc.—Any entryman under the desert-land laws, or any person entitled to preference right of entry under section 326 of this chapter, who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior, and receive patent for the land by him so entered or claimed, if found entitled thereto: *Provided*, That no such patent shall issue prior to the survey of the land. (Dec. 15, 1921, c. 3, 42 Stat. 348.)

332. Expenditure and cultivation requirements suspended in favor of officers and enlisted men during war with Germany.—No desert-land entry made or held under the provisions of the first seven sections of this chapter by an officer or enlisted man in the Army, Navy, Marine Corps, or Organized Militia of the United States shall be subject to contest or cancellation for failure to make or expend the sum of $1 per acre per year in improvements upon such claim, or to effect the reclamation thereof, during the period said entryman or his successor in interest was engaged in the military service of the United States during the war with Germany, and until six months thereafter, and the time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be, exclusive of the time of his actual service in the Army, Navy, Marine Corps, or Organized Militia of the United States: *Provided*, That said desert-land entry shall have been made by the said officer or enlisted man prior to his enlistment: *Provided further*, That each such entryman or claimant shall have, within six months after August 7, 1917, or within six months after he is mustered into the service, filed in the local land office of the district wherein his claim is situate a notice of his muster into the service of the United States and of his desire to hold said desert claim under this section: *Provided further*, That the term "enlisted man," as used in this section shall include any person selected to serve in the military forces of the United States as provided by the Act entitled "An Act authorizing the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917. (Aug. 7, 1917, c. 48, 40 Stat. 250.)

333. Extension of time for completion of irrigation works.—Any entryman under the first seven sections of this chapter who shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements, and provisions of said sections, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said sections, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish proof as required by said sections of the completion of said work. (Mar. 28, 1908, c. 112, § 3, 35 Stat. 52.)

334. Further extension of time for final proofs.—The Secretary of the Interior may, in his discretion, in addition to the extension authorized by the preceding section or other law existing prior to April 30, 1912, grant to any entryman under the desert-land laws a further extension of the time within

which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this section shall not affect contests initiated prior to April 30, 1912, for a valid existing reason: *Provided*, That the total extension of the statutory period for making final proof that may be allowed in any one case under this section, and any other statutes existing prior to April 30, 1912, of either general or local application, shall be limited to six years in the aggregate. (Apr. 30, 1912, c. 101, 37 Stat. 106.)

335. Further extension in cases not covered by two preceding sections.—The Secretary of the Interior may, in his discretion, extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to March 4, 1915, such extension not to exceed three years from the date of allowance thereof: *Provided*, That the entryman or his duly qualified assignee has, in good faith, complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that, if the extension is granted, he will be able to make the final proof of reclamation, irrigation, and cultivation required by law: *Provided further*, That the foregoing shall apply only to cases wherein an extension or further extension of time may not properly be allowed under the two preceding sections or other law existing prior to March 4, 1915: *Provided further*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof. (Mar. 4, 1915, c. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, c. 26, 40 Stat. 458.)

336. Further extension in addition to that authorized by three preceding sections.—The Secretary of the Interior may, in his discretion, in addition to the extensions authorized by the three preceding sections or other law existing prior to February 25, 1925, grant to any entryman under the desert-land laws of the United States a further extension of time of not to exceed three years within which to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit, filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of the irrigation works intended to convey water to the land embraced in his entry, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor: *And provided further*, That the entryman, his heirs, or his duly qualified assignee, has in good faith complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that if the extension is granted he will be able to make the final proof of reclamation, irrigation, and cultivation required by law. (Feb. 25, 1925, c. 329, 43 Stat. 982.)

337. Entry, after expenditures, perfected as homestead entry.—Where it shall be made to appear to the satisfaction of the Secretary of the Interior, under rules and regulations to be prescribed by him, with reference to any lawful pending desert-land entry made prior to March 4, 1915, under which the entryman or his duly qualified assignee under an assignment made prior to March 4, 1915, has, in good faith, expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that, if the extension allowed by section 335 of this chapter or any law existing prior to March 4, 1915, were granted, he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee five years from notice within which to perfect the entry in the manner required of a homestead entryman: *Provided*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof. (Mar. 4, 1915, c. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, c. 26, 40 Stat. 458.)

338. Election to perfect entry; final proof.—Any desert-land entryman or his assignee entitled to the benefit of the preceding section may, if he shall so elect within sixty days from the notice therein provided, pay to the receiver of the local land office the sum of 50 cents per acre for each acre embraced in the entry, and thereafter perfect such entry upon proof that he has upon the tract permanent improvements conducive to the agricultural development thereof of the value of not less than $1.25 per acre, and that he has, in good faith, used the land for agricultural purposes for three years and the payment to the receiver, at the time of final proof, of the sum of 75 cents per acre: *Provided*, That in such case final proof may be submitted at any time within five years from the date of the entryman's election to proceed as provided in this section, and in the event of failure to perfect the entry as herein provided, all moneys theretofore paid shall be forfeited and the entry canceled: *Provided*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof. (Mar. 4, 1915, c. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, c. 26, 40 Stat. 458.)

Chapter 10.—UNDERGROUND-WATER RECLAMATION GRANTS.

Sec.
351. Permit to explore for underground water; land included in permit.
352. Designation by Secretary of lands subject to disposal; application covering lands not designated by Secretary.
353. Application for permit; accompanying affidavit; filing fee.
354. Conditions of permit; cancellation.
355. Patent to land on development of water supply.
356. Extension of time for development of water supply.
357. Disposition of land not included in patents; homestead entries.
358. Proceeds of land as part of reclamation fund.
359. Reservation of coal and mineral right; disposition of such reserved right.
360. Rules and regulations prescribed by Secretary.

Section 351. Permit to explore for underground water; land included in permit.—The Secretary of the Interior is hereby authorized to grant to any citizen of the United States, or to any association of such citizens, a permit, which shall give the exclusive right, for a period not exceeding two years, to drill or otherwise explore for water beneath the surface of not exceeding two thousand five hundred and sixty acres of unreserved, unappropriated, nonmineral, nontimbered public lands of the United States in the State of Nevada not known to be susceptible of successful irrigation at a reasonable cost from any known source of water supply: *Provided, however*, That not more than one such permit shall be issued to the same citizen or the same association of citizens within an area of forty miles square: *And provided further*, That said land shall not be fenced or otherwise exclusively used by the permittee except as provided in this chapter: *And provided further*, That said land shall theretofore have been designated by the Secretary of the Interior as subject to disposal under the provisions of this chapter. (Oct. 22, 1919, c. 77, § 1, 41 Stat. 293.)

352. Designation by Secretary of lands subject to disposal; application covering lands not designated by Secretary.—The Secretary of the Interior is hereby authorized, on application or otherwise, to designate the lands subject to disposal under the provisions of this chapter: *Provided, however*, That where any person or association qualified to receive a permit under the provisions of this chapter shall make application for such permit upon land which has not been designated as subject to disposal under the provisions of this chapter (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this chapter), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the land shall be designated under this chapter, then such application shall be allowed; otherwise it shall be rejected, subject to appeal. (Oct. 22, 1919, c. 77, § 2, 41 Stat. 294.)

353. Application for permit; accompanying affidavit; filing fee.—Any qualified applicant for a permit under section 351 of this chapter shall file with the register or receiver of the land district in which said land is located the application for such permit and shall make and subscribe before the proper officer and file with said register or receiver an affidavit that such application is honestly and in good faith made for the purpose of reclamation and cultivation and not for the benefit of any other person or corporation, and that the applicant is not acting as agent for any person, corporation, or syndicate in making such application, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land applied for or any part thereof, and that the applicant will faithfully and honestly endeavor to comply with all of the requirements of this chapter, and shall pay to said register and receiver a filing fee of 1 cent per acre for each acre of land embraced in said application, and such applicant shall then be entitled to receive such permit after the lands embraced therein are designated as provided in the preceding section. (Oct. 22, 1919, c. 77, § 3, 41 Stat. 294.)

354. Conditions of permit; cancellation.—Such a permit shall be upon condition that the permittee shall begin operations for the development of underground waters within six months from the date of the permit and continue such operations with reasonable diligence until water has been discovered in the quantity hereinafter in this chapter described, or until the date of the expiration of the permit. Upon the presentation at any time of proof satisfactory to the Secretary of the Interior that any permittee is not conducting such operations in good faith and with reasonable diligence, or has violated any of the terms of the permit, the Secretary shall forthwith cancel such permit, and such permittee shall not again be granted a permit under this chapter. (Oct. 22, 1919, c. 77, § 4, 41 Stat. 294.)

355. Patent to land on development of water supply.—On establishing at any time within two years from the date of the permit to the satisfaction of the Secretary of the Interior that underground waters in sufficient quantity to produce at a profit agricultural crops other than native grasses upon not less than twenty acres of land has been discovered and developed and rendered available for such use within the limits of the land embraced in any permit the said permittee shall be entitled to a patent for one-fourth of the land embraced in the permit, such area to be selected by the permittee in compact form according to the legal subdivisions of the public land surveys if the land be surveyed, or to be surveyed at his expense under rules and regulations established by the Secretary of the Interior if located on unsurveyed land. (Oct. 22, 1919, c. 77, § 5, 41 Stat. 294.)

356. Extension of time for development of water supply.—The Secretary of the Interior may, if he shall find that any permittee has been unable, with the exercise of diligence, to begin or continue operations for the development of underground waters within the time prescribed by the two preceding sections, extend the time for the beginning, recommencement, or completion of the said operations described in said sections for such time, not exceeding two years, and upon such conditions as he shall prescribe. (Sept. 22, 1922, c. 400, 42 Stat. 1012.)

357. Disposition of land not included in patents; homestead entries.—The remaining area within the limits of the land embraced in any such permit shall thereafter be subject to entry and disposal under section 161 of chapter 7 of this title. (Oct. 22, 1919, c. 77, § 6, 41 Stat. 294.)

358. Proceeds of land as part of reclamation fund.—The receipts obtained from the sale of lands under the provisions of the preceding section hereof shall be paid into, reserved, and appropriated as a part of the reclamation fund created by section 391 of chapter 12 of this title. (Oct. 22, 1919, c. 77, § 7, 41 Stat. 295.)

359. Reservation of coal and mineral right; disposition of such reserved right.—All entries made and patents issued under the provisions of this chapter shall be subject to and contain a reservation to the United States of all the coal and other valuable minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other valuable mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this chapter, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this chapter with reference to the

disposition, occupancy, and use of the surface of the land. (Oct. 22, 1919, c. 77, § 8, 41 Stat. 295.)

360. Rules and regulations prescribed by Secretary.—The Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this chapter. (Oct. 22, 1919, c. 77, § 9, 41 Stat. 295.)

Chapter 11.—DISCOVERY, DEVELOPMENT, AND MARKING OF WATER HOLES, ETC., BY GOVERNMENT.

Sec.
361. Authority to explore for, develop, and mark water holes, etc.
362. Injury to signposts and filling up or fouling water supply.
363. Rules and regulations by Secretary.

Section 361. Authority to explore for, develop, and mark water holes, etc.—The Secretary of the Interior is authorized and empowered, in his discretion in so far as the authorization made herein will permit, to discover, develop, protect, and render more accessible for the benefit of the general public, springs, streams, and water holes on arid public lands of the United States; and in connection therewith to erect and maintain suitable and durable monuments and signboards at proper places and intervals along and near the accustomed lines of travel and over the general area of said desert lands, containing information and directions as to the location and nature of said springs, streams, and water holes, to the end that the same may be more readily traced and found by persons in search or need thereof; also to provide convenient and ready means, apparatus, and appliances by which water may be brought to the earth's surface at said water holes for the use of such persons; also to prepare and distribute suitable maps, reports, and general information relating to said springs, streams, and water holes, and their specific location with reference to lines of travel. (Aug. 21, 1916, c. 360, § 1, 39 Stat. 518.)

362. Injury to signposts and filling up or fouling water supply.—Whoever shall willfully or maliciously injure, destroy, deface, or remove any of said monuments or signposts, or shall willfully or maliciously fill up, render foul, or in any wise destroy or impair the utility of said springs, streams, or water holes, or shall willfully or maliciously interfere with said monuments, signposts, streams, springs, or water holes, or the purposes for which they are maintained and used, shall be fined not more than $1,000 or imprisoned not more than three years, or both. (Aug. 21, 1916, c. 360, § 3, 39 Stat. 518.)

363. Rules and regulations by Secretary.—The Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this chapter into full force and effect. (Aug. 21, 1916, c. 360, § 4, 39 Stat. 518.)

Chapter 12.—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT.

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GENERAL PROVISIONS

Section 371. Definitions; "Secretary," "reclamation law," "reclamation fund," "project," and "division of a project."—When used in this chapter—

(a) The word "Secretary" means the Secretary of the Interior.

(b) The words "reclamation law" mean the provisions of this chapter.

(c) The words "reclamation fund" mean the fund provided by the reclamation law.

(d) The word "project" means a Federal irrigation project authorized by the reclamation law.

(e) The words "division of a project" mean a substantial irrigable area of a project designated as a division by order of the Secretary. (Dec. 5, 1924, c. 4, § 4, subsec. A, 43 Stat. 701; Feb. 21, 1925, c. 277, § 1, 43 Stat. 956.)

372. Water right as appurtenant to land and extent of right.—The right to the use of water acquired under the provisions of the reclamation law shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right. (June 17, 1902, c. 1093, § 8, 32 Stat. 390.)

373. General authority of Secretary of Interior.—The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this chapter into full force and effect. (Aug. 13, 1914, c. 247, § 15, 38 Stat. 690.)

374. Sale of lands acquired in connection with irrigation project.—Whenever in the opinion of the Secretary of the Interior any lands which have been acquired under the provisions of this chapter, for any irrigation works contemplated by the reclamation law are not needed for the purposes for which they were acquired, said Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land.

Upon payment of the purchase price, the Secretary of the Interior is authorized by appropriate deed to convey all the right, title, and interest of the United States of, in, and to said lands to the purchaser at said sale, subject, however, to such

reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been acquired. (Feb. 2, 1911, c. 32, §§ 1–3, 36 Stat. 895.)

375. Sale of land improved at expense of reclamation fund.—Whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of this chapter, which are not otherwise reserved and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons to be appointed by him and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land, not less than one-fifth the purchased price shall be paid at the time of sale, and the remainder in not more than four annual payments with interest at 6 per centum per annum, payable annually, on deferred payments.

Upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to compliance by the purchaser with all the terms, conditions, and limitations of the reclamation law applicable to lands of that character: *Provided*, That the accepted bidder must, prior to issuance of patent, furnish satisfactory evidence that he or she is a citizen of the United States.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn. (May 20, 1920, c. 192, §§ 1–3, 41 Stat. 605, 606.)

376. Return of land donations not needed.—Where real property or any interest therein heretofore has been, or hereafter shall be, donated and conveyed to the United States for use in connection with a project, and the Secretary decides not to utilize the donation, he is authorized without charge to reconvey such property or any part thereof to the donating grantor, or to the heirs, successors, or assigns of such grantor. (Dec. 5, 1924, c. 4, § 4, subsec. Q, 43 Stat. 704.)

377. General expenses of Bureau of Reclamation chargeable to general reclamation fund.—The cost and expense after June 30, 1925, of the main office at Washington, District of Columbia, of the Bureau of Reclamation in the Department of the Interior, and the cost and expense of general investigations heretofore and hereafter authorized by the Secretary, shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects. (Dec. 5, 1924, c. 4, § 4, subsec. O, 43 Stat. 704.)

378. Rent of office accommodations in District of Columbia.—The Secretary of the Interior may authorize such expenditure as may be necessary, not exceeding a total of $8,000 annually, for rent of office accommodations in the city of Washington, District of Columbia, for the Bureau of Reclamation, payable from the reclamation fund. (June 30, 1906, c. 3912, § 1, 34 Stat. 663.)

379. Purchase of scientific books, law books, etc.—The Secretary of the Interior may authorize the purchase of such law books, books of reference, periodicals, engineering and statistical publications as are needed in carrying out the surveys and examinations authorized by the reclamation law. (May 27, 1908, c. 200, § 1, 35 Stat. 350.)

380. Purchase of supplies, etc., without biddings.—The purchase of supplies and the procurement of services for the Bureau of Reclamation may be made in open market in the manner common among business men, without advertising and formal contract, when the aggregate of the amount required does not exceed $50, and when, in the opinion of the Director of the Bureau of Reclamation, such limitations of amount are not designed to evade the purchase of supplies and the procurement of services under advertising and formal contract, and equally or more advantageous terms can thereby be secured. (July 1, 1918, c. 113, § 1, 40 Stat. 675.)

381. Commissions of registers.—Registers shall be allowed the usual commissions on all moneys paid for lands entered under this chapter. (June 17, 1902, c. 1093, § 5, 32 Stat. 389.)

382. Assignments of pay by employees of Bureau of Reclamation.—The Secretary of the Interior is hereby authorized to permit the employees of the Bureau of Reclamation, while employed in the field, to make assignments of their pay under such regulations as he may prescribe. (May 27, 1908, c. 200, § 1, 35 Stat. 350.)

383. Vested rights and State laws unaffected by chapter.—Nothing in this chapter shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this chapter, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof. (June 17, 1902, c. 1093, § 8, 32 Stat. 390.)

384. Extension of time for payment of charges accrued prior to March 2, 1924, and January 1, 1925.—(a) The Secretary of the Interior is hereby authorized and empowered, in his discretion, to defer the dates of payments of any charges, rentals, and penalties which have accrued prior to the 2d day of March, 1924, under the reclamation law or prior to that date, as against water users on any irrigation project being constructed or operated and maintained under the direction of the Commissioner of Indian Affairs, as may, in his judgment, be necessary in or concerning any irrigation project existing prior to May 9, 1924, under said law: *Provided*, That no payment shall be deferred under this section in any particular case beyond March 1, 1927: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to date of payment: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by law prior to May 9, 1924, shall thereupon attach from the date of such default.

(b) Where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the reclamation law,

makes application prior to January 1, 1925, alleging that he will be unable to make the payments as required in paragraph (a) of this section, the Secretary of the Interior is hereby authorized in his discretion prior to March 1, 1925, to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1925, or, in the discretion of the Secretary, distribute a total of one-fourth over the first half of the remaining years of the 20-year period beginning with the year 1925, and three-fourths over the second half of such period, so as to complete the payment during the remaining years of the 20-year period of payment of the original construction charge: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to the date of payment: *Provided further*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and probable inability to make payment at the time required in paragraph (a) of this section: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by law, prior to May 9, 1924, shall thereupon attach from the date of such default: *And provided further*, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary. (May 9, 1924, c. 150, §§ 1, 2, 43 Stat. 116.)

RECLAMATION FUND GENERALLY

391. Establishment of "reclamation fund."—All moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Texas, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this chapter. (June 17, 1902, c. 1093, § 1, 32, Stat. 388; June 12, 1906, c. 3288, 34 Stat. 259.)

392. Payments into reclamation fund of moneys received from entrymen and water-right applicants.—All moneys received from entrymen or applicants for water rights shall be paid into the reclamation fund. (June 17, 1902, c. 1093, § 5, 32 Stat. 389.)

393. Proceeds from sale of materials, etc.—There shall be covered into the reclamation fund the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the reclamation law, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under the reclamation law. (Mar. 3, 1905, c. 1459, 33 Stat. 1032.)

394. Proceeds from sale of products of or leases of withdrawn or reserved lands.—The proceeds heretofore or hereafter received from the lease of any lands reserved or withdrawn under the reclamation law or from the sale of the products therefrom shall be covered into the reclamation fund; and where such lands are affected by a reservation or withdrawal under some other law, the proceeds from the lease of land and the sale of products therefrom shall likewise be covered into the reclamation fund in all cases where such lands are needed for the protection or operation of any reservoir or other works constructed under the reclamation law, and such lands shall be and remain under the jurisdiction of the Secretary of the Interior. (July 19, 1919, c. 24, § 1, 41 Stat. 202.)

395. Contributions by State, municipality, etc.—All moneys received after March 4, 1921, from any State, municipality, corporation, association, firm, district, or individual for investigations, surveys, construction work, or any other development work incident thereto involving operations similar to those provided for by the reclamation law shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1404.)

396. Return of contributions to cooperative investigations of projects.—The Secretary of the Interior is authorized to receive moneys from any State, municipality, irrigation district, individual, or other interest, public or private, expend the same in connection with moneys appropriated by the United States for any cooperative investigation of the feasibility of reclamation projects, and return to the contributor any moneys so contributed in excess of the actual cost of that portion of the work properly chargeable to the contribution. (Dec. 5, 1924, c. 4, § 1, 43 Stat. 685.)

397. Advances by Government for completion of projects initiated prior to June 25, 1910.—To enable the Secretary of the Interior to complete Government reclamation projects begun, prior to June 25, 1910, the Secretary of the Treasury is authorized, as of June 25, 1910, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by section 391 of this chapter, such sum or sums, not exceeding in the aggregate $20,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects, and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof or to protect water rights pertaining thereto claimed by the United States, provided the same shall be approved by the President of the United States; and such sum or sums as may be required to comply with the foregoing authority are appropriated, as of June 25, 1910, out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums hereby authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law: *And provided further*, That all sums so transferred shall be reimbursed to the Treasury from the reclamation fund, as hereinafter provided: *And provided further*, That no part of this appropriation shall be expended upon any project existing June 25, 1910, until it shall have been examined and reported upon by a board of engineer officers of the Army, designated by the President of the United States, and until it shall be approved by the President as feasible and practicable and worthy of such expenditure; nor shall any portion of this appropriation be expended upon any project initiated after June 25, 1910. (June 25, 1910, c. 407, § 1, 36 Stat. 835.)

398. Sales of Government certificates to obtain funds for advances.—For the purpose of providing the Treasury with funds for the advances to the reclamation fund, provided for in the preceding section, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of $50, or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding 3 per centum per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of $20,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority; and a sum not exceeding one-tenth of 1 per centum of the amount of the certificates of indebtedness issued under this section is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same. (June 25, 1910, c. 407, § 2, 36 Stat. 835.)

399. Repayment of advances.—Beginning five years after the date of the first advance to the reclamation fund under the two preceding sections, 50 per centum of the annual receipts of the reclamation fund shall be paid into the general fund of the Treasury of the United States until payment so made shall equal the aggregate amount of advances made by the Treasury to said reclamation fund, together with interest paid on the certificates of indebtedness issued under the preceding section and any expense incident to preparing, advertising, and issuing the same: *Provided*, That in lieu of the above 50 per centum of the annual receipts, reimbursement of the moneys advanced shall be made by transferring annually the sum of $1,000,000 from the reclamation fund to the general funds in the Treasury, beginning July 1, 1920, and continuing until full reimbursement has been made. (June 25, 1910, c. 407, § 3, 36 Stat. 836; June 12, 1917, c. 27, § 1, 40 Stat. 149.)

400. Advances as item of cost of construction and maintenance of project.—All money placed to the credit of the reclamation fund in pursuance of the three preceding sections shall be devoted exclusively to the completion of work on reclamation projects begun prior to June 25, 1910, as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance. (June 25, 1910, c. 407, § 4, 36 Stat. 836.)

INSTITUTION AND CONSTRUCTION OF PROJECTS

411. Surveys for, location, and construction of irrigation works generally; reports to Congress.—The Secretary of the Interior is authorized and directed to make examinations and surveys for, and to locate and construct, as provided in this chapter, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed. (June 17, 1902, c. 1093, § 2, 32 Stat. 388.)

412. Prerequisites to initiation of project or division of project.—After December 5, 1924, no new project or new division of a project shall be approved for construction or estimates submitted therefor by the Secretary until information in detail shall be secured by him concerning the water supply, the engineering features, the cost of construction, land prices, and the probable cost of development, and he shall have made a finding in writing that it is feasible, that it is adaptable for actual settlement and farm homes, and that it will probably return the cost thereof to the United States. (Dec. 5, 1924, c. 4, § 4, subsec. B, 43 Stat. 702.)

413. Approval of project by President.—No irrigation project shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States. (June 25, 1910, c. 407, § 4, 36 Stat. 836.)

414. Appropriation for projects essential.—Expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and the Secretary of the Interior shall annually, in the regular Book of Estimates, submit to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law. (Aug. 13, 1914, c. 247, § 16, 38 Stat. 690.)

415. Receipts applicable to project generally.—All moneys heretofore or hereafter refunded or received in connection with operations under the reclamation law, except repayments of construction and operation and maintenance charges, shall be a credit to the appropriation for the project or operation from or on account of which the collection is made and shall be available for expenditure in like manner as if said sum had been specifically appropriated for said project or operation. (June 12, 1917, c. 27, § 1, 40 Stat. 149.)

416. Withdrawal of lands to be irrigated from and restoration to entry.—The Secretary of the Interior shall, before giving the public notice provided for in section 419 of this chapter, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this chapter, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this chapter; and the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this chapter; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry. (June 17, 1902, c. 1093, § 3, 32 Stat. 388.)

417. Reservation of easements in public lands for reclamation projects.—Where, in the opinion of the Secretary, a right of way or easement of any kind over public land is required in connection with a project the Secretary may reserve the same to the United States by filing in the General Land Office and in

the appropriate local land office copies of an instrument giving a description of the right of way or easement and notice that the same is reserved to the United States for Federal irrigation purposes under this chapter, in which event entry for such land and the patent issued therefor shall be subject to the right of way or easement so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent. (Dec. 5, 1924, c. 4, § 4, subsec. P, 43 Stat. 704.)

418. Private lands within project; agreement as to disposal of excess over farm unit.—Before any contract is let or work begun for the construction of any reclamation project adopted after August 13, 1914, the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction. (Aug. 13, 1914, c. 247, § 12, 38 Stat. 689.)

419. Contract for irrigation project; notice as to lands irrigable, unit of entry, and construction charges.—Upon the determination that any irrigation project is practicable, the Secretary of the Interior may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments in which such charges shall be paid and the time when such payments shall commence: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon. (June 17, 1902, c. 1093, § 4, 32 Stat. 389.)

420. Use of earth, timber, etc., from other public lands.—In carrying out the provisions of this chapter, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him. (Feb. 8, 1905, c. 552, 33 Stat. 706.)

421. Acquisition of lands for irrigation project; eminent domain.—Where in carrying out the provisions of this chapter it becomes necessary to acquire any rights or property, the Secretary of the Interior is authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney General of the United States upon every application of the Secretary of the Interior, under this chapter, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice. (June 17, 1902, c. 1093, § 7, 32 Stat. 389.)

422. Construction of dams across Yellowstone River.—Where, in carrying out projects under the provisions of the reclamation law, it shall be necessary to construct dams in or across the Yellowstone River in the State of Montana, the Secretary of the Interior is hereby authorized to construct and use and operate the same in the manner and for the purposes contemplated by said reclamation law. (Mar. 3, 1905, c. 1476, 33 Stat. 1045.)

WATER-RIGHT APPLICATIONS AND LAND ENTRIES

431. Water-right applications generally; limitation as to amount of water; qualifications of applicant.—No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. (June 17, 1902, c. 1093, § 5, 32 Stat. 389.)

432. Entry under homestead laws generally.—Public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, That the commutation provisions of the homestead laws shall not apply to entries made under this chapter. (June 17, 1902, c. 1093, § 3, 32 Stat. 388.)

433. Character and capital qualification of entrymen.—The Secretary is authorized, under regulations to be promulgated by him, to require of each applicant including preference right ex-service men for entry to public lands on a project, such qualifications as to industry, experience, character, and capital, as in his opinion are necessary to give reasonable assurance of success by the prospective settler. The Secretary is authorized to appoint boards in part composed of private citizens, to assist in determining such qualifications. (Dec. 5, 1924, c. 4, § 4, subsec. C, 43 Stat. 702.)

434. Amount of land for which entry may be made; farm unit; subdivision of lands.—Public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry in tracts of not less than forty nor more than one hundred and sixty acres: *Provided*, That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than forty acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the reclamation law, he may fix a lesser area than forty acres as the minimum entry and may establish farm units of not less than ten nor more than one hundred and sixty acres. Wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation law, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the reclamation service, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the General Land Office, and they shall be paid for from the reclamation fund: *Provided*, That an entryman may elect to enter under said reclamation law a lesser area than the minimum limit in any State or Territory. (June 17, 1902, c. 1093, § 3, 32 Stat. 388; June 27, 1906, c. 3559, § 1, 34 Stat. 519.)

435. Entries in excess of farm unit.—All entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the

making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery for the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project. (Aug. 13, 1914, c. 247, § 13, 38 Stat. 690.)

436. Time when entry may be made generally.—After August 13, 1914, no entry shall be made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior. (Aug. 13, 1914, c. 247, § 10, 38 Stat. 689.)

437. Lands as to which entries made prior to June 25, 1910, have been relinquished.—Where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law. (Aug. 13, 1914, c. 247, § 10, 38 Stat. 689.)

438. Exchange of farm unit entry for lands in other project; credit for payments; preference to ex-service men.—Every entryman or assignee on a project farm unit not yet patented which unit shall be found by the Secretary to be insufficient to support a family and pay water charges shall have the right upon application to exchange his entry for another farm unit of unentered public land on the same or another project located in the same State, in which event all installments of construction charges theretofore paid on account of the relinquished farm unit shall be credited on account of the new farm unit taken in exchange: *Provided*, That where two entrymen apply for the same farm unit under the exchange provision of this section, only one of whom is an officer, soldier, sailor, or marine who served in the Army or Navy of the United States in the war with Germany and has been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve, the ex-service man shall have a preference in making such exchange: *Provided further*, That the rights and benefits conferred by this section shall not extend to any person who, having been drafted for service under the provisions of the Selective Service Act, shall have refused to render such service or to wear the uniform of such service of the United States. (Jan. 21, 1922, c. 32, § 1, 42 Stat. 358; Dec. 5, 1924, c. 4, § 4, subsec. M, 43 Stat. 703.)

439. Cultivation requirement as to entrymen.—The entryman upon lands to be irrigated shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes. (June 17, 1902, c. 1093, § 5, 32 Stat. 389.)

440. Regulations as to use of water and requirements as to cultivation and reclamation of land; cancellation for noncompliance with requirements.—The Secretary of the Interior is authorized to make general rules and regulations governing the use of water in the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation. (Aug. 13, 1914, c. 247, § 8, 38 Stat. 688.)

441. Assignment of entries generally.—From and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the reclamation law, may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said law, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this section shall be subject to the limitations, charges, terms, and conditions of the reclamation law. (June 23, 1910, c. 357, 36 Stat. 592.)

442. Assignment between June 23, 1910, and January 1, 1913, confirmed.—In the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under the preceding section, is hereby confirmed, and the assignee shall be entitled to the land assigned as under the preceding section, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation law, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof required, prior to May 8, 1916, of assignees. (June 23, 1910, c. 357, 36 Stat. 592; May 8, 1916, c. 114, 39 Stat. 65.)

443. Limitation of amount of land holdable under assignment of entry.—No person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due. (Aug. 13, 1914, c. 247, § 13, 38 Stat. 690.)

444. Leave of absence to entryman; entries prior to June 25, 1910.—All qualified entrymen who have, prior to June 25, 1910, made bona fide entry upon lands proposed to be irrigated under the provisions of the reclamation law, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, within the discretion of the Secretary of the Interior, obtain leave of absence from their entries, until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided*, That the period of actual absence under this section shall not be deducted from the full time of residence required by law. (June 25, 1910, c. 432, 36 Stat. 864.)

445. Protection of entries made prior to June 25, 1910; absence of water as excuse for failure to maintain residence or make improvements.—No qualified entrymen who prior to June 25, 1910, made bona fide entry upon lands proposed to be irrigated under the provisions of the reclamation law, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land prior to the time when water is available for the irrigation of the lands embraced in his entry, but all such entrymen shall, within ninety days after the issuance of the public notice required by section 419 of this chapter, fixing the date when water will be available for irrigation, file in the local land office a water-right application for the irrigable lands embraced in his

entry, in conformity with the public notice and approved farm-unit plat for the township in which his entry lies, and shall also file an affidavit that he has reestablished his residence on the land with the intention of maintaining the same for a period sufficient to enable him to make final proof: *Provided*, That no such entryman shall be entitled to have counted as part of the required period of residence any period of time during which he was not actually upon the said land prior to the date of the notice aforesaid, and no application for the entry of said lands shall be received until after the expiration of the ninety days after the issuance of notice within which the entryman is hereby required to reestablish his residence and apply for water right. (Apr. 30, 1912, c. 100, 37 Stat. 105.)

446. Right to make entry on relinquishment of former entry under land laws.—Wherever the Secretary of the Interior, in carrying out the provisions of the reclamation law, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made. (June 27, 1906, c. 3559, § 2, 34 Stat. 519.)

447. Relinquishment of homestead entry and making new entry.—Any person who has made homestead entry under the reclamation law, for land believed to be susceptible of irrigation which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry or all thereof in excess of twenty acres is not or will not be irrigable under the project, and in lieu thereof may select and make entry for any farm unit included within such irrigation project as finally established, notwithstanding the provisions of section 436 of this chapter: *Provided*, That such entrymen shall be given credit on the new entry for the time of bona fide residence maintained on the original entry. (Mar. 4, 1915, c. 182, 38 Stat. 1215.)

448. Desert-land entries within reclamation project generally.—Where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the reclamation law and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert land law, by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements made prior to June 27, 1906, on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the reclamation law, and shall relinquish all land embraced within his desert-land entry in excess of one hundred and sixty acres, and as to such one hundred and sixty acres retained, he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said law, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation law. (June 27, 1906, c. 3559, § 5, 34 Stat. 520.)

449. Assignment of desert-land entry within project.—A desert-land entry within the exterior limits of a Government reclamation project may be assigned in whole or in part under section 824 of chapter 9 of this title, and the benefits and limitations of the preceding section shall apply to such desert-land entryman and his assignees: *Provided*, That all such assignments shall conform to and be in accordance with farm units to be established by the Secretary of the Interior upon the application of the desert-land entryman. All such assignments made in good faith prior to July 24, 1912, shall be recognized under this section. (July 24, 1912, c. 251, 37 Stat. 200.)

CONSTRUCTION CHARGES

461. Determination of construction charges generally.—The construction charges which shall be made per acre upon the entries and upon lands in private ownership which may be irrigated by the waters of any irrigation project shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably. (June 17, 1902, c. 1093, § 4, 32 Stat. 389.)

462. Classification of irrigable lands and equitable apportionment of charges.—The irrigable lands of each new project and new division of a project approved, after December 5, 1924, shall be classified by the Secretary with respect to their power, under a proper agricultural program, to support a family and pay water charges, and the Secretary is authorized to fix different construction charges against different classes of land under the same project for the purpose of equitably apportioning the total construction cost so that all lands may as far as practicable bear the burden of such cost according to their productive value. (Dec. 5, 1924, c. 4, § 4, subsec. D, 43 Stat. 702.)

463. Notices as to construction charges.—The Secretary shall as to each irrigable acre of land in each new project, or a new division of a project, approved after December 5, 1924, issue two public notices relating to construction charges. The first public notice shall be issued when the land is ready for settlement and will announce the construction charge per irrigable acre. The second public notice shall be issued when in the opinion of the Secretary the agricultural development of the project shall have advanced sufficiently to warrant the commencement of payment of installments of such construction charge. The second public notice shall fix the date when payments will begin on the construction charge announced by the first public notice, which date shall be not more than five years from the date of the first public notice. (Dec. 5, 1924, c. 4, § 4, subsec. E, 43 Stat. 702.)

464. Increases of charges on failure to make water-right application.—In all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after August 13, 1914, or within one year after notice issued in pursuance of section 419 of this chapter, in cases where such notice has not been issued prior to August 13, 1914, the construction charges for such land shall be increased 5 per centum each year until such application is made and an initial installment is paid. (Aug. 13, 1914, c. 247, § 9, 38 Stat. 689.)

465. Charges for water service prior to notice of construction charge.—Whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 492 of this chapter, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the pro-

visions for cancellation and collection as provided in this chapter for other operation and maintenance charges. (Aug. 13, 1914, c. 247, § 11, 38 Stat. 689.)

466. Surveys to correct errors or inequalities in original basis of project.—On each project existing prior to December 5, 1924, where, in the opinion of the Secretary, it appears that on account of lack of fertility in the soil, an inadequate water supply, or other physical causes, settlers are unable to pay construction costs, or whenever it appears that the cost of any reclamation project by reason of error or mistake or for any cause has been apportioned or charged upon a smaller area of land than the total area of land under said project, the Secretary is authorized to undertake a comprehensive and detailed survey to ascertain all pertinent facts, and report in each case the result of such survey to the Congress, with his recommendations: *Provided*, That the cost and expense of each such survey shall be charged to the appropriation for the project on account of which the same is made, but shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the project. (Dec. 5, 1924, c. 4, § 4, subsec. K, 43 Stat. 703.)

467. Adjustment of water charges; items included in adjustment.—In any adjustment of water charges as provided in the preceding section all due and unpaid charges to the United States, both on account of construction and on account of operation and maintenance, including interest and penalties, shall be added in each case to the total obligation of the water user, and the new total thus established shall then be the construction charge against the land in question. (Dec. 5, 1924, c. 4, § 4, subsec. L, 43 Stat. 703.)

468. Withdrawal of notice given and modification of applications and contracts made prior to February 13, 1911.—The Secretary of the Interior may, in his discretion, withdraw any public notice issued prior to February 13, 1911, under section 419 of this chapter, and he may agree to such modification of water-right applications duly filed prior to February 13, 1911, or contracts with water users' associations and others, entered into prior to February 13, 1911, as he may deem advisable, or he may consent to the abrogation of such water-right applications and contracts, and proceed in all respects as if no such notice had been given. (Feb. 13, 1911, c. 49, 36 Stat. 902.)

469. Increase in construction charges.—No increase in the construction charges shall, after August 13, 1914, be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in sections 478, 480, and 481 of this chapter. (Aug. 13, 1914, c. 247, § 4, 38 Stat. 687.)

470. When work increasing construction charge may be undertaken.—No work shall be undertaken or expenditure made for any lands, for which the construction charge has been fixed by public notice, which work or expenditure shall, in the opinion of the Secretary of the Interior, increase the construction cost above the construction charge so fixed; unless and until valid and binding agreement to repay the cost thereof shall have been entered into between the Secretary of the Interior and the water-right applicants and entrymen affected by such increased cost, as provided by the preceding section. (Mar. 3, 1915, c. 75, § 1, 38 Stat. 861.)

471. Initial payment and annual installments of charges generally.—Any entryman or applicant shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 5 per centum of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in annual installments. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, as announced by the Secretary of the Interior, and the initial payment be made when the charge per acre is established. (Aug. 13, 1914, c. 247, § 1, 38 Stat. 686.)

472. Installments on entries or applications made after August 13, 1914, and prior to December 5, 1924.—Any person whose lands, after August 13, 1914, and prior to December 5, 1924, have become subject to the terms and conditions of this chapter, and any person who, after August 13, 1914, and prior to December 5, 1924, has made entry thereunder shall pay the balance of said charge after the initial payment in fifteen annual installments, the first five of which shall each be 5 per centum of the construction charge and the remainder shall each be 7 per centum until the whole amount shall have been paid. (Aug. 13, 1914, c. 247, §§ 1, 2, 38 Stat. 686; July 26, 1916, c. 257, 39 Stat. 390.)

473. Installments on contracts made after December 5, 1924.—After December 5, 1924, all project construction charges shall be made payable in annual installments based on the productive power of the land as provided in this section. The installment of the construction charge per irrigable acre payable each year shall be 5 per centum of the average gross annual acre income for the ten calendar years first preceding, or for all years of record if fewer than ten years are available, of the area in cultivation in the division or subdivision thereof of the project in which the land is located, as found by the Secretary annually. The decision of the Secretary as to the amount of any such installment shall be conclusive. These annual payments shall continue until the total construction charge against each unit is paid. (Dec. 5, 1924, c. 4, § 4, subsec. F, 43 Stat. 702.)

474. Modification of contracts existing prior to December 5, 1924.—The Secretary is authorized upon request to amend any contract existing prior to December 5, 1924, for a project water right so that it will provide for payment of the construction charge thereunder in accordance with the provisions of the preceding section or for the deferment of such construction charges for a period of three years from December 5, 1924, or both. (Dec. 5, 1924, c. 4, § 4, subsec. F, 43 Stat. 702.)

475. Annual installments on entries and contracts prior to August 13, 1914.—Any person whose land or entry has, prior to August 13, 1914, become subject to the terms and conditions of the reclamation law shall pay the construction charge, or the portion of the construction charge remaining unpaid, in twenty annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued, and subsequent installments on December 1 of each year thereafter. The first four of such installments shall each be 2 per centum, the next two install-

ments shall each be 4 per centum, and the next fourteen each 6 per centum of the total construction charge, or the portion of the construction charge unpaid at the beginning of such installments.

Any person whose land or entry has prior to August 13, 1914, become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this section, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of this chapter, and thereafter his lands or entry shall be subject to all of the provisions of this chapter: *Provided,* That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of this chapter to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, that where the applicant for such acceptance is in arrears on construction charges, he shall at the time of acceptance pay such installments of the construction charge as he would have been required to pay had he accepted the benefits of this section within the time limit hereinabove fixed, plus the penalties that would have accrued had he so accepted, and such applicant shall thereafter be upon the same status that he would have been had he accepted the provisions of this section within the time limit hereinabove fixed, and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of this chapter. (Aug. 13, 1914, c. 247, §§ 2, 14, 38 Stat. 687, 690; July 26, 1916, c. 257, 39 Stat. 390.)

476. To whom construction charges paid.—The annual installments of construction charges shall be paid to the register of the local land office of the district in which the land is situated. (June 17, 1902, c. 1093, § 5, 32 Stat. 389.)

477. Association or irrigation district as fiscal agent of Government.—The Secretary of the Interior is authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water-users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided,* That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same. (Aug. 13, 1914, c. 247, § 7, 38 Stat. 688.)

478. Pecuniary penalty for nonpayment of installments of construction charges.—If any water-right applicant or entryman shall have, prior to December 5, 1924, failed to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per centum thereof, and there shall be added a like penalty of 1 per centum of the amount unpaid on the first day of each month thereafter so long as such default shall have continued: *Provided,* That the penalty of 1 per centum per month against delinquent accounts, is hereby reduced to one-half of 1 per centum per month, as to all installments which may become due after December 5, 1924. (Aug. 13, 1914, c. 247, 38 Stat. 687; Dec. 5, 1924, c. 4, § 4, subsec. H, 43 Stat. 703.)

479. Shutting off water for nonpayment of construction charge.—No water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any annual construction charge and penalties. (Aug. 13, 1914, c. 247, § 6, 38 Stat. 688.)

480. Cancellation of water right or entry for nonpayment of construction charge.—If any water-right applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such default. (Aug. 13, 1914, c. 247, § 3, 38 Stat. 687.)

481. Action to recover construction charges and penalties.—If the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount of the construction charges in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture of the entry or water-right application as provided in the preceding section shall be suspended pending such suit or action. (Aug. 13, 1914, c. 247, § 3, 38 Stat. 687.)

MAINTENANCE AND OPERATION OF WORKS GENERALLY

491. Authority of Secretary to operate works.—The Secretary of the Interior is authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this chapter. (June 17, 1902, c. 1093, § 6, 32 Stat. 389.)

492. Operation and maintenance charges generally.—In addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum operation and maintenance charge based upon the charge for delivery of not less than one acre-foot of water. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season. (Aug. 13, 1914, c. 247, § 5, 38 Stat. 687.)

493. Operation charges; when payable.—All operation and maintenance charges upon projects existing prior to December 5, 1924, shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per centum of such charge.

All contracts providing for new projects and new divisions of projects approved after December 5, 1924, shall require that all operation and maintenance charge shall be payable in advance. In each case where the care, operation, and maintenance of a project or division of a project are transferred to the water users the contract shall require the payment of operation and maintenance charges in advance. Whenever an adjustment of water charges is made under this chapter the adjustment contract shall provide that thereafter all operation and maintenance charges shall be payable in advance. (Aug. 13, 1914, c. 247, § 6, 38 Stat. 688; Dec. 5, 1924, c. 4, § 4, subsec. N, 43 Stat. 704.)

494. Pecuniary penalty for nonpayment of operation charge.—If any operation or maintenance charge is unpaid on the 1st day of the third calendar month after it became due, prior to December 5, 1924, a penalty of 1 per centum of the

amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per centum of the amount unpaid shall be added on the 1st day of each calendar month if such charge and penalties shall remain unpaid: *Provided*, That the penalty of 1 per centum per month against delinquent accounts is hereby reduced to one-half of 1 per centum per month, as to all installments which may become due after December 5, 1924. (Aug. 13, 1914, c. 247, § 6, 38 Stat. 688; Dec. 5, 1924, c. 4, § 4, subsec. H, 43 Stat. 703.)

495. Shutting off water for nonpayment of operation charge.—No water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance. (Aug. 13, 1914, c. 247, § 6, 38 Stat. 688.)

496. Cancellation of entry or water right for nonpayment of operation charge.—If any water-right applicant or entryman shall be one year in arrears in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such arrears. (Aug. 13, 1914, c. 247, § 6, 38 Stat. 688.)

497. Action to recover operation charge and penalty.—In the discretion of the Secretary of the Interior suit or action may be brought for the amounts of operation or maintenance charges in default and penalties in like manner as provided in section 481 of this chapter. (Aug. 13, 1914, c. 247, § 6, 38 Stat. 688.)

498. Transfer of management and operation of works to water users generally.—When the payments required by this chapter are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress. (June 17, 1902, c. 1093, § 6, 32 Stat. 389.)

499. Discretionary power to transfer management.—Whenever any legally organized water-users' association or irrigation district shall so request, the Secretary of the Interior is authorized, in his discretion, to transfer to such water-users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. (Aug. 13, 1914, c. 247, § 5, 38 Stat. 687.)

500. Duty of association or district to take over management.—Whenever two-thirds of the irrigable area of any project, or division of a project, shall be covered by water-right contracts between the water users and the United States, said project shall be required, as a condition precedent to receiving the benefits of this chapter to take over, through a legally organized water-users' association or irrigation district, the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as the Secretary may prescribe, and thereafter the United States, in its relation to said project, shall deal with a water-users' association or irrigation district, and when the water users assume control of a project, the operation and maintenance charges for the year then current shall be covered into the construction account to be repaid as part of the construction repayments. (Dec. 5, 1924, c. 4, § 4, subsec. G, 43 Stat. 702.)

501. Disposition of profits of project taken over by water users.—Whenever the water users take over the care, operation, and maintenance of a project, or a division of a project, the total accumulated net profits, as determined by the Secretary, derived from the operation of project power plants, leasing of project grazing and farm lands, and the sale or use of town sites shall be credited to the construction charge of the project, or a division thereof, and thereafter the net profits from such sources may be used by the water users to be credited annually, first, on account of project construction charge, second, on account of project operation and maintenance charge, and third, as the water users may direct. No distribution to individual water users shall be made out of any such profits before all obligations to the Government shall have been fully paid. (Dec. 5, 1924, c. 4, § 4, subsec. I, 43 Stat. 703.)

CONTRACTS WITH STATE IRRIGATION DISTRICTS FOR PAYMENT OF CHARGES

511. Authority to contract with irrigation district.—In carrying out the purposes of the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 471, 475, 478, 492, and 493 of this chapter. The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this and the two following sections shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid. (May 15, 1922, c. 190, § 1, 42 Stat. 541.)

512. Release of Government liens after contract with irrigation districts.—Patents and water-right certificates which shall be issued after May 15, 1922, under the terms of sections 541 to 546, inclusive, of this chapter, for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said sections, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water-users' association and

contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this section the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation. (May 15, 1922, c. 190, § 2, 42 Stat. 542.)

513. Lands in project subject to provisions of chapter; after contract with irrigation district.—Upon the execution of any contract between the United States and any irrigation district pursuant to the two preceding sections the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of chapter 13 of this title: *Provided*, That no map or plan as required by section 623 of the said chapter need be filed by the irrigation district for approval by the Secretary of the Interior. (May 15, 1922, c. 190, § 3, 42 Stat. 542.)

SALE OR LEASE OF SURPLUS WATERS, WATER POWER, STORAGE CAPACITY, AND WATER TRANSPORTATION FACILITIES

521. Sale of surplus waters generally.—The Secretary of the Interior in connection with the operations under the reclamation law is authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such conditions of delivery, use, and payment as he may deem proper: *Provided*, That the approval of such contract by the water-users' association or associations shall have first been obtained: *Provided*, That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose: *Provided further*, That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation project, nor to the rights of any prior appropriator: *Provided further*, That the moneys derived from such contracts shall be covered into the reclamation fund and be placed to the credit of the project from which such water is supplied. (Feb. 25, 1920, c. 86, 41 Stat. 451.)

522. Lease of water power.—Whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation law, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding ten years, giving preference to municipal purposes, any surplus power or power privilege, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to make such a lease in connection with Rio Grande project in Texas and New Mexico for a longer period not exceeding fifty years, with the approval of the water-users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 498 of this chapter. (Feb. 24, 1911, c. 155, 36 Stat. 930.)

523. Storage and transportation of water for irrigation districts, etc.—Whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of the Interior, preserving a first right to lands and entrymen under the project, is hereby authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under chapter 14 of this title, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contract shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however*, That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contract for impounding, storing, or carrying water for any irrigation system, corporation, association, district, or individual, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the Government project. No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their works. (Feb. 21, 1911, c. 141, § 1, 36 Stat. 925.)

524. Cooperation with irrigation districts, etc., in construction of reservoirs and canals.—In carrying out the provisions of the reclamation law, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water-users' associations, corporations, entrymen or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water-users' associations, corporations, entrymen or water users for impounding, delivering and carrying water for irrigation purposes: *Provided*, That the title to and management of the works so constructed shall be subject to the provisions of section 498 of this chapter: *Provided further*, That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate one hundred and sixty acres: *Provided*, That nothing contained in this or the preceding section shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State. (Feb. 21, 1911, c. 141, § 2, 36 Stat. 926.)

525. Covering proceeds into reclamation fund.—The moneys received in pursuance of the contracts authorized by the two preceding sections shall be covered into the reclamation fund and be available for use under the terms of the reclamation law, (Feb. 21, 1911, c. 141, § 3, 36 Stat. 926.)

526. Credit of proceeds to particular project.—All moneys or profits as determined by the Secretary heretofore or hereafter derived from the sale or rental of surplus water under the

three preceding sections or from the connection of a new project with an existing project shall be credited to the project or division of the project to which the construction cost has been charged. (Dec. 5, 1924, c. 4, § 4, subsec. J, 43 Stat. 703.)

PATENTS AND FINAL WATER-RIGHT CERTIFICATES

541. When patent or final certificate issued.—Any homestead entryman under the reclamation law, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation and cultivation, submit proof of such residence, reclamation and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation law for homestead entrymen: *Provided*, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate. (Aug. 9, 1912, c. 278, § 1, 37 Stat. 265; Feb. 15, 1917, c. 71, 39 Stat. 920.)

542. Reservation of lien for charges; enforcement of lien; redemption.—Every patent and water-right certificate issued under the preceding section shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per centum interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs. (Aug. 9, 1912, c. 278, § 2, 37 Stat. 266.)

543. Certificate of final payment and release of lien.—Upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance. (Aug. 9, 1912, c. 278, § 3, 37 Stat. 266.)

544. Limitation as to holdings prior to final payment of charges; forfeiture of excess holding.—No person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation law, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said law nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction. The above provision shall be recited in every patent and water-right certificate issued by the United States under the provisions of the three preceding sections. (Aug. 9, 1912, c. 278, § 3, 37 Stat. 266.)

545. Appointment of agents to receive payments; record of payments and amounts owing.—The Secretary of the Interior is hereby authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation law; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees, which copies shall be admissible in evidence, as are copies authenticated under section 669 of chapter 17 of Title 28, JUDICIAL CODE AND JUDICIARY. (Aug. 9, 1912, c. 278, § 4, 37 Stat. 267.)

546. Jurisdiction of district court for enforcement of preceding sections.—Jurisdiction of suits by the United States for the enforcement of the provisions of the five preceding sections is hereby conferred on the United States district courts of the districts in which the lands are situated. (Aug. 9, 1912, c. 278, § 5, 37 Stat. 267.)

547. Patent to desert-land entryman.—Any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the reclamation law, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation law for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the six preceding sections. (Aug. 26, 1912, c. 408, § 1, 37 Stat. 610.)

TOWN SITES, PARKS, PLAYGROUNDS AND SCHOOL SITES

561. Withdrawal of land for town sites; reservation for public purposes.—The Secretary of the Interior may withdraw from public entry any lands needed for town-site purposes in connection with irrigation projects under the reclamation law, not exceeding one hundred and sixty acres in each case, and survey and subdivide the same into town lots, with appropriate reservations for public purposes: *Provided*, That, whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may withdraw and dispose of town sites in excess of one hundred and sixty acres. (Apr. 16, 1906, c. 1631, § 1, 34 Stat. 116; June 27, 1906, c. 3559, § 4, 34 Stat. 520.)

562. Appraisal and sale of town lots.—The lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sales shall be covered into the reclamation fund. (Apr. 16, 1906, c. 1631, § 2, 34 Stat. 116.)

563. Disposal of town sites set apart prior to June 27, 1906.—Any town site set apart or established prior to June 25, 1906, by proclamation of the President, under the provisions of sections 711 and 712 of chapter 17 of this title, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of the preceding section, and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund. (June 27, 1906, c. 3559, § 3, 34 Stat. 519.)

564. Reappraisal of town lots for sale.—The Secretary of the Interior is authorized, whenever he may deem it necessary, to reappraise all unsold lots within town sites on projects under the reclamation law heretofore or hereafter appraised under the provisions of the two preceding sections, and thereafter to proceed with the sale of such town lots in accordance with said sections. (June 11, 1910, c. 284, § 1, 36 Stat. 465.)

565. Terms of sale of town lots; installments of price.—In the sale of town lots under the provisions of the three preceding sections the Secretary of the Interior may, in his discretion, require payments for such town lots in full at time of sale or in annual installments, not exceeding five, with interest at the rate of 6 per centum per annum on deferred payments. (June 11, 1910, c. 284, § 2, 36 Stat. 466.)

566. Maintenance of public reservations and conveyance to municipality.—The public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes. (Apr. 16, 1906, c. 1631, § 3, 34 Stat. 116.)

567. Water rights for towns and cities; charges.—The Secretary of the Interior shall, in accordance with the provisions of the reclamation law, provide for water rights in amount he may deem necessary for the towns established as provided, in the preceding sections, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken. (Apr. 16, 1906, c. 1631, § 4, 34 Stat. 116.)

568. Use of reclamation fund for expenses of and disposal of proceeds of sale of town sites.—Reclamation funds shall be available for the payment of all expenses incurred in executing the foregoing provisions relating to town sites, and the proceeds of all sales of town sites shall be covered into the reclamation fund. (June 27, 1906, c. 3559, § 4, 34 Stat. 520.)

569. Reservation of land for park, playground, or community center.—

Authority for reservation.—(a) The Secretary of the Interior is authorized to withdraw from other disposition and reserve for country parks, public playgrounds, and community centers for the use of the residents upon the lands such tracts as he may deem advisable not exceeding twenty acres in any one township in each reclamation project or the several units of such reclamation projects undertaken under the reclamation law.

Water service.—(b) Subject to the provisions hereinafter contained in this section every such tract of land so set apart shall be supplied with water from the Government irrigation system, the cost thereof to be charged to the remaining lands of the project as a part of the construction charge of such project, and shall be maintained and used in perpetuity by the people upon said reclaimed lands for a pleasure park, public playground, and community center.

Contract for maintenance and use.—(c) For the purpose of carrying out and effecting the objects of this section the Secretary of the Interior is authorized to enter into a contract with the organization formed by the owners of the lands irrigated within said project or project unit pursuant to section 498 of this chapter, stipulating and providing that the organization will maintain and use such of the lands so reserved for the purposes prescribed in this section as such organization may desire, and that upon failure to so maintain and use such lands, or in the event that same shall be permitted to be used or occupied for other purposes than those stipulated in this section, the control of the lands shall revert to the United States.

Disposition of land not contracted for.—(d) Any of such lands not contracted for in accordance with the provisions of paragraph (c) of this section within ten years from the time water is available for the same, or sooner, if the Secretary of the Interior may deem it desirable, shall be disposed of in accordance with the public land laws applicable thereto, and the proceeds from the disposition of lands reverting to the United States under the provisions of this section, and from sales of water rights, shall be covered into the reclamation fund and placed to the credit of the project wherein the lands are situate. (Oct. 5, 1914, c. 316, §§ 1–4, 38 Stat. 727–728.)

570. Conveyance of land to school district.—The Secretary of the Interior is authorized, upon application by the proper officers of a school district located wholly or in part within the boundaries of a project of the United States Reclamation Service, to issue patent conveying to such district such unappropriated undisposed of lands, not exceeding six acres in area, within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds: *Provided*, That if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States. (Oct. 31, 1919, c. 92, 41 Stat. 326.)

REFUNDS TO WAR VETERANS

581. Definition; "veteran."—As used in the five following sections, the term "veteran" includes any individual a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on

account of his alienage. (Feb. 21, 1925, c. 277, § 1, 43 Stat. 956.)

582. **General authorization for refund to World War veterans.**—(a) Any veteran—who at any time since April 6, 1917, and prior to February 21, 1925, has made entry upon a farm unit within a Federal irrigation project under the reclamation law and (1) who no longer retains such entry because of cancellation by, or relinquishment to, the United States after or (2) who, prior to receipt by him of a final certificate in respect of such entry, but in no case more than one year after February 21, 1925, desires to relinquish such entry—may, in accordance with regulations prescribed by the Secretary of the Interior, file application for the refund provided in subdivision (b). A veteran who has been compensated, in cash or otherwise, for any such relinquishment shall not be entitled to the benefits of this and the four following sections, and before payment of such refund the Secretary of the Interior, under such regulations as he may prescribe, shall require proof that the veteran has not been so compensated.

(b) Upon receipt of such application the Secretary of the Interior is authorized to investigate the facts and, in his discretion, to pay as a refund to any such veteran entitled thereto, a sum equal to all amounts paid to the United States by such veteran, or for his account, as construction charges and as interest and penalties on such charges in respect of such unit. Every such refund so approved by the Secretary of the Interior shall be paid from the appropriation for the project on which the entry in question was made. (Feb. 21, 1925, c. 277, § 2, 43 Stat. 956.)

583. **Right of estate of veteran.**—The estate of a veteran shall be entitled to the benefits of the preceding section in any case where the veteran, if living, could have availed himself of such benefits. Application for such benefits shall be made by, and payments thereof shall be made to, the executor or administrator of such estate. (Feb. 21, 1925, c. 277, § 3, 43 Stat. 956.)

584. **Relinquishment of rights on acceptance of refund.**—A veteran (or his estate) accepting in respect of any farm unit the benefits of the two preceding sections, shall be deemed thereby to have relinquished, in accordance with regulations prescribed by the Secretary of the Interior, all right, title, or interest of such veteran (or estate) in such farm unit and any improvements thereon. (Feb. 21, 1925, c. 277, § 3, 43 Stat. 956.)

585. **Cancellation of water-right application.**—The Secretary of the Interior is authorized to cancel any application for permanent water right for any farm unit in respect of which a veteran (or his estate) has received the benefits of the three preceding sections, and to terminate all rights and liabilities of such veteran (or estate) in respect of such application. (Feb. 21, 1925, c. 277, § 4, 43 Stat. 957.)

586. **Regulations by Secretary as to refunds.**—The Secretary of the Interior is authorized to make such regulations as he deems necessary to execute the functions imposed upon him by the five preceding sections. (Feb. 21, 1925, c. 277, § 5, 43 Stat. 957.)

LEGISLATION APPLICABLE TO PARTICULAR PROJECTS GENERALLY

591. **Boise projects, Idaho; extension of time for payment of charges.**—Where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the reclamation law, is unable to pay any construction or operation and maintenance charge due, excepting operation and maintenance charges for drainage on the Boise, Idaho, project for the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized in his discretion to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1924, at such rate per year as will complete the payment during the remaining years of the twenty-year period of payment of the original construction charge: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 6 per centum per annum, paid annually from the time said amount became due to the date of payment: *Provided further*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to meet the deferred charges in 1924 and subsequent years: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by law, prior to February 28, 1923, shall attach from the date the charge was originally due: *And provided further*, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary. (Feb. 28, 1923, c. 145, § 5, 42 Stat. 1325.)

592. **Castle Peak project, Utah; leave of absence to entrymen.**—Any qualified entryman who has, prior to February 28, 1919, made bona fide entry upon land subsequently withdrawn under the provisions of the reclamation law for the Castle Peak irrigation project, in Utah, upon filing an application to have his entry made subject to all the charges, terms, conditions, provisions, and limitations of the reclamation law, together with a satisfactory showing of full compliance with the homestead laws under which such entry was made to the date of such application, may be granted leave of absence from the land until the Secretary of the Interior announces the availability of a water supply for the irrigation of the land, or until the lands embraced in his entry shall be restored to the public domain: *Provided*, That the period of actual absence under this section shall not be deducted from the full time of residence required by law. (Feb. 28, 1919, c. 78, 40 Stat. 1210.)

593. **Flathead irrigation project, Montana.**—The provisions of sections 441 and 442 of this chapter, authorizing the assignment under certain conditions of homesteads within reclamation projects, and of sections 541 to 546, inclusive, of this chapter, authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, are hereby extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Montana, but such lands shall otherwise be subject to the provisions of the Act of Congress approved April 23, 1904 (Thirty-third Statutes at Large, page 302), as amended by the Act of Congress approved May 29, 1908 (Thirty-fifth Statutes at Large, page 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 542 of this chapter, shall include all sums due or to become due to the United States on account of the Indian price of such land. (July 17, 1914, c. 143, 38 Stat. 510.)

594. **Heyburn and Rupert project, Idaho; rights of settlers on town site; size of town site.**—In the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to March 5, 1906, in permanent buildings not easily moved, the

said settlers shall be given the right to purchase the lots so built upon at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior: *Provided*, That the limitation on the size of town sites contained in section 561 of this chapter shall not apply to the town sites named in this section. (June 27, 1906, c. 3559, § 4, 34 Stat. 520.)

595. King Hill project, Idaho.—King Hill project, Idaho, shall be subject to the reclamation law so far as applicable and consistent with contract heretofore made between the United States and King Hill irrigation district: *Provided further*, That for the purposes of issuing patent to lands reclaimed, the reclamation effected by the operations of the United States Bureau of Reclamation may be considered by the Secretary of the Interior as equivalent to reclamation effected by the State of Idaho, under chapter 14 of this title. (July 1, 1918, c. 113, § 1, 40 Stat. 674.)

596. North Platte irrigation project, Nebraska-Wyoming; aid of ex-service men whose entries were defeated.—The ex-service men qualified to make entry under the homestead laws, who were successful at the drawing held March 5, 1920, for farm units on the North Platte irrigation project, Fort Laramie unit, Nebraska-Wyoming, and to whom approved water-rental applications were duly issued, but who were prevented from making homestead entries for the lands covered by such applications because of the reinstatement of certain conflicting homestead entries, shall each have a preferred right of entry under the homestead laws at the next opening of lands under said project, for not less than thirty days before the date set for the opening of such lands to other entry: *Provided*, That this section shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead laws since being prevented, as aforesaid, from exercising the right acquired at the said drawing on March 5, 1920. (May 20, 1921, c. 9, 42 Stat. 7.)

597. Riverton project, Wyoming.—Lands within and in the vicinity of the ceded portion of the Wind River or Shoshone Reservation, and included in the Riverton project, Wyoming, shall be subject to all the charges, terms, conditions, provisions, and limitations of the reclamation law, and suitable provision shall be made by the Secretary of the Interior in fixing the charges to provide for reimbursement of the entire expenditure in accordance with the reclamation law and other laws applicable to said lands.

When any land on the project is opened to homestead entry under the terms of the reclamation law, the entryman shall pay to the United States for the lands the sum of $1.50 per acre as provided in section 2 of the Act approved March 3, 1905 (volume 33, Statutes at Large, page 1016), to be credited to the fund established by said Act of 1905, together with the proceeds from the sale of town sites established in said project under the reclamation law. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1404.)

598. Salt River project, Arizona; sale of water power.—Whenever a development of power is necessary for the irrigation of lands under the Salt River reclamation project, Arizona, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized, giving preference to municipal purposes, to enter into contracts for a period not exceeding fifty years for the sale of any surplus power so developed, and the money derived from such sales shall be placed to the credit of said project for disposal as provided in the contract between the United States of America and the Salt River Valley Water Users' Association, approved September 6, 1917. *Provided*, That no contract shall be made for the sale of such surplus power which will impair the efficiency of said project: *Provided, however*, That no such contract shall be made without the approval of the legally organized water-users' asssociation or irrigation district which has contracted with the United States to repay the cost of said project: *Provided further*, That the charge for power may be readjusted at the end of five, ten, or twenty year periods after the beginning of any contract for the sale of power in a manner to be described in the contract. (Sept. 18, 1922, c. 323, 42 Stat. 847.)

599. Yuma project, Arizona; entries by residents on lands withdrawn for project.—Any person who has, prior to August 17, 1916, established residence upon and improved any tract of land within the irrigable area of the Yuma reclamation project in Arizona withdrawn from entry under the provisions of the reclamation law, and who shall have made valuable improvements upon such lands, and who has resided thereon in good faith for two years prior to August 17, 1916, may make entry for the farm unit upon which his residence is established, and such residence and improvements heretofore made shall be credited upon his final proof. (Aug. 17, 1916, c. 349, 39 Stat. 516.)

KLAMATH PROJECT, OREGON-CALIFORNIA

601. Change of level of lakes and subjection of lands to reclamation law.—The Secretary of the Interior is hereby authorized in carrying out any irrigation project that may be undertaken by him under the terms and conditions of the national reclamation law and which may involve the changing of the levels of Lower or Little Klamath Lake, Tule or Rhett Lake, and Goose Lake, or any river or other body of water connected therewith, in the States of Oregon and California, to raise or lower the level of said lakes as may be necessary and to dispose of any lands which may come into the possession of the United States as a result thereof by cession of any State or otherwise under the terms and conditions of the national reclamation law. (Feb. 9, 1905, c. 567, 33 Stat. 714.)

602. Notice of lands subject to entry; conditions of and reservations in patents.—The Secretary of the Interior is authorized and directed to determine and make public announcement of what lands in and around Little or Lower Klamath Lake, in Siskiyou County, California, and in Klamath County, Oregon, ceded to the United States by the State of California by the Act entitled "An Act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," and ceded to the United States by the State of Oregon by an Act entitled "An Act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oregon, and Goose Lake, situate in Lake County, Oregon, in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels or by the drainage of any or all of said lakes," will eventually be uncovered and opened to agricultural development by the lowering of the water level of said lake. Title to all said lands can be acquired by homestead entry under the general homestead laws and the provisions of this division of this chapter and not otherwise: *Provided*, That all said lands shall forever be and remain subject to the right of the United States (a) to overflow the same or

any part thereof for the purposes of irrigation by such systems of reservoirs and drainage and diking as actually exist May 27, 1920, or may be thereafter constructed in Siskiyou County, California, and Klamath County, Oregon, and (b) to drain the water therefrom. All patents issued for the said lands shall expressly reserve to the United States such right of overflow and drainage, and the title and ownership of all minerals and mineral interests in such lands, including oil, are expressly reserved to the United States. (May 27, 1920, c. 209, § 1, 41 Stat. 627.)

603. Assessment of past expenditure for benefit of reclamation fund.—The Secretary of the Interior shall also determine and make public announcement of the proportionate part of the sum of $283,225, expended prior to June 27, 1920, from the reclamation fund in connection with the Klamath project, Oregon-California, that in the opinion of the Secretary of the Interior each acre of the said land should be assessed, and the proportionate part that each acre of privately owned land, similarly situated to the said lands hereby affected, should be assessed, to return to said reclamation fund in all the said sum of $283,225. (May 27, 1920, c. 209, § 2, 41 Stat. 628.)

604. Survey and opening of lands to entry.—The Secretary of the Interior is authorized and directed to cause said lands to be surveyed and opened to entry under the general homestead laws and the provisions of this division of this chapter: *Provided*, That none of said lands shall be opened to entry until the Secretary of the Interior shall have first made arrangement with the owners of lands in private ownership, similarly situated to the lands hereby affected, for the payment into the reclamation fund of the proportionate part of the sum of $283,225, determined and apportioned by the Secretary of the Interior against said privately owned lands as provided in the preceding section. (May 27, 1920, c. 209, § 3, 41 Stat. 628.)

605. Additional payments; installments; forfeiture for nonpayment; interest; covering proceeds into reclamation fund.—In addition to all payments required by the general homestead laws there shall be paid by homestead entrymen the amount per acre assessed as provided in the second preceding section. Said payment shall be made in annual installments of $1 per acre, except the last installment, which may be a fraction of a dollar: *Provided*, That the whole or any part of the amount so assessed may be paid by the entryman in a shorter period if he so elects. The first installment shall be paid at the time homestead application is filed and subsequent installments shall be due and payable on December 1 of each calendar year thereafter until the entire sum so assessed and apportioned against the lands is paid, and patent shall not issue for any of said lands until the sum so apportioned against said lands shall have been fully paid. Failure to pay any installment when due shall render the entry subject to cancellation, with a forfeiture of all moneys paid. All assessments shall draw interest at the rate of 6 per centum per annum from their due date until paid. All moneys paid on account of such assessments shall, without diminution of any kind whatsoever, be covered into the reclamation fund. (May 27, 1920, c. 209, § 4, 41 Stat. 628.)

606. Preference rights of World War veterans.—Those who served in the military or naval forces of the United States during the war between the United States and Germany and have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have preference and prior right to file upon and enter said lands under the homestead laws and the provisions of this division of this chapter for a period of six months following the time said lands are opened to entry. In opening said lands for homestead entry the Secretary of the Interior shall provide for the disposition thereof to the said soldiers, sailors, and marines, by drawing, under general rules and regulations to be promulgated by him: *Provided*, That the rights and benefits conferred by this division of this chapter shall not extend to any person who, having been drafted for service under the provisions of the Selective Service Act, shall have refused to render such service or to wear the uniform of such service of the United States. (May 27, 1920, c. 209, § 5, 41 Stat. 628.)

607. Squatter's rights not recognized; time of entry on land; penalty for premature entry.—No rights to make entry shall attach by reason of settlement or squatting upon any of the lands hereby restored before the hour on which such lands shall be subject to homestead entry at the land office, and until said lands are opened for settlement and entry as herein provided no person shall enter upon and occupy the same, and any person violating this provision shall never be permitted to enter any of said lands. (May 27, 1920, c. 209, § 6, 41 Stat. 629.)

608. Lands in Klamath Lake Bird Reservation; reservation of lake shore; easement for canal ditches.—The Secretary of the Interior shall determine which of the lands within the boundaries of the Klamath Lake Bird Reserve are chiefly valuable for agricultural purposes and which for the purpose of said reservation, and shall open to homestead entry those lands which are chiefly valuable for agricultural purposes: *Provided*, That the shore line of the lake, including the smallest legal subdivision of land adjoining the flow line, shall remain in the possession of the United States, but access may be provided to the lake for such canals as may be necessary for irrigation, drainage, and domestic water supply. (May 27, 1920, c. 209, § 7, 41 Stat. 629.)

609. Powers of Secretary in relation to project.—The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of sections 601 to 608, inclusive, of this division of this chapter into full force and effect. (May 27, 1920, c. 209, § 8, 41 Stat. 629.)

Chapter 13.—FEDERAL LANDS INCLUDED IN STATE IRRIGATION DISTRICTS.

Sec.

621. Subjection of lands in State irrigation district to State laws generally.
622. Cost of construction and maintenance of irrigation project as charge on land.
623. Map of district and plan of irrigation project; approval by Secretary.
624. Entry of approval on land records.
625. Release of unentered land from lien on noncompletion of irrigation project.
626. Enforcement of lien against entered but unpatented land.
627. Sale of unpatented and unentered land prohibited; suspension of entry.
628. Patents to entered but unpatented land.
629. Delivery to register and to entryman of notices required by State law; right to hearing, appeal, etc.
630. Disposition by Government of proceeds of land sold.

Section 621. Subjection of lands in State irrigation district to State laws generally.—When in any State of the United States under the irrigation district laws of said State there has, prior to August 11, 1916, been organized and created or shall thereafter be organized and created any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, such public lands so situated in said irrigation district, when subject to entry, and entered lands within said irrigation district, for which no final certificates have been issued, which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district as provided in section 623 of this chapter, are hereby made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated

relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to said laws: *Provided,* That the United States and all persons legally holding unpatented lands under entry made under the public land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership, except as hereinafter otherwise provided: *Provided further,* That this chapter shall not apply to any irrigation district comprising a majority acreage of unentered land. (Aug. 11, 1916, c. 319, § 1, 39 Stat. 506.)

622. Cost of construction and maintenance of irrigation project as charge on land.—The cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right, rights of way, or other property incurred in connection with any irrigation project under said irrigation district laws shall be equitably apportioned among lands held under private ownership, lands legally covered by unpatented entries, and unentered public lands included in said irrigation district. Officially certified lists of the amounts of charges assessed against the smallest legal subdivision of said lands shall be furnished to the register and receiver of the land district within which the lands affected are located as soon as such charges are assessed; but nothing in this chapter shall be construed as creating any obligation against the United States to pay any of said charges, assessments, or debts incurred.

All charges legally assessed shall be a lien upon unentered lands and upon lands covered by unpatented entries included in said irrigation district. (Aug. 11, 1916, c. 319, § 2, 39 Stat. 507.)

623. Map of district and plan of irrigation project; approval by Secretary.—No unentered lands and no entered lands for which no final certificates have been issued shall be subject to the lien or liens herein contemplated until there shall have been submitted by said irrigation district to the Secretary of the Interior, and approved by him, a map or plat of said district and sufficient detailed engineering data to demonstrate to the satisfaction of the Secretary of the Interior the sufficiency of the water supply and the feasibility of the project, and which shall explain the plan or mode of irrigation in those irrigation districts where the irrigation works have not been constructed, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and which shall also show the source of water to be used for irrigation of land included in said district: *Provided,* That in those irrigation districts organized prior to August 11, 1916, and whose irrigation works have been constructed and are in operation as soon as a satisfactory map, plat, and plan shall have been approved by the Secretary of the Interior, as in this chapter provided, such entered and unentered lands shall be subject to all district taxes and assessments theretofore actually levied against the lands in said district and in the same manner in which lands of a like character held under private ownership are subject to liens and assessments. (Aug. 11, 1916, c. 319, § 3, 39 Stat. 507.)

624. Entry of approval on land records.—Upon the approval of the district map or plat as hereinbefore provided by the Secretary of the Interior the register and receiver will note said approval upon their records where any unentered or entered and unpatented lands are affected. (Aug. 11, 1916, c. 319, § 4, 39 Stat. 508.)

625. Release of unentered land from lien on noncompletion of irrigation project.—The Secretary of the Interior may, upon the expiration of ten years from the date of his approval of said map and plan of any irrigation district, release from the lien authorized by this chapter any unentered land or lands upon which final certificate has not issued, for which irrigation works have not been constructed and water of such district made available for the land. (Aug. 11, 1916, c. 319, § 3, 39 Stat. 507.)

626. Enforcement of lien against entered but unpatented land.—Said lien upon said land covered by unpatented entries may be enforced upon said unpatented lands by the sale thereof in the same manner and under the same proceeding whereby said assessments are enforced against lands held under private ownership: *Provided,* That in the case of entered unpatented lands the title or interest which such irrigation district may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to the following conditions and limitations: If such unpatented land be withdrawn under chapter 12 of this title, or subject to the provisions of said chapter, then the interest which the district may convey by such tax proceedings or tax deed shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said chapter, but the holder of such tax deed or tax title resulting from such district tax shall be entitled to all the rights and privileges in the land included in such tax title or tax deed of an assignee under the provisions of section 441 of said chapter, and upon submission to the United States land office of the district in which the land is located of satisfactory proof of such tax title, the name of the holder thereof shall be indorsed upon the records of such land office as entitled to the rights of one holding a complete and valid assignment under said section 441, and such person may at any time thereafter receive patent upon submitting satisfactory proof of the reclamation and irrigation required by the said chapter. (Aug. 11, 1916, c. 319, § 2, 39 Stat. 507.)

627. Sale of unpatented and unentered land prohibited; suspension of entry.—No public lands which were unentered at the time any tax or assessment was levied against same by such irrigation district shall be sold for such taxes or assessments, but such tax or assessment shall be and continue a lien upon such lands, and not more than one hundred and sixty acres of such land shall be entered by any one person; and when such lands shall be applied for, after said approval by the Secretary of the Interior, under the homestead or desert-land laws of the United States the application shall be suspended for a period of thirty days to enable the applicant to present a certificate from the proper district or county officer showing that no unpaid district charges are due and delinquent against said land. (Aug. 11, 1916, c. 319, § 5, 39 Stat. 508.)

628. Patents to entered but unpatented land.—Any entered but unpatented lands not subject to reclamation law, chapter 12 of this title, sold in the manner and for the purposes mentioned in this chapter may be patented to the purchaser thereof or his assignee at any time after the expiration of the period of redemption allowed by law under which it may have been sold (no redemption having been made) upon the payment to the receiver of the local land office of the minimum price of $1.25 per acre, or such other price as may be fixed by law for such lands, together with the usual fees and commissions charged in entries of like lands under the homestead laws, and upon a satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land; but the purchaser or his assignee shall, at the time of application for patent, have the qualification of a homestead entryman or desert-land entryman, and not more than one hundred and sixty acres of said land shall be patented to any one purchaser under the provisions of this chapter.

These limitations shall not apply to sales to irrigation districts, but shall apply to purchasers from such irrigation districts of such land bid in by said district.

Unless the purchaser or his assignee of such lands shall, within ninety days after the time for redemption has expired, pay to the proper receiver all fees and commissions and the purchase price to which the United States shall be entitled as provided for in this chapter, any person having the qualification of a homestead entryman or a desert-land entryman may pay to the proper receiver, for not more than one hundred and sixty acres of said lands, for which payment has not been made, the unpaid purchase price, fees, and commissions to which the United States may be entitled; and upon satisfactory proof that he has paid to the purchaser at the tax sale, or his assignee or to the proper officer of the district for such purchaser or for the district, as the case may be, the sum for which the land was sold at sale for irrigation district charges or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

In any case where any tract of entered land lying within such approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall be required, in addition to the qualifications and requirements otherwise provided, to furnish satisfactory proof by certificate from the proper district or county officer that he has paid all charges then due to the district upon said land and also has paid to the proper district or county officer for the holder or holders of any tax certificates, delinquency certificates, or other proper evidence of purchase at tax sale the amount for which the said land was sold at tax sale, together with the interest and penalties thereon provided by law. (Aug. 11, 1916, c. 319, § 6, 39 Stat. 508.)

629. Delivery to register and to entryman of notices required by State law; right to hearing, appeal, etc.—All notices required by the irrigation district laws mentioned in this chapter shall, as soon as such notices are issued, be delivered to the register of the proper land office in cases where unpatented lands are affected thereby, and to the entryman whose unpatented lands are included therein, and the United States and such entryman shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership. (Aug. 11, 1916, c. 319, § 7, 39 Stat. 509.)

630. Disposition by Government of proceeds of land sold.—All moneys derived by the United States from the sale of public lands referred to in this chapter shall be paid into such funds and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Aug. 11, 1916, c. 319, § 8, 39 Stat. 509.)

Chapter 14.—GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION (THE CAREY ACT).

Sec.
641. Grant of desert land to States authorized.
642. Liens for expenses of reclamation.
643. Temporary withdrawal from settlement or entry.
644. Preference right to entrymen under State laws.
645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation.
646. Grant extended to New Mexico and Arizona.
647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado.
648. Extension of time of segregation and reclamation in Oregon segregation lists.

Section 641. Grant of desert land to States authorized.—To aid the public-land States in the reclamation of the desert lands therein, and the settlement, cultivation and sale thereof in small tracts to actual settlers, the Secretary of the Interior with the approval of the President is, as of August 18, 1894, authorized and empowered, upon proper application of the State to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined in section 322 of chapter 9 of this title, to donate, grant and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed or occupied, and not less than twenty acres of each one hundred and sixty acre tract cultivated by actual settlers, as thoroughly as is required of citizens who may enter under the said desert-land law, chapter 9 of this title, within ten years from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if actual construction of reclamation works is not begun within three years after the segregation of the lands or within such further period not exceeding three years, as shall be allowed by the Secretary of the Interior, the said Secretary of the Interior, in his discretion, may restore such lands to the public domain; and if the State fails, within ten years from the date of such segregation, to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period not exceeding five years, or may, in his discretion, restore such lands not irrigated and reclaimed to the public domain upon the expiration of the ten-year period or of any extension thereof.

Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops and shall also show the source of the water to be used for irrigation and reclamation, and the Secretary of the Interior may make necessary regulations for the reservation of the lands applied for by the States to date from the date of the filing of the map and plan of irrigation, but such reservation shall be of no force whatever if such map and plan of irrigation shall not be approved.

Any State contracting under this section is hereby authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation and settlement.

As fast as any State may furnish satisfactory proof according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than one hundred and sixty acres of said lands to any one person, and any surplus of money derived by any State from the sale of said lands in excess of the cost of their reclamation, shall be held as a trust fund for and be applied to the reclamation of other desert lands in such State. (Aug. 18, 1894, c. 301, § 4, 28 Stat. 422; Jan. 6, 1921, c. 10, 41 Stat. 1085.)

642. Liens for expenses of reclamation.—Under any law heretofore or hereafter enacted by any State, providing for the reclamation of arid lands, in pursuance and acceptance

of the terms of the grant made in the preceding section, a lien or liens is hereby authorized to be created by the State to which such lands are granted and by no other authority whatever, and when created shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided*, That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part. (June 11, 1896, c. 420, § 1, 29 Stat. 413.)

643. Temporary withdrawal from settlement or entry.—To aid in carrying out the purposes of section 1 of this chapter, it shall be lawful for the Secretary of the Interior, upon application by the proper officer of any State or Territory to which said section applies, to withdraw temporarily from settlement or entry areas embracing lands for which the State or Territory proposes to make application under said section, pending the investigation and survey preliminary to the filing of the maps and plats and application for segregation by the State or Territory: *Provided*, That if the State or Territory shall not present its application for segregation and maps and plats within one year after such temporary withdrawal the lands so withdrawn shall be restored to entry as though such withdrawal had not been made. (Mar. 15, 1910, c. 96, 36 Stat. 237.)

644. Preference right to entrymen under State laws.—The Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under sections 1 to 8, inclusive, of this chapter, is authorized, in his discretion and under such rules and regulations as he may establish to allow for not exceeding ninety days to any Carey Act entryman a preference right of entry under applicable land laws of any of such lands which such person had entered under and pursuant to the State laws providing for the administration of the grant under the Carey Act and upon which such person had established actual bona fide residence or had made substantial and permanent improvements: *Provided*, That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof. (Feb. 14, 1920, c. 74, 41 Stat. 407.)

645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation.—An additional one million acres of arid lands within each of the States of Colorado, Idaho, Nevada, and Wyoming is made available and subject to the terms of section 1 of this chapter, and the States of Idaho and Wyoming are allowed under the provisions of said section said additional area or so much thereof as may be necessary for the purposes and under the provisions of said section. (May 27, 1908, c. 200, § 1, 35 Stat. 347; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1417; Aug. 21, 1911, No. 7, 37 Stat. 38.)

646. Grant extended to New Mexico and Arizona.—All the provisions of sections 1 to 3, inclusive, of this chapter, are extended to the States of New Mexico and Arizona, and the said States upon complying with the provisions of said section shall be entitled to have and receive all of the benefits therein conferred upon the States. (Feb. 18, 1909, c. 150, § 1, 35 Stat. 638.)

647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado.—The provision of sections 1 to 3, inclusive, of this chapter are extended over and shall apply to the desert lands within the limits of all that portion of the former Ute Indian Reservation, not included in any national forest, in the State of Colorado, described and embraced in the Act entitled "An Act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians," approved July 28, 1882: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the said section the State of Colorado shall pay into the Treasury of the United States the sum of $1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of section 3 of the Act of June 15, 1880, entitled "An Act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same."

No lands shall be included in any tract to be segregated under the provisions of this section on which the United States Government has valuable improvements, or which have been reserved for any Indian schools or farm purposes. (Feb. 24, 1909, c. 178, §§ 1, 2, 35 Stat. 645.)

648. Extension of time of segregation and reclamation in Oregon segregation lists.—The Secretary of the Interior is authorized, within his discretion, to extend for a period of not exceeding ten years the time of segregation in the Oregon Carey Act segregation lists numbered 6 and 19, the two areas comprising 147,714 acres, in the aggregate, approximately 86,000 acres of which are irrigable, same being situated in Crook County, Oregon: *Provided*, That the Secretary of the Interior is further authorized to grant to the State of Oregon a similar extension of ten years for the reclamation of said lands in addition to the time allotted under rules, regulations, contracts, and laws February 26, 1917.

The Secretary of the Interior is also authorized, within his discretion, to continue to not beyond January 12, 1929, the segregation of the lands embraced in approved Oregon segregation list numbered 13.

The Secretary of the Interior is also authorized within his discretion to continue to not beyond October 21, 1930, the segregation of the lands embraced in approved Oregon segregation list numbered 11. (Feb. 26, 1917, c. 124, 39 Stat. 942; Mar. 3, 1919, c. 114, 40 Stat. 1322; June 5, 1920, c. 249, 41 Stat. 987.)

Chapter 15.—APPROPRIATION OF WATERS; RESERVOIR SITES.

Sec.

661. Appropriation of waters on public lands; right of way for canals and ditches.
662. Reservation of reservoir sites generally.
663. Restriction of sites to inclusion of necessary lands.
664. Rights of way over reservoir sites generally.
665. Rights of way over reservoir sites, wagon road, railroad, or other highway.

Section 661. Appropriation of waters on public lands; right of way for canals and ditches.—Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such

water rights, as may have been acquired under or recognized by this section. (R. S. §§ 2339, 2340.)

662. Reservation of reservoir sites generally.—Sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, located or selected prior to August 30, 1899, shall remain segregated and reserved from entry, or settlement, until otherwise provided by law, and reservoir sites thereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof: *Provided*, That the President may at any time in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws. (Oct. 2, 1888, c. 1069, § 1, 25 Stat. 526; Aug. 30, 1890, c. 837, § 1, 26 Stat. 391.)

663. Restriction of sites to inclusion of necessary lands.—Reservoir sites located or selected and to be located and selected shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs. (Mar. 3, 1891, c. 561, § 17, 26 Stat. 1101.)

664. Rights of way over reservoir sites generally.—All reservoir sites reserved or to be reserved shall be open to use and occupation under sections 946 to 949, inclusive, of this title, and any State is hereby authorized to improve and occupy such reservoir sites to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the charges for water coming in whole or part from reservoir sites used or occupied under the provisions of this section shall always be subject to the control and regulation of the respective States and Territories in which such reservoirs are in whole or part situate. (Feb. 26, 1897, c. 335, 29 Stat. 599.)

665. Rights of way over reservoir sites, wagon road, railroad, or other highway.—In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any reservoir site when in his judgment the public interests will not be injuriously affected thereby. (Mar. 3, 1899, c. 427, § 1, 30 Stat. 1233.)

Chapter 16.—SALE AND DISPOSAL OF THE PUBLIC LANDS.

Sec.
671. Public sale forbidden; exceptions.
672. Public sale in half quarter sections.
673. Private sales.
674. Memorandum in connection with application.
675. Private sale of lands in Missouri.
676. Highest bidder at private sale.
677. Credit on sales.
678. Price of lands.
679. Price of alternate sections of railroad lands.
680. Mineral lands.
681. Price of forfeited railroad lands and lands adjacent to railroad lands.
682. Sale for cemetery purposes.
683. Minimum price; how fixed when reservations sold.
684. Offered for sale in proportions chosen by President.
685. Advertisement of sales.
686. Publication of proclamations of sales.
687. Duration of sales.
688. Several certificates to two or more purchasers of same section.
689. Refund of purchase money.
690. Sources of funds for repayment.
691. Purchase of lands located in good faith by claims arising under treaty.
692. Coin receivable in payment.
693. Provisions for mistakes in entry.
694. Mistakes in patent lands.
695. Mistakes in location of warrants.
696. Agreements to pay premium to purchasers.
Sec.
697. Error in entry, selection, or location by mistake of numbers; procedure where final entries have been canceled.
698. Recovery of premiums paid.
699. Bill for discovery of agreements.
700. Private entry of lands forbidden; exceptions.

Section 671. Public sale forbidden; exceptions.—No public lands of the United States, except abandoned military or other reservations isolated and disconnected fractional tracts authorized to be sold by section 1171, and mineral and other lands the sale of which at public auction has been authorized by Acts of Congress of a special nature having local application, shall be sold at public sale. (Mar. 3, 1891, c. 561, § 9, 26 Stat. 1099.)

672. Public sale in half quarter sections.—All the public lands, the sale of which is authorized by law, shall, when offered at public sale to the highest bidder, be offered in half quarter sections. (R. S. § 2353.)

673. Private sales.—All the public lands, when offered at private sale, may be purchased, at the option of the purchaser, in entire sections, half sections, quarter sections, half quarter sections, or quarter quarter sections. (R. S. § 2354; Mar. 2, 1889, c. 381, § 1, 25 Stat. 854.)

674. Memorandum in connection with application.—Every person making application at any of the land offices of the United States for the purchase at private sale of a tract of land shall produce to the register a memorandum in writing, describing the tract, which he shall enter by the proper number of the section, half section, quarter section, half quarter section, or quarter quarter section, as the case may be, and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office. (R. S. § 2355.)

675. Private sale of lands in Missouri.—All public lands within the State of Missouri shall be subject to disposal at private sale in the manner provided by law for the sale of lands which have been publicly offered for sale, whether such lands have ever been offered at public sale or not: *Provided*, That the actual settlers shall have a preference right, under such rules and regulations as the Secretary of the Interior may prescribe. (May 18, 1898, c. 344, § 2, 30 Stat. 418.)

676. Highest bidder at private sale.—Where two or more persons apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder. (R. S. § 2365.)

677. Credit on sales.—Credit shall not be allowed for the purchase money on the sale of any of the public lands, but every purchaser of land sold at public sale shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land office a receipt from the Treasurer of the United States, or from the register of the district, for the amount of the purchase money on any tract, before he enters the same at the land office; and if any person, being the highest bidder at public sale for a tract of land, fails to make payment therefor on the day on which the same was purchased, the tract shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales. (R. S. § 2356; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

678. Price of lands.—The price at which the public lands are offered for sale shall be $1.25 an acre; and at every public sale, the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than $1.25 an acre; and all the public lands which are offered at public sale, according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale,

by entry at the land office, at $1.25 an acre, to be paid at the time of making such entry: *Provided*, That the price to be paid for alternate reserved lands, along the line of railroads within the limits granted by any Act of Congress, shall be $2.50 per acre. (R. S. § 2357; Mar. 2, 1889, c. 381, § 1, 25 Stat. 854.)

679. Price of alternate sections of railroad lands.—The price of lands subject to entry on June 15, 1880, and which were raised to $2.50 per acre, and put in market prior to January, 1861, by reason of the grant of alternate sections for railroad purposes is hereby reduced to $1.25 per acre. (June 15, 1880, c. 227, § 3, 21 Stat. 238.)

680. Mineral lands.—The preceding section shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespass committed or material taken from any of the public lands after March 1, 1879, shall be entitled to the benefit thereof. (June 15, 1880, c. 227, § 4, 21 Stat. 238.)

681. Price of forfeited railroad lands and lands adjacent to railroad lands.—The price of all sections and parts of sections of the public lands within the limits of the portions of the several grants of lands to aid in the construction of railroads which have been or may be forfeited, which were by the Act making such grants or have since been increased to the double minimum price, and, also, of all lands within the limits of any such railroad grant, but not embraced in such grant lying adjacent to and coterminous with the portions of the line of any such railroad which was not completed on March 2, 1889, shall be $1.25 per acre. (Mar. 2, 1889, c. 381, § 4, 25 Stat. 854.)

682. Sale for cemetery purposes.—The Secretary of the Interior is authorized to sell and convey to any religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes, not to exceed eighty acres of any unappropriated nonmineral public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than $1.25 per acre: *Provided*, That title to any land disposed of under the provisions of this section shall revert to the United States, should the land or any part thereof be sold or cease to be used for the purpose herein provided. (Mar. 1, 1907, c. 2286, 34 Stat. 1052.)

683. Minimum price; how fixed when reservations sold.—Whenever any reservation of public lands is brought into market, the Commissioner of the General Land Office shall fix a minimum price, not less than $1.25 per acre, below which such lands shall not be disposed of. (R. S. § 2364.)

684. Offered for sale in proportions chosen by President.—Whenever the President is authorized to cause the public lands, in any land district, to be offered for sale, he may offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times he may offer for sale in the same manner any other part, or the remainder of the lands contained in the same. (R. S. § 2358.)

685. Advertisement of sales.—The public lands which are exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided. (R. S. § 2359.)

686. Publication of proclamations of sales.—All executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, and to be designated by the Secretary of the Interior. (Jan. 12, 1877, c. 18, § 2, 19 Stat. 221.)

687. Duration of sales.—The public sales of lands shall, respectively, be kept open for two weeks, and no longer, unless otherwise specially provided by law. (R. S. § 2360.)

688. Several certificates to two or more purchasers of same section.—Where two or more persons have become purchasers of a section or fractional section, the register of the land office of the district in which the lands lie shall, on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them; but in no case shall the fractions so purchased be divided by other than north and south, or east and west, lines; nor shall any certificate issue for less than eighty acres. (R. S. § 2361.)

689. Refund of purchase money.—The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale can not be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated. (R. S. § 2362.)

690. Sources of funds for repayment.—Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust fund, to repay the purchase money to the parties entitled thereto. (R. S. § 2363.)

691. Purchase of lands located in good faith by claims arising under treaty.—The Secretary of the Interior is authorized to permit the purchase, with cash or military bounty-land warrants, of such lands as may have been located with claims arising under the seventh clause of the second article of the treaty of September 30, 1854, at such price per acre as he deems equitable and proper, but not at a less price than $1.25 per acre, and the owners and holders of such claims in good faith are also permitted to complete their entries, and to perfect their titles under such claims upon compliance with the terms above mentioned; but it must be shown to the satisfaction of the Secretary of the Interior that such claims are held by innocent parties in good faith, and that the locations made under such claims have been made in good faith and by innocent holders of the same. (R. S. § 2368.)

692. Coin receivable in payment.—The gold coins of Great Britain and other foreign coins shall be received in all payments on account of public lands, at the value estimated annually by the Director of the Mint, and proclaimed by the Secretary of the Treasury, in accordance with the provisions of section 372 of Title 31, MONEY AND FINANCE. (R. S. § 2366.)

693. Provisions for mistakes in entry.—In every case of a purchaser of public lands, at private sale, having entered at the land office, a tract different from that he intended to purchase, and being desirous of having the error in his entry corrected, he shall make his application for that purpose to the register of the land office; and if it appears from testimony satisfactory to the register, that an error in the entry has been made, and that the same was occasioned by original incorrect marks made by the surveyor, or by the obliteration or change of the original marks and numbers at corners of the tract of land; or that it has in any otherwise arisen from mistake or error of the surveyor, or officers of the land office, the register shall report the case, with the testimony, and their opinion thereon, to the Secretary of the Interior, who is authorized to direct that the purchaser is at liberty to withdraw the entry so erroneously made, and that the moneys which have been paid shall be applied in the purchase of other lands in the same district, or credited in the payment for other lands which have

been purchased at the same office. (R. S. § 2369; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

694. Mistakes in patent lands.—The provisions of the preceding section shall extend to all cases where patents have issued or may hereafter issue; upon condition, however, that the party concerned surrenders his patent to the Commissioner of the General Land Office, with a relinquishment of title thereon, executed in a form to be prescribed by the Secretary of the Interior. (R. S. § 2370.)

695. Mistakes in location of warrants.—The provisions of the two preceding sections are made applicable in all respects to errors in the location of land-warrants. (R. S. § 2371.)

696. Agreements to pay premium to purchasers.—If any person before, or at the time of the public sale of any of the lands of the United States, enters into any contract, bargain, agreement, or secret understanding with any other person, proposing to purchase such land, to pay or give to such purchasers for such land a sum of money or other article of property, over and above the price at which the land is bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever, founded upon or growing out of the same, shall be utterly null and void. (R. S. § 2374.)

697. Error in entry, selection or location by mistake of numbers; procedure where final entries have been canceled.—In all cases where an entry, selection, or location has been or shall be made of a tract of land not intended to be entered, the entryman, selector, or locator, or, in case of his death, his legal representatives, or, when the claim is by law transferable, his or their transferees, may, in any case coming within the provisions of this section, file his or their affidavit, with such additional evidence as can be procured showing the mistake as to the numbers of the tract intended to be entered and that every reasonable precaution and exertion was used to avoid the error, with the register of the land district in which such tract of land is situate, who shall transmit the evidence submitted to them, in each case, together with his written opinion both as to the existence of the mistake and the credibility of every person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied that the mistake has been made and that every reasonable precaution and exertion has been made to avoid it, is authorized to change the entry and transfer the payment from the tract erroneously entered to that intended to be entered, if the same has not been disposed of and is subject to entry, or, if not subject to entry, then to any other tract liable to such entry, selection, or location; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize such change of entry, nor shall anything herein contained affect the right of third persons.

In all cases where a final entry of public lands has been or may be canceled, and such entry is held by the Land Department or by a court of competent jurisdiction to have been confirmed under section 1165, if the land has been disposed of to or appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws, the Secretary of the Interior is authorized, in his discretion, and under rules to be prescribed by him, to change the entry and transfer the payment to any other tract of surveyed public land, nonmineral in character, free from lawful claim, and otherwise subject to general disposition: *Provided*, That the entryman, his heirs, or assigns shall file a relinquishment of all right, title, and interest in and to the land originally entered: *Provided further*, That no right or claim under the provisions of this paragraph shall be assignable or transferable. (R. S. § 2372; Feb. 24, 1909, c. 181, 35 Stat. 645; Jan. 27, 1922, c. 33, 42 Stat. 359; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

698. Recovery of premiums paid.—Every person being a party to such contract, bargain, agreement, or secret understanding, who pays to such purchaser any sum of money or other article of value, over and above the purchase money of such land, may sue for and recover such excess from such purchaser in any court having jurisdiction of the same. (R. S. § 2375.)

699. Bill for discovery of agreements.—If the party aggrieved have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess, he may, by bill in equity, compel such purchaser to make discovery thereof; and if in such case the complainant shall ask for relief, the court in which the bill is pending may proceed to final decree between the parties to the same; but every such suit either in law or equity shall be commenced within six years next after the sale of such land by the United States. (R. S. § 2376.)

700. Private entry of lands forbidden; exceptions.—No public lands of the United States, except those in the State of Missouri shall be subject to private entry. (Mar. 2, 1889, c. 381, § 1, 25 Stat. 854.)

Chapter 17.—RESERVATION AND SALE OF TOWN SITES ON THE PUBLIC LANDS.

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Section 711. Town sites to be reserved.—The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population. (R. S. § 2380.)

712. Reservations surveyed into lots.—When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register of the land office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land Office. (R. S. § 2381; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

713. Town or city sites.—In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same

is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land district, a similar map and statement shall be filed with the register, and at any time after the filing of such map, statement, and testimony in the General Land Office it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of $10 for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. (R. S. § 2382; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

714. Towns established on unsurveyed lands; extension limits.—When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases. (R. S. § 2383.)

715. Transcript maps not filed in twelve months.—If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land Office a transcript map, with the statement and testimony called for by the provisions of section 713, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of 50 per centum on the minimum of $10 per lot. (R. S. § 2384.)

716. Size of lots or plat varying from general rule.—In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section 713, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish. (R. S. § 2385.)

717. Title to lots subject to mineral rights.—Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States. (R. S. § 2386.)

718. Entry of town authorities in trust for occupants.—Whenever any portion of the public lands have been or may be settled upon and occupied as a town site, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated. (R. S. § 2387; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097.)

719. When entry is to be made.—The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town site shall be filed with the register of the proper land office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land office may not have been established, such declaratory statements may be filed with the Field Surveying Service of the district in which the lands are situated; who shall transmit the same to the General Land Office. (R. S. § 2388; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

720. Entry in proportion to number of inhabitants.—If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed. (R. S. § 2389.)

721. Acts of trustees.—Any act of the trustees not made in conformity to the regulations alluded to in section 718 shall be void. (R. S. § 2391.)

722. Title acquired to mines or mining claims.—No title shall be acquired, under the provisions of sections 711 to 721, inclusive, to any mine of gold, silver, cinnabar, or copper; or to any valid mining claim or possession held under laws existing on March 2, 1867. (R. S. § 2392.)

723. Military or other reservations.—The provisions of sections 711 to 724, inclusive, shall not apply to military or other reservations made by the United States prior to March 2, 1867, nor to reservations for lighthouses, customhouses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land Office by title derived from the Crown of Spain, or otherwise. (R. S. § 2393.)

724. Inhabitants of towns on public lands; right to enter.—The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections 718, 719, and 720; and in addition to the minimum price of the lands embracing any town site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance

of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town sites set forth in sections 711 to 724, inclusive. (R. S. § 2394.)

725. Quantity of land excluded from homestead entry.—The existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town site under existing laws, unless the entire tract claimed or incorporated as such town site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes. (Mar. 3, 1877, c. 113, § 1, 19 Stat. 392; Mar. 3, 1891, c. 561, § 4, 20 Stat. 1097.)

726. Town site exceeding maximum; excess opened to settlement.—Whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section 725, the Commissioner of the General Land Office may require the authorities of such town, and it shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead laws. And upon default of said town authorities to make such selection within sixty days after notification by the commissioner, he may direct testimony respecting the actual location and extent of said improvements, to be taken by the register of the district in which such town may be situated; and, upon receipt of the same, he may determine and set off the proper site according to section 725, and declare the remaining lands open to settlement and entry under the homestead laws. (Mar. 3, 1877, c. 113, § 3, 19 Stat. 392; Mar. 3, 1891, c. 561, § 4, 26 Stat. 1097; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

727. Town site less than maximum; additional entry.—It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section 720 to make such additional entry, or entries, of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries theretofore made will not exceed twenty-five hundred and sixty acres: *Provided*, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section 720. (Mar. 3, 1877, c. 113, § 4, 19 Stat. 392.)

728. Town-site entries on mineral lands; title to minerals and claims not acquired.—Town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under the law existing on March 3, 1891. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant. (Mar. 3, 1891, c. 561, § 16, 26 Stat. 1101.)

729. Entries by cities and towns for cemetery and park purposes.—Incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one-quarter section of public lands not reserved for public use, such lands to be within three miles of such cities or towns: *Provided*, That when such city or town is situated within a mining district, the land proposed to be taken under this section shall be considered as mineral lands, and patent to such land shall not authorize such city or town to extract mineral therefrom, but all such mineral shall be reserved to the United States, and such reservation shall be entered into such patent. (Sept. 30, 1890, c. 1121, 26 Stat. 502.)

730. Patents to transferees of town lots purchased at public sale.—In all cases where town lots were sold by the United States at public sale, and the purchaser at such sale had transferred his interest in any such lot prior to the 11th day of October, 1911, and patent has not been issued in the name of the original purchaser, the Commissioner of the General Land Office may issue a patent in the name of the transferee where full payment of the purchase price has been made and satisfactory evidence of the transfer has been furnished: *Provided*, That it be shown that the original purchaser is dead, or that after due inquiry his whereabouts cannot be ascertained, and that the instrument of transfer given by the original purchaser has been lost or destroyed. (July 9, 1914, c. 138, 38 Stat. 454.)

Chapter 18.—SURVEY OF PUBLIC LANDS.

Sec.

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Section 751. Rules of survey.—The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land surveyed or patented prior to May 18, 1796, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines, at the end of every mile. The sections shall be

numbered respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers till the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field books, the names of the cornertrees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all watercourses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field books shall be returned to the Field Surveying Service, which shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the office of the Field Surveying Service for public information, and other copies shall be sent to the places of the sale, and to the General Land Office. (R. S. § 2395; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

752. Boundaries and contents of public lands; how ascertained.—The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the Field Surveying Service, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary lines, actually run and marked in the surveys returned by the Field Surveying Service, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned, shall be held and considered as the true length thereof. And the boundary lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the watercourse, Indian boundary line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the Field Surveying Service, shall be held and considered as containing the exact quantity expressed in such return; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part. (R. S. § 2396; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

753. Lines of division of half quarter sections; how run.—In every case of the division of a quarter section the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior. (R. S. § 2397.)

754. Contracts for surveys; when binding.—Contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land Office, except in such cases as the commissioner may otherwise specially order. (R. S. § 2398.)

755. Contract for survey; instructions deemed part of.—The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date January 1, 1902, the instructions of the Commissioner of the General Land Office, and the special instructions of the Field Surveying Service, when not in conflict with said printed manual or the instructions of said commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims. (R. S. § 2399; Oct. 1, 1890, c. 1262, 26 Stat. 650; Aug. 15, 1894, c. 288, 28 Stat. 285; Apr. 26, 1902, c. 592, 32 Stat. 120; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

756. Prices of surveys; how established.—The Commissioner of the General Land Office has power, and it shall be his duty, to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law. (R. S. § 2400; Mar. 3, 1875, c. 130, § 1, 18, Stat. 384.)

757. Cost of survey of private land claims to be reported and paid.—An accurate account shall be kept by the Field Surveying Service of the cost of surveying and platting every private land claim to be reported to the General Land Office with the map of such claim; and a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party. (July 31, 1876, c. 246, 19 Stat. 121; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

758. Delivery of patent contingent on refund of cost of survey.—In all cases of the survey of private land claims the cost

of the same shall be refunded to the Treasury by the owner before the delivery of the patent. (Mar. 3, 1885, c. 360, 23 Stat. 499.)

759. When survey may be had by settlers in township.—When the settlers in any township not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of the Field Surveying Service and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be lawful for the Field Surveying Service, under such instructions as may be given by the Commissioner of the General Land Office, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: *Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys. (R. S. § 2401; Aug. 20, 1894, c. 302, § 1, 28 Stat. 423; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

760. Deposit for expenses deemed an appropriation.—The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively. (R. S. § 2402.)

761. Repayment of excess of deposits to cover cost of surveys of mineral lands.—The Secretary of the Treasury is authorized and directed to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of the United States Field Surveying Service in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the Field Surveying Service of the district in which the mineral land surveyed, or sought to be surveyed is situated and approved by the Commissioner of the General Land Office. (Feb. 24, 1909, c. 180, 35 Stat. 645; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

762. Deposits made by settlers for surveys to go in part payment of lands.—Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 759, certificates shall be issued for such deposits which may be used by settlers in part payment for the lands settled upon by them, the survey of which is paid for out of such deposits, or said certificates may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States in the States where the surveys were made, entered or to be entered under the laws thereof. (R. S. § 2403; Apr. 27, 1876, c. 84, 19 Stat. 38; Mar. 3, 1879, c. 170, 20 Stat. 352; Aug. 20, 1894, c. 302, § 2, 28 Stat. 423.)

763. Deposits in Louisiana applicable to resurveys.—Such sums as have been or may be deposited for surveys in Louisiana by actual settlers, under sections 759, 760 and 762, may be, in whole or in part, employed in making such resurveys as may be necessary in the discretion of the Commissioner of the General Land Office. (Aug. 7, 1882, c. 433, § 1, 22 Stat. 327.)

764. Augmented rates for surveys of forest lands; Oregon.—The Commissioner of the General Land Office may authorize, in his discretion, public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding $18 per mile for standard parallels, $15 for townships, and $12 for section lines. (R. S. § 2404.)

765. Augmented rates for surveys of forest lands; California and Washington.—The Commissioner of the General Land Office, in his discretion, may authorize public lands in California and Washington, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding $18 per linear mile for standard parallels, $16 for townships, and $14 for section lines. (R. S. § 2405.)

766. Geological surveys, extension of public surveys, expenses of subdividing.—There shall be no further geological survey by the Government, unless authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands. (R. S. § 2406.)

767. Surveys on watercourses in certain cases.—Whenever, in the opinion of the President, a departure from the ordinary method of surveying land on any river, lake, bayou, or watercourse would promote the public interest, he may direct the Field Surveying Service of the district in which such land is situated, and where the change is intended to be made, to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or watercourse, and running back the depth of forty acres; which tracts of land so surveyed shall be offered for sale entire, instead of in half quarter sections, and in the usual manner and on the same terms in all respects as the other public lands of the United States. (R. S. § 2407; Mar. 3. 1925, c. 462, 43 Stat. 1144.)

768. Lines in Nevada.—In extending the surveys of the public lands in the State of Nevada, the Secretary of the Interior may vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country. (R. S. § 2408.)

769. Geodetic method of survey in Oregon and California.—The Secretary of the Interior, if he deems it advisable, is authorized to continue the surveys in Oregon and California, to be made after what is known as the geodetic method, under such regulations and upon such terms as have been or may hereafter be prescribed by the Commissioner of the General Land Office; but none other than township lines shall be run where the land is unfit for cultivation; nor shall any deputy surveyor charge for any line except such as may be actually run and marked, or for any line not necessary to be run. (R. S. § 2409.)

770. Rectangular mode of survey; when departed from.—Whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands in California would promote the public interests, he may direct such change to be made in the mode of surveying and designating such lands as he deems proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water

privileges; but such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres. (R. S. § 2410.)

771. Compensation by the day in Oregon and California.—Whenever the public surveys, or any portion of them, in the States of Oregon and California, are so required to be made as to render it expedient to make compensation for the surveying thereof by the day instead of by the mile, it shall be lawful for the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, may be necessary to insure the accurate and faithful execution of the work. (R. S. § 2411.)

772. Resurveys or retracements to mark boundaries of lands undisposed of.—The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement: *Provided further*, That not to exceed 20 per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby. (Mar. 3, 1909, c. 271, 35 Stat. 845; June 25, 1910, No. 40, 36 Stat. 884.)

773. Resurveys or retracements of township lines, etc.—Upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per centum of the area of which townships is privately owned, accompanied by a deposit with the United States Field Surveying Service for the proper State, or if there be no Field Surveying Service in such State, then with the Commissioner of the General Land Office, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Commissioner of the General Land Office, subject to the supervisory authority of the Secretary of the Interior, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands. The sum so deposited shall be held by the Field Surveying Service or commissioner and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the person making said deposits or their legal representatives. The proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements. Similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this section into full force and effect. (Sept. 21, 1918, c. 175, 40 Stat. 965; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

774. Protection of surveyor by marshal.—Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered. (R. S. § 2413.)

Chapter 19.—BOUNTY LANDS.

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GENERAL PROVISIONS

Section 781. Investigation of frauds.—The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of bounty land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer, when deemed necessary by the Commissioner of Pensions, in important cases, such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts. (R. S. § 4744; July 25, 1882, c. 349, § 2, 22 Stat. 175.)

782. Regulations by Secretary of Interior.—The Secretary of the Interior is required to prescribe such regulations for carrying the provisions of this chapter into effect as he may deem necessary and proper in order to protect the Government against imposition and fraud by persons claiming the benefit thereof; and all laws and parts of laws for the punishment of frauds against the United States are made applicable to frauds under that section. (R. S. § 2442.)

783. Bounty warrants and indemnity certificates receivable in payment for lands.—In addition to the benefits otherwise given thereto by law, all unsatisfied military bounty-land warrants under any Act of Congress, and unsatisfied indemnity certificates of location under the Act of Congress approved June 2, 1858, shall be receivable at the rate of $1.25 per acre in payment or part payment for any lands entered under the desert-land law (chapter 9 of this title); the timber and stone law (chapter 8 of this title); or for lands which may be sold at public auction, except such lands as shall have been purchased from any Indian tribe within ten years prior to December 13, 1894. (Dec. 13, 1894, c. 3, 28 Stat. 594.)

784. Duty of Commissioner of Pensions to execute bounty-land laws.—The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various bounty-land laws as may be prescribed by the President. (R. S. § 471.)

785. Person to sign bounty-land warrants.—The Commissioner of Pensions is authorized, with the approval of the Secretary of the Interior, to appoint a person to sign the name of the commissioner to certificates or warrants for bounty lands; and certificates or warrants so signed shall be as valid as if signed by the commissioner. (R. S. § 473.)

786. Printed instructions furnished free.—The Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for bounty land, or other allowance required by law to be adjusted or paid by the Pension Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such allowance has been made, and the date and amount thereof. (R. S. § 4748.)

787. False certification of documents; false affidavit and postdating vouchers; false certificate to vouchers.—Every person before whom any declaration, affidavit, voucher, or other paper or writing to be used in aid of the prosecution of any claim for bounty land or payment thereof purports to have been executed who shall knowingly certify that the declarant, affiant, or witness named in such declaration, affidavit, voucher, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof, when, in fact, such declarant, affiant, or witness did not personally appear before him or was not sworn thereto, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding $500, or by imprisonment for a term of not more than five years. (R. S. § 4746; July 7, 1898, c. 578, 30 Stat. 718.)

RIGHT TO BOUNTY; AMOUNT

791. Service in War of 1812 and certain Indian wars; amount of bounty.—Each of the surviving, or the widow or minor children of deceased commissioned and noncommissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the 18th day of June, 1812, or in any of the Indian wars since 1790, and prior to the 3d of March, 1850, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the regular army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land: or at option Treasury script for one hundred dollars bearing interest at 6 per centum per annum, payable semiannually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or script shall be issued in favor of his family or relatives; first, to the widow and his children; second, his father; third, his mother; fourth, his brothers and sisters. (R. S. § 2418.)

792. Entry into service after commencement of Mexican War.—The persons enumerated in the preceding section received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged are entitled to receive a certificate or warrant for forty acres, or script for $25 if preferred, and in the event of the death of such person during service, or after honorable discharge before the 11th of February, 1847, the warrant or script shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier. (R. S. § 2419.)

793. Militia, volunteers, and State troops in service between June 18, 1812, and March 22, 1852.—Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the 18th day of June, 1812, and prior to March 22, 1852, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section 791 of this title upon proof of length of service as therein required. (R. S. § 2420.)

794. Effect of receiving bounty under prior statutes.—No person shall take any benefit under the provisions of the three preceding sections, if he has received, or is entitled to receive, any military land bounty under any Act of Congress passed prior to the 22d March, 1852. (R. S. § 2421.)

795. Period of captivity added to actual service.—The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so retained in captivity shall receive land under the provisions of sections 791 and 793 of this title, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term. (R. S. § 2422.)

796. Widows of persons entitled.—In the event of the death of any person, for whom provision is made by sections 791 and 793 of this title, and who did not receive bounty land for his services, a like warrant shall issue in favor of his widow, who

shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle: nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application. (R. S. § 2424.)

797. Widows and children of persons entitled.—In the event of the death of any person who would be entitled to a warrant, as provided in section 800 of this title, leaving a widow, or, if no widow, a minor child, such widow or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the 3d day of March, 1855. (R. S. § 2428.)

798. Subsequent marriage of widow.—A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application. (R. S. § 2429.)

799. Minors.—Persons within the age of twenty-one years on the 3d day of March, 1855, shall be considered minors within the intent of section 797 of this title. (R. S. § 2430.)

800. Equalization of bounties.—Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year 1790, and prior to the 3d day of March, 1855, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the 3d day of March, 1855, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres. (R. S. § 2425.)

801. Right dependent on length of service.—The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and noncommissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and noncommissioned officers, seamen, ordinary seamen, flotilla men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the Revolutionary War, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not. (R. S. § 2426.)

802. Right independent of length of service.—The following class of persons are included as beneficiaries under section 800 of this title, without regard to the length of service rendered:

First. Any of the classes of persons mentioned in section 801 of this title who have been actually engaged in any battle in any of the wars in which this country has been engaged since 1780, and prior to March 3, 1855.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, 1814.

Third. The volunteers who served at the battle of King's Mountain, in the Revolutionary War.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the War of 1812. (R. S. § 2427.)

803. Parol proof of service.—Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe. (R. S. § 2431.)

804. Proof of service on application for additional bounty.—Where certificate or a warrant for bounty land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service. (R. S. § 2432.)

805. Allowance for travel time in computing length of service.—When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service. (R. S. § 2433.)

806. Indians included in bounty laws.—The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons. (R. S. § 2434.)

807. Evidence of right to pension admissible to show right to bounty.—Where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty land; and upon proof of his identity as such pensioner, a warrant may be issued to him for the quantity of land to which he is entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child and no widow, or where the widow may have deceased before the issuing of any warrant, such minor child shall be entitled to a warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother. But if, upon a review of such evidence, the Commissioner of

Pensions is not satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service. (R. S. § 2435.)

898. **Deserters not entitled to bounty land.**—No person who has been in the military service of the United States shall, in any case, receive a bounty land warrant if it appears by the muster rolls of his regiment or corps that he deserted or was dishonorably discharged from service. (R. S. § 2438.)

WARRANT, LOCATION, AND PATENT

821. **Assignment of warrants and locations.**—All warrants for military bounty lands issued under any law of the United States, and all valid locations of the same, shall be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner of the warrant or location. (R. S. § 2414.)

822. **Effect of sale, mortgage, or letter of attorney made before issue of warrant.**—All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent. (R. S. § 2436.)

823. **Location of warrants; payment of excess over minimum price.**—The warrants issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than $1.25 per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at $1.25 per acre and the tract of land located on. But where such tract is rated at $1.25 per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof. (R. S. § 2415.)

824. **Entry under warrants for services in Revolutionary War and War of 1812.**—In all cases of warrants for bounty lands, issued by virtue of an act approved July 27, 1842, and of two acts approved January 27, 1835, therein and thereby revised, and of two acts to the same intent, respectively, approved June 26, 1848, and February 8, 1854, for military services in the Revolutionary War, or in the War of 1812 with Great Britain, which remained unsatisfied on the 2d day of July, 1864, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter sections, at the proper local land office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant. (R. S. § 2416.)

825. **Time for location of warrants referred to in preceding section.**—All warrants for bounty lands referred to in the preceding section may be located at any time, in conformity with the general laws in force at the time of such location. (R. S. § 2417.)

826. **Warrants located free of expense.**—It shall be the duty of the Commissioner of the General Land Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land Office for that purpose, in such State or land district as the holder or warrantee may designate, and upon good farming land, so far as the same can be ascertained from the maps, plats, and field notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made, the Secretary shall cause a patent to be transmitted to such warrantee or holder. (R. S. § 2437.)

827. **Issuance of patent.**—Every person for whom provision is made by sections 791 and 793 of this title, shall receive a warrant from the Department of the Interior for the quantity of land to which he is entitled; and, upon the return of such warrant, with evidence of the location thereof having been legally made to the General Land Office, a patent shall be issued therefor. (R. S. § 2423.)

828. **Issue of patent notwithstanding loss of warrant.**—When a soldier of the Regular Army, who has obtained a military land warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced. (R. S. § 2439.)

829. **Assignment of lost warrant; criminal liability.**—Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty land are authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, reissued, the original warrant, in whose ever hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by due proof that the same was executed by the warrantee in good faith and for a valuable consideration. (R. S. § 2441.)

830. **Loss of or failure to issue certificate of honorable discharge.**—In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land warrant and patent, provided such measure is justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached. (R. S. § 2440.)

831. **Mode of issuing patents to heirs.**—In all cases where an officer or soldier of the Revolutionary War, or a soldier of the War of 1812, who was entitled to bounty land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty land, it shall be the duty of the Secretary of the Interior to issue the patent in the name of the heirs of such deceased officer or soldier, without specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death. (R. S. § 2443.)

832. **Death of claimant after establishing right and before warrant.**—When proof has been filed in the Pension Office, during the lifetime of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and

such warrant is not issued until after the death of the claimant, the title to such warrants and all such warrants as have been issued subsequent to the death of the claimant, shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only. (R. S. § 2444.)

833. Proofs filed by legal representatives.—The legal representatives of a deceased claimant for a bounty land warrant, whose claim was filed prior to his death, may file the proofs necessary to perfect such claim. (R. S. § 2445.)

834. Relocation of military bounty land warrants in cases of error.—Where an actual settler on the public lands has sought, or attempts, to locate the land settled on and improved by him, with a military bounty land warrant, and where, from any cause, an error has occurred in making such location, he is authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same then be vacant, and if not, upon any other vacant land, on making proof of those facts to the satisfaction of the land officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land Office, and subject to his final adjudication. (R. S. § 2446.)

835. Issuance and recording of warrants.—In all cases in which land has been given or shall be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of the Interior; and such warrants shall be recorded in the General Land Office, in books to be kept for the purpose, and shall be located as is or may be provided by law; and patents shall afterwards be issued accordingly. (R. S. § 457.)

CLAIM AGENTS OR ATTORNEYS

841. Claim agent withholding discharge papers.—Any claim agent, attorney, or other person engaged in the collection of claims for pay, bounty, or other allowances for any soldier, sailor, or marine, or for any commissioned officer of the military or naval forces, or who may have been a soldier, sailor, marine, or officer of the Regular or Volunteer forces of the United States, and honorably discharged, who shall retain, without the consent of the owner or owners thereof, or shall refuse to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the land warrant of any such soldier, sailor, or marine, or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not exceeding $500, or by imprisonment not exceeding six months, or both, at the discretion of the court, and shall thereafter be debarred from prosecuting any such claim in any executive department of the Government. (May 21, 1872, c. 178, 17 Stat. 137.)

842. Compensation of agent or attorney.—No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney or other person demand or receive such compensation, in whole or in part, until such bounty land claim shall be allowed. (R. S. § 4785; July 4, 1884, c. 181, § 3, 23 Stat. 99.)

843. Agent or attorney demanding more than legal fee.—Any agent or attorney, or any other person instrumental in prosecuting any claim for bounty land, who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services, or instrumentality in prosecuting a claim for bounty land than is provided in Title 38 pertaining to pensions, or who shall wrongfully withhold from a claimant the whole, or any part of the claim allowed and due such claimant, or the land warrant issued to any such claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $500, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court. (R. S. § 5485.)

844. Agreement for fee; filing; limitation of amount.—The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for bounty land, and no agreement is filed with the commissioner as herein provided, the fee shall be $10 and no more. No greater fee than $10 shall be demanded, received, or allowed in any claim for bounty land granted by special act of Congress. Any agent or attorney or other person instrumental in prosecuting any claim for bounty land, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for bounty land than is provided in this section, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a claimant the land warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding $500, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. (R. S. § 4786; July 4, 1884, c. 181, § 4, 23 Stat. 99.)

Chapter 20.—RESERVATIONS AND GRANTS TO STATES FOR PUBLIC PURPOSES.

Sec.
851. Deficiencies in grants to State by reason of settlements, etc., on designated sections generally.
852. Selections to supply deficiencies of school lands.
853. Selections in Utah to supply deficiencies of school lands.
854. Selections in New Mexico to supply deficiencies of school lands.
855. Indemnity selections by State of Wyoming.
856. Selection of school lands on ceded Indian reservations.
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858. Grants to counties for seats of justice.
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860. Selection of phosphate or oil lands by Idaho under indemnity and other land grants.
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864. Survey of land grants to Florida.
865. Certain lands selected by California confirmed.
866. Exchange of cut-over land in Montana.
867. Agricultural college scrip.
868. Representation of Indian claimants in suits to determine right to school lands.

Section 851. Deficiencies in grants to State by reason of settlements, etc., on designated sections generally.—Where settlements with a view to preemption or homestead have been, prior to February 26, 1859, or shall thereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the claims of such settlers; and if such sections, or either of them, have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected by said State or Territory, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage are also hereby ap-

propriated and granted, and may be selected by said State or Territory where sections 16 or 36 are mineral land, or are included within any Indian, military, or other reservation, or are otherwise disposed of by the United States: *Provided*, Where any State is entitled to said sections 16 and 36, or where said sections are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections. And other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory to compensate deficiencies for school purposes, where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of two sections for each of said townships, in lieu of sections 16 and 36 therein; but such selections may not be made within the boundaries of said reservations: *Provided, however*, That nothing in this section contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections 16 and 36 in place therein; but nothing in this proviso shall be construed as conferring any right not in this section existing prior to February 28, 1891. (R. S. § 2275; Feb. 28, 1891, c. 384, 26 Stat. 796.)

852. Selections to supply deficiencies of school lands.—The lands appropriated by the preceding section shall be selected from any unappropriated, surveyed public lands, not mineral in character, within the State or Territory where such losses or deficiencies of school sections occur; and where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three quarters of a section; for a fractional township, containing a greater quantity of land than one quarter, and not more than one half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land: *Provided*, That the States or Territories which are, or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships. (R. S. § 2276; Feb. 28, 1891, c. 384, 26 Stat. 796.)

853. Selections in Utah to supply deficiencies of school lands.—All the provisions of sections 1 and 2, this chapter, which provide for the selection of lands for educational purposes in lieu of those appropriated for other purposes, are made applicable to the State of Utah, and the grant of school lands to said State, including sections 2 and 32 in each township, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said sections, anything in the Act providing for the admission of said State into the Union, to the contrary notwithstanding.

Wherever the words "sections 16 and 36" occur in said sections, the same as applicable to the State of Utah shall read: "sections 2, 16, 32, and 36," and wherever the words "sixteenth and thirty-sixth sections" occur the same shall read: "second, sixteenth, thirty-second, and thirty-sixth sections," and wherever the words "sections 16 or 36" occur the same shall read: "sections 2, 16, 32, or 36," and wherever the words "two sections" occur the same shall read "four sections." (May 3, 1902, c. 683, §§ 1, 2, 32 Stat. 189.)

854. Selections in New Mexico to supply deficiencies of school lands.—All the provisions of sections 851 and 852 of this chapter are made applicable to New Mexico, and the grant of school lands to said State, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of this chapter, anything in the Act of Congress approved June 21, 1898, making certain grants of land to the former Territory of New Mexico, and for other purposes, to the contrary notwithstanding. (Mar. 16, 1908, c. 88, 35 Stat. 44.)

855. Indemnity selections by State of Wyoming.—Upon the selection by the State of Wyoming under the provisions of sections 851 and 852 of this chapter, and in accordance with the regulations of the Department of the Interior governing such selections of other lands approximately equal in area in exchange for tract numbered 60, township 56 north, of range 69 west, of the sixth principal meridian in that State, which is a segregation by resurvey of granted school section 36 in said township, the Secretary of the Interior is authorized to convey title to the State for the land so selected if found regular. (Mar. 2, 1923, c. 184, 42 Stat. 1429.)

856. Selection of school lands on ceded Indian reservations.—Any State or Territory entitled to indemnity school lands or entitled to select lands for educational purposes under law existing prior to March 2, 1895, may select such lands within the boundaries of any Indian reservation in such State or Territory from the surplus lands thereof, purchased by the United States after allotments have been made to the Indians of such reservation, and prior to the opening of such reservation to settlement. (Mar. 2, 1895, c. 188, § 1, 28 Stat. 899.)

857. Grant to new States.—There is granted, for purposes of internal improvement, to each new State admitted into the Union, after September 4, 1841, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

Selections and locations of lands.—The selections of lands, granted in this section, shall be made within the limits of each State so admitted into the Union, in such manner as the legislatures thereof, respectively, may direct; and such lands shall be located in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land not reserved from sale by law of Congress or by proclamation of the President. The locations may be made at any time after the public lands in any such new State have been surveyed according to law. (R. S. §§ 2378, 2379.)

858. Grants to counties for seats of justice.—There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of preemption to one quarter section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located. (R. S. § 2286.)

859. Fee simple to pass in all grants.—Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land Office, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee simple of all the lands embraced in such lists that are of the character contemplated by such Act of Congress, and intended to be granted thereby, but where lands embraced in such lists are not of the character embraced by such Acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby. (R. S. § 2449.)

860. Selection of phosphate or oil lands by Idaho under indemnity and other land grants.—From and after February 27, 1913, unreserved public lands of the United States in the State of Idaho which have been withdrawn or classified as phosphate or oil lands, or are valuable for phosphates or oil, shall, if otherwise available under existing law, be subject to selection by the State of Idaho under indemnity and other land grants made to it by Congress whenever such selections shall be made with a view of obtaining or passing title, with a reservation to the United States of the phosphates and oil in such lands, and of the right to prospect for, mine, and remove the same.

Application for selection.—The State of Idaho, when applying to select lands classified as phosphate or oil lands, or valuable for phosphates or oil, with a view to securing or passing title to the same in accordance with the provisions of the indemnity and other granting Acts, shall state in the application for selection that same is made in accordance with and subject to the provisions and reservations of this section.

Lands selected certified to State; reservations.—Upon satisfactory proof of full compliance with the provisions of the laws under which selection is made and this section, the State shall, upon approval of the selection by the Secretary of the Interior, be entitled to have the lands certified to it, with a reservation to the United States of all the phosphates and oil in the land so certified, together with the right in the United States, or persons authorized by it, to prospect for, mine, and remove the same; but before any person not acting for the United States shall be entitled to enter upon the lands certified for the purpose of prospecting for phosphates or oil he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for phosphates or oil. Any person who has acquired from the United States the oil or phosphate deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the oil or phosphate therefrom and mine and remove the oil or phosphate upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right of the State of Idaho to present and have prompt consideration of applications to select lands, which have been classified as oil or phosphate lands, with a view to disproving such classification and securing a certificate without reservation: *And provided further*, That the reserved phosphate and oil deposits in approved selections under this section shall not be subject to exploration or entry, other than by the United States, except as hereinafter authorized by Congress. (Feb. 27, 1913, c. 85, §§ 1–3, 37 Stat. 687.)

861. Preference right of selection granted certain Western States.—The States of North Dakota, South Dakota, Montana, Idaho, and Washington shall have a preference right over any person or corporation to select lands subject to entry by said States by the Act of Congress approved February 22, 1889, for a period of sixty days after lands have been surveyed and duly declared to be subject to selection and entry under the general land laws of the United States.

Rights of bona fide settlers.—Such preference right shall not accrue against bona fide homestead or preemption settlers on any of said lands at the date of filing of the plat of survey of any township in any local land office of said States. (Mar. 3, 1893, c. 208, 27 Stat. 593.)

862. Patents for wagon-road grants to Oregon.—In all cases when the roads in aid of the construction of which said lands were granted are shown by the certificate of the Governor of the State of Oregon to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon their payment of the necessary expenses thereof: *Provided*, That this shall not be construed to revive any land grant already expired nor to create any new rights of any kind except to provide for issuing patents for lands to which the State is already entitled. (June 18, 1874, c. 305, 18 Stat. 80.)

863. Survey of lands granted to certain Western States.—It shall be lawful for the Governors of the States of Washington, Idaho, Montana, North Dakota, South Dakota, Utah, and Wyoming to apply to the Commissioner of the General Land Office for the survey of any township or townships of public land then remaining unsurveyed in any of the several surveying districts, with a view to satisfy the public land grants made by the several Acts admitting the said States into the Union to the extent of the full quantity of land called for thereby; and upon the application of said governors the Commissioner of the General Land Office shall proceed to immediately notify the Supervisor of Surveys of the application made by the governor of any of the said States of the application made for the withdrawal of said lands, and the Supervisor of Surveys shall proceed to have the survey or surveys so applied for made, as in the cases of surveys of public lands; and the lands that may be found to fall within the limits of such township or townships, as ascertained by the survey, shall be reserved upon the filing of the application for survey from any adverse appropriation by settlement or otherwise except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from the date of the filing of the township plat of survey in the proper district land office, during which period of sixty days the State may select any of such lands not embraced in any valid adverse claim, for the satisfaction of such grants, with the condition, however, that the governor of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from the first publication, in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such township or townships, giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for; and after the expiration of such period of sixty days any lands which may remain

unselected by the State, and not otherwise appropriated according to law, shall be subject to disposal under general laws as other public lands: *And provided further*, That the Commissioner of the General Land Office shall give notice immediately of the reservation of any township or townships to the local land office in which the land is situate of the withdrawal of such township or townships, for the purpose hereinbefore provided: *And provided further*, That the governors of the several States herein named are authorized to advance money from time to time for the survey of the townships withdrawn at such United States depository as may be designated by the Commissioner of the General Land Office, and the moneys so advanced shall be reimbursable. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 394; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

864. Survey of land grants to Florida.—It shall be lawful for the properly credited agent or official of the State of Florida having in charge the adjustment of its school grant to apply to the Commissioner of the General Land Office for the survey of any townships or parts of townships of public land unsurveyed in any of the surveying districts of said State, with a view to satisfy the grant in aid of schools made to said State of Florida to the extent of the full quantity of land called for thereby; and upon the application of said agent or official, the Commissioner of the General Land Office shall proceed to have the survey or surveys so applied for made, as in the case of surveys of other public lands; and the lands that may be found to fall within the limits of such townships or parts of townships as ascertained by the survey shall be reserved, upon the filing of the application for survey from any adverse appropriation by settlement or otherwise, except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from date of filing of the township plat of survey in the proper district land office, which period of sixty days the State may select any of such lands not embraced in any valid adverse claim for the satisfaction of its school grant, as aforesaid, with the condition, however, that the agent or official of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from date of first publication in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such townships or parts of townships giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for, and after the expiration of such sixty days any lands which may remain unselected by the State and not otherwise appropriated according to law shall be subject to disposal under general laws as other public lands: *Provided*, That the Commissioner of the General Land Office shall give notice immediately of the reservation of any township or parts of townships to the officials of the local land office of the land district in which the land is situated of the withdrawal of such townships or parts of townships for the purpose hereinbefore provided: *Provided further*, That nothing herein shall be deemed to authorize the Commissioner of the General Land Office to survey any lands within the exterior boundaries of the Everglades, as defined in Everglades patent numbered 137, issued to the State of Florida by the United States under the Swamp Land Act, chapter 23 of this title. (Feb. 16, 1921, c. 60, 41 Stat. 1103.)

865. Certain lands selected by California confirmed.—All selections of any portion of the public domain, to which, prior to July 23, 1866, no homestead, preemption, or other right had been acquired by any settler under the laws of the United States, and not being mineral land, nor reserved for naval, military, or Indian purposes nor held or claimed under any valid Mexican or Spanish grant, and not included within the limits of any city, town, or village or of the county of San Francisco, made prior to the 23d day of July, 1866, and theretofore sold to bona fide purchasers by the State of California are confirmed to the State of California: *Provided, however*, That said State shall not receive any greater quantity of land for school or improvement purposes than she is entitled to by law.

Selections on lands already surveyed.—When selections named in the above paragraph have been made upon lands already surveyed by authority of the United States, the authorities of said States, where the same has not been already done, shall notify the register of the land office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said registers of the several land offices, after investigation and decision, shall, under the instruction of the Commissioner of the General Land Office, forward all such selections to the General Land Office, and the Commissioner of the General Land Office shall certify the same over to the State in the usual manner.

Selections on land surveyed only by State authority.—When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said 23d of July, 1866, when marked off and designated in the field, shall have the same force and effect as the preemption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon filing with the register of the proper United States land office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as was allowed preemptors under laws existing prior to July 23, 1866, and if found in accordance with the law the land embraced therein shall be certified over to the State by the Commissioner of the General Land Office. (R. S. §§ 2485–2487.)

866. Exchange of cut-over land in Montana.—Tracts of timbered lands prior to February 14, 1923, granted to the State of Montana for educational purposes, from which the timber has been cut or removed pursuant to State laws, may, under such rules and regulations as the legislature of said State shall prescribe, be exchanged for other lands of like character and approximately of equal value, in private ownership, which exchanged land shall be subject to the same requirements and limitations to the end that the State may acquire holdings in reasonably compact form and reforesting be undertaken in an economic manner, anything in the enabling act of said State to the contrary notwithstanding. (Feb. 14, 1923, c. 74, 42 Stat. 1245.)

867. Agricultural college scrip.—*Reissue of agricultural college land scrip lost or destroyed.*—The provisions of section 829 of chapter 19 of this title, relating to the reissue of land warrants in certain cases, be, and the same are hereby extended so as to include the reissue of agricultural college land scrip lost, canceled, or destroyed without the fault of the owner thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

Limitation of entries by agricultural college scrip.—In no case shall more than three sections of public lands be entered at private entry in any one township by scrip issued to any State under the Act approved July 2, 1862, for the es-

tablishment of an agricultural college therein. (R. S. § 2377; June 20, 1874, c. 330, 18 Stat. 111.)

868. Representation of Indian claimants in suits to determine right to school lands.—In any suit prior to March 2, 1901, or thereafter instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney General upon the request of such Secretary. (Mar. 2, 1901, c. 808, 31 Stat. 950.)

Chapter 21.—GRANTS IN AID OF RAILROADS AND WAGON ROADS.

Sec.

881. Cost of survey of grants to railroads; payment.
882. Surveyed lands taxable notwithstanding lien; provisos.
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884. Right of forfeiture of railroad grants not affected.
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889. Rights of entrymen whose entries had not been admitted to record.
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891. Abandoned railroad lands; reentry.
892. Entries after expiration of grant.
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899. Limitation of quantity to be conveyed.
900. Suits to cancel patents to lands erroneously issued under railroad or wagon-road grants.
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905. Homestead entries on forfeited lands.
906. Purchase by bona fide purchasers from grantees; removal of crops and improvements.
907. Rights of original grantees to forfeited lands.
908. Deposits by railroad companies for costs of surveying and conveying unsurveyed lands granted.
909. Forfeiture of grant on failure to make deposit.
910. Right to extend public surveys over lands granted, and other rights of United States, not affected.
911. Regulations.
912. Disposition of abandoned or forfeited railroad grants.
913. Conveyance by land-grant railroads of portions of rights of way to State, county, or municipality.
914. Patents for wagon-road grants to Oregon.

Section 881. Cost of survey of grants to railroads; payment.—Before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest. (July 15, 1870, c. 292, 16 Stat. 305; July 31, 1876, c. 246, 19 Stat. 121.)

882. Surveyed lands taxable notwithstanding lien; provisos.—No lands granted to any railroad corporation by any Act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That sections 882 to 885, inclusive, shall apply only to lands situated opposite to and coterminous with completed portions of said roads, and in organized counties: *Provided further*, That at any sale of lands under the provisions of sections 882 to 885, inclusive, the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto. (July 10, 1886, c. 764, § 1, 24 Stat. 143.)

883. Collection of costs of surveying, etc.; reimbursement of purchaser.—If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by Act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney General, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 882, the Secretary of the Interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying. (July 10, 1886, c. 764, § 2, 24 Stat. 143.)

884. Right of forfeiture of railroad grants not affected.—Sections 882 to 885, inclusive, shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if said sections had not passed, except as to the lien mentioned in section 882. (July 10, 1886, c. 764, § 3, 24 Stat. 143.)

885. Union Pacific Railroad lands.—The costs of surveying, selecting, and conveying lands granted to the Union Pacific Railroad Company shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section 883, and nothing in this section or the three preceding sections shall be construed or taken in any wise to affect or impair the right of Congress at any time further to alter, amend, or repeal the Act of July 2, 1864, chapter 216, as in the opinion of Congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises existing on July 10, 1886, in favor of the United States. This section and the three preceding sections, shall be subject to alteration, amendment, or repeal. (July 10, 1886, c. 764, § 4, 24 Stat. 143.)

886. Survey of lands within limits of railroad grants.—For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 894, the sum of $100,000 heretofore appropriated is made a continuing appropriation for the survey of lands within the limits of railroad land grants, and any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and said sum shall remain a continuing appropriation,

and so often as any part of the same shall, after being expended, be reimbursed by any railroad company as hereinafter provided, the same shall be again available for the purposes aforesaid: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of section 881: *And provided further*, That whenever there shall have been reimbursed and paid into the Treasury of the United States, by the respective companies or parties in interest, any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress, until all of said lands shall have been surveyed: *Provided*, That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying the public lands: *Provided*, That no part of the foregoing money shall be used for any land embraced in any grant to the State of Florida: *And provided further*, That the provisions of law requiring reimbursements to be made to the United States by railroad corporations claiming such grants, shall apply equally to the successors of such railroad corporations acquiring title to their lands and other property, under decree of foreclosure of any mortgage authorized by Congress. The Secretary of the Interior shall report to each regular session of Congress what has been done under this section. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 937.)

887. Deposits for surveys of lands granted to railroads.—When any railroad company claiming a grant of land under any Act of Congress, desiring to secure the survey of any unsurveyed lands within the limits of its grant, shall file an application therefor in writing with the Field Surveying Service of the State in which the lands sought to be surveyed are situated, and deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey and for the examination thereof pursuant to law and the rules and regulations of the Department of the Interior under the direction of the Commissioner of the General Land Office, it shall thereupon be the duty of the Commissioner of the General Land Office, or the Director of the Geological Survey, as the case may be, to cause said lands to be surveyed.

For any deposits made by any railroad company hereunder, certificates shall be issued, which may be used by such railroad company, its successors or assigns, to the same extent as cash is now allowed in payment of entries of public lands under existing law and regulations for any public lands of the United States in the States where the surveys were made, or for any survey or office fees due the United States from such railroad company on account of surveys of lands within its grant. The Secretary of the Interior shall provide such rules and regulations as may be necessary for carrying out the foregoing provisions. (Feb. 27, 1899, c. 205, 30 Stat. 892; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

888. Selection by railroads of lands in lieu of lands entered subsequent to accrual of rights; title of settlers.—In the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the preemption or homestead laws of the United States subsequent to the time at which, by the decision of the land office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral and within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted: *Provided*, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad or to extend to lands reserved in any land grant made for railroad purposes: *And provided further*, That this section shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a preemption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market. (June 22, 1874, c. 400, 18 Stat. 194.)

889. Rights of entrymen whose entries had not been admitted to record.—The privileges granted by section 888 are extended (subject to the provisos, limitations, and restrictions thereof) to all persons entitled to the right of homestead or preemption under the laws of the United States, who on August 29, 1890, had resided upon and improved for five years lands granted to any railroad company, but whose entries or filings had not for any cause been admitted to record. (Aug. 29, 1890, c. 819, 26 Stat. 369.)

890. Homestead entries on railroad lands prior to withdrawal or after restoration to market confirmed.—All preemption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the preemption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, shall be confirmed, and patents for the same shall issue to the parties entitled thereto. (Apr. 21, 1876, c. 72, § 1, 19 Stat. 35.)

891. Abandoned railroad lands; reentry.—When at the time of such withdrawal as aforesaid, valid preemption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were reentered by preemption or homestead claimants who have complied with the laws governing preemption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto. (Apr. 21, 1876, c. 72, § 2, 19 Stat. 35.)

892. Entries after expiration of grant.—All such preemption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor. (Apr. 21, 1876, c. 72, § 3, 19 Stat. 36.)

893. Rights of permissive settlers on railroad lands restored to public domain.—All persons who shall have settled and made valuable and permanent improvements upon any odd-numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved,

may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the homestead laws of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal subdivisions, at the price of $2.50 per acre, and to receive patents therefor. (Jan. 13, 1881, c. 19, 21 Stat. 315; Mar. 3, 1891, c. 591, §§ 1, 4, 26 Stat. 1095, 1097; Mar. 3, 1893, c. 208, 27 Stat. 593.)

894. Adjustment of land grants to railroads.—The Secretary of the Interior is authorized and directed as of March 3, 1887, to adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and theretofore unadjusted. (Mar. 3, 1887, c. 376, § 1, 24 Stat. 556.)

895. Cancellation of patents erroneously issued; reconveyance.—If it shall appear, upon the completion of such adjustments, respectively, or sooner, that lands have been, from any cause, prior to March 3, 1887, erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title prior to March 3, 1887, issued for such lands, and to restore the title thereof to the United States. (Mar. 3, 1887, c. 376, § 2, 24 Stat. 556.)

896. Erroneous cancellation of bona fide entries corrected.—If, in the adjustment of said grants, it shall appear that the homestead or preemption entry of any bona fide settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public land laws: *Provided*, That he has not located another claim or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public land laws, with priority of right given to bona fide purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to bona fide settlers residing thereon. (Mar. 3, 1887, c. 376, § 3, 24 Stat. 557.)

897. Patents to purchasers from railroads; purchase money.—As to all lands, except those mentioned in the foregoing section, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting, and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That nothing in sections 894 to 899, inclusive, shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase money therefor from the grantee company, less the amount paid to the United States by such company as by said sections required: *And provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of said sections, nor shall said sections be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any breach of said conditions. *Provided further*, That where such purchasers, their heirs or assigns, have paid only a portion of the purchase price to the company, which is less than the Government price of similar lands, they shall be required, before the delivery of patent for their lands, to pay to the Government a sum equal to the difference between the portion of the purchase price so paid and the Government price, and in such case the amount demanded from the company shall be the amount paid to it by such purchaser. (Mar. 3, 1887, c. 376, § 4, 24 Stat. 557; Feb. 12, 1896, c. 18, 29 Stat. 6.)

898. Rights of purchasers from railroads of coterminous lands not within grants.—Where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the bona fide purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said bona fide purchaser, his heirs or assigns: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the bona fide occupation of adverse claimants under the preemption or homestead laws of the United States, and whose claims and occupation have not since been voluntarily abandoned, as to which excepted lands the said preemption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled upon subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases. (Mar. 3, 1887, c. 376, § 5, 24 Stat. 557.)

899. Limitation of quantity to be conveyed.—No more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands to which such State corporation or individual would be rightfully entitled. (Mar. 3, 1887, c. 376, § 7, 24 Stat. 558.)

900. Suits to cancel patents to lands erroneously issued under railroad or wagon-road grants.—Suits by the United States to vacate and annul any patent to lands erroneously issued under a railroad or wagon-road grant shall only be brought within six years after the date of the issuance of such

patents. But no patent to any lands held by a bona fide purchaser shall be vacated or annulled, but the right and title of such purchaser is hereby confirmed: *Provided*, That no suit shall be brought or maintained, nor shall recovery be had for lands or the value thereof, that were certified or patented in lieu of other lands covered by a grant which were lost or relinquished by the grantee in consequence of the failure of the Government or its officers to withdraw the same from sale or entry. (Mar. 2, 1896, c. 39, § 1, 29 Stat. 42.)

901. Claims of bona fide purchasers; establishment of rights.—If any person claiming to be a bona fide purchaser of any lands erroneously patented or certified shall present his claim to the Secretary of the Interior prior to the institution of a suit to cancel a patent or certification, and if it shall appear that he is a bona fide purchaser, the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the certification was made, for the value of said land, which in no case shall be more than the minimum Government price thereof, and the title of such claimant shall stand confirmed. An adverse decision by the Secretary of the Interior on the bona fides of such claimant shall not be conclusive of his rights, and if such claimant, or one claiming to be a bona fide purchaser, but who has not submitted his claim to the Secretary of the Interior, is made a party to such suit, and if found by the court to be a bona fide purchaser, the court shall decree a confirmation of the title, and shall render a decree in behalf of the United States against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made for the value of the land as hereinbefore provided. Any bona fide purchaser of lands patented or certified to a railroad company, and who is not made a party to such suit, and who has not submitted his claim to the Secretary of the Interior, may establish his right as such bona fide purchaser in any United States court having jurisdiction of the subject matter, or at his option, as prescribed in sections 896 and 897. (Mar. 2, 1896, c. 39, § 2, 29 Stat. 43.)

902. Cancellation; investigation before suit.—If at any time prior to the institution of suit by the Attorney General to cancel any patent or certification of lands erroneously patented or certified a claim or statement is presented to the Secretary of the Interior by or on behalf of any person or persons, corporation or corporations, claiming that such person or persons, corporation or corporations, is a bona fide purchaser or are bona fide purchasers of any patented or certified land by deed or contract or otherwise, from or through the original patentee or corporation to which patent or certification was issued, no suit or action shall be brought to cancel or annul the patent or certification for said land until such claim is investigated in said Department of the Interior; and if it shall appear that such person or corporation is a bona fide purchaser as aforesaid, or that such persons or corporations are such bona fide purchasers, then no such suit shall be instituted and the title of such claimant or claimants shall stand confirmed; but the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the patent was issued or certification was made for the value of the land as hereinbefore specified. (Mar. 2, 1896, c. 39, § 3, 29 Stat. 43.)

903. Relief of settlers on lands granted in aid of wagon roads.—The provision of section 888 and all statutes amendatory thereof or supplementary thereto, including sections 894 to 899, inclusive, as modified or supplemented by sections 900, 901 and 902, shall apply to grants of land in aid of the construction of wagon roads. (July 1, 1902, c. 1386, 32 Stat. 733.)

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904. Forfeiture of unearned grants; restoration to public domain.—There is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands granted prior to September 29, 1890, to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not on that date completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: *Provided*, That sections 904 to 907, inclusive, shall not be construed as forfeiting the right of way or station grounds of any railroad company granted prior to September 29, 1890. (Sept. 29, 1890, c. 1040, § 1, 26 Stat. 496.)

905. Homestead entries on forfeited lands.—All persons who, on September 29, 1890, were actual settlers in good faith on any of the lands forfeited by section 904 and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the date of the promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices, for their direction in the disposition of said lands, shall be entitled to a preference right to enter the same under the provisions of the homestead law and sections 904 to 907, inclusive, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who prior to September 29, 1890, has not had the benefit of the homestead or preemption law, or who has failed from any cause to perfect the title to a tract of land theretofore entered by him under either of said laws, may make a second homestead entry under the provisions of sections 904 to 907, inclusive. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights: *Provided*, That nothing herein shall extend any time or enlarge any rights given by sections 904 to 907, inclusive, to any railroad company. (Sept. 29, 1890, c. 1040, § 2, 26 Stat. 496; Feb. 18, 1891, c. 244, 26 Stat. 764.)

906. Purchase by bona fide purchasers from grantees; removal of crops and improvements.—In all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1888, or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting Acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of $1.25 per acre, at any time prior to January 1, 1899, and on making said payments to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the 1st day of January, 1890, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of $1.25 per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section: *Provided*, That in all cases where parties, persons or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have

made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of sections 904 to 907, inclusive, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person in good faith has made or asserted the right to make a preemption or homestead settlement: *And provided further*, That nothing in sections 904 to 907, inclusive, contained shall be construed as limiting the rights granted to purchasers or settlers by sections 894 to 899, inclusive, or as repealing, altering, or amending said sections, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

Actual residence upon the lands by persons claiming the right to purchase the same shall not be required where such lands have been fenced, cultivated, or otherwise improved by such claimants, and such persons shall be permitted to purchase two or more tracts of such lands by legal subdivisions, whether contiguous or not, but not exceeding three hundred and twenty acres in the aggregate.

Nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof. (Sept. 29, 1890, c. 1040, § 8, 26 Stat. 496; Feb. 18, 1891, c. 244, 26 Stat. 764; June 25, 1892, c. 133, 27 Stat. 59; Jan. 31, 1893, c. 54, 27 Stat. 427; Dec. 12, 1893, c. 1, 28 Stat. 15; Jan. 23, 1896, c. 8, 29 Stat. 4; Feb. 18, 1897, c. 250, 29 Stat. 535.)

907. Rights of original grantees to forfeited lands.—No lands declared forfeited to the United States by sections 904 to 907, inclusive, shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as therein otherwise provided; nor shall sections 904 to 907, inclusive, be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and forfeited by section 904, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture declared to the benefit of the completed line. (Sept. 29, 1890, c. 1040, § 6, 26 Stat. 498.)

908. Deposits by railroad companies for costs of surveying and conveying unsurveyed lands granted.—To enable the Secretary of the Interior to complete the adjustment of land grants made by Congress to aid in the construction of railroads, and to subject the lands granted to taxation by States, Territories, and municipal authorities, any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or corporation, or for its use and benefit, by any Act of Congress, is required, within ninety days from demand by the Secretary of the Interior, to deposit in a proper United States depository to the credit of the United States a sum sufficient to pay the cost of surveying, selecting, and conveying any of the unsurveyed lands granted to such company, or for its use and benefit, under any Act of Congress: *Provided further*, That the Secretary of the Interior shall determine and specify in the notice or demand to such company the amount of the required deposit, and may, in his discretion, demand a sum sufficient to cover the cost of the survey, selection, and conveyance of the entire area granted to any company, or for its use and benefit, then unsurveyed, or for such townships or fractional townships as he may prescribe and designate in the notice or demand to such company, as aforesaid: *And provided further*, That the amount deposited shall, subject to the rules and regulations of the Department of the Interior, under the direction of the Commissioner of the General Land Office, be disbursed for the surveying, including office and field work, selection, and conveyance of the lands granted and designated in the notice of the Secretary of the Interior, as aforesaid: *And provided further*, That in the event the money deposited by any railroad corporation under the provisions of sections 908 to 911, inclusive, shall exceed the cost of said surveys, the said excess thereof shall be repaid to the corporation so depositing the same, or to its assigns. (June 25, 1910, c. 406, § 1, 36 Stat. 834.)

909. Forfeiture of grant on failure to make deposit.—If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such corporation, or for its use and benefit, by any Act of Congress, shall, for ninety days from notice or demand by the Secretary of the Interior, as provided by section 908, neglect or refuse to deposit an amount sufficient to meet the expense of surveying, selecting, and conveying the unsurveyed lands granted to such company, or for its use and benefit, by any Act of Congress, and designated in the notice or demand by the Secretary of the Interior, as aforesaid, the rights, title, and interests of such company, and all those claiming by, through, or under it, in and to the unsurveyed lands designated in the notice of the Secretary, as aforesaid, shall cease and forfeit to the United States; and the Secretary of the Interior shall notify the Attorney General, who shall at once commence proceedings to declare the forfeiture and to restore the lands forfeited to the public domain. (June 25, 1910, c. 406, § 2, 36 Stat. 834.)

910. Right to extend public surveys over lands granted, and other rights of United States, not affected.—Sections 908 to 911, inclusive, shall not affect the right of the Secretary of the Interior to cause the public surveys to be extended over any lands granted to any railroad or corporation by any Act of Congress in the manner on June 25, 1910, otherwise provided by law, nor shall any claim, right, interest, or demand of the Government of the United States be waived or annulled by the provisions thereof: *Provided*, That all granted lands surveyed under the provisions of sections 908 to 911, inclusive, shall be subject to taxation by States, Territories, and municipal authorities, and the right of the Government to reimburse itself for the survey, selection, and conveyance of such lands otherwise provided by law shall remain in full force and effect. (June 25, 1910, c. 406, § 3, 36 Stat. 834.)

911. Regulations.—The Secretary of the Interior shall prescribe such rules and regulations as will be necessary to the carrying out of the provisions of the three preceding sections. (June 25, 1910, c. 406, § 4, 36 Stat. 835.)

912. Disposition of abandoned or forfeited railroad grants.—Whenever public lands of the United States have been or may be granted to any railroad company for use as a right of way for its railroad or as sites for railroad structures of any kind, and use and occupancy of said lands for such purposes has ceased or shall hereafter cease, whether by forfeiture or by abandonment by said railroad company declared or decreed by a court of competent jurisdiction or by Act of Congress, then and thereupon all right, title, interest, and estate of the United States in said lands shall, except such part thereof as may be embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole

of the legal subdivision or subdivisions traversed or occupied by such railroad or railroad structures of any kind as aforesaid, except lands within a municipality the title to which, upon forfeiture or abandonment, as herein provided, shall vest in such municipality, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever: *Provided*, That this section shall not affect conveyances made by any railroad company of portions of its right of way if such conveyance be among those which have been or may after May 8, 1922, and before such forfeiture or abandonment be validated and confirmed by any Act of Congress; nor shall this section affect any public highway on said right of way on May 8, 1922: *Provided further*, That the transfer of such lands shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same. (Mar. 8, 1922, c. 94, 42 Stat. 414.)

913. Conveyance by land-grant railroads of portions of rights of way to State, county, or municipality.—All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained. (May 25, 1920, c. 197, 41 Stat. 621.)

914. Patents for wagon-road grants to Oregon.—In all cases when the military wagon roads in aid of the construction of which lands were granted to the State of Oregon prior to June 18, 1874, are shown by the certificate of the Governor of the State of Oregon to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon their payment of the necessary expenses thereof: *Provided*, That this section shall not be construed to revive any land grant which had expired prior to June 18, 1874, nor to create any new rights of any kind except to provide for issuing patents for lands to which the State is already entitled. (June 18, 1874, c. 305, 18 Stat. 80.)

Chapter 22.—RIGHTS OF WAY AND OTHER EASEMENTS IN PUBLIC LANDS.

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970. Forfeiture for violation of antitrust law.
971. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands.

Section 931. Navigable rivers public highways.—All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both. (R. S. § 2476.)

932. Right of way for highways.—The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted. (R. S. § 2477.)

933. Roads across military reservations; ferry landings; bridges.—The Secretary of War shall have authority, in his discretion, to permit the extension of State, county, and Territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon; and permit cattle, sheep, or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the reservation or inconvenience to the military forces stationed thereon. (July 5, 1884, c. 214, § 6, 23 Stat. 104.)

934. Right of way through public lands granted to railroads.—The right of way through the public lands of the United States is granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road. (Mar. 3, 1875, c. 152, § 1, 18 Stat. 482.)

935. Several roads through canyons.—Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway located therein on March 3, 1875, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad com-

pany shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass or defile. (Mar. 3, 1875, c. 152, § 2, 18 Stat. 482.)

936. Condemnation of private land.—The legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section 8 of the act entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,'" approved July 2, 1864. (Mar. 3, 1875, c. 152, § 3, 18 Stat. 482.)

937. Filing profile of road; forfeiture of rights.—Any railroad company desiring to secure the benefits of sections 934 to 939, inclusive, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road. (Mar. 3, 1875, c. 152, § 4, 18 Stat. 483.)

938. Lands excepted.—The four preceding sections shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty-stipulation or by Act of Congress passed prior to March 3, 1875. (Mar. 3, 1875, c. 152, § 5, 18 Stat. 483.)

939. Alteration, amendment, or repeal.—Congress hereby reserves the right at any time to alter, amend, or repeal the five preceding sections, or any part thereof. (Mar. 3, 1875, c. 152, § 6, 18 Stat. 483.)

940. Forfeiture of rights where railroad not constructed in five years after location.—Each and every grant of right of way and station grounds made prior to February 25, 1909, to any railroad corporation under the six preceding sections, where such railroad had not been constructed and the period of five years next following the location of said road, or any section thereof, had on that date expired, is declared forfeited to the United States, to the extent of any portion of such located line then remaining unconstructed, and the United States resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land conveyed by the United States prior to such date subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction was progressing in good faith on February 25, 1909, shall be in any wise affected, validated, or invalidated, by the provisions of this section. (June 26, 1906, c. 3550, 34 Stat. 482; Feb. 25, 1909, c. 191, 35 Stat. 647.)

941. Railroad stations on rights of way granted.—All railroad companies operating railroads through the Territories of the United States over a right of way obtained under any grant or Act of Congress giving to said railroad companies the right of way over the public lands of the United States shall be required to establish and maintain passenger stations and freight depots at or within one-fourth of a mile of the boundary limits of all town sites established prior to August 8, 1894, in said Territories on the line of said railroads by authority of the Interior Department. (Aug. 8, 1894, c. 236, § 1, 28 Stat. 263.)

942. Time for establishment of stations.—Railroad companies mentioned in the preceding section are hereby required within three months after August 8, 1894, to establish at or within one-fourth of a mile of the boundary limits of all town sites provided for in the preceding section, passenger stations, freight depots, and other accommodations necessary for receiving and discharging passengers and freight at such points; and upon failure of said companies to establish such stations and depots within said time said companies shall be liable to a fine of $500 for each day thereafter until said stations and depots shall be established, which shall be recovered in a suit brought by the United States in the United States courts in any Territory through which said railroads may pass. (Aug. 8, 1894, c. 236, § 2, 28 Stat. 263.)

943. Right of way for railroads; reserved lands in Minnesota.—All lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, are declared to be, and to have been at all times prior to February 27, 1901, subject to the provisions of sections 934 to 939, inclusive, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however*, That any and all parts of said lands acquired by any railroad company under said sections shall at all times be subject to the right of flowage which at an time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further*, That the railroad companies availing themselves of this section shall, in addition to filing the maps required by law on February 27, 1901, to be filed, also file maps of definite location with elevation of rail of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations or interferes with submergence of lands needed for the use of the reservoir system, existing on February 27, 1901, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further*, That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him and by the Chief of Engineers of the United States Army. (Feb. 27, 1901, c. 614, 31 Stat. 815.)

944. Right of way in Oklahoma and Arizona.—Where, under sections 934 to 939, inclusive, or under special Acts of Congress, or under the laws of the former Territories of Oklahoma and Arizona, railroads have been constructed and were on June 26, 1906, in operation in Oklahoma or Arizona which passed through any of the lands theretofore reserved for said Territories, such lands shall be disposed of subject to such railroad right or easement, but only to the extent of the right of way conferred by the said sections for such railroad purposes. (June 26, 1906, c. 3548, 34 Stat. 481.)

945. Reservation in patents of right of way for ditches or canals.—In all patents for lands taken up after August 30, 1890, under any of the land laws of the United States or on entries or claims validated by the Act of August 30, 1890, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States. (Aug. 30, 1890, c. 837, § 1, 26 Stat. 391.)

946. Right of way to canal and ditch companies for irrigation purposes.—The right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company or drainage district formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory, and which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories. (Mar. 3, 1891, c. 561, § 18, 26 Stat. 1101; Mar. 4, 1917, c. 184, § 1, 39 Stat. 1197.)

947. Map; damages to settlers.—Any canal or ditch company desiring to secure the benefits of sections 946 to 949, inclusive, shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (Mar. 3, 1891, c. 561, § 19, 26 Stat. 1102.)

948. Application to existing and future canals.—The provisions of sections 946 to 949, inclusive, shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps therein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats filed before March 3, 1891, shall have the benefits of sections 946 to 949, inclusive, from the date of their filing, as though filed thereunder: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights therein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture. (Mar. 3, 1891, c. 561, § 20, 26 Stat. 1102.)

949. Use for canal or ditch only.—Nothing in sections 946 to 949, inclusive, shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch. (Mar. 3, 1891, c. 561, § 21, 26 Stat. 1102.)

950. Right of way to canal and ditch companies for irrigation purposes; additional grants.—In addition to the rights of way granted by sections 946 to 949, inclusive, and subject to the conditions and restrictions therein contained, the Secretary of the Interior is authorized to grant permits or easements for not to exceed five acres of ground adjoining the right of way at each of the locations, to be determined by the Secretary of the Interior, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by said sections: *Provided*, That this section shall not apply to lands within national forests. (Mar. 1, 1921, c. 93, 41 Stat. 1194.)

951. Right of way for water transportation, domestic purposes, or development of power.—Rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 946 to 949, inclusive, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage. (May 11, 1898, c. 292, § 2, 30 Stat. 404; Mar. 4, 1917, c. 184, § 2, 39 Stat. 1197.)

952. Reservoir sites for water for livestock.—Any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding one hundred and sixty acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect livestock, to conserve water, and to preserve its quality and conditions: *Provided*, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence, erected under the authority hereof, shall be immediately removed on the order of the Secretary. (Jan. 13, 1897, c. 11, § 1, 29 Stat. 484; Mar. 3, 1923, c. 219, 42 Stat. 1437.)

953. Declaratory statement.—Any person, livestock company, or corporation desiring to avail themselves of the provisions of sections 952 to 955, inclusive, shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many. (Jan. 13, 1897, c. 11, § 2, 29 Stat. 484.)

954. Survey; map.—At any time after the completion of such reservoir or reservoirs, which shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein. (Jan. 13, 1897, c. 11, § 3, 29 Stat. 484; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

955. Amendment or repeal.—Congress may at any time amend, alter, or repeal sections 952 to 955, inclusive. (Jan. 13, 1897, c. 11, § 4, 29 Stat. 484.)

956. Right of way for tramroads, canals, or reservoirs.—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the public lands of the United States, not within the limits of any national forest, park, military or Indian reservation, for tramroads, canals, or reservoirs to the extent of the ground occupied by the water of the canals and reservoirs and fifty feet on each side of the marginal limits thereof, or fifty feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber or for the purposes of furnishing water for domestic, public, and other beneficial uses. (Jan. 21, 1895, c. 37, 28 Stat. 635; May 11, 1898, c. 292, § 1, 30 Stat. 404; Feb. 15, 1901, c. 372, 31 Stat. 790.)

957. Right of way to electric-power companies.—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and national forests of the United States by any citizen or association of citizens of the United States for the purposes of generating, manufacturing, or distributing electric power. (May 14, 1896, c. 179, § 2, 29 Stat. 120.)

958. Rights of way for wagon roads or railroads.—In the form provided by law existing on March 3, 1899, the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any reservoir site when in his judgment the public interests will not be injuriously affected thereby. (Mar. 3, 1899, c. 427, § 1, 30 Stat. 1233.)

959. Rights of way for electrical plants, etc.—The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands and reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs, used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder for any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of sections 1 to 6, inclusive, and section 8 of Title 47, TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land or reservation. (Feb. 15, 1901, c. 372, 31 Stat. 790.)

961. Rights of way for electrical poles and lines.—The head of the department having jurisdiction over the public lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued, prior to March 4, 1911, a permit for any of the purposes specified herein under any law existing on that date may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations thereafter making application under the provisions of this section. (Mar. 4, 1911, c. 238, 36 Stat. 1253.)

962. Right of way in Colorado and Wyoming to pipe-line companies.—The right of way through the public lands of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same; also the right to take from the public lands adjacent to the line of said pipe line material, earth, and stone necessary for the construction of said pipe line. (May 21, 1896, c. 212, § 1, 29 Stat. 127.)

963. Applications for right of way.—Any company or corporation desiring to secure the benefits of sections 962 to 965, inclusive, shall, within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed lands and if the same be upon unsurveyed lands, within twelve

months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way. (May 21, 1896, c. 212, § 2, 29 Stat. 127.)

964. Limit of time for completion; forfeiture.—If any section of said pipe line shall not be completed within five years after the location of said section the right granted in sections 962 to 965, inclusive, shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture. (May 21, 1896, c. 212, § 3, 29 Stat. 127.)

965. Restriction on use.—Nothing in sections 962 to 965, inclusive, shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care. (May 21, 1896, c. 212, § 4, 29 Stat. 127.)

966. Right of way in Arkansas to pipe line companies.—A right of way through the public lands of the United States in the State of Arkansas is granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and ten feet on each side of the center line of same. (Apr. 12, 1910, c. 155, § 1, 36 Stat. 296.)

967. Applications for right of way.—Any citizen of the United States, company, or corporation desiring to secure the benefits of sections 966 to 970, inclusive, shall within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right of way. (Apr. 12, 1910, c. 155, § 2, 36 Stat. 296.)

968. Restriction on use.—Nothing in sections 966 to 970, inclusive, shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care. (Apr. 12, 1910, c. 155, § 3, 36 Stat. 296.)

969. Forfeiture for nonuser, etc.—If any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if any section of said pipe line shall be abandoned or shall not be used for a period of two years, the right of way granted in sections 966 to 970, inclusive, as to any uncompleted, abandoned or unused section of said pipe line shall be forfeited to the extent that the same is not completed or is abandoned or unused at the date of the forfeiture, without further action or declaration on the part of the Government or any proceedings or judgment of any court. (Apr. 12, 1910, c. 155, § 4, 36 Stat. 296.)

970. Forfeiture for violation of antitrust law.—If any citizen, company, or corporation taking advantage of the benefits of sections 966 to 970, inclusive, shall violate sections 1 to 7, inclusive, of Title 15, COMMERCE AND TRADE, or any amendment thereof, the right of way granted in sections 966 to 970, inclusive, shall be forfeited without further action or declaration on the part of the Government or any proceedings or judgment of any court. (Apr. 12, 1910, c. 155, § 5, 36 Stat. 296.)

971. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands.—The Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bathhouses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding twenty years. (Mar. 3, 1925, c. 458, 43 Stat. 1133.)

Chapter 23.—GRANTS OF SWAMP AND OVERFLOWED LANDS.

Sec.
981. Indemnity to States on sale of lands.
982. Grant to States to aid in construction of levees and drains.
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993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land.
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Section 981. Indemnity to States on sale of lands.—Upon proof by the authorized agent of the State, before the Commissioner of the General Land Office, that any of the lands purchased by any person from the United States, prior to March 2, 1855, were "swamp lands," within the true intent and meaning of the Act entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, the purchase money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at $1.25 per acre, or less, and patents shall issue therefor. The decision of the Commissioner of the General Land Office shall be first approved by the Secretary of the Interior. (R. S. § 2482.)

982. Grant to States to aid in construction of levees and drains.—To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September, A. D. 1850, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however*, That said grant of swamp and overflowed lands, as to the States of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified in this chapter, as applicable to said three last-named States respectively. (R. S. § 2479.)

983. Lists and plats of lands, for governors of States.—It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains. (R. S. § 2480.)

984. Legal subdivisions mostly wet and unfit for cultivation.—In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom. (R. S. § 2481.)

985. Patents to prior purchasers and locators.—The President of the United States shall cause patents to be issued to the purchaser or purchasers, locator or locators, who made entries of the public lands claimed as swamp lands, either with cash or land warrants, or scrip, or under any homestead or preemption laws prior to the issue of patents to the State or States: *Provided*, That in all cases where any State through its constituted authorities, may have sold or disposed of any tract or tracts of land prior to the entry, sale or location of the same under the preemption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State through its constituted authorities, shall release its claim thereto in such form as shall be prescribed by the Secretary of the Interior. In all cases where such State did not within ninety days from the 2d day of March, 1855, the date of an Act entitled, "An Act for the relief of purchasers and locators of swamp and overflowed lands," through its constituted authorities, return to the General Land Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sales and the names of the purchasers, the President shall issue patents to persons who made such entries of the public lands so claimed as swamp land. (R. S. § 2483.)

986. Selection of lands confirmed.—All land selected and reported to the General Land Office as swamp and overflowed land by the several States entitled to the provisions of said Act of September 28, 1850, prior to March 3, A. D. 1857, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States. (R. S. § 2484.)

987. Lands to be certified to State within one year.—It shall be the duty of the Commissioner of the General Land Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July, 1866, under the authority of the United States.

The supervisors of survey shall under the direction of the Commissioner of the General Land Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the commissioner shall direct the supervisor of surveys to make segregation surveys, upon application by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September 28, 1850, and the right to the same shall be determined by testimony, to be taken before the supervisor of surveys, who shall decide the same, subject to the approval of the Commissioner of the General Land Office. (R. S. § 2488; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

988. Act extended to Minnesota and Oregon.—The provisions of the Act of Congress entitled "An Act to enable the State of Arkansas and other States to redeem" the swamp lands within their limits, approved September 28, A. D. 1850 (supra this chapter, sections 981 to 983, inclusive), are extended to the States of Minnesota and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said Act—and the selections to be made from lands already surveyed in each of the States last named, under the authority of the Act aforesaid, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed. (R. S. § 2490.)

989. Homestead entries by purchasers from Missouri of lands declared not to be swamp lands.—In all cases in the State of Missouri where lands have, prior to February 23, 1875, been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any Act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of $100; said settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands; and it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of this section: *Provided*, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the preemption or homestead laws prior to February 23, 1875. (Feb. 23, 1875, c. 99, 18 Stat. 334; Mar. 3, 1891, c. 591, § 4, 26 Stat. 1097.)

990. Grant to Missouri.—All lands in the State of Missouri selected as swamp and overflowed lands, and regularly reported as such to the General Land Office, and on March 3, 1877, withheld from market as such, so far as the same remain vacant and unappropriated and not interfered with by any preemption, homestead, or other claim under any law of the United States, and the claim whereto has not been on said date rejected by the Commissioner of the General Land Office, or other competent authority, are confirmed to said State, and all title thereto vested in said State; and it is made the duty of the Secretary of the Interior to cause patents to issue for the same. (Mar. 3, 1877, c. 116, 19 Stat. 395.)

991. Title of purchasers of unconfirmed lands in Arkansas confirmed.—The title of all persons who have, on April 29, 1898, purchased from the State of Arkansas any unconfirmed swamp land and hold deeds for the same, is confirmed and made valid as against any claim or right of the United States, and without the payment by said persons, their heirs or assigns, of any sum whatever to the United States or to the State of Arkansas.

Relinquishment by Arkansas.—The State of Arkansas does hereby relinquish and quitclaim to the United States all lands prior to August 29, 1898, confirmed, certified, or patented to the State which have been entered under the public land laws; and does hereby cede, relinquish, and quitclaim to the United States all right, title, and interest under the Acts of September 28, 1850, March 2, 1855, and March 3, 1857, in and to all lands in the State which have been heretofore granted, confirmed, certified, or patented by the United States under any other Acts, and the title to such lands is hereby confirmed in the grantees, their heirs, successors, or assigns, anything in this section or any other Act to the contrary notwithstanding: *Provided*, That this section shall be of no force or effect until the State of Arkansas shall have accepted and approved the conditions, limitations, and provisions herein contained by an act of the general assembly or by an instrument in writing duly executed by the governor under the authority conferred upon him by the legislature of said State, and file with the Secretary of the Treasury and the Secretary of the Interior within one year from April 29, 1898: *Provided further*, That whereas the General Assembly of the State of Arkansas did, on the 10th day of March, 1897, accept and approve the conditions, limitations, and provisions herein contained before April 29, 1898, making the same effective and conclusive, therefore this section shall be in full force and effect from and after April 29, 1898. (Apr. 29, 1898, c. 229, §§ 3, 4, 30 Stat. 368.)

992. Sale of erroneously designated water-covered areas in Arkansas.—The Secretary of the Interior, in his judgment and discretion, is authorized to sell, in the manner hereinafter provided in this section, any of those public lands situated in the State of Arkansas which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Preference right to purchase; application; time for and proofs accompanying.—Any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to September 21, 1922, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the register of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from September 21, 1922, if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant.

Appraisal.—Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

Payment of appraisal price; issue of patent; disposition of proceeds.—An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the register of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

Rules and regulations.—The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising hereunder. (Sept. 21, 1922, c. 362, §§ 1-5, 42 Stat. 992.)

993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land.—The Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, in this section, any of those lands situated in the State of Louisiana which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which were not prior to February 19, 1925, lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Any citizen of the United States who, or whose ancestors in title in good faith under color of title or claiming as a riparian owner has, prior to February 19, 1925, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the register of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from February 19, 1925, if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from official notice to such claimant of the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant or in the actual possession of a person or persons who have improved the property and who have attempted to enter same in compliance with the laws and regulations of the United States land office.

Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent, must within six months from receipt of notice of appraisal by the Secretary of the Interior pay to the register of the United States land office of the district in which the lands are situated, the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of the lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising hereunder.

Reservation of coal, oil, gas, etc., in lands sold.—All purchases made and patents issued under the provisions of this section shall be subject to and contain a reservation to

the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same. (Feb. 19, 1925, c. 268, §§ 1, 2, 43 Stat. 952.)

994. Sale of lands in Wisconsin.—The Secretary of the Interior, in his judgment and discretion, is authorized to sell, in the manner hereinafter provided, in this section, any of those lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Preference rights; application for purchase.—Any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area, and who acquired title to such land prior to February 25, 1925, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to said date, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the register of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from said date if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws.

Conflicting claims.—In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Commissioner of the General Land Office shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this section. In administering the provisions of this section, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation, such claimant shall be given preference in adjustment of such conflict: *Provided*, That no preference right of entry under this section shall be recognized for a greater area than one hundred and sixty acres, in one body, to any one applicant, whether an individual, an association, or a corporation: *Provided further*, That this section shall not be construed as in any manner abridging the rights of any settler or entryman under the public land laws existing prior to February 27, 1925.

Appraisal.—Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his precedessor in interest.

Payment for land.—An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent, must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the register of the United States land office of the district in which the lands are situated the appraisal price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of lands under this section shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

Rules and regulations.—The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising thereunder. (Feb. 27, 1925, c. 363, §§ 1-6, 43 Stat. 1014.)

Chapter 24.—DRAINAGE UNDER STATE LAWS.

LANDS IN MINNESOTA

Sec.
1021. Subjection of lands in Minnesota to State laws for drainage for agricultural purposes.
1022. Apportionment of cost of works.
1023. Sale for enforcement of charges.
1024. Certification of statement of sale.
1025. Unentered lands; patents to purchasers.
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LANDS IN ARKANSAS

1041. Subjection of lands to State laws; rights of persons holding unpatented lands; lands included.
1042. Canals, ditches, levees, and other drainage works; assessment of cost of.
1043. Lien of assessments; enforcement; sale of lands.
1044. Excess of price of lands sold to enforce lien of assessments.
1045. Patents to purchasers at sale of lands to enforce assessments.
1046. Patents to qualified homestead entrymen on failure of purchasers at sale to apply for patents.
1047. Copies of notices required by State drainage laws; rights of United States and entrymen.
1048. Lands not affected.

LANDS IN MINNESOTA

Section 1021. Subjection of lands in Minnesota to State laws for drainage for agricultural purposes.—All lands in the State of Minnesota, when subject to entry, and all entered lands for which no final certificates have issued, are hereby made and declared to be subject to all of the provisions of the laws of said State relating to the drainage of swamp or overflowed lands for agricultural purposes to the same extent and in the same manner in which lands of a like character held in private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entries made under the public-land laws of the United States are accorded all the rights, privileges, and benefits given by said laws to persons holding lands of a like character in private ownership. (May 20, 1908, c. 181, § 1, 35 Stat. 169.)

1022. Apportionment of cost of works.—The cost of constructing canals, ditches, and other drainage works incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all lands covered by unpatented entries, and all unentered public lands affected by such project; and officially certified lists showing the amount of the charges assessed against each smallest legal subdivision of such lands shall be furnished to the register of the land district in which the lands affected are located as soon as said charges are assessed, but nothing in this division of this chapter shall be construed as creating any obligation on the United States to pay any of said charges. (May 20, 1908, c. 181, § 2, 35 Stat. 169.)

1023. Sale for enforcement of charges.—All charges legally assessed may be enforced against any unentered lands, or against any lands covered by an unpatented entry, by the sale of such lands subject to the same manner and under the same proceedings under which such charges would be enforced against lands held in private ownership. (May 20, 1908, c. 181, § 3, 35 Stat. 170.)

1024. Certification of statement of sale.—When any unentered lands, or any lands covered by an unpatented entry, have been sold in the manner mentioned in this division of this chapter, a statement of such sale showing the price at which each legal subdivision was sold shall be officially certified to the register immediately after the completion of such sale. (May 20, 1908, c. 181, § 4, 35 Stat. 170.)

1025. Unentered lands; patents to purchasers.—At any time after any sale of unentered lands has been made in the manner and for the purposes mentioned in this division of this chapter patent shall issue to the purchaser thereof upon payment to the register of the minimum price of $1.25 per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws. But purchasers at a sale of unentered lands shall have the qualification of homestead entrymen, and not more than one hundred and sixty acres of such lands shall be sold to any one purchaser under the provisions of said division. This limitation shall not apply to sales to the State, but shall apply to purchases from the State of unentered lands bid in for the State. Any part of the purchase money arising from the sale of any lands in the manner and for the purposes provided in this division of this chapter which shall be in excess of the drainage charges then delinquent shall be paid to and used by the county in which such land is located for the purpose of maintenance, improving, and extending such drainage works within the area benefited by the drainage project in which such land shall have been assessed for such drainage charge. (May 20, 1908, c. 181, § 5, 35 Stat. 170; Sept. 5, 1916, c. 437, 39 Stat. 722.)

1026. Entered lands; patents to purchasers of entered lands; forfeiture on nonpayment.—Any entered lands sold in the manner and for the purposes mentioned in this division of this chapter, may be patented to the purchaser thereof at any time after the expiration of the period of redemption provided for in the drainage laws under which it may be sold (there having been no redemption) upon the payment to the register of the fees and commissions and the price mentioned in the preceding section, or so much thereof as has not already been paid by the entryman; and if the sum received at any such sale shall be in excess of the payments required in this division and of the drainage assessments and cost of the sale, such excess shall be paid to the proper county officer for the benefit of and payment to the entryman. Unless the purchasers of unentered lands shall, within ninety days after the sale provided for in section 3 of this division of this chapter, pay to the proper register the fees, commissions, and purchase price to which the United States may be entitled, as provided in section 5 of said division, and unless the purchasers of entered lands shall, within ninety days after the right of redemption has expired, make like payments, as provided for in this section, any person having the qualifications of a homestead entryman may pay to the proper register for not more than one hundred and sixty acres of land for which such payment has not been made: First, the unpaid fees, commissions, and purchase price to which the United States may then be entitled; and, second, the sum due at the sale for drainage charges; and, in addition thereto, if bid in by the State, interest on the amount bid by the State at the rate of seven per centum per annum from the date of such sale, and thereupon the person making such payment shall become subrogated to the rights of such purchaser to receive a patent for said land. When any payment is made to effect such subrogation the register shall transmit to the treasurer of the county where the land is situated the amount paid for drainage charges, together with the interest paid thereon. (May 20, 1908, c. 181, § 6, 35 Stat. 170; Sept. 5, 1916, c. 437, 39 Stat. 723.)

1027. Notices to register and to entrymen.—A copy of all notices required by the drainage laws mentioned in this division of this chapter to be given to the owners or occupants of lands held in private ownership shall, as soon as such notices issue, be delivered to the register of the proper district land office in cases where unentered lands are affected thereby and to the entrymen whose unpatented lands are included therein, and the United States and such entrymen shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership; and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership. (May 20, 1908, c. 181, § 7, 35 Stat. 171.)

1028. Chippewa Indian lands; erroneous cash entries validated.—In all cases where Chippewa Indian lands in Minnesota, ceded under the Act of Congress approved January 14, 1889 (Twenty-fifth Statutes at Large, page 642), were assessed under the State drainage laws prior to the opening of the lands to entry, where the lands were subsequently opened to entry and were thereafter sold under the said drainage laws, and where cash entries for the lands were subsequently made as though authorized by the foregoing provisions of this division of this chapter, such erroneously allowed entries, if otherwise regular, are validated and confirmed. (Mar. 3, 1919, c. 113, 40 Stat. 1321.)

LANDS IN ARKANSAS

1041. Subjection of lands to State laws; rights of persons holding unpatented lands; lands included.—All of those unentered, unreserved public lands, and all of those entered lands for which no final certificates have been issued, within the areas hereinafter described, are hereby made and declared to be subject to the laws of the State of Arkansas relating to the organization, government, and regulation of drainage districts to the same extent and in the same manner, except as hereinafter provided, in which lands held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entries made under the public land laws of the United States shall be accorded all the rights, privileges, and benefits given by said laws to persons holding lands in private ownership, said lands being those public lands in Mississippi County, Arkansas, in townships 14, 15, and 16 north, range 9 east, and townships 15 and 16 north, range 10 east, fifth principal meridian, according to the official surveys thereof approved October 12, 1915, and all of those unentered public lands, and all of those entered lands for which no final certificates have been issued in Poinsett County, Arkansas, in townships 11 and 12 north, range 6 east, fifth principal meridian, according to the official surveys thereof approved July 30, 1913. (Jan. 17, 1920, c. 47, § 1, 41 Stat. 392.)

1042. Canals, ditches, levees, and other drainage works; assessment of cost of.—The construction and maintenance of canals, ditches, levees, and other drainage works upon and across the lands subject to the operation of this division of this chapter are authorized, subject to the same conditions as are imposed by the laws of the State of Arkansas upon lands held in private ownership, and the cost of construction and maintenance of canals, ditches, levees, and other drainage works incurred in connection with any drainage

project under said laws shall be equitably apportioned among all lands held in private ownership, all unentered public lands, and all lands embraced in unpatented entries affected by such project. Officially certified lists showing the amount of charges assessed against each smallest legal subdivision of such lands shall be furnished to the register of the United States land office of the district in which the lands affected are situated as soon as said charges would become a lien if the lands were held in private ownership. (Jan. 17, 1920, c. 47, § 2, 41 Stat. 392.)

1043. Lien of assessments; enforcement; sale of lands.—All charges legally assessed pursuant to the drainage laws of the State of Arkansas by a drainage district against any unentered public lands, or against any lands embraced in unpatented entries, subject to the provisions of this division of this chapter, shall be a lien upon said lands, which may be enforced by sale in the same manner and subject to the same conditions, except as hereinafter, in this division of this chapter, set forth, under which said charges shall be enforced against lands held in private ownership, and whenever any of said lands shall be sold for nonpayment of such charges, inclusive of lands bid in for a drainage district, a statement showing the name of the purchaser, the price at which each legal subdivision was sold, the amount assessed against it, together with penalties and interest, if any, and the cost of the sale, and the amount of excess, if any, over and above all lawful assessment charges and the cost of sale, shall be officially certified to the register of the United States land office of the district in which the lands are situated immediately after the completion of such sale, but nothing in this division of this chapter shall be construed as creating any obligation on the United States to pay any of said charges. (Jan. 17, 1920, c. 47, § 3, 41 Stat. 393.)

1044. Excess of price of lands sold to enforce lien of assessments.—All moneys received from the sale of entered or unentered lands subject to the operation of this division of this chapter which shall be in excess of assessments due thereon, together with penalties and interest and the cost of the sales, shall be paid by the proper county officer to the register of the United States land office of the district in which the lands are situated, and such excess moneys shall be covered into the United States Treasury as proceeds from the sales of public lands. (Jan. 17, 1920, c. 47, § 4, 41 Stat. 393.)

1045. Patents to purchasers at sale of lands to enforce assessments.—At any time within ninety days after the sale of unentered public lands and at any time within ninety days after the expiration of the period of redemption provided for in the drainage laws under which the lands are sold, no redemption having been made, after the sale of lands embraced within unpatented entries, the purchaser at such sale, a drainage district being herein expressly excepted from the operation of this provision, shall, upon the filing of an application therefor and an affidavit containing proof of necessary qualifications with the register of the United States land office, and upon payment to the register of the price of $5 per acre, together with the usual fees and commissions charged in entry of lands under the homestead laws, be entitled to receive a patent: *Provided*, That such purchaser shall have the qualifications required in making entry of lands under the homestead laws, and any such purchase shall exhaust any further homestead right of the purchaser to the extent of the amount of lands thus purchased by him. Not more than one hundred and sixty acres of such lands shall be sold and patented to any one purchaser under the provisions of this division of this chapter. This limitation shall not apply to lands subject to the operation of this division of this chapter which may be bid in for a drainage district, but no patent shall be issued to a drainage district or to any one bidding in said lands for a drainage district. The proceeds derived by the Government shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Jan. 17, 1920, c. 47, § 5, 41 Stat. 393.)

1046. Patents to qualified homestead entrymen on failure of purchasers at sale to apply for patents.—Unless the purchaser shall, within the time specified in section 1045 of this division of this chapter, file with the register of the United States land office an application for a patent, together with the required affidavit, and make payment of the purchase price, fees, and commissions as provided in said section 1045, any person having the qualifications of an entryman under the homestead laws may file an application for a patent, together with the required affidavit, and upon payment to the register of the purchase price of $5 per acre, fees, and commissions, and in addition thereto an amount equal to the drainage charges, penalties, interest, and costs for which the lands were sold, and if the lands were bid in for the drainage district, an additional amount equal to 6 per centum per annum on the sum for which the lands were sold from the date of such sale, said applicant shall become subrogated to the rights of such purchaser and shall be entitled to receive a patent for not more than one hundred and sixty acres of said lands. When payment is made to effect subrogation as herein provided the register of the United States land office shall serve notice upon the purchaser that an application for patent for the lands purchased by him has been filed, and that the amount of the drainage charges, penalties, interests, and costs of the sale will be paid to him upon submission of proof of purchase and payment by him of said sums. The register shall make such payment as soon as said requirement shall have been fulfilled. If the lands were bid in for a drainage district, the register will pay to the proper county officers the amount of the drainage charges, penalties, and interests and costs of sale, together with the additional sum of 6 per centum per annum, to which said drainage district is entitled. All remaining moneys to which the United States may be entitled shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Jan. 17, 1920, c. 47, § 6, 41 Stat. 393.)

1047. Copies of notices required by State drainage laws; rights of United States and entrymen.—A copy of all notices required by the drainage laws of the State of Arkansas to be given to the owners and occupants of lands held in private ownership shall, as soon as such notice is issued, be delivered to the register of the United States land office of the district in which the lands are situated where any of the lands subject to the operation of this division of this chapter are affected, and the United States and the entryman claiming under the public land laws of the United States shall be accorded the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise, as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of land held in private ownership. (Jan. 17, 1920, c. 47, § 7, 41 Stat. 394.)

1048. Lands not affected.—This division of this chapter shall not be effective as to any lands involved in suits instituted on behalf of the United States with a view to quieting title in the Government to such lands until and unless such suits shall be finally determined in favor of the United States. (Jan. 17, 1920, c. 47, § 8, 41 Stat. 394.)

Chapter 25.—UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT.

Sec.

1061. Inclosure of or assertion of right to public lands without title.
1062. Suits for violations of law.
1063. Obstruction of settlement on or transit over public lands.
1064. Violations of chapter; punishment.
1065. Summary removal of inclosures.
1066. Permission of Secretary to sue.

Section 1061. Inclosure of or assertion of right to public lands without title.—All inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and prohibited. (Feb. 25, 1885, c. 149, § 1, 23 Stat. 321.)

1062. Suits for violations of law.—It shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1 of this chapter is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court. (Feb. 25, 1885, c. 149, § 2, 23 Stat. 321.)

1063. Obstruction of settlement on or transit over public lands.—No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto, in good faith. (Feb. 25, 1885, c. 149, § 3, 23 Stat. 322.)

1064. Violations of chapter; punishment.—Any person violating any of the provisions of this chapter, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000, or be imprisoned not exceeding one year, or both, for each offense. (Feb. 25, 1885, c. 149, § 4, 23 Stat. 322; Mar. 10, 1908, c. 75, 35 Stat. 40.)

1065. Summary removal of inclosures.—The President is authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of the public lands mentioned in this chapter, and to employ civil or military force as may be necessary for that purpose. (Feb. 25, 1885, c. 149, § 5, 23 Stat. 322.)

1066. Permission of Secretary to sue.—Where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this chapter without authority from the Secretary of the Interior. (Feb. 25, 1885, c. 149, § 6, 23 Stat. 322.)

Chapter 26.—ABANDONED MILITARY RESERVATIONS.

Sec.

1071. Designation for disposition.
1072. Survey or subdivision; appraisal, advertisement, and sale; rights of settlers.
1073. Appraisal and sale of improvements or other property on reservations.
1074. Disposition of mineral lands.
1075. Homestead and desert land laws applicable to reservations in Nevada.
1076. Grants to municipalities.
1077. Lands opened to settlement; preference right of entry.
1078. Effect of preceding section limited.
1079. Confirmation of selections by States in lieu of school sections; disposal of sections.
1080. Application of sections.

Section 1071. Designation for disposition.—Whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation shall become useless for military purposes, he shall cause the same or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof. (July 5, 1884, c. 214, § 1, 23 Stat. 103.)

1072. Survey or subdivision; appraisal, advertisement, and sale; rights of settlers.—The Secretary of the Interior may, if in his opinion the public interests so require, cause the lands referred to in section 1071 of this title, or any part thereof, in such reservations, to be regularly surveyed, or to be subdivided into tracts of less than forty acres each, and into town lots, or either, or both. He shall cause the said lands so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men to be appointed by him, and who shall, after having each been first duly sworn to impartially and faithfully execute the trust reposed in them, appraise the said lands, subdivisions, and tracts, and each of them and report their proceedings to the Secretary of the Interior for his action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisement has been approved he shall cause the said lands, subdivisions, and lots to be sold at public sale, to the highest bidder for cash, at not less than the appraised value thereof, nor less than $1.25 per acre, first having given not less than sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers having a general circulation in the county or section of country where the lands to be sold are situate; and any lands, subdivisions, or lots remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior; and if not sold at

such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale, for cash, at not less than the appraised value, nor less than $1.25 per acre: *Provided*, That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation, or settled thereon prior to January 1, 1884, in good faith for the purpose of securing a home and of entering the same under the general laws and has continued in such occupation to July 5, 1884, and is by law entitled to make a homestead entry shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions: *Provided further*, That said lands were subject to entry under the public-land laws at the time of their withdrawal: *And provided further*, That all patents issued, prior to July 5, 1884, and approved State selections, covering any lands within the old Fort Lyon Military Reservation, in the State of Colorado, declared by Executive order of August 8, 1863, are confirmed; and the rights of all entrymen and settlers on said reservation to acquire title under the homestead laws are recognized and affirmed to the extent they would have attached had public lands been settled upon or entered; and such portions of said reservation as shall not have been entered or settled upon as aforesaid shall be disposed of by the Secretary of the Interior under the provisions of this chapter, including lands that may be abandoned by settlers or entrymen. (July 5, 1884, c. 214, § 2, 23 Stat. 103.)

1073. Appraisal and sale of improvements or other property on reservations.—The Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions or lots not sold prior to July 5, 1884, by the United States authorities, to be appraised in the same manner as provided in section 1072 of this title for the appraisements of such lands, subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold at public sale, to the highest bidder for cash, at not less than the appraised value of such land and improvements, first giving the sixty days' notice as provided in section 1072 of this title; or he may, in his discretion, cause the improvements to be sold separately, at public sale for cash, at not less than the appraised value, to be removed by the purchaser within such time as may be prescribed, first giving the sixty days' public notice before provided; and if in any case the lands and improvements, or the improvements separately, as the case may be, are not sold for want of bidders, then the Secretary of the Interior may, in his discretion, cause the same to be reoffered for sale, at any subsequent time, in the same manner as above provided, or may cause the same to be sold at private sale for not less than the appraised value: *Provided*, That where buildings or improvements have been sold by the United States authorities prior to July 5, 1884, the land upon which such buildings or improvements are situate not exceeding the smallest subdivision or lot provided for by section 1072 of this title upon the reservation on which said buildings are situate shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the lands and if said purchaser shall fail for sixty days after notice to complete said purchase of lands the same shall be sold under the provisions of said section: *And provided further*, That the proceeds of the military reservation lands sold on Bois Blanc Island near to Fort Mackinaw Military Reservation shall be set apart as a separate fund for the improvement of the national park on the Island of Mackinaw, Michigan, under the direction of the Secretary of War. (July 5, 1884, c. 214, § 3, 23 Stat. 103.)

1074. Disposition of mineral lands.—Whenever any lands containing valuable mineral deposits shall be vacated by the reduction or abandonment of any military reservation under the provisions of this chapter, the same shall be disposed of exclusively under the mineral-land laws of the United States. (July 5, 1884, c. 214 § 5, 23 Stat. 104.)

1075. Homestead and desert land laws applicable to reservations in Nevada.—All the agricultural lands embraced within the military reservations in the State of Nevada which have been placed under the control of the Secretary of the Interior for disposition shall be disposed of under the homestead and desert-land laws, and not otherwise: *Provided*, That this section is intended to make applicable to the desert-land laws only such lands as were included under chapter 9 of this title, providing for the disposition of public lands under the desert-land laws. (Aug. 21, 1916, c. 361, 39 Stat. 518.)

1076. Grants to municipalities.—The President is authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place. (Mar. 3, 1893, c. 208, § 1, 27 Stat. 593.)

1077. Lands opened to settlement; preference right of entry.—All lands not disposed of prior to August 23, 1894, which were included within the limits of any abandoned military reservation placed under the control of the Secretary of the Interior for disposition under sections 1071 to 1075, inclusive, or under any law in force prior to July 5, 1884, the disposal of which has not been provided for by a subsequent Act of Congress, where the area exceeds five thousand acres, except such legal subdivisions as have Government improvements thereon, and except also such other parts as are reserved for some public use, are opened to settlement under the public-land laws of the United States, and a preference right of entry shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements, upon any agricultural lands in said reservations, for a period of six months from the date of settlement after August 23, 1894: *Provided*, That persons who enter under the homestead law shall pay for such lands not less than the value determined by appraisement, nor less than the price of the land at the time of the entry, and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior. (Aug. 23, 1894, c. 314, § 1, 28 Stat. 491; Feb. 15, 1895, c. 92, § 1, 28 Stat. 664.)

1078. Effect of preceding section limited.—Nothing contained in section 1077 of this title shall be construed to suspend or to interfere with the operation of sections 1071 to 1075, inclusive, of this title as to all lands included in abandoned military reservations placed under the control of the Secretary of the Interior for disposal subsequent to August 23, 1894, and all appraisements required by section 1077 of this title shall be in accordance with the provisions of sections 1072 and 1073 of this title. (Aug. 23, 1894, c. 314, § 2, 28 Stat. 491.)

1079. Confirmation of selections by States in lieu of school sections; disposal of sections.—All State school indemnity selections in lieu of what are known as school sections in abandoned military reservations made pursuant to the decision of the Secretary of the Interior dated January 28, 1898, and before notice of the withdrawal of that decision was received at the local land office at which the selections were made, and which are otherwise regular and free from any prior lawful claim, shall be confirmed by the Secretary of the Interior; and the lands in such school sections in lieu of which such confirmed selections were made shall be disposed of under the laws applicable to other lands in such abandoned military reservations, a preference right being accorded to those who have made and maintained a bona fide settlement or entry pursuant to said decision of the Secretary of the Interior. (Feb. 11, 1903, c. 543, 32 Stat. 822.)

1080. Application of sections.—The provisions of the two preceding sections are extended to all abandoned military reservations which were placed under the control of the Secretary of the Interior under any law in force prior to July 5, 1884. (Feb. 15, 1895, c. 92, § 1, 28 Stat. 664.)

Chapter 27.—PUBLIC LANDS IN OKLAHOMA.

GENERAL PROVISIONS

Sec.
1091. Homestead entries on Indian lands; soldiers' and sailors' homesteads; reservation of school and missionary lands; right of railroads.
1092. Procedure; selections in square form; amount of holding; soldiers' and sailors' homesteads.
1093. Patents on homestead entries on payment twelve months after location.
1094. Town-site laws applicable; lands open to entry; reservations; rights of homestead settlers.
1095. Reservations between sections for highway purposes.
1096. Fraudulent settlement.
1097. Rights of occupants not impaired.
1098. Nonmineral character of lands.
1099. Division into counties before opening to settlement; reservation for county seats.

TOWN SITES

1111. Entry by trustees.
1112. Evidence of occupancy.
1113. Church lots.
1114. Sale or reservation of lots.
1115. Kansas town-sites law to govern.
1116. Preference of pending entries; appeals.
1117. Authority, duties, and compensation of trustees.
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1119. Vacation of town sites; homestead entries; sale.

LANDS IN GREER COUNTY

1131. Homestead settlers on lands in Greer County.
1132. Unoccupied lands subject to homestead entry only.
1133. Town-site entries.
1134. Application restricted to Greer County; repeal; commutation of homesteads.

GENERAL PROVISIONS

Section 1091. Homestead entries on Indian lands; soldiers' and sailors' homesteads; reservation of school and missionary lands; rights of railroads.—Whenever any of the other lands within the former Territory of Oklahoma, other than those specified in the first three paragraphs of section 18 of the Act of May 2, 1890, occupied on that date by any Indian tribe, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section 173 of chapter 7 of this title, which shall not apply: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than $1.25 per acre. The rights of honorably discharged soldiers and sailors in the late Civil War, as defined and described in sections 271 and 272 of chapter 7 of this title, shall not be abridged except as to such payment. All tracts of land in former Oklahoma Territory which, prior to May 2, 1890, have been set apart for school purposes, to educational societies, or missionary boards at work among the Indians, shall not be open for settlement, but are granted to the respective educational societies or missionary boards for whose use the same has been set apart. No part of the land embraced within the former Oklahoma Territory shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations granted to certain railroad corporations prior to May 2, 1890. Nor shall any provision of this chapter or any act of any officer of the United States, done or performed under the provisions of this chapter or otherwise, invest any corporation owning or operating any railroad in the Indian Territory, or the former Oklahoma Territory, with any land or right to any land in either of said Territories, and this chapter shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of, or become the property of, any railroad corporation. (May 2, 1890, c. 182, § 18, 26 Stat. 90.)

1092. Procedure; selections in square form; amount of holding; soldiers' and sailors' homesteads.—The procedure in applications, entries, contests, and adjudications in the former Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this chapter and the acts of Congress approved March 1 and 2, 1889, relating to the cession of lands of the Muscogee (or Creek) Nation of Indians, and the Seminole and Cherokee Indians, shall be applicable to all entries made in said Territory, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof. All persons who shall settle on land in said Territory, under the provisions of the homestead laws of the United States, and of this chapter, shall be required to select the same in square form as nearly as may be; and no person who shall at the time be seized in fee simple of a hundred and sixty acres of land in any State or Territory, shall hereafter be entitled to enter land in the former Territory of Oklahoma. The provisions of sections 271 and 272 of chapter 7 of this title shall, except so far as modified by this chapter, apply to all homestead settlements in said Territory. (May 2, 1890, c. 182, § 20, 26 Stat. 91.)

1093. Patents on homestead entries on payment twelve months after location.—Any person, entitled by law to take a homestead in the former Territory of Oklahoma, who has prior to May 2, 1890, located and filed upon, or shall thereafter locate and file upon, a homestead within the limits described in the President's proclamation of April 1, 1889, and under and in pursuance of the laws applicable to the settlement of the lands opened for settlement by such proclamation, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from date of locating upon said homestead upon payment to the United States of $1.25 per acre for land embraced in such homestead. (May 2, 1890, c. 182, § 21, 26 Stat. 91.)

1094. Town-site laws applicable; lands open to entry; reservations; rights of homestead settlers.—The provisions of sections 711 and 724 of chapter 17 of this title relating to reservation and sale of town sites on the public lands shall apply to the lands open, or to be opened to settlement in the former Territory of Oklahoma, except those opened to settlement by the proclamation of the President on the 22d day of April, 1889: *Provided*, That after May 2, 1890, all surveys for town sites in said former Territory shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes, embracing in the aggregate not less than ten nor more than twenty acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities: *Provided further*, That in case any lands in said former Territory of Oklahoma, which may be occupied and filed upon as a homestead, under the provisions of law applicable to said former Territory, by a person who is entitled to perfect his title thereto under such laws, are required for town site purposes, it shall be lawful for such person to apply to the Secretary of the Interior to purchase the lands embraced in said homestead or any part thereof for town-site purposes. He

shall file with the application a plat of such proposed town site, and if such plat shall be approved by the Secretary of the Interior, he shall issue a patent to such person for land embraced in said town site, upon the payment of the sum of $10 per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as provided in this section. And the sums so received by the Secretary of the Interior shall be paid over to the proper authorities of the municipalities when organized, to be used by them for school purposes only. (May 2, 1890, c. 182, § 22, 26 Stat. 91.)

1095. Reservations between sections for highway purposes.—There shall be reserved public highways four rods wide between each section of land in said former Territory of Oklahoma, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority, the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey. (May 2, 1890, c. 182, § 23, 26 Stat. 92.)

1096. Fraudulent settlement.—It shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the former Territory of Oklahoma, with intent thereafter of acquiring title thereto; and any title thus acquired shall be void; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished upon indictment, by imprisonment not exceeding twelve months, or by a fine not exceeding $1,000, or by both such fine and imprisonment, in the discretion of the court. (May 2, 1890, c. 182, § 24, 26 Stat. 92.)

1097. Rights of occupants not impaired.—The provisions of this division of this chapter shall not be so construed as to invalidate or impair any legal claims or rights of persons occupying prior to May 2, 1890, any portion of said former Territory of Oklahoma, under the laws of the United States, but such claims shall be adjudicated by the Land Department, or the courts, in accordance with their respective jurisdictions. (May 2, 1890, c. 182, § 27, 26 Stat. 93.)

1098. Nonmineral character of lands.—All the lands in Oklahoma except as otherwise provided by law are hereby declared to be agricultural lands, and proof of their nonmineral character shall not be required as a condition precedent to final entry. (Mar. 3, 1891, c. 543, § 16, 26 Stat. 1026.)

1099. Division into counties before opening to settlement; reservation for county seats.—Before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than seven hundred square miles in each county: *Provided*, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each, to be located near the center of said county, for county seat purposes, to be entered under sections 719 and 718 of chapter 17 of this title. (Mar. 3, 1891, c. 543, § 37, 26 Stat. 1043.)

TOWN SITES

1111. Entry by trustees.—So much of the public lands situate in the former Territory of Oklahoma, open to settlement prior to May 14, 1890, as may be necessary to embrace all the legal subdivisions covered by actual occupancy for purposes of trade and business, not exceeding twelve hundred and eighty acres in each case, may be entered as town sites, for the several use and benefit of the occupants thereof, by three trustees to be appointed by the Secretary of the Interior for that purpose, such entry to be made under the provisions of section 718 of chapter 17 of this title as near as may be; and when such entry shall have been made, the Secretary of the Interior shall provide regulations for the proper execution of the trust by such trustees, including the survey of the land into streets, alleys, squares, blocks, and lots when necessary, or the approval of such survey as may already have been made by the inhabitants thereof, the assessment upon the lots of such sum as may be necessary to pay for the lands embraced in such town site, costs of survey, conveyance of lots, and other necessary expenses, including compensation of trustees: *Provided*, That the Secretary of the Interior may when practicable cause more than one town site to be entered and the trust thereby created executed in the manner herein provided by a single board of trustees, but not more than seven boards of trustees in all shall be appointed for said Territory, and no more than two members of any of said boards shall be appointed from one political party.

On January 1, 1899, the boards of trustees for town sites, and each of them in said Territory, shall cease and be abolished, and no compensation shall be allowed or paid to anyone, member, or trustee, or disbursing agent on or after January 1, 1899. And so much of the trust vested in said boards and prior to July 7, 1898, initiated as shall remain unexecuted on said date shall be vested in the Commissioner of the General Land Office, who is authorized and empowered to complete the same. (May 14, 1890, c. 207, § 1, 26 Stat. 109; July 7, 1898, c. 571, 30 Stat. 674.)

1112. Evidence of occupancy.—In the execution of such trust, and for the purpose of the conveyance of title by said trustees, or by the Commissioner, after January 1, 1899, any certificate or other paper evidence of claim duly issued by the authority recognized for such purpose by the people residing upon any town site the subject of entry hereunder, shall be taken as evidence of the occupancy by the holder thereof of the lot or lots therein described, except that where there is an adverse claim to said property such certificate shall only be prima facie evidence of the claim of occupancy of the holder: *Provided*, That nothing in this division of this chapter contained shall be so construed as to make valid any claim invalid, prior to May 14, 1890, of those who entered upon and occupied said lands in violation of the laws of the United States or the proclamation of the President thereunder: *Provided further*, That the certificates hereinbefore mentioned shall not be taken as evidence in favor of any person claiming lots who entered upon said lots in violation of law or the proclamation of the President thereunder. (May 14, 1890, c. 207, § 2, 26 Stat. 109.)

1113. Church lots.—Lots of land occupied by any religious organization, incorporated or otherwise, conforming to the approved survey within the limits of such town site, shall be conveyed to or in trust for the same. (May 14, 1890, c. 207, § 3, 26 Stat. 109.)

1114. Sale or reservation of lots.—All lots not disposed of as hereinbefore provided for shall be sold under the direction of the Secretary of the Interior for the benefit of the municipal government of any such town, or the same or any part thereof may be reserved for public use as sites for public buildings, or for the purpose of parks, if in the judgement of the Secretary such reservation would be for the public interest, and the Secretary shall execute proper conveyances to carry out the provisions of this section. (May 14, 1890, c. 207, § 4, 26 Stat. 109.)

1115. Kansas town-site law to govern.—The provisions of sections 4, 5, 6, and 7 of an act of the Legislature of the State of Kansas, entitled "An act relating to town sites," approved March 2, 1868, shall, so far as applicable, govern the trustees, or the commissioner after January 1, 1899, in the performance of their duties hereunder. (May 14, 1890, c. 207, § 5, 26 Stat. 109.)

1116. Preference of pending entries; appeals.—All entries of town sites pending, prior to May 14, 1890, on application thereafter made under this division of this chapter, shall have preference at the local land office of the ordinary business of the office and shall be determined as speedily as possible, and if an appeal shall be taken from the decision of the local office in any such case to the Commissioner of the General Land Office, the same shall be made special, and disposed of by him as expeditiously as the duties of his office will permit, and so if an appeal should be taken to the Secretary of the Interior. And all applications, prior to May 14, 1890, filed in the proper land office shall have the same force and effect as if made under the provisions of this division of this chapter, and upon the application of the trustees herein provided for, or of the commissioner after January 1, 1899, such entries shall be prosecuted to final issue in the names of such trustees or commissioner without other formality, and when final entry is made the title of the United States to the land covered by such entry shall be conveyed to said trustees or commissioner for the uses and purposes herein provided. (May 14, 1890, c. 207, § 6, 26 Stat. 110.)

1117. Authority, duties, and compensation of trustees.—The trustees appointed under this division of this chapter, or the commissioner after January 1, 1899, shall have the power to administer oaths, to hear and determine all controversies arising in the execution of this division of this chapter, shall keep a record of their proceedings, which shall, with all papers filed with them and all evidence of their official acts, except conveyances, be filed in the General Land Office and become part of the records of the same, and all conveyances executed by them shall be acknowledged before an officer duly authorized for that purpose. They shall be allowed prior to January 1, 1899, such compensation as the Secretary of the Interior may prescribe, not exceeding $10 per day while actually employed; and such traveling and other necessary expenses as the Secretary may authorize and the Secretary of the Interior shall also provide them with necessary clerical force by detail or otherwise. (May 14, 1890, c. 207, § 7, 26 Stat. 110.)

1118. Town site laws extended to Cherokee Outlet.—The provisions of this division of this chapter are made applicable to the territory known as the "Cherokee Outlet," and prior to September 1, 1893, a part of the former Territory of Oklahoma. (Sept. 1, 1893, No. 4, 28 Stat. 11.)

1119. Vacation of town sites; homestead entries; sale.—In all cases where a town site, or an addition to a town site, entered under the provisions of section 1094 of this chapter shall be vacated in accordance with the laws of Oklahoma, and patents for the public reservations in such vacated town site, or addition thereto, have not been issued, it shall be lawful for the Commissioner of the General Land Office, upon an official showing that such town site, or addition thereto, has been vacated, and upon payment of the homestead price for such reservations, to issue a patent for such reservations to the original entryman. If the original entryman shall fail or neglect to make application for the reservations within six months from the vacation of such town site, or from May 11, 1896, the reservations shall be subject to disposal under the provisions of section 1171 of this title. (May 11, 1896, c. 168, § 1, 29 Stat. 116.)

Sale of vacated town sites.—If a patent has issued prior to May 11, 1896, or shall thereafter issue, for any such reservation, to any town or municipality, such town or municipality, upon the vacation of the town site or addition thereto, as aforesaid, may sell the same at public or private sale to the highest bidder after thirty days' public notice of such sale, and convey said lands to the purchaser by proper deed of conveyance, and cover the proceeds of such sale into the school fund of such town or municipality: *Provided*, That where, by reason of the vacation of an entire town site and all its additions, the municipal organization has ceased to exist, the reservations in such vacated town site which may have been patented to the town may be disposed of as isolated tracts under the provisions of section 1171 of this title. (May 11, 1896, c. 168, § 2, 29 Stat. 117.)

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LANDS IN GREER COUNTY

1131. Homestead settlers on lands in Greer County.—Every person qualified under the homestead laws of the United States, who, on March 16, 1896, was a bona fide occupant of land within the territory established as Greer County, Oklahoma, shall be entitled to continue his occupation of such land with improvements thereon, not exceeding one hundred and sixty acres, and shall be allowed six months preference right from January 18, 1897, within which to initiate his claim thereto, and shall be entitled to perfect title thereto under the provisions of the homestead law, upon payment of land office fees only, at the expiration of five years from the date of entry, except that such person shall receive credit for all time during which he or those under whom he claims shall have continuously occupied the same prior to March 16, 1896. Every such person shall also have the right, for six months prior to all other persons, to purchase at $1 an acre, in five equal annual payments, any additional land of which he was in actual possession on March 16, 1896, not exceeding one hundred and sixty acres, which, prior to said date, shall have been cultivated, purchased, or improved by him. When any person entitled to a homestead or additional land, as above provided, is the head of a family, and though still living, shall not take such homestead or additional land, within six months from January 18, 1897, any member of such family over the age of twenty-one years, other than husband or wife, shall succeed to the right to take such homestead or additional land for three months longer, and any such member of the family shall also have the right to take, as before provided, any excess of additional land actually cultivated or improved prior to March 16, 1896, above the amount to which such head of the family is entitled, not to exceed one hundred and sixty acres to any one person thus taking as a member of such family.

In case of the death of any settler who actually established residence and made improvement on land in said Greer County prior to March 16, 1896, the entry shall be treated as having accrued at the time the residence was established, and sections 164 and 171 of chapter 7 of this title shall be applicable thereto.

Any person entitled to such homestead or additional land shall have the right prior to January 1, 1898, from January 18, 1897, to remove all crops and improvements he may have on land not taken by him.

Right of purchasers from Texas to perfect title under homestead laws.—The above provisions of this section are so extended as to allow parties who, prior to March 1, 1899, have had the benefit of the homestead laws of the United States, and who had purchased land in Greer County from the State of Texas prior to March 16, 1896, to perfect titles to said lands according to the provisions of this section, under such regulations as the Commissioner of the General Land Office may prescribe, and according to the legal subdivisions of the public surveys, if no adverse rights have attached: *Provided*, That no settler shall be permitted to acquire to exceed three hundred and twenty acres under this provision. (Jan. 18, 1897, c. 62, § 1, 29 Stat. 1897; Mar. 1, 1899, c. 328, 30 Stat. 966.)

1132. Unoccupied lands subject to homestead entry only.—All land in said county not occupied, cultivated, or improved, as provided in the first section of this division of this chapter, or not included within the limits of any town site or reserve

shall be subject to entry to actual settlers only, under the provisions of the homestead law. (Jan. 18, 1897, c. 62, § 2, 29 Stat. 490.)

1133. Town-site entries.—The inhabitants of any town located in said county shall be entitled to enter the same as a town site under the provisions of sections 718 to 720, inclusive, of chapter 17 of this title: *Provided*, That all persons who have made or own improvements on any town lots in said county made prior to March 16, 1896, shall have the preference right to enter said lots under the provisions of this division of this chapter and of the general town site laws. (Jan. 18, 1897, c. 62, § 3, 29 Stat. 490.)

1134. Application restricted to Greer County; repeal; commutation of homesteads.—The provisions of this division of this chapter shall apply only to Greer County, Oklahoma, and all laws, existing prior to January 18, 1897, inconsistent with the provisions of said division applying to said territory in said county, are repealed; and all laws authorizing commutations of homesteads in Oklahoma shall apply to Greer County. (Jan. 18, 1897, c. 62, § 7, 29 Stat. 491.)

Chapter 28.—MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

PATENTS FOR PRIVATE LAND CLAIMS

Sec.
1151. Patents for confirmed claims.
1152. Patents to persons dead before issue; effect of.
1153. Titles to lands in Missouri confirmed.
1154. Existing rights not affected.
1155. Certificates of location of private land claims; issue and location.
1156. Patents for locations under certificates made prior to January 28, 1879.

DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR

1161. "Suspended entries of public lands" and "suspended preemption land claims."
1162. Adjudications as to suspended entries; approval.
1163. Patents surrendered and new ones issued.
1164. Extent of foregoing provisions.
1165. Suspension of entries for correction of clerical errors; patents.
1166. Limitations of suits to annul patents.
1167. Entries and final proofs, made out of proper district, confirmed.

SALES OF ISOLATED TRACTS

1171. Sale of isolated or disconnected tracts not exceeding one quarter section.
1172. Sale of ceded Chippewa Indian lands.
1173. Sale of isolated tracts in former Fort Berthold Indian Reservation.
1174. Sale of isolated tracts formerly in Oregon and California railroad grants.
1175. Sale of isolated tracts in abandoned Fort Buford Military Reservation.

TIMBER CULTURE

1181. Repeal of laws.

EVIDENCES OF TITLE

1191. False making or altering of instrument concerning lands, mines, or minerals in California.
1192. Falsely dating evidence of title under Mexican authority to lands in California.
1193. Presenting false or counterfeited evidences of title to lands in California.

ENFORCEMENT OF PROVISIONS

1201. Power of Commissioner of Land Office.

PATENTS FOR PRIVATE LAND CLAIMS

Section 1151. Patents for confirmed claims.—In case of any claim to land in any State or Territory which had, prior to December 22, 1854, been confirmed by law, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land Office of plats of survey thereof, duly approved by the surveyor general of any State or Territory, if the same be found correct by the commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land. (R. S. § 2447.)

1152. Patents to persons dead before issue; effect of.—Where patents for public lands have been or may be issued, in pursuance of any law of the United States, to a person who has died before the date of such patent, the title to the land designated therein shall inure to and become vested in the heirs, devisees, or assignees of such deceased patentee as if the patent had issued to the deceased person during life. (R. S. § 2448.)

1153. Titles to lands in Missouri confirmed.—All of the right, title, and interest of the United States in and to all of the lands in the State of Missouri which, prior to June 6, 1874, had been confirmed to any person or persons by any Act of Congress, or by any officer or officers, or board or boards of commissioners, acting under and by authority of any Act of Congress, shall be granted, released, and relinquished by the United States, in fee simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and as completely, in every respect whatever, as could be done by patents issued therefor according to law. (June 6, 1874, c. 223, § 1, 18 Stat. 62.)

1154. Existing rights not affected.—Nothing contained in section 1153 shall, in any manner, abridge, divest, impair, injure, or prejudice any valid right, title or interest of any person or persons in or to any portion or part of the lands mentioned in said section; and this and the preceding section shall in nowise affect any lands or lots relinquished to the United States prior to June 6, 1874. (June 6, 1874, c. 223, § 2, 18 Stat. 62.)

1155. Certificates of location of private land claims; issue and location.—Whenever, in cases prosecuted under the Acts of Congress of June 22, 1860, March 2, 1867, and the first section of the Act of June 10, 1872, providing for the adjustment of private land claims in the States of Florida, Louisiana, and Missouri, the validity of the claim has been, or shall be recognized by the Supreme Court of the United States, and the court has decreed that the plaintiff or plaintiffs is or are entitled to enter a certain number of acres upon the public lands of the United States, subject to private entry at $1.25 per acre, or to receive certificate of location for as much of the land the title to which has been established as has been disposed of by the United States, certificate of location shall be issued by the Commissioner of the General Land Office attested by the seal of said office, to be located as provided for in the sixth section of the aforesaid Act of Congress of June 22, 1860, or applied according to the provisions of this section; and said certificate of location or scrip shall be subdivided according to the request of the confirmee or confirmees, and, as nearly as practicable, in conformity with the legal divisions and subdivisions of the public lands of the United States, and shall be assignable by deed or instrument of writing, according to the form and pursuant to regulations prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip, including the right to locate the scrip in his own name. Such scrip shall be received from actual settlers only in payment of preemption claims or in commutation of homestead claims, in the same manner and to the same extent as on January 28, 1879, was authorized by law in the case of military bounty-land warrants. The register of the proper land office, upon any such certificate being located, shall issue, in the name of the party making the location, a certificate of entry, upon which,

if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this section, a patent shall issue, as in other cases, in the name of the locator or his legal representative. The provisions of this section respecting the assignment and patenting of scrip and its application to preemption and homestead claims shall apply to the indemnity certificates of location provided for by the Act of the 2d of June, 1858, entitled "An Act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes." (Jan. 28, 1879, c. 30, §§ 1, 2, 3, 4, 20 Stat. 274, 275.)

1156. Patents for locations under certificates made prior to January 28, 1879.—It shall be lawful for the Commissioner of the General Land Office to cause patents to be issued, as evidence of title, for all valid locations made with land scrip issued pursuant to decrees of the Supreme Court of the United States, which valid locations were made prior to January 28, 1879, in the same manner that patents are issued under the provisions of the preceding section. (May 30, 1894, c. 87, 28 Stat. 84.)

DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR

1161. "Suspended entries of public lands" and "suspended preemption land claims."—The Commissioner of the General Land Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same. (R. S. § 2450; Feb. 27, 1877, c. 69, § 1, 19 Stat. 244; Sept. 20, 1922, c. 350, 42 Stat. 857.)

1162. Adjudications as to suspended entries; approval.—Every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title to the land embraced thereby, without prejudice to the rights of conflicting claimants. (R. S. § 2451; Feb. 27, 1877, c. 69, § 1, 19 Stat. 244; Sept. 20, 1922, c. 350, 42 Stat. 858.)

1163. Patents surrendered and new ones issued.—Where patents have been already issued on entries which are approved by the Secretary of the Interior, the Commissioner of the General Land Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns. (R. S. § 2456; Sept. 20, 1922, c. 350, 42 Stat. 858.)

1164. Extent of foregoing provisions.—The three preceding sections and section 1171, shall be applicable to all cases of suspended entries and locations, which have arisen in the General Land Office since the 26th day of June, 1856, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and preemption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or preemptor are prejudiced, or where there is no adverse claim. (R. S. § 2457.)

1165. Suspension of entries for correction of clerical errors; patents.—Whenever it shall appear to the Commissioner of the General Land Office that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the error has been corrected; and all entries made under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance: *Provided*, That after the lapse of two years from the date of the issuance of the register's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or preemption laws, or under the Act of March 3, 1891, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor. (Mar. 3, 1891, c. 561, §§ 1, 4, 7, 26 Stat. 1095; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

1166. Limitations of suits to annul patents.—Suits by the United States to vacate and annul any patent shall only be brought within six years after the date of the issuance of such patents. (Mar. 3, 1891, c. 561, § 8, 26 Stat. 1099.)

1167. Entries and final proofs, made out of proper district, confirmed.—Whenever it shall appear to the Commissioner of the General Land Office that an error was made prior to March 9, 1904, by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for were situated, as provided by section 254, such entry or proof shall be confirmed. (Mar. 9, 1904, c. 503, § 1, 33 Stat. 64.)

SALES OF ISOLATED TRACTS

1171. Sale of isolated or disconnected tracts not exceeding one quarter section.—It shall be lawful for the Commissioner of the General Land Office to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than $1.25 an acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That any legal subdivisions of the public land, not exceeding one quarter section, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of said commissioner be ordered into the market and sold pursuant to this section upon the application of any person who owns lands or holds a valid entry of, lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section: *Provided further*, That this section shall not defeat any vested right which has attached under any pending entry or location. (R. S. § 2455; Feb. 26, 1895, c. 133, 28 Stat. 687; June 27, 1906, c. 3554, 34 Stat. 517; Mar. 28, 1912, c. 67, 37 Stat. 77.)

1172. Sale of ceded Chippewa Indian lands.—The provisions of section 1171, relating to the sale of isolated tracts of the public domain, are extended and made applicable to ceded Chippewa Indian lands in the State of Minnesota: *Provided*, That the provisions of this section shall not apply to lands

which are not subject to homestead entry: *Provided further*, That purchasers of land under this section must pay for the lands not less than the price fixed in the law opening the lands to homestead entry. (Feb. 4, 1919, c. 13, 40 Stat. 1055.)

1173. Sale of isolated tracts in former Fort Berthold Indian Reservation.—The provisions of section 1171 are extended and made applicable to lands within the portion of the Fort Berthold Indian Reservation, North Dakota, opened under the Act of June 1, 1910 (Thirty-sixth Statutes at Large, page 455): *Provided*, That the provisions of this section shall not apply to lands which are not subject to homestead entry: *Provided further*, That purchasers of land under this section shall pay for the lands not less than the price fixed in the law opening such lands to homestead entry. (May 10, 1920, c. 178, 41 Stat. 595.)

1174. Sale of isolated tracts formerly in Oregon and California railroad grants.—The provisions of section 1171 are extended to class 3 of the lands formerly embraced by what are known as the Oregon and California railroad grants, title to which was revested in the United States under the provisions of the Act approved June 9, 1916 (Thirty-ninth Statutes at Large, page 218): *Provided*, That no sales hereunder shall be made for less than $2.50 per acre, and the appraised value of the timber on the land, nor until such lands shall have been subject to homestead entry for a period of two years: *Provided further*, That the proceeds of such sales shall be applied in the manner prescribed in said Act of June 9, 1916 (Thirty-ninth Statutes at Large, page 218). (May 25, 1920, c. 200, 41 Stat. 623.)

1175. Sale of isolated tracts in abandoned Fort Buford Military Reservation.—The provisions of section 1171 are extended to all nonmineral lands within the abandoned Fort Buford Military Reservation in the States of North Dakota and Montana, which were restored to disposal under the homestead, town-site, and desert-land laws under the provisions of the Act of May 19, 1900 (Thirty-first Statutes at Large, page 180). (Aug. 11, 1921, c. 62, 42 Stat. 159.)

TIMBER CULTURE

1181. Repeal of laws.—An Act entitled "An Act to amend an Act entitled 'An Act to encourage the growth of timber on the western prairies,'" approved June 14, 1878, and all laws supplementary thereto or amendatory thereof are repealed: *Provided*, That this repeal shall not affect any valid rights accrued or accruing under said laws but all bona fide claims lawfully initiated prior to March 3, 1891, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this section had not been passed: *Provided further*, That the following words of the last clause of section 2 of said Act, namely, "That not less than twenty-seven hundred trees were planted on each acre," are hereby repealed: *Provided further*, That in computing the period of cultivation the time shall run from the date of the entry, if the necessary acts of cultivation were performed within the proper time: *Provided further*, That the preparation of the land and the planting of trees shall be construed as acts of cultivation, and the time authorized to be so employed and actually employed shall be computed as a part of the eight years of cultivation required by statute: *Provided further*, That if trees, seeds, or cuttings were in good faith planted as provided by law and the same and the land upon which so planted were thereafter in good faith cultivated as provided by law for at least eight years by a person qualified to make entry and who has a subsisting entry under the timber-culture laws, final proof may be made without regard to the number of trees that may have been then growing on the land: *And provided*, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws and who is an actual bona fide resident of the State or Territory in which said land is located shall be entitled to make final proof thereto, and acquire title to the same, by the payment of $1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, and registers shall be allowed the same fees and compensation for final proofs in timber-culture entries as is now allowed by law in homestead entries: *And provided further*, That no land acquired under the provisions of this section shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor. (Mar. 3, 1891, c. 561, § 1, 26 Stat. 1095; Mar. 3, 1893, c. 208, 27 Stat. 593.)

EVIDENCES OF TITLE

1191. False making or altering of instrument concerning lands, mines, or minerals in California.—Every person who falsely makes, alters, forges, or counterfeits, or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids and assists in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of enabling any person to set up or establish any such claim; and every person, who, for such purpose, utters or publishes as true and genuine any such false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title paper, evidence of right, title, or claim to lands or mines or minerals in the State of California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, shall be punishable by imprisonment at hard labor not less than three years and not more than ten years, and by a fine of not more than $10,000. (R. S. § 2471.)

1192. Falsely dating evidence of title under Mexican authority to lands in California.—Every person who makes, or causes or procures to be made, or willingly aids and assists in making any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title paper, or written evidence of right, title, or claim, under Mexican authority, to any lands, mines, or minerals in the State of California, or any instrument of writing in relation to lands or mines or minerals in the State of California, having a false date, or falsely purporting to be made by any Mexican officer or authority prior to the 7th day of July, 1846, for the purpose of setting up or establishing any claim against the United States to lands or mines or minerals within the State of California, or of enabling any person to set up or establish any such claim; and every person who signs his name as governor, secretary, or other public officer acting under Mexican authority, to any instrument of writing falsely purporting to be a grant, concession, or denouncement under Mexican authority, and during its existence in California, of lands, mines, or minerals, or falsely purporting to be an informe, report, record, confirmation, or other proceeding on an application for a grant, concession, or denouncement under Mexican authority, during its existence in California, of lands, mines, or minerals, shall be punishable as prescribed in the preceding section. (R. S. § 2472.)

1193. Presenting false or counterfeited evidences of title to lands in California.—Every person who, for the purpose of setting up or establishing any claim against the United States to lands, mines, or minerals within the State of California, presents, or causes or procures to be presented, before any court, judge, commission, or commissioner, or other officer of the United States, any false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, diseño, map, expediente or part of an expediente, title paper, or written evidence of right, title, or claim to lands, minerals, or mines in the State of California, knowing the same to be false, forged, altered, or counterfeited, or any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title paper, or written evidence of right, title, or claim to lands, mines, or minerals in California, knowing the same to be falsely dated; and every person who prosecutes in any court of the United States, by appeal or otherwise, any claim against the United States for lands, mines, or minerals in California, which claim is founded upon, or evidenced by, any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title paper, or written evidence of right, title, or claim, which has been forged, altered, counterfeited, or falsely dated, knowing the same to be forged, altered, counterfeited, or falsely dated, shall be punishable as prescribed in section 1191. (R. S. § 2473.)

ENFORCEMENT OF PROVISIONS

1201. Power of Commissioner of Land Office.—The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this title not otherwise specially provided for. (R. S. § 2478.)

PUBLIC MONEY

See Title 31, MONEY AND FINANCE.

PUBLIC PARKS

See Title 16, CONSERVATION.

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

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Chapter 1.—JOINT COMMITTEE ON PRINTING; GENERAL POWERS; CONTRACTS.

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15. Lithographing and engraving; contracts; bids.
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Section 1. Joint Committee on Printing.—There shall be a Joint Committee on Printing, consisting of three members of the Senate and three members of the House of Representatives, who shall have the powers hereinafter stated. (Jan. 12, 1895, c. 23, § 1, 28 Stat. 601.)

2. Same; reelected Congressmen to continue as members of until successors chosen; powers during recess.—The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of said committee until their successors are chosen. The President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill any vacancies which may then be about to occur on said committee, and such appointees and the members of said committee who shall have been reelected shall continue until their successors are chosen. The Joint Committee on Printing shall, when Congress is not in session, exercise all the powers and duties devolving upon said committee as provided by law, the same as when Congress is in session. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 962; Mar. 3, 1917, c. 163, § 6, 39 Stat. 1121.)

4. Same; remedying neglect or delay in public printing.—The Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012; Mar. 1, 1919, c. 86, § 11, 40 Stat. 1270.)

5. Standards of paper; advertisements for proposals; samples.—The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer shall, under their direction, advertise in one newspaper or trade journal, published in each of six cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. And the Public Printer shall furnish samples of the standard of papers fixed upon to applicants therefor who shall desire to bid. (Jan. 12, 1895, c. 23, § 3, 28 Stat. 601; Mar. 3, 1925, c. 421, § 1, 43 Stat. 1105.)

6. Specifications in advertisements.—The advertisements shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Printing may determine; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more. (Jan. 12, 1895, c. 23, § 4, 28 Stat. 601.)

7. Opening bids; bonds.—The sealed proposals to furnish paper shall be opened in the presence of the Joint Committee on Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by a bond approved by a judge or clerk of a court of record in the penalty of $5,000 that the bidder or bidders, if his or their proposal is accepted, shall enter into a contract to furnish the articles proposed for and by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish. (Jan. 12, 1895, c. 23, § 5, 28 Stat. 602.)

8. Approval of contract; time for performance; bonds.—No contract for furnishing paper shall be valid until it has been approved by the Joint Committee on Printing. The award of each contract for furnishing paper shall designate a reasonable time for its performance. The contractor shall give bond in such amount as may be fixed by, and to the approval of, the Joint Committee on Printing. (Jan. 12, 1895, c. 23, § 6, 28 Stat. 602; Mar. 3, 1917, c. 163, § 6, 39 Stat. 1121.)

9. Comparison of paper with standard.—The Public Printer shall compare every lot of paper delivered by any contractor with the standard of quality fixed upon by the Joint Committee on Printing and shall not accept any paper which does not conform to it in every particular. (Jan. 12, 1895, c. 23, § 7, 28 Stat. 602.)

10. Determination of quality of paper.—In case of difference of opinion between the Public Printer and any contractor for paper respecting its quality, the matter of difference shall be determined by the Joint Committee on Printing, and the decision of said Joint Committee shall be final as to the United States. (Jan. 12, 1895, c. 23, § 8, 28 Stat. 602; Mar. 3, 1917, c. 163, § 6, 39 Stat. 1121.)

11. Default of contractor; new contracts and purchase in open market.—If any contractor shall fail to comply with his contract, the Public Printer shall report such default to the Joint Committee on Printing, and he shall, under the direction of the committee, enter into a new contract with the lowest, best, and most responsible bidder for the interest of the Government among those whose proposals were rejected at the last opening of bids, or he shall advertise for new proposals, under the regulations hereinbefore stated; and during the interval which may thus occur he shall, under the direction of the Joint Committee on Printing, purchase in open market, at the lowest market price, all paper necessary for the public printing. (Jan. 12, 1895, c. 23, § 9, 28 Stat. 602; Mar. 3, 1917, c. 163, § 6, 39 Stat. 1121.)

12. Liability of defaulting contractor.—In case of the default of any contractor to furnish paper, he and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon

such default. The Public Printer shall report every such default, with a full statement of all the facts in the case, to the Solicitor of the Treasury, who shall prosecute the defaulting contractor and his sureties upon their bond, in the circuit court of the United States in the district in which such defaulting contractors reside. (Jan. 12, 1895, c. 23, § 10, 28 Stat. 602.)

13. Purchase of paper in open market.—The Joint Committee on Printing may authorize the Public Printer to make purchases of paper in open market whenever they may deem the quantity required so small or the want so immediate as not to justify advertisement for proposals. (Jan. 12, 1895, c. 23, § 11, 28 Stat. 602; Mar. 3, 1917, c. 163, § 6, 39 Stat. 1121.)

14. Purchase of other materials.—The Joint Committee is authorized to give permission to the Public Printer to purchase material other than paper in open market, whenever in their opinion it would not promote the public interest to advertise for proposals and to make contracts for the same. Purchases herein authorized shall not in any term of six months exceed the sum of $50 for any particular article required. (Jan. 12, 1895, c. 23, § 12, 28 Stat. 602.)

15. Lithographing and engraving; contracts; bids.—When the probable total cost of the maps or plates accompanying one work or document exceeds $1,200, the lithographing or engraving thereof shall be awarded to the lowest and best bidder, after advertisement by the Public Printer, under the direction of the Joint Committee, which may authorize him to make immediate contracts for lithographing or engraving whenever the exigencies of the public service do not justify advertisement for proposals. (Jan. 12, 1895, c. 23, § 15, 28 Stat. 603.)

16. Schedule of materials required; advertisements for proposals; contracts.—The Public Printer shall prepare a schedule of materials required to be purchased, showing the description, quantity, and quality of each article, and shall invite proposals for furnishing the same, either by advertisement or circular, as the Joint Committee on Printing may direct, and shall make contracts for the same with the lowest responsible bidder, making a return of the same to the Joint Committee, showing the number of bidders, the amounts of each bid, and the awards of the contracts. (Jan. 12, 1895, c. 23, § 16, 28 Stat. 603.)

Chapter 2.—GOVERNMENT PRINTING OFFICE.

Sec.

31. Public Printer; appointment; salary; bond.
32. Same; vacancy in office.
33. Same; duties.
34. Same; annual report.
35. Annual report of cost of printing, paper, contracts and payments.
36. Annual estimates; for paper.
37. Same; of expenses.
38. Fraud of Public Printer; penalty.
39. Deputy Public Printer.
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41. Employment of skilled workmen.
42. Night work.
43. Eight-hour law.
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46. Same; payment of employees receiving annual salaries.
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48. List of employees for Official Register.
49. Examining boards.
50. Disbursing clerk; duties.
51. Settlement of accounts.
52. Advances to disbursing clerk.
53. Interest of officers and assistants in printing contracts.
54. Accountability for and issue of materials.
55. Purchase of press supplies.
56. Sale or exchange of condemned materials.
57. Receipts from sales to be covered into Treasury.
58. Sale of duplicate plates; copyright.
59. Machinery, material, equipment, or supplies from other departments.
60. Consolidation of department printing offices.
61. Branches of printing office in executive departments.

Section 31. Public Printer; appointment; salary; bond.—The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office. The title of said officer shall be Public Printer. He shall receive a salary of $6,000 per annum, and shall give bond in the sum of $25,000 for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Treasury. (Jan. 12, 1895, c. 23, § 17, 28 Stat. 603; June 12, 1917, c. 27, § 1, 40 Stat. 173; Feb. 20, 1923, c. 98, 42 Stat. 1278; Mar. 4, 1925, c. 549, § 1, 43 Stat. 1299.)

32. Same; vacancy in office.—In case of the death, resignation, absence, or sickness of the Public Printer the Deputy Public Printer shall perform the duties of the Public Printer until a successor is appointed or such absence or sickness shall cease; but the President may, in his discretion, authorize and direct any other officer of the Government, whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the Public Printer shall cease. A vacancy occasioned by death or resignation must not be temporarily filled under the provisions of this section for a longer period than ten days, and no temporary appointment, designation, or assignment of another officer to perform such duty shall be made except to fill a vacancy happening during a recess of the Senate. (Jan. 12, 1895, c. 23, § 36, 28 Stat. 606; May 27, 1908, c. 200, § 1, 35 Stat. 382.)

33. Same; duties.—It shall be the duty of the Public Printer to purchase all materials and machinery which may be necessary for the Government Printing Office; to take charge of all matter which is to be printed, engraved, lithographed, or bound; to keep an account thereof in the order in which it is received, and to cause the work to be promptly executed; to superintend all printing and binding done at the Government Printing Office, and to see that the sheets or volumes are promptly delivered to the officer who is authorized to receive them. The receipt of such officer shall be a sufficient voucher for their delivery. (Jan. 12, 1895, c. 23, § 18, 28 Stat. 603.)

34. Same; annual report.—The Public Printer shall make annual report to Congress, and in it specify the number of copies of each department report and document printed upon requisition by the head of the department for which the printing was done, and he shall also specify in said report the exact number of copies of books, giving the titles of the books, bound upon requisition for Senators, Representatives, Delegates, and other officers of the Government and the cost thereof. (Jan. 12, 1895, c. 23, § 19, 28 Stat. 603.)

35. Annual report of cost of printing, paper, contracts, and payments.—The Public Printer shall, on the first day of each regular session, report to Congress the exact condition and the quantity and cost of all printing, binding, lithographing, and engraving; the quantity and cost of all paper purchased for the same; a detailed statement of all proposals and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made, during the preceding year, under his direction; of the quantity of work ordered and done, with a general classification thereof, for each department, and a detailed statement of each account with the departments or public officers; a classified detailed statement of the number of hands employed and the sums paid to each; and such other information touching all matters connected with the printing office as may be in his possession. (Jan. 12, 1895, c. 23, § 22, 28 Stat. 604.)

36. Annual estimates; for paper.—The Public Printer shall, at the beginning of each session of Congress, submit to the Joint Committee on Printing estimates of the quantity of paper

of all descriptions which will be required for the public printing and binding during the ensuing year. (Jan. 12, 1895, c. 23, § 26, 28 Stat. 604.)

37. Same; of expenses.—He shall prepare and submit to the Bureau of the Budget, annually, as required by section 24 of Title 31, detailed estimates of the sums which will be required for salaries, wages, printing, engraving, lithographing, binding, materials, and other necessary expenses of the printing office for the ensuing fiscal year including estimates covering appropriations requisite for all work to be done and services to be rendered under his direction, and estimates for all clerks and employees who may be required in the executive or administrative offices of the Government Printing Office; and no funds other than those specifically appropriated under said estimates shall be used during said fiscal year for services in the Government Printing Office of the character specified in said estimates and appropriated for thereunder. (Jan. 12, 1895, c. 23, § 27, 28 Stat. 604; Mar. 2, 1895, c. 189, § 1, 28 Stat. 961; May 27, 1908, c. 200, § 1, 35 Stat. 382; June 10, 1921, c. 18, §§ 215, 216, 42 Stat. 23.)

38. Fraud of Public Printer; penalty.—If the Public Printer shall, by himself or through others, corruptly collude or have any secret understanding with any person to defraud the United States, or whereby the United States shall be made to sustain a loss, he shall, on conviction thereof before any court of competent jurisdiction, forfeit his office and be imprisoned in the penitentiary for a term of not more than seven years, and fined in a sum not exceeding $3,000. (Jan. 12, 1895, c. 23, § 33, 28 Stat. 605.)

39. Deputy Public Printer.—The office of Deputy Public Printer shall be filled by the selection and appointment by the Public Printer of a person skilled as a practical printer and versed in the art of bookbinding, and who shall perform the duties formerly required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office, and perform such other duties as may be required of him by the Public Printer. (May 27, 1908, c. 200, § 1, 35 Stat. 382.)

40. Employment by Public Printer of employees; pay.—The Public Printer may employ, at such rates of wages and salaries, including compensation for night and overtime work, as he may deem for the interest of the Government and just to the persons employed, except as otherwise provided herein, such journeymen, apprentices, laborers, and other persons as may be necessary for the work of the Government Printing Office; but he shall not, at any time, employ more persons than the necessities of the public work may require or more than two hundred apprentices at any one time. The minimum pay of all journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed. Except as hereinbefore provided, the rate of wages, including compensation for night and overtime work, for more than ten employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing; if the Public Printer and the committee representing any trade fail to agree as to wages, salaries, and compensation either party is hereby granted the right of appeal to the Joint Committee on Printing, and the decision of said committee shall be final; the wages, salaries, and compensation determined as provided herein shall not be subject to change oftener than once a year thereafter. Employees and officers of the Government Printing Office, unless otherwise herein fixed, shall continue to be paid at the rates of wages, salaries, and compensation (including night rate) authorized by law on June 7, 1924, until such time as their wages, salaries, and compensation shall be determined as hereinbefore provided. (Jan. 12, 1895, c. 23, §§ 39, 47, 50, 28 Stat. 607, 608; June 6, 1900, c. 791, § 1, 31 Stat. 643; Mar. 4, 1909, c. 299, § 1, 35 Stat. 1021, 1024; Aug. 24, 1912, c. 355, § 1, 37 Stat. 482; July 8, 1918, c. 139, § 1, 40 Stat. 836; Aug. 2, 1919, c. 30, 41 Stat. 72; Feb. 20, 1923, c. 98, 42 Stat. 1278; June 7, 1924, c. 354, § 1, 43 Stat. 658.)

41. Employment of skilled workmen.—It shall be the duty of the Public Printer to employ workmen who are thoroughly skilled in their respective branches of industry, as shown by trial of their skill under his direction. (Jan. 12, 1895, c. 23, § 45, 28 Stat. 607.)

42. Night work.—The Public Printer shall cause work to be done on the public printing in the Government Printing Office at night as well as through the day, when the exigencies of the public service require it, but the provisions of the existing eight-hour law shall apply. (Jan. 12, 1895, c. 23, § 47, 28 Stat. 607.)

43. Eight-hour law.—The Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge. (Mar. 30, 1888, c. 47, § 1, 25 Stat. 57.)

44. Holidays.—The employees of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, Inauguration Day, Memorial Day, Labor's Holiday, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving. (Jan. 12, 1895, c. 23, § 46, 28 Stat. 607.)

45. Leaves of absence.—The employees of the Government Printing Office, whether employed by the piece or otherwise, shall be allowed leaves of absence with pay to the extent of not exceeding thirty days in any one fiscal year under such regulations and at such times as the Public Printer may designate at the rate of pay received by them during the time in which said leave was earned; but such leaves of absence shall not be allowed to accumulate from year to year. Such employees as are engaged on piecework shall receive the same rate of pay for the said thirty days' leave as will be paid to day hands. It shall be lawful to allow pay for pro rata leave to those serving fractional parts of a year; also to allow pay for pro rata leave of absence to employees of the Government Printing Office in any fiscal year, notwithstanding the fact that thirty days' leave of absence, with pay, may have been granted to such employees in that fiscal year on account of service rendered in a previous fiscal year. The Public Printer is authorized to pay to the legal representatives of any employees who may die, and may have any accrued leave of absence due them as such employees, said claims to be paid out of any appropriations for leaves of absence. (June 11, 1896, c. 420, § 1, 29 Stat. 453.)

46. Same; payment of employees receiving annual salaries.—Employees in the Government Printing Office receiving annual salaries fixed by law shall be allowed leave at the rate of pay received by them at the time such leave is granted, the same to be payable from the specific appropriation for their salaries. (June 25, 1910, c. 384, § 1, 36 Stat. 767.)

47. Details of employees to executive departments or establishments.—No employee of the Government Printing Office shall be detailed to duties not pertaining to the work of public printing and binding in any executive department or other Government establishment unless expressly authorized by law. (June 25, 1910, c. 384, § 1, 36 Stat. 770.)

48. List of employees for Official Register.—The Public Printer shall, as of the 1st day of July in each year, cause to be filed with the Director of the Census a full and complete list of all persons occupying administrative and supervisory posi-

tions in his department, or in any of the branch offices. He shall include in such list all the statistics peculiar to his department required to enable the Director of the Census to prepare the Official Register. (Jan. 12, 1895, c. 23, § 43, 28 Stat. 607; June 7, 1906, c. 3048, 34 Stat. 218.)

49. Examining boards.—The Deputy Public Printer, the superintendent of printing, and a person designated by the Joint Committee on Printing, shall constitute a board to examine and report in writing on all paper delivered under contract, or by purchase or otherwise, at the Government Printing Office. The Deputy Public Printer, superintendent of binding, and a person designated by the Joint Committee on Printing shall constitute a board to examine and report in writing on all material, except paper, for the use of the bindery. The Deputy Public Printer, the superintendent of printing, and a person designated by the Joint Committee on Printing shall constitute a board of condemnation, who, upon the call of the Public Printer, shall determine the condition of presses and other machinery and material used in the Government Printing Office, with a view to condemnation. (Jan. 12, 1895, c. 23, § 20, 28 Stat. 603; May 27, 1908, c. 200, § 1, 35 Stat. 382; June 7, 1924, c. 303, § 1, 43 Stat. 590.)

50. Disbursing clerk; duties.—The disbursing clerk of the Government Printing Office shall be charged with the receipt and disbursement of all moneys for said office in accordance with the provisions of law relating to other disbursing officers of the Government, under such bond and rules as the Secretary of the Treasury shall prescribe. (Jan. 12, 1895, c. 23, § 30, 28 Stat. 605; Feb. 20, 1923, c. 98, 42 Stat. 1278.)

51. Settlement of accounts.—The disbursing clerk of the Government Printing Office shall settle the account of his receipts and disbursements in the same manner required of other disbursing officers. (Jan. 12, 1895, c. 23, § 30, 28 Stat. 605; Feb. 20, 1923, c. 98, 42 Stat. 1278.)

52. Advances to disbursing clerk.—There shall be advanced to the disbursing clerk from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money to enable him to pay for work and material. (Mar. 30, 1900, c. 118, 31 Stat. 58; Feb. 20, 1923, c. 98, 42 Stat. 1278.)

53. Interest of officers and assistants in printing contracts.—Neither the Public Printer, superintendent of printing, superintendent of binding, nor any of their assistants shall, during their continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving; and for every violation of this section the party offending shall, on conviction before any court of competent jurisdiction, be imprisoned in the penitentiary for a term of not less than one nor more than five years, and shall be fined not exceeding $500. (Jan. 12, 1895, c. 23, § 34, 28 Stat. 605; May 27, 1908, c. 200, § 1, 35 Stat. 382; June 7, 1924, c. 303, § 1, 43 Stat. 590.)

54. Accountability for and issue of materials.—The Public Printer shall charge himself with, and be accountable for, all material received for the public use. The superintendents of printing and binding shall make out estimates of the quantity and kind of material required for their respective departments and file written requisitions therefor when it is needed. The Public Printer shall furnish the same to them on these requisitions, as required for the public service, and they shall receipt to him and be held accountable for all material so received. (Jan. 12, 1895, c. 23, § 32, 28 Stat. 605; June 7, 1924, c. 303, § 1, 43 Stat. 590.)

55. Purchase of press supplies.—The Public Printer may purchase in open market, and without previous advertising, such supplies as the Government Printing Office may require, of ink, rollers, composition for making rollers, tapes, press blankets, and lubricating oils, taking care that only the lowest market prices be paid; and when practicable he shall issue circulars inviting bids. (Jan. 12, 1895, c. 23, § 38, 28 Stat. 607.)

56. Sale or exchange of condemned materials.—Whenever any machinery or material in the Government Printing Office shall have been regularly condemned as unserviceable, the Public Printer may sell the same, after public advertisement, to the highest bidder, for cash, and turn the proceeds into the Treasury of the United States. In case the sum or sums offered for such advertised property should be deemed by him too low, he may exchange said old machinery or material for new, paying the difference in money, and render appropriate vouchers for such expenditure. (Jan. 12, 1895, c. 23, § 21, 28 Stat. 604.)

57. Receipts from sales to be covered into Treasury.—Moneys received from sales of extra copies of documents, paper shavings, imperfections, waste gold leaf, leather and book cloth scraps, and for the sale of old and condemned material, shall be deposited by the Public Printer in the Treasury of the United States, and a detailed statement thereof shall be included in his annual report to Congress. (Jan. 12, 1895, c. 23, § 29, 28 Stat. 605.)

58. Sale of duplicate plates; copyright.—The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply, additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and 10 per centum added and the full amount of the price shall be paid when the order is filed. No publication reprinted from such stereotype or electrotype plates and no other Government publication shall be copyrighted. (Jan. 12, 1895, c. 23, § 52, 28 Stat. 608.)

59. Machinery, material, equipment, or supplies from other departments.—Any officer of the Government having machinery, material, equipment, or supplies for printing, binding, and blank-book work, including lithography, photolithography, and other processes of reproduction, which are no longer required or authorized for his service, shall submit a detailed report of the same to the Public Printer, and the Public Printer is hereby authorized, with the approval of the Joint Committee on Printing, to requisition such articles of the character herein described as are serviceable in the Government Printing Office, and the same shall be promptly delivered to that office. (July 19, 1919, c. 24, § 3, 41 Stat. 233.)

60. Consolidation of department printing offices.—All printing offices in the departments in operation on January 12, 1895, or thereafter put in operation, shall be considered a part of the Government Printing Office, and shall be under the control of the Public Printer, who shall furnish all presses, types, imposing stones, and necessary machinery and material for said offices from the general supplies of the Government Printing Office; and all paper and material of every kind used in the said offices for departmental work, except letter and note paper and envelopes, shall be supplied by the Public Printer; and all persons employed in said printing offices and binderies shall be appointed by the Public Printer, and be carried on his pay roll the same as employees in the main office, and shall be responsible to him. This section shall not apply to the office in the Weather Bureau, but the Public Printer, with the approval of the Joint Committee on Printing, may abolish such excepted office whenever in their judgment the economy of the public service would be thereby advanced.

All work done in the said offices shall be ordered on blanks prepared for that purpose by the Public Printer, which shall be numbered consecutively, and must be signed by some one

designated by the head of the department for which the work is to be done, who shall be held responsible for all work thus ordered, and who shall quarterly report to the head of the department a classified statement of the work done and the cost thereof, which report shall be transmitted to the Public Printer in time for his annual report to Congress. The Public Printer shall show in detail, in his annual report, the cost of operating each departmental office. (Jan. 12, 1895, c. 23, § 31, 28 Stat. 605; Mar. 6, 1902, c. 139, § 11, 32 Stat. 53; Apr. 23, 1904, c. 1485, 33 Stat. 262; Mar. 2, 1907, c. 2511, 34 Stat. 1158; Mar. 3, 1917, c. 163, § 1, 39 Stat. 1083.)

61. Branches of printing office in executive departments.—No money appropriated by any Act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established unless specifically authorized by law. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 673.)

Chapter 3.—SUPERINTENDENT OF DOCUMENTS; DISTRIBUTION OF DOCUMENTS IN GENERAL.

Sec.

71. Superintendent of Documents; sale of documents.
72. Printing for sale to public; regulations.
73. Superintendent of Documents under control of Public Printer; disbursements and report.
74. Assistants, blanks, printing, and binding for Superintendent of Documents.
75. Compensation to employees in office of Superintendent of Documents for night, Sunday, holiday, and overtime work.
76. Index of documents; number and distribution.
77. Catalogue of Government publications.
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79. Reprinting documents required for sale.
80. Printing and binding for President.
81. Documents for use of Public Printer.
82. Distribution of copies of publications to designated depositories.
83. Designation of depositories.
84. Libraries as depositories continued; new designations.
85. Distribution of copies of publications to designated depositories and libraries; land-grant colleges as depositories.
86. Investigation of libraries designated as depositories.
87. Libraries of executive departments and Military and Naval Academies constituted depositories.
88. American Antiquarian Society to be depository.
89. Distribution of public documents to library of Philippine Government.
90. Books and documents not to be removed from depositories.
91. Documents and reports for foreign legations.
92. Ownership of publications furnished officers for official use; free use in depositories.
93. Exchange of documents.
94. Blank forms; printing and sale.
95. Distribution of publications to be by Public Printer; mailing lists.
96. Departmental distribution of documents.

Section 71. Superintendent of Documents; sale of documents.—The Public Printer shall appoint a competent person to act as Superintendent of Documents. The Superintendent of Documents so designated and appointed is hereby authorized to sell at cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from stereotyped plates; but, except as provided in section 72 of this title, only one copy of any document shall be sold to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof, and members of Congress; and whenever any officer of the Government having in his charge documents published for sale shall desire to be relieved of the same, he is hereby authorized to turn them over to the Superintendent of Documents, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be returned to the Public Printer on the 1st day of each month and be by him covered into the Treasury monthly, and the Superintendent of Documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He shall also report monthly to the Public Printer the number of documents received by him and the disposition made of the same. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the executive departments, which shall be delivered to said departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives. (Jan. 12, 1895, c. 23, § 61, 28 Stat. 610.)

72. Printing for sale to public; regulations.—The Public Printer shall print such additional copies of any Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per centum, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government. (May 11, 1922, c. 189, § 1, 42 Stat. 541.)

73. Superintendent of Documents under control of Public Printer; disbursements and report.—The office of the Superintendent of Documents shall be under the control of the Public Printer. The disbursements on account of salaries or other expenses of the office of the Superintendent of Documents shall be made by the disbursing clerk of the Government Printing Office, and a statement thereof shall be included in the Public Printer's annual report for each fiscal year. (June 25, 1910, c. 384, § 1, 36 Stat. 770; Feb. 20, 1923, c. 98, 42 Stat. 1278.)

74. Assistants, blanks, printing, and binding for Superintendent of Documents.—The Public Printer is hereby authorized and directed, upon the requisition of the Superintendent of Documents, to appoint such assistants as may be necessary, and furnish such blanks and to do such printing and binding as are required by his office, and the Public Printer shall provide convenient office, storage, and distributing rooms for the use of the Superintendent of Documents. (Jan. 12, 1895, c. 23, § 66, 28 Stat. 611.)

75. Compensation to employees in office of Superintendent of Documents for night, Sunday, holiday, and overtime work.—Employees in the office of the Superintendent of Documents may be paid compensation for night, Sunday, holiday, and overtime work at rates not in excess of the rates of additional compensation for such work allowed to other employees of the Government Printing Office under the provisions of section 40 of this title. (Mar. 4, 1925, c. 549, § 1, 43 Stat. 1300.)

76. Index of documents; number and distribution.—The Superintendent of Documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the executive departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing

shall direct. Of the comprehensive index and of the consolidated index two thousand copies each shall be printed and bound in addition to the usual number, two hundred copies for the use of the Senate, eight hundred copies for the use of the House, and one thousand copies for distribution by the Superintendent of Documents. (Jan. 12, 1895, c. 23, § 62, 28 Stat. 610.)

77. **Catalogue of Government publications.**—A catalogue of Government publications shall be prepared by the Superintendent of Documents on the 1st day of each month, which shall show the documents printed during the preceding month, where obtainable, and the price thereof. Two thousand copies of such catalogue shall be printed in pamphlet form for distribution. (Jan. 12, 1895, c. 23, § 69, 28 Stat. 612.)

78. **Documents in charge of departments to be turned over to Superintendent of Documents.**—All public documents accumulating in the several executive departments, bureaus, and offices not needed for official use shall be annually turned over to the Superintendent of Documents for distribution or sale. (Jan. 12, 1895, c. 23, § 67, 28 Stat. 611.)

79. **Reprinting documents required for sale.**—The Superintendent of Documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the department in which such public document shall have originated. The appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the Superintendent of Documents from the sale of public documents. (Mar. 28, 1904, No. 11, 33 Stat. 584.)

80. **Documents for President.**—The Public Printer shall deliver to the Executive Mansion two copies each of all documents, bills, and resolutions as soon as printed and ready for distribution. (Jan. 12, 1895, c. 23, § 88, 28 Stat. 622.)

81. **Documents for use of Public Printer.**—The Public Printer may retain out of all documents, bills, and resolutions printed the number of copies absolutely needful for the official use of the Government Printing Office, not exceeding five of each. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 618.)

82. **Distribution of copies of publications to designated depositories.**—The copies of journals, books, and public documents which are or may be authorized to be distributed to incorporated bodies, institutions, and associations within the States and Territories shall be distributed to such bodies as shall be designated by each of the Senators from the several States, respectively, and by the Representatives in Congress from each congressional district, and by the Delegate from each Territory. The distribution shall be made in such manner that the quantity distributed to each congressional district and Territory shall be equal. (R. S. § 501; Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014.)

83. **Designation of depositories.**—The selection of an institution to receive the documents ordered to be published or procured at the first session of any Congress shall control the documents of the entire Congress, unless another designation be made before any distribution has taken place under the selection first made. And the public documents to be distributed by the Superintendent of Documents shall be sent to the institutions already designated, unless he shall be satisfied that any such institution is no longer a suitable depository of the same. Congressional journals and public documents, authorized to be distributed to institutions on the designation of Members of Congress, shall be sent to such libraries and institutions only as shall signify a willingness to pay the cost of their transportation. (R. S. § 502; Jan. 12, 1895, c. 23, §§ 53, 61, 28 Stat. 608, 610.)

84. **Libraries as depositories continued; new designations.**—Libraries designated by law prior to June 23, 1913, as depositories to receive books and other Government publications shall, during their existence, continue such receipt; and new designations may be made when libraries chosen shall cease to exist or other designations shall be authorized by law. (June 23, 1913, c. 3, § 5, 38 Stat. 75.)

85. **Distribution of copies of publications to designated depositories and libraries; land-grant colleges as depositories.**—Upon request of the Superintendent of Documents the Public Printer is hereby authorized and directed to either increase or diminish the number of copies of publications furnished for distribution, to designated depositories and State and Territorial libraries, so that the number of copies delivered shall be equal to the number of libraries on the list: *Provided*, That the number thus delivered shall at no time exceed the number authorized under existing statute. The allotment of copies furnished for distribution to libraries shall be increased or reduced, from time to time, as the redistricting of States or the rearrangement of depository lists under provisions of law shall demand, to such numbers as may be necessary to comply with the law. All land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws. (Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014.)

86. **Investigation of libraries designated as depositories.**—The Superintendent of Documents shall thoroughly investigate the condition of all libraries that are designated depositories, and whenever he shall ascertain that the number of books in any such library, other than college libraries, is below one thousand, other than Government publications, or it has ceased to be maintained as a public library, he shall strike the same from the list, and the Senator, Representative, or Delegate shall designate another depository that shall meet the conditions herein required. (Jan. 12, 1895, c. 23, § 70, 28 Stat. 612.)

87. **Libraries of executive departments and Military and Naval Academies constituted depositories.**—The libraries of the executive departments, of the United States Military Academy, and United States Naval Academy are hereby constituted designated depositories of Government publications, and the Superintendent of Documents shall supply one copy of said publications, in the same form as supplied to other depositories, to each of said libraries. (Jan. 12, 1895, c. 23, § 98, 28 Stat. 624.)

88. **American Antiquarian Society to be depository.**—One copy of the public journals of the Senate and of the House of Representatives, and of the documents published under the orders of the Senate and House of Representatives, respectively, shall be transmitted to the Executive of the Commonwealth of Massachusetts for the use and benefit of the American Antiquarian Society of said Commonwealth. (Dec. 1, 1814, No. 7, 3 Stat. 248.)

89. **Distribution of public documents to library of Philippine government.**—The Superintendent of Documents is hereby authorized and directed to supply one copy of each document delivered to him for distribution to State and Territorial libraries and designated depositories to the library of the Philippine government, in the city of Manila, Philippine Islands; and the Public Printer is hereby directed to print, bind, and deliver to the Superintendent of Documents the extra number of documents required to comply with this section. (Jan. 18, 1907, c. 153, 34 Stat. 850.)

90. **Books and documents not to be removed from depositories.**—All such books and documents, when received at the proper offices, libraries, and other depositories, as provided by law, shall be kept there and not removed from such places. (R. S. § 506.)

91. **Documents and reports for foreign legations.**—Documents and reports may be furnished to foreign legations to the United States upon request specifying those desired and requisition made upon the Public Printer by the Secretary of State: *Provided*, That such gratuitous distribution shall only be made to legations whose Governments furnish to legations from the

United States copies of their printed and legislative documents desired. (Jan. 12, 1895, c. 23, § 75, 28 Stat. 620.)

92. Ownership of publications furnished officers for official use; free use in depositories.—Government publications furnished to judicial and executive officers of the United States for their official use shall not become the property of these officers, but on the expiration of their official term shall be by them delivered to their successors in office and all Government publications delivered to designated depositories or other libraries shall be for public use without charge. (Jan. 12, 1895, c. 23, § 74, 28 Stat. 620.)

93. Exchange of documents.—Heads of departments are authorized to exchange surplus documents for such other documents and books as may be required by them, when the same can be done to the advantage of the public service. (Jan. 12, 1895, c. 23, § 95, 28 Stat. 623.)

94. Blank forms; printing and sale.—The Public Printer is authorized to print for sale by the Superintendent of Public Documents to the public, upon prepayment, additional copies of approved Government blank forms. (June 7, 1924, c. 303, § 1, 43 Stat. 592.)

95. Distribution of publications to be by Public Printer; mailing lists.—No money appropriated by any Act shall be used for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. Nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and document rooms of the Senate or House of Representatives. (Jan. 12, 1895, c. 23, § 92, 28 Stat. 623; Aug. 23, 1912, c. 350, § 8, 37 Stat. 414.)

96. Departmental distribution of documents.—Government publications printed for or received by the executive departments, whether for official use or for distribution, except such as are required by section 95 of this title to be distributed by the Public Printer, shall be distributed by a competent person detailed to such duty in each department by the head thereof. He shall keep an account in detail of all publications received and distributed by him. He shall prevent duplication, and make detailed report to the head of the department, who shall transmit the same annually to Congress. (Jan. 12, 1895, c. 23, § 92, 28 Stat. 623.)

Chapter 4.—PRINTING AND BINDING GENERALLY.

Sec.
111. Government printing to be done at Government Printing Office; Supreme Court excepted.
112. Stereotyping and electrotyping.
113. Engraving and lithographing; contracts.
114. Printing and sale of extra copies of documents.
115. Illustrations and maps in documents and reports; orders for printing acted on within one year.
116. No printing and binding unless authorized; binding materials.
117. Certificate of necessity; estimate of cost.
118. Restrictions on use of appropriations for printing and binding, for illustrations.
119. Blanks and letterheads for judges and officers of courts.
120. Disposition of receipts for work done.

Section 111. Government printing to be done at Government Printing Office; Supreme Court excepted.—All printing, binding, and blank-book work for Congress, the Executive office, the judiciary, and every executive department, independent office, and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District. The printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order. (Jan. 12, 1895, c. 23, § 87, 28 Stat. 622; Mar. 1, 1919, c. 86, § 11, 40 Stat. 1270; June 1, 1922, c. 204, Title II, 42 Stat. 614; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1081; May 28, 1924, c. 204, Title II, 43 Stat. 218; Feb. 27, 1925, c. 364, Title II, 43 Stat. 1028.)

112. Stereotyping and electrotyping.—The Public Printer shall cause to be stereotyped or electrotyped all matter when there is a reason to believe that it will be needed a second time. (Jan. 12, 1895, c. 23, § 25, 28 Stat. 604.)

113. Engraving and lithographing; contracts.—The Public Printer shall preserve in his office samples of the paper on which any engravings or lithographs are to be furnished by contract, and he shall not receive any engraving or lithograph which is not printed on paper equal to the sample, or which is not executed in the proper manner or in the quantity contracted for, or within the time specified in the contract, unless, for special reasons, he may have extended the time. The contractor shall not be paid except upon the certificate of the Public Printer that his contract has been complied with. (Jan. 12, 1895, c. 23, § 41, 28 Stat. 607.)

114. Printing and sale of extra copies of documents.—The Public Printer shall furnish to all applicants giving notice before the matter is put to press, not exceeding two hundred and fifty to any one applicant, copies of bills, reports, and documents, said applicants paying in advance the cost of such printing with 10 per centum added: *Provided*, That the printing of such work for private parties shall not interfere with the printing for the Government. (Jan. 12, 1895, c. 23, § 42, 28 Stat. 607.)

115. Illustrations and maps in documents and reports; orders for printing acted on within one year.—No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations or maps designed therefor shall be ready for publication; and no order for public printing shall be acted upon by the Public Printer after the expiration of one year, unless the entire copy and illustrations for the work shall have been furnished within that period. (Jan. 12, 1895, c. 23, § 80, 28 Stat. 621.)

116. No printing and binding unless authorized; binding materials.—No printing or binding shall be done at the Government Printing Office unless authorized by law. Binding for the departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a department: *Provided*, The libraries of the several departments, the Library of Congress, the libraries of the Surgeon General's Office, the Patent Office, and the Naval Observatory may have books for the exclusive use of said libraries bound in half Turkey, or material no more expensive. (Jan. 12, 1895, c. 23, § 86, 28 Stat. 622.)

117. Certificate of necessity; estimate of cost.—When any department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be on certificate that such work be necessary for the public service; whereupon the Public Printer shall furnish an estimate of the cost by the principal items for such printing or binding so called for, after which requisitions shall be made upon him therefor by the head of such department, the clerk of the Supreme Court, Chief Justice of the Court of Claims, or the Librarian of Congress; and the Public Printer shall place the cost thereof to the debit of such department in its annual appropriation for printing and binding. (Jan. 12, 1895, c. 23, § 93, 28 Stat. 623.)

118. Restrictions on use of appropriations for printing and binding, for illustrations.—No part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business. (Mar. 3, 1905, c. 1483, § 1, 33 Stat. 1213.)

119. Blanks and letterheads for judges and officers of courts.—All blanks and letterheads for use by the judges and other officials of the United States courts other than such as are required to be paid for by any of these officers out of the emoluments of their offices shall be printed at the Government Printing Office upon forms prescribed by the Department of Justice, and shall be distributed by it upon requisition. (Jan. 12, 1895, c. 23, § 97, 28 Stat. 624.)

120. Disposition of receipts for work done.—All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and be subject to requisition by the Public Printer. (Mar. 4, 1925, c. 549, § 1, 43 Stat. 1300.)

Chapter 5.—CONGRESSIONAL PRINTING IN GENERAL.

Sec.
131. "Usual number" of documents and reports; distribution of House and Senate documents and reports; binding; reports on private bills; number of copies printed; distribution.
132. Extra copies of documents and reports.
133. Printing extra copies.
134. "Extra copies" defined.
135. Duplicate orders to print.
136. Regulations for printing documents for Congress in two or more editions; printing of full number and allotment of full quota.
137. Reprinting bills, laws, and reports from committees not exceeding fifty pages.
138. Senate and House documents and reports for Department of State.
139. Distribution of documents to Library of Congress.
140. Printing of documents not provided for by law.
141. Lapse of authority to print, when.
142. Classification and numbering of publications ordered printed by Congress; designation of publications of departments; printing of committee hearings.
143. Binding of publications for distribution to libraries.
144. Appropriation to which cost of printing by order of Congress chargeable.
145. Requirements of reports recommending printing and binding for Congress.
146. Stationery and blank books for Congress.
147. Journals of Houses of Congress.
148. Senate and House Manuals.
149. Congressional Directory.
150. Same; sale.
151. Eulogies; engraving.
152. Illustrations accompanying bound copies of memorial addresses.
153. Statement of appropriations; "usual number."
154. Printing for committees of Congress.
155. Committee reports; indexing and binding.
156. Reports of Librarian of Congress.
157. Distribution of documents to Congressmen.
158. Allotments of public documents printed after expiration of term; rights of retiring Congressmen to documents.
159. Time for distribution of documents by Congressmen extended.
160. Binding for Congressmen.
161. Same; binding at expense of Congressmen.
162. Documents and reports ordered by Congressmen; franks and envelopes for Congressmen.
163. Payment of cost of printing extracts from Congressional Record, or other documents.
164. Distribution of copies of Congressional Record, etc., to Governor General of Philippines.
165. Senate and House document rooms; superintendents.
166. Senate and House folding rooms; superintendents.
167. Disposition of documents stored at Capitol.
168. Binding for Senate library.

Section 131. "Usual number" of documents and reports; distribution of House and Senate documents and reports; binding; reports on private bills; number of copies printed; distribution.—Whenever any document or report shall be ordered printed by Congress, such order to print shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. No greater number shall be printed unless ordered by either House, or as hereinafter provided. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered. The usual number of documents and reports shall be distributed as follows:

Of the House documents and reports, unbound.—To the Senate document room, one hundred and fifty copies; to the office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House, twenty copies; to the Library of Congress, two copies, as provided in section 139 of this title; to the Governor General of the Philippine Islands at Manila, three copies, as provided in section 164 of this title.

Of the Senate documents and reports, unbound.—To the Senate document room, two hundred and twenty copies; office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House, ten copies; to the Library of Congress, two copies, as provided in section 139 of this title; to the Governor General of the Philippine Islands at Manila, three copies, as provided in section 164 of this title.

Of the number printed, the Public Printer shall bind a sufficient number of copies, which shall be distributed as follows:

Of the House documents and reports, bound.—To the Senate library, fifteen copies; to the Library of Congress, one hundred and twenty-five copies, as provided in section 139 of this title; to the House library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to the State and Territorial libraries and designated depositories.

Of the Senate documents and reports, bound.—To the Senate library, fifteen copies; to the Library of Congress, one hundred and twenty-five copies, as provided in section 139 of this title; to the House library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to State and Territorial libraries and designated depositories. In binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated depositories. But any State or Territorial library or designated depository entitled to documents that may prefer to have its documents in unbound form, may do so by notifying the Superintendent of Documents to that effect prior to the convening of each Congress.

All of the "usual number" shall be printed at one time.

The usual number of reports on private bills, concurrent or simple resolutions, shall not be printed. In lieu thereof there

shall be printed of each Senate report on a private bill, simple or concurrent resolution, three hundred and forty-five copies, in addition to those required to be furnished the Library of Congress, which shall be distributed as follows: To the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, two hundred and sixty copies, in addition to those for the Library of Congress, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies. Nothing herein shall be construed to prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries; nor shall it operate to abridge in any way the right of the Vice President, Senators, Representatives, Delegates, Resident Commissioners, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled. Not less than twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room. (Jan. 12, 1895, c. 23, § 54, 28 Stat. 608; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; Jan. 20, 1905, c. 50, § 1, 33 Stat. 610; Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014; Jan. 15, 1908, No. 3, § 2, 35 Stat. 566; June 25, 1910, c. 439, § 1, 36 Stat. 868; Mar. 3, 1925, c. 421, §§ 6, 7, 43 Stat. 1106.)

132. Extra copies of documents and reports.—Extra copies of documents and reports shall be printed promptly when the same shall be ready for publication, and shall be bound in paper or cloth as directed by the Joint Committee on Printing. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 612.)

133. Printing extra copies.—Orders for printing extra copies, otherwise than herein provided for, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of $500 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution. Such resolutions, when presented to either House, shall be referred immediately to the Committee on Printing, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and no extra copies shall be printed before such committee has reported. The printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of $200 in cost in any one instance. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

134. "Extra copies" defined.—The term "extra copies" as used herein shall be construed to mean copies in addition to the usual number as defined in section 131 of this title. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

135. Duplicate orders to print.—The Public Printer shall examine closely the orders of the Senate and House for printing, and in case of duplication he shall print under the first order received. (Jan. 12, 1895, c. 23, § 53, 28 Stat. 608.)

136. Regulations for printing documents for Congress in two or more editions; printing of full number and allotment of full quota.—The Joint Committee on Printing is authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements. In no case shall the aggregate of said editions exceed the number of copies otherwise authorized. Nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist. (Mar. 30, 1906, No. 14, 34 Stat. 826.)

137. Reprinting bills, laws, and reports from committees not exceeding fifty pages.—The Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting in a number not exceeding one thousand copies of any pending bill or resolution, or any public law not exceeding fifty pages, or any report from any committee or congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages, when the supply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

138. Senate and House documents and reports for Department of State.—The Public Printer is hereby authorized and directed to print, in addition to the usual number, and furnish the Department of State with twenty copies of each Senate and House of Representatives document and report. (Feb. 7, 1896, No. 14, 29 Stat. 463.)

139. Distribution of documents to Library of Congress.—Of the publications described in this section the number of copies which shall be printed and distributed by the Public Printer to the Library of Congress for its own use and for international exchange shall be one hundred and twenty-five, to wit: The House documents and reports, bound; the Senate documents and reports, bound; the House Journals, bound; the Senate Journals, bound; all other documents bearing a congressional number and all documents not bearing a congressional number printed by order of either House of Congress, or by order of any department, bureau, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; the Revised Statutes, bound; the Statutes at Large, bound; the Congressional Record, bound; the Official Register of the United States, bound. In addition to the foregoing the Public Printer shall supply to the Library of Congress for its own use two copies of each of the above-described publications, unbound, as published; five copies of all bills and resolutions; ten copies of the daily Congressional Record; and two copies of all documents printed for the use of congressional committees not of a confidential character. (Jan. 28, 1899, No. 12, 30 Stat. 1388; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; Mar. 3, 1925, c. 421, § 7, 43 Stat. 1106.)

140. Printing of documents not provided for by law.—Either House may order the printing of a document not already provided for by law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any executive department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this section relating to estimates shall apply to reports or documents not exceeding fifty pages. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

141. Lapse of authority to print, when.—In the printing of any document or report, or any publication authorized by law to be printed, for distribution by Congress, the whole number of copies of which shall not have been ordered within two years from the date of the original order, the authority to print shall lapse, except as orders for subsequent editions may be approved

by the Joint Committee on Printing, and then in no instance shall the whole number exceed the number originally authorized by law. (Mar. 1, 1907, c. 2284, § 5, 34 Stat. 1014.)

142. Classification and numbering of publications ordered printed by Congress; designation of publications of departments; printing of committee hearings.—Publications ordered printed by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the Senate, to be known as Senate reports; one series of reports made by the committees of the House of Representatives, to be known as House reports; one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents. The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but the foregoing provisions shall not apply to the documents printed for the use of the Senate in executive session. Of the "usual number," the copies which are intended for distribution to State and Territorial libraries and other designated depositories of all annual or serial publications originating in or prepared by an executive department, bureau, office, commission, or board shall not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as hereinafter provided, and the departmental edition, if any, shall be printed concurrently with the "usual number." Hearings of committees may be printed as congressional documents only when specifically ordered by Congress or either House thereof. (Jan. 15, 1908, No. 3, § 1, 35 Stat. 565.)

143. Binding of publications for distribution to libraries.—In the binding of congressional documents and reports for distribution by the Superintendent of Documents to State and Territorial libraries and other designated depositories, every publication of sufficient size on any one subject shall be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The Public Printer shall supply the Superintendent of Documents sufficient copies of those publications distributed in unbound form, to be bound and distributed to the State and Territorial libraries and other designated depositories for their permanent files. The library edition, as well as all other bound sets of congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing. (Jan. 15, 1908, No. 3, § 2, 35 Stat. 566.)

144. Appropriation to which cost of printing by order of Congress chargeable.—The cost of the printing of any document or report printed by order of Congress which can not, under the provisions of section 214 of this title, be properly charged to any other appropriation or allotment of appropriation already made, shall, upon order of the Joint Committee on Printing, be charged to the allotment of appropriation for printing and binding for Congress. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

145. Requirements of reports recommending printing and binding for Congress.—Printing and binding for Congress, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year. (July 1, 1916, c. 209, § 1, 39 Stat. 330; Mar. 4, 1925, c. 549, § 1, 43 Stat. 1299.)

146. Stationery and blank books for Congress.—Stationery, blank books, tables, forms, and other necessary papers preparatory to congressional legislation, required for the official use of the Senate and the House of Representatives, or the committees and officers thereof, shall be furnished by the Public Printer upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. This shall not operate to prevent the purchase by the officers of the Senate and House of Representatives of such stationery and blank books as may be necessary for sale to Senators and Members in the stationery rooms of the two Houses as provided by law. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

147. Journals of Houses of Congress.—There shall be printed of the Journals of the Senate and House of Representatives eight hundred and twenty-two copies, which shall be distributed as follows: To the Senate document room, ninety copies for distribution to Senators, and twenty-five additional copies; to the Senate library, ten copies; to the House document room, three hundred and sixty copies for distribution to Members, and twenty-five additional copies; to the Department of State, four copies; to the Superintendent of Documents, one hundred and forty-four copies to be distributed to three libraries in each of the States and Territories to be designated by the Superintendent of Documents; to the Library of Congress, one hundred and twenty-five bound copies and two unbound copies as provided in section 139 of this title; to the Court of Claims, two copies; and to the library of the House of Representatives, ten copies. The remaining number of the Journals of the Senate and House of Representatives, consisting of twenty-five copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices may require, as rapidly as signatures are completed for such distribution. (Jan. 12, 1895, c. 23, § 57, 28 Stat. 609; Jan. 28, 1899, No. 12, 30 Stat. 1388; Mar. 2, 1901, No. 16, §§ 1, 2, 31 Stat. 1464; Mar. 3, 1925, c. 421, § 7, 43 Stat. 1106.)

148. Senate and House Manuals.—Of the Senate Manual and of the Digest and Manual of the House of Representatives, each House shall print as many copies as it shall desire, even though the cost exceed $500. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 617.)

149. Congressional Directory.—There shall be prepared under the direction of the Joint Committee on Printing a Congressional Directory, of which there shall be three editions during each long session and two editions during each short session of Congress. The first edition shall be distributed to Senators, Representatives, Delegates, the principal officers of Congress, and heads of departments on the first day of the session, and shall be ready for distribution to others within one week thereafter. The number and distribution of such directory shall be under the control of the Joint Committee on Printing. Official correspondence concerning the directory may be had in penalty envelopes under the direction of the Joint Committee. All copies delivered to Senators and Representatives for distribution shall be bound in cloth. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 617; July 1, 1902, c. 1351, 32 Stat. 583.)

150. Same; sale.—The Public Printer, under the direction of the Joint Committee, may print for sale, at a price sufficient to reimburse the expense of such printing, the current Congressional Directory. The money derived from such sales shall be paid into the Treasury and accounted for in his annual report to Congress, and no sales shall be made on credit. (Jan. 12, 1895, c. 23, § 40, 28 Stat. 607.)

151. Eulogies; engraving.—There shall be printed of eulogies of deceased Senators, Representatives, and Delegates eight thousand copies, of which number fifty copies, bound in full morocco, with gilt edges, shall be delivered to the family of the deceased, and one thousand nine hundred and fifty copies in cloth binding shall be delivered to the Senators, Representa-

tives, or Delegates of the State or Territory represented by the deceased. The remaining number, also in cloth binding, shall be distributed in the proportion of two thousand to the Senate and four thousand to the House. The engraving for such eulogies shall be done at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau. Of the "usual number" the bound volume shall contain in one volume for each House all eulogies during the session of Congress upon Senators and Representatives respectively. The preparation of memorial addresses on deceased Senators and Members of the House of Representatives shall be done under the direction of the Joint Committee on Printing without extra expense therefor. (Aug. 23, 1894, c. 307, 28 Stat. 447; Jan. 12, 1895, c. 23, § 73, 28 Stat. 616.)

152. Illustrations accompanying bound copies of memorial addresses.—The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall be obtained elsewhere by the Public Printer and charged to the allotment for printing and binding for Congress. (Mar. 4, 1921, c. 161, § 1, 41 Stat. 1431.)

153. Statement of appropriations; "usual number."—Of the statements of appropriations required to be prepared by section 105 of Title 2, there shall be printed, after the close of each regular session of Congress, the usual number of copies. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 958.)

154. Printing for committees of Congress.—No committee of Congress shall be empowered to procure the printing of more than one thousand copies of any hearing or other document, which shall be germane thereto, for its use except by simple, concurrent, or joint resolution, as provided in this chapter. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

155. Committee reports; indexing and binding.—The Secretary of the Senate and Clerk of the House shall procure and file for the use of their respective Houses copies of all reports made by committees, and they are hereby directed at the close of each session of Congress to cause such reports to be indexed and bound, one copy to be deposited in the library of each House and one copy in the room of the committee from which the reports emanate. (Jan. 12, 1895, c. 23, § 83, 28 Stat. 622.)

156. Reports of Librarian of Congress.—Of the annual and special reports of the Librarian of Congress submitted to Congress, there shall be printed and bound in cloth five thousand copies for the use of the Library of Congress. (Feb. 24, 1904, No. 8, 33 Stat. 583.)

157. Distribution of documents to Congressmen.—Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant at Arms of the Senate and Clerk, Sergeant at Arms, and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the Members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the Superintendent of Documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the Superintendent of Documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate. (Jan. 12, 1895, c. 23, § 68, 28 Stat. 612; Apr. 6, 1904, c. 862, 33 Stat. 159.)

158. Allotments of public documents printed after expiration of term; rights of retiring Congressmen to documents.—The congressional allotment of public documents printed after the expiration of the term of office of any Senator, Representative, or Delegate shall be delivered to his or her successor in office.

Any Senator, Representative, or Delegate having public documents to his credit at the expiration of his term of office shall take the same prior to the convening of the next succeeding Congress, and if he shall not do so within such period he shall forfeit them to his or her successor in office. (Jan. 12, 1895, c. 23, § 72, 28 Stat. 612; Mar. 18, 1924, c. 60, 43 Stat. 24.)

159. Time for distribution of documents by Congressmen extended.—The time allowed Members of Congress reelected to distribute public documents to their credit, or the credit of their respective districts in the Interior or other Departments and bureaus, and in the Government Printing Office, shall continue during their successive terms and until their right to frank documents shall end. (June 4, 1897, c. 2, § 1, 30 Stat. 62.)

160. Binding for Congressmen.—Each Senator and Representative shall be entitled to the binding in half morocco, or material not more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary of the Senate and Clerk of the House, respectively. (Jan. 12, 1895, c. 23, § 2, 28 Stat. 601; Mar. 1, 1907, c. 2284, § 1, 34 Stat. 1012.)

161. Same; binding at expense of Congressmen.—The Public Printer shall be authorized to bind at the Government Printing Office any books, maps, charts, or documents published by authority of Congress, upon application of any Member of the Senate or House of Representatives, upon payment of the actual cost of such binding. (Dec. 10, 1877, c. 6, 20 Stat. 5.)

162. Documents and reports ordered by Congressmen; franks and envelopes for Congressmen.—Documents and reports of committees with the evidence and papers submitted therewith, or any part thereof ordered printed by Congress, may be reprinted by the Public Printer on order of any Member of Congress or Delegate, on prepayment of the cost thereof.

He may also furnish without cost to Senators, Members, and Delegates blank franks printed on sheets and perforated, or singly at the option of said Senators, Members, and Delegates, for public documents. Franks so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Public document. Free. United States Senate (or House of Representatives U. S.)" and in upper right-hand corner the letters "U. S. S." or "M. C." But he shall not print any other words thereon except where it may be desirable to affix the official title of a document. All other words printed thereon shall be at the personal expense of the Senator, Member, or Delegate ordering the same.

At the request of any Congressman the Public Printer is authorized to print upon franks or envelopes used for mailing public documents or seed the facsimile stamp of said Congressman and a special request for return if not called for, and the name of the State and county and city. Said Congressman to deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of any Senator, Representative, or Delegate in Congress, print on envelopes authorized to be furnished the name of the Senator, Representative, or Delegate, and State, the date, and the topic or subject matter, not exceeding twelve words.

All moneys accruing under this section shall be deposited by the Public Printer in the Treasury of the United States to the credit on the books of the Treasury Department of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress. (Jan. 12, 1895, c. 23, § 37, 28 Stat. 606; Mar. 2, 1895, c. 189, § 1, 28 Stat. 961; Jan. 30, 1904, c. 39, § 1, 33 Stat. 9; Mar. 4, 1925, c. 549, § 1, 43 Stat. 1300.)

163. Payment of cost of printing extracts from Congressional Record, or other documents.—In case any Senator, Representative, or Delegate shall fail to pay the cost of printing extracts from the Congressional Record or other documents ordered by him to be printed, the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, and the Sergeant at Arms or financial clerk shall deduct from any salary due the said delinquent the said amount, or as much thereof as the salary due may cover, and pay the amount so obtained to the Public Printer, to be applied by him to the satisfaction of the indebtedness. (Mar. 4, 1911, c. 285, § 1, 36 Stat. 1446.)

164. Distribution of copies of Congressional Record, etc., to Governor General of Philippines.—The Public Printer is hereby authorized to furnish gratuitously to the Governor General of the Philippine Islands at Manila ten copies of the daily Congressional Record and three copies of all bills, resolutions, documents, and reports, as printed, and he is hereby directed to print, if necessary, the extra number required to comply with this section. (Mar. 4, 1909, c. 317, § 1, 35 Stat. 1067.)

165. Senate and House document rooms; superintendents.—There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintendent, who shall be appointed by the Secretary of the Senate and the Doorkeeper of the House, respectively, who shall also appoint the necessary number of assistants. The Senate document room shall be under the jurisdiction of the Secretary of the Senate. (Jan. 12, 1895, c. 23, § 60, 28 Stat. 610; Mar. 3, 1901, c. 830, § 1, 31 Stat. 962.)

166. Senate and House folding rooms; superintendents.—There shall be one folding room of the Senate and one folding room of the House of Representatives. They shall be in charge of superintendents, appointed respectively by the Sergeant at Arms of the Senate and Doorkeeper of the House, who shall also appoint the necessary assistants. All reports or documents to be distributed for Senators, Representatives, and Delegates shall be folded and distributed from the folding rooms, unless otherwise ordered and each Senator, Representative and Delegate shall be notified in writing once every sixty days of the number and character of publications on hand and assigned to him for use and distribution. (Jan. 12, 1895, c. 23, § 71, 28 Stat. 612.)

167. Disposition of documents stored at Capitol.—The Secretary and Sergeant at Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives shall at the convening in regular session of each successive Congress cause an invoice to be made of all public documents stored in and about the Capitol, other than those belonging to the quota of Members of such Congress, to the Library of Congress and the Senate and House libraries and document rooms, and all such documents shall by the superintendents, respectively, of the Senate and House folding rooms be put to the credit of Senators, Representatives, and Delegates of such Congress, in quantities equal in the number of volumes and as nearly as possible in value, to each Member of Congress, and said documents shall be distributed upon the orders of Senators, Representatives, and Delegates, each of whom shall be supplied by the superintendents of the folding rooms with a list of the number and character of the publications thus put to his credit, but before said apportionment is made copies of any of these documents desired for the use of committees of the Senate or House shall be delivered to the chairmen of such committees. Four copies of each and all leather-bound documents shall be reserved and carefully stored, to be used in supplying deficiencies in the Senate and House libraries caused by wear or loss. (Jan. 12, 1895, c. 23, § 63, 28 Stat. 611.)

168. Binding for Senate library.—The Secretary of the Senate is authorized to make requisition upon the Public Printer for the binding for the Senate library of such books as he may deem necessary at a cost not to exceed $200 per year. (Mar. 2, 1895, c. 189, § 1, 28 Stat. 958.)

Chapter 6.—CONGRESSIONAL RECORD, BILLS, AND LAWS.

Sec.
181. Congressional Record; arrangement, style, contents, and indexes.
182. Same; indexes.
183. Same; gratuitous copies; subscriptions.
184. Same; unbound copies for Congressmen.
185. Same; extracts for Congressmen; mailing envelopes.
186. Same; distribution in exchange for foreign parliamentary records.
187. Same; exchange for Parliamentary Hansard.
188. Same; sale.
189. Bills and resolutions; number and distribution; "private bills" defined.
190. Binding sets of bills and resolutions for Congress.
191. Public and private laws, postal conventions, and treaties.
192. Printing Acts, resolutions, and treaties.
193. Printing of postal conventions.
194. Distribution of copies of this Code to Senators and Representatives.
195. Pamphlet copies of statutes.
196. Statutes at Large.
197. Same; marginal references.

Section 181. Congressional Record; arrangement, style, contents, and indexes.—The Joint Committee on Printing shall have control of the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk, and shall provide for the publication of an index of the Congressional Record semimonthly during the sessions of Congress and at the close thereof. (Jan. 12, 1895, c. 23, § 13, 28 Stat. 603.)

182. Same; indexes.—The Joint Committee on Printing shall designate to the Public Printer a competent person to prepare the semimonthly and session index to the Congressional Record, and shall fix and regulate the compensation to be paid by the Public Printer for the said work and direct the form and manner of its publication and distribution. (Jan. 12, 1895, c. 23, § 14, 28 Stat. 603.)

183. Same; gratuitous copies; subscriptions.—The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto:

To the Vice President and each Senator, eighty-eight copies; and to the Secretary and Sergeant at Arms of the Senate, each twenty copies, and to the Secretary for office use ten copies; to each Representative and Delegate, sixty copies, and to the Clerk and Doorkeeper of the House, each twenty copies, and to the Clerk, for office use, ten copies; and to the Clerk for use of Members of the House of Representatives fifty copies, and to the Sergeant at Arms of the Senate, for the use of the Senate, twenty copies to be supplied daily as originally published or in the revised and permanent form bound only in half russia, or part in each form, as each may elect.

To the Vice President and each Senator, Representative, and Delegate there shall be furnished two copies of the daily Record, one to be delivered at his residence and one at the Capitol.

To the President, for use of the Executive Office, four copies of the daily and one bound copy.

To the Chief Justice and each of the Associate Justices of the Supreme Court of the United States, the marshal and clerk of the said court, one daily and one bound copy.

To the governor of each State and Territory, one copy of the daily and one bound copy of the Record.

To the Official Reporter of the Senate and each of his assistant reporters, and to the official reporters of the House, each two copies of the daily and one copy of the bound Record.

To the superintendent of the Senate and House document rooms, each one copy of the daily and one bound copy.

To the Library of Congress, one hundred and twenty-five bound copies, for its own use and international exchange and ten copies of the daily Record for its own use, as provided in section 139 of this title, and such number of copies of the daily Record, as may be required, not exceeding one hundred copies, for distribution under section 186 of this title.

To the Senate and House libraries, twenty copies each.

To the library of each of the executive departments, and to the Naval Observatory, Smithsonian Institution, the United States National Museum, and Civil Service Commission, one bound copy.

To the Soldiers' Home, and to each of the national homes for disabled volunteer soldiers, and to each of the State soldiers' homes established for either Federal or Confederate soldiers, one copy of the daily.

To the Superintendent of Documents, as many bound copies as may be required for distribution to depositories of public documents.

To each of our legations abroad, one copy of the daily Record, to be sent through the Secretary of State.

To each foreign legation in Washington whose government extends a like courtesy to our legations abroad, one copy of the daily Record, to be sent through the Secretary of State and furnished upon his requisition.

To each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, for his personal use and that of the paper or papers he represents, one copy of the daily Congressional Record and one copy of the bound Congressional Record, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct.

To the Governor General of the Philippine Islands at Manila, ten copies of the daily Record as provided in section 164 of this title.

The Public Printer is authorized to furnish to subscribers the daily Record at $8 for the long and $4 for the short session, or $1.50 per month, payable in advance. The "usual number" of the Congressional Record shall not be printed. The daily and the permanent Record shall bear the same date which shall be of the actual day's proceedings reported therein. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 617; June 11, 1896, c. 420, 29 Stat. 454; Mar. 19, 1896, No. 31, 29 Stat. 468; Feb. 17, 1897, No. 12, 29 Stat. 700; Mar. 26, 1900, No. 15, 31 Stat. 713; Mar. 2, 1901, No. 16, § 1, 31 Stat. 1464; Jan. 30, 1903, c. 338, 32 Stat. 786; Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014; Mar. 4, 1909, c. 317, § 1, 35 Stat. 1067; Mar. 4, 1909, No. 25, 35 Stat. 1169; Mar. 3, 1925, c. 421, § 7, 43 Stat. 1106.)

184. Same; unbound copies for Congressmen.—There shall be reserved by the Public Printer from the quota of each Member of Congress and Delegate one copy of the Congressional Record in unstitched form, to be delivered to each Member or Delegate; and there shall be furnished to each standing committee of Congress one copy, which copies for Members and committees shall be bound promptly in paper when each semimonthly index shall be issued and shall be delivered without delay. (Jan. 12, 1895, c. 23, § 24, 28 Stat. 604.)

185. Same; extracts for Congressmen; mailing envelopes.—It shall be lawful for the Public Printer to print and deliver, upon the order of any Senator, Representative, or Delegate, extracts from the Congressional Record, the person ordering the same paying the cost thereof. The Public Printer may furnish without cost to Senators, Members, and Delegates, envelopes, ready for mailing the Congressional Record or any part thereof, or speeches, or reports therein contained. Envelopes so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Senate United States (or House of Representatives, U. S.). Part of Congressional Record. Free," and in upper right-hand corner the letters "U. S. S." or "M. C.," and the Public Printer may, at the request of any Senator, Representative, or Delegate in Congress, print in addition to the foregoing, the name of the Senator, Representative, or Delegate, and State, the date, and the topic or subject matter, not exceeding twelve words. But he shall not print any other words thereon, except at the personal expense of the Senator, Member, or Delegate ordering the same, except to affix the official title of a document. All moneys accruing under this section shall be deposited by the Public Printer in the Treasury of the United States to the credit on the books of the Treasury Department of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done and accounted for in his annual report to Congress. (Jan. 12, 1895, c. 23, § 37, 28 Stat. 606; Mar. 2, 1895, c. 189, § 1, 28 Stat. 961; Jan. 30, 1904, c. 39, § 1, 33 Stat. 9.)

186. Same; distribution in exchange for foreign parliamentary records.—For the purpose of more fully carrying into effect the provisions of the convention concluded at Brussels on March 15, 1886, and proclaimed by the President on January 15, 1889, the Public Printer is authorized and directed to supply to the Library of Congress such number as may be required, not exceeding one hundred copies, of the daily issue of the Congressional Record for distribution, through the Smithsonian Institution, to the legislative chambers of such foreign governments as may agree to send to the United States current copies of their parliamentary record or like publication, such documents, when received, to be deposited in the Library of Congress. (Mar. 4, 1909, No. 25, 35 Stat. 1169.)

187. Same; exchange for Parliamentary Hansard.—The Librarian of Congress is hereby authorized to furnish a copy of the daily and bound Congressional Record to the Undersecretary of State for External Affairs of Canada in exchange for a copy of the Parliamentary Hansard, and the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State. (Apr. 10, 1912, No. 14, 37 Stat. 632.)

188. Same; sale.—The Public Printer, under the direction of the Joint Committee, may print for sale, at a price sufficient to reimburse the expense of such printing, the current numbers and bound sets of the Congressional Record. The money derived from such sales shall be paid into the Treasury and accounted for in his annual report to Congress, and no sales shall be made on credit. (Jan. 12, 1895, c. 23, § 40, 28 Stat. 607.)

189. Bills and resolutions; number and distribution; "Private bills" defined.—There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows: To the Senate document room, two hundred and twenty-five copies; office of Secretary of Senate, fifteen copies; House document room, three hundred and eighty-five copies. There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows: To the Senate document room, one hundred and

seventy copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies. There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies. The term "private bill" shall be construed to mean all bills for the relief of private parties, bills granting pensions, bills removing political disabilities, and bills for the survey of rivers and harbors. All bills and resolutions shall be printed in bill form, and, unless specially ordered by either House, shall only be printed when referred to a committee, when favorably reported back, and after their passage by either House. Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and the same shall be distributed as follows: To the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies. (Jan. 12, 1895, c. 23, § 55, 28 Stat. 609; Jan. 20, 1905, c. 50, § 2, 33 Stat. 611.)

190. Binding sets of bills and resolutions for Congress.—The Public Printer shall bind four sets of Senate and House of Representatives bills, joint and concurrent resolutions of each Congress, two for the Senate and two for the House, to be furnished him from the files of the Senate and House document room, the volumes when bound to be kept there for reference. (Jan. 12, 1895, c. 23, § 82, 28 Stat. 622.)

191. Public and private laws, postal conventions, and treaties.—There shall be printed in slip form two thousand one hundred and ten copies of public and seven hundred and sixty copies of private laws, postal conventions, and treaties, which shall be distributed as follows: To the House document room, one thousand copies of public and one hundred copies of private laws; to the Senate document room, five hundred and fifty copies of public and one hundred copies of private laws; to the Department of State, five hundred copies of all laws; and to the Treasury Department, sixty copies of all laws.

Postal conventions and treaties shall be distributed as private laws. (Jan. 12, 1895, c. 23, § 56, 28 Stat. 609.)

192. Printing Acts, resolutions, and treaties.—The Public Printer on receiving from the Secretary of State a copy of any Act or joint resolution, or treaty, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State for revision. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause the number specified in section 191 of this title to be printed. (R. S. § 3805; Jan. 12, 1895, c. 23, § 56, 28 Stat. 609.)

193. Printing of postal conventions.—The Public Printer, on receiving from the Postmaster General a copy of any postal convention between the Postmaster General, on the part of the United States, and an equivalent officer of any foreign government, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Postmaster General. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed the number specified in section 191 of this title. (R. S. § 3806.)

194. Distribution of copies of this Code to Senators and Representatives.—The Secretary of the Interior shall, at the beginning of the first session of each Congress, distribute to each Senator and Representative in such Congress who may in writing apply for the same, one copy of this Code: *Provided*, That such applicant shall certify in his written application for the same that the volume for which he applies is intended for his personal use exclusively: *And provided further*, That no Senator or Representative during his term of service shall receive more than one copy of such Code. (July 1, 1902, c. 1355, § 5, 32 Stat. 631.)

195. Pamphlet copies of statutes.—The Secretary of State shall cause to be edited, printed, published, and distributed pamphlet copies of the statutes of each session of Congress to the officers and persons hereinafter provided for; said distribution shall be made at the close of every session of Congress, as follows:

To the President and Vice President of the United States, two copies each; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred copies; to the librarian of the House, two hundred copies, for the use of Representatives and Delegates; to the Library of Congress, the number specified in section 139 of this title; to the Department of State, including those for the use of legations and consulates, six hundred copies; to the Treasury Department, three hundred copies; to the War Department, two hundred copies; to the Navy Department, one hundred copies; to the Department of the Interior, including those for the use of United States Supervisor of Surveys and registers of public land offices, two hundred and fifty copies; to the Post Office Department, fifty copies; to the Interstate Commerce Commission, ten copies; to the Civil Service Commission, three copies; to the Department of Justice, including those for the use of the Chief Justice and Associate Justices of the Supreme Court and the judges and officers of the United States and Territorial courts, eight hundred and fifty copies; to the Department of Agriculture, fifty copies; to the Department of Commerce and the Department of Labor, three hundred copies; to the Smithsonian Institution, five copies; to the Government Printing Office, two copies; to the governors and secretaries of Territories, one copy each.

The Secretary of State is authorized to have printed as many additional copies of the pamphlet laws as he may deem needful for distribution and sale by the Superintendent of Documents, at cost price, not exceeding one thousand copies of the laws of any one session in any one year.

The Public Printer shall deliver to the folding rooms of the Senate and House of Representatives seven thousand copies of the pamphlet laws, two thousand copies of which shall be for the Senate and five thousand copies for the House, and to the Superintendent of Documents as many copies as may be required, for distribution to State and Territorial libraries and to designated depositories. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614; Mar. 15, 1898, c. 68, § 4, 30 Stat. 316; Apr. 28, 1904, c. 1791, 33 Stat. 542; Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014; Mar. 4, 1907, No. 29, 34 Stat. 1426; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

196. Statutes at Large.—After the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows:

To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion; to the Vice President of the United States, one copy; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred copies; to the librarian of the House, for the use of Representatives and Delegates, two hundred copies; to the Library of Congress, one hundred and twenty-five copies, as provided in section 139 of this title, including four copies for the law library; to the Department of State, including those for the use of the legations and consulates, three hundred and

eighty copies; to the Treasury Department, including those for the use of officers of customs, three hundred copies; to the War Department, seventy-five copies; to the Navy Department, seventy-five copies; to the Department of the Interior, including those for the use of the United States Supervisor of Surveys and registers of public land offices, two hundred and fifty copies; to the Post Office Department, fifty copies; to the Interstate Commerce Commission, ten copies; to the Civil Service Commission, three copies; to the Department of Justice, including those for the use of the Chief Justice and Associate Justices of the Supreme Court, and the judges and the officers of the United States and Territorial courts and to State supreme court libraries, eight hundred and fifty copies; to the Department of Agriculture, fifty copies; to the Department of Commerce and the Department of Labor, including those for the officers of the Immigration Service, three hundred copies; to the Smithsonian Institution, two copies; to the Government Printing Office, one copy, and the Public Printer shall deliver as many copies of the Statutes at Large to the Superintendent of Documents as may be required for distribution to State and Territorial libraries and to designated depositories. And the Secretary of State is authorized to have as many additional copies printed and bound as may in his opinion be needed for distribution and sale at cost thereof, not exceeding in any one year one thousand copies of the laws of any one Congress. He shall also cause the Statutes at Large to be delivered to the Superintendent of Documents, to supply deficiencies, and to be sold by him under the provisions of section 71 of this title. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 615, Mar. 15, 1898, c. 68, § 4, 30 Stat. 316; Mar. 2, 1901, No. 16, § 1, 31 Stat. 1464; Apr. 28, 1904, c. 1791, 33 Stat. 542; Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014; Mar. 4, 1907, No. 29, 34 Stat. 1426; Mar. 3, 1925, c. 421, § 7, 43 Stat. 1106; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

197. Same; marginal references.—The Secretary of State is directed to include in the marginal references of the United States Statutes at Large the number of the Senate bill, House bill, Senate joint resolution, or House joint resolution (designating same as S. for Senate bill, H. R. for House bill, S. J. Res. for Senate joint resolution and H. J. Res. for House joint resolution, as the case may be) under which each Act was approved and became a law, said marginal reference to be placed within brackets immediately under the marginal date of the approval of each Act at the beginning of each chapter as the same is now printed. (Apr. 12, 1904, No. 20, 33 Stat. 587.)

Chapter 7.—EXECUTIVE AND DEPARTMENTAL PRINTING IN GENERAL.

Sec.
211. Printing and binding for President.
212. Reports of departments.
213. Appropriations for printing not to be exceeded; limitation on number of reports; bureau reports.
214. Appropriations to which cost of printing and binding for executive departments and bureaus to be charged.
215. Departments to order documents required; limit; bills and resolutions.
216. Form and style of work for departments.
217. Publications for department or officer.
218. Inserting "compliments" forbidden.
219. Restrictions on printing for executive departments.
220. Use by executive departments, independent offices, or establishments of appropriations for printing of journals, magazines, periodicals, etc.; number printed; sale to public.
221. Report of publications issued during preceding fiscal year.
222. Annual report of executive officers; type.
223. Certain reports not to be printed unless ordered.
224. Printing documents in two or more editions; requisitions; printing of full number and allotment of full quota.
225. Paper and envelopes for departments, establishments, or services of Government.
226. Franks for Department of Agriculture for mailing seeds.
227. Supplies for executive departments.
228. Publications printed elsewhere than at Printing Office.

Section 211. Printing and binding for President.—The Public Printer shall execute such printing and binding for the President as he shall order and make requisitions for. (Jan. 12, 1895, c. 23, § 88, 28 Stat. 622.)

212. Reports of departments.—Of the annual reports of the departments to Congress there shall be printed one thousand copies for the Senate and two thousand for the House, but of the reports of the Chief of Engineers of the Army, the Commissioner of Patents, the Commissioner of Internal Revenue, the report of the Chief Signal Officer of the War Department, and of the Chief of Ordnance, the usual number only shall be printed. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 615.)

213. Appropriations for printing not to be exceeded; limitation on number of reports; bureau reports.—No printing shall be done for the executive departments in any fiscal year in excess of the amount of the appropriation, and none shall be done without a special requisition, signed by the chief of the department and filed with the Public Printer.

Of the annual report of the head of the department without appendices there may be printed in any one fiscal year not to exceed five thousand copies, bound in pamphlet form; and of the reports of chiefs of bureaus without appendices there may be printed in any one fiscal year not to exceed two thousand five hundred copies, bound in pamphlet form. The Secretary of Agriculture may print such number of copies of the monthly crop report, and of other reports and bulletins containing not to exceed one hundred octavo pages, as he shall deem requisite; and this provision shall apply to the maps, charts, bulletins, and minor reports of the Weather Bureau, which shall be printed in such numbers as the Secretary of Agriculture may deem for the best interests of the Government. The Secretary of the Treasury may authorize the printing of the annual report of the general superintendent of the Life Saving Service, the Secretary of Commerce may authorize the printing of the notices to mariners, tide tables' coast pilots, bulletins, and other special publications of the Coast and Geodetic Survey and of the Bureau of Lighthouses, and the Secretary of the Navy may authorize the printing of the charts, maps, notices to mariners, tide tables, light lists, sailing directions, bulletins, and other special publications of the Hydrographic Office in such editions as the interests of the Government and of the public may require.

Heads of executive departments shall direct whether reports made to them by bureau chiefs and chiefs of divisions shall be printed or not. (Jan. 12, 1895, c. 23, § 89, 28 Stat. 622; Mar. 13, 1896, No. 23, 29 Stat. 466; Feb. 14, 1903, c. 552, §§ 4, 10, 32 Stat. 826, 829; June 17, 1910, c. 301, §§ 4, 6, 36 Stat. 537, 538; Mar. 3, 1925, c. 421, § 4, 43 Stat. 1106.)

214. Appropriations to which cost of printing and binding for executive departments and bureaus to be charged.—In the printing and binding of documents or reports emanating from the executive departments, bureaus, and independent offices of the Government, the cost of which was, on March 30, 1906, charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the executive departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereoptyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the

allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the executive department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the executive departments, bureaus, and independent offices of the Government, if such there be, shall be charged as otherwise provided. On or before the 1st day of December in each fiscal year each executive department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such department, bureau, or independent office required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid. (Mar. 30, 1906, No. 13, 34 Stat. 825.)

215. Departments to order documents required; limit; bills and resolutions.—The heads of executive departments, and such executive officers as are not connected with the departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the department and divisions in the office of the head thereof. The Public Printer shall send to each executive department and to each executive office not connected with the departments, as soon as printed, five copies of all bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made. (Jan. 12, 1895, c. 23, § 90, 28 Stat. 623.)

216. Form and style of work for departments.—The forms and style in which the printing or binding ordered by any of the departments shall be executed, and the material and the size of type to be used, shall be determined by the Public Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed. (Jan. 12, 1895, c. 23, § 51, 28 Stat. 608.)

217. Publications for department or officer.—Whenever printing not bearing a congressional number shall be done for any department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the executive departments not intended for their especial use, but made for distribution, as many copies as may be required shall be at once delivered to the Superintendent of Documents for distribution to designated depositories and State and Territorial libraries. (Jan. 12, 1895, c. 23, § 58, 28 Stat. 610; Mar. 1, 1907, c. 2284, § 4, 34 Stat. 1014.)

218. Inserting "compliments" forbidden.—No report, document, or publication of any kind distributed by or from an executive department or bureau of the Government shall contain any notice that the same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 620.)

219. Restrictions on printing for executive departments.—No book or document not having to do with the ordinary business transactions of the executive departments shall be printed on the requisition of any executive department or unless the same shall have been expressly authorized by Congress. Executive officers, before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports are necessary and relate entirely to the transaction of the public business. (Jan. 12, 1895, c. 23, § 94, 28 Stat. 623; Mar. 3, 1905, c. 1484, § 1, 33 Stat. 1249.)

220. Use by executive departments, independent offices, or establishments of appropriations for printing of journals, magazines, periodicals, etc.; number printed; sale to public.—The head of any executive department, independent office, or establishment of the Government is authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment. There may be printed, in addition to those necessary for such public business, not to exceed two thousand copies for free distribution by the department, office, or establishment issuing the same. The Public Printer shall print such additional copies thereof as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per centum, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government. (Mar. 3, 1905, c. 1484, § 1, 33 Stat. 1249; Mar. 1, 1919, c. 86, § 11, 40 Stat. 1270; July 24, 1919, c. 26, 41 Stat. 237; May 11, 1922, c. 189, § 1, 42 Stat. 541.)

221. Report of publications issued during preceding fiscal year.—The head of each department and independent establishment of the Government shall on the first day of each regular session submit in writing a report to the Congress giving the aggregate number of the various publications it has issued during the preceding fiscal year giving same in detail, and shall also report the cost of paper used for such publications, cost of printing and the cost of preparation of each publication, and the number of each which has been distributed. (June 5, 1920, c. 253, § 1, 41 Stat. 1037.)

222. Annual reports of executive officers; type.—The annual reports of executive officers shall be printed in the same type and form as the report of the head of the department which it accompanies, unless otherwise ordered by the Joint Committee on Printing. (Jan. 12, 1895, c. 23, § 91, 28 Stat. 623.)

223. Certain reports not to be printed unless ordered.—The following reports required by law to be made to Congress shall not be printed unless the printing be recommended by the head of the department making the same, and ordered by concurrent resolution of Congress, namely: Report of contracts for conveying the mails, report of fines and deductions in the Post Office Department, the report of the treasurer of accounts by him from time to time rendered to and settled with the General Accounting Office, and the report of the proceedings of

the annual meetings of the Board of Supervising Inspectors of Steam Vessels. (July 31, 1894, c. 174, § 4, 28 Stat. 205; Jan. 12, 1895, c. 23, § 73, 28 Stat. 616; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

224. Printing documents in two or more editions; requisitions; printing of full number and allotment of full quota.—The number of copies of any public document or report authorized to be printed for any of the executive departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such department or independent office, but in no case shall the aggregate of said editions exceed the number of copies otherwise authorized. Nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist. (Mar. 30, 1906, No. 14, 34 Stat. 826.)

225. Paper and envelopes for departments, establishments, or services of Government.—The Public Printer is hereby authorized to procure, under direction of the Joint Committee on Printing, and furnish on requisition paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement therefor shall be made to the Public Printer from appropriations or funds available for such purpose; paper and envelopes so furnished by the Public Printer shall not be procured in any other manner thereafter. (June 7, 1924, c. 303, § 1, 43 Stat. 592.)

226. Franks for Department of Agriculture for mailing seeds.—The Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other printed matter as the Secretary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress. (May 19, 1902, No. 23, 32 Stat. 741.)

227. Supplies for executive departments.—The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any executive department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the department or Government establishment requiring the same. (June 28, 1902, c. 1301, § 1, 32 Stat. 481.)

228. Publications printed elsewhere than at printing office.—Of any publication printed at the Government expense by direction of any department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office there shall be supplied to the Library of Congress for its own use and for international exchange one hundred and twenty-five copies. (Mar. 2, 1901, No. 16, § 3, 31 Stat. 1465; Mar. 3, 1925, c. 421, § 7, 43 Stat. 1106.)

Chapter 8.—PARTICULAR REPORTS AND DOCUMENTS.

Sec.
241. Agricultural Department; report of Secretary.
242. Same; progress of beet-sugar industry.
243. American Historical Association; report of.
244. Animal Industry Bureau; report of.
245. Army and Navy Registers.
246. Coast and Geodetic Survey; charts; sale and distribution.
247. Same; report.
248. Civil Service Commission; report.
249. Commerce and Navigation.
250. Commercial and Foreign Relations.
251. Consular reports.
252. District of Columbia; report on improvement and care of public buildings.
253. Education, Commissioner of; report.
254. Ephemeris and Nautical Almanac.
255. Ethnology, Bureau of; bulletins; size.
256. Same; report.
257. Experiment Stations; report of director of office.
258. Fisheries; bulletins of bureau.
259. Same; report of commissioner.
260. Geological Survey; publications; size of volumes; editions; additional copies; bulletins; reports on gauging of streams and utilization of water resources; additional copies; distribution.
261. Same; monographs, bulletins, and reports; estimates.
262. Same; distribution of publications to public libraries.
263. Health officer of District of Columbia; report.
265. Hydrographic surveys; foreign surveys.
266. Immigration Bureau; report.
267. Immigration Commission; reprinting public documents.
268. Industrial Relations; report of commission.
269. Interstate Commerce Commission; report.
270. Labor Statistics, Bureau of; bulletins.
271. Same; report of commissioner.
272. Mines, Bureau of; publications.
273. Mint; reports of director.
274. National Academy of Sciences; memoirs.
275. Same; report.
276. National Home for Disabled Volunteer Soldiers; report of managers and inspectors.
277. National Monetary Commission; reprinting public documents.
278. Naval Intelligence Office; additional copies of publications.
279. Naval Observatory Observations.
280. Official Register.
281. Same; report of Comptroller of Currency.
282. Pan American Union; monthly bulletin.
283. Patent Office; printing.
284. Same; lithographing.
285. President's message.
286. Public Health Service; bulletins.
287. Same; report of Surgeon General.
288. Public Printer's report.
289. Smithsonian Institution; report.
290. Soils, Bureau of; report on field operations.
291. Statistical Abstract.
292. Surgeon General of Army; bulletins for instruction of medical officers.
293. Tests of Metals.
294. Treasury Department; binding registered bonds and written records.
295. Same; reports.
296. Weather Bureau; report.

Section 241. Agricultural Department; report of Secretary.—The annual report of the Secretary of Agriculture shall be submitted and printed in two parts, as follows: Part 1, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part 2, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the department for their information. In addition to the usual number, there shall be printed of part 1, one thousand copies for the Senate, two thousand copies for the House, and three thousand copies for the Department of Agriculture; and of part 2, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accord-

ance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture; and the title of each of the said parts shall be such as to show that such part is complete in itself. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 612.)

242. Same; progress of beet-sugar industry.—The Secretary of Agriculture is authorized to print and distribute annually eight thousand copies of the annual reports covering the progress of the beet-sugar industry. The preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture. (June 30, 1906, No. 51, 34 Stat. 839.)

243. American Historical Association; report of.—Of the report of the American Historical Association, there shall be printed in addition to the usual number, five thousand five hundred copies; one thousand for the Senate, two thousand for the House, and one thousand five hundred for distribution by the association and the Smithsonian Institution, and one thousand copies for the use of the association. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616; May 25, 1900, No. 27, 31 Stat. 717.)

244. Animal Industry Bureau; report of.—Of the report of the Bureau of Animal Industry, there shall be printed, in addition to the usual number, thirty thousand copies, of which seven thousand shall be for the Senate, fourteen thousand for the House, and nine thousand for distribution by the Agricultural Department. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613.)

245. Army and Navy Registers.—Of the registers of the Army and Navy, there shall be printed, in addition to the usual number, fifteen hundred copies of each; five hundred for the Senate and one thousand for the House. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616.)

246. Coast and Geodetic Survey; charts; sale and distribution.—The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable; and there shall be no free distribution of such charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce may direct; but on the order of Senators, Representatives, and Delegates not to exceed ten copies to each may be distributed through the Superintendent of the Coast and Geodetic Survey. Charts of the Coast Survey that are obsolete and have been superseded by charts containing more advanced information based on the most recent surveys, may be distributed free to educational institutions, each of such charts to have stamped or printed conspicuously thereon the words "For school use only." (Jan. 12, 1895, c. 23, § 76, 28 Stat. 621; Feb. 14, 1903, c. 552, §§ 4, 10, 32 Stat. 826, 829; July 1, 1916, c. 209, § 1, 39 Stat. 320.)

247. Same; report.—Of the report of the Superintendent of the Coast and Geodetic Survey, there shall be printed, in addition to the usual number, two thousand eight hundred copies in quarto form, bound in one volume, two hundred for the Senate, six hundred for the House, and two thousand for distribution by the Coast and Geodetic Survey. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613; Apr. 20, 1896, No. 46, 29 Stat. 471.)

248. Civil Service Commission; report.—Of the report of the Civil Service Commission, there shall be printed, in addition to the usual number, twenty-three thousand copies; one thousand for the Senate, two thousand for the House, and twenty thousand for distribution by the Civil Service Commission. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614.)

249. Commerce and Navigation.—Of the report on Commerce and Navigation and on Internal Commerce, there shall be printed one thousand copies for the Senate and two thousand for the House in addition to those published as part of the departmental report.

Of the annual report of the Commissioner of Navigation, one thousand copies for the Senate, two thousand for the House, and one thousand copies for distribution by the commissioner; and of the annual list of merchant vessels of the United States, five thousand copies for distribution by Department of Commerce. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616; Feb. 14, 1903, c. 552, § 4, 32 Stat. 826; Mar. 4, 1907, No. 25, 34 Stat. 1425.)

250. Commercial and Foreign Relations.—Of Commercial Relations, and of Foreign Relations, there shall be printed, in addition to the usual number, three thousand copies of each; one thousand for the Senate and two thousand for the House. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613.)

251. Consular Reports.—The Secretary of Commerce is authorized to have printed, for distribution by the Department of Commerce, an edition of Daily Consular Reports not to exceed twenty thousand copies in any one issue. The usual number shall not be printed. (June 25, 1910, c. 388, § 1, 36 Stat. 821; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

252. District of Columbia; report on improvement and care of public buildings.—There shall be printed each year, in addition to the number of copies otherwise authorized by law, two hundred copies of the annual report upon the improvement and care of public buildings and grounds, and the care and maintenance of the Washington Monument, in the District of Columbia, for the use of the officer in charge of public buildings and grounds. (June 2, 1900, No. 30, 31 Stat. 718.)

253. Education, Commissioner of; report.—Of the report of the Commissioner of Education, there shall be printed, in addition to the usual number, thirty-five thousand copies; five thousand for the Senate, ten thousand for the House, and twenty thousand for distribution by the Commissioner of Education. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614.)

254. Ephemeris and Nautical Almanac.—There shall be published, in lieu of the usual number of the American Ephemeris and Nautical Almanac, two thousand five hundred copies, uniform with the editions printed for the Navy Department, five hundred of which shall be for the use of the Senate, one thousand for the use of the House of Representatives, and one thousand for distribution or sale by the Navy Department. The Secretary of the Navy is also authorized to cause additional copies of the Ephemeris, and of the Nautical Almanacs extracted therefrom, to be printed for the public service and for sale to navigators and others. All moneys received from sales of the Ephemeris and of the Nautical Almanacs shall be deposited in the Treasury and placed to the credit of the general fund for public printing. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613; May 13, 1902, No. 20, 32 Stat. 740; July 1, 1902, c. 1368, 32 Stat. 678.)

255. Ethnology, Bureau of; bulletins; size.—The bulletins issued by the Bureau of American Ethnology shall be in octavo size. (Mar. 29, 1904, No. 14, 33 Stat. 585.)

256. Same; report.—Of the report of the Bureau of Ethnology, uniform with the preceding volumes of the series, there shall be printed, in addition to the usual number, eight thousand copies, one thousand five hundred for the Senate, three thousand for the House, and three thousand five hundred for distribution by the Bureau of Ethnology. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613; Mar. 29, 1904, No. 14, 33 Stat. 585.)

257. Experiment Stations; report of director of office.—There shall be prepared annually a report of the Director of the Office of Experiment Stations on the work and expenditures of that office and of the agricultural experiment stations established in the several States and Territories under sections 362 to 365, 368, 377 to 379 of Title 7, and eight thousand

copies thereof shall be printed, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture. (Apr. 27, 1904, No. 29, 33 Stat. 590.)

258. **Fisheries; bulletins of bureau.**—Of the bulletins of the Bureau of Fisheries, there shall be printed, in addition to the usual number, five thousand copies; one thousand for the Senate, two thousand for the House, and two thousand for distribution by the bureau. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614.)

259. **Same; report of commissioner.**—Of the report of the Commissioner of Fisheries, there shall be printed, in addition to the usual number, eight thousand copies; two thousand for the Senate, four thousand for the House, and two thousand for distribution by the Bureau of Fisheries. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614.)

260. **Geological Survey; publications; size of volumes; editions; additional copies; bulletins; reports on gauging of streams and utilization of water resources; additional copies; distribution.**—The publications of the Geological Survey shall consist of the annual report of the director, which shall be confined to one volume of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; water-supply and irrigation papers, of ordinary octavo size; and such maps, folios, and atlases as may be required by law.

Of the report of the Geological Survey, ten thousand copies shall be printed in addition to the usual number; two thousand for the Senate, four thousand for the House, four thousand for distribution by the Geological Survey.

The reports of the Geological Survey, except the annual report of the director, shall be published in editions as recommended in each case by the director and approved by the Secretary of the Interior, but not to exceed ten thousand copies.

Whenever the edition of any of the reports of the survey shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the director of the survey shall state will, in his judgment, be necessary to meet the demand.

The report of the mineral resources of the United States shall be published in two octavo volumes and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report.

Three thousand copies of the monographs and bulletins of the Geological Survey shall be published.

The bulletins and professional papers shall be distributed gratuitously, and not sold; and of the number published one thousand copies shall be delivered to the Senate and two thousand copies shall be delivered to the House of Representatives for distribution.

The director of the survey shall transmit to the Library of Congress two copies of every report of the bureau as soon as the first delivery to the survey is made, such copies to be additional to those received by the Library of Congress under any other provision of law. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614; Mar. 2, 1895, c. 189, § 1, 28 Stat. 960; June 11, 1896, c. 420, § 1, 29 Stat. 453; June 4, 1897, c. 2, § 1, 30 Stat. 61; Mar. 2, 1901, No. 17, 31 Stat. 1465; May 16, 1902, No. 22, 32 Stat. 741; Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1146; Mar. 4, 1909, c. 299, § 1, 35 Stat. 988.)

261. **Same; monographs, bulletins, and reports; estimates.**—The scientific reports known as the monographs and bulletins of the Geological Survey shall not be published until specific and detailed estimates are made therefor and specific appropriations made in pursuance of such estimates; and no engravings for the annual reports for such monographs and bulletins, or of illustrations, sections, and maps, shall be done until specific estimates are submitted therefor and specific appropriations made based on such estimates. (Jan. 12, 1895, c. 23, § 79, 28 Stat. 621.)

262. **Same; distribution of publications to public libraries.**—The Director of the Geological Survey shall distribute to public libraries that have not already received them such copies of sale publications as may remain on hand at the expiration of five years after date of delivery to the survey document room, excepting a reserve number not to exceed two hundred copies. (Mar. 3, 1903, c. 1007, § 1, 32 Stat. 1146.)

263. **Health officer of District of Columbia; report.**—Of the report of the health officer of the District of Columbia, there shall be printed, in addition to the usual number, one thousand five hundred copies; one hundred for the Senate, three hundred and sixty for the House, and one thousand and forty for distribution by the health officer. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614.)

265. **Hydrographic surveys; foreign surveys.**—All appropriations made for the preparation or publication of foreign hydrographic surveys shall only be applicable to their object, upon the approval by the Secretary of the Navy, after a report from three competent naval officers to the effect that the original data for proposed charts are such as to justify their publication; and it is made the duty of the Secretary of the Navy to order a board of three naval officers to examine and report upon the data before he shall approve of any application of moneys to the preparation or publication of such charts or hydrographic surveys. (R. S. § 3686; Jan. 12, 1895, c. 23, § 78, 28 Stat. 621.)

266. **Immigration Bureau; report.**—The number of copies to be printed of the annual reports of the Bureau of Immigration shall be subject to the discretion of the Secretary of Labor, the number of copies not to exceed five thousand in any one fiscal year. (Mar. 3, 1905, No. 33, 33 Stat. 1287; Mar. 4, 1913, c. 141, 37 Stat. 736.)

267. **Immigration Commission; reprinting public documents.**—The Superintendent of Documents is authorized to order reprinted from time to time such public documents of the Immigration Commission as may be required for sale. (June 25, 1910, c. 384, § 1, 36 Stat. 768.)

268. **Industrial Relations; report of commission.**—The Superintendent of Documents is authorized to reprint for sale or distribution as provided by law, copies of the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, printed as a Senate document under the direction of the Joint Committee on Printing. (Apr. 28, 1916, c. 98, 39 Stat. 59.)

269. **Interstate Commerce Commission; report.**—Of the annual report of the Interstate Commerce Commission, there shall be printed, in addition to the usual number, three thousand copies; one thousand for the Senate, two thousand for the House, and for the use of the commission there may be printed such number of said report and other documents incident to interstate commerce for distribution by them as they may deem expedient. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614.)

270. **Labor Statistics, Bureau of; bulletins.**—There shall be printed one edition of not exceeding fifteen thousand copies of each issue of the bulletin of the Bureau of Labor Statistics authorized by section 5 of Title 29 and such number of extra copies not to exceed twenty thousand of any single issue,

when in the opinion of the commissioner the demand for the bulletin makes an extra edition necessary. (Mar. 2, 1895, c. 177, § 1, 28 Stat. 805; June 4, 1897, c. 2, § 1, 30 Stat. 61; June 6, 1900, c. 791, § 1, 31 Stat. 644; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

271. **Same; report of commissioner.**—Of the report of the Commissioner of Labor Statistics, twenty-five thousand copies shall be printed, in addition to the usual number, five thousand for the Senate, ten thousand for the House, and ten thousand for distribution by the commissioner. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 614; Mar. 4, 1913, c. 141, § 3, 37 Stat. 737.)

272. **Mines, Bureau of; publications.**—The publications of the Bureau of Mines shall be published in such editions as recommended by the Secretary of the Interior, but not to exceed ten thousand copies for the first edition. Whenever the edition of any of the publications of the Bureau of Mines shall have become exhausted and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies as the Secretary of the Interior may deem necessary to meet the demand. (June 25, 1910, No. 36, §§ 1, 2, 36 Stat. 883.)

273. **Mint; reports of director.**—There may be printed, in the discretion of the Secretary of the Treasury, for distribution by the Treasury Department, two thousand copies of the annual report of the Director of the Mint on the operations of the mint and assay offices with appendices, and of the annual report of the Director of the Mint on the production of precious metals. (Mar. 4, 1907, No. 24, 34 Stat. 1424.)

274. **National Academy of Sciences; memoirs.**—Of the memoirs of the National Academy of Sciences, there shall be printed, in addition to the usual number, two thousand five hundred copies; five hundred for the Senate, one thousand for the House, and one thousand for distribution by the Academy of Sciences. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616.)

275. **Same; report.**—Of the report of the National Academy of Sciences, there shall be printed, in addition to the usual number, two thousand copies, five hundred for the Senate, one thousand for the House, and five hundred for distribution by the Academy of Sciences. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616.)

276. **National Home for Disabled Volunteer Soldiers; report of managers and inspectors.**—There shall be printed of the report of the board of managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, for the use of the National Homes for Disabled Volunteer Soldiers, five hundred copies of the report proper, bound in cloth; two hundred copies of the report of the inspection of the State homes, bound in paper, and two hundred copies of the record of members, bound in cloth. (Mar. 31, 1904, No. 15, 33 Stat. 585.)

277. **National Monetary Commission; reprinting public documents.**—The Superintendent of Documents is hereby authorized to order reprinted, from time to time, such public documents of the National Monetary Commission as may be required for sale. (Feb. 25, 1910, c. 62, § 1, 36 Stat. 217.)

278. **Naval Intelligence Office; additional copies of publications.**—The Secretary of the Navy is authorized to print, in excess of one thousand copies, such extra copies of the publications of the Office of Naval Intelligence as may be necessary for distribution to the naval service and to meet other official demands. In no case shall the edition of any one publication exceed two thousand copies. (Mar. 21, 1900, No. 14, 31 Stat. 713.)

279. **Naval Observatory Observations.**—Of the Observations of the Naval Observatory, there shall be printed, in addition to the usual number, one thousand eight hundred copies; three hundred for the Senate, seven hundred for the House, and eight hundred for distribution by the Naval Observatory, and of the astronomical appendixes to the above observations, one thousand two hundred separate copies, and of the meteorological and magnetic observations one thousand separate copies for distribution by the Naval Observatory. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613.)

280. **Official Register.**—Of the Official Register published by the Director of the Census there shall be printed and bound a sufficient number of copies for the following distribution to be made by the Superintendent of Documents: To the President of the United States, four copies, one copy of which shall be for the library of the Executive Office; to the Vice President of the United States, two copies; to each Senator, Representative, Delegate and Resident Commissioner in Congress, three copies; to the Secretary and the Sergeant at Arms of the Senate and to the Clerk, the Sergeant at Arms, and the Doorkeeper of the House, one copy each; to the library of the Senate and the House, each, not to exceed fifteen copies; to the Library of Congress, twenty-five copies, and to the Commissioners of the District of Columbia, ten copies. The usual number of the Official Register shall not be printed. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 619; Oct. 22, 1913, c. 32, 38 Stat. 224; Feb. 18, 1922, c. 58, § 4, 42 Stat. 391; Mar. 3, 1925, c. 421, § 2, 43 Stat. 1105.)

281. **Same; report of Comptroller of Currency.**—A full and complete list of all officers, agents, clerks, and other employees of the office of the Comptroller of the Currency, including bank examiners, receivers and attorneys for receivers, and clerks employed by such examiners and receivers, or any other person connected with the work of said office in Washington or elsewhere, whose salary or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control, shall be transmitted to the Director of the Census, in accordance with the provisions of section 280 of this title. (Mar. 6, 1902, c. 139, § 7, 32 Stat. 52; Apr. 28, 1902, c. 594, § 1, 32 Stat. 138; June 7, 1906, c. 3048, 34 Stat. 219; Mar. 3, 1925, c. 421, § 2, 43 Stat. 1105.)

282. **Pan American Union; monthly bulletin.**—The Public Printer is hereby authorized to print an edition of the Monthly Bulletin of the Pan American Union, not to exceed five thousand copies per month, for distribution by the Union every month. (Mar. 3, 1911, c. 208, 36 Stat. 1032.)

283. **Patent Office; printing.**—The Commissioner of Patents, upon the requisition of the Secretary of the Interior, is authorized to continue the printing of the following:

1. *Patents issued.*—First. The patents for inventions and designs issued by the Patent Office, including grants, specifications, and drawings, together with copies of the same, and of patents already issued, in such number as may be needed for the business of the office.

2. *Trade-marks and labels.*—Second. The certificates of trade-marks and labels registered in the Patent Office, including descriptions and drawings, together with copies of the same, and of trade-marks and labels heretofore registered, in such numbers as may be needed for the business of the office.

3. *Official Gazette.*—Third. The Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor at $5 per annum; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply one copy to each Senator, Representative, and Delegate in Congress; with one hundred additional copies, together with weekly, monthly, and annual indexes for all the same; of the Official Gazette the "usual number" shall not be printed.

4. *Report of Commissioner of Patents.*—Fourth. The report of the Commissioner of Patents for the fiscal year, not exceeding five hundred in number, for distribution by him; the annual report of the Commissioner of Patents to Congress, without the list of patents, not exceeding one thousand five

hundred in number, for distribution by him; and of the annual report of the Commissioner of Patents to Congress, with the list of patents, five hundred copies for sale by him, if needed, and in addition thereto the usual number only shall be printed.

5. *Rules of practice, patent laws, etc.*—Fifth. Pamphlet copies of the rules of practice, pamphlet copies of the patent laws, and pamphlet copies of the laws and rules relating to trade-marks and labels, and circulars relating to the business of the office, all in such numbers as may be needed for the business of the office. The usual number shall not be printed.

6. *Decisions of commissioner and courts.*—Sixth. Annual volumes of the decisions of the Commissioner of Patents and of the United States courts in patent cases, not exceeding one thousand five hundred in number, of which the usual number shall be printed, and for this purpose a copy of each shall be transmitted to Congress promptly when prepared.

7. *Indexes.*—Seventh. Indexes to patents relating to electricity, and indexes to foreign patents, in such numbers as may be needed for the business of office. The usual number shall not be printed. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 619, 620; Aug. 24, 1912, c. 355, § 1, 37 Stat. 481; Feb. 18, 1922, c. 58, § 4, 42 Stat. 391; June 7, 1924, c. 303, § 1, 43 Stat. 592.)

284. Same; lithographing.—All printing for the Patent Office making use of lithography or photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commissioner of Patents, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Patent Office shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe. The entire work may be done at the Government Printing Office whenever in the judgment of the Joint Committee on Printing the same would be to the interest of the Government. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 620.)

285. President's message.—The message of the President without the accompanying documents and reports shall be printed, immediately upon its receipt by Congress, in pamphlet form. Fifteen thousand copies shall be printed, of which five thousand shall be for the Senate, and ten thousand for the House. Of the message and accompanying documents, there shall be printed one thousand copies for the Senate and two thousand for the House. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 615.)

286. Public Health Service; bulletins.—There shall be printed each year the bulletins of the Hygienic Laboratory, not exceeding ten in number in any one year, and of the yellow fever institute of the Public Health Service of the United States, not exceeding five in number in any one year, in such editions, not exceeding five thousand copies in any one year, as the interests of the Government and the public may require, subject to the discretion of the Secretary of the Treasury. (Feb. 24, 1905, No. 21, § 1, 33 Stat. 1283; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

287. Same; report of Surgeon General.—There shall be printed each year four thousand copies of the annual report of the Surgeon General of the Public Health Service, bound in cloth, to be distributed by the Surgeon General. (Feb. 24, 1905, No. 21, § 2, 33 Stat. 1284; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

288. Public Printer's report.—There shall be printed of the annual report of the Public Printer one thousand copies to be distributed under his direction. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 618.)

289. Smithsonian Institution; report.—Of the report of the Smithsonian Institution there shall be printed, in addition to the usual number, ten thousand copies; one thousand for the Senate, two thousand for the House, five thousand for distribution by the Smithsonian Institution, and two thousand for distribution by the National Museum. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616.)

290. Soils, Bureau of; report on field operations.—There shall be printed ten thousand five hundred copies of the report on field operations of the Bureau of Soils, Department of Agriculture, of which one thousand five hundred copies shall be for the use of the Senate, three thousand copies for the use of the House of Representatives, and six thousand copies for the use of the Department of Agriculture. In addition to the number of copies above provided for there shall be printed, as soon as the manuscript can be prepared, with the necessary maps and illustrations to accompany it, a report on each area surveyed, in the form of advance sheets, bound in paper covers, of which five hundred copies shall be for the use of each Senator from the State, two thousand copies for the use of each Representative for the congressional district or districts in which the survey is made, and one thousand copies for the use of the Department of Agriculture. (Feb. 23, 1901, No. 8, 31 Stat. 1462; June 3, 1902, c. 985, 32 Stat. 303; Mar. 14, 1904, No. 9, 33 Stat. 583.)

291. Statistical Abstract.—Of the Statistical Abstract of the United States, there shall be printed, in addition to the usual number, twelve thousand copies; three thousand for the Senate, six thousand for the House, and three thousand for distribution by the Bureau of Foreign and Domestic Commerce. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616; Aug. 23, 1912, c. 350, § 1, 37 Stat. 407.)

292. Surgeon General of Army; bulletins for instruction of medical officers.—The sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War. (June 12, 1917, c. 27, § 1, 40 Stat. 174; June 30, 1922, c. 253, Title I, 42 Stat. 717; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1378; June 7, 1924, c. 291, Title I, 43 Stat. 478; Feb. 12, 1925, c. 225, Title I, 43 Stat. 893.)

293. Tests of Metals.—Of the Tests of Metals, there shall be printed, in addition to the usual number, five hundred copies for distribution by the War Department. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616.)

294. Treasury Department; binding registered bonds and written records.—Registered bonds and written records may be bound at the Treasury Department. (Jan. 12, 1895, c. 23, § 84, 28 Stat. 622.)

295. Same; reports.—Of the finance report of the Secretary of the Treasury, there shall be printed one thousand copies for the Senate and two thousand for the House in addition to those published as part of the departmental report.

Of the annual report of the Comptroller of the Currency thirteen thousand copies; one thousand for the Senate, two thousand for the House, and ten thousand for distribution by the Comptroller of the Currency. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 616; Mar. 4, 1907, No. 25, 34 Stat. 1425.)

296. Weather Bureau; report.—Of the annual report of the Chief of the Weather Bureau, there shall be printed, in addition to the usual number, four thousand copies; one thousand copies for the Senate, two thousand copies for the House, and one thousand copies for the bureau. (Jan. 12, 1895, c. 23, § 73, 28 Stat. 613.)

Chapter 9.—ADVERTISEMENTS.

Sec.

321. Publication of laws discontinued; proclamations and treaties; advertisements for contracts in District of Columbia.
322. Rate of payment for advertisements, notices, and proposals.
323. Advertising in District of Columbia; rate of compensation.
324. No advertisement without authority.

Section 321. Publication of laws discontinued; proclamations and treaties; advertisements for contracts in District of Columbia.—The publication of the laws in newspapers shall cease. All executive proclamations, and all treaties required by law to be published, shall be published in only one newspaper, the same to be printed and published in the District of Columbia and to be designated by the Secretary of State; and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia. (June 20, 1874, c. 328, 18 Stat. 90; July 31, 1876, c. 246, 19 Stat. 105.)

322. Rate of payment for advertisements, notices, and proposals.—All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise. But the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. (June 20, 1878, c. 359, § 1, 20 Stat. 216.)

323. Advertising in District of Columbia; rate of compensation.—All advertising required by law to be done in the District of Columbia by any of the departments of the Government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section 324 of this title. (Jan. 21, 1881, c. 25, § 1, 21 Stat. 317.)

324. No advertisement without authority.—No advertisement, notice, or proposal for any executive department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such department; and no bill for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority. (R. S. § 3828.)

QUARANTINE

See Title 42, PUBLIC HEALTH.

RADIO COMMUNICATION

See Title 47, TELEGRAPHS, TELEPHONES, AND RADIO TELEGRAPHS.

RAILROAD LAND GRANTS

See Title 43, PUBLIC LANDS.

TITLE 45.—RAILROADS

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Chapter 1.—SAFETY APPLIANCES AND EQUIPMENT ON RAILROAD ENGINES AND CARS, AND PROTECTION OF EMPLOYEES AND TRAVELERS.

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3. Refusal of insufficiently equipped cars from connecting lines.
4. Grab irons or handholds for security in coupling and uncoupling cars.
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22. Inspection of locomotives and appurtenances; definitions.
23. Use of unsafe locomotives and appurtenances unlawful; inspection and tests.
24. Chief inspector and assistant chief inspectors; appointment and salaries.
25. Offices; legal, technical, stenographic, and clerical help.
26. Inspection districts; appointment and assignment of district inspectors; salaries and expenses; examinations of applicants; disqualifications.
27. Appointment and assignment of additional inspectors.
28. Rules and instructions as to inspection.
29. Duties of district inspectors; inspection and repairs by carriers; notice to carrier of condition of boiler; appeal to chief inspector and reexamination; further appeal to commission.
30. Powers and duties of inspectors, and provisions of chapter applicable to all parts of locomotive and tender; examinations of inspectors.
31. Annual report of chief inspector.
32. Report by carrier to chief inspector as to accident; preservation of disabled parts; investigation and report thereupon.
33. Reports by commission of investigations.
34. Penalty for violations by carrier; duty of district attorney to sue therefor; chief inspector to give information.
35. Investigation and report by commission on block signal systems and appliances for automatic control of trains; evidence.
36. Investigation and testing by commission of appliances or systems to promote safety.
37. Inspection of mail cars.
38. Monthly reports of railroad accidents; duty of carrier to make.
39. Penalty for failure to make report.
40. Investigation by commission of accidents; cooperation with State commissioners; reports of investigations.
41. Reports not evidence in suits for damages.
42. Form of reports.
43. Terms "interstate commerce" and "foreign commerce" defined.
44. Medals of honor for persons saving lives on railroads.
45. Rosettes and ribbons.
46. Payment of expenses.

Section 1. Driving-wheel brakes and appliances for operating train-brake system.—It shall be unlawful for any common carrier engaged in interstate commerce by railroad to use on its line any locomotive engine in moving interstate traffic not equipped with a power driving-wheel brake and appliances for operating the train-brake system, or to run any train in such traffic that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose. (Mar. 2, 1893, c. 196, § 1, 27 Stat. 531.)

2. Automatic couplers.—It shall be unlawful for any common carrier engaged in interstate commerce by railroad to haul or permit to be hauled or used on its line any car used in moving interstate traffic not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars. (Mar. 2, 1893, c. 196, § 2, 27 Stat. 531.)

3. Refusal of insufficiently equipped cars from connecting lines.—When any person, firm, company, or corporation engaged in interstate commerce by railroad shall have equipped a sufficient number of its cars so as to comply with the provisions of section 1 of this chapter, it may lawfully refuse to receive from connecting lines of road or shippers any cars not equipped sufficiently, in accordance with the first section of this chapter, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by this chapter. (Mar. 2, 1893, c. 196, § 3, 27 Stat. 531.)

4. Grab irons or handholds for security in coupling and uncoupling cars.—Until otherwise ordered by the Interstate Commerce Commission, it shall be unlawful for any railroad company to use any car in interstate commerce that is not provided with secure grab irons or handholds in the ends and sides of each car for greater security to men in coupling and uncoupling cars. (Mar. 2, 1893, c. 196, § 4, 27 Stat. 531.)

5. Standard height of drawbars for freight cars; noncomplying cars excluded from traffic.—No freight cars, either loaded or unloaded, shall be used in interstate traffic which do not comply with the prescribed standard as to height of drawbars. (Mar. 2, 1893, c. 196, § 5, 27 Stat. 531.)

6. Failure to equip cars as provided; duty of district attorneys and Interstate Commerce Commission; exceptions from operation of provisions.—Any common carrier engaged in interstate commerce by railroad using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the preceding provisions of this chapter, shall be liable to a penalty of $100

for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That nothing in this chapter contained shall apply to trains composed of four-wheel cars or to trains composed of eight-wheel standard logging cars where the height of such car from top of rail to center of coupling does not exceed twenty-five inches, or to locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs. (Mar. 2, 1893, c. 196, § 6, 27 Stat. 532; Apr. 1, 1896, c. 87, 29 Stat. 85.)

7. Assumption of risk by employees.—Any employee of any common carrier engaged in interstate commerce by railroad who may be injured by any locomotive, car, or train in use contrary to the provision of this chapter shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge. (Mar. 2, 1893, c. 196, § 8, 27 Stat. 532.)

8. Provisions of chapter extended.—The preceding provisions and requirements of this chapter shall be held to apply to common carriers by railroads in the Territories and the District of Columbia and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type; and the provisions and requirements relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of this chapter, or which are used upon street railways. (Mar. 2, 1903, c. 976, § 1, 32 Stat. 943.)

9. Number of cars to be operated with power or train brakes; increase of number.—Whenever, as provided in this chapter, any train is operated with power or train brakes not less than 50 per centum of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said 50 per centum shall have their brakes so used and operated; and, to more fully carry into effect the objects of said chapter, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section. (Mar. 2, 1903, c. 976, § 2, 32 Stat. 943.)

10. Former duties, requirements, and liabilities continued unless specifically amended.—Nothing in sections 8 and 9 of this chapter shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements hereinbefore set out, and all of such provisions, powers, duties, requirements and liabilities shall, except as specifically amended by sections 8 and 9, apply thereto. (Mar. 2, 1903, c. 976, § 3, 32 Stat. 943.)

11. Safety appliances required for each car; when hand brakes may be omitted.—It shall be unlawful for any common carrier subject to the provisions of this chapter to haul, or permit to be hauled or used on its line any car subject to the provisions of this chapter not equipped with appliances herein provided for, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure handholds or grab irons on their roofs at the tops of such ladders: *Provided*, That in the loading and hauling of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars while they are thus combined for such purpose. (Apr. 14, 1910, c. 160, § 2, 36 Stat. 298.)

12. Safety appliances, as designated by commission, to be standards of equipment; modification of standard height of drawbars.—The number, dimensions, location, and manner of application of the appliances provided for by sections 4 and 11 of this chapter as designated by the Interstate Commerce Commission shall remain as the standards of equipment to be used on all cars subject to the provisions of this chapter, unless changed by an order of said Interstate Commerce Commission, to be made after full hearing and for good cause shown; and failure to comply with any such requirement of the Interstate Commerce Commission shall be subject to a like penalty as failure to comply with any requirement of this chapter. Said commission is hereby given authority, after hearing, to modify or change, and to prescribe the standard height of drawbars and to fix the time within which such modification or change shall become effective and obligatory, and prior to the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard now fixed or the standard so prescribed, and after the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard so prescribed by the commission. (Apr. 14, 1910, c. 160, § 3, 36 Stat. 298.)

13. Penalty for using car not equipped as provided; hauling car for repairs where equipment becomes defective; liability for death or injury of employee; use of chains instead of drawbars.—Any common carrier subject to this chapter using, hauling, or permitting to be used or hauled on its line, any car subject to the requirements of this chapter not equipped as provided in this chapter, shall be liable to a penalty of $100 for each and every such violation, to be recovered as provided in section 6 of this chapter: *Provided*, That where any car shall have been properly equipped, as provided in this chapter, and such equipment shall have become defective or insecure while such car was being used by such carrier upon its line of railroad, such car may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car can be repaired, without liability for the penalties imposed by this section or section 6 of this chapter, if such movement is necessary to make such repairs and such repairs can not be made except at such repair point; and such movement or hauling of such car shall be at the sole risk of the carrier, and nothing in this section shall be construed to relieve such carrier from liability in any remedial action for the death or injury of any railroad employee caused to such employee by reason of or in connection with the movement or hauling of such car with equipment which is defective or insecure or which is not maintained in accordance with the requirements of this chapter; and nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars, in revenue trains or in association with other cars that are com-

mercially used, unless such defective cars contain livestock or "perishable" freight. (Apr. 14, 1910, c. 160, § 4, 36 Stat. 299.)

14. Liability for using car with defective equipment, except as specified.—Except that, within the limits specified in the preceding section of this chapter the movement of a car with defective or insecure equipment may be made without incurring the penalty provided by the statutes, but shall in all other respects be unlawful, nothing in sections 11, 12, and 13 of this chapter shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States attorney from any of the provisions, powers, duties, liabilities, or requirements heretofore set out in this chapter; and, except as aforesaid, all of such provisions, powers, duties, requirements, and liabilities shall apply. (Apr. 14, 1910, c. 160, § 5, 36 Stat. 299.)

15. Enforcement by commission.—It shall be the duty of the Interstate Commerce Commission to enforce the provisions of this chapter as to equipment of each car with safety appliances and all powers heretofore granted to said commission are hereby extended to it for the purpose of such enforcement. (Apr. 14, 1910, c. 160, § 6, 36 Stat. 299.)

16. Application of provisions to common carriers and vehicles subject to "Safety Appliance Acts."—The provisions of sections 11, 12, 13, 14, and 15, as to the equipment of cars with the designated safety appliances apply to every common carrier and every vehicle subject to what are commonly known as the "Safety Appliance Acts" set out in the first nine sections of this chapter. (Apr. 14, 1910, c. 160, § 1, 36 Stat. 298.)

17. Locomotives to be equipped with safety ash pans.—It shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic or for any common carrier by railroad in any Territory of the United States or the District of Columbia to use any locomotive, not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive. (May 30, 1908, c. 225, §§ 1, 2, 35 Stat. 476.)

18. Penalty for violation, and actions therefor; duties of district attorneys and of commission.—Any such common carrier using any locomotive in violation of the provisions of the preceding section shall be liable to a penalty of $200 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. (May 30, 1908, c. 225, § 3, 35 Stat. 476.)

19. Enforcement by commission.—It shall be the duty of the Interstate Commerce Commission to enforce the provisions as to safety ash pans, and all powers heretofore granted to said commission are hereby extended to it for the purpose of such enforcement. (May 30, 1908, c. 225, § 4, 35 Stat. 476.)

20. Who included in term "common carrier."—The term "common carrier" as used in sections 17 and 18 of this chapter shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier. (May 30, 1908, c. 225, § 5, 35 Stat. 476.)

21. Provisions not applicable to locomotives on which ash pan not necessary.—Nothing in the provisions of sections 17 to 20, inclusive, shall apply to any locomotive upon which, by reason of the use of oil, electricity, or other such agency, an ash pan is not necessary. (May 30, 1908, c. 225, § 6, 35 Stat. 476.)

22. Inspection of locomotives and appurtenances; definitions.—When used in sections 23 to 34, inclusive, the terms "carrier" and "common carrier" mean a common carrier by railroad, or partly by railroad and partly by water, within the continental United States, subject to chapter 1 of Title 49, TRANSPORTATION, as amended, excluding street, suburban, and interurban electric railways unless operated as a part of a general railroad system of transportation. The term "railroad" as used in said sections shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in said sections shall be held to mean persons actually engaged in or connected with the movement of any train. (Feb. 17, 1911, c. 103, § 1, 36 Stat. 913; June 7, 1924, c. 355, § 1, 43 Stat. 659.)

23. Use of unsafe locomotives and appurtenances unlawful; inspection and tests.—It shall be unlawful for any carrier to use or permit to be used on its line any locomotive unless said locomotive, its boiler, tender, and all parts and appurtenances thereof are in proper condition and safe to operate in the service to which the same are put, that the same may be employed in the active service of such carrier without unnecessary peril to life or limb, and unless said locomotive, its boiler, tender, and all parts and appurtenances thereof have been inspected from time to time in accordance with the provisions of sections 28, 29, 30, and 32 and are able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for. (June 7, 1924, c. 355, § 2, 43 Stat. 659.)

24. Chief inspector and assistant chief inspectors; appointment and salaries.—There shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this chapter as to the inspection of locomotives, their boilers, tenders, and so forth, and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of $6,000 per year and the assistant chief inspectors shall each receive a salary of $5,000 per year; and each of the three shall be paid his traveling expenses incurred in the performance of his duties. (Feb. 17, 1911, c. 103, § 3, 36 Stat. 914; June 7, 1924, § 6, 43 Stat. 659.)

25. Offices; legal, technical, stenographic, and clerical help.—The office of the chief inspector shall be in Washington, District of Columbia, and the Interstate Commerce Commission shall provide such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his said assistants may require. (Feb. 17, 1911, c. 103, § 3, 36 Stat. 914; June 7, 1924, c. 355, § 3, 43 Stat. 659.)

26. Inspection districts; appointment and assignment of district inspectors; salaries and expenses; examinations of applicants; disqualifications.—Immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States and the District of Columbia into fifty locomotive boiler inspection districts, so arranged that the service of the inspector appointed for each district shall be most effective, and so that the work required

of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission fifty inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinbefore named. Each inspector shall receive a salary of $3,600 per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district inspector $1,000. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers, and their practical experience in such work, which list, being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article required to be used on any locomotive under supervision or who is intemperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector. (Feb. 17, 1911, c. 103, § 4, 36 Stat. 914; June 7, 1924, c. 355, § 4, 43 Stat. 659.)

27. Appointment and assignment of additional inspectors.—Within the appropriations therefor and subject to the provisions of the preceding section, the Interstate Commerce Commission may appoint, from time to time, not more than fifteen inspectors in addition to the number authorized in such section, as the needs of the service may require. Any inspector appointed under this provision shall be so assigned by the chief inspector that his service will be most effective. (June 7, 1924, c. 355, § 4, 43 Stat. 659.)

28. Rules and instructions as to inspection.—Rules and instructions for the inspection of locomotive boilers which have been made by a carrier subject to this chapter and approved by the Interstate Commerce Commission are obligatory on such carrier until changed in the manner hereafter provided, and a violation thereof shall be punished as provided in section 34. A carrier may from time to time change such rules and instructions, but such change shall not take effect and the new rules and instructions be in force until the same shall have been filed with and approved by the interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however*, That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect. (Feb. 17, 1911, c. 103, § 5, 36 Stat. 914.)

29. Duties of district inspectors; inspection and repairs by carriers; notice to carrier of condition of boiler; appeal to chief inspector and reexaminaton; further appeal to commission.—It shall be the duty of each inspector to become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the locomotive boilers under his care from time to time as may be necessary to fully carry out the provisions of this chapter, and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this chapter shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinbefore provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: *Provided*, That a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition, because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler reexamined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to reexamine and inspect said boiler within fifteen days from date of notice. If upon such reexamination the boiler is found in serviceable condition, the chief inspector shall immediately notify the carrier in writing, whereupon such boiler may be put into service without further delay; but if the reexamination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within thirty days, appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, That pending either appeal the requirements of the inspector shall be effective. (Feb. 17, 1911, c. 103, § 6, 36 Stat. 915.)

30. Powers and duties of inspectors, and provisions of chapter applicable to all parts of locomotive and tender; examinations of inspectors.—The chief inspector and the two assistant chief inspectors, together with all the district inspectors, appointed as hereinbefore provided, shall inspect and shall have the same powers and duties with respect to all the parts and appurtenances of the locomotive and tender that they have with respect to the boiler of a locomotive and the appurtenances thereof, and the provision as to the equipment of locomotives shall apply to and include the entire locomotive and tender and all their parts with the same force and effect as it applies to locomotive boilers and their appurtenances. All inspectors and applicants for the position of inspector shall be examined touching their qualifications and fitness with respect to the additional duties hereby imposed. (Mar. 4, 1915, c. 169, § 2, 38 Stat. 1192.)

31. Annual report of chief inspector.—The chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire. (Feb. 17, 1911, c. 103, § 7, 36 Stat. 916.)

32. Report by carrier to chief inspector as to accident; preservation of disabled parts; investigation and report thereupon.—In the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in

serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector. Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector. (Feb. 17, 1911, c. 103, § 8, 36 Stat. 916.)

33. Reports by commission of investigations.—The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in the preceding section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations at it deems proper. Such reports shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation. (Feb. 17, 1911, c. 103, § 8, 36 Stat. 916.)

34. Penalty for violations by carrier; duty of district attorney to sue therefor; chief inspector to give information.—Any common carrier violating the provisions of this chapter relating to locomotives, their boilers, tenders, and so forth, or any rule or regulation made under such provisions or any lawful order of any inspector shall be liable to a penalty of $100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive boilers to give information to the proper United States attorney of all violations coming to his knowledge. (Feb. 17, 1911, c. 103, § 9, 36 Stat. 916.)

35. Investigation and report by commission on block-signal systems and appliances for automatic control of trains; evidence.—The Interstate Commerce Commission is directed to investigate and report on the use of and necessity for block-signal systems and appliances for the automatic control of railway trains in the United States. For this purpose the commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the commission shall recommend such legislation as to the commission seems advisable.

To carry out and give effect to the provisions of this section the commission shall have power to issue subpœnas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States. (June 30, 1906, No. 46, 34 Stat. 838.)

36. Investigation and testing by commission of appliances or systems to promote safety.—The Interstate Commerce Commission is authorized, at its discretion, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape to such commission for such investigation and test entirely free of cost to the Government. For this purpose the commission is authorized to employ persons familiar with the subject to be investigated and tested, and may also make use of its regular employees for such purposes. (May 27, 1908, c. 200, § 1, 35 Stat. 325.)

37. Inspection of mail cars.—All inspectors employed for the enforcement of the provisions of this chapter as to safety appliances shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster General. (May 27, 1908, c. 200, § 1, 35 Stat. 324.)

38. Monthly reports of railroad accidents; duty of carrier to make.—It shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate or foreign commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, District of Columbia, a monthly report, under oath, of all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadbed arising from the operation of such railroad under such rules and regulations as may be prescribed by the said commission, which report shall state the nature and causes thereof and the circumstances connected therewith: *Provided*, That hereafter all said carriers shall be relieved from the duty of reporting accidents in their annual financial and operating reports made to the commission. (May 6, 1910, c. 208, § 1, 36 Stat. 350.)

39. Penalty for failure to make report.—Any common carrier failing to make the report provided for in the preceding section within thirty days after the end of any month shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than $100 for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same. (May 6, 1910, c. 208, § 2, 36 Stat. 350.)

40. Investigation by commission of accidents; cooperation with State commissions; reports of investigations.—The Interstate Commerce Commission shall have authority to investigate all collisions, derailments, or other accidents resulting in serious injury to person or to the property of a railroad occurring on the line of any common carrier engaged in interstate or foreign commerce by railroad. The commission, or any impartial investigator thereunto authorized by said commission, shall have authority to investigate such collisions, derailments, or other accidents aforesaid, and all the attending facts, conditions, and circumstances, and for that purpose may subpœna witnesses, administer oaths, take testimony, and require the production of books, papers, orders, memoranda, exhibits, and other evidence, and shall be provided by said carriers with all reasonable facilities: *Provided*, That when such accident is investigated by a commission of the State in which it occurred, the Interstate Commerce Commission shall, if convenient, make any investigation it may have previously determined upon, at the same time as, and in connection with, the State commission investigation. Said commission shall, when it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper. (May 6, 1910, c. 208, § 3, 36 Stat. 351.)

41. Reports not evidence in suits for damages.—Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose

in any suit or action for damages growing out of any matter mentioned in said report or investigation. (May 6, 1910, c. 208, § 4, 36 Stat. 351.)

42. Form of reports.—The Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports hereinbefore provided. (May 6, 1910, c. 208, § 5, 36 Stat. 351.)

43. Terms "interstate commerce" and "foreign commerce" defined.—The term "interstate commerce," as used in sections 38, 40, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in said sections, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia. (May 6, 1910, c. 208, § 7, 36 Stat. 351.)

44. Medals of honor for persons saving lives on railroads.—The President of the United States is authorized to cause to be prepared bronze medals of honor, with suitable emblematic devices, which shall be bestowed upon any persons who shall hereafter, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce: *Provided*, That no award of said medal shall be made to any person until sufficient evidence of his deserving shall have been furnished and placed on file, under such regulations as may be prescribed by the President of the United States. (Feb. 23, 1905, c. 744, § 1, 33 Stat. 743.)

45. Rosettes and ribbons.—The President of the United States is authorized to issue to any person to whom a medal of honor may be awarded under the provisions of the preceding section a rosette or knot, to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed by the President of the United States: *Provided*, That whenever a ribbon issued under the provisions of this chapter shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued, a new ribbon shall be issued to such person without charge therefor. (Feb. 23, 1905, c. 744, § 2, 33 Stat. 743.)

46. Payment of expenses.—The appropriations for the enforcement and execution of the provisions of the Acts to promote the safety of employees and travelers upon railroads are hereby made available for carrying out the provisions of the two preceding sections. (Feb. 23, 1905, c. 744, § 3, 33 Stat. 743.)

Chapter 2.—LIABILITY FOR INJURIES TO EMPLOYEES.

Sec.

51. Liability of common carriers by railroad, in interstate or foreign commerce, for injuries to employees from negligence.
52. Carriers in Territories or other possessions of United States.
53. Contributory negligence; diminution of damages.
54. Assumption of risks of employment.
55. Contract, rule, regulation, or device exempting from liability; set-off.
56. Actions; limitation; concurrent jurisdiction of courts; removal of case in State court.
57. Who included in term "common carrier."
58. Duty or liability of common carriers and rights of employees under other acts not impaired.
59. Survival of right of action of person injured.

Section 51. Liability of common carriers by railroad, in interstate or foreign commerce, for injuries to employees from negligence.—Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. (Apr. 22, 1908, c. 149, § 1, 35 Stat. 65.)

52. Carriers in Territories or other possessions of United States.—Every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. (Apr. 22, 1908, c. 149, § 2, 35 Stat. 65.)

53. Contributory negligence; diminution of damages.—In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this chapter to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. (Apr. 22, 1908, c. 149, § 3, 35 Stat. 66.)

54. Assumption of risks of employment.—In any action brought against any common carrier under or by virtue of any of the provisions of this chapter to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. (Apr. 22, 1908, c. 149, § 4, 35 Stat. 66.)

55. Contract, rule, regulation, or device exempting from liability; set-off.—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this chapter, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this chapter, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought. (Apr. 22, 1908, c. 149, § 5, 35 Stat. 66.)

56. Actions; limitation; concurrent jurisdiction of courts; removal of case in State court.—No action shall be maintained

under this chapter unless commenced within two years from the day the cause of action accrued.

Under this chapter an action may be brought in a district court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this chapter shall be concurrent with that of the courts of the several States, and no case arising under this chapter and brought in any State court of competent jurisdiction shall be removed to any court of the United States. (Apr. 22, 1908, c. 149, § 6, 35 Stat. 66; Apr. 5, 1910, c. 143, § 1, 36 Stat. 291.)

57. Who included in term "common carrier."—The term "common carrier" as used in this chapter shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier. (Apr. 22, 1908, c. 149, § 7, 35 Stat. 66.)

58. Duty or liability of common carriers and rights of employees under other Acts not impaired.—Nothing in this chapter shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other Act or Acts of Congress. (Apr. 22, 1908, c. 149, § 8, 35 Stat. 66.)

59. Survival of right of action of person injured.—Any right of action given by this chapter to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury. (Apr. 5, 1910, c. 143, § 2, 36 Stat. 291.)

Chapter 3.—HOURS OF SERVICE OF EMPLOYEES.

Sec.

61. Carriers and transportation subject to provisions of chapter; "railroad" and "employees" defined.
62. Hours of continuous service limited.
63. Penalty; suits therefor; exceptions from operation of Act.
64. Enforcement by Interstate Commerce Commission.
65. Establishment of eight-hour day.
66. Penalty for violation.

Section 61. Carriers and transportation subject to provisions of chapter; "railroad" and "employees" defined.—The provisions of this chapter shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this chapter shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this chapter shall be held to mean persons actually engaged in or connected with the movement of any train. (Mar. 4, 1907, c. 2939, § 1, 34 Stat. 1415.)

62. Hours of service limited.—It shall be unlawful for any common carrier, its officers or agents, subject to this chapter to require or permit any employee subject to this chapter to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, The Interstate Commerce Commission may after full hearing in a particular case and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case. (Mar. 4, 1907, c. 2939, § 2, 34 Stat. 1416.)

63. Penalty; suits therefor; exceptions from operation of Act.—Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the next preceding section of this chapter shall be liable to a penalty of not less than $100 nor more than $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorney information of any such violations as may come to its knowledge. In all prosecutions under this chapter the common carrier shall be deemed to have knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this chapter shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this chapter shall not apply to the crews of wrecking or relief trains. (Mar. 4, 1907, c. 2939, § 3, 34 Stat. 1416; May 4, 1916, c. 109, § 1, 39 Stat. 61.)

64. Enforcement by Interstate Commerce Commission.—It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this chapter, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this chapter. (Mar. 4, 1907, c. 2939, § 4, 34 Stat. 1417.)

65. Establishment of eight-hour day.—Eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of chapter 1, Title 49, TRANSPORTATION, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred

miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than one hundred miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants. (Sept. 3, 5, 1916, c. 436, § 1, 39 Stat. 721.)

66. Penalty for violation.—Any person violating any provision of the preceding section shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 and not more than $1,000, or imprisoned not to exceed one year, or both. (Sept. 3, 5, 1916, c. 436, § 4, 39 Stat. 722.)

Chapter 4.—CARE OF ANIMALS IN TRANSIT.

Sec.
71. Transportation of animals; time of confinement; unloading for rest and feeding; unloading sheep.
72. Animals unloaded to be fed and watered by or at expense of owner; lien.
73. Penalty for failure to comply with law; when provisions for unloading not to apply.
74. Penalty recoverable by civil action; duty of district attorneys to prosecute.
75. Rules as to accommodations for export cattle.
76. Violation of rules; penalty.

Section 71. Transportation of animals; time of confinement; unloading for rest and feeding; unloading sheep.—No railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this chapter to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours. (June 29, 1906, c. 3594, § 1, 34 Stat. 607.)

72. Animals unloaded to be fed and watered by or at expense of owner; lien.—Animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section 1 of this chapter, but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires. (June 29, 1906, c. 3594, § 2, 34 Stat. 608.)

73. Penalty for failure to comply with law; when provisions for unloading not to apply.—Any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than $100 nor more than $500: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply. (June 29, 1906, c. 3594, § 3, 34 Stat. 608.)

74. Penalty recoverable by civil action; duty of district attorneys to prosecute.—The penalty created by the preceding section shall be recovered by civil action in the name of the United States in the district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this chapter reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means. (June 29, 1906, c. 3594, § 4, 34 Stat. 608.)

75. Rules as to accommodations for export cattle.—The Secretary of Agriculture is authorized to examine all vessels which are to carry export cattle from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, as to space, ventilation, fittings, food and water supply and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals. (Mar. 3, 1891, c. 521, § 1, 26 Stat. 833.)

76. Violation of rules; penalty.—Whenever the owner, owners, or master of any vessel carrying export cattle shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly. (Mar. 3, 1891, c. 521, § 2, 26 Stat. 833.)

Chapter 5.—GOVERNMENT-AIDED RAILROADS.

Sec.
81. Union Pacific Railroad.
82. Connection of other roads.
83. Roads and telegraphs to be operated as continuous line; equal facilities to be afforded.
84. Interstate communication.
85. Compensation of directors appointed by the United States.

Sec.
86. Withholding payments to certain roads.
87. Companies may sue in Court of Claims.
88. District court to issue mandamus to compel operation of road.
89. Collection of percentage of net earnings due United States.
90. Settlement of accounts for Army and mail transportation.
91. Settlement of accounts for Navy and Marine Corps transportation.
92. Settlement of claims for transportation over nonbond-aided lines.
93. Indian goods and supplies.
94. Liens of United States; redemption of prior incumbrances.
95. Sinking funds to secure debt to United States.

Section 81. Union Pacific Railroad.—The books, records, correspondence, and all other documents of the Union Pacific Railroad Company, shall at all times be open to inspection by the Secretary of the Treasury, or such persons as he may delegate for that purpose. The laws of the United States providing for proceedings in bankruptcy shall not be held to apply to said corporation. No dividend shall be made by said company but from the actual net earnings thereof; and no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof. No director or officer of said road shall be interested, directly or indirectly, in any contract therewith except for his lawful compensation as such officer. Any director or officer who shall pay or declare, or aid in paying or declaring, any dividend, or creating any mortgage or pledge prohibited by this section, shall be punished by imprisonment not exceeding two years, and by fine not exceeding $5,000. (R. S. § 5256.)

82. Connection of other roads.—Any railroad company incorporated under any law of the United States, or of any State, which has been or may be organized by an Act of Congress, may connect its road with the Union Pacific Railroad, or any of its branches. (R. S. § 5257.)

83. Roads and telegraphs to be operated as continuous line; equal facilities to be afforded.—The several companies authorized by the Acts of Congress known as the Pacific Railroad Acts to construct railroads are required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph, authorized by this section, or the Act amended by this section to refuse, or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offense, the sum of $100, and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any State or Territory of competent jurisdiction.

And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding $1,000, and may be imprisoned not less than six months. In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this section and the Acts to which this section is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this section, a new cause of action shall arise; and in case of suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient; and it is hereby provided that for all the purposes of said amended Act, the railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the Act of March 3, 1869. (July 2, 1864, c. 216, § 15, 13 Stat. 362; June 20, 1874, c. 331, 18 Stat. 111.)

84. Interstate communication.—Every railroad company in the United States, whose road is operated by steam, its successors and assigns, is authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. But this section shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any Act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which such railroad or connection may be proposed. And Congress may at any time alter, amend, or repeal this section. (R. S. § 5258.)

85. Compensation of directors appointed by the United States.—Whenever, in any grant of land or other subsidies to railroads or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine the roads, or act in conjunction with other officers of such company or companies, all the costs, charges, and pay of such directors, engineers, commissioners, or agents shall be paid by the respective companies. Such directors, engineers, commissioners, or agents shall be paid for such services the sum of $10 per day, for each and every day actually and necessarily employed, and 10 cents per mile for each and every mile actually and necessarily traveled, in discharging the duties required of them, which per diem and mileage shall be in full compensation for such services. In case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to such company until these requirements are complied with. (R. S. § 5259.)

86. Withholding payments to certain railroads.—The Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns, on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest

upon bonds of the United States issued to any such company, and which shall not have been reimbursed, together with the 5 per centum of net earnings due and unapplied, as provided by law. (R. S. § 5260.)

87. Companies may sue in Court of Claims.—Any such company may bring suit in the Court of Claims to recover the price of such freight and transportation, and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined, and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them; and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business. (R. S. § 5261.)

88. District court to issue mandamus to compel operation of road.—The proper district court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law. (R. S. § 5262.)

89. Collection of percentage of net earnings due United States.—The Secretary of the Treasury is directed to require payment of the railroad companies, their successors and assigns, or the successors or assigns of any or either of said companies, of all sums of money due or to become due, the United States for the 5 per centum of the net earnings provided for by the Act entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" approved July 1, 1862, or by any other Act or Acts in relation to the companies therein named, or any other such company or companies, and in case either of said railroad companies shall neglect or refuse to pay the same within sixty days after demand therefor made upon the treasurer of such railroad company, the Secretary of the Treasury shall certify that fact to the Attorney General, who shall thereupon institute the necessary suits and proceedings to collect and otherwise obtain redress in respect of the same in the proper district courts of the United States, and prosecute the same, with all convenient dispatch to a final determination. (June 22, 1874, c. 414, 18 Stat. 200.)

90. Settlement of accounts for Army and mail transportation.—For the proper adjustment of the accounts of the Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies, respectively, for services which have been or may be hereafter performed for the Government for transportation of the Army and transportation of the mails, the Secretary of the Treasury is authorized to make such entries upon the books of the department as will carry to the credit of said companies the amounts so earned or to be earned by them during each fiscal year and withheld under the provisions of section 86 of this title; and of the Act of Congress approved May 7, 1878: *Provided*, That this shall not authorize the expenditure of any money from the Treasury nor change the method now provided by law for the auditing of such claims against the Government: *Provided further*, That this paragraph shall not be so construed as to be a disposition of any moneys due or to become due to or from said companies respectively, or to, in any way, affect their rights or duties or the rights of the United States, under existing laws, it being only intended hereby to enable the proper accounting officers to state on the books of the Treasury the accounts between the Government and said companies respectively. (Mar. 3, 1879, c. 183, 20 Stat. 420.)

91. Settlement of accounts for Navy and Marine Corps transportation.—The provisions of the preceding section authorizing the Secretary of the Treasury to make such entries upon the books of the department as will carry to the credit of certain railroad companies named in said section amounts earned or to be earned by them during each fiscal year on account of transportation of the Army and transportation of the mails be, and the same are hereby, extended and made applicable to the transportation of the Navy and the Marine Corps. (Mar. 3, 1897, c. 386, 29 Stat. 663.)

92. Settlement of claims for transportation over nonbond-aided lines.—The Secretary of the Treasury is hereby authorized and directed to make settlement of the claims growing out of Government transportation over nonbond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgment and allowed claims at 4 per centum per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May 12, 1900. (Mar. 3, 1901, c. 831, § 1, 31 Stat. 1023.)

93. Indian goods and supplies.—Payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than 50 per centum of full amount of service be paid to said land-grant roads: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such government transportation, having claims against the United States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, such rate not to exceed 50 per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service. (Apr. 30, 1908, c. 153, 35 Stat. 73.)

94. Liens of United States; redemption of prior incumbrances.—Whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other in-

cumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property. (Mar. 3, 1887, c. 345, § 4, 24 Stat. 491.)

95. Sinking funds to secure debt to United States.—The sinking funds which are or may be held in the Treasury for the security of the indebtedness of either or all of said railroad companies may, in addition to the investments now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either or all of said companies, or in any of the first-mortgage bonds of either of said companies which have been issued under the authority of any law of the United States and secured by mortgages of their roads and franchises, which by any law of the United States have been made prior and paramount to the mortgage, lien, or other security of the United States in respect of its advances to either of said companies as provided by law. (Mar. 3, 1887, c. 345, § 5, 24 Stat. 492.)

Chapter 6.—MEDIATION, CONCILIATION, AND ARBITRATION IN CONTROVERSIES BETWEEN CARRIERS AND EMPLOYEES.

Sec.
101. Carriers affected; shipping excluded.
102. "Railroad" and "transportation" construed.
103. Employees affected.
104. Terms used.
105. Submission of controversies to Board of Mediation and Conciliation; submission to arbitration.
106. Proffer of services by board in urgent cases.
107. Application for board's opinions as to meaning of agreement reached through mediation.
108. Submission of controversy to board of arbitrators; selection of members.
109. Requirements of agreement to arbitrate.
110. Authority of arbitrators.
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112. Notification to arbitrators.
113. Notice to Board of Mediation and Conciliation.
114. Reconvention of board of arbitration.
115. Organization and procedure of board of arbitration.
116. Papers bearing on mediation or arbitration proceedings under former law.
117. When award becomes operative.
118. Appeal to circuit court of appeals.
119. Finality of judgment.
120. Judgment on exception to award; judgment by agreement.
121. Compulsory labor not permitted.
122. Rights of employees under Federal court receivers; restriction on reducing wages.
123. Pay of arbitrators; expenses of boards of arbitration.
124. United States Board of Mediation and Conciliation; how constituted.
125. Repeal of previous Act.
126. Offices of Commissioner and Assistant Commissioner of Mediation and Conciliation abolished.

Section 101. Carriers affected; shipping excluded.—The provisions of this chapter shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 713 of Title 46, SHIPPING, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. (July 15, 1913, c. 6, § 1, 38 Stat. 103.)

102. "Railroad" and "transportation" construed.—The term "railroad" as used in this chapter shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage. (July 15, 1913, c. 6, § 1, 38 Stat. 103.)

103. Employees affected.—The term "employees" as used in this chapter shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this chapter shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned. (July 15, 1913, c. 6, § 1, 38 Stat. 103.)

104. Terms used.—A common carrier subject to the provisions of this chapter is hereinafter referred to as an "employer," and the employees of one or more of such carriers are hereinafter referred to as "employees." (July 15, 1913, c. 6, § 1, 38 Stat. 103.)

105. Submission of controversies to Board of Mediation and Conciliation; submission to arbitration.—Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this chapter interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this chapter and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this chapter. (July 15, 1913, c. 6, § 2, 38 Stat. 104.)

106. Proffer of services by board in urgent cases.—In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest, the Board of Mediation and Conciliation may, if in its judgment such action seem desirable, proffer its services to the respective parties to the controversy. (July 15, 1913, c. 6, § 2, 38 Stat. 104.)

107. Application for board's opinions as to meaning of agreement reached through mediation.—In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this chapter either party to the said agreement may apply to the Board of Mediation and Conciliation for an expression of opinion from such board as to the meaning or application of such agreement and the said board shall upon receipt of such request give its opinion as soon as may be practicable. (July 15, 1913, c. 6, § 2, 38 Stat. 104.)

108. Submission of controversy to board of arbitrators; selection of members.—Whenever a controversy shall arise between an employer or employers and employees subject to this chapter, which can not be settled through mediation and conciliation in the manner provided in the preceding section, such controversy may be submitted to the arbitration of a board of

six, or, if the parties to the controversy prefer so to stipulate, to a board of three persons, which board shall be chosen in the following manner: In the case of a board of three, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; and the two arbitrators thus chosen shall select the third arbitrator; but in the event of their failure to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation and Conciliation. In the case of a board of six, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators, and the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators; but in the event of their failure to name the two arbitrators within fifteen days after their first meeting the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation and Conciliation.

In the event that the employees engaged in any given controversy are not members of a labor organization, such employees may select a committee which shall have the right to name the arbitrator, or the arbitrators, who are to be named by the employees as provided above in this section. (July 15, 1913, c. 6, § 3, 38 Stat. 104.)

109. Requirements of agreement to arbitrate.—The agreement to arbitrate—

First. Shall be in writing;

Second. Shall stipulate that the arbitration is had under the provisions of this chapter;

Third. Shall state whether the board of arbitration is to consist of three or six members;

Fourth. Shall be signed by duly accredited representatives of the employer or employers and of the employees;

Fifth. Shall state specifically the questions to be submitted to the said board for decision;

Sixth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award.

Seventh. Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings;

Eighth. Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That this period shall be thirty days unless a different period be agreed to;

Ninth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force;

Tenth. Shall provide that the respective parties to the award will each faithfully execute the same;

Eleventh. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record;

Twelfth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve, another arbitrator shall be named in the same manner as such original member was named. (July 15, 1913, c. 6, § 4, 38 Stat. 105.)

110. Authority of arbitrators.—For the purposes of this chapter the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in chapter 1 of Title 49, TRANSPORTATION. (July 15, 1913, c. 6, § 5, 38 Stat. 106.)

111. Acknowledgement and filing of agreement.—Every agreement of arbitration under this chapter shall be acknowledged by the parties thereto before a notary public or a clerk of the district or the circuit court of appeals of the United States, or before a member of the Board of Mediation and Conciliation, the members of which are hereby authorized to take such acknowledgments; and when so acknowledged shall be delivered to a member of said board or transmitted to said board to be filed in its office. (July 15, 1913, c. 6, § 6, 38 Stat. 106.)

112. Notification to arbitrators.—When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the controversy, the board, or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board, and advising them of the period within which, as provided in the agreement of arbitration, they are empowered to name such arbitrator or arbitrators. (July 15, 1913, c. 6, § 6, 38 Stat. 106.)

113. Notice to Board of Mediation and Conciliation.—When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation and Conciliation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this chapter they shall, at the expiration of such period, notify the Board of Mediation and Conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection. (July 15, 1913, c. 6, § 6, 38 Stat. 106.)

114. Reconvention of board of arbitration.—If the parties to an arbitration desire the reconvening of a board to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the Board of Mediation and Conciliation, and shall state in such written notice the question or questions to be submitted to such reconvened board. The Board of Mediation and Conciliation shall thereupon promptly communicate with the members of the board of arbitration or a subcommittee of such board appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it. (July 15, 1913, c. 6, § 6, 38 Stat. 106.)

115. Organization and procedure of board of arbitration.—The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable

quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a certified copy of its awards to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph 11 of section 109 of this title. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the Board of Mediation and Conciliation, to be filed in its office. (July 15, 1913, c. 6, § 7, 38 Stat. 106.)

116. Papers bearing on mediation or arbitration proceedings under former law.—The Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the Board of Mediation and Conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the Act approved June 1, 1898, providing for mediation and arbitration. (July 15, 1913, c. 6, § 7, 38 Stat. 106.)

117. When award becomes operative.—The award, being filed in the clerk's office of a district court of the United States as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation, and judgment be entered accordingly, when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom. (July 15, 1913, c. 6, § 8, 38 Stat. 107.)

118. Appeal to circuit court of appeals.—At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. (July 15, 1913, c. 6, § 8, 38 Stat. 107.)

119. Finality of judgment.—The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court. (July 15, 1913, c. 6, § 8, 38 Stat. 107.)

120. Judgment on exception to award; judgment by agreement.—If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award. (July 15, 1913, c. 6, § 8, 38 Stat. 107.)

121. Compulsory labor not permitted.—Nothing in this chapter contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service. (July 15, 1913, c. 6, § 8, 38 Stat. 107.)

122. Rights of employees under Federal court receivers; restriction on reducing wages.—Whenever receivers appointed by a Federal court are in the possession and control of the business of employers covered by this chapter the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this chapter. (July 15, 1913, c. 6, § 9, 38 Stat. 107.)

123. Pay of arbitrators; expenses of boards of arbitration.—Each member of the board of arbitration created under the provisions of this chapter shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. Authority for incurring expenses, including subsistence, by boards of arbitration shall first be obtained from the Board of Mediation and Conciliation. (July 15, 1913, c. 6, § 10, 38 Stat. 108; June 5, 1920, c. 235, § 1, 41 Stat. 886.)

124. United States Board of Mediation and Conciliation; how constituted.—The President shall designate not more than two officials of the Government who have been appointed by and with the advice and consent of the Senate, and the officials thus designated, shall constitute a board to be known as the United States Board of Mediation and Conciliation. (July 15, 1913, c. 6, § 11, 38 Stat. 108.)

125. Repeal of previous Act.—The Act of June 1, 1898, relating to the mediation and arbitration of controversies between railway companies and certain classes of their employees is hereby repealed: *Provided*, That any agreement of arbitration which, at the time of the passage of this chapter, shall have been executed in accordance with the provisions of said Act of June 1, 1898, shall be governed by the provisions of said Act of June 1, 1898, and the proceedings thereunder shall be conducted in accordance with the provisions of said Act. (July 15, 1913, c. 6, § 11, 38 Stat. 108.)

126. Offices of Commissioner and Assistant Commissioner of Mediation and Conciliation abolished.—The offices of Commissioner of Mediation and Conciliation and Assistant Commissioner of Mediation and Conciliation are abolished. (Dec. 15, 1921, c. 1, § 1, 42 Stat. 328.)

Chapter 7.—ADJUSTMENT BOARDS AND LABOR BOARDS.

Sec.
131. Definitions.
132. Disputes between carriers and their officers, agents and employees to be decided by conference if possible; reference to boards.
133. Establishment of railroad boards of labor adjustment.
134. Duty of boards to hear and decide disputes.
135. Railroad Labor Board; establishment; composition; filling vacancies.
136. Selection of members by President.
137. Effect of subsequent ineligibility of member.
138. Terms of office; salary; removal from office.
139. Disputes within jurisdiction of Labor Board; hearings and decisions.
140. Powers and duties of Labor Board as to election of chairman; maintenance of central office; meetings; investigations; regulations; reports.
141. Parties to dispute entitled to hearing in person or by counsel.
142. Power to secure evidence; failure of witness to comply with subpœna or his contumacy punishable as contempt; incriminating testimony; perjury.
143. Access to books, accounts, records, etc.; penalty for refusal.
144. Determination as to violations of decisions of Labor Board or adjustment board.
145. Secretary of Labor Board; appointment and salary; other officers, employees, or agents; expenditures by board.
146. Jurisdiction of adjustment or Labor Board as excluding that of Board of Mediation and Conciliation.

Section 131. Definitions.—When used in this chapter—

(1) The term "carrier" includes any express company, sleeping-car company, and any carrier by railroad, subject to

the Interstate Commerce Act, except a street, interurban, or suburban electric railway not operating as a part of a general steam railroad system of transportation;

(2) The term "adjustment board" means any railroad board of labor adjustment established under section 133;

(3) The term "Labor Board" means the Railroad Labor Board;

(4) The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation; and

(5) The term "subordinate official" includes officials of carriers of such class or rank as the commission shall designate by regulation formulated and issued after such notice and hearing as the commission may prescribe, to the carriers, and employees and subordinate officials of carriers, and organizations thereof, directly to be affected by such regulations. (Feb. 28, 1920, c. 91, § 300, 41 Stat. 469.)

132. Disputes between carriers and their officers, agents, and employees to be decided by conference if possible; reference to boards.—It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute. If any dispute is not decided in such conference, it shall be referred by the parties thereto to the board which under the provisions of this chapter is authorized to hear and decide such dispute. (Feb. 28, 1920, c. 91, § 301, 41 Stat. 469.)

133. Establishment of railroad boards of labor adjustment.—Railroad boards of labor adjustment may be established by agreement between any carrier, group of carriers, or the carriers as a whole, and any employees or subordinate officials of carriers, or organization or group of organizations thereof. (Feb. 28, 1920, c. 91, § 302, 41 Stat. 469.)

134. Duty of boards to hear and decide disputes.—Each such adjustment board shall, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon the written petition signed by not less than one hundred unorganized employees or subordinate officials directly interested in the dispute, (3) upon the adjustment board's own motion, or (4) upon the request of the Labor Board whenever such board is of the opinion that the dispute is likely substantially to interrupt commerce, receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving only grievances, rules, or working conditions, not decided as provided in section 142, between the carrier and its employees or subordinate officials, who are, or any organization thereof which is, in accordance with the provisions of section 133, represented upon any such adjustment board. (Feb. 28, 1920, c. 91, § 303, 41 Stat. 469.)

135. Railroad Labor Board; establishment; composition; filling vacancies.—There is hereby established a board to be known as the "Railroad Labor Board" and to be composed of nine members as follows:

(1) Three members constituting the labor group, representing the employees and subordinate officials of the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by such employees in such manner as the commission shall by regulation prescribe;

(2) Three members, constituting the management group, representing the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by the carriers in such manner as the commission shall by regulation prescribe; and

(3) Three members, constituting the public group, representing the public, to be appointed directly by the President, by and with the advice and consent of the Senate.

Any vacancy on the Labor Board shall be filled in the same manner as the original appointment. (Feb. 28, 1920, c. 91, § 304, 41 Stat. 470.)

136. Selection of members by President.—If either the employees or the carriers fail to make nominations and offer nominees in accordance with the regulations of the commission, as provided in paragraphs (1) and (2) of the preceding section, or in case of a vacancy in the office of member of the Labor Board within fifteen days after such vacancy occurs, the President shall thereupon directly make the appointment, by and with the advice and consent of the Senate. In making any such appointment the President shall, as far as he deems it practicable, select an individual associated in interest with the carriers or employees thereof, whichever he is to represent. (Feb. 28, 1920, c. 91, § 305, 41 Stat. 470.)

137. Effect of subsequent ineligibility of members.—Any member of the Labor Board who during his term of office is an active member or in the employ of or holds any office in any organization of employees or subordinate officials, or any carrier, or owns any stock or bond thereof, or is pecuniarily interested therein, shall at once become ineligible for further membership upon the Labor Board; but no such member is required to relinquish honorary membership in, or his rights in any insurance or pension or other benefit fund maintained by, any organization of employees or subordinate officials or by a carrier. (Feb. 28, 1920, c. 91, § 306, 41 Stat. 470.)

138. Terms of office; salary; removal from office.—Of the original members of the Labor Board, one from each group shall be appointed for a term of three years, one for two years, and one for one year. Their successors shall hold office for terms of five years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Each member shall receive from the United States an annual salary of $10,000. A member may be removed by the President for neglect of duty or malfeasance in office, but for no other cause. (Feb. 28, 1920, c. 91, § 306, 41 Stat. 470.)

139. Disputes within jurisdiction of Labor Board; hearings and decisions.—(a) The Labor Board shall hear, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions, in respect to which any adjustment board certifies to the Labor Board that in its opinion the adjustment board has failed or will fail to reach a decision within a reasonable time, or in respect to which the Labor Board determines that any adjustment board has so failed or is not using due diligence in its consideration thereof. In case the appropriate adjustment board is not organized under the provisions of section 133, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than one hundred unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with

due diligence decide, any dispute involving grievances, rules, or working conditions which is not decided as provided in section 132 and which such adjustment board would be required to receive for hearing and decision under the provisions of section 134.

(b) The Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than one hundred unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, all disputes with respect to the wages or salaries of employees or subordinate officials of carriers, not decided as provided in section 132. The Labor Board may upon its own motion within ten days after the decision, in accordance with the provisions of section 132, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier. The Labor Board shall hear any decision so suspended and as soon as practicable and with due diligence decide to affirm or modify such suspended decision.

(c) A decision by the Labor Board under the provisions of paragraphs (a) or (b) of this section shall require the concurrence therein of at least five of the nine members of the Labor Board: *Provided,* That in case of any decision under paragraph (b), at least one of the representatives of the public shall concur in such decision. All decisions of the Labor Board shall be entered upon the records of the board and copies thereof, together with such statement of facts bearing thereon as the board may deem proper, shall be immediately communicated to the parties to the dispute, the President, each adjustment board, and the commission, and shall be given further publicity in such manner as the Labor Board may determine.

(d) All the decisions of the Labor Board in respect to wages or salaries and of the Labor Board or an adjustment board in respect to working conditions of employees or subordinate officials of carriers shall establish rates of wages and salaries and standards of working conditions which in the opinion of the board are just and reasonable. In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration among other relevant circumstances:

(1) The scales of wages paid for similar kinds of work in other industries;

(2) The relation between wages and the cost of living;

(3) The hazards of the employment;

(4) The training and skill required;

(5) The degree of responsibility;

(6) The character and regularity of the employment; and

(7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments. (Feb. 28, 1920, c. 91, § 307, 41 Stat. 470.)

140. Powers and duties of Labor Board as to election of chairman; maintenance of central office; meetings; investigations; regulations; reports.—The Labor Board—

(1) Shall elect a chairman by majority vote of its members;

(2) Shall maintain central offices in Chicago, Illinois, but the Labor Board may, whenever it deems it necessary, meet at such other place as it may determine;

(3) Shall investigate and study the relations between carriers and their employees, particularly questions relating to wages, hours of labor, and other conditions of employment and the respective privileges, rights, and duties of carriers and employees, and shall gather, compile, classify, digest, and publish, from time to time, data and information relating to such questions to the end that the Labor Board may be properly equipped to perform its duties under this chapter and that the members of the adjustment boards and the public may be properly informed;

(4) May make regulations necessary for the efficient execution of the functions vested in it by this chapter; and

(5) Shall at least annually collect and publish the decisions and regulations of the Labor Board and the adjustment boards and all court and administrative decisions and regulations of the commission in respect to this chapter, together with a cumulative index-digest thereof. (Feb. 28, 1920, c. 91, § 308, 41 Stat. 472.)

141. Parties to dispute entitled to hearing in person or by counsel.—Any party to any dispute to be considered by an adjustment board or by the Labor Board shall be entitled to a hearing either in person or by counsel. (Feb. 28, 1920, c. 91, § 309, 41 Stat. 472.)

142. Power to secure evidence; failure of witness to comply with subpœna or his contumacy punishable as contempt; incriminating testimony; perjury.—(a) For the efficient administration of the functions vested in the Labor Board by this chapter, any member thereof may require, by subpœna issued and signed by himself, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed to by the deponent. Any member of the Labor Board may administer oaths and examine any witness. Any witness summoned before the board and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In case of failure to comply with any subpœna or in case of the contumacy of any witness appearing before the Labor Board, the board may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpœna, or to give evidence touching the matter in question, as the case may be. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, as to which in obedience to a subpœna and under oath, he may so testify or produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Feb. 28, 1920, c. 91, § 310, 41 Stat. 472.)

143. Access to books, accounts, records, etc.; penalty for refusal.—(a) When necessary to the efficient administration of the functions vested in the Labor Board by this chapter, any member, officer, employee, or agent thereof, duly authorized in writing by the board, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspond-

ence relating to any matter which the board is authorized to consider or investigate. Any person who upon demand refuses any duly authorized member, officer, employee, or agent of the Labor Board such right of access or copying, or hinders, obstructs, or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of $500 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) Every officer or employee of the United States, whenever requested by any member of the Labor Board or an adjustment board duly authorized by the board for the purpose, shall supply to such board any data or information pertaining to the administration of the functions vested in it by this chapter, which may be contained in the records of his office.

(c) The President is authorized to transfer to the Labor Board any books, papers, or documents pertaining to the administration of the functions vested in the board by this chapter, which are in the possession of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal Control Act and which are no longer necessary to the administration of the affairs of such agency. (Feb. 28, 1920, c. 91, § 311, 41 Stat. 472.)

144. Determination of violations of decisions of Labor Board or adjustment boards.—The Labor Board, in case it has reason to believe that any decision of the Labor Board or of an adjustment board is violated by any carrier, or employee or subordinate official, or organization thereof, may upon its own motion after due notice and hearing to all persons directly interested in such violation, determine whether in its opinion such violation has occurred and make public its decision in such manner as it may determine. (Feb. 28, 1920, c. 91, § 313, 41 Stat. 473.)

145. Secretary of Labor Board; appointment and salary; other officers, employees, or agents; expenditures by board.—The Labor Board may (1) appoint a secretary, who shall receive from the United States an annual salary of $5,000; and (2) subject to the provisions of the civil service laws, appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the board by this chapter and as may be provided for by Congress from time to time. All of the expenditures of the Labor Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the Labor Board. (Feb. 28, 1920, c. 91, § 314, 41 Stat. 473.)

146. Jurisdiction of adjustment or Labor Board as excluding that of Board of Mediation and Conciliation.—The powers and duties of the Board of Mediation and Conciliation created by chapter 6 of this title shall not extend to any dispute which may be received for hearing and decision by any adjustment board or the Labor Board. (Feb. 28, 1920, c. 91, § 316, 41 Stat. 474.)

RAILWAY MAIL SERVICE

See Title 39, POSTAL SERVICE.

REBELLION

See Title 50, WAR.

RECLAMATION OF ARID AND DESERT LANDS

See Title 16, CONSERVATION.

RECOGNIZANCE

See Title 28, JUDICIAL CODE AND JUDICIARY.

RED CROSS

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

REGISTER OF TREASURY

See Title 31, MONEY AND FINANCE.

RELIEF OF INTERNATIONALS OF FOREIGN GOVERNMENTS

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

REPATRIATION

See Title 8, ALIENS AND CITIZENSHIP.

RESEARCH WORK

See chapter 5 of Title 20, EDUCATION.

RESERVATIONS

See Title 25, INDIANS; Title 33, PUBLIC LANDS.

RESERVE BANKS

See Title 12, BANKS AND BANKING.

RESTRAINT OF TRADE

See Title 15, COMMERCE AND TRADE.

RETURNS OFFICE

See Title 41, PUBLIC CONTRACTS.

REVENUE

See Title 19, CUSTOMS DUTIES; Title 26, INTERNAL REVENUE.

RIVER AND HARBOR IMPROVEMENT

See Title 33, NAVIGATION AND NAVIGABLE WATERS.

ROADS

See Title 23, HIGHWAYS.

SAFETY APPLIANCES

See Title 45, RAILROADS.

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TITLE 46.—SHIPPING

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Chapter 1.—BUREAU OF NAVIGATION.

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Section 1. Establishment and charge of bureau.—There shall be in the Department of Commerce of the United States a Bureau of Navigation, under the immediate charge of a Commissioner of Navigation. (July 5, 1884, c. 221, § 1, 23 Stat. 118; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

2. General duties of commissioner.—The Commissioner of Navigation, under the direction of the Secretary of Commerce, shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of any other officer of the Government. He shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels, and to the filing and preserving of those documents; and wherever in chapters 2, 3, 4, 5, 6, 7, 8, 9, and 13 any of the above-named documents are required to be surrendered or returned to the Register of the Treasury, such requirement is repealed, and such documents shall be surrendered and returned to the Commissioner of Navigation. Said commissioner shall have charge of all similar documents in the keeping of the Register of the Treasury, on July 5, 1884, and shall perform all the duties devolved upon said register, prior to said date, relating to navigation. (July 5, 1884, c. 221, § 2, 23 Stat. 118; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

3. Additional duties of commissioner.—The Commissioner of Navigation shall be charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final. (July 5, 1884, c. 221, § 3, 23 Stat. 119.)

4. Annual list of vessels and report of increase.—The Commissioner of Navigation shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home port, and place and date of building of every vessel, distinguishing in such list sailing vessels from such as may be propelled by steam or other motive power. He shall also report annually to the Secretary of Commerce the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of Commerce such particulars as may, in his judgment, admit of improvement or may require amendment. (July 5, 1884, c. 221, § 4, 23 Stat. 119; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

5. Appointment; deputy; additional clerks.—The Commissioner of Navigation shall be appointed by the President of the United States, by and with the advice and consent of the Senate. And the Secretary of Commerce shall have power to transfer from existing bureaus or divisions of the Department of Commerce one clerk, to be designated as Deputy Commissioner of Navigation, to act with the full powers of said commissioner during his temporary absence from his official duty for any cause, and such additional clerks as he may consider necessary to the successful operation of the Bureau of Navigation, without impairing the efficiency of the bureaus or divisions whence such clerks may be transferred. (July 5, 1884, c. 221, § 6, 23 Stat. 119; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

Chapter 2.—REGISTRY AND RECORDING.

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GENERAL PROVISIONS AS TO REGISTRY AND DOCUMENTS

Section 11. Vessels entitled to registry; coastwise trade; ocean mail service contracts.—Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat Inspection Service as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in chapters 2, 3, 4, 5, 6, 7, 8, and 9. Foreign-built vessels registered pursuant to this section shall not engage in the coastwise trade: *Provided*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under sections 657 to 665, inclusive, of Title 39, POSTAL SERVICE, so long as such vessels shall in all respects comply with the provisions and requirements of said sections. (R. S. § 4132; Aug. 24, 1912, c. 390, § 5, 37 Stat. 562; Aug. 18, 1914, c. 256, § 1, 38 Stat. 698; Sept. 21, 1922, c. 356, § 321, 42 Stat. 947.)

12. Provisional certificates of registry to vessels abroad.—Consular officers of the United States and such other persons as may from time to time be designated by the President for the purpose are authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in the preceding section.

(a) Such a provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of six months from its date or until ten days after the vessel's arrival at a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement.

(b) The Secretary of Commerce shall prescribe the conditions in accordance with which such provisional certificates shall be issued and the manner in which they shall be surrendered in exchange for certificates of registry at ports of the United States.

(c) The form of such provisional certificate shall be prescribed by the Commissioner of Navigation and shall include the name of the ship and of the master, time and place of purchase and names of purchasers, and the best particulars respecting her tonnage, build, description, and inspection or survey which the consular officer is able to obtain.

(d) Copies of such provisional certificates shall be forwarded as soon as practicable by the issuing officer to the Commissioner of Navigation. (Mar. 4, 1915, c. 172, § 1, 38 Stat. 1193.)

13. Foreign-built vessels admitted to American registry; coastwise trade.—All foreign-built vessels admitted to American registry, owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States on June 5, 1920, when sold and owned by persons citizens of the United States, may engage in the coastwise trade so long as they continue in such ownership, subject to the rules and regulations of such trade. (June 5, 1920, c. 250, § 22, 41 Stat. 997.)

14. Wrecked vessels.—The Secretary of Commerce may issue a register or enrollment for any vessel wrecked on the coasts of the United States or her possessions or adjacent waters, when purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Secretary of Commerce, if he deems it necessary, through a board of three appraisers appointed by him, that the said repairs put upon such vessels are equal to three times the appraised salved value of the vessel: *Provided*, That the expense of the appraisal provided for shall be borne by the owner of the vessel: *Provided further*, That if any of the material matters of fact sworn to or represented by the owner, or at his instance, to obtain the register of any vessel are not true, there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackle, apparel, and furniture thereof. (R. S. § 4136; Feb. 24, 1915, c. 57, 38 Stat. 812.)

15. Vessels owned by corporations.—Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company. (R. S. § 4137.)

16. New registry on death of officer of corporation.—Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel. (R. S. § 4138.)

17. Place of registration.—Every vessel, not enrolled or licensed, shall be registered by the collector of that collection district which includes the port to which such vessel shall belong at the time of her registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or if more than one, the husband or acting and managing owner of such vessel, usually resides. (R. S. § 4141.)

18. Home ports of vessels of United States.—For the purposes of the navigation laws of the United States and of the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act, 1920, chapter 25 of this title, every vessel of the United States shall have a "home port" in the United States, including Alaska, Hawaii, and Porto Rico, which port the owner of such vessel, subject to the approval of the Commissioner of Navigation of the Department of Commerce, shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. The preceding section is amended to conform herewith. (Feb. 16, 1925, c. 235, § 1, 43 Stat. 947.)

19. Oath for registry by owner.—In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen. (R. S. § 4142.)

20. Oath by corporate officer or agent of owner.—Previous to granting a register for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act for the company in this behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of the vessel without designating the names of the persons composing the company, when such vessel is owned by a corporation, and the oath of either of said officers or agents shall be deemed sufficient without requiring the oath of any other person interested and concerned in such vessel. (R. S. § 4139; June 24, 1902, c. 1155, § 1, 32 Stat. 398.)

21. Forfeiture for false swearing.—If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof to be recovered, with the costs of suit, of the person by whom the oath was made. (R. S. § 4143.)

22. Oath by master.—If the master of a vessel is within the district where a registry thereof is to be made, when application is made for registering the same, he shall, himself, instead of the owner, or of the agent or attorney, as provided in this chapter, make oath touching his being a citizen and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of $1,000. (R. S. § 4144.)

23. Surrender of certificate of registry on loss of vessel, or purchase by foreigner.—A certificate of registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and in case the vessel so registered shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such vessel within any district of the United States, to the collector of such district; and if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole, or any part or share of, or interest in such vessel, the same being within a district of the United States, the certificate shall, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district.

Any master or owner violating the provisions of this section shall be liable to a penalty of not exceeding $500, and the certificate of registry shall be thenceforth void.

The Secretary of Commerce shall have the power to remit or mitigate such penalty if in his opinion it was incurred without willful negligence or intention of fraud. (R. S. § 4146; Jan. 16, 1895, c. 24, § 2, 28 Stat. 624; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

24. Carpenter's certificate necessary.—In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only. (R. S. § 4147.)

25. Form of register.—When the several matters hereinbefore required, in order to the registering of any vessel, have

been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter 2, Title 46, of the Code of the Laws of the United States (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length). (R. S. § 4155.)

26. Variation from form.—When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement. (R. S. § 4156.)

27. Blank certificates of registry to be furnished.—It shall be the duty of the Secretary of Commerce to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked. (R. S. § 4157; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

28. Issuing of forms.—The Secretary of Commerce shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Department of Commerce and the hand of the Commissioner of Navigation thereof, with proper blanks, to be filled by the collectors, respectively, by whom also the certificate shall be signed and sealed, before they are issued; and where there is a comptroller of customs at any port, they shall be countersigned by him; and where there is a surveyor, but no comptroller of customs, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Commissioner of Navigation, who shall cause a record to be kept of the same. (R. S. § 4158; July 5, 1884, c. 221, 23 Stat. 118; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736; Sept. 21, 1922, c. 356, § 528, 42 Stat. 974.)

29. Registry on purchase of vessel.—Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is empowered to administer such oath. (R. S. § 4159.)

30. Surrender of certificate granted to purchaser.—Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this chapter in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of $100, and the certificate of registry shall be thenceforth void. (R. S. § 4160.)

31. Registry by agent.—Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this chapter, such vessel ought to be deemed to belong, it shall be lawful for the collector of the district where such vessel may be, and he is required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this chapter in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof. (R. S. § 4161.)

32. Surrender of certificate granted to agent.—Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this chapter in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may

belong, shall severally be liable to a penalty of $100, and the certificate of registry shall be thenceforth void. (R. S. § 4162.)

33. Forfeiture for false swearing by agent.—If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made. (R. S. § 4163.)

34. Registry on sale under legal process.—Whenever it appears, by satisfactory proof, to the Secretary of Commerce, that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same. (R. S. § 4164; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

35. Registry on sale abroad.—When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward. (R. S. § 4166.)

36. Oath on loss of register; grant of new register.—Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this chapter in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed. (R. S. § 4167.)

37. Surrender of certificate obtained on loss of original.—Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of $100; and the former register shall become null and void. (R. S. § 4168.)

38. Penalty for not obtaining new registry.—In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as prescribed in section 36, the owner of such vessel shall be liable to a penalty of $500, to be recovered, with costs of suit. (R. S. § 4169.)

39. New registry on sale or alteration of vessel.—Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Commissioner of Navigation, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew. (R. S. § 4170; July 5, 1884, c. 221, 23 Stat. 118.)

40. Change of master; indorsement on certificate of registry.—When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Commissioner of Navigation. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of $100. (R. S. § 4171; July 5, 1884, c. 221, 23 Stat. 118.)

41. Failure to report sale to foreigners.—If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury

before whom the trial for such forfeiture is had that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited. (R. S. § 4172.)

42. Oath on entry as to ownership.—Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States. (R. S. § 4173.)

43. Transmission of certificate for cancellation.—Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Commissioner of Navigation, to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district. (R. S. § 4174; July 5, 1884, c. 221, 23 Stat. 118.)

44. Numbering registers.—The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Commissioner of Navigation copies of all the certificates which shall have been granted by him, including the number of each. (R. S. § 4176; July 5, 1884, c. 221, 23 Stat. 118.)

45. Numbers for vessels.—The Secretary of Commerce shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be liable to a fine of $30 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked. (R. S. § 4177; June 19, 1886, c. 421, § 6, 24 Stat. 81; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

46. Names and home ports marked on bow and stern.—The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast roman letters in light color on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than four inches. If any such vessel shall be found without these names being so marked the owner or owners shall be liable to a penalty of $10 for each name omitted. (R. S. § 4178; Feb. 21, 1891, c. 250, § 1, 26 Stat. 765; Jan. 20, 1897, c. 67, § 1, 29 Stat. 491.)

47. "Port" defined.—The word "port," as used in the preceding section and in section 287, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside. (June 26, 1884, c. 121, § 21, 23 Stat. 58.)

48. Draft marked on stem and stern posts.—The draft of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line. (Feb. 21, 1891, c. 250, § 2, 26 Stat. 765; Jan. 20, 1897, c. 67, § 2, 29 Stat. 491.)

49. Private signals and registry thereof.—If a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions. (May 28, 1908, c. 212, § 7, 35 Stat. 426.)

50. Change of name of documented vessel.—No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel. (R. S. § 4179.)

51. Change of name of vessels by Commissioner of Navigation.—The Commissioner of Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing. (Feb. 19, 1920, c. 83, § 1, 41 Stat. 436.)

52. Rules and regulations as to change of name; evidence; publication of order.—The Commissioner of Navigation, with the approval of the Secretary of Commerce, shall establish such rules and regulations and procure such evidence as to age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Commissioner of Navigation, he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of documentation, and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name. (Feb. 19, 1920, c. 83, § 2, 41 Stat. 437.)

53. Fees for privilege of securing change of name.—For the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels ninety-nine gross tons and under, $10; for vessels one hundred gross tons and up to and including four hundred and ninety-nine gross tons, $25; for vessels five hundred gross tons and up to and including nine hundred and ninety-nine gross tons, $50; for vessels one thousand gross tons and up to and including four thousand nine hundred and ninety-nine gross tons, $75; for vessels five thousand gross tons and over, $100. (Feb. 19, 1920, c. 83, § 3, 41 Stat. 437.)

54. Oath to obtain record of vessel owned by foreigner.—Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be en-

titled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose. (R. S. § 4180.)

55. Certificate of record.—A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter 2 of Title 46, of the Code of the Laws of the United States of America, I, (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of her master) is, at present, master, was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Commissioner of Navigation to be recorded in his office. (R. S. § 4182; July 5, 1884, c. 221, 23 Stat. 118.)

56. Change of master or name of recorded vessel; indorsement on certificate of record.—Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Commissioner of Navigation; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this chapter. (R. S. § 4183; July 5, 1884, c. 221, 23 Stat. 118.)

57. Production of certificate on entry.—The master or other person having the command or charge of any vessel, recorded in pursuance of this chapter, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel. (R. S. § 4184.)

58. Penalty for misconduct by officers.—Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this chapter, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or comptroller of customs a false description of such vessel, to be registered or recorded, shall be punishable by a fine of $1,000, and be rendered incapable of serving in any office of trust or profit under the United States. (R. S. § 4187; Sept. 21, 1922, c. 356, § 523, 42 Stat. 974.)

59. Penalty for neglect by officers.—If any person authorized and required by this chapter to perform, as an officer, any act or thing, willfully neglects to do or perform the same according to the true intent and meaning of this chapter, he shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of $500 for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States. (R. S. § 4188.)

60. Penalty for fraudulent registry.—Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture. (R. S. § 4189.)

61. Sea letters; to what vessels issued.—No sea letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea letters or other customhouse documents. (R. S. § 4190.)

62. Making or using forged papers.—Every person who knowingly makes, utters, or publishes any false sea letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea letter, or certificate of registry, shall be liable to a penalty of not more than $5,000, and if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States. (R. S. § 4191.)

63. Unrigged wooden vessels; notation of rebuilding.—Upon affidavit by a reputable shipbuilder of the United States that an unrigged wooden vessel of the United States has been rebuilt, giving the date and place of such rebuilding, is sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Commissioner of Navigation shall include in the list of merchant vessels a notation to that effect. (July 9, 1912, c. 220, 37 Stat. 189.)

INSPECTION, SURVEY, AND MEASUREMENT

71. Measurement of vessel.—Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where

the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry. (R. S. § 4148.)

72. Certificate of particulars as to vessel.—The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this chapter; which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid. (R. S. § 4149.)

73. Measurement for record; certificate.—The collector shall cause the vessel built as specified in section 54 to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained. (R. S. § 4181.)

74. Mode of measurement.—The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main sternpost of screw steamers, and to the after part of the rudderpost of all other vessels measured on the top of the tonnage deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold (average thickness), shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals. (R. S. § 4150.)

75. Cabins or staterooms excluded from measurement.—No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or staterooms, and constructed entirely above the first deck, which is not a deck to the hull. (R. S. § 4151.)

76. Vessels not required to be measured.—The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided. (R. S. § 4152.)

77. Tonnage.—The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

Table of classes

Class one. Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts.

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet: into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts.

Class six. Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber, at the inside of the limber strake, after deducting the average thickness of the ceiling, which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the products shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow,

and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four and five, multiply the second, and every even-numbered area by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper deck, or the spar deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage decks, ascertained as aforesaid.

If a vessel has a third deck, or spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth of the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths, multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage deck shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from the upper edge of such strake at each division of the length.

From the gross tonnage of every vessel of the United States there shall be deducted—

(a) The tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel. Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of cargo or bilge water; and failure to comply with this provision shall subject the owner to a penalty of $500. Every place so occupied shall be kept free from goods or stores of any kind not being the personal property of the crew in use during the voyage; and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of 50 cents a day for each day during which any goods or stores as aforesaid are kept or stored in the place after complaint has been made to him by any two or more of the seamen so lodged. No deduction from tonnage as aforesaid shall be made unless there is permanently cut in a beam and over the doorway of every such place the number of men it is allowed to accommodate with these words, "Certified to accommodate seamen."

(b) Any space exclusively for the use of the master certified by the collector to be reasonable in extent and properly constructed, and the words "Certified for the accommodation of master" to be permanently cut in a beam and over the door of such space.

(c) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation and boatswain's stores, and the words "Certified for steering gear," or "Certified for boatswain's stores," or "Certified chart house," as the case may be, to be permanently cut in the beam and over the doorway of each of such spaces.

(d) The space occupied by the donkey engine and boiler, if connected with the main pumps of the ship.

(e) In the case of a ship propelled wholly by sails any space, not exceeding 2½ per centum of the gross tonnage, used exclusively for storage of sails: *Provided*, That spaces deducted shall be certified by the collector to be reasonable in extent and properly and efficiently constructed for the purposes for which they are intended, and the words "Certified for storage of sails" to be cut on the beam and over the doorway of such space.

(f) In the case of a ship propelled by steam or other power requiring engine room, a deduction for the space occupied by the propelling power shall be made, as follows:

In ships propelled by paddle wheels in which the tonnage of the space occupied by and necessary for the proper working of the boilers and machinery is above 20 per centum and under 30 per centum of the gross tonnage, the deduction shall be 37 per centum of the gross tonnage; and in ships propelled by screws in which the tonnage of the space is above 13 per centum and under 20 per centum of the gross tonnage, the deduction shall be 32 per centum of the gross tonnage. In the case of screw steamers the contents of the shaft trunk shall be deemed spaces necessary for the proper working of the machinery.

(g) In the case of other vessels in which the actual space occupied by the propelling machinery amounts in the case of paddle vessels to 20 per centum or under and in the case of screw vessels to 13 per centum or under of the gross tonnage of the ship, the deduction shall consist in the case of paddle

vessels of once and a half the tonnage of the actual machinery space and in the case of screw vessels of once and three-fourths the tonnage of the actual machinery space. But if the actual machinery space is so large as to amount in the case of paddle vessels to 30 per centum or above, and in the case of screw vessels to 20 per centum or above of the gross tonnage of the ship, the deduction shall consist of 37 per centum of the gross tonnage of the ship in the case of a paddle vessel and 32 per centum of the gross tonnage in the case of a screw vessel; or if the owner prefers there shall be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the trunk shaft or alley in screw steamers, with the addition in the case of vessels propelled with paddle wheels of 50 per centum, and in the case of vessels propelled by screws of 75 per centum of the tonnage of such space.

(h) If there be a break, a poop, or any other permanent closed-in space on the upper deck available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall be ascertained and added to the gross tonnage: *Provided,* That nothing shall be added to the gross tonnage for any sheltered space above the upper deck which is under cover and open to the weather; that is, not inclosed.

The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the under side of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 per cent of the gross tonnage and the remainder only shall be added to the gross tonnage of the ship exclusive of the tonnage of the hatchways.

(i) On a request in writing to the Commissioner of Navigation by the owners of a ship the tonnage of such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air and not required to be added to gross tonnage shall, for the purpose of ascertaining the tonnage of the space occupied by the propelling power, be added to the tonnage of the engine space; but it shall then be included in the gross tonnage; such space or spaces must be reasonable in extent, safe, and seaworthy, and can not be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

And the proper deduction from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels.

The register or other official certificate of the tonnage or nationality of a vessel of the United States, in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel.

But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered; but the same may be added to the outstanding document or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended.

In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by the collector to be not available for the carriage of cargo, stores, or fuel, then the depth of the vessel shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall for the purposes of measurement be deemed to represent the floor timber. From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel.

Upon application by the owner or master of an American vessel in foreign trade, collectors of customs, under regulations to be approved by the Secretary of Commerce, are authorized to attach to the register of such vessel an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are permitted to be deducted from gross tonnage by the rules of other nations and are not permitted by the laws of the United States.

The register of the vessel shall express the number of decks, the tonnage under the tonnage deck, that of the between decks, above the tonnage deck; also that of the poop or other inclosed spaces above the deck, each separately. In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued such vessel shall be subject to a fine of $30 on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked. (R. S. § 4153; Aug. 5, 1882, c. 398, § 1, 22 Stat. 300; June 19, 1886, c. 421, § 5, 24 Stat. 81; Mar. 2, 1895, c. 173, § 1, 28 Stat. 741; Feb. 14, 1903, c. 552, 32 Stat. 829; Feb. 6, 1909, c. 82, §§ 1, 2, 35 Stat. 613; Mar. 4, 1913, c. 141, 37 Stat. 736.)

78. Remeasurements.—The remeasurement of any American vessel duly measured before April 1, 1895, shall not be required, but upon application by the owner of any such vessel collectors of customs shall cause such vessel, or the spaces to be deducted, to be measured according to the provisions of the preceding section, and if a new register is not issued the statement of such remeasurement shall be attached by an appendix to the outstanding register or enrollment with a certificate of the collector of customs that the original estimate of tonnage is amended pursuant to said section. (Mar. 2, 1895, c. 173, § 2, 28 Stat. 743.)

79. Regulations by Commissioner of Navigation.—Under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations needful to give effect to the provisions of the two preceding sections. (Mar. 2, 1895, c. 173, § 4, 28 Stat. 743; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

80. Space and accommodations for crew; hospital compartments.—On all merchant vessels of the United States the construction of which shall be begun after March 4, 1915, except yachts, pilot boats, or vessels of less than one hundred tons register, every place appropriated to the crew of the vessel shall have a space of not less than one hundred and twenty cubic feet and not less than sixteen square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

In addition to the space allotment for lodgings provided in this section, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of twelve or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one

bunk for every twelve seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

All merchant vessels of the United States, the construction of which shall be begun after March 4, 1915, having more than ten men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fire-room and engine-room men, if their number exceed ten, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than $50 nor more than $500: *Provided*, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies. (Mar. 3, 1897, c. 389, § 2, 29 Stat. 688; Mar. 4, 1915, c. 153, § 6, 38 Stat. 1165.)

81. Measurement of foreign vessels; certificates.—Whenever it is made to appear to the Secretary of Commerce that the rules concerning the measurement for tonnage of vessels of the United States have been substantially adopted by the government of any foreign country, he may direct that the vessels of such foreign country be deemed to be of the tonnage denoted in their certificates of register or other national papers, and thereupon it shall not be necessary for such vessels to be remeasured at any port in the United States; and when it shall be necessary to ascertain the tonnage of any vessel not a vessel of the United States, the said tonnage shall be ascertained in the manner provided by law for the measurement of vessels of the United States. (R. S. § 4154; Aug. 5, 1882, c. 398, § 2, 22 Stat. 300; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

82. Suspension of provisions as to survey, inspection, and measurement.—The President of the United States is authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under section 11. (Aug. 18, 1914, c. 256, § 2, 38 Stat. 699.)

Chapter 3.—CLEARANCE AND ENTRY.

Sec.
91. Granting clearances.
92. Manifests of shippers.
93. Form of manifest.
94. Oath of master.
95. Manifests in Alaskan and insular trade.
96. Form of clearance.
97. State inspection laws.
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100. Payment of fees on vessels outward bound.
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102. Steamboats on Lake Champlain.
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109. Signals for yachts.
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111. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.
112. Passenger vessels trading between ports of United States and foreign ports.
113. Vessels making daily trips on interior waters.

Section 91. Granting clearances.—The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as required, the master or other person having the charge or command of such vessel shall be liable to a penalty of $500 for every such offense. (R. S. § 4197.)

92. Manifests of shippers.—Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing. (R. S. § 4200.)

93. Form of manifest.—The form of the report and manifest to be delivered to the collector shall be as follows:

Report and manifest of the cargo laden at the port of , on board the , master, bound for port

Marks	Numbers	Packages or articles in bulk	Contents or quantities	Value at the port of exportation

(R. S. § 4199.)

94. Oath of master.—The oath to be taken by the master or commander of the vessel shall be as follows:

District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may

be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God. (R. S. § 4198.)

95. Manifests in Alaskan and insular trade.—The provisions of the four preceding sections, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of Commerce shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: *Provided*, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department. (Apr. 29, 1902, c. 637, 32 Stat. 172; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 3, 1913, c. 141, 37 Stat. 736.)

96. Form of clearance.—The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of , ss,

Port of :

These are to certify all whom it doth concern, that , master or commander of the , burden tons, or thereabouts, mounted with guns, navigated with men, built, and bound for , having on board , hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the customhouse of , this day of , one thousand , and in the year of the Independence of the United States of America. (R. S. § 4201.)

97. State inspection laws.—The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs. (R. S. § 4202.)

98. Conveyance of bullion, coin, notes, or bonds for United States.—All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice consul, or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business. (R. S. § 4204.)

99. Clearance of vessel laden with live oak.—Collectors of the collection districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy. (R. S. § 4205.)

100. Payment of fees on vessels outward bound.—Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted. (R. S. § 4206.)

101. Statement of consular services performed without fee filed.—It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding $50, unless such master shall state under oath that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Comptroller General all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified. (R. S. § 4213; June 26, 1884, c. 121, § 13, 23 Stat. 56; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736; June 10, 1921, c. 18, 42 Stat. 23.)

102. Steamboats on Lake Champlain.—The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the Province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board. (R. S. § 4208.)

103. Pleasure yachts; license; entry and clearance; restrictions.—The Secretary of Commerce may cause yachts used and employed exclusively as pleasure vessels or designed as models of naval architecture, if built and owned so as to be entitled to registry and the benefits thereof as vessels of the United States if such vessels were merchant vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States and to foreign ports without entering or clearing at the customhouse; such license shall be in such form as the Secretary of Commerce may prescribe. Such vessels, so enrolled and licensed, shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this chapter. (R. S. § 4214; Mar. 3, 1883, c. 133, § 1, 22 Stat. 566; Jan. 16, 1895, c. 24, § 4, 28 Stat. 624; Aug. 20, 1912, c. 307, § 1, 37 Stat. 315; Mar. 4, 1913, c. 141, 37 Stat. 736.)

104. Reciprocal exemption of foreign yachts from charges and tonnage taxes; licenses.—Whenever it shall be made to appear to the satisfaction of the President of the United States

that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof, and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this section to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce may deem proper: *Provided*, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States unless such ownership or charter was acquired prior to February 5, 1897. (May 28, 1908, c. 212, § 5, 35 Stat. 425; Mar. 4, 1913, c. 141, 37 Stat. 736.)

105. Commissions to yachts.—For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of Commerce, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it. (R. S. § 4217; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

106. Entry of yachts on return from foreign countries; manifest of dutiable articles.—Every yacht, except those of fifteen gross tons or under, visiting a foreign country under the provisions of sections 103, 105, and 109, shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive: *Provided*, That nothing in this chapter shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels. (R. S. § 4218; Aug. 20, 1912, c. 307, § 2, 37 Stat. 315.)

107. Licensed yacht must comply with law.—No licensed yacht shall engage in any trade, nor in any way violate the revenue laws of the United States; and every such yacht shall comply with the laws in all respects. (Jan. 16, 1895, c. 24, § 4, 28 Stat. 625.)

108. Penalty for violation.—Any master or owner violating the provisions of the preceding section shall be liable to the penalty of $200, in addition to any other penalty imposed by law. The Secretary of Commerce shall have power to remit or mitigate any such penalty if in his opinion it was incurred without negligence or intention of fraud. (Jan. 16, 1895, c. 24, § 5, 28 Stat. 625; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

109. Signals for yachts.—All licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts. (R. S. § 4415.)

110. Entry of ferryboats.—Vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law. (R. S. § 2792; May 28, 1908, c. 212, § 1, 35 Stat. 424.)

111. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.—Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear. (R. S. § 2793.)

112. Passenger vessels trading between ports of United States and foreign ports.—Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees while such service triweekly or oftener is maintained. (R. S. § 2792; May 28, 1908, c. 212, § 1, 35 Stat. 424.)

113. Vessels making daily trips on interior waters.—In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no clearance fees shall be charged against such vessel by the officers of the United States. (R. S. § 4221.)

Chapter 4.—TONNAGE DUTIES.

Sec.
121. Amount of tonnage duties.
122. Coasting and fishing vessels.
123. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.
124. Passenger vessels trading between ports of United States and foreign ports.
125. Vessels making daily trips on interior waters.
126. Vessels touching at Canadian ports.
127. Tonnage taxes on foreign vessels coming from Philippines.
128. Light money.
129. Exemption of unregistered vessels owned by citizens.
130. Vessels owned by citizens of Philippines.
131. Rights of Cuban vessels.
132. Vessels not entering by sea.
133. Hospital ships in time of war.
134. Designation by President of hospital ships exempted.
135. Rights under treaties preserved.

Section 121. Amount of tonnage duties.—Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton, and any vessel, any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton.

A tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of 50 cents per ton: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of $2 per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. Any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel, any officer of which shall not be a citizen of the United States shall pay a tax of 50 cents per ton. (R. S. § 4219; Feb. 27, 1877, c. 69, § 1, 19 Stat. 250; June 26, 1884, c. 121, § 14, 23 Stat. 57; June 19, 1886, c. 421, § 11, 24 Stat. 81; Apr. 4, 1888, c. 61, § 1, 25 Stat. 80; Aug. 5, 1909, c. 6, § 36, 36 Stat. 111; Mar. 4, 1915, c. 171, § 1, 38 Stat. 1193.)

122. Coasting and fishing vessels.—No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled. (R. S. § 4220.)

123. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.—Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear. (R. S. § 2793.)

124. Passenger vessels trading between ports of United States and foreign ports.—Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from tonnage taxes while such service triweekly or oftener is maintained. (R. S. § 2792; May 28, 1908, c. 212, § 1, 35 Stat. 424.)

125. Vessels making daily trips on interior waters.—In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year. (R. S. § 4221.)

126. Vessels touching at Canadian ports.—No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel when she shall thus touch at a Canadian port. (R. S. § 4222.)

127. Tonnage taxes on foreign vessels coming from Philippines.—The same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries. (Apr. 29, 1908, c. 152, § 2, 35 Stat. 70.)

128. Light money.—A duty of 50 cents per ton, to be denominated "light money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties: *Provided*, That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States. (R. S. § 4225; Mar. 4, 1915, c. 171, § 1, 38 Stat. 1193.)

129. Exemption of unregistered vessels owned by citizens.—The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea letter, or other regular document, issued from a customhouse of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section. (R. S. § 4226.)

130. Vessels owned by citizens of Philippines.—Vessels owned by citizens of the Philippine Islands and documented as such by the government of said islands shall be exempt in ports of the United States from payment of tonnage taxes and light dues: *Provided*, That nothing contained herein shall be construed as exempting said vessels from any taxes or dues imposed by the government of the Philippine Islands. (July 1, 1916, c. 209, § 1, 39 Stat. 286.)

131. Rights of Cuban vessels.—Vessels owned by citizens of Cuba and documented as such shall be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade. (Feb. 10, 1900, c. 15, § 1, 31 Stat. 27.)

132. Vessels not entering by sea.—Vessels entering otherwise than by sea from a foreign port at which tonnage or lighthouse dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year. (Mar. 8, 1910, c. 86, 36 Stat. 234.)

133. Hospital ships in time of war.—Hospital ships, concerning which the conditions set forth in articles 1, 2, and 3 of the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva convention of August 22, 1864, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted, in time of war, from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges. (Mar. 24, 1908, c. 96, § 1, 35 Stat. 46.)

134. Designation by President of hospital ships exempted.—The President of the United States shall by proclamation name the hospital ships to which the preceding section shall

apply, and shall indicate the time when the exemptions provided for shall begin and end. (Mar. 24, 1908, c. 96, § 2, 35 Stat. 46.)

135. Rights under treaties preserved.—Nothing contained in this chapter shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels. (R. S. § 4227.)

Chapter 5.—DISCRIMINATING DUTIES AND RECIPROCAL PRIVILEGES.

Sec.
141. Suspension by President.
142. Retaliatory suspension of commercial privileges to foreign vessels.
143. Retaliation on denial of rights to United States vessels in British North America.
144. Suspension of free passage through Saint Marys Falls Canal; tolls.
145. Collection of tolls.
146. Discriminating duty for merchandise imported in foreign vessels.

Section 141. Suspension by President.—Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer: *Provided*, That the President is authorized to suspend in part the operation of sections 121 and 146 so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in said foreign country. (R. S. § 4228; July 24, 1897, c. 13, 30 Stat. 214.)

142. Retaliatory suspension of commercial privileges to foreign vessels.—Whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending such concessions previously granted to the vessels of such country; and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this section, or aiding and abetting any other person in such opposition, shall forfeit $800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years. (June 19, 1886, c. 421, § 17, 24 Stat. 82.)

143. Retaliation on denial of rights to United States vessels in British North America.—Whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this section. Every violation of any such proclamation, or any part thereof, is declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may be enforced and proceeded upon. Every person who shall violate any of the provisions of this section, or such proclamation of the President made in pursuance hereof, shall

be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court. (Mar. 3, 1887, c. 339, 24 Stat. 475.)

144. Suspension of free passage through Saint Marys Falls Canal; tolls.—With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or the waterways connecting the same, of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the Saint Marys Falls Canal, permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it shall be his duty, to suspend by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the Saint Marys Falls Canal, so far as it relates to vessels owned by the subjects of the Government so discriminating against the citizens, ports, or vessels of the United States, or to any cargoes, portions of cargoes, or passengers in transit to the ports of the Government making such discrimination, whether carried in vessels of the United States or of other nations.

In such case and during such suspension tolls shall be levied, collected, and paid as follows, to wit: Upon freight of whatever kind or description, not to exceed $2 per ton; upon passengers, not to exceed $5 each, as shall be from time to time determined by the President: *Provided*, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg, and south of a line drawn from the northern boundary of the State of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of the State of Minnesota. (July 26, 1892, c. 248, § 1, 27 Stat. 267.)

145. Collection of tolls.—All tolls charged under the provisions of the preceding section shall be collected under such regulations as shall be prescribed by the Secretary of Commerce, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien which may be enforced against the vessel in default wherever and whenever found in the waters of the United States. (July 26, 1892, c. 248, § 2, 27 Stat. 268; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

146. Discriminating duty for merchandise imported in foreign vessels.—A discriminating duty of 10 per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States. (R. S. § 2502; Oct. 3, 1913, c. 16, § IV, J, subsec. 1, 38 Stat. 195.)

Chapter 6.—REGULATION AS TO VESSELS CARRYING STEERAGE PASSENGERS.

Sec.
151. Accommodations for steerage passengers in vessels from foreign ports.
152. Berths for passengers.
153. Light, air, and accommodations for passengers.
154. Food.
155. Hospitals, surgeon, and medicine.
156. Discipline and cleanliness; space for exercise of passengers.
157. Visiting parts of vessel occupied by passengers.
158. Boarding vessel on arrival; passenger lists.
159. Death of passenger; payment to collector for.
160. Inspection and examination of vessels; reports.
161. Vessels carrying emigrant passengers to foreign countries; withholding clearance papers.
162. Fines and penalties; lien on vessel; recovery.
163. Regulations as to boarding arriving vessels before inspection.

***Section 151. Accommodations for steerage passengers in* vessels from foreign ports.**—It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in the foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined $50 for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

Second. The expression "steerage passenger" means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

Third. The expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scut-

tles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10.

Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck alloted to their use, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph 10.

Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bathrooms: *Provided*, That—

(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments. (Aug. 2, 1882, c. 374, § 1, 22 Stat. 186; Dec. 19, 1908, c. 6, § 1, 35 Stat. 583.)

152. Berths for passengers.—*Sufficient number required.*—In every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as hereinafter provided, of all such passengers.

Number of tiers; construction and occupancy.—There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it, less than two feet six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other.

Berths for males.—All the male passengers upwards of fourteen years of age who do not occupy berths with their wives shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead.

Berths for unmarried females.—Unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured.

Families.—Families shall not be separated except with their consent.

Berths to be numbered.—Each berth shall be numbered serially, on the outside berth board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period.

Penalties.—For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of $5 for each passenger carried or brought on the vessel. (Aug 2, 1882, c. 374, § 2, 22 Stat. 186.)

153. Light, air, and accommodations for passengers.—*Light and air.*—Every such steamship or other vessel shall have adequate provision for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces.

Ventilators.—To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment, and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel, and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions.

Hatchways and companionways.—In all vessels carrying or bringing such passengers there shall be properly constructed hatchways over the compartments or spaces occupied by such passengers, which hatchway shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck; and there shall be proper companionways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companionways or ladders shall be securely constructed, and be provided with handrails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartment or spaces appropriated to their use.

Caboose and cooking apparatus.—Every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking range, or other cooking apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers.

Water-closets.—In every vessel carrying or bringing such passengers there shall be at least two water-closets or privies, and an additional water-closet or privy for every one hundred

male passengers on board, for the exclusive use of such male passengers, and an additional water-closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water-closets and privies shall be properly inclosed and located on each side of the vessel, and shall be separated from passengers' spaces by substantial and properly constructed partitions or bulkheads; and the water-closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage.

Penalties.—For any violation of either of the provisions of this section, or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding $250. (Aug. 2, 1882, c. 374, § 3, 22 Stat. 187.)

154. Food.—*Allowance of.*—An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half Navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers.

Number of meals per day.—Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given.

Short allowance.—If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall pay to each passenger $3 for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance.

Milk for infants.—Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter.

Tables and seats.—Tables and seats shall be provided for the use of passengers at regular meals.

Penalties.—For every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than $500, and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners. (Aug. 2, 1882, c. 374, § 4, 22 Stat. 188.)

155. Hospitals, surgeon, and medicine.—In every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voyage. And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services. For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding $250. (Aug. 2, 1882, c. 374, § 5, 22 Stat. 188.)

156. Discipline and cleanliness; space for exercise of passengers.—The master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding $250. (Aug. 2, 1882, c. 374, § 6, 22 Stat. 188.)

157. Visiting parts of vessel occupied by passengers.—Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding $100, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than $100 for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than $100. (Aug. 2, 1882, c. 374, § 7, 22 Stat. 189.)

158. Boarding vessel on arrival; passenger lists.—It shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel. On the arrival of any such steamship or other vessel within any collection district of the United States, the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his

manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Secretary of Commerce, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger.

For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding $1,000. (Aug. 2, 1882, c. 374, § 9, 22 Stat. 189; Feb. 9, 1905, c. 564, § 1, 33 Stat. 711; Mar. 4, 1913, c. 141, 37 Stat. 736.)

159. Death of passengers; payment to collector for.—In case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of $10 for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease; and the master or consignees of any vessel who neglect or refuse to pay such collector, within the times described, the sums of money aforesaid, shall be liable to a penalty of $50 in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage. All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of Commerce. (Aug. 2, 1882, c. 374, § 10, 22 Stat. 190; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

160. Inspection and examination of vessels; reports.—The collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer; and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space, and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage; the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of sections 151 to 162, inclusive, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Secretary of Commerce at such times and in such manner as he shall direct. (Aug. 2, 1882, c. 374, § 11, 22 Stat. 190; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

161. Vessels carrying emigrant passengers to foreign countries; withholding clearance papers.—The provisions of sections 151 to 162, inclusive, shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or vice versa; and whether the voyage of said vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America; and the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of sections 151 to 162, inclusive, have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of said sections have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with; and if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding $1,000, and be imprisoned not exceeding one year, and the vessel shall be liable to seizure and forfeiture. (Aug. 2, 1882, c. 374, § 12, 22 Stat. 191.)

162. Fines and penalties; lien on vessel; recovery.—The amount of the several fines and penalties imposed by sections 151 to 159, inclusive, 161, and 171 upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the said provisions, shall be liens upon such vessel, and such vessel may be libeled therefor in any district court of the United States where such vessel shall arrive or depart. (Aug. 2, 1882, c. 374, § 13, 22 Stat. 191.)

163. Regulations as to boarding arriving vessels before inspection.—The Secretary of Commerce is authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that department. Each person violating such regulations shall be subject to a penalty of not more than $100 or imprisonment not to exceed six months, or both, in the discretion of the court. This section shall be construed as supplementary to section 158 and section 708. (Mar. 31, 1900, c. 120, §§ 1, 2, 3, 31 Stat. 58; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

Chapter 7.—TRANSPORTATION OF EXPLOSIVES OR DANGEROUS SUBSTANCES ON PASSENGER VESSELS.

Sec.
171. Carrying explosives or other dangerous articles; animals.
172. Transportation of nitroglycerin or oil.
173. Packing and marking.
174. Regulation by States.
175. Shipping inflammable materials.

Section 171. Carrying explosives or other dangerous articles; animals.—It shall not be lawful to take, carry, or have on board of any such steamship or other vessel referred to in the preceding chapter any nitroglycerin, dynamite, or any other explosive article or compound, nor any vitriol or like acids, nor gunpowder, except for the ship's use, nor any article or number of articles, whether as a cargo or ballast, which, by reason of the nature or quantity or mode of storage thereof, shall, either singly or collectively, be likely to endanger the health or lives of the passengers or the safety of the vessel, and

horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron and of which the compartments are divided off by water-tight bulkheads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $1,000, and be imprisoned for a period not exceeding one year. (Aug. 2, 1882, c. 374, § 8, 22 Stat. 189.)

172. Transportation of nitroglycerin or oil.—It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitroglycerin, or glynoin oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign country and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof. (R. S. § 4278.)

173. Packing and marking.—It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be nonexplosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitroglycerin, dangerous." (R. S. § 4279.)

174. Regulation by States.—The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from prohibiting the traffic in or transportation of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein. (R. S. § 4280.)

175. Shipping inflammable materials.—Any person shipping oil or vitriol, unslaked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be liable to the United States in a penalty of $1,000.

Chapter 8.—LIMITATION OF VESSEL OWNER'S LIABILITY.

Sec.
181. Liability of masters as carriers.
182. Loss by fire.
183. Liability of owner not to exceed interest.
184. Apportionment of compensation.
185. Transfer of interest of owner to trustee.
186. Charterer may be deemed owner.
187. Remedies reserved.
188. Limitation of liability of owners applied to all vessels.
189. Limitation of liability of owners of vessels for debts.
190. Stipulations relieving from liability for negligence.
191. Stipulations relieving from exercise of due diligence in equiping vessels.
192. Limitation of liability for errors of navigation, dangers of the sea, and acts of God.
193. Bills of lading to be issued; contents.
194. Penalties; lien; recovery.
195. Certain provisions inapplicable to transportation of live animals.

181. Liability of masters as carriers.—If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or timepieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered. (R. S. § 4281.)

182. Loss by fire.—No owner of any vessel shall be liable to answer for or make good to any person any loss or damage, which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner. (R. S. § 4282.)

183. Liability of owner not to exceed interest.—The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred without the privity, or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending. (R. S. § 4283.)

184. Apportionment of compensation.—Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel in proportion to their respective losses; and for that purpose the freighters and owners of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto. (R. S. § 4284; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251.)

185. Transfer of interest of owner to trustee.—It shall be deemed a sufficient compliance on the part of such owner with the requirements of this chapter relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer

all claims and proceedings against the owner shall cease. (R. S. § 4285.)

186. Charterer may be deemed owner.—The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this chapter relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof. (R. S. § 4286.)

187. Remedies reserved.—Nothing in the five preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel. (R. S. § 4287.)

188. Limitation of liability of owners applied to all vessels.—The provisions of the six preceding sections, and of sections 175 and 189, shall apply to all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters. (R. S. § 4289; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320; June 19, 1886, c. 421, § 4, 24 Stat. 80.)

189. Limitation of liability of owners of vessels for debts.—The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending: *Provided*, That this provision shall not prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners. (June 26, 1884, c. 121, § 18, 23 Stat. 57.)

190. Stipulations relieving from liability for negligence.—It shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge. Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect. (Feb. 13, 1893, c. 105, § 1, 27 Stat. 445.)

191. Stipulations relieving from exercise of due diligence in equipping vessels.—It shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to exercise due diligence properly equip, man, provision, and outfit said vessel, and to make said vessel seaworthy and capable of performing her intended voyage, or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided. (Feb. 13, 1893, c. 105, § 2, 27 Stat. 445.)

192. Limitation of liability for errors of navigation, dangers of the sea and acts of God.—If the owner of any vessel transporting merchandise or property to or from any port in the United States of America shall exercise due diligence to make the said vessel in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or charterers, shall become or be held responsible for damage or loss resulting from faults or errors in navigation or in the management of said vessel nor shall the vessel, her owner or owners, charterers, agent, or master be held liable for losses arising from dangers of the sea or other navigable waters, acts of God, or public enemies, or the inherent defect, quality, or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service. (Feb. 13, 1893, c. 105, § 3, 27 Stat. 445.)

193. Bills of lading to be issued; contents.—It shall be the duty of the owner or owners, masters, or agent of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to issue to shippers of any lawful merchandise a bill of lading, or shipping document, stating, among other things, the marks necessary for identification, number of packages, or quantity, stating whether it be carrier's or shipper's weight, and apparent order or condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and such document shall be prima facie evidence of the receipt of the merchandise therein described. (Feb. 13, 1893, c. 105, § 4, 27 Stat. 445.)

194. Penalties; lien; recovery.—For a violation of any of the provisions of the four preceding sections the agent, owner, or master of the vessel guilty of such violation, and who refuses to issue on demand the bill of lading provided for, shall be liable to a fine not exceeding $2,000. The amount of the fine and costs for such violation shall be a lien upon the vessel, whose agent, owner, or master is guilty of such violation, and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found. One-half of such penalty shall go to the party injured by such violation and the remainder to the Government of the United States. (Feb. 13, 1893, c. 105, § 5, 27 Stat. 446.)

195. Certain provisions inapplicable to transportation of live animals.—Sections 190 and 193 shall not apply to the transportation of live animals. (Feb. 13, 1893, c. 105, § 7, 27 Stat. 446.)

Chapter 9.—LOG BOOKS.

Sec.
201. Entries.
202. Mode of making entries.
203. Penalty for omitting entries.

Section 201. Entries.—Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section 702.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in the following section, and failure to make such entry shall subject the offender to the penalties prescribed by section 203. (R. S. § 4290; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251; Feb. 14, 1900, c. 19, § 1, 31 Stat. 29.)

202. Mode of making entries.—Every entry required to be made in the official log book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival. (R. S. § 4291.)

203. Penalty for omitting entries.—If in any case the official log book is not kept in the manner required, or if any entry directed to be made in any such log book is not made at the time and in the manner directed, the master shall, for each such offense, be liable to a penalty of not more than $25; and every person who makes, or procures to be made, or assists in making, any entry in any official log book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than $150. (R. S. § 4292.)

Chapter 10.—REGULATION OF PILOTS AND PILOTAGE.

Sec.
211. State regulation of pilots.
212. Pilots on boundaries between States.
213. Discrimination in pilotage rates not allowed.
214. Licenses of pilots of steam vessels.
215. State regulations as to licenses of pilots of steam vessels.

Section 211. State regulation of pilots.—Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose. (R. S. § 4235.)

212. Pilots on boundaries between States.—The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port. (R. S. § 4236.)

213. Discrimination in pilotage rates not allowed.—No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated. (R. S. § 4237.)

214. Licenses of pilots of steam vessels.—Whenever any person claiming to be a skillful pilot of steam vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of chapters 14 and 15. (R. S. § 4442; May 28, 1896, c. 255, § 2, 29 Stat. 188; Oct. 22, 1914, c. 334, 38 Stat. 765.)

215. State regulations as to licenses of pilots of steam vessels and pilot charges.—No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this and the following chapter; nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by said chapters; and in no case shall the fees charged for the pilotage of any steam vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in said chapters shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State. (R. S. § 4444.)

Chapter 11.—OFFICERS AND CREWS OF VESSELS.

Sec.
221. Vessels of United States and officers defined; officers to be citizens.
222. Complement of officers and crew of passenger vessels; penalties.
223. Minimum number of officers.
224. Licenses of officers by inspectors.
225. Licenses to officers of vessels of the United States; exemption from draft; pay and pension.
226. Licenses of captains.
227. Removal of captain by owners.
228. Licenses of mates.
229. Licenses of engineers.
230. Licenses of captains or mates as pilots.
231. Oath of licensed officers.
232. Exhibition of licenses.
233. Renewal of licenses.
234. Officers to assist inspectors in examinations; dismissal of inspector disclosing source of information.
235. Watch duty of deck officers.
236. Suspension of provisions as to watch officers.
237. Licenses to, and ownership of boats by, Indians.
238. Certificate of eligibility for licenses to Indians.
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Section 221. Vessels of United States and officers defined; officers to be citizens.—Vessels registered pursuant to law and no others, except such as shall be duly qualified according to

law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed. In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer. (R. S. § 4131; June 26, 1884, c. 121, § 1, 23 Stat. 53; May 28, 1896, c. 255, §§ 1, 3, 29 Stat. 188, 189.)

222. Complement of officers and crew of passenger vessels; penalties.—No vessel of the United States subject to the provisions of this chapter or chapters 14 or 15 or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew including certificated lifeboat men, separately stated, as may in the judgment of the local inspectors who inspect the vessel be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew including certificated lifeboat men, separately stated, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce, to the supervising inspector and from him to the Supervising Inspector General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

If any such vessel is deprived of the services of any number of the crew including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew including certificated lifeboat men, separately stated, to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall not be manned as provided in this section, the owner shall be liable to a penalty of $100, or in case of an insufficient number of licensed officers to a penalty of $500. (R. S. § 4463; Apr. 2, 1908, c. 123, § 1, 35 Stat. 55; Mar. 3, 1913, c. 118, § 1, 37 Stat. 732; Mar. 4, 1915, c. 153, § 14, 38 Stat. 1182; May 11, 1918, c. 72, § 1, 40 Stat. 548.)

223. Minimum number of officers.—The board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

No such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

Every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate, but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

Nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States, if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in chapter 16, or to wrecking vessels. (May 11, 1918, c. 72, § 2, 40 Stat. 549.)

224. Licenses of officers by inspectors.—The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense. (R. S. § 4438; Dec. 21, 1898, c. 29, § 1, 30 Stat. 764; Jan. 25, 1907, c. 398, 34 Stat. 864; May 28, 1908, c. 212, § 2, 35 Stat. 425.)

225. Licenses to officers of vessels of the United States; exemption from draft; pay and pension.—All licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Board of Supervising Inspectors: *Provided, however*, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for renewal and transmit the same to the board of local inspectors, with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same and shall notify the applicant of such renewal: *Provided further*, That no license as master, mate, or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness. And in all cases where the issue is the suspension or revocation of such licenses, before the local boards of inspectors (of steam vessels), as provided for in section 239, the accused shall be al-

lowed to appear by counsel and to testify in his own behalf. No master, mate, pilot, or engineer of steam vessels licensed under this chapter shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives, shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army or Navy, under the pension laws of the United States. (May 28, 1896, c. 255, § 2, 29 Stat. 188; Oct. 22, 1914, c. 334, 38 Stat. 765.)

226. Licenses of captains.—Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over seven hundred tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this chapter or chapter 14 or 15 applicable to him. (R. S. § 4439; Dec. 21, 1898, c. 29, § 2, 30 Stat. 764.)

227. Removal of captain by owners.—Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession. (R. S. § 4250; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

228. Licenses of mates.—Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers, or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this chapter or chapter 14 or 15. (R. S. § 4440; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251; Mar. 23, 1898, c. 86, 30 Stat. 340; Dec. 21, 1898, c. 29, § 3, 30 Stat. 765.)

229. Licenses of engineers.—Whenever any person applies for authority to perform the duties of engineer of any steam vessel, the inspectors shall examine the applicant as to his knowledge of steam machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this chapter or chapter 14 or 15. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor. (R. S. § 4441; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; May 28, 1896, c. 255, § 2, 29 Stat. 188; Oct. 22, 1914, c. 334, 38 Stat. 765.)

230. Licenses of captains or mates as pilots.—Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity. (R. S. § 4443.)

231. Oath of licensed officers.—Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law. Every applicant for license as either master, mate, pilot, or engineer under the provisions of this chapter shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this chapter, to the truth of all the statements set forth in his application for such license. Any person who shall make or subscribe to any oath or affirmation authorized in this chapter and knowing the same to be false shall be deemed guilty of perjury. Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this chapter, shall, for every such offense, upon conviction, be punished by a fine of not more than $500 or by imprisonment at hard labor for a term not exceeding three years. (R. S. § 4445; Mar. 23, 1900, c. 90, § 1, 31 Stat. 50.)

232. Exhibition of licenses.—Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of $100, or to the revocation of his license. (R. S. § 4446; Feb. 19, 1907, c. 991, 34 Stat. 897.)

233. Renewal of licenses.—When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the board of supervising inspectors shall prescribe. (R. S. § 4447.)

234. Officers to assist inspectors in examinations; dismissal of inspector disclosing source of information.—All officers licensed under the provisions of this chapter shall assist

the inspectors in their examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this chapter or chapter 14 or 15 is being violated, shall impart the name of such licensed officer, or the source of his information to any person other than his superiors in the Steamboat Inspection Service. Any inspector or supervising inspector violating this provision shall be subject to dismissal from the service. (R. S. § 4448; Mar. 3, 1915, c. 79, § 1, 38 Stat. 893.)

235. Watch duty of deck officers.—It shall be unlawful for the master, owner, agent, or other person having authority to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of $100. (May 11, 1918, c. 72, § 3, 40 Stat. 549.)

236. Suspension of provisions as to watch officers.—The President of the United States is authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States. (Aug. 18, 1914, c. 256, § 2, 38 Stat. 699.)

237. Licenses to, and ownership of boats by, Indians.—All Indians of the Tsimpsean or Haida Tribe of the full or mixed blood who emigrated from British Columbia and settled at Metlakahtla on Annette Island, in southeastern Alaska, in the year 1887 and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahtla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motor boats and other craft, subject to the provisions of section 404, with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motor boat or other craft, subject to the provisions of the said section, although such Indian be not a citizen of the United States, without depriving said motor boat or other craft of the benefits and privileges of a vessel of the United States. (Mar. 4, 1907, c. 2929, § 1, 34 Stat. 1411.)

238. Certificate of eligibility for licenses to Indians.—A certificate under the hand of any officer of the customs in Alaska, to the effect that the applicant for one of the different licenses mentioned in the foregoing section comes within one of the provisions of said section, shall, together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by such section. (Mar. 4, 1907, c. 2929, § 2, 34 Stat. 1412.)

239. Investigation of conduct of officers.—The local boards of inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States district courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the performance of his duties by any such licensed officer; and if the board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or willfully violated any provision of this chapter or chapter 14 or 15, they shall immediately suspend or revoke his license. (R. S. § 4450.)

240. Revocation or suspension of officer's license for refusal to serve.—If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed articles or while employed on any vessel as authorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license. (R. S. § 4449; Mar. 3, 1905, c. 1457, § 5, 33 Stat. 1030; Mar. 3, 1915, c. 79, § 1, 38 Stat. 894.)

Chapter 12.—REGULATION OF VESSELS IN DOMESTIC COMMERCE.

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Section 251. Vessels of United States.—Vessels of twenty tons and upward, enrolled in pursuance of this chapter, and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this chapter, and no others, shall be deemed vessels of the United States entitled to the privileges of vessels employed in the coasting trade or fisheries. (R. S. § 4311.)

252. Vessels which may be enrolled.—In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels. (R. S. § 4312.)

253. Enrollment of vessels owned by corporations.—Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company. (R. S. § 4313.)

254. Oath as to corporate or individual ownership.—Previous to granting enrollment and license for any vessel owned by any incorporated company, or by an individual or individuals, the president or secretary of such company, or any other officer or agent thereof, duly authorized by said company in writing, attested by the corporate seal thereof, to act in its behalf, or the managing owner, or his agent duly authorized by power of attorney, when such vessel is owned by an individual or individuals, shall swear to the ownership of such vessel without designating the names of the persons composing such company, when such vessel is owned by a corporation, which oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel. (R. S. § 4314; June 24, 1902, c. 1155, § 2, 32 Stat. 399.)

255. New enrollment on death, removal, or resignation of corporate officers.—Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any steamboat or vessel, a new enrollment and license shall be taken out for such steamboat or vessel. (R. S. § 4315; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251.)

256. Enrollment of steamboats owned by aliens.—Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed, as if the same belonged to a citizen of the United States, subject to all the provisions of this chapter, except that, in such case, no oath shall be required that the boat belongs to a citizen of the United States. (R. S. § 4316.)

257. Bond by alien owner.—Such resident alien, owner of any steamboat, upon application for enrollment or license, shall give bond to the collector of the district, for the use of the United States, in the penalty of $1,000, with sufficient surety, conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States. (R. S. § 4317.)

258. Enrollment of vessels on frontiers.—Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels. (R. S. § 4318; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251.)

259. Form of enrollment.—The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following form: Enrollment. In conformity to Title 46, "SHIPPING," of the Code of the Laws of the United States, (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made), having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she, and if more than one owner adding the words "together with," and the name or names, occupation or occupations, place or places of abode of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said ship or vessel was (inserting here when and where built), and

(inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having certified that the said ship or vessel has (inserting here the number of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head), and the said (naming the owner or the master, or other person acting in behalf of the owner or owners by whom the certificate of measurement shall have been countersigned), having agreed to the description and measurement above specified, according to the said title, the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length). (R. S. § 4319; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251.)

260. Consolidation of forms of enrollment and of license.—Under the direction of the Secretary of Commerce the Commissioner of Navigation is authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States the form of enrollment prescribed by the preceding section and the form of license prescribed by section 263, and such consolidated form shall be issued to a vessel of the United States in lieu of the separate enrollment and license prescribed by law on April 24, 1906, and shall be deemed sufficient compliance with the requirements of laws relating to the subject. (Apr. 24, 1906, c. 1865, § 1, 34 Stat. 136; Feb. 29, 1912, c. 47, 37 Stat. 70; Mar. 4, 1913, c. 141, 37 Stat. 736.)

261. Compensation of customs officers for enrollment and license not affected.—The preceding section and section 267 shall not be construed to amend any law in force on April 24, 1906, concerning the compensation of officers of the customs for service connected with the enrollment and license of vessels. (Apr. 24, 1906, c. 1865, § 3, 34 Stat. 136.)

262. License; oath not to defraud revenue.—No licensed vessel shall be employed in any trade whereby the revenue laws of the United States shall be defrauded. The master of every such vessel shall swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it was specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessels be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong to grant a license. (R. S. § 4320; Feb. 27, 1877, c. 69 § 1, 19 Stat. 251; Jan. 16, 1895, c. 24, § 3, 28 Stat. 625.)

263. Form of license.—The form of a license for carrying on the coasting trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade,' 'whale fishery,' 'mackerel fishery,' or 'cod fishery,' as the case may be).

"In pursuance of Title 46, of the Code of the Laws of the United States (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having sworn that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons as appears by her enrollment, dated at (naming the district, day, month, and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting trade,' 'whale fishery,' 'mackerel fishery,' or 'cod fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length)." (R. S. § 4321.)

264. Exchange of enrollment and registry.—The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up. (R. S. § 4322.)

265. Exchange; when vessel is in another district.—When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Commissioner of Navigation; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of $100. (R. S. § 4323; July 5, 1884, c. 221, 23 Stat. 118.)

266. Expiration of license.—No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed. (R. S. § 4324.)

267. Presentation of license for renewal by indorsement; surrender.—The license granted to any vessel shall be presented for renewal by indorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of $10, which shall not be mitigated. (R. S. § 4325; Apr. 24, 1906, c. 1865, § 2, 34 Stat. 136.)

268. Exemption from penalty; loss of license.—If such license shall have been previously given up to the collector of any other district, as authorized by this chapter, and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it can not be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he

verily believes, and that the same, if found, shall be delivered up, as is required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew. (R. S. § 4326.)

269. Return and cancellation; new license.—The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with. (R. S. § 4327.)

270. Renewal when vessel is in another district.—Whenever it becomes necessary for the owner of any vessel of the United States navigating the waters of the United States, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license or renewal thereof, the same proceedings may be had in the district in which the vessel then is, as are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon duly enroll the vessel and issue license in the same form as if the application had originally been made in his office; and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel. (R. S. § 4328; Apr. 17, 1874, c. 106, 18 Stat. 30.)

271. Renewal on sale of vessel.—Whenever it appears, by satisfactory proof, to the Secretary of Commerce that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same. (R. S. § 4329; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

272. Oath as to payment for repairs.—No license, or enrollment and license, nor renewal of either, shall be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. (R. S. § 4330.)

273. Measurement of vessels less than twenty tons.—Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license. (R. S. § 4331.)

274. Signatures to enrollment or license; surveyor's return.—In every case where the collector is by this chapter directed to grant any enrollment, license, certificate, permit, or other document, the Comptroller of Customs residing at the port, if there be one, shall sign the same; and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any permit, as is provided for in this chapter, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides. (R. S. § 4332; Sept. 21, 1922, c. 356, § 523, 42 Stat. 974.)

275. Record of licenses.—The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Commissioner of Navigation copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this chapter. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name. (R. S. § 4333; July 5, 1884, c. 221, 23 Stat. 118.)

276. Change of master.—Whenever the master of any licensed vessel, ferryboats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as required, such vessel, if found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of $10. (R. S. § 4335.)

277. Inspection of enrollment or license.—Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of $100. (R. S. § 4336.)

278. Penalty for unlawfully proceeding on foreign voyage.—If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture. (R. S. § 4337.)

279. Certificate for vessel proceeding on foreign voyage.—If the port from which any vessel, so enrolled or licensed, is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector

who may have granted such enrollment and license. (R. S. § 4338.)

280. Papers for vessels in whale fishery.—All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries. (R. S. § 4339.)

281. Enrollments at Jersey City.—The assistant collector at Jersey City may enroll and license all vessels engaged in the coasting trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey. (R. S. § 4340.)

282. Enrollments at Camden.—The assistant collector for the port of Camden, in New Jersey, may enroll and license all vessels engaged in the coasting trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's Creek, in the county of Salem, in the State of New Jersey. (R. S. § 4341.)

283. Enrollments at Wilmington.—The owners of vessels residing on New River, in Onslow County, in the State of North Carolina, shall have the privilege of taking out registers or enrollments and licenses at Wilmington, in that State, and the collector of that district may grant the same on the conditions required by law. (R. S. § 4342.)

284. Enrollments at Chesapeake City.—The deputy collector who may be appointed to reside at Chesapeake City, in Maryland, shall have power to grant enrollments and licenses to vessels. (R. S. § 4343.)

285. Enrollment by surveyors.—The Secretary of Commerce may authorize the surveyor of any port of delivery, under such regulations as he shall deem necessary, to enroll and license vessels to be employed in the coasting trade and fisheries, in like manner as collectors of ports of entry are authorized to do. (R. S. § 4344; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

286. Enrollment by surveyors at Cold Spring, Greenport, and Port Jefferson.—The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale fisheries, under such restrictions and regulations as the Secretary of Commerce may deem necessary. (R. S. § 4345; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

287. Name and port on stern.—Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of $20. (R. S. § 4334.)

288. Numbering undocumented vessels.—Every undocumented vessel, operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding sixteen feet in length measured from end to end over the deck excluding sheer, temporarily equipped with detachable motors, shall be numbered. Such numbers shall be not less in size than three inches and painted or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible.

The said numbers, on application of the owner or master, shall be awarded by the collector of customs of the district in which the vessel is owned and a record thereof kept in the customhouse of the district in which the owner or managing owner resides. No numbers not so awarded shall be carried on the bows of such vessel.

Notice of destruction or abandonment of such vessels or change in their ownership shall be furnished within ten days by the owners to the collectors of customs of the districts where such numbers were awarded. Such vessel sold into another customs district may be numbered anew in the latter district.

The penalty for violation of any provision of this section shall be $10, for which the vessel shall be liable and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found. Such penalty on application may be mitigated or remitted by the Secretary of Commerce.

The Secretary of Commerce shall make such regulations as may be necessary to secure proper execution of this section by collectors of customs and other officers of the Government. (June 7, 1918, c. 93, §§ 1, 2, 3, 4, 5; 40 Stat. 602.)

289. Transportation of passengers in foreign vessels.—No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed. (June 19, 1886, c. 421, § 8, 24 Stat. 81; Feb. 17, 1898, c. 26, § 2, 30 Stat. 248.)

290. Transportation of merchandise in foreign vessels.—No merchandise shall be transported by water under penalty of forfeiture thereof from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which shall not have been unladen shall be carried from one port or place in the United States to another. (Feb. 17, 1898, c. 26, § 1, 30 Stat. 248.)

291. Transshipment of imported merchandise intended for immediate exportation.—Whenever merchandise is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power, the Secretary of Commerce is hereby authorized to prescribe regulations for the transshipment and transportation of such merchandise. (Feb. 17, 1898, c. 26, § 3, 30 Stat. 248; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

292. Dredging by foreign-built dredges.—A foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States. (May 28, 1906, c. 2566, 34 Stat. 204.)

293. Establishment of great districts.—The seacoasts and navigable rivers of the United States and Porto Rico shall be divided into five great districts: The first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Porto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii. (R. S. § 4348; May 12, 1906, c. 2453, § 1, 34 Stat. 190.)

294. Manifests and permits before departure for vessels trading between neighboring districts.—The master of every vessel under twenty tons burden licensed for carrying on the coasting trade, destined from a district in one State to a district in the same or an adjoining State, on the seacoast or on a navigable river, and of every vessel of the burden of

twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value $400, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds $800, shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured. Thereupon the collector or surveyor shall certify the same on the manifests, one of which he shall return to the master, with a permit, specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination. (R. S. § 4349.)

295. Penalty for proceeding to neighboring district without manifests and permits.—If any vessel, being laden and destined, as mentioned in the preceding section, shall depart from the port where she may then be without the master having first made out and subscribed duplicate manifests of the lading on board such vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the collector or surveyor, and obtaining a permit, such master shall be liable to a penalty of $100. (R. S. § 4350.)

296. Delivery of manifests before unlading of vessels trading between neighboring districts.—The master of every vessel licensed for carrying on the coasting trade, having on board sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value $400, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds $800, and arriving from a district in one State, at a district in the same or an adjoining State on the seacoast, or on a navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unlading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifests thereof, as is hereinbefore directed, to the truth of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unlading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear. (R. S. § 4351.)

297. Penalty for not delivering manifests of vessels trading between neighboring districts.—If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of $100. (R. S. § 4352.)

298. Manifests and permits before departure for vessels trading between remote districts.—The master of every vessel under twenty tons of burden licensed for carrying on the coasting trade, and destined from any district of the United States to a district other than a district in the same or an adjoining State, on the seacoast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifests of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there is any merchandise of foreign growth or manufacture on board, other than what may by the collector be deemed sufficient for sea stores, he shall specify in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates; one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination. (R. S. § 4353.)

299. Penalty for proceeding to remote district without manifests and permits.—If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of $100; or, if the lading be of goods the growth or manufacture of the United States only, or if such vessel have no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of $50. (R. S. § 4354.)

300. Delivery of manifests before unlading of vessels trading between remote districts.—The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the seacoast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector

residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unlading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed; and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then, any more or other merchandise of foreign growth or manufacture, other than sea stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unlading the whole or part of such cargo, if there be any within his district, as the master may request; and where a part only of the merchandise of foreign growth or manufacture, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon his permission for such vessel to proceed to the place of her destination. (R. S. § 4355.)

301. Penalty for not delivering manifests of vessels trading between remote districts.—If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of $100, and the merchandise of foreign growth or manufacture found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of $800, such ship or vessel, with her tackle, apparel, and furniture shall be also forfeited. (R. S. § 4356.)

302. Exemption of vessels navigating Mississippi River from requirements as to permits.—The provisions of sections 294 to 301, inclusive, requiring the master of every vessel licensed to carry on the coasting trade, laden in part with foreign merchandise, to procure a permit from the customs officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries, above the port of New Orleans. (July 12, 1876, c. 185, 19 Stat. 90.)

303. Exemption of vessels in coasting trade from requirements as to manifests and permits.—Nothing in this chapter shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the seacoast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within a State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than $400, or merchandise consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than $800, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated. (R. S. § 4359.)

304. Penalties for not exhibiting manifest.—Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, and does not exhibit the same, as required in the preceding section, if the lading of such vessel consists wholly of merchandise the produce or manufacture of the United States, he shall be liable to a penalty of $20, or if there be merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall be liable to a penalty of $40; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of $100. If any of the merchandise laden on board such vessel be of foreign growth or manufacture, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited. (R. S. § 4360; Feb. 18, 1875, c. 80, § 1, 18 Stat. 320.)

305. Trade between Long Island and Rhode Island.—Coasting vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State. (R. S. § 4357.)

306. Trade between Alaska and other districts.—The coasting trade between the Territory of Alaska and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. (R. S. § 4358; Aug. 24, 1912, c. 387, § 1, 37 Stat. 512.)

307. Regulations as to registered vessels in interdistrict trade.—Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law. (R. S. § 4361.)

308. Permit for inland transportation.—The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and the collector of the district of New York may grant like permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the

merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than $800, the permit shall not be deemed necessary. (R. S. § 4362.)

309. Penalty for failure to report arrival of merchandise transported inland.—The owner or consignee of all merchandise transported under the provisions of the preceding section and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which such merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of $50 for every twenty-four hours it shall be withheld afterward. (R. S. § 4363.)

310. Permit to touch at foreign port.—Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port. (R. S. § 4364.)

311. Penalty for touching at foreign port without permission.—Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of $500, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture. (R. S. § 4365.)

312. Report of arrival at port other than that of destination.—The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of $20. (R. S. § 4366.)

313. Foreign vessels bound coastwise.—The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination. (R. S. § 4367.)

314. Delivery of manifest of foreign vessel.—The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed. (R. S. § 4368.)

315. Penalty against foreign vessels trading coastwise.—Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of $100. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law. (R. S. § 4369.)

316. Penalty on foreign tugboats towing vessels between United States ports.—All steam tugboats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of 50 cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States. (R. S. § 4370.)

317. Trading without license; fees; forfeiture.—Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this chapter, if laden with merchandise the growth or manufacture of the United States only, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth, or manufacture other than sea stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited. The provisions of this section shall not apply to vessels entitled to be documented as vessels of the United States. (R. S. § 4371; June 19, 1886, c. 421, § 7, 24 Stat. 81.)

318. Exemptions where license expires at sea.—If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required. (R. S. § 4372.)

319. Fine for trading without license.—Every vessel of twenty tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than twenty tons and not less than five tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this chapter, shall be liable to a fine of $30 at every port of arrival without such enrollment or license. But if the license shall have expired while the vessel was at sea, and there shall have been no opportun-

ity to renew such license, then said fine of $30 shall not be incurred. (June 19, 1886, c. 421, § 7, 24 Stat. 81.)

320. Remission or mitigation of fines.—The fines imposed by sections 45, 77, 289, and 319 shall be subject to remission or mitigation by the Secretary of Commerce when the offense was not willfully committed, under such regulations and methods of ascertaining the facts as may seem to him advisable. (June 19, 1886, c. 421, § 9, 24 Stat. 81; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

321. Penalty for illegal enrollment or license.—Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this chapter, or takes any other or greater fees than are by this chapter allowed, or receives for any service performed pursuant to this chapter, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or Comptroller of Customs a false description of any vessel, to be enrolled or licensed, in pursuance of this chapter, shall be liable to a penalty of $500, and be rendered incapable of serving in any office of trust or profit under the United States. (R. S. § 4373; Sept. 21, 1922, c. 356, § 523, 42 Stat. 974.)

322. Penalty for malfeasance.—Every person, authorized and required by this chapter to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this chapter, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of $500 for the first offense, and of like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States. (R. S. § 4374.)

323. Penalty for forgery and alteration.—Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this chapter, to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of $500. (R. S. § 4375.)

324. Penalty for obstructing officers.—Every person who assaults, resists, obstructs, or hinders any officer in the execution of any Act or law relating to the enrollment, registry, or licensing of vessels, or of this chapter, or of any of the powers or authorities vested in him by any such Act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of $500. (R. S. § 4376.)

325. Penalty for violation of license.—Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is found with a forged or altered license, or one granted for any other vessel, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever. (R. S. § 4377.)

326. Exemption from forfeiture.—Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this chapter. (R. S. § 4378.)

327. Notice of seizure.—In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him. (R. S. § 4379.)

328. Recovery of forfeitures and penalties.—All penalties and forfeitures which shall be incurred by virtue of this chapter may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed. (R. S. § 4380.)

329. Fees.—The following fees shall be levied and collected from the owners and masters of all vessels except those navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea:

For granting a permit for a vessel not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, $2.

For receiving a manifest, and granting a permit, to unload, for such last-mentioned vessel, on her arrival in one district from another district, $2. (R. S. § 4381; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251; July 5, 1884, c. 228, § 1, 23 Stat. 132; June 19, 1886, c. 421, § 1, 24 Stat. 79.)

330. Fees on frontiers.—The following fees shall be levied and collected from the owners and masters of vessels navigating the waters of the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea:

For granting license, including bond and oath, above one hundred tons, $1.20.

For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, 10 cents.

For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign, intermediate ports or not, 10 cents.

For a port entry of such vessel, $2.

For permit to land or deliver goods, 20 cents.

For permit to load goods for exportation entitled to drawback, 30 cents.

For receiving manifest of each railroad car or other vehicle laden with goods, wares, or merchandise from a foreign contiguous territory, 25 cents.

For entry of goods, wares, or merchandise for consumption, warehouse, rewarehouse, transportation, or exportation, including oath and permit to land or deliver, 50 cents. (R. S. § 4382; July 5, 1884, c. 228, §§ 2, 3, 23 Stat. 132, 133; June 19, 1886, c. 421, § 1, 24 Stat. 79; Mar. 3, 1897, c. 389, § 9, 29 Stat. 689.)

331. Certain fees abolished.—No fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam vessels or shipping commissioners, for the following services to vessels of the United States, to wit: Measurement of tonnage and certifying the same; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list; certificate or protection to seamen; bill of health; shipping or discharging of seamen, as provided by chapter 18 and sections 563 and 646; apprenticing boys to the merchant service; inspecting, examining, and licensing steam vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel. (June 19, 1886, c. 421, § 1, 24 Stat. 79; Apr. 4, 1888, c. 61, § 2, 25 Stat. 80.)

332. Exemptions of vessels not propelled by sail or internal motive power.—The provisions of this chapter shall not be so construed as to require the payment of any fee or charge for

the enrolling or licensing of vessels, built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory, nor shall this or any law existing on June 30, 1879, be construed to require the enrolling, registering or licensing of any flatboat, barge or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States. (June 30, 1879, c. 54, 21 Stat. 44.)

333. Posting table of fees.—Every collector and comptroller of customs shall cause to be affixed and constantly kept in some conspicuous place in his office a fair table of the rates of fees demandable by this chapter. (R. S. § 4383; Sept. 21, 1922, c. 356, § 523, 42 Stat. 974.)

334. Vessels liable for fees for enrollment.—All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto. (R. S. § 4384.)

335. Lighters and boats.—Nothing in this chapter shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city. (R. S. § 4385.)

336. Canal boats exempt from enrollment, license, and customs fees.—Sections 251, 252, 259, 262 to 269, inclusive, 273 to 279, inclusive, 287, 294 to 301, inclusive, 303, 304, 307 to 315, inclusive, 317, 318, 321 to 329, inclusive, 333, and 335 shall not be so construed as to extend to canal boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from such provisions and from the payment of all customs and other fees under any Act of Congress. (Apr. 18, 1874, c. 110, 18 Stat. 31.)

Chapter 13.—PASSPORTS AND PAPERS OF VESSELS ENGAGED IN FOREIGN COMMERCE.

Sec.
351. Passports of United States vessels on departure to foreign country.
352. Penalty for departing without passport.
353. Passports of unregistered vessels.
354. Deposit of ship's papers with consul.
355. Penalty for failure.

Section 351. Passports of United States vessels on departure to foreign country.—Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of $2,000, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place. (R. S. § 4306.)

352. Penalty for departing without passport.—If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of $200 for every such offense. (R. S. § 4307.)

353. Passports of unregistered vessels.—Every unregistered vessel owned by a citizen of the United States, and sailing with a sea letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States. (R. S. § 4308.)

354. Deposit of ship's papers with consul.—Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea letter, and Mediterranean passport with the consul or vice consul, if any there be at such port; and it shall be the duty of such consul or vice consul, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers. (R. S. § 4309.)

355. Penalty for failure.—Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of $500, to be recovered by such consul or vice consul, in his own name, for the benefit of the United States, in any court of competent jurisdiction. (R. S. § 4310.)

Chapter 14.—INSPECTION OF STEAM VESSELS.

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VESSELS SUBJECT TO INSPECTION AND REGULATION

Section 361. What are steam vessels.—Every vessel propelled in whole or in part by steam shall be deemed a steam vessel within the meaning of this and the following chapter and sections 214 and 215. (R. S. § 4399.)

362. Vessels subject to provisions of chapter; reciprocal acceptance of foreign certificates of inspection; fees.—All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this and the following chapter and sections 214 and 215.

And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 391, 392, 399 to 402, inclusive, 463 to 466, inclusive, 472, 475, 481, 494, 495, 497, and 498, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid: *Provided, however*, That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of Commerce shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

It is further provided that the Secretary of Commerce may, in his discretion, permit any foreign passenger steamer coming within the provisions of this section whose foreign certificate of inspection shall have expired at sea since last leaving the country to which said vessel belongs, or while said vessel shall have been in a port of the United States, to sail upon her regular route without undergoing any further inspection than would have been required had said foreign certificate of inspection been in force: *Provided, however*, That such discretion shall be exercised only with respect of vessels operated upon regularly established lines, and in cases where such foreign passenger steamers will be regularly inspected by the authorities of her home government before her next return to a port of the United States. (R. S. § 4400; Aug. 7, 1882, c. 441, § 1, 22 Stat. 346; Mar. 1, 1895, c. 146, § 1, 28 Stat. 699; Feb. 15, 1902, c. 23, 32 Stat. 34; Mar. 17, 1906, c. 955, § 1, 34 Stat. 68; Mar. 4, 1913, c. 141, 37 Stat. 736.)

363. United States Shipping Board vessels.—All steam vessels owned or operated by the United States Shipping Board, or any corporation organized or controlled by it, shall be subject to all the provisions of this and the following chapter and sections 214 and 215 for the regulation of steam vessels and Acts amendatory thereof or supplemental thereto. (Oct. 25, 1919, c. 82, 41 Stat. 305.)

364. Vessels navigating coastwise and on Great Lakes.—All coastwise seagoing vessels, and vessels navigating the Great Lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam vessels in passing, as provided by this and the following chapter; and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats. (R. S. § 4401.)

365. Vessels navigating Irondequoit Bay.—Irondequoit Bay, New York, shall, for the purpose of applying the provisions of this and the following chapter and sections 214 and 215, relating to steam vessels navigating thereon, be declared a navigable water of the United States; and steam vessels navigated thereon, and carrying passengers, shall be inspected under the provisions of section 404, and subject to the penalties provided therein for a failure to comply therewith. (June 25, 1890, c. 616, 26 Stat. 180.)

366. Foreign vessels admitted to registry.—The Secretary of Commerce is authorized to direct the inspection of any foreign vessel, admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes. (Mar. 3, 1897, c. 389, § 14, 29 Stat. 690; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

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APPOINTMENT, QUALIFICATIONS, DUTIES, AND SALARIES OF INSPECTORS AND OTHER OFFICERS

371. Supervising Inspector General and Deputy Supervising Inspector General.—There shall be a Supervising Inspector General, who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the Steamboat Inspection Service, and who shall be entitled to a salary of $5,000 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

The Secretary of Commerce may appoint a Deputy Supervising Inspector General, who shall be the chief clerk of the bureau and in the absence of the Supervising Inspector General have power to act in his stead, and who shall be entitled to a salary of $3,000 per year. (R. S. § 4402; July 2, 1918, c. 115, 40 Stat. 739.)

372. Duties of Supervising Inspector General.—The Supervising Inspector General shall, under the direction of the Secretary of Commerce, superintend the administration of the steamboat-inspection laws, preside at the meetings of the Board of Supervising Inspectors, receive all reports of inspectors, receive and examine all accounts of inspectors, report fully at stated periods to the Secretary of Commerce upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations. (R. S. § 4403; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

373. Supervising inspectors; qualifications and appointment.—There shall be eleven supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam vessels and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of $3,450 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce. (R. S. § 4404; July 2, 1918, c. 115, 40 Stat. 740.)

374. Designation of officer to perform duties of absent inspector.—In the case of the absence of any supervising inspector of steamboats from his official station the Secretary of Commerce may designate some officer of the Steamboat Inspection Service to perform the duties of such officer during his absence. (Mar. 4, 1911, c. 237, § 1, 36 Stat. 1229; Mar. 4, 1913, c. 141, 37 Stat. 736.)

375. Meetings of board; assignment of districts; executive committee.—The supervising inspectors and the Supervising Inspector General shall assemble as a board once in each year at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this and the following chapter and sections 214 and 215 and also regulations, prohibiting useless and unnecessary whistling, and such regulations, when approved by the Secretary of Commerce, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: *Provided*, That the Secretary of Commerce may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector General and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce by the Board of Supervising Inspectors, either by virtue of this section or under any power granted by this or the following chapter, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law and to continue in effect until thirty days after the adjournment of the next meeting of the Board of Supervising Inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, machines, and equipments referred to in section 489. (R. S. § 4405; Mar. 3, 1905, c. 1453, § 1, 33 Stat. 1022; Feb. 8, 1907, c. 892, 34 Stat. 881; Mar. 4, 1913, c. 141, 37 Stat. 736.)

376. Duties of supervising inspectors.—Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this and the following chapter and sections 214 and 215 have been observed and complied with, both by the board of inspectors and the master and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both. (R. S. § 4406.)

377. Duties as to violations of law.—Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam vessel fails to perform his duties according to the provisions of this and the following chapter, he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and, if need be, he shall cause the negligent or offending party to be prosecuted; and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of Commerce; who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent. (R. S. § 4407; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

378. Supervision of local boards.—The supervising inspectors shall see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, by following out the provisions of this and the following chapter and sections 214 and 215 according to the true intent and meaning thereof; and they shall, as far as practicable, harmonize differences of opinion existing in different local boards. (R. S. § 4408.)

379. Supervision of districts not having inspectors.—The supervising inspector shall visit any collection district in which there is at any time no board of inspectors, and within which

steam vessels are owned or employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local boards. (R. S. § 4409; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251.)

380. Regulations as to information to local inspectors.—The board of supervising inspectors shall establish such regulations as may be necessary to make known in a proper manner, to local inspectors, the names of all persons licensed under the provisions of chapter 11, the names of all persons from whom licenses have been withheld, and the names of all whose licenses have been suspended or revoked; also the names of all steam vessels neglecting or refusing to make such repairs as may be ordered pursuant to law, and the names of all that have been refused certificates of inspection. (R. S. § 4411.)

381. Regulations as to passing steamers.—The board of supervising inspectors shall establish such regulations to be observed by all steam vessels in passing each other, as they shall from time to time deem necessary for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicuous places in such vessels.

Every pilot, engineer, mate, or master of any steam vessel who neglects or willfully refuses to observe the regulations established in pursuance of this section, shall be liable to a penalty of $50, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.

The provisions of this section shall not apply to steam vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal and the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries. (R. S. §§ 4412, 4413; June 7, 1897, c. 4, § 5, 30 Stat. 103.)

382. Local inspectors; number and salaries; assistants and clerks; traveling expenses.—There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Maryland; Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan; Milwaukee, Wisconsin; Willamette, Oregon; Puget Sound, Washington; Savannah, Georgia; Pittsburgh, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Galveston, Texas; Mobile, Alabama; Providence, Rhode Island; and in each of the following ports: New York, New York; Jacksonville, Florida; Tampa, Florida; Portland, Maine; Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia; Evansville, Indiana; Dubuque, Iowa; Louisville, Kentucky; Albany, New York; Cincinnati, Ohio; Memphis, Tennessee; Nashville, Tennessee; Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska; and Point Pleasant, West Virginia; Honolulu, Hawaii; and San Juan, Porto Rico, one inspector of hulls and one inspector of boilers.

The inspector of hulls and the inspector of boilers in the districts and ports enumerated in the preceding paragraphs shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce, namely:

For the port of New York, New York, at the rate of $2,950 per year for each local inspector.

For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; San Francisco, California; and Puget Sound, Washington; and the ports of Boston, Massachusetts; Buffalo, New York; and New Orleans, Louisiana, at the rate of $2,700 per year for each local inspector.

For the districts of Michigan, Michigan; Milwaukee, Wisconsin; Duluth, Minnesota; Providence, Rhode Island; Chicago, Illinois; and the ports of Albany, New York; Cleveland, Ohio; Portland, Maine; Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska; and Norfolk, Virginia; Honolulu, Hawaii; and San Juan, Porto Rico; at the rate of $2,500 per year for each local inspector.

For the districts of Oswego, New York; Willamette, Oregon; Detroit, Michigan; and Mobile, Alabama; and the ports of Saint Louis, Missouri; and Port Huron, Michigan; at the rate of $2,350 per year for each local inspector.

For the districts of Pittsburgh, Pennsylvania; New Haven, Connecticut; Savannah, Georgia; Charleston, South Carolina; Galveston, Texas; New London, Connecticut; Superior, Michigan; and Bangor, Maine; and the ports of Dubuque, Iowa; Toledo, Ohio; Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Point Pleasant, West Virginia; Jacksonville, Florida; Tampa, Florida; Louisville, Kentucky; and Cincinnati, Ohio, at the rate of $2,100 per year for each local inspector.

And in addition the Secretary of Commerce may appoint, in districts or ports where the volume of work requires them, assistant inspectors, at a salary, for the port of New York, of $2,500 a year each; for the port of New Orleans, Louisiana; the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; the ports of Boston, Massachusetts; Providence, Rhode Island; and the district of San Francisco, California, at $2,350 per year each, and for all other districts and ports at a salary of $2,100 a year each; and he may appoint a clerk to any such board at a compensation not exceeding $1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this chapter shall be paid his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors.

The Secretary of Commerce may appoint not exceeding four traveling inspectors when in his judgment they are necessary for the improvement of the service, each of whom shall be entitled to a salary of $3,000 a year and his actual necessary traveling expenses while traveling on official business.

And the Secretary of Commerce may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat Inspection Service may, in his discretion, require, and the actual necessary traveling expenses of assistant inspectors so detailed, while traveling on official business assigned them by competent authority, shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspection. (R. S. § 4414; Jan. 3, 1887, c. 12, 24 Stat. 354; July 26, 1890, c. 721, 26 Stat. 292; Mar. 1, 1895, c. 146, § 2, 28 Stat. 699; Mar. 2, 1895, c. 186, § 1, 28 Stat. 843; Feb. 15, 1897, c. 231, 29 Stat. 530; Apr. 21, 1898, c. 184, 30 Stat. 360; June 2, 1900, c. 614, 31 Stat. 262; Mar. 3, 1905, c. 1455, 33 Stat. 1026; Apr. 9, 1906, c. 1372, § 1, 34 Stat. 106; May 28, 1908, c. 212, § 9, 35 Stat. 428; Mar. 4, 1913, c. 159, 37 Stat. 1013; Oct. 22, 1913, c. 32, 38 Stat. 223; Feb. 26, 1917, c. 125, 39 Stat. 942; July 2, 1918, c. 115, 40 Stat. 740; Apr. 19, 1924, c. 129, §§ 1, 2, 43 Stat. 104.)

383. Traveling expenses of inspectors.—Inspectors and other employees in the Steamboat Inspection Service shall be allowed, in lieu of mileage, only their actual necessary traveling expenses while traveling on official business assigned them by competent authority. (Oct. 22, 1913, c. 32, 38 Stat. 223.)

384. Qualifications and appointment of local inspectors.—The inspector of hulls shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of hulls, who from his practical knowledge of shipbuilding and navigation and the uses of steam in navigation is fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of vessels and their equipment deemed essential to safety of life in their navigation; and the inspector of boilers shall be a person of good character and suitable qualifications and attainments to perform the services required of an inspector of boilers, who from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitableness of boilers and machinery to be employed, without hazard to life from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. The inspector of hulls and the inspector of boilers designated by the Secretary of Commerce shall, from the date of designation, constitute a board of local inspectors. (R. S. § 4415; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251; Mar. 3, 1905, c. 1457, § 1, 33 Stat. 1028; Mar. 4, 1913, c. 141, 37 Stat. 736.)

385. Persons ineligible as inspectors or assistants.—No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this and the following chapter, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is, directly or indirectly, pecuniarily interested in any steam vessel, or who has not the qualifications and acquirements prescribed by this chapter, or who is intemperate in his habits, shall be eligible to hold the office of either supervising, local, or assistant inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector he shall be deemed guilty of a misdemeanor, punishable by a fine of $500, and shall be dismissed from office. (R. S. § 4416; Mar. 3, 1905, c. 1457, § 2, 33 Stat. 1029.)

MODE, MANNER, AND EXTENT OF INSPECTION; CERTIFICATES; RECORDS

391. Hulls and equipments; exemption of vessels; enforcement of requirements.—The local inspectors shall, once in every year, at least, carefully inspect the hull of each steam vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life preservers, floats, anchors, cables, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment. The local inspectors shall, once in every year, at least, carefully inspect the hull of each sail vessel of over seven hundred tons carrying passengers for hire and all other vessels and barges of over one hundred tons burden carrying passengers for hire within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in condition to warrant the belief that she may be used in navigation with safety to life: *Provided*, That vessels while laid up and dismantled and out of commission may, by regulations established by the board of supervising inspectors, with the approval of the Secretary of Commerce, be exempted from any or all inspection under this section and sections 392, 404, and 405. Whenever any inspector or assistant inspector shall, in the performance of his duty, find on board any vessel subject to the provisions of this and the following chapter, as part of the required equipment thereof, any equipment, machinery, apparatus, or appliances not conforming to the requirements of law, he shall require the same to be placed in proper condition by the owner or master of the said vessel, if possible; and if said inspector or assistant inspector shall find on board any such vessel any life preservers or fire hose so defective as to be incapable of repair, he shall require that the same be destroyed in his presence by such owner or master. And in any of the foregoing cases local inspectors by whom or under whose supervision said vessel is then being inspected shall have power to enforce the foregoing requirements by revoking the certificate of the said vessel, and by refusing to issue a new certificate to the said vessel until the said requirements shall have been fully complied with or until such action of the local inspectors shall have been reversed, modified, or set aside by the supervising inspector of the district on proper appeal by the owner or master of said vessel, which appeal shall be made to the said supervising inspector within ten days after the final action as aforesaid by the local inspectors; and upon such appeal, duly made, the supervising inspector shall have power to affirm, modify, or set aside such action by the local inspectors. (R. S. § 4417; Dec. 21, 1898, c. 29, § 4, 30 Stat. 765; Mar. 3, 1905, c. 1454, § 1, 33 Stat. 1023; Mar. 4, 1913, c. 141, 37 Stat. 736.

392. Boilers and appurtenances.—The local inspectors shall also inspect the boilers and their appurtenances in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition, arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and constructed of iron or steel plates, inspected under the provisions of section 408, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam power allowed. No boiler or flue pipe, nor any of the connections therewith, shall be approved, which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause. (R. S. § 4418; June 19, 1886, c. 421, § 14, 24 Stat. 82; Mar. 3, 1905, c. 1456, § 1, 33 Stat. 1027.)

393. Control of safety valves and steam registers.—One of the safety valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam registers shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the inspectors. (R. S. § 4419.)

394. Amount of steam pressure allowed freight boats on Mississippi.—In applying the directions of the preceding sections to steamboats used exclusively for towing and carrying

freight on the Mississippi River and its tributaries, the local inspectors shall substitute, for such boats, one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness. (R. S. § 4420; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251.)

395. Seagoing barges; certificates.—The local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of one hundred gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections 399 and 400. (May 28, 1908, c. 212, § 10, 35 Stat. 428.)

396. Equipment of barges with life-saving appliances.—Every such barge shall be equipped with the following appliances of kinds approved by the board of supervising inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life preserver for each person on board. (May 28, 1908, c. 212, § 11, 35 Stat. 428.)

397. Certificate of inspection and equipment of barge required.—A register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificate of inspection prescribed by section 395 and on board the equipment prescribed by the preceding section. (May 28, 1908, c. 212, § 12, 35 Stat. 428; Mar. 4, 1915, c. 184, § 6, 38 Stat. 1218.)

398. Navigating barge without certificate or equipment prescribed.—If any such barge shall be navigated without such certificate of inspection, or without any part of the equipment prescribed by section 396, the owner shall be liable to a penalty of $500 for each offense. (May 28, 1908, c. 212, § 13, 35 Stat. 428.)

399. Certificate; temporary certificate; completion of voyage after expiration.—When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate, which certificate shall be verified by the oaths of the inspectors signing it, before the chief officer of the customs of the district or any other person competent by law to administer oaths. Such certificate shall be delivered to the master or owner of the vessel to which it relates, and one copy thereof shall be kept on file in the inspectors' office and one copy shall be delivered to the collector or other chief officer of the customs of the district in which such inspection has been made, who shall keep the same on file in his office. If the inspectors refuse to grant a certificate of approval they shall make a statement in writing and sign the same, giving the reasons for their disapproval. Upon such inspection and approval the inspectors shall also make and subscribe to a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 400 for the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 375. And such temporary certificate, during such period and prior to the delivery to the master or owner of the regular certificate, shall take the place of and be a substitute for the regular certificate of inspection, as required by this section and by section 404, and for the purposes of said sections. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 435. No vessel required to be inspected under the provisions of this chapter shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate: *Provided, however*, That any such vessel operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of the Philippine Islands or Hawaii may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by this and the following chapter for want of such certificate shall be incurred until her voyage shall have been completed: *Provided*, That said voyage shall be so completed within thirty days after the expiration of said certificate or temporary certificate: *Provided further*, That no such vessel whose certificate of inspection shall expire within fifteen days of the date of her sailing shall proceed upon her voyage to such port of a foreign country not contiguous to the United States without first having procured a new certificate of inspection or the temporary certificate required by this section. (R. S. § 4421; Feb. 27, 1877, c. 69, § 1, 19 Stat. 251; June 11, 1906, c. 3071, 34 Stat. 230; June 25, 1910, c. 402, 36 Stat. 831; Mar. 4, 1915, c. 184, § 1, 38 Stat. 1216.)

400. Placing of certificate for observation by passengers.—The original certificate of inspection delivered to the master or owner of a steam vessel shall be placed by such master or owner in a conspicuous place in the vessel where it will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, as evidence of the authority thereby conferred: *Provided, however*, That where it is not practicable to so expose said certificate, it shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce. (R. S. § 4423; Mar. 3, 1905, c. 1457, § 3, 33 Stat. 1029; Mar. 4, 1915, c. 184, § 3, 38 Stat. 1217.)

401. Certificate authorizing vessel to carry gunpowder; posting of.—Upon the application of any master or owner of any steam vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chests, safes, or compartments, the article of gunpowder, which certificate shall be kept conspicuously posted on board such vessel. (R. S. § 4422; Mar. 4, 1915, c. 184, § 2, 38 Stat. 1217.)

402. Penalty for violating provisions as to or in certificates.—Whenever any passenger is received on board any steam vessel not having an unexpired certificate of approval or an unexpired temporary certificate of approval placed and kept as required by this chapter, or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam vessel shall be liable to a penalty of $100 for each offense. (R. S. § 4424; Mar. 4, 1915, c. 184, § 4, 38 Stat. 1217.)

403. Punishment for certifying falsely.—Every inspector who willfully certifies falsely touching any steam vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him,

shall be punished by fine of not more than $500, or imprisonment for not more than six months, or both. (R. S. § 4425.)

404. Inspection of ferryboats, canal boats, and small craft; regulations; licenses.—The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this chapter. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided, however*, That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be subject to all the provisions of this section relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this or the following chapter or sections 214 or 215 applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections 494 to 498, inclusive, relating to the imposition and enforcement of penalties and the enforcement of law. All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation. (R. S. § 4426; Dec. 22, 1890, c. 26, 26 Stat. 692; Mar. 3, 1905, c. 1457, § 4, 33 Stat. 1029; May 16, 1906, c. 2460, 34 Stat. 193.)

405. Tugboats and freight boats.—The hull and boiler of every tugboat, towing boat, and freight boat shall be inspected, under the provisions of this chapter; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form of workmanship, and that the safety valves, gauge cocks, low-water alarm indicators, steam gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of chapter 11 and shall be subject to the same provisions of law, as officers navigating passenger steamers. (R. S. § 4427.)

406. Construction of boilers.—Every boiler manufactured to be used on steam vessels, and made of iron or steel plates, shall be constructed of plates that have been stamped in accordance with the provisions of this chapter. (R. S. § 4428.)

407. Punishment for improper construction.—Every person who constructs a boiler, or steam pipe connecting the boilers, to be used on steam vessels, of iron or steel plates which have not been duly stamped and inspected according to the provisions of this chapter, or who knowingly uses any defective, bad, or faulty iron or steel in the construction of such boilers; or who drifts any rivet hole to make it come fair; or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be fined $1,000, one-half for the use of the informer. Nothing in this chapter shall be so construed as to prevent from being used, on any steamer, any boiler or steam generator which may not be constructed of riveted iron or steel plates, when the board of supervising inspectors have satisfactory evidence that such boiler or steam generator is equal in strength, and as safe from explosion, as a boiler of the best quality constructed of riveted iron or steel plates: *Provided, however*, That the Secretary of Commerce may grant permission to use any boiler or steam generator not constructed of riveted iron or steel plates upon the certificate of the supervising inspector of steamboats for the district wherein such boiler or generator is to be used, and other satisfactory proof that the use of the same is safe and efficient; said permit to be valid until the next regular meeting of the supervising inspectors who shall act thereon. (R. S. § 4429; Aug. 7, 1882, c. 433, § 1, 22 Stat. 310; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

408. Boiler plates.—Every iron or steel plate used in the construction of steamboat boilers, and which shall be subject to a tensile strain, shall be inspected in such manner as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce, so as to enable the inspectors to ascertain its tensile strength, homogeneousness, toughness, and ability to withstand the effect of repeated heating and cooling; and no iron or steel plate shall be used in the construction of such boilers which has not been inspected and approved under those rules. And the Supervising Inspector General may, under the direction of the Secretary of Commerce, detail assistant inspectors from any local inspection district where assistant inspectors are employed, to inspect iron or steel boiler plates at the mills where the same are manufactured; and if the plates are found in accordance with the rules of the supervising inspectors, the assistant inspector shall stamp the same with the initials of his name, followed by the letters and words, "U. S. Assistant Inspector;" and material so stamped shall be accepted by the local inspectors in the districts where such material is to be manufactured into marine boilers as being in full compliance with the requirements of this section regarding the inspection of boiler plates; it being further provided that any person who affixes any false, forged, fraudulent, spurious, or counterfeit of the stamp authorized to be put on by an assistant inspector, shall be deemed guilty of a felony, and shall be fined not less than $1,000, nor more than $5,000, and imprisoned not less than two years nor more than five years. (R. S. § 4430; Jan. 22, 1894, c. 16, 28 Stat. 28; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

409. Stamping boiler plates.—Every plate of boiler iron or steel, made for use in the construction of steamboat boilers, shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are worked into boilers, with the name of the manufacturer, the place where manufactured, and the number of pounds tensile strain it will bear to the sectional square inch; and the inspectors shall keep a record in their office of the stamps upon all boiler plates and boilers which they inspect. (R. S. § 4431.)

410. Counterfeiting stamps.—Every person who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for boiler iron or steel plates, or who designedly stamps, or causes to be stamped falsely, any such plate; and every person who stamps or marks, or causes to be stamped or marked, any such iron or steel plates with the name or trademark of another, with the intent to mislead or deceive, shall

be fined $2,000, one-half to the use of the informer, and may, in addition thereto, at the discretion of the court, be imprisoned not exceeding two years. (R. S. § 4432.)

411. Pressure of steam allowable.—The working steam pressure allowable on boilers, constructed of plates inspected as required by this chapter, when single riveted, shall not produce a strain to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double riveted, and the rivet holes for such boilers have been fairly drilled instead of punched, an addition of 20 per centum to the working pressure provided for single riveting may be allowed: *Provided*, That all other parts of such boilers shall correspond in strength to the additional allowances so made; and no split calking shall in any case be permitted. (R. S. § 4433.)

412. Thickness of boiler plate; space between flues.—No externally fired boiler having its shell constructed of iron or steel plates, exceeding an average thickness of thirty-eight one-hundredths of an inch, shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than three inches space between its shell and any of its internal flues, and not less than three inches space between such flues when any such flues are more than five inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than three inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector General, be authorized and employed on steam vessels navigating the Atlantic and Pacific Oceans, or salt water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection, no plate that is by this section limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this section limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this section shall be determined from measurements showing the least thickness of the plates.

All externally fired boilers, constructed of iron or steel, prior to March 2, 1909, and then in use on any such vessels, wherein the space between the shell and any of its internal flues or between such flues is less than three inches, shall be deemed lawfully constructed. (R. S. § 4434; Feb. 11, 1885, c. 55, 23 Stat. 298; Feb. 28, 1895, c. 139, § 1, 28 Stat. 690; Mar. 2, 1909, c. 244, §§ 1, 2, 35 Stat. 687.)

413. Obstructing safety valves.—Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined $200, and may also be imprisoned not exceeding five years. (R. S. § 4437.)

414. Records and reports by local inspectors.—The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses, or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year, and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the Board of Supervising Inspectors, by their established rules shall direct. (R. S. § 4457.)

415. Instruments, stationery, and printing for local boards.—The Secretary of Commerce shall procure for the several supervising inspectors and local boards of inspectors such instruments, stationery, printing, and other things necessary for the use of their respective offices as may be required therefor. (R. S. § 4460; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

416. Regulations.—The Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this and the following chapter and sections 214 and 215. (R. S. § 4462; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

PROCEDURE; DECISIONS AND REVIEW THEREOF

431. Appeals to supervising inspectors and to Supervising Inspector General.—Whenever any person directly interested in or affected by any decision or action of any board of local inspectors of vessels shall feel aggrieved by such decision or action, he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: *Provided, however*, That application for such reexamination of the case by a supervising inspector or by the Supervising Inspector General shall be made within thirty days after the decision or action appealed from shall have been rendered or taken: *And provided further*, That in all cases reviewed under the provisions of this and the three following sections where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf. (June 10, 1918, c. 95, § 1, 40 Stat. 602.)

432. Powers of supervising inspectors and Supervising Inspector General.—Whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same. Any supervising inspector may within thirty days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district and in like manner the Supervising Inspector General may within

thirty days thereafter review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary of Commerce, be final. (June 10, 1918, c. 95, § 2, 40 Stat. 603.)

433. Modification of decisions on review.—Any decision or action reviewed by the Supervising Inspector General or by any supervising inspector, as provided in the two preceding sections, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States. (June 10, 1918, c. 95, § 3, 40 Stat. 603.)

434. Regulations.—The Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of the three preceding sections. (June 10, 1918, c. 95, § 4, 40 Stat. 603.)

435. Reinspections and notice for repairs; enforcement of requirements.—In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a reexamination of the case to the supervising inspector. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them. And whenever any local inspector or supervising inspector ascertains to his satisfaction that any vessel, subject to the provisions of this and the following chapter, has been or is being navigated or operated without complying with the terms of the vessel's certificate of inspection regarding the number and class of licensed officers and crew, or without complying with the provisions of law and her said certificate as to the number or kind of life-saving or fire-fighting apparatus, or without maintaining in good and efficient condition her lifeboats, fire pumps, fire hose, and life preservers, or that for any other reason said vessel can not be operated with safety to life, the said local or supervising inspector shall order the owner or master of said vessel to correct such unlawful conditions, and may require that the vessel at once cease navigating and be submitted to reinspection; and in case the said orders of such inspector shall not at once be complied with, the said inspector shall revoke the said vessel's certificate of inspection and shall immediately give to the owner, master, or agent of said vessel notice, in writing, of such revocation; and no new certificate of inspection shall be again issued to her until the provisions of this and the following chapter have been complied with. Any vessel subject to the provisions of this and the following chapter operating or navigating or attempting to operate or navigate after the revocation of her certificate of inspection and before the issuance of a new certificate, shall, upon application by the inspector to any district court of the United States having jurisdiction, and by proper order or action of said court in the premises, be seized summarily by way of libel and held without privilege of release by bail or bond until a proper certificate of inspection shall have been issued to said vessel: *Provided*, That the master or owner of any vessel whose certificate shall have been so revoked may within thirty days after receiving notice of such revocation appeal to the Secretary of Commerce for a reexamination of the case, and upon such appeal the said Secretary shall have power to revise, modify, or set aside such action of the local or supervising inspector and direct the issuance to such vessel of her original certificate or of a new certificate of inspection; and in case the said Secretary shall so direct the issuance of a certificate, all judicial process against said vessel based on this section shall thereupon be of no further force or effect, and the vessel shall thereupon be released. (R. S. § 4453; Mar. 3, 1905, c. 1454, § 2, 33 Stat. 1023; Mar. 4, 1913, c. 141, 37 Stat. 736.)

436. Penalty for failure to make repairs on notice.—If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of $500 for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage which shall occur from any defects as stated in the notice prescribed by the preceding section. (R. S. § 4454.)

437. Effect of decisions by inspectors.—The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications. (R. S. § 4455.)

438. Inspection in districts not having inspectors.—The local boards of inspectors, when so requested in writing by any master or owner, shall, under the direction of the supervising inspector, inspect steamers in other collection districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by such local board and unreversed by the supervising inspector of the district, are removed. Nothing in this section shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it can be done with safety. (R. S. § 4456.)

439. Reports to Supervising Inspector General; examination by general board.—Each supervising inspector shall report, in writing, at the end of each fiscal year to the Supervising Inspector General the general business transacted in his district during the year, embracing all violations of the laws regulating vessels, and the action taken in relation to the same; all investigations and decisions by local inspectors; and all cases of appeal and the result thereof. The board shall examine into all the acts of each supervising inspector and local board, and all complaints made against same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their journal; and the board shall, as far as possible, correct mistakes where they exist. (R. S. § 4410; May 22, 1912, c. 130, § 1, 37 Stat. 116.)

440. Payment of marshal and witnesses.—The chief officer of the customs for the district shall pay out of the revenues re-

ceived under the provisions of this and the following chapter such fees to the United States marshal for his services, and to any witness, so summoned, for his actual travel and attendance, as shall be officially certified to by any inspector hearing the case, upon the back of such summons, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any district courts of the United States. (R. S. § 4451.)

Chapter 15.—TRANSPORTATION OF PASSENGERS AND MERCHANDISE BY STEAM VESSELS.

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Section 451. Number of passengers allowable.—The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodation for and can carry with prudence and safety. They shall report their action to the supervising inspector of the district, who may at any time order the number of such passengers decreased, giving his reasons therefor in writing, and thereupon the board of local inspectors shall change the certificate of inspection of such vessel to conform with the decision of the supervising inspector. Whenever the allowance of passengers shall be increased by any board of local inspectors such increase shall be reported to the supervising inspector of the district, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the supervising inspector. (R. S. § 4464; Feb. 14, 1917, c. 63, § 1, 39 Stat. 918.)

452. Penalty for carrying too many passengers.—It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than $100 or imprisonment of not more than thirty days, or both. (R. S. § 4465; Feb. 14, 1917, c. 63, § 2, 39 Stat. 918.)

453. Special permit for excursions.—If any passenger vessel engages in excursions, the board of local inspectors shall issue to such vessel a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions: *Provided, however*, That the issuance of such special permit shall be reported by the board of local inspectors to the supervising inspector of the district, and such special permit shall not be effective until approved by the said supervising inspector. (R. S. § 4466; Feb. 14, 1917, c. 63, § 3, 39 Stat. 918.)

454. Regulations as to regattas or marine parades.—The Secretary of Commerce is authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades. (Apr. 28, 1908, c. 151, § 1, 35 Stat. 69; Mar. 4, 1913, c. 141, 37 Stat. 736.)

455. Enforcement of regulations; use of public or private vessels.—To enforce such regulations the Secretary of Commerce may detail any public vessel in the service of that department and make use of any private vessel tendered gratuitously for the purpose, or upon the request of the Secretary of Commerce the head of any other department may enforce the regulations issued under sections 454 and 456 by means of any public vessel of such department and of any private vessel tendered gratuitously for the purpose. (Apr. 28, 1908, c. 151, § 2, 35 Stat. 69; Mar. 4, 1913, c. 141, 37 Stat. 736.)

456. Transfer of authority to regulate to head of other department.—The authority and power bestowed upon the Secretary of Commerce by the two preceding sections may be transferred for any special occasion to the head of another department by the President whenever in his judgment such transfer is desirable. (Apr. 28, 1908, c. 151, § 3, 35 Stat. 69; Mar. 4, 1913, c. 141, 37 Stat. 736.)

457. Penalties for violations of regulations.—For any violation of regulations issued pursuant to the three preceding sections the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of $500.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of $500, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of $250.

The Secretary of Commerce is authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties

for violation of the navigation laws. (Apr. 28, 1908, c. 151, § 4, 35 Stat. 69; Mar. 4, 1913, c. 141, 37 Stat. 736.)

458. Vessels on Great Lakes carrying persons not passengers.—Any steam vessel engaged in the business of towing vessels, rafts, or water craft of any kind, also steam vessels engaged in oyster dredging and planting, and fishing steamers engaged in food fishing on the Great Lakes and all other inland waters of the United States, and not carrying passengers, may be authorized and licensed by the supervising inspector of the district in which said steamer shall be employed to carry on board such number of persons, in addition to its crew, as the supervising inspector, in his judgment, shall deem necessary to carry on the legitimate business of such towing, oyster and fishing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: *Provided, however,* That the person so allowed to be carried shall not be carried for hire. (July 9, 1886, c. 755, § 1, 24 Stat. 129; Feb. 23, 1901, c. 465, § 1, 31 Stat. 800.)

459. Life preservers.—Every steam vessel licensed under the foregoing section shall carry and have on board, in accessible places, one life preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel. (July 9, 1886, c. 775, § 2, 24 Stat. 129; Feb. 23, 1901, c. 465, § 2, 31 Stat. 801.)

460. Count or list of passengers.—The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: *Provided, however,* That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles: *Provided further,* That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports. (R. S. § 4467; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; May 28, 1908, c. 212, § 3, 35 Stat. 425.)

461. Penalty for failure to keep list of passengers.—Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of $100. (R. S. § 4468; May 28, 1908, c. 212, § 4, 35 Stat. 425.)

462. Recovery of penalties.—The penalties imposed by sections 452 and 461 shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment. (R. S. § 4469.)

463. Precautions against fire.—Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and to the different compartments thereof to extinguish fire, or such other suitable apparatus as may be prescribed by the regulations of the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, for extinguishing fire in the hold and compartments thereof by the introduction through pipes into such hold and compartments of carbonic-acid gas or other fire-extinguishing gas or vapor; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all woodwork or other ignitible substances about the boilers, chimneys, cook houses, and stovepipes, exposed to ignition shall be thoroughly shielded by some incombustible material in such a manner as to leave the air to circulate freely between such material and woodwork or other ignitible substance; and before granting a certificate of inspection the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire. (R. S. § 4470; Mar. 3, 1905, c. 1457, § 7, 33 Stat. 1031; Mar. 4, 1913, c. 141, 37 Stat. 736.)

464. Fire pumps and hose.—Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the 28th day of February, 1871, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof. (R. S. § 4471; June 30, 1906, c. 3919, 34 Stat. 797.)

465. Dangerous articles not to be carried on passenger steamers; gasoline in automobiles; regulations.—No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured in such manner as shall be prescribed by the regulations established by the Board of Supervising Inspectors with the approval of the Secretary of Commerce; nor shall gunpowder be carried on any such vessel except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum, which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practicable mode of transporting it, and under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce, and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel, and friction matches may be carried on such steamers when securely packed in sfrong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying pas-

sengers or freight, to guard against and extinguish fire, as shall be prescribed by the Board of Supervising Inspectors and approved by the secretary of Commerce. Nothing in the foregoing or following sections of this chapter shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power: *Provided, however*, That all fires, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: *Provided further*, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids: *Provided, however*, That nothing in the provisions of this chapter shall prohibit the transportation by vessels not carrying passengers for hire, of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels: *Provided further*, That nothing in the foregoing or following sections of this chapter shall prohibit the use, by steam vessels carrying passengers for hire, of lifeboats equipped with gasoline motors, and tanks containing gasoline for the operation of said motor-driven lifeboats: *Provided, however*, That no gasoline shall be carried other than that in the tanks of the lifeboats: *Provided further*, That the use of such lifeboats equipped with gasoline motors shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided, however*, That nothing in the foregoing or following sections of this chapter shall prohibit the transportation and use by vessels carrying passengers or freight for hire of gasoline or any of the products of petroleum for the operation of engines to supply an auxiliary lighting and wireless system independent of the vessel's main power plant: *Provided further*, That the transportation or use of such gasoline or any of the products of petroleum shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce: *Provided, however*, That kerosene and lubricating oils made from refined products of petroleum which will stand a fire test of not less than three hundred degrees Fahrenheit may be used as stores on board steamers carrying passengers, under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce. The owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than $500, for which the automobile shall be liable. (R. S. § 4472; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; Feb. 20, 1901, c. 386, 31 Stat. 799; Feb. 18, 1905, c. 586, 33 Stat. 720; Mar. 3, 1905, c. 1457, § 8, 33 Stat. 1031; May 28, 1906, c. 2565, 34 Stat. 204; Jan. 24, 1913, c. 10, 37 Stat. 650; Mar. 4, 1913, c. 141, 37 Stat. 736; Oct. 22, 1914, c. 336, 38 Stat. 766; Mar. 29, 1918, c. 30, 40 Stat. 499; Mar. 2, 1925, c. 387, 43 Stat. 1093.)

466. Penalty for unlawfully carrying cotton or hemp.—Every bale of cotton or hemp that shall be shipped or carried on any passenger steamer, without conforming to the provisions of the preceding section, shall be subject to a penalty of $5, and shall be liable to seizure and sale to secure the payment of such penalty. (R. S. § 4473.)

467. Use of petroleum in production of motive power; discharge of petroleum at terminal ports.—The Secretary of Commerce may grant permission to the owner of any steam vessel, to use any invention or process for the utilization of petroleum or other mineral oils or substances in the production of motive power, and may make and enforce regulations concerning the application and use of the same for such purpose. But no such permission shall be granted, unless upon the certificate of the supervising inspector of steamboats for the district wherein such vessel is registered, and other satisfactory proof that the use of the same is safe and efficient; and upon such proof, and the approval of such certificate by the Secretary of Commerce, a special license for the use of such process or invention shall issue under the seal of the Department of Commerce: *Provided, however*, That the Secretary of Commerce may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of Commerce in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of Commerce a penalty of $500 shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment: *Provided further*, That when crude petroleum of a flash point not less than one hundred and fifty degrees Fahrenheit, is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum, carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 465. (R. S. § 4474; Oct. 18, 1888, c. 1197, 25 Stat. 564; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736; July 17, 1914, c. 146, 38 Stat. 511.)

468. Mode of packing dangerous articles.—All gunpowder, nitroglycerin, camphene, naphtha, benzine, benzole, coal oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside, with the name and description of the article contained therein. (R. S. § 4475.)

469. Punishment for unlawfully shipping dangerous articles.—Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitroglycerin, camphene, naphtha, benzine, benzole, coal oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction matches, or other articles of like character otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessel as stores, unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding $2,000, or imprisonment not exceeding eighteen months, or both; one-half of the fine to go to the informer, and the articles to be liable to seizure and forfeiture. (R. S. § 4476.)

470. Watchmen on passenger steamers.—Every steamer carrying passengers during the nighttime shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster. (R. S. § 4477.)

471. Punishment for failure to keep watchmen.—For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined $1,000. (R. S. § 4478.)

472. Fire extinguishers.—The Board of Supervising Inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire extinguishers as, in the judgment of the board, may be necessary to protect them from fire when such steamers are moored or lying at a warf without steam to work the pumps. (R. S. § 4479.)

473. Steering, navigating, and signaling apparatus.—Every steamer carrying passengers shall be provided with such tiller ropes, tiller rods, or chains for the purpose of steering and navigating the vessel, and such bell pulls for signaling the engineer from the pilot house, and such tubes or other arrangement to repeat back the signal to the pilot house, as may be prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce. (R. S. § 4480; Mar. 3, 1905, c. 1456, § 2, 33 Stat. 1028; Mar. 4, 1913, c. 141, 37 Stat. 736.)

474. Boats for river steamers.—Every steam vessel navigating rivers only, except ferry boats, freight boats, canal boats, and towing boats, of less than fifty tons, shall have at least one good substantial boat with lines attached, and properly supplied with oars, and kept in good condition at all times, and ready for immediate use; and in addition thereto, every such vessel carrying passengers shall have one or more metallic lifeboats, fireproof, and in all respects good and substantial boats, of such dimensions and arrangements as the Board of Supervising Inspectors by their regulations shall prescribe, which boats shall be carried in the most convenient manner to be brought into immediate use in case of accident. But where the character of the navigation is such that, in the opinion of the supervising inspector, the metallic lifeboats can be dispensed with, he may exempt any such vessel from carrying the same; or may require a substitute therefor, at his discretion. (R. S. § 4481.)

475. Life preservers for river steamers.—Every such steam vessel carrying passengers shall also be provided with a good life preserver, made of suitable material, for every cabin passenger for which she will have accommodation, and also a good life preserver or float for each deck or other class passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life preservers or floats shall be kept in convenient and accessible places on such vessel in readiness for immediate use in case of accident. (R. S. § 4482.)

476. Fire buckets and axes for river steamers.—Every such steam vessel carrying passengers shall keep such fire buckets, axes, and water barrels as shall be prescribed by the regulations established by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels. (R. S. § 4483; Mar. 3, 1905, c. 1456, § 3, 33 Stat. 1028; Mar. 4, 1913, c. 141, 37 Stat. 736.)

477. Stairways and gangways on river steamers.—Every such steam vessel carrying passengers on the main deck shall be provided with permanent stairways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side. (R. S. § 4484.)

478. Accommodation of deck passengers.—The captain or mate of every such steam vessel carrying passengers upon the main deck shall assign to all deck passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties. (R. S. § 4485.)

479. Penalty for not providing proper accommodations for passengers.—For every violation of the provisions of the two preceding sections the owners of the vessel shall be punished by a fine of $300. (R. S. § 4486.)

480. River steamers to be anchored when navigation is unsafe.—On any steamers navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it can prudently be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners. (R. S. § 4487.)

481. Regulations as to life-saving appliances on ocean, lake, and sound steamers and foreign vessels.—Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every seagoing vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the lifeboats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the Board of Supervising Inspectors shall fix and determine, by their rules and regulations, the character of lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, and drags that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed. Every vessel subject to the provisions of this and the preceding chapter shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew: *Provided, however*, That upon such vessels and under such conditions as are specified in section 475 floats may be substituted for life preservers. Any person who willfully and knowingly manufactures or sells, or offers for sale, or has in his possession with intent to sell, life preservers containing metal or other nonbuoyant material, for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell any other articles commonly used for preservation of life or the prevention of fire on board vessels subject to the provisions of this and the preceding chapter, which articles shall be so

defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall upon conviction, be fined not more than $2,000, and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years.

The powers bestowed by this section upon the Board of Supervising Inspectors in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, and the further requirements herein as to davits, embarkation of passengers in lifeboats and rafts, and the manning of lifeboats and rafts, and the musters and drills of the crews, on steamers navigating the ocean or any lake, bay, or sound of the United States, shall be subject to the provisions, limitations, and minimum requirements of the regulations herein set forth, and all such vessels shall be required to comply in all respects therewith: *Provided*, That foreign vessels leaving ports of the United States shall comply with the rules herein prescribed as to life-saving appliances, their equipment, and the manning of same.

REGULATIONS

LIFE-SAVING APPLIANCES

STANDARD TYPES OF BOATS

The standard types of boats classified as follows:

Class	Section	Type
I (Entirely rigid sides)	A.	Open. Internal buoyancy only.
	B.	Open. Internal and external buoyancy.
	C.	Pontoon. Well deck, fixed water-tight bulwarks.
II (Partially collapsible sides)	A.	Open. Upper part of sides collapsible.
	B.	Pontoon. Well deck, collapsible water-tight bulwarks.
	C.	Pontoon. Flush deck; collapsible water-tight bulwarks.

STRENGTH OF BOATS

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

ALTERNATIVE TYPES OF BOATS AND RAFTS

Any type of boat may be accepted as equivalent to a boat of one of the prescribed classes and any type of raft as equivalent to an approved pontoon raft, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied by suitable trials that it is as effective as the standard types of the class in question, or as the approved type of pontoon raft, as the case may be.

Motor boats may be accepted if they comply with the requirements laid down for boats of the first class, but only to a limited number, which number shall be determined by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull or which has not a cubic capacity of at least one hundred and twenty-five cubic feet.

BOATS OF THE FIRST CLASS

The standard types of boats of the first class must satisfy the following conditions:

1A.—*Open boats with internal buoyancy only*

The buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of water-tight air cases being increased accordingly.

1B.—*Open boats with internal and external buoyancy*

The internal buoyancy of a wooden boat of this type shall be provided by water-tight air cases, the total volume of which is at least equal to 7½ per centum of the cubic capacity of the boat.

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be secured by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If the buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousandths of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the air cases and external buoyancy being increased accordingly.

1C.—*Pontoon boats, in which persons can not be accommodated below the deck, having a well deck and fixed water-tight bulwarks*

The area of the well deck of a boat of this type shall be at least 30 per centum of the total deck area. The height of the well deck above the water line at all points shall be at least equal to ½ per centum of the length of the boat, this height being increased to 1½ per centum of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least 35 per centum.

BOATS OF THE SECOND CLASS

The standard types of boats of the second class must satisfy the following conditions:

2A.—*Open boats having the upper part of the sides collapsible*

A boat of this type shall be fitted both with water-tight air cases and with external buoyancy, the volume of which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts: Air cases, one and five-tenths cubic feet; external buoyancy (if of cork), two-tenths cubic foot.

The minimum freeboard of boats of this type is fixed in relation to their length; it is measured vertically to the top of the solid hull at the side amidships, from the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts:

Length of the boat	Minimum freeboard
Feet	*Inches*
26	8
28	9
30	10

The freeboard of boats of intermediate lengths is to be found by interpolation.

2B.—*Pontoon boats having a well deck and collapsible bulwarks*

All the conditions laid down for boats of type 1C are to be applied to boats of this type, which differ from those of type 1C only in regard to the bulwarks.

2C.—*Pontoon boats, in which the persons can not be accommodated below deck, having a flush deck and collapsible bulwarks*

The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depth. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck on the side amidships, and the freeboard is to be measured from the top of the deck at the side amidships to the water level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to 8 per centum of their length:

Depth of boat	Minimum freeboard
Inches	*Inches*
12	2¾
18	3¾
20	5⅛
30	6¼

For intermediate depths the freeboard is obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and sternpost. No deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

MOTOR BOATS

When motor boats are accepted, the volume of internal buoyancy and, when fitted, the external buoyancy, must be fixed, having regard to the difference between the weight of the motor and its accessories and the weight of the additional persons which the boat could accommodate if the motor and its accessories were removed.

ARRANGEMENTS FOR CLEARING PONTOON LIFEBOATS OF WATER

All pontoon lifeboats shall be fitted with efficient means for quickly clearing the deck of water. The orifices for this purpose shall be such that the water can not enter the boat through them when they are intermittingly submerged. The number and size of the orifices shall be determined for each type of boat by a special test.

For the purpose of this test the pontoon boat shall be loaded with a weight of iron or bags of sand, equal to that of its complement of persons and equipment.

In the case of a boat twenty-eight feet in length two tons of water shall be cleared from the boat in a time not exceeding the following: type 1C, sixty seconds; type 2B, sixty seconds; type 2C, twenty seconds.

In the case of a boat having a length greater or less than twenty-eight feet the weight of water to be cleared in the same time shall be, for each type, directly proportional to the length of the boat.

CONSTRUCTION OF BOATS

Open lifeboats of the first class (types 1A and 1B) must have a mean sheer at least equal to 4 per centum of their length.

The air cases of open boats of the first class shall be placed along the sides of the boat; they may also be placed at the ends of the boat, but not in the bottom of the boat.

Pontoon lifeboats may be built of wood or metal. If constructed of wood, they shall have the bottom and deck made of two thicknesses with textile material between; if of metal, they shall be divided into water-tight compartments with means of access to each compartment.

All boats shall be fitted for the use of a steering oar.

PONTOON RAFTS

No type of pontoon raft may be approved unless it satisfies the following conditions:

First. It should be reversible and fitted with bulwarks of wood, canvas, or other suitable material on both sides. These bulwarks may be collapsible.

Second. It should be of such size, strength, and weight that it can be handled without mechanical appliances, and, if necessary, be thrown from the vessel's deck.

Third. It should have not less than three cubic feet of air cases or equivalent buoyancy for each person whom it can accommodate.

Fourth. It should have a deck area of not less than four square feet for each person whom it can accommodate and the platform should not be less than six inches above the water level when the raft is loaded.

Fifth. The air cases or equivalent buoyancy should be placed as near as possible to the sides of the raft.

CAPACITY OF BOATS AND PONTOON RAFTS

First. The number of persons which a boat of one of the standard types or a pontoon raft can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic feet, or the surface in square feet, of the boat or of the raft by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

Second. The cubic capacity in feet of a boat in which the number of persons is determined by the surface shall be assumed to be ten times the number of persons which it is authorized to carry.

Third. The standard units of capacity and surface are as follows:

Units of capacity, open boats, type 1A, ten cubic feet; open boats, type 1B, nine cubic feet..

Unit of surface, open boats, type 2A, three and one-half square feet; pontoon boats, type 2C, three and one-half square feet; pontoon boats, type 1C; three and one-fourth square feet; pontoon boats, type 2B, three and one-fourth square feet.

Fourth. The board of supervising inspectors, with the approval of the Secretary of Commerce, may accept, in place of three and one-fourth, a smaller divisor, if it is satisfied after trial that the number of persons for whom there is seating accommodation in the pontoon boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of three and one-fourth may never be less than three.

CAPACITY LIMITS

Pontoon boats and pontoon rafts shall never be marked with a number of persons greater than that obtained in the manner specified in this section.

This number shall be reduced—

First. When it is greater than the number of persons for which there is proper seating accommodation, the latter number being determined in such a way that the persons when seated do not interfere in any way with the use of the oars.

Second. When in the case of boats other than those of the first two sections of the first class, the freeboard, when the boat is fully loaded, is less than the freeboard laid down for each type respectively. In such circumstances the number shall be reduced until the freeboard, when the boat is fully loaded, is at least equal to the standard freeboard laid down above.

In boats of types 1C and 2B the raised part of the deck at the sides may be regarded as affording seating accommodation.

EQUIVALENTS FOR AND WEIGHT OF THE PERSONS

In test for determining the number of persons which a boat or pontoon raft can accommodate each person shall be assumed to be an adult person wearing a life jacket.

In verifications of freeboard the pontoon boats shall be loaded with a weight of at least one hundred and sixty-five pounds for each adult person that the pontoon boat is authorized to carry.

In all cases two children under twelve years of age shall be reckoned as one person.

CUBIC CAPACITY OF OPEN BOATS OF THE FIRST CLASS

First. The cubic capacity of an open boat of type 1A or 1B shall be determined by Stirling's (Simpson's) rule or by any other method, approved by the Board of Supervising Inspectors, giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

Second. For example, the capacity in cubic feet of a boat, calculated by the aid of Stirling's rule, may be considered as given by the following formula:

$$\text{Capacity}=\frac{1}{12}(4A+2B+4C)$$

1 being the length of the boat in meters (or feet) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote, respectively, the areas of the cross sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing 1 into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.

The areas A, B, C shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross sections:

$$\text{Area}=\frac{h}{12}(a+4b+2c+4d+e)$$

h being the depth measured in meters (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the boat measured in feet at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of h).

Third. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per centum of the length of the boat, the depth employed in calculating the area of the cross sections A or C shall be deemed to be the depth amidships plus 1 per centum of the length of the boat.

Fourth. If the depth of the boat amidships exceeds 45 per centum of the breadth, the depth employed in calculating the area of the midship cross section B shall be deemed to be equal to 45 per centum of the breadth; and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per centum of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

Fifth. If the depth of the boat is greater than four feet, the number of persons given by the application of this rule shall be reduced in proportion to the ratio of four feet to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons on board all wearing life jackets.

Sixth. The Board of Supervising Inspectors shall impose, by suitable formulæ, a limit for the number of persons allowed in boats with very fine ends and in boats very full in form.

Seventh. The Board of Supervising Inspectors may by regulation assign to a boat a capacity equal to the product of the length, the breadth, and the depth multiplied by six-tenths if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:

Length. From the intersection of the outside of the planking with the stem to the corresponding point at the sternpost or, in the case of a square-sterned boat, to the afterside of the transom.

Breadth. From the outside of the planking at the point where the breadth of the boat is greatest.

Depth. Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per centum of the breadth.

In all cases the vessel owner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

Eighth. The cubic capacity of a motor boat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories.

DECK AREA OF PONTOON BOATS AND OPEN BOATS OF THE SECOND CLASS

First. The area of the deck of a pontoon boat of type 1C, 2B, or 2C shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of type 2A.

Second. For example, the surface in square feet of a boat may be deemed to be given by the following formula:

$$\text{Area}=\tfrac{1}{12}(2a+1.5b+4c+1.5d+2e)$$

1 being the length in feet from the intersection of the outside of the planking with the stem to the corresponding point at the sternpost.

a, b, c, d, e denote the horizontal breadths in feet outside the planking at the points obtained by dividing 1 into four equal parts and subdividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme subdivisions, c at the middle point of the length, and b and d at the intermediate points).

MARKING OF BOATS AND PONTOON RAFTS

The dimensions of the boat and the number of persons which it is authorized to carry shall be marked on it in clear, permanent characters, according to regulations by the Board of

Supervising Inspectors, approved by the Secretary of Commerce. These marks shall be specifically approved by the officers appointed to inspect the ship.

Pontoon rafts shall be marked with the number of persons in the same manner.

EQUIPMENT OF BOATS AND PONTOON RAFTS

First. The normal equipment of every boat shall consist of—

(a) A single banked complement of oars and two spare oars; one set and a half of thole pins or crutches; a boat hook.

(b) Two plugs for each plug hole (plugs are not required when proper automatic valves are fitted); a bailer and a galvanized iron bucket.

(c) A tiller or yoke and yoke lines.

(d) Two hatchets.

(e) A lamp filled with oil and trimmed.

(f) A mast or masts with one good sail at least, and proper gear for each. (This does not apply to motor lifeboats or lifeboats on the Great Lakes or other inland waters.)

(g) A suitable compass.

Pontoon lifeboats will have no plug hole, but shall be provided with at least two bilge pumps.

In the case of a steamer which carries passengers in the North Atlantic, all the boats need not be equipped with masts, sails, and compasses, if the ship is provided with a radiotelegraph installation.

Second. The normal equipment of every approved pontoon raft shall consist of—

(a) Four oars.

(b) Five rowlocks.

(c) A self-igniting life buoy light.

Third. In addition, every boat and every pontoon raft shall be equipped with—

(a) A life line becketed around the outside.

(b) A sea anchor.

(c) A painter.

(d) A vessel containing one gallon of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(e) A water-tight receptacle containing two pounds avoirdupois of provisions for each person, except on vessels navigating fresh water.

(f) A water-tight receptacle containing one quart for each person, except on vessels navigating fresh water.

(g) A number of self-igniting "red lights" and a water-tight box of matches.

Fourth. All loose equipment must be securely attached to the boat or pontoon raft to which it belongs.

STOWAGE OF BOATS—NUMBER OF DAVITS

The minimum number of sets of davits is fixed in relation to the length of the vessel; provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board may not be required.

HANDLING OF THE BOATS AND RAFTS

All the boats and rafts must be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible.

The arrangements must be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible.

STRENGTH AND OPERATION OF THE DAVITS

The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of fifteen degrees.

The davits must be fitted with a gear of sufficient power to insure that the boat can be turned out against the maximum list under which the lowering of the boats is possible on the vessel in question.

OTHER APPLIANCES EQUIVALENT TO DAVITS

Any appliance may be accepted in lieu of davits or sets of davits if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied after proper trials that the appliance in question is as effective as davits for placing the boats in the water.

DAVITS

Each set of davits shall have a boat of the first class attached to it, provided that the number of open boats of the first class attached to davits shall not be less than the minimum number fixed by the table which follows.

If it is neither practicable nor reasonable to place on a vessel the minimum number of sets of davits required by the rules, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, may authorize a smaller number of sets of davits to be fitted, provided always that this number shall never be less than the minimum number of open boats of the first class required by the rules.

If a large proportion of the persons on board are accommodated in boats whose length is greater than fifty feet, a further reduction in the number of sets of davits may be allowed exceptionally, if the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, is satisfied that the arrangements are in all respects satisfactory.

In all cases in which a reduction in the minimum number of sets of davits or other equivalent appliances required by the rules is allowed, the owner of the vessel in question shall be required to prove, by a test made in the presence of an officer designated by the Supervising Inspector General, that all the boats can be efficiently launched in a minimum time.

The conditions of this test shall be as follows:

First. The vessel is to be upright and in smooth water.

Second. The time is the time required from the beginning of the removal of the boat covers, or any other operation necessary to prepare the boats for lowering, until the last boat or pontoon raft is afloat.

Third. The number of men employed in the whole operation must not exceed the total number of boat hands that will be carried on the vessel under normal service conditions.

Fourth. Each boat when being lowered must have on board at least two men and its full equipment as required by the rules.

The time allowed for putting all the boats into the water shall be fixed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

MINIMUM NUMBER OF DAVITS AND OF OPEN BOATS OF THE FIRST CLASS—MINIMUM BOAT CAPACITY

The following table fixes, according to the length of the vessel—

(A) The minimum number of sets of davits to be provided, to each of which must be attached a boat of the first class in accordance with this section.

(B) The minimum total number of open boats of the first class, which must be attached to davits, in accordance with this section.

(C) The minimum boat capacity required, including the boats attached to davits and the additional boats, in accordance with this section.

Registered length of the ship (feet)	(A) Minimum number of sets of davits	(B) Minimum number of open boats of the first class	(C) Minimum capacity of lifeboats
			Cubic feet
100 and less than 120	2	2	980
120 and less than 140	2	2	1,220
140 and less than 160	2	2	1,550
160 and less than 175	3	3	1,880
175 and less than 190	3	3	2,380
190 and less than 205	4	4	2,740
205 and less than 220	4	4	3,330
220 and less than 230	5	4	3,900
230 and less than 245	5	4	4,560
245 and less than 255	6	5	5,100
255 and less than 270	6	5	5,640
270 and less than 285	7	5	6,190
285 and less than 300	7	5	6,930
300 and less than 315	8	6	7,550
315 and less than 330	8	6	8,290
330 and less than 350	9	7	9,000
350 and less than 370	9	7	9,630
370 and less than 390	10	7	10,650
390 and less than 410	10	7	11,700
410 and less than 435	12	9	13,060
435 and less than 460	12	9	14,430
460 and less than 490	14	10	15,920
490 and less than 520	14	10	17,310
520 and less than 550	16	12	18,720
550 and less than 580	16	12	20,350
580 and less than 610	18	13	21,900
610 and less than 640	18	13	23,700
640 and less than 670	20	14	25,350
670 and less than 700	20	14	27,050
700 and less than 730	22	15	28,560
730 and less than 760	22	15	30,180
760 and less than 790	24	17	32,100
790 and less than 820	24	17	34,350
820 and less than 855	26	18	36,450
855 and less than 890	26	18	38,750
890 and less than 925	28	19	41,000
925 and less than 960	28	19	43,880
960 and less than 995	30	20	46,350
995 and less than 1,030	30	20	48,750

When the length of the vessel exceeds one thousand and thirty feet, the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, shall determine the minimum number of sets of davits and of open boats of the first class for that vessel.

EMBARKATION OF THE PASSENGERS IN THE LIFEBOATS AND RAFTS

Suitable arrangements shall be made for embarking the passengers in the boats, in accord with regulations by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

In vessels which carry rafts there shall be a number of rope or wooden ladders always available for use in embarking the persons on to the rafts.

The number and arrangement of the boats, and (where they are allowed) of the pontoon rafts, on a vessel depends upon the total number of persons which the vessel is intended to carry: *Provided*, That there shall not be required on any voyage a total capacity in boats and (where they are allowed) pontoon rafts greater than that necessary to accommodate all the persons on board.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes more than twenty nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board.

If the lifeboats attached to davits do not provide sufficient accommodation for all persons on board, additional lifeboats of one of the standard types shall be provided. This addition shall bring the total capacity of the boats on the vessel at least up to the greater of the two following amounts:

(a) The minimum capacity required by these regulations;

(b) A capacity sufficient to accommodate 75 per centum of the persons on board.

The remainder of the accommodation required shall be provided, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, either in boats of class 1 or class 2, or in pontoon rafts of an approved type.

At no moment of its voyage shall any passenger steam vessel of the United States on ocean routes less than twenty nautical miles offshore have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats and pontoon rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per centum of the persons on board. The number and type of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any passenger steam vessel of the United States, on ocean routes less than twenty nautical miles offshore, shall be required to carry accommodation for not less than 70 per centum of the total number of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than 50 per centum shall be in lifeboats and 50 per centum may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any ocean-cargo steam vessel of the United States have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than three miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per centum of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors approved by the Secretary of Commerce: *Provided*, That during the interval from May 15 to September 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per centum of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided further*, That all passenger steam vessels of the United States, the keels of which are laid after the 1st of July, 1915, for service on ocean routes, or for service from September 15 to May 15 on the Great Lakes on routes more than three miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *And provided further*, That not more than 25 per centum of such equipment may be in pontoon life rafts or collapsible lifeboats.

At no moment of its voyage may any cargo steam vessel of the United States on the Great Lakes have on board a total number of persons greater than that for whom accommodation is provided in the lifeboats on board. The number and types of such boats shall be determined by regulations of the Board of Supervising Inspectors approved by the Secretary of Commerce.

The number, types, and capacity of lifeboats and life rafts, together with the proportion of such accommodation to the number of persons on board which shall be carried on steam vessels on the Great Lakes, on routes three miles or less offshore or over waters whose depth is not sufficient to submerge all the decks of the vessels, and on all other lakes, and on rivers, bays, and sounds, shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce.

All regulations by the Board of Supervising Inspectors approved by the Secretary of Commerce, authorized by this section, shall be transmitted to Congress as soon as practicable after they are made.

The Secretary of Commerce is authorized in specific cases to exempt existing vessels from the requirements of this section that the davits shall be of such strength and shall be fitted with a gear of sufficient power to insure that the boats can be lowered with their full complement of persons and equipment, the vessel being assumed to have a list of fifteen degrees, where their strict application would not be practicable or reasonable.

CERTIFICATED LIFEBOAT MEN—MANNING OF THE BOATS

There shall be for each boat or raft a number of lifeboat men at least equal to that specified as follows: If the boat or raft carries twenty-five persons or less, the minimum number of certificated lifeboat men shall be one; if the boat or raft carries twenty-six persons and less than forty-one persons the minimum number of certificated lifeboat men shall be two; if the boat or raft carries forty-one persons and less than sixty-one persons the minimum number of certificated lifeboat men shall be three; if the boat or raft carries from sixty-one to eighty-five persons, the minimum number of certificated lifeboat men shall be four; if the boat or raft carries from eighty-six to one hundred and ten persons, the minimum number of certificated lifeboat men shall be five; if the boat or raft carries from one hundred and eleven to one hundred and sixty persons, the minimum number of certificated lifeboat men shall be six; if the boat or raft carries from one hundred and sixty-one to two hundred and ten persons, the minimum number of certificated lifeboat men shall be seven; and, thereafter, one additional certificated lifeboat man for each additional fifty persons: *Provided*, That if the raft carries fifteen persons or less a licensed officer or able seaman need not be placed in charge of such raft: *Provided further*, That one-half the number of rafts carried shall have a capacity of exceeding fifteen persons.

The allocation of the certificated lifeboat men to each boat and raft remains within the discretion of the master, according to the circumstances.

By "certificated lifeboat man" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Secretary of Commerce, who is hereby directed to provide for the issue of such certificates.

In order to obtain the special lifeboat man's certificate the applicant must prove to the satisfaction of an officer designated by the Secretary of Commerce that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

MANNING OF BOATS

A licensed officer or able seaman shall be placed in charge of each boat or pontoon raft; he shall have a list of its lifeboat men, and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

A man capable of working the motor shall be assigned to each motor boat.

The duty of seeing that the boats, pontoon rafts, and other life-saving appliances are at all times ready for use shall be assigned to one or more officers.

MUSTER ROLL AND DRILLS

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shows all these special duties, and indicates, in particular, the station to which each man must go, and the duties that he has to perform.

Before the vessel sails the muster list shall be drawn up and exhibited, and the proper authority, to be designated by the Secretary of Commerce, shall be satisfied that the muster list has been prepared for the vessel. It shall be posted in several parts of the vessel, and in particular in the crew's quarters.

MUSTER LIST

The muster list shall assign duties to the different members of the crew in connection with—

(a) The closing of the water-tight doors, valves, and so forth.

(b) The equipment of the boats and rafts generally.

(c) The launching of the boats attached to davits.

(d) The general preparation of the other boats and the pontoon rafts.

(e) The muster of the passengers.

(f) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include—

(a) Warning the passengers.

(b) Seeing that they are dressed and have put on their life jackets in a proper manner.

(c) Assembling the passengers.

(d) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite alarm signals for calling all the crew of the boat and fire stations, and shall give full particulars of these signals.

MUSTERS AND DRILLS

Musters of the crews at their boat and fire stations, followed by boat and fire drills, respectively, shall be held at least once a week, either in port or at sea. An entry shall be made in the official log book of these drills, or of the reason why they could not be held.

Different groups of boats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practiced in the duties they have to perform, and that all the boats and pontoon rafts on the ship with the gear appertaining to them are always ready for immediate use.

LIFE JACKETS AND LIFE BUOYS

A life jacket of an approved type, or other appliance of equal buoyancy and capable of being fitted on the body, shall be carried for every person on board, and, in addition, a sufficient number of life jackets, or other equivalent appliances, suitable for children.

First. A life jacket shall satisfy the following conditions:

(a) It shall be of approved material and construction.

(b) It shall be capable of supporting in fresh water for twenty-four hours fifteen pounds avoirdupois of iron.

Life jackets the buoyancy of which depends on air compartments are prohibited.

Second. A life buoy shall satisfy the following conditions:

(a) It shall be of solid cork or any other equivalent material.

(b) It shall be capable of supporting in fresh water for twenty-four hours at least thirty-one pounds avoirdupois of iron.

Life buoys filled with rushes, cork shavings, or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

Third. The minimum number of life buoys with which vessels are to be provided is fixed as follows:

Vessels under one hundred feet in length, minimum number of buoys, two; vessels one hundred feet and less than two hundred feet in length, minimum number of buoys, four, of which two shall be luminous; vessels two hundred feet and less than three hundred feet in length, minimum number of buoys, six, of which two shall be luminous; vessels three hundred feet and less than four hundred feet in length, minimum number of buoys, twelve, of which four shall be luminous; vessels four hundred feet and less than six hundred feet in length, minimum number of buoys, eighteen, of which nine shall be luminous; vessels six hundred feet and less than eight hundred feet in length, minimum number of buoys, twenty-four, of which twelve shall be luminous; vessels eight hundred feet and over in length, minimum number of buoys, thirty, of which fifteen shall be luminous.

Fourth. All the buoys shall be fitted with beckets securely seized. Where two buoys only are carried, one shall be fitted with a life line at least fifteen fathoms in length, and where more than two buoys are carried, at least one buoy on each side shall be fitted with a life line of at least fifteen fathoms in length. The lights shall be efficient self-igniting lights which can not be extinguished in water and they shall be kept near the buoys to which they belong, with the necessary means of attachment.

Fifth. All the life buoys and life jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life buoys shall always be capable of being rapidly cast loose, and shall not be permanently secured in any way. The owner of any vessel who neglects or refuses to provide and equip his vessel with such lifeboats, floats, rafts, life preservers, line-carrying projectiles, and the means of propelling them, drags, pumps, or other appliances, as are required under the provisions of this section, or under the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall be fined not less than $500, nor more than $5,000, and every master of a vessel who shall fail to comply with the requirements of this section, and the regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce, authorized by and made pursuant hereto, shall upon conviction be fined not less than $50, nor more than $500. (R. S. § 4488; Mar. 2, 1889, c. 418, § 1, 25 Stat. 1012; Mar. 3, 1905, c. 1454, § 3, 33 Stat. 1024; Mar. 4, 1915, c. 153, § 14, 38 Stat. 1170; June 12, 1916, c. 141, 39 Stat. 224.)

482. Water-tight bulkheads in lake steamers carrying passengers.—Every seagoing steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after the 28th day of August, 1871, shall have not less than three water-tight cross bulkheads, such bulkheads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable framework; and to be properly secured to the hull of the vessel. The position of such bulkheads and the strength of material of which the same shall be constructed shall be determined by the general rules of the Board of Supervising Inspectors. (R. S. § 4490; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

483. Water-tight bulkheads not required on certain steamers.—Steam vessels of one hundred tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the United States local inspectors of steam vessels to carry passengers or excursions on the ocean or upon the Great Lakes of the North or Northwest, not exceeding fifteen miles from the mouth of such bays or harbors, without being required to have the three water-tight cross bulkheads provided by the preceding section for other passenger steamers: *Provided*, That in the judgment of the local inspector such steamers shall be safe and suitable for such navigation without danger to human life, and that they shall have one water-tight collision bulkhead not less than five feet abaft the stem of said steamer. (July 9, 1886, c. 755, § 3, 24 Stat. 129.)

484. Radio-communication apparatus.—It shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least one hundred miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

The provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart. (June 24, 1910, c. 379, § 1, 36 Stat. 629; July 23, 1912, c. 250, § 1, 37 Stat. 199.)

485. Requirements as to efficiency of radio apparatus.—For the purpose of sections 484, 486, and 487 apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication. (June 24, 1910, c. 379, § 2, 36 Stat. 630.)

486. Penalty for violating provisions as to radio apparatus; separate offenses.—The master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of sections 484, 485, and 487 shall, upon conviction, be fined in a sum not more than $5,000, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense. (June 24, 1910, c. 379, § 3, 36 Stat. 630.)

487. Regulations as to radio apparatus.—The Secretary of Commerce shall make such regulations as may be necessary

to secure the proper execution of sections 484, 485, and 486 by collectors of customs and other officers of the Government. (June 24, 1910, c. 379, § 4, 36 Stat. 630; Mar. 4, 1913, c. 141, 37 Stat. 736.)

488. Substitute for second operator of radio apparatus on cargo steamers.—On cargo steamers, in lieu of the second operator provided for in section 484, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life. (July 23, 1912, c. 250, § 2, 37 Stat. 200.)

489. Use of instruments for security of life to be approved.—No kind of instrument, machine, or equipment, for the better security of life, provided for by this chapter shall be used on any steam vessel which shall not first be approved by the Board of Supervising Inspectors, and also by the Secretary of Commerce. (R. S. § 4491; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

490. Barges carrying passengers.—Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this chapter relating to fire buckets, axes, life preservers, and yawls, to such extent as shall be prescribed by the Board of Supervising Inspectors; and for any violation of this section the penalty shall be $200, recoverable one-half for the use of the informer. (R. S. § 4492.)

491. Liability of master and owners for damage to passengers.—Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect or failure to comply with the provisions of this or the preceding chapter or sections 214 or 215, or through known defects or imperfections of the steaming apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot. (R. S. § 4493.)

492. Copies of provisions to be kept on passenger steamers.—Every master or commander of any steam vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of this and the preceding chapter and sections 214 and 215, to be furnished to him by the Secretary of Commerce; and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of $20. (R. S. § 4494; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

493. Name of steamer exhibited.—Every steam vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters of not less than six inches in length, on each outer side of the pilot house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheelhouse; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern. (R. S. § 4495.)

494. Duties of customs officers.—All collectors, or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this and the preceding chapter against all steamers arriving and departing. (R. S. § 4496.)

495. Penalty for omission of duty by customs officers.—Every collector, or other chief officer of the customs, or inspector, who negligently or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of $100 for each offense, to be sued for in an action of debt. (R. S. § 4497.)

496. Registry or enrollment denied to vessels not complying with law.—A register, enrollment, or license shall not be granted, or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under this and the preceding chapter until all the provisions of said chapters applicable to such vessel have been fully complied with and until the copy of the certificate of inspection required by said chapters for such vessel has been filed with said collector or other chief officer of customs. (R. S. § 4498; Mar. 3, 1905, c. 1457, § 9, 33 Stat. 1032; Mar. 4, 1915, c. 184, § 5, 38 Stat. 1218.)

497. Penalty for failure to comply with provisions.—If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this and the preceding chapter, the owner shall be liable to the United States in a penalty of $500 for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. Persons or corporations chartering or engaging or contracting for the use of vessels subject to this and the preceding chapter and sections 214 and 215, under such terms and conditions that they have full and exclusive control of the management and operation of such vessels, shall be subject to the same penalties for violations of the provisions of said chapters and sections as are now imposed upon owners of vessels thereunder, and in such cases the owners shall not be liable to such penalties for such violations by such charterers or contractors. (R. S. § 4499; Mar. 3, 1905, c. 1454, § 4, 33 Stat. 1025.)

498. Penalty in cases not provided for.—The penalty for the violation of any provision of this, or the preceding chapter or sections 214 or 215, not otherwise especially provided for, shall be a fine of $500, recoverable one-half for the use of the informer. (R. S. § 4500.)

Chapter 16.—REGULATION OF MOTOR BOATS.

Sec.
511. "Motor boats" defined; inspection.
512. Classes of boats.
513. Lights.
514. Sound signals.
515. Life preservers; licenses.
516. Means of extinguishing burning gasoline.
517. Penalty for violations.
518. Regulations; remission of fine or penalty.
519. International rules for preventing collisions at sea not affected.
520. Regulations as to certain vessels propelled by gas, fluid, naphtha, or electric motors.

Section 511. "Motor boats" defined; inspection.—The words "motor boat" where used in this chapter shall include every vessel propelled by machinery and not more than sixty-five feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motor boats, which are more than forty feet in length, and which are propelled by machinery driven by steam. (June 9, 1910, c. 268, § 1, 36 Stat. 462.)

512. Classes of boats.—Motor boats subject to the provisions of this chapter shall be divided into classes as follows:

Class 1. Less than twenty-six feet in length.

Class 2. Twenty-six feet or over and less than forty feet in length.

Class 3. Forty feet or over and not more than sixty-five feet in length. (June 9, 1910, c. 268, § 2, 36 Stat. 462.)

513. Lights.—Every motor boat in all weathers from sunset to sunrise shall carry the following lights, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(a) Every motor boat of class 1 shall carry the following lights:

First. A white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motor boat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. The glass or lens shall be of not less than the following dimensions:

Class 2. Nineteen square inches.

Class 3. Thirty-one square inches.

Second. A white light aft to show all around the horizon.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The glasses or lenses in the said side lights shall be of not less than the following dimensions on motor boats of—

Class 2. Sixteen square inches.

Class 3. Twenty-five square inches.

All glasses or lenses prescribed by paragraph (b) of this section shall be fresnel or fluted. The said lights shall be fitted with inboard screens of sufficient height and so set as to prevent these lights from being seen across the bow and shall be of not less than the following dimensions on motor boats of—

Class 2. Eighteen inches long.

Class 3. Twenty-four inches long: *Provided*, That motor boats as defined in this chapter, when propelled by sail and machinery or under sail alone, shall carry the colored lights suitably screened but not the white lights prescribed by this section. (June 9, 1910, c. 268, § 3, 36 Stat. 462.)

514. Sound signals.—(a) Every motor boat under the provisions of this chapter shall be provided with a whistle or other sound-producing mechanical appliance capable of producing a blast of two seconds or more in duration, and in the case of such boats so provided a blast of at least two seconds shall be deemed a prolonged blast within the meaning of the law.

(b) Every motor boat of class 2 or 3 shall carry an efficient fog horn.

(c) Every motor boat of class 2 or 3 shall be provided with an efficient bell, which shall be not less than eight inches across the mouth on board of vessels of class 3. (June 9, 1910, c. 268, § 4, 36 Stat. 463.)

515. Life preservers; licenses.—Every motor boat subject to any of the provisions of this chapter, and also all vessels propelled by machinery other than by steam more than sixty-five feet in length, shall carry either life preservers or life belts, or buoyant cushions, or ring buoys or other device, to be prescribed by the Secretary of Commerce, sufficient to sustain afloat every person on board and so placed as to be readily accessible. All motor boats carrying passengers for hire shall carry one life preserver of the sort prescribed by the regulations of the Board of Supervising Inspectors for every passenger carried, and no such boat while so carrying passengers for hire shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as the condition of obtaining such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation: *Provided*, That motor boats shall not be required to carry licensed officers, except as required in this chapter. (June 9, 1910, c. 268, § 5, 36 Stat. 463; Mar. 4, 1913, c. 141, 37 Stat. 736.)

516. Means of extinguishing burning gasoline.—Every motor boat and also every vessel propelled by machinery other than by steam, more than sixty-five feet in length, shall carry ready for immediate use the means of promptly and effectually extinguishing burning gasoline. (June 9, 1910, c. 268, § 6, 36 Stat. 463.)

517. Penalty for violations.—A fine not exceeding $100 may be imposed for any violation of this chapter. The motor boat shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found. (June 9, 1910, c. 268, § 7, 36 Stat. 463.)

518. Regulations; remission of fine or penalty.—The Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this chapter by collectors of customs and other officers of the Government. And the Secretary of the Department of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture relating to motor boats except for failure to observe the provisions of section 516. (June 9, 1910, c. 268, § 8, 36 Stat. 463; Mar. 4, 1913, c. 141, 37 Stat. 736.)

519. International rules for preventing collisions at sea not affected.—Nothing in this chapter shall be deemed to alter or amend Acts of Congress embodying or revising international rules for preventing collisions at sea. (June 9, 1910, c. 268, § 9, 36 Stat. 463.)

520. Regulations as to certain vessels propelled by gas, fluid, naphtha, or electric motors.—All vessels of above fifteen tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, are subject to all the provisions of section 404, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 381, relating to the regulation of steam vessels in passing each other; and to so much of sections 311 to 323, inclusive, 331 and 341 to 351, inclusive, of Title 33, NAVIGATION AND NAVIGABLE WATERS, relating to lights, fog signals, steering, and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation. (Jan. 18, 1897, c. 61, 29 Stat. 489.)

Chapter 17.—REGULATION OF FISHERIES.

Sec.
531. Agreement for fishing voyage.
532. Penalty for violating agreement.
533. Recovery of shares of fish under agreement.
534. Discharge of vessel on bond by owner.

Section 531. Agreement for fishing voyage.—The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing vessel or his agent. (R. S. § 4391.)

532. Penalty for violating agreement.—If any fisherman, having engaged himself for a voyage or for the fishing season in any fishing vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing voyage refuses or neglects his proper duty on board the fishing vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hinderance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage. (R. S. § 4392.)

533. Recovery of shares of fish under agreement.—Whenever an agreement or contract is so made and signed for a fishing voyage or for the fishing season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing voyage and of other supplies therefor made to either of the demandments, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear. (R. S. § 4393.)

534. Discharge of vessel on bond by owner.—When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof. (R. S. § 4394.)

Chapter 18.—MERCHANT SEAMEN.

SHIPPING COMMISSIONERS

Sec.
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SHIPPING COMMISSIONERS

Section 541. Appointment; accounts; expenditures; compensation; clerks.—The Secretary of Commerce shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Shipping commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of Commerce, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of Commerce, subject to the limitations now fixed by law. The Secretary of Commerce shall regulate the mode of conducting business in the shipping offices established by the shipping commissioners, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the General Accounting Office in the mode and manner provided for expenditures in the collection of customs. All fees of shipping commissioners shall be paid into the Treasury of the United States and shall constitute a fund which shall be used under the direction of the Secretary of Commerce to pay the compensation of said commissioners and their clerks and such other expenses as he may find necessary to ensure the proper administration of their duties. (R. S. § 4501; June 26, 1884, c. 121, § 27, 23 Stat. 59; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 756; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

542. Bond and oath.—Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce, of not less than $5,000, in such form and with such security as the Secretary of Commerce shall direct and approve; and shall take and subscribe the oath prescribed by section 16 of Title 5 before entering upon the duties of his office: *Provided*, That nothing in this section shall be construed to affect in any respect the liability of principal or sureties on any bond given prior to April 26, 1906, by any shipping commissioner. (R. S. § 4502; Apr. 26, 1906, c. 1875, 34 Stat. 137; Mar. 4, 1913, c. 141, 37 Stat. 736.)

543. When officers of customs shall act.—In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping commissioner within the meaning of this chapter. (R. S. § 4503.)

544. Vessels in coastwise trade.—None of the provisions of an Act entitled "An Act to authorize the appointment of shipping commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen" shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage. (June 9, 1874, c. 260, 18 Stat. 64.)

545. Duties.—The general duties of a shipping commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as may be required by law. (R. S. § 4508.)

546. Penalty for personating shipping commissioner.—Any person other than a commissioner under this chapter who shall perform or attempt to perform, either directly or indirectly, the duties which are by this chapter set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than $500. Nothing in this chapter, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping commissioner under this chapter. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner. (R. S. § 4504.)

547. Clerks.—Any shipping commissioner may engage clerks to assist him in the transaction of the business of the shipping office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this chapter; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping commissioner. (R. S. § 4505.)

548. Seal.—Each shipping commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument either printed or written, purporting to be the official act of a shipping commissioner, and purporting to be under the seal and signature of such shipping commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth. (R. S. § 4506.)

549. Office.—The Secretary of Commerce shall assign in public buildings or otherwise procure suitable offices and rooms for the shipment and discharge of seamen, to be known as shipping commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices. (R. S. § 4507; Mar. 3, 1897, c. 389, § 1, 29 Stat. 687; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

SHIPMENT OF CREW

561. Apprentices.—Every shipping commissioner appointed under this chapter shall, if applied to for the purpose of apprenticing boys to the sea service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him. (R. S. § 4509.)

562. Indenture of apprentice to be produced to commissioner.—The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this chapter, and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than $100. (R. S. § 4510.)

563. Shipment of crews by shipping commissioners; shipping agreements.—Shipping commissioners may ship crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel.

When a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or New Foundland, or the West Indies, or Mexico, as authorized by this section, an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by sections 564 and 565, not however including the sixth, and eighth items of section 564, and such agreement shall be posted as provided in section 577, and such seamen shall be discharged and receive their wages as provided by the first clause of section 596, and also by sections 593 to 595, inclusive, 597, 600, 603, 604, 625 to 628, inclusive, 641 to 645, inclusive, 651 and 704; but in all other respects such shipment of seamen and such shipping agreement shall be regarded as if both shipment and agreement had been entered into between the master of a vessel and a seaman without going before a shipping commissioner: *Provided*, That the clothing of any seaman shall be exempt from attachment, and that any person who shall detain such clothing when demanded by the owner shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than $500, or both. (June 19, 1886, c. 421, § 2, 24 Stat. 80; Aug. 19, 1890, c. 801, 26 Stat. 320; Feb. 18, 1895, c. 97, 28 Stat. 667; Mar. 3, 1897, c. 389, § 8, 29 Stat. 689; Apr. 11, 1904, c. 1140, 33 Stat. 168.)

564. Shipping articles.—The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this chapter, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of Commerce not contrary to or not otherwise provided for by law, which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law. (R. S. § 4511; Mar. 3, 1897, c. 389, § 19, 29 Stat. 691; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

565. Rules for shipping articles.—The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of ——, County of ——:

"On this ——— day of ———, personally appeared before me, a shipping commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned." (R. S. § 4512.)

566. Exception as to shipping articles.—Section 564 shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage. (R. S. § 4513; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

567. Penalty for shipping without agreement.—If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than $200. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea. (R. S. § 4514.)

568. Penalty for knowingly shipping seamen without articles.—If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this chapter, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than $200. (R. S. § 4515.)

569. Shipping seamen to replace those lost by desertion or casualty.—In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts. (R. S. § 4516; Dec. 21, 1898, c. 28, § 1, 30 Stat. 755; Mar. 4, 1915, c. 153, § 1, 38 Stat. 1164.)

570. Shipping seamen in foreign ports.—Every master of a merchant vessel who engages any seaman at a place out of the United States, in which there is a consular officer shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping commissioner in the United States, shall apply to such engagements made before a consular officer; and upon every such engagement the consular officer shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made. (R. S. § 4517.)

571. Penalty for violating preceding section.—Every master who engages any seaman in any place in which there is a consular officer, otherwise than as required by the preceding section, shall incur a penalty of not more than $100, for which penalty the vessel shall be held liable. (R. S. § 4518.)

572. Voyage or term for which seamen may be shipped; reshipment.—A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law. (June 26, 1884, c. 121, § 19, 23 Stat. 58.)

573. Voyage or term of seamen shipped in foreign port; reshipment; bond.—Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged, or to give bond, to produce said seamen before a boarding officer on the return of said vessel to the United States. (June 26, 1884, c. 121, § 20, 23 Stat. 58.)

574. Shipping articles for vessels in coasting trade.—Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped. (R. S. § 4520.)

575. Penalty for shipping without articles.—If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants,

without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of $20 for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this chapter. (R. S. § 4521.)

576. **Penalty for omitting to begin voyage.**—At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned. (R. S. § 4522; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; Dec. 21, 1898, c. 28, § 2, 30 Stat. 755.)

577. **Posting copy of agreement.**—The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than $100. (R. S. § 4519.)

578. ***Unlawful shipments void.***—*All shipments of seamen* made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment. (R. S. § 4523.)

579. **Report of returns of collectors and foreign agents.**—The Secretary of State shall lay before Congress, within ten days after the commencement of each regular session, a statement containing an abstract of all the returns made to him pursuant to law, by the collectors of the different ports, of the seamen registered by them, together with an account of such impressments and detentions as shall appear by the protests of the masters to have taken place. (R. S. § 207; Mar. 3, 1897, c. 389, § 16, 29 Stat. 691.)

WAGES OF SEAMEN

591. ***Commencement of wages.***—A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. (R. S. § 4524.)

592. **Wages not dependent on freight earned.**—No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores shall bar his claim. (R. S. § 4525.)

593. **Termination of wages by loss of vessel; transportation to place of shipment.**—In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections 678, 679, and 681. (R. S. § 4526; Dec. 21, 1898, c. 28, § 3, 30 Stat. 755.)

594. **Right to wages in case of improper discharge.**—Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned. (R. S. § 4527.)

595. **Conduct as affecting right.**—No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him. (R. S. § 4528.)

596. **Time for payment.**—The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage. (R. S. § 4529; Dec. 21, 1898, c. 28, § 4, 30 Stat. 756; Mar. 4, 1915, c. 153, § 3, 38 Stat. 1164.)

597. **Payment at ports.**—Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in, five days nor more than once in the same harbor on the same entry. Any failure on the part of the master to

comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in the preceding section: *Provided further*, That notwithstanding any release signed by any seaman under section 644 any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement. (R. S. § 4530; Dec. 21, 1898, c. 28, § 5, 30 Stat. 756; Mar. 4, 1915, c. 153, § 4, 38 Stat. 1165; June 5, 1920, c. 250, § 31, 41 Stat. 1006.)

598. Vessels engaged in taking oysters.—Sections 596, 599, and 604 shall apply to all vessels engaged in the taking of oysters. (June 28, 1906, c. 3583, § 4, 34 Stat. 551.)

599. Advances and allotments.—(a) It shall be unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

(c) No allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

(d) No allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

(e) This section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

(f) Under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section. (June 26, 1884, c. 121, § 10, 23 Stat. 55; June 19, 1886, c. 421, § 3, 24 Stat. 80; Dec. 21, 1898, c. 28, § 24, 30 Stat. 763; Apr. 26, 1904, c. 1603, § 1, 33 Stat. 308; Mar. 4, 1915, c. 153, § 11, 38 Stat. 1168; June 5, 1920, c. 250, § 32, 41 Stat. 1006.)

600. Agreements as to loss of lien or right to wages.—No seaman shall, by any agreement other than is provided by this chapter, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this chapter, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. (R. S. § 4535.)

601. Attachment or arrestment of wages; support of seaman's wife.—No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this chapter. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. (Mar. 4, 1915, c. 153, § 12, 38 Stat. 1169.)

602. Limit of sum recoverable during voyage.—No sum exceeding $1 shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended. (R. S. § 4537.)

603. Summons for nonpayment.—Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this chapter, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any United States commissioner of a district court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages. (R. S. § 4546; May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 2, 1901, c. 814, 31 Stat. 956; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

604. Libel for wages.—If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or United States commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the

vessel. In all cases where the matter in demand does not exceed $100 the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition, or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section 596. (R. S. § 4547; May 28, 1896, c. 252, § 19, 29 Stat. 184; Dec. 21, 1898, c. 28, § 6, 30 Stat. 756; Mar. 2, 1901, c. 814, 31 Stat. 956.)

605. Wages payable in gold.—Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding. (R. S. § 4548.)

WAGES ON CANAL BOATS

611. Libel of canal boats for wages.—No canal boat, without masts or steam power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same. (R. S. § 4251.)

EFFECTS OF DECEASED SEAMEN

621. Duty of master where seaman dies during voyage.—Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom. (R. S. § 4538.)

622. Proceedings in regard to effects.—In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate. (R. S. § 4539.)

623. Penalty for neglect of master.—Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the district court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than $200; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them. (R. S. § 4540; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

624. Duties of consular officers.—Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him

under the provisions of this chapter, and shall quarterly remit to the district court of the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district court requires. (R. S. § 4541; Mar. 3, 1897, c. 389, § 4, 29 Stat. 689; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

625. Effects of seaman dying within the United States.—Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged or where he died. (R. S. § 4542; Mar. 3, 1897, c. 389, § 6, 29 Stat. 689.)

626. Payment to district court.—Every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the district court of the district in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the district court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the district court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects. (R. S. § 4543; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

627. Distribution by district court.—If the money and effects of any seaman or apprentice paid, remitted, or delivered to the district court, including the moneys received for any part of his effects which have been sold, either before delivery to the district court, or by its directions, do not exceed in value the sum of $300, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of $300, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased. (R. S. § 4544; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

628. Unclaimed wages and effects.—A district court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a district court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service. (R. S. § 4545; Mar. 3, 1897, c. 389, § 7, 29 Stat. 689; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

DISCHARGE

641. Mode.—All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping commissioner under this chapter, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than $50. (R. S. § 4549.)

642. Accounting as to wages.—Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping commissioner, to such shipping commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than $50. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment. (R. S. § 4550.)

643. Certificate.—Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this chapter; and every master who fails to sign and give to such seaman such certificate and discharge shall, for each such offense, incur a penalty not exceeding $50. But whenever the master shall discharge his crew or any part thereof in any collection district where no shipping commissioner has been appointed, he may perform for himself the duties of such commissioner. (R. S. § 4551.)

644. Rules for settlement.—The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such

copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping commissioner, the shipping commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned. (R. S. § 4552.)

645. Certificate of character.—Upon every discharge effected before a shipping commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this chapter, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him. (R. S. § 4553.)

646. Discharge of crews in coast trade.—Shipping commissioners may discharge crews from any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel. (June 19, 1886, c. 421, § 2, 24 Stat. 80.)

PROTECTION AND RELIEF

651. Commissioner as arbiter.—Every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof. (R. S. § 4554.)

652. Examination of witnesses.—In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping commissioner, under the provisions of this chapter, such shipping commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew, who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than $100 for each offense; and, on application made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court. (R. S. § 4555.)

653. Complaint that vessel is unseaworthy.—If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in the following section provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of $500. (R. S. § 4556; Dec. 21, 1898, c. 28, § 7, 30 Stat. 757.)

654. Proceedings on examination of vessel.—The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. (R. S. § 4557; Dec. 21, 1898, c. 28, § 8, 30 Stat. 757; July 1, 1902, c. 1370, 32 Stat. 712; Aug. 14, 1912, c. 288, 37 Stat. 309.)

655. Refusal to proceed when vessel found seaworthy.—If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. (R. S. § 4558; Dec. 21, 1898, c. 28, § 9, 30 Stat. 757.)

656. Appointment of inspectors by consul in foreign port.—Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul shall cause to be appointed three persons of like qualifications with those described in section 654, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section. (R. S. § 4559; Dec. 21, 1898, c. 28, § 10, 30 Stat. 757; Mar. 4, 1915, c. 153, § 5, 38 Stat. 1165.)

657. Report of inspectors.—The inspectors appointed by any consul, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting. (R. S. § 4560.)

658. Discharge of crew on account of unseaworthiness; penalty for sending unseaworthy vessel to sea.—The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness. (R. S. § 4561; June 26, 1884, c. 121, § 4, 23 Stat. 54; Dec. 21, 1898, c. 28, § 11, 30 Stat. 758.)

659. Payment of charges for inspection.—The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul directing the inquiry may officially certify. (R. S. § 4562.)

660. Refusal to pay wages and charges.—Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of $100 for each offense. (R. S. § 4563.)

661. Neglect to provide sufficient stores.—Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section 665. (R. S. § 4564; Dec. 21, 1898, c. 28, § 12, 30 Stat. 758.)

662. Complaint as to provisions or water; examination.—Any three or more of the crew of any merchant vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than $100; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings. (R. S. § 4565.)

663. Forfeiture for false complaint as to provisions or water.—If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. (R. S. § 4566; Dec. 21, 1898, c. 28, § 13, 30 Stat. 758.)

664. Permission from master to enter complaint as to provisions or water.—If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than $100. (R. S. § 4567.)

665. Allowance for reduction of provisions.—If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section 713 is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding 50 cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding $1 a day.

Third. In respect of bad quality, a sum not exceeding $1 a day.

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require. (R. S. § 4568; Dec. 21, 1898, c. 28, § 14, 30 Stat. 758.)

666. Medicines.—Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other antiscorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew. (R. S. § 4569.)

667. Penalty for failure to keep medicines.—If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than $500; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than $100; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner. (R. S. § 4570.)

668. Weights and measures.—Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than $50. (R. S. § 4571.)

669. Clothing and heat.—Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provisions shall subject the owner or master to a penalty of not less than $100. (R. S. § 4572; Dec. 21, 1898, c. 28, § 15, 30 Stat. 759.)

670. Slop chests.—Every vessel mentioned in section 666 shall also be provided with a slop chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, underclothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding 10 per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than $500. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico and Central America. (June 26, 1884, c. 121, § 11, 23 Stat. 56.)

671. Slop chests; vessels engaged in whaling or fishing business.—The preceding section shall not be construed to apply to vessels engaged in the whaling or fishing business. (June 19, 1886, c. 421, § 13, 24 Stat. 82.)

672. Requirements, qualifications, and regulations as to crews.—No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 569, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 65 per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seaman. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels or Coast Guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays or sounds, who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or Coast Guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after twelve months' service at sea: *Provided*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck twelve months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being

complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than $100 and not more than $500: *And provided further*, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section. (Mar. 4, 1915, c. 153, § 13, 38 Stat. 1169.)

673. Requirements as to watches; duties of seamen; right to discharge.—In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two, and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, and other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels or yachts. (Mar. 4, 1915, c. 153, § 2, 38 Stat. 1164.)

674. List of crew to be delivered to collector.—Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof. (R. S. § 4573.)

675. Certificate to list of crew; record.—In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this chapter. (R. S. § 4574.)

676. Rules as to list of crew.—The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company required to be made out by the master and delivered to the collector of the customs, under section 674, shall be a fair copy in one uniform handwriting without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of $100 for each offense.

Sixth. It shall be the duty of the boarding officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of Commerce and to the United States attorney in his district. (R. S. § 4575; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

677. Production of copy of list on return of vessel; production of persons named.—The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which

such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of $400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul or vice consul there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector. (R. S. § 4576; Mar. 3, 1897, c. 389, § 3, 29 Stat. 688.)

678. Subsistence to destitute seamen; return to United States.—It shall be the duty of the consuls and vice consuls, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. (R. S. § 4577.)

679. Transportation of destitute seamen to United States.—All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding $10 for each person for voyages of not more than thirty days, and not exceeding $20 for each person for longer voyages, as may be agreed between the master and the consular officer, when the transportation is by a sailing vessel; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Comptroller General of the United States shall deem proper. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of $100 for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage or to take any seaman having a contagious disease. (R. S. § 4578; June 26, 1884, c. 121, § 9, 23 Stat. 55; June 19, 1886, c. 421, § 18, 24 Stat. 83; July 31, 1894, c. 174, 28 Stat. 205; June 10, 1921, § 312, 42 Stat. 25.)

680. Rate for transportation of destitute seamen to United States on steam vessels.—The amount agreed upon between the consular officer and the master of the vessel in each individual case not in excess of the lowest passenger rate of such vessel and not in excess of 2 cents per mile, together with such additional compensation for transporting sick or disabled seamen as is provided by the preceding section, shall in each case constitute the lawful rate for transportation on steam vessels. (Jan. 3, 1923, c. 21, Title I, 42 Stat. 1072.)

681. Additional allowance for transportation of destitute seamen.—Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller General of the United States. (R. S. § 4579; July 31, 1894, c. 174, 28 Stat. 205; June 10, 1921, § 312, 42 Stat. 25.)

682. Wages on discharge.—Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any Act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in sections 658, 683, 684, and 703. (R. S. § 4580; June 26, 1884, c. 121, § 2, 23 Stat. 54.)

683. Penalty for neglect of consular officer to collect wages; incapacitated seaman.—If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

Provided, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph. (R. S. § 4581; June 26, 1884, c. 121, § 7, 23 Stat. 55; Apr. 4, 1888, c. 61, § 3, 25 Stat. 80; Dec. 21, 1898, c. 28, § 16, 30 Stat. 759; Mar. 4, 1915, c. 153, § 19, 38 Stat. 1185.)

684. Wages on discharge in case of sale.—Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this

section shall render the owner liable to a fine of not exceeding $50. (R. S. § 4582; June 26, 1884, c. 121, § 5, 23 Stat. 54; Dec. 21, 1898, c. 28, § 17, 30 Stat. 759.)

685. Wages on justifiable complaint of seaman.—Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman. (R. S. § 4583; June 26, 1884, c. 121, § 3, 23 Stat. 54; Dec. 21, 1898, c. 28, § 18, 30 Stat. 760.)

686. Certificates of citizenship.—The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A B, collector of the district of D, do hereby certify, that E F, an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E F is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this ——— day of ———." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. (R. S. § 4588.)

687. List of citizen seamen.—The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions as shall appear by the protests of the masters to have taken place. (R. S. § 4591.)

688. Recovery for injury to or death of seaman.—Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located. (Mar. 4, 1915, c. 153, § 20, 38 Stat. 1185; June 5, 1920, c. 250, § 33, 41 Stat. 1007.)

OFFENSES AND PUNISHMENTS

701. Various offenses; penalties.—Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than twelve months. (R. S. § 4596; Dec. 21, 1898, c. 28, § 19, 30 Stat. 760; Mar. 4, 1915, c. 153, § 7, 38 Stat. 1166.)

702. Entry of offense in log book.—Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense. (R. S. § 4597; Dec. 21, 1898, c. 28, § 20, 30 Stat. 761.)

703. Duty of consular officers as to insubordination.—It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most

effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 685; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner. (R. S. § 4600; June 26, 1884, c. 121, § 6, 23 Stat. 55; Dec. 21, 1898, c. 28, § 21, 30 Stat. 761; Mar. 4, 1915, c. 153, § 8, 38 Stat. 1167.)

704. Drunkenness or neglect of duty.—Any master of, or any seaman or apprentice belonging to, any merchant vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty or by neglect of duty or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months. (R. S. § 4602.)

705. Enforcement of forfeitures.—Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. (R. S. § 4603.)

706. Disposal of forfeitures.—All clothes, effects, and wages which, under the provisions of this chapter, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of such vessel terminates; and the shipping commissioner shall account for and pay over such balance to the judge of the district court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable. (R. S. § 4604; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

707. Appropriation of wages to costs of conviction.—Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding $15, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment. (R. S. § 4605; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

708. Boarding vessels before arrival.—Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than $200, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this chapter. (R. S. § 4606.)

709. Soliciting seamen as lodgers.—If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than $50, or by imprisonment for not more than three months. This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels. (R. S. § 4607, Apr. 13, 1904, c. 1252, § 1, 33 Stat. 174.)

710. Carrying sheath knives.—No seaman in the merchant service shall wear any sheath knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of $50 for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of Commerce; one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen. (R. S. § 4608; Feb. 14, 1903, c. 552, 32 Stat. 829; Mar. 4, 1913, c. 141, 37 Stat. 736.)

711. Recovery of penalties and forfeitures.—All penalties and forfeitures imposed by this chapter, for the recovery whereof no specific mode is provided, may be recovered, with costs, in any district court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney, in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this chapter for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time by order of the judge, to the Treasury of the United States, and appropriated as provided for in section 628: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this chapter, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States;

and there shall be no appeal from any decision of any of the district courts, unless the amount sued for exceeds the sum of $500. (R. S. § 4610; Mar. 3, 1911, c. 231, 36 Stat. 1167.)

712. Corporal punishment.—Flogging and all other forms of corporal punishment are prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer. (R. S. § 4611; Dec. 21, 1898, c. 28, § 22, 30 Stat. 761; Mar. 4, 1915, c. 153, § 9, 38 Stat. 1167.)

713. Definitions, schedule, and tables.—In the construction of this chapter, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman"; and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this chapter may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

SCHEDULE

TABLE A

FORM OF ARTICLES OF AGREEMENT

United States of America.

(Date and place of first signature of agreement, including name of shipping office):

It is agreed between the master and seamen or mariners of the ———, of which ——— ——— is at present master, or whoever shall go for master, now bound from the port of ———, ———, to ———, ———, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by ——— ———, master, on the ——— day of ———, eighteen hundred and ———.

Signature of crew	Birthplace	Age	Height		Description		Wages per month	Wages per run	Advance wages	Amount of monthly allotment	Time of service		Hospital money	Whole wages	Wages due	Place and time of entry	Time at which he is to be on board	In what capacity	Shipping commissioner's signature or initials	Allotment payable to—	Conduct qualifications
			Feet	Inches	Complexion	Hair					Months	Days									

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping master.

ACCOUNT OF APPRENTICES ON BOARD

Christian and surname of apprentice in full	Date of registry of indenture	Port at which indenture was registered	Date of register of assignment	Port at which assignment was registered

SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Water	quarts	5	5	5	5	5	5	5
Biscuit	pound	½	½	½	½	½	½	½
Beef, salt	pounds			1¼		1¼		1¼
Pork, salt	pound		1		1		1	
Flour	pound	½		½		½		
Canned meat	pound	1			1			
Fresh bread	pounds	1½ pounds daily						
Fish, dry, preserved, or fresh	pound						1	
Potatoes or yams	pound	1	1	1	1	1	1	1
Canned tomatoes	pound	½					½	
Peas	pint			⅛			⅛	
Beans	pint		⅓		⅓			
Rice	pint		⅛					⅛
Coffee (green berry)	ounce	¾	¾	¾	¾	¾	¾	¾
Tea	ounce	⅛	⅛	⅛	⅛	⅛	⅛	⅛
Sugar	ounces	3	3	3	3	3	3	3
Molasses	pint	½		½		½		
Dried fruit	ounces	3		3		3		
Pickles	pint		¼		¼		¼	
Vinegar	pint			½				½
Corn meal	ounces	4				4		
Onions	ounces	4				4		4
Lard	ounce	1	1	1	1	1	1	1
Butter	ounce	2	2	2	2	2	2	2
Mustard, pepper, and salt sufficient for seasoning.								

SUBSTITUTES

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice; six ounces of canned vegetables for one-half pound of canned tomatoes; one-eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of corn meal; two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one and one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecastle of each vessel.

TABLE B

CERTIFICATE OF DISCHARGE

Name and official number of ship	Port of registry	Tonnage	Description of voyage or employment	Name of seaman	Place of birth	Date of birth	Character	Declines to give statement of character	Capacity	Date of entry	Date of discharge	Place of discharge

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated ——— day of ———, eighteen hundred and ———.

(Signed) ——— ———, Master.

(Countersigned) ——— ———, Seaman.

Given to the above-named seaman in my presence this ——— day of ———, eighteen hundred and ———.

(Signed) ——— ———,

Shipping Commissioner.

(R. S. § 4612; Dec. 21, 1898, c. 28, § 23, 30 Stat. 762; Mar. 4, 1915, c. 153, § 10, 38 Stat. 1168.)

Chapter 19.—WRECKS AND SALVAGE.

Sec.
721. Vessels stranded on foreign coasts.
722. Property wrecked on Florida coast.
723. Forfeitures for taking wrecked property to foreign ports.
724. License to wreckers on Florida coast.
725. Canadian vessels aiding vessels wrecked or disabled in United States waters.
726. International agreement as to derelicts.
727. Right to salvage not affected by ownership of vessel.
728. Duty of master to assist persons in danger.
729. Salvors of life to share in remuneration.
730. Time limit for salvage suits.
731. Applicability to ships of war.

Section 721. Vessels stranded on foreign coasts.—Consuls and vice consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same. (R. S. § 4238.)

722. Property wrecked on Florida coast.—All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States. (R. S. § 4239.)

723. Forfeitures for taking wrecked property to foreign ports.—Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States. (R. S. § 4240.)

724. License to wreckers on Florida coast.—No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is seaworthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast. (R. S. § 4241.)

725. Canadian vessels aiding vessels wrecked or disabled in United States waters.—Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada.

This section shall be construed to apply to the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and canal: *And provided further*, That this section shall cease to be in force from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada. (June 19, 1878, c. 324, 20 Stat. 175; May 24, 1890, c. 292, 26 Stat. 120; Mar. 3, 1893, c. 211, § 1, 27 Stat. 683.)

726. International agreement as to derelicts.—The President of the United States is authorized to make with the several Governments interested in the navigation of the North Atlantic Ocean, an international agreement providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation in the North Atlantic Ocean outside the coast waters of the respective countries bordering thereon. (Oct. 31, 1893, No. 13, 28 Stat. 13.)

727. Right to salvage not affected by ownership of vessel.—The right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services. (Aug. 1, 1912, c. 268, § 1, 37 Stat. 242.)

728. Duty of master to assist persons in danger.—The master or person in charge of a vessel shall, so far as he can

do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding $1,000 or imprisonment for a term not exceeding two years, or both. (Aug. 1, 1912, c. 268, § 2, 37 Stat. 242.)

729. Salvors of life to share in remuneration.—Salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories. (Aug. 1, 1912, c. 268, § 3, 37 Stat. 242.)

730. Time limit for salvage suits.—A suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salved vessel within the jurisdiction of the court or within the territorial waters of the country in which the libelant resides or has his principal place of business. (Aug. 1, 1912, c. 268, § 4, 37 Stat. 242.)

731. Applicability to ships of war.—Nothing in the four preceding sections shall be construed as applying to ships of war or to Government ships appropriated exclusively to a public service. (Aug. 1, 1912, c. 268, § 5, 37 Stat. 242.)

Chapter 20.—SUITS IN ADMIRALTY BY OR AGAINST VESSELS OR CARGOES OF UNITED STATES.

Sec.
741. Exemption of United States vessels and cargoes from arrest or seizure.
742. Libel in personam.
743. Procedure in cases of libel in personam.
744. Release of privately owned vessel after seizure.
745. Causes of action on which suits may be brought; limitations.
746. Exemptions and limitations of liability.
747. Seizures in foreign jurisdiction.
748. Payment of judgment, award, or settlement.
749. Arbitration, compromise, or settlement of claims.
750. Recovery for salvage services by vessel or crew.
751. Disposition of moneys recovered by United States.
752. Reports as to suits, awards, and settlements.

Section 741. Exemption of United States vessels and cargoes from arrest or seizure.—No vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this chapter shall not apply to the Panama Railroad Company. (Mar. 9, 1920, c. 95, § 1, 41 Stat. 525.)

742. Libel in personam.—In cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States. (Mar. 9, 1920, c. 95, § 2, 41 Stat. 525.)

743. Procedure in cases of libel in personam.—Such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per centum per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel, the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation given prior to March 9, 1920, in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 748 of this chapter. (Mar. 9, 1920, c. 95, § 3, 41 Stat. 526.)

744. Release of privately owned vessel after seizure.—If a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this chapter. (Mar. 9, 1920, c. 95, § 4, 41 Stat. 526.)

745. Causes of action on which suits may be brought; limitations.—Suits as herein authorized shall be brought within two years after the cause of action arises. (Mar. 9, 1920, c. 95, § 5, 41 Stat. 526.)

746. Exemptions and limitations of liability.—The United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels. (Mar. 9, 1920, c. 95, § 6, 41 Stat. 527.)

747. Seizures in foreign jurisdictions.—If any vessel or cargo within the purview of sections 741 and 744 of this chapter is arrested, attached, or otherwise seized by process of any

court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however,* That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case. (Mar. 9, 1920, c. 95, § 7, 41 Stat. 527.)

748. Payment of judgment, award, or settlement.—Any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 744 and 747 of this chapter, and any arbitration award or settlement had and agreed to under the provisions of section 749 of this chapter, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is appropriated out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement. (Mar. 9, 1920, c. 95, § 8, 41 Stat. 527.)

749. Arbitration, compromise, or settlement of claims.—The Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 742, 744, and 750 of this chapter. (Mar. 9, 1920, c. 95, § 9, 41 Stat. 527.)

750. Recovery for salvage services by vessel or crew.—The United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel. (Mar. 9, 1920, c. 95, § 10, 41 Stat. 528.)

751. Disposition of moneys recovered by United States.—All moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid. (Mar. 9, 1920, c. 95, § 11, 41 Stat. 528.)

752. Reports as to suits, awards, and settlements.—The Attorney General shall report to the Congress at each session thereof the suits under this chapter in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived. (Mar. 9, 1920, c. 95, § 12, 41 Stat. 528.)

Chapter 21.—DEATH ON THE HIGH SEAS BY WRONGFUL ACT.

Sec.
761. Right of action; where and by whom brought.
762. Amount and apportionment of recovery.
763. Limitations.
764. Rights of action given by laws of foreign countries.
765. Death of plaintiff pending action.
766. Contributory negligence.
767. Exceptions from operation of chapter.
768. Pending suits.

Section 761. Right of action; where and by whom brought.—Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued. (Mar. 30, 1920, c. 111, § 1, 41 Stat. 537.)

762. Amount and apportionment of recovery.—The recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought. (Mar. 30, 1920, c. 111, § 2, 41 Stat. 537.)

763. Limitations.—Suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until ninety days after a reasonable opportunity to secure jurisdiction has offered. (Mar. 30, 1920, c. 111, § 3, 41 Stat. 537.)

764. Rights of action given by laws of foreign countries.—Whenever a right of action is granted by the law of any foreign

State on account of death by wrongful act, neglect, or default occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding. (Mar. 30, 1920, c. 111, § 4, 41 Stat. 537.)

765. Death of plaintiff pending action.—If a person die as the result of such wrongful act, neglect, or default as is mentioned in section 761 during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this chapter for the recovery of the compensation provided in section 762. (Mar. 30, 1920, c. 111, § 5, 41 Stat. 537.)

766. Contributory negligence.—In suits under this chapter the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly. (Mar. 30, 1920, c. 111, § 6, 41 Stat. 537.)

767. Exceptions from operation of chapter.—The provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this chapter. Nor shall this chapter apply to the Great Lakes or to any waters within the territorial limits of any State, or to any navigable waters in the Panama Canal Zone. (Mar. 30, 1920, c. 111, § 7, 41 Stat. 538.)

768. Pending suits.—This chapter shall not affect any pending suit, action, or proceeding. (Mar. 30, 1920, c. 111, § 8, 41 Stat. 538.)

Chapter 22.—SUITS IN ADMIRALTY AGAINST UNITED STATES FOR DAMAGES CAUSED BY OR FOR TOWAGE OR SALVAGE SERVICES.

Sec.
781. Libel in admiralty against or impleader of United States.
782. Venue of suit; application of provision of chapter 20.
783. Cross libel or set-off or counterclaim where United States sues.
784. Subpœnas to officers or members of crews.
785. Suits by nationals of foreign governments.
786. Arbitration, compromise, or settlement.
787. Payment of judgments or settlements.
788. Lien not created against public vessels.
789. Exemptions and limitations of liability.
790. Reports by Attorney General.

Section 781. Libel in admiralty against or impleader of United States.—A libel in personam in admiralty may be brought against the United States, or a petition impleading the United States, for damages caused by a public vessel of the United States, and for compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States: *Provided*, That the cause of action arose after the 6th day of April, 1920. (Mar. 3, 1925, c. 428, § 1, 43 Stat. 1112.)

782. Venue of suit; application of provisions of chapter 20.—Such suit shall be brought in the district court of the United States for the district in which the vessel or cargo charged with creating the liability is found within the United States, or if such vessel or cargo be outside the territorial waters of the United States, then in the district court of the United States for the district in which the parties so suing, or any of them, reside or have an office for the transaction of business in the United States; or in case none of such parties reside or have an office for the transaction of business in the United States, and such vessel or cargo be outside the territorial waters of the United States, then in any district court of the United States. Such suits shall be subject to and proceed in accordance with the provisions of chapter 20 or any amendment thereof, in so far as the same are not inconsistent herewith, except that no interest shall be allowed on any claim up to the time of the rendition of judgment unless upon a contract expressly stipulating for the payment of interest. (Mar. 3, 1925, c. 428, § 2, 43 Stat. 1112.)

783. Cross libel or set-off or counterclaim where United States sues.—In the event of the United States filing a libel in rem or in personam in admiralty for damages caused by a privately owned vessel, the owner of such vessel, or his successors in interest, may file a cross libel in personam or claim a set-off or counterclaim against the United States in such suit for and on account of any damages arising out of the same subject matter or cause of action: *Provided*, That whenever a cross libel is filed for any cause of action for which the original libel is filed by authority of this chapter, the respondent in the cross libel shall give security in the usual amount and form to respond to the claim set forth in said cross libel unless the court, for cause shown, shall otherwise direct; and all proceedings on the original libel shall be stayed until such security shall be given. (Mar. 3, 1925, c. 428, § 3, 43 Stat. 1112.)

784. Subpœnas to officers or members of crews.—No officer or member of the crew of any public vessel of the United States may be subpœnaed in connection with any suit authorized under this chapter without the consent of the Secretary of the department or the head of any independent establishment of the Government having control of the vessel at the time the cause of action arose, or of the master or commanding officer of such vessel at the time of the issuance of such subpœna. (Mar. 3, 1925, c. 428, § 4, 43 Stat. 1112.)

785. Suits by nationals of foreign governments.—No suit may be brought under this chapter by a national of any foreign government unless it shall appear to the satisfaction of the court in which suit is brought that said government, under similar circumstances, allows nationals of the United States to sue in its courts. (Mar. 3, 1925, c. 428, § 5, 43 Stat. 1113.)

786. Arbitration, compromise, or settlement.—The Attorney General of the United States is authorized to arbitrate, compromise, or settle any claim on which a libel or cross libel would lie under the provisions of this chapter, and for which a libel or cross libel has actually been filed. (Mar. 3, 1925, c. 428, § 6, 43 Stat. 1113.)

787. Payment of judgments or settlements.—Any final judgment rendered on any libel or cross libel herein authorized, and any settlement had and agreed to under the provisions of section 786 of this chapter, shall, upon presentation of a duly authenticated copy thereof, be paid by the proper accounting officer of the United States out of any moneys in the Treasury of the United States appropriated therefor by Congress. (Mar. 3, 1925, c. 428, § 7, 43 Stat. 1113.)

788. Lien not created against public vessels.—Nothing contained in this chapter shall be construed to recognize the existence of or as creating a lien against any public vessel of the United States. (Mar. 3, 1925, c. 428, § 8, 43 Stat. 1113.)

789. Exemptions and limitations of liability.—The United States shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators or agents of vessels. (Mar. 3, 1925, c. 428, § 9, 43 Stat. 1113.)

790. Reports by Attorney General.—The Attorney General of the United States shall report to the Congress at each session thereof all suits in which final judgment shall have been rendered and all claims which shall have been settled under this chapter. (Mar. 3, 1925, c. 428, § 10, 43 Stat. 1113.)

Chapter 23.—SHIPPING ACT.

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842. "Shipping Act."

Section 801. Terms defined.—When used in this chapter:

The term "common carrier by water in foreign commerce" means a common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade: *Provided*, That a cargo boat commonly called an ocean tramp shall not be deemed such "common carrier by water in foreign commerce."

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce on the high seas or the Great Lakes on regular routes from port to port.

The term "other person subject to this Act" means any person not included in the term "common carrier by water," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

The term "vessel" includes all water craft and other artificial contrivances of whatever description and at whatever stage of construction, whether on the stocks or launched, which are used or are capable of being or are intended to be used as a means of transportation on water.

The term "documented under the laws of the United States," means "registered, enrolled, or licensed under the laws of the United States." (Sept. 7, 1916, c. 451, § 1, 39 Stat. 728; July 15, 1918, c. 152, § 1, 40 Stat. 900.)

802. Corporation, partnership, or association as citizen.—(a) Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States. (Sept. 7, 1916, c. 451, § 2, 39 Stat. 729; July 15, 1918, c. 152, § 2, 40 Stat. 900; June 5, 1920, c. 250, § 38, 41 Stat. 1008.)

803. Applicability of chapter to receivers and trustees.—The provisions of this chapter shall apply to receivers and trustees of all persons to whom the chapter applies, and to the successors or assignees of such persons. (Sept. 7, 1916, c. 451, § 2, 39 Stat. 729; July 15, 1918, c. 152, § 2, 40 Stat. 900; June 5, 1920, c. 250, § 38, 41 Stat. 1008.)

804. Shipping Board; establishment; commissioners; duties; seal; rules and regulations.—A board is hereby created to be known as the United States Shipping Board and hereinafter referred to as the board. The board shall be composed of seven commissioners, to be appointed by the President, by and with the advice and consent of the Senate; and the President shall designate the member to act as chairman of the board, and the board may elect one of its members as vice chairman. Such commissioners shall be appointed as soon as practicable after June 5, 1920, and shall continue in office two for a term

of one year, and the remaining five for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this chapter, and two shall be appointed from the States touching the Pacific Ocean, two from the States touching the Atlantic Ocean, one from the States touching the Gulf of Mexico, one from the States touching the Great Lakes and one from the interior, but not more than one shall be appointed from the same State. Not more than four of the commissioners shall be appointed from the same political party. A vacancy in the board shall be filled in the same manner as the original appointments. No commissioner shall take any part in the consideration or decision of any claim or particular controversy in which he has a pecuniary interest.

Each commissioner shall devote his time to the duties of his office, and shall not be in the employ of or hold any official relation to any common carrier or other person subject to this chapter, nor while holding such office acquire any stock or bonds thereof or become pecuniarily interested in any such carrier.

The duties of the board may be so divided that under its supervision the directorship of various activities may be assigned to one or more commissioners. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business. The board may employ within the limits of appropriations made therefor by Congress such attorneys as it finds necessary for proper legal service to the board in the conduct of its work, or for proper representation of the public interest in investigations made by it or proceedings pending before it whether at the board's own instance or upon complaint, or to appear for or represent the board in any case in court or other tribunal. The board shall have such other rights and perform such other duties not inconsistent with the following chapter, the Merchant Marine Act, 1920, as were conferred by existing law upon the board in existence on June 5, 1920.

The commissioners in office on June 5, 1920, shall hold office until all the commissioners provided for in this section are appointed and qualify. (Sept. 7, 1916, c. 451, § 3, 39 Stat. 729; June 5, 1920, c. 250, § 3, 41 Stat. 989.)

805. Salaries of commissioners and employees; detail of officers of military, naval, or other services; civil service rules.—Each member of the board shall receive a salary of $12,000 per annum. The board shall appoint a secretary, at a salary of $5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military, naval, or other services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law.

The expenses of the board, including necessary expenses for transportation, incurred by the members of the board or by its employees under its orders, in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

Until otherwise provided by law the board may rent suitable offices for its use.

The General Accounting Office shall receive and examine all accounts of expenditures of the board. (Sept. 7, 1916, c. 451, § 4, 39 Stat. 729; June 5, 1920, c. 250, § 3, 41 Stat. 990; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

806. Transfer of vessels to board by President.—The President may transfer either permanently or for limited periods to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Company and not required in its business. (Sept. 7, 1916, c. 451, § 6, 39 Stat. 730.)

807. Limitation on salaries.—No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $10,000 except the following: One at not to exceed $25,000 and seven at not to exceed $18,000 each. (June 12, 1922, c. 218, 42 Stat. 648; Feb. 13, 1923, c. 72, 42 Stat. 1242; June 7, 1924, c. 292, § 1, 43 Stat. 531; Mar. 3, 1925, c. 468, § 1, 43 Stat. 1209.)

808. Registration, enrollment, and licensing of vessels purchased, chartered, or leased; regulations; coastwise trade.—Any vessel purchased, chartered, or leased from the board, by persons who are citizens of the United States, may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels admitted to American registry or enrollment and license under this chapter, and vessels owned by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered by the board to any person a citizen of the United States, as provided in this chapter, may engage in the coastwise trade of the United States while owned, leased, or chartered by such a person.

Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

It shall be unlawful to sell, transfer or mortgage, or, except under regulations prescribed by the board, to charter, any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, or to put the same under a foreign registry or flag, without first obtaining the board's approval.

Any vessel chartered, sold, transferred or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more

than $5,000, or to imprisonment for not more than five years, or both. (Sept. 7, 1916, c. 451, § 9, 39 Stat. 730; July 15, 1918, c. 152, § 3, 40 Stat. 900; June 5, 1920, c. 250, § 18, 41 Stat. 994.)

809. Taking vessels for naval or military purposes.—The President, upon giving to the person interested such reasonable notice in writing as in his judgment the circumstances permit, may take possession, absolutely or temporarily, for any naval or military purpose, of any vessel purchased, leased, or chartered from the board: *Provided*, That if, in the judgment of the President, an emergency exists requiring such action he may take possession of any such vessel without notice.

Thereafter, upon ascertainment by agreement or otherwise, the United States shall pay the person interested the fair actual value based upon normal conditions at the time of taking of the interest of such person in every vessel taken absolutely, or if taken for a limited period, the fair charter value under normal conditions for such period. In case of disagreement as to such fair value it shall be determined by appraisers, one to be appointed by the board, one by the person interested, and a third by the two so appointed. The finding of such appraisers shall be final and binding upon both parties. (Sept. 7, 1916, c. 451, § 10, 39 Stat. 731.)

810. Corporations for purchase, construction, equipment, maintenance, and operation of merchant vessels.—The board, if in its judgment such action is necessary to carry out the purposes of this chapter, may form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States. The total capital stock thereof shall not exceed $50,000,000. The board may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation, and do all other things in regard thereto necessary to protect the interests of the United States and to carry out the purposes of this chapter. The board, with the approval of the President, may sell any or all of the stock of the United States in such corporation, but at no time shall it be a minority stockholder therein: *Provided*, That no corporation in which the United States is a stockholder, formed under the authority of this section, shall engage in the operation of any vessel constructed, purchased, leased, chartered, or transferred under the authority of this chapter unless the board shall be unable, after a bona fide effort, to contract with any person a citizen of the United States for the purchase, lease, or charter of such vessel under such terms and conditions as may be prescribed by the board.

The board shall give public notice of the fact that vessels are offered and the terms and conditions upon which a contract will be made, and shall invite competitive offerings. In the event the board shall, after full compliance with the terms of this proviso, determine that it is unable to enter into a contract with such private parties for the purchase, lease, or charter of such vessel, it shall make a full report to the President, who shall examine such report, and if he shall approve the same he shall make an order declaring that the conditions have been found to exist which justify the operation of such vessel by a corporation formed under the provisions of this section.

The board may sell, lease, or charter such vessels and shall dispose of the property other than vessels on the best available terms and, after payment of all debts and obligations, deposit the proceeds thereof in the Treasury to its credit. All stock in such corporations owned by others than the United States at the time of dissolution shall be taken over by the board at a fair and reasonable value and paid for with funds to the credit of the board. In case of disagreement, such value shall be determined in the manner provided in the preceding section. (Sept. 7, 1916, c. 451, § 11, 39 Stat. 731.)

811. Investigations as to cost of merchant vessels.—The board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. It shall examine the rules under which vessels are constructed abroad and in the United States, and the methods of classifying and rating same, and it shall examine into the subject of marine insurance, the number of companies in the United States, domestic and foreign, engaging in marine insurance, the extent of the insurance on hulls and cargoes placed or written in the United States, and the extent of reinsurance of American maritime risks in foreign companies, and ascertain what steps may be necessary to develop an ample marine insurance system as an aid in the development of an American merchant marine. It shall examine the navigation laws of the United States and the rules and regulations thereunder, and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws, and for the development of the American merchant marine.

It shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this chapter, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board. (Sept. 7, 1916, c. 451, § 12, 39 Stat. 732.)

812. Rebates and discriminations by carriers by water prohibited; use of "fighting ship."—No common carrier by water shall, directly or indirectly, in respect to the transportation by water of passengers or property between a port of a State, Territory, District, or possession of the United States and any other such port or a port of a foreign country—

First. Pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow, a deferred rebate to any shipper. The term "deferred rebate" in this chapter means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term "fighting ship" in this chapter means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

Third. Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

Fourth. Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more

than $25,000 for each offense. (Sept. 7, 1916, c. 451, § 14, 39 Stat. 733; June 5, 1920, c. 250, § 20, 41 Stat. 996.)

813. Determination by board as to violations.—The board upon its own initiative may, or upon complaint shall, after due notice to all parties in interest and hearing, determine whether any person, not a citizen of the United States and engaged in transportation by water of passengers or property—

(1) Has violated any provision of the preceding section, or

(2) Is a party to any combination, agreement, or understanding, express or implied, that involves in respect to transportation of passengers or property between foreign ports, deferred rebates or any other unfair practice designated in the preceding section, and that excludes from admission upon equal terms with all other parties thereto, a common carrier by water which is a citizen of the United States and which has applied for such admission.

If the board determines that any such person has violated any such provision or is a party to any such combination, agreement, or understanding, the board shall thereupon certify such fact to the Secretary of Commerce. The Secretary shall thereafter refuse such person the right of entry for any ship owned or operated by him or by any carrier directly or indirectly controlled by him, into any port of the United States, or any Territory, District, or possession thereof, until the board certifies that the violation has ceased or such combination, agreement, or understanding has been terminated. (Sept. 7, 1916, c. 451, § 14a; June 5, 1920, c. 250, § 20, 41 Stat. 996.)

814. Contracts between carriers filed with board.—Every common carrier by water, or other person subject to this chapter, shall file immediately with the board a true copy, or, if oral, a true and complete memorandum, of every agreement, with another such carrier or other person subject to this chapter, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term "agreement" in this section includes understandings, conferences, and other arrangements.

The board may by order disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors or to operate to the detriment of the commerce of the United States, or to be in violation of this chapter, and shall approve all other agreements, modifications, or cancellations.

Agreements existing at the time of the organization of the board shall be lawful until disapproved by the board. It shall be unlawful to carry out any agreement or any portion thereof disapproved by the board.

All agreements, modifications, or cancellations made after the organization of the board shall be lawful only when and as long as approved by the board, and before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of sections 1 to 11, inclusive, and section 15 of chapter 1, of Title 15, COMMERCE AND TRADE, and amendments and Acts supplementary thereto.

Whoever violates any provision of this section shall be liable to a penalty of $1,000 for each day such violation continues, to be recovered by the United States in a civil action. (Sept. 7, 1916, c. 451, § 15, 39 Stat. 733.)

815. Discriminatory acts prohibited.—It shall be unlawful for any common carrier by water, or other person subject to this chapter, either alone or in conjunction with any other person, directly or indirectly—

First. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Second. To allow any person to obtain transportation for property at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

Third. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this chapter. (Sept. 7, 1916, c. 451, § 16, 39 Stat. 734.)

816. Discriminatory rates prohibited; supervision by board.—No common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

Every such carrier and every other person subject to this chapter shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice. (Sept. 7, 1916, c. 451, § 17, 39 Stat. 734.)

817. Carriers to establish, observe, and enforce reasonable rates and regulations.—Every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with

the approval of the board and after ten days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made; but the board for good cause shown may waive such notice.

Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice. (Sept. 7, 1916, c. 451, § 18, 39 Stat. 735.)

818. Rates reduced not to be increased without approval of board.—Whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not increase such rates unless after hearing the board finds that such proposed increase rests upon changed conditions other than the elimination of said competition. (Sept. 7, 1916, c. 451, § 19, 39 Stat. 735.)

819. Disclosure of confidential information prohibited.—It shall be unlawful for any common carrier by water or other person subject to this chapter, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier or other person subject to this chapter for transportation in interstate or foreign commerce, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

Nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States, or of any State, Territory, District, or possession thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers. (Sept. 7, 1916, c. 451, § 20, 39 Stat. 735.)

820. Reports by carriers required.—The board may require any common carrier by water, or other person subject to this chapter, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this chapter. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of $100 for each day of such default.

Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum shall be guilty of a misdemeanor, and subject upon conviction to a fine of not more than $1,000, or imprisonment for not more than one year, or to both such fine and imprisonment. (Sept. 7, 1916, c. 451, § 21, 39 Stat. 736.)

821. Complaints to board and investigations.—Any person may file with the board a sworn complaint setting forth any violation of this chapter by a common carrier by water, or other person subject to this chapter, and asking reparation for the injury, if any, caused thereby. The board shall furnish a copy of the complaint to such carrier or other person, who shall, within a reasonable time specified by the board, satisfy the complaint or answer it in writing. If the complaint is not satisfied the board shall, except as otherwise provided in this chapter, investigate it in such manner and by such means, and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers, investigate any violation of this chapter. (Sept. 7, 1916, c. 451, § 22, 39 Stat. 736.)

822. Orders of board made only after full hearing.—Orders of the board relating to any violation of this chapter shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion.

All orders of the board other than for the payment of money made under this chapter shall continue in force for such time, not exceeding two years, as shall be prescribed therein by the board, unless suspended, modified, or set aside by the board or any court of competent jurisdiction. (Sept. 7, 1916, c. 451, § 23, 39 Stat. 736.)

823. Records of board; copies; publication of reports; evidence.—The board shall enter of record a written report of every investigation made under this chapter in which a hearing has been held, stating its conclusions, decision, and order, and, if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

The board may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof. (Sept. 7, 1916, c. 451, § 24, 39 Stat. 736.)

824. Reversal, suspension, or modification of orders.—The board may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it. Upon application of any party to a decision or order it may grant a rehearing of the same or any matter determined therein, but no such application for or allowance of a rehearing shall, except by special order of the board, operate as a stay of such order. (Sept. 7, 1916, c. 451, § 25, 39 Stat. 736.)

825. Investigation by board as to acts of foreign governments.—The board shall have power, and it shall be its duty whenever complaint shall be made to it, to investigate the action of any foreign government with respect to the privileges afforded and burdens imposed upon vessels of the United States engaged in foreign trade whenever it shall appear that the laws, regulations, or practices of any foreign Government operate in such a manner that vessels of the United States are not accorded equal privileges in foreign trade with vessels of such foreign countries or vessels of other foreign countries, either in trade to or from the ports of such foreign country or in respect of the passage or transportation through such foreign country of passengers or goods intended for shipment or transportation in such vessels of the United States, either

to or from ports of such foreign country or to or from ports of other foreign countries. It shall be the duty of the board to report the results of its investigation to the President with its recommendations and the President is authorized and empowered to secure by diplomatic action equal privileges for vessels of the United States engaged in such foreign trade. And if by such diplomatic action the President shall be unable to secure such equal privileges then the President shall advise Congress as to the facts and his conclusions by special message, if deemed important in the public interest, in order that proper action may be taken thereon. (Sept. 7, 1916, c. 451, § 26, 39 Stat. 737.)

826. Attendance of witnesses and production of books and papers.—For the purpose of investigating alleged violations of this chapter, the board may by subpœna compel the attendance of witnesses and the production of books, papers, documents, and other evidence from any place in the United States at any designated place of hearing. Subpœnas may be signed by any commissioner, and oaths or affirmations may be administered, witnesses examined, and evidence received by any commissioner or examiner, or, under the direction of the board, by any person authorized under the laws of the United States or of any State, Territory, District, or possession thereof to administer oaths. Persons so acting under the direction of the board and witnesses shall, unless employees of the board, be entitled to the same fees and mileage as in the courts of the United States. Obedience to any such subpœna shall, on application by the board, be enforced as are orders of the board other than for the payment of money. (Sept. 7, 1916, c. 451, § 27, 39 Stat. 737.)

827. Immunity of witnesses.—No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the board or of any court in any proceeding based upon or growing out of any alleged violation of this chapter; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Sept. 7, 1916, c. 451, § 28, 39 Stat. 737.)

828. Enforcement of orders of board.—In case of violation of any order of the board, other than an order for the payment of money, the board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise. (Sept. 7, 1916, c. 451, § 29, 39 Stat. 737.)

829. Violation of orders of board for payment of money.—In case of violation of any order of the board for the payment of money the person to whom such award was made may file in the district court for the district in which such person resides, or in which is located any office of the carrier or other person to whom the order was directed, or in which is located any point of call on a regular route operated by the carrier, or in any court of general jurisdiction of a State, Territory, District, or possession of the United States having jurisdiction of the parties, a petition or suit setting forth briefly the causes for which he claims damages and the order of the board in the premises.

In the district court the findings and order of the board shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor shall he be liable for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If a petitioner in a district court finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the costs of the suit.

All parties in whose favor the board has made an award of reparation by a single order may be joined as plaintiffs, and all other parties to such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against any such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

No petition or suit for the enforcement of an order for the payment of money shall be maintained unless filed within one year from the date of the order. (Sept. 7, 1916, c. 451, § 30, 39 Stat. 737.)

830. Venue and procedure in suits to enforce, suspend, or set aside orders.—The venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the board shall, except as otherwise provided, be the same as in similar suits in regard to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties. (Sept. 7, 1916, c. 451, § 31, 39 Stat. 738.)

831. Penalty for violation of chapter.—Whoever violates any provision of this chapter, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by fine of not to exceed $5,000. (Sept. 7, 1916, c. 451, § 32, 39 Stat. 738.)

832. Powers of Interstate Commerce Commission not affected; intrastate commerce.—This chapter shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission, nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission; nor shall this chapter be construed to apply to intrastate commerce. (Sept. 7, 1916, c. 451, § 33, 39 Stat. 738.)

833. Partial invalidity of chapter as not affecting remainder.—If any provision of this chapter, or the application of such provision to certain circumstance, is held unconstitutional, the remainder of the chapter, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby. (Sept 7, 1916, c. 451, § 34, 39 Stat. 738.)

834. Refusal of clearance to vessel refusing to accept trade.—The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise destined for a foreign or domestic port whenever he shall have satisfactory reason to believe that the master, owner, or other officer of such vessel or other vehicle refuses or declines to accept or receive freight or cargo in good condition tendered for such port of destination or for some intermediate port of call, together with the proper freight or transportation charges therefor, by any citizen of the United States, unless the same is fully laden and has no space accommodations for the freight or cargo so tendered, due regard being had for the proper loading of such vessel or vehicle, or unless such freight or cargo consists of merchandise for which such vessel or vehicle is not adaptable. (Sept. 7, 1916, c. 451, § 36, 39 Stat. 738.)

835. Restrictions on transfer of shipping facilities during war or national emergency.—When the United States is at war or during any national emergency, the existence of which is declared by proclamation of the President, it shall be unlawful, without first obtaining the approval of the board:

(a) To transfer to or place under any foreign registry or flag any vessel owned in whole or in part by any person a citizen of the United States or by a corporation organized under

the laws of the United States, or of any State, Territory, District, or possession thereof; or

(b) To sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer, to any person not a citizen of the United States, (1) any such vessel or any interest therein, or (2) any vessel documented under the laws of the United States, or any interest therein, or (3) any shipyard, dry dock, shipbuilding or ship repairing plant or facilities, or any interest therein; or

(c) To enter into any contract, agreement, or understanding to construct a vessel within the United States for or to be delivered to any person not a citizen of the United States, without expressly stipulating that such construction shall not begin until after the war or emergency proclaimed by the President has ended; or

(d) To make any agreement or effect any understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest or a majority of the voting power in a corporation which is organized under the laws of the United States, or of any State, Territory, District, or possession thereof, and which owns any vessel, shipyard, dry dock, or shipbuilding or ship-repairing plant or facilities; or

(e) To cause or procure any vessel constructed in whole or in part within the United States, which has never cleared for any foreign port, to depart from a port of the United States before it has been documented under the laws of the United States.

Whoever violates, or attempts or conspires to violate, any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

Any vessel, shipyard, dry dock, shipbuilding or ship-repairing plant or facilities, or interest therein, sold, mortgaged, leased, chartered, delivered, transferred, or documented, or agreed to be sold, mortgaged, leased, chartered, delivered, transferred, or documented, in violation of any of the provisions of this section, and any stocks, bonds, or other securities sold or transferred, or agreed to be sold or transferred, in violation of any of such provisions, or any vessel departing in violation of the provisions of subdivision (e), shall be forfeited to the United States.

Any such sale, mortgage, lease, charter, delivery, transfer, documentation, or agreement therefor shall be void, whether made within or without the United States, and any consideration paid therefor or deposited in connection therewith shall be recoverable at the suit of the person who has paid or deposited the same, or of his successors or assigns, after the tender of such vessel, shipyard, dry dock, shipbuilding or ship-repairing plant or facilities, or interest therein, or of such stocks, bonds, or other securities, to the person entitled thereto, or after forfeiture thereof to the United States, unless the person to whom the consideration was paid, or in whose interest it was deposited, entered into the transaction in the honest belief that the person who paid or deposited such consideration was a citizen of the United States. (Sept. 7, 1916, c. 451, § 37, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 901.)

836. Forfeitures.—All forfeitures incurred under the provisions of this chapter may be prosecuted in the same court, and may be disposed of in the same manner, as forfeitures incurred for offenses against the law relating to the collection of duties. (Sept. 7, 1916, c. 451, § 38, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 902.)

837. Prima facie evidence.—In any action or proceeding under the provisions of this chapter to enforce a forfeiture the conviction in a court of criminal jurisdiction of any person for a violation thereof with respect to the subject of the forfeiture shall constitute prima facie evidence of such violation against the person so convicted. (Sept. 7, 1916, c. 451, § 39, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 902.)

838. Record of sale or other disposition of vessels.—Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented to any collector of the customs to be recorded, the vendee, mortgagee, or transferee shall file therewith a written declaration in such form as the board may by regulation prescribe, setting forth the facts relating to his citizenship, and such other facts as the board requires, showing that the transaction does not involve a violation of any of the provisions of section 808 or 835. Unless the board, before such presentation, has failed to prescribe such form, no such bill of sale, mortgage, hypothecation, or conveyance shall be valid against any person whatsoever until such declaration has been filed. Any declaration filed by or in behalf of a corporation shall be signed by the president, secretary, or treasurer thereof.

Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both. (Sept. 7, 1916, c. 451, § 40, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 902.)

839. Approvals by board.—Whenever by section 808 or 835 the approval of the board is required to render any act or transaction lawful, such approval may be accorded either absolutely or upon such conditions as the board prescribes. Whenever the approval of the board is accorded upon any condition a statement of such condition shall be entered upon its records and incorporated in the same document or paper which notifies the applicant of such approval. A violation of such condition so incorporated shall constitute a misdemeanor and shall be punishable by fine and imprisonment in the same manner, and shall subject the vessel, stocks, bonds, or other subject matter of the application conditionally approved to forfeiture in the same manner, as though the act conditionally approved had been done without the approval of the board, but the offense shall be deemed to have been committed at the time of the violation of the condition.

Whenever by this chapter the approval of the board is required to render any act or transaction lawful, whoever knowingly makes any false statement of a material fact to the board, or to any member thereof, or to any officer, attorney, or agent thereof, for the purpose of securing such approval, shall be guilty of a misdemeanor and subject to a fine or not more than $5,000 or to imprisonment for not more than five years, or both. (Sept. 7, 1916, c. 451, § 41, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 902.)

840. Documented vessels.—Any vessel registered, enrolled, or licensed under the laws of the United States shall be deemed to continue to be documented under the laws of the United States within the meaning of subdivision (b) of section 835, until such registry, enrollment, or license is surrendered with the approval of the board, the provisions of any other Act of Congress to the contrary notwithstanding. (Sept. 7, 1916, c. 451, § 42, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 903.)

841. End of war emergency.—The fact that a war or emergency has ended shall, for the purposes of this chapter, be evidenced by a proclamation of the President. (Sept. 7, 1916, c. 451, § 43, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 903.)

842. "Shipping Act."—The Act of September 7, 1916, chapter 451, may be cited as "Shipping Act, 1916." (Sept. 7, 1916, c. 451, § 44, 39 Stat. 728; July 15, 1918, c. 152, § 4, 40 Stat. 903.)

Chapter 24.—MERCHANT MARINE ACT.

Sec.

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Section 861. Purpose and policy of United States.—It is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, in so far as may not be inconsistent with the express provisions of this chapter, the United States Shipping Board shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained. (June 5, 1920, c. 250, § 1, 41 Stat. 988.)

862. Acts repealed; limitations; settlement of matters arising out of exercise of powers conferred by repealed Acts.—(a) The following Acts and parts of Acts are hereby repealed, subject to the limitations and exceptions hereinafter in this chapter provided:

(1) The emergency shipping fund provisions of the Act entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes," approved June 15, 1917, as amended by the Act entitled "An Act to amend the emergency shipping fund provisions of the Urgent Deficiency Appropriation Act, approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes," approved April 22, 1918, and as further amended by the Act entitled "An Act making appropriation to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, on account of war expenses, and for other purposes," approved November 4, 1918.

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(2) Section 3 of such Act of April 22, 1918;

(3) The paragraphs numbered 2 and 3 under the heading "Emergency shipping fund" in such Act of November 4, 1918; and

(4) The Act entitled "An Act to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes," approved July 18, 1918.

(5) Sections 5, 7, and 8, Shipping Act, 1916.

(b) The repeal of such Acts or parts of Acts is subject to the following limitations:

(1) All contracts or agreements lawfully entered into before June 5, 1920, under any such Act or part of Act shall be assumed and carried out by the United States Shipping Board, hereinafter called "the board."

(2) All rights, interests, or remedies accruing or to accrue as a result of any such contract or agreement or of any action taken in pursuance of any such Act or parts of Acts shall be in all respects as valid, and may be exercised and enforced in like manner, subject to the provisions of subdivision (c) of this section, as if this chapter had not been passed.

(3) The repeal shall not have the effect of extinguishing any penalty incurred under such Acts or parts of Acts, but such Acts or parts of Acts shall remain in force for the purpose of sustaining a prosecution for enforcement of the penalty therein provided for the violation thereof.

(4) The board shall have full power and authority to complete or conclude any construction work begun in accordance with the provisions of such Acts or parts of Acts if, in the opinion of the board, the completion or conclusion thereof is for the best interests of the United States.

(c) As soon as practicable after June 5, 1920, the board shall adjust, settle, and liquidate all matters arising out of or incident to the exercise by or through the President of any of the powers or duties conferred or imposed upon the President by any such Act or parts of Acts; and for this purpose the board, instead of the President, shall have and exercise any of such powers and duties relating to the determination and payment of just compensation: *Provided*, That any person dissatisfied with any decision of the board shall have the same right to sue the United States as he would have had if the decision had been made by the President of the United States under the Acts hereby repealed. (June 5, 1920, c. 250, § 2, 41 Stat. 988.)

863. Transfer to Shipping Board of vessels and other property acquired by President.—All vessels and other property or interests of whatsoever kind, including vessels or property in course of construction or contracted for, acquired by the President through any agencies whatsoever in pursuance of authority conferred by the Acts or parts of Acts repealed by section 862, or in pursuance of the joint resolution entitled "Joint Resolution authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes," approved May 12, 1917, with the exception of vessels and property the use of which is, in the opinion of the President, required by any other branch of the Government service of the United States, are hereby transferred to the board: *Provided*, That all vessels in the military and naval service of the United States, including the vessels assigned to river and harbor work, inland waterways, or vessels for such needs in the course of construction or under contract by the War Department, shall be exempt from the provisions of this chapter. (June 5, 1920, c. 250, § 4, 41 Stat. 990.)

864. Sale of vessels; terms and conditions.—In order to accomplish the declared purposes of this chapter, and to carry out the policy declared in section 861 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this chapter, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States except as provided in the following section, all of the vessels referred to in the preceding section or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than fifteen years after the making of the contract of sale. The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell. All sales made under the authority of this chapter shall be subject to the limitations and restrictions of section 808. (June 5, 1920, c. 250, § 5, 41 Stat. 990.)

865. Sale to aliens.—The board is authorized and empowered to sell to aliens, at such prices and on such terms and conditions as it may determine, not inconsistent with the provisions of the preceding section (except that completion of the payment of the purchase price and interest shall not be deferred more than ten years after the making of the contract of sale), such vessels as it shall, after careful investigation, deem unnecessary to the promotion and maintenance of an efficient American merchant marine; but no such sale shall be made unless the board, after diligent effort, has been unable to sell, in accordance with the terms and conditions of said section, such vessels to persons citizens of the United States, and has, upon an affirmative vote of not less than five of its members, spread upon the minutes of the board, determined to make such sale; and it shall make as a part of its records a full statement of its reasons for making such sale. Deferred payments of purchase price of vessels under this section shall bear interest at the rate of not less than 5½ per centum per annum, payable semiannually. (June 5, 1920, c. 250, § 6, 41 Stat. 991.)

866. Establishment and operation of steamship lines between ports of United States.—*Investigation and determination by board.*—The board is authorized and directed to investigate and determine as promptly as possible after June 5, 1920, and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, District, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service.

Sale or charter of vessels.—The board is authorized to sell, and if a satisfactory sale can not be made, to charter such of the vessels referred to in section 863, or otherwise acquired by the board, as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such line can not be made self-sustaining.

Contracts for carrying mails.—The Postmaster General is authorized, notwithstanding sections 657 to 665, inclusive, of Title 39, Postal Service, to contract for the carrying of the mails over such lines at such price as may be agreed upon by the board and the Postmaster General.

Preference in sales or charters.—Preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines if the board is satisfied of the ability of such persons to maintain the service desired and proposed to be maintained, or to persons who are citizens of the United States who may then be maintaining a service from the port of the United States to or in the general direction of the world-market port to which the board has determined that such service should be established.

Lines established by board; continued operation.—Where steamship lines and regular service have been established and are being maintained by ships of the board on June 5, 1920, such lines and service shall be maintained by the board until, in the opinion of the board, the maintenance thereof is unbusinesslike and against the public interests.

Additional lines established by board; rates and charges.—Whenever the board shall determine, as provided in this chapter, that trade conditions warrant the establishment of a service or additional service under Government administration where a service is already being given by persons, citizens of the United States, the rates and charges for such Government service shall not be less than the cost thereof, including a proper interest and depreciation charge on the value of Government vessels and equipment employed therein. (June 5, 1920, c. 250, § 7, 41 Stat. 992.)

867. Investigation of port, terminal, and warehouse facilities.—It shall be the duty of the board, in cooperation with the Secretary of War, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which it has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce; to investigate the causes of the congestion of commerce at ports and the remedies applicable thereto; to investigate the subject of water terminals, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, with a view to devising and suggesting the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities regarding the appropriate location and plan of construction of wharves, piers, and water terminals; to investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and to investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight which would naturally pass through such ports: *Provided*, That if after such investigation the board shall be of the opinion that rates, charges, rules, or regulations of common carriers by rail subject to the

jurisdiction of the Interstate Commerce Commission are detrimental to the declared object of this section, or that new rates, charges, rules, or regulations, new or additional port terminal facilities, or affirmative action on the part of such common carriers by rail is necessary to promote the objects of this section, the board may submit its findings to the Interstate Commerce Commission for such action as such commission may consider proper under existing law. (June 5, 1920, c. 250, § 8, 41 Stat. 992.)

868. Vessels sold under deferred payment plan; insurance.—If the terms and conditions of any sale of a vessel made under the provisions of this chapter include deferred payments of the purchase price, the board shall require, as part of such terms and conditions, that the purchaser of the vessel shall keep the same insured (a) against loss or damage by fire, and against marine risks and disasters, and war and other risks if the board so specifies, with such insurance companies, associations or underwriters, and under such forms of policies, and to such an amount, as the board may prescribe or approve; and (b) by protection and indemnity insurance with such insurance companies, associations, or underwriters and under such forms of policies, and to such an amount as the board may prescribe or approve. The insurance required to be carried under this section shall be made payable to the board and/or to the parties as interest may appear. The board is authorized to enter into any agreement that it deems wise in respect to the payment and/or the guarantee of premiums of insurance. (June 5, 1920, c. 250, § 9, 41 Stat. 992.)

869. Creation of fund for insurance of interests of United States.—The board may create out of net revenue from operations and sales, and maintain and administer, a separate insurance fund, which it may use to insure in whole or in part, against all hazards commonly covered by insurance policies in such cases, any interest of the United States (1) in any vessel, either constructed or in process of construction, and (2) in any plants or materials heretofore or hereafter acquired by the board or hereby transferred to the board. (June 5, 1920, c. 250, § 10, 41 Stat. 992.)

870. Construction loan fund; use of.—(a) During a period of five years from June 5, 1920, the board may annually set aside out of the revenues from sales and operations a sum not exceeding $25,000,000, to be known as its construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards of the United States of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances or, in the outfitting and equipment by them in private shipyards or navy yards of the United States of vessels already built, with engines, machinery, and commercial appliances of the type and kind mentioned.

(b) The term "vessel" or "vessels," where used in this section, shall be construed to mean a vessel or vessels to aid in whose construction or equipment a loan is made from the construction loan fund of the board. All such vessels shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date the loan is made; and, so long as there remains due the United States any principal or interest on account of such loan.

(c) No loan shall be made for a longer time than fifteen years. If it is not to be repaid within two years from the date when the first advance on the loan is made by the board, the principal shall be payable in installments to be definitely prescribed in the instruments. Such installments shall be made payable at intervals not exceeding two years; and in amounts not less than 6 per centum of the original amount of the loan, if the installments are payable at intervals of one year or less; and in amounts not less than 12 per centum of the original amount of the loan, if the installments are at intervals exceeding one year in length. The loan may be paid at any time, on thirty days written notice to the board, with interest computed to date of payment.

(d) All such loans shall bear interest at rates to be fixed by the board, payable not less frequently than annually. During any interest period in which the vessel is operated exclusively in coastwise trade, or is inactive, the rate of interest shall be not less than 5¼ per centum per annum. During any interest period in which the vessel is operated in foreign trade, the rate shall be not less than 4¼ per centum per annum. The board may prescribe rules for determining the amount of interest payable under the provisions of this paragraph.

(e) No loan shall be for a greater sum than one-half the cost of the vessel or vessels to be constructed; or, than one-half the cost of the equipment hereinbefore authorized for a vessel already built: *Provided, however*, If security is furnished in addition to the mortgage on the vessel or vessels, the board may increase the amount loaned, but such additional amount shall not exceed one-half the market value of the additional security furnished, and in no case shall the total loan be for a greater sum than two-thirds of the cost of the vessel or vessels to be constructed; or, than two-thirds of the cost of the equipment, and its installation, for vessels already built.

(f) The board shall require such security as it shall deem necessary to insure the completion of the construction or equipment of the vessel within a reasonable time and the repayment of the loan with interest; when the vessel is completed the security shall include a preferred mortgage on the vessel, complying with the provisions of the following chapter, which mortgage shall contain appropriate covenants and provisions to insure the proper physical maintenance of the vessel, and its protection against liens for taxes, penalties, claims, or liabilities of any kind whatever, which might impair the security for the debt. It shall also contain any other covenants and provisions the board may prescribe, including a provision for the summary maturing of the entire debt, for causes to be enumerated in the mortgage.

(g) The board shall also require and the security furnished shall provide that the owner of the vessel shall keep the same insured against loss or damage by fire, and against marine risks and disasters, and against any and all other insurable risks the board specifies, with such insurance companies, associations or underwriters, and under such forms of policies, and to such an amount, as the board may prescribe or approve; such insurance shall be made payable to the board and/or to the parties, as interest may appear. The board is authorized to enter into any agreement that it deems wise in respect to the payment and for the guarantee of premiums of insurance. (June 5, 1920, c. 250, § 11, 41 Stat. 993; June 6, 1924, c. 273, § 1, 43 Stat. 467.)

871. Repair and operation of vessels until sale.—All vessels may be reconditioned and kept in suitable repair and until sold shall be managed and operated by the board or chartered or leased by it on such terms and conditions as the board shall deem wise for the promotion and maintenance of an efficient merchant marine, pursuant to the policy and purposes declared in sections 861 and 864; and the United States Shipping Board Emergency Fleet Corporation shall continue in existence and have authority to operate vessels, unless otherwise directed by law, until all vessels are sold in accordance with the provisions of this chapter, the provision in section 810 to the contrary notwithstanding.

The term "reconditioned" as used in this section includes the substitution of the most modern, most efficient, and most economical types of internal-combustion engines as the main propulsive power of vessels. Should the board have any such engines built in the United States and installed, in private shipyards or navy yards of the United States, in one or more merchant vessels owned by the United States, and the cost to the board of such installation exceeds the amount of funds otherwise available to it for that use, the board may transfer to its funds from which expenditures under this section may be paid, from its construction loan fund authorized by section 870, so much as in its judgment may be necessary to meet obligations under contracts for such installation; and the Treasurer of the United States shall, at the request of the board, make the transfer accordingly: *Provided*, That the total amount expended by the board for this purpose shall not in the aggregate exceed $25,000,000. Any such vessel so equipped by the board under the provisions of this section shall not be sold for a period of five years from the date the installation thereof is completed, unless it is sold for a price not less than the cost of the installation thereof and of any other work of reconditioning done at the same time plus an amount not less than $10 for each dead-weight ton of the vessel as computed before such reconditioning thereof is commenced. The date of the completion of such installation and the amount of the dead-weight tonnage of the vessel shall be fixed by the board: *Provided further*, That in fixing the minimum price at which the vessel may thus be sold the board may deduct from the aggregate amount above prescribed 5 per centum thereof per annum from the date of the installation to the date of sale as depreciation: *And provided further*, That no part of such fund shall be expended upon the reconditioning of any vessel unless the board shall have first made a binding contract for a satisfactory sale of such vessel in accordance with the provisions of this and the following chapter, or for the charter or lease of such vessels for a period of not less than five years by a capable, solvent operator; or unless the board is prepared and intends to directly put such vessel in operation immediately upon completion. Such vessel, in any of the enumerated instances, shall be documented under the laws of the United States and shall remain documented under such laws for a period of not less than five years from the date of the completion of the installation, and during such period it shall be operated only on voyages which are not exclusively coastwise. (June 5, 1920, c. 250, § 12, 41 Stat. 993; June 6, 1924, c. 273, § 2, 43 Stat. 468.)

872. Sale of property other than vessels.—The board is further authorized to sell all property other than vessels transferred to it under section 863 upon such terms and conditions as the board may determine and prescribe. (June 5, 1920, c. (250, § 13, 41 Stat. 993.)

873. Use and disposition of net proceeds derived from authorized activities; withdrawal of investments.—The net proceeds derived by the board prior to July 1, 1921, from any activities authorized by this chapter, or by the preceding chapter, or by the acts specified in section 862, except such an amount as the board shall deem necessary to withhold as operating capital, for the purposes of section 871, and for the insurance fund authorized in section 869, and for the construction loan fund authorized in section 870, shall be covered into the Treasury of the United States to the credit of the board and may be expended by it, within the limits of the amounts heretofore or hereafter authorized, for the construction, requisitioning, or purchasing of vessels. After July 1, 1921, such net proceeds, less such an amount as may be authorized annually by Congress to be withheld as operating capital, and less such sums as may be needed for such insurance and construction loan funds, shall be covered into the Treasury of the United States as miscellaneous receipts. The board shall, as rapidly as it deems advisable, withdraw investment of Government funds made during the emergency under the authority conferred by the Acts or parts of Acts repealed by section 862 and cover the net proceeds thereof into the Treasury of the United States as miscellaneous receipts. (June 5, 1920, c. 250, § 14, 41 Stat. 993.)

874. Authority in respect to housing privileges for employees terminated.—All authorization to purchase, build, requisition, lease, exchange, or otherwise acquire houses, buildings or land under the Act entitled "An Act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved lands, houses, buildings, and for other purposes," approved March 1, 1918, is hereby terminated: *Provided, however*, That expenditures may be made under said Act for the repair of houses and buildings already constructed, and the completion of such houses or buildings as had been contracted for prior to June 5, 1920, or were on that date under construction, if considered advisable, and the board is authorized and directed to dispose of all such properties or the interest of the United States in all such properties at as early a date as practicable, consistent with good business and the best interests of the United States. (June 5, 1920, c. 250, § 16, 41 Stat. 994.)

875. Possession and control of terminal equipment and facilities.—The board is authorized and directed to take over on January 1, 1921, the possession and control of, and to maintain and develop all docks, piers, warehouses, wharves and terminal equipment and facilities, including all leasehold easements, rights of way, riparian rights and other rights, estates and interests therein or appurtenant thereto, acquired by the President by or under the Act entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918.

The possession and control of such other docks, piers, warehouses, wharves and terminal equipment and facilities or parts thereof, including all leasehold easements, rights of way, riparian rights and other rights, estates or interests therein or appurtenant thereto which were acquired by the War Department or the Navy Department for military or naval purposes during the war emergency may be transferred by the President to the board whenever the President deems such transfer to be for the best interests of the United States.

The President may at any time he deems it necessary, by order setting out the need therefor and fixing the period of such need, permit or transfer the possession and control of any part of the property taken over by or transferred to the board under this section to the War Department or the Navy Department for their needs, and when in the opinion of the President such need therefor ceases the possession and control of such property shall revert to the board. None of such property shall be sold except as may be provided by law. (June 5, 1920, c. 250, § 17, 41 Stat. 994.)

876. Power of board to make rules and regulations.—(1) The board is authorized and directed in aid of the accomplishment of the purposes of this chapter.

(a) To make all necessary rules and regulations to carry out the provisions of this chapter;

(b) To make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally and which arise out

of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country; and

(c) To request the head of any department, board, bureau, or agency of the Government to suspend, modify, or annul rules or regulations which have been established by such department, board, bureau, or agency, or to make new rules or regulations affecting shipping in the foreign trade other than such rules or regulations relating to the Public Health Service, the Consular Service, and the Steamboat Inspection Service.

(2) No rule or regulation shall be established by any department, board, bureau, or agency of the Government which affect shipping in the foreign trade, except rules or regulations affecting the Public Health Service, the Consular Service, and the Steamboat Inspection Service, until such rule or regulation has been submitted to the board for its approval and final action has been taken thereon by the board or the President.

(3) Whenever the head of any department, board, bureau, or agency of the Government refuses to suspend, modify, or annul any rule or regulation, or make a new rule or regulation upon request of the board, as provided in subdivision (c) of paragraph (1) of this section, or objects to the decision of the board in respect to the approval of any rule or regulation, as provided in paragraph (2) of this section, either the board or the head of the department, board, bureau, or agency which has established or is attempting to establish the rule or regulation in question may submit the facts to the President, who is authorized to establish or suspend, modify, or annul such rule or regulation.

(4) No rule or regulation shall be established which in any manner gives vessels owned by the United States any preference or favor over those vessels documented under the laws of the United States and owned by persons who are citizens of the United States. (June 5, 1920, c. 250, § 19, 41 Stat. 995.)

877. Coastwise laws extended to island Territories and possessions.—From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not covered thereby on June 5, 1920, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor: *Provided further*, That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the government of the Philippine Islands is authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago: *And provided further*, That the foregoing provisions of this section shall not take effect with reference to the Philippine Islands until the President of the United States after a full investigation of the local needs and conditions shall, by proclamation, declare that an adequate shipping service has been established as herein provided and fix a date for the going into effect of the same. (June 5, 1920, c. 250, § 21, 41 Stat. 997.)

878. Deductions allowed owners of documented vessels of United States for income and excess-profits tax purposes.—The owner of a vessel documented under the laws of the United States and operated in foreign trade shall, for each of the ten taxable years while so operated, beginning with the first taxable year ending after June 5, 1920, be allowed as a deduction for the purpose of ascertaining his net income subject to the war-profits and excess-profits taxes imposed by Title III of the Revenue Act of 1918 an amount equivalent to the net earnings of such vessel during such taxable year, determined in accordance with rules and regulations to be made by the board: *Provided*, That such owner shall not be entitled to such deduction unless during such taxable year he invested, or set aside under rules and regulations to be made by the board in a trust fund for investment, in the building in shipyards in the United States of new vessels of a type and kind approved by the board, an amount, to be determined by the Secretary of the Treasury and certified by him to the board, equivalent to the war-profits and excess-profits taxes that would have been payable by such owner on account of the net earnings of such vessels but for the deduction allowed under the provisions of this section: *Provided further*, That at least two-thirds of the cost of any vessel constructed under this paragraph shall be paid for out of the ordinary funds or capital of the person having such vessel constructed. (June 5, 1920, c. 250, § 23, 41 Stat. 997.)

879. Exemption from income taxes on sales of documented vessels.—During the period of ten years from June 5, 1920, any person a citizen of the United States who may sell a vessel documented under the laws of the United States and built prior to January 1, 1914, shall be exempt from all income taxes that would be payable upon any of the proceeds of such sale under Title I, Title II, and Title III of the Revenue Act of 1918 if the entire proceeds thereof shall be invested in the building of new ships in American shipyards, such ships to be documented under the laws of the United States and to be of a type approved by the board. (June 5, 1920, c. 250, § 23, 41 Stat. 998.)

880. United States mails carried on American-built documented vessels.—All mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States. No contract made after June 5, 1920, with the Postmaster General for carrying mails on vessels so built and documented shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so built and documented. No money shall be paid out of the Treasury of the United States on or in relation to any such contract for carrying mails on vessels so built and documented when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so built and documented. The board and the Postmaster General, in aid of the development of a merchant marine adequate to provide for the maintenance and expansion of the foreign or coastwise trade of the United States and of a satisfactory postal service in connection therewith, shall from time to time determine the just and reasonable rate of compensation to be paid for such service, and the Postmaster General is authorized to enter into contracts within the limits of appropriations made therefor by Congress to pay for the carrying of such mails in such vessels at such rate. Nothing herein shall be affected by sections 657 to 665, inclusive, of Title 39, Postal Service. (June 5, 1920, c. 250, § 24, 41 Stat. 998.)

881. Classification of vessels by American Bureau of Shipping.—For the classification of vessels owned by the United States, and for such other purposes in connection therewith as are the proper functions of a classification bureau, all departments, boards, bureaus, and commissions of the Government are hereby directed to recognize the American Bureau of Shipping as their agency so long as the American Bureau of Shipping continues to be maintained as an organization which has no capital stock and pays no dividends: *Provided*, That the Secretary of Commerce and the chairman of the board shall

each appoint one representative who shall represent the Government upon the executive committee of the American Bureau of Shipping, and the bureau shall agree that these representatives shall be accepted by them as active members of such committee. Such representatives of the Government shall serve without any compensation, except necessary traveling expenses: *Provided further*, That the official list of merchant vessels published by the Government shall contain a notation clearly indicating all vessels classed by the American Bureau of Shipping. (June 5, 1920, c. 250, § 25, 41 Stat. 998.)

882. Number of passengers cargo vessels may carry.—Cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passengers," within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving equipment: *Provided further*, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

The privilege bestowed by this section on vessels of the United States shall be extended in so far as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of $500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts. (June 5, 1920, c. 250, § 26, 41 Stat. 998.)

883. Transportation of merchandise between points in United States in other than domestic built and documented vessels.—No merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 13 or 808: *Provided*, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall be filed with said commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: *Provided further*, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the Shipping Board shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic. (June 5, 1920, c. 250, § 27, 41 Stat. 999.)

884. Charges for transportation subject to "Interstate Commerce Act."—No common carrier shall charge, collect, or receive, for transportation subject to chapter 1, of Title 49, TRANSPORTATION, of persons or property, under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or charge, which is based in whole or in part on the fact that the persons or property affected thereby is to be transported to, or has been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than that charged, collected, or received by it for the transportation of persons, or of a like kind of property, for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States. Whenever the board is of the opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by vessels so documented, it shall certify this fact to the Interstate Commerce Commission, and the commission may, by order, suspend the operation of the provisions of this section with respect to the rates, fares, and charges for the transportation by rail of persons and property transported from, or to be transported, to such ports, for such length of time and under such terms and conditions as it may prescribe in such order, or in any order supplemental thereto. Such suspension of operation of the provisions of this section may be terminated by order of the commission whenever the board is of the opinion that adequate shipping facilities by such vessels to such ports are afforded and shall so certify to the commission. (June 5, 1920, c. 250, § 28, 41 Stat. 999.)

885. Definitions; construction of antitrust laws.—(a) Whenever used in this section—

(1) The term "association" means any association, exchange, pool, combination, or other arrangement for concerted action; and

(2) The term "marine insurance companies" means any persons, companies, or associations, authorized to write marine insurance or reinsurance under the laws of the United States or of a State, Territory, District, or possession thereof.

(b) Nothing contained in the "antitrust laws" as designated in section 12 of chapter 1, of Title 15, COMMERCE AND TRADE, shall be construed as declaring illegal an association entered into by marine insurance companies for the following purposes: To transact a marine insurance and reinsurance business in the United States and in foreign countries and to reinsure or otherwise apportion among its membership the risks undertaken by such association or any of the component members. (June 5, 1920, c. 250, § 29, 41 Stat. 1000.)

886. Powers of board; how exercised.—The power and authority vested in the board by this and the following chapter, except as herein otherwise specifically provided, may be exercised directly by the board, or by it through the United States Shipping Board Emergency Fleet Corporation. (June 5, 1920, c. 250, § 35, 41 Stat. 1007.)

887. Partial invalidity of chapter.—If any provision of this and the following chapter is declared unconstitutional or the application of any provision to certain circumstances be held invalid, the remainder of such chapters and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby. (June 5, 1920, c. 250, § 36, 41 Stat. 1007.)

888. Definitions.—When used in this and the following chapter, unless the context otherwise requires, the terms "person," "vessel," "documented under the laws of the United States," and "citizen of the United States" shall have the meaning assigned to them by sections 801, 802, and 803 of the preceding chapter, as amended by this and the following chapter; the term "board" means the United States Shipping Board; and the term "alien" means any person not a citizen of the United States. (June 5, 1920, c. 250, § 37, 41 Stat. 1008.)

889. "Merchant Marine Act."—The Act of June 5, 1920, chapter 250, may be cited as the "Merchant Marine Act, 1920." (June 5, 1920, c. 250, § 39, 41 Stat. 1008.)

Chapter 25.—SHIP MORTGAGE ACT.

DEFINITIONS

Sec.
911. Words and terms used in chapter.

RECORDING OF SALES, CONVEYANCES, AND MORTGAGES OF VESSELS OF THE UNITED STATES

921. Sale, conveyance, or mortgage of vessel of United States; record.
922. Preferred mortgages.
923. Certified copies of mortgage; exhibition.
924. Prior and subsequent maritime liens on mortgaged vessel.
925. Record of notice of claim of lien on mortgaged vessel; discharge of lien.
926. Conditions precedent to record; interest on preferred mortgage.
927. Inspection of and copies from records; fees.

PENALTIES

941. Failure of master to exhibit documents; unlawful acts by mortgagor; liability of collector of customs.

FORECLOSURE OF PREFERRED MORTGAGES

951. Lien of preferred mortgage; foreclosure; jurisdiction; procedure.
952. Receiver in foreclosure; possession by marshal.
953. Preferred maritime lien; priorities; other liens.
954. Suits in personam in admiralty on default.

TRANSFERS OF MORTGAGED VESSELS AND ASSIGNMENT OF VESSEL MORTGAGES

961. Surrender of documents; termination of mortgagee's interest; sale of mortgaged vessel.

MARITIME LIENS FOR NECESSARIES

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972. Persons authorized to procure repairs, supplies, and necessaries.
973. Notice to person furnishing repairs, supplies, and necessaries.
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975. State statutes superseded.

MISCELLANEOUS PROVISIONS

981. Existing mortgages not affected.
982. Books for collectors of customs.
983. Rules and regulations by Secretary of Commerce.
984. "Ship mortgage act."

DEFINITIONS

Section 911. Words and terms used in chapter.—When used in this chapter—

(1) The term "document" includes registry and enrollment and license;

(2) The term "documented" means registered or enrolled or licensed under the laws of the United States, whether permanently or temporarily;

(3) The term "port of documentation" means the port at which the vessel is documented, in accordance with law;

(4) The term "vessel of the United States" means any vessel documented under the laws of the United States and such vessel shall be held to continue to be so documented until its documents are surrendered with the approval of the board; and

(5) The term "mortgagee," in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed. (June 5, 1920, c. 250, § 30, subsec. B, 41 Stat. 1000.)

RECORDING OF SALES, CONVEYANCES, AND MORTGAGES OF VESSELS OF THE UNITED STATES

921. Sale, conveyance, or mortgage of vessel of United States; record.—(a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subdivision (b) of this subsection.

(b) Such collector of customs shall record bills of sale, conveyances, and mortgages, delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged; and

(5) The amount and date of maturity of the mortgage. (June 5, 1920, c. 250, § 30, subsec. C, 41 Stat. 1000.)

922. Preferred mortgages.—(a) A valid mortgage which, at the time it is made includes the whole of any vessel of the United States of 200 gross tons and upward, shall in addition have, in respect to such vessel and as of the date of the compliance with all the provisions of this subdivision, the preferred status given by the provisions of subsection M, section 953, if—

(1) The mortgage is indorsed upon the vessel's documents in accordance with the provisions of this chapter;

(2) The mortgage is recorded as provided in subsection C, section 921, together with the time and date when the mortgage is so indorsed;

(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

(5) The mortgagee is a citizen of the United States.

(b) Any mortgage which complies in respect to any vessel with the conditions enumerated in this subsection is hereafter in this chapter called a "preferred mortgage" as to such vessel.

(c) There shall be indorsed upon the documents of a vessel covered by a preferred mortgage—

(1) The names of the mortgagor and mortgagee;

(2) The time and date the indorsement is made;

(3) The amount and date of maturity of the mortgage; and

(4) Any amount required to be indorsed by the provisions of subdivision (e) or (f) of this subsection.

(d) Such indorsement shall be made (1) by the collector of customs of the port of documentation of the mortgaged vessel, or (2) by the collector of customs of any port in which the vessel is found, if such collector is directed to make the indorsement by the collector of customs of the port of documentation; and no clearance shall be issued to the vessel until such indorsement is made. The collector of customs of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel, such indorsement shall be transferred to and indorsed upon the new document by the collector of customs.

(e) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be indorsed upon the documents of the vessel.

(f) If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the

payment of a portion of the mortgage indebtedness, the amount of such portion of such payment shall be indorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage. (June 5, 1920, c. 250, § 30, subsec. D, 41 Stat. 1000.)

923. Certified copies of mortgage; exhibition.—The collector of customs upon the recording of a preferred mortgage shall deliver two certified copies thereof to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel and cause such copy and the documents of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the documents of the vessel and the copy of any preferred mortgage of the vessel placed on board thereof. (June 5, 1920, c. 250, § 30, subsec. E, 41 Stat. 1001.)

924. Prior and subsequent maritime liens on mortgaged vessel.—The mortgagor (1) shall, upon request of the mortgagee, disclose in writing to him prior to the execution of any preferred mortgage, the existence of any maritime lien, prior mortgage, or other obligation or liability upon the vessel to be mortgaged, that is known to the mortgagor, and (2), without the consent of the mortgagee, shall not incur, after the execution of such mortgage and before the mortgagee has had a reasonable time in which to record the mortgage and have indorsements in respect thereto made upon the documents of the vessel, any contractual obligation creating a lien upon the vessel other than a lien for wages of stevedores when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, or for salvage, including contract salvage, in respect to the vessel. (June 5, 1920, c. 250, § 30, subsec. F, 41 Stat. 1002.)

925. Record of notice of claim of lien on mortgaged vessel; discharge of lien.—(a) The collector of customs of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with the collector of customs a certificate of such discharge. The collector of customs shall thereupon record the certificate.

(b) The mortgagor upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the collector of customs for the port of documentation of the vessel, a certificate of such discharge. Such collector of customs shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, the collector of customs at the port of documentation shall (1) indorse upon the documents of the vessel, or direct the collector of customs at any port in which the vessel is found, to so indorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such indorsement is made. (June 5, 1920, c. 250, § 30, subsec. G, 41 Stat. 1002.)

926. Conditions precedent to record; interest on preferred mortgage.—(a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds.

(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy.

(d) A preferred mortgage may bear such rate of interest as is agreed by the parties thereto. (June 5, 1920, c. 250, § 30, subsec. H, 41 Stat. 1002.)

927. Inspection of and copies from records; fees.—Each collector of customs shall permit records made under the provisions of this chapter to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subdivision (c) of subsection H, section 926. The collector of customs shall collect a fee for any bill of sale, conveyance, or mortgage recorded, or any certificate or certified copy furnished, by him, in the amount of 20 cents a folio with a minimum charge of $1. All such fees shall be covered into the Treasury of the United States as miscellaneous receipts. (June 5, 1920, c. 250, § 30, subsec. D, 41 Stat. 1002.)

PENALTIES

941. Failure of master to exhibit documents; unlawful acts by mortgagor; liability of collector of customs.—(a) If the master of the vessel willfully fails to exhibit the documents of the vessel or the copy of any preferred mortgage thereof, as required by subsection E, the board of local inspectors of vessels having jurisdiction of the license of the master, may suspend or cancel such license, subject to the provisions of sections 431 to 434, inclusive.

(b) A mortgagor who, with intent to defraud, violates any provision of subsection F, section 924, and if the mortgagor is a corporation or association, the president or other principal executive officer of the corporation or association, shall upon conviction thereof be held guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than two years, or both. The mortgaged indebtedness shall thereupon become immediately due and payable at the election of the mortgagee.

(c) If any person enters into any contract secured by, or upon the credit of, a vessel of the United States covered by a preferred mortgage, and suffers pecuniary loss by reason of the failure of the collector of customs, or any officer, employee, or agent thereof, properly to perform any duty required of the collector under the provisions of this chapter, the collector of customs shall be liable to such person for damages in the amount of such loss. If any such person is caused

any such loss by reason of the failure of the mortgagor, or master of the mortgaged vessel, or any officer, employee, or agent thereof, to comply with any provision of subsection E or F, section 923 or 924, or to file an affidavit as required by subdivision (a) of subsection D, section 922, correct in each particular thereof, the mortgagor shall be liable to such person for damages in the amount of such loss. The district courts of the United States are given jurisdiction (but not to the exclusion of the courts of the several States, Territories, Districts, or possessions) of suits for the recovery of such damages, irrespective of the amount involved in the suit or the citizenship of the parties thereto. Such suit shall be begun by personal service upon the defendant within the limits of the district. Upon judgment for the plaintiff in any such suit, the court shall include in the judgment an additional amount for costs of the action and a reasonable counsel's fee, to be fixed by the court. (June 5, 1920, c. 250, § 30, subsec. J, 41 Stat. 1003.)

FORECLOSURE OF PREFERRED MORTGAGES

951. Lien of preferred mortgage; foreclosure; jurisdiction; procedure.—A preferred mortgage shall constitute a lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel. Upon the default of any term or condition of the mortgage, such lien may be enforced by the mortgagee by suit in rem in admiralty. Original jurisdiction of all such suits is granted to the district courts of the United States exclusively. In addition to any notice by publication, actual notice of the commencement of any such suit shall be given by the libellant, in such manner as the court shall direct, to (1) the master, other ranking officer, or caretaker of the vessel, and (2) any person who has recorded a notice of claim of an undischarged lien upon the vessel, as provided in subsection G, section 925, unless after search by the libellant satisfactory to the court, such mortgagor, master, other ranking officer, caretaker, or claimant is not found within the United States. Failure to give notice to any such person, as required by this subsection, shall not constitute a jurisdictional defect; but the libellant shall be liable to such person for damages in the amount of his interest in the vessel terminated by the suit. Suit in personam for the recovery of such damages may be brought in accordance with the provisions of subdivision (c) of subsection J, section 941. (June 5, 1920, c. 250, § 30, subsec. K, 41 Stat. 1003.)

952. Receiver in foreclosure; possession by marshal.—In any suit in rem in admiralty for the enforcement of the preferred mortgage lien, the court may appoint a receiver and, in its discretion, authorize the receiver to operate the mortgaged vessel. The marshal may be authorized and directed by the court to take possession of the mortgaged vessel notwithstanding the fact that the vessel is in the possession or under the control of any person claiming a possessory common-law lien. (June 5, 1920, c. 250, § 30, subsec. L, 41 Stat. 1004.)

953. Preferred maritime lien; priorities; other liens.—(a) When used hereinafter in this chapter, the term "preferred maritime lien" means (1) a lien arising prior in time to the recording and indorsement of a preferred mortgage in accordance with the provisions of this chapter; or (2) a lien for damages arising out of tort, for wages of a stevedore when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, and for salvage, including contract salvage.

(b) Upon the sale of any mortgaged vessel by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a preferred mortgage lien thereon, all preexisting claims in the vessel, including any possessory common-law lien of which a lienor is deprived under the provisions of subsection L, section 952, shall be held terminated and shall thereafter attach, in like amount and in accordance with their respective priorities, to the proceeds of the sale; except that the preferred mortgage lien shall have priority over all claims against the vessel, except (1) preferred maritime liens, and (2) expenses and fees allowed and costs taxed, by the court. (June 5, 1920, c. 250, § 30, subsec. M, 41 Stat. 1004.)

954. Suits in personam in admiralty on default.—(a) Upon the default of any term or condition of a preferred mortgage upon a vessel, the mortgagee may, in addition to all other remedies granted by this chapter, bring suit in personam in admiralty in a district court of the United States, against the mortgagor for the amount of the outstanding mortgage indebtedness secured by such vessel or any deficiency in the full payment thereof.

(b) This chapter shall not be construed, in the case of a mortgage covering, in addition to vessels, realty or personalty other than vessels, or both, to authorize the enforcement by suit in rem in admiralty of the rights of the mortgagee in respect to such realty or personalty other than vessels. (June 5, 1920, c. 250, § 30, subsec. N, 41 Stat. 1004.)

TRANSFERS OF MORTGAGED VESSELS AND ASSIGNMENT OF VESSEL MORTGAGES

961. Surrender of documents; termination of mortgagee's interest; sale of mortgaged vessel.—(a) The documents of a vessel of the United States covered by a preferred mortgage may not be surrendered (except in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country) without the approval of the board. The board shall refuse such approval unless the mortgagee consents to such surrender.

(b) The interest of the mortgagee in a vessel of the United States covered by a mortgage, shall not be terminated by the forfeiture of the vessel for a violation of any law of the United States, unless the mortgagee authorized, consented, or conspired to effect the illegal act, failure, or omission which constituted such violation.

(c) Upon the sale of any vessel of the United States covered by a preferred mortgage, by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a maritime lien other than a preferred maritime lien, the vessel shall be sold free from all preexisting claims thereon; but the court shall, upon the request of the mortgagee, the libellant, or any intervenor, require the purchaser at such sale to give and the mortgagor to accept a new mortgage of the vessel for the balance of the term of the original mortgage. The conditions of such new mortgage shall be the same, so far as practicable, as those of the original mortgage and shall be subject to the approval of the court. If such new mortgage is given, the mortgagee shall not be paid from the proceeds of the sale and the amount payable as the purchase price shall be held diminished in the amount of the new mortgage indebtedness.

(d) No rights under a mortgage of a vessel of the United States shall be assigned to any person not a citizen of the United States without the approval of the board. Any assignment in violation of any provision of this chapter shall be void.

(e) No vessel of the United States shall be sold by order of a district court of the United States in any suit in rem in admiralty to any person not a citizen of the United States. (June 5, 1920, c. 250, § 30, subsec. O, 41 Stat. 1004.)

MARITIME LIENS FOR NECESSARIES

971. Persons entitled to lien.—Any person furnishing repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any vessel, whether foreign or domestic, upon the order of the owner of such vessel, or of a person authorized

by the owner, shall have a maritime lien on the vessel, which may be enforced by suit in rem, and it shall not be necessary to allege or prove that credit was given to the vessel. (June 5, 1920, c. 250, § 30, subsec. P, 41 Stat. 1005.)

972. Persons authorized to procure repairs, supplies, and necessaries.—The following persons shall be presumed to have authority from the owner to procure repairs, supplies, towage, use of dry dock or marine railway, and other necessaries for the vessel: The managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is intrusted. No person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel. (June 5, 1920, c. 250, § 30, subsec. Q, 41 Stat. 1005.)

973. Notice to person furnishing repairs, supplies, and necessaries.—The officers and agents of a vessel specified in subsection Q, section 972, shall be taken to include such officers and agents when appointed by a charterer, by an owner pro hac vice, or by an agreed purchaser in possession of the vessel; but nothing in this chapter shall be construed to confer a lien when the furnisher knew, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor. (June 5, 1920, c. 250, § 30, subsec. R, 41 Stat. 1005.)

974. Waiver of right to lien.—Nothing in this chapter shall be construed to prevent the furnisher of repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, or the mortgagee, from waiving his right to a lien, or in the case of a preferred mortgage lien, to the preferred status of such lien, at any time, by agreement or otherwise; and this chapter shall not be construed to affect the rules of law existing on June 5, 1920, in regard to (1) the right to proceed against the vessel for advances, (2) laches in the enforcement of liens upon vessels, (3) the right to proceed in personam, (4) the rank of preferred maritime liens among themselves, or (5) priorities between maritime liens and mortgages, other than preferred mortgages, upon vessels of the United States. (June 5, 1920, c. 250, § 30, subsec. S, 41 Stat. 1005.)

975. State statutes superseded.—This chapter shall supersede the provisions of all State statutes conferring liens on vessels, in so far as such statutes purport to create rights of action to be enforced by suits in rem in admiralty against vessels for repairs, supplies, towage, use of dry dock or marine railway, and other necessaries. (June 5, 1920, c. 250, § 30, subsec. T, 41 Stat. 1006.)

MISCELLANEOUS PROVISIONS

981. Existing mortgages not affected.—This chapter shall not apply (1) to any existing mortgage, or (2) to any mortgage hereafter placed on any vessel under an existing mortgage, on June 5, 1920, so long as such existing mortgage remains undischarged. (June 5, 1920, c. 250, § 30, subsec. U, 41 Stat. 1006.)

982. Books for collectors of customs.—The Secretary of Commerce is authorized and directed to furnish collectors of customs with all necessary books and records, and with certificates of registry and of enrollment and license in such form as provides for the making of all indorsements thereon required by this chapter. (June 5, 1920, c. 250, § 30, subsec. V, 41 Stat. 1006.)

983. Rules and regulations by Secretary of Commerce.—The Secretary of Commerce is authorized to make such regulations in respect to the recording and indorsing of mortgages covering vessels of the United States, as he deems necessary to the efficient execution of the provisions of this chapter. (June 5, 1920, c. 250, § 30, subsec. W, 41 Stat. 1006.)

984. "Ship Mortgage Act."—Section 30, Act of June 5, 1920, chapter 250, may be cited as the "Ship Mortgage Act, 1920." (June 5, 1920, c. 250, § 30, subsec. A, 41 Stat. 1000.)

Chapter 26.—PROVISIONS SUPPLEMENTARY TO NAVIGATION LAWS AND THE SHIP MORTGAGE ACT.

Sec.
1011. Port of documentation.
1012. Record at home port.
1013. Conveyances and other instruments and acts validated.
1014. Navigation laws and Ship Mortgage Act amended.

Section 1011. Port of documentation.—Whenever in the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act, 1920, chapter 25 of this title, the words "port of documentation" are used they shall be deemed to mean the "home port" of the vessel, except that the words "port of documentation" shall not include a port in which a temporary document is issued. (Feb. 16, 1925, c. 235, § 4, 43 Stat. 948.)

1012. Record at home port.—No bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation (except bottomry), which includes a vessel of the United States or any portion thereof shall be valid in respect to such vessel against any person other than the grantor or mortgagor, his heirs or devisees, and any person having actual notice thereof, until such bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation is recorded in the office of the collector of customs at the home port of such vessel. Any bill of sale or conveyance of the whole or any part of a vessel shall be recorded at the home port of such vessel as shown in her new document. (Feb. 16, 1925, c. 235, § 2, 43 Stat. 948.)

1013. Conveyances and other instruments and acts validated.—All conveyances and mortgages of any vessel or any part thereof, and all documentations, recordations, indorsements, and indexing thereof, and proceedings incidental thereto made or done, prior to February 16, 1925, are declared valid to the extent they would have been valid if the port or ports at which said vessel has in fact been documented from time to time had been the port or ports at which it should have been documented in accordance with law; and this section is declared retroactive so as to accomplish such validations: *Provided*, That nothing herein contained shall be construed to deprive any person of any vested right. (Feb. 16, 1925, c. 235, § 3, 43 Stat. 948.)

1014. Navigation laws and Ship Mortgage Act amended.—All such provisions of the navigation laws of the United States and of the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act, 1920, chapter 25 of this title, as are in conflict with sections 18, 1011, 1012, and 1013, are amended to conform herewith. (Feb. 16, 1925, c. 235, § 5, 43 Stat. 948.)

SHIPPING BOARD

See Title 46, SHIPPING.

SMITHSONIAN INSTITUTION

See Title 20, EDUCATION.

SNUFF

Excess tax; see Title 26, INTERNAL REVENUE.

SOCIAL HYGIENE

See Title 42, PUBLIC HEALTH.

SODIUM LANDS

See Title 30, MINERAL LANDS AND MINING.

SOLDIERS' HOME

See Title 24, HOSPITALS, ASYLUMS, AND CEMETERIES.

SPONGE FISHERIES

See Title 16, CONSERVATION.

STAMP TAXES

See Title 26, INTERNAL REVENUE.

STANDARDS

See Title 7, AGRICULTURE.

STANDARD TIME

See Title 15, COMMERCE AND TRADE.

STATE DEPARTMENT

See chapter 2 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

STATES

See Title 4, FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES.

STATISTICS

See Title 13, CENSUS.

STEERAGE PASSENGERS

See Title 46, SHIPPING.

STOCKYARDS

Packers and Stockyards Act; see Title 7, AGRICULTURE.

STONE LANDS

See Title 43, PUBLIC LANDS.

STORAGE

Agricultural products; see Title 7, AGRICULTURE.

SUBMARINE CABLES

See Title 47, TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS.

SUPREME COURT

See Title 28, JUDICIAL CODE AND JUDICIARY.

SURVEYORS

See Title 43, PUBLIC LANDS.

SWAMP LANDS

See Title 43, PUBLIC LANDS.

TARIFF LAW

See Title 19, CUSTOMS DUTIES.

TEA

See Title 21, FOOD AND DRUGS.

TITLE 47.—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

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Chapter 1.—TELEGRAPHS.

Sec.
1. Use of public domain.
2. Use of materials from public lands.
3. Government priority in transmission of messages.
4. Purchase of lines.
5. Acceptance of obligation to be filed.
6. Rights not transferable.
7. Transmission of telegrams by railroads.
8. Refusal to transmit dispatches.
9. Subsidized companies required to construct and operate lines.
10. Equal facilities to connecting lines; discrimination in rates.
11. Powers of Interstate Commerce Commission.
12. Interference with liens of United States.
13. Violations; punishment; action for damages.
14. Contracts filed with Interstate Commerce Commission; reports; failure to make.
15. Reservation of power to alter, amend, or repeal law; power to fix rates and purchase lines.

Section 1. Use of public domain.—Any telegraph company organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. (R. S. § 5263.)

2. Use of materials from public lands.—Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other. (R. S. § 5264.)

3. Government priority in transmission of messages.—Telegrams between the several departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster General shall annually fix. And no part of any appropriation for the several departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section. (R. S. § 5266.)

4. Purchase of lines.—The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of sections 1 to 6 of this title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected. (R. S. § 5267.)

5. Acceptance of obligation to be filed.—Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster General of the restrictions and obligations required by law. (R. S. § 5268.)

6. Rights not transferable.—The rights and privileges granted under the provisions of sections 1 to 5 of this title shall not be transferred by any company acting thereunder to and other corporation, association, or person. (R. S. § 5265.)

7. Transmission of telegrams by railroads.—Telegrams are authorized to be transmitted by railroad companies which may have telegraph lines, and which shall file their written acceptance of the restrictions and obligations imposed on telegraph companies by sections 1 to 6 and 8 of this title, for the Government and for the general public, at rates to be fixed by the Government, according to the provisions of sections 1 to 6 and 8 of this title. (June 23, 1879, c. 35, § 1, 21 Stat. 31.)

8. Refusal to transmit dispatches.—Whenever any telegraph company, after having filed its written acceptance with the Postmaster General of the restrictions and obligations required by this section and sections 1 to 6 of this title, shall, by its agents or employees, refuse or neglect to transmit any such telegraphic communications as are provided for by law, such telegraph company shall be liable to a penalty of not less than $100 and not more than $1,000 for each such refusal or neglect, to be recovered by an action or actions at law in any district court of the United States. (R. S. § 5269; Feb. 27, 1877, c. 69, § 1, 19 Stat. 252.)

9. Subsidized companies required to construct and operate lines.—All railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroad or telegraph lines shall, by and through their own respective corporate officers and employees, maintain, and operate, for railroad, governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid. (Aug. 7, 1888, c. 772, § 1, 25 Stat. 382.)

10. Equal facilities to connecting lines; discrimination in rates.—Whenever any telegraph company which shall have accepted the provisions of sections 1 to 6 and 8 of this title shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in section 9 of this title, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in section 9 of this title, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable. (Aug. 7, 1888, c. 772, § 2, 25 Stat. 383.)

11. Powers of Interstate Commerce Commission.—If any railroad or telegraph company referred to in section 9 of this title, or company operating such railroad or telegraph line shall refuse or fail, in whole or in part, to maintain, and operate a telegraph line as provided herein, for the use of the Government or the public, for commercial and other purposes, without discrimination, or shall refuse or fail to make or continue such arrangements for the interchange of business with any connecting telegraph company, then any person, company, corporation, or connecting telegraph company may apply for relief to the Interstate Commerce Commission, whose duty it shall thereupon be, under such rules and regulations as said commission may prescribe, to ascertain the facts, and determine and order what arrangement is proper to be made in the particular case, and the railroad or telegraph company concerned shall abide by and perform such order; and it shall be the duty of the Interstate Commerce Commission, when such determination and order are made, to notify the parties concerned, and, if necessary, enforce the same by writ of mandamus in the courts of the United States, in the name of the United States, at the relation of either of said interstate commerce commissioners. The commissioners may institute any inquiry, upon their own motion, in the same manner and to the same effect as though complaint had been made. (Aug. 7, 1888, c. 772, § 3, 25 Stat. 383.)

12. Interference with liens of United States.—In order to secure and preserve to the United States the full value and benefit of its liens upon all the telegraph lines required to be constructed by and lawfully belonging to railroad and telegraph companies referred to in section 9 of this title, and to have the same possessed, used, and operated in conformity with sections 9 to 15 of this title, it is hereby made the duty of the Attorney General of the United States, by proper proceedings, to prevent any unlawful interference with the rights and equities of the United States under all acts of Congress relating to such railroads and telegraph lines, and to have legally ascertained and finally adjudicated all alleged rights of all persons and corporations whatever claiming in any manner any control or interest of any kind in any telegraph lines or property, or exclusive rights of way upon the lands of said railroad companies, or any of them, and to have all contracts and provisions of contracts set aside and annulled which have been unlawfully and beyond their powers entered into by said railroad or telegraph companies, or any of them, with any other person, company, or corporation. (Aug. 7, 1888, c. 772, § 4, 25 Stat. 383.)

13. Violations; punishment; action for damages.—Any officer or agent of said railroad or telegraph companies, or of any company operating the railroads and telegraph lines of said companies, who shall refuse or fail to operate the telegraph lines of said railroad or telegraph companies under his control, or which he is engaged in operating, in the manner herein directed, or who shall refuse or fail, in such operation and use, to afford and secure to the Government and the public equal facilities, or to secure to each of said connecting telegraph lines equal advantages and facilities in the interchange of business, as herein provided for, without any discrimination whatever for or adverse to the telegraph line of any or either of said connecting companies, or shall refuse to abide by or perform and carry out within a reasonable time the order or orders of the Interstate Commerce Commission, shall in every such case of refusal or failure be guilty of a misdemeanor, and, on conviction thereof, shall in every such case be fined in a sum of not exceeding $1,000, and may be imprisoned not less than six months; and in every such case of refusal or failure the party aggrieved may not only cause the officer or agent guilty thereof to be prosecuted under the provisions of this section, but may also bring an action for the damages sustained thereby against the company whose officer or agent may be guilty thereof, in the district court of the United States in any State or Territory in which any portion of the road or telegraph line of said company may be situated; and in case of suit process may be served upon any agent of the company found in such State or Territory, and such service shall be held by the court good and sufficient. (Aug. 7, 1888, c. 772, § 5, 25 Stat. 384; Mar. 3, 1911, c. 231, § 289, 36 Stat. 1167.)

14. Contracts filed with Interstate Commerce Commission; reports; failure to make.—It shall be the duty of each and every one of the aforesaid railroad and telegraph companies annually to report to the Interstate Commerce Commission, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which said commission shall prescribe; and if any of said railroad or telegraph companies shall refuse or fail to make such reports or any report as may be called for by said commission, or refuse to submit its books and records for inspection, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than $1,000 nor more than $5,000, to be recovered by the Attorney General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided. (Aug. 7, 1888, c. 772, § 6, 25 Stat. 384.)

15. Reservation of power to alter, amend, or repeal act; power to fix rates and purchase lines.—Nothing in this section and sections 9 to 14 of this title shall be construed to affect or impair the right of Congress, at any time, to alter, amend, or repeal sections 1 to 6 and 8 of this title; and sections 9 to 15 shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises existing on August 7, 1888, in the United States, or any authority that the Postmaster General on August 7, 1888, had under sections 1 to 6, and 8 to fix rates, or, of the Government, to purchase lines as provided under said sections, or to have its messages given precedence in transmission. (Aug. 7, 1888, c. 772, § 7, 25 Stat. 385.)

Chapter 2.—SUBMARINE CABLES.

Sec.

21. Submarine cables; willful injury to; punishment.
22. Same; negligent injury to; punishment.
23. Same; injury in efforts to save life excepted.
24. Vessels laying cables; signals; avoidance of buoys.
25. Fishing vessels; duty to keep nets from cables.
26. Duties of commanders of warships.
27. Offending vessels to show nationality.
28. Penalties not to bar suits for damages.
29. Master of offending vessel punishable.
30. Definitions.
31. Summary trials.
32. Application.
33. Jurisdiction and venue of offenses.
34. Licenses for landing or operating cables connecting United States with foreign country; necessity for.
35. Same; withholding or revoking by President; terms and conditions of licenses.
36. Same; preventing landing or operating of cables.
37. Same; violations; punishment.
38. Same; definitions.
39. Same; amendment, modification, etc., of rights granted.

Section 21. Submarine cables; willful injury to; punishment.—Any person who shall willfully and wrongfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding $5,000, or to both fine and imprisonment, at the discretion of the court. (Feb. 29, 1888, c. 17, § 1, 25 Stat. 41.)

22. Same; negligent injury to; punishment.—Any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or embarrass, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding $500, or to both fine and imprisonment, at the discretion of the court. (Feb. 29, 1888, c. 17, § 2, 25 Stat. 41.)

23. Same; injury in efforts to save life excepted.—The provisions of sections 21 and 22 of this title shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury. (Feb. 29, 1888, c. 17, § 3, 25 Stat. 41.)

24. Vessels laying cables; signals; avoidance of buoys.—The master of any vessel which, while engaged in laying or repairing submarine cables, shall fail to observe the rules concerning signals that have been or shall be adopted by the parties to the convention described in section 30 of this chapter with a view to preventing collisions at sea; or the master of any vessel that, perceiving, or being able to perceive the said signals displayed upon a telegraph ship engaged in repairing a cable, shall not withdraw to or keep at distance of at least one nautical mile; or the master of any vessel that seeing or being able to see buoys intended to mark the position of a cable when being laid or when out of order or broken, shall not keep at a distance of at least a quarter of a nautical mile, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding one month, or to a fine of not exceeding $500. (Feb. 29, 1888, c. 17, § 4, 25 Stat. 41.)

25. Fishing vessels; duty to keep nets from cables.—The master of any fishing vessel who shall not keep his implements or nets at a distance of at least one nautical mile from a vessel engaged in laying or repairing a cable; or the master of any fishing vessel who shall not keep his implements or nets at a distance of at least a quarter of a nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding ten days, or to a fine not exceeding $250, or to both such fine and imprisonment, at the discretion of the court. Fishing vessels, on perceiving or being able to perceive the said signals displayed on a telegraph ship, shall be allowed such time as may be necessary to obey the notice thus given, not exceeding twenty-four hours, during which period no obstacle shall be placed in the way of their operations. (Feb. 29, 1888, c. 17, § 5, 25 Stat. 42.)

26. Duties of commanders of warships.—For the purpose of carrying into effect the convention described in section 30 of this title a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the government of such foreign state, may exercise and perform the duties with respect to requiring exhibition of documents evidencing the nationality of offending vessels and making reports of infractions vested in and imposed on such officer by the convention. (Feb. 29, 1888, c. 17, § 6, 25 Stat. 42.)

27. Offending vessels to show nationality.—Any person having the custody of the papers necessary for the preparation of the statements provided for in article 10 of the said convention with respect to reports of infractions, by officers commanding vessels of war or vessels especially commissioned, who shall refuse to exhibit them or shall violently resist persons having authority according to article 10 of said convention to draw up statements of facts in the exercise of their functions, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment not exceeding two years, or to a fine not exceeding $5,000, or to both fine and imprisonment, at the discretion of the court. (Feb. 29, 1888, c. 17, § 7, 25 Stat. 42.)

28. Penalties not to bar suits for damages.—The penalties provided in sections 21 to 33 of this title for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury. (Feb. 29, 1888, c. 17, § 8, 25 Stat. 42.)

29. Master of offending vessel punishable.—When an offense against sections 21 to 33 of this title shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly. (Feb. 29, 1888, c. 17, § 9, 25 Stat. 42.)

30. Definitions.—Unless the context of sections 21 to 33 of this title otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or incorporate. The term "convention" shall be taken to mean the International Convention for the Protection of Submarine Cables, made at Paris on the 14th day of May, 1884, and proclaimed by the President of the United States on the 22d day of May, 1885. (Feb. 29, 1888, c. 17, § 10, 25 Stat. 42.)

31. Summary trials.—The provisions of chapter 8 of Title 33 shall extend to the trial of offenses against the provisions of sections 24 and 25 of this title. (Feb. 29, 1888, c. 17, § 11, 25 Stat. 42.)

32. Application.—The provisions of sections 21 to 33 of this title shall be held to apply only to cables to which the convention for the time being applies. (Feb. 29, 1888, c. 17, § 12, 25 Stat. 42.)

33. Jurisdiction and venue of offenses.—The district courts of the United States shall have jurisdiction over all offenses against sections 21 to 33 of this title and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or on board a vessel of the United States outside of said waters. From the decrees and judgments of the district courts in actions and suits arising under said sections appeals and writs of error shall be allowed as provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of said sections shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature

may be commenced in the district court for any district within which the defendant may be found and shall be served with process. (Feb. 29, 1888, c. 17, § 13, 25 Stat. 42.)

34. Licenses for landing or operating cables connecting United States with foreign country; necessity for.—No person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States. The conditions of sections 34 to 39 of this title shall not apply to cables, all of which, including both terminals, lie wholly within the continental United States. (May 27, 1921, c. 12, § 1, 42 Stat. 8.)

35. Same; withholding or revoking by President; terms and conditions of licenses.—The President may withhold or revoke such license when he shall be satisfied after due notice and hearing that such action will assist in securing rights for the landing or operation of cables in foreign countries, or in maintaining the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States, or may grant such license upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed. The license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States. Nothing herein contained shall be construed to limit the power and jurisdiction heretofore granted the Interstate Commerce Commission with respect to the transmission of messages. (May 27, 1921, c. 12, § 2, 42 Stat. 8.)

36. Same; preventing landing or operating of cables.—The President is empowered to prevent the landing of any cable about to be landed in violation of sections 34 to 39 of this title. When any such cable is about to be or is landed or is being operated without a license, any district court of the United States exercising jurisdiction in the district in which such cable is about to be or is landed, or any district court of the United States having jurisdiction of the parties, shall have jurisdiction, at the suit of the United States, to enjoin the landing or operation of such cable or to compel, by injunction, the removal thereof. (May 27, 1921, c. 12, § 3, 42 Stat. 8.)

37. Same; violations; punishment.—Whoever knowingly commits, instigates, or assists in any act forbidden by section 34 of this title shall be guilty of a misdemeanor and shall be fined not more than $5,000, or imprisoned for not more than one year, or both. (May 27, 1921, c. 12, § 4, 42 Stat. 8.)

38. Same; definitions.—The term "United States" as used in sections 34 to 39 of this title includes the Canal Zone, the Philippine Islands, and all territory continental or insular, subject to the jurisdiction of the United States of America. (May 27, 1921, c. 12, § 5, 42 Stat. 8.)

39. Same; amendment, modification, etc., of rights granted.—No right shall accrue to any government, person, or corporation under the terms of sections 34 to 39 of this title that may not be rescinded, changed, modified, or amended by the Congress. (May 27, 1921, c. 12, § 6, 42 Stat. 9.)

Chapter 3.—RADIOTELEGRAPHS.

Sec.
51. License for operation.
52. Same; form; persons entitled.
53. Operators; license or temporary permits; employment of unlicensed operators.
54. Regulations; penalty for violations; temporary licenses for experiments; naval and military stations.
55. Willful or malicious interference with communication.
56. Radio communication defined.
57. Uttering or transmitting false or fraudulent signals.
58. Restriction of use on foreign ships.
59. Jurisdiction of offenses.
60. Inapplicability to Philippines.
61. Government-owned radio stations and apparatus; use for official business.
62. Same; use for other than official business; rates.
63. Same; sections applicable.

Section 51. License for operation.—A person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the transmission of radiograms or signals the effect of which extends beyond the jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce upon application therefor; but nothing in sections 51 to 60 of this title shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States. (Aug. 13, 1912, c. 287, § 1, 37 Stat. 302; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

52. Same; form; persons entitled.—Every such license shall be in such form as the Secretary of Commerce shall determine and shall contain the restrictions, pursuant to sections 51 to 60 of this title, on and subject to which the license is granted; every such license shall be issued only to citizens of the United States or Porto Rico or to a company incorporated under the laws of some State or Territory or of the United States or Porto Rico, and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station, shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein and such regulations as may be established from time to time by authority of sections 51 to 60 of this title or subsequent Acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril or disaster may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners. (Aug. 13, 1912, c. 287, § 2, 37 Stat. 303; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

53. Operators; license or temporary permits; employment of unlicensed operators.—Every such apparatus shall at all times while in use and operation as aforesaid be in charge

or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce. Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to sections 51 to 60 of this title or subsequent Acts or treaties of the United States, or any one of them, or who shall fail to enforce obedience thereto by an unlicensed person while serving under his supervision, in addition to the punishments and penalties herein prescribed, may suffer the suspension of the said license for a period to be fixed by the Secretary of Commerce not exceeding one year. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge or in supervision of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $100 or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense. In case of emergency the Secretary of Commerce may authorize a collector of customs to issue a temporary permit, in lieu of a license, to the operator on a vessel subject to sections 484 to 487 of Title 46. (Aug. 13, 1912, c. 287, § 3, 37 Stat. 303; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

54. Regulations; penalty for violations; temporary licenses for experiments; naval and military stations.—For the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section. These regulations shall be enforced by the Secretary of Commerce through the collectors of customs and other officers of the Government as other regulations herein provided for.

The Secretary of Commerce may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

The Secretary of Commerce may grant special temporary licenses to stations actually engaged in conducting experiments for the development of the science of radio communication, or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and under such conditions as will insure the least interference with the sending or receipt of commercial or Government radiograms, of distress signals and radiograms, or with the work of other stations.

In these regulations the naval and military stations shall be understood to be stations on land.

REGULATIONS

NORMAL WAVE LENGTH

First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed six hundred meters or it shall exceed one thousand six hundred meters. Every coastal station open to general public service shall at all times be ready to receive messages of such wave lengths as are required by the convention signed at Berlin November 3, 1906, regulating wireless telegraphy. Every ship station, except as hereinafter provided, and every coast station open to general public service shall be prepared to use two sending wave lengths, one of three hundred meters and one of six hundred meters, as required by the international convention in force. The Secretary of Commerce may, in his discretion, change the limit of wave length reservation made by regulations first and second to accord with any international agreement to which the United States is a party.

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OTHER WAVE LENGTHS

Second. In addition to the normal sending wave length all stations, except as provided hereinafter in these regulations, may use other sending wave lengths: *Provided*, That they do not exceed six hundred meters or that they do exceed one thousand six hundred meters: *Provided further*, That the character of the waves emitted conforms to the requirements of regulations third and fourth following.

USE OF A "PURE WAVE"

Third. At all stations if the sending apparatus, to be referred to hereinafter as the "transmitter," is of such a character that the energy is radiated in two or more wave lengths, more or less sharply defined, as indicated by a sensitive wave meter, the energy in no one of the lesser waves shall exceed 10 per centum of that in the greatest.

USE OF A "SHARP WAVE"

Fourth. At all stations the logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

USE OF "STANDARD DISTRESS WAVE"

Fifth. Every station on shipboard shall be prepared to send distress calls on the normal wave length designated by the international convention in force, except on vessels of small tonnage unable to have plants insuring that wave length.

SIGNAL OF DISTRESS

Sixth. The distress call used shall be the international signal of distress . . . — — — . . .

USE OF "BROAD INTERFERING WAVE" FOR DISTRESS SIGNALS

Seventh. When sending distress signals, the transmitter of a station on shipboard may be tuned in such a manner as to create a maximum of interference with a maximum of radiation.

DISTANCE REQUIREMENT FOR DISTRESS SIGNALS

Eighth. Every station on shipboard, wherever practicable, shall be prepared to send distress signals of the character specified in regulations fifth and sixth with sufficient power to enable them to be received by day over sea a distance of one hundred nautical miles by a shipboard station equipped with apparatus for both sending and receiving equal in all essential particulars to that of the station first mentioned.

"RIGHT OF WAY" FOR DISTRESS SIGNALS

Ninth. All stations are required to give absolute priority to signals and radiograms relating to ships in distress; to cease all sending on hearing a distress signal; and, except when engaged in answering or aiding the ship in distress, to refrain from sending until all signals and radiograms relating thereto are completed.

REDUCED POWER FOR SHIPS NEAR A GOVERNMENT STATION

Tenth. No station on shipboard, when within fifteen nautical miles of a naval or military station, shall use a transformer input exceeding one kilowatt, nor, when within five nautical miles of such a station, a transformer input exceeding one-half kilowatt, except for sending signals of distress, or signals or radiograms relating thereto.

INTERCOMMUNICATION

Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any

ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively.

It shall be the duty of each such shore station, during the hours it is in operation, to listen in at intervals of not less than fifteen minutes and for a period not less than two minutes, with the receiver tuned to receive messages of three-hundred-meter wave lengths.

DIVISION OF TIME

Twelfth. At important seaports and at all other places where naval or military and private or commercial shore stations operate in such close proximity that interference with the work of naval and military stations can not be avoided by the enforcement of the regulations contained in the foregoing regulations concerning wave lengths and character of signals emitted, such private or commercial shore stations as do interfere with the reception of signals by the naval and military stations concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time. The Secretary of Commerce may, on the recommendation of the department concerned, designate the station or stations which may be required to observe this division of time.

GOVERNMENT STATIONS TO OBSERVE DIVISIONS OF TIME

Thirteenth. The naval or military stations for which the above-mentioned division of time may be established shall transmit signals or radiograms only during the first fifteen minutes of each hour, local standard time, except in case of signals or radiograms relating to vessels in distress, as hereinbefore provided.

USE OF UNNECESSARY POWER

Fourteenth. In all circumstances, except in case of signals or radiograms relating to vessels in distress, all stations shall use the minimum amount of energy necessary to carry out any communication desired.

GENERAL RESTRICTIONS ON PRIVATE STATIONS

Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes shall use a transmitting wave length exceeding two hundred meters, or a transformer input exceeding one kilowatt, except by special authority of the Secretary of Commerce contained in the license of the station. The owner or operator of a station of the character mentioned in this regulation shall not be liable for a violation of the requirements of the third or fourth regulations to the penalties of $100 or $25, respectively, provided in this section unless the person maintaining or operating such station shall have been notified in writing that the said transmitter has been found, upon tests conducted by the Government, to be so adjusted as to violate the said third and fourth regulations, and opportunity has been given to said owner or operator to adjust said transmitter in conformity with said regulations.

SPECIAL RESTRICTIONS IN THE VICINITIES OF GOVERNMENT STATIONS

Sixteenth. No station of the character mentioned in regulation fifteenth situated within five nautical miles of a naval or military station shall use a transmitting wave length exceeding two hundred meters or a transformer input exceeding one-half kilowatt.

SHIP STATIONS TO COMMUNICATE WITH NEAREST SHORE STATIONS

Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiograms transmitted. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

LIMITATIONS FOR FUTURE INSTALLATIONS IN VICINITIES OF GOVERNMENT STATIONS

Eighteenth. No station on shore not in actual operation on August 13, 1912, shall be licensed for the transaction of commercial business by radio communication within fifteen nautical miles of the following naval or military stations, to wit: Arlington, Virginia; Key West, Florida; San Juan, Porto Rico; North Head and Tatoosh Island, Washington; San Diego, California; and those established or which may be established in Alaska and in the Canal Zone; and the head of the department having control of such Government stations shall, so far as is consistent with the transaction of governmental business, arrange for the transmission and receipt of commercial radiograms under the provisions of the Berlin convention of 1906 and future international conventions or treaties to which the United States may be a party, at each of the stations above referred to, and shall fix the rates therefor, subject to control of such rates by Congress. At such stations and wherever and whenever shore stations open for general public business between the coast and vessels at sea under the provisions of the Berlin convention of 1906 and future international conventions and treaties to which the United States may be a party shall not be so established as to insure a constant service day and night without interruption, and in all localities wherever or whenever such service shall not be maintained by a commercial shore station within one hundred nautical miles of a naval radio station, the Secretary of the Navy shall, so far as is consistent with the transaction of governmental business, open naval radio stations to the general public business described above, and shall fix rates for such service, subject to control of such rates by Congress. The receipts from such radiograms shall be covered into the Treasury as miscellaneous receipts.

SECRECY OF MESSAGES

Nineteenth. No person or persons engaged in or having knowledge of the operation of any station or stations, shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or their authorized agent, or to another station employed to forward such message to its destination, unless legally required so to do by a court of competent jurisdiction or other competent authority. Any person guilty of divulging or publishing any message, except as herein provided, shall, on conviction thereof, be punishable by a fine of not more than $250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the court.

PENALTIES

For violation of any of these regulations, subject to which a license under sections 51 and 52 of this title may be issued, the owner of the apparatus shall be liable to a penalty of $100, which may be reduced or remitted by the Secretary of Commerce, and for repeated violations of any of such regulations, the license may be revoked.

For violation of any of these regulations, except as provided in regulation nineteenth, subject to which a license under sec-

tion 53 of this title may be issued, the operator shall be subject to a penalty of $25, which may be reduced or remitted by the Secretary of Commerce, and for repeated violations of any such regulations, the license shall be suspended or revoked. (Aug. 13, 1912, c. 287, § 4, 37 Stat. 304; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

55. Willful or malicious interference with communication.—Every license granted under the provisions of sections 51 and 52 of this title for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not willfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed $500 or imprisonment for not to exceed one year, or both. (Aug. 13, 1912, c. 287, § 5, 37 Stat. 308.)

56. Radio communication defined.—The expression "radio communication" as used in sections 51 to 60 of this title means any system of electrical communication by telegraphy or telephony without the aid of any wire connecting the points from and at which the radiograms, signals, or other communications are sent or received. (Aug. 13, 1912, c. 287, § 6, 37 Stat. 308.)

57. Uttering or transmitting false or fraudulent signals.—A person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent distress signal or call or false or fraudulent signal, call, or other radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent distress signal or call shall be a fine of not more than $2,500 or imprisonment for not more than five years, or both, in the discretion of the court, for each and every such offense, and the penalty for so uttering or transmitting, or causing to be uttered or transmitted, any other false or fraudulent signal, call, or other radiogram shall be a fine of not more than $1,000 or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense. (Aug. 13, 1912, c. 287, § 7, 37 Stat. 308.)

58. Restriction of use on foreign ships.—A person, company, or corporation shall not use or operate any apparatus for radio communication on a foreign ship in territorial waters of the United States otherwise than in accordance with the provisions of sections 54 and 57 of this title and so much of section 55 of this title as imposes a penalty for interference. Save as aforesaid, nothing herein shall apply to apparatus for radio communication on any foreign ship. (Aug. 13, 1912, c. 287, § 8, 37 Stat. 308.)

59. Jurisdiction of offenses.—The trial of any offense under sections 51 to 60 of this title shall be in the district in which it is committed, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district the trial shall be in the district where the offender may be found or into which he shall be first brought. (Aug. 13, 1912, c. 287, § 9, 37 Stat. 308.)

60. Inapplicability to Philippines.—Sections 51 to 59 of this title shall not apply to the Philippine Islands. (Aug. 13, 1912, c. 287, § 10, 37 Stat. 308.)

61. Government-owned radio stations and apparatus; use for official business.—All land, ship, and airship radio stations, and all apparatus therein owned by the United States may be used by it for receiving and transmitting messages relating to Government business, compass reports, and the safety of ships. (June 5, 1920, c. 269, § 1, 41 Stat. 1061.)

62. Same; use for other than official business; rates.—The Secretary of the Navy is authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships and between ship and shore. The rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, the Philippine Islands, the Virgin Islands, and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service. The right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and in any event all rights conferred by this section shall terminate and cease on June 30, 1927, except that all such rights conferred by this section in the Republic of China shall be deemed to have terminated and ceased on January 1, 1924. (June 5, 1920, c. 269, § 2, 41 Stat. 1061; Apr. 14, 1922, c. 132, 42 Stat. 495; Feb. 28, 1925, c. 378, 43 Stat. 1091.)

63. Same; sections applicable.—All stations owned and operated by the Government, except as herein otherwise provided, shall be used and operated in accordance with the provisions of sections 51 to 60 of this title. (June 5, 1920, c. 269, § 3, 41 Stat. 1061.)

TITLE 48.—TERRITORIES AND INSULAR POSSESSIONS

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Chapter 1.—THE BUREAU OF INSULAR AFFAIRS.

Sec.
1. Bureau of Insular Affairs; business.
2. Same; officers of; rank.
3. Chief of bureau; appointment.
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5. Additional assistant to chief of bureau authorized.

Section 1. Bureau of Insular Affairs; business.—After July 1, 1902, the Division of Insular Affairs of the War Department, shall be known as the Bureau of Insular Affairs of the War Department. The business assigned to said bureau shall embrace all matters pertaining to civil government in the island possessions of the United States subject to the jurisdiction of the War Department. (July 1, 1902, c. 1369, § 87, 32 Stat. 712.)

2. Same; officers of; rank.—The officers of the Bureau of Insular Affairs shall be one chief of the bureau with the rank of brigadier general, and two officers below the grade of brigadier general. During the tenure of office of the Chief of the Bureau of Insular Affairs in office on June 4, 1920, he shall have the rank of major general. (June 3, 1916, c. 134, § 14, 39 Stat. 176; June 4, 1920, c. 227, subchapter I, § 14, 41 Stat. 769.)

3. Chief of bureau; appointment.—The Chief of the Bureau of Insular Affairs of the War Department shall be appointed by the President for the period of four years, unless sooner relieved, with the advice and consent of the Senate. (June 25, 1906, c. 3528, 34 Stat. 456; June 4, 1920, c. 227, subchapter I, § 14, 41 Stat. 769.)

4. Assistant to chief of bureau.—The Secretary of War is authorized to detail an officer of the Army, whom he may consider especially well qualified, to act as assistant to the Chief of the Bureau of Insular Affairs of the War Department. The provisions of law, with reference to the transfer of officers of the line to the departments of the staff for tours of service, shall apply to the vacancy created by this section and to the return of the officer so detailed to the line of the Army. (Mar. 2, 1907, c. 2511, 34 Stat. 1162; Mar. 23, 1910, c. 115, 36 Stat. 248.)

5. Additional assistant to chief of bureau authorized.—The Secretary of War is authorized to detail one additional officer of the Army as assistant to the Chief of the Bureau of Insular Affairs, under the same provisions of law in regard to the vacancy in the line thus created and return to the line as govern in the case of the assistant authorized by section 4 of this title; and both officers detailed in the Bureau of Insular Affairs shall be designated, while on this duty, as assistants to the chief of the bureau. (Mar. 23, 1910, c. 115, 36 Stat. 248.)

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Section 21. Territory of Alaska organized.—The territory ceded to the United States by Russia by the treaty of March 30, 1867, and known as Alaska, shall be and constitute the Territory of Alaska under the laws of the United States, the government of which shall be organized and administered as provided by said laws. (Aug. 24, 1912, c. 387, § 1, 37 Stat. 512.)

22. Capital at Juneau.—The capital of the Territory of Alaska shall be at the city of Juneau, Alaska, and the seat of government shall be maintained there. (Aug. 24, 1912, c. 387, § 2, 37 Stat. 512.)

23. Constitution and laws of the United States extended.—The Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States. All the laws of the United States passed prior to August 24, 1912, establishing the executive and judicial departments in Alaska shall continue in full force and effect until amended or repealed by Act of Congress; except as herein provided all laws in force in Alaska prior to that date shall continue in full force and effect until altered, amended, or

repealed by Congress or by the legislature. (Aug. 24, 1912, c. 387, § 3, 37 Stat. 512.)

24. Authority of Territorial legislature to repeal or amend existing laws limited; additional taxes or licenses.—The authority granted to the legislature by section 23 of this title to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal revenue, postal, or other general laws of the United States or to the game, fish, and fur seal laws and laws relating to fur-bearing animals of the United States applicable to Alaska, or to the laws of the United States providing for taxes on business and trade, or to sections 41, 47, 161 to 169, 321 to 325, and 329 of this chapter. This provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses. (Aug. 24, 1912, c. 387, § 3, 37 Stat. 512.)

25. Fees of officers not otherwise compensated; Attorney General to prescribe.—In case the law requires or authorizes any services to be performed or any act to be done by any official or person within the Territory of Alaska, and provides no compensation therefor, the Attorney General may prescribe and promulgate a schedule of such fees, mileage, or other compensation as shall be by him deemed proper for each division of the court, and such schedule shall have the force and effect of law; and the Attorney General may from time to time amend such schedule and promulgate the same as amended, and the schedule as amended and promulgated shall also have the force and effect of law. (June 6, 1900, c. 786, § 30, 31 Stat. 332.)

26. Notaries public; appointment by governor.—The governor may appoint and commission one or more notaries public for the Territory. (June 6, 1900, c. 786, § 2, 31 Stat. 321.)

27. Same; appointments made prior to June 6, 1900, legalized.—Appointments of notaries public made by the Governor of Alaska prior to June 6, 1900, are hereby legalized, and all acts performed by them by virtue of their notarial commissions shall be for all purposes as valid as though the governor had at the time full and complete legal authority to appoint and commission them. (June 6, 1900, c. 768, § 2, 31 Stat. 321.)

28. Same; residence; term of office; removal from office.—Every person appointed as a notary public must at the time of his appointment be a resident of the district and must continue to reside therein during his term of office. Removal from the district vacates his office and is equivalent to resignation.

The term of office of a notary public shall be four years from and after the date of his commission, but he may be sooner removed by the governor for misconduct in office. (June 6, 1900, c. 786, § 17, 31 Stat. 328.)

29. Same; bonds; issue of commission.—Each notary must execute an official bond in the sum of $1,000, which bond must be approved by the clerk of the division of the district court located nearest his residence. Upon approval of his official bond, so soon as he has taken his official oath, each notary public must transmit such bond and oath, signed by him with his own proper signature to the office of the secretary of the district, whereupon the governor must issue a commission. (June 6, 1900, c. 786, §§ 22, 23, 31 Stat. 329.)

30. Same; fee for commission.—For each commission issued to a notary public a fee of $10 shall be paid to the secretary of the Territory. (June 6, 1900, c. 786, § 32, 31 Stat. 333.)

31. Same; duties.—It shall be the duty of a notary public—

First. When requested, to demand acceptance and payment of foreign, domestic, and inland bills of exchange, or promissory notes, and protest the same for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages or by the laws of any State, government, or country may be performed by notaries, and keep a record of such acts.

Second. To take acknowledgment or proof of powers of attorney, deeds, mortgages, grants, transfers, and other instruments of writing executed by any person and to give a certificate of such proof or acknowledgment indorsed or attached to the instrument.

Third. To take depositions and affidavits and administer oaths and affirmations in all matters incident to the duties of the office or to be used before any court, judge, or officer.

Fourth. When requested and upon payment of his fees therefor to make and give a certified copy of any record in his office.

Fifth. To provide and keep an official seal, upon which must be engraved the name of the district and the words "Notary Public," with the surname of the notary and at least the initials of his Christian name. (June 6, 1900, c. 786, § 18, 31 Stat. 328.)

32. Same; protests.—The protest of a notary public under his hand and seal of a bill of exchange or promissory note for nonacceptance or nonpayment, stating the presentment for acceptance or payment and the nonacceptance or nonpayment thereof, the service of notice on any and all parties to such bill of exchange or promissory note and specifying the mode of giving such notice and the reputed place of residence of the party to such bill of exchange or promissory note and of the party to whom same was given and the post office nearest thereto is prima facie evidence of the facts contained therein. (June 6, 1900, c. 786, § 19, 31 Stat. 329.)

33. Same; liability for misconduct or neglect.—For the official misconduct or neglect of a notary public, he and sureties on his official bond are liable to the parties injured thereby for all damages sustained. (June 6, 1900, c. 786, § 24, 31 Stat. 329.)

34. Same; records to be deposited with district court on resignation, removal, or death; penalty.—It shall be the duty of every notary public, on his resignation or removal from office or at the expiration of his term and, in case of his death, of his legal representative, to forthwith deposit all the records kept by him in the office of the clerk of the division of the district court in which he resides, and on failure to do so the person so offending is liable in damages to any person injured thereby. (June 6, 1900, c. 786, § 20, 31 Stat. 329.)

35. Same; duty of clerk on safe-keeping records deposited.—It shall be the duty of each clerk mentioned in section 34 of this title to receive and safely keep all records and papers of the notary in each case above named and to give attested copies of them under his seal, for which he may demand such fees as by law may be allowed to the notaries, and such copies shall have the same effect as if certified by the notary. (June 6, 1900, c. 786, § 21, 31 Stat. 329.)

36. Certificates to practice law; fee; disposition of.—For each certificate issued to a member of the bar, authorizing him to practice law in Alaska, a fee of $10 shall be paid to the clerk of the court, which shall by him be promptly remitted to the secretary of the Territory, and at the same time the clerk shall advise the governor of such remittance. (June 6, 1900, c. 786, § 32, 31 Stat. 333.)

37. Wharf at Sitka; charges.—The Secretary of the Treasury is authorized to charge and fix the rates of dockage and wharfage to be paid by any private vessel or person allowed to use the wharf at Sitka, the said receipts to be deposited with the Treasurer of the United States as a miscellaneous receipt derived from Government property; and the Secretary of the Treasury shall direct, by regulation or otherwise, by whom said wharfage and dockage receipts shall be collected. (June 11, 1896, c. 420, § 1, 29 Stat. 413.)

38. Same; repairs.—The Secretary of the Treasury may, in renting the wharf at Sitka, require that the lessee shall make all necessary repairs thereto. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 615; Jan. 3, 1923, c. 22, 42 Stat. 1106.)

39. Reindeer.—All reindeer owned by the United States in Alaska shall as soon as practicable be turned over to missions in or natives of Alaska, to be held and used by them under such

conditions as the Secretary of the Interior shall prescribe. The Secretary of the Interior may authorize the sale of surplus male reindeer and make regulations for the same. The proceeds of such sale shall be turned into the Treasury of the United States. The Commissioner of Education is authorized to sell such of the male reindeer belonging to the Government as he may deem advisable and to use the proceeds in the purchase of female reindeer belonging to missions and in the distribution of reindeer to natives in those portions of Alaska in which reindeer have not yet been placed and which are adapted to the reindeer industry. (Mar. 4, 1907, c. 2918, § 1, 34 Stat. 1338; May 24, 1922, c. 199, 42 Stat. 584; Jan. 24, 1923, c. 42, 42 Stat. 1205; June 5, 1924, c. 264, 43 Stat. 427; Mar. 3, 1925, c. 462, 43 Stat. 1181.)

40. Court rooms and offices; jails; reservation of land for; construction to be approved by Attorney General.—Any of the public buildings in Alaska not required for the Customs Service or military purposes may be used for court rooms and offices of the civil government; and the marshals of the Territory shall, each in his division, be the custodian of such buildings. Any division of the court may, where necessary, order the construction or repair of a jail building at the place or places where terms of the court are held, at a cost not to exceed $3,000 for each building, the same to be paid by the clerk as provided for the payment of other allowances for the necessary expenses of the court; and any part or portion of the unappropriated public domain of the United States, embracing not more than four thousand square feet, to be taken in compact form, as near as may be practicable, may be set aside by order of the court as a jail site, which order shall describe the location of the ground selected, where unsurveyed by metes and bounds and by reference to natural objects and permanent monuments, in such manner that its boundaries and its location may be readily determined, a certified copy of which order of the court shall be by the clerk thereof transmitted to the Commissioner of the General Land Office, who shall cause the same to be noted on the records of his office, and thereafter the ground described shall be reserved from sale or other disposition, unless for good cause the court shall vacate the order of reservation or Congress shall otherwise direct, and the sentence of imprisonment in any criminal case shall be carried out by confinement in the penitentiary or jails herein provided for, or as provided in section 696 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

Where a suitable court room is not available or can not be obtained at reasonable rental at the place or any of the places where terms of the court are held, the court may enter a like order of reservation and direct the construction of a suitable building where the sessions of the court may be held, the cost of such building not to exceed in any case the sum of $5,000, the same to be paid and proceedings to reserve the land to be as in the case of the reservation of ground and construction of jail, as hereinbefore provided. No court building or jail shall be constructed in any division of the Territory without authority from the Attorney General, to whom the clerk shall furnish a verified account in detail of all expenditures made by him for buildings, repairs, or other purposes, together with his authority for each payment made. (June 6, 1900, c. 786, § 31, 31 Stat. 332.)

41. Alaska fund; how constituted; disposition of.—All moneys derived from and collected for occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the Alaska fund, and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Twenty-five per centum of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per centum of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory. The clerk of the court of each judicial division of said Territory is authorized and directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

At the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per centum of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States district judges in Alaska one of said equal amounts.

Each of said judges is authorized to expend so much of the money received by him under this section as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves; and each judge shall quarterly submit to the Secretary of the Treasury an itemized statement, with proper vouchers, of all expenditures made by him under this section, and he shall at the time transmit a copy of said statement to the governor of the Territory. Any unexpended balance remaining in the hands of any judge at the end of any quarter shall be returned to the Secretary of the Treasury of the United States, and by him deposited in the said Alaska fund, and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this section in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory. (Jan. 27, 1905, c. 277, § 1, 33 Stat. 616; May 14, 1906, c. 2458, § 1, 34 Stat. 192; Feb. 6, 1909, c. 80, § 7, 35 Stat. 601; Mar. 3, 1913, c. 109, 37 Stat. 728; Feb. 14, 1917, c. 53, § 30, 39 Stat. 903.)

42. Historical library and museum; fund.—All fees received by the secretary of the Territory of Alaska as such secretary, from every source whatsoever, shall be disbursed, on the order of the Governor of the Territory of Alaska, for the benefit of the Alaska Historical Library and Museum. The same shall embrace copies of all laws relating to the Territory, and all papers and periodicals published within the Territory, and such other matter of historical interest as the governor may consider valuable and appropriate for such collection. The collection shall also embrace such curios relating to the aborigines and the settlers as may be by the governor deemed of historical importance. The collection thus made shall be described by the governor in the annual report of the governor to the Secretary of the Interior, and shall be by him kept in a secure place and turned over to his successor in office. The secretary of the Territory and the governor shall each annually account to the Secretary of the Interior for all receipts and disbursements in connection with such historical library and museum. (June 6, 1900, c. 786, § 32, 31 Stat. 333; Mar. 3, 1905, c. 1497, § 2, 33 Stat. 1266.)

43. Same; depository of Government publications.—The historical library and museum provided for in section 42 of this title shall be a designated depository of publications of the

Government, and shall be supplied with one copy of each of said publications in the same manner as such publications are supplied to other depositories. (June 6, 1900, c. 786, § 33, 31 Stat. 333; Mar. 3, 1905, c. 1497, § 2, 33 Stat. 1266.)

44. Taxation by municipalities; limitation.—No incorporated town or municipality shall levy any tax for any purpose in excess of 2 per centum of the assessed valuation of property within the town in any one year. (Aug. 24, 1912, c. 387, § 9, 37 Stat. 514.)

45. Divorce; requirement of residence; evidence in open court.—No divorce shall be granted by the courts of the Territory, unless the applicant therefor shall have resided in the Territory for two years next preceding the application, which residence and all causes for divorce shall be determined by the court upon evidence adduced in open court. (Aug. 24, 1912, c. 387, § 9, 37 Stat. 514.)

46. Insane persons; contract for care and custody of.—The Secretary of the Interior shall, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in Alaska, and in behalf of the United States shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid from appropriations to be made for such service upon estimates to be submitted to Congress annually. (Feb. 6, 1909, c. 80, § 7, 35 Stat. 601.)

47. Same; commitment; compensation of commissioners, jurors, and witnesses.—Commissioners appointed by the judges of the district court in Alaska, pursuant to law, shall, as ex officio probate judges and in the exercise of their probate jurisdiction, have the power, and it shall be their duty, in their respective districts, to commit, by warrant under their hands and seals, all persons adjudged insane in their districts to the asylum or sanitarium provided for the care and keeping of the insane of the Territory of Alaska. No person shall be adjudged insane or committed as such except upon and pursuant to the following proceedings, to wit: Whenever complaint in writing is made by any adult person to a commissioner that there is an insane person at large in the commissioner's district, the commissioner shall at once cause such insane person to be taken into custody and to be brought before him, and he shall then immediately summon and impanel a jury of six male adults, residents of the district, to inquire, try, and determine whether the person so complained of is really insane. The members of said jury shall, before entering upon the discharge of their duty, each take an oath to diligently inquire, justly try, and a true verdict render, touching the mental condition of the person charged with being insane. Before entering upon such trial the commissioner shall appoint some suitable person to appear for and represent in the proceeding the person complained of as insane. And in case there is a physician or surgeon in the vicinity who can be procured, the commissioner shall cause such surgeon or physician to examine the person alleged to be insane, and after such examination to testify under oath before the jury in respect to the mental condition of said person. The commissioner shall preside at said hearing and trial. All witnesses that may be offered shall be heard and shall be permitted to testify under oath in said matter, and after having heard all the evidence the said jury shall retire to agree upon a verdict, and if the jury unanimously, by their verdict in writing, find that the said person so charged with being insane as aforesaid is really and truly insane and that he ought to be committed to the asylum or sanitarium aforesaid, and the commissioner approves such finding, he shall enter a judgment adjudging the said person to be insane and adjudging that he be at once conveyed to and thereafter properly and safely kept in the said asylum or sanitarium until duly discharged therefrom by law. The commissioner shall thereupon, under his hand and seal, issue his warrant, with a copy of said judgment attached, for the commitment of said insane person to the asylum or sanitarium aforesaid, which warrant shall be delivered to the marshal of the division in which said proceedings are had, and shall direct said marshal to safely keep and deliver said insane person to said asylum or sanitarium, and the said marshal, for the service of process in connection with and the guarding and the transportation of the insane, shall be compensated from the same source and in the same manner as in the case of prisoners convicted of crime. The commissioner, the jurymen, and the witnesses in said proceeding shall be entitled to the same compensation and mileage as in civil actions. And all the compensation, mileage, fees, and all other expenses and outlays incident to said proceedings shall be audited and allowed by the district judge of the division in which said proceedings are pending and had, and when so audited and allowed shall be paid by the clerk of the court in such division as the incidental expenses of the court are by him paid and from the same fund. (Jan. 27, 1905, c. 277, § 8, 33 Stat. 619.)

48. Same; return to legal residence or friends.—The Secretary of the Interior shall, so soon as practicable, return to their places of residence or to their friends inmates of institutions for the care of the insane not residents of Alaska at the time they became insane. The commitment papers for any person adjudged insane shall include a statement by the committing authority as to the legal residence of such person. (Mar. 3, 1925, c. 462, 43 Stat. 1181.)

49. Persons admitted to hospitals.—Patients who are not indigent may be admitted to the hospitals erected by the Secretary of the Interior for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe. (June 12, 1917, c. 27, § 1, 40 Stat. 151; May 24, 1922, c. 199, 42 Stat. 584; Jan. 24, 1923, c. 42, 42 Stat. 1205; June 5, 1924, c. 264, 43 Stat. 427; Mar. 3, 1925, c. 462, 43 Stat. 1181.)

LEGISLATURE AND GOVERNMENT

61. Governor; authority in general.—There shall be appointed for the Territory a governor, who shall reside therein during his term of office and be charged with the interests of the United States Government within the Territory. To the end aforesaid he shall have authority to see that the laws enacted for the said Territory are enforced and to require the faithful discharge of their duties by the officials appointed to administer the same. He may also grant reprieves for offenses committed against the laws of the said Territory or of the United States until the decision of the President thereon shall be made known. He shall be ex officio commander in chief of the militia of the Territory, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in the Territory to enroll and serve as such when the public exigency demands; and he shall perform generally in and over said Territory such acts as pertain to the office of governor of a Territory, so far as the same may be made or become applicable thereto.

The governor shall from time to time inquire into the operations of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the Territory of Alaska, and any and all violations by such person, company, association, or corporation of the agreement with the United

States under which the operations are being conducted, and shall annually report to Congress the result of such inquiries. (June 6, 1900, c. 786, § 2, 31 Stat. 321.)

62. Same; appointment, how made; compensation.—The governor provided for in section 61 of this title shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office for the term of four years and until his successor is appointed and qualified, unless sooner removed by the President for cause.

The governor shall receive an annual compensation of $7,000, payable from the Treasury of the United States, as a like officer is paid in other Territories. (June 6, 1900, c. 786, § 10, 31 Stat. 325.)

63. Same; expenses, how paid.—The governor shall, in addition to his salary, be paid his actual traveling and subsistence expenses when traveling in the discharge of his official duties. Accounts for such expenses shall be rendered and paid as are accounts of judges, marshals, clerks, and district attorneys for like expenses in other districts. (June 6, 1900, c. 786, § 10, 31 Stat. 325; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1181.)

64. Same; annual report to the President of United States; confirming or annulling acts.—The Governor of Alaska shall make an annual report, on the 1st day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of the Territory, with reference to its resources, industries, population, and the administration of the civil government thereof.

The President of the United States shall have power to review and to confirm or annul any reprieves granted or other acts done by him. (June 6, 1900, c. 786, § 2, 31 Stat. 321.)

65. Secretary; bond.—The secretary of the Territory of Alaska, before entering upon the duties of his office, shall execute a bond with sufficient sureties, to be approved by the Secretary of the Interior, and in such penal sum as the Secretary of the Interior may prescribe, conditioned upon the safe-keeping, faithful disbursement, and proper accounting for all moneys from whatsoever source which may come into his hands as such secretary. (Mar. 3, 1905, c. 1497, § 3, 33 Stat. 1266.)

66. Same; fees.—In case the law requires or authorizes any service to be performed or any act to be done by the secretary of the Territory of Alaska and there is no provision of law requiring the payment of a fee for such service by the person for whose benefit the same is performed, the Secretary of the Interior may prescribe such fees for said service as he may deem proper. (Mar. 3, 1905, c. 1497, § 1, 33 Stat. 1265.)

67. Legislature.—The legislative power and authority of Alaska shall be vested in a legislature, which shall consist of a senate and a house of representatives. (Aug. 24, 1912, c. 387, § 4, 37 Stat. 513.)

68. Same; senate; members; term of office.—The senate shall consist of eight members, two from each of the four judicial divisions into which Alaska is divided by section 101 of this title, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the date of his election. The term of office of each member of the senate shall be four years: *Provided*, That immediately after they shall be assembled in consequence of the first election they shall, by lot or drawing, be divided in each division into two classes; the seats of the members of the first class shall be vacated at the end of two years and the seats of the members of the second class shall be vacated at the end of four years, so that one member of the senate shall be elected biennially at the regular election from each division. (Aug. 24, 1912, c. 387, § 4, 37 Stat. 513.)

69. Same; house of representatives.—The house of representatives shall consist of sixteen members, four from each of the four judicial divisions into which Alaska is divided by section 101 of this title. The term of office of each representative shall be for two years and each representative shall possess the same qualifications as are prescribed for members of the senate. (Aug. 24, 1912, c. 387, § 4, 37 Stat. 513.)

70. Same; who deemed elected; tie vote.—The persons receiving the highest number of legal votes in each judicial division cast in an election for senator or representative shall be deemed and declared elected to such office. In case of a tie vote the candidates thus affected shall settle the question by lot. (Aug. 24, 1912, c. 387, § 4, 37 Stat. 513.)

71. Same; elections to fill vacancies.—In case of a vacancy in either branch of the legislature the governor shall order an election to fill such vacancy, giving due and proper notice thereof. (Aug. 24, 1912, c 387, § 4, 37 Stat. 513.)

72. Same; salary and mileage of members.—Each member of the legislature shall be paid by the United States the sum of $15 per day for each day's attendance while the legislature is in session, and mileage, in addition, at the rate of 15 cents per mile for each mile from his home to the capital and return by the nearest traveled route. (Aug. 24, 1912, c. 387, § 4, 37 Stat. 513.)

73. Same; election of members; laws governing election of Delegate applicable.—Elections for members of the Legislature of Alaska shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years; the qualifications of electors, the regulations governing the creation of voting precincts, the appointment and qualifications of election officers, the supervision of elections, the giving of notices thereof, the forms of ballots, the register of votes, the challenging of voters, and the returns and the canvass of the returns of the result of all such elections for members of the legislature shall be the same as those prescribed in sections 131, 135 to 144, and 147 to 149 of this title, and all the provisions of said sections which are applicable are extended to said elections for members of the legislature, and shall govern the same, and the canvassing board created by said sections shall canvass the returns of such elections and issue certificates of election to each member elected to the said legislature; and all the penal provisions contained in section 149 shall apply to elections for members of the legislature as fully as they apply to elections for Delegate from Alaska to the House of Representatives. (Aug. 24, 1912, c 387, § 5, 37 Stat. 513.)

74. Same; convening and session; governor authorized to convene extraordinary session.—The Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, biennially in odd-numbered years on the first Monday in March; but the said legislature shall not continue in session longer than sixty days in any two years unless again convened in extraordinary session by a proclamation of the governor, which shall set forth the object thereof and give at least thirty days' written notice to each member of said legislature, and in such case shall not continue in session longer than fifteen days. The governor of Alaska is authorized to convene the legislature in extraordinary session for a period not exceeding fifteen days when requested to do so by the President of the United States, or when any public danger or necessity may require it. (Aug. 24, 1912, c. 387, § 6, 37 Stat. 514.)

75. Same; organization; president of senate; speaker; employees; salary.—When the legislature shall convene under the law, the senate and house of representatives shall each organize by the election of one of their number as presiding officer, who shall be designated in the case of the senate as "president of the senate" and in the case of the house of representatives as "speaker of the house of representatives," and by the election by each body of the subordinate officers provided for in section 1462 of this title, and each of said subordinate officers shall receive the compensation provided in that section: *Provided*, That no person shall be employed for whom salary,

wages, or compensation is not provided in the appropriation made by Congress. (June 19, 1878, c. 329, § 1, 20 Stat. 193; Aug. 24, 1912, c. 387, § 7, 37 Stat. 514.)

76. Same; enacting clause; subject of act.—The enacting clause of all laws passed by the legislature shall be "Be it enacted by the Legislature of the Territory of Alaska." No law shall embrace more than one subject, which shall be expressed in its title. (Aug. 24, 1912, c. 387, § 8, 37 Stat. 514.)

77. Same; general power and limitation.—The legislative power of the Territory of Alaska shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interferring with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in section 1471 of this title; nor shall it grant private charters or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conduct of business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association, but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska; no divorce shall be granted by the legislature; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislature or any municipality interfere with or attempt in any wise to limit the Acts of Congress to prevent and punish gambling, and all gambling implements shall be seized by the United States marshal or any of his deputies, or any constable or police officer, and destroyed; nor shall spirituous or intoxicating liquors be manufactured or sold, except under such regulations and restrictions as Congress shall provide; nor shall any public money be appropriated by the Territory or any municipal corporation therein for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the Government; nor shall the government of the Territory of Alaska or any political or municipal corporation or subdivision of the Territory make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall the Territory, or any municipal corporation therein, have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory or of any municipal division thereof; nor to pledge the faith of the people of the same for any loan whatever, either directly or indirectly; nor to create, nor to assume, any indebtedness, except for the actual running expenses thereof; and no such indebtedness for actual running expenses shall be created or assumed in excess of the actual income of the Territory or municipality for that year, including as a part of such income appropriations then made by Congress, and taxes levied and payable and applicable to the payment of such indebtedness and cash and other money credits on hand and applicable and not already pledged for prior indebtedness. All authorized indebtedness shall be paid in the order of its creation. No acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be null and void. Nothing contained in this section shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women. (Aug. 24, 1912, c. 387, § 9, 37 Stat. 514.)

78. Same; taxes to be uniform; assessments.—All taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws, and the assessments shall be according to the actual value thereof. (Aug. 24, 1912, c. 387, § 9, 37 Stat. 514.)

79. Same; taxation for Territorial purposes; limitation.—No tax shall be levied for Territorial purposes in excess of 1 per centum upon the assessed valuation of property therein in any one year. (Aug. 24, 1912, c. 387, § 9, 37 Stat. 514.)

80. Same; legislature not to deprive judges, officers, etc., of district court of authority or jurisdiction.—The legislature shall pass no law depriving the judges and officers of the district court of Alaska of any authority, jurisdiction, or function exercised by like judges or officers of district courts of the United States. (Aug. 24, 1912, c. 387, § 3, 37 Stat. 512.)

81. Same; rules, quorum, and majority.—The senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings not inconsistent with the provisions of this subchapter, and keep a journal of its proceedings; the ayes and noes of the members of either house on any question shall, at the request of one-fifth of the members present, be entered upon the journal; a majority of the members to which each house is entitled shall constitute a quorum of such house for the conduct of business, of which quorum a majority vote shall suffice; a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide; for the purpose of ascertaining whether there is a quorum present the presiding officer shall count and report the actual number of members present. (Aug. 24, 1912, c. 387, § 10, 37 Stat. 515.)

82. Same; member holding other office; persons holding commission or appointment under the United States.—No member of the legislature shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected and for one year after the expiration of such term. (Aug. 24, 1912, c. 387, § 11, 37 Stat. 516.)

83. Same; persons holding appointment under United States not to be members or hold office.—No person holding a commission or appointment under the United States shall be a member of the legislature or shall hold any office under the government of the Territory. (Aug. 24, 1912, c. 387, § 11, 37 Stat. 516.)

84. Same; exemptions of members.—No member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions. The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance upon the sessions of the respective houses, and in going to and returning from the same; but such privilege as to going and returning shall not cover a period of more than ten days each way, except in the second division, when it shall extend to twenty days each way, and the fourth division to fifteen days each way. (Aug. 24, 1912, c. 387, § 12, 37 Stat. 516.)

85. Passage of laws.—A bill in order to become a law shall have three separate readings in each house, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and

noes, and entered upon its journal. Every bill, when passed by the house in which it originated or in which amendments thereto shall have originated, shall immediately be enrolled and certified by the presiding officer and the clerk and sent to the other house for consideration. (Aug. 24, 1912, c. 387, § 13, 37 Stat. 516.)

86. Veto power.—Except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become a law at the expiration of ninety days thereafter, unless sooner given effect by a two-thirds vote of said legislature. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. Upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become a law. If the governor neither signs nor vetoes a bill within three days (Sundays excepted) after it is delivered to him, it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law. (Aug. 24, 1912, c. 387, § 14, 37 Stat. 516.)

87. Legislative expenses.—There shall be annually appropriated by Congress a sum sufficient to pay the salaries of members and authorized employees of the Legislature of Alaska, the printing of the laws, and other incidental expenses thereof; the said sums shall be disbursed by the Governor of Alaska, under sole instructions from the Secretary of the Treasury, and he shall account quarterly to the Secretary for the manner in which the said funds shall have been expended; and no expenditure, to be paid out of money appropriated by Congress, shall be made by the governor or by the legislature for objects not authorized by the Acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects. (Aug. 24, 1912, c. 387, § 15, 37 Stat. 516.)

88. Transmission of copies of law to President and Secretary of State.—The Governor of Alaska shall, within ninety days after the close of each session of the Legislature of the Territory of Alaska, transmit a correct copy of all the laws and resolutions passed by the said legislature, certified to by the secretary of the Territory, with the seal of the Territory attached; one copy to the President of the United States, and one to the Secretary of State of the United States. (Aug. 24, 1912, c. 387, § 16, 37 Stat. 517.)

89. Printing of laws and distribution in the Territory.—The legislature shall make provision for printing the session laws and resolutions within ninety days after the close of each session and for their distribution to public officials and sale to the people of the Territory. (Aug. 24, 1912, c. 387, § 16, 37 Stat. 517.)

90. Laws submitted to Congress.—All laws passed by the Legislature of the Territory of Alaska shall be submitted to Congress by the President of the United States, and, if disapproved by Congress, they shall be null and of no effect. (Aug. 24, 1912, c. 387, § 20, 37 Stat. 518.)

91. Powers of courts and legislature.—Nothing in this subchapter or in section 23 of this title shall be so construed as to prevent the courts of Alaska from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties. (Aug. 29, 1914, c. 292, 38 Stat. 710.)

THE JUDICIARY

101. District court; judges; divisions.—There is established a district court for the Territory of Alaska, with the jurisdiction of district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes; and four district judges shall be appointed for the district, each at an annual salary of $7,500, who shall during their terms of office reside in the divisions of the district to which they may be respectively assigned by the President. The court shall consist of four divisions, which shall also be recording divisions.

Division numbered 1 shall consist of all that part of the Territory of Alaska lying east of the one hundred and forty-first meridian of west longitude.

Division numbered 2 shall consist of all that territory lying west of a line commencing on the Arctic coast at the one hundred and forty-eighth meridian; thence extending south along the easterly watershed of the Colville River to a point on the Rocky Mountain divide between the headwaters of Colville River on the north and west and the waters of the Chandlar River on the south; thence southwesterly along the divide between the waters of the Colville River, Kotzebue Sound, and Norton Sound on the north and west and the waters of the Yukon on the south to the one hundred and sixty-first meridian of west longitude, thence along said meridian to a point midway between the Yukon River and the Kuskokwim River; thence southwesterly to the point of intersection of the sixty-first parallel of north latitude with the shore of Bering Sea; the said division to include all the islands lying north of the fifty-eighth parallel of north latitude and west of the one hundred and forty-eighth meridian of west longitude, excepting Nelson Island, all islands in Kuskokwim Bay, all islands in Bristol Bay, and all islands in the Gulf of Alaska, north of the fifty-eighth parallel of north latitude.

Division numbered 3 shall consist of all that territory lying south and west of the line starting on the coast of the Gulf of Alaska at the one hundred and forty-first meridian of west longitude; thence northerly along said meridian to a point due east from Mount Kimball; thence west to the summit of Mount Kimball; thence southwesterly along the southerly watershed of the headwaters of Tanana River; thence westerly along the divide between the waters of the Gulf of Alaska on the south and the waters of the Yukon on the north to the summit of Mount McKinley; thence continuing southwesterly along the divide between the waters of the Kuskokwim River and Bay on the north and west and the Gulf of Alaska and Bristol Bay on the south to the westerly point of Cape Newenham; the said division to include the Alaska Peninsula, the Aleutian and Pribilof Islands, and all islands along and off the coast of this division, between Cape Newenham and the point where the one hundred and forty-first meridian, west longitude, intersects the northern line of the territory.

Division numbered 4 shall consist of that part of the Territory of Alaska lying east of the second division and north of

the third division, and all islands along the north coast of said division, east of the one hundred and forty-eighth meridian of west longitude, also Nelson Island and all islands in Kuskokwim Bay. (June 6, 1900, c. 786, § 4, 31 Stat. 322; Mar. 3, 1909, c. 269, § 2, 35 Stat. 839; Mar. 2, 1921, c. 110, 41 Stat. 1203.)

102. Same; terms; special terms; notice; interpreters.—One general term of court shall be held each year at Juneau, and such additional terms at other places in the first division as the Attorney General may direct. One general term of court shall be held each year at Nome, and such additional terms at other places in the second division as the Attorney General may direct. One general term of court shall be held each year at Valdez, and such additional terms at other places in the third division as the Attorney General may direct. One general term of court shall be held each year at Fairbanks, and such additional terms at other places in the fourth division as the Attorney General may direct. Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court at such times and places in their respective districts as any of them, respectively, may deem expedient, or as the Attorney General may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court and to employ an official court stenographer at such compensation as shall be fixed by the Attorney General. At least thirty days' notice shall be given by the judge, or the clerk, of the time and place of holding the several terms of the court. (June 6, 1900, c. 786, § 4, 31 Stat. 322; Mar. 3, 1909, c. 269, § 2, 35 Stat. 839; Mar. 2, 1921, c. 110, 41 Stat. 1203; Feb. 13, 1925, c. 229, § 1, 43 Stat. 936.)

103. Same; jurisdiction; change of place of trial.—The jurisdiction of each division of the court shall extend over the Territory of Alaska, but the court in which the action is pending may, on motion, change the place of trial in any action, civil or criminal, from one place to another place in the same division or to a designated place in another division in either of the following cases:

First. When there is reason to believe that an impartial trial can not be had therein;

Second. When the convenience of witnesses and the ends of justice would be promoted by the change;

Third. When from any cause the judge is disqualified from acting; but in such event, if the judge of another division will appear and try the action, no change of place of trial must be made;

Fourth. By the court, on its own motion, when, considering available means of travel, it appears that the defendant will be put to unnecessary expense and inconvenience if summoned to defend in the place or division in which the action has been commenced; and when it appears to the satisfaction of the court, or judge thereof, that an action has been commenced in a place or division remote from the residence of the defendant for the purpose of causing unnecessary expense or inconvenience, the place of trial shall be changed at the cost of the plaintiff, and such costs shall not be recovered from the defendant.

In any criminal prosecution the court shall change the place of trial where it appears to the satisfaction of the court that the defendant will not be prejudiced thereby and that the United States will be put to unnecessary expense in such criminal prosecution if the transfer is not made. (June 6, 1900, c. 786, § 5, 31 Stat. 323.)

104. Clerks and commissioners.—The respective judges of the court shall appoint, and at pleasure remove, clerks and commissioners in and for the Territory, who shall have the jurisdiction conferred by law in any part thereof, but who shall, during their terms of office, each reside at the place in the district designated in the respective orders of appointment. (June 6, 1900, c. 786, § 5, 31 Stat. 323.)

105. Bonds of clerks and commissioners.—The clerks of the court shall each, before entering upon the duties of his office, execute a bond with sufficient sureties, to be approved by the Secretary of the Treasury, or the court or a judge thereof, in the penalty of $20,000, for the faithful performance of his official duties, and file the same with the Attorney General; and each commissioner shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the court, or a judge thereof, in the penalty of $1,000, for the faithful performance of his official duties, and file the same with the clerk, who shall send a certified copy thereof to the Attorney General. (June 6, 1900, c. 786, § 12, 31 Stat. 326.)

106. Duties of clerks.—Four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney General may direct. Each clerk shall, in his division of the Territory, perform the duties required or authorized by law to be performed by clerks of the United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the Territory of Alaska. He shall preserve copies of all laws applicable to the Territory and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney General, and the Secretary of the Treasury. Moneys accruing from violations of the customs laws, civil customs cases, or internal revenue cases, moneys, not including costs, accruing from civil post-office suits, fines in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section 487 of Title 31, MONEY AND FINANCE, and other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States and be covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be ex officio recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safe-keeping of his official records where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid. (June 6, 1900, c. 786, § 7, 31 Stat. 324; Mar. 3, 1909, c. 269, § 3, 35 Stat. 840.)

107. Clerk's fees, accounts, and clerical help.—Each clerk shall collect all money arising from the fees of his office or on any other account authorized by law to be paid to or collected by him, and shall report the same and the disposition thereof

in detail, under oath, quarterly, or more frequently if required, to the court, the Attorney General, and the Secretary of the Treasury, and all public money received by him and his deputies for fees or on any other account shall be paid out by the clerk on the order of the court, duly made and signed by the judge, and any balance remaining in his hands after all payments ordered by the court shall have been made shall be by him covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk may employ necessary clerical help with the approval and at compensation to be fixed by the court to aid him in the expeditious discharge of the business of his office. Any person so employed shall be paid by the clerk on the order of the court, as other court expenses are paid. (June 6, 1900, c. 786, § 10, 31 Stat. 325.)

108. Commissioner to be ex officio justice of peace; power to grant habeas corpus; other powers and duties.—The commissioners shall be ex officio justices of the peace, recorders, and probate judges, and shall perform all the duties and exercise all the powers, civil and criminal, imposed or conferred on the United States commissioners by the general laws of the United States and the special laws applicable to Alaska.

They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before a district judge and like proceedings shall be had thereon as if the same had been granted by the judge under the general laws of the United States in such cases. The commissioners shall also have the powers of notaries public, and shall keep a memorandum of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property within the district, which memorandum shall be subject to public inspection. And all records of instruments of writing made prior to June 6, 1900, by any United States commissioner in the Territory of Alaska are declared to be public records of such district and shall have the same force and effect as if recorded in conformity with the provisions of this subchapter.

The commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of the division of the district court in which they were appointed. (June 6, 1900, c. 786, § 6, 31 Stat. 323.)

109. District attorneys; residence, duties, salary, and assistants.—Four district attorneys shall be appointed for the Territory, one of whom shall be assigned to each division and shall reside at such place in the division as the Attorney General shall direct. They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law; and they shall each receive a salary of $5,000 and shall not while in office accept retainers or engage in any other law business in the Territory than that pertaining to the duties of their office. The Attorney General may, upon the recommendation of the district attorney, appoint and at pleasure remove one or more assistant district attorneys and one or more clerical assistants, who shall receive such compensation as the Attorney General may fix, to be paid as other assistant United States district attorneys, and clerical assistants are paid. In the case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed. (June 6, 1900, c. 786, § 8, 31 Stat. 324; Mar. 3, 1909, c. 269, § 4, 35 Stat. 841.)

110. Marshals and deputies; residence; salary; duties; powers.—Four United States marshals shall be appointed for the Territory, one of whom shall be assigned to each division and shall reside at such place in the division as the Attorney General shall direct. Each marshal shall have authority and be required to appoint, subject to the approval of the Attorney General, such deputy marshals as he may deem necessary for the efficient execution of the law and the orders of the court and of the commissioners appointed as herein provided.

Each marshal shall receive an annual compensation of $4,000.

When in the opinion of the Attorney General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney General, from time to time, and paid as other officers of the court are paid. When any of such office deputies is engaged in the service or attempted service of any writ, process, subpœna, or other order of the court, or when necessarily absent from the place of his regular employment upon official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $4 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as provided for.

Each marshal shall have the general authority and powers and be subject to the obligations of United States marshals in the States and Territories. He shall be the executive officer of the court, and charged with the execution of all processes thereof and with the transportation and custody of prisoners and insane persons, and he shall be ex officio keeper of the jails and penitentiaries of the division of the district to which he may be assigned, and shall be responsible on his official bond for the acts of all deputy marshals appointed by him. In case of the death of a marshal the district judge shall appoint a suitable person to fill the vacancy until his successor is appointed and qualified. The persons so appointed shall give such bonds as the court may require.

The marshal shall deliver persons duly adjudged insane in the district to the authorities of such asylum or sanitarium as the Governor, with the approval of the Secretary of the Interior, may designate, and for the service of process in connection with and the guarding and transportation of the insane he shall be compensated as in the case of prisoners.

The deputy marshals shall be ex officio constables and executive officers of the commissioners herein provided for, and shall have the powers and discharge the duties of United States deputy marshals, and also those of constables, under the laws of the United States applicable to said district. (June 6, 1900, c. 786, §§ 9, 10, 31 Stat. 324, 325; Mar. 3, 1909, c. 269, § 6, 35 Stat. 841.)

111. Increase of marshal's bond.—Whenever the business of the courts, in any division of the Territory of Alaska shall make it necessary, in the opinion of the Attorney General, for the marshal for said division to furnish greater security than the official bond required by law, a bond in a sum not to exceed $7,500 shall be given when required by the Attorney General, who shall fix the amount thereof. (Mar. 3, 1899, c. 429, § 459, 30 Stat. 1336; Jan. 22, 1902, c. 3, 32 Stat. 2.)

112. Appointment of attorneys, judges, and marshals.—The attorneys, judges, and the marshals provided for in this subchapter shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years and until their successors are appointed and qualified, unless sooner removed by the President for cause. (June 6, 1900, c. 786, § 10, 31 Stat. 325.)

113. Salaries, how payable.—The salaries of judges, marshals, clerks, and district attorneys shall be payable from the Treasury of the United States, as like officers are paid in other districts. (June 6, 1900, c. 786, § 10, 31 Stat. 325.)

114. Traveling expenses.—The marshals, judges, clerks of court, and district attorneys shall, in addition to their salaries, be paid their actual traveling and subsistence expenses when

traveling in the discharge of their official duties not in excess of $5 a day. Accounts for such expenses shall be rendered and paid as are accounts of judges, marshals, clerks, and district attorneys for like expenses in other districts. (June 6, 1900, c. 786, § 10, 31 Stat. 325; Apr. 6, 1914, c. 52, § 1, 38 Stat. 318.)

115. Payment of office expenses of United States marshals.—The Attorney General shall pay the office expenses of United States marshals in the Territory of Alaska from the appropriation, "Salaries, fees, and expenses of United States marshals and their deputies." (June 1, 1922, c. 204, Title II, 42 Stat. 615; Jan. 3, 1923, c. 21, Title II, 42 Stat. 1083.)

116. Accounts of fees and expenses.—An accurate detailed account of all fees earned and expenses incurred by commissioners and deputy marshals shall be prepared in duplicate quarterly, duly verified by the oath of the commissioner or deputy marshal rendering the account, and forwarded to the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law. After approval by the judge the original of each such account shall be forwarded by the clerk to the Department of Justice for revision and the duplicate filed in the court. All net fees earned in excess of the sum of $3,000 per calendar year or in excess of that rate for a less period, by any commissioner or deputy marshal, shall be annually paid to the clerk of the proper division of the court to be available for incidental expenses of the district court of the proper division, such payment of such incidental expenses to be accompanied by a verified detailed statement of said clerk. (June 6, 1900, c. 786, § 11, 31 Stat. 326; Mar. 3, 1909, c. 269, § 5, 35 Stat. 841.)

117. Recording districts; establishment, modification, or discontinuance of; removal of commissioner.—At any regular or special term an order may be made by the court establishing one or more recording districts within the recording division under the supervision of such division of the court and defining the boundaries thereof by reference to natural objects and permanent landmarks, or monuments, in such manner that the boundaries thereof can be readily determined.

The order establishing a recording district shall designate a commissioner to be ex officio recorder thereof, and shall also designate the place where the commissioner shall keep his recording office within the recording district.

The clerk of the court shall be ex officio recorder of all that portion of the recording division under the supervision of his division of the court not embraced within the limits of a recording district established, bounded, and described therein as authorized by this section, and when any part of the division for which a clerk has been recording shall be embraced in a recording district, such clerk shall transcribe that portion of his records appertaining to such district and deliver the same to the commissioner designated as recorder thereof.

Whenever it appears to the satisfaction of the court that the public interests demand, or that the convenience of the people require, the court may change or modify the boundaries or discontinue a recording district or change the location of the recording office, or remove the commissioner acting as ex officio recorder, and appoint another commissioner to fill the office. (June 6, 1900, c. 786, § 13, 31 Stat. 327.)

118. Record books; duties of recorders.—The clerk as ex officio recorder must procure such books for records as the business of his office requires and such as may be required by the respective commissioners designated as recorders in his division of the court, but orders for the same must first be obtained from the court or the judge thereof. The respective officers acting as ex officio recorders shall have the custody and must keep all the books, records, maps, and papers deposited in their respective offices, and where a recorder is removed or from any cause becomes unable to act, or a recording district is discontinued, the records and all books, papers, and property relating thereto shall be delivered to the clerk or such officer or person as the court or judge thereof may direct.

The record books procured by the clerk, as herein provided, shall be paid for by him, on the order of the court, out of any moneys in his hands, as other court expenses are paid. (June 6, 1900, c. 786, § 14, 31 Stat. 327.)

119. Instruments to be recorded.—The respective recorders shall, upon the payment of the fees for the same prescribed by the Attorney General, record separately, in large and well-bound separate books, in fair hand:

First. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney, leases which have been acknowledged or proved, mortgages upon personal property;

Second. Certificates of marriage and marriage contracts and births and deaths;

Third. Wills devising real estate admitted to probate;

Fourth. Official bonds;

Fifth. Transcripts of judgments which by law are made liens upon real estate;

Sixth. All orders and judgments made by the district court or the commissioners in probate matters affecting real estate which are required to be recorded;

Seventh. Notices and declaration of water rights;

Eighth. Assignments for the benefit of creditors;

Ninth. Affidavits of annual work done on mining claims;

Tenth. Notices of mining location and declaratory statements;

Eleventh. Such other writings as are required or permitted by law to be recorded, including the liens of mechanics, laborers, and others. Notices of location of mining claims shall be filed for record within ninety days from the date of the discovery of the claim described in the notice, and all instruments shall be recorded in the recording district in which the property or subject matter affected by the instrument is situated, and where the property or subject matter is not situated in any established recording district the instrument affecting the same shall be recorded in the office of the clerk of the division of the court having supervision over the recording division in which such property or subject matter is situated. (June 6, 1900, c. 786, § 15, 31 Stat. 327.)

120. Accounts for fees for instruments unrecorded; penalty.—Any clerk or commissioner authorized to record any instrument who having collected fees for so doing fails to record such instrument shall account to his successor in office, or to such person as the court may direct, for all the fees received by him for recording any instrument on file and unrecorded at the expiration of his official term, or at the time he is required to transfer his records to another officer under the direction of the court. And any clerk or commissioner who fails, neglects, or refuses to so account for fees received and not actually earned by the recording of instrument shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than $100 nor more than $1,000, and imprisoned for not more than one year, or until the fees received and unearned as aforesaid shall have been properly accounted for and paid over by him, as hereinbefore provided. And in addition such fees may be recovered from such clerk or commissioner or the bondsmen of either, in a civil action which shall be brought by the district attorney, in the name of the United States, to recover the same; and the amount when recovered shall be by the court transferred to the successor in office of such recorder who shall thereupon proceed to record the unrecorded instruments. (June 6, 1900, c. 786, § 16, 31 Stat. 328.)

121. Costs of prosecuting crimes under Alaskan law; offenses against Territorial revenue law.—In the prosecution of all crimes denounced by Territorial laws the costs shall be

paid the same as is provided by Act of Congress providing for the prosecution of criminal offenses in Alaska, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions and such prosecutions shall be in the name of the Territory. (Aug. 29, 1914, c. 292, 38 Stat. 710.)

DELEGATE TO CONGRESS

131. Delegate; qualifications; allowances.—The people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska. Such Delegate shall at the time of his election have been for seven years a citizen of the United States, and shall be an inhabitant and qualified voter of the District of Alaska, and shall be not less than twenty-five years of age. (May 7, 1906, c. 2083, § 1, 34 Stat. 169; May 24, 1924, c. 83, § 1, 43 Stat. 149.)

132. Same; term.—The Delegate chosen at each election shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year. (May 7, 1906, c. 2083, § 2, 34 Stat. 170.)

134. Same; salary and allowances to be for full term.—The salary and allowances of the Delegate from Alaska shall be for the full term of the Congress to which he is elected a Delegate. (May 7, 1906, c. 2083, § 2, 34 Stat. 170.)

Cross reference: Amount of allowance; see section 44 of Title 2.

135. Election for Delegate; voters.—All male citizens of the United States twenty-one years of age and over who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska. (May 7, 1906, c. 2083, § 3, 34 Stat. 170.)

136. Same; election districts in town; officers.—Each incorporated town in the Territory of Alaska shall constitute an election district, and where the population of such town exceeds one thousand inhabitants the common council may, in their discretion, at least thirty days before the election, divide the district into two or more voting precincts and define the boundaries of each precinct; and the said common council shall also appoint, at least thirty days before the election, three judges of election and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct; and no more than two judges and one clerk shall belong to the same political party. The common council shall also, at least thirty days before the date of the election, provide a suitable polling place for each voting precinct and give due notice of the election by posting a written or printed notice in three public places in each precinct, specifying the time and place of the election, and in case there are one or more newspapers of general circulation published in the town, then a copy of said notice shall also be published in one of such newspapers at least once a week for two consecutive weeks next prior to the date of the election. (May 7, 1906, c. 2083, § 4, 34 Stat. 170.)

137. Same; districts outside of towns; precincts.—All of the territory in each recording district situate outside of an incorporated town shall, for the purposes of this subchapter, constitute one election district; in each year in which a Delegate is to be elected the commissioner in each of said election districts shall, at least sixty days before the date of each election, issue an order and notice, signed by him and entered in his records in a book to be kept by him for that purpose, in which said order and notice he shall—

First. Divide his election district into such number of voting precincts as may in his judgment be necessary or convenient, defining the boundaries of each precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, specify a polling place in each of said precincts, and give to each voting precinct an appropriate name by which the same shall thereafter be designated. No such voting precinct shall be established with less than thirty qualified voters resident therein; and the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by order of the commissioner of that district.

Second. Give notice of said election, specifying in said notice, among other things, the date of such election, the boundary of the voting precincts as established, the location of the polling place in the precinct, and the hours between which said polling places will be open.

Said order and notice shall be given publicity by said commissioner by posting copies of the same at least thirty days before the date of each election. Said copies shall be posted as follows: One at the office of the commissioner in said district, and three copies to be posted in three conspicuous public places in each of said voting precincts as established, one of which shall be the designated polling place in each precinct; and said commissioner shall also mail a certified copy of said order and notice to the Governor of Alaska at his official residence.

At least thirty days prior to the date of the holding of such election the commissioner shall select, notify, and appoint from among the qualified electors in each voting precinct three judges of election for said precinct, no more than two of whom shall be of the same political party. Said commissioner shall notify all of said judges of election of their appointment as such, so that each and all of them shall receive said notice at least ten days before the date of the election. (May 7, 1906, c. 2083, § 5, 34 Stat. 171.)

138. Same; election board; clerks.—The judges of election of each voting precinct shall constitute the election board for said precinct and shall supervise and have charge of the election therein. They shall secure and provide a place for holding the election and a suitable ballot box. They shall pass upon the qualification of the voter and, if he be found qualified, receive and deposit his ballot in the ballot box, and shall canvass and make a return of the votes cast, as hereinafter provided.

The members of said election board in each precinct, before entering upon the duties of their office, shall each severally take an oath, which shall be reduced to writing, before an officer qualified to administer oaths, to honestly, faithfully, and promptly perform the duties of their positions; and if no officer qualified to administer oaths be present or available, then any one of said duly appointed or selected judges of election may administer the necessary oath to said other two judges, and he shall afterwards in turn be sworn by one of them.

Each of said judges shall have authority to administer any oath to the voter necessary or proper under this subchapter, and said judges shall have equal authority; and in case of any question or disagreement over any matter during the course of said election the decision of the majority of said judges shall govern.

Two of the three judges of election in each voting precinct, outside of incorporated towns, to be selected by a majority of said judges shall also perform the duties of clerks of election for that precinct; the two judges performing the duties of clerks shall be of different political parties. It shall be the duty of the clerks at each voting precinct to make a full written

record of such election as held in that precinct, and each of them shall keep a correct duplicate register and enter therein the names of the voters and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal. (May 7, 1906, c. 2083, § 6, 34 Stat. 171.)

139. Same; vacancies in board.—In case any of the judges of election selected as provided in this subchapter for any precinct shall fail to appear and qualify at the time and place designated for the election for which they shall be appointed, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies in said election board; and the person or persons so selected shall qualify and serve on said election board, with the same powers and in the same manner as if appointed as hereinbefore provided. (May 7, 1906, c. 2083, § 8, 34 Stat. 172.)

140. Same; watchers.—Each of the candidates for the office of Delegate provided for in section 131 of this title, at any election held under the provisions of this subchapter, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person. (May 7, 1906, c. 2083, § 7, 34 Stat. 172.)

141. Same; hours for voting; ballots.—The election boards provided for in this subchapter shall keep the several polling places open for reception of votes from eight o'clock antemeridian until seven o'clock postmeridian on the day of election. The voting at said election shall be by printed or written ballot.

At all elections the ballot shall be substantially in the following form:

"FOR DELEGATE FROM ALASKA

"(Here insert the name of the person voted for.)"

Such ballot shall be folded by the voter so as not to disclose the vote, and by him handed to any one of the judges of election, who shall immediately, in the presence of the voter and of all the members of the election board, deposit the same, folded as aforesaid, in the ballot box, where the same shall remain untouched until the polls are closed. At the time the ballot is so deposited the clerks of election shall each of them enter in his duplicate register the name of the voter and the fact that he has voted. (May 7, 1906, c. 2083, § 9, 34 Stat. 172.)

142. Same; challenges; penalty for falsely swearing.—Any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly appointed watcher, and when so challenged before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that you have not voted at this election," and further naming the place from which the voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And when he has made such an affidavit he shall be allowed to vote; but if any such person so challenged shall refuse or fail to take such oath and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury. (May 7, 1906, c. 2083, § 10, 34 Stat. 172.)

143. Same; canvass of votes; certificates of result; care of documents.—The election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers inclosed, at the nearest post office by registered mail, if possible, duly addressed to the Governor of Alaska at his place of residence, with the postage prepaid thereon.

The other duplicate certificate and register of voters, with the oaths of the judges of election, the judges of election shall at once seal up in an envelope addressed to the clerk of the district court for the division in which the precinct is situate, at his place of residence, with the postage thereon prepaid, and deposit the same in the nearest post office, by registered mail, if possible. And the said clerk shall, as soon as he receives the said duplicate certificate, at once make out and duly mail to the Governor of Alaska a certified copy of such certificate.

The clerks of the district courts for the various divisions of Alaska and the Governor of Alaska shall each retain and carefully preserve all such documents received by them until the end of the term for which the Delegate chosen has been elected. (May 7, 1906, c. 2083, § 11, 34 Stat. 173.)

144. Same; canvassing board; canvass.—The governor and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid.

The said canvassing board shall commence the performance of its duties at the office of the governor in each year in which an election is held under and by virtue of this subchapter, and shall continue with such work from day to day until the same is completed; and said canvass shall be publicly made.

In case it shall appear to said board that no election return as hereinbefore prescribed has been received by the governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns.

Said board, upon the completion of said canvass, shall declare the person who has received the greatest number of votes for Delegate to be the duly elected Delegate from Alaska for the term for which he has been so elected, and shall issue and deliver to him in writing under their hands and seals a certificate of his election. (May 7, 1906, c. 2083, § 12, 34 Stat. 173; Aug. 24, 1912, c. 387, § 17, 37 Stat. 517.)

145. Same; time of holding election to fill vacancies.—The election for Delegate from the Territory of Alaska, provided by this subchapter, shall be held on the Tuesday next after the first Monday in November biennially in even-numbered years. The time for holding an election for Delegate in Alaska to the House of Representatives to fill a vacancy, whether such vacancy is caused by failure to elect at the time prescribed by

law, or by the death, resignation, or incapacity of a person elected, may be prescribed by an act passed by the Legislature of the Territory of Alaska. When such election is held it shall be governed in every respect by the laws passed by Congress governing such election. (Aug. 24, 1912, c. 387, § 17, 37 Stat. 517.)

146. Same; compensation of judges and clerks.—Each of the judges of election who shall qualify and serve as such in any precinct on said election day and each of the clerks of election in an incorporated town shall be entitled to a compensation of $5 for all services performed. (May 7, 1906, c. 2083, § 13, 34 Stat. 174.)

147. Same; election notices.—Each newspaper in Alaska authorized to publish the notice of election provided for in this subchapter, and having published the same according to law, shall be entitled to receive therefor not more than $10 for the entire publications of any one election; each commissioner in the Territory of Alaska is authorized to contract for the proper posting of all elections notices, as provided in this subchapter, in each voting precinct created in his said election district, and not more than the sum of $10 shall be allowed at each election for the posting of said notices in any one voting precinct in Alaska; not more than $10 at each election shall be allowed for the rental of a proper polling place in each voting precinct in Alaska. (May 7, 1906, c. 2083, § 13, 34 Stat. 174.)

148. Same; audit and payment of expenses.—The compensation for newspaper publications, the proper posting of said notices, the rental of said polling places, the fees of the judges and clerks of election in each precinct, together with the cost of securing a ballot box and the cost of necessary postage and stationery, shall be certified with proper vouchers and receipts attached by various election officials to the judge of the district court in the said judicial division in which said voting precinct is situate, and the same shall be audited by said judge and shall be paid by the clerk of the court of said division out of the same fund and in the same manner as the incidental expenses of said district court are paid. (May 7, 1906, c. 2083, § 14, 34 Stat. 174.)

149. Same; offenses; jurisdiction.—Any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election provided for in this subchapter, or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than $500 nor less than $100, or imprisoned not more than three years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment of not more than five years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska. (May 7, 1906, c. 2083, § 15, 34 Stat. 174.)

EDUCATION AND SCHOOLS

161. Public instruction; superintendent of public instruction.—The Governor of Alaska shall be ex officio superintendent of public instruction in the Territory, and as such shall have supervision and direction of the public schools in said Territory and shall prescribe rules and regulations for the examination and qualification of teachers, and shall make an annual report of the condition of the schools in the Territory to the Secretary of the Interior. (Jan. 27, 1905, c. 277, § 3, 33 Stat. 617.)

162. Same; school districts in towns; funds.—The common council of the incorporated towns in Alaska shall have the power and it shall be their duty, in their respective towns to establish school districts, to provide the same with suitable schoolhouses and to maintain public schools therein and to provide the necessary funds for the schools. (Jan. 27, 1905, c. 277, § 4, 33 Stat. 617; Mar. 3, 1905, c. 14, § 1, 33 Stat. 1262.)

163. School board; term of office; expenditures.—Such schools when established shall be under the supervision and control of a school board of three members, consisting of a director, a treasurer, and a clerk, to be elected annually by the vote of all adults who are citizens of the United States or who have declared their intention to become such and who are residents of the school district. The members of said board first elected shall hold their offices for the term of one, two, and three years, respectively, and until their successors are elected and qualified, and one member of such board shall be elected each year thereafter and shall hold his office for a period of three years and until his successor is elected and qualified; and they shall each, before entering upon the duties of their office, take an oath in writing to honestly and faithfully discharge the duties of their trust. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters. All money available for school purposes, except for the construction and equipment of schoolhouses and the acquisition of sites for the same, shall be expended under the direction of said board, and the treasurer of said board shall be the custodian of said money, and he shall, before entering upon the duties of his office, give his bond, with sufficient sureties, to the school district, in such sum as the common council may direct, and subject to its approval, but not less than twice the amount that may come into his hands as treasurer, conditioned that he will honestly and faithfully disburse and account for all money that may come into his hands as such treasurer. (Jan. 27, 1905, c. 277, § 4, 33 Stat. 617; Mar. 3, 1905, c. 1491, 33 Stat. 1262.)

164. Same; teachers; heating and lighting schoolhouses, etc.—The said board shall have power to hire and employ the necessary teachers, to provide for heating and lighting the schoolhouse, and in general to do and perform everything necessary for the due maintenance of a proper school. (Jan. 27, 1905, c. 277, § 4, 33 Stat. 617; Mar. 3, 1905, c. 1491, 33 Stat. 1262.)

165. Same; reports of clerks.—The clerks of school districts in the incorporated towns shall, at the end of each school term,

report to the governor in writing the length of the term, the wages paid the teacher, the number of pupils in attendance, and the average daily attendance during the term. (Jan. 27, 1905, c. 277, § 6, 33 Stat. 619.)

166. School districts outside incorporated towns; duty of clerk of district court; election.—The clerk of the district court shall have the power, and it shall be his duty, in the division to which he is appointed and in which he resides, upon petition as hereinafter specified, to establish by order in writing a school district at any camp, village, or settlement outside of the limits of any incorporated town, but such school district shall not embrace more than forty square miles of territory nor contain less than twenty resident white children between the ages of six and twenty years. The said petition shall specify as near as may be the location and boundary of the proposed school district, the number of people, the number of families, and the number of children between the ages of six and twenty years, resident therein, and such other material facts as tend to show the necessity for the establishment of the school district. Said petition shall be signed by not less than twelve persons of adult age who are citizens of the United States or have declared their intention to become such and who reside within the boundaries of the proposed school district. If the clerk of the court is satisfied that it is necessary and proper to grant such petition, he shall make an order in writing establishing the school district prayed for, describing the same and defining its boundaries, and he shall also in said order appoint three of the petitioners to supervise and give notice of the first election, and shall specify the time and place of the same. The original order shall remain on file in the records of the court, and a copy of the same shall be posted at three public places in the school district at least ten days before the election, and such posting shall be deemed a sufficient notice of such election. All persons qualified to sign said petition shall be qualified to vote at said election. (Jan. 27, 1905, c. 277, § 5, 33 Stat. 617.)

167. Same; election of school board; powers and duties.—The qualified voters of said school district shall at said election choose by a plurality vote a school board of three members, consisting of a clerk, a treasurer, and a director, who shall, before entering upon the duties of their trust, each take an oath in writing to honorably and faithfully discharge the duties of their office. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters. The treasurer shall be the custodian of the moneys of the school district, and he shall, before entering upon the duties of his office, give his bond to the school district, with sufficient sureties, to be approved by the clerk of the court, and in such sum as he may direct, but not less than twice the amount of money that may come into his hands as treasurer, conditioned that he, the treasurer, will honestly and faithfully disburse and account for all the money that may come into his hands by virtue of his office. Said board shall have the power to build or rent the necessary schoolhouse or schoolroom, to equip the same with the necessary furniture and fixtures, to provide fuel and light, to hire and employ teachers, and in general to do and perform everything that may be necessary for the maintenance of a public school. The members of said board shall hold office for the term of one year and until their successors are elected and qualified. An annual election shall be held each year, after the first election, for the election of members of said board. As soon as the members of said school board have been elected and qualified, they shall send to the clerk of the court and file in his office a certificate of their election under the hand and seal of the judges or supervisors of election, their oaths of office, and the bond of the treasurer, and the clerk of the court shall file said papers and carefully keep them as a part of the files and records of his office, and he shall at once send to the Governor of the District of Alaska a certified copy of said papers, together with a certified copy of the order establishing the school district, and the governor shall duly file and preserve the same. The said board, as soon as they have complied with the requirements aforesaid, shall immediately report in writing to the governor the number of children in their school district between the ages of six and twenty years that intend to attend a public school, and the wages per month for which a teacher can be obtained; and after a school has been opened and maintained they shall, at the end of each school term, report to the governor in writing the length of the term, the wages paid the teacher, the total number of pupils in attendance, and the daily average of such attendance at such term. (Jan. 27, 1905, c. 277, § 5, 33 Stat. 617.)

168. Governor to assign proportion of Alaska fund.—The governor shall assign and set apart to each school district established and organized under the provisions of sections 166 and 167 of this title a sum, not less than $300 nor more than $1,000, in proportion to the number of pupils in the district, for the construction and equipment of a schoolhouse, which sum shall be paid by the Secretary of the Treasury to the treasurer of the school district upon the order and voucher of the governor out of that portion of the said Alaska fund set apart for the establishment and maintenance of public schools. The residue of said portion of said fund, or so much thereof as may be necessary, shall by the governor be apportioned among the several school districts established under the provisions of this section in amounts sufficient for each district to pay the wages of a teacher, together with the expense of fuel and light, for five months' school in each year. And the amounts so apportioned to each school district shall be paid to the treasurer of the district by the Secretary of the Treasury upon the order and voucher of the governor out of the said portion of said fund. (Jan. 27, 1905, c. 277, § 5, 33 Stat. 617.)

169. Same; education of children and Eskimos and Indians.—The schools specified and provided for in sections 162, 163, 166 and 167 of this title shall be devoted to the education of white children and children of mixed blood who lead a civilized life. The education of the Eskimos and Indians in Alaska shall remain under the direction and control of the Secretary of the Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the States or Territories of the United States. (Jan. 27, 1905, c. 277, § 7, 33 Stat. 619.)

170. Same; schools for white and colored children; appropriations.—The Legislature of Alaska is empowered to establish and maintain schools for white and colored children and children of mixed blood who lead a civilized life in said Territory and to make appropriations of Territorial funds for that purpose. (Mar. 3, 1917, c. 167, 39 Stat. 1131.)

171. Same; assignments of pay by teachers and other employees.—The Secretary of the Interior is authorized to permit teachers and other employees of the United States Bureau of Education employed in Alaska to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the Bureau of Education in Alaska; and the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse school teachers in Alaska for expenses incurred by them in the discharge of their duties and paid from their personal funds. (Mar. 21, 1906, No. 10, 34 Stat. 824.)

172. Same; employees as special peace officers.—The Attorney General shall have power to appoint, in his discretion, any person employed in the Alaska school service who may be

designated by the Secretary of the Interior as a special peace officer of the division of Alaska in which such person resides; and such special peace officer shall have authority to arrest, upon warrant duly issued, any native of Alaska charged with the violation of any of the provisions of the Criminal Code of Alaska (Act March 3, 1899, chapter 429, Thirtieth Statutes at Large, pages 1253–1256) or any amendment thereof, or any white man charged with the violation of any of said provisions to the detriment of any native of Alaska; and such peace officer shall also have authority to make such arrests, without warrant, for a crime committed or attempted in his presence, or when the person arrested has committed a felony, although not in his presence, or when a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it; and any person so arrested shall be taken, in accordance with such rules and regulations as may be prescribed by the Attorney General, and without unnecessary delay, before a United States commissioner or other judicial officer for trial. No person so appointed shall be entitled to any fees or emoluments of any character whatsoever for performing any of the services herein mentioned, but may be allowed, in the discretion of the Attorney General, expenses actually and necessarily incurred in connection with such services. (Mar. 3, 1909, c. 266, 35 Stat. 837.)

173. Vocational training for aboriginal natives; schools, etc.—The Secretary of the Interior is authorized to establish a system of vocational training for the aboriginal native people of the Territory of Alaska, and to construct and maintain suitable buildings for schools and dormitories and hospitals in such localities within the Territory of Alaska as he may select. (Feb. 25, 1925, c. 320, § 1, 43 Stat. 978.)

174. Same; buildings assigned to Bureau of Education by Secretary of Interior.—The Secretary of the Interior is instructed to assign to the Bureau of Education any unoccupied buildings in Alaska which are in his custody at abandoned military posts or any other buildings controlled by the Department of the Interior, for use by the Bureau of Education as industrial schools or hospitals that are held by him to be necessary or suitable for purposes outlined in section 173 of this title; and the Secretary of War is authorized to transfer to the Secretary of the Interior any unoccupied buildings in Alaska that in the opinion of the Secretary of War may be dispensed with by the War Department, to be used for industrial school or hospital purposes that are held by him to be necessary or suitable for such purposes, and the Secretary of the Interior is authorized to dismantle and remove any of the aforementioned buildings to such locations as may be decided upon for the erection of industrial schools. (Feb. 25, 1925, c. 320, § 2, 43 Stat. 978.)

ALASKA GAME LAW

191. Powers and duties of Secretary of Commerce and Secretary of Agriculture.—The powers and duties conferred upon the Secretary of Commerce prior to May 31, 1920, by law, proclamations, or Executive orders with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-bearing animals in Alaska, and with respect to the leasing of certain islands in Alaska for the propagation of fur-bearing animals, are conferred upon, and shall be exercised by, the Secretary of Agriculture, and the powers and duties conferred upon the Secretary of Agriculture prior to May 31, 1920, with respect to walruses and sea lions, are conferred upon, and shall be exercised by, the Secretary of Commerce. Nothing contained in this section shall affect the powers and duties conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to fur seals and sea otters and jurisdiction over the Pribilof Islands and the fur-bearing animals thereon. (May 31, 1920, c. 217, 41 Stat. 716.)

192. Duties and powers of the commission, wardens, and officers.—The commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary, to fix their periods of service and compensation, to rent quarters, and to incur other expenses, including printing, necessary for the enforcement of the provisions of this subchapter and for which appropriation has been made; but, subject to review by the commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination.

Each member of the commission, any warden, any person appointed by the Secretary of Agriculture or by the commission to enforce the provisions of this subchapter, any Forest Service employee, marshal, deputy marshal, collector or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty, to arrest without warrant any person committing a violation of said provisions in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and he shall have authority, with a search warrant, to search any place at any time. Any officer or employee empowered to enforce the provisions of this subchapter shall have with respect to camps and vessels of the United States like authority and powers of search as are conferred with respect to such vessels upon wardens appointed by the Secretary of Agriculture for the protection of land fur-bearing animals in Alaska, by the Act of May 31, 1920 (chapter 217, Forty-first Statutes at Large, page 716), conferring upon officers appointed for the protection of fur-bearing animals in Alaska the authority and powers conferred by law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska, and like authority and powers as were conferred upon game wardens by the Act of May 11, 1908 (Thirty-fifth Statutes at Large, page 102), which provided that any warden in or out of Alaska might arrest without warrant any person found violating any of the provisions of that Act, or any of the regulations therein provided, and might seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person in or out of Alaska, and keep and deliver the same to a marshal or deputy marshal. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of a violation of the provisions of this subchapter may be seized, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported or possessed contrary to the provisions of this subchapter shall be seized within or outside the Territory by any officer or person authorized to enforce the provisions of this subchapter, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this subchapter, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide shall be safely held and promptly delivered by him to the commission, a game warden, or to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon

request of the Secretary of Agriculture, to aid in carrying out the provisions of this subchapter. (Jan. 13, 1925, c. 75, § 5, 43 Stat. 741.)

193. Bonds of commissioners and game wardens, etc.—Before entering upon the duties of his office, each member of the commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of $1,000, with sufficient sureties, and the executive officer shall so file such a bond in the sum of $20,000, and each game warden or other person authorized by the commission to sell licenses shall so file such a bond in the sum of $500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each member of the commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond. (Jan. 13, 1925, c. 75, § 6, 43 Stat. 742.)

194. Commission to file estimates and submit report of administration.—The commission, on or before the 15th day of July of each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a detailed report to him covering the administration of the law, including all expenditures and other operations for the preceding fiscal year, and such estimates shall be subject to revision by him. (Jan. 13, 1925, c. 75, § 7, 43 Stat. 742.)

195. Taking of animals and birds restricted.—Unless and except as permitted by this subchapter or by regulations made pursuant to this subchapter, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird, or, except under regulations of the Secretary of Agriculture, to molest, damage, or destroy beaver or muskrat houses. Nothing in this subchapter shall be construed to prevent the collection or exportation of animals, birds, parts thereof, or nests or eggs of birds for scientific purposes, or of live animals, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Secretary of Agriculture and under such regulations as he may prescribe. (June 6, 1900, c. 786, § 29, 31 Stat. 332; May 11, 1908, c. 162, § 2, 35 Stat. 102; Mar. 4, 1911, c. 280, 36 Stat. 1360; Jan. 13, 1925, c. 75, § 8, 43 Stat. 743.)

196. Same; animals escaping from captivity, etc., subject to game law.—Land fur-bearing or game animals which escape from captivity, unless recaptured by their owners, and all fur and game animals introduced into Alaska are declared to be wild fur-bearing or game animals and shall be subject to the provisions of this subchapter. (Jan. 13, 1925, c. 75, § 8, 43 Stat. 743.)

197. Poison; use prohibited; record of sales.—No person shall at any time use any poison to kill any animal or bird protected by this subchapter or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the direction of the commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the commission may adopt; and no person shall sell or give any strychnine or other poison designated by the commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strychnine or other poison designated by the commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the commission shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce the provisions of this subchapter, and he shall transmit such information monthly to the commission. (Jan. 13, 1925, c. 75, § 9, 43 Stat. 743.)

198. Regulations; limitations upon; taking game for food during closed season.—The Secretary of Agriculture, upon consultation with or recommendation from the commission, is authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective ninety days after the date of publication thereof by the Secretary of Agriculture; but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat which the regulations may permit to be sold under such restrictions as the Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gauge; or to use any airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof, in any cannery or other commercial mess house, or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but the Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of sections 703 to 711 of Title 16 (the Migratory Bird Treaty Act) and regulations. (May 11, 1908, c. 162, §§ 3, 4, 35 Stat. 103; Jan. 13, 1925, c. 75, § 10, 43 Stat. 743.)

199. Licenses—

(Subdivision A.) Nonresident hunting license.—Except as otherwise permitted by this subchapter, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by the provisions of this subchapter without first having procured a nonresident hunting and trapping license as herein provided.

(Subdivision A.) Nonresident hunting license.—Except as the Territory shall export any game animal or part thereof, except that he may export for mounting and return to the Territory in any one year but not for sale, not to exceed two heads or trophies of each species of game animal legally killed by him, upon first procuring a resident shipping license as herein provided, but the Secretary may, by regulation, permit a citizen of the United States, who has been a resident of the Territory for at least two years and who is removing his residence

from the Territory, to export trophies of game animals legally acquired by him, upon first procuring a resident shipping license as herein provided.

(Subdivision C.) Resident hunting and trapping licenses.—The commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this subchapter, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of $2 and for each trapping license the sum of $2, but no such license shall be required of native-born Indians, Eskimos, or half-breeds who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise. After the expiration of sixty days from the adoption of such regulation no resident shall take any animal or bird protected by this subchapter without having first procured resident hunting and trapping licenses as herein provided.

(Subdivision D.) Registered guide license.—Only a resident citizen or a resident native Indian or Eskimo of the Territory may act as guide for a nonresident in any section of the Territory where the commission by regulation requires nonresidents to employ guides, and he shall first register with the commission in a book which it shall keep for this purpose and procure a registered guide license as herein provided, and the commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the commission to be registered.

(Subdivision E.) Alien special license.—No alien shall take any of the animals or birds protected by the provisions of this subchapter or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license issued as provided in this subchapter.

(Subdivision F.) Reports.—Each person to whom a license to take birds or animals, or to deal in furs, is issued, shall, on or before thirty days after the expiration of his license, make a written report to the commission on a form prepared and furnished by it, stating the kind and number of each species of bird or animal taken, purchased, or otherwise procured under such license. A licensee who willfully fails or neglects to make such report shall not be entitled to, nor shall he be granted, a license to take birds or animals or deal in furs for one year from the date such report is due, but no other punishment shall be imposed.

(Subdivision G.) Fur-farm license.—No person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as provided in this subchapter.

(Subdivision H.) Fur dealers, licenses, fees.—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by the provisions of this subchapter without first having procured a license as herein provided, but no license shall be required of a native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

The applicant for such a license shall accompany his application by the required fee, as follows:

(a) If the applicant is a resident of the Territory, the sum of $10.

(b) If the applicant is a nonresident of the Territory, who is a citizen of the United States, or is a corporation, association, or copartnership organized under the laws of the Territory or of a State of the United States, the sum of $250.

(c) If the applicant is an alien, or is a corporation, association, or copartnership not organized under the laws of the Territory or of a State of the United States, the sum of $500.

If a resident agent for a fur dealer within the meaning of clause (c) of this section, the sum of $10.

If a nonresident, who is a citizen of the United States and an agent for a dealer within the meaning of said clause (c), the sum of $250.

(Subdivision I.) Fees and applications for, and issuance of licenses.—Licenses, with the exception of alien special licenses and resident shipping licenses, shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Alien special licenses shall be issued only by the members of the commission, and resident shipping licenses shall be issued by members of the commission and by the collector of customs at the port of shipment. Application blanks for licenses shall be furnished by the commission and shall be in such form as the commission may by regulation determine; and each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory; and the members of the commission, and its game wardens and other persons authorized in writing by it to issue licenses are hereby authorized to administer oaths to applicants for such licenses. The applicant for a license shall accompany his application with a license fee as follows:

Nonresident big game, small game, and fur-bearing animal hunting and trapping license, $50.

Nonresident small game hunting license, $10.

Resident shipping and return license, $1 for each trophy.

Resident removing from Territory, $5 for each trophy of big game.

Registered guide license, $10.

Alien special license, $100.

Fur farm license, $2.

(Subdivision J.) False statement in application for and alteration and expiration of licenses.—Any false statement in an application for license as to citizenship, place of residence or other material facts shall render null and void the license issued upon it. Any person who shall make any false statement in an application for a license shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties provided for the commission of perjury. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of the provisions of this subchapter, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

(Subdivision K.) Proceeds of licenses, disposition of.—Each officer or person selling licenses shall, as soon as practicable after the 1st day of each month, transmit the proceeds thereof with a report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture, to be covered into the Treasury of the United States as miscellaneous receipts, and 50 per centum thereof to the treasurer of the Territory to be covered into the Territorial school fund. (May 11, 1908, c. 162, § 5, 35 Stat. 103; Jan. 13, 1925, c. 75, § 11, 43 Stat. 744.)

200. Collectors of customs, duties of.—It shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of land fur-bearing animals, and parts

thereof received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this subchapter with respect to shipments of animals or birds or nests or eggs of birds. (May 11, 1908, c. 162, § 6, 35 Stat. 104; Jan. 13, 1925, c. 75, § 12, 43 Stat. 746.)

201. United States attorneys, duties of.—It shall be the duty of the United States attorney for the division in which any wild animal or wild bird, or part thereof, or nest or egg of such bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold, or possessed contrary to the provisions of this subchapter, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution; the possession of any wild animal, bird, or part thereof, or nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any such action, constitute prima facie evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this subchapter, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. (Jan. 13, 1925, c. 75, § 13, 43 Stat. 746.)

202. Penalties; guides to report violations; penalty.—Unless a different or other penalty or punishment is specifically prescribed in this subchapter, a person who violates any provision of this subchapter, or who fails to perform any duty imposed by this subchapter or any order or regulation adopted pursuant to this subchapter, is guilty of misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $500 or be imprisoned not more than six months, or both; and, in addition thereto, the conviction of any licensed hunter for a violation of any of the provisions of this subchapter shall cause a forfeiture of his license and he shall surrender it upon demand to any person authorized by the commission to receive it; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission.

Any licensed guide who shall fail or refuse to report promptly to the commission any violation of this subchapter of which he may have knowledge, shall be guilty of a violation of this subchapter, and, in addition thereto, shall have his license revoked, and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or, of the establishment to the satisfaction of the commission of definite proof of such offense. (May 11, 1908, c. 162, § 7, 35 Stat. 105; Jan. 13, 1925, c. 75, § 15, 43 Stat. 747.)

203. Previous law unaffected.—Nothing in this subchapter contained shall be construed as repealing or modifying in any manner section 352 of Title 16. (Jan. 13, 1925, c. 75, § 17, 43 Stat. 747.)

204. Partial invalidity; effect of.—If any clause, sentence, paragraph, or part of this subchapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or parts thereof directly involved in the controversy in which such judgment shall have been rendered. (Jan. 13, 1925, c. 75, § 3, 43 Stat. 740.)

205. Short title.—This subchapter shall be known by the short title of the "Alaska Game Law." (Jan. 13, 1925, c. 75, § 1, 43 Stat. 739.)

206. Definitions.—For the purposes of this subchapter the following shall be construed, respectively, to mean:

Commission: The Alaska Game Commission.

Territory: Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds, attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds, or setting or using a net, trap or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

Open season: The time during which birds or animals may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close season: The time during which birds and animals may not be taken.

Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, and the large brown and grizzly bears, which shall be known as big game.

Land fur-bearing animals: Beaver, muskrat, marmot, ground squirrel (spermophiles), fisher, fox, lynx, marten or sable, mink, weasel or ermine, land otter, wolverine, polar bear and black bear including its brown and blue (or glacier bear) color variations.

Game birds: Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, sandpipers, snipe, little brown cranes, and curlew, and the several species of grouse and ptarmigan, which shall be known as small game.

Nongame birds: All wild birds except game birds. (May 11, 1908, c. 162, § 1, 35 Stat. 102; Jan. 13, 1925, c. 75, § 2, 43 Stat. 739.)

207. Who deemed residents; who deemed aliens.—For the purposes of this subchapter a citizen of the United States who has been domiciled in the Territory not less than one year for the purpose of making his permanent home therein, or a foreign-born person not a citizen of the United States who has declared his intention to become a citizen of the United States, and has been domiciled in the Territory for a like period and purpose, shall be considered a resident; but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he declared his first intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. A foreign-born person not a citizen of the United States who has not declared his intention to become a citizen of the United States, or who has not resided in the Territory for at least one year after having declared such intention, shall be considered an alien. (Jan. 13, 1925, c. 75, § 3, 43 Stat. 740.)

208. Alaska Game Commission; composition; qualification of members; tenure of office.—The Alaska Game Commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture, one member from each of the four judicial divisions of the Territory, each of whom shall be a resident citizen of the district from which he is appointed,

and shall before his appointment have been for five years a resident of Alaska and shall not be a Federal employee. After June 30, 1925, one of the said four members of the commission shall serve one year, one shall serve two years, one shall serve three years, and one four years, as the members of the commission may determine by lot, and thereafter their successors shall be appointed in like manner to serve for four years unless sooner removed. The fifth member shall be the chief representative of the Bureau of Biological Survey resident of Alaska, who shall be the executive officer and fiscal agent of the commission and under the direction of the commission shall direct the administration of the provisions of this subchapter and disburse such sums as may be allotted therefor. (Jan. 13, 1925, c. 75, § 4, 43 Stat. 740.)

209. Same; removal of members.—The Secretary of Agriculture may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges the Secretary may suspend such commissioner. The Secretary of Agriculture shall fill vacancies on the commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed. (Jan. 13, 1925, c. 75, § 4, 43 Stat. 740.)

210. Same; compensation; per diem; salary of executive officer.—The members of the commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of $10 for each member for each day going to and from and in actual attendance at meetings of the commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of $1,500, and that of any of the other members, except the executive officer, the sum of $900 in any one fiscal year, and each such member in addition shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of Agriculture, payable from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate. (Jan. 13, 1925, c. 75, § 4, 43 Stat. 740.)

211. Same; office; business; seal.—The commission shall maintain and have its principal office in the capital of the Territory.

A majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the order of the commission. The commission shall have an official seal. (Jan. 13, 1925, c. 75, § 4, 43 Stat. 740.)

212. Price of blue fox skins paid to natives of St. Paul Island.—The Secretary of Commerce is required to fix a reasonable price to be paid the natives of St. Paul Island for blue fox skins secured by them. (Aug. 18, 1894, c. 301, § 1, 28 Stat. 391; Feb. 14, 1903, c. 552, § 7, 32 Stat. 828; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; May 31, 1920, c. 217, 41 Stat. 716.)

ALASKA FISHERIES

221. Fishing areas; closed season; limitation on fishing.—For the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of Commerce from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. Under this authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable. (June 6, 1924, c. 272, § 1, 43 Stat. 464.)

222. Unlawful fishing in areas; no exclusive rights to be granted; citizens.—From and after the creation of any such fishing area and during the time fishing is prohibited therein it shall be unlawful to fish therein or to operate therein any boat, seine, trap, or other gear or apparatus for the purpose of taking fish; and from and after the creation of any such fishing area in which limited fishing is permitted such fishing shall be carried on only during the time, in the manner, to the extent, and in conformity with such rules and regulations as the Secretary prescribes under the authority herein given: *Provided*, That every such regulation made by the Secretary of Commerce shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of Commerce. (June 6, 1924, c. 272, § 1, 43 Stat. 464.)

223. Prohibited areas in creeks, streams, rivers, etc., not affected.—The right herein given to establish fishing areas and to permit limited fishing therein shall not apply to any creek, stream, river, or other bodies of water in which fishing is prohibited by specific provisions of sections 221 to 228 of this title, but the Secretary of Commerce through the creation of such areas and the establishment of closed seasons may further extend the restrictions and limitations imposed upon fishing by specific provisions of the above-mentioned sections or any other law. (June 6, 1924, c. 272, § 1, 43 Stat. 464.)

224. Importing salmon during closed seasons.—It shall be unlawful to import or bring into the Territory of Alaska, for purposes other than personal use and not for sale or barter, salmon from waters outside the jurisdiction of the United States taken during any closed period provided for by sections 221 to 228 of this title or regulations made thereunder. (June 6, 1924, c. 272, § 1, 43 Stat. 464.)

225. Escapements in salmon runs; percentage of runs which may be taken.—In all creeks, streams, or rivers, or in any other bodies of water in Alaska, over which the United States has jurisdiction, in which salmon run, and in which there exist racks, gateways, or other means by which the number in a run may be counted or estimated with substantial accuracy, there shall be allowed an escapement of not less than 50 per centum of the total number thereof. In such waters the taking of more than 50 per centum of the run of such fish is prohibited. It is declared to be the intent and policy of Congress that in all waters of Alaska in which salmon run there shall be an escapement of not less than 50 per centum thereof, and if in any year it shall appear to the Secretary of Commerce that the run of fish in any waters has diminished, or is diminishing, there

shall be required a correspondingly increased escapement of fish therefrom. (June 6, 1924, c. 272, § 2, 43 Stat. 465.)

226. Violation of fishing laws; punishment; forfeiture.—Any person, company, corporation or association violating any provisions of sections 221 to 228 of this title, or of sections 230 to 241, or of any regulation made under authority of said sections shall, upon conviction thereof be punished by a fine not exceeding $5,000 or imprisonment for a term of not more than ninety days in the county jail or by both such fine and imprisonment, and in case of the violation of section 233 there may be imposed a further fine not exceeding $250 for each day the obstruction therein declared unlawful is maintained. Every boat, seine, net, trap and every other gear and appliance used or employed in violation of said above-mentioned sections and all fish taken therein or therewith shall be forfeited to the United States and shall be seized and sold under the direction of the court in which the forfeiture is declared at public auction and the proceeds thereof after deducting the expenses of sale shall be disposed of as other fines and forfeitures under the laws relating to Alaska. Proceedings for such forfeiture shall be in rem under the rules of admiralty. (June 6, 1924, c. 272, § 6, 43 Stat. 466.)

227. Employees of Bureau of Fisheries as peace officers.—For the purposes of sections 221 to 228 of this title all employees of the Bureau of Fisheries, designated by the Commissioner of Fisheries, shall be considered as peace officers and shall have the same powers of arrest of persons and seizure of property for any violation of the provisions of said sections as have United States marshals or their deputies. (June 6, 1924, c. 272, § 6, 43 Stat. 466.)

228. Territorial powers not abrogated or curtailed.—Nothing in sections 221 to 228 of this title contained, nor any powers conferred by said sections upon the Secretary of Commerce, shall abrogate or curtail the powers granted the Territorial Legislature of Alaska to impose taxes or licenses, nor limit or curtail any powers granted the Territorial Legislature of Alaska by sections 23, 24, 44, 45, and 67 to 90 of this title. (June 6, 1924, c. 272, § 8, 43 Stat. 467.)

229. Powers of bird reservation wardens.—The wardens and other officers appointed by the Secretary of Agriculture for the protection of bird reservations in Alaska under control of the Department of Agriculture, or for the protection of fur-bearing animals in Alaska, shall have and exercise like authority and powers in the performance of their respective duties as are conferred upon game wardens by section 192 of this title and by existing law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska. (May 31, 1920, c. 217, 41 Stat. 717.)

230. License tax on canning fish.—Every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, 4 cents per case; pickled salmon, 10 cents per barrel; salt salmon in bulk, 5 cents per one hundred pounds; fish oil, 10 cents per barrel; fertilizer, 20 cents per ton. The payment and collection of such license taxes shall be under and in accordance with the provisions of the Act of March 3, 1899 (chapter 429, Thirtieth Statutes, page 1253), entitled "An Act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for the district," and amendments thereto. (June 26, 1906, c. 3547, § 1, 34 Stat. 478.)

231. Same; exemptions; hatcheries.—The catch and pack of salmon made in Alaska by the owners of private salmon hatcheries operated in Alaska shall be exempt from all license fees and taxation of every nature at the rate of ten cases of canned salmon to every one thousand red or king salmon fry liberated, upon the following conditions:

That the Secretary of Commerce may from time to time, and on the application of the hatchery owner shall, within a reasonable time thereafter, cause such private hatcheries to be inspected for the purpose of determining the character of their operations, efficiency, and productiveness, and if he approve the same shall cause notice of such approval to be filed in the office of the clerk or deputy clerk of the United States district court of the division of the District of Alaska wherein any such hatchery is located, and shall also notify the owners of such hatchery of the action taken by him. The owner, agent, officer, or superintendent of any hatchery the effectiveness and productiveness of which has been approved as above provided shall, between the 30th day of June and the 31st day of December of each year, make proof of the number of salmon fry liberated during the twelve months immediately preceding the 30th day of June, by a written statement under oath. Such proof shall be filed in the office of the clerk or deputy clerk of the United States district court of the division of the District of Alaska wherein such hatchery is located, and when so filed shall entitle the respective hatchery owners to the exemption as herein provided; and a false oath as to the number of salmon fry liberated shall be deemed perjury and subject the offender to all the pains and penalties thereof. Duplicates of such statements shall also be filed with the Secretary of Commerce. It shall be the duty of such clerk or deputy clerk in whose office the approval and proof heretofore provided for are filed to forthwith issue to the hatchery owner, causing such proofs to be filed, certificates which shall not be transferable and of such denominations as said owner may request (no certificate to cover fewer than one thousand fry), covering in the aggregate the number of fry so proved to have been liberated; and such certificates may be used at any time by the person, company, corporation, or association to whom issued for the payment pro tanto of any license fees or taxes upon or against or on account of any catch or pack of salmon made by them in Alaska; and it shall be the duty of all public officials charged with the duty of collecting or receiving such license fees or taxes to accept such certificates in lieu of money in payment of all license fees or taxes upon or against the pack of canned salmon at the ratio of one thousand fry for each ten cases of salmon. No hatchery owner shall obtain the rebates from the output of any hatchery to which he might otherwise be entitled under sections 230 to 242 of this title unless the efficiency of said hatchery has first been approved by the Secretary of Commerce in the manner herein provided for. (June 26, 1906, c. 3547, § 2, 34 Stat. 478; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

232. Manner of taking fish.—It shall be unlawful to fish for, take, or kill any salmon of any species or by any means except by hand rod, spear, or gaff in any of the creeks, streams, or rivers of Alaska; or within five hundred yards of the mouth of any such creek, stream, or river over which the United States has jurisdiction, excepting the Karluk and Ugashik Rivers. Nothing contained in this section shall prevent the taking of fish for local food requirements or for use as dog feed. (June 26, 1906, c. 3547, § 4, 34 Stat. 479; June 6, 1924, c. 272, § 4, 43 Stat. 466.)

233. Obstructions in waters for capturing salmon.—It shall be unlawful to erect or maintain any dam, barricade, fence, trap, fish wheel, or other fixed or stationary obstruction, except for purposes of fish culture, in any of the waters of Alaska at any point where the distance from shore to shore is less than one thousand feet, or within five hundred yards of the mouth of any creek, stream, or river into which salmon run, excepting the Karluk and Ugashik Rivers, with the purpose or result

of capturing salmon or preventing or impeding their ascent to the spawning grounds, and the Secretary of Commerce is authorized and directed to have any and all such unlawful obstructions removed or destroyed. For the purposes of this section, the mouth of such creek, stream, or river shall be taken to be the point determined as such mouth by the Secretary of Commerce and marked in accordance with this determination. It shall be unlawful to lay or set any seine or net of any kind within one hundred yards of any other seine, net, or other fishing appliance which is being or which has been laid or set in any of the waters of Alaska, or to drive or to construct any trap or any other fixed fishing appliance within six hundred yards laterally or within one hundred yards endwise of any other trap or fixed fishing appliance. (June 26, 1906, c. 3547, § 3, 34 Stat. 479; June 6, 1924, c. 272, § 3, 43 Stat. 465.)

234. **Closed season for salmon; stationary and floating traps.**—It shall be unlawful to fish for, take, or kill any salmon of any species in any manner or by any means except by hand rod, spear, or gaff for personal use and not for sale or barter in any of the waters of Alaska over which the United States has jurisdiction from six o'clock post meridian of Saturday of each week until six o'clock antemeridian of the Monday following, or during such further closed time as may be declared by authority conferred by law, but such authority shall not be exercised to prohibit the taking of fish for local food requirements or for use as dog feed. Whenever the Secretary of Commerce shall find that conditions in any fishing area make such action advisable, he may advance twelve hours both the opening and ending time of the above minimum thirty-six-hour closed period stipulated. Throughout the weekly closed season prescribed above the gate, mouth, or tunnel of all stationary and floating traps shall be closed, and twenty-five feet of the webbing or net of the "heart" of such traps on each side next to the "pot" shall be lifted or lowered in such manner as to permit the free passage of salmon and other fishes. (June 26, 1906, c. 3547, § 5, 34 Stat. 479; June 6, 1924, c. 272, § 5, 43 Stat. 466.)

235. **Canning or salting salmon.**—It shall be unlawful to can or salt for sale for food any salmon more than forty-eight hours after it has been killed. (June 26, 1906, c. 3547, § 7, 34 Stat. 480.)

236. **Waste or destruction of food fish.**—It shall be unlawful for any person, company, or corporation wantonly to waste or destroy salmon or other food fishes taken or caught in any of the waters of Alaska. (June 26, 1906, c. 3547, § 8, 34 Stat. 480.)

237. **False labeling or branding of packages of fish.**—It shall be unlawful for any person, company, or corporation canning, salting, or curing fish of any species in Alaska to use any label, brand, or trade-mark which shall tend to misrepresent the contents of any package of fish offered for sale. The use of the terms "red," "medium red," "pink," "chum," and so forth, as applied to the various species of Pacific salmon under present trade usages shall not be deemed in conflict with the provisions of this section when used to designate salmon of those known species. (June 26, 1906, c. 3547, § 9, 34 Stat. 480.)

238. **Reports of persons engaged in fishing industry.**—Every person, company, and corporation engaged in catching, curing, or in any manner utilizing fishery products, or in operating fish hatcheries in Alaska, shall make detailed annual reports thereof to the Secretary of Commerce, on blanks furnished by him, covering all such facts as may be required with respect thereto for the information of the department. Such reports shall be sworn to by the superintendent, manager, or other person having knowledge of the facts, a separate blank form being used for each establishment in cases where more than one cannery, saltery, or other establishment is conducted by a person, company, or corporation, and the same shall be forwarded to the department at the close of the fishing season and not later than December 15 of each year. (June 26, 1906, c. 3547, § 10, 34 Stat. 480; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

239. **Manner of catching or killing fish.**—The catching or killing, except with rod, spear, or gaff, of any fish of any kind or species whatsoever in any of the waters of Alaska over which the United States has jurisdiction, shall be subject to the provisions of sections 230 to 242 of this title, and the Secretary of Commerce is authorized to make and establish such rules and regulations not inconsistent with law as may be necessary to carry into effect the provisions of said above-mentioned sections. (June 26, 1906, c. 3547, § 11, 34 Stat. 480; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

240. **Agent and assistant agent.**—For the protection of the salmon fisheries in Alaska there shall be appointed by the President, by and with the advice and consent of the Senate, one agent and one assistant agent. (June 4, 1897, c. 2, § 1, 30 Stat. 29.)

241. **Same; officers and employees of Department of Commerce for enforcement of law.**—To enforce the provisions of sections 230 to 242 of this title and such regulations as he may establish in pursuance thereof, the Secretary of Commerce is authorized and directed to depute, in addition to the agent and assistant agent of salmon fisheries otherwise provided by law, from the officers and employees of the Department of Commerce, a force adequate to the performance of all work required for the proper investigation, inspection, and regulation of the Alaskan fisheries and hatcheries, and he shall annually submit to Congress estimates to cover the cost of the establishment and maintenance of fish hatcheries in Alaska, the salaries and actual traveling expenses of such officials, and for such other expenditures as may be necessary to carry out the provisions of said sections. (June 26, 1906, c. 3547, § 12, 34 Stat. 480.)

242. **Same; jurisdiction of prosecutions.**—The violation of any provision of sections 230 to 242 of this title may be prosecuted in any district court of Alaska or any district court of the United States in the States of California, Oregon, or Washington. And it shall be the duty of the Secretary of Commerce to enforce the provisions of said sections and the rules and regulations made thereunder. And it shall be the duty of the district attorney to whom any violation is reported by any agent or representative of the Department of Commerce to institute proceedings necessary to carry out the provisions of said sections. (June 26, 1906, c. 3547, § 14, 34 Stat. 481; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736.)

243. **Fishing by aliens; sales to aliens.**—It shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or District thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States. Nothing contained in sections 243 to 247 of this title shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters. Nothing contained in such sections shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in

connection with Alaskan fisheries, or with the canning, salting or otherwise preserving of fish. (June 14, 1906, c. 3299, § 1, 34 Stat. 263.)

244. Same; penalties; liability of vessels.—Every person, company, corporation, or association found guilty of a violation of any provision of sections 243 to 247 of this title or of any regulation made thereunder shall, for each offense, be fined not less than $100 nor more than $500, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of said sections or of any regulation made thereunder shall be liable to a fine of not less than $100 nor more than $500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense. (June 14, 1906, c. 3299, § 2, 34 Stat. 264.)

245. Same; jurisdiction of prosecutions.—The violation of any provision of sections 243 to 247 of this title or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington. (June 14, 1906, c. 3299, § 3, 34 Stat. 264.)

246. Same; searches and seizures of vessels; arrests.—The collector of customs of the Territory of Alaska is authorized to search and seize every foreign vessel and arrest every person violating any provision of sections 243 to 247 of this title or any regulation made thereunder, and the Secretary of Commerce shall have power to authorize officers of the Navy and of the Coast Guard and agents of the Department of Commerce to likewise make such searches, seizures, and arrests. If any foreign vessel shall be found within the waters to which the aforesaid sections apply, having on board fresh or cured fish and apparatus or implements suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of such sections until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 245, and shall be held by him subject to the proceedings provided for in section 244. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings. (June 14, 1906, c. 3299, § 4, 34 Stat. 264.)

247. Same; regulations; enforcement of laws.—The Secretary of Commerce shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of sections 243 to 246 of this title. And it shall be the duty of the Secretary of Commerce to enforce the provisions of said sections and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Coast Guard and of the Navy. Nothing contained in said sections shall be construed as affecting any existing treaty or convention between the United States and any foreign power. (June 14, 1906, c. 3299, § 5, 34 Stat. 264; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; Jan. 28, 1915, c. 20, 38 Stat. 800.)

INTOXICATING LIQUOR

Cross reference: Effectiveness of this subchapter; see section 3 of Title 27.

261. Manufacture or sale of intoxicating liquor prohibited; penalty.—It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to manufacture, sell, give, or otherwise dispose of any intoxicating liquor or alcohol of any kind in the Territory of Alaska, or to have in his or its possession or to transport any intoxicating liquor or alcohol in the Territory of Alaska unless the same was procured and is so possessed and transported as hereinafter provided.

Whenever the term "liquor," "intoxicating liquor," or "intoxicating liquors" is used in this subchapter it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol and all malt liquors, including all alcoholic compounds classed by the United States Internal Revenue Bureau as "compound liquors." But the provisions of this subchapter shall not apply to methyl or wood alcohol.

Any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall, directly or indirectly violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000 or shall be imprisoned for a period of not more than one year, or by both such fine and imprisonment. (Feb. 14, 1917, c. 53, § 1, 39 Stat. 903.)

262. Pharmacists; permit for transportation of pure alcohol.—Before a pharmacist shall be authorized to transport pure alcohol for scientific, artistic, or mechanical purposes or for compounding or preparing medicines, as provided by this subchapter, he shall procure a permit for that purpose from the judge of the district court in the division where the applicant resides. (Feb. 14, 1917, c. 53, § 2, 39 Stat. 903.)

263. Same; application for.—In order to procure a permit to transport pure alcohol a pharmacist shall make and file with the clerk of the said district court a statement in writing, under oath, stating that he desires to transport pure alcohol for scientific, artistic, or mechanical purposes or for compounding, preparing, or preserving medicines only, as provided by this subchapter, and giving his name, the location of his place of business, a statement that he is a licensed pharmacist, that he is regularly engaged in the practice of his profession at the location named, and that he will not violate the provisions of this subchapter. (Feb. 14, 1917, c. 53, § 3, 39 Stat. 904.)

264. Same; permits; issue; form.—If the judge of the district court of any division in Alaska is satisfied of the good faith of the applicant he shall issue to such pharmacist a permit to transport pure alcohol for compounding, preparing, or preserving medicines or for scientific, artistic, or mechanical purposes. Such permit shall be substantially in the following form:

"Permit to pharmacists to transport pure alcohol for compounding, preparing, and preserving medicines only or for scientific, artistic, or mechanical purposes.

"District court, ——— division, Territory of Alaska, ss.

"———, ———, a pharmacist, residing at ———, is hereby permitted to transport pure alcohol for compounding, preparing, and preserving medicines only or for scientific, artistic, or mechanical purposes. This permit can only be used for one shipment and will be void after six months from the date of issue.

"By order of the district court aforesaid.

"Dated this ——— day of ———, nineteen hundred and ———.

———, ———,

"Judge of the district court."

(Feb. 14, 1917, c. 53, § 4, 39 Stat. 904.)

265. Same; issue and record of permits.—Said permit mentioned in section 264 of this title shall be issued upon forms supplied by the clerk of the district court and shall contain the permit, a copy of the application for permit, and a copy of the provisions of section 266, and shall be issued under the seal of the said court, and shall be void for transportation purposes after six months from the date of issuance. The clerk of said district court shall keep in a separate book provided for that purpose a record of permits issued under this subchapter, wherein shall be entered the date and the

number thereof, the person to whom issued, and the purpose for which issued. (Feb. 14, 1917, c. 53, §§ 4, 5, 39 Stat. 904.)

266. Attaching permits to packages; cancellation.—The permit mentioned in section 264 of this title shall be attached to and remain affixed in a conspicuous place upon any package or parcel containing pure alcohol imported into or shipped in the Territory of Alaska, and when so affixed shall authorize any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise within the Territory of Alaska to transport, ship, or carry such pure alcohol. Any person so transporting such alcohol shall, before the delivery of such package or parcel, cancel said permit and so deface the same that it can not be used again. (Feb. 14, 1917, c. 53, § 6, 39 Stat. 904.)

267. Revocation of licenses of pharmacists.—In case a pharmacist is convicted under the provisions of this subchapter, the judge of the district court, in addition to the penalty provided in this subchapter, may, in his discretion, revoke his license to practice pharmacy, and thereafter he shall not receive a license for one year. (Feb. 14, 1917, c. 53, § 25, 39 Stat. 908.)

268. Carriers; records of shipments of alcohol.—All express companies, railroad companies, public or private carriers are required to keep a separate book in which shall be entered, immediately upon receipt thereof, the name of the person to whom pure alcohol is shipped, from what city or town and State the same was shipped, and the name of the shipper, the amount and kind received, the date when received, the date when delivered, and to whom delivered, after which record there shall be a blank space in which the consignee shall be required to sign his own name, in ink, before such pure alcohol is delivered to such consignee, which book shall be open to the inspection of the public at any time during business hours of the company and shall not be removed from the place where the same is required to be kept. A copy of entries upon any such record herein provided to be kept, when certified to by the agent of any express or railroad company or any public or private carrier in charge of the same, shall constitute prima facie evidence of the facts therein stated in any court of the Territory.

It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to ship alcohol or intoxicating liquor to a false or fictitious name or person, or any person to receive or receipt for alcohol or intoxicating liquor in a false or fictitious name. (Feb. 14, 1917, c. 53, § 7, 39 Stat. 904.)

269. Same; transportation of wine for sacramental purposes.—Any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise may accept for transportation and may transport to any place within the Territory of Alaska shipments of wine for sacramental purposes when there is attached to such shipment a certificate in substantially the following form:

"I (or we) certify that this package contains only ——— (amount) of ——— (wine), which has been ordered by ——— ——— who represents himself to be a duly authorized and officiating priest or minister of the ——— church at ———, and that said wine is desired for sacramental purposes only.

"——— ———." (Signature of shipper.)

(Feb. 14, 1917, c. 53, § 8, 39 Stat. 905.)

270. Same; refusal of delivery without certificates.—Whenever a shipment of wines for sacramental purposes shall have been transported for delivery within the Territory of Alaska the delivering agent of the transportation company must refuse to deliver the same unless it is accompanied by the certificate prescribed in section 269 of this title, and then only to the person to whom the same is addressed or upon his written order. The transportation company must keep a record of all shipments and deliveries of wines for sacramental purposes and must preserve for a period of one year after their receipt all certificates accompanying such shipments and all written orders upon which deliveries may be made. Such records must be open to the inspection of the public at any time during office hours. (Feb. 14, 1917, c. 53, § 9, 39 Stat. 905.)

271. Alcohol for scientific purposes; permits; application for.—Any person who shall desire to purchase pure alcohol for scientific, artistic, or mechanical purposes shall apply to the district court aforesaid for a permit for that purpose. To procure such permit he shall make and file with the clerk of the district court a statement in writing, under oath, stating that he desires to purchase pure alcohol for scientific, artistic, or mechanical purposes as provided by this subchapter, and giving his name and residence and the place at which such pure alcohol is to be used. (Feb. 14, 1917, c. 53, § 10, 39 Stat. 905.)

272. Same; permits; form.—If the judge of said district court is satisfied of the good faith of the applicant, he shall issue to said applicant a permit to purchase a reasonable amount of pure alcohol for scientific, artistic, or mechanical purposes. The original of said permit shall have attached thereto a duplicate copy, and each shall be numbered with the same number and be in substantially the following form:

"District Court, ——— Division, Territory of Alaska, ss.

"———, residing at ———, is hereby permitted to purchase pure alcohol in the amount of ——— (here insert quantity), to be used for scientific, artistic, or mechanical purposes. This permit can only be used for one purchase, and the copy thereof attached hereto shall be conspicuously pasted upon the package containing said alcohol, and this permit to purchase shall be void after ninety days from the date hereof.

"By order of the district court aforesaid.

"Dated this ——— day of ———, nineteen hundred and ———.

"———, Judge of the District Court."

(Feb. 14, 1917, c. 53, § 11, 39 Stat. 905.)

273. Same; permits; cancellation.—The permit mentioned in section 272 of this title shall authorize the applicant to purchase and any pharmacist to sell and deliver to him the quantity named in the said permit. The permit shall be canceled, kept, and retained on file for at least one year by the pharmacist so selling said pure alcohol, and the copy of said permit shall be, by the pharmacist, conspicuously pasted upon the receptacle containing said alcohol, and shall so remain upon said receptacle so long as the same shall contain alcohol. Said permit and copy shall only authorize one purchase and sale. It shall be unlawful for any pharmacist to sell pure alcohol without the permit specified in said section, or for any person to keep or have in his possession any pure alcohol unless the receptacle containing the same shall be distinctly labeled with the copy of the permit authorizing the purchase of the same. (Feb. 14, 1917, c. 53, § 12, 39 Stat. 906.)

274. Use of building or vehicle, in violation of law.—It shall be unlawful for any person owning, leasing, or occupying or in possession or control of any premises, building, vehicle, car, or boat to knowingly permit thereon or therein the manufacture, transportation, disposal, or the keeping of intoxicating liquor with intent to manufacture, transport, or dispose of the same in violation of the provisions of this subchapter. (Feb. 14, 1917, c. 53, § 13, 39 Stat. 906.)

275. Importation or possession of liquors except as provided by law.—It shall be unlawful for any person to import, ship, sell, transport, deliver, receive, or have in his possession any intoxicating liquors, except as in this subchapter provided. (Feb. 14, 1917, c. 53, § 14, 39 Stat. 906.)

276. Drinking liquors in or on passenger coach.—Any person who shall in or upon any passenger coach, street car, boat, or in or upon any other vehicle commonly used for the trans-

portation of passengers, or in or about any depot, platform, or waiting room drink any intoxicating liquor of any kind, or any person who shall be drunk or intoxicated in any public or private road or street, or in any passenger coach, street car, or any public place or building, or at any public gathering, or any person who shall be drunk or intoxicated and shall disturb the peace of any person, shall be guilty of a misdemeanor. (Feb. 14, 1917, c. 53, § 15, 39 Stat. 906.)

277. Keeping place for sale of liquors.—Every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse, or other place in which alcoholic liquor is received or kept for the purpose of use, gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this subchapter, and every person who shall use, barter, sell, give away, or assist or abet in bartering, selling, or giving away any liquors so received or kept, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject to the penalties prescribed in section 261 of this title; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of said section, or of any fact tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this subchapter by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

The keeping or giving away of alcoholic liquors, or any schemes or devices whatever, to evade the provisions of this subchapter shall be deemed unlawful within the provisions of this subchapter. (Feb. 14, 1917, c. 53, § 16, 39 Stat. 906.)

278. Arrest of persons charged with violations of law.—If one or more persons who are competent witnesses shall charge, on oath or affirmation, before the district attorney or any of his deputies duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this subchapter by manufacturing, storing, or depositing, offering for sale, keeping for sale or use, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing alcoholic liquor, shall request said district attorney or any of his assistants duly authorized to act for him to cause to be issued a warrant, said attorney or any of his assistants shall cause to be issued such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described; and said warrant shall be placed in the hands of the marshal, his deputy, or any town marshal or policeman in any town in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof; and if any such be found, to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barroom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor, effective for the period of time covering the alleged offense, and forthwith report all the facts to the district attorney or his deputy, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor, effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this subchapter. (Feb. 14, 1917, c. 53, § 17, 39 Stat. 906.)

279. Evidence to convict.—It shall not be necessary, in order to convict any person, company, house, association, copartnership, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing, importing, or selling alcoholic liquors, to prove the actual manufacture, importing, sale, delivery of, or payment for any alcoholic liquors, but the evidence of having or keeping them in hand, stored or deposited, taking orders for, or offering to sell or barter, or exchanging them for goods or merchandise, or giving them away, shall be sufficient to convict; nor shall it be necessary in a warrant, information, or indictment to specify the particular kind of alcoholic liquor which is made the subject of a charge of violation of this subchapter. (Feb. 14, 1917, c. 53, § 18, 39 Stat. 907.)

280. Liquor nuisances; maintenance; abatement.—All houses, boats, boathouses, buildings, clubrooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, stored, sold, or vended, given away, or furnished contrary to law, including those in which clubs, orders, or associations sell, barter, give away, distribute, or dispense intoxicating liquors to their members by any means or device whatever, as provided in this subchapter, shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 261 of this title, and judgment shall be given that such house, boat, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine. (Feb. 14, 1917, c. 53, § 19, 39 Stat. 907.)

281. Same; actions for abatement.—Any United States district attorney for the Territory of Alaska may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in section 280 of this title. No bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not more than $500 or by imprisonment in the Federal jail for not more than six months, or both such fine and imprisonment, in the discretion of the court. (Feb. 14, 1917, c. 53, § 20, 39 Stat. 907.)

282. Same; violations of law by tenant; forfeiture of lease.—If a tenant of a building or tenement is convicted of using such premises or any part thereof or maintaining a common nuisance, as defined in section 280 of this title, or of knowingly permitting such use by another, the conviction of such use shall render void the lease under which he holds and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof. (Feb. 14, 1917, c. 53, § 21, 39 Stat. 907.)

283. Same; owners of buildings knowingly permitting.—Anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance described in section 280 of this title, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance. (Feb. 14, 1917, c. 53, § 22, 39 Stat. 908.)

284. Property in alcoholic liquors illegally manufactured; searches and seizures.—No property right of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this subchapter, and in all

such cases the liquors are forfeited to the United States and may be searched for and seized and ordered to be destroyed by the court after a conviction, when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the district attorney that such liquors are contraband. (Feb. 14, 1917, c. 53, § 23, 39 Stat. 908.)

285. Punishment for violations of law.—Any person convicted of a violation of any of the provisions of this subchapter where the punishment therefor is not herein specifically provided shall be punished as provided by section 261 of this title. (Feb. 14, 1917, c. 53, § 24, 39 Stat. 908.)

286. Evidence of sale of liquors.—The issuance by the United States of any internal revenue special tax stamp or receipt to any person as a dealer in intoxicating liquors shall be prima facie evidence of the sale of intoxicating liquors by such person during the time the stamp or receipt is in force and effect.

A copy of such stamp or receipt or of the record of the issuance thereof, certified to by a United States internal-revenue officer having charge of such record, is admissible as evidence in like case and with like effect as the original stamp or receipt. (Feb. 14, 1917, c. 53, § 26, 39 Stat. 908.)

287. Duties of officers to enforce law.—It shall be the duty of the Governor of Alaska, the United States marshals and their deputies, mayors, and members of town councils, town marshals, and police officers of all incorporated towns in Alaska, all Federal game wardens, agents of the Bureau of Fisheries and Forestry Service, customs collectors and their deputies, employees of the Bureau of Education, prosecuting attorneys and their deputies, and all other Federal and Territorial executive officers to enforce the provisions of this subchapter. (Feb. 14, 1917, c. 53, § 27, 39 Stat. 908.)

288. Information for violations of law.—Prosecutions for violations of the provisions of this subchapter shall be on information filed by any such officer before any justice of the peace or district judge, or upon indictment by any grand jury of the Territory of Alaska, and said United States district attorney or his deputy shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and in such prosecutions anyone making a false oath to any material fact shall be deemed guilty of perjury. (Feb. 14, 1917, c. 53, § 28, 39 Stat. 908.)

289. Importing liquors in violation of law.—Any person, company, or corporation who shall import or carry liquors into or upon the Territorial waters of Alaska in or upon any steamship, steamboat, vessel, boat, or other water craft, or shall permit the same to be so imported or carried into or upon said waters, except under the provisions of this subchapter, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 261 of this title. (Feb. 14, 1917, c. 53, § 29, 39 Stat. 908.)

290. Additional legislation by legislature.—The Legislature of the Territory of Alaska may pass additional legislation in aid of the enforcement of this subchapter not inconsistent with its provisions. (Feb. 14, 1917, c. 53, § 31, 39 Stat. 909.)

291. Singular includes plural, and masculine feminine.—In the interpretation of this subchapter words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be. (Feb. 14, 1917, c. 53, § 32, 39 Stat. 909.)

RAILROADS, TELEGRAPH, AND TELEPHONES

301. Railroads; location, construction, and operation.—The President of the United States is empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of sections 301 to 308 of this title; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of sections 301 to 308; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of sections 301 to 308; to detail and require any officer or officers in the Engineer Corps in the Army or Navy to perform service under sections 301 to 308; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of railroad in the Territory of Alaska not to exceed in the aggregate one thousand miles, to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses and for the transportation of passengers and property; to construct and build a railroad or railroads along such route or routes as he may so designate and locate, with the necessary branch lines, feeders, sidings, switches, and spurs; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of sections 301 to 308; to exercise the power of eminent domain in acquiring property for such use, which use is declared to be a public use, by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights of way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction and operation of such railroad or railroads; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to fix, change, or modify rates for the transportation of passengers and property, which rates shall be equal and uniform, but no free transportation or passes shall be permitted except that the provisions of the interstate commerce laws relating to the transportation of employees and their families shall be in force as to the lines constructed under sections 301 to 308; to receive compensation for the transportation of passengers and property, and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations for the control and operation of said railroad or railroads; in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after completion under such terms as he may deem proper, but no lease shall be for a longer period than twenty years, or in the event of failure to lease, to operate the same until the further action of Congress. If said railroad or railroads, including telegraph and telephone lines, are leased under the authority given under sections 301 to 308, then and in that event they shall be operated under the jurisdiction and control of the provisions of the interstate commerce laws; to purchase, condemn, or otherwise acquire upon such terms as he may deem proper any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him. The price to be paid in case of purchase shall in no case exceed the actual physical value of the railroad; to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property over the road or roads herein provided for, and such railroad or steamship line or by such vessel, and to make such other contracts as may be necessary to carry out any of the purposes of sections 301 to 308; to utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection

with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the successors to the Isthmian Canal Commission are authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in said sections. (Mar. 12, 1914, c. 37, § 1, 38 Stat. 305.)

302. Telegraph and telephone lines.—The authority granted under section 301 of this title shall include the power to construct, maintain, and operate telegraph and telephone lines so far as they may be necessary or convenient in the construction and operation of the railroad or railroads as herein authorized and they shall perform generally all the usual duties of telegraph and telephone lines for hire. (Mar. 12, 1914, c. 37, § 1, 38 Stat. 305.)

303. Townsites.—The President is authorized to withdraw, locate, and dispose of, under such rules and regulations as he may prescribe, such area or areas of the public domain along the line or lines of such proposed railroad or railroads for townsite purposes as he may from time to time designate. (Mar. 12, 1914, c. 37, § 1, 38 Stat. 305.)

304. Terminals, stations and rights of way.—Terminal and station grounds and rights of way through the lands of the United States in the Territory of Alaska are granted for the construction of railroads, telegraph and telephone lines authorized by sections 301 to 308 of this title, and the President may, in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable. (Mar. 12, 1914, c. 37, § 1, 38 Stat. 305.)

305. Patents to contain reserve for right of way.—In all patents for lands taken up, entered, or located in Alaska after March 12, 1914, there shall be expressed that there is reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines to the extent of one hundred feet on either side of the center line of any such road and twenty-five feet on either side of the center line of any such telegraph or telephone lines. (Mar. 12, 1914, c. 37, § 1, 38 Stat. 305.)

306. Disposition of proceeds of lease or sale of public lands.—All moneys derived from the lease, sale, or disposal of any of the public lands, including townsites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under authority of sections 301 to 308 of this title, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress. (Mar. 12, 1914, c. 37, § 3, 38 Stat. 307.)

307. Authority of President.—It is the intent and purpose of Congress through the provisions of sections 301 to 308 of this title to authorize and empower the President of the United States, and he is fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all necessary acts and things in addition to those specially authorized in such sections to enable him to accomplish the purposes and objects of such sections. (Mar. 12, 1914, c. 37, § 1, 38 Stat. 305.)

308. Officers, agents, etc., to make annual report to President; transmission to Congress.—The officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports provided for in this section shall be by the President transmitted to Congress. (Mar. 12, 1914, c. 37, § 4, 38 Stat. 307.)

309. Taxation of railroads.—In addition to the normal income tax on net income there shall be levied and collected 1 per centum on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided by law, the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. (July 18, 1914, c. 187, 38 Stat. 517.)

ROADS, TRAILS, AND BRIDGES

321. Board of road commissioners; composition.—There shall be a board of road commissioners in the Territory of Alaska, to be composed of an Engineer officer of the United States Army to be detailed and appointed by the Secretary of War, and two other officers of that part of the Army stationed in the Territory of Alaska and to be designated by the Secretary of War. The said Engineer officer shall, during the term of his said detail and appointment, abide in said Territory. (Jan. 27, 1905, c. 277, § 2, 33 Stat. 616; May 14, 1906, c. 2458, § 2, 34 Stat. 192.)

322. Same; location and construction of roads and trails.—The said board shall have the power, and it shall be their duty, upon their own motion or upon petition, to locate, lay out, construct, and maintain wagon roads and pack trails from any point on the navigable waters of Alaska to any town, mining or other industrial camp or settlement, or between any such town, camps, or settlements therein, if in their judgment such roads or trails are needed and will be of permanent value for the development of Alaska; but no such road or trail shall be constructed to any town, camp, or settlement which is wholly transitory or of no substantial value or importance for mining, trade, agricultural, or manufacturing purposes. (Jan. 27, 1905, c. 277, § 2, 33 Stat. 616; May 14, 1906, c. 2458, § 2, 34 Stat. 192.)

323. Same; maps, plans, and specifications; contracts for permanent work.—The said board shall prepare maps, plans, and specifications of every road or trail they may locate and lay out, and whenever more than $20,000, in the aggregate, shall have to be expended upon the actual construction of any road or section of road designed to be permanent, contract for the work shall be let by them to the lowest responsible bidder, upon sealed bids, after due notice, under rules and regulations to be prescribed by the Secretary of War. The board may reject any bid if they deem the same unreasonably high or if they find that there is a combination among bidders. In case no responsible and reasonable bid can be secured, then the work may be carried on with material and men procured and hired by the board. The Engineer officer of the board shall in all cases supervise the work of construction and see that the same is properly performed. As soon as any road or trail laid out by the board has been constructed and completed they shall examine the same and make a full and detailed report of the work done on the same to the Secretary of War, and in such report they shall state whether the road or trail has been completed conformably to the maps, plans, and specifications of the same. (Jan. 27, 1905, c. 277, § 2, 33 Stat. 616; May 14, 1906, c. 2458, § 2, 34 Stat. 192.)

324. Same; repair of roads and trails constructed.—It shall be the duty of said board, as far as practicable, to keep in proper repair all roads and trails constructed under their supervision, and the same rules as to the manner in which the work of repair shall be done, whether by contract or otherwise, shall govern as in the case of the original construction of the

road or trail. (Jan. 27, 1905, c. 277, § 2, 33 Stat. 616; May 14, 1906, c. 2458, § 2, 34 Stat. 192.)

325. Costs and expenses payable out of Alaska fund; limitation of liability.—The cost and expenses of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury, through the authorized disbursing officer of the board designated by the Secretary of War, out of the road and trail portion of the "Alaska fund" mentioned in section 41 of this title upon vouchers approved and certified by said board. The Secretary of the Treasury shall, at the end of each month, send by mail to each of the members of said board a statement of the amount available of said "Alaska fund" for the construction and repair of roads and trails, and, subject to the provisions of section 326 of this title, no greater liability for construction or repair shall at any time be incurred by said board than the money available therefor at that time in said fund. (Jan. 27, 1905, c. 277, § 2, 33 Stat. 616; May 14, 1906, c. 2458, § 2, 34 Stat. 192.)

326. Roads, bridges, and trails; obligations in advance of appropriations.—When an appropriation for the construction and maintenance of roads, tramways, ferries, bridges, and trails for any fiscal year shall not have been made prior to the 1st day of March preceding the beginning of such fiscal year, the Secretary of War may authorize the board of road commissioners to incur obligations for this purpose of not to exceed 75 per centum of the appropriation for this purpose for the fiscal year then current, payment of these obligations to be made from the appropriation for the new fiscal year when it becomes available. (Feb. 12, 1925, c. 225, Title II, 43 Stat. 930.)

327. Roads and trails; contributions for construction, etc.—The Secretary of War is authorized to receive from the Territory of Alaska, or other source, such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of construction, repair, and maintenance of roads, bridges, ferries, trails, and related works in the Territory of Alaska, and to cause such funds to be deposited to the credit of the Treasurer of the United States, and to expend the same in accordance with the purpose for which they were contributed. (June 30, 1921, c. 33, § 1, 42 Stat. 90.)

328. Same; estimates for work on.—So long as the construction and maintenance of "military and post" roads in Alaska, and of other roads, bridges, and trails in that Territory shall remain under the direction of the Secretary of War, he is authorized to submit such estimates for the consideration of Congress as are in his judgment necessary for a proper prosecution of the work. (July 9, 1918, c. 143, 40 Stat. 863.)

329. Expenses of board in addition to salary.—The members of the board of road commissioners shall, in addition to their salaries, be reimbursed in the sums actually paid or incurred by them in traveling expenses in the performance of their duties, and shall be entitled to receive their actual expenses of living while serving as members of said board within the limits of the Territory and not stationed at a military post. (Jan. 27, 1905, c. 277, § 2, 33 Stat. 616; May 14, 1906, c. 2458, § 2, 34 Stat. 192.)

330. Same; per diem commutation.—Any officer of the Army and member of said board of road commissioners who is living with his family while serving as a member of said board within the limits of the Territory of Alaska, and not stationed at a military post, shall be entitled to receive a per diem commutation fixed by the board in lieu of "actual living expenses," as otherwise provided by law. (Apr. 27, 1914, c. 72, 38 Stat. 366.)

331. Road overseers; road districts.—It shall be the duty of the commissioner in each precinct in Alaska, on the first Monday in the month of April in each year, to appoint a road overseer for the precinct in which he resides, and create a road district in the inhabited part of said precinct, which said district shall not include incorporated cities and towns.

To fill all vacancies in the office of road overseer in his precinct.

To cause a record to be made defining the boundaries of said road district. (Apr. 27, 1904, c. 1629, 33 Stat. 391.)

332. Same; term of office; qualifications; oath of office; bond.—All road overseers shall hold office for one year and until their successors are appointed and qualified.

Every person appointed to the office of road overseer of any road district shall reside in the road district to which he has been appointed, and shall, within thirty days after he shall have been notified of his appointment, take and subscribe to an oath of office obligating himself to the faithful performance of the duties of his office, and shall forthwith cause such oath to be filed in the office of the commissioner of his precinct, and in case any such road overseer shall become nonresident of his road district, his office shall at once become vacant.

Each road overseer shall, before entering upon the duties of his office, execute a bond to the United States in a sum not less than double the amount of money which will probably come into his hands at any time during his term of office, with two or more sureties, the amount and sufficiency of the bond to be approved by the commissioner of the precinct, conditioned for the faithful discharge of the duties of his office, which bond shall be by him forthwith filed in the office of the commissioner and ex officio recorder. The approval of such bond shall be indorsed thereon by the commissioner. (Apr. 27, 1904, c. 1629, 33 Stat. 391.)

333. Same; duties.—The duties of road overseer shall be such as may be prescribed by law.

Each road overseer shall keep an accurate account of all money received by virtue of his office and the manner in which the same has been disbursed, and to whom, and shall, on the last Saturday of March in each year, exhibit such account, together with his vouchers, to the commissioner for adjustment and settlement. Such account shall be in writing, verified by affidavit of the overseer that the same is in all respects a full and true account of all money received by him during the full term for which he should make settlement and the amounts expended and the manner in which they were expended.

If any person appointed to the office of road overseer, unless unable from disease or other infirmity to discharge the duties of such office, shall refuse or neglect to serve therein, he shall be liable to a fine of $25; but no person so appointed who shall have served for a term next preceding such appointment shall be liable to such fine for refusing to serve if he shall have given notice in writing of refusal to the commissioner within twenty days after having been notified of his appointment.

Every road overseer who shall, after the expiration of his term of office, neglect or refuse to deliver on demand to his successor in office, after such successor shall have been duly qualified according to law, all moneys, records, books, papers, or other property appertaining to such office shall be liable to a fine of not less than $50 nor more than $500. (Apr. 27, 1904, c. 1629, 33 Stat. 392.)

334. Same; duties; work on roads.—Road overseers of the different precincts are authorized, and it is made their duty, to warn out all male persons between eighteen and fifty years of age who have resided thirty days in the district of Alaska, who are capable of performing labor on roads or trails, and who are not a precinct charge, to perform two days' work of eight hours each in locating, constructing, or repairing public roads or trails, under the direction of the road overseer within whose precinct they may respectively reside, or furnish a substitute to do the same, or pay the sum of $4 per day for two days' labor, and said road overseer shall receipt for the same

and shall expend it in location, construction, or repairs on the public roads and trails within his precinct; and any moneys so received and not expended shall be paid over to his successor in office, who shall expend the same as above provided.

The overseer of roads and trails in each precinct shall give notice to persons residing in his precinct liable to or charged with a road or trail tax of the time and place and the kind of work expected to be performed on the road or trail, and may direct what implements such persons shall bring with which to perform such work.

Whenever it shall happen, in consequence of sickness or absence from home, or any other cause, that the two days' work aforesaid shall not be performed within the time specified, the overseer shall be authorized to require the performance of such work at any time prior to the 1st day of October then next ensuing; and in case any person shall neglect or refuse to do the two days' work, or furnish a substitute, or pay in money the price of two days' labor, as provided in this section, he shall be deemed guilty of a misdemeanor and shall be fined in the sum of $10 for each day refusing so to work upon conviction before any justice of the peace of the precinct.

If any person shall appear at the proper time and place as directed by the overseer and neglect or refuse to do a reasonable day's work according to his ability, he shall be liable the same as if he had neglected or refused to appear, or furnish a substitute, or pay the sum of money as provided herein.

Under the direction of the overseer, and at his discretion, the above road tax may be performed by one day's work, together with an able-bodied man, a two-horse team with wagon, or a dog team consisting of not less than five dogs and a sleigh, or a reindeer team of not less than two reindeer and sleigh or cart.

It shall be the duty of each road overseer to receipt to each person who performs labor on the public roads and trails of his precinct under the provisions of this section for the amount of labor so performed, and no person shall be compelled to pay road tax except in one precinct in Alaska during one calendar year. (Apr. 27, 1904, c. 1629, 33 Stat. 392.)

335. Same; annual report.—Each road overseer shall, on or before the 1st day of April in each year, report to the commissioner of the precinct the names of all persons subject to the two days' road tax for the preceding year, the names of those who have worked out said tax, the names of those who have paid the said tax in money, and the names of those delinquent, and also all moneys received by him from all sources, and how expended, and the account of said road overseer of the work performed by himself, which report shall be approved by said commissioner before any final settlement shall be made with such road overseer. (Apr. 27, 1904, c. 1629, 33 Stat. 393.)

336. Same; duties; neglect or refusal.—Each and every road overseer who shall neglect or refuse to perform the several duties enjoined upon him by sections 331 to 337 of this title, or who shall, under any pretense whatsoever, give or sign a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the signing or giving of such receipts or certificates, shall forfeit for every such offense not less than $5 nor more than $50, to be recovered by an action before any justice of the peace within the precinct where such overseer may reside, and it is hereby made the duty of every United States attorney or assistant to prosecute all offenses against the provisions of said sections not otherwise provided for. (Apr. 27, 1904, c. 1629, 33 Stat. 393.)

337. Same; compensation.—Road overseers shall be allowed $4 per day for all services required by sections 331 to 337 of this title and actually performed in their respective precincts, to be retained out of money paid said road overseers from persons paying money or fines in lieu of two days' labor, upon the certified statement of the overseers, approved by the commissioner of the precinct: *Provided*, That no overseer shall receive pay for more than ten days in any one year, and not until he has made the return as provided in section 335 of this title, in duplicate, one copy to be retained by the commissioner and one copy filed with the clerk of the district court in the division in which the said precinct is situated.

Any oath required to be taken by said overseer, acknowledgment of bond, or the filing or recording of any paper or plat authorized by sections 331 to 337 of this title shall be free of cost to said overseer.

Upon application of road overseers it shall be the duty of the clerk of the district court to furnish copies of the provisions of sections 331 to 337 and blank forms of notices warning persons to perform road work, receipts for road work, bond, and oath, and for overseer's report to commissioner, the expense of which shall be paid out of the fund for paying the incidental expenses of the court. (Apr. 27, 1904, c. 1629, 33 Stat. 393.)

PUBLIC LANDS IN ALASKA

General Provisions

351. Survey system extended to Alaska.—The system of public land surveys is extended to the Territory of Alaska. (Mar. 3, 1899, c. 424, § 1, 30 Stat. 1098.)

352. Surveys in Nome and Fairbanks districts.—The United States Supervisor of Surveys, under the direction of the Secretary of the Interior, shall furnish the registers of the land offices at Nome and Fairbanks a sufficient quantity of numbers to be used in the different classes of official surveys that may be made in the Nome and Fairbanks land districts to meet the requirements thereof, and upon application by any person desiring to have an official survey made the registers shall furnish a number or numbers for such survey or surveys, together with an order directing a qualified deputy surveyor to make the same, and such application, order, and the fee required to be paid shall be transmitted to the United States Supervisor of Surveys. All surveys thus made shall be approved by the United States Supervisor of Surveys. (Mar. 2, 1907, c. 2537, § 4, 34 Stat. 1232; Mar. 3, 1925, c. 462, 43 Stat. 1144, 1145.)

353. Reservation of lands for educational purposes.—When the public lands of the Territory of Alaska are surveyed, under direction of the Government of the United States, sections numbered 16 and 36 in each township in said Territory shall be reserved from sale or settlement for the support of common schools in the Territory of Alaska; and section 33 in each township in the Tanana Valley between parallels sixty-four and sixty-five north latitude and between the one hundred and forty-fifth and the one hundred and fifty-second degrees of west longitude (meridian of Greenwich) shall be reserved from sale or settlement for the support of a Territorial agricultural college and school of mines established by the Legislature of Alaska upon the tract granted in section 354 of this title: *Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any Act of Congress, or are wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof in the manner provided by sections 851 and 852 of Title 43: *Provided further*, That the Territory may, by general law, provide for leasing said land in area not to exceed one section to any one person, association, or corporation for not longer than ten years at any one time: *And provided further*, That if any of said sections, or any part thereof, shall be of known mineral character at the date of acceptance

of survey thereof, the reservation herein made shall not be effective or applicable, but the entire proceeds or income derived by the United States from such sections 16 and 36 and such section 33 in each township in the Tanana Valley area hereinbefore described, and the minerals therein, together with the entire proceeds or income derived from said reserved lands, are hereby appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested and the income from which shall be expended only for the exclusive use and benefit of the public schools of Alaska or of the agricultural college and school of mines, respectively, in such manner as the Legislature of Alaska may by law direct. (Mar. 4, 1915, c. 181, § 1, 38 Stat. 1214, 1215.)

354. Site for agricultural college and school of mines.—Section numbered 6, in township numbered 1 south of the Fairbanks base line and range numbered 1 west of the Fairbanks meridian; section numbered 31, in township numbered 1 north of the Fairbanks base line and range numbered 1 west of the Fairbanks meridian; section numbered 1, in township numbered 1 south of the Fairbanks base line and range numbered 2 west of the Fairbanks meridian; and section numbered 36, in township numbered 1 north of the Fairbanks base line and range numbered 2 west of the Fairbanks meridian, are hereby granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this section or in section 353 shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead or other law for the disposal of the public lands acquired prior to March 4, 1915. So much of the said land as was, on said March 4, 1915, used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by Act of Congress. (Mar. 4, 1915, c. 181, § 2, 38 Stat. 1215.)

355. Town-site entries.—Until otherwise ordered by Congress lands in Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section 718 of Title 43 as near as may be; and when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section 718 of Title 43, whereby the same results would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed by the legislative authority of a State or Territory: *Provided*, That no more than six hundred and forty acres shall be embraced in one town-site entry. (Mar. 3, 1891, c. 561, § 11, 26 Stat. 1099.)

356. Land for schools or missions; general land laws.—The Indians or persons conducting schools or missions in the district shall not be disturbed in the possession of any lands actually in their use or occupation on June 6, 1900, and the land, at any station not exceeding six hundred and forty acres, occupied on said date as missionary stations among the Indian tribes in the section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which the missionary stations respectively belong, and the Secretary of the Interior is directed to have such lands surveyed in compact form as nearly as practicable and patents issued for the same to the several societies to which they belong; but nothing contained in this chapter of this title shall be construed to put in force in the district the general land laws of the United States. (May 17, 1884, c. 53, § 8, 23 Stat. 26; June 6, 1900, c. 786, § 27, 31 Stat. 330.)

357. Homestead allotments to native Indians or Eskimos.—The Secretary of the Interior is authorized and empowered, in his discretion and under such rules as he may prescribe, to allot not to exceed one hundred and sixty acres of nonmineral land in Alaska to any Indian or Eskimo of full or mixed blood who resides in and is a native of Alaska, and who is the head of a family, or is twenty-one years of age; and the land so allotted shall be deemed the homestead of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable until otherwise provided by Congress. Any person qualified for an allotment as aforesaid shall have the preference right to secure by allotment the nonmineral land occupied by him not exceeding one hundred and sixty acres. (May 17, 1906, c. 2469, 34 Stat. 197.)

358. Annette Islands reserved for Metlakahtla Indians.—Until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in southeastern Alaska, on the north side of Dixon's entrance, is set apart as a reservation for the use of the Metlakahtla Indians, and those people known as Metlakahtlans who, on March 3, 1891, had recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior. (Mar. 3, 1891, c. 561, § 15, 26 Stat. 1101.)

359. Affidavits; filing, publishing, and posting proofs of claims.—All affidavits, testimony, proofs, and other papers provided for by the provisions of this chapter concerning public lands, or by any departmental or Executive regulation thereunder, by depositions or otherwise, under commission from the register of the land office, which may have been or may hereafter be taken and sworn to anywhere in the United States, before any court, judge, or other officer authorized by law to administer an oath, shall be admitted in evidence as if taken before the register of the proper local land office. And thereafter such proof, together with a certified copy of the field notes and plat of the survey of the claim, shall be filed in the public survey office at Juneau, and if such survey and plat shall be approved by the United States Supervisor of Surveys, certified copies thereof, together with the claimant's application to purchase, shall be filed in the United States land office in the land district in which the claim is situated, whereupon, at the expense of the claimant, the register of such land office shall cause notice of such application to be published for at least sixty days in a newspaper of general circulation published nearest the claim within Alaska, and the applicant shall at the time of filing such field notes, plat, and application to purchase in the land office, as aforesaid, cause a copy of such plat, together with the application to purchase, to be posted upon the claim, and such plat and application shall be kept posted in a conspicuous place on such claim continuously for at least sixty days, and during such period of posting and publication or within thirty days thereafter any person, corporation, or association, having or asserting any adverse interest in, or claim to, the tract of land or any part thereof sought to be purchased, may file in the land office where such application is pending, under oath, an adverse claim setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin action to quiet title in a court of competent jurisdiction within Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of the court. (May 14, 1898, c. 299, § 10, 30 Stat. 413; Mar. 3, 1925, c. 462, 43 Stat. 1144.)

LAND DISTRICTS AND LAND OFFICES

365. Number of land districts and location of land offices.—There shall be two land districts in Alaska, the boundaries of which shall be designated by the President, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska, and one other land district and land office the location of which shall be fixed by the President. (Feb. 14, 1902, c. 17, § 1, 32 Stat. 20; Mar. 2, 1907, c. 2537, § 1, 34 Stat. 1232.)

366. Clerks of district courts as ex officio registers.—The clerks of the district courts at Nome and Fairbanks shall respectively be ex officio registers of the land offices at Nome and Fairbanks. Said clerks shall perform the several duties of register of the land office with all the powers incident to such office to the same extent as performed by the register of the land office at Juneau, Alaska. (Mar. 2, 1907, c. 2537, § 2, 34 Stat. 1232; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

367. Compensation of clerks of district courts as ex officio registers.—The clerks of the district courts at Nome and Fairbanks shall, in addition to their compensation as clerk as provided by law, receive all the fees and commissions allowed by law for services as registers of land offices under the land laws: *Provided*, That any fees or commissions in excess of $1,500 per annum received by either of such officials shall be paid into the Treasury of the United States: *Provided*, That no other salary than aforesaid shall be paid such registers. (Mar. 2, 1907, c. 2537, § 3, 34 Stat. 1232; Mar. 3, 1925, c. 462, 43 Stat. 1145.)

368. Compensation of clerks in district land offices.—The clerks employed in the district land offices in Alaska may be paid a compensation not to exceed $2,200 per annum. (June 5, 1920, c. 235, § 1, 41 Stat. 908.)

HOMESTEADS

371. Homestead laws extended to Alaska; locations on navigable waters; entries on unsurveyed lands.—All the provisions of the homestead laws of the United States not in conflict with the provisions of this section, and all rights incident thereto, are hereby extended to the Territory of Alaska, subject to such regulations as may be made by the Secretary of the Interior; and no indemnity, deficiency, or lieu land selections pertaining to any land grant outside of Alaska shall be made, and no land scrip or land warrant of any kind whatsoever shall be located within or exercised upon any lands in said Territory except as provided by law; and provided further that no more than one hundred and sixty acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right; and provided further that no location or scrip, selection, or right along any navigable or other waters shall be made within the distance of eighty rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise; and provided further that no commutation privileges shall be allowed in excess of one hundred and sixty acres included in any homestead entry under the provisions hereof: *Provided*, That no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, and along such shore a space of at least eighty rods shall be reserved from entry between all such claims; and that nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within Alaska; and no patent shall issue hereunder until all the requirements of sections 164, 171, 256, and 272 of Title 43 have been fully complied with as to residence, improvements, cultivation, and proof except as to commuted lands as herein provided. If any of the land so settled upon, or to be settled upon, is unsurveyed, then the land settled upon, or to be settled upon, must be located in a rectangular form, not more than one mile in length, and located by north and south lines run according to the true meridian; the location so made shall be marked upon the ground by permanent monuments at each of the four corners of the said location, so that the boundaries of the same may be readily and easily traced; and the record of said location shall, within ninety days from the date of settlement, be filed for record in the recording district in which the land is situated. Said record shall contain the name of the settler, the date of the settlement, and such a description of the land settled upon, by reference to some natural object or permanent monument, as will identify the same; and, if after the expiration of the said period of five years or at such date as the settler may desire to commute the public surveys of the United States have not been extended over the land located, a patent shall nevertheless issue for the land included within the boundaries of said location as thus recorded, upon proof to be submitted to the register and receiver of the proper land office, upon proof that he is a citizen of the United States, and upon the further proof required by sections 164 and 256 of Title 43, and under the procedure in the obtaining of patents to the unsurveyed lands of the United States, as provided for by section 461 of this title, and under such rules and regulations as shall be prescribed by the Secretary of the Interior as hereinbefore provided, without the payment of any purchase price or other charges, except the ordinary office fees and commissions of the register except $1.25 per acre on land commuted: *And provided always*, That no title shall be obtained hereunder to any of the mineral or coal lands of Alaska. The right of any homestead settler to transfer any portion of the land so settled upon, as provided by section 174 of Title 43, shall be restricted and limited within the district of Alaska as follows: For church, cemetery, or school purposes to five acres, and for the right of railroads across such homestead to one hundred feet in width on either side of the center line of said railroad; and all contracts by the settler made before his receipt of patent from the Government, for the conveyance of the land homesteaded by him or her, except as herein provided, shall be held null and void. (May 14, 1898, c. 299, § 1, 30 Stat. 409; Mar. 3, 1903, c. 1002, 32 Stat. 1028.)

372. Modification of restrictions on location of homestead entries.—The provisions of section 371 of this title, extending the homestead laws to Alaska, in so far as they reserve from sale and entry a space of at least eighty rods in width between tracts sold or entered under the provisions thereof along the shore of any navigable water, and provide that no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, shall not apply to lands classified and listed by the Secretary of Agriculture for entry under sections 506 to 509 of Title 16, CONSERVATION, and the Secretary of the Interior may upon application to enter or otherwise in his discretion restore to entry and disposition such reserved spaces and may waive the restriction that no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water as to such lands as he shall determine are not necessary for harborage uses and purposes. (June 5, 1920, c. 265, 41 Stat. 1059.)

373. Amount of homestead entries.—Every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations of section 371 of this title, be entitled to enter one hundred and sixty

acres or a less quantity of unappropriated public land in Alaska, and no more: *Provided*, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim lawfully initiated prior to June 28, 1918. (July 8, 1916, c. 228, § 1, 39 Stat. 352; June 28, 1918, c. 110, 40 Stat. 632.)

374. Effect of entry in another State or Territory.—A former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska. (July 8, 1916, c. 228, § 1, 39 Stat. 352; June 28, 1918, c. 110, 40 Stat. 632.)

375. Entry on unsurveyed lands; final proofs.—If the system of public surveys has not been extended over the land included in a homestead entry, the entryman may, after due compliance with the terms of the homestead law in the matter of residence, cultivation, and improvement, submit to the register a showing as to such compliance, duly corroborated by two witnesses, and if such evidence satisfactorily shows that the homesteader is in a position to submit acceptable final proof the surveyor general of the Territory will be so advised and will, not later than the next succeeding surveying season, issue proper instructions for the survey of the land so entered, without expense to the entryman, who may thereafter submit final proof as in similar entries of surveyed lands. So far as practicable, such survey shall follow the general system of public-land surveys, and the entryman shall conform his boundaries thereto: *Provided*, That nothing herein shall prevent the homesteader from securing earlier action on his entry by a special survey at his own expense, if he so elects. (June 28, 1918, c. 110, 40 Stat. 633.)

376. Entry on land containing coal, oil, or gas.—Homestead claims may be initiated by actual settlers on public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in section 377 of this title: *Provided, however*, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by said section. (Mar. 8, 1922, c. 96, § 1, 42 Stat. 415.)

377. Patent for land entered under section 376; reservations.—Upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of section 376 of this title the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this section or section 376 of this title shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: *And provided further*, That nothing herein contained shall be held or construed to authorize the entry or disposition, under section 274 of Title 43, of withdrawn or classified coal, oil, or gas lands or of lands valuable for coal, oil, or gas. (Mar. 8, 1922, c. 96, § 2, 42 Stat. 416.)

378. Lands excepted from entry.—There shall be excepted from homestead settlement and entry under the provisions of sections 373 to 375 of this title, the lands in Annette and Pribilof Islands, the islands leased or occupied for the propagation of foxes, and such other lands as have been, or may be, reserved or withdrawn from settlement or entry. (July 8, 1916, c. 228, § 3, 39 Stat. 352; June 28, 1918, c. 110, 40 Stat. 633.)

Mining Claims

381. Mining laws of United States extended to Alaska; regulations.—The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to Alaska: *Provided*, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions all land and shoal water between low and mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of War authorizing any person or persons, corporation or company to excavate or mine under any of said waters below low tide, and if such exclusive permit has been granted it is hereby revoked and declared null and void; but citizens of the United States or persons who have legally declared their intention to become such shall have the right to dredge and mine for gold or other precious metals in said waters, below low tide, subject to such general rules and regulations as the Secretary of War may prescribe for the preservation of order and the protection of the interests of commerce; such rules and regulations shall not, however, deprive miners on the beach of the right hereby given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation, and the reservation of a roadway sixty feet wide, under section 461 of this title, shall not apply to mineral lands or town sites. (June 6, 1900, c. 786, § 26, 31 Stat. 329.)

382. Recording notices of location of mining claims.—Notices of location of mining claims shall be filed for record within ninety days from the date of the discovery of the claim described in the notice, and all instruments shall be recorded in the recording district in which the property or subject matter affected by the instrument is situated, and where the property or subject matter is not situated in any established recording district the instrument affecting the same shall be recorded in the office of the clerk of the division of the court having supervision over the recording division in which such property or subject matter is situated. (June 6, 1900, c. 786, § 15, 31 Stat. 327.)

383. Miners' regulations for recording notices; certain records legalized.—Miners in any organized mining district may make rules and regulations governing the recording of notices of location of mining claims, water rights, flumes and ditches, mill sites and affidavits of labor, not in conflict with this chapter or the general laws of the United States; and nothing in this chapter shall be construed so as to prevent the miners in any regularly organized mining district not within any recording district established by the court from electing their own mining recorder to act as such until a recorder therefor is appointed by the court: *Provided further*, All records regularly made by the United States commissioner prior to June 6, 1900, at Dyea, Skagway, and the recorder at Douglas City, not in conflict with any records regularly made with the United States commissioner at Juneau, are hereby legalized. And all records made in good faith prior to June 6, 1900, in any regularly organized mining district are hereby made public records. (June 6, 1900, c. 786, § 16, 31 Stat. 328.)

384. Annual labor or improvements on mining claims.—During each year and until patent has been issued therefor, at least $100 worth of labor shall be performed or improvements made on, or for the benefit or development of, in accordance with existing law, each mining claim in Alaska heretofore or hereafter located except association placer-mining claims under section 387. And the locator or owner of such claim or some other person having knowledge of the facts may also make and file with the said recorder of the district in which the claims shall be situate an affidavit showing the performance of labor or making of improvements to the amount of $100 as aforesaid and specifying the character and extent of such work. Such affidavit shall set forth the following: First, the name or number of the mining claims and where situated; second, the number of days' work done and the character and value of the improvements placed thereon; third, the date of the performance of such labor and of making improvements; fourth, at whose instance the work was done or the improvements made; fifth, the actual amount paid for work and improvement, and by whom paid when the same was not done by the owner. Such affidavit shall be prima facie evidence of the performance of such work or making of such improvements, but if such affidavits be not filed within the time fixed by this section the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements. And upon failure of the locator or owner of any such claim to comply with the provisions of this section, as to performance of work and improvements, such claim shall become forfeited and open to location by others as if no location of the same had ever been made. The affidavits required hereby may be made before any officer authorized to administer oaths, and the provisions of sections 231 and 232 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE, are extended to such affidavits. Said affidavits shall be filed not later than ninety days after the close of the year in which such work is performed. (Mar. 2, 1907, c. 2559, § 1, 34 Stat. 1243.)

385. Fees for filing proofs of work and improvements.—The recorders for the several divisions or districts of Alaska shall collect the sum of $1.50 as a fee for the filing, recording, and indexing annual proofs of work and improvements for each claim so recorded under the provisions of section 384 of this title. (Mar. 2, 1907, c. 2559, § 2, 34 Stat. 1243.)

386. Time for filing adverse claims, and for adverse suits.—In Alaska adverse claims authorized and provided for in sections 29 and 30 of Title 30 may be filed at any time during the sixty days' period of publication or within eight months thereafter, and the adverse suits authorized and provided for in section 30 of Title 30 may be instituted at any time within sixty days after the filing of said claims in the local land office. (June 7, 1910, c. 265, 36 Stat. 459.)

387. Association placer-mining claims limited; annual assessment work.—After August 12, 1912, no association placer-mining claim shall be located in Alaska in excess of forty acres, and on every placer-mining claim thereafter located in Alaska, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, including the year of location, for each and every twenty acres or excess fraction thereof. (Aug. 1, 1912, c. 269, § 1, 37 Stat. 242.)

388. Power of attorney to locate placer-mining claims; restrictions.—No person shall locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two individuals or one association under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall be located in Alaska except under the limitations of sections 387 to 391. (Aug. 1, 1912, c. 269, § 2, 37 Stat. 243.)

389. Restrictions on placer locations.—No person shall locate, cause or procure to be located, for himself more than two placer-mining claims in any calendar month: *Provided*, That one or both of such locations may be included in an association claim. (Aug. 1, 1912, c. 269, § 3, 37 Stat. 243.)

390. Area and shape of placer claims.—No placer-mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width. (Aug. 1, 1912, c. 269, § 4, 37 Stat. 243.)

391. Placer locations in violation of law.—Any placer-mining claim attempted to be located in violation of sections 387 to 391 of this title shall be null and void, and the whole area thereof may be located by any qualified locator as if no such prior attempt had been made. (Aug. 1, 1912, c. 269, § 5, 37 Stat. 243.)

392. Reciprocity with Canada as to mining rights.—Native-born citizens of the Dominion of Canada shall be accorded in Alaska the same mining rights and privileges accorded to citizens of the United States in British Columbia and the former Northwest Territory by the laws of the Dominion of Canada or the local laws, rules, and regulations; but no greater rights shall be thus accorded than citizens of the United States or persons who have declared their intention to become such may enjoy in Alaska; and the Secretary of the Interior shall from time to time promulgate and enforce rules and regulations to carry this provision into effect. (May 14, 1898, c. 299, § 13, 30 Stat. 415.)

MINERS' AND LABORERS' LIENS FOR WORK DONE

395. Miners' labor lien on output; priority.—Every miner or other laborer who shall labor in or upon any mine or mining ground for another in the Territory of Alaska in digging, thawing, conveying, hoisting, piling, cleaning up, or any other

kind of work in producing any mineral-bearing sands, gravels, earth, or rock, gold or gold dust, or other minerals, or shall aid or assist therein by his labor as cook, engineer, fireman, or in cutting and delivering wood used in said work, or in work in any like capacity in producing the dump, shall, where his labor directly aided in such production, have a lien upon the dump or mass of mineral-bearing sands, gravels, earth, or rocks, and all gold and gold dust, or other minerals therein, and all gold and gold dust extracted therefrom, for the full amount of wages for all the time which he was so employed as such laborer in producing the said dump, within one year next preceding his ceasing to labor thereon; and to the extent of the labor of the said miner or other laborer actually employed or expended thereon, within one year next prior to ceasing to labor thereon, the said lien shall be prior to and preferred over any deed, mortgage, bill of sale, attachment, conveyance, or other claim, whether the same was made or given prior to such labor or not: *Provided*, That this preference shall not apply to any such deed, mortgage, bill of sale, attachment, conveyance, or other claim given in good faith and for value prior to June 25, 1910. (June 25, 1910, c. 422, § 1, 36 Stat. 848.)

396. Filing claim of lien; form of claim.—Every laborer, within ninety days after the completion of the performance of the work or labor mentioned in section 395 of this title who shall claim the benefit thereof, must, personally or by some other person for him, file for record in the recording precinct where the labor was performed a claim of lien containing a statement of his demand under oath, substantially in the following form:

Notice of Laborer's Lien

Territory of Alaska, ——— precinct, ss.:

——— ———, claimant, against ——— ———, defendant.

Notice is hereby given that ——— ———, claimant, claims a lien upon (describing the dump or mass of mineral-bearing sands, gravels, earth, or rock, and its location with reasonable certainty) in the ——— precinct, in the Territory of Alaska, for labor performed in (digging, and so forth; describe the work). That the name of the owner or reputed owner of said property is ——— ———, and that ——— ——— is the owner or reputed owner of the mine or mining ground from which the dump or mass of mineral-bearing sands, gravels, earth or rock and the minerals therein were extracted, and that ——— ——— employed claimant to perform such work and labor upon the following terms and conditions (state substance of contract, if any, or reasonable value); that said contract has been faithfully performed and fully complied with on the part of the claimant, who performed labor thereunder aforesaid for the period of ——— days; that said labor was performed between the ——— day of ——— and the ——— day of ———, and the rendition of said service was closed on the ——— day of ———, and ninety days have not elapsed since that time; that the amount of claimant's demand for said service is ———; that no part thereof has been paid (except the sum of ——— dollars), and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of ——— dollars, in which amount he claims a lien upon said property.

———— ————,
Claimant.

Territory of Alaska, ——— precinct, ss.:

——— ———, being first duly sworn, on oath deposes and says, that I am the claimant (or if by some other person state the fact) named in the foregoing claim; that I have heard the same read, know the contents thereof, and believe the same to be true.

Subscribed and sworn to before me this ——— day of ———.

———— ————
[Officer's title.]

(June 25, 1910, c. 422, § 2, 36 Stat. 848.)

397. Recording claim of lien.—The recorder must record every claim filed under the provisions of sections 395 and 396 of this title in books kept by him for that purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed and for which he may receive the following fees and none other: For filing, 10 cents; for recording, $1; for indexing, 15 cents for each name. (June 25, 1910, c. 422, § 3, 36 Stat. 849.)

398. Duration of lien.—No lien provided for in section 395 of this title shall bind any property for a longer period than ninety days after the claim has been filed, unless an action be commenced within that time to enforce the same. (June 25, 1910, c. 422, § 4, 36 Stat. 849.)

399. Foreclosure of liens; jurisdiction.—The action for the foreclosure of the lien provided for in sections 395 to 405 of this title shall be begun either in the district court or in the justice's court in the precinct where the lien was filed and the justices of the peace in Alaska are given full jurisdiction in the foreclosure of such liens under the provisions of this division of this chapter, and shall also have such other jurisdiction and power as is conferred on them by law in aid of the enforcement of said sections, and the provisions of section 723 of chapter 71 of the Code of Civil Procedure in force on June 25, 1910, in Alaska shall be applicable to the jurisdiction intended to be conferred hereby. (June 25, 1910, c. 422, § 5, 36 Stat. 849.)

400. Defects in lien notice or in proceedings to foreclose cured by amendment.—No mistake, informality, or mere matter of form or lack of statement, either in the lien notice or pleadings, shall be ground for dismissal or unnecessary delay in the action to foreclose the lien, but the lien notice and pleadings may be amended at any time before judgment, and section 92 of chapter 11 of the Code of Civil Procedure in force in Alaska on June 25, 1910, shall apply to such amendment. If it be shown that a material statement or averment has been omitted or misstated, it shall be ground for a reasonable delay or continuance to give the defendant a reasonable opportunity to meet it upon amendment. (June 25, 1910, c. 422, § 6, 36 Stat. 849.)

401. Proceeding to foreclose lien; intervention by adverse claimants.—The claimant may file the original or a certified copy of the notice of lien in the district or justice's court as the statement of his case, and thereupon the court or justice shall issue the usual summons directed to the defendant or defendants, which summons, together with a copy of the lien notice, shall, by any officer authorized to serve process, be served upon the defendant or defendants, as provided in sections 950 and 951 of chapter 92 of the Code of Civil Procedure in force in Alaska on June 25, 1910. The summons shall require the defendant or defendants to appear before such court or justice at a time and a place to be named therein, not less than six nor more than twenty days from the date thereof, to answer the demand of the claimant in the said lien notice, or judgment for want of an answer will be taken against them. Service by publication may be had pursuant to sections 47 and 48 of chapter 4 of said Code of Civil Procedure. The officer serving the summons shall also immediately post a copy of said lien notice in a conspicuous place on the dump or mass of mineral-bearing sands, gravels, earth, or rock, and gold and gold dust, and other minerals therein upon which the lien is filed, and from the moment of posting the lien notice the dump or mass of mineral-bearing sands, gravels, earth, and rock, and gold and gold dust, and other minerals therein shall be in the custody and under the control of the officer. All persons who claim any interest therein in opposition to the lien claimant may come in and answer and set up and defend their said claims, but no claim or claims of any owner, lessee, or other adverse defendant shall bar the lien claimant from recovering the sum due him for actual labor in producing the

said dump or mass of mineral-bearing sands, gravels, earth, or rock, or gold and gold dust, or other minerals. (June 25, 1910, c. 422, § 7, 36 Stat. 850.)

402. Joinder of plaintiffs; consolidation of actions; waiver of lien.—Any number of persons claiming liens under sections 395 to 405 of this title may join in the same action, and when separate actions are commenced the court may consolidate them. The court shall also allow, as a part of the costs, the moneys paid for filing, recording, and indexing the notice of lien, the sum of $5 for drawing the same, and a reasonable attorney's fee for each person claiming a lien, not to exceed 10 per centum of the amount of the lien established on judgment. Any contract or agreement or any waiver of any kind made or signed by any miner or laborer whereby it is sought to waive or abandon his right to file a lien under sections 395 to 405 of this title, or any agreement for an extended time of payment whereby the same end is sought, shall to that extent be null and void as against public policy. (June 25, 1910, c. 422, § 8, 36 Stat. 850.)

403. Judgment for claimants; enforcement.—In the action provided for in sections 395 to 405 of this title judgment must be rendered in favor of each person having a laborer's lien for the amount due him, and the court shall order the dump or mass of mineral-bearing sands, gravels, earth, or rock, and the gold and gold dust, and other minerals therein subject to the lien to be sold by the marshal in the same manner that personal property is sold on execution; or the court may, upon a showing that it is necessary to do so to preserve the property from loss or waste, by order require the marshal to wash up or extract the gold and gold dust or other mineral from the said mineral-bearing sands, gravels, earth, or rock; or the court may, by order, allow the defendant or defendants or any party interested to wash up and extract the said mineral, in the presence of the marshal or deputy marshal or special officer, who shall take the gold or gold dust or other minerals as it is washed up and extracted and return the same into court, and it shall be immediately paid out as follows: First, the cost of cleaning up or extracting the gold or gold dust or other minerals shall be paid; second, the court costs shall be paid; and, third, the judgment or judgments so rendered in favor of the lien claimants shall be paid; and if there is not sufficient gold or gold dust, or other minerals, or sufficient moneys obtained from the sale of the property to pay all claims in full, the court shall apportion the proceeds to the payment of such judgments pro rata. No part of any such proceeds shall be paid upon any claim or judgment to any person who did not actually perform labor in producing the dump or the proceeds thereof until all such preferred claims are paid in full. (June 25, 1910, c. 422, § 9, 36 Stat. 850.)

404. Appeal from justice.—An appeal may be taken from a final judgment of a justice of the peace in actions instituted under sections 395 to 405 of this title to the district court, in the manner provided in chapter 97 of the Code of Civil Procedure in force in Alaska on June 25, 1910, and upon such appeal being perfected the dump or mass of mineral-bearing sands, gravels, earth and rock, gold and gold dust, or other minerals shall be washed up by the marshal or any party mentioned in section 403 of this title as the district court may direct, and all the gold or gold dust or other mineral so washed up shall be paid into the registry of the district court there to await the final judgment on appeal: *Provided*, That the gold or gold dust or other mineral in excess of the amount of the judgment, including an additional amount equal to the probable accruing costs on appeal and two years' interest at the legal rate, shall after the expiration of ninety days from the time it was paid into the registry of the district court, be released to the owners upon a showing that no liens have been filed against it. The defendant or defendants, or any one or more of them, may deposit cash in lieu of the gold or gold dust on the dump, which shall remain in the custody of the law until the final judgment, and shall then be applied in payment of the judgment or judgments rendered on each lien claims, and costs, and interest. (June 25, 1910, c. 422, § 10, 36 Stat. 851.)

405. Buying, removing, etc., minerals with notice of lien; criminal liability.—Any person or persons who shall, after the copy of the notice of lien is posted upon any dump or mass of mineral-bearing sands, gravels, earth or rock, gold and gold dust, or other mineral, as provided in sections 395 to 405 of this title, and with knowledge of such notice of lien, buy, purchase, wash up, remove, destroy, or carry away all or any part or portion of the same, or the gold or gold dust therein, or who shall render it difficult, uncertain, or impossible to identify the gold or gold dust or other mineral obtained therefrom, shall be liable to the lien holder for the full amount of his judgment and costs; and any person who shall take and carry away all or any part or portion of said dump of mineral-bearing sands, gravels, earth or rock, or the gold or gold dust or other minerals therefrom, after the same shall come into the custody of the officer, shall be guilty of a crime and shall be punished as for the larceny of a like amount; and any district attorney in Alaska is specially required to immediately cause a warrant to be issued for the arrest of any such person or persons and to prosecute them according to law. (June 25, 1910, c. 422, § 11, 36 Stat. 851.)

Rights of Way Over Public Lands

411. Railroad rights of way; reservations; posting schedules of rates.—The right of way through the lands of the United States in Alaska is granted to any railroad company, duly organized under the laws of any State or Territory or by the Congress of the United States, which may hereafter file for record with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the center line of said road; also the right to take from the lands of the United States adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, excepting at terminals and junction points, which may include additional forty acres, to be limited on navigable waters to eighty rods on the shore line, and with the right to use such additional ground as may in the opinion of the Secretary of the Interior be necessary where there are heavy cuts or fills: *Provided*, That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns the ownership or use of minerals, including coal, within the limits of its right of way, or of the lands hereby granted: *Provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way. And when such railway shall connect with any navigable stream or tide water such company shall have power to construct and maintain necessary piers and wharves for connection with water transportation, subject to the supervision of the Secretary of the Treasury: *Provided*, That nothing in sections 411 to 419, 421, 423, and 461 to 465 of this title contained shall be construed as impairing in any degree the title of any State that may hereafter be erected out of the Territory of Alaska, or any

part thereof, to tide lands and beds of any of its navigable waters, or the right of such State to regulate the use thereof, nor the right of the United States to resume possession of such lands, it being declared that all such rights shall continue to be held by the United States in trust for the people of any State or States which may hereafter be erected out of said Territory. The term "navigable waters," as herein used, shall be held to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary high-water mark. All charges for the transportation of freight and passengers on railroads in Alaska shall be printed and posted as required by section 6 of Title 49, and such rates shall be subject to revision and modification by the Secretary of the Interior. (May 14, 1898, c. 299, § 2, 30 Stat. 409.)

412. Rights of several roads through canyons.—Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any tramway, wagon road, or other public highway now located therein, nor prevent the location through the same of any such tramway, wagon road, or highway where such tramway, wagon road, or highway may be necessary for the public accommodation; and where any change in the location of such tramway, wagon road, or highway is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such tramway, wagon road, or highway, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road or tramway: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile, and that where the space is limited the United States district court shall require the road first constructed to allow any other railroad or tramway to pass over its track or tracks through such canyon, pass, or defile on such equitable basis as the said court may prescribe; and all shippers shall be entitled to equal accommodations as to the movement of their freight and without discrimination in favor of any person or corporation: *Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers, and wharfage. (May 14, 1898, c. 299, § 3, 30 Stat. 410.)

413. Condemnation of land.—Where any company, the right of way to which is granted by sections 411 to 419, 421, 423, and 461 to 465 of this title, shall in the course of construction find it necessary to pass over private lands or possessory claims on lands of the United States, condemnation of a right of way across the same may be made in the following manner: In case the owner or claimant of such lands or premises and such company can not agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in any of the Territories in which the lands or premises to be taken lie; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon return into court of such appraisement, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment may, within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties, for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict, such party shall pay the whole cost incurred by the appellee, as well as its own. And the payment into court for the use of the owner or claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining, and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the Territory, or subject to any legal disability, the court may appoint a proper person who shall give bonds with sufficient surety or sureties, for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisement of the premises to be taken, and with the same effect as has been already described. And the title of the company to the land taken by virtue of this section shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for the said company to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad, and may institute proceedings in the manner described for the purpose of ascertaining the value of, and acquiring a title to, the same; and the court may determine the kind of notice to be served on such owner or owners, and may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or nonappearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred. It shall be competent for the legal guardian of any infant, or any other person under guardianship, to agree with the said company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, the said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company. (July 2, 1864, c. 216, § 3, 13 Stat. 357; May 14, 1898, c. 299, § 4, 30 Stat. 410.)

414. Effect of filing preliminary survey.—Any company mentioned in sections 411 to 419, 421, 423, and 461 to 465 of this title, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right at any time within one year thereafter to file the map and profile of definite location and such preliminary survey and plat shall during the said period of one year from the time of filing the same have the effect to render all the lands on which said preliminary survey and plat shall pass subject to the right of way mentioned in section 413. (May 14, 1898, c. 299, § 4, 30 Stat. 410.)

415. Map of location; forfeiture of rights.—Any company desiring to secure the benefits of sections 411 to 419, 421, 423, and 461 to 465 of this title shall, within twelve months after filing the preliminary map of location of its road as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a map and profile of at least a twenty-mile section of its road or a profile of its entire road if less than twenty miles, as definitely fixed; and shall thereafter each year defi-

nitely locate and file a map of such location as aforesaid of not less than twenty miles additional of its line of road until the entire road has been thus definitely located, and upon approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within one year after the definite location of said section so approved, or if the map of definite location be not filed within one year as herein required, or if the entire road shall not be completed within four years from the filing of the map of definite location, the rights herein granted shall be forfeited as to any such uncompleted section of said road, and thereupon shall revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be canceled, and the reservations of such lands for the purposes of said right of way, stations, and terminals shall cease and become null and void without further action. (May 14, 1898, c. 299, § 5, 30 Stat. 410.)

416. Right of way for wagon roads, wire rope, aerial or other tramways; reservations; tolls; liens.—The Secretary of the Interior is authorized to issue a permit, by instrument in writing, in conformity with and subject to the restrictions herein contained, unto any responsible person, company, or corporation, for a right of way over the public domain in Alaska, not to exceed one hundred feet in width, and ground for station and other necessary purposes, not to exceed five acres for each station for each five miles of road, to construct wagon roads and wire rope, aerial, or other tramways, and the privilege of taking all necessary material from the public domain in said district for the construction of such wagon roads or tramways, together with the right, subject to supervision and at rates to be approved by said Secretary, to levy and collect toll or freight and passenger charges on passengers, animals, freight, or vehicles passing over the same for a period not exceeding twenty years, and said Secretary is also authorized to sell to the owner or owners of any such wagon road or tramway, upon the completion thereof, not to exceed twenty acres of public land at each terminus at $1.25 per acre, such lands when located at or near tide water not to extend more than forty rods in width along the shore line and the title thereto to be upon such expressed conditions as in his judgment may be necessary to protect the public interest, and all minerals, including coal, in such right of way or station grounds shall be reserved to the United States: *Provided*, That such lands may be located concurrently with the line of such road or tramway, and the plat of preliminary survey and the map of definite location shall be filed as in the case of railroads and subject to the same conditions and limitations: *Provided further*, That such rights of way and privileges shall only be enjoyed by or granted to citizens of the United States or companies or corporations organized under the laws of a State or Territory; and such rights and privileges shall be held subject to the right of Congress to alter, amend, repeal, or grant equal rights to others on contiguous or parallel routes. And no right to construct a wagon road on which toll may be collected shall be granted unless it shall first be made to appear to the satisfaction of the Secretary of the Interior that the public convenience requires the construction of such proposed road, and that the expense of making the same available and convenient for public travel will not be less on an average than $500 per mile: *Provided*, That if the proposed line of road in any case shall be located over any road or trail in common use for public travel, the Secretary of the Interior shall decline to grant such right of way, if, in his opinion, the interests of the public would be injuriously affected thereby. Nor shall any right to collect toll upon any wagon road in Alaska be granted or inure to any person, corporation, or company until it shall be made to appear to the satisfaction of said Secretary that at least an average of $500 per mile has been actually expended in constructing such road; and all persons are prohibited from collecting or attempting to collect toll over any wagon road in Alaska, unless such person or the company or person for whom he acts shall at the time and place the collection is made or attempted to be made possess written authority, signed by the Secretary of the Interior, authorizing the collection and specifying the rates of toll: *Provided*, That accurate printed copies of said written authority from the Secretary of the Interior, including toll, freight, and passenger charges thereby approved, shall be kept constantly and conspicuously posted at each station where toll is demanded or collected. And any person, corporation, or company collecting or attempting to collect toll without such written authority from the Secretary of the Interior, or failing to keep the same posted as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not less than $50 nor more than $500, and in default of payment of such fine and costs of prosecution shall be imprisoned in jail not exceeding ninety days, or until such fine and costs of prosecution shall have been paid.

Any person, corporation, or company qualified to construct a wagon road or tramway under the provisions of this section that may prior to May 14, 1898, have constructed not less than one mile of road, at a cost of not less than $500 per mile, or one-half mile of tramway at a cost of not less than $500, shall have the prior right to apply for such right of way and for lands at stations and terminals and to obtain the same pursuant to the provisions of this section over and along the line hitherto constructed or actually being improved by the applicant, including wharves connected therewith. If any party to whom license has been granted to construct such wagon road or tramway shall, for the period of one year, fail, neglect, or refuse to complete the same, the rights herein granted shall be forfeited as to any such uncompleted section of said wagon road or tramway, and thereupon shall revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be canceled, and the reservations of such lands for the purposes of said right of way shall cease and become null and void without further action. And if such road or tramway shall not be kept in good condition for use, the Secretary of the Interior may prohibit the collection of toll thereon pending the making of necessary repairs. All mortgages executed by any company acquiring a right of way under this section upon any portion of its road that may be constructed in Alaska, shall be recorded with the Secretary of the Interior, and the record thereof shall be notice of their execution, and shall be a lien upon all the rights and property of said company as therein expressed, and such mortgage shall also be recorded in the office of the secretary of the Territory of Alaska and in the office of the secretary of the State or Territory wherein such company is organized. All lawful claims of laborers, contractors, subcontractors, or material men, for labor performed or material furnished in the construction of the railroad, tramway, or wagon road shall be a first lien thereon and take precedence of any mortgage or other lien. (May 14, 1898, c. 299, § 6, 30 Stat. 411.)

417. Reservations and military parks.—Sections 411 to 419, 421, 423, and 461 to 465 of this title shall not apply to any lands within the limits of any military, park, Indian, or other reservation unless such right of way shall be provided for by Act of Congress. (May 14, 1898, c. 299, § 7, 30 Stat. 412.)

418. Reservation of right of repeal or amendment; assignment of right of way.—Congress hereby reserves the right at

any time to alter, amend, or repeal sections 411 to 419, 421, 423, and 461 to 465 of this title or any part thereof; and the right of way herein and hereby authorized shall not be assigned or transferred in any form whatever prior to the construction and completion of at least one-fourth of the proposed mileage of such railroad, wagon road, or tramway, as indicated by the map of definite location, except by mortgages or other liens that may be given or secured thereon to aid in the construction thereof: *Provided*, That where within ninety days after May 14, 1898, proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road or tramway, prior to January 21, 1898, the rights to inure hereunder shall, if the terms of said sections are complied with as to such railroad, wagon road or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right of way or other privilege of said sections the person, company or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right. (May 14, 1898, c. 299, § 8, 30 Stat. 412.)

419. Map of location.—The map and profile of definite location of such railroad, wagon road, or tramway, to be filed as hereinbefore provided, shall, when the line passes over surveyed lands, indicate the location of the road by reference to section or other established survey corners, and where such line passes over unsurveyed lands the location thereon shall be indicated by courses and distances and by references to natural objects and permanent monuments in such manner that the location of the road may be readily determined by reference to descriptions given in connection with said profile map. (May 14, 1898, c. 299, § 9, 30 Stat. 413.)

Timber on Public Lands

421. Sale of timber.—The Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon public lands in Alaska, and may from time to time sell so much thereof as he may deem proper for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in Alaska except as aforesaid, but not for export therefrom except as provided under section 422 of this title. And such sales shall at all times be limited to actual necessities for consumption in Alaska from year to year, and payments for such timber shall be made to the register of the local land office of the land district in which said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe, and the moneys arising therefrom shall be accounted for by the register of such land office to the Commissioner of the General Land Office in a separate account, and shall be covered into the Treasury. (May 14, 1898, c. 299, § 11, 30 Stat. 414.)

422. Export of timber pulp wood and wood pulp.—Birch timber and pulp wood or wood pulp manufactured from timber in Alaska may be exported therefrom. (Feb. 1, 1905, c. 288, § 2, 33 Stat. 628; June 5, 1920, c. 235, § 1, 41 Stat. 917.)

423. Cutting and use of timber by settlers, residents, miners, etc.—The Secretary of the Interior may permit under regulations to be prescribed by him the use of timber found upon the public land in Alaska by actual settlers, residents, individual miners and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting and for domestic purposes, as may actually be needed by such persons for such purposes. (May 14, 1898, c. 299, § 11, 30 Stat. 414.)

Coal Lands

Cross reference: Entries on land containing coal, oil, or gas; see sections 376 and 377 of this title.

431. Coal land laws of United States extended to Alaska.—All the provisions of the coal land laws of the United States not in conflict with the provisions of this chapter shall be in full force in Alaska. (June 6, 1900, c. 796, 31 Stat. 658; Apr. 28, 1904, c. 1772, § 4, 33 Stat. 526.)

432. Survey of coal lands.—The Secretary of the Interior is authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River, Matanuska, and Nenana coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines. Any surveys made under the authority or by the approval of the Department of the Interior prior to October 20, 1914, may be adopted and used for the purposes of this section. (Oct. 20, 1914, c. 330, § 1, 38 Stat. 741.)

433. Reservation of coal lands; mining under direction of President.—The President of the United States shall designate and reserve from use, location, sale, lease, or disposition not exceeding five thousand one hundred and twenty acres of coal-bearing land in the Bering River field and not exceeding seven thousand six hundred and eighty acres of coal-bearing land in the Matanuska field, and not to exceed one-half of the other coal lands in Alaska: *Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas, under the direction of the President, becomes necessary, by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy, for national protection, or for relief from monopoly or oppressive conditions. (Oct. 20, 1914, c. 330, § 2, 38 Stat. 742.)

434. Division of unreserved lands into leasing blocks or tracts; leases.—The unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts of forty acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding two thousand five hundred and sixty acres in any one leasing block or tract; and thereafter, the Secretary shall offer such blocks or tracts and the coal, lignite and associated minerals therein for leasing, and may award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of twenty-one years who is a citizen of the United States, or to any association of such persons, or to any corporation or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That a majority of the stock of such corporation shall at all times be owned and held by citizens of the United States: *And provided further*, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this section any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. (Oct. 20, 1914, c. 330, § 3, 38 Stat. 742; Mar. 4, 1921, c. 152, 41 Stat. 1363.)

435. Lease of additional lands.—A person, association, or corporation holding a lease of coal lands under sections 432 to 452 of this title may, with the approval of the Secretary of the Interior and through the same procedure and upon the same

terms and conditions as in the case of an original lease under the same, secure a further or new lease covering additional lands contiguous to those embraced in the original lease, but in no event shall the total area embraced in such original and new leases exceed in the aggregate two thousand five hundred and sixty acres.

Upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same competitive conditions as in case of an original lease. (Oct. 20, 1914, c. 330, § 4, 38 Stat. 742.)

436. Consolidation of leases.—Subject to the approval of the Secretary of the Interior, lessees holding under leases small blocks or areas may consolidate their said leases or holdings so as to include in a single holding not to exceed two thousand five hundred and sixty acres of contiguous lands. (Oct. 20, 1914, c. 330, § 5, 38 Stat. 743.)

Cross reference: See also section 452 of this title.

437. Term of lease.—Leases may be for periods of not more than fifty years each, subject to renewal, on such terms and conditions as may be authorized by law at the time of such renewal. (Oct. 20, 1914, c. 330, § 9, 38 Stat. 744.)

438. Royalties and rentals payable to United States by lessees.—For the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall not be less than 2 cents per ton, due and payable at the end of each month succeeding that of the shipment of the coal from the mine, and an annual rental payable at the beginning of each year, on the lands covered by such lease, at the rate of 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. (Oct. 20, 1914, c. 330, § 9, 38 Stat. 744.)

439. Disposal of royalties and rentals received.—All net profits from operation of Government mines, and all royalties and rentals under leases as herein provided shall be deposited in the Treasury of the United States in a separate and distinct fund to be applied to the reimbursement of the Government of the United States on account of any expenditures made in the construction of railroads in Alaska and the excess shall be deposited in the fund known as the Alaska fund established under section 41 of this title to be expended as provided in said section. (Oct. 20, 1914, c. 330, § 9, 38 Stat. 744.)

440. Property leased; limitation of amount; forfeiture of excess.—Each lease shall be for such leasing block or tract of land as may be offered or applied for, not exceeding in area two thousand five hundred and sixty acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one such lease under sections 432 to 452 of this title, and any interest held in violation of this proviso shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years, and not longer, after its acquisition. (Oct. 20, 1914, c. 330, § 6, 38 Stat. 743.)

441. Exceeding authorized interest generally; punishment.—Any person who shall purchase, acquire, or hold any interest in two or more such leases, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, or who shall knowingly sell or transfer to one disqualified to purchase, or except as in sections 432 to 452 of this title specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000: *Provided*, That any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held two years after its acquisition and not longer, and in case of minority or other disability such time as the court may decree. (Oct. 20, 1914, c. 330, § 7, 38 Stat. 743.)

442. Criminal liability of officer or agent of corporation violating law.—Any director, trustee, officer, or agent of any corporation holding any interest in such a lease who shall, on behalf of such corporation, act in the purchase of any interest in another lease, or who shall knowingly act on behalf of such corporation in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any such a lease, except as herein provided, shall be guilty of a felony and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding $1,000. (Oct. 20, 1914, c. 330, § 8, 38 Stat. 743.)

443. Forfeiture of lease for violation of law.—If any of the lands or deposits leased under the provisions of sections 432 to 452 of this title shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, entered into by the lessee, or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of two thousand five hundred and sixty acres in the Territory of Alaska, the lease thereof shall be forfeited by appropriate court proceedings. (Oct. 20, 1914, c. 330, § 8a, 38 Stat. 743.)

444. Prospecting permits; leases to prospectors.—Where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area in Alaska, the Secretary of the Interior may issue prospecting permits for a term of not to exceed four years, under such rules and regulations and conditions as to development as he may prescribe, to applicants qualified under sections 432 to 452 of this title, for not to exceed two thousand five hundred and sixty acres, and if within the time specified in said permit the permittee shows to the Secretary of the Interior that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under said sections for all or any part of the land in his permit. (Oct. 20, 1914, c. 330, § 3, 38 Stat. 742; Mar. 4, 1921, c. 152, 41 Stat. 1363.)

445. Coal for local and domestic needs.—In order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section 434 of this title a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts not to exceed ten acres to any one person or association of persons in any one coal field for a period of not exceeding ten years, on such conditions not inconsistent with the provisions of sections 432 to 452 of

this title as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition of holding of a lease under sections 432 to 444 of this title shall be no bar to the acquisition, holding, or operating under the limited license in this section permitted. And the holding of such a license shall be no bar to the acquisition or holding of such a lease or interest therein. (Oct. 20, 1914, c. 330, § 10, 38 Stat. 744.)

446. Reservations by United States in leases, entries, etc.—Any lease, entry, location, occupation, or use permitted under sections 432 to 452 of this title shall reserve to the Government of the United States the right to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of the same or other coal lands by or under authority of the Government and for other purposes: *Provided*, That the Secretary of the Interior, in his discretion, in making any lease under said sections, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein. If such reservation is made, it shall be so determined before the offering of such lease.

The said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary. (Oct. 20, 1914, c. 330, § 11, 38 Stat. 744.)

447. Assignment or subletting by lessees.—No lease issued under authority of sections 432 to 452 of this title shall be assigned or sublet except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property, and for the safety and welfare of the miners and for the prevention of undue waste, including a restriction of the work-day to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions securing the workers complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to secure fair and just weighing or measurement of the coal mined by each miner, and such other provisions as are needed for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare. (Oct. 20, 1914, c. 330, § 12, 38 Stat. 744.)

448. Possession of lessee as possession of United States.—The possession of any lessee of the land or coal deposits leased under sections 432 to 452 of this title for all purposes involving adverse claims to the leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States. (Oct. 20, 1914, c. 330, § 13, 38 Stat. 745.)

449. Forfeiture and cancellation of leases.—Any such lease may be forfeited and canceled by appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of the lease or of general regulations promulgated under sections 432 to 452 of this title; and the lease may provide for the enforcement of other appropriate remedies for breach of specified conditions thereof. (Oct. 20, 1914, c. 330, § 14, 38 Stat. 745.)

450. Statements, representations, and reports.—All statements, representations, or reports required, unless otherwise specified, by the Secretary of the Interior under this division of this chapter shall be upon oath and in such form and upon such blanks as the Secretary of the Interior may require, and any person making false oath, representation, or report shall be subject to punishment as for perjury. (Oct. 20, 1914, c. 330, § 16, 38 Stat. 745.)

451. Rules and regulations.—The Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of sections 432 to 452 of this title. (Oct. 20, 1914, c. 330, § 17, 38 Stat. 745.)

452. Limitation on disposal of coal lands.—No lands in Alaska containing deposits of coal withdrawn from entry or sale shall be disposed of or acquired in any manner except as provided in sections 432 to 452 of this title. (Oct. 20, 1914, c. 330, § 15, 38 Stat. 745.)

PURCHASES FOR TRADE OR MANUFACTURE

461. Rights to purchase; price and limit of acreage; access to water front.—Any citizen of the United States twenty-one years of age, or any association of such citizens, or any corporation incorporated under the laws of the United States or of any State or Territory authorized on May 14, 1898, by law to hold lands in the Territories, thereafter in the possession of and occupying public lands in Alaska in good faith for the purposes of trade, manufacture, or other productive industry, may each purchase one claim only not exceeding eighty acres of such land for any one person, association, or corporation, at $2.50 per acre, upon submission of proof that said area embraces improvements of the claimant and is needed in the prosecution of such trade, manufacture, or other productive industry, such tract of land not to include mineral or coal lands, and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise. (May 14, 1898, c. 299, § 10, 30 Stat. 413.)

462. Lands on navigable waters.—No entry shall be allowed under sections 359, 392, 411 to 419, 421, 423, and 461 to 465 of this title on lands abutting on navigable water of more than eighty rods. There shall be reserved by the United States a space of eighty rods in width between tracts sold or entered under the provisions of this division of this chapter on lands abutting on any navigable stream, inlet, gulf, bay, or seashore, and the Secretary of the Interior may grant the use of such reserved lands abutting on the water front to any citizen or association of citizens, or to any corporation incorporated under the laws of the United States or under the laws of any State or Territory, for landings, and wharves, with the provision that the public shall have access to and proper use of such wharves, and landings, at reasonable rates of toll to be prescribed by said Secretary, and a roadway sixty feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway. (May 14, 1898, c. 299, § 10, 30 Stat. 413.)

463. Several claimants of same tract.—In case more than one person, association, or corporation shall claim the same tract of land, the person, association, or corporation having the prior claim, by reason of actual possession and continued occupation in good faith, shall be entitled to purchase the same, but where several persons are or may be so possessed of parts of the tract applied for the same shall be awarded to them according to their respective interests. (May 14, 1898, c. 299, § 10, 30 Stat. 413.)

464. Reservation of landing places along water front for natives.—The Secretary of the Interior shall reserve for the use

of the natives of Alaska suitable tracts of land along the water front of any stream, inlet, bay, or sea shore for landing places for canoes and other craft used by such natives. (May 14, 1898, c. 299, § 10, 30 Stat. 413.)

465. Certain islands excepted.—The Annette, Pribilof Islands, and the islands leased or occupied for the propagation of foxes are excepted from the operation of sections 411 to 419, 421, 423, and 461 to 464 of this title. (May 14, 1898, c. 299, § 10, 30 Stat. 413.)

466. Surveys; deposits.—It shall be the duty of any person, association or corporation entitled to purchase land under sections 461 to 466 of this title to make an application to the surveyor general of Alaska, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of the said surveyor general; and on the receipt of such estimate from the surveyor general, the said person, association, or corporation shall deposit the amount in a United States depository, as is required by section 759 of Title 43 relating to deposits for surveys.

On the receipt by the surveyor general, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field notes and maps to the office of the said surveyor general. (Mar. 3, 1891, c. 561, § 13, 26 Stat. 1100.)

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GENERAL PROVISIONS

Section 491. Territory of Hawaii.—The islands acquired by the United States of America under an Act of Congress entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898, numbered 55 (Thirty-fifth Statute, 750, 751), shall be known as the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 2, 31 Stat. 141.)

492. Government established; capital.—A Territorial government is established over the said Territory, with its capital at Honolulu, on the island of Oahu. (Apr. 30, 1900, c. 339, § 3, 31 Stat. 141.)

493. Definitions.—The phrase "the laws of Hawaii," as used in this chapter without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the 12th day of August, 1898, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

The constitution and statute laws of the Republic of Hawaii in force on said 12th day of August, 1898, and set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled "Civil Laws" and "Penal Laws," respectively, and in the session laws of the legislature for the session of 1898, are referred to in this chapter as "Civil Laws," "Penal Laws," and "Session Laws." (Apr. 30, 1900, c. 339, § 1, 31 Stat. 141.)

494. Citizenship.—All persons who were citizens of the Republic of Hawaii on August 12, 1898, are declared to be citizens of the United States and citizens of the Territory of Hawaii.

All citizens of the United States resident in the Hawaiian Islands who were resident there on or since August 12, 1898, and all the citizens of the United States who shall reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 4, 31 Stat. 141.)

495. Constitution and laws of United States in effect.—The Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the Territory of Hawaii as elsewhere in the United States. Section 1471 of this title shall not apply to Hawaii. (Apr. 30, 1900, c. 339, § 5, 31 Stat. 141; May 27, 1910, c. 258, § 1, 36 Stat. 443.)

See also chapter 10 of this title.

496. Laws continued in force.—The laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this chapter shall continue in force, subject to repeal or amendment by the Legislature of Hawaii or the Congress of the United States. (Apr. 30, 1900, c. 339, § 6, 31 Stat. 142.)

497. Same; laws relating to agriculture and forestry.—The laws of Hawaii relating to agriculture and forestry, except as changed by this chapter, shall continue in force, subject to modification by Congress or the legislature. (Apr. 30, 1900, c. 339, § 6, 74, 31 Stat. 155.)

498. Postal savings bank laws abolished.—The laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. (Apr. 30, 1900, c. 339, § 102, 31 Stat. 161.)

499. Assumption of public debt by United States.—The public debt of the Republic of Hawaii, lawfully existing on July 7, 1898, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed $4,000,000. (July 7, 1898, No. 55, 30 Stat. 751.)

500. Titles of certain offices amended.—Wherever the words "President of the Republic of Hawaii," or "Republic of Hawaii," or "Government of the Republic of Hawaii," or their equivalents, occur in the laws of Hawaii not repealed by this chapter they are amended to read "Governor of the Territory of Hawaii," or "Territory of Hawaii," or their equivalents, as the context requires. (Apr. 30, 1900, c. 339, § 9, 31 Stat. 143.)

501. Effect on prior rights and offenses previously punishable.—All rights of action, suits at law and in equity, prosecutions, and judgments existing prior to April 30, 1900, shall continue to be as effectual as if this chapter had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of

the Territory of Hawaii. All offenses which by statute in force on that date were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with the provisions of this chapter, or shall be repealed or changed by law. No person shall be subject to imprisonment for nonpayment of taxes nor for debt. All criminal and penal proceedings pending in the courts of the Republic of Hawaii on said April 30, 1900, shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings pending in the courts of the Republic of Hawaii on said date shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before said date shall be as valid as if issued or imposed in the name of the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 10, 31 Stat. 143.)

502. Suits for specific performance of personal labor contracts.—No suit or proceedings shall be maintained for the specific performance of any contract entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: *Provided*, That the provisions of sections 501 to 504 of this title shall not modify or change the laws of the United States applicable to merchant seamen. (Apr. 30, 1900, c. 339, § 10, 31 Stat. 143.)

503. Contracts holding persons to service void.—All contracts made since August 12, 1898, by which persons are held for service for a definite term, are null and void and terminated, and no law shall be passed to enforce said contracts in any way. (Apr. 30, 1900, c. 339, § 10, 31 Stat. 143.)

504. Immigration contract labor law applicable.—Section 141 of Title 8, shall extend to and be made applicable to the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 10, 31 Stat. 143.)

505. Style of process in courts.—The style of all process in the Territorial courts shall run in the name of "The Territory of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 11, 31 Stat. 144.)

506. Fisheries free to United States citizens subject to certain vested rights.—All fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after April 30, 1903, unless established upon petition filed in a circuit court of the Territory of Hawaii before April 30, 1902. (Apr. 30, 1900, c. 339, § 95, 31 Stat. 160.)

507. Same; condemnation of private rights.—If such fishing right was established, the Attorney General of the Territory of Hawaii may proceed in such manner as may be provided by law for the condemnation of property for public use to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation when lawfully ascertained shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated. (Apr. 30, 1900, c. 339, § 96, 31 Stat. 160.)

508. Quarantine stations; regulations; health laws.—Quarantine stations shall be established at such places in the Territory of Hawaii as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Public Health Service of the United States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States. (Apr. 30, 1900, c. 339, § 97, 31 Stat. 160; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Apr. 14, 1912, c. 288, 37 Stat. 309.)

509. American registry of Hawaiian registered vessels; trade with United States.—All vessels carrying Hawaiian registers on the 12th day of August, 1898, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, Star of France, Euterpe, Star of Russia, Falls of Clyde, and Wilscott, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts. (Apr. 30, 1900, c. 339, § 98, 31 Stat. 161.)

510. Wharves and landings; tolls.—Until further provision is made by Congress the wharves and landings constructed or controlled by what was formerly the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States. (Apr. 30, 1900, c. 339, § 89, 31 Stat. 159.)

511. Possession and control of public property ceded to United States; Territory and subdivisions.—Except as otherwise provided, the public property ceded and transferred to the United States by the Republic of Hawaii, under the joint resolution of annexation, approved July 7, 1898, numbered 55 (Thirtieth Statutes, page 750), shall remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric, and other public works, penal, charitable, scientific, and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof by direction of the governor when thereunto authorized by the legislature. (Apr. 30, 1900, c. 339, § 91, 31 Stat. 159; May 27, 1910, c. 258, § 7, 36 Stat. 447.)

512. Personal or movable property ceded to United States.—All personal and movable property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898, numbered 55 (Thirtieth Statutes, page 750), may be sold, leased, or otherwise disposed of in such manner as may be provided by the laws of the Territory of Hawaii. All sales, leases, or other dis-

posals of such property made by said Territory, under the authority of such laws, prior to May 26, 1906, are ratified and confirmed, and all moneys or revenues derived from sales or disposals made prior to May 26, 1906, or made under authority of this section, shall remain the property of said Territory. (May 26, 1906, c. 2561, 34 Stat. 204.)

513. **Hawaiian silver coins; recoinage.**—The silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins. When such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than $500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States. (Jan. 14, 1903, c. 186, §§ 1, 2, 32 Stat. 770.)

514. **Same; exchange for United States coins.**—Any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe. (Jan. 14, 1903, c. 186, § 3, 32 Stat. 771.)

515. **Same; recoinage of mutilated or abraded coins.**—Any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than $50, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States. (Jan. 14, 1903, c. 186, § 4, 32 Stat. 771.)

516. **Hawaiian silver certificates; unlawful to circulate.**—It shall be unlawful to circulate as money any silver certificate issued by the government of the Hawaiian Islands prior to January 14, 1903, intended to be circulated as money. (Jan. 14, 1903, c. 186, § 6, 32 Stat. 771.)

517. **Redemption of Hawaiian silver certificates or silver coin.**—Nothing in sections 513 to 517 of this chapter shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in said sections for the recoinage of Hawaiian silver. (Jan. 14, 1903, c. 186, § 7, 32 Stat. 771.)

518. **Employees on public works to be citizens, or eligible for citizenship.**—No person shall be employed as a mechanic or laborer upon any public work carried on in the Territory of Hawaii by the Government of the United States, whether the work is done by contract or otherwise, unless such person is a citizen of the United States or eligible to become such a citizen. (July 9, 1921, c. 42, § 315, 42 Stat. 120.)

519. **Divorce; residence necessary.**—No divorce shall be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending on April 30, 1900. (Apr. 30, 1900, c. 339, § 55, 31 Stat. 150; May 27, 1910, c. 258, § 4, 36 Stat. 444; July 9, 1921, c. 42, § 302, 42 Stat. 116.)

520. **Prohibition of intoxicating liquors.**—It shall be unlawful in the Territory of Hawaii to sell, give away, manufacture, transport, import, or export intoxicating liquors, except for mechanical, scientific, sacramental, or medicinal purposes, for which purposes the sale, gift, transport, import, and export of the same shall be under such rules and regulations as the governor of the Territory may prescribe, and any person violating the provisions hereof shall be fined in a sum not exceeding $500 or imprisoned for a period of not longer than one year or both. (May 23, 1918, c. 84, § 2, 40 Stat. 560.)

EXECUTIVE AND GOVERNMENT OFFICERS

531. **Governor; appointment; term; powers in general.**—The executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age, shall be a citizen of the Territory of Hawaii; shall have resided therein for at least three years next preceding his appointment; shall be commander in chief of the militia thereof; and may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon. (Apr. 30, 1900, c. 339, § 66, 31 Stat. 153; July 9, 1921, c. 42, § 303, 42 Stat. 116.)

532. **Governor to execute laws.**—The governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or rebellion in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory or any part thereof, under martial law until communication can be had with the President and his decision thereon made known. (Apr. 30, 1900, c. 339, § 67, 31 Stat. 153.)

533. **Powers and duties of former officials vested in Governor.**—All the powers and duties which, by the laws of Hawaii, were conferred upon or required of the President or any minister of the Republic of Hawaii (acting alone or in connection with any other officer or person or body) or the cabinet or executive council, and not inconsistent with the Constitution or laws of the United States, are conferred upon and required of the Governor of the Territory of Hawaii, unless otherwise provided. (Apr. 30, 1900, c. 339, § 68, 31 Stat. 153.)

534. **Secretary of Hawaii; powers; duties.**—The secretary of the Territory of Hawaii shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall record and preserve all the laws and proceedings of the legislature and all acts and proceedings of the governor, and promulgate proclamations of the governor. He shall, within thirty days after the end of each session of the legislature, transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session. He shall transmit to the President, semiannually, on the 1st

days of January and July, a copy of the executive proceedings, and shall perform such other duties as are prescribed in this chapter or as may be required of him by the Legislature of Hawaii. (Apr. 30, 1900, c. 339, § 69, 31 Stat. 154.)

535. Secretary to act as governor.—In case of the death, removal, resignation, or disability of the governor, or his absence from the Territory, the secretary shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified. (Apr. 30, 1900, c. 339, § 70, 31 Stat. 154.)

536. Governor and secretary; salary; incidental expenses.—The following officers shall receive the following annual salaries, to be paid by the United States: The governor, $10,000; the secretary of the Territory, $5,400. The governor shall receive annually from the United States, in addition to his salary, (1) the sum of $1,000 for stationery, postage, and incidentals, and (2) his traveling expenses while absent from the capital on official business. (Apr. 30, 1900, c. 339, § 92, 31 Stat. 159; May 27, 1910, c. 258, § 8, 36 Stat. 448; July 9, 1921, c. 42, § 314, 42 Stat. 120.)

537. Attorney general; powers and duties.—The attorney general of Hawaii shall have the powers and duties of the attorney general and those of the powers and duties of the minister of the interior which relate to prisons, prisoners, and prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by this chapter and subject to modification by the legislature. (Apr. 30, 1900, c. 339, § 71, 31 Stat. 154.)

538. Treasurer; powers and duties.—The treasurer of Hawaii shall have the powers and duties of the minister of finance and those of the powers and duties of the minister of the interior which relate to licenses, corporations, companies, and partnerships, business conducted by married women, newspapers, registry of conveyances, and registration of prints, labels, and trade-marks under the laws of Hawaii, except as changed in this chapter and subject to modification by the legislature. (Apr. 30, 1900, c. 339, § 72, 31 Stat. 154.)

539. Private secretary to governor; salary.—The governor is authorized to employ a private secretary who shall receive an annual salary of $3,000, to be paid by the United States. (Apr. 30, 1900, c. 339, § 92, 31 Stat. 159; May 27, 1910, c. 258, § 8, 36 Stat. 448; July 9, 1921, c. 42, § 314, 42 Stat. 120.)

540. Superintendent of public works; powers and duties.—The superintendent of public works shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fireproof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior and those of the powers and duties of the minister of finance and collector general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this chapter and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank." (Apr. 30, 1900, c. 339, § 75, 31 Stat. 155.)

541. Superintendent of public instruction; powers and duties.—The superintendent of public instruction shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by this chapter, and subject to modification by the legislature.

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in reports in 1925, and every five years thereafter, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. He is especially charged to ascertain the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress. (Apr. 30, 1900, c. 339, § 76, 31 Stat. 155; Apr. 8, 1904, c. 948, 33 Stat. 164.)

542. Auditor and deputy auditor; powers and duties.—There shall be an auditor and deputy auditor, who shall have the powers and duties conferred upon them and required of the auditor general and deputy auditor general, respectively, by act thirty-nine of the session laws of Hawaii, as amended by this chapter, subject to modification by the legislature. (Apr. 30, 1900, c. 339, § 77, 31 Stat. 156.)

543. Surveyor; powers and duties.—The surveyor shall have the powers and duties attached to the surveyor general, prior to April 30, 1900, except such as relate to the geodetic survey of the Hawaiian Islands. (Apr. 30, 1900, c. 339, § 78, 31 Stat. 156.)

544. High sheriff and deputies; powers and duties.—The high sheriff and deputies, shall have the powers and duties of the marshal and deputies of the Republic of Hawaii under the laws of Hawaii, except as changed by this chapter, and subject to modification by the legislature. (Apr. 30, 1900, c. 339, § 79, 31 Stat. 156.)

545. Board of harbor commissioners; powers and duties; appropriations for harbor improvements; report of board.—The board of harbor commissioners of the Territory of Hawaii shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and water-front improvements, ports, docks, wharves, quays, bulkheads, and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays, and landings belonging to or controlled by the Territory, for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage, or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares, and merchandise, for storage space for the use of donkey engines, derricks, or other equipment belonging to the Territory, under the control of the board, and to make other charges, including toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads, or landings. The board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot-boat crews, and all such other employees as may be necessary, and to fix their compensation; to make rules and regulations pursuant to this section and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this section.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries, and operating expenses, shall be expended under the supervision and con-

trol of the board, subject to the provisions of law. All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the governor a report of its official acts during the preceding year, together with its recommendations as to harbor improvements throughout the Territory. (July 9, 1921, c. 42, § 315, 42 Stat. 121.)

546. Officers appointed by governor; terms; salaries.—The governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii and shall have resided therein for at least three years next preceding their appointment.

Nothing in this section shall be construed to conflict with the authority and powers conferred by section 563 of this title. (Apr. 30, 1900, c. 339, § 80, 31 Stat. 156; Mar. 3, 1905, c. 1465, § 2, 33 Stat. 1035; July 9, 1921, c. 42, § 312, 42 Stat. 119.)

THE LEGISLATURE AND LEGISLATIVE POWER

561. The legislature.—The legislature of the Territory of Hawaii shall consist of two houses, styled, respectively, the senate and house of representatives, which shall organize and sit separately, except as otherwise herein provided.

The two houses shall be styled "The legislature of the Territory of Hawaii." (Apr. 30, 1900, c. 339, § 12, 31 Stat. 144.)

562. Scope of legislative power.—The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, from time to time, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association. No divorce shall be granted by the legislature, unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending on April 30, 1900; nor shall any lottery or sale of lottery tickets be allowed; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed 1 per centum of the assessed value of the property in the Territory or subdivision, respectively as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond 10 per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond 3 per centum of such assessed value of the property in the subdivision, but nothing in this chapter shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States. The legislature may by general act provide for the condemnation of property for public uses, including the condemnation of rights of way for the transmission of water for irrigation and other purposes. (Apr. 30, 1900, c. 339, § 55, 31 Stat. 150; May 27, 1910, c. 258, § 4, 36 Stat. 444; July 9, 1921, c. 42, § 302, 42 Stat. 116; Nov. 23, 1921, c. 134, § 3, 42 Stat. 223.)

563. Same; creation of counties and municipalities and officials thereof.—The legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof; and all officials thereof shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislature of the Territory. (Apr. 30, 1900, c. 339, § 56, 31 Stat. 151; Mar. 3, 1905, c. 1465, § 1, 33 Stat. 1035.)

564. Legislators to be elected.—No person shall sit as a senator or representative in the legislature unless elected under and in conformity with the provisions of this chapter. (Apr. 30, 1900, c. 339, §§ 12, 13, 31 Stat. 144.)

565. Senate; number; term; classes.—The senate shall be composed of fifteen members, who shall hold office for four years. (Apr. 30, 1900, c. 339, § 30, 31 Stat. 146.)

566. Qualifications.—In order to be eligible to election as a senator a person shall—

Be a citizen of the United States;

Have attained the age of thirty years;

Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he or she is elected. (Apr. 30, 1900, c. 339, § 34, 31 Stat. 147; Sept. 15, 1922, c. 315, 42 Stat. 844.)

567. Vacancies.—Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections. (Apr. 30, 1900, c. 339, § 31, 31 Stat. 146.)

568. Districts.—For the purpose of representation in the senate, until otherwise provided by law, the Territory is divided into the following senatorial districts, namely:

First district: The island of Hawaii.

Second district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district: The island of Oahu.

Fourth district: The islands of Kauai and Niihau. (Apr. 30, 1900, c. 339, § 32, 31 Stat. 147.)

569. Apportionment of senators.—The electors in the said districts shall be entitled to elect senators as follows:

In the first district, four;

In the second district, three;

In the third district, six;

In the fourth district, two. (Apr. 30, 1900, c. 339, § 33, 31 Stat. 147.)

570. House of representatives; number.—The house of representatives shall be composed of thirty members, elected, except as provided in this chapter, every second year. (Apr. 30, 1900, c. 339, § 35, 31 Stat. 147.)

571. Same; qualifications.—In order to be eligible to be a member of the house of representatives the person shall, at the time of election—

Have attained the age of twenty-five years;

Be a citizen of the United States;

Have resided in the Hawaiian Islands not less than three years and shall be qualified to vote for representatives in the district from which he or she is elected. (Apr. 30, 1900, c. 339, § 40, 31 Stat. 148; Sept. 15, 1922, c. 315, 42 Stat. 844.)

572. Term of office.—The term of office of the representatives elected at any general or special election shall be until the next general election held thereafter. (Apr. 30, 1900, c. 339, § 36, 31 Stat. 147.)

573. Vacancies.—Vacancies in the office of representative caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections. (Apr. 30, 1900, c. 339, § 37, 31 Stat. 147.)

574. Districts.—For the purpose of representation in the house of representatives, until otherwise provided by law, the Territory is divided into the following representative districts, namely:

First district: That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the island of Oahu lying east and south of Nuuanu Street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth district: That portion of the island of Oahu lying west and north of the fourth district.

Sixth district: The islands of Kauai and Niihau. (Apr. 30, 1900, c. 339, § 38, 31 Stat. 147.)

575. Apportionment.—The electors in the said districts shall be entitled to elect representatives as follows:

In the first district, four;

In the second district, four;

In the third district, six;

In the fourth district, six;

In the fifth district, six;

In the sixth district, four. (Apr. 30, 1900, c. 339, § 39, 31 Stat. 148.)

576. Date for regular session; duration; adjournment.—Regular sessions of the legislature shall be held on the third Wednesday in February, biennially, in odd-numbered years, in Honolulu.

Each session of the legislature shall continue not longer than sixty days, excluding Sundays and holidays, but the governor may extend such session for not more than thirty days.

The governor may convene the legislature, or the senate alone, in special session, and, in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place.

Neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other. (Apr. 30, 1900, c. 339, §§ 41, 42, 43, 31 Stat. 148.)

577. Enacting clause; proceedings in English language.—The enacting clause of all laws shall be, "Be it enacted by the legislature of the Territory of Hawaii."

All legislative proceedings shall be conducted in the English language. (Apr. 30, 1900, c. 339, § 44, 31 Stat. 148.)

578. Subject and title of laws.—Each law shall embrace but one subject, which shall be expressed in its title. (Apr. 30, 1900, c. 339, § 45, 31 Stat. 148.)

579. Passage of bills; readings; vote on final passage.—A bill in order to become a law shall, except as provided in this chapter, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. (Apr. 30, 1900, c. 339, § 46, 31 Stat. 148.)

580. Bills passed by one house certified to other.—Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration. (Apr. 30, 1900, c. 339, § 47, 31 Stat. 149.)

581. Approval or veto of bills; appropriation bills.—Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole. (Apr. 30, 1900, c. 339, § 49, 31 Stat. 149.)

582. Signature of governor.—Except as provided in this chapter, all bills passed by the legislature shall, in order to be valid, be signed by the governor. (Apr. 30, 1900, c. 339, § 48, 31 Stat. 149.)

583. Procedure on receipt of veto.—Upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become law. (Apr. 30, 1900, c. 339, § 50, 31 Stat. 149.)

584. Failure of governor to sign, veto, or return bill.—If the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such ten days.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it unless the legislature by their adjournment prevents its return, in which case it shall not be a law. (Apr. 30, 1900, c. 339, § 51, 31 Stat. 149.)

585. **Appropriations.**—Appropriations, except as herein otherwise provided, shall be made by the legislature. (Apr. 30, 1900, c. 339, § 52, 31 Stat. 149; May 27, 1910, c. 258, § 3, 36 Stat. 444.)

586. **Same; estimates for.**—The governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period. (Apr. 30, 1900, c. 339, § 53, 31 Stat. 149.)

587. **Failure to appropriate for current expenses; procedure; extra session.**—In case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. (Apr. 30, 1900, c. 339, § 54, 31 Stat. 150.)

588. **Election or appointment to other office during term.**—No member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 16, 31 Stat. 145.)

589. **Persons ineligible as legislators.**—No person holding office in or under or by authority of the Government of the United States or of the Territory of Hawaii shall be eligible to election to the legislature, or to hold the position of a member of the same while holding said office. (Apr. 30, 1900, c. 339, § 17, 31 Stat. 145.)

590. **Persons expelled from legislature for bribery, and convicts ineligible to vote or hold office.**—No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights. (Apr. 30, 1900, c. 339, § 18, 31 Stat. 145.)

591. **Oath of legislators and Territorial officers.**—Every member of the legislature, and all officers of the government of the Territory of Hawaii, shall take the following oath or affirmation:

I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the government of the Territory of Hawaii (as the case may be). (Apr. 30, 1900, c. 339, § 19, 31 Stat. 145.)

592. **Officers, rules, and journal of senate and house.**—The senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with the provisions of this chapter, and keep a journal. (Apr. 30, 1900, c. 339, § 20, 31 Stat. 145.)

593. **Ayes and noes recorded.**—The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal. (Apr. 30, 1900, c. 339, § 21, 31 Stat. 145.)

594. **Quorum; vote for final passage of law; adjournment; absentees; count of members.**—A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled.

A smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

For the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members either house. (Apr. 30, 1900, c. 339, § 28, 31 Stat. 146.)

595. **Privilege of members.**—No member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house. (Apr. 30, 1900, c. 339, § 28, 31 Stat. 146.)

596. **Punishment or expulsion of members.**—Each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member. (Apr. 30, 1900, c. 339, § 27, 31 Stat. 146.)

597. **Contempt by nonmembers; right of defense.**—Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense. (Apr. 30, 1900, c. 339, § 25, 31 Stat. 146.)

598. **Arrest of members.**—The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same; except that privilege as to going and returning shall not cover a period of over ten days each way. (Apr. 30, 1900, c. 339, § 29, 31 Stat. 146.)

599. **Compensation.**—The members of the legislature shall receive for their services, in addition to mileage at the rate of 20 cents a mile each way, the sum of $1,000 for each regular session, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of $500 for each special session. They shall receive no compensation or mileage for any extra session held under the provisions of section 587 of this chapter. (Apr. 30, 1900, c. 339, § 26, 31 Stat. 146; May 27, 1910, c. 258, § 2, 36 Stat. 444; July 9, 1921, c. 42, § 301, 42 Stat. 115; May 24, 1922, c. 199, 42 Stat. 594; June 5, 1924, c. 264, 43 Stat. 428.)

ELECTIONS AND FRANCHISE

611. **General elections.**—General elections shall be held on the Tuesday next after the first Monday in November, biennially in even-numbered years. (Apr. 30, 1900, c. 339, § 14, 31 Stat. 144.)

612. **Each house to be judge of election and qualifications of members.**—Each house shall be the judge of the elections, returns, and qualifications of its own members. (Apr. 30, 1900, c. 339, § 15, 31 Stat. 145.)

613. **Privileges of electors; military duty; freedom from arrest.**—No elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his

place of residence in actual military service, in which case provision may be made by law for taking his vote.

Every elector shall be privileged from arrest on election day during his attendance at election and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony. (Apr. 30, 1900, c. 339, §§ 57, 58, 31 Stat. 151.)

614. Voting for representatives.—Each voter for representative may cast a vote for as many representatives as are to be elected from the representative district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be representatives for such districts. (Apr. 30, 1900, c. 339, § 59, 31 Stat. 151.)

615. Voting for senators.—Each voter for senator may cast one vote for each senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district. (Apr. 30, 1900, c. 339, § 61, 31 Stat. 152.)

616. Qualifications of electors.—In order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this chapter of voters for representatives. (Apr. 30, 1900, c. 339, § 62, 31 Stat. 152.)

617. Right to vote; qualifications of electors.—In order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States except as provided in section 618 of this title.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of twenty-one years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Be able to speak, read, and write the English or Hawaiian language. (Apr. 30, 1900, c. 339, § 60, 31 Stat. 151.)

618. Same; authorizing extension of franchise to women.—The Legislature of the Territory of Hawaii is vested with the power to provide that, in all elections authorized to be held under the provisions of this chapter, female citizens possessing the same qualifications as male citizens shall be entitled to vote.

The said legislature is further vested with the power to have submitted to the voters of the Territory of Hawaii the question of whether or not the female citizens of the Territory shall be empowered to vote at elections held under the laws of the Territory of Hawaii. The provisions of this section shall apply to both Territorial and municipal elections. (June 13, 1918, c. 97, §§ 1, 2, 4, 40 Stat. 604.)

619. Temporary residents in military or naval service.—No person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States. (Apr. 30, 1900, c. 339, § 63, 31 Stat. 152.)

620. Districts and precincts; apportionment of senators and representatives.—The legislature of the Territory may from time to time establish and alter the boundaries of election districts and voting precincts and apportion the senators and representatives to be elected from such districts. (Apr. 30, 1900, c. 339, § 65, 31 Stat. 153.)

THE JUDICIARY

631. Courts; jurisdiction and procedure continued.—The judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii in force prior to April 30, 1900, concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided. (Apr. 30, 1900, c. 339, § 81, 31 Stat. 157.)

632. Justices; appointment and qualification.—The supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President. In case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law. (Apr. 30, 1900, c. 339, § 82, 31 Stat. 157.)

633. Same; tenure of office; qualifications.—The President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii and shall have resided therein for at least three years next preceding their appointment. (Apr. 30, 1900, c. 339, § 80, 31 Stat. 156; Mar. 3, 1905, c. 1465; § 2, 33 Stat. 1035; July 9, 1921, c. 42, § 312, 42 Stat. 119.)

634. Same; salary.—The following officers shall receive the following salary, to be paid by the United States: The chief justice of the supreme court of the Territory $7,500; the associated judges of the supreme court $7,000 each; the judges of the circuit courts $6,000 each. (Apr. 30, 1900, c. 339, § 92, 31 Stat. 159; May 27, 1910, c. 258, § 8, 36 Stat. 448; July 9, 1921, c. 42, § 314, 42 Stat. 120.)

635. Laws relating to judicial department and procedure.—The laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this chapter, are continued in force, subject to modification by Congress, or the legislature. The provisions of said laws or any laws of the Republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male citizen of the United States and twenty-one years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race. Grand juries may be drawn in the manner provided by the Hawaiian legislature, and shall sit at such times as the circuit judges of the respective circuits shall direct; the number of grand jurors in each circuit shall be not less than thirteen, and the method of the presentation of cases to said grand jurors shall be prescribed by the supreme court of the Territory of Hawaii. The several circuit courts may subpœna witnesses to appear before the grand jury in like manner as they subpœna witnesses to appear before their respective courts. (Apr. 30. 1900, c. 339. § 83, 31 Stat. 157.)

636. Judge or juror.—No person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated. (Apr. 30, 1900, c. 339, § 84, 31 Stat. 157; May 27, 1910, c. 258, § 6, 36 Stat. 447.)

DISTRICT COURT

641. District court; sessions; powers; terms.—There shall be established in the Territory of Hawaii a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of $7,500. The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what classes of cases each of them shall preside.

The two judges may each hold separately and at the same time a session of the court (whether at the same or different terms of court, regular or special) and may preside alone over such session. The said two judges shall have the same powers in all matters coming before the court; and in case two sessions of the court are held at the same time, the judgments, orders, verdicts, and all proceedings of a session of the court, held by either of the judges, shall be as effective as if one session only were being held at a time.

Regular terms of said court shall be held at Honolulu on the second Monday in April and October, and special terms may be held at such times and places in said district as the said judges may deem expedient. (Apr. 30, 1900, c. 339, § 86, 31 Stat. 158; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; July 9, 1921, c. 42, § 313, 42 Stat. 119; Feb. 12, 1925, c. 220, 43 Stat. 890.)

642. Jurisdiction of district court; authority of officers.—The said court shall have the jurisdiction of district courts of the United States, and shall proceed therein in the same manner as a district court; and the said judges, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district courts of the United States. (Apr. 30, 1900, c. 339, § 86, 31 Stat. 158; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; July 9, 1921, c. 42, § 313, 42 Stat. 119; Feb. 12, 1925, c. 220, 43 Stat. 890.)

643. Appointment and term of office of judges, district attorney, and marshal.—The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, all of whom shall be citizens of the Territory of Hawaii and shall have resided therein for at least three years next preceding their appointment. Said judges, attorney, and marshal shall hold office for six years unless sooner removed by the President. (Apr. 30, 1900, c. 339, § 86, 31 Stat. 158; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; July 9, 1921, c. 42, § 313, 42 Stat. 119; Feb. 12, 1925, c. 220, 43 Stat. 890.)

644. Salaries of clerk and reporter; deputy clerk.—A clerk of the district court shall be appointed as provided in section 6 of Title 28, JUDICIAL CODE AND JUDICIARY, at a salary to be fixed in accordance with section 558 of Title 28, JUDICIAL CODE AND JUDICIARY. The number and compensation of deputy clerks shall be fixed by the attorney general as in other judicial districts. The said district judges shall appoint a reporter of said court at a salary of $1,200 per annum. (Apr. 30, 1900, c. 339, § 86, 31 Stat. 158; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412; July 9, 1921, c. 42, § 313, 42 Stat. 119; June 1, 1922, c. 204, Title II, 42 Stat. 614, 616; Feb. 12, 1925, c. 220, 43 Stat. 890.)

645. Writs of error and appeal.—Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from district courts to circuit courts of appeal as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. (Apr. 30, 1900, c. 339, § 86, 31 Stat. 158; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; July 9, 1921, c. 42 § 313, 42 Stat. 119; Feb. 12, 1925, c. 220, 43 Stat. 890; Feb. 13, 1925, c. 229, § 1, 43 Stat. 936.)

DELEGATE TO CONGRESS

651. Delegate to Congress; election; powers.—A Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature. Such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii.

Such election shall be held on the first Tuesday after the first Monday in November of every even year and at such places as shall be designated by the secretary of the Territory. The ballot for Delegate shall be such as the Legislature of Hawaii may designate, and until provision is made by the Territorial legislature the ballot shall be of pink paper and shall be of the same general form as those used for the election of representatives to the legislature.

The method of certifying the names of candidates for place on this ballot and all the conduct of the election of a Delegate shall be in conformity to the general election laws of the Territory of Hawaii.

The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly.

Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting. In case of a vacancy occurring in the office of Delegate, the governor of the Territory is directed to call a special election to fill such vacancy. No vacancy shall be filled which occurs within five months of the expiration of a congressional term.

The Legislature of the Territory of Hawaii shall have the right to alter or amend any part of the election laws of said Territory, including those providing for an election of Delegate to Congress, and its action shall be the law, with full, binding force, until altered, amended, or repealed by Congress. (Apr. 30, 1900, c. 339, § 85, 31 Stat. 158; June 28, 1906, c. 3582, 34 Stat. 550.)

PUBLIC LANDS

661. Public lands; management and disposition.—The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition. All revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes. (July 7, 1898, No. 55, 30 Stat. 750.)

662. Crown land property of Government.—The portion of the public domain known prior to April 30, 1900, as Crown

land is declared to have been, on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian Government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law. (Apr. 30, 1900, c. 339, § 99, 31 Stat. 161.)

663. Public lands; definitions.—When used in sections 663 to 677 of this title—

(1) The term "commissioner" means the commissioner of public lands of the Territory of Hawaii;

(2) The term "land board" means the board of public lands, as provided in section 673;

(3) The term "public lands" includes all lands in the Territory of Hawaii classed as Government or Crown lands previous to August 15, 1895, or acquired by the Government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; except (1) lands designated in section 697, (2) lands set apart or reserved by Executive order by the President, (3) lands set aside or withdrawn by the governor under the provisions of section 668, (4) sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes, and (5) lands to which the United States has relinquished the absolute fee and ownership, unless subsequently placed under the control of the commissioner and given the status of public lands in accordance with the provisions of sections 663 to 677, sections 691 to 718, or the Revised Laws of Hawaii of 1915; and

(4) The term "person" includes individual, partnership, corporation, and association.

Any term defined or described in section 347 or 351 of the Revised Laws of Hawaii of 1915, except a term defined in this section, shall, whenever used in sections 663 to 677, if not inconsistent with the context or any provision of said sections, have the same meaning as given it by such definition or description. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

664. Public land laws of Hawaii in force; certain sales, grants, etc., ratified; words substituted for other words in land laws.—The laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards, except as changed by sections 663 to 677 of this title, shall continue in force until Congress shall otherwise provide. Subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii, between the 7th day of July, 1898, and the 28th day of September, 1899, are ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent"; "commissioner of public lands," for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii." (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

665. Leases of public lands; terms and conditions.—No lease of agricultural lands or of undeveloped arid public land which is capable of being converted into agricultural land by the development, for irrigation purposes, of either the underlying or adjacent waters, or both, shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than fifteen years. Each such lease shall be sold at public auction to the highest bidder after due notice as provided in section 669 of this title and the laws of the Territory of Hawaii. Each such notice shall state all the terms and conditions of the sale. The land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn. Every such lease shall contain a provision to that effect. The commissioner may, with the approval of the governor and at least two-thirds of the members of the land board, omit such withdrawal provision from the lease of any lands suitable for the cultivation of sugar cane whenever he deems it advantageous to the Territory of Hawaii. Land so leased shall not be subject to such right of withdrawal. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

666. Disposition of funds from sale, etc., of public lands.—All funds arising from the sale or lease or other disposal of public land shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July 7, 1898, numbered 55, Thirtieth Statutes, page 750. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

667. Second or subsequent certificates of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement.—No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who, or whose husband or wife, has previously taken or held more than ten acres of land under any such certificate, lease, or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who, or whose husband or wife, or both of them, owns other land in the Territory, the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease, or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he becomes a citizen within five years after so taking. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

668. Alienation of public lands for which certificates of occupation, etc., have issued.—No public land for which any such certificate, lease, or agreement is issued after May 27, 1910, or any part thereof, or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease of patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise transferred to, or acquired or held by or for the benefit of, any alien or corporation; or before or after the issuance of a homestead lease or before the issuance of a patent to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of

any person who owns, or holds, or controls, directly or indirectly, other land or the use thereof, the combined area of which and the land in question exceeds eighty acres. The prohibitions of this section shall not apply to transfers or acquisitions by inheritance or between tenants in common. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

669. **Forfeiture of lands.**—Any land in respect of which any of the foregoing provisions shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. And noncompliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor before patent has been issued, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate. The times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

670. **Determination of persons entitled to take under certificates of occupation, etc.**—The persons entitled to take under any such certificate, lease, or agreement shall be determined by drawing or lot, after public notice as hereinafter provided; and any lot not taken, or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease, or agreement without further notice. The notice of any sale, drawing, or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

671. **Preference right to purchase lands; purchase price.**—The commissioner, with the approval of the governor, may give to any person (1) who is a citizen of the United States or who has legally declared his intention to become a citizen of the United States and hereafter becomes such, and (2) who has, or whose predecessors in interest have, improved any parcel of public lands and resided thereon continuously for the ten years next preceding the application to purchase, a preference right to purchase so much of such parcel and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested citizens to be appointed by the governor. In the determination of such purchase price the commissioner may, if he deems it just and reasonable, disregard the value of the improvements on such parcel and adjoining land. If such parcel of public lands is reserved for public purposes, either for the use of the United States or the Territory of Hawaii, the commissioner may with the approval of the governor grant to such person a preference right to purchase public lands which are of similar character, value, and area, and which are situated in the same land district. The privilege granted by this section shall not extend to any original lessee or to an assignee of an entire lease of public lands. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

672. **Patents to churches or religious organizations.**—The commissioner of public lands may also, with the approval of the governor, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than five years prior to April 30, 1900, and still occupied by it as a church site under the laws of Hawaii. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

673. **Board of public lands; restrictions upon sales and leases of agricultural lands; exchange of lands.**—The board of public lands is hereby constituted—

The members of the board of public lands shall be appointed by the governor as provided by section 546 of this title. Until the legislature shall otherwise provide it shall consist of six members appointed for a term of four years.

No sale of lands for other than homestead purposes except as provided in this section and no exchange by which the Territory shall convey lands, exceeding over forty acres in area or $5,000 in value shall be made. No lease of agricultural lands exceeding forty acres in area or of pastoral or waste lands exceeding two hundred acres in area shall be made without the approval of two-thirds of said board of public lands.

The commissioner shall, with the approval of said board, sell to any citizen of the United States, or to any person who has legally declared his intention to become a citizen, for residence purposes lots and tracts, not exceeding three acres in area, and that sales of Government lands may be made upon the approval of said board whenever necessary to locate thereon railroad rights of way, railroad tracks, side tracks, depot grounds, pipe lines, irrigation ditches, pumping stations, reservoirs, factories, and mills and appurtenances thereto, including houses for employees, mercantile establishments, hotels, churches, and private schools; and all such sales shall be limited to the amount actually necessary for the economical conduct of such business or undertaking. No exchange of Government lands shall be made without the approval of two-thirds of the members of said board, and no such exchange shall be made except to acquire lands directly for public uses. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

674. **Opening of agricultural lands for settlement.**—Whenever twenty-five or more persons, having the qualifications of homesteaders, who have not theretofore made application under the provisions of this section shall make written application to the commissioner of public lands for the opening of agricultural lands for settlement in any locality or district, it shall be the duty of said commissioner to proceed expeditiously to survey and open for entry agricultural lands, whether unoccupied or under lease with the right of withdrawal, sufficient in area to provide homesteads for all such persons, together with all persons of like qualifications who shall have filed with such commissioner prior to the survey of such lands written applications for homesteads in the district designated in said applications. The lands to be so opened for settlement by said commissioner shall be either the specific tract or tracts applied for or other suitable and available agricultural lands in the same geographical district and, as far as possible, in the immediate locality of and as nearly equal to that applied for as may be available. No leased land under cultivation, shall be taken for homesteading until any crops growing thereon shall have been harvested. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

675. **Survey and opening for homestead entry agricultural lands; pastoral lands.**—The commissioner of public lands shall annually cause to be surveyed for homestead purposes such

amount of agricultural lands and pastoral lands in various parts of the Territory as there may be demand for by persons having the qualifications of homesteaders. In laying out any homestead the commissioner shall include in the homestead lands sufficient to support thereon an ordinary family, but not exceeding eighty acres of agricultural lands and two hundred and fifty acres of first-class pastoral lands or five hundred acres of second-class pastoral lands; or in case of a homestead, including pastoral lands only, not exceeding five hundred acres of first-class pastoral lands or one thousand acres of second-class pastoral lands. All necessary expenses for surveying and opening any such lands for homesteads shall be paid for out of any funds of the Territorial treasury derived from the sale or lease of the public lands, which funds are made available for such purposes. Nothing contained in this section shall be construed to prevent said commissioner from surveying and opening for homestead purposes and as a single homestead entry public lands suitable for both agricultural and pastoral purposes, whether such lands be situated in one body or detached tracts, to the end that homesteaders may be provided with both agricultural and pastoral lands wherever there is demand therefor; nor shall the ownership of a residence lot or tract, not exceeding three acres in area, disqualify any citizen from applying for and receiving any form of homestead entry, including a homestead lease. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

676. Leases expired; continuance in possession by lessees.—The commissioner of public lands, with the approval of the governor, may by contract or agreement authorize any person who has the right of possession, under a general lease from the Territory, of agricultural or pastoral lands included in any homestead, to continue in possession of such lands after the expiration of the lease until such time as the homesteader takes actual possession thereof under any form of homestead agreement. The commissioner may fix in the contract or agreement such other terms and conditions as he deems advisable. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

677. Control, management, disposition, etc., of public lands; powers and duties of commissioner.—All lands in the possession, use, and control of the Territory shall be managed by the commissioner of public lands; except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this chapter, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this subchapter and the land laws of Hawaii into full force and effect. (Apr. 30, 1900, c. 339, § 73, 31 Stat. 154; Apr. 2, 1908, c. 124, 35 Stat. 56; May 27, 1910, c. 258, § 5, 36 Stat. 444; July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

HAWAIIAN HOME LANDS

691. Short title.—This subchapter may be cited as the "Hawaiian Homes Commission Act, 1920." (July 9, 1921, c. 42, § 1, 42 Stat. 108.)

692. Definitions.—(a) When used in this subchapter—

(1) The term "commission" means the Hawaiian Homes Commission;

(2) The term "public land" has the same meaning as defined in paragraph (3) of section 663 of this title;

(3) The term "fund" means the Hawaiian home loan fund;

(4) The term "Territory" means the Territory of Hawaii;

(5) The term "Hawaiian home lands" means all lands given the status of Hawaiian home lands under the provisions of section 698;

(6) The term "tract" means any tract of Hawaiian home lands leased, as authorized by section 701, or any portion of such tract; and

(7) The term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

(b) Any term defined or described in section 347 or 351 of the Revised Laws of Hawaii of 1915, except a term defined in subdivision (a) of this section, shall, whenever used in this title, have the same meaning as given by such definition or description. (July 9, 1921, c. 42, § 201, 42 Stat. 108.)

693. Hawaiian Homes Commission; members; appointment; vacancies; chairman; executive officer and secretary; salaries; terms of office; removal.—(a) The Hawaiian Homes Commission shall be composed of five members as follows:

(1) The governor of the Territory, and

(2) Four citizens of the Territory to be appointed by the governor, by and with the advice and consent of the senate of the legislature of the Territory. At least three of the appointed members of the commission shall be native Hawaiians.

(b) Any vacancy in the office of an appointed member shall be filled in the same manner and under the same limitations as the original appointment.

(c) The governor of the Territory shall be the chairman of the commission. The commission shall designate one of its members to serve as the executive officer and secretary of the commission. The executive officer and secretary shall receive such annual salary, not to exceed $6,000, as the commission may determine. The members of the commission, except the executive officer and secretary, shall receive an annual salary of $500. Of the original appointed members of the commission, one shall be appointed for a term of one year, one for two years, one for three years, and one for four years. Their successors shall hold office for terms of four years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may after due notice and public hearing be removed by the governor for neglect of duty or malfeasance in office, but for no other cause. (July 9, 1921, c. 42, § 202, 42 Stat. 109.)

694. Same; regulations; expenditures.—The commission may make such regulations and, with the approval in writing of the governor of the Territory, may make such expenditures including salaries, and appoint and remove such employees and agents, as are necessary to the efficient execution of the functions vested in the commission by the provisions of this subchapter. All expenditures of the commission shall be allowed and paid, and all moneys necessary for loans made by the commission in accordance with the provisions of this subchapter advanced, from the Hawaiian home loan fund upon the presentation of itemized vouchers therefor, approved by the chairman of the commission. (July 9, 1921, c. 42, § 222, 42 Stat. 115.)

695. Same; reports.—The commission shall make a biennial report to the legislature of the Territory upon the first day

of each regular session thereof and such special reports as the legislature may from time to time require. (July 9, 1921, c. 42, § 222, 42 Stat. 115.)

696. Same; bond of executive officer and secretary.—The executive officer and secretary shall give bond in the sum of $25,000 for the faithful performance of his duties. The sureties upon the bond and the conditions thereof shall be approved annually by the commission. (July 9, 1921, c. 42, § 222, 42 Stat. 115.)

697. Certain public lands designated "available lands."—All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are designated, and hereinafter referred to, as "available lands":

(1) On the island of Hawaii: Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau; Puukapu (twelve thousand acres, more or less), Kawaihae I (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala; Kamoku-Kapulena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), and Nienie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua; fifty-three thousand acres to be selected by the commission from the lands of Humuula Mauka, in the district of North Hilo; Panaewa, Waiakea (two thousand acres, more or less), Waiakea-kai, or Keaaukaha (two thousand acres, more or less), and two thousand acres of agricultural lands to be selected by the commission from the lands of Piihonua, in the district of South Hilo; and two thousand acres to be selected by the commission from the lands of Kaohe-Makuu, in the district of Puna;

(2) On the island of Maui: Kahikinui (twenty-five thousand acres, more or less) in the district of Kahikinui, and the public lands (six thousand acres, more or less) in the district of Kula;

(3) On the island of Molokai: Palaau (eleven thousand four hundred acres, more or less), Kapaakea (two thousand acres, more or less), Kalamaula (six thousand acres, more or less), Hoolehua (three thousand five hundred acres, more or less), Kamiloloa I and II (three thousand six hundred acres, more or less), and Makakupaia (two thousand two hundred acres, more or less); and Kalaupapa (five thousand acres, more or less);

(4) On the island of Oahu: Nanakuli (three thousand acres, more or less), and Lualualei (two thousand acres, more or less,) in the district of Waianae; and Waimanalo (four thousand acres, more or less), in the district of Koolaupoko, excepting therefrom the military reservation and the beach lands; and

(5) On the island of Kauai: Upper land of Waimea, above the cultivated sugar-cane lands, in the district of Waimea (fifteen thousand acres, more or less); and Moloaa (two thousand five hundred acres, more or less), and Anahola and Kamalomalo (five thousand acres, more or less). (July 9, 1921, c. 42, § 203, 42 Stat. 109.)

698. Available lands to be Hawaiian home lands; control by commission; use and disposal of lands.—On and after July 9, 1921, all available lands shall assume the status of Hawaiian home lands and be under the control of the commission to be used and disposed of in accordance with the provisions of this subchapter, except that—

(1) For a period of five years after the first meeting of the Hawaiian Homes Commission only those lands situate on the island of Molokai, which are particularly named in paragraphs 1 and 3 of section 697 of this title; Waimanu, in the district of Hamakua; Keaaukaha, in the district of South Hilo; and Panaewa, Waiakea, in the district of South Hilo, island of Hawaii, shall be available for use and disposition by said commission under the provisions of this title and none of the remaining available lands named in said section shall, after the expiration of the said five-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.

(2) Any available land under lease on July 9, 1921, shall not assume the status of Hawaiian home lands until the lease expires or the commissioner of public lands withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause as provided in section 665, the commissioner of public lands shall withdraw such lands from the operation of the lease whenever the commission with the approval of the Secretary of the Interior gives notice to him that the commission is of the opinion that the lands are required by it for leasing as authorized by the provisions of section 701 of this title, or for a community pasture as provided in section 705. Such withdrawal shall be held to be for a public purpose within the meaning of that term as used in section 665.

(3) In case any land is to be selected by the commission out of a larger area of available lands, such land shall not assume the status of Hawaiian home lands until the commission, with the approval of Secretary of the Interior, makes the selection and gives notice thereof to the commissioner of public lands. The commission shall give such notice within three years after the expiration of the five-year period referred to in paragraph 1 of this section. Any such notice given thereafter shall be deemed invalid and of no effect. (July 9, 1921, c. 42, § 204, 42 Stat. 110.)

699. Sale or lease of available lands.—Available lands shall be sold or leased only (1) in the manner and for the purposes set out in this subchapter, or (2) as may be necessary to complete any valid agreement of sale or lease in effect on July 9, 1921; except that such limitations shall not apply to the unselected portions of lands from which the commission has made a selection and given notice thereof, or failed so to select and give notice within the time limit, as provided in paragraph (3) of section 698 of this title. (July 9, 1921, c. 42, § 205, 42 Stat. 110.)

700. Available lands not subject to disposition by governor, commissioner of public lands, or board of public lands.—The powers and duties of the governor, the commissioner of public lands, and the board of public lands, in respect to lands of the Territory, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this subchapter. (July 9, 1921, c. 42, § 206, 42 Stat. 110.)

701. Lease of home lands; amount; title to leased lands.—(a) The commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian home lands within the following acreage limits per each lessee:

(1) Not less than twenty nor more than eighty acres of agricultural lands; or

(2) Not less than one hundred nor more than five hundred acres of first-class pastoral lands; or

(3) Not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands: *Provided, however,* That lots, each of one-half of an acre or more, of any class of land may be leased as residence lots.

(b) The title to lands so leased shall remain in the United States. Applications for tracts shall be made to and granted by the commission, under such regulations, not in conflict with any provision of this title, as the commission may prescribe. The commission shall, whenever tracts are available, enter into such a lease with any applicant who, in the opinion of

the commission, is qualified to perform the conditions of such lease. (July 9, 1921, c. 42, § 207, 42 Stat. 110; Feb. 3, 1923, c. 56, § 1, 42 Stat. 1222.)

702. Same; conditions in leases.—Each lease made under the authority granted the commission by the provisions of section 701 of this title and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease:

(1) The lessee shall be a native Hawaiian;

(2) The lessee shall pay a rental of $1 a year for the tract and the lease shall be for a term of ninety-nine years;

(3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made;

(4) The lessee shall thereafter, for at least such part of each year as the commission shall by regulation prescribe, so occupy and use or cultivate the tract on his own behalf;

(5) The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person, except a native Hawaiian, and then only upon the approval of the commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon. Upon the death of the lessee his interest in the tract and improvements thereon shall vest under the limitations provided for homesteads in section 403 of the Revised Laws of Hawaii of 1915;

(6) The lessee shall pay all taxes assessed upon the tract and improvements thereon within sixty days after they became delinquent. If the lessee fails so to pay, the commission shall thereupon pay the taxes and have a lien therefor as provided in section 710 of this title;

(7) The lessee shall perform such other conditions, not in conflict with any provision of this subchapter, as the commission may stipulate in the lease: *Provided, however,* That the lessee shall be exempt from all taxes for the first five years from date of lease. (July 9, 1921, c. 42, § 208, 42 Stat. 111.)

703. Same; successor to lessees.—All successors, whether by agreement or process of law, to the interest of the lessee in any tract, shall be deemed to receive such interest subject to the conditions which would rest upon the lessee, if he then were the party holding the interest in the tract. A successor receiving such interest by inheritance shall not, during the two years next following his inheritance, be deemed to have violated any of the conditions enumerated in section 702 of this title, even though he is not a native Hawaiian and does not on his own behalf occupy and use or cultivate the tract as a home or farm for such part of the year as the commission requires in accordance with the regulations prescribed by it under paragraph (4) of section 702. (July 9, 1921, c. 42, § 209, 42 Stat. 111.)

704. Same; cancellation of leases.—Whenever the commission has reason to believe that any condition enumerated in section 702 of this subchapter, or any provision of section 703 of this title has been violated, the commission shall give due notice and afford opportunity for a hearing to the lessee of the tract in respect to which the alleged violation relates or to the successor of the lessee's interest therein, as the case demands. If upon such hearing the commission finds that the lessee or his successor has violated any condition in respect to the leasing of such tract, the commission may declare his interest in the tract and all improvements thereon to be forfeited and the lease in respect thereto canceled, and shall thereupon order the tract to be vacated within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revest in the commission and the commission may take possession of the tract and the improvements thereon. (July 9, 1921, c. 42, § 210, 42 Stat. 111.)

705. Community pastures.—The commission shall, when practicable, provide from the Hawaiian home lands a community pasture adjacent to each district in which agricultural lands are leased, as authorized by the provisions of section 701 of this subchapter. (July 9, 1921, c. 42, § 211, 42 Stat. 112.)

706. Return of lands not leased to control of commissioner of public lands.—The commission may return any Hawaiian home lands not leased as authorized by the provisions of section 701 of this subchapter to the control of the commissioner of public lands. Any Hawaiian home lands so returned shall, until the commission gives notice as hereinafter in this section provided, resume and maintain the status of public lands in accordance with the provisions of sections 663 to 677 and the Revised Laws of Hawaii of 1915, except that such lands may be disposed of under a general lease only. Each such lease, whether or not stipulated therein, shall be deemed subject to the right and duty of the commission of public lands to terminate the lease and return the lands to the commission whenever the commission, with the approval of the Secretary of the Interior, gives notice to him that the commission is of the opinion that the lands are required by it for leasing as authorized by the provisions of section 701 of this subchapter or for a community pasture. (July 9, 1921, c. 42, § 212, 42 Stat. 112.)

707. Hawaiian home loan fund; how constituted.—There is established in the treasury of the Territory a revolving fund to be known as the "Hawaiian Home Loan Fund." The entire receipts derived from any leasing of the "available lands" defined in section 697, these receipts including proportionate shares of the receipts from the lands of Huumula Mauka, Piihonua, and Kaohe Makuu, of which lands portions are yet to be selected, and 30 per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of moneys paid therein from those three sources alone shall equal $1,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 709, there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever. (July 9, 1921, c. 42, § 213, 42 Stat. 112; Feb. 3, 1923, c. 56, § 2, 42 Stat. 1222.)

708. Same; loans from.—The commission is authorized to make loans from the fund to the lessee of any tract or the successor to his interest therein. Such loans may be made for the following purposes:

(1) The erection of dwellings on any tract and the undertaking of other permanent improvements thereon;

(2) The purchase of livestock and farm equipment; and

(3) Otherwise assisting in the development of tracts. (July 9, 1921, c. 42, § 214, 42 Stat. 112.)

709. Same; conditions in contracts of loan.—Each contract of loan with the lessee or the successor to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan:

(1) The amount of loans to any one borrower outstanding at any one time shall not exceed $3,000; but the amount of loans outstanding at any one time to the holder of a residence lot shall not exceed $1,000.

(2) The loans shall be repaid upon an amortization plan by means of a fixed number of annual installments sufficient to cover (a) interest on the unpaid principal at the rate of 5 per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years. The moneys received by the commission from any installment paid upon such loan shall be covered into the fund. The payment of any installment due shall, with the concurrence therein of at least three of the five members of

the commission, be postponed in whole or in part by the commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 5 per centum per annum on the unpaid principal and interest.

(3) In case the borrower's interest in his tract or his successor's interest therein is transferred to or mortgaged, pledged, or otherwise held for the benefit of any native Hawaiian, or agreed so to be transferred, mortgaged, pledged, or otherwise held, as permitted by paragraph (5) of section 702 of this subchapter, the commission may at its option declare all annual installments upon the loan immediately due and payable or permit the successor to the borrower's interest in the tract to assume the contract of loan. In case of the borrower's death, the commission shall permit the successor to the borrower's interest in the tract to assume the contract of loan.

(4) No part of the moneys loaned shall be devoted to any purpose other than those for which the loan is made.

(5) The borrower or the successor to his interest in the tract shall comply with such other conditions, not in conflict with any provision of this subchapter, as the commission may stipulate in the contract of loan.

(6) The borrower or the successor to his interest in the tract shall comply with the conditions enumerated in section 702, and with the provisions of section 703 of this subchapter in respect to the lease of the tract. (July 9, 1921, c. 42, § 215, 42 Stat. 112; Feb. 8, 1923, c. 56, § 3, 42 Stat. 1222.)

710. Same; insurance by borrowers; violations of terms of loans; lien to secure loans; forfeiture by lessee.—The commission may require the borrower to insure, in such amount as the commission may by regulation prescribe, all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the commission may directly take out such insurance and add the cost thereof to the amount of the annual installments payable under the amortization plan. Whenever the commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 709 of this subchapter, the commission shall give due notice and afford opportunity for a hearing to the borrower or the successor to his interest in the tract, as the case demands. If upon such hearing the commission finds that the borrower has violated the condition, the commission may declare all annual installments immediately due and payable, notwithstanding any provision in the contract of loan to the contrary. The commission shall have a lien upon the borrower's or lessee's interest in his tract, dwellings, and other permanent improvements thereon, and his livestock to the amount of all annual installments due and unpaid and of all taxes upon such tract and improvements paid by the commission. Such liens shall have priority over any other obligation for which the tract, dwellings, other improvements, or livestock may be security.

The commission may, at such time as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract or his successor's interest therein, as the case may be, together with the dwellings and other permanent improvements thereon and the livestock, to be forfeited, and the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revest in the commission, and the commission may take possession of the tract and the improvements thereon. The commission shall pay to the borrower any difference in his favor between (1) the fair value of the livestock and any improvements in respect to the tract made by the borrower or any predecessor to his interest in the tract, and (2) the amount of the lien. (July 9, 1921, c. 42, § 216, 42 Stat. 113.)

711. Ejectment against lessee or borrower.—In case the lessee or borrower or the successor to his interest in the tract, as the case may be, fails to comply with any order issued by the commission under the provisions of section 704 or 710 of this subchapter, the commission may (1) bring action of ejectment or other appropriate proceeding, or (2) invoke the aid of the circuit court of the Territory for the judicial circuit in which the tract designated in the commission's order is situated. Such court may thereupon order the lessee or his successor to comply with the order of the commission. Any failure to obey the order of the court may be punished by it as contempt thereof. Any tract forfeited under the provisions of the abovementioned sections may be again leased by the commission as authorized by the provisions of section 701 of this subchapter, except that the value, in the opinion of the commission, of all improvements made in respect to such tract by the original lessee or any successor to his interest therein shall constitute a loan by the commission to the new lessee. Such loan shall be subject to the provisions of this section and section 709 except paragraph (1), and section 710 to the same extent as loans made by the commission from the Hawaiian loan fund. (July 9, 1921, c. 42, § 217, 42 Stat. 113.)

712. Lessees not to receive loans under Territorial Farm Loan Act of 1919.—No lessee of any tract or any successor to his interest therein shall be eligible to receive in respect to such tract any loan made under the provisions of the act of the legislature of the Territory entitled "The Farm Loan Act of Hawaii," [Revised Laws of Hawaii, 1925, Title X, chapter 48, sections 646 to 657, pages 356 to 364], approved April 30, 1919. (July 9, 1921, c. 42, § 218, 42 Stat. 114.)

713. Agricultural experts; employment; compensation; duties.—The commission is authorized to employ agricultural experts at such compensation and in such number as it deems necessary. The annual expenditures for such compensation shall not exceed $6,000. It shall be the duty of such agricultural experts to instruct and advise the lessee of any tract or the successor to the lessee's interest therein as to the best methods of diversified farming and stock raising and such other matters as will tend successfully to accomplish the purposes of this subchapter. (July 9, 1921, c. 42, § 219, 42 Stat. 114.)

714. Development projects; appropriations by Territorial legislature; bonds; issue by legislature.—The commission is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands. The legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to provide the commission with funds sufficient to execute such projects. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated. The commission shall pay from the Hawaiian home loan fund into the treasury of the Territory:

(1) Upon the date when any interest payment becomes due upon any bond so issued, the amount of the interest then due; and

(2) Commencing with the first such date more than one year subsequent to the issuance of any bond and at each interest date thereafter, an amount such that the aggregate of all such amounts which become payable during the term of the bond, compounded annually at the rate of interest specified therein, shall equal the par value of the bond at the expiration of its term. (July 9, 1921, c. 42, § 220, 42 Stat. 114.)

715. "Water license" and "surplus water" defined; water licenses; free use of Government-owned water.—(a) When used in this section—

(1) The term "water license" means any license issued by the commissioner of public lands granting to any person the right to the use of Government-owned water; and

(2) The term "surplus water" means so much of any Government-owned water covered by a water license or so much of any privately owned water as is in excess of the quantity required for the use of the licensee or owner, respectively.

(b) All water licenses issued after July 9, 1921, shall be deemed subject to the condition, whether or not stipulated in the license, that the licensee shall, upon the demand of the commission, grant to it the right to use, free of all charge, any water which the commission deems necessary adequately to supply the livestock or the domestic needs of individuals upon any tract.

(c) In order adequately to supply livestock or the domestic needs of individuals upon any tract, the commission is authorized (1) to use, free of all charge, Government-owned water not covered by any water license or covered by a water license issued after July 9, 1921, or covered by a water license issued previous to that date but containing a reservation of such water for the benefit of the public, and (2) to contract with any person for the right to use or to acquire, under eminent domain proceedings similar, as near as may be, to the proceedings provided in respect to land by sections 667 to 678, inclusive, of the Revised Laws of Hawaii of 1915, the right to use any privately owned surplus water or any Government-owned surplus water covered by a water license issued previous to July 9, 1921, but not containing a reservation of such water for the benefit of the public. Any such requirement shall be held to be for a public use and purpose. The commission may institute the eminent domain proceedings in its own name.

(d) The commission is authorized, for the additional purpose of adequately irrigating any tract, to use, free of all charge, Government-owned water upon the island of Molokai and Government-owned surplus water tributary to the Waimea River upon the island of Kauai, not covered by a water license or covered by a water license issued after July 9, 1921. Any water license issued after that date and covering any such Government-owned water shall be deemed subject to the condition, whether or not stipulated therein, that the licensee shall, upon the demand of the commission, grant to it the right to use, free of all charge, any of the water upon the island of Molokai, and any of the surplus water tributary to the Waimea River upon the island of Kauai, which is covered by the license and which the commission deems necessary for the additional purpose of adequately irrigating any tract.

(e) All rights conferred on the commission by this section to use, contract for, acquire the use of water shall be deemed to include the right to use, contract for, or acquire the use of any ditch or pipe line constructed for the distribution and control of such water and necessary to such use by the commission. (July 9, 1921, c. 42, § 221, 42 Stat. 114.)

716. Right of alteration, amendment, or repeal reserved.—The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this subchapter. (July 9, 1921, c. 42, § 223, 42 Stat. 115.)

717. Acts repealed.—All acts or parts of acts of the Territory of Hawaii, to the extent that they are inconsistent with the provisions of this subchapter, are repealed. (July 9, 1921, c. 42, § 401, 42 Stat. 121.)

718. Partial unconstitutionality; effect of.—If any provision of this subchapter, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the subchapter and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be held invalidated thereby. (July 9, 1921, c. 42, § 402, 42 Stat. 121.)

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871. Fees and mileage of jurors and witnesses.
872. Habeas corpus.
873. Appointment of judges, marshals and secretaries.
874. Judicial process; officials to be citizens of United States; oath.
875. Jurisdiction of courts continued.
876. Justice of supreme court as temporary or special judge of United States district court.

RESIDENT COMMISSIONER

891. Resident Commissioner; election.
892. Same; qualifications, appointment to fill vacancy.
893. Same; salary; allowances; franking privilege.

Section 731. Territory included under name Porto Rico.—The provisions of this chapter shall apply to the island of Porto Rico and to the adjacent islands belonging to the United States and waters of those islands; and the name Porto Rico, as used in this chapter, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid. (Apr. 12, 1900, c. 191, § 1, 31 Stat. 77; May 2, 1917, c. 145, § 1, 39 Stat. 951.)

732. Capital.—The capital of Porto Rico shall be at the city of San Juan and the seat of government shall be maintained there. (Apr. 12, 1900, c. 191, § 6, 31 Stat. 79; Mar. 2, 1917, c. 145, § 4, 39 Stat. 953.)

733. Citizens; former Spanish subjects and children; body politic; name.—All inhabitants continuing to reside in Porto Rico who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico subject to the provisions of section 5 of Title 8, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; and they, together with such citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of the People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such. (Apr. 12, 1900, c. 191, § 7, 31 Stat. 79.)

734. United States laws extended to Porto Rico; internal revenue receipts covered into treasury.—The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That all taxes collected under the internal-revenue laws of the United States on articles produced in Porto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Porto Rico. (Apr. 12, 1900, c. 191, § 14, 31 Stat. 80; Mar. 2, 1917, c. 145, § 9, 39 Stat. 954.)

Cross reference: For internal revenue tax on articles of merchandise of Porto Rican manufacture coming into the United States and withdrawn for consumption or sale, see Title 26, INTERNAL REVENUE.

735. Certain laws continued in force; power to modify or repeal laws.—The laws and ordinances of Porto Rico in force on March 2, 1917, shall continue in force and effect, except as altered, amended, or modified in this chapter, until altered, amended, or repealed by the legislative authority herein provided for Porto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with the provisions of this chapter, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this chapter as it may from time to time see fit. (Apr. 12, 1900, c. 191, § 15, 31 Stat. 80; Mar. 2, 1917, c. 145, § 57, 39 Stat. 968.)

736. Porto Rican law modified.—So much of the law which was in force at the time of cession, April 11th, 1899, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph 4, article 83, chapter 3, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, is repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages. Paragraph 1, article 105, section 4, divorce, civil code, and paragraph 2, section 19, of the order of the minister of justice of Porto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, are so amended as to read: "Adultery on the part of either the husband or the wife." (Apr. 12, 1900, c. 191, § 8, 31 Stat. 79; Mar. 2, 1917, c. 145, § 57, 39 Stat. 968.)

737. Bill of rights and restrictions.—No law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned for debt.

The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this chapter shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Slavery shall not exist in Porto Rico.

Involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

No law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico.

No public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages is prohibited.

It shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift any intoxicating drink or drug, except the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than $25 for the first offense, and for second and subsequent offenses a fine of not less than $50 and imprisonment for not less than one month or more than one year.

No money shall be paid out of the treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

The rule of taxation in Porto Rico shall be uniform.

All money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

Eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

The employment of children under the age of fourteen years in every occupation injurious to health or morals or hazardous to life or limb is hereby prohibited. (Mar. 2, 1917, c. 145, § 2, 39 Stat. 951; Feb. 3, 1921, c. 34, § 1, 41 Stat. 1096.)

738. Free interchange of merchandise with United States.—All merchandise and articles coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry free of duty and in no event shall any duties be collected on said merchandise or articles. (Apr. 12, 1900, c. 191, § 3, 31 Stat. 77.)

739. Duties on foreign imports; books and pamphlets in English language.—The same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries. On all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of 5 cents per pound, any law or part of law to the contrary notwithstanding: *Provided*, That all books and pamphlets printed in the English language shall be admitted into Porto Rico free of duty when imported from the United States. (Apr. 12, 1900, c. 191, § 2, 31 Stat. 77.)

740. Duties and taxes to constitute fund for benefit of Porto Rico; ports of entry.—The duties and taxes collected in Porto Rico in pursuance of the provisions of this chapter, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Porto Rico, shall be paid into the treasury of Porto Rico to be expended as required by law for the government and benefit thereof, and the Secretary of the Treasury shall designate the several ports and subports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this chapter, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions of law. (Apr. 12, 1900, c. 191, § 4, 31 Stat. 78.)

741. Export duties, taxes, etc.; bonds to anticipate revenues.—No export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments respectively, as may be provided and defined by the legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law and to protect the public credit. (Mar. 2, 1917, c. 145, § 3, 39 Stat. 953; Feb. 3, 1921, c. 34, § 2, 41 Stat. 1096.)

742. Acknowledgment of deeds.—Deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public. The certificate

by such notary shall be accompanied by the certificate of the executive secretary of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer. (Mar. 22, 1902, c. 273, 32 Stat. 88; Mar. 2, 1917, c. 145, § 54, 39 Stat. 968.)

743. Quarantine stations and regulations.—Quarantine stations shall be established at such places in Porto Rico as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States. (Apr. 12, 1900, c. 191, § 10, 31 Stat. 80; Aug. 14, 1912, c. 288, 37 Stat. 309.)

744. Coasting-trade laws.—The coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States. (Apr. 12, 1900, c. 191, § 9, 31 Stat. 79.)

745. Public indebtedness; bonds.—No public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted. (Apr. 12, 1900, c. 191, § 38, 31 Stat. 86; Mar. 2, 1917, c. 145, § 3, 39 Stat. 953; Feb. 3, 1921, c. 34, § 2, 41 Stat. 1096.)

746. Public lands and buildings; reservations; rights prior to July 1, 1902.—All public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in the island of Porto Rico and not reserved by the President of the United States prior to July 1, 1903, pursuant to authority vested in him by law, are granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island. Said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President as mentioned herein. Nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May, 1900. (July 1, 1902, c. 1383, § 1, 32 Stat. 731.)

747. Public property transferred.—All property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December, 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Porto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not reserved by the United States for public purposes prior to March 2, 1917, is placed under the control of the government of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable. (Apr. 12, 1900, c. 191, § 13, 31 Stat. 80; Mar. 2, 1917, c. 145, § 7, 39 Stat. 954.)

748. Conveyance by President to people of lands, buildings, etc.—The President may, from time to time, in his discretion, convey to the people of Porto Rico, such lands, buildings, or interests in lands, or other property owned by the United States, and within the territorial limits of Porto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Porto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States. (Mar. 2, 1917, c. 145, § 7, 39 Stat. 954.)

749. Harbors and navigable waters transferred.—The harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Porto Rico and the adjacent islands and waters, owned by the United States on March 2, 1917, and not reserved by the United States for public purposes, are placed under the control of the government of Porto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in sections 747 and 748 of this title. All laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters. Nothing in this chapter contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers lawfully granted or exercised in or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States prior to March 2, 1917. (Mar. 2, 1917, c. 145, § 8, 39 Stat. 954.)

750. Grants of franchises; public-service commission, etc.—All grants of franchises, rights, and privileges of a public or quasi public nature shall be made by a public-service commission, consisting of the heads of executive departments, the auditor, and two commissioners to be elected by the qualified voters at each general election. The terms of said elective commissioners shall commence on the 2d day of January following their election; they shall serve for four years and until their successors are elected and qualified. Their compensation shall be $8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than $400 each during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations conferred by law prior to March 2, 1917, upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which reserves the power to annul or modify the same. (Mar. 2, 1917, c. 145, § 38, 39 Stat. 964.)

751. Interstate commerce and certain other laws inapplicable to Porto Rico.—Chapter 1 of Title 49, TRANSPORTATION, and the safety appliance Acts and the several amendments made or to be made thereto as found in chapter 1 of Title 45, RAILROADS, shall not apply to Porto Rico. (Mar. 2, 1917, c. 145, § 38, 39 Stat. 964.)

752. Special provisions in franchises; corporate real-estate holdings.—All grants of franchises and privileges under section 750 of this title shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the public-service commission equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for

the purchase or taking of their property by the authorities at a fair and reasonable valuation.

No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable. (May 1, 1900, No. 23, § 3, 31 Stat. 716; Mar. 2, 1917, c. 145, § 39, 39 Stat. 964.)

753. Legislature to regulate rates, tariffs, etc., of public carriers by rail; enforcement of such laws.—The legislative assembly of Porto Rico is authorized to enact laws relating to the regulation of the rates, tariffs, and service of public carriers by rail in Porto Rico, and the public-service commission shall have power to enforce such laws. (Mar. 2, 1917, c. 145, § 38, 39 Stat. 964.)

754. Qualifications of electors.—Voters at elections held pursuant to this chapter shall be citizens of the United States twenty-one years of age or over and have such additional qualifications as may be prescribed by the Legislature of Porto Rico. No property qualification shall ever be imposed upon or required of any voter. (Mar. 2, 1917, c. 145, § 35, 39 Stat. 963.)

755. Coins; redemption; exchange; recoinage; legal tender.—For the purpose of retiring the Porto Rican coins in circulation in Porto Rico on April 12, 1900, and substituting therefor the coins of the United States, the Secretary of the Treasury is authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins in circulation in Porto Rico on such date, not including any such coins that may be imported into Porto Rico after the 1st day of February, 1900, at the rate of 60 cents in the coins of the United States for 1 peso of Porto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Porto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury into such coins of the United States now authorized by law as he may direct. No coins shall be a legal tender, in payment of debts contracted for any amount in Porto Rico, except those of the United States, and except those owing prior to April 12, 1900, which shall be payable in the coins of Porto Rico in circulation at that date, or in the coins of the United States at the rate of exchange herein mentioned. (Apr. 12, 1900, c. 191, § 11, 31 Stat. 80.)

THE EXECUTIVE AND GOVERNMENT OFFICIALS

771. Governor.—The supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor shall reside in Porto Rico during his official incumbency and maintain his office at the seat of government. He shall have general supervision and control of all the departments and bureaus of the government in Porto Rico, so far as is not inconsistent with the provisions of this chapter, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Porto Rico and of the United States applicable in Porto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island, or summon the posse comitatus, or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the island, or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the government of Porto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President. (Apr. 20, 1900, c. 191, § 17, 31 Stat. 81; Mar. 2, 1917, c. 145, § 12, 39 Stat. 955.)

772. Governor ad interim.—The President may from time to time designate the head of an executive department of Porto Rico to act as governor in the case of a vacancy, the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence. (Apr. 12, 1900, c. 191, § 20, 31 Stat. 81; Mar. 2, 1917, c. 145, § 24, 39 Stat. 958.)

773. Executive departments.—The following executive departments are hereby created:

(1) Department of justice: The head of the department of justice shall be designated as the attorney general;

(2) Department of finance: The head of the department of finance shall be designated as the treasurer;

(3) Department of the interior: The head of the department of the interior shall be designated as the commissioner of the interior;

(4) Department of education: The head of the department of education shall be designated as the commissioner of education;

(5) Department of agriculture and labor: The head of the department of agriculture and labor shall be designated as the commissioner of agriculture and labor;

(6) Department of health: The head of the department of health shall be designated as the commissioner of health. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 955.)

774. Legislature not to create new departments; consolidation or abolition of departments.—No executive department not provided in this chapter shall be created by the legislature, but the legislature may consolidate departments, or abolish any department, with the consent of the President of the United States. (Mar. 2, 1917, c. 145, § 37, 39 Stat. 964.)

775. Appointment and tenure of office of heads of departments.—The attorney general and commissioner of education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of

Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 955.)

776. Residence.—Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 956.)

777. Executive council; duties; compensation.—The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed, or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation. (Mar. 2, 1917, c. 145, § 13, 39 Stat. 956.)

778. Attorney general.—The attorney general shall have charge of the administration of justice in Porto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Porto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Porto Rico in which the people of Porto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Porto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Porto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law. (Apr. 12, 1900, c. 191, § 21, 31 Stat. 82; Mar. 2, 1917, c. 145, § 14, 39 Stat. 956.)

779. Executive secretary; powers and duties.—There shall be appointed by the governor, by and with the advice and consent of the senate of Porto Rico, an executive secretary at an annual salary of $5,000, who shall record and preserve the minutes and proceedings of the public service commission and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and until otherwise provided by the legislature of Porto Rico perform all the duties of secretary of Porto Rico as provided by law prior to March 2, 1917, except as otherwise specified in this section, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the governor shall designate some officer or employee of the government to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification. (Apr. 12, 1900, c. 191, § 19, 31 Stat. 81; Mar. 2, 1917, c. 145, § 22, 39 Stat. 958; June 7, 1924, c. 322, § 2, 43 Stat. 631.)

780. Treasurer; power to designate depositaries.—The treasurer shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico and the United States as depositaries of the government of Porto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Porto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government of Porto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury. (Apr. 12, 1900, c. 191, § 22, 31 Stat. 82; Mar. 2, 1917, c. 145, § 15, 39 Stat. 956.)

781. Same; bond.—The treasurer shall give bond, approved as to form by the attorney general of Porto Rico in such sum as the legislature may require not less, however, than the sum of $125,000 with surety or sureties approved by the governor. (Mar. 2, 1917, c. 145, § 15, 39 Stat. 956.)

782. Commissioner of the interior.—The commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law. (Apr. 12, 1900, c. 191, § 24, 31 Stat. 82; Mar. 2, 1917, c. 145, § 16, 39 Stat. 956.)

783. Commissioner of education.—The commissioner of education shall superintend public instruction throughout Porto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties, not inconsistent with this section, as may be prescribed by law. (Apr. 12, 1900, c. 191, § 25, 31 Stat. 82; Mar. 2, 1917, c. 145, § 17, 39 Stat. 956.)

784. Commissioner of agriculture and labor.—The commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law. (Mar. 2, 1917, c. 145, § 18, 39 Stat. 957.)

785. Commissioner of health.—The commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law. (Mar. 2, 1917, c. 145, § 19, 39 Stat. 957.)

786. Auditor; powers and duties.—There shall be appointed by the President an auditor, at an annual salary of $6,000 for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or

property which, in his opinion, are irregular, unnecessary, excessive, or extravagant. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631.)

787. Same; jurisdiction over accounts.—The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches. Any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631.)

788. Same; decisions final.—The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the General Accounting Office, and the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631.)

789. Same; appeals from decisions.—Any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law. (Mar. 2, 1917, c. 145, § 21, 39 Stat. 958.)

790. Same; annual report to governor.—As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted, the auditors shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631.)

791. Same; power to summon witnesses, etc.—In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpœnas and enforce the attendance of witnesses. (Apr. 12, 1900, c. 91, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631.)

792. Same; supervision by governor.—The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary assistants as may be prescribed by law. (Apr. 12, 1900, c. 191, § 23, 31 Stat. 82; Mar. 2, 1917, c. 145, § 20, 39 Stat. 957; June 7, 1924, c. 322, § 1, 43 Stat. 631.)

793. Same; assistant to take charge in case of vacancy or absence.—In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office. (Mar. 2, 1917, c. 145, § 20, 39 Stat. 957.)

794. Official reports.—All reports required by law to be made by the governor or heads of departments to any official of the United States shall be made to an executive department of the Government of the United States to be designated by the President, and the President is authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department. (July 15, 1909, c. 4, § 2, 36 Stat. 11; Mar. 2, 1917, c. 145, § 11, 39 Stat. 955.)

795. Government expenses payable out of insular revenues.—All expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the treasurer of Porto Rico out of the revenue in his custody. (Apr. 12, 1900, c. 191, § 12, 31 Stat. 80; Mar. 2, 1917, c. 145, § 6, 39 Stat. 953.)

796. Transfer of bureaus or offices.—Any bureau or office belonging to any of the regular departments of the government, or hereafter created, or not assigned, may be transferred or assigned to any department by the governor with the approval of the senate of Porto Rico. (Mar. 2, 1917, c. 145, § 53, 39 Stat. 968.)

797. Salaries of officials.—The annual salaries of the following named officials appointed by the President and also those appointed by the Governor of Porto Rico so to be paid shall be: The governor, $10,000; in addition thereto he shall be entitled to the occupancy of the buildings used by the chief executive of Porto Rico prior to April 12, 1900, with the furniture and effects therein, free of rental; heads of executive departments, $6,000; chief justice of the supreme court, $7,500; associate justice of the supreme court, $6,500.

Where any officer whose salary is fixed by this chapter is required to give a bond, the premium thereof shall be paid from the insular treasury. (Apr. 12, 1900, c. 191, § 36, 31 Stat. 85; Mar. 2, 1901, c. 812, § 1, 31 Stat. 953; Mar. 2, 1917, c. 145, § 50, 39 Stat. 967; June 7, 1924, c. 322, § 3, 43 Stat. 631.)

798. Provision for payment of salaries.—Except as in this chapter otherwise provided the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help shall be such and be so paid out of the revenue of Porto Rico as shall from time to time be determined by the legislature of Porto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor countersigned by the governor. (Apr. 12, 1900, c. 191, § 36, 31 Stat. 85; Mar. 2, 1917, c. 145, § 50, 39 Stat. 967; June 7, 1924, c. 322, § 3, 43 Stat. 631.)

799. Municipal expenses payable from municipal revenues.—The provisions of section 797 of this title shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues, in such manner as the legislature shall provide. (Apr. 12, 1900, c. 191, § 37, 31 Stat. 85; Mar. 2, 1917, c. 145, § 51, 39 Stat. 967.)

THE LEGISLATURE

811. Legislature; designation of.—All local legislative powers in Porto Rico, except as otherwise provided in this chapter, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and

the two houses shall be designated "the Legislature of Porto Rico." (Mar. 2, 1917, c. 145, § 25, 39 Stat. 958.)

812. Senate; members; election; powers.—The Senate of Porto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined under section 814 of this title shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Porto Rico who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election. Except as herein otherwise provided, the Senate of Porto Rico shall exercise all of the purely legislative powers and functions exercised prior to March 2, 1917, by the Executive Council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected. (Mar. 2, 1917, c. 145, § 26, 39 Stat. 958.)

813. House of representatives; members; election.—The House of Representatives of Porto Rico shall consist of thirty-nine members elected quadrennially by the qualified electors of Porto Rico, as hereinafter provided. Each of the representative districts provided under section 814 of this title shall have the right to elect one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over twenty-five years of age, and who is not able to read and write either the Spanish or English language, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected. (Mar. 2, 1917, c. 145, § 27, 39 Stat. 959.)

814. Representative and senatorial districts.—For the purpose of elections to the legislature the island of Porto Rico shall be divided into thirty-five representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the Executive Council of Porto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said executive council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. (Apr. 12, 1900, c. 191, § 28, 31 Stat. 82; Mar. 2, 1917, c. 145, § 28, 39 Stat. 959.)

815. Elections; time of holding; boundaries, districts and municipalities.—Elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1920, and every four years thereafter. Nothing contained in this section shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor. (Mar. 2, 1917, c. 145, § 29, 39 Stat. 959.)

816. Powers; determination of election and qualifications of members.—The senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following an election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. (Apr. 12, 1900, c. 191, § 30, 31 Stat. 83; Mar. 2, 1917, c. 145, § 32, 39 Stat. 960.)

817. Regular sessions.—Regular sessions of the Legislature of Porto Rico, provided for by this chapter shall be held biennially in odd numbered years convening on the second Monday in February. (Mar. 2, 1917, c. 145, § 33, 39 Stat. 960.)

818. Special sessions of senate.—The first regular session of the Legislature of Porto Rico, provided for by this chapter, shall be held biennially, convening on the second Monday in February. The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than ten days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call, and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for. (Mar. 2, 1917, c. 145, § 33, 39 Stat. 960.)

819. Senators and representatives; term of office.—The term of office of senators and representatives shall be four years from the second of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred, and no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be appointed to any office created by act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired. (Mar. 2, 1917, c. 145, § 30, 39 Stat. 959.)

820. Same; per diem and mileage.—Members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of $7 per day for the first ninety days of each regular session and $1 per day for each additional day of such session while in session, and mileage for each session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel. (Mar. 2, 1917, c. 145, § 31, 39 Stat. 960.)

821. Legislative power.—The legislative authority shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character in force in Porto Rico or municipality or district thereof on March 2, 1917, in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this chapter. (Mar. 2, 1917, c. 145, § 37, 39 Stat. 964.)

822. Bills and resolutions; origin.—Except as provided in sections 822 to 839, inclusive, of this title, bills and joint resolutions may originate in either house. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

823. Same; enacting clause of bills and resolutions.—The enacting clause of the law shall be as to acts "Be it enacted by the Legislature of Porto Rico" and as to joint resolutions "Be it resolved by the Legislature of Porto Rico." (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

824. Passage of bills; alterations or amendments.—No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

825. Same; reference to committees; signature by governor; approval by President.—No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: *Provided*, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

No bill shall become a law until it be passed in each house by a majority yea-and-nay vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within ten days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it and it shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law except the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within ninety days from and after its submission for his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within thirty days after receipt by him; otherwise it shall not be a law. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

826. Laws to be reported to Congress.—All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 842 of this title, which reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein sepecified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

827: Time of taking effect of laws; introduction of bill.—No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first forty days of the session, shall become a law. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

828. House journals.—Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas any nays on any question shall, on the demand of one-fifth of the members present, be entered on the journal. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

829. Sessions of each house and committees to be open.—The sessions of each house and of the committees of the whole shall be open. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

830. Adjournment.—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 961.)

831. Presiding officer to sign bills and resolutions.—The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

832. Bill to contain one subject; appropriation bills.—No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

833. Revenue bills to originate in house of representatives.—All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as in case of other bills. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

834. Appropriation bills for executive, legislative, and judicial departments.—The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

835. Revival or amendment of laws.—No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

836. Legislature to prescribe number, duties, and compensation of officers and employees.—The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

837. Bills giving extra compensation for services rendered prohibited.—No bill shall be passed giving any extra compen-

sation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

838. Term, salary, etc., of public officers not to be changed after appointment.—Except as otherwise provided in this chapter, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

839. Orders, resolutions, etc., to be presented to governor.—Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.)

840. Financial budget.—The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

841. Revenue insufficient to meet appropriations; order of payment; limiting appropriations.—In case the available revenues of Porto Rico for any fiscal year, including available surplus in the insular treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor:

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

No appropriation shall be made, nor any expenditure authorized by the legislature, whereby the expenditure of the Government of Porto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation for expenditure within such fiscal year. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

842. Transmission of copies of laws to executive department of United States.—The Governor of Porto Rico, within sixty days after the end of each session of the legislature, shall transmit to the executive department of the Government of the United States, to be designated as provided in section 794 of this title, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session. (Mar. 2, 1917, c. 145, § 23, 39 Stat. 958.)

843. Corrupt solicitation; definition; punishment.—The offence of corrupt solicitation of members of the legislature or of public officers of Porto Rico or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

844. Influencing officials by bribery; punishment.—Any person who shall directly or indirectly offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties shall be deemed guilty of bribery and be punished by a fine not exceeding $5,000, or imprisonment not exceeding five years, or both. (Mar. 2, 1917, c. 145, § 34, 39 Stat. 960.)

845. Income tax laws; modification or repeal by legislature.—The Porto Rican Legislature shall have power by due enactment to amend, alter, modify, or repeal the income-tax laws in force in Porto Rico. (June 2, 1924, 4.01 p. m., c. 234, § 261, 43 Stat. 294.)

THE JUDICIARY

861. Courts continued; chief justice and associate justices of supreme court.—The judicial power shall be vested in the courts and tribunals of Porto Rico established and in operation on March 2, 1917, under and by virtue of laws existing on that date. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof, shall also continue to be as provided at said date until otherwise provided by law. The chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Porto Rico shall have authority, from time to time as it may see fit, not inconsistent with this chapter, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Porto Rico. (Mar. 2, 1917, c. 145, § 40, 39 Stat. 965.)

862. Jurisdiction of offenses under National Prohibition Act.—There is conferred upon the Territorial magistrates and courts of Porto Rico jurisdiction concurrent with the commissioners and courts of the United States for the said Territory of all offenses under Title 27 of this Code (National Prohibition Act), and all Acts amendatory thereof and supplemental thereto, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they on September 21, 1922 had over other criminal offenses within their jurisdiction. (Sept. 21, 1922, c. 365, 42 Stat. 993.)

863. District of Porto Rico; officers; jurisdiction; vacancies.—Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be $7,500 per annum. There shall be appointed in like manner a district attorney and a marshal for said district, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the interpreter, and such commissioners as may be

necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. A clerk shall be appointed as provided in section 6 of Title 28, JUDICIAL CODE AND JUDICIARY. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court without extra compensation. (Apr. 30, 1900, c. 191, § 34, 31 Stat. 85; Jan. 7, 1913, c. 6, 37 Stat. 648; Mar. 2, 1917, c. 145, § 41, 39 Stat. 965; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412.)

864. Appeals; removal of causes; writs of error; certiorari; terms of district court; use of English language.—The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts. (Apr. 2, 1900, c. 191, § 35, 31 Stat. 85; Mar. 2, 1917, c. 145, § 42, 39 Stat. 966; Feb. 13, 1925, c. 230, 43 Stat. 936, 942.)

865. Writs of error and appeals.—Writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as provided by law. (Mar. 2, 1917, c. 145, § 43, 39 Stat. 966; Feb. 13, 1925, c. 230, 43 Stat. 942.)

866. Proceedings in English language.—All proceedings in the Supreme Court of the United States to review decisions of the Supreme Court of Porto Rico and the District Court of the United States for Porto Rico shall be conducted in the English language. (Apr. 12, 1900, c. 191, § 35, 31 Stat. 85.)

867. Juries in district court; qualifications.—The qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the District Court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable. (June 25, 1906, c. 3542, 34 Stat. 466; Mar. 2, 1917, c. 145, § 44, 39 Stat. 966.)

868. Fees part of United States revenues.—All fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Porto Rico. The sum of $500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge. (Mar. 2, 1901, c. 812, § 2, 31 Stat. 953; Mar. 2, 1917, c. 145, § 45, 39 Stat. 966.)

869. Fees payable by United States out of revenue of Porto Rico.—Such fees and expenses as are payable by the United States if earned or incurred in connection with a district court of the United States shall be paid from the revenue of Porto Rico if earned or incurred in connection with the District Court of the United States for Porto Rico. (Mar. 2, 1901, c. 812, § 2, 31 Stat. 953.)

870. Salaries of district court officials.—Except as otherwise provided in sections 558 and 562 of Title 28, JUDICIAL CODE AND JUDICIARY, the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in United States courts. (Mar. 2, 1917, c. 145, § 46, 39 Stat. 966; Feb. 26, 1919, c. 49, §§ 2, 4, 40 Stat. 1182.)

871. Fees and mileage of jurors and witnesses.—Jurors and witnesses in the District Court of the United States for Porto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said courts. But no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid $3 per day and such witnesses $1.50 per day while in attendance upon the court. (Mar. 2, 1917, c. 145, § 47, 39 Stat. 967.)

872. Habeas corpus.—The supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases. (Mar. 2, 1917, c. 145, § 48, 39 Stat. 967.)

873. Appointment of judges, marshals, and secretaries.—All judges, marshals, and secretaries of courts established or that may be established in Porto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the governor, by and with the advice and con-

sent of the Senate of Porto Rico. (Mar. 2, 1917, c. 145, § 49, 39 Stat. 967.)

874. Judicial process; officials to be citizens of United States; oath.—All judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Porto Rico." All officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Porto Rico. (Apr. 12, 1900, c. 191, § 16, 31 Stat. 81; Mar. 2, 1917, c. 145, § 10, 39 Stat. 954.)

875. Jurisdiction of courts continued.—Nothing in this chapter shall be deemed to impair or interrupt the jurisdiction of courts over matters pending therein March 2, 1917, which jurisdiction is in all respects continued, the purpose of this chapter being to preserve the integrity of all of said courts and their jurisdiction until otherwise provided by law, except as in this chapter otherwise specifically provided. (Mar. 2, 1917, c. 145, § 55, 39 Stat. 968.)

876. Justice of supreme court as temporary or special judge of United States district court.—Whenever the United States district judge of the district of Porto Rico shall be absent from the said district, and that fact shall be made to appear by the certificate in writing of the United States attorney or marshal of that district, filed in the office of the clerk of the United States district court for said district, or when for any reason the said judge shall or may be disqualified or unable to act as such in any cause pending in the district court of the United States for Porto Rico, and that fact shall be made to appear either by proper order entered in the record of said cause by the regular district judge, or by the certificate in writing of the United States attorney or marshal of that district filed in the office of the clerk of the United States district court for said district, the Governor of Porto Rico may, by writing filed in the said clerk's office, designate a justice of the Supreme Court of Porto Rico either as temporary judge of said district court or as special judge thereof; and the temporary judge so designated as aforesaid shall have and may exercise within said district, during the absence of the regular district judge, all the power of every kind by law vested in said district judge, and after the return of said district judge to said district, shall continue to have and exercise said powers with respect to any cause, the trial of which shall have been commenced before him or which shall have been submitted to him for decision prior to the return of said district judge; and the special judge so designated as aforesaid shall have and may exercise within said district all the power of every kind by law vested in said district judge with respect to any cause named in the writing by the governor, filed as aforesaid, designating the said special judge as aforesaid: *Provided*, That no additional compensation shall be paid to either such temporary district judge or special district judge for services rendered pursuant to such designation. (Jan. 7, 1913, c. 6, 37 Stat. 648.)

RESIDENT COMMISSIONER

891. Resident Commissioner; election.—The qualified electors of Porto Rico shall choose a Resident Commissioner to the United States at each general election, whose term of office shall be four years from the 4th of March following such general election, and who shall be entitled to receive official recognition as such commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Porto Rico. (May 2, 1917, c. 145, § 36, 39 Stat. 963.)

892. Same; qualifications; appointment to fill vacancy.—No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified. (Apr. 12, 1900, c. 191, § 39, 31 Stat. 86; Mar. 2, 1917, c. 145, § 36, 39 Stat. 963; Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301.)

893. Same; salary; allowances; franking privilege.—The Resident Commissioner shall receive a salary payable monthly by the United States. He shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed Members of the House of Representatives of the United States. He shall be allowed the franking privilege granted Members of Congress. (Mar. 2, 1917, c. 145, § 36, 39 Stat. 963.)

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Section 1001. The Philippines; meaning of term.—The provisions of this chapter and the name "the Philippines" as used herein shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the 11th day of April, 1899, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November, 1900. (Aug. 29, 1916, c. 416, § 1, 39 Stat. 545.)

1002. Philippine citizenship.—All inhabitants of the Philippine Islands who were Spanish subjects on the 11th day of April, 1899, and resided in said islands on that date, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris December 10, 1898, and except such others as have since become citizens of some other country: *Provided*, That the Philippine Legislature is authorized to provide by law for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein. (Aug. 29, 1916, c. 416, § 2, 39 Stat. 546.)

1003. Application of statutory law of United States.—The statutory laws of the United States enacted subsequent to August 29, 1916, shall not apply to the Philippine Islands, except when they specifically so provide, or it is so provided in this chapter. (Aug. 29, 1916, c. 416, § 5, 39 Stat. 547.)

1004. Continuing force of Philippine laws; amendments.—The laws in force in the Philippines on August 29, 1916, shall continue in force and effect, except as altered, amended, or modified by this chapter, until altered, amended, or repealed by the legislative authority provided by this chapter or by Act of Congress of the United States. (Aug. 29, 1916, c. 416, § 6, 39 Stat. 547.)

1005. Legislative power to repeal, modify, etc., laws continued in force.—The legislative authority provided in this chapter shall have power, when not inconsistent with its provisions, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this chapter as it may from time to time see fit.

This power shall specifically extend with the limitation herein provided as to the tariff to all laws relating to revenue and taxation in effect in the Philippines. (Aug. 29, 1916, c. 416, §§ 6, 7, 39 Stat. 547.)

1006. Other laws continued in force.—All laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this chapter are continued in force and effect. (Aug. 29, 1916, c. 416, § 31, 39 Stat. 566.)

1007. Expenses paid by Philippine government.—All expenses that may be incurred on account of the government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the islands, not, however, including defenses, barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the government of the Philippines. (Aug. 29, 1916, c. 416, § 4, 39 Stat. 547.)

1008. Bill of rights and restrictions for islands.—No law shall be enacted in the Philippine Islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

No person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor

shall be compelled in any criminal case to be a witness against himself.

All persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned for debt.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor General, wherever during such period the necessity for such suspension shall exist.

No ex post facto law or bill of attainder shall be enacted nor shall the law of primogeniture ever be in force in the Philippines.

No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

The right to be secure against unreasonable searches and seizures shall not be violated.

Slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

No law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed; and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher of dignitary as such. Contracting of polygamous or plural marriages is prohibited. No law shall be construed to permit polygamous or plural marriages.

No money shall be paid out of the treasury except in pursuance of an appropriation by law.

The rule of taxation in said islands shall be uniform.

No bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

No warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

All money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only. (Aug. 29, 1916, c. 416, § 3, 39 Stat. 546.)

1009. Evidence of treason.—No person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court. (Mar. 8, 1902, c. 140, § 9, 32 Stat. 55.)

1010. Export duties prohibited; taxation and assessments.—No export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature. (Aug. 29, 1916, c. 416, § 11, 39 Stat. 548; July 21, 1921, c. 51, 42 Stat. 145; May 31, 1922, c. 203, 42 Stat. 599.)

1011. Laws relating to shipping, customs duties, seamen, health.—The laws relating to entry, clearance, and manifest of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with section 1162 of Title 26 and sections 152a, 152b, and 577 of Title 19 shall apply in the case of vessels and goods arriving from said Islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said Islands, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters 6, 7, 8, and 9 of Title 46, SHIPPING, of this Code and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said Islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said Islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section 453 of Title 19, CUSTOMS DUTIES, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this chapter shall be held to repeal or alter any part of section 1009 of this title and section 1162 of Title 26, and sections 152a, 152b, and 577 of Title 19 aforesaid, or to apply to Guam, Tutuila, or Manua. (July 1, 1902, c. 1369, § 84, 32 Stat. 711.)

1012. Railroad material admitted free of duty.—Material imported into the Philippine Islands for the construction and equipment of railroads therein may, in the discretion of the general government of said islands, under rules and regulations to be by it prescribed, be admited free of duty. (Feb. 6, 1905, c. 453, § 5, 33 Stat. 692.)

1013. Administration of immigration laws.—The immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands. (Feb. 6, 1905, c. 453, § 6, 33 Stat. 692.)

1014. Administration of navigation laws.—Such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall be administered by the proper officials of the government of the Philippine Islands. (Apr. 29, 1908, c. 152, § 5, 35 Stat. 70.)

1015. Temporary regulation of transportation of merchandise and passengers.—Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the government of the Philippine Is-

lands is authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago. (Apr. 29, 1908, c. 152, § 1, 35 Stat. 70.)

1016. Licenses to certain vessels.—The Philippine Legislature is authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business on April 29, 1908, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands. (Apr. 29, 1908, c. 152, § 4, 35 Stat. 70; Aug. 29, 1916, c. 416, § 22, 39 Stat. 553.)

1017. Restrictions on transportation of passengers and merchandise not applicable to certain foreign vessels.—The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States. (Apr. 29, 1908, c. 152, § 3, 35 Stat. 70.)

1018. Improvement of harbors and navigable waters; bonded warehouses.—The government of the Philippine Islands is authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, wharves, piers, lighthouses, signal and life-saving stations, buoys, and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of said islands for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges. (July 1, 1902, c. 1369, § 11, 32 Stat. 695.)

1019. Acknowledgment of deeds.—Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the Philippine Islands before any notary public appointed therein by proper authority or any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in the Philippine Islands shall be accompanied by the certificate of the governor or attorney-general of the Philippine Islands to the effect that the notary taking said acknowledgment was in fact the officer he purported to be. (Mar. 22, 1902, c. 273, 32 Stat. 88; Mar. 2, 1917, c. 145, § 54, 39 Stat. 968.)

THE LEGISLATURE

1041. Legislative power.—General legislative power, except as otherwise provided in this chapter, is granted to the Philippine Legislature. (Aug. 29, 1916, c. 416, § 8, 39 Stat. 547.)

1042. Same; trade relations; tariff acts; immigration.—While this chapter provides that the Philippine government shall have the authority to enact a tariff law the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: *Provided*, That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting immigration or the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: *Provided further*, That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved. (Aug. 29, 1916, c. 416, § 10, 39 Stat. 548.)

1043. Legislature, how constituted.—General legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "The Philippine Legislature." The exclusive legislative jurisdiction and authority formerly exercised by the Philippine Commission shall be exercised by the Philippine Legislature. (Aug. 29, 1916, c. 416, § 12, 39 Stat. 548.)

1044. Senators; election and qualifications.—The members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined in section 1046 of this title shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election. (Aug. 29, 1916, c. 416, § 13, 39 Stat. 549.)

1045. Representatives; election and qualifications.—The members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts defined in section 1046 of this title shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over twenty-five years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election. (Aug. 29, 1916, c. 416, § 14, 39 Stat. 549.)

1046. Senatorial and representative districts; first election.—The Philippine Islands shall be divided into twelve senate districts, as follows:

First district: Batanes, Cagayan, Isabela, Ilocos Norte, and Ilocos Sur.

Second district: La Union, Pangasinan, and Zambales.

Third district: Tarlac, Nueva Ecijà, Pampanga, and Bulacan.

Fourth district: Bataan, Rizal, Manila, and Laguna.

Fifth district: Batangas, Mindoro, Tayabas, and Cavite.

Sixth district: Sorsogon, Albay, and Ambos Camarines.

Seventh district: Iloilo and Capiz.

Eighth district: Negros Occidental, Negros Oriental, Antique, and Palawan.

Ninth district: Leyte and Samar.

Tenth district: Cebu.

Eleventh district: Surigao, Misamis, and Bohol.

Twelfth district: The Mountain Province, Baguio, Nueva Vizcaya, and the Department of Mindanao and Sulu.

The representative districts shall be the eighty-one provided by law on the 29th of August, 1916, and three in the Mountain Province, one in Nueva Vizcaya, and five in the Department of Mindanao and Sulu.

One senator from each district shall be elected from each senate district for a term of six years: *Provided*, That the Governor General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not represented in the Philippine Assembly, on August 29, 1916:

Provided further, That election shall be held only on such days and under such regulations as to ballots, voting, and qualifications of electors as may be prescribed by the Philippine Legislature, to which is given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section, except such as refer to appointive senators and representatives. (Aug. 29, 1916, c. 416, § 16, 39 Stat. 549.)

1047. Qualifications of voters.—Until otherwise provided by the Philippine Legislature the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

Every male person, who is not a citizen or subject of a foreign power, twenty-one years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th day of August, 1898), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

(a) Those who under law existing on August 29, 1916, were legal voters and have exercised the right of suffrage.

(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

(c) Those who are able to read and write either Spanish, English, or a native language. (Aug. 29, 1916, c. 416, § 15, 39 Stat. 549.)

1048. Terms of office of senators and representatives.—The terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor General shall hold office until removed by the Governor General. (Aug. 29, 1916, c. 416, § 17, 39 Stat. 550.)

1049. Legislature; convening and sessions; changing date of sessions.—The senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member. Both houses shall convene at the capital on the 16th day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the 16th day of October, or, if the 16th day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, and no regular session shall continue longer than one hundred days, exclusive of Sundays. The legislature is given the power and authority to change the date of the commencement of its annual sessions. (Aug. 29, 1916, c. 416, § 18, 39 Stat. 550.)

1050. Compensation and privileges of members; eligibility for office.—The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place. (Aug. 29, 1916, c. 416, § 18, 39 Stat. 550.)

1051. Senators and representatives ineligible to certain offices.—No senator or representative shall during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislature, nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which have been increased during such term. (Aug. 29, 1916, c. 416, § 18, 39 Stat. 550.)

1052. Enactment of laws; approval by President; vetoes.—Each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor General. If he approve the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor General, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the Governor General, so stating, and it shall not become a law: *Provided*, That if any bill or joint resolution shall not be returned by the Governor General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor General within thirty days after adjournment: *Provided further*, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval. (Aug. 29, 1916, c. 416, § 19, 39 Stat. 551.)

1053. Failure to make appropriations; sums deemed reappropriated.—If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until

the legislature shall act in such behalf the treasurer shall, when so directed by the Governor General, make the payments necessary for the purposes aforesaid. (Aug. 29, 1916, c. 416, § 19, 39 Stat. 551.)

1054. Laws to be reported to Congress; power to annul reserved.—All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which reserves the power and authority to annul the same. (Aug. 29, 1916, c. 416, § 19, 39 Stat. 551.)

1055. Income tax laws; modification or repeal by legislature.—The Philippine Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in the Philippine Islands. (June 2, 1924, 4.01 p. m., c. 234, § 26, 43 Stat. 294.)

THE JUDICIARY

1071. Jurisdiction of supreme court and courts of first instance.—The supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as provided prior to August 29, 1916, and such additional jurisdiction as shall have been prescribed by law. In all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination. (July 1, 1902, c. 1369, § 9, 32 Stat. 695; Aug. 29, 1916, c. 416, § 26, 39 Stat. 555.)

1072. Same; admiralty jurisdiction not to be changed.—The admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by Act of Congress. (Aug. 29, 1916, c. 416, § 26, 39 Stat. 555.)

1073. Appointment of chief justice and associate justices of supreme court.—The chief justice and associate justices of the supreme court shall be appointed by the President, by and with the consent of the Senate of the United States. (Aug. 29, 1916, c. 416, § 26, 39 Stat. 555.)

1074. Appointment of judges of courts of first instance.—The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate. (Aug. 29, 1916, c. 416, § 26, 39 Stat. 555.)

1075. Salary of chief justice and associate justices of supreme court.—The annual salaries of the following named officials appointed by the President and to be paid in accordance with the provisions of section 1124 of this title shall be: Chief justice of the supreme court, $8,000; associate justices of the supreme court, $7,500 each. (Aug. 29, 1916, c. 416, § 29, 39 Stat. 556.)

1076. Special term of supreme court.—The supreme court of the Philippine Islands is authorized to hold such special term or terms in each year at Baguio, in the Province of Benguet, or at any other suitable place in the Philippine Islands, as may be provided by order of the court, and to make such orders with reference to the transfer of records and the issuing of process as shall be necessary to make the orders, decrees, and judgments entered by the court in such special term or terms effective. (Apr. 9, 1910, No. 19, 36 Stat. 877.)

1077. Temporary judges of supreme court; expenses.—Whenever by reason of temporary disability of any judge of the supreme court or by reason of vacancies occurring therein, a quorum of the court shall not be present for business the Governor General of the Philippine Islands is authorized to designate a judge or judges of the court of first instance in the islands to sit and act temporarily as a judge or judges of the supreme court in order to constitute a quorum of said supreme court for business. If a judge so designated shall not have his usual place of residence at the city of Manila, he shall be allowed his traveling expenses from his usual place of residence to Manila and return and the sum of 10 pesos, Philippine currency, a day for the period during which he is engaged in the supreme court, the period to be calculated from the time he leaves his usual place of residence until his return from Manila. (Feb. 6, 1905, c. 453, § 7, 33 Stat. 692.)

1078. Jurisdiction of municipal courts.—The municipal courts of the Philippine Islands shall possess and exercise jurisdiction as provided by law on August 29, 1916, subject in all matters to such alteration and amendment as may thereafter be enacted by law. (Aug. 29, 1916, c. 416, § 26, 39 Stat. 555.)

RESIDENT COMMISSIONERS

1091. Resident Commissioners; qualifications; temporary appointment.—Two Resident Commissioners to the United States shall be chosen triennially by the legislature. They shall hold office for a term of three years beginning with the 4th day of March following their election and shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of the Philippines.

No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than thirty years of age and who does not read and write the English language. (Aug. 29, 1916, c. 416, § 20, 39 Stat. 552.)

1092. Same; appointments to fill vacancies.—In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise, the Governor General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred. (July 1, 1902, c. 1369, § 8, 32 Stat. 694; Aug. 29, 1916, c. 416, § 20, 39 Stat. 552.)

1093. Same; salary.—The salary of each of the Resident Commissioners from the Philippine Islands shall be the same as that of the Resident Commissioner from Porto Rico. (May 22, 1908, c. 186, § 1, 35 Stat. 188.)

1094. Same; allowance for stationery and clerk hire; franking privilege.—Each of the said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States. (Aug. 29, 1916, c. 416, § 20, 39 Stat. 552.)

THE EXECUTIVE AND OFFICIALS

1111. Governor General; appointment; powers and duties; annual reports.—The supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor General of the Philippine Islands." He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as might be appointed by the Governor General, prior to August 29, 1916, or such as he is authorized by the provisions of this chapter to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general supervision and control of all of the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of this chapter, and shall be commander in chief of all locally

created armed forces and militia. He is vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as provided in this chapter. He shall submit within ten days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia or other locally created armed forces, to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the islands, or any part thereof, under martial law: *Provided,* That whenever the Governor General shall exercise this authority, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President. (Aug. 29, 1916, c. 416, § 21, 39 Stat. 553.)

1112. Designation of acting Governor General.—The President may designate the head of an executive department of the Philippine government to act as Governor General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor General and the vice governor, or their temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor General during such vacancy, disability, or absence. (Aug. 29, 1916, c. 416, § 23, 39 Stat. 553.)

1113. Vice governor; department of public instruction.—There shall be appointed by the President, by and with the advice and consent of the Senate of the United States, a vice governor of the Philippine Islands, who shall have all of the powers of the Governor General in the case of a vacancy or temporary removal, resignation, or disability of the Governor General, or in case of his temporary absence; and the said vice governor shall be the head of the executive department, known as the department of public instruction, which shall include the bureau of education and the bureau of health, and he may be assigned such other executive duties as the Governor General may designate.

Other bureaus included in the department of public instruction on August 29, 1916, shall, until otherwise provided by the Philippine Legislature, be included in the department of the interior. (Aug. 29, 1916, c. 416, § 23, 39 Stat. 553.)

1114. Executive departments; increase or abolition of departments.—Except as provided otherwise in this chapter, the executive departments of the Philippine government shall continue as authorized by law prior to August 29, 1916, until otherwise provided by the Philippine Legislature. The Philippine Legislature may by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor General: *Provided,* That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. (Aug. 29, 1916, c. 416, § 22, 39 Stat. 553.)

1115. Bureau of non-Christian tribes; function.—The bureau of non-Christian tribes is established, which said bureau shall be embraced in one of the executive departments of the Philippine government to be designated by the Governor General. It shall have general supervision over the public affairs of the inhabitants of the Territory, represented in the legislature by appointive senators and representatives. (Aug. 29, 1916, c. 416, § 22, 39 Stat. 553.)

1116. Auditor; appointment; report on unnecessary expenditure.—There shall be appointed by the President an auditor, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source of the Philippine government and of the provincial and municipal governments of the Philippines, including trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the Provinces or municipalities thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1117. Deputy and assistant auditor.—There shall be a deputy auditor appointed in the same manner as the auditor. The deputy auditor shall sign such official papers as the auditor may designate and perform such other duties as the auditor may prescribe, and in case of the death, resignation, sickness, or other absence of the auditor from his office, from any cause, the deputy auditor shall have charge of such office. In case of the absence from duty, from any cause, of both the auditor and the deputy auditor, the Governor General may designate an assistant, who shall have charge of the office. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1118. Administrative jurisdiction of accounts.—The administrative jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the Governor General he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided,* That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1119. Authority to summon witnesses, etc.—In the execution of their duties the auditor and the deputy auditor are authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpœnas and enforce the attendance of witnesses, as now provided by law. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1120. Decisions final; exceptions.—The decisions of the auditor shall be final and conclusive upon the executive branches of the government, except that appeal therefrom may be taken by the party aggrieved or the head of the de-

partment concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the General Accounting Office and the Comptroller General of the United States and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1121. Reports to Governor General and Secretary of War.—As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit the Governor General and the Secretary of War an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various Provinces and municipalities, and make such other reports as may be required of him by the Governor General or the Secretary of War. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1122. Supervision by Governor General.—The office of the auditor shall be under the general supervision of the Governor General and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law. (Aug. 29, 1916, c. 416, § 24, 39 Stat. 553; June 10, 1921, c. 18, §§ 301, 310, 42 Stat. 23, 25.)

1123. Same; appeals from decisions of; decision of Governor General; decision of Secretary of War.—Any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the Governor General, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision.

If the Governor General shall confirm the action of the auditor, he shall so indorse the appeal and transmit it to the auditor, and the action shall thereupon be final and conclusive. Should the Governor General fail to sustain the action of the auditor, he shall forthwith transmit his grounds of disapproval to the Secretary of War, together with the appeal and the papers necessary to a proper understanding of the matter. The decision of the Secretary of War in such case shall be final and conclusive. (Aug. 29, 1916, c. 416, § 25, 39 Stat. 554.)

1124. Salaries of officers.—Except as in this chapter otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, $18,000; in addition thereto he shall be entitled to the occupancy of the buildings used prior to August 29, 1916, by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, $10,000; auditor, $6,000; deputy auditor, $3,000. (Aug. 29, 1916, c. 416, § 29, 39 Stat. 556.)

1125. Municipal officers to be compensated out of provincial and municipal revenues.—The provisions of section 1124 of this title shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide. (Aug. 29, 1916, c. 416, § 30, 39 Stat. 556.)

COINAGE AND CURRENCY

1141. Mint at Manila.—The government of the Philippine Islands is authorized to establish a mint at the city of Manila, in said islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is authorized to enact laws necessary for such establishment: *Provided*, That the laws of the United States relating to mints and coinage, so far as applicable, are extended to the coinage of said islands. (July 1, 1902, c. 1369, § 76, 32 Stat. 710.)

1142. Gold peso; unit of value; legal tender.—The unit of value in the Philippine Islands shall be the gold peso consisting of twelve and nine-tenths grains of gold, nine-tenths fine, said gold peso to become the unit of value when the government of the Philippine Islands shall have coined and ready for, or in, circulation not less than five million of the silver pesos provided for under section 1143 of this title, and the gold coins of the United States at the rate of $1 for 2 pesos hereinafter authorized to be coined shall be legal tender for all debts, public and private, in the Philippine Islands. (Mar. 2, 1903, c. 980, § 1, 32 Stat. 952.)

1143. Silver peso; legal tender.—The government of the Philippine Islands is authorized to coin to an amount not exceeding 75,000,000 pesos, for use in said islands, a silver coin of the denomination of 1 peso and of the weight of four hundred and sixteen grains, and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

The silver Philippine peso authorized by this section shall be legal tender in the Philippine Islands for all debts, public and private, unless otherwise specifically provided by contract: *Provided*, That debts contracted prior to the 31st day of December, 1903, may be paid in the legal-tender currency of said islands existing at the time of the making of said contracts, unless otherwise expressly provided by contract. (Mar. 2, 1903, c. 980, §§ 2, 3, 32 Stat. 953.)

1144. Subsidiary silver coins.—The government of the Philippine Islands is authorized to coin for use in said islands a coin of the denomination of 50 centavos and of the weight of two hundred and eight grains, a coin of the denomination of 20 centavos and of the weight of eighty-three and ten one-hundredths grains, and a coin of the denomination of 10 centavos and of the weight of forty-one and fifty-five one-hundredths grains. The standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper. (July 1, 1902, c. 1369, § 77, 32 Stat. 710; Mar. 2, 1903, c. 980, § 4, 32 Stat. 953.)

1145. Same; limitation as legal tender.—The subsidiary silver coins authorized by this chapter shall be legal tender in the Philippine Islands to the amount of $10. (Mar. 2, 1903, c. 980, § 5, 32 Stat. 953.)

1146. Minor coins; limitation as legal tender.—The government of the Philippine Islands is authorized to issue minor coins of the denominations of ½ centavo, 1 centavo, and 5 centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding $1. The alloy of the 5-centavo piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the 1-centavo and ½-centavo pieces shall be 95 per centum of copper and 5 per centum of tin and zinc, in such proportions as shall be determined by said government. The weight of the 5-centavo piece shall be seventy-seven and sixteen-hundredths

grains troy, and of the 1-centavo piece eighty grains troy, and of the ½-centavo piece forty grains troy. (July 1, 1902, c. 1369, § 79, 32 Stat. 710.)

1147. Devices and inscriptions on coinage.—The silver Philippine peso authorized under section 1143 of this title and the subsidiary and minor coinage authorized under sections 1144 and 1146 shall bear devices and inscriptions to be prescribed by the Government of the Philippine Islands, and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage. (July 1, 1902, c. 1369, § 82, 32 Stat. 711; Mar. 2, 1903, c. 980, § 11, 32 Stat. 954.)

1148. Place of coinage.—The silver Philippine pesos and the subsidiary and minor coinage mentioned in section 1147 of this title may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage or any portion thereof at any of the mints of the United States at a charge covering the reasonable cost of the work. (July 1, 1902, c. 1369, § 81, 32 Stat. 710; Mar. 2, 1903, c. 980, § 10, 32 Stat. 954.)

1149. Purchase of silver bullion; recoinage.—The Philippine peso authorized by section 1143 of this title and the subsidiary silver coins authorized by section 1144 shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, except as limited in section 1143, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: *Provided*, That said government may, in its discretion, in lieu of the purchase of bullion, recoin any of the silver coins now in or hereafter received by the treasury of the government of the Philippine Islands into the coins provided for in this chapter at such rate and under such regulations as it may prescribe. (Mar. 2, 1903, c. 980, § 5, 32 Stat. 953.)

1150. Same; purchase of metal.—For the purchase of metal for the silver Philippine peso authorized by this chapter, an appropriation may be made by the government of the Philippine Islands from its current funds, or as herein authorized, which shall be reimbursed from the coinage under said sections.

For the purchase of metal for the subsidiary and minor coinage, authorized by sections 1144 to 1146 of this title, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of said islands. (July 1, 1902, c. 1369, § 80, 32 Stat. 710; Mar. 2, 1903, c. 980, § 9, 32 Stat. 954.)

1151. Gold and silver peso parity.—The government of the Philippine Islands may adopt such measures as it may deem proper, not inconsistent with the provisions of this chapter, to maintain the value of the silver Philippine peso at the rate of 1 gold peso, and in order to maintain such parity between said silver Philippine pesos and the gold pesos herein provided for, and for no other purpose, may issue temporary certificates of indebtedness, bearing interest at a rate not to exceed 4 per centum annually, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of $25, or 50 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed $20,000,000, or, 40,000,000 pesos, and said certificates shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under any State, municipal, or local authority in the United States or the Philippine Islands: *Provided*, That all the proceeds of said certificates shall be used exclusively for the maintenance of said parity, as herein provided, and for no other purpose, except that a sum not exceeding $3,000,000 at any one time may be used as a continuing credit for the purchase of silver bullion in execution of the provisions of this chapter. (Mar. 2, 1903, c. 980, § 6, 32 Stat. 953; July 21, 1921, c. 51, 42 Stat. 146.)

1152. Change in weight and fineness of silver coins.—With the approval of the President of the United States, the government of the Philippine Islands is authorized, whenever in its opinion such action is desirable, in order to carry out the provisions of section 1151 of this title, to change the weight and fineness of the silver coins authorized by this chapter, and may in its discretion provide a weight and fineness proportionately less for subsidiary coins than for the standard Philippine pesos, and may also in its discretion recoin any of the existing coins of the Philippine Islands at the new weight and fineness when such coins are received into the Treasury or into the gold-standard fund of the Philippine Islands: *Provided*, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below seven hundred parts of pure silver to three hundred of alloy. (June 23, 1906, c. 3521, § 1, 34 Stat. 453.)

1153. Silver certificates; redemption.—The treasurer of the Philippine Islands is authorized, in his discretion, to receive at the treasury of the government of the said islands or any of its branches deposits of the standard silver coins of 1 peso authorized by this chapter to be coined, in sums of not less than 20 pesos, Philippine currency, and to issue certificates therefor in denominations of not less than 2 pesos nor more than 500 pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve: *Provided*, That the treasurer of the Philippine Islands, with the approval of the governor general, may substitute for any part of such silver pesos deposited, gold coin of the United States legally equivalent in value, and redeem the certificates issued in either silver pesos or such gold coin of equivalent value at the option of the Treasurer: *Provided further*, That the amount of gold coin held in such reserve shall not at any time exceed 60 per centum of the total amount of certificates outstanding. (Mar. 2, 1903, c. 980, § 8, 32 Stat. 954; Feb. 6, 1905, c. 453, § 10, 33 Stat. 697; June 23, 1906, c. 3521, § 2, 34 Stat. 453.)

1154. Drawings, designs, and plates.—The Secretary of the Treasury is authorized and directed, when requested by the government of the Philippine Islands, to cause to be made and prepared any drawings, designs, and plates, and execute any coinage, engraving, or printing of notes and certificates authorized by this chapter, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of said islands. (Mar. 2, 1903, c. 980, § 12, 32 Stat. 954.)

1155. Silver coins previously in use receivable for public dues.—The Mexican silver dollar in use in the Philippine Islands on March 2, 1903, and the silver coins issued by the Spanish Government for use in said islands prior to that date shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said islands until such date as may be fixed by public proclamation

of said civil governor, when such coins shall cease to be so receivable. The public offices of the government of said islands shall give a preference for all public dues to the silver pesos and the silver certificates authorized by this chapter, and may at any time refuse to receive such Mexican dollars and Spanish coins as may appear to be counterfeit or defective. (Mar. 2, 1903, c. 980, § 7, 32 Stat. 954.)

1156. Redemption and reissue of worn or defective coins.—The government of the Phillipine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this chapter relating to coinage. (July 1, 1902, c. 1369, § 83, 32 Stat. 711.)

FRANCHISES

1171. Franchises; compensation for property taken or damaged.—The government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: *Provided*, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. All franchises or rights granted under this section shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised. (Aug. 29, 1916, c. 416, § 28, 39 Stat. 555.)

1172. Employment of persons in involuntary servitude; penalty.—It shall be unlawful for any corporation organized under this chapter, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of the Philippine Islands, to use, employ, or contract for the labor of persons held in involuntary servitude. Any person, company, or corporation so violating the provisions of this chapter shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government or on the complaint of any citizen of the Philippines under such regulations and rules as the Philippine Legislature shall prescribe and in addition shall be deemed guilty of an offense and shall be punished by a fine of not more than $10,000. (Aug. 29, 1916, c. 416, § 28, 39 Stat. 555.)

1173. Corporations not to engage in real estate business; ownership of real estate restricted.—No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed one thousand and twenty-four hectares of land; and it shall be unlawful for any member of a corporation engaged in agriculture or mining and for any corporation organized for any purpose except irrigation to be in anywise interested in any other corporation engaged in agriculture or in mining. Corporations, however, may loan funds upon real-estate security and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in the Philippine Islands, and doing business therein, shall be bound by the provisions of this section so far as they are applicable. (July 1, 1902, c. 1369, § 75, 32 Stat. 709.)

GOVERNMENT, MUNICIPAL, AND RAILWAY BONDS

1191. Bond issues to anticipate taxes and revenue; limitations; government indebtedness.—Where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: *Provided, however*, That the entire indebtedness of the Philippine government created by the authority conferred under this section, exclusive of those obligations known as friar land bonds, shall not exceed at any one time 10 per centum of the aggregate tax valuation of its property, nor that of the city of Manila 10 per centum of the aggregate tax valuation of its property, nor that of any Province or municipality, a sum in excess of 7 per centum of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine government, bonds not to exceed $10,000,000 in amount, issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted. (Aug. 29, 1916, c. 416, § 11, 39 Stat. 548; July 21, 1921, c. 51, 42 Stat. 145; May 31, 1922, c. 203, 42 Stat. 599.)

1192. Same; issue for public improvements.—For the purpose of providing funds to construct port and harbor works, bridges, roads, buildings for provincial and municipal schools, courthouses, penal institutions, and other public improvements for the development of the Philippine Islands by the general government thereof, the said government is authorized from time to time to incur indebtedness, borrow money, and to issue and sell therefor (at not less than par value in gold coin of the United States) registered or coupon bonds of such denominations and payable at such time or times, not later than forty years after February 6, 1905, as may be determined by said government, with interest thereon not to exceed 4½ per centum per annum: *Provided*, That the entire indebtedness of said government created by the authority conferred by this section shall not exceed at any one time the sum of $5,000,000. *And provided further*, That the law of said government creating the indebtedness and authorizing the issue of the bonds under this section shall be approved by the President of the United States. (Feb. 6, 1905, c. 453, § 2, 33 Stat. 689.)

1193. Government bonds to be exempt from taxation.—All bonds issued by the government of the Philippine Islands, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of the Philip-

pine Islands, or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. (Feb. 6, 1905, c. 453, § 1, 33 Stat. 689.)

1194. Municipal indebtedness for improvements; bonds.—For the purpose of providing funds to construct necessary sewer and drainage facilities, to secure a sufficient supply of water and necessary buildings for primary public schools in municipalities, the government of the Philippine Islands may, where current taxation is inadequate for the purpose, under such limitations, terms, and conditions as it may prescribe, authorize, by appropriate legislation, to be approved by the President of the United States, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined to be necessary by the government of said islands, with interest thereon not to exceed 5 per centum per annum. (July 1, 1902, c. 1369, § 66, 32 Stat. 707; Feb. 6, 1905, c. 453, § 3, 33 Stat. 690.)

1195. Same; denominations of bonds; exemptions.—All municipal bonds shall be in denominations of $50, or any multiple thereof, bearing interest at a rate not exceeding 5 per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon, in gold coin of the United States of the present standard value, or its equivalent in value in money of the said islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or the Government of the United States. (July 1, 1902, c. 1369, § 67, 32 Stat. 707.)

1196. Same; use of funds from sale of bonds.—All moneys which may be realized or received from the issue and sale of bonds authorized by section 1194 of this title shall be utilized under authorization of the government of the Philippine Islands in providing the municipal improvements and betterment which induced the issue and sale of said bonds, and for no other purpose. (July 1, 1902, c. 1369, § 68, 32 Stat. 708.)

1197. Same; taxes to pay bonds; sinking fund.—The government of the Philippine Islands shall, by the levy and collection of taxes on the municipality, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of the bonds of such municipality, and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue: *Provided*, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is empowered to collect said sum by the levy and collection of taxes on such municipality. (July 1, 1902, c. 1369, § 69, 32 Stat. 708.)

1198. Bonds for sewers and water supply in Manila.—For the purpose of providing funds to construct sewers in the city of Manila and to furnish it with an adequate sewer and drainage system and supply of water the government of the Philippine Islands, with the approval of the President of the United States first had, is authorized to permit the city of Manila to incur indebtedness, to borrow money, and to issue and sell (at not less than par value in gold coin of the United States), upon such terms and conditions as it may deem best, registered or coupon bonds of the city of Manila to an amount not exceeding $4,000,000 lawful money of the United States, payable at such time or times as may be determined by said government, with interest thereon not to exceed 5 per centum per annum.

Said coupon or registered bonds shall be in denominations of $50 or any multiple thereof, bearing interest at a rate not exceeding 5 per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon in gold coin of the United States of the present standard value, or the equivalent in value in money of the said islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the said islands, or of any local authority therein, or of the Government of the United States. (July 1, 1902, c. 1369, §§ 70, 71, 32 Stat. 708.)

1199. Same; use of funds from sale.—All moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of said government of the Philippine Islands in providing a suitable sewer and drainage system and adequate supply of water for the city of Manila and for no other purpose. (July 1, 1902, c. 1369, § 72, 32 Stat. 708.)

1200. Same; taxes and sinking fund for payment.—The government of the Philippine Islands shall, by the levy and collection of taxes on the city of Manila, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of said bonds and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue. If said bonds or any portion thereof shall be paid out of the funds of the government of said islands, said city shall reimburse said government for the sum thus paid, and said government is empowered to collect said sum by the levy and collection of taxes on said city. (July 1, 1902, c. 1369, § 73, 32 Stat. 708.)

1201. Guarantee of railroad bonds; contract of guaranty.—For the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Philippine Islands as the Philippine government may specifically authorize, the said government is empowered to enter into a contract of guaranty with any railroad company organized pursuant to the laws of said government or of the United States or any State thereof undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding 4 per centum per annum upon first lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

Such contract of guaranty shall be signed on behalf of said government by the Governor General thereof, and on behalf of the railroad company undertaking the construction, equipment, maintenance, and operation of said railroad by the chief officer thereof, thereunto duly authorized by the stockholders and directors of the same, and shall contain, among others, the following provisions:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

Second. That no debt except as above provided shall be incurred by the said undertaking railroad company, its successors or assigns, by which a lien shall be created upon such railroad, its equipment or other property, prior to the lien of said government to secure the repayment of the interest paid by it under said guaranty without the consent of Congress.

Third. That the said railroad shall be constructed and equipped within the time limited in the first instance by the

Philippine government, or any extension of said time granted by said government for good cause shown.

Fourth. That after the construction and equipment of said railroad in accordance with the foregoing provisions and all others of the contract of guaranty, the railroad shall apply its gross earnings as follows: First, to the necessary operating expenses, including reasonable expenses of the corporation; second, to the necessary and ordinary repairs of said railroad and its equipment; third, to such betterments and extraordinary repairs of said railroad or equipment as may be first by the Governor General of the islands, in writing, expressly consented to; fourth, to the payment of the interest on the bonds, the interest on which to any extent shall have been guaranteed by the Philippine government under this section.

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said government, and the said contract of guaranty shall not be executed except upon satisfactory proof of the completion of the railroad in sections of not less than twenty continuous miles each, and in such proportion, to be fixed from time to time by said government, as the actual capital invested in completed road and acquired equipment shall bear to the capital required for the completion and equipment of the entire road, to be determined by the said government.

All payments made under any such guaranty shall be from the time the same are paid a lien upon said railroad and its property then owned and thereafter to be acquired subject only to the lien of the mortgage or deed of trust executed to secure the bonds, the interest upon which shall have been so guaranteed, and the total sum paid under such guaranty shall at the expiration thereof be payable to said Philippine government upon demand, and in default of such payment the said lien shall be immediately foreclosable.

Provided, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at any time exceed the sum of $1,200,000, and no such guaranty shall continue for a longer period than thirty years.

For the further security of the Philippine government said government shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads and the net income actually received on said capital so invested, and shall provide for supervision by said Philippine government, through the auditing, engineering and railroad bureaus thereof and by such other agencies as may be fixed by law, of the conduct of the finances of the road, and of its location, construction, operation, and maintenance.

The Philippine government shall appoint two members of the board of directors of any undertaking company the interest on whose bonds shall be guaranteed as provided in this section.

Each such railroad company shall make such reports from time to time as to its receipts and expenditures, in such form and substance and sworn to by such officials, as may be prescribed by the Philippine government.

Section 1171 of this title, so far as the same is not in conflict with the provisions of this section, is hereby made applicable to the corporations the interest upon whose bonds or any part thereof shall be guaranteed under the provisions hereof. (Feb. 6, 1905, c. 453, § 4, 33 Stat. 690.)

1202. Same; exclusive jurisdiction of actions by Supreme Court of Philippine Islands.—The Supreme Court of the Philippine Islands shall have original and exclusive jurisdiction in all actions, proceedings or suits at law or in equity brought by the Philippine government against any person or corporation involving the construction of section 1201 of this title, or any right existing under, duty enjoined, or act prohibited by said section or any contract made in pursuance thereof. Jurisdiction is vested in the supreme court to make such order, to enter such judgment decree and to take such proceedings in enforcement thereof as may be proper. During the vacations of said court the chief justice or any judge thereof shall have all the power to grant restraining orders, orders of injunction, to appoint receivers or to do any other act under authority herein granted that a judge of a court of general jurisdiction may do in the vacation of the court. (Feb. 6, 1905, c. 453, § 4, 33 Stat. 690.)

PUBLIC PROPERTY AND LANDS

1221. Public property and lands restored to control of Philippine Legislature; legislation therefor.—All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections 1224 and 1225 of this title, except such as may have been sold and disposed of prior to August 29, 1916, in accordance with the provisions of Act of Congress, July 1, 1902, chapter 1369, Thirty-second Statutes 691, are hereby placed under the control of the government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature, subject to the provisions of section 1222 of this title, shall have power to legislate with respect to all such matters as it may deem advisable. (Aug. 29, 1916, c. 416, § 9, 39 Stat. 547.)

1222. Acts regulating public domain, mining and timber to be approved by the President.—Acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, enacted after August 29, 1916, shall not have the force of law until approved by the President of the United States: *Provided*, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: *Provided further*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands. (Aug. 29, 1916, c. 416, § 9, 39 Stat. 547.)

1223. Perfecting titles of claimants from Spain; patents to native occupants.—The government of the Philippine Islands is authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto yet failed to secure conveyance of title; and the Philippine Legislature is authorized to issue patents, without compensation, to any native of said islands, conveying title to any tract of land not more than sixteen hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the 13th of August, 1898. (July 1, 1902, c. 1369, § 14, 32 Stat. 696; Aug. 29, 1916, c. 416, § 12, 39 Stat. 548.)

1224. Authority to acquire real and personal property; condemnation.—The government of the Philippine Islands is authorized, subject to the limitations and conditions prescribed in this chapter, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain. (July 1, 1902, c. 1369, § 63, 32 Stat. 706.)

1225. Acquisition of property of religious orders.—The powers conferred in section 1224 of this title may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of $50 or any multiple thereof bearing interest at a rate not exceeding 4½ per centum per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said Islands; and said bonds shall be exempt from the payment of all taxes or duties of said government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under State, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes. (July 1, 1902, c. 1369, § 64, 32 Stat. 706.)

1226. Same; lands acquired to become public property.—All lands acquired by virtue of section 1225 of this title shall constitute a part and portion of the public property of the government of the Philippine Islands: *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government. (July 1, 1902, c. 1369, § 65, 32 Stat. 707.)

Chapter 6.—CANAL ZONE.

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1351. District attorney; compensation and duties.
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1353. Appointment of district judge, district attorney, and marshal; tenure of office; residence and leave of absence.
1354. Transfer of causes to new courts; continuance of supreme courts for determination of pending causes.
1355. Continuance of laws defining duties of clerks or ministerial officers and governing practice and procedure.
1356. Appeals from district court.
1357. Common law and equity jurisdiction blended.
1358. Acknowledgment of deeds in Canal Zone.

GENERAL PROVISIONS

Section 1301. Short title of chapter; reservation of right to amend, alter, or repeal.—This chapter shall be known as, and referred to as, the Panama Canal Act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved. (Aug. 24, 1912, c. 390, § 14, 37 Stat. 569.)

1302. Establishment of Canal Zone; acquisition of additional lands.—The zone of land and land under water of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal being constructed

thereon, August 24, 1912, which zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and any lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal constructed thereon shall be known and designated as the Panama Canal. The President is authorized, by treaty with the Republic of Panama, to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone. (Aug. 24, 1912, c. 390, § 1, 37 Stat. 560.)

1303. Survey of Canal Zone.—The President may, in his discretion, require a land survey to be made of the Canal Zone. (Feb. 27, 1909, c. 224, § 4, 35 Stat. 658.)

1304. Acquisition of title to lands in Canal Zone.—The President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made. (Aug. 24, 1912, c. 390, § 3, 37 Stat. 561.)

1305. Operation of canal and government of zone generally; governor and other officials; appointment and salaries.—The President is authorized to govern and operate the Panama Canal and govern the Canal Zone, or cause them to be governed and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this section. The Governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, operation, and protection of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but the salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per centum the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. (Aug. 24, 1912, c. 390, § 4, 37 Stat. 561.)

1306. Army control in time of war or emergency.—In time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such conditions the Governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army. (Aug. 24, 1912, c. 390, § 13, 37 Stat. 569.)

1307. Authority of governor generally.—The Governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this chapter otherwise provided, all laws of the Canal Zone existing prior to September 21, 1922, referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the Governor of the Panama Canal, who shall perform all such executive and administrative duties required by such existing law. (Sept. 21, 1922, c. 370, § 1, 42 Stat. 1004.)

1308. Lease of public lands.—The President is authorized to grant leases of the public lands in the Canal Zone, Isthmus of Panama, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable. No lease, however, shall be granted for a tract of land in excess of fifty hectares, nor to any person who shall not have first established, by affidavit and by such other proof as may be required, that such person is the head of a family or over the age of twenty-one years, and that the application for a lease is made in good faith for the purposes of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith.

No portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear, by a statement or plat filed by the Governor of the Panama Canal with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and all leases shall be made subject to the provision that if at any time it shall become necessary, notwithstanding, for the United States to occupy or use any portion of the leased lands, it shall have the right to so do without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee, the same to be determined by the courts of the Canal Zone.

All leases of lands hereunder shall reserve to the United States all mineral, oil, and gas rights in the lands leased.

The powers conferred upon the President under this section may be exercised by him through the Governor of the Panama

Canal or in such other manner as he may designate. (Feb. 27, 1909, c. 224, §§ 1, 5, 35 Stat. 658.)

1309. Early laws and regulations continued.—All laws, orders, regulations, and ordinances adopted and promulgated, prior to August 24, 1912, in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are, as of August 24, 1912, ratified and confirmed as valid and binding until Congress shall otherwise provide. (Aug. 24, 1912, c. 390, § 2, 37 Stat. 561.)

1310. Sanitation regulations.—Until otherwise provided by Congress, the President is authorized to make rules and regulations in matters of sanitation, health, and quarantine for the Canal Zone or to modify or change rules and regulations, existing prior to August 21, 1916, and those thereafter made from time to time. Violations of any quarantine regulations provided for herein shall be punished by fine not to exceed $500 or by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment, in the court's discretion; and a violation of any sanitary regulations hereunder shall be punished by a fine not to exceed $25 or by imprisonment in jail not to exceed thirty days, or by both such fine and imprisonment, in the court's discretion. Each day such violation may continue shall constitute a separate offense. (Aug. 21, 1916, c. 371, § 1, 39 Stat. 527.)

1311. Tax regulations; limitation as to amount of taxes.—Until otherwise provided by Congress, the President is authorized to make and from time to time change rules and regulations for levying, assessing, and collecting ad valorem, excise, license, and franchise taxes in the Canal Zone, or to modify or change existing rules or regulations for that purpose. Ad valorem taxes imposed shall not exceed 1 per centum of the value of the property, nor shall franchise or excise taxes exceed 2 per centum of gross earnings. (Aug. 21, 1916, c. 371, § 2, 39 Stat. 528.)

1312. Highway regulations; motor vehicles; reciprocal regulations with respect to Panama.—Until otherwise provided by Congress, it shall be lawful for the President to make, publish, and enforce all rules and regulations for the use of the public roads and highways in the Canal Zone, and also for regulating, licensing, and taxing the use and operation of all self-propelled vehicles using the public highways, including speed limit, signals, tags, license fees, and all detailed regulations which may be from time to time deemed necessary in the exercise of the authority hereby conferred. The taxes on automobiles may be graded according to the value or the power of the machine, and such rules and regulations as now exist may be changed by such order from time to time, and any that may be hereafter made may be changed from time to time. The President may make mutual agreements with the Republic of Panama touching the reciprocal use of the highways of the Canal Zone and the Republic of Panama by self-propelled vehicles touching taxes and license fees, and any other matter of regulation to establish comity for the convenience of the residents of the two jurisdictions. (Aug. 21, 1916, c. 371, § 3, 39 Stat. 528.)

1313. Police regulations; breach of the peace or disorderly conduct.—It shall be unlawful to commit any breach of the peace or engage in or permit any disorderly, indecent, or immoral conduct in the Canal Zone. The President is authorized to enforce this provision by making rules and regulations to assert and exercise the police power in the Canal Zone, or for any portion or division thereof, and he may amend or change any such regulation. (Aug. 21, 1916, c. 371, § 4, 39 Stat. 528.)

1314. Penalty for violation of regulations generally.—Any person who commits any act or who carries on any business, trade, or occupation in the Canal Zone without complying with the rules and regulations established by the President for the levying, assessing, and collecting of taxes, or who violates any rules or regulations for the use of the public roads and highways, or who violates any rules and regulations touching the licensing, taxes, operation, and use of self-propelled vehicles, or who violates any of the police regulations authorized under the preceding section, shall be punished by fine not to exceed $25 or by imprisonment in jail not to exceed thirty days, or by both such fine and imprisonment, in the court's discretion. (Aug. 21, 1916, c. 371, § 5, 39 Stat. 528.)

1315. Tolls generally.—The President is authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation.

Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less than 75 cents per net registered ton, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton as nearly as the same may be determined, nor be less than the equivalent of 75 cents per net registered ton. The toll for each passenger shall not be more than $1.50. (Aug. 24, 1912, c. 390, § 5, 37 Stat. 562; June 15, 1914, c. 106, § 1, 38 Stat. 385.)

1316. Refund of excessive tolls.—There is appropriated, out of any money received as tolls, before such money is covered into the Treasury as miscellaneous receipts, amounts necessary to refund to the parties entitled thereto amounts which heretofore or may hereafter be erroneously received as tolls and covered into the Treasury as miscellaneous receipts. (June 12, 1917, c. 27, § 1, 40 Stat. 179.)

1317. Reservation of right to discriminate in favor of American vessels.—The passage of this chapter shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st of February, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise, to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaties, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same. (June 15, 1914, c. 106, § 2, 38 Stat. 386.)

1318. Regulations for operation of canal generally.—The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters. Any person violating any of the provisions of the rules and regulations established hereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment. (Aug. 24, 1912, c. 390, § 5, 37 Stat. 562; Sept. 21, 1922, c. 370, § 10, 42 Stat. 1008.)

1319. Adjustment of claims for injuries to vessels, cargo, or passengers.—The regulations authorized under section 1318 of this title shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the Governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation. (Aug. 24, 1912, c. 390, § 5, 37 Stat. 562; June 15, 1914, c. 106, § 1, 38 Stat. 385.)

1320. Injuries to employees.—The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require. (Aug. 24, 1912, c. 390, § 5, 37 Stat. 562.)

1321. Regulations as to passage of person through Canal Zone.—The President is hereby authorized to make rules and regulations, and to alter or amend the same from time to time, touching the right of any person to enter or remain upon or pass over any part of the Canal Zone; for the detention of any person entering the Canal Zone in violation of such rules and regulations, and return of such person to the country whence he or she came, on the vessel bringing such person to the Canal Zone, or any other vessel belonging to the same owner or interest, and at the expense of such owner or interest; and in addition to the punishment prescribed by this section for violation of any such rules and regulations, the authorities of the Canal Zone may withhold the clearance of such vessel from any port in the Canal Zone until any fine imposed and the cost of maintenance of such person are paid. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both in the discretion of the court. (Aug. 21, 1916, c. 371, § 10, 39 Stat. 529.)

1322. Injury to canal or appurtenances; punishment.—It shall be unlawful for any person, by any means or in any way, to injure or obstruct or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding twenty years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly. (Aug. 21, 1916, c. 371, § 10, 39 Stat. 529.)

1323. Radio communication; installation of stations; cooperation with Panama; docks, warehouses, etc.; disposition of receipts.—The President is authorized to cause to be erected, maintained, and operated, subject to the International Convention to regulate radio communication, and sections 51 to 60 of Title 47, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal, and for other purposes. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States. The President is also authorized to establish, maintain, and operate, through the Panama Railroad Company or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress. (Aug. 24, 1912, c. 390, § 6, 37 Stat. 563.)

1324. Interest on deposit money orders.—Deposit money orders issued in the Canal Zone in lieu of postal savings certificates in accordance with the rules and regulations heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding 3 per centum per annum. (Sept. 21, 1922, c. 370, § 11, 42 Stat. 1008.)

1325. Disposition of interest received on bank deposits of money-order funds.—The interest received from the Canal Zone money-order funds deposited in banks under Canal Zone regulations shall be available to pay the interest on deposit money orders authorized by section 1324 of this title. Such interest shall also be available to pay any losses which are chargeable to the Canal Zone postal service. (Aug. 21, 1916, c. 371, § 7, 39 Stat. 528.)

1326. Fees of custom officers.—Whenever a customs officer of the Canal Zone shall certify an invoice, landing certificate, or other similar document, or shall register a marine note of protest, or shall perform any notarial services, he shall be authorized to collect a fee equivalent to the fee prescribed by the United States consular regulations for the same act or service when performed by consular officials. (Aug. 21, 1916, c. 371, § 8, 39 Stat. 528.)

1327. Consolidation of functions in regard to funds of zone government and Panama Railroad Company.—The consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the functions of receiving, disbursing, and accounting for the funds appropriated for the Panama Canal shall be and is hereby authorized in so

far as may be practicable: *Provided*, That separate accounts shall be kept of the transactions under each fund. (Aug. 1, 1914, c. 223, § 4, 38 Stat. 679.)

1328. Accounting by collecting officers generally.—The collecting officers of the Panama Canal shall render their accounts in such detail, and shall transmit with their accounts to the General Accounting Office all such papers, records, and copies relating to their transactions as collectors as shall be prescribed in regulations approved by the President, and, in his judgment, not incompatible with the methods of accounting prescribed in chapter 1 of Title 31, MONEY AND FINANCE, sections 41 to 58 inclusive. (Aug. 1, 1914, c. 223, § 5, 38 Stat. 679.)

1329. Detail of persons to examine accounts, etc.; reports of examination; compensation of persons detailed.—In prescribing regulations under section 1328 of this title the President shall provide that in lieu of furnishing to the General Accounting Office individual detail collection vouchers, not provided for in said regulations, two competent persons from the General Accounting Office, designated by the Comptroller General, shall be sent semiannually, at such time as may be designated by the Comptroller General, to the Canal Zone to examine the accounts and vouchers and verify the submitted schedules of collections and report in triplicate to the General Accounting Office, and the Auditor of the Panama Canal; and such persons shall make such other examination into the accounts of the Panama Canal as may be directed by the Comptroller General, and for all such purposes they shall have access to all records and papers pertaining thereto. Such examination and inspection shall be made for the period covered by the persons designated as soon as practicable, and the report of such persons shall be promptly filed. Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of $4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses, out of such appropriation for the Panama Canal as may be designated by the governor. (Mar. 3, 1915, c. 75, § 3, 38 Stat. 886.)

1330. Extradition and rendition of fugitives from justice.—All laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States. (Aug. 24, 1912, c. 390, § 12, 37 Stat. 569.)

1331. Laws applicable to seamen of American vessels at zone; shipping commissioners; authority as to seamen.—The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such seamen of such vessels bestowed by law upon consular officers of the United States in foreign ports and upon shipping commissioners in ports of the United States are hereby bestowed upon the shipping commissioner and deputy shipping commissioners on the Panama Canal Zone. (Aug. 21, 1916, c. 371, § 9, 39 Stat. 529.)

1332. Payments for Toro Point Light.—No payments shall be made for maintenance or other charge in connection with the Toro Point Light, Isthmus of Panama, out of moneys of the United States or of the Panama Railroad Company. (Aug. 24, 1912, c. 355, § 4, 37 Stat. 486.)

1333. Panama Railroad Company; insurance and payments on indebtedness to United States.—The Panama Railroad Company shall carry no insurance to cover marine or fire losses, nor make any further payment on the principal or interest on notes given prior to March 4, 1911, by it to the United States for moneys appropriated for its use. (Mar. 4, 1911, c. 285, § 2, 36 Stat. 1451.)

1334. Payment by Panama Railroad Company of subsidy.—Payment by the Panama Railroad Company to the United States, in accordance with the treaty with Panama, of the annual subsidy of $250,000, as provided by the concession granted by the United States of Colombia, shall not be required. (June 25, 1910, c. 384, § 2, 36 Stat. 772.)

1335. Bond by Panama Railroad Company for performance of contract with Army, Navy, etc.—The Panama Railroad Company shall not be required to give bond, either with or without surety, in contracts which it may make to furnish services, materials, or supplies to the Army, Navy, Marine Corps, or other departments of the Government, and such contracts may be made for periods less than one year, as may be agreed on, and formal contracts in writing shall not be required unless agreed on. (Mar. 4, 1911, c. 285, § 6, 36 Stat. 1452.)

1336. Notaries public.—The Governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them. (Sept. 21, 1922, c. 370, § 1, 42 Stat. 1004.)

CANAL ZONE COURTS AND SUBDIVISION OF ZONE

1341. Subdivision of Canal Zone; towns.—The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. (Sept. 21, 1922, c. 370, § 1, 42 Stat. 1004.)

1342. Magistrate courts; appointment of magistrates and constables; regulations by President.—In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100, or imprisonment not exceeding thirty days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 1321 of this chapter and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction herein granted to the magistrate courts, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the Governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. (Sept. 21, 1922, c. 370, § 1, 42 Stat. 1004.)

1343. Appeals from magistrate courts.—Appeals in civil and criminal cases are hereby authorized from the judgments and rulings of the magistrate courts to the district court under the rules and regulations prescribed by section 6 of Executive order of March 12, 1914, relating to the Canal Zone judiciary:

Provided, That there shall be no right of appeal in criminal cases, except in those cases wherein the defendant has been sentenced to jail or has been fined in amount exceeding $25. (Sept. 21, 1922, c. 370, § 1, 42 Stat. 1004.)

1344. District court generally; rules of practice.—There shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed, amended, or repealed by order of the President. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1345. General jurisdiction of district court.—The said district court shall have jurisdiction of—

All felony cases under the laws of the Canal Zone;

All offenses arising under section 1321 of this chapter;

All cases in equity;

All cases in admiralty;

All cases of divorce and annulment of marriage;

All cases at law involving principal sums exceeding $300;

All appeals from judgments rendered in the magistrates' courts;

All matters and proceedings not otherwise provided for which, on September 21, 1922, were within the jurisdiction of the Supreme Court of the Canal Zone, the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof.

The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same as is exercised by the United States district judges and the United States district courts and the practice and procedure shall be the same as in the United States district courts. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1346. Jurisdiction of crimes committed on high seas.—The district court shall also have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed upon the high seas beyond the territorial limits of the Canal Zone, on vessels belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof, and the offenders are found in the Canal Zone or are brought into the Canal Zone after the commission of the offense: *Provided*, That this provision shall not be construed to deprive district courts of the United States of any jurisdiction provided by law. The procedure and practice in such cases shall be the same as in other criminal cases tried under the laws of the Canal Zone. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1347. Jury and jury trials; compensation of jurors.—The judge of the district court shall provide for the selection, summoning, and serving of jurors from among the citizens of the United States, subject to jury duty, to serve in the division of the district in which such jurors reside; and a jury shall be had in any civil or criminal case originating in said court on the demand of either party. The compensation of jurors shall be prescribed by order of the President. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1348. Compensation of district judge; mileage and per diem allowances.—The said district judge shall receive the same salary as is allowed to United States district judges, and when holding court away from home shall be allowed the same mileage and per diem as is allowed to United States district judges. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1349. Clerk of district court and assistants; compensation.—The district judge shall appoint the clerk of the district court, and may appoint one assistant clerk and such other additional help as the President may authorize; all of such officials and help shall receive such compensation as shall be prescribed by order of the President. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1350. Special judge; appointment and compensation.—During the absence of the district judge or during any period of disability or disqualification from sickness or otherwise to discharge his duties, the same shall be temporarily performed by a special judge, to be designated by the President, which designation may be made by cablegram or otherwise, and who shall be an attorney at law qualified to practice before the courts of the Canal Zone or any of the United States district courts or any of the superior courts of any State, Territory, or possession of the United States, and who during such service shall be paid at the same rate of compensation and the same mileage and per diem as that paid the district judge of the Canal Zone. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1351. District attorney; compensation and duties.—There shall be a district attorney for said court, who shall be paid a salary of $5,000 per annum.

It shall be the duty of the district attorney to conduct all legal proceedings, civil and criminal, for the Government, and to advise the Governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1352. Marshal; duties and compensation.—There shall be a marshal for said district. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The marshal shall be paid a salary of $5,000 per annum. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1353. Appointment of district judge, district attorney, and marshal; tenure of office; residence and leave of absence.—The district judge, the district attorney, and the marshal shall be appointed by the President, as by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified; they shall reside within the Canal Zone during their term of office, and shall be allowed six weeks' leave of absence each year with pay, under such regulations as the President may from time to time prescribe. (Sept. 21, 1922, c. 370, § 2, 42 Stat. 1005.)

1354. Transfer of causes to new courts; continuance of supreme courts for determination of pending causes.—The records of the courts, existing prior to September 21, 1922, and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this chapter be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the courts, existing prior to September 21, 1922, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. (Sept. 21, 1922, c. 370, § 3, 42 Stat. 1006.)

1355. Continuance of laws defining duties of clerks or ministerial officers and governing practice and procedure.—All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of courts, existing prior to September 21, 1922, shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this chapter having jurisdiction of like cases, matters, and duties.

All laws existing prior to September 21, 1922, in the Canal Zone governing practice and procedure in courts, existing prior to September 21, 1922, shall be applicable and adapted to the practice and procedure in the new courts. (Sept. 21, 1922, c. 370, § 3, 42 Stat. 1006.)

1356. Appeals from district court.—The Circuit Court of Appeals of the Fifth Circuit of the United States shall have juris-

diction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party or by other competent evidence, and also in criminal cases wherein the offense charged is punishable as a felony; and also in civil and criminal cases in which the jurisdiction of the trial court is in issue, but whenever any such case is not otherwise reviewable in said appellate court the question of jurisdiction alone shall be reviewable by said appellate court. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States. Cases pending in the said circuit court of appeals on September 21, 1922, shall not be affected hereby, but the same shall be disposed of as though this chapter had not been enacted. (Sept. 21, 1922, c. 370, § 3, 42 Stat. 1006.)

1357. Common law and equity jurisdiction blended.—It shall not be necessary in the district court of the Canal Zone to exercise separately the law and equity jurisdiction vested in said court; and the code of civil procedure of the Canal Zone and the rules of practice adopted in said zone, in so far as they authorize a blending of said jurisdictions in cases at law and in equity, are hereby confirmed. (Sept. 21, 1922, c. 370, § 3, 42 Stat. 1006.)

1358. Acknowledgment of deeds in Canal Zone.—Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in the Canal Zone shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified. (June 28, 1906, c. 3585, 34 Stat. 552.)

Chapter 7.—THE VIRGIN ISLANDS.

Sec.
1391. Jurisdiction; governor.
1392. Local laws continued; courts; appeals and writs of error.
1393. Colonial councils; eligibility to membership in.
1394. Customs duties and internal-revenue taxes.
1395. Tax laws continued; tax on sugar.
1396. Duties and taxes covered into island treasury.
1397. Income-tax laws of United States in force.
1398. Quarantine and passport fees.

1391. Jurisdiction; governor.—Except as provided in this chapter, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: *Provided*, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: *Provided further*, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: *And provided further*, That the compensation of all persons appointed under this chapter shall be fixed by the President. (Mar. 3, 1917, c. 171, § 1, 39 Stat. 1132.)

1392. Local laws continued; courts; appeals and writs of error.—Until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this chapter, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and reviewable by the courts of Denmark prior to March 3, 1917, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections 346 and 347 of Title 28, JUDICIAL CODE AND JUDICIARY, the judgments, orders, and decrees of such court shall be final in all such cases. (Mar. 3, 1917, c. 171, § 2, 39 Stat. 1132.)

1393. Colonial councils; eligibility to membership in.—No person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands. (July 12, 1921, c. 44, § 1, 42 Stat. 123.)

1394. Customs duties and internal-revenue taxes.—There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. (Mar. 3, 1917, c. 171, § 3, 39 Stat. 1133.)

1395. Tax laws continued; tax on sugar.—Until Congress shall otherwise provide all laws imposing taxes in the Virgin Islands on March 3, 1917, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of $8 per ton of two thousand pounds irrespective of polariscope test, in lieu of any export tax required by law. (Mar. 3, 1917, c. 171, § 4, 39 Stat. 1133.)

1396. Duties and taxes covered into island treasury.—The duties and taxes collected in pursuance of sections 1391 to 1395 of this title shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of the Virgin Islands, under such rules and regulations as the President may prescribe. (Mar. 3, 1917, c. 171, § 5, 39 Stat. 1133.)

1397. Income-tax laws of United States in force.—The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands. (July 12, 1921, c. 44, § 1, 42 Stat. 123.)

1398. Quarantine and passport fees.—Quarantine and passport fees collected in the Virgin Islands shall be paid into the treasuries of said islands. (July 1, 1922, c. 259, 42 Stat. 788.)

Chapter 8.—GUANO ISLANDS.

Sec.
1411. Guano districts; claim by United States.
1412. Same; notice of discovery, and proofs.
1413. Completion of proof on death of discoverer.
1414. Exclusive privileges of discoverer.
1415. Restrictions upon exportation.
1416. Regulation of trade.
1417. Criminal jurisdiction.
1418. Employment of land and naval forces in protection of rights.
1419. Right to abandon islands.

Section 1411. Guano districts; claim by United States.—Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States. (R. S. § 5570.)

1412. Same; notice of discovery, and proofs.—The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States. (R. S. § 5571.)

1413. Completion of proof on death of discoverer.—If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of section 1412 of this title, his widow, heir, executor, or administrator, shall be entitled to the benefits of such discovery, upon complying with the provisions of this chapter. Nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer recognized prior to April 2, 1872, by the United States. (R. S. § 5572.)

1414. Exclusive privileges of discoverer.—The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding $8 per ton for the best quality, or $4 for every ton taken while in its native place of deposit. (R. S. § 5573.)

1415. Restrictions upon exportation.—No guano shall be taken from any island, rock, or key mentioned in section 1411 of this title, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this chapter. (R. S. § 5574.)

1416. Regulation of trade.—The introduction of guano from such islands, rocks, or keys shall be regulated as in the coasting trade between different parts of the United States, and the same laws shall govern the vessels concerned therein. (R. S. § 5575.)

1417. Criminal jurisdiction.—All acts done, and offenses or crimes committed, on any island, rock, or key mentioned in section 1411 of this title, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys. (R. S. § 5576.)

1418. Employment of land and naval forces in protection of rights.—The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns. (R. S. § 5577.)

1419. Right to abandon islands.—Nothing in this chapter contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same. (R. S. § 5578.)

Chapter 9.—GUAM, SAMOA, AND SWAINS ISLAND; MISCELLANEOUS PROVISIONS.

Sec.
1431. Sovereignty of United States extended over Swains Island.
1432. Acknowledgment of deeds in.

Section 1431. Sovereignty of United States extended over Swains Island.—The sovereignty of the United States over American Samoa is extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States. (Mar. 4, 1925, c. 563, 43 Stat. 1357.)

1432. Acknowledgment of deeds in.—Deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Guam or Samoa, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the 1st day of January, 1905, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified. (June 28, 1906, c. 3585, 34 Stat. 552.)

Chapter 10.—TERRITORIAL PROVISIONS OF A GENERAL NATURE.

Sec.
1451. Rights of Indians not impaired; boundaries.
1452. Regulation of Indians.
1453. Executive power.
1454. Secretary.
1455. Same; duties.
1456. Same; annual estimates for expenses.
1457. Extra compensation to officers.
1458. Other officers.
1459. Vacancies, how filled.
1460. Qualification of voters.
1461. Same; bigamist.
1462. Subordinate officers of legislature.
1463. Chancery and common-law jurisdiction.
1464. Same; exercise under codes.

1465. Oath of office.
1466. Commencement of salaries of officers.
1467. Fees.
1468. Salary not paid when officer absent.
1469. Accounts and disbursements of Territories.
1470. Annual expense appropriation not to be exceeded.
1471. Local or special laws.
1472. Indebtedness of municipal corporations.
1473. Authorizing debt; limitation of total indebtedness.
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1480. Right of religious corporations to hold real estate.
1481. Convicts; care and custody.
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1483. Same; rules and regulations.
1484. Same; expenses.
1485. Same; imprisonment.
1486. Law as to clearance and entry of vessels applicable to trade between United States and noncontiguous Territories, etc.
1487. Extraordinary sessions.
1488. Vacancy in office of justice of the peace.
1489. Effect of acts of legislatures of Alaska, Hawaii, Porto Rico, and Philippines repealing or amending Federal statutes.

Section 1451. Rights of Indians not impaired; boundaries.—Nothing in this chapter shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. (R. S. § 1839.)

1452. Regulation of Indians.—Nor shall anything in this chapter be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory. (R. S. § 1840.)

1453. Executive power.—The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander in chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed. (R. S. § 1841.)

1454. Secretary.—There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified. (R. S. § 1843.)

1455. Same; duties.—The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semiannually, on the 1st day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act. (R. S. § 1844.)

1456. Same; annual estimates for expenses.—Except as otherwise provided by law it shall be the duty of the secretary of each Territory to furnish estimates in detail for the lawful expenses thereof, to be presented to the Secretary of the Treasury on or before the 1st day of October of every year. (June 20, 1874, c. 328, 18 Stat. 99.)

1457. Extra compensation to officers.—No law of any Territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States (R. S. § 1855.)

1458. Other officers.—All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly. (R. S. § 1857.)

1459. Vacancies, how filled.—In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council. (R. S. § 1858.)

1460. Qualification of voters.—At all elections subsequent to the first election, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such and have taken an oath to support the Constitution and Government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason or being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory, except officers of the Army on the retired list. (R. S. § 1860; Mar. 3, 1883, c. 134, 22 Stat. 567.)

1461. Same; bigamist.—No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States has exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory, or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States. (Mar. 22, 1882, c. 47, § 8, 22 Stat. 31.)

1462. Subordinate officers of legislature.—The subordinate officers of each branch of said Territorial legislatures shall consist of one chief clerk, who shall receive a compensation of $6 per day; one enrolling and engrossing clerk at $5 per day; sergeant at arms and doorkeeper, at $5 per day; one messenger and watchman, at $4 per day each; and one chaplain, at $1.50 per day. Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory. (June 19, 1878, c. 329, § 1, 20 Stat. 193.)

1463. Chancery and common-law jurisdiction.—The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common-law jurisdiction. (R. S. § 1868.)

1464. Same; exercise under codes.—It shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common-law and chancery jurisdictions vested in said courts; and the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases whether legal or equitable, are confirmed; and all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, are hereby validated and confirmed: *Provided*, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law. (Apr. 7, 1874, c. 80, § 1, 18 Stat. 27.)

1465. Oath of office.—The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory. (R. S. § 1878.)

1466. Commencement of salaries of officers.—Payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory; and said oath shall hereafter be administered in the Territory in which such office is held. (May 1, 1876, c. 88, 19 Stat. 43.)

1467. Fees.—The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter 16, Title 28, JUDICIAL CODE AND JUDICIARY, and no other compensation shall be taxed or allowed. (R. S. § 1883.)

1468. Salary not paid when officer absent.—When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the Comptroller General, to be filed in his office. (R. S. § 1884; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

1469. Accounts and disbursements of Territories.—All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made. (R. S. § 1886.)

1470. Annual expense appropriation not to be exceeded.—No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses. (R. S. § 1888.)

1471. Local or special laws.—The legislatures of the Territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following enumerated cases, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds.

Locating or changing county seats.

Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

For the punishment of crimes or misdemeanors.

For the assessment and collection of taxes for Territorial, county, township, or road purposes.

Summoning and impaneling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial legislatures thereof. (July 30, 1886, c. 818, § 1, 24 Stat. 170.)

1472. Indebtedness of municipal corporations.—No political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per centum on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void, but nothing in sections 1471 to 1473, 1475, 1478, or 1479 of this title contained shall be so construed as to affect the validity of any act of any Territorial legislature enacted prior to July 30, 1886, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds contracted for in pursuance of express provisions of law prior to such date; nor to prevent any Territorial legislature from legalizing the acts of any county, municipal corporation, or subdivision of any Territory as to any bonds theretofore issued or contracted to be issued.

The prohibitions and limitations contained in this section shall not be construed to apply to irrigation districts organized in accordance with Territorial laws. (July 30, 1886, c. 818, § 4, 24 Stat. 171; Aug. 22, 1911, c. 43, 37 Stat. 33.)

1473. Authorizing debt; limitation of total indebtedness.—No law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable or educational institutions for such Territory, if the final indebtedness of the Territory is not thereby made to exceed 1 per centum upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation. And nothing in sections 1471 to 1473, 1475, 1478, or 1479 of this title shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other subdivision therein. (July 30, 1886, c. 818, § 3, 24 Stat. 171.)

1474. Creating new counties and locating county seats.—Nothing in sections 1471 to 1473, 1475, 1478, or 1479 of this title shall be construed to prohibit the creation by Territorial legislatures of new counties and the location of the county seats thereof. (July 19, 1888, c. 679, § 2, 25 Stat. 336.)

1475. Subscribing to stock of corporation.—No Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association. (July 30, 1886, c. 818, § 2, 24 Stat. 171.)

1476. Bonds of municipal corporations; for sanitary purposes.—The issuance of bonds by chartered municipal corporations having a bona fide population of not less than one thousand persons, as shown by the last school census taken before any election to be held under the provisions of this section, in any Territory of the United States, for sanitary and health purposes, the construction of sewers, waterworks, and the improvement of streets is permitted, authorized, and legalized. The limitations of sections 1471 to 1473, 1475, 1478, and 1479 of this title shall not apply to such municipal corporations: *Provided*, That before any bonds shall be issued the mayor and common council of said chartered municipal corporations shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published, in a newspaper of general circulation published in such city or town, a notice of the time and place or places of holding such election. Such notice shall be given at least thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding 6 per centum per annum, and the interest shall be paid semiannually, and none of said bonds shall be sold at less than their par value. (Mar. 4, 1898, c. 35, 30 Stat. 252.)

1477. Same; erection of city buildings and purchase of sites.—The issuance of bonds by chartered municipal corporations having a bona fide population of not less than ten thousand persons, in any Territory of the United States, for erecting a city building and purchasing the ground for the same is permitted, authorized, and legalized. The limitations of sections 1471 to 1473, 1475, 1478, and 1479 of this title shall not apply to such municipal corporations: *Provided*, That before any bonds shall be issued the mayor and common council of such municipal corporation shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published in a newspaper of general circulation published in said city or town a notice of the time and place or places of holding such election. Such notice shall be given not more than sixty nor less than thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding 5 per centum, and the interest shall be paid semiannually, and none of said bonds shall be sold at less than their par value: *Provided further*, That no city under this section shall issue bonds in excess of $30,000. (June 6, 1900, c. 820, 31 Stat. 683.)

1478. Power of Congress to annul laws of legislatures.—Nothing in sections 1471 to 1473, 1475, 1478, and 1479 of this title contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial legislature, or to modify any existing law of Congress requiring in any case that the laws of any Territory shall be submitted to Congress. (July 30, 1886, c. 818, § 6, 24 Stat. 171.)

1479. Subsequent acts of legislatures in conflict with certain sections void.—Except as otherwise provided by law all acts and parts of acts passed by any Territorial legislature subsequent to July 30, 1886, in conflict with the provisions of sections, 1473, 1475, 1478, and 1479 of this title shall be null and void. (July 30, 1886, c. 818, § 7, 24 Stat. 171.)

1480. Right of religious corporations to hold real estate.—No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territorial government, of a greater value than $50,000; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section. (R. S. § 1890.)

1481. Convicts; care and custody.—The legislative assemblies of the several Territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such Territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other Territory or State, and provide that such person or persons may be sentenced to confinement accordingly in such other Territory or State, and all existing legislative enactments of any of the Territories for that purpose are hereby legalized: *Provided*, That the expense of keeping such prisoners shall be borne by the respective Territories, and no part thereof shall be borne by the United States. (June 16, 1880, c. 235, 21 Stat. 277.)

1482. Penitentiaries.—Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or District in which such penitentiary is situated. (R. S. § 1892.)

1483. Same; rules and regulations.—The Attorney General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and his deputies for their services under such regulations shall be fixed by the Attorney General. (R. S. § 1893.)

1484. Same; expenses.—The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the funds for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation allowed by law to those officers. (R. S. § 1894.)

1485. Same; imprisonment.—Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States. (R. S. § 1895.)

1486. Law as to clearance and entry of vessels applicable to trade between United States and noncontiguous territories, etc.—The provisions of sections 91 to 94, inclusive, of Title 46, SHIPPING, requiring statements of quantity and value of goods carried by vessels clearing from the United States to foreign ports, shall be extended to and govern, under such regulations as the Secretary of the Treasury shall prescribe, in the trade between the United States and Hawaii, Porto Rico, Alaska, the Philippine Islands, Guam, and its other noncontiguous territory, and shall also govern in the trade conducted between said islands and territory, and in shipments from said islands or territory to other parts of the United States: *Provided*, That this law shall not apply in the Philippine Islands during such time as the collectors of customs of those islands are under the jurisdiction of the War Department. (Apr. 29, 1902, c. 637, 32 Stat. 172.)

1487. Extraordinary sessions.—No extraordinary session of the legislature of any Territory, wherever the same is now authorized by law, shall be called until the reasons for the same have been presented to the President of the United States, and his approval thereof has been duly given. (June 22, 1874, c. 388, 18 Stat. 135.)

1488. Vacancy in office of justice of the peace.—When from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such Territory: *Provided*, That such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law. (Apr. 16, 1880, c. 56, 21 Stat. 74.)

1489. Effect of acts of legislatures of Alaska, Hawaii, Porto Rico, and Philippines repealing or amending Federal statutes.—Nothing contained in this Code shall be taken to repeal or in any way affect any act, heretofore passed by the legislatures of Alaska, Hawaii, Porto Rico, or the Philippine Islands, respectively, repealing or amending any Act of Congress in pursuance of power conferred upon said legislatures; it not being the purpose of this Code to modify or repeal such existing law or in any way to affect the power to repeal or modify existing law, heretofore conferred upon such legislatures.

TIMBER

See Title 16, CONSERVATION.

TIMBER LANDS

See Title 43, PUBLIC LANDS.

TONNAGE DUTIES

See Title 46, SHIPPING.

TOWN SITES

See Title 43, PUBLIC LANDS.

TRADE

See Title 15, COMMERCE AND TRADE.

TRADE-MARKS

See Title 15, COMMERCE AND TRADE.

TRADE-UNIONS

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TRAINING SCHOOLS

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Chapter 1.—"INTERSTATE COMMERCE ACT."

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Section 1. Regulation in general; car service; alteration of line.—(1) *Carriers subject to regulation.*—The provisions of this chapter shall apply to common carriers engaged in—

(a) The transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment; or

(b) The transportation of oil or other commodity, except water and except natural or artificial gas, by pipe line, or partly by pipe line and partly by railroad or by water; or

(c) The transmission of intelligence by wire or wireless from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country, but only in so far as such transportation or transmission takes place within the United States.

(2) *Transportation subject to regulation.*—The provisions of this chapter shall also apply to such transportation of passengers and property and transmission of intelligence, but only in so far as such transportation or transmission takes place within the United States, but shall not apply—

(a) To the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State and not shipped to or from a foreign country from or to any place in the United States as aforesaid;

(b) To the transmission of intelligence by wire or wireless wholly within one State and not transmitted to or from a foreign country from or to any place in the United States as aforesaid; or

(c) To the transportation of passengers or property by a carrier by water where such transportation would not be subject to the provisions of this chapter except for the fact that such carrier absorbs, out of its port-to-port water rates or out of its proportional through rates, any switching, terminal, lighterage, car rental, trackage, handling, or other charges by a rail carrier for services within the switching, drayage, lighterage, or corporate limits of a port terminal or district.

(3) *Definitions.*—The term "common carrier" as used in this chapter shall include all pipe-line companies; telegraph, telephone, and cable companies operating by wire or wireless; express companies; sleeping-car companies; and all persons, natural or artificial, engaged in such transportation or transmission as aforesaid as common carriers for hire. Wherever the word "carrier" is used in this chapter it shall be held to mean "common carrier." The term "railroad" as used in this chapter shall include all bridges, car floats, lighters, and ferries used by or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and also all switches, spurs, tracks, terminals, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, including all freight depots, yards, and grounds, used or necessary in the transportation or delivery of any such property. The term "transportation" as used in this chapter shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported. The term "transmission" as used in this chapter shall include the transmission of intelligence through the application of electrical energy or other use of electricity, whether by means of wire, cable, radio apparatus, or other wire or wireless conductors or appliances, and all instrumentalities and facilities for and services in connection with the receipt, forwarding, and delivery of messages, communications, or other intelligence so transmitted, hereinafter also collectively called messages.

(4) *Duty to furnish transportation and establish through routes; division of joint rates.*—It shall be the duty of every common carrier subject to this chapter engaged in the transportation of passengers or property to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates, fares, and charges applicable thereto, and to provide reasonable facilities for operating through routes and to make reasonable rules and regulations with respect to the operation of through routes, and providing for reasonable compensation to those entitled thereto; and in case of joint rates, fares, or charges, to establish just, reasonable, and equitable divisions thereof as between the carriers subject to this chapter participating therein which shall not unduly prefer or prejudice any of such participating carriers.

(5) *Just and reasonable charges required; classification of messages, and rates; exchange of services.*—All charges made for any service rendered or to be rendered in the transportation of passengers or property or in the transmission of intelligence by wire or wireless as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful: *Provided*, That messages by wire or wireless subject to the provisions of this chapter may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as are just and reasonable, and different rates may be charged for the different classes of messages: *And provided further*, That nothing in this chapter shall be construed to prevent telephone, telegraph, and cable companies from entering into contracts with common carriers for the exchange of services.

(6) *Classification of property for transportation; regulations and practices.*—It is made the duty of all common carriers subject to the provisions of this chapter to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this chapter which may be necessary or proper to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this chapter upon just and reasonable terms, and every unjust and unreasonable classification, regulation, and practice is prohibited and declared to be unlawful.

(7) *Free transportation for passengers prohibited; exceptions; penalty.*—No common carrier subject to the provisions of this chapter, shall, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christion Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *And provided further*, That this provision shall not be construed to prohibit the privilege of passes or franks, or the exchange thereof with each other, for the officers, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, agents, employees and their families of other common carriers subject to the provisions of this chapter: *Provided further*, That the term "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and exemployees traveling for the

purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood and minor children during minority of persons who died, while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in sections 41, 42, and 43 of chapter 2 of this title.

(8) *Transportation of commodity manufactured or produced by railroad forbidden.*—It shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

(9) *Switch connections and tracks.*—Any common carrier subject to the provisions of this chapter, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper. If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper or owner of such lateral, branch line of railroad, such shipper or owner of such lateral, branch line of railroad may make complaint to the commission, as provided in section 13 of this chapter, and the commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor, and the commission may make an order, as provided in section 15 of this chapter, directing the common carrier to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the commission, other than orders for the payment of money.

(10) *"Car service" defined.*—The term "car service" in this chapter shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, including special types of equipment, and the supply of trains, by any carrier by railroad subject to this chapter.

(11) *Duty to furnish car service; rules and regulations.*—It shall be the duty of every carrier by railroad subject to this chapter to furnish safe and adequate car service and to establish, observe, and enforce just and reasonable rules, regulations, and practices with respect to car service; and every unjust and unreasonable rule, regulation, and practice with respect to car service is prohibited and declared to be unlawful.

(12) *Distribution of coal cars; failure to prorate; penalty.*—It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, and in respect of each car not so counted shall be deemed a separate offense, and the carrier, receiver, or operating trustee so failing or refusing shall forfeit to the United States the sum of $100 for each offense, which may be recovered in a civil action brought by the United States.

(13) *Rules and regulations as to car service to be filed, etc.*—The commission is authorized by general or special orders to require all carriers by railroad subject to this chapter, or any of them, to file with it from time to time their rules and regulations with respect to car service, and the commission may, in its discretion, direct that such rules and regulations shall be incorporated in their schedules showing rates, fares, and charges for transportation, and be subject to any or all of the provisions of this chapter relating thereto.

(14) *Establishment by commission of rules, etc., as to car service.*—The commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by carriers by railroad subject to this chapter, including the compensation to be paid for the use of any locomotive, car, or other vehicle not owned by the carrier using it, and the penalties or other sanctions for nonobservance of such rules, regulations or practices.

(15) *Powers of commission in case of emergency.*—Whenever the commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, the commission shall have, and it is given, authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine: (a) to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the commission; (b) to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers of locomotives, cars, and other vehicles, during such emergency as in its opinion will best promote the service in the interest of the public and the commerce of the people, upon such terms of compensation as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; (c) to require such joint or common use of terminals, including main-line track or tracks for a reasonable distance outside of such terminals, as in its opinion will best meet the emergency and serve the public interest, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; and (d) to give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them. In time of war or threatened war the President may certify to the commission that it is essential to the national defense and security that certain traffic shall have preference or priority in transportation, and the commission shall, under the power

herein conferred, direct that such preference or priority be afforded.

(16) *Rerouting of traffic on failure of initial carrier to serve public.*—Whenever the commission is of opinion that any carrier by railroad subject to this chapter is for any reason unable to transport the traffic offered it so as properly to serve the public, it may, upon the same procedure as provided in paragraph (15), make such just and reasonable directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over other lines of roads, as in the opinion of the commission will best promote the service in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable.

(17) *Directions of commission as to car service; disobedience; rights of States.*—The directions of the commission as to car service and to the matters referred to in paragraphs (15) and (16) may be made through and by such agents or agencies as the commission shall designate and appoint for that purpose. It shall be the duty of all carriers by railroad subject to this chapter, and of their officers, agents, and employees, to obey strictly and conform promptly to such orders or directions of the commission, and in case of failure or refusal on the part of any carrier, receiver, or operating trustee to comply with any such order or direction such carrier, receiver, or trustee shall be liable to a penalty of not less than $100 nor more than $500 for each such offense and $50 for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States: *Provided, however*, That nothing in this chapter shall impair or affect the right of a State, in the exercise of its police power, to require just and reasonable freight and passenger service for intrastate business, except in so far as such requirement is inconsistent with any lawful order of the commission made under the provisions of this chapter.

(18) *Extension or abandonment of lines; certificate required.*—No carrier by railroad subject to this chapter shall undertake the extension of its line of railroad, or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation under this chapter over or by means of such additional or extended line of railroad, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line of railroad, and no carrier by railroad subject to this chapter shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity permit of such abandonment.

(19) *Application for certificate of commission; notice and hearing.*—The application for and issuance of any such certificate shall be under such rules and regulations as to hearings and other matters as the commission may from time to time prescribe, and the provisions of this chapter shall apply to all such proceedings. Upon receipt of any application for such certificate the commission shall cause notice thereof to be given to and a copy filed with the governor of each State in which such additional or extended line of railroad is proposed to be constructed or operated, or all or any portion of a line of railroad, or the operation thereof, is proposed to be abandoned, with the right to be heard as hereinafter provided with respect to the hearing of complaints or the issuance of securities; and said notice shall also be published for three consecutive weeks in some newspaper of general circulation in each county in or through which said line of railroad is constructed or operates.

(20) *Issuance of certificate by commission; unlawful extension or abandonment of lines.*—The commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line of railroad, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. From and after issuance of such certificate, and not before, the carrier by railroad may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, operation, or abandonment covered thereby. Any construction, operation, or abandonment contrary to the provisions of this paragraph or of paragraph (18) or (19) of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the commission, any commission or regulating body of the State or States affected, or any party in interest; and any carrier which, or any director, officer, receiver, operating trustee, lessee, agent, or person, acting for or employed by such carrier, who knowingly authorizes, consents to, or permits any violation of the provisions of this paragraph or of paragraph (18) of this section, shall upon conviction thereof be punished by a fine of not more than $5,000 or by imprisonment for not more than three years, or both.

(21) *Power of commission to require adequate facilities or extension of line; penalty.*—The commission may, after hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier by railroad subject to this chapter, party to such proceeding, to provide itself with safe and adequate facilities for performing as a common carrier its car service as that term is used in this chapter, and to extend its line or lines: *Provided*, That no such authorization or order shall be made unless the commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier subject to this chapter which refuses or neglects to comply with any order of the commission made in pursuance of this paragraph shall be liable to a penalty of $100 for each day during which such refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(22) *Construction, etc., of spurs, switches, etc., within State.*—The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or side tracks, located or to be located wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general steam railroad system of transportation. (Feb. 4, 1887, c. 104, § 1, 24 Stat. 379; June 29, 1906, c. 3591, § 1, 34 Stat. 584; Apr. 13, 1908, c. 143, 35 Stat. 60; June 18, 1910, c. 309, § 7, 36 Stat. 544; May 29, 1917, c. 23, 40 Stat. 101; and Feb. 28, 1920, c. 91, §§ 400–403, 41 Stat. 474–478.)

2. Special rates and rebates prohibited.—If any common carrier subject to the provisions of this chapter shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property or the transmission of intelligence, subject to the provisions of this chapter, than it charges, demands, collects, or

receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation or transmission of a like kind of traffic or message under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is prohibited and declared to be unlawful. (Feb. 4, 1887, c. 104, § 2, 24 Stat. 379; Feb. 28, 1920, c. 91, § 404, 41 Stat. 479.)

3. Preferences; interchange of traffic; terminal facilities.—(1) *Undue preferences or prejudices prohibited.*—It shall be unlawful for any common carrier subject to the provisions of this chapter to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(2) *Payment of freight as prerequisite to delivery.*—No carrier by railroad subject to the provisions of this chapter shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the commission may from time to time prescribe to assure prompt payment of all such rates and charges and to prevent unjust discrimination: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia.

(3) *Interchange of traffic.*—All carriers, engaged in the transportation of passengers or property, subject to the provisions of this chapter, shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers or property to and from their several lines and those connecting therewith, and shall not discriminate in their rates, fares, and charges between such connecting lines, or unduly prejudice any such connecting line in the distribution of traffic that is not specifically routed by the shipper.

(4) *Terminal facilities; use of and compensation for.*—If the commission finds it to be in the public interest and to be practicable, without substantially impairing the ability of a carrier owning or entitled to the enjoyment of terminal facilities to handle its own business, it shall have power to require the use of any such terminal facilities, including main line track or tracks for a reasonable distance outside of such terminal, of any carrier, by another carrier or other carriers, on such terms and for such compensation as the carriers affected may agree upon, or, in the event of a failure to agree, as the commission may fix as just and reasonable for the use so required, to be ascertained on the principle controlling compensation in condemnation proceedings. Such compensation shall be paid or adequately secured before the enjoyment of the use may be commenced. If under this paragraph the use of such terminal facilities of any carrier is required to be given to another carrier or other carriers, and the carrier whose terminal facilities are required to be so used is not satisfied with the terms fixed for such use, or if the amount of compensation so fixed is not duly and promptly paid, the carrier whose terminal facilities have thus been required to be given to another carrier or other carriers shall be entitled to recover, by suit or action against such other carrier or carriers, proper damages for any injuries sustained by it as the result of compliance with such requirement, or just compensation for such use, or both, as the case may be. (Feb. 4, 1887, c. 104, § 3, 24 Stat. 380; Feb. 28, 1920, c. 91, § 405, 41 Stat. 479.)

4. Long and short haul charges; competition with water routes.—(1) *Charges for long and short hauls and on through route.*—It shall be unlawful for any common carrier subject to the provisions of this chapter to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this chapter, but this shall not be construed as authorizing any common carrier within the terms of this chapter to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence: *And provided further*, That rates, fares, or charges existing on February 28, 1920, by virtue of orders of the commission or as to which application had theretofore been filed with the commission and not, as of that date, acted upon, shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the commission.

(2) *Competition of railroads with water routes; change of rates.*—Wherever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points it shall not be permitted to increase such rates unless after hearing by the commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition. (Feb. 4, 1887, c. 104, § 4, 24 Stat. 380; June 18, 1910, c. 309, § 8, 36 Stat. 547; and Feb. 28, 1920, c. 91, § 406, 41 Stat. 480.)

5. Combinations and consolidations of carriers.—(1) *Pooling; division of traffic or earnings.*—Except upon specific approval by order of the commission as in this section provided, and except as provided in paragraph (16) of section 1 of this chapter it shall be unlawful for any common carrier subject to this chapter to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid each day of its continuance shall be deemed a separate offense: *Provided*, That whenever the commission is of opinion, after hearing upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this chapter, or upon its own initiative, that the division of their traffic or earnings, to the extent indicated by the commission, will be in the interest of better service to the public, or economy in operation, and will not unduly restrain competition, the commission

shall have authority by order to approve and authorize, if assented to by all the carriers involved, such division of traffic or earnings, under such rules and regulations, and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the commission to be just and reasonable in the premises.

(2) *Acquisition of control of one carrier by another.*—Whenever the commission is of opinion, after hearing, upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this chapter, that the acquisition, to the extent indicated by the commission, by one of such carriers of the control of any other such carrier or carriers either under a lease or by the purchase of stock or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, will be in the public interest, the commission shall have authority by order to approve and authorize such acquisition, under such rules and regulations and for such consideration and on such terms and conditions as shall be found by the commission to be just and reasonable in the premises.

(3) *Supplemental orders.*—The commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1) or (2), as it may deem necessary or appropriate.

(4) *Consolidation of railroads into limited number of systems.*—The commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained. Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

(5) *Tentative plan of consolidation; hearings; adoption and publication.*—When the commission has agreed upon a tentative plan, it shall give the same due publicity and upon reasonable notice, including notice to the governor of each State, shall hear all persons who may file or present objections thereto. The commission is authorized to prescribe a procedure for such hearings and to fix a time for bringing them to a close. After the hearings are at an end, the commission shall adopt a plan for such consolidation and publish the same; but it may at any time thereafter, upon its own motion or upon application, reopen the subject for such changes or modifications as in its judgment will promote the public interest. The consolidations herein provided for shall be in harmony with such plan.

(6) *Consolidation of railroads by agreement.*—It shall be lawful for two or more carriers by railroad, subject to this chapter, to consolidate their properties or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership, management, and operation, under the following conditions:

(a) The proposed consolidation must be in harmony with and in furtherance of the complete plan of consolidation mentioned in paragraph (5) and must be approved by the commission;

(b) The bonds at par of the corporation which is to become the owner of the consolidated properties, together with the outstanding capital stock at par of such corporation, shall not exceed the value of the consolidated properties as determined by the commission. The value of the properties sought to be consolidated shall be ascertained by the commission under section 19a of this chapter, and it shall be the duty of the commission to proceed immediately to the ascertainment of such value for the properties involved in a proposed consolidation upon the filing of the application for such consolidation.

(c) Whenever two or more carriers propose a consolidation under this section, they shall present their application therefor to the commission, and thereupon the commission shall notify the governor of each State in which any part of the properties sought to be consolidated is situated and the carriers involved in the proposed consolidation, of the time and place for a public hearing. If after such hearing the commission finds that the public interest will be promoted by the consolidation and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, with such modifications and upon such terms and conditions as it may prescribe, and thereupon such consolidation may be effected, in accordance with such order, if all the carriers involved assent thereto, the law of any State or the decision or order of any State authority to the contrary notwithstanding.

(7) *Consolidation of express companies.*—The power and authority of the commission to approve and authorize the consolidation of two or more carriers shall extend and apply to the consolidation of four express companies into the American Railway Express Company, a Delaware corporation, if application for such approval and authority is made to the commission within thirty days after February 28, 1920.

(8) *Carriers affected relieved from operation of antitrust laws, etc.*—The carriers affected by any order made under the foregoing provisions of this section and any corporation organized to effect a consolidation approved and authorized in such order are relieved from the operation of the "antitrust laws," as designated in section 12 of Title 15, Commerce and Trade, and of all other restraints or prohibitions by law, State or Federal, in so far as may be necessary to enable them to do anything authorized or required by any order made under and pursuant to the foregoing provisions of this section.

(9) *Acquisition or consolidation of telephone companies.*—Upon application of one or more telephone companies for authority to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner, when such consolidated company would be subject to this chapter, the commission shall fix a time and place for a public hearing upon such application and shall thereupon give reasonable notice in writing to the governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State public service commission or other regulatory body, if any, having jurisdiction over telephone companies, and to such other persons as it may deem advisable. After such public hearing, if the commission finds that the proposed consolidation, acquisition, or control will be of advantage to the persons to whom service is to be rendered and in the public interest, it shall certify to that effect; and thereupon any Act or Acts of Congress making the proposed transaction unlawful shall not apply. Nothing in this paragraph contained shall be construed as in any wise limiting or restricting the powers of the several States as existing on June 10, 1921, to control and regulate telephone companies.

(10) *Having interest in competing carrier by water prohibited.*—It shall be unlawful for any railroad company or other common carrier subject to this chapter to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding com-

pany, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

(11) *Determination of fact of competition; hearings; orders.*—Jurisdiction is conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of paragraphs (10), (11), or (12) of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

(12) *Continuation of water service permitted; filing of rates, schedules, and practices.*—If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to this chapter in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation. (Feb. 4, 1887, c. 104, § 5, 24 Stat. 380; Aug. 24, 1912, c. 390, § 11, 37 Stat. 566; Feb. 28, 1920, c. 91, §§ 407, 408, 41 Stat. 480, 482; and June 10, 1921, c. 20, 42 Stat. 27.)

6. Schedules and statements of rates, etc., joint rail and water transportation.—(1) *Schedule of rates, fares, and charges; filing and posting.*—Every common carrier subject to the provisions of this chapter shall file with the commission created by this chapter and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print and keep open to public inspection as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this chapter.

(2) *Schedule of rates through foreign country.*—Any common carrier subject to the provisions of this chapter receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this chapter, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

(3) *Change in rates, fares, etc.; notice required; simplification of schedules.*—No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions: *Provided further*, That the commission is authorized to make suitable rules and regulations for the simplification of schedules of rates, fares, charges, and classifications and to permit in such rules and regulations the filing of an amendment of or change in any rate, fare, charge, or classification without filing complete schedules covering rates, fares, charges or classifications not changed if, in its judgment, not inconsistent with the public interest.

(4) *Joint tariffs.*—The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

(5) *Copies of traffic contracts to be filed.*—Every common carrier subject to this chapter shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this chapter to which it may be a party.

(6) *Forms of schedules prescribed by commission.*—The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

(7) *Transportation without filing and publishing rates forbidden; rebates; privileges.*—No carrier, unless otherwise pro-

vided by this chapter, shall engage or participate in the transportation of passengers or property, as defined in this chapter, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this chapter; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

(8) *Preference to shipments for United States.*—In time of war or threatened war preference and precedence shall, upon demand of the President of the United States, be given, over all other traffic, for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.

(9) *Schedule lacking notice of effective date.*—The commission may reject and refuse to file any schedule that is tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the commission shall be void and its use shall be unlawful.

(10) *Penalty for failure to comply with regulations.*—In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with the terms of any regulation adopted and promulgated or any order made by the commission under the provisions of this section, such carrier, receiver, or trustee shall be liable to a penalty of $500 for each such offense, and $25 for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(11) *Failing to give or misstating rates; penalty.*—If any common carrier subject to the provisions of this chapter after written request made upon the agent of such carrier hereinafter in this section referred to, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then the said carrier shall be liable to a penalty of $250, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(12) *Name of resident agent to be posted; request for information.*—It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request in substantially the following form: "The Station Agent of the ——— Company at ——— Station," together with the name of the proper post office, inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any post office.

(13) *Jurisdiction of commission over transportation by rail and water.*—When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction otherwise given by this chapter:

(a) To establish physical connection between the lines of the rail carrier and the dock at which interchange of passenger or property is to be made by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of the railroad right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a track or tracks to the dock. The commission shall have full authority to determine and prescribe the terms and conditions upon which these connecting tracks shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier: *Provided,* That construction required by the commission under the provisions of this paragraph shall be subject to the same restrictions as to findings of public convenience and necessity and other matters as is construction required under section 1 of this chapter.

(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

(c) To establish proportional rates or maximum, or minimum, or maximum and minimum proportional rates, by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

(d) If any rail carrier subject to this chapter enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country. (Feb. 4, 1887, c. 104, § 6, 24 Stat. 380; Mar. 2, 1889, c. 382, § 1, 25 Stat. 855; June 29, 1906, c. 3591, § 2, 34 Stat. 586; June 18, 1910, c. 309, § 9, 36 Stat. 548; Aug. 24, 1912, c. 390, § 11, 37 Stat. 568; Aug. 29, 1916, c. 417, 39 Stat. 604; and Feb. 28, 1920, c. 91, §§ 409–413, 41 Stat. 483.)

7. Combinations to prevent continuous carriage of freight prohibited.—It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destina-

tion; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this chapter. (Feb. 4, 1887, c. 104, § 7, 24 Stat. 382.)

8. Liability in damages to persons injured by violation of law.—In case any common carrier subject to the provisions of this chapter shall do, cause to be done, or permit to be done any act, matter, or thing in this chapter prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this chapter required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this chapter, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case. (Feb. 4, 1887, c. 104, § 8, 24 Stat. 382.)

9. Remedies of persons damaged; election; witnesses.—Any person or persons claiming to be damaged by any common carrier subject to the provisions of this chapter may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this chapter, in any district court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. (Feb. 4, 1887, c. 104, § 9, 24 Stat. 382.)

10. Violation of regulations by carrier; discrimination; penalties.—(1) *Violation by carrier or officer; penalty.*—Any common carrier subject to the provisions of this chapter, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this chapter prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this chapter required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this chapter to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this chapter for which no penalty is otherwise provided, or who shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense: *Provided*, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges for the transportation of passengers or property or the transmission of intelligence, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

(2) *False billing or classification by carrier; penalty.*—Any common carrier subject to the provisions of this chapter, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding $5,000, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

(3) *Obtaining lower rates by false billing, etc, or by false claim; penalty.*—Any person, corporation, or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier subject to the provisions of this chapter, or for whom, as consignor or consignee, any such carrier shall transport property, who shall knowingly and willfully, directly, or indirectly, himself or by employee, agent, officer, or otherwise, by false billing, false classification, false weighing, false representation of the contents of the package or the substance of the property, false report of weight, false statement, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent, or officer, obtain or attempt to obtain transportation for such property at less than the regular rates then established and in force on the line of transportation; or who shall knowingly and willfully, directly or indirectly, himself or by employee, agent, officer, or otherwise, by false statement or representation as to cost, value, nature, or extent of injury, or by the use of any false bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to be false, fictitious, or fraudulent, or to contain any false, fictitious, or fraudulent statement or entry, obtain or attempt to obtain any allowance, refund, or payment for damage or otherwise in connection with or growing out of the transportation of or agreement to transport such property, whether with or without the consent or connivance of the carrier, whereby the compensation of such carrier for such transportation, either before or after payment, shall in fact be made less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was wholly or in part committed, be subject for each offense to a fine of not exceeding $5,000 or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court: *Provided*, That the penalty of imprisonment shall not apply to artificial persons.

(4) *Inducing unjust discrimination; penalty; liability for damages.*—If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce or attempt to induce any common carrier subject to the provisions of this chapter, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimina-

tion, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding $5,000, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable, jointly or severally, in an action to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom. (Feb. 4, 1887, c. 104, § 10, 24 Stat. 382; Mar. 2, 1889, c. 382, § 2, 25 Stat. 857; June 18, 1910, c. 309, § 10, 36 Stat. 549; and Feb. 28, 1920, c. 91, § 414, 41 Stat. 483.)

11. Interstate Commerce Commission; appointment, term, and qualifications of commissioners.—A commission is created and established to be known as the Interstate Commerce Commission, which shall be composed of eleven commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners appointed under this chapter and their successors, shall continue in office for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Of the commissioners in office on January 1, 1926, the term of one shall expire December 31 in each of the years 1926, 1927, and 1932 and the terms of two shall expire December 31, in each of the years, 1928, 1929, 1930, and 1931. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than six of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this chapter, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. (Feb. 4, 1887, c. 104, § 11, 24 Stat. 383; June 29, 1906, c. 3591, § 8, 34 Stat. 595; Aug. 9, 1917, c. 50, § 1, 40 Stat. 270; Feb. 28, 1920, c. 91, § 440, 41 Stat. 497.)

12. Authority and duties of commission; witnesses; depositions.—(1) *Authority, duties, and proceedings of commission; witnesses.*—The commission created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this chapter, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and the commission is authorized and required to execute and enforce the provisions of this chapter; and, upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this chapter and for the punishment of all violations thereof, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States; and for the purposes of this chapter the commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

(2) *Attendance of witnesses and production of documents.*—Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

(3) *Compelling attendance and testimony of witnesses, etc.*—And any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this chapter, or other person, issue an order requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(4) *Depositions.*—The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

(5) *Oath; subscription of testimony on deposition.*—Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

(6) *Deposition in foreign country; filing of depositions.*—If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the commission, or agreed upon by the parties by stipulation in writing to be filed with the commission. All depositions must be promptly filed with the commission.

(7) *Fees for depositions.*—Witnesses whose depositions are taken pursuant to this chapter, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States. (Feb. 4, 1887, c. 104, § 12, 24 Stat. 383; Mar. 2, 1889, c. 382, § 3, 25 Stat. 858; Feb. 10, 1891, c. 128, 26 Stat. 743; May 28, 1896, c. 252, § 19, 29 Stat. 184; Mar. 3, 1911, c. 231, § 292, 36 Stat. 1167; Feb. 28, 1920, c. 91, § 415, 41 Stat. 484.)

13. Complaints to and investigations by commission.—(1) *Complaint to commission of violation of law by carrier; reparation; investigation.*—Any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal organization, or any common carrier complaining of anything done or omitted to be done by any common carrier subject to the provisions of this chapter in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the complaint thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing, within a reasonable time, to be specified by the commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been done, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

(2) *Complaint by State commission; inquiry on commission's own motion.*—Said commission shall, in like manner and with the same authority and powers, investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory at the request of such commissioner or commission, and the Interstate Commerce Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made, to or before said commission by any provision of this chapter, or concerning which any question may arise under any of the provisions of this chapter, or relating to the enforcement of any of the provisions of this chapter. And the said commission shall have the same powers and authority to proceed with any inquiry instituted on its motion as though it had been appealed to by complaint or petition under any of the provisions of this chapter, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had excepting orders for the payment of money. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

(3) *Investigation involving State regulations; conference of State and interstate commissions.*—Whenever in any investigation under the provisions of this chapter, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, the commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this chapter with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this chapter.

(4) *Duty of commission where State regulations result in discrimination.*—Whenever in any such investigation the commission, after full hearing, finds that any such rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, which is forbidden and declared to be unlawful it shall prescribe the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice thereafter to be observed, in such manner as, in its judgment, will remove such advantage, preference, prejudice, or discrimination. Such rates, fares, charges, classifications, regulations, and practices shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding. (Feb. 4, 1887, c. 104, § 13, 24 Stat. 383; June 18, 1910, c. 309, § 11, 36 Stat. 550; and Feb. 28, 1920, c. 91, § 416, 41 Stat. 484.)

14. Reports and decisions of commission.—(1) *Reports of investigations by commission.*—Whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

(2) *Record of reports; copies.*—All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

(3) *Publication of reports and decisions; printing and distribution of annual reports.*—The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual reports. (Feb. 4, 1887, c. 104, § 14, 24 Stat. 384; Mar. 2, 1889, c. 382, § 4, 25 Stat. 859; June 29, 1906, c. 3591, § 3, 34 Stat. 589; and Feb. 28, 1920, c. 91, § 417, 41 Stat. 484.)

15. Determination of rates, routes, etc.; routing of traffic; disclosures, etc.—(1) *Commission empowered to determine and prescribe rates, classifications, etc.*—Whenever, after full hearing, upon a complaint made as provided in section 13 of this chapter, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this chapter for the transportation of persons or property or for the transmission of messages as defined in the first section of this chapter, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this chapter, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this chapter, the commission is authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case,

or the maximum or minimum, or maximum and minimum, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and what individual or joint classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any rate, fare, or charge for such transportation or transmission other than the rate, fare, or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

(2) *Orders of commission.*—Except as otherwise provided in this chapter, all orders of the commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction.

(3) *Establishment of through routes, joint classifications, joint rates, fares, etc.*—The commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated; and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line. The commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and railroads of a different character; nor shall the commission have the right to establish any route, classification, or practice, or any rate, fare, or charge when the transportation is wholly by water, and any transportation by water affected by this chapter shall be subject to the laws and regulations applicable to transportation by water.

(4) *Through routes to embrace entire length of railroad; temporary through routes.*—In establishing any such through route the commission shall not (except as provided in section 3, and except where one of the carriers is a water line), require any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established: *Provided*, That in time of shortage of equipment, congestion of traffic, or other emergency declared by the commission it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine) establish temporarily such through routes as in its opinion are necessary or desirable in the public interest.

(5) *Transportation of livestock in carload lots; services included.*—Transportation wholly by railroad of ordinary livestock in carload lots destined to or received at public stockyards shall include all necessary service of unloading and reloading en route, delivery at public stockyards of inbound shipments into suitable pens, and receipt and loading at such yards of outbound shipments, without extra charge therefor to the shipper, consignee or owner, except in cases where the unloading or reloading en route is at the request of the shipper, consignee or owner, or to try an intermediate market, or to comply with quarantine regulations. The commission may prescribe or approve just and reasonable rules governing each of such excepted services. Nothing in this paragraph shall be construed to affect the duties and liabilities of the carriers existing on February 28, 1920, by virtue of law respecting the transportation of other than ordinary livestock, or the duty of performing service as to shipments other than those to or from public stockyards.

(6) *Commission to establish just divisions of joint rates, fares, or charges; adjustments.*—Whenever, after full hearing upon complaint or upon its own initiative, the commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers or property, are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order of the commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. In so prescribing and determining the divisions of joint rates, fares and charges, the commission shall give due consideration, among other things, to the efficiency with which the carriers concerned are operated, the amount of revenue required to pay their respective operating expenses, taxes, and a fair return on their railway property held for and used in the service of transportation, and the importance to the public of the transportation services of such carriers; and also whether any particular participating carrier is an originating, intermediate, or delivering line, and any other fact or circumstance which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater or less proportion than another carrier of the joint rate, fare or charge.

(7) *Commission to determine lawfulness of new rates; suspension; refunds.*—Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may

suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than one hundred and twenty days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing cannot be concluded within the period of suspension, as above stated, the commission may extend the time of suspension for a further period not exceeding thirty days, and if the proceeding has not been concluded and an order made at the expiration of such thirty days, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period, but, in case of a proposed increased rate or charge for or in respect to the transportation of property, the commission may by order require the interested carrier or carriers to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of a rate, fare, or charge sought to be increased, the burden of proof to show that the increased rate, fare, or charge, or proposed increased rate, fare, or charge, is just and reasonable shall be upon the carrier, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

(8) *Shipper's choice of route to be observed.*—In all cases where at the time of delivery of property to any railroad corporation being a common carrier for transportation subject to the provisions of this chapter to any point of destination, between which and the point of such delivery for shipment two or more through routes and through rates shall have been established as in this chapter provided to which through routes and through rates such carrier is a party, the person, firm, or corporation making such shipment, subject to such reasonable exceptions and regulations as the Interstate Commerce Commission shall from time to time prescribe, shall have the right to designate in writing by which of such through routes such property shall be transported to destination, and it shall thereupon be the duty of the initial carrier to route said property and issue a through bill of lading therefor as so directed, and to transport said property over its own line or lines and deliver the same to a connecting line or lines according to such through route, and it shall be the duty of each of said connecting carriers to receive said property and transport it over the said line or lines and deliver the same to the next succeeding carrier or consignee according to the routing instructions in said bill of lading: *Provided, however,* That the shipper shall in all instances have the right to determine, where competing lines of railroad constitute portions of a through line or route, over which of said competing lines so constituting a portion of said through line or route his freight shall be transported.

(9) *Liability of carriers where property is delivered contrary to routing instructions.*—Whenever property is diverted or delivered by one carrier to another carrier contrary to routing instructions in the bill of lading, unless such diversion or delivery is in compliance with a lawful order, rule, or regulation of the commission, such carriers shall, in a suit or action in any court of competent jurisdiction, be jointly and severally liable to the carrier thus deprived of its right to participate in the haul of the property, for the total amount of the rate or charge it would have received had it participated in the haul of the property. The carrier to which the property is thus diverted shall not be liable in such suit or action if it can show, the burden of proof being upon it, that before carrying the property it had no notice, by bill of lading, waybill or otherwise, of the routing instructions. In any judgment which may be rendered the plaintiff shall be allowed to recover against the defendant a reasonable attorney's fee to be taxed in the case.

(10) *Direction of unrouted traffic by commission.*—With respect to traffic not routed by the shipper, the commission may, whenever the public interest and a fair distribution of the traffic require, direct the route which such traffic shall take after it arrives at the terminus of one carrier or at a junction point with another carrier, and is to be there delivered to another carrier.

(11) *Disclosure or solicitation of information concerning shipments unlawful; exceptions.*—It shall be unlawful for any common carrier subject to the provisions of this chapter, or any officer, agent, or employee of such common carrier, or for any other person or corporation lawfully authorized by such common carrier to receive information therefrom, knowingly to disclose to or permit to be acquired by any person or corporation other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier for interstate transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person or corporation to solicit or knowingly receive any such information which may be so used: *Provided,* That nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any State or Federal court, or to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime; or information given by a common carrier to another carrier or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

(12) *Penalty for violation of preceding provisions.*—Any person, corporation, or association violating any of the provisions of the next preceding paragraph of this section shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not more than $1,000.

(13) *Allowance for service or facilities furnished by shipper.*—If the owner of property transported under this chapter directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the used of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for under this section.

(14) *Other powers of commission not excluded.*—The foregoing enumeration of powers shall not exclude any power which the commission would otherwise have in the making of an order under the provisions of this chapter. (Feb. 4, 1887, c. 104, § 15, 24 Stat. 384; June 29, 1906, c. 3591, § 4, 34 Stat. 589;

June 18, 1910, c. 309, § 12, 36 Stat. 551; and Feb. 28, 1920, c. 91, §§ 418–421, 41 Stat. 484–488.)

15a. Fair return for carriers; disposition of excess; loans and leases to carriers.—(1) *Definitions.*—When used in this section the term "rates" means rates, fares, and charges, and all classifications, regulations, and practices, relating thereto; the term "carrier" means a carrier by railroad or partly by railroad and partly by water, within the continental United States, subject to this chapter, excluding (a) sleeping car companies and express companies, (b) street or suburban electric railways unless operated as a part of a general steam railroad system of transportation, (c) interurban electric railways unless operated as a part of a general steam railroad system of transportation or engaged in the general transportation of freight, and (d) any belt-line railroad, terminal switching railroad, or other terminal facility, owned exclusively and maintained, operated, and controlled by any State or political subdivision thereof; and the term "net railway operating income" means railway operating income, including in the computation thereof debits and credits arising from equipment rents and joint facility rents.

(2) *Rates to permit carriers to earn fair return.*—In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient and economical management and reasonable expenditures for maintenance of way, structures and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: *Provided,* That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different portions of the country.

(3) *Determination of percentage constituting fair return.*—The commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all rate groups or territories which may be designated by the commission. In making such determination it shall give due consideration, among other things, to the transportation needs of the country and the necessity (under honest, efficient and economical management of existing transportation facilities) of enlarging such facilities in order to provide the people of the United States with adequate transportation.

(4) *Determination of aggregate value of properties.*—For the purposes of this section, such aggregate value of the property of the carriers shall be determined by the commission from time to time and as often as may be necessary. The commission may utilize the results of its investigation under section 19a of this chapter, in so far as deemed by it available, and shall give due consideration to all the elements of value recognized by the law of the land for rate-making purposes, and shall give to the property investment account of the carriers only that consideration which under such law it is entitled to in establishing values for rate-making purposes. Whenever pursuant to section 19a of this chapter the value of the railway property of any carrier held for and used in the service of transportation has been finally ascertained, the value so ascertained shall be deemed by the commission to be the value thereof for the purpose of determining such aggregate value.

(5) *Amounts received by carriers in excess of fair return payable to United States.*—Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is declared that any carrier which receives such an income so in excess of a fair return, shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States.

(6) *Disposition of amounts received in excess of 6 per centum.*—If, under the provisions of this section, any carrier receives for any year a net railway operating income in excess of 6 per centum of the value of the railway property held for and used by it in the service of transportation, one-half of such excess shall be placed in a reserve fund established and maintained by such carrier, and the remaining one-half thereof shall, within the first four months following the close of the period for which such computation is made, be recoverable by and paid to the commission for the purpose of establishing and maintaining a general railroad contingent fund as hereinafter described. For the purposes of this paragraph the value of the railway property and the net railway operating income of a group of carriers, which the commission finds are under common control and management and are operated as a single system, shall be computed for the system as a whole irrespective of the separate ownership and accounting returns of the various parts of such system. The value of such railway property shall be determined by the commission in the manner provided in paragraph (4).

(7) *Payment of dividends, interest, or rent from reserve fund.*—For the purpose of paying dividends or interest on its stocks, bonds, or other securities, or rent for leased roads, a carrier may draw from the reserve fund established and maintained by it under the provisions of this section to the extent that its net railway operating income for any year is less than a sum equal to 6 per centum of the value of the railway property held for and used by it in the service of transportation, determined as provided in paragraph (6); but such fund shall not be drawn upon for any other purpose.

(8) *Maximum amount of reserve fund; use of surplus.*—Such reserve fund need not be accumulated and maintained by any carrier beyond a sum equal to 5 per centum of the value of its railway property determined as herein provided, and when such fund is so accumulated and maintained the portion of its excess income which the carrier is permitted to retain under paragraph (6) may be used by it for any lawful purpose.

(9) *Rules and regulations for recovery of excess income; computation thereof.*—The commission shall prescribe rules and regulations for the determination and recovery of the excess income payable to it under this section, and may require such security and prescribe such reasonable terms and conditions in connection therewith as it may find necessary. The commission shall make proper adjustments to provide for the computation of excess income for a portion of a year, and for a year in which a change in the percentage constituting a fair return or in the value of a carrier's railway property becomes effective.

(10) *General railroad contingent fund; use and disposition.*—The general railroad contingent fund so to be recoverable by and paid to the commission and all accretions thereof shall be a revolving fund and shall be administered by the commission. It shall be used by the commission in furtherance of the public interest in railway transportation either by making loans to carriers to meet expenditures for capital account or to refund maturing securities originally issued for capital account, or by purchasing transportation equipment and facilities and leasing the same to carriers, as hereinafter provided. Any moneys in the fund not so employed shall be invested in obliga-

tions of the United States or deposited in authorized depositaries of the United States subject to the rules promulgated from time to time by the Secretary of the Treasury relating to Government deposits.

(11) *Loan to carrier from contingent fund; application for.*—A carrier may at any time make application to the commission for a loan from the general railroad contingent fund, setting forth the amount of the loan and the term for which it is desired, the purpose of the loan and the uses to which it will be applied, the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard, the character and value of the security offered, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for and the ability of the applicant to make good the obligation, as the commission may deem pertinent to the inquiry.

(12) *Terms and conditions of granting loan to carriers.*—If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan from the general railroad contingent fund is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan, the commission may make a loan to the applicant from such railroad contingent fund, in such amount, for such length of time, and under such terms, and conditions as it may deem proper. The commission shall also prescribe the security to be furnished which shall be adequate to secure the loan. All such loans shall bear interest at the rate of 6 per centum per annum, payable semiannually to the commission. Such loans when repaid, and all interest paid thereon, shall be placed in the general railroad contingent fund.

(13) *Lease to carrier of equipment purchased from contingent fund; application for.*—A carrier may at any time make application to the commission for the lease to it of transportation equipment or facilities, purchased from the general railroad contingent fund, setting forth the kind and amount of such equipment or facilities and the term for which it is desired to be leased, the uses to which it is proposed to put such equipment or facilities, the present and prospective ability of the applicant to pay the rental charges thereon and to meet the requirements of its obligations under the lease, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of leasing such equipment or facilities to the applicant as the commission may deem pertinent to the inquiry.

(14) *Terms and conditions of leasing equipment; rentals.*—If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the leasing to the applicant of such equipment or facilities, in whole or in part, is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant is such as to furnish reasonable assurance of the applicant's ability to pay promptly the rental charges and meet its other obligations under such lease, the commission may lease such equipment or facilities purchased by it from the general railroad contingent fund, to the applicant for such length of time, and under such terms and conditions as it may deem proper. The rental charges provided in every such lease shall be at least sufficient to pay a return of 6 per centum per annum, plus allowance for depreciation determined as provided in paragraph (5) of section 20 of this chapter, upon the value of the equipment or facilities leased thereunder. All rental charges and other payments received by the commission in connection with such equipment and facilities, including amounts received under any sale thereof, shall be placed in the general railroad contingent fund.

(15) *Purchase, maintenance, disposition, etc., of equipment by commission.*—The commission may from time to time purchase, contract for the construction, repair and replacement of, and sell, equipment and facilities, and enter into and carry out contracts and other obligations in connection therewith, to the extent that moneys included in the general railroad contingent fund are available therefor, and in so far as necessary to enable it to secure and supply equipment and facilities to carriers whose applications therefor are approved under the provisions of this section, and to maintain and dispose of such equipment and facilities.

(16) *Rules and regulations.*—The commission may from time to time prescribe such rules and regulations as it deems necessary to carry out the provisions of this section respecting the making of loans and the lease of equipment and facilities.

(17) *Effect on rights of shippers.*—The provisions of this section shall not be construed as depriving shippers of their right to reparation in case of overcharges, unlawfully excessive or discriminatory rates, or rates excessive in their relation to other rates, but no shipper shall be entitled to recover upon the sole ground that any particular rate may reflect a proportion of excess income to be paid by the carrier to the commission in the public interest under the provisions of this section.

(18) *Retention of all earnings from new lines constructed.*—Any carrier, or any corporation organized to construct and operate a railroad, proposing to undertake the construction and operation of a new line of railroad may apply to the commission for permission to retain for a period not to exceed ten years all or any part of its earnings derived from such new construction in excess of the amount heretofore in this section provided, for such disposition as it may lawfully make of the same, and the commission may, in its discretion, grant such permission, conditioned, however, upon the completion of the work of construction within a period to be designated by the commission in its order granting such permission. (Feb. 28, 1920, c. 91, § 422, 41 Stat. 488.)

16. Orders of commission and enforcement thereof; forfeitures.—(1) *Orders by commission for payment of damages.*—If, after hearing on a complaint made as provided in section 13 of this chapter, the commission shall determine that any party complainant is entitled to an award of damages under the provisions of this chapter for a violation thereof, the commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

(2) *Proceedings in courts to enforce orders; costs; attorney's fee.*—If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the district court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the road of the carrier runs, or in any State court of general jurisdiction having jurisdiction of the parties, a petition

setting forth briefly the causes for which he claims damages, and the order of the commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

(3) *Limitation of actions.*—(a) All actions at law by carriers subject to this chapter for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues, and not after.

(b) All complaints against carriers subject to this chapter for the recovery of damages not based on overcharges shall be filed with the commission within two years from the time the cause of action accrues, and not after, subject to subdivision (d) of this paragraph.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the commission against carriers subject to this chapter within three years from the time the cause of action accrues, and not after, subject to subdivision (d) of this paragraph, except that if claim for the overcharge has been presented in writing to the carrier within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

(d) If on or before expiration of the two-year period of limitation in subdivision (b) of this paragraph or of the three-year period of limitation in subdivision (c) of this paragraph a carrier subject to this chapter begins action under subdivision (a) of this paragraph for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

(e) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after.

(f) A petition for the enforcement of an order of the commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

(g) The term "overcharges" as used in this section shall be deemed to mean charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the commission.

(h) The provisions of this paragraph (3) shall extend to and embrace cases in which the cause of action accrued prior to June 7, 1924, as well as cases in which the cause of action accrues thereafter, except that actions at law begun or complaints filed with the commission against carriers subject to this chapter for the recovery of overcharges where the cause of action accrued on or after March 1, 1920, shall not be deemed to be barred under subdivision (c) of this paragraph if such actions shall have been begun or complaints filed prior to June 7, 1924, or within six months thereafter.

(4) *Joinder of parties; process; judgment.*—In such suits all parties in whose favor the commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

(5) *Service of orders of commission.*—Every order of the commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

(6) *Suspension or modification of orders.*—The commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

(7) *Compliance with orders.*—It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

(8) *Failure of carrier or officer to obey orders; penalty.*—Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of sections 3, 13, or 15 of this chapter shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

(9) *Suit for recovery of forfeiture.*—The forfeitures provided for in this chapter shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs.

(10) *District attorneys to prosecute for forfeitures; costs and expenses.*—It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

(11) *Employment of attorneys by commission.*—The commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the commission's own instance or upon complaint, or to appear for or represent the commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the commission.

(12) *Proceedings to enforce orders other than for payment of money.*—If any carrier fails or neglects to obey any order of the commission other than for the payment of money, while the same is in effect, the Interstate Commerce Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

(13) *Copies of schedules, tariffs, contracts, etc., kept as public records; evidence.*—The copies of schedules and classifications and tariffs of rates, fares, and charges, and of all

contracts, agreements, and arrangements between common carriers filed with the commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the commission as required under the provisions of this chapter shall be preserved as public records in the custody of the secretary of the commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the commission's seal, shall be received in evidence with like effect as the originals. (Feb. 4, 1887, c. 104, § 16, 24 Stat. 384; Mar. 2, 1889, c. 382, § 5, 25 Stat. 859; June 29, 1906, c. 3591, § 5, 34 Stat. 590; June 18, 1910, c. 309, § 13, 36 Stat. 554; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167; Oct. 22, 1913, c. 32, 38 Stat. 219; Feb. 28, 1920, c. 91, §§ 423–429, 41 Stat. 491, 492; and June 7, 1924, c. 325, 43 Stat. 633.)

16a. Rehearings by commission; stay; decisions.—After a decision, order, or requirement has been made by the commission in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the commission may establish. No such application shall excuse any carrier from complying with or obeying any decision, order, or requirement of the commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the commission. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order. (June 29, 1906, c. 3591, § 6, 34 Stat. 592.)

17. Proceedings of commission; divisions and operation thereunder.—(1) *Conduct of proceedings; seal; oaths; quorum; rules; records.*—The commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

(2) *Divisions of commission; assignment thereto and service thereon.*—The commission is authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division one, division two, and so forth. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

(3) *Reference of matters to divisions.*—The commission may by order direct that any of its work, business, or functions arising under this chapter or under any statutory provisions amendatory thereof, or supplemental thereto, or under any amendment which may be made to this chapter or to any of said statutory provisions, or under any other statute or joint resolution which has been or may be approved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

(4) *Powers of divisions; effects of orders, decisions, or reports; rehearings.*—In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the commission, subject to rehearing by the commission, as provided in section 16a hereof for rehearing cases decided by the commission. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

(5) *Powers of commission not divested.*—Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers. (Feb. 4, 1887, c. 104, § 17, 24 Stat. 385; Mar. 2, 1889, c. 382, § 6, 25 Stat. 861; Aug. 9, 1917, c. 50, § 2, 40 Stat. 270; and Feb. 28, 1920, c. 91, §§ 430–432, 41 Stat. 492, 493.)

18. Employees; appointment and compensation; witness fees; expenses.—(1) *Commissioners' salaries; secretary and employees; compensation; witness fees.*—Each commissioner shall receive an annual salary of $12,000, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $7,500, payable in like manner. The commission shall have authority to employ such other employees as it may find necessary to the proper performance of its duties. Until otherwise provided by law, the commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(2) *Expenses of commission.*—All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall

be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission. (Feb. 4, 1887, c. 104, § 18, 24 Stat. 386; Mar. 2, 1889, c. 382, § 7, 25 Stat. 861; June 29, 1906, c. 3591, § 8, 34 Stat. 595; Aug. 9, 1917, c. 50, § 1, 40 Stat. 270; and Feb. 28, 1920, c. 91, §§ 433, 440, 41 Stat. 493, 497.)

19. Office and sessions.—The principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this chapter. (Feb. 4, 1887, c. 104, § 19, 24 Stat. 386.)

19a. Valuation of property of carriers.—(a) *Physical valuation of property of carriers; classification and inventory.*—The commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this chapter. To enable the commission to make such investigation and report, it is authorized to employ such experts and other assistants as may be necessary. The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this chapter in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission.

(b) *Cost of property; elements considered in determination; gifts, grants, etc.*—First. In such investigation said commission shall ascertain and report in detail as to each piece of property, other than land, owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purpose of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same.

Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier, and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corporation operating such property; upon any increases or decreases of stocks, bonds, or other securities, in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

Fifth. The commission shall ascertain and report the amount and value of any aid, gift, grant of right of way, or donation, made to any such common carrier, or to any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, or by individuals, associations, or corporations; and it shall also ascertain and report the grants of land to any such common carrier, or any previous corporation operating such property, by the Government of the United States, or by any State, county, or municipal government, and the amount of money derived from the sale of any portion of such grants and the value of the unsold portion thereof at the time acquired and at the present time, also, the amount and value of any concession and allowance made by such common carrier to the Government of the United States, or to any State, county, or municipal government in consideration of such aid, gift, grant, or donation.

(c) *Investigation; procedure and forms.*—Except as herein otherwise provided, the commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value, and such investigation shall show the value of the property of every common carrier as a whole and separately the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required.

(d) *Time for beginning investigation; reports to Congress.*—Such investigation shall be commenced within sixty days after March 1, 1913, and shall be prosecuted with diligence and thoroughness, and the result thereof reported to Congress at the beginning of each regular session thereafter until completed.

(e) *Aid of carrier required; rules and regulations; inspection of records.*—Every common carrier subject to the provisions of this chapter shall furnish to the commission or its agents from time to time and as the commission may require maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said common carrier, and shall grant to all agents of the commission free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every common carrier is directed and required to cooperate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct, and all rules and regulations made by the commission for the purpose of administering the provisions of this section and section 20 of this chapter shall have the full force and effect of law. Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public.

(f) *Valuation of extensions and improvements; revisions; reports.*—Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time, revise and correct its valuations, showing such revision and correction classified and as a whole and separately in each of the several States and Territories and the District of

Columbia, which valuations, both original and corrected, shall be tentative valuations and shall be reported to Congress at the beginning of each regular session.

(g) *Reports and information to be furnished by carriers.*—To enable the commission to make such changes and corrections in its valuations of each class of property, every common carrier subject to the provisions of this chapter shall make such reports and furnish such information as the commission may require.

(h) *Notice of completion of tentative valuation; protests; finality of report.*—Whenever the commission shall have completed the tentative valuation of the property of any common carrier, as herein directed, and before such valuation shall become final, the commission shall give notice by registered letter to the said carrier, the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating the valuation placed upon the several classes of property of said carrier, and shall allow thirty days in which to file a protest of the same with the commission. If no protest is filed within thirty days, said valuation shall become final as of the date thereof.

(i) *Protests; hearings; changes in valuations; final valuation and classification.*—If notice of protest is filed the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this chapter the commission shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected tentative valuation final as of the date thereof. All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under this chapter as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of this chapter, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission.

(j) *Effect of evidence as to values; modification of orders.*—If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto and substantially affecting said value, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

(k) *Receivers and trustees of carriers affected; noncompliance with law; penalty.*—The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with all the requirements of this section and in the manner prescribed by the commission such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in section 16 of this chapter.

(l) *Mandamus to compel compliance with law.*—The district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this section by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this section. (Mar. 1, 1913, c. 92, 37 Stat. 701; Feb. 28, 1920, c. 91, § 433, 41 Stat. 493; and June 7, 1922, c. 210, §§ 1, 2, 42 Stat. 624.)

20. Reports, records, and accounts of carriers; mandamus; liability of initial carrier for loss, etc.—(1) *Annual reports of carriers; contents; uniform accounts.*—The commission is authorized to require annual reports from all common carriers subject to the provisions of this chapter, and from the owners of all railroads engaged in interstate commerce as defined in this chapter, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this chapter, prescribe a period of time within which all common carriers subject to the provisions of this chapter shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

(2) *Period covered by and time for making reports; monthly and special reports; penalty for omissions.*—Said detailed reports shall contain all the required statistics for the period of twelve months ending on the 30th day of June in each year, or on the 31st day of December in each year if the commission by order substitute that period for the year ending June 30th, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this chapter shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such party shall forfeit to the United States the sum of $100 for each and every day it shall

continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of earnings and expenses and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this or any other law to inquire or to keep itself informed or which it is required to enforce; and such periodical or special reports shall be under oath whenever the commission so requires; and if any such carrier shall fail to make and file any such periodical or special report within the time fixed by the commission, it shall be subject to the forfeitures last above provided.

(3) *Recovery of forfeitures.*—Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this chapter.

(4) *Administration of oath.*—The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

(5) *Forms of accounts and records; depreciation charges; access to records, etc., by commission.*—The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this chapter, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys. The commission shall, as soon as practicable, prescribe, for carriers subject to this chapter, the classes of property for which depreciation charges may properly be included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The commission may, when it deems necessary, modify the classes and percentages so prescribed. The carriers subject to this chapter shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the commission, or charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses. The commission shall at all times have access to all accounts, records, and memoranda, including all documents, papers, and correspondence on February 28, 1920 or thereafter existing, and kept or required to be kept by carriers subject to this chapter, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and it may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all accounts, records, and memoranda, including all documents, papers, and correspondence on February 28, 1920 or thereafter existing, and kept or required to be kept by such carriers. This provision shall apply to receivers of carriers and operating trustees. The provisions of this section shall also apply to all accounts, records, and memoranda, including all documents, papers, and correspondence on February 28, 1920 or thereafter existing, kept during the period of Federal control, and placed by the President in the custody of carriers subject to this chapter.

(6) *Failure to keep accounts and records, or submit same to inspection; penalty.*—In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this chapter.

(7) *False entries; destruction of or failure to make entries, etc.; penalty; proviso.*—Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

(8) *Examiner divulging facts or information; penalty.*—Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or imprisonment for a term not exceeding two years, or both.

(9) *Jurisdiction to compel compliance by mandamus.*—The district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this chapter or of any statutes supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this chapter and said statutes, or any of them.

(10) *Special agents or examiners.*—And to carry out and give effect to the provisions of this chapter and said statutes, or any of them, the commission is authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence.

(11) *Liability of initial carrier for loss; limitation of liability; notice and filing of claim.*—Any common carrier, railroad, or transportation company subject to the provisions of this chapter receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property, caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the

liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory shall be liable to the lawful holder of said receipt, or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made is declared to be unlawful and void: *Provided*, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by and under the laws and regulations applicable to transportation by water, and the liability of the initial carrier shall be the same as that of such carrier by water: *Provided, however*, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or boats, or trains or boats carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not, so far as relates to values, be held to be a violation of section 10 of this chapter; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary livestock" shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: *Provided further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided further*, That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than ninety days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: *Provided, however*, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery.

(12) *Recovery by initial carrier from connecting carrier.*—The common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof. (Feb. 4, 1887, c. 104, § 20, 24 Stat. 386; June 29, 1906, c. 3591, § 7, 34 Stat. 593; June 18, 1910, c. 309, § 14, 36 Stat. 555; Mar. 4, 1915, c. 176, § 1, 38 Stat. 1196; Aug. 9, 1916, c. 301, 39 Stat. 441; and Feb. 28, 1920, c. 91, §§ 434–438, 41 Stat, 493, 494.)

20a. Securities of carriers; issuance, etc.—(1) *Carrier defined.*—As used in this section the term "carrier" means a common carrier by railroad (except a street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation) which is subject to this chapter, or any corporation organized for the purpose of engaging in transportation by railroad subject to this chapter.

(2) *Issuance of securities; assumption of obligations; authorization.*—It shall be unlawful for any carrier to issue any share of capital stock or any bond or other evidence of interest in or indebtedness of the carrier (hereinafter in this section collectively termed "securities") or to assume any obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, natural or artificial, the commission by order authorizes such issue or assumpton. The commission shall make such order only if it finds that such issue or assumption: (a) is for some lawful object within its corporate purposes, and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the carrier of service to the public as a common carrier, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purpose.

(3) *Scope of commission's authority.*—The commission shall have power by its order to grant or deny the application as made, or to grant it in part and deny it in part, or to grant it with such modifications and upon such terms and conditions as the commission may deem necessary or appropriate in the premises, and may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the conditions under which, any securities so theretofore authorized or the proceeds thereof may be applied, subject always to the requirements of the foregoing paragraph (2).

(4) *Form and contents of application; oath and signature.*—Every application for authority shall be made in such form and contain such matters as the commission may prescribe. Every such application, as also every certificate of notification hereinafter provided for, shall be made under oath, signed and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.

(5) *Disposition of securities described in application, etc.*—Whenever any securities set forth and described in any application for authority or certificate of notification as pledged

or held unencumbered in the treasury of the carrier shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within ten days after such sale, pledge, repledge, or other disposition, file with the commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the commission.

(6) *Notice of application to governors of States; intervention; hearings.*—Upon receipt of any such application for authority the commission shall cause notice thereof to be given to and a copy filed with the governor of each State in which the applicant carrier operates. The railroad commissions, public service, or utilities commissions, or other appropriate State authorities of the State shall have the right to make before the commission such representations as they may deem just and proper for preserving and conserving the rights and interests of their people and the States, respectively, involved in such proceedings. The commission may hold hearings, if it sees fit, to enable it to determine its decision upon the application for authority.

(7) *Jurisdiction of commission as exclusive and plenary.*—The jurisdiction conferred upon the commission by this section shall be exclusive and plenary, and a carrier may issue securities and assume obligations or liabilities in accordance with the provisions of this section without securing approval other than as specified herein.

(8) *Guaranty of securities.*—Nothing herein shall be construed to imply any guaranty or obligation as to such securities on the part of the United States.

(9) *Issue of short term notes; certificate of notification; proviso.*—The foregoing provisions of this section shall not apply to notes to be issued by the carrier maturing not more than two years after the date thereof and aggregating (together with all other then outstanding notes of a maturity of two years or less) not more than 5 per centum of the par value of the securities of the carrier then outstanding. In the case of securities having no par value, the par value for the purposes of this paragraph shall be the fair market value as of the date of issue. Within ten days after the making of such notes the carrier issuing the same shall file with the commission a certificate of notification, in such form as may from time to time be determined and prescribed by the commission, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities: *Provided*, That in any subsequent funding of such notes the provisions of this section respecting other securities shall apply.

(10) *Reports by carriers as to securities or proceeds.*—The commission shall require periodical or special reports from each carrier issuing any securities, including such notes, which shall show, in such detail as the commission may require, the disposition made of such securities and the application of the proceeds thereof.

(11) *Securities issued contrary to law void; effect; penalty.*—Any security issued or any obligation or liability assumed by a carrier, for which under the provisions of this section the authorization of the commission is required, shall be void, if issued or assumed without such authorization therefor having first been obtained, or if issued or assumed contrary to any term or condition of such order of authorization as modified by any order supplemental thereto entered prior to such issuance or assumption; but no security issued or obligation or liability assumed in accordance with all the terms and conditions of such an order of authorization therefor as modified by any order supplemental thereto entered prior to such issuance or assumption, shall be rendered void because of failure to comply with any provision of this section relating to procedure and other matters preceding the entry of such order of authorization. If any security so made void or any security in respect to which the assumption of obligation or liability is so made void, is acquired by any person for value and in good faith and without notice that the issue or assumption is void, such person may in a suit or action in any court of competent jurisdiction hold jointly and severally liable for the full amount of the damage sustained by him in respect thereof, the carrier which issued the security so made void, or assumed the obligation or liability so made void, and its directors, officers, attorneys, and other agents, who participated in any way in the authorizing, issuing, hypothecating, or selling of the security so made void or in the authorizing of the assumption of the obligation or liability so made void. In case any security so made void was directly acquired from the carrier issuing it the holder may at his option rescind the transaction and upon the surrender of the security recover the consideration given therefor. Any director, officer, attorney or agent of the carrier who knowingly assents to or concurs in any issue of securities or assumptions of obligation or liability forbidden by this section, or any sale or other disposition of securities contrary to the provisions of the commission's order or orders in the premises, or any application not authorized by the commission of the funds derived by the carrier through such sale or other disposition of such securities, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

(12) *Restrictions on actions of officers and directors; penalty.*—It shall be unlawful for any person to hold the position of officer or director of more than one carrier, unless such holding shall have been authorized by order of the commission, upon due showing, in form and manner prescribed by the commission, that neither public nor private interests will be adversely affected thereby. It shall be unlawful for any officer or director of any carrier to receive for his own benefit, directly of indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of an operating carrier from any funds properly included in capital account. Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court. (Feb. 28, 1920, c. 91, § 439, 41 Stat. 494.)

21. Annual report of commission.—The commission shall, on or before the first day of December in each year, make a report, which shall be transmitted to Congress, and copies of which shall be distributed as are the other reports transmitted to Congress. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary; and the names and compensation of the persons employed by said commission. (Feb. 4, 1887, c. 104, § 21, 24 Stat. 387; Mar. 2, 1889, c. 382, § 8, 25 Stat. 862.)

22. Restrictions; interchangeable mileage or scrip.—(1) *Restrictions.*—Nothing in this chapter shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable socie-

ties, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this chapter shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the national homes or State homes for disabled volunteer soldiers and of soldiers' and sailors' orphan homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes. Nothing in this chapter shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this chapter contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies: *Provided*, That nothing in this chapter shall prevent the issuance of joint interchangeable five-thousand-mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any common carrier, subject to the provisions of this chapter, shall issue any such joint interchangeable mileage tickets with special privileges, as aforesaid, it shall file with the Interstate Commerce Commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, in the same manner as common carriers are required to do with regard to other joint rates by section 6 of this chapter; and all the provisions of said section 6 relating to joint rates, fares, and charges shall be observed by said common carriers and enforced by the Interstate Commerce Commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in said section 6. It shall be unlawful for any common carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets to demand, collect, or receive from any person or persons a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rate, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the commission in force at the time. The provisions of section 10 of this chapter shall apply to any violation of the requirements of this proviso.

(2) *Sale of interchangeable mileage or scrip.*—The commission is directed to require, after notice and hearing, each carrier by rail, subject to this chapter, to issue at such offices as may be prescribed by the commission interchangeable mileage or scrip coupon tickets at just and reasonable rates, good for passenger carriage upon the passenger trains of all carriers by rail subject to this chapter. The commission may in its discretion exempt from the provisions of this paragraph and the following paragraph either in whole or in part any carrier where the particular circumstances shown to the commission shall justify such exemption to be made. Such tickets may be required to be issued in such denominations as the commission may prescribe. Before making any order requiring the issuance of any such tickets the commission shall make and publish such reasonable rules and regulations for their issuance and use as in its judgment the public interest demands; and especially it shall prescribe whether such tickets are transferrable or nontransferrable, and if the latter, what identification may be required; and especially, also to what baggage privileges the lawful holders of such tickets are entitled.

(3) *Penalty for failure to comply.*—Any carrier which, through the act of any agent or employee, willfully refuses to issue or accept any such ticket demanded or presented under the lawful requirements of this chapter, or willfully refuses to conform to the rules and regulations lawfully made and published by the commission hereunder, or any person who shall willfully offer for sale or carriage any such ticket contrary to the said rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed $1,000. (Feb. 4, 1887, c. 104, § 22, 24 Stat. 387; Mar. 2, 1889, c. 382, § 9, 25 Stat. 862; Feb. 8, 1895, c. 61, 28 Stat. 643; and Aug. 18, 1922, c. 280, 42 Stat. 827.)

25. Schedules and rates of water carriers in foreign commerce.—(1) *Schedules to be filed by carriers by water in foreign commerce.*—Every common carrier by water in foreign commerce, whose vessels are registered under the laws of the United States, shall file with the commission, regularly as changes are made, a schedule or schedules showing for each of its steam vessels intended to load general cargo at ports in the United States for foreign destinations (a) the ports of loading, (b) the dates upon which such vessels will commence to receive freight and dates of sailing, (c) the route and itinerary such vessels will follow and the ports of call for which cargo will be carried.

(2) *Quotation of rates by carriers by water; reservation of space.*—Upon application of any shipper a carrier by railroad shall make request for, and the carrier by water shall upon receipt of such request name, a specific rate applying for such sailing, and upon such commodity as shall be embraced in the inquiry, and shall name in connection with such rate, port charges, if any, which accrue in addition to the vessel's rates and are not otherwise published by the railway as in addition to or absorbed in the railway rate. Vessel rates, if conditioned upon quantity of shipment, must be so stated and separate rates may be provided for carload and less-than-carload shipments. The carrier by water, upon advices from a carrier by railroad, stating that the quoted rate is firmly accepted as applying upon a specifically named quantity of any commodity, shall, subject to such conditions as the commission by regulation may prescribe, make firm reservation from unsold space in such steam vessel as shall be required for its transportation and shall so advise the carrier by railroad, in which advices shall be included the latest available information as to prospective sailing date of such vessel.

(3) *Modification, publication, and distribution of schedules; rules.*—As the matters so required to be stated in such schedule or schedules are changed or modified from time to time, the carrier shall file with the commission such changes or modifications as early as practicable after such modification is ascertained. The commission is authorized to make and publish regulations not inconsistent herewith governing the manner and form in which such carriers are to comply with the foregoing provisions. The commission shall cause to be published in compact form, for the information of shippers of commodities throughout the country, the substance of such schedules, and furnish such publications to all railway carriers subject to this chapter, in such quantities that railway carriers may supply to each of their agents who receive commodities for shipment in such cities and towns as may be specified by the commission, a copy of said publication; the intent being that each shipping community sufficiently important, from the standpoint of the export trade, to be so specified by the commission shall have opportunity to know the sailings and routes, and to ascertain the transportation charges of such vessels engaged in foreign commerce. Each railway carrier to which such publication is furnished by the commission is required to distribute the same as aforesaid and to maintain such publication as it is issued from time to time, in the hands of its agents. The commission is authorized to make such rules

and regulations not inconsistent herewith respecting the distribution and maintenance of such publications in the several communities so specified as will further the intent of this section.

(4) *Bills of lading; form and contents; liability of initial carrier.*—When any consignor delivers a shipment of property to any of the places so specified by the commission, to be delivered by a railway carrier to one of the vessels upon which space has been reserved at a specified rate previously ascertained, as provided herein, for the transportation by water from and for a port named in the aforesaid schedule, the railway carrier shall issue a through bill of lading to the point of destination. Such bill of lading shall name separately the charge to be paid for the railway transportation, water transportation, and port charges, if any, not included in the rail or water transportation charge; but the carrier by railroad shall not be liable to the consignor, consignee, or other person interested in the shipment after its delivery to the vessel. The commission shall, in such manner as will preserve for the carrier by water the protection of limited liability provided by law, make such rules and regulations not inconsistent herewith as will prescribe the form of such through bill of lading. In all such cases it shall be the duty of the carrier by railroad to deliver such shipment to the vessel as a part of its undertaking as a common carrier.

(5) *Bill of lading as "arrangement for continuous carriage."*—The issuance of a through bill of lading covering shipments provided for herein shall not be held to constitute "an arrangement for continuous carriage or shipment" within the meaning of this chapter. (Feb. 28, 1920, c. 91, § 441, 41 Stat. 497.)

26. Installation of safety devices directed; negligence; penalty.—The commission may, after investigation, order any carrier by railroad subject to this chapter, within a time specified in the order, to install automatic train-stop or train-control devices or other safety devices, which comply with specifications and requirements prescribed by the commission, upon the whole or any part of its railroad, such order to be issued and published at least two years before the date specified for its fulfillment: *Provided*, That a carrier shall not be held to be negligent because of its failure to install such devices upon a portion of its railroad not included in the order; and any action arising because of an accident happening upon such portion of its railroad shall be determined without consideration of the use of such devices upon another portion of its railroad. Any common carrier which refuses or neglects to comply with any order of the commission made under the authority conferred by this section shall be liable to a penalty of $100 for each day that such refusal or neglect continues, which shall accrue to the United States, and may be recovered in a civil action brought by the United States. (Feb. 28, 1920, c. 91, § 441, 41 Stat. 498.)

27. Citation.—This chapter may be cited as the "Interstate Commerce Act." (Feb. 28, 1920, c. 91, § 441, 41 Stat. 499.)

Chapter 2.—LEGISLATION SUPPLEMENTARY TO "INTERSTATE COMMERCE ACT."

Sec.
41. Liability of corporation carriers and agents; offenses and penalties.
(1) Liability of corporation common carriers; offenses; penalties; jurisdiction.
(2) Liabilities for acts of agents; departure from published rates.
(3) Receiving rebates; additional penalty and recovery thereof.
42. Parties included in proceedings to enforce law.
43. Proceedings in equity to enforce tariffs, etc.; district attorneys; damages; witnesses; precedence.
44. Expedition of suits.
45. Appeals to Supreme Court.
46. Self-criminating testimony; perjury; refusal to testify.
47. Immunity of witness from prosecution; perjury.
48. Immunity extended to natural persons only.
49. Mandamus to obtain equal facilities for shippers.
50. Agent in Washington for service; service in default of designation.
51. Proceedings relating to rail and water routes; orders.
52. Railroads to serve employees in valuation work; compensation.
53. Exception to law prohibiting free transportation.
54. Statements showing employments under appropriations.
55. Policy in making rate adjustments; investigation of rates authorized.
56. Statement of expenditures of commission.
57. Auditing accounts of commission.
58. Exchange of typewriters, etc.

Section 41. Liability of corporation carriers and agents; offenses and penalties.—(1) *Liability of corporation common carriers; offenses; penalties; jurisdiction.*—Anything done or omitted to be done by a corporation common carrier, subject to the preceding chapter, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said chapter or under sections 41, 42, or 43, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said chapter or by sections 41, 42, or 43, with reference to such persons, except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said chapter to file and publish the tariffs or rates and charges as required by said chapter, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than $1,000 nor more than $20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said chapter whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said chapter, or whereby any other advantage is given or discrimination is practiced. Every person or corporation, whether carrier or shipper, who shall, knowingly, offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person, or any officer or director of any corporation subject to the provisions of sections 41, 42, or 43, or of the preceding chapter, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

(2) *Liabilities for acts of agents; departure from published rates.*—In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier, or shipper, acting within the scope of his employment, shall in

every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the preceding chapter, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under sections 41, 42 or 43, shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section.

(3) *Receiving rebates; additional penalty and recovery thereof.*—Any person, corporation, or company who shall deliver property for interstate transportation to any common carrier, subject to the provisions of sections 41, 42, or 43, or for whom as consignor or consignee, any such carrier shall transport property from one State, Territory, or the Distict of Columbia to any other State, Territory, or the District of Columbia, or foreign country, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transportation of such property, as fixed by the schedules of rates provided for in said sections, shall in addition to any penalty provided by said sections forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and the Attorney General of the United States is authorized and directed, whenever he has reasonable grounds to believe that any such person, corporation, or company has knowingly received or accepted from any such common carrier any sum of money or other valuable consideration as a rebate or offset as aforesaid, to institute in any court of the United States of competent jurisdiction, a civil action to collect the said sum or sums so forfeited as aforesaid; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be. (Feb. 19, 1903, c. 708, § 1, 32 Stat. 847; June 29, 1906, c. 3591, § 2, 34 Stat. 587.)

42. Parties included in proceedings to enforce law.—In any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any district court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers. (Feb. 19, 1903, c. 708, § 2, 32 Stat. 848; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

43. Proceedings in equity to enforce tariffs, etc.; district attorneys; damages; witnesses; precedence.—Whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the district court of the United States sitting in equity having jurisdiction; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States, whenever the Attorney General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute such proceedings, and the proceedings provided for by sections 41, 42, or 43 shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by the preceding chapter. And in proceedings under said sections and the preceding chapter the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence documentary or otherwise in such proceeding: *Provided*, That the provisions of sections 44 and 45 shall apply to any case prosecuted under the direction of the Attorney General in the name of the Interstate Commerce Commission. (Feb. 19, 1903, c. 708, § 3, 32 Stat. 848; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

44. Expedition of suits.—In any suit in equity brought in any district court of the United States under the preceding chapter or any other statutory provisions having a like purpose that may be enacted, wherein the United States is complainant, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select; or, in case the full court shall not at any time be made up by reason of the necessary absence or disqualification of one or more of the said circuit judges, the justice of the Supreme Court assigned to that circuit or the other circuit judge or judges may designate a district judge or judges within the circuit who shall be competent to sit in said court at the hearing of said suit. In the event the judges sitting in such case shall be equally divided in opinion as to the decision or disposition of said cause, or in the event that a majority of said judges shall be unable to agree upon the judgment, order, or decree finally disposing of said case in said court which should be entered in said cause, then they shall immediately certify that fact to the Chief Justice of the United States, who shall at once designate and appoint some circuit

judge to sit with said judges and to assist in determining said cause. Such order of the Chief Justice shall be immediately transmitted to the clerk of the district court in which said cause is pending, and shall be entered upon the minutes of said court. Thereupon said cause shall at once be set down for reargument and the parties thereto notified in writing by the clerk of said court of the action of the court and the date fixed for the reargument thereof. (Feb. 11, 1903, c. 544, § 1, 32 Stat. 823; June 25, 1910, c. 428, 36 Stat. 854; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

45. Appeals to Supreme Court.—In every suit in equity brought in any district court of the United States under any of the laws mentioned in the preceding section, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof. (Feb. 11, 1903, c. 544, § 2, 32 Stat. 823; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)

46. Self-criminating testimony; perjury; refusal to testify.—No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements, and documents before the Interstate Commerce Commission, or in obedience to the subpœna of the commission, whether such subpœna be signed or issued by one or more commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the preceding chapter on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before said commission, or in obedience to its subpœna, or the subpœna of either of them, or in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful requirement of the commission shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by fine not less than $100 nor more than $5,000, or by imprisonment for not more than one year or by both such fine and imprisonment. (Feb. 11, 1893, c. 83, 27 Stat. 443.)

47. Immunity of witness from prosecution; perjury.—No person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under the preceding chapter or any law amendatory thereof or supplemental thereto: *Provided*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying. (Feb. 25, 1903, c. 755, § 1, 32 Stat. 904.)

48. Immunity extended to natural persons only.—Under the immunity provisions in sections 43, 46, and 47 immunity shall extend only to a natural person who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath. (June 30, 1906, c. 3920, 34 Stat. 798.)

49. Mandamus to obtain equal facilities for shippers.—The district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier, of any of the provisions of the preceding chapter, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ: *Provided*, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided*, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by the preceding chapter. (Mar. 2, 1889, c. 382, § 10, 25 Stat. 862.)

50. Agent in Washington for service; service in default of designation.—It shall be the duty of every common carrier subject to the provisions of the preceding chapter, to designate in writing an agent in the city of Washington, District of Columbia, upon whom service of all notices and processes may be made for and on behalf of said common carrier in any proceeding or suit pending before the Interstate Commerce Commission and to file such designation in the office of the secretary of the Interstate Commerce Commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and processes may be made upon such common carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the city of Washington, with like effect as if made personally upon such common carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Interstate Commerce Commission may be made by posting such notice or process in the office of the secretary of the Interstate Commerce Commission. (June 18, 1910, c. 309, § 6, 36 Stat. 544; Oct. 22, 1913, c. 32, 38 Stat. 219.)

51. Proceedings relating to rail and water routes; orders.—The orders of the Interstate Commerce Commission relating to paragraphs 10, 11 and 12 of section 5 of this title and paragraph 13 of section 6 of this title shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in paragraphs 11 and 12 of section 5 and paragraph 13 of section 6 of this title shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the preceding chapter, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order. (Aug. 24, 1912, c. 390, § 11, 37 Stat. 568.)

52. Railroads to serve employees in valuation work; compensation.—It shall be the duty of every common carrier by railroad whose property is being valued under section 19a of the preceding chapter to transport the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said section from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and, also, to move from point to point and store at such points as may be reasonably required the cars of the United States which are being used to house and maintain said employees; and, also, to carry the supplies necessary to maintain said employees and the other property of the United States actually

used on said railroad in said work of valuation. The service above required shall be regarded as a special service and shall be rendered under such forms and regulations and for such reasonable compensation as may be prescribed by the Interstate Commerce Commission and as will insure an accurate record and account of the service rendered by the railroad, and such evidence of transportation, bills of lading, and so forth, shall be furnished to the commission as may from time to time be required by the commission. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 627.)

53. Exception to law prohibiting free transportation.—Nothing contained in the preceding chapter shall be so construed by the Interstate Commerce Commission, or by the courts, as to prevent the lessee of the Cincinnati Southern Railway from complying with its obligation assumed in leasing said railway to furnish free transportation to the trustees of said Cincinnati Southern Railway, their officers and agents: *Provided*, That the free transportation referred to shall be furnished only when persons entitled thereto are traveling on the business of the company. (Feb. 17, 1917, c. 84, 39 Stat. 922.)

54. Statements showing employments under appropriations.—A complete statement showing the employments under appropriations made for any fiscal year for the valuation of carriers shall be made to Congress at each succeeding regular session thereof. Said statements shall show, under each division or title of organization, the names of all persons employed under the Interstate Commerce Commission alphabetically arranged, the State from which each is appointed, and the rate of compensation paid to each. (Mar. 4, 1915, c. 147, § 1, 38 Stat. 1140.)

55. Policy in making rate adjustments; investigation of rates authorized.—It is declared to be the true policy in rate making to be pursued by the Interstate Commerce Commission in adjusting freight rates, that the conditions which at any given time prevail in our several industries should be considered in so far as it is legally possible to do so, to the end that commodities may freely move.

The Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the preceding chapter, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens, or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist. In making any such change, adjustment, or redistribution the commission shall give due regard, among other factors, to the general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years to a natural and proper development of the country as a whole, and to the maintenance of an adequate system of transportation. In the progress of such investigation the commission shall, from time to time, and as expeditiously as possible, make such decisions and orders as it may find to be necessary or appropriate upon the record then made in order to place the rates upon designated classes of traffic upon a just and reasonable basis with relation to other rates. Such investigation shall be conducted with due regard to other investigations or proceedings affecting the rate adjustments which may be pending before the commission.

In view of the existing depression in agriculture, the commission is directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the adoption of this section shall be permitted to delay the decision of cases, on January 30, 1925, pending before the commission involving rates on products of agriculture, and that such cases shall be decided in accordance with this section. (Jan. 30, 1925, c. 120, 43 Stat. 801.)

56. Statement of expenditures of commission.—It shall be the duty of the Interstate Commerce Commission to include in their annual report to Congress a statement showing in detail their expenditures for each fiscal year, including the number of persons employed and the amount of compensation to each. (Oct. 2, 1888, c. 1069, 25 Stat. 530.)

57. Auditing accounts of commission.—Expenses of the Interstate Commerce Commission shall be audited by the General Accounting Office. (Mar. 2, 1889, c. 411, § 1, 25 Stat. 954; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

58. Exchange of typewriters, etc.—The Interstate Commerce Commission may exchange typewriters, adding machines, and other labor-saving devices in part payment for like articles. (Aug. 1, 1914, c. 223, § 1, 38 Stat. 627.)

Chapter 3.—TERMINATION OF FEDERAL CONTROL.

Sec.
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73. Reimbursement of deficits during Federal control.
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(a) Divisions of joint rates, fares, or charges continued.
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(a) Definitions.
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(f) Further provisions as to computation.
(g) Ascertainment and payment of amounts guaranteed.
78. Execution of powers of President.
79. Further certificates and warrants.

Section 71. Definitions.—When used in this chapter the term "Federal Control Act" means the Act entitled "An Act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, as amended;

The term "Federal control" means the possession, use, control, and operation of railroads and systems of transportation, taken over or assumed by the President under section 1361 of

Title 10, ARMY, or under the Federal Control Act; and the term "Commission" means the Interstate Commerce Commission. (Feb. 28, 1920, c. 91, § 2, 41 Stat. 457.)

72. Funds available.—The President shall, as soon as practicable after the termination of Federal control, adjust, settle, liquidate, and wind up all matters, including compensation, and all questions and disputes of whatsoever nature, arising out of or incident to Federal control. For these purposes and for the purpose of making the payments specified in subdivision (a) of section 141, all unexpended balances in the revolving fund created by the Federal Control Act or of the moneys appropriated by the Act entitled "An Act to supply a deficiency in the appropriation for carrying out the Act entitled 'An Act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," approved June 30, 1919, are reappropriated and made available until expended; and all moneys derived from the operation of the carriers or otherwise arising out of Federal control, and all moneys that have been or may be received in payment of the indebtedness of any carrier to the United States arising out of Federal control, shall be and remain available until expended for the aforesaid purposes; and there is appropriated for the aforesaid purposes, out of any money in the Treasury not otherwise appropriated, $200,000,000 in addition to the above, to be available until expended. (Feb. 28, 1920, c. 91, § 202, 41 Stat. 459.)

73. Reimbursement of deficits during Federal control.—(a) *"Carrier" and "test period" defined.*—When used in this section the term "carrier" means a carrier by railroad which, during any part of the period of Federal control, engaged as a common carrier in general transportation, and competed for traffic, or connected, with a railroad under Federal control, and which sustained a deficit in its railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad or system of transportation; but does not include any street or interurban electric railway which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both; and the term "test period" means the three years ending June 30, 1917.

(b) *Computation of railway operating income or deficit for specified periods.*—For the purposes of this section railway operating income or any deficit therein for the period of Federal control shall be computed in a manner similar to that provided in section 77 with respect to such income or deficit for the guaranty period; and railway operating income or any deficit therein for the test period shall be computed in the manner provided in section 1 of the Federal Control Act.

(c) *Ascertainment of amounts of railway operating income and deficits therein; test period return.*—As soon as practicable the commission shall ascertain for every carrier, for every month of the period of Federal control during which its railroad or system of transportation was not under Federal operation, its deficit in railway operating income, if any, and its railway operating income, if any (hereinafter called "Federal control return"), and the average of its deficit in railway operating income, if any, and of its railway operating income, if any, for the three corresponding months of the test period taken together (hereinafter called "test period return"): *Provided*, That "test period return," in the case of a carrier which operated its railroad or system of transportation for at least one year during, but not for the whole of, the test period, means its railway operating income, or the deficit therein, for the corresponding month during the test period, or the average thereof for the corresponding months during the test period taken together, during which the carrier operated its railroad or system of transportation.

(d) *Sums to be credited to carrier.*—For every month of the period of Federal control during which the railroad or system of transportation of the carrier was not under Federal operation, the commission shall then ascertain (1) the difference between its Federal control return, if a deficit, and its test period return, if a smaller deficit, or (2) the difference between its test period return, if an income, and its Federal control return, if a smaller income, or (3) the sum of its Federal control return, if a deficit, plus its test period return, if an income. The sum of such amounts shall be credited to the carrier.

(e) *Sums to be credited to United States.*—For every such month the commission shall then ascertain (1) the difference between the carrier's Federal control return, if an income, and its test period return, if a smaller income, or (2) the difference between its test period return, if a deficit, and its Federal control return, if a smaller deficit, or (3) the sum of its Federal control return, if an income, plus its test period return, if a deficit. The sum of such amounts shall be credited to the United States.

(f) *Payments of difference to carrier.*—If the sum of the amounts so credited to the carrier under subdivision (d) of this section exceeds the sum of the amounts so credited to the United States under subdivision (e) of this section, the difference shall be payable to the carrier. In the case of a carrier which operated its railroad or system of transportation for less than a year during, or for none of, the test period, the foregoing computations shall not be used, but there shall be payable to such carrier its deficit in railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad or system of transportation.

(g) *Certification of amounts payable to carriers; warrants and payment thereof.*—The commission shall promptly certify to the Secretary of the Treasury the several amounts payable to carriers under paragraph (f). The Secretary of the Treasury is authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States for the amount shown in such certificate as payable thereto. An amount sufficient to pay such warrants is appropriated out of any money in the Treasury not otherwise appropriated. (Feb. 28, 1920, c. 91, § 204, 41 Stat. 460.)

74. Causes of action arising out of Federal control.—(a) *Against whom brought; limitations.*—Actions at law, suits in equity and proceedings in admiralty, based on causes of action arising out of the possession, use or operation by the president of the railroad or system of transportation of any carrier (under the provisions of the Federal Control Act, or of section 1361 of chapter 31, Title 10, ARMY) of such character as prior to Federal control could have been brought against such carrier, may, after the termination of Federal control, be brought against an agent designated by the President for such purpose. Such actions, suits, or proceedings may, within the periods of limitation now prescribed by State or Federal statutes but not later than February 28, 1922, be brought in any court which but for Federal control would have had jurisdiction of the cause of action had it arisen against such carrier; except that actions to enforce awards made by the commission under the provisions of subdivision (c) of this section against the agent so designated by the President may be brought within one year after the date of the commission's award.

(b) *Service of process.*—Process may be served upon any agent or officer of the carrier operating such railroad or system of transportation, if such agent or officer is authorized by law to be served with process in proceedings brought against such carrier and if a contract has been made with such carrier by or through the President for the conduct of litigation arising out of operation during Federal control. If no such contract has been made process may be served upon such agents or

officers as may be designated by or through the President. Statements filed in the office of the clerk of each district court of the United States, naming all carriers with whom the agent designated by the President under subdivision (a) of this section has contracted for the conduct of litigation arising out of operation during Federal control, and designating the agents or officers upon whom process may be served in actions, suits, and proceedings arising in respect to railroads or systems of transportation with the owner of which no such contract has been made shall be supplemented from time to time, if additional contracts are made or other agents or officers appointed.

(c) *Complaints for reparation; jurisdiction to hear.*—Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of chapter 1 of this title, may be filed with the commission within one year, or, if so claimed in respect of overcharges above the legal tariff charge, within two years and six months, after February 29, 1920, against the agent designated by the President, under subdivision (a) of this section, naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under the Federal control at the time the matter complained of took place. The commission is given jurisdiction to hear and decide such complaints in the manner provided in chapter 1 of this title, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a) of this section.

(d) *Abatement of actions.*—Actions, suits, proceedings, and reparation claims, of the character above described pending on February 29, 1920, shall not abate by reason of such termination, but may be prosecuted to final judgment, substituting the agent designated by the President under subdivision (a) of this section.

(e) *Payment of final judgments, decrees, or awards.*—Final judgments, decrees, and awards in actions, suits, proceedings, or reparation claims, of the character above described, rendered against the agent designated by the President under subdivision (a) of this section, shall be promptly paid out of the revolving fund created by section 210 of the Transportation Act, 1920.

(f) *Computation of limitations.*—The period of Federal control shall not be computed as a part of the periods of limitation in actions against carriers or in claims for reparation to the commission for causes of action arising prior to Federal control.

(g) *Execution or other process.*—No execution or process, other than on a judgment recovered by the United States against a carrier, shall be levied upon the property of any carrier where the cause of action on account of which the judgment was obtained grew out of the possession, use, control, or operation of any railroad or system of transportation by the President under Federal control.

(h) *Effect of death, etc., of director general, or of public officer bringing suit arising out of Federal control.*—Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a), (c), or (d) of this section, properly commenced within the period of limitation prescribed, and pending on March 3, 1923, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the Director General of Railroads or the agent designated under subdivision (a) of this section, but may (despite the provisions of section 780 of Title 28, JUDICIAL CODE AND JUDICIARY), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of section 780 of Title 28, JUDICIAL CODE AND JUDICIARY), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office.

(i) *Substitution of parties validated.*—Orders providing for a substitution in such cases made before March 3, 1923, by courts having jurisdiction of the parties and subject matter are validated, anything in section 780 of Title 28, JUDICIAL CODE AND JUDICIARY, to the contrary notwithstanding. (Feb. 28, 1920, c. 91, § 206, 41 Stat. 461; Feb. 24, 1922, c. 70, §§ 1, 2, 42 Stat. 393, 394, and Mar. 3, 1923, c. 233, 42 Stat. 1433.)

75. Certificate of amounts due from carrier to President; deduction of amounts so certified.—The Interstate Commerce Commission, in certifying to the Secretary of the Treasury the amount payable to any carrier under paragraphs (f) and (g) of section 73 of this chapter also shall certify to the Secretary of the Treasury such sums, if any, as may be due from such carrier to the President (as operator of transportation systems under Federal control) on account of traffic balances or other indebtedness. The amount so certified to be due the President, upon his request, shall be deducted by the Secretary of the Treasury from the amount so certified to be due such carrier and thereupon shall be transferred from the appropriation made in paragraph (g) of the said section 73 and credited by him to the appropriation made in section 72 of this chapter. Such deductions shall be considered as a payment pro tanto of such indebtedness to the Government. (May 8, 1920, c. 172, 41 Stat. 590.)

76. Existing rates to continue in effect.—(a) *Divisions of joint rates, fares, or charges continued.*—All divisions of joint rates, fares, or charges, which on February 29, 1920, were in effect between the lines of carriers subject to chapter 1 of this title, shall continue in force and effect until thereafter changed by mutual agreement between the interested carriers or by State or Federal authorities, respectively.

(b) *Compensation of land grant railroads for transportation of troops, etc.*—Any land grant railroad organized under the Act of July 28, 1866 (chapter 300), shall receive the same compensation for transportation of property and troops of the United States as is paid to land grant railroads organized under the Land Grant Act of March 3, 1863, and the Act of July 27, 1866 (chapter 278). (Feb. 28, 1920, c. 91, § 208, 41 Stat. 464.)

77. Guaranty to carriers after termination of Federal control.—(a) *Definitions.*—When used in this section the term "carrier" means (1) a carrier by railroad or partly by railroad and partly by water, whose railroad or system of transportation was under Federal control on February 29, 1920, or which had prior to February 28, 1920, engaged as a common carrier in general transportation and competed for traffic, or connected, with a railroad at any time under Federal control; and (2) a sleeping car company whose system of transportation was under Federal control on February 29, 1920; but does not include a street or interurban electric railway not under Federal control on February 29, 1920, which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both;

The term "guaranty period" means the six months beginning March 1, 1920.

The term "test period" means the three years ending June 30, 1917; and

The term "railway operating income" and other references to accounts of carriers by railroad shall, in the case of a sleeping car company, be construed as indicating the appropriate corresponding accounts in the accounting system prescribed by the commission.

(b) *Acceptance of section by carriers.*—This section shall not be applicable to any carrier which has not on or before March 15, 1920, filed with the commission a written statement that it accepts all the provisions of this section.

(c) *Guarantees enumerated.*—The United States guarantees—

(1) With respect to any carrier with which a contract (exclusive of so-called cooperative contracts or waivers) has been made fixing the amount of just compensation under the Federal Control Act, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the amount named in such contract as annual compensation, or, where the contract fixed a lump sum as compensation for the whole period of Federal operation, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than an amount which shall bear the same proportion to the lump sum so fixed as six months bears to the number of months during which such carrier was under Federal operation, including in both cases the increases in such compensation provided for in section 4 of the Federal Control Act;

(2) With respect to any carrier entitled to just compensation under the Federal Control Act, with which such a contract has not been made, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half of the annual amount estimated by the President as just compensation for such carrier under the Federal Control Act, including the increases in such compensation provided for in section 4 of the Federal Control Act. If any such carrier does not accept the President's estimate respecting its just compensation, and if in proceedings under section 3 of the Federal Control Act it is determined that a larger or smaller annual amount is due as just compensation, the guaranty under this paragraph shall be increased or decreased accordingly;

(3) With respect to any carrier, whether or not entitled to just compensation under the Federal Control Act, with which such a contract has not been made, and for which no estimate of just compensation is made by the President, and which for the test period as a whole sustained a deficit in railway operating income, the guaranty shall be a sum equal to (a) the amount by which any deficit in its railway operating income for the guaranty period as a whole exceeds one-half of its average annual deficit in railway operating income for the test period, plus (b) an amount equal to one-half the annual sum fixed by the President under section 4 of the Federal Control Act;

(4) With respect to any carrier not entitled to just compensation under the Federal Control Act, which for the test period as a whole had an average annual railway operating income, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the average annual railway operating income of such carrier during the test period.

(d) *Guaranty in excess of minimum operating income.*—If for the guaranty period as a whole the railway operating income of any carrier entitled to a guaranty under paragraph (1), (2), or (4) of subdivision (c) of this section is in excess of the minimum railway operating income guaranteed in such paragraph, such carrier shall forthwith pay the amount of such excess into the Treasury of the United States. If for the guaranty period as a whole the railway operating income of any carrier entitled to a guaranty under paragraph (3) of subdivision (c) of this section is in excess of one-half of the annual sum fixed by the President with respect to such carrier under section 4 of the Federal Control Act, such carrier shall forthwith pay the amount of such excess into the Treasury of the United States. The amounts so paid into the Treasury of the United States shall be added to the funds made available under section 72 for the purposes indicated in such section. Notwithstanding the provisions of this subdivision of this section, any carrier may retain out of any such excess any amount necessary to enable it to pay its fixed charges accruing during the guaranty period.

(e) *Computation of railway operating income or deficit.*—For the purposes of this section railway operating income, or any deficit therein, for the test period shall be computed in the manner provided for in section 1 of the Federal Control Act.

(f) *Further provisions as to computation.*—In computing railway operating income, or any deficit therein, for the guaranty period for the purposes of this section—

(1) Debits and credits arising from the accounts, called in the monthly reports to the commission equipment rents and joint facility rents, shall be included, but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as were not under Federal control on February 29, 1920, shall be excluded;

(2) Proper adjustments shall be made (a) in case any lines which were, during any portion of the period of Federal control, a part of the railroad or system of transportation of the carrier, and whose railway operating income was included in such income of the carrier for the test period, do not continue to be a part of such railroad or system of transportation during the entire guaranty period, and (b) in case of any lines acquired by, leased to, or consolidated with, the railroad or system of transportation of the carrier at any time since the end of the test period and prior to the expiration of the guaranty period, for which separate operating returns to the commission are not made in respect to the entire portion of the guaranty period;

(3) There shall not be included in operating expenses, for maintenance of way and structures, or for maintenance of equipment, more than an amount fixed by the commission. In fixing such amount the commission shall so far as practicable apply the rule set forth in the proviso in paragraph (a) of section 5 of the "standard contract" between the United States and the carriers (whether or not such contract has been entered into with the carrier whose railway operating income is being computed);

(4) There shall not be included any taxes paid under Title I or II of the Revenue Act of 1917, or such portion of the taxes paid under Title II or III of the Revenue Act of 1918 as by the terms of such Act are to be treated as levied by an Act in amendment of Title I or II of the Revenue Act of 1917; and

(5) The commission shall require the elimination and restatement of the operating expenses and revenues (other than for maintenance of way and structures, or maintenance of equipment) for the guaranty period, to the extent necessary to correct and exclude any disproportionate or unreasonable charge to such expenses or revenues for such period, or any charge to such expenses or revenues for such period which under a proper system of accounting is attributable to another period.

(g) *Ascertainment and payment of amounts guaranteed.*—The commission shall, as soon as practicable after the expiration of the guaranty period, ascertain and certify to the Secre-

tary of the Treasury the several amounts necessary to make good the foregoing guaranty to each carrier. The Secretary of the Treasury is authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States, for the amount shown in such certificate as necessary to make good such guaranty. An amount sufficient to pay such warrants is appropriated out of any money in the Treasury not otherwise appropriated. (Feb. 28, 1920, c. 91, § 209, 41 Stat. 464.)

78. Execution of powers of President.—All powers and duties conferred or imposed upon the President by sections 72 and 77 of this chapter may be executed by him through such agency or agencies as he may determine. (Feb. 28, 1920, c. 91, § 211, 41 Stat. 469.)

79. Further certificates and warrants.—(a) In making certifications under section 73 or section 77, the commission, if not at the time able finally to determine the whole amount due under such section to a carrier, may make its certificate for any amount definitely ascertained by it to be due, and may thereafter in the same manner make further certificates, until the whole amount due has been certified. The authority of and direction to the Secretary of the Treasury under such sections to draw warrants is made applicable to each such certificate. Warrants drawn pursuant to this section, whether in partial payment or in final payment, shall be paid: (1) If for a payment in respect to reimbursement of a carrier for a deficit during the period of Federal control out of the appropriation made by section 73; and (2) if for a payment in respect to the guaranty out of the appropriation made by subdivision (g) of section 77.

(b) In ascertaining the several amounts payable under either of such sections, the commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and, when agreed to by the carrier, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be prima facie but not conclusive evidence of their correctness in amount in final settlement. (Feb. 26, 1921, c. 72, 41 Stat. 1145.)

Chapter 4.—BILLS OF LADING.

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114. Warranties arising out of transfer of bill.
115. Liability of indorser of bill.
116. Warranties by mortgagee, etc., receiving payment of bill.
117. Negotiation of bill; impairment of validity.
118. Negotiation of bill by seller, mortgagor, etc.
119. Rights of bona fide purchaser as affected by seller's lien or right of stoppage.
120. Rights of mortgagee or lien holder; limitation.
121. Offenses; penalty.
122. Terms defined.
123. Retroactive effect.
124. Invalidity of part of chapter.

Section 81. Transportation included.—Bills of lading issued by any common carrier for the transportation of goods in any Territory of the United States, or the District of Columbia, or from a place in a State to a place in a foreign country, or from a place in one State to a place in another State, or from a place in one State to a place in the same State through another State or foreign country, shall be governed by this chapter. (Aug. 29, 1916, c. 415, § 1, 39 Stat. 538.)

82. Straight bill of lading.—A bill in which it is stated that the goods are consigned or destined to a specified person is a straight bill. (Aug. 29, 1916, c. 415, § 2, 39 Stat. 539.)

83. Order bill of lading; negotiability.—A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill. Any provision in such a bill or in any notice, contract, rule, regulation, or tariff that it is nonnegotiable shall be null and void and shall not affect its negotiability within the meaning of this chapter unless upon its face and in writing agreed to by the shipper. (Aug. 29, 1916, c. 415, § 3, 39 Stat. 539.)

84. Order bills in parts or sets; liability of carrier.—Order bills issued in a State for the transportation of goods to any place in the United States on the Continent of North America, except Alaska and Panama, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts: *Provided, however*, That nothing contained in this section shall be interpreted or construed to forbid the issuing of order bills in parts or sets for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries, or to impose the liabilities set forth in this section for so doing. (Aug. 29, 1916, c. 415, § 4, 39 Stat. 539.)

85. Indorsement on duplicate bill; liability.—When more than one order bill is issued in a State for the same goods to be transported to any place in the United States on the Continent of North America, except Alaska and Panama, the word "duplicate," or some other word or words indicating that the document is not an original bill, shall be placed plainly upon the face of every such bill except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill: *Provided, however*, That nothing contained in this section shall in such case for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries be interpreted or construed so as to require the placing of the word "duplicate" thereon, or to impose the liabilities set forth in this section for failure so to do. (Aug. 29, 1916, c. 415, § 5, 39 Stat. 539.)

86. Indorsement on straight bill.—A straight bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character. (Aug. 29, 1916, c. 415, § 6, 39 Stat. 539.)

87. Effect of insertion of name of person to be notified.—The insertion in an order bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill or constitute notice to a purchaser thereof of any rights or equities of such person in the goods. (Aug. 29, 1916, c. 415, § 7, 39 Stat. 539.)

88. Duty to deliver goods on demand; refusal.—A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods or, if the bill is an order bill, by the holder thereof, if such a demand is accompanied by—

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods;

(b) Possession of the bill of lading and an offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is an order bill; and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods, in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure. (Aug. 29, 1916, c. 415, § 8, 39 Stat. 539.)

89. Delivery; when justified.—A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is—

(a) A person lawfully entitled to the possession of the goods, or

(b) The consignee named in a straight bill for the goods, or

(c) A person in possession of an order bill for the goods, by the terms of which the goods are deliverable to his order; or which has been indorsed to him, or in blank by the consignee, or by the mediate or immediate indorsee of the consignee. (Aug. 29, 1916, c. 415, § 9, 39 Stat. 540.)

90. Liability for delivery to person not entitled thereto.—Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to anyone having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

Such request or information, to be effective within the meaning of this section, must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods. (Aug. 29, 1916, c. 415, § 10, 39 Stat. 540.)

91. Liability for delivery without cancellation of bill.—Except as provided in section 106 of this chapter, and except when compelled by legal process, if a carrier delivers goods for which an order bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto. (Aug. 29, 1916, c. 415, § 11, 39 Stat. 540.)

92. Liability in case of delivery of part of goods.—Except as provided in section 106 of this chapter, and except when compelled by legal process, if a carrier delivers part of the goods for which an order bill had been issued and fails either—

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered with a description which may be in general terms either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto. (Aug. 29, 1916, c. 415, § 12, 39 Stat. 540.)

93. Alteration of bill.—Any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill, shall be void whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor. (Aug. 29, 1916, c. 415, § 13, 39 Stat. 540.)

94. Loss, etc., of bill; delivery of goods on order of court.—Where an order bill has been lost, stolen, or destroyed a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss, theft, or destruction and upon the giving of a bond, with sufficient surety, to be approved by the court, to protect the carrier or any person injured by such delivery from any liability or loss incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees: *Provided*, A voluntary indemnifying bond without order of court shall be binding on the parties thereto.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the carrier from liability to a person to whom the order bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods. (Aug. 29, 1916, c. 415, § 14, 39 Stat. 540.)

95. Liability on bill marked "duplicate."—A bill, upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed, plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability. (Aug. 29, 1916, c. 415, § 15, 39 Stat. 541.)

96. Claim of title as excuse for refusal to deliver.—No title to goods or right to their possession asserted by a carrier for his own benefit shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien. (Aug. 29, 1916, c. 415, § 16, 39 Stat. 541.)

97. Interpleader of conflicting claimants.—If more than one person claim the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods or as an original suit, whichever is appropriate. (Aug. 29, 1916, c. 415, § 17, 39 Stat. 541.)

98. Reasonable time for procedure allowed in case of adverse claim.—If some one other than the consignee or the person in possession of the bill has a claim to the title or possession of the goods, and the carrier has information of such

claim, the carrier shall be excused from liability for refusing to deliver the goods, either to the consignee or person in possession of the bill or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead. (Aug. 29, 1916, c. 415, § 18, 39 Stat. 541.)

99. Failure to deliver; claim of third person as defense.—Except as provided in the two preceding sections and in section 89 of this chapter, no right or title of a third person, unless enforced by legal process, shall be a defense to an action brought by the consignee of a straight bill or by the holder of an order bill against the carrier for failure to deliver the goods on demand. (Aug. 29, 1916, c. 415, § 19, 39 Stat. 541.)

100. Loading by carrier; counting packages, etc.; contents of bill.—When goods are loaded by a carrier such carrier shall count the packages of goods, if package freight, and ascertain the kind and quantity if bulk freight, and such carrier shall not, in such cases, insert in the bill of lading or in any notice, receipt, contract, rule, regulation, or tariff, "Shipper's weight, load, and count," or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him or in case of bulk freight and freight not concealed by packages the description made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein. (Aug. 29, 1916, c. 415, § 20, 39 Stat. 541.)

101. Loading by shipper; contents of bill; ascertainment of kind and quantity on request.—When package freight or bulk freight is loaded by a shipper and the goods are described in a bill of lading merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill of lading that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill of lading, such statements, if true, shall not make liable the carrier issuing the bill of lading, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may also by inserting in the bill of lading the words "Shipper's weight, load, and count," or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the nonreceipt or by the misdescription of the goods described in the bill of lading: *Provided, however*, Where the shipper of bulk freight installs and maintains adequate facilities for weighing such freight, and the same are available to the carrier, then the carrier, upon written request of such shipper and when given a reasonable opportunity so to do, shall ascertain the kind and quantity of bulk freight within a reasonable time after such written request, and the carriers shall not in such cases insert in the bill of lading the words "Shipper's weight," or other words of like purport, and if so inserted contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein. (Aug. 29, 1916, c. 415, § 21, 39 Stat. 541.)

102. Liability for nonreceipt or misdescription of goods.—If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the receiving of goods and issuing bills of lading therefor for transportation in commerce among the several States and with foreign nations, the carrier shall be liable to (a) the owner of goods covered by a straight bill subject to existing right of stoppage in transitu or (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue. (Aug. 29, 1916, c. 415, § 22, 39 Stat. 542.)

103. Attachment, etc., of goods delivered to carrier.—If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner, and an order bill is issued for them, they can not thereafter, while in the possession of the carrier, be attached by garnishment or otherwise or be levied upon under an execution unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court. (Aug. 29, 1916, c. 415, § 23, 39 Stat. 542.)

104. Remedies of creditor of owner of order bill.—A creditor whose debtor is the owner of an order bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process. (Aug. 29, 1916, c. 415, § 24, 39 Stat. 542.)

105. Lien of carrier.—If an order bill is issued the carrier shall have a lien on the goods therein mentioned for all charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill and all other charges incurred in transportation and delivery, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier. (Aug. 29, 1916, c. 415, § 25, 39 Stat. 542.)

106. Liability after sale to satisfy lien, etc.—After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods themselves to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be an order bill. (Aug. 29, 1916, c. 415, § 26, 39 Stat. 542.)

107. Negotiation of order bill by delivery.—An order bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank. (Aug. 29, 1916, c. 415, § 27, 39 Stat. 542.)

108. Negotiation of order bill by indorsement.—An order bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner. (Aug. 29, 1916, c. 415, § 28, 39 Stat. 543.)

109. Transfer of bill by delivery; negotiation of straight bill.—A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. A straight bill can not be negotiated free from existing equities, and the indorsement of such a bill gives the transferee no additional right. (Aug. 29, 1916, c. 415, § 29, 39 Stat. 543.)

110. Negotiation of order bill by person in possession.—An order bill may be negotiated by any person in possession of the same, however such possession may have been acquired, if by

the terms of the bill the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery. (Aug. 29, 1916, c. 415, § 30, 39 Stat. 543.)

111. Title and right acquired by transferee of order bill.—A person to whom an order bill has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value; and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him. (Aug. 29, 1916, c. 415, § 31, 39 Stat. 543.)

112. Rights of transferee of bill without negotiation; notice to carrier.—A person to whom a bill has been transferred, but not negotiated, acquires thereby as against the transferor the title to the goods, subject to the terms of any agreement with the transferor. If the bill is a straight bill such person also acquires the right to notify the carrier of the transfer to him of such bill and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a straight bill the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time, with the exercise of reasonable diligence, to communicate with the agent or agents having actual possession or control of the goods. (Aug. 29, 1916, c. 415, § 32, 39 Stat. 543.)

113. Compelling indorsement of order bill transferred by delivery.—Where an order bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiations shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced. (Aug. 29, 1916, c. 415, § 33, 39 Stat. 543.)

114. Warranties arising out of transfer of bill.—A person who negotiates or transfers for value a bill by indorsement or delivery, unless a contrary intention appears, warrants—

(a) That the bill is genuine;

(b) That he has a legal right to transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the bill;

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied if the contract of the parties had been to transfer without a bill the goods represented thereby. (Aug. 29, 1916, c. 415, § 34, 39 Stat. 543.)

115. Liability of indorser of bill.—The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations. (Aug. 29, 1916, c. 415, § 35, 39 Stat. 544.)

116. Warranties by mortgagee, etc., receiving payment of bill.—A mortgagee or pledgee or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or warrant the genuineness of such bill or the quantity or quality of the goods therein described. (Aug. 29, 1916, c. 415, § 36, 39 Stat. 544.)

117. Negotiation of bill; impairment of validity.—The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress, loss, theft, or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress, loss, theft, or conversion. (Aug. 29, 1916, c. 415, § 37, 39 Stat. 544.)

118. Negotiation of bill by seller, mortgagor, etc., to person without notice.—Where a person, having sold, mortgaged, or pledged goods which are in a carrier's possession and for which an order bill has been issued, or having sold, mortgaged, or pledged the order bill representing such goods, continues in possession of the order bill the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation. (Aug. 29, 1916, c. 415, § 38, 39 Stat. 544.)

119. Rights of bona fide purchaser as affected by seller's lien or right of stoppage.—Where an order bill has been issued for goods no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation. (Aug. 29, 1916, c. 415, § 39, 39 Stat. 544.)

120. Rights of mortgagee or lien holder; limitation.—Except as provided in the preceding section, nothing in this chapter shall limit the rights and remedies of a mortgagee or lien holder whose mortgage or lien on goods would be valid, apart from this chapter, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them. (Aug. 29, 1916, c. 415, § 40, 39 Stat. 544.)

121. Offenses; penalty.—Any person who, knowingly or with intent to defraud, falsely makes, alters, forges, counterfeits, prints or photographs any bill of lading purporting to represent goods received for shipment among the several States or with foreign nations, or with like intent utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading, knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed, or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same, or issues or aids in issuing or procuring the issue of, or negotiates or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter, or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provision of this chapter, shall be guilty of a misdemeanor, and, upon conviction, shall be punished for

each offense by imprisonment not exceeding five years, or by a fine not exceeding $5,000, or both. (Aug. 29, 1916, c. 415, § 41, 39 Stat. 544.)

122. Terms defined.—In this chapter, unless the context of subject matter otherwise requires—

"Action" includes counterclaim, set-off, and suit in equity.

"Bill" means bill of lading governed by this chapter.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

"State" includes any Territory, District, insular possession, or isthmian possession. (Aug. 29, 1916, c. 415, § 42, 39 Stat. 545.)

123. Retroactive effect.—The provisions of this chapter do not apply to bills made and delivered prior to January 1, 1917. (Aug. 29, 1916, c. 415, § 43, 39 Stat. 545.)

124. Invalidity of part of chapter.—The provisions and each part thereof and the sections and each part thereof of this chapter are independent and severable, and the declaring of any provision or part thereof, or provisions or part thereof, or section or part thereof, or sections or part thereof, unconstitutional shall not impair or render unconstitutional any other provision or part thereof or section or part thereof. (Aug. 29, 1916, c. 415, § 44, 39 Stat. 545.)

Chapter 5.—INLAND WATERWAYS TRANSPORTATION.

IN GENERAL

Sec.
141. Government-owned boats on inland waterways.
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IN GENERAL

Section 141. Government-owned boats on inland waterways.—(a) *Boats, barges, etc., transferred to Secretary of War; operation thereof.*—On the termination of Federal control, March 1, 1920, all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways (hereinafter in this section called "transportation facilities") acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal Control Act (except the transportation facilities constituting parts of railroads or transportation systems over which Federal control was assumed) are transferred to the Secretary of War, who shall operate or cause to be operated such transportation facilities so that the lines of inland water transportation established by or through the President during Federal control shall be continued, and assume and carry out all contracts and agreements in relation thereto entered into by or through the President in pursuance of such paragraph prior to the time above stated for such transfer. All payments under the terms of such contracts, and for claims arising out of the operation of such transportation facilities by or through the President prior to the termination of Federal control, shall be made out of moneys available under the provisions of section 72 of chapter 3 of this title for adjusting, settling, liquidating, and winding up matters arising out of or incident to Federal control. Moneys required for such payments shall, from time to time, be transferred to the Secretary of War as required for payment under the terms of such contracts.

(b) *Payments after transfer to Secretary of War.*—All other payments after such transfer in connection with the construction, utilization, and operation of any such transportation facilities, whether completed or under construction, shall be made by the Secretary of War out of funds on February 28, 1920, or thereafter made available for that purpose.

(c) *Construction of terminal facilities by Secretary of War.*—The Secretary of War is authorized, out of any moneys, after February 28, 1920, made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between the transportation facilities operated by him under this section and other carriers whether by rail or water, and to make loans for such purposes under such terms and conditions as he may determine to any State, municipality or transportation company; or to expend such moneys for necessary terminal improvements and facilities upon property leased from States, cities, or transportation companies under terms approved by the Interstate Commerce Commission, or otherwise, in accordance with any order rendered by said commission under subheading (a), paragraph 13, section 6, of chapter 1 of this title.

(d) *Transportation facilities on Mississippi River.*—Any transportation facilities owned by the United States and included within any contract made by the United States for operation on the Mississippi River above Saint Louis, the possession of which reverts to the United States at or before the expiration of such contract, shall be operated by the Secretary of War so as to provide facilities for water carriage on the Mississippi River above Saint Louis.

(e) *Applicability of other laws; employees.*—The operation of the transportation facilities referred to in this section shall be subject to the provisions of chapter 1 of this title as amended by subsequent legislation and to the provisions of chapter 23, Title 46, Shipping, as now or hereafter amended, in the same manner and to the same extent as if such transportation facilities were privately owned and operated; and all such vessels while operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels, whether the United States is interested therein as owner, in whole or in part, or holds any mortgage, lien, or interest therein. For the performance of the duties imposed by this section the Secretary of War is authorized to appoint or employ such number of experts, clerks, and other employees as may be necessary for service in the District of Columbia or elsewhere, and as may be provided for by Congress. (Feb. 28, 1920, c. 91, § 201, 41 Stat. 458; Mar. 4, 1921, c. 161, § 1, 41 Stat. 1392.)

142. Development of water transportation; duties of Secretary of War.—It is declared to be the policy of Congress to promote, encourage, and develop water transportation, service,

and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States, to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation. It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

The words "inland waterway" as used in this section shall be construed to include the Great Lakes. (Feb. 28, 1920, c. 91, § 500, 41 Stat. 499.)

143. Operation of boats, etc., by Secretary of War on New York State Barge Canal discontinued.—At the end of thirty days after February 27, 1921, the authority conferred upon the Secretary of War under section 141 of this chapter, to operate for commercial purposes boats, barges, tugs, or other transportation facilities upon the New York State Barge Canal shall cease, and thereafter there shall be no such operation by the Secretary of War or any other agency of the United States. The Secretary of War shall as soon as is practicable, dispose of boats, barges, tugs, and other transportation facilities purchased or constructed for use upon the said canal, and, pending final disposition, the Secretary of War may lease the same: *Provided*, That all the money obtained from the sale or lease of these boats, barges, and tugs shall be available until expended by the inland and coastwise waterways service of the War Department in the inauguration and development of other inland, canal, and coastwise waterways in accordance with the expressed desire of Congress in the preceding section: *Provided further*, That not to exceed 25 per centum of the boats, barges, and tugs built or purchased for the United States, herein authorized to be sold, may be retained by the United States for the operation of other inland, canal, or coastwise routes of the United States until such equipment can be replaced by other equipment to be purchased from funds received from the sale prescribed above. (Feb. 27, 1921, c. 81, 41 Stat. 1149.)

INLAND WATERWAYS CORPORATION

151. Corporation created; government and direction by Secretary of War.—For the purpose of carrying on the operations of the Government-owned inland, canal, and coastwise waterways system to the point where the system can be transferred to private operation to the best advantage of the Government, of carrying out the mandates of Congress prescribed in section 141 of this chapter, and of carrying out the policy enunciated by Congress in the first paragraph of section 142 of this chapter, there is created a corporation, in the District of Columbia, to be known as the Inland Waterways Corporation (hereinafter referred to as the "corporation"). The Secretary of War shall be deemed to be the incorporator, and the incorporation shall be held effected as of June 3, 1924. The Secretary of War shall govern and direct the corporation in the exercise of the functions vested in it by this subdivision of this chapter. (June 3, 1924, c. 243, § 1, 43 Stat. 360.)

152. Capital stock.—The capital stock of the corporation shall be $5,000,000, all of which is subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is authorized to be appropriated the sum of $5,000,000 for the purpose of paying such subscription. (June 3, 1924, c. 243, § 2, 43 Stat. 360.)

153. Operation of transportation and terminal facilities; application of other laws.—(a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities on June 3, 1924, operated by or under the direction of the Secretary of War, under section 141 of this chapter, and shall, as soon as there is an improved channel sufficient to permit the same, initiate the water carriage authorized by law upon the Mississippi River above Saint Louis.

(b) If the Secretary of War deems it advisable to discontinue the operation of any part of the transportation or terminal facilities, or to develop and operate new lines, in order to give the public the proper service, he shall report thereon to Congress. The operation of any of such facilities shall not be discontinued and new lines shall not be developed or operated until authorized by Congress.

(c) The operation of the transportation and terminal facilities under this subdivision of this chapter shall be subject to the provisions of chapter 1 of this title and to the provisions of chapter 23, Title 46, SHIPPING, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels. (June 3, 1924, c. 243, § 3, 43 Stat. 361.)

154. Advisory board; members; compensation; chairman; meetings and duties.—(a) The Secretary of War shall appoint an Advisory Board of six members (hereinafter referred to as the "board") from individuals prominently identified with commercial or business interests in territory adjacent to the operations of the corporation. No member of the board shall be an officer, director, or employee of, or substantially interested in, any railroad corporation. Two of such members shall continue in office for terms of one year, and the remaining four for terms of two, three, four, and five years, respectively, from the date of appointment, the term of each to be designated by the Secretary of War. Each successor shall be appointed by the Secretary of War for a term of five years from the date of the expiration of the term of the member whom he succeeds, except that any successor appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the unexpired term of the member whom he succeeds. A vacancy in the board shall not impair the powers of the remaining members to execute the functions of the board.

(b) The members shall receive no salary for their services on the board but, under regulations and in amounts prescribed by the Secretary of War, may be paid by the corporation a

reasonable per diem compensation for attending meetings of the board and for time spent on special service of the corporation, and their traveling expenses to and from such meetings, or when assigned to such special service.

(c) In addition to the six members, the Secretary of War shall appoint an individual from civil life, or (notwithstanding section 576 of Title 10, ARMY, or any other provision of law, or any rules or regulations issued thereunder) detail an officer from the Military Establishment of the United States, as chairman of the board. Any officer so detailed shall, during his term of office as chairman, have the rank, pay, and allowances of a brigadier general, United States Army, and shall be exempt from the operation of any provision of law, or any rules or regulations issued thereunder, which limits the length of such detail or compels him to perform duty with troops. Any individual appointed from civil life shall, during his term of office as chairman, receive a salary not to exceed $10,000 a year to be fixed by the Secretary of War. The Secretary of War may delegate to the chairman any of the functions vested in the Secretary by this subdivision of this chapter.

(d) The board shall meet for organization purposes when and where called by the Secretary of War, and thereafter at such times and places as the Secretary deems necessary. The board shall consider matters submitted to it by the Secretary of War, and make recommendations thereon, and from time to time advise him and make recommendations, in respect of the management and operation of existing facilities, or the development and operation of new lines. (June 3, 1924, c. 243, § 4, 43 Stat. 361.)

155. Powers of corporation.—The corporation—

(a) Shall have succession in its corporate name during its existence.

(b) May sue and be sued in its corporate name.

(c) May adopt a corporate seal, which shall be judicially noticed, and may alter it at pleasure.

(d) May make contracts.

(e) May acquire, hold, and dispose of property.

(f) May appoint, fix the compensation of, and remove such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the corporation; define their duties, and require bonds of them, and fix the penalties thereof.

(g) May incur obligations, borrow money for temporary purposes, and issue notes or other evidences of indebtedness therefore, but the aggregate amount of the indebtedness at any time shall not exceed 25 per centum of the value of the assets at such time.

(h) May exercise any of the functions vested in the Secretary of War by sections 141 and 142 of this chapter.

(i) May, in the exercise of such functions, conduct the business of a common carrier by water, and maintain, manage, and operate properties held for or used in the service of transportation, or necessary or convenient to such use; and

(j) In addition to the powers specifically granted, shall have such powers as may be necessary or incidental to fulfill the purposes of its creation. (June 3, 1924, c. 243, § 5, 43 Stat. 362.)

156. Property, rights, duties, liabilities, etc.; limitation statutes.—(a) The Secretary of War shall transfer to the corporation all assets transferred to, or acquired, constructed, or operated by, or under the direction of, the Secretary of War, or which revert to the United States, under section 141 or section 143 of this chapter.

(b) The rights, privileges, and powers, and the duties and liabilities, of the Secretary of War, or the inland and coastwise waterways service, in respect of any contract, loan, lease, account, or other obligation, under section 141 or section 143 of this chapter shall become the rights, privileges and powers, and the duties and liabilities, respectively, of the corporation.

(c) All money available for expenditure or the making of loans under section 143 or section 141 of this chapter, and all money repaid in pursuance of loans made under subdivision (c) of section 141 of this chapter, shall be available for expenditure or the making of loans by the corporation under this subdivision of this chapter.

(d) The enforceable claims of or against the Secretary of War, or the inland and coastwise waterways service, in respect of the operation, construction, or acquisition of any such transportation facilities, shall become the claims of or against, and may be enforced by or against, the corporation.

(e) The Secretary of War shall adjust and appraise the value, at the time of transfer, of all assets transferred to the corporation under this subdivision of this chapter, and such value shall be entered upon the books of the corporation.

(f) In the determination of the running of the statute of limitations or of any prescriptive right, the period of time shall be computed in the same manner as though this subdivision of this chapter had not been passed. (June 3, 1924, c. 243, § 6, 43 Stat. 362.)

TRANSPORTATION OF TROOPS AND SUPPLIES

See Title 10, ARMY.

TREASURER OF THE UNITED STATES

See Title 31, MONEY AND FINANCE.

TREASURY DEPARTMENT

See chapter 4 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

TREATIES WITH INDIANS

See Title 25, INDIANS.

UNFAIR COMPETITION

See Title 15, COMMERCE AND TRADE.

UNIFORM

Protection of uniform of friendly nations; see Title 22, FOREIGN RELATIONS AND INTERCOURSE.

See also Title 10, ARMY.

UNITED STATES BLIND VETERANS OF THE WORLD WAR

See Title 36, PATRIOTIC SOCIETIES AND OBSERVATIONS.

UNITED STATES COMMISSIONERS

See Title 28, JUDICIAL CODE AND JUDICIARY.

UNITED STATES COURT FOR CHINA

See Title 22, FOREIGN RELATIONS AND INTERCOURSE.

UNITED STATES DISCIPLINARY BARRACKS

See Title 10, ARMY.

UNITED STATES INDUSTRIAL REFORMATORY

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

UNITED STATES MARSHALS

See Title 28, JUDICIAL CODE AND JUDICIARY.

UNITED STATES SHIPPING BOARD

See Title 46, SHIPPING.

VESSELS

See Title 33, NAVIGATION AND NAVIGABLE WATERS; Title 34, NAVY; Title 46, SHIPPING.

VETERANS' RELIEF

See Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

VIRGIN ISLANDS

See Title 48, TERRITORIES AND INSULAR POSSESSIONS.

VOCATIONAL EDUCATION

See Title 20, EDUCATION.

VOCATIONAL REHABILITATION

See Title 29, LABOR; Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

VOLSTEAD ACT

See Title 27, INTOXICATING LIQUORS.

WAGON ROAD LAND GRANTS

See Title 43, PUBLIC LANDS.

TITLE 50.—WAR

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Chapter 1.—COUNCIL OF NATIONAL DEFENSE.

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1. Creation, purposes, and composition of council.
2. Advisory commission.
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4. Rules and regulations; subordinate bodies and committees.
5. Reports of activities and expenditures.
6. Limit of salaries.

Section 1. Creation, purpose, and composition of council.—A Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. (Aug. 29, 1916, c. 418, § 2, 39 Stat. 649.)

2. Advisory commission.—The Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activites. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work. (Aug. 29, 1916, c. 418, § 2, 39 Stat. 649.)

3. Duties of council.—It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation. (Aug. 29, 1916, c. 418, § 2, 39 Stat. 649.)

4. Rules and regulations; subordinate bodies and committees.—The Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed. (Aug. 29, 1916, c. 418, § 2, 39 Stat. 650.)

5. Reports of activities and expenditures.—Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however,* That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized. (Aug. 29, 1916, c. 418, § 2, 39 Stat. 650.)

6. Limit of salaries.—No salary shall be paid to any officer or employee of the council in excess of $6,000 per annum. (June 5, 1920, c. 235, § 1, 41 Stat. 886.)

Chapter 2.—BOARD OF ORDNANCE AND FORTIFICATION.

Sec.
11. Composition and duties of board.
12. Civilian member of board.
13. Additional members of board selected from Army.
14. Disqualification for membership of board.
15. Purchases, investigations, and tests.

Section 11. Composition and duties of board.—The appropriations for ordnance and fortifications shall be expended under the direct supervision of a board to consist of an officer of Engineers, an officer of Ordnance, and an officer of Artillery, to be selected by the Secretary of War, to be called and known as the Board of Ordnance and Fortification; and said board shall be under the direction of the Secretary of War and subject to his supervision and control in all respects, and shall have power to provide suitable regulations for the inspection of guns and materials at all stages of manufacture to the extent necessary to protect fully the interests of the United States, and generally to provide such regulations concerning matters within said board's operations as shall be necessary to carry out to the best advantage all duties committed to its charge: *Provided,* That subject to the foregoing provisions the expenditure shall be made by the several bureaus of the War Department having jurisdiction of the same under existing law. (Sept. 22, 1888, c. 1028, § 1, 25 Stat. 489.)

12. Civilian member of board.—One additional member shall be added to said Board of Ordnance and Fortification who shall be a civilian and not an ex-officer of the Regular Army or Navy, and he shall be nominated by the President, and by and with the advice and consent of the Senate, appointed, and shall be paid a salary of $5,000 per annum and actual traveling expenses when traveling on duty: *Provided*, That the Board of Ordnance and Fortification shall make an annual report to Congress through the Secretary of War, on the first Monday in December in each year, showing the general operations of the board and shall give a detailed statement of all contracts, allotments and expenditures made by the board. (Feb. 24, 1891, c. 283, § 1, 26 Stat. 769.)

13. Additional members of board selected from Army.—The Secretary of War is authorized to appoint two additional members for the Board of Ordnance and Fortification, both of whom shall be selected from the Artillery Corps. (Mar. 2, 1901, c. 803, 31 Stat. 910.)

14. Disqualification for membership of board.—No person shall be a member of or serve on said board who has been or is in any manner interested in any invention, device, or patent which, or anything similar to which, has been considered or may be considered by or come before said board for test or adoption; or who is connected with or in the employ of any manufacturer who has or shall have contracts with the United States for any ordnance materials. (Feb. 18, 1893, c. 136, § 1, 27 Stat. 458.)

15. Purchases, investigations, and tests.—The board is authorized to make all needful and proper purchases, investigations, experiments, and tests, to ascertain with a view to their utilization by the Government, the most effective guns, including multicharge guns and the conversion of Parrott and other guns on hand, small arms, cartridges, projectiles, fuzes, explosives, torpedoes, armor plates, and other implements and engines of war; and the Secretary of War is hereby authorized to purchase or cause to be manufactured, such guns, carriages, armor plates, and other war materials and articles as may, in the judgment of said board, be necessary in the proper discharge of the duty herein devolved upon them.

Under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $6,500,000, nor an expenditure on the part of the Government in any one fiscal year in excess of $2,000,000, and all guns and materials purchased under authority of this section shall be of American production and furnished by citizens of the United States. (Sept. 22, 1888, c. 1028, § 6, 25 Stat. 490.)

Chapter 3.—ALIEN ENEMIES.

Sec.
21. Restraint, regulation, and removal.
22. Time allowed to settle affairs and depart.
23. Jurisdiction of United States courts and judges.
24. Duties of marshals.

Section 21. Restraint, regulation, and removal.—Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety. (Apr. 16, 1918, c. 55, 40 Stat.)

22. Time allowed to settle affairs and depart.—When an alien who becomes liable as an enemy, in the manner prescribed in the preceding section, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality. (R. S. § 4068.)

23. Jurisdiction of United States courts and judges.—After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed. (R. S. § 4069.)

24. Duties of marshals.—When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be. (R. S. § 4070.)

Chapter 4.—ESPIONAGE.

Sec.
31. Unlawfully obtaining or permitting to be obtained information affecting national defense.
32. Unlawfully disclosing information affecting national defense.
33. Seditious or disloyal acts or words in time of war.
34. Conspiracy to violate preceding sections.
35. Harboring or concealing violators of law.
36. Designation of prohibited places by proclamation.
37. Places subject to provisions of chapter.
38. Jurisdiction of courts-martial and military commissions.
39. Jurisdiction of courts of Canal Zone and Philippine Islands of offenses on high seas.
40. "United States" defined.
41. "Foreign government" defined.
42. Effect of partial invalidity of chapter.

Section 31. Unlawfully obtaining or permitting to be obtained information affecting national defense.—Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any

vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 36 of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years or both. (June 15, 1917, c. 30, Title I, § 1, 40 Stat. 217.)

32. Unlawfully disclosing information affecting national defense.—Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years. (June 15, 1917, c. 30, Title I, § 2, 40 Stat. 218.)

33. Seditious or disloyal acts or words in time of war.—Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service of the United States, shall be punished by a fine of not more $10,000 or imprisonment for not more than twenty years, or both. (June 15, 1917, c. 30, Title I, § 3, 40 Stat. 219; Mar. 3, 1921, c. 136, 41 Stat. 1359.)

34. Conspiracy to violate preceding sections.—If two or more persons conspire to violate the provisions of sections 32 or 33 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this chapter shall be punished as provided by section 88 of Title 18. (June 15, 1917, c. 30, Title I, § 4, 40 Stat. 219.)

35. Harboring or concealing violators of law.—Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this chapter shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both. (June 15, 1917, c. 30, Title I, § 5, 40 Stat. 219.)

36. Designation of prohibited places by proclamation.—The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section 31 of this title in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this chapter: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense. (June 15, 1917, c. 30, Title I, § 6, 40 Stat. 219.)

37. Places subject to provisions of chapter.—The provisions of this chapter shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this chapter when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder. (June 15, 1917, c. 30, Title I, § 8, 40 Stat. 219.)

38. Jurisdiction of courts-martial and military commissions.—Nothing contained in this chapter or chapter 12 of this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial

under chapter 36 of Title 10 and chapter 12 of Title 33. (June 15, 1917, c. 30, Title I, § 7, 40 Stat. 219.)

39. Jurisdiction of courts of Canal Zone and Philippine Islands of offenses on high seas.—The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter and chapter 12 of this title committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this chapter and chapter 12 of this title committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 88 of Title 18, and the provisions of said section, for the purpose of this chapter and chapter 12 of this title, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this chapter for United States attorneys. (June 15, 1917, c. 30, Title XIII, § 2, 40 Stat. 231.)

40. "United States" defined.—The term "United States" as used in this chapter and chapter 12 of this title includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. (June 15, 1917, c. 30, Title XIII, § 1, 40 Stat. 231.)

41. "Foreign government" defined.—The words "foreign government," as used in this chapter of this title, shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government. (June 15, 1917, c. 30, Title VIII, § 4, 40 Stat. 226.)

42. Effect of partial invalidity of chapter.—If any clause, sentence, paragraph, or part of this chapter or of chapter 12 of this title shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (June 15, 1917, c. 30, Title XIII, § 4, 40 Stat. 231.)

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY.

Sec.
51. Pay of master armorer at Springfield Armory.
52. Pay of clerks at Springfield Armory.
53. Annual accounts of arms made and repaired.
54. Account of cost of type and experimental manufacture of guns, and so forth.
55. Abolition of useless or unnecessary arsenals.
56. Misconduct of workmen in armories.
57. Exemption of workmen from jury service.
58. Rewards for suggestions by employees.
59. Testing rifled cannon for Navy.
60. Transfer of naval ordnance to War Department.
61. Arms and ammunition issued to protect public property.
62. Loan of rifles to organizations of honorably discharged soldiers, and so forth.
62a. Loans of ordnance to schools and State homes for veterans' orphans.
63. Sales of ordnance property to schools and State homes for veterans' orphans.
64. Sale of obsolete small arms to patriotic organizations.
65. Sale of ordnance to designers.
66. Issue of condemned ordnance to soldiers' homes.
67. Loan or gift of condemned ordnance to soldiers' monument associations.
68. Sale of obsolete ordnance for public parks.
69. Sale of individual pieces of armament.
70. Sale of ordnance property to Navy and Marine Corps officers.
71. Sale of ordnance stores to Red Cross and civilian employees of Army.
72. Sale of ordnance and stores to Cuba.
73. Disposal of proceeds of sales of serviceable ordnance and stores.
74. Disposal of proceeds of sales of useless ordnance material.
75. Payment for transfers of ordnance or stores to bureaus or departments.
76. Private use of machine for testing iron and steel.
77. Tests of iron, etc., for industrial purposes regulated; reports to Congress.
78. Gauges, dies, and tools for manufacture of arms.
79. Nitrate plants.
80. Procurement of war material; mobilization of industries.
81. Military surveys and maps.

CROSS REFERENCE

Acquisition of sites for armories, nitrate plants, and so forth; see section 171 of this title.

Section 51. Pay of master armorer at Springfield Armory.—In addition to the compensation now allowed and paid to the master armorer at the national armory in Springfield, Massachusetts, there shall be paid to him, from and after the passage of this Act, further compensation at the rate of $1,000 per annum during such time as he shall perform the duties of master machinist at said armory in addition to those of master armorer. (Aug. 5, 1882, c. 395, 22 Stat. 299.)

52. Pay of clerks at Springfield Armory.—On and after June 23, 1874, in lieu of the compensation then allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each of said clerks an annual salary of $1,650. (June 23, 1874, c. 486, 18 Stat. 282.)

53. Annual accounts of arms made and repaired.—An annual account of the expenses of the national armories shall be laid before Congress, together with an account of the arms made and repaired therein. (R. S. § 1665.)

54. Account of cost of type and experimental manufacture of guns, and so forth.—Full and accurate accounts shall be kept, showing the cost of all type and experimental manufacture of guns, and other articles, and the average cost of the several classes of guns and the other articles manufactured by the Government a statement of which account shall be laid before Congress annually in the same manner as is required from national armories under section 56 of this title. (Aug. 18, 1890, c. 797, § 2, 26 Stat. 320.)

55. Abolition of useless or unnecessary arsenals.—The Secretary of War is authorized to abolish such of the arsenals of the United States as, in his judgment, may be useless or unnecessary. (R. S. § 1666.)

56. Misconduct of workmen in armories.—If any artificer or workman, hired, retained, or employed in any public arsenal or armory, wantonly and carelessly breaks, impairs, or destroys any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States, or willfully and obstinately refuses to perform the services lawfully assigned to him, pursuant to his contract, he shall forfeit a sum not exceeding $20 for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof. (R. S. § 1669.)

57. Exemption of workmen from jury service.—All artificers and workmen employed in the armories and arsenals of the United States shall be exempted, during their time of service, from service as jurors in any court. (R. S. § 1671.)

58. Rewards for suggestions by employees.—The Secretary of War is hereby authorized to offer periodically at such of the establishments of the Ordnance Department as he may select a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more employees of the establishment which shall be deemed the most valuable of those submitted and adopted for use: *Provided*, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency

or enhance the quality of the product in comparison with its cost and in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward: *Provided further*, That the sums awarded to employees in accordance with this section shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: *Provided further*, That the total amount paid under the provisions of this section shall not exceed $1,000 for any one month: *And provided further*, That no employee shall be paid a reward under this section until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns, and that application for patent has not been made for the invention. (July 17, 1912, c. 236, 37 Stat. 193.)

59. Testing rifled cannon for Navy.—One or more rifled cannon of each type constructed at the cost of the United States for the Navy shall be publicly subjected to the proper test for endurance, including such rapid firing as a like gun would be subjected to in battle. This test shall be under the direction and to the satisfaction of the Secretary of the Navy, and if such guns do not prove satisfactory, the type they represent shall not be put in use in the naval service. (July 26, 1886, c. 781, § 1, 24 Stat. 151.)

60. Transfer of naval ordnance to War Department.—Such naval ordnance and ordnance material as the Secretary of War and the Secretary of the Navy may determine necessary is authorized to be transferred from the Navy Department to the War Department: *Provided*, That if such ordnance and ordnance material is obsolete for naval purposes the transfer shall be made without reimbursement and payment to the Navy for other ordnance and ordnance material transferred hereunder shall be made only after estimates shall have been submitted to Congress and a specific appropriation for such payment shall have been made. (July 8, 1918, c. 137, § 1, 40 Stat. 817.)

61. Arms and ammunition issued to protect public property.—Upon the request of the head of any department, the Secretary of War is authorized and directed to issue arms and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department designated by the head of such department, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired. Arms and ammunition heretofore furnished to any department by the War Department, for which the War Department has not been reimbursed, may be receipted for under the provisions of this section. (Mar. 3, 1879, c. 183, 20 Stat. 410.)

62. Loan of rifles to organizations of honorably discharged soldiers, and so forth.—The Secretary of War is hereby authorized, under rules, limitations, and regulations to be prescribed by him, to loan obsolete or condemned Army rifles, slings, and cartridge belts to posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines, for use by them in connection with the funeral ceremonies of deceased soldiers, sailors, and marines, and for other post ceremonial purposes; and to sell such posts and camps blank ammunition in suitable amounts for said rifles at cost price, plus cost of packing and transportation: *Provided, however*, That not to exceed ten such rifles shall be issued to any one post or camp. (June 5, 1920, c. 240, 41 Stat. 976.)

62a. Loans of ordnance to schools and State homes for veterans' orphans.—The Secretary of War is hereby authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordnance and ordnance stores as may be available to State and Territorial educational institutions and to State soldiers' and sailors' orphans' homes, for purposes of drill and instruction.

And the Secretary of War shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safe-keeping thereof and for the return of the same to the United States when required: *Provided*, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of law existing on June 30, 1906. (June 30, 1906, c. 3938, 34 Stat. 817.)

63. Sales of ordnance property to schools and State homes for veterans' orphans.—Sales of articles of ordnance property are authorized to educational institutions and State soldiers' and sailors' orphans' homes for maintaining the ordnance and ordnance stores issued to them. (May 11, 1908, c. 163, 35 Stat. 125.)

64. Sale of obsolete small arms to patriotic organizations.—The Chief of Ordnance is hereby authorized to sell without advertisement to patriotic organizations for military purposes surplus obsolete small arms and their equipments and ammunition at such prices as he may deem reasonable and just: *Provided*, That obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this section. (May 28, 1908, c. 215, § 14, 35 Stat. 443.)

65. Sale of ordnance to designers.—The Secretary of War is hereby authorized to sell to American designers such serviceable ordnance and ordnance stores as may be necessary in the development of designs which may be used in the military service: *Provided*, That such ordnance and ordnance stores can be spared for the purpose, and funds arising from such sales shall be available to replace like ordnance and ordnance stores. (Apr. 23, 1904, c. 1485, 33 Stat. 276.)

66. Issue of condemned ordnance to soldiers' homes.—The Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages and ordnance stores, as may be needed for ornamental purposes, to the homes of disabled volunteer soldiers, the homes to pay for transportation and such other expenses as are necessary. (Mar. 3, 1899, c. 423, 30 Stat. 1073.)

67. Loan or gift of condemned ordnance to soldiers' monument associations.—The Secretary of War and the Secretary of the Navy are each authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations, condemned ordnance, guns, and cannon balls which may not be needed in the service of either of said departments.

Such loan or gift shall be made subject to rules and regulations covering the same in each department, and the Government shall be at no expense in connection with any such loan or gift. (May 22, 1896, c. 231, 29 Stat. 133.)

68. Sale of obsolete ordnance for public parks.—The Chief of Ordnance is hereby authorized to sell without advertisement for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: *Provided*, That obsolete brass or bronze cannon and their accessories shall not be disposed of for such purposes except as provided for in this section. (Mar. 4, 1909, c. 319, § 47, 35 Stat. 1075.)

69. Sale of individual pieces of armament.—Individual pieces of United States armament which are not needed on account of historical value, and can be advantageously re-

placed, may be sold at a price not less than their cost price, when there exist for such sale sentimental reasons adequate in the judgment of the Secretary of War or Secretary of the Navy. (Mar. 2, 1905, c. 1307, 33 Stat. 841.)

70. Sale of ordnance property to Navy and Marine Corps officers.—Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the Army. (Mar. 3, 1909, c. 252, 35 Stat. 751.)

71. Sale of ordnance stores to Red Cross and civilian employees of Army.—Sales of ordnance stores are authorized to civilian employees of the Army and to the American National Red Cross under such regulations as may be prescribed by the Secretary of War. (Mar. 3, 1909, c. 252, 35 Stat. 750.)

72. Sale of ordnance and stores to Cuba.—The Secretary of War is authorized to sell, at the prices fixed and published by the Chief of Ordnance, to the Government of Cuba such articles and quantities of ordnance and ordnance stores as may be desired by that Government for the equipment of its troops and as may be approved by the President of the United States. (Aug. 29, 1916, c. 418, § 1, 39 Stat. 643.)

73. Disposal of proceeds of sales of serviceable ordnance and stores.—All moneys arising from disposition authorized by law and regulation of serviceable ordnance and ordnance stores shall constitute one fund on the books of the Treasury Department, which shall be available to replace ordnance and ordnance stores throughout the fiscal year in which the disposition was effected and throughout the following year. (Apr. 23, 1904, c. 1485, 33 Stat. 276.)

74. Disposal of proceeds of sales of useless ordnance material.—The net proceeds of sales of useless ordnance material by the Navy Department shall be covered into the Treasury as "Miscellaneous receipts." (Jan. 22, 1923, c. 28, 42 Stat. 1142.)

75. Payment for transfers of ordnance or stores to bureaus or departments.—When authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation. (Aug. 24, 1912, c. 391, 37 Stat. 589.)

76. Private use of machine for testing iron and steel.—The Secretary of War is hereby authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test; the table of fees to be approved by the Secretary of War, and to be so adjusted from time to time as to defray the actual cost of the tests as near as may be. (June 20, 1878, c. 359, §1, 20 Stat. 223.)

77. Tests of iron, etc., for industrial purposes regulated; reports to Congress.—The tests of iron and steel and other materials for industrial purposes shall be continued, and report thereof shall be made to Congress: *And provided further*, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received in making such private tests, making full report thereof to the Chief of Ordnance; and the Chief of Ordnance shall give attention to such program of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society, to be by them published at their own expense. (Mar. 3, 1885, c. 360, § 1, 23 Stat. 478.)

78. Gauges, dies, and tools for manufacture of arms.—The Secretary of War is authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service. (June 3, 1916, c. 134, § 123, 39 Stat. 215.)

79. Nitrate plants.—The President of the United States is authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this section; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

The plant or plants provided for under this section shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital. (June 3, 1916, c. 134, § 124, 39 Stat. 215.)

80. Procurement of war material; mobilization of industries.—The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually

produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

The President is hereby authorized, in his discretion, to appoint a Board on Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described. (June 3, 1916, c. 134, § 20, 139 Stat. 213, 214.)

81. Military surveys and maps.—The Secretary of War is authorized to secure the assistance, wherever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government in the securing of such extra topographic data as may be required and the preparation and printing of maps required for military purposes. (June 30, 1922, c. 253, Title I, 42 Stat. 741; Mar. 2, 1923, c. 178, Title I, 42 Stat. 1402; June 7, 1924, c. 291, Title I, 43 Stat. 496; Feb. 12, 1925, c. 225, Title I, 43 Stat. 911.)

Chapter 6.—WILLFUL DESTRUCTION, AND SO FORTH, OF WAR MATERIAL.

Sec.

101. Definition of terms.
102. Destroying or injuring war material in time of war.
103. Making or causing war material to be made in defective manner.

Section 101. Definition of terms.—The words "war material," as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this chapter, shall be deemed to mean any nation at war with any nation with which the United States is at war. (Apr. 20, 1918, c. 59, § 1, 40 Stat. 533.)

102. Destroying or injuring war material in time of war.—When the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any

associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than thirty years, or both. (Apr. 20, 1918, c. 59, § 2, 40 Stat. 534.)

103. Making or causing war material to be made in defective manner.—When the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than thirty years, or both. (Apr. 20, 1918, c. 59, § 3, 40 Stat. 534.)

Chapter 7.—INTERFERENCE WITH HOMING PIGEONS OWNED BY UNITED STATES.

Sec.
111. Prohibited acts.
112. Possession of pigeons as evidence of violation of law.
113. Punishment.

Section 111. Prohibited acts.—It is hereby declared to be unlawful to knowingly entrap, capture, shoot, kill, possess, or in any way detain an Antwerp, or homing pigeon, commonly called carrier pigeon, which is owned by the United States or bears a band owned and issued by the United States having thereon the letters "U. S. A." or "U. S. N." and a serial number. (Apr. 19, 1918, c. 58, § 1, 40 Stat. 533.)

112. Possession of pigeons as evidence of violation of law.—The possession or detention of any pigeon described in section 111 of this title by any person or persons in any loft, house, cage, building, or structure in the ownership or under the control of such person or persons without giving immediate notice by registered mail to the nearest military or naval authorities, shall be prima facie evidence of a violation of this chapter. (Apr. 19, 1918, c. 58, § 2, 40 Stat. 533.)

113. Punishment.—Any person violating the provisions of this chapter shall, upon conviction, be punished by a fine of not more than $100, or by imprisonment for not more than six months, or by both such fine and imprisonment. (Apr. 19, 1918, c. 58, § 3, 40 Stat. 533.)

Chapter 8.—EXPLOSIVES; MANUFACTURE, DISTRIBUTION, STORAGE, USE, AND POSSESSION REGULATED.

Sec.
121. Manufacture, and so forth, detrimental to public safety in time of war.
122. "Explosive" defined.
123. "Ingredients" defined.
124. "Person" defined.
125. Application of prohibitory provisions; manufacture for, sale to, or possession by military or naval service.
126. Unauthorized possession of explosives or ingredients.
127. Transportation.
128. License required to manufacture explosives.
129. Information to be furnished by licensee or applicant; trade secrets.
130. Record of sales or other disposal.
131. Licenses authorized.
132. Persons qualified to obtain licenses; revocation and reissuance.
133. Applications for licenses; State licensing officers; fees; records and removal; revocation of licenses granted by State officers.
134. Cancellation of licenses for violation of law.
135. Inspectors of explosives; additional employees.
136. False representations as to license; refusal to exhibit license to officer.
137. Disclosure by inspectors, and so forth, of information obtained in course of official duties.
138. Placards on premises used for manufacture or storage of explosives.
139. Exclusion of public from places of manufacture or storage; discharge of firearms, etc., at, on or near premises.
140. Rules and regulations for enforcing law.
141. Penalties for violations of law.
142. Investigation of explosions and fires.
143. Agencies available for enforcement of law.
144. Platinum, iridium, and palladium.

Section 121. Manufacture, and so forth, detrimental to public safety in time of war.—When the United States is at war it shall be unlawful to manufacture, distribute, store, use, or possess powder, explosives, blasting supplies, or ingredients thereof, in such manner as to be detrimental to the public safety, except as in this chapter provided. (Oct. 6, 1917, c. 83, § 1, 40 Stat. 385.)

122. "Explosive" defined.—The words "explosive" and "explosives" when used herein shall mean gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses, detonators, and other detonating agents, smokeless powders, and any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of, or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb, but shall not include small arms or shotgun cartridges. (Oct. 6, 1917, c. 83, § 2, 40 Stat. 385.)

123. "Ingredients" defined.—The word "ingredients" when used herein shall mean the materials and substances capable by combination of producing one or more of the explosives mentioned in section 1 hereof. (Oct. 6, 1917, c. 83, § 3, 40 Stat. 386.)

124. "Person" defined.—The word "person," when used herein, shall include States, Territories, the District of Columbia, Alaska, and other dependencies of the United States, and municipal subdivisions thereof, individual citizens, firms, associations, societies, and corporations of the United States and of other countries at peace with the United States. (Oct. 6, 1917, c. 83, § 4, 40 Stat. 386.)

125. Application of prohibitory provisions; manufacture for, sale to, or possession by military or naval service.—Nothing contained in this chapter shall be construed to prevent the manufacture, under the authority of the Government, of explosives for, their sale to or their possession by, the military or naval service of the United States of America. (Oct. 6, 1917, c. 83 § 2, 40 Stat. 385.)

126. Unauthorized possession of explosives or ingredients.—From and after November 15, 1917, no person shall have in his possession or purchase, accept, receive, sell, give, barter or otherwise dispose of or procure explosives, or ingredients, except as provided in this chapter: *Provided*, That the purchase or possession of said ingredients when purchased or held in small quantities and not used or intended to be used in the manufacture of explosives are not subject to the provisions of this chapter: *Provided further*, That the superintendent, foreman, or other duly authorized employee, at a mine, quarry, or other work, may, when licensed so to do, sell or issue, to any workman under him, such an amount of explosives, or ingredients, as may be required by that workman in the performance of his duties, and the workman may purchase or accept the explosives, or ingredients, so sold or issued, but the person so selling or issuing same shall see that any unused explosives, or

ingredients, are returned, and that no explosives, or ingredients, are taken by the workman to any point not necessary to the carrying on of his duties. (Oct. 6, 1917, c. 83, § 5, 40 Stat. 386.)

127. Transportation.—Nothing contained herein shall apply to explosives or ingredients while being transported upon vessels or railroad cars in conformity with statutory law or Interstate Commerce Commission rules. (Oct. 6, 1917, c. 83, § 6, 40 Stat. 386.)

128. License required to manufacture explosives.—From and after November 15, 1917, no person shall manufacture explosives unless licensed so to do, as hereinafter provided. (Oct. 6, 1917, c. 83, § 7, 40 Stat. 386.)

129. Information to be furnished by licensee or applicant; trade secrets.—Any licensee or applicant for license hereunder shall furnish such information regarding himself and his business, so far as such business relates to or is connected with explosives or ingredients at such time and in such manner as the Director of the Bureau of Mines, or his authorized representative, may request, excepting that those who have been or were on October 6, 1917, regularly engaged in the manufacture of explosives shall not be compelled to disclose secret processes, costs, or other data unrelated to the distribution of explosives. (Oct. 6, 1917, c. 83, § 8, 40 Stat. 386.)

130. Record of sales or other disposal.—From and after November 15, 1917, every person authorized to sell, issue, or dispose of explosives shall keep a complete itemized and accurate record, showing each person to whom explosives are sold, given, bartered, or to whom or how otherwise disposed of, and the quantity and kind of explosives and the date of each such sale, gift, barter, or other disposition, and this record shall be sworn to and furnished to the Director of the Bureau of Mines, or his authorized representatives, whenever requested. (Oct. 6, 1917, c. 83, § 9, 40 Stat. 386.)

131. Licenses authorized.—The Director of the Bureau of Mines is hereby authorized to issue licenses as follows:

(a) Manufacturer's license, authorizing the manufacture, possession, and sale of explosives and ingredients.

(b) Vendor's license, authorizing the purchase, possession, and sale of explosives or ingredients.

(c) Purchaser's license, authorizing the purchase and possession of explosives and ingredients.

(d) Foreman's license, authorizing the purchase and possession of explosives and ingredients, and the sale and issuance of explosives and ingredients to workmen under the proviso to section 126 of this title.

(e) Exporter's license, authorizing the licensee to export explosives, but no such license shall authorize exportation in violation of any proclamation of the President issued under any Act of Congress.

(f) Importer's license, authorizing the licensee to import explosives.

(g) Analyst's, educator's, inventor's and investigator's licenses authorizing the purchase, manufacture, possession, testing, and disposal of explosives and ingredients. (Oct. 6, 1917, c. 83, § 10, 40 Stat. 387.)

132. Persons qualified to obtain licenses; revocation and reissuance.—The Director of the Bureau of Mines shall issue licenses, upon application duly made, but only to citizens of the United States of America, and to the subjects or citizens of nations that are at peace with them, and to corporations, firms, and associations thereof, and he may, in his discretion, refuse to issue a license, when he has reason to believe, from facts of which he has knowledge or reliable information, that the applicant is disloyal or hostile to the United States of America, or that, if the applicant is a firm, association, society, or corporation, its controlling stockholders or members are disloyal or hostile to the United States of America. The director may, when he has reason to believe on like grounds that any licensee is so disloyal or hostile, revoke any licensee issued to him. Any applicant to whom a license is refused or any licensee whose license is revoked by the said director may, at any time within thirty days after notification of the rejection of his application or revocation of his license, apply for such license or the cancellation of such revocation to the Council of National Defense, which shall make its order upon the director either to grant or to withhold the license. (Oct. 6, 1917, c. 83, § 11, 40 Stat. 387.)

133. Applications for licenses; State licensing officers; fees; records and removal; revocation of licenses granted by State officers.—Any person desiring to manufacture, sell, export, import, store, or purchase explosives or ingredients, or to keep explosives or ingredients in his possession, shall make application for a license, which application shall state, under oath, the name of the applicant; the place of birth; whether native born or naturalized citizen of the United States of America; if a naturalized citizen, the date and place of naturalization; business in which engaged; the amount and kind of explosives or ingredients which during the past six months have been purchased, disposed of, or used by him; the amount and kind of explosives or ingredients now on hand; whether sales, if any, have been made to jobbers, wholesalers, retailers, or consumers; the kind of license to be issued, and the kind and amount of explosives or ingredients to be authorized by the license; and such further information as the Director of the Bureau of Mines may, by rule, from time to time require.

Applications for vendor's, purchaser's, or foreman's licenses shall be made to such officers of the State, Territory, or dependency having jurisdiction in the district within which the explosives or ingredients are to be sold or used, and having the power to administer oaths as may be designated by the Director of the Bureau of Mines, who shall issue the same in the name of such director. Such officers shall be entitled to receive from the applicant a fee of 25 cents for each license issued. They shall keep an accurate record of all licenses issued in manner and form to be prescribed by the Director of the Bureau of Mines, to whom they shall make reports from time to time as may be by rule issued by the director required. The necessary blanks and blank records shall be furnished to such officers by the said director. Licensing officers shall be subject to removal for cause by the Director of the Bureau of Mines, and all licenses issued by them shall be subject to revocation by the director as provided in section 132 of this chapter. (Oct. 6, 1917, c. 83, § 12, 40 Stat. 387.)

134. Cancellation of licenses for violation of law.—Any license issued under this chapter may be canceled by the Director of the Bureau of Mines if the person to whom such license was issued shall, after notice and an opportunity to be heard, be found to have violated any of the provisions of this chapter. (July 1, 1918, c. 113, § 1, 40 Stat. 671.)

135. Inspectors of explosives; additional employees.—The President, by and with the advice and consent of the Senate, may appoint in each State and in Alaska an explosives inspector, whose duty it shall be, under the direction of the Director of the Bureau of Mines, to see that this chapter is faithfully executed and observed. Each such inspector shall receive a salary of $2,400 per annum. He may at any time be detailed for service by said director in the District of Columbia or in any State, Territory, or dependency of the United States. All additional employees required in carrying out the provisions of this chapter shall be appointed by the Director of the Bureau of Mines, subject to the approval of the Secretary of the Interior. (Oct. 6, 1917, c. 83, § 13, 40 Stat. 388.)

136. False representations as to license; refusal to exhibit license to officer.—It shall be unlawful for any person to repre-

sent himself as having a license issued under this chapter, when he has not such a license, or as having a license different in form or in conditions from the one which he in fact has, or without proper authority make, cause to be made, issue or exhibit anything purporting or pretending to be such license, or intended to mislead any person into believing it is such a license, or to refuse to exhibit his license to any peace officer, Federal or State, or representative of the Bureau of Mines. (Oct. 6, 1917, c. 83, § 14, 40 Stat. 388.)

137. Disclosure by inspectors, and so forth, of information obtained in course of official duties.—No inspector or other employee of the Bureau of Mines shall divulge any information obtained in the course of his duties under this chapter regarding the business of any licensee, or applicant for license, without authority from the applicant for license or from the Director of the Bureau of Mines. (Oct. 6, 1917, c. 83, § 15, 40 Stat. 388.)

138. Placards on premises used for manufacture or storage of explosives.—Every person authorized under this chapter to manufacture or store explosives or ingredients shall clearly mark and define the premises on which his plant or magazine may be and shall conspicuously display thereon the words "Explosives—Keep Off." (Oct. 6, 1917, c. 83, § 16, 40 Stat. 388.)

139. Exclusion of public from places of manufacture or storage; discharge of firearms, and so forth, at, on, or near premises.—No person, without the consent of the owner or his authorized agents, except peace officers, the Director of the Bureau of Mines and persons designated by him in writing, shall be in or upon any plant or premises on which explosives are manufactured or stored, or be in or upon any magazine premises on which explosives are stored; nor shall any person discharge any firearms or throw or place any explosives or inflammable bombs at, on, or against any such plant or magazine premises, or cause the same to be done. (Oct. 6, 1917, c. 83, § 17, 40 Stat. 388.)

140. Rules and regulations for enforcing law.—The Director of the Bureau of Mines is hereby authorized to make rules and regulations for carrying into effect this chapter, subject to the approval of the Secretary of the Interior. (Oct. 6, 1917, c. 83, § 18, 40 Stat. 388.)

141. Penalties for violations of law.—Any person violating any of the provisions of this chapter, or any rules or regulations made thereunder, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment not more than one year, or by both such fine and imprisonment. (Oct. 6, 1917, c. 83, § 19, 40 Stat. 388.)

142. Investigation of explosions and fires.—The Director of the Bureau of Mines is hereby authorized to investigate all explosions and fires which may occur in mines, quarries, factories, warehouses, magazines, houses, cars, boats, conveyances, and all places in which explosives or the ingredients thereof are manufactured, transported, stored, or used, and shall, in his discretion, report his findings, in such manner as he may deem fit, to the proper Federal or State authorities, to the end that if such explosion has been brought about by a willful act the person or persons causing such act may be proceeded against and brought to justice; or, if said explosion has been brought about by accidental means, that precautions may be taken to prevent similar accidents from occurring. In the prosecution of such investigations the employees of the Bureau of Mines are hereby granted the authority to enter the premises where such explosion or fire has occurred, to examine plans, books, and papers, to administer oaths to, and to examine all witnesses and persons concerned, without let or hindrance on the part of the owner, lessee, operator, or agent thereof. (Oct. 6, 1917, c. 83, § 20, 40 Stat. 388.)

143. Agencies available for enforcement of law.—The Director of the Bureau of Mines, with the approval of the President, is hereby authorized to utilize such agents, agencies, and all officers of the United States and of the several States, Territories, dependencies, and municipalities thereof, and the District of Columbia, in the execution of this chapter, and all agents, agencies, and all officers of the United States and of the several States and Territories, dependencies, and municipalities thereof, and the District of Columbia, shall hereby have full authority for all acts done by them in the execution of this chapter when acting by the direction of the Bureau of Mines. (Oct. 6, 1917, c. 83, § 21, 40 Stat. 389.)

144. Platinum, iridium, and palladium.—Platinum, iridium, and palladium and compounds thereof are hereby made subject to the terms, conditions, and limitations of this chapter, and the Director of the Bureau of Mines is hereby authorized, under rules and regulations approved by the Secretary of the Interior, to limit the sale, possession, and the use of said material. (July 1, 1918, c. 113, § 1, 40 Stat. 671.)

Chapter 9.—AIRCRAFT.

Sec.
151. Advisory Committee for Aeronautics; establishment and duties.
152. Office space for Advisory Committee.
153. Annual reports by Advisory Committee.

Section 151. Advisory Committee for Aeronautics; establishment and duties.—An Advisory Committee for Aeronautics is hereby established, and the President is authorized to appoint not to exceed twelve members, to consist of two members from the War Department, from the office in charge of military aeronautics; two members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences: *Provided*, That the members of the Advisory Committee for Aeronautics, as such, shall serve without compensation: *Provided further*, That it shall be the duty of the Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories: *And provided further*, That rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President. (Mar. 3, 1915, c. 83, 38 Stat. 930.)

152. Office space for Advisory Committee.—The Secretary of War is authorized and directed to furnish office space to the National Advisory Committee for Aeronautics in governmental buildings occupied by the Signal Corps. (July 1, 1918, c. 113, § 1, 40 Stat. 650.)

153. Annual reports by Advisory Committee.—An annual report to the Congress shall be submitted by the committee through the President, including an itemized statement of expenditures. (Mar. 3, 1915, c. 83, 38 Stat. 930.)

Chapter 10.—HELIUM GAS.

Sec.
161. Acquisition and reservation of helium-gas lands; production of helium gas.
162. Navy Department authorized to acquire helium-gas lands and to produce and experiment with helium gas.

Sec.
163. Production of helium by Bureau of Mines.
164. Transfer of helium plants to Bureau of Mines; supply of helium to Army, Navy, and civilians.
165. Exportation of helium gas.
166. Cooperation of Army and Navy in carrying out purposes of chapter.

Section 161. Acquisition and reservation of helium-gas lands; production of helium gas.—For the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of Commerce is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation, where necessary, when helium can not be purchased from private parties at less cost, to explore for, procure, or conserve helium-bearing gas; to drill or otherwise test such lands; and to construct plants, pipe lines, facilities, and accessories for the production, storage, and repurification of helium: *Provided*, That any known helium gas-bearing lands on the public domain not covered at the time by leases or permits under section 181 et seq. of Title 30, may be reserved for the purposes of this chapter, and that the United States reserves the ownership and the right to extract, under such rules and regulations as shall be prescribed by the Secretary of Commerce, helium from all gas produced from lands so permitted, leased, or otherwise granted for development. (Mar. 3, 1925, c. 426, § 1, 43 Stat. 1110.)

162. Navy Department authorized to acquire helium-gas lands and to produce and experiment with helium gas.—Authorization as granted to the War Department for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experiments therewith is likewise granted to the Navy Department. (Feb. 12, 1925, c. 225, Title I, 43 Stat. 908.)

163. Production of helium by Bureau of Mines.—The Bureau of Mines, acting under the direction of the Secretary of Commerce, is authorized to maintain and operate helium production and repurification plants, together with facilities and accessories thereto; to store and care for helium; to conduct exploration for and production of helium on and from the lands acquired or set aside under this chapter; to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage, and utilization. (Mar. 3, 1925, c. 426, § 2, 43 Stat. 1111.)

164. Transfer of helium plants to Bureau of Mines; supply of helium to Army, Navy, and civilians.—On or before June 30, 1925, all existing Government plants operated by the Government or under lease or contract with it, for the production of helium shall be transferred to the jurisdiction of the Bureau of Mines: *Provided*, That thereafter the Army and Navy and other branches of the Federal service requiring helium may requisition it from the said bureau and make payment therefor by transfer of funds on the books of the Treasury from any applicable appropriation at actual cost of said helium to the United States, including all expenses connected therewith: *Provided further*, That any surplus helium produced may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President: *And provided further*, That all moneys received from the sale or leasing of helium shall be credited to a helium production account and shall be and remain available for the purposes of this section; and that any gas belonging to the United States after the extraction of helium, or other by-product not needed for Government use shall be sold and the proceeds of such sales shall be deposited in the Treasury to the credit of miscellaneous receipts. (Mar. 3, 1925, c. 426, § 3, 43 Stat. 1111.)

165. Exportation of helium gas.—No helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of the Interior and permission for said exportation has been obtained from the President of the United States, on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. That any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment of not more than one year, or by both such fine and imprisonment, and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section. (Mar. 3, 1925, c. 426, § 4, 43 Stat. 1111.)

166. Cooperation of Army and Navy in carrying out purposes of chapter.—The Army and Navy may each designate an officer to cooperate with the Department of Commerce in carrying out the purposes of this chapter, and shall have complete right of access to plants, data, and accounts. (Mar. 3, 1925, c. 426, § 5, 43 Stat. 1111.)

Chapter 11.—ACQUISITION OF AND EXPENDITURES ON LAND FOR NATIONAL-DEFENSE PURPOSES.

Sec.
171. Methods of acquiring title; condemnation, purchase, and donation; emergency provisions.
172. Acquisition of property for production of lumber.
173. Land for quarters and barracks in addition to sites for fortifications.
174. Expenditures and contracts for payments in excess of appropriation prohibited.
175. Opinion of Attorney General as to validity of title.
176. Expenditures on docks, and so forth, on Hudson River; section not applicable.
177. Construction of fortifications, and so forth, by contract.
178. Erection of forts in emergency.
179. Appropriation chargeable with transportation cost incident to construction and maintenance of seacoast fortifications.

CROSS REFERENCE

Helium-gas lands; see sections 161 and 162 of this title.

Section 171. Methods of acquiring title; condemnation, purchase, and donation; emergency provisions.—The Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land, temporary use thereof or other interest therein, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications, coast defenses, military training camps, and for the construction and operation of plants for the production of nitrate and other compounds and the manufacture of explosives and other munitions of war and for the development and transmission of power for the operations of such plants; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided*, That when the owner of such land, interest, or rights pertaining thereto shall fix a price for the same, which in the opinion of the Secretary of War shall be reasonable, he may purchase or enter into a contract for the use of the same at such price without further delay: *Provided further*, That the Secretary of War is hereby authorized to accept on behalf of the United States donations of land and the interest and rights pertaining thereto required for the above-mentioned purposes: *And provided further*, That when such property is acquired in time of war, or the imminence thereof, upon the filing of the petition for the condemnation of any land, temporary use thereof or other interest therein or right pertaining thereto to be acquired for any of the purposes aforesaid, immediate possession thereof may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes, and the provision of section 175 of this

title, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended during the period of the existing emergency. (July 2, 1917, c. 35, 40 Stat. 241; Apr. 11, 1918, c. 51, 40 Stat. 518.)

172. Acquisition of property for production of lumber.—The provisions of the preceding section in all respects together with all its privileges and benefits are hereby extended to the right of condemnation of standing or fallen timber, sawmills, camps, machinery, logging roads, rights of way, equipment, materials, supplies, and any works, property, or appliances suitable for the effectual production of such lumber and timber products, for the Army, Navy, United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation. The right to institute such condemnation proceedings is hereby conferred upon the Secretary of War, the Secretary of the Navy, and the chairman of the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, individually or collectively. Such right of condemnation shall be exercised by such officials only for the purpose of obtaining such property when needed for the production, manufacture, or building aircraft, dry docks, or vessels, their apparel or furniture, for housing of Government employees in connection with the Army, Navy, or the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, and for the procurement of materials and equipment for aircraft, dry docks and vessels. The jurisdiction of such condemnation proceedings is hereby vested in the district courts of the United States, where the property which is sought to be condemned or any part thereof is located or situated, regardless of the value of the same.

And the President is hereby authorized through any department or the United States Shipping Board or said Fleet Corporation to sell and dispose of any lands or interests in real estate acquired for the production of lumber and timber products, and to sell any logs, manufactured or partly manufactured or otherwise procured for the Army, Navy, or United States Shipping Board Emergency Fleet Corporation, or resulting from such manufacture or procurement, either to individuals, corporations or foreign States or governments, at such price as he shall determine acting through his above representatives selling or disposing of the same, and the proceeds of such sale shall be returned to the appropriations which bore the expense of such procurement. (July 9, 1918, c. 143, subchapter XV, § 8, 40 Stat. 888.)

173. Land for quarters and barracks in addition to sites for fortifications.—In acquiring sites for fortifications it shall be the duty of the Secretary of War, in every case of such acquirement, to purchase or otherwise procure at the same time, under appropriations for this purpose, sufficient land for necessary barracks and quarters for the Artillery troops required in connection with each of such fortifications; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specifically provided. (Apr. 28, 1904, c. 1762, § 1, 33 Stat. 497.)

174. Expenditures and contracts for payments in excess of appropriation.—Nothing contained in section 171 of this title shall be construed to authorize an expenditure, or to involve the Government in any contract or contracts for the future payment of money, in excess of the sums appropriated therefor. (Aug. 18, 1890, c. 797, § 1, 26 Stat. 316.)

175. Opinion of Attorney General as to validity of title.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, or fortification, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments respectively. (R. S. § 355.)

176. Expenditures on docks, and so forth, on Hudson River; section 175 not applicable.—Section 175 of this title shall not apply to any expenditures authorized in connection with the docks, piers, warehouses, wharves, and terminal equipment and facilities on the Hudson River formerly owned by the North German Lloyd Dock Company and the Hamburg-American Line Terminal and Navigation Company. (Mar. 28, 1918, c. 28, § 1, 40 Stat. 460.)

177. Construction of fortifications, and so forth, by contract.—It shall be the duty of the Secretary of War to apply money appropriated for fortifications and other works of defense, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract. (June 25, 1906, c. 3540, 34 Stat. 463.)

178. Erection of forts in emergency.—In case of emergency when, in the opinion of the President, the immediate erection of any temporary fort or fortification is deemed important and urgent, such temporary fort or fortification may be constructed upon the written consent of the owner of the land upon which such work is to be placed; and the requirements of section 175 of this title shall not be applicable in such cases. (Apr. 11, 1898, No. 21, 30 Stat. 737.)

179. Appropriation chargeable with transportation cost incident to construction and maintenance of seacoast fortifications.—The cost of transportation of civilian employees and of materials in connection with the construction or maintenance of seacoast fortifications, or the acquisition of land therefor, by the Engineer Department, or with the manufacturing and purchase activities of the Ordnance Department and the Chemical Warfare Service, shall be charged to the appropriations for the work in connection with which such transportation charges are incurred. (June 30, 1921, c. 33, § 1, 42 Stat. 81.)

Chapter 12.—VESSELS IN TERRITORIAL WATERS OF UNITED STATES.

Sec.

191. Secretary of Treasury and Governor of Canal Zone authorized to regulate anchorage, movement, and so forth, of vessels.
192. Seizure and forfeiture of vessels for failure to observe regulations.
193. Destruction of, injury to, or improper use of vessels.
194. Employment of Army and Navy to enforce provisions of chapter.

CROSS REFERENCES

Effect of partial invalidity of this chapter; see section 42 of this title.

Jurisdiction of courts-martial and military commissions; see section 88 of this title.

Jurisdiction of courts of Canal Zone and Philippine Islands of offenses under this chapter committed on the high seas; see section 89 of this title.

Section 191. Secretary of Treasury and Governor of Canal Zone authorized to regulate anchorage, movement, and so forth, of vessels.—Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury. (June 15, 1917, c. 30, Title II, § 1, 40 Stat. 220.)

192. Seizure and forfeiture of vessels for failure to observe regulations.—If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000, or imprisoned not more than two years, or both. (June 15, 1917, c. 30, Title II, § 2, 40 Stat. 220.)

193. Destruction of, injury to, or improper use of vessels.—It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessels shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than $10,000, or imprisoned not more than two years, or both. (June 15, 1917, c. 30, Title II, § 3, 40 Stat. 220.)

194. Employment of Army and Navy to enforce provisions of chapter.—The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this chapter. (June 15, 1917, c. 30, Title II, § 4, 40 Stat. 220.)

Chapter 13.—INSURRECTION.

Sec.
201. Federal aid for State Governments.
202. Use of military and naval forces to enforce authority of Federal Government.
203. Denial by State of equal protection of laws.
204. Proclamation commanding insurgents to disperse.
205. Suspension of commercial intercourse with State in insurrection.
206. Suspension of commercial intercourse with part of State in insurrection.
207. Persons affected by suspension of commercial intercourse.
208. Licensing or permitting commercial intercourse with State or region in insurrection.
209. Officers to carry into effect licenses to trade in State or region in insurrection.
210. Penalties for unauthorized trading, and so forth; jurisdiction of prosecutions.
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212. Confiscation of property employed to aid insurrection.
213. Jurisdiction of confiscation proceedings.
214. Property taken on inland waters not maritime prize.
215. Institution of confiscation proceedings.
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217. Trading in captured or abandoned property.
218. Changing ports of entry.
219. Removal of customhouse and detention of vessels thereat.
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221. Closing ports of entry; forfeiture of vessels seeking to enter closed port.
222. Vessels auxiliary to Coast Guard cutters to enforce provisions of chapter.
223. Forfeiture of vessels owned by citizens of insurrectionary States.
224. Refusing clearances to vessels with suspected cargoes; forfeiture for departing without clearance.
225. Bond to deliver cargo at destination named in clearance.
226. Protection of liens on condemned vessels.

Section 201. Federal aid for State Governments.—In case of an insurrection in any State against the Government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature can not be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary. (R. S. § 5297.)

202. Use of military and naval forces to enforce authority of Federal Government.—Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed. (R. S. § 5298.)

203. Denial by State of equal protection of laws.—Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or

whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations. (R. S. § 5299.)

204. Proclamation commanding insurgents to disperse.—Whenever, in the judgment of the President, it becomes necessary to use the military forces under this chapter, the President shall forthwith, by proclamation, command the insurgents to disperse and retire peaceably to their respective abodes, within a limited time. (R. S. § 5300.)

205. Suspension of commercial intercourse with State in insurrection.—Whenever the President, in pursuance of the provisions of this chapter, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States. (R. S. § 5301.)

206. Suspension of commercial intercourse with part of State in insurrection.—Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercouse therein and therewith shall be subject to the prohibitions and conditions of the preceding section for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President. (R. S. § 5302.)

207. Persons affected by suspension of commercial intercourse.—The provisions of this chapter in relation to commercial intercourse shall apply to all commercial intercourse by and between persons residing or being within districts within the lines of national military occupation in the States or parts of States declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of States or parts of States declared in insurrection, as citizens of States not declared to be in insurrection. (R. S. § 5303.)

208. Licensing or permitting commercial intercourse with State or region in insurrection.—The President may, in his discretion, license and permit commercial intercourse with any part of such State or section, the inhabitants of which are so declared in a state of insurrection, so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary States, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon, in writing, by the commanding general of the department in which such places are situated, and an officer designated by the Secretary of the Treasury for that purpose. Such commercial intercourse shall be in such articles and for such time and by such persons as the President, in his discretion, may think most conducive to the public interest; and, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. (R. S. § 5304.)

209. Officers to carry into effect licenses to trade in State or region in insurrection.—The Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations. In all cases where officers of the customs, or other salaried officers, are appointed by him to carry into effect such licenses, rules, and regulations, such officer shall be entitled to receive $1,000 a year for his services, in addition to his salary or compensation under any other law. But the aggregate compensation of any such officer shall not exceed the sum of $5,000 in any one year. (R. S. § 5305.)

210. Penalties for unauthorized trading, and so forth; jurisdiction of prosecutions.—Every officer of the United States, civil, military, or naval, and every sutler, soldier, marine, or other person, who takes, or causes to be taken into a State declared to be in insurrection, or to any other point to be thence taken into such State, or who transports or sells, or otherwise disposes of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in this chapter, or who makes any false statement or representation upon which license and authority is granted for such transportation, sale, or other disposition, or who, under any license or authority obtained, willfully and knowingly transports, sells, or otherwise disposes of any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or who willfully and knowingly transports, sells, or disposes of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or who is guilty of any act of embezzlement, of willful misappropriation of public or private money or property, of keeping false accounts, or of willfully making any false returns, shall be deemed guilty of a misdemeanor, and shall be fined not more than $5,000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same. (R. S. § 5306.)

211. Investigations to detect and prevent frauds and abuses.—It shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in any

trade or transactions which may be licensed between inhabitants of loyal States and of States in insurrection. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath. (R. S. § 5307.)

212. **Confiscation of property employed to aid insurrection.**—Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employé, purchases or acquires, sells or gives, any property of whatsoever kind or description, with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein; or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned. (R. S. § 5308.)

213. **Jurisdiction of confiscation proceedings.**—Such prizes and capture shall be condemned in the district court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted. (R. S. § 5309; Feb. 27, 1877, c. 69, § 1, 19 Stat. 253.)

214. **Property taken on inland waters not maritime prize.**—No property seized or taken upon any of the inland waters of the United States by the naval forces thereof shall be regarded as maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts. (R. S. § 5310.)

215. **Institution of confiscation proceedings.**—The Attorney General, or the attorney of the United States for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts. (R. S. § 5311.)

216. **Preventing transportation of goods to aid insurrection.**—The Secretary of the Treasury is authorized to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any property, whatever may be the ostensible destination of the same, in all cases where there are satisfactory reasons to believe that such property is intended for any place in the possession or under the control of insurgents against the United States, or that there is imminent danger that such property will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he deems it expedient so to do, to require reasonable security to be given that property shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this section; and if any property is transported in violation of this chapter, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport any, it shall be forfeited. (R. S. § 5312.)

217. **Trading in captured or abandoned property.**—All persons in the military or naval service of the United States are prohibited from buying or selling, trading, or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this chapter, and to turn the same over to such agent without delay. Any officer of the United States, civil, military, or naval, or any sutler, soldier, or marine, or other person who shall violate any provision of this section, shall be deemed guilty of a misdemeanor, and shall be fined not more than $5,000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same. (R. S. § 5313.)

218. **Changing ports of entry.**—Whenever the President shall deem it impracticable, by reason of unlawful combinations of persons in opposition to the laws of the United States, to collect the duties on imports in the ordinary way, at any port of entry in any collection district, he may cause such duties to be collected at any port of delivery in the district until such obstruction ceases; in such case the surveyor at such port of delivery shall have the powers and be subject to all the obligations of a collector at a port of entry. The Secretary of the Treasury, with the approval of the President, shall also appoint such weighers, gaugers, measurers, inspectors, appraisers, and clerks, as he may deem necessary, for the faithful execution of the revenue laws at such port of delivery, and shall establish the limits within which such port of delivery is constituted a port of entry. And all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and the collection of duties, shall apply to the ports of entry thus constituted, in the same manner as they do to ports of entry established by law. (R. S. § 5314.)

219. **Removal of customhouse and detention of vessels thereat.**—Whenever, at any port of entry, the duties on imports can not, in the judgment of the President, be collected in the ordinary way, or by the course provided in the preceding section, by reason of the cause mentioned therein, he may direct that the customhouse for the district be established in any secure place within the district, either on land or on board any vessel in the district, or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching the district, until the duties imposed by law on such vessels and their cargoes are paid in cash. But if the owner or consignee of the cargo on board any vessel thus detained, or the master of the vessel, desires to enter a port of entry in any other district where no such obstructions to the execution of the laws exist, the master may be permitted so to change the destination of the vessel and cargo in his manifest; whereupon the collector shall deliver him a written permit to proceed to the port so designated. And the Secretary of the Treasury, with the approval of the President, shall make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable. (R. S. § 5315.)

220. **Enforcement of preceding section.**—It shall be unlawful to take any vessel or cargo detained under the preceding section from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, the President, or such person as he shall have empowered for that purpose, may employ such part of the Army or Navy or

militia of the United States, or such force of citizen volunteers as may be necessary, to prevent the removal of such vessel or cargo, and to protect the officers of the customs in retaining the custody thereof. (R. S. § 5316.)

221. Closing ports of entry; forfeiture of vessels seeking to enter closed port.—Whenever, in any collection district, the duties on imports can not, in the judgment of the President, be collected in the ordinary way, nor in the manner provided by the three preceding sections, by reason of the cause mentioned in section 218 of this title, the President may close the port of entry in that district; and shall in such case give notice thereof by proclamation. And thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed until it is opened by the order of the President on the cessation of such obstructions. Every vessel from beyond the United States, or having on board any merchandise liable to duty, which attempts to enter any port which has been closed under this section, shall, with her tackle, apparel, furniture, and cargo, be forfeited. (R. S. § 5317.)

222. Vessels auxiliary to Coast Guard cutters to enforce provisions of chapter.—In the execution of the provisions of this chapter and of the other laws of the United States providing for the collection of duties on imports and tonnage, the President, in addition to the Coast Guard cutters in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required. (R. S. § 5318.)

223. Forfeiture of vessels owned by citizens of insurrectionary States.—From and after fifteen days after the issuing of the proclamation, as provided in section 205 of this chapter, any vessel belonging in whole or in part to any citizen or inhabitant of such State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited. (R. S. § 5319.)

224. Refusing clearance to vessels with suspected cargoes; forfeiture for departing without clearance.—The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such merchandise, or any part thereof, whatever may be its ostensible destination, is intended for ports in possession or under control of insurgents against the United States; and if any vessel for which a clearance or permit has been refused by the Secretary of the Treasury, or by his order, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel, with her tackle, apparel, furniture, and cargo, shall be forfeited. (R. S. § 5320.)

225. Bond to deliver cargo at destination named in clearance.—Whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he deems it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States. (R. S. § 5321.)

226. Protection of liens on condemned vessels.—In all cases wherein any vessel, or other property, is condemned in any proceeding by virtue of any laws relating to insurrection or rebellion, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such vessel, or other property, of any bona fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence as a valid claim against such vessel, or other property, under the laws of the United States or of any State thereof not declared to be in insurrection. No such claim shall be allowed in any case where the claimant has knowingly participated in the illegal use of such ship, vessel, or other property. This section shall extend to such claims only as might have been enforced specifically against such vessel, or other property, in any State not declared to be in insurrection, wherein such claim arose. (R. S. § 5322.)

WAR DEPARTMENT

See chapter 3 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

WAREHOUSES

See Title 7, AGRICULTURE; Title 19, CUSTOMS DUTIES; Title 26, INTERNAL REVENUE.

WAR PROFITS AND EXCESS PROFITS TAX

See Title 26, INTERNAL REVENUE.

WAR REVENUE

See Title 26, INTERNAL REVENUE.

WATER POWER

See Title 16, CONSERVATION.

WATERS AND WATERCOURSES

See Title 16, CONSERVATION; Title 33, NAVIGATION AND NAVIGABLE WATERS.

WEATHER BUREAU

See Title 15, COMMERCE AND TRADE.

WEIGHTS AND MEASURES

See Title 15, COMMERCE AND TRADE.

WHITE HOUSE

See Title 3, THE PRESIDENT.

WHITE HOUSE POLICE

See Title 3, THE PRESIDENT.

WHITE PHOSPHORUS, MATCHES

See Title 26, INTERNAL REVENUE.

WHITE SLAVE TRAFFIC

See Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

WITNESSES

See Title 28, JUDICIAL CODE AND JUDICIARY.

WOMEN'S BUREAU

See Title 29, LABOR.

WORLD WAR VETERANS' RELIEF

See Title 38, PENSIONS, BONUSES, AND VETERANS' RELIEF.

WRECKS

See Title 46, SHIPPING.

ZOOLOGICAL PARK

See chapter 4 of Title 20, EDUCATION.

Approved, June 30, 1926.

PARALLEL REFERENCE TABLES

AND

TABLE OF STATUTES REPEALED

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1857						
Feb. 15	46	1	11	161	24	231
1862						
July 2	130	1	12	503	7	301
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July 16	184		12	587	34	505
1863						
Mar. 3	J. Res. 25		12	825	34	869
1864						
Mar. 21	38	6	13	36	43	82
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June 3	106	54	13	116	12	165
June 27	165		13	199	28	673
June 30	184	1, 2	13	325	16	48
July 2	216	3	13	357	48	413
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1866						
July 23	209		14	208	7	305
July 28	296	17	14	323	2	43, 48
1870						
July 8	230	85	16	212	17	52
July 15	292	1	16	305	43	881
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1872						
May 21	178		17	137	31	100
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May 28	228	1	17	164	38	247, 250
June 4	282		17	215	28	679
June 8	335	245	17	313	39	426
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1874						
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Mar. 23	62	1	18	23	22	182
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Apr. 7	80	1	18	27	48	1464
Apr. 17	106		18	30	46	270
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Apr. 20	117	1	18	33	10	174
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May 12	168	1	18	45	31	261
June 1	200		18	50	28	728
June 6	223	1	18	62	43	1153
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June 9	259	1	18	64	26	376
Do	259	2	18	64	26	375
Do	260		18	64	46	544
June 11	275	1	18	67	22	37
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June 16	285	2	18	75	28	280
June 17	294		18	77	22	124, 126
June 18	298	1	18	78	38	157
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June 20	328	1	18	85	2	62
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Do	455	1	18	206	31	422
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12	791	9835gg
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12	802	9835h, par. (2)
12	803	9835h, par. (3)
12	804	9835h, par. (4)
12	805	9835h, par. (5)
12	806	9835h, par. (6)
12	807	9835h, par. (7)
12	808	9835h, par. (8)
12	811	9835hh, par. (1)
12	812	9835hh, par. (2)
12	813	9835hh, par. (3)
12	814	9835hh, par. (4)
12	815	9835hh, par. (5)
12	816	9835hh, par. (6)
12	817	9835hh, par. (7)
12	818	9835hh, par. (8)
12	819	9835hh, par. (9)
12	820	9835hh, par. (10)
12	821	9835hh, par. (11)
12	822	9835hh, par. (12)
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12	831	9835i
12	841	9835ii, par. (1)
12	842	9835ii, par. (2)
12	843	9835ii, par. (3)
12	844	9835ii, par. (4)
12	851	9835j, par. (1)
12	852	9835j, par. (2)
12	853	9835j, par. (3)
12	854	9835j, par. (4)
12	855	9835j, par. (5)
12	856	9835j, par. (6)
12	861	9835k, par. (1)
12	862	9835k, par. (2)
12	863	9835k, par. (3)
12	864	9835k, par. (4)
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12	872	9835*l*, par. (2)
12	873	9835*l*, par. (3)
12	874	9835*l*, par. (4)
12	875	9835*l*, par. (5)
12	876	9835*l*, par. (6)
12	877	9835*l*, par. (7)
12	878	9835*l*, par. (8)
12	879	9835*l*, par. (9)
12	880	9835*l*, par. (10)
12	881	9835*l*, par. (11)
12	882	9835*l*, par. (12)
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12	886	9835*l*, par. (16)
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12	892	9835m, par. (2)
12	893	9835m, par. (3)
12	894	9835m, par. (4)
12	895	9835m, par. (5)
12	896	9835m, par. (6)
12	897	9835m, par. (7)
12	898	9835m, par. (8)
12	899	9835m, par. (9)
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12	902	9835n, par. (2)
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12	912	9835o, par. (2)
12	913	9835o, par. (3)
12	914	9835o, par. (4)
12	915	9835o, par. (5)
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12	933	9835q, par. (3)
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12	952	9835s, par. (2)
12	953	9835s, par. (3)
12	961	9835t, par. (1)
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12	982	9835v, par. (2)
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12	984	9835v, par. (4)
12	985	9835v, par. (5)
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12	1041	9835¼b, par. (a)
12	1042	9835¼b, par. (b)
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12	1051	9835¼c, par. (a)
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12	1181	9835½b, par. (b)
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12	1261	9835½j
12	1271	9835½k
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12	1282	9835½*l*, par. (b)
12	1283	9835½*l*, par. (c)
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14	33	8459½b (42)
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14	56	8459½a (11a)
14	57	8459½a (11)
14	58	8459½b (3)
14	59	8459½b (48½)
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14	172	8459½b (23)
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46	768	1251½g
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46	782	1251¾—2
46	783	1251¾—3
46	784	1251¾—4
46	785	1251¾—5
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46	790	1251¾—10
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46	818	8146iii
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46	838	8146r(4)
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46	841	8146r(7)
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46	883	8146¼iii
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46	889	8146¼t
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46	954	8146¼o
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46	971	8146¼*ooo*
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46	973	8146¼pp
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46	982	8146¼qqq
46	983	8146¼r
46	984	8146¼jjj
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46	1012	8146¼kk (1)
46	1013	8146¼kk (2)
46	1014	8146¼kk (3)

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48	670	3714 (i)
48	671	3714 (j)
48	672	3714 (k)
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48	674	3714 (m)
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48	873	3803uu
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Parallel Reference Table IV.—FEDERAL STATUTES, ANNOTATED

(EDWARD THOMPSON CO.)

TABLE IV SHOWS WHERE CODE SECTIONS WILL BE FOUND IN THE FEDERAL STATUTES, ANNOTATED, AND SUPPLEMENTS THERETO

U. S. Code		F. S. A.		U. S. Code		F. S. A.		U. S. Code		F. S. A.		U. S. Code		F. S. A.		U. S. Code		F. S. A.	
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1	2	9	391	2	96	2	531			1925	38	5	1	1	200	5	75	8	958
1	3	9	391	2	97	2	523	2	242	3	120			2	475	5	76		
1	4	9	392	2	98	2	530			1925	38			3	245	5	77	8	953
1	5	9	392	2	99	2	531	2	243	3	120			6	286				954
1	21	9	393	2	100	2	531			1925	39	3	2	1	200	5	78	3	155
1	22	9	393	2	101	2	523	2	244	3	121			3	249	5	79	9	41
1	23	9	393	2	102	2	514			1925	39	5	3	2	511	5	80	1918	42
1	24	9	393	2	103	2	515	2	245	3	122			3	249	5	81	1920	291
1	25	9	393	2	104	2	515			1925	40			1925	30	5	82	8	940
1	26	9	395	2	105	2	515	2	246	3	122	5	4	3	255			1921	60
1	27	1920	30			2	519			1925	40	5	5	3	256	5	83	8	955
1	28	9	393			2	523	2	247	3	122	5	6	3	256			8	957
1	29	9	393	2	106	2	528			1925	40	5	7	3	257	5	84	8	954
1	30	9	411	2	107	2	528	2	248	3	122	5	8	3	257	5	85	8	952
1	31	9	123	2	108	2	529			3	126	5	9	3	257	5	86	3	559
2	1	3	126	2	109	2	529			1925	41	5	10	8	924	5	87	3	560
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2	3	2	503	2	111	1920	30			1925	41			8	924	5	89	9	412
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2	32	2	506	2	138	6	309	2	275	1919	32	5	25	3	253	5	105	3	263
2	33	2	510	2	139	6	310	2	276	1919	33	5	26	3	253	5	106	3	156
2	34	2	506	2	140	6	310	2	277	1924	17	5	27	3	261	5	107	3	156
2	35	2	506			1922	242	3	1	8	258	5	28	3	260	5	108	1918	748
2	36	1923	43	2	141	1922	242	3	2	8	258	5	29	2	164	5	109	1	200
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		2	511	2	143	1922	243	3	4	8	259			2	167			6	286
2	38	2	508	2	144	6	307	3	5	8	263	5	31	3	261			8	1123
2	39	2	506	2	145	6	307	3	6	8	263	5	32	3	261	5	110		
2	40	2	506	2	146	6	307	3	7	8	263	5	33	2	147	5	111	1919	377
2	41	2	507	2	147	6	311	3	8	8	259	5	34	9	1233	5	112	3	260
2	42	2	507	2	148	6	312	3	9	8	259	5	35	2	151			3	261
2	43	2	509	2	149	6	312	3	10	8	259			1919	16			8	31
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2	45	7	1146	2	151	6	307	3	12	8	266	5	36	1919	367	5	114	8	950
		1918	600	2	152	6	307	3	13	8	260	5	37	2	152	5	115	8	951
2	46	1918	624	2	153	6	311	3	14	8	260	5	38	2	147	5	116	6	401
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2	64	2	513	2	163	1925	103	3	41	8	266			2	153	5	155	9	379
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		2	513	2	205	2	535			1925	191	5	54	8	957	5	166	9	378
		2	521	2	206	2	535	3	50	8	1096	5	55	8	958	5	167	1925	175
2	75	2	513	2	207	2	535	3	51	8	1096	5	56	8	927	5	168	1925	175
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2	78	2	519	2	211	2	536	3	62					1918	719			1925	210
2	79	2	520	2	212	2	536	3	63			5	59	1918	719	5	183	9	906
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2	86	2	525	2	219	2	538	4	3			5	65	1925	103			1925	212
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2	92	2	527	2	225	2	540	4	8	8	545	5	71	8	947	5	194	9	921
2	93	2	518	2	226	2	540	4	9	9	384	5	72	8	957	5	195	9	922
2	94	2	527	2	241	3	120	4	10	9	384	5	73	8	949	5	196	9	921

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49	18(1)	4	494
		1920	117
49	18(2)	4	494
		1920	117
49	19	4	494
49	19a	4	495
		1920	118
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49	19a(b)	4	495
		4	496
		1920	118
		1922	212
49	19a(c)	4	496
		1920	118
49	19a(d)	4	496
49	19a(e)	4	497
49	19a(f)	4	497
49	19a(g)	4	497
		1920	118
49	19a(h)	4	497
49	19a(i)	4	498
		1920	118
49	19a(j)	4	498
		1920	118
49	19a(k)	4	498
		1920	118
49	19a(l)	4	499
		1920	118
49	20(1)	4	499
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49	20(2)	4	500
		1920	118
49	20(3)	4	502
		1920	118
49	20(4)	4	502
		1920	118
49	20(5)	1920	118
49	20(6)	4	504
		1920	119
49	20(7)	4	505
		1920	119
49	20(8)	4	505
		1920	119
49	20(9)	4	505
		1920	119
49	20(10)	4	506
		1920	119
49	20(11)	4	506
		1920	119
49	20(12)	4	536
		1920	119
49	20a(1)	1920	120
49	20a(2)	1920	120
49	20a(3)	1920	120
49	20a(4)	1920	120
49	20a(5)	1920	121
49	20a(6)	1920	121
49	20a(7)	1920	121
49	20a(8)	1920	121
49	20a(9)	1920	121
49	20a(10)	1920	121
49	20a(11)	1920	122
49	20(12)	1920	122
49	21	4	539
49	22(1)	4	539
		1922	213
49	22(2)	1922	213
49	22(3)	1922	213
49	25(1)	1920	123
49	25(2)	1920	123
49	25(3)	1920	124
49	25(4)	1920	124
49	25(5)	1920	125
49	26	1920	125
49	27	1920	125
49	41(1)	4	549
49	41(2)	4	558
49	41(3)	4	559
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49	43	4	564
49	44	6	136
49	45	·6	138
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49	54	4	499
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49	58	4	575
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49	73(a)	1920	76
49	73(b)	1920	76
49	73(c)	1920	76
49	73(d)	1920	76
49	73(e)	1920	76
49	73(f)	1920	76
49	73(g)	1920	77
49	74(a)	1920	77
		1922	211
49	74(b)	1920	78
49	74(c)	1920	78
		1922	211
49	74(d)	1920	78
49	74(e)	1920	78
49	74(f)	1920	79
49	74(g)	1920	79
49	74(h)	1923	62
49	74(i)	1923	63
49	75	1920	126
49	76(a)	1920	81
49	76(b)	1920	81
49	77(a)	1920	81
49	77(b)	1920	81
49	77(c)	1920	81
49	77(d)	1920	82
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49	77(f)	1920	83
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49	79(a)	1921	225
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49	124	1918	82
49	141(a)	1920	73
49	141(b)	1920	74
49	141(c)	1920	74
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49	141(d)	1920	74
49	141(e)	1920	74
49	142	1920	125
49	143	1921	226
49	151	1924	186
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49	154	1924	187
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50	60	1918	542
50	61	9	1336
50	62	1920	363
50	62a	9	1336
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50	80	9	1343
50	81	1922	336
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50	101	1918	134
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50	142	1918	177
50	143	1918	177
50	144	1918	465
50	151	6	1067
50	152	------	------
50	153	6	1067
50	161	1925	110
50	162	------	------
50	163	1925	110
50	164	1925	111
50	165	1925	111
50	166	1925	111
50	171	1918	166
50	172	1918	167
50	173	8	1120
50	174	8	1117
50	175	8	1105
50	176	------	------
50	177	8	395
50	178	8	1119
50	179	1921	319
50	191	1918	806
50	192	1918	806
50	193	1918	807
50	194	1918	807
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50	216	3	939
50	217	3	940
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50	219	3	940
50	220	3	941
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154,[1,2] 160 [1,2]	1874, Jan. 20	11		18	4
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191	1894, July 31	174	8	28	208
192 [2]	1906, June 22	3514	7	34	449
194	1895, Mar. 2	177	8	28	808
200 [1,2]	1874, Jan. 20	11		18	4
229 [2]	1895, Mar. 2	177		28	787
232	1903, Jan. 21	196	25	32	780
234,[1,2] 235 [1,2]	1874, Jan. 20	11		18	4
239 [2]	1875, Feb. 18	80	1	18	317
247	1910, Mar. 2	71	2	36	231
250	1894, July 31	174	12	28	209
252	1877, Feb. 27	69	1	19	241
256 [1]	1874, June 22	393	1	18	192
259 [3]	1877, Feb. 27	69	1	19	241
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270	do	174	8	28	208
272	do	174	12	28	209
273, 275	do	174	7	28	207
276 [1,2]	1874, Jan. 20	11		18	4
283 [2]	1894, July 31	174	10	28	208
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305 [2]	1894, July 31	174	11	28	209
311	1894, Mar. 29	48		28	47
313	1894, July 31	174	10	28	208
335 [2]	1877, Feb. 27	69	1	19	241
349 [2]	1878, June 19	329	1	20	205
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416 [1,2]	1874, Jan. 20	11		18	4
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435	1912, Aug. 22	335		37	342
438,[1,2] 440 [1,2]	1874, Jan. 20	11		18	4
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533	1892, Feb. 9	6	1	27	3
533	1911, Mar. 3	231	297	36	1168
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553	1911, Mar. 3	231	297	36	1168
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571	1889, Jan. 25	113	5	25	656
571	1911, Mar. 3	231	297	36	1168
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640	1888, Aug. 13	866	6	25	436
640	1911, Mar. 3	231	297	36	1168
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691	1891, Mar. 3	517	14	26	829
691	1911, Mar. 3	231	297	36	1168
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800	1911, Mar. 3	231	297	36	1168
801	1879, June 30	52	2	21	43
801	1911, Mar. 3	231	297	36	1168
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820	1879, June 30	52	2	21	43
820	1911, Mar. 3	231	297	36	1168
821	1879, June 30	52	2	21	43
821	1884, May 13	46	4	23	22
821	1911, Mar. 3	231	297	36	1168
822	do	231	297	36	1168
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909	1922, Sept. 21	356	642	42	989
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1079	1887, Mar. 3	359	8	24	506
1079	1911, Mar. 3	231	297	36	1168
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1178 [3]	1908, May 27	200	1	35	367
1194	1877, Mar. 3	100		19	270
1208 [1,3]	1874, June 23	458	8	18	245
1218	1896, Mar. 31	84		29	84
1233	1879, Jan. 29	34		20	276
1261 [2]	1912, Aug. 24	391	1	37	574

[1] The repealing act does not expressly refer to the Revised Statutes section, but repeals the provision cited as the source thereof.
[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.

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1327–1329 [4]	1909, Mar. 4	300		35	1034
1327–1329 [4]	1912, Aug. 9	275		37	258
1337 [2]	1877, Feb. 27	69	1	19	244
1342	1920, June 4	227	[5] 4	41	812
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1523 [1,2]	1874, June 22	392	3	18	192
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1552	1913, Mar. 4	148		37	898
1553	1909, Mar. 4	321	341	35	1153
1556 [2]	1909, Mar. 3	255		35	755
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1668	1909, Mar. 4	321	341	35	1153
1680–1681	1885, Feb. 25	150	1	23	323
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1756	1884, May 13	46	2	23	22
1767–1772	1887, Mar. 3	353	1	24	500
1780–1783, 1785, 1787–1789	1909, Mar. 4	321	341	35	1153
1847,[4] 1849,[4] 1853,[4] 1861, 1922 [4]	1878, June 19	329	1	20	193
1926 [2]	1883, Jan. 19	33		22	407
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2035	1902, July 1	1351	1	32	556
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2070	1882, May 17	163	1	22	70
2091	1910, June 25	431	19	36	860
2139 [2]	1877, Feb. 27	69	1	19	244
2165	1906, June 29	3592	26	34	603
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2167, 2168	1906, June 29	3592	26	34	603
2171	1918, May 9	69	1	40	545
2173	1906, June 29	3592	26	34	603
2174	1918, May 9	69	2	40	546
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2373	1909, Mar. 4	321	341	35	1153
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2412	1909, Mar. 4	321	341	35	1153
2452	1895, Mar. 2	177	3	28	807
2453, 2454	1922, Sept. 20	350		42	857
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2501	1882, Dec. 23	6		22	398
2503 [2]	1875, Mar. 3	127	4	18	340
2505 [2]	1877, Feb. 27	69	1	19	244
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2581	1922, Sept. 21	356	642	42	989
2584, 2585	1897, Mar. 3	389	16	29	691
2587 [2]	1925, Feb. 21	278	2	43	957
2588–2590	1922, Sept. 21	356	642	42	989
2608	1890, June 10	407	29	26	141
2608	1909, Aug. 5	6	28	36	104
2609, 2610, 2637, 2638, 2652	1922, Sept. 21	356	642	42	989
2711	1875, Feb. 18	80	1	18	318
2727	1877, Feb. 27	69	1	19	246
2770–2791, 2794–2803, 2805–2823	1922, Sept. 21	356	642	42	989
2824	1897, Mar. 3	389	16	29	691
2824	1922, Sept. 21	356	642	42	989
2825–2834	do	356	642	42	989
2835	1897, Mar. 3	389	16	29	691
2836–2837	1922, Sept. 21	356	642	42	989
2838, 2839	1890, June 10	407	29	26	141
2838, 2839	1909, Aug. 5	6	28	36	104
2840	1922, Sept. 21	356	642	42	989
2841	1890, June 10	407	29	26	141
2841	1909, Aug. 5	6	28	36	104
2842	1922, Sept. 21	356	642	42	989
2843	1890, June 10	407	29	26	141
2843	1909, Aug. 5	6	28	36	104
2844	1922, Sept. 21	356	642	42	989
2845	1890, June 10	407	29	26	141
2845	1909, Aug. 5	6	28	36	104
2846–2850	1922, Sept. 21	356	642	42	989

[1] The repealing act does not expressly refer to the Revised Statutes section, but repeals the provision cited as the source thereof.
[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provisions listed.
[4] So far as inconsistent with the repealing act.
[5] Of Subchapter II.

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2853, 2854, 2855	1909, Aug. 5	6	28	36	104
2857	1922, Sept. 21	356	642	42	989
2858	1890, June 10	407	29	26	141
2858	1909, Aug. 5	6	28	36	104
2859	1922, Sept. 21	356	642	42	989
2860	1890, June 10	407	29	26	141
2860	1909, Aug. 5	6	28	36	104
2864, 2865	1922, Sept. 21	356	642	42	989
2866 [1]	1883, Mar. 3	No. 22	3	22	641
2867-2870	1922, Sept. 21	356	642	42	989
2871	1911, Feb. 13	46	6	36	901
2872-2884, 2887-2896	1922, Sept. 21	356	642	42	989
2897	1897, Mar. 3	389	16	29	691
2898, 2899	1922, Sept. 21	356	642	42	989
2900	1890, June 10	407	29	26	141
2900	1909, Aug. 5	6	28	36	104
2901	1922, Sept. 21	356	642	42	989
2902	1890, June 10	407	29	26	141
2902	1909, Aug. 5	6	28	36	104
2903	1921, May 27	14	403	42	17
2905	1890, June 10	407	29	26	141
2905	1909, Aug. 5	6	28	36	104
2906	1922, Sept. 21	356	642	42	989
2907, 2908	1883, Mar. 3	121	7	22	523
2907, 2908	1890, June 10	407	29	26	141
2907, 2908	1909, Aug. 5	6	28	36	104
2909	1877, Feb. 27	69	1	19	247
2909	1890, June 10	407	29	26	142
2909	1909, Aug. 5	6	28	36	104
2910-2916, 2920, 2921	1922, Sept. 21	356	642	42	989
2922-2924	1890, June 10	407	29	26	142
2922-2924	1909, Aug. 5	6	28	36	104
2925, 2926	1922, Sept. 21	356	642	42	989
2927	1890, June 10	407	29	26	142
2927	1909, Aug. 5	6	28	36	104
2928	1922, Sept. 21	356	642	42	989
2929-2932	1890, June 10	407	29	26	142
2929-2932	1909, Aug. 5	6	28	36	104
2933, 2935-2937, 2939	1922, Sept. 21	356	642	42	989
2943	1890, June 10	407	29	26	142
2943	1909, Aug. 5	6	28	36	104
2945	1890, June 10	407	29	26	142
2945	1909, Aug. 5	6	28	36	104
2945	1922, Sept. 21	356	642	42	989
2946-2950	1922, Sept. 21	356	642	42	989
2952	1890, June 10	407	29	26	142
2952	1909, Aug. 5	6	28	36	104
2953-2989	1922, Sept. 21	356	642	42	989
2990-2997	1880, June 10	190	8	21	175
2998, 3000-3008, 3010	1922, Sept. 21	356	642	42	989
3011, 3012, 3012½, 3013	1890, June 10	407	29	26	142
3011, 3012, 3012½, 3013	1909, Aug. 5	6	28	36	104
3015-3026, 3028-3047, 3049-3060, 3063-3067, 3069, 3070, 3074-3086, 3088, 3090	1922, Sept. 21	356	642	42	989
3091-3093 [1]	1874, June 22	391	1	18	186
3095-3108, 3110, 3120, 3121, 3123, 3128, 3129	1922, Sept. 21	356	642	42	989
3151	1886, Aug. 4	896	2	24	218
3159, 3160	1876, Aug. 15	287	1	19	152
3225	1924, June 2	234	1015	43	343
3227	1921, Nov. 23	136	1319	42	315
3244 [4]	1894, Aug. 27	349	69	28	569
3244 [4]	1909, Aug. 5	6	35	36	111
3251 [4]	1875, Mar. 3	127	1	18	339
3295 [2]	1892, July 16	196	1	27	201
3321, 3323 [2]	1876, Aug. 15	287	1	19	152
3361	1894, Aug. 27	349	69	28	569
3408, [2,3] 3418, 3419 [3]	1883, Mar. 3	121	1	22	488
3437 (Schedule A)	do	121	1	22	488
3480 [2]	1898, Mar. 11	57		30	274
3480 [2]	1914, July 6	136		38	454
3480 [2]	1923, Feb. 13	71		42	1226
3524 [2]	1875, Jan. 14	15	2	18	296
3558-3561 [2]	1895, Feb. 20	105	2	28	673
3565	1921, May 27	14	403	42	17
3583	1909, Mar. 4	321	341	35	1153
3595	1920, May 29	214	1	41	654
3601, [1,2] 3603, [1,3] 3605-3612 [1,2]	1874, Jan. 20	11		18	4
3622 [2]	1894, July 31	174	12	28	209
3675 [2]	do	174	10	28	208
3687	1912, Aug. 24	355	1	37	434
3688	1919, Mar. 3	100	6	40	1312
3689 [1,2]	1874, June 20	328	4	18	109
3689 [2,3]	1874, June 22	391	2	18	186
3689 [2]	1878, June 19	329	1	20	205
3689 [2,3]	1894, Feb. 8	25	2	28	37
3689 [2,3]	1908, May 26	198	1	35	295
3689 [2,3]	1910, June 25	384	8	36	773
3689 [2]	1919, Feb. 24	18	1316	40	1145
3689 [2]	1919, Mar. 3	100	6	40	1312
3689 [2]	1921, Nov. 23	136	1317	42	314
3694-3696	1919, Mar. 3	100	6	40	1312
3708	1909, Mar. 4	321	341	35	1153
3720 [2]	1910, June 22	331		36	591
3739, 3740, 3742	1909, Mar. 4	321	341	35	1153

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[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[4] So far as inconsistent with the repealing act.

Statutes repealed	Repealed by act of—				
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3826 [2]	1875, Mar. 3	128	1	18	342
3829 [2]	1909, Mar. 4	321	341	35	1154
3830 [6]	1876, July 12	179	4	19	80
3831	1904, Apr. 28	1759	8	33	441
3832	1909, Mar. 4	321	341	35	1153
3834 [3]	1909, Mar. 1	232		35	670
3851	1909, Mar. 4	321	341	35	1153
3852-3856, [6] 3859 [6]	1876, July 12	179	4	19	80
3867 [2]	1909, Mar. 4	321	341	35	1154
3869, 3887, 3890-3894, 3899	do	321	341	35	1153
3915	1884, July 5	234	3	23	158
3922-3925	1909, Mar. 4	321	341	35	1153
3943 [4]	1878, May 17	107	5	20	63
3947	1909, Mar. 4	321	341	35	1153
3952, 3953	1890, Sept. 30	1123		26	503
3954	1909, Mar. 4	321	341	35	1153
3956, [4] 3970 [4]	1878, May 17	107	5	20	63
3976	1884, June 26	121	23	23	58
3977, 3979, 3981-3986, 3988, 3992, 3995, 3996, 4013, 4016, 4030	1909, Mar. 4	321	341	35	1153
4035	1910, May 23	254		36	415
4036	1894, Jan. 27	21	5	28	32
4046 [3]	1909, Mar. 4	321	341	35	1154
4048	1897, Mar. 3	385		29	648
4053	1909, Mar. 4	321	341	35	1153
4081 [3]	1915, Mar. 4	153	17	38	1184
4111 [3]	1906, June 30	3934	8	34	816
4131-4305 [2]	1884, July 5	221	2	23	119
4132 [2]	1922, Sept. 21	356	321	42	947
4133, 4134	1897, Mar. 3	389	16	29	691
4136	1906, Feb. 22	500		34	17
4145	1895, Jan. 16	24	1	28	624
4165	1915, Mar. 4	172	2	38	1194
4192-4196	1920, June 5	250	30	41	1006
4203	1884, June 26	121	23	23	58
4209-4211	1922, Sept. 21	356	642	42	989
4216	1908, May 28	212	6	35	426
4219 [4]	1884, June 26	121	14	23	57
4219 [4]	1886, June 19	421	11	24	82
4219 [4]	1909, Aug. 5	6	36	36	112
4219 [3]	1915, Mar. 4	171	1	38	1193
4223, 4224	1884, June 26	121	14	23	57
4223, 4224	1886, June 19	421	11	24	82
4225 [2]	1915, Mar. 4	171	1	38	1193
4232	1909, Aug. 5	6	36	36	112
4233 [2,3]	1890, Aug. 19	802	2	26	328
4233 [2,3]	1895, Feb. 8	64	4	28	650
4233 [2]	1897, June 7	4	5	30	103
4234	1897, Mar. 3	389	16	29	691
4252-4277	1882, Aug. 2	374	14	22	191
4267 [1]	1874, May 7	149		18	42
4323, [2] 4333 [2]	1884, July 5	221	2	23	119
4371 [2]	1886, June 19	421	7	24	81
4382 [2]	1884, July 5	228	3	23	133
4382 [2]	1897, Mar. 3	389	9	29	689
4386-4390	1906, June 29	3594	5	34	608
4412, [2] 4413 [2]	1897, June 7	4	5	30	103
4435, 4436	1905, Mar. 3	1456	4	33	1028
4452	1918, June 10	95	5	40	603
4459	1905, Mar. 3	1456	4	33	1028
4461 [3]	1910, June 25	384	8	36	773
4489	1915, Mar. 4	153	14	38	1184
4511, [2] 4531-4534	1898, Dec. 21	28	25	30	764
4536	1915, Mar. 4	153	12	38	1169
4584	1884, June 26	121	8	23	55
4585-4587	do	121	15	23	57
4589, 4590	1897, Mar. 3	389	16	29	691
4598, 4599, 4601, 4609	1898, Dec. 21	28	25	30	764
4620	1877, Feb. 27	69	1	19	252
4653-4660, 4663-4667, 4669-4671	1910, June 17	301	13	36	539
4672 [2]	1880, June 16	235		21	262
4709	1879, Mar. 3	187	3	20	470
4716	1916, Aug. 29	418	1	39	649
4717	1879, Jan. 25	23	3	20	265
4751 [1]	1878, June 3	151	5	20	90
4751 [2]	1892, Aug. 4	375	2	27	348
4770	1877, Feb. 27	69	1	19	252
4771-4773	1879, June 21	34	3	21	30
4778, 4780	1912, Aug. 17	301	1	37	312
4784	1896, Mar. 23	66		29	74
4785	1878, June 20	367	2	20	243
4819 [2]	1906, June 12	3078		34	242
4819 [2]	1908, May 11	163		35	110
4831 [2,3]	1875, Mar. 3	129	1	18	359
4869 [2,3]	1908, May 26	198	1	35	295
4876	1876, July 24	226	1	19	99
4902	1910, June 25	414	1	36	843
4934 [2]	do	414	2	36	843
4971	1891, Mar. 3	565	10	26	1109
4972-5132	1878, June 7	160		20	99
5159 [2]	1913, Dec. 23	6	17	38	268
5159 [2]	1917, June 21	32	9	40	239
5171	1882, July 12	290	10	22	165
5175	1917, Oct. 5	74	1	40	342
5176	1882, July 12	290	10	22	165
5177, 5178, [5] 5179 [2]	1875, Jan. 14	15	3	18	296
5184 [1,3]	1874, June 23	455	1	18	206

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[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
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[5] Repeal of amendment of provisions therein contained.

Statutes repealed	Repealed by act of—				
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5185 [2]	1875, Jan. 19	19		18	302
5188, 5189	1909, Mar. 4	321	341	35	1153
5193	1900, Mar. 14	41	6	31	47
5193	1911, Mar. 2	190		36	965
5193	1916, June 12	142		39	225
5195 [1,2]	1874, June 20	343	3	18	124
5214 [2,3]	1883, Mar. 3	121	1	22	488
5225 [1,2]	1874, June 23	455	1	18	206
5271 [4]	1882, Aug. 3	378	6	22	216
5280	1915, Mar. 4	153	17	38	1184
5281–5291	1909, Mar. 4	321	341	35	1153
5292, 5293	1922, Sept. 21	356	642	42	989
5323-5395, 5398-5410, 5413-5484, 5487-5505	1909, Mar. 4	321	341	35	1153
5506	1894, Feb. 8	25	1	28	37
5506	1909, Mar. 4	321	341	35	1153
5507-5510	do	321	341	35	1153
5511-5515	1894, Feb. 8	25	1	28	37
5516, 5518, 5519	1909, Mar. 4	321	341	35	1154
5520-5523	1894, Feb. 8	25	1	28	37
5524-5535, 5551-5567	1909, Mar. 4	321	341	35	1154
5580 [2]	1894, Mar. 12	36		28	41

Statutes repealed					Repealed by act of—				
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1874									
Mar. 13	[6] 55		18	21	1891, Mar. 3	561	1	26	1095
Mar. 24	65		18	24	1922, Sept. 21	356	643	42	989
June 11	275	[3] 6	18	70	1874, June 23	455	5	18	230
June 16	285	[3] 1	18	72	1876, June 30	159		19	65
June 20	328	[2] 5	18	110	1919, Mar. 3	99	6	40	1309
Do	328	[2] 5	18	111	1878, June 14	191	4	20	130
Do	333	2	18	113	1874, Dec. 28	9	1	18	294
Do	337	[2] 4	18	117	1879, June 21	33	1	21	23
Do	337	[2] 6	18	118	1876, Mar. 14	J. Res. 4	1	19	211
Do	343	[2] 2, [2] 3	18	123	1913, Dec. 23	6	20	38	271
Do	343	[2] 4	18	124	do	6	17	38	268
Do	343	[2] 4	18	124	1917, June 21	32	9	40	239
Do	343	[3] 7, [3] 8	18	124	1875, Jan. 14	15	3	18	296
Do	343	[2, 3] 9	18	125	1875, Jan. 14	15	3	18	296
Do	349	[2] 7	18	132	1881, Feb. 21	64	1	21	326
June 22	390		18	178	1878, June 7	160	1	20	99
Do	391	3, 4	18	186	1922, Sept. 21	356	643	42	989
Do	391	6, 7	18	187	1922, Sept. 21	356	643	42	989
Do	391	9–12	18	188	1890, June 10	407	29	26	142
Do	391	9–12	18	188	1909, Aug. 5	6	28	36	104
Do	391	14	18	189	1883, Mar. 3	121	7	22	523
Do	391	14	18	189	1890, June 10	407	29	26	142
Do	391	14	18	189	1909, Aug. 5	6	28	36	104
Do	391	15	18	189	1922, Sept. 21	356	643	42	989
Do	391	16	18	189	1890, June 10	407	29	26	142
Do	391	16	18	189	1909, Aug. 5	6	28	36	104
Do	391	17-22, 24, 25	18	189–191	1922, Sept. 21	356	643	42	989
June 23	453	[2]	18	203	1906, Apr. 9	1370	2	34	104
Do	456	11	18	233	1876, July 12	179	4	19	80
Do	456	[3] 12	18	235	1909, Mar. 4	321	341	35	1154
Do	456	[3] 12	18	236	1890, Sept. 30	1123		26	503
Do	459	[4] 15	18	248	1876, Apr. 11	55	2	19	32
Do	461		18	250	1909, Mar. 4	321	341	35	1154
Do	464		18	251	1909, Mar. 4	321	341	35	1154
Dec. 21	J. Res. 2		18	523	1876, Mar. 14	J. Res. 4	1	19	211
1875									
Feb. 8	36	14	18	310	1876, July 12	181		19	88
Do	36	[3] 15	18	310	1883, Mar. 3	121	1	22	488
Feb. 16	77	3	18	316	1891, Mar. 3	517	14	26	829
Feb. 18	80	[2, 7] 1	18	317, 318	1911, Mar. 3	231	297	36	1168
Do	80	[2, 7] 1	18	318	1920, June 4	227	[5] 4	41	812
Do	80	[2, 7] 1	18	319	1877, Feb. 27	69	1	19	248
Do	80	[2, 7] 1	18	319	1880, June 10	190	8	21	175
Do	80	[2, 7] 1	18	319	1922, Sept. 21	356	642	42	989
Do	80	[2, 7] 1	18	320	1878, June 7	160		20	99
Do	80	[2, 7] 1	18	320	1894, Feb. 8	25	1	28	37
Do	80	[2, 7] 1	18	320	1898, Dec. 21	28	25	30	764
Do	80	[2, 7] 1	18	320	1909, Mar. 4	321	341	35	1153
Mar. 3	130	[2] 1	18	380	1880, June 16	235		21	263
Do	132	8	18	450	1910, June 25	431	20	36	861
Do	133	[2] 3	18	455	1887, Mar. 3	371		24	551
Do	136		18	469	1922, Sept. 21	356	643	42	989
Do	137		18	470	1911, Mar. 3	231	297	36	1168
Do	144		18	479	1909, Mar. 4	321	341	35	1155
Do	148		18	480	1896, Apr. 14	99		29	91
Do	151		18	481	1909, Mar. 4	321	341	35	1155
Do	153	[2, 7]	18	483	1885, Feb. 25	150		23	323
Do	156	[3] 1, [3] 2	18	485	1884, June 26	121	15	23	57
Do	166		18	506	1888, Feb. 1	4	1	25	21
Do	170		18	509	1876, Mar. 14	J. Res. 4	1	19	211
Do	196		18	519	1885, Jan. 31	46	3	23	296
Do	196		18	519	1885, Feb. 28	265	2	23	338
1876									
Mar. 14	23	[7]	19	7	1880, June 10	190	8	21	175
May 1	89		19	49	1922, Sept. 21	356	643	42	989
May 23	106	[2]	19	55	1877, Feb. 27	68	3	19	240
June 12	123		19	58	1902, June 13	1079	8	32	374
June 19	133		19	59	1882, Aug. 3	378	6	22	216
June 20	136		19	60	1922, Sept. 21	356	643	42	989
July 12	186	[7]	19	90	1909, Mar. 4	321	341	35	1153
July 24	226	[3] 1	19	97	1876, Aug. 12	263		19	131
July 26	234	[2]	19	102	1878, June 7	160		20	99
July 31	246	[2]	19	112	1878, June 20	359	1	20	214
Aug. 11	260	[2]	19	130	1909, Mar. 4	321	341	35	1154
Aug. 14	270	[7] 1	19	139	1880, June 10	190	8	21	175
Aug. 15	289	[3] 1	19	198	1877, Mar. 3	101	1	19	282
Do	289	[3] 3	19	199	1906, June 21	3504		34	328

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[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[4] So far as inconsistent with the repealing act.
[5] Of Subchapter II.
[6] Repeal of amendment of provisions therein contained.
[7] Repeal of provisions therein amended.

Statutes repealed					Repealed by act of—				
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1877									
Jan. 16	24		19	223	1909, Mar. 4	321	341	35	1155
Jan. 31	41	(7)	19	230	1911, Mar. 3	231	297	36	1168
Feb. 27	69	2,7 1	19	241	do	231	297	36	1168
Do	69	2,7 1	19	246	1922, Sept. 21	356	642	42	989
Do	69	2,7 1	19	247	1890, June 10	407	29	26	141-142
Do	69	2,7 1	19	247	1909, Aug. 5	6	28	36	104
Do	69	2,7 1	19	247	1922, Sept. 21	356	642	42	989
Do	69	2,7 1	19	248	do	356	642	42	989
Do	69	2,7 1	19	249	1909, Mar. 4	321	341	35	1153
Do	69	2,7 1	19	250	1882, Aug. 2	374	14	22	191
Do	69	2,7 1	19	250	1884, July 5	234	3	23	158
Do	69	2,7 1	19	251	1906, June 29	3594	5	34	608
Do	69	2,7 1	19	252	1922, Sept. 21	356	642	42	989
Do	69	2,7 1	19	253	1909, Mar. 4	321	341	35	1153
Do	69	2,7 1	19	253	1922, Sept. 21	356	642	42	989
Mar. 3	103	2 5	19	336	1909, Mar. 4	321	341	35	1155
Do	108	19	19	380	1904, Mar. 22	747	1	33	143
Do	109	2,3	19	383	1901, Mar. 2	804		31	912
Do	117	2	19	396	1879, Mar. 3	182		20	410
Do	148	2 1	19	518	1878, June 15	243	3	20	566
Do	148	2 1	19	534	1879, Mar. 3	288	4	20	664
Do	148	2 1	19	535	1888, Mar. 30	47	1	25	50
Dec. 15	4	2 1	20	13	1887, Mar. 3	J. Res. 20		24	649
1878									
Feb. 28	20	2 1	20	25	1890, July 14	708	5	26	289
Mar. 18	38	(4)	20	31	1879, Feb. 27	109		20	323
Mar. 28	J. Res. 16		20	249	1880, May 28	108	4	21	145
Apr. 8	51	(7)	20	35	1911, Mar. 3	231	297	36	1168
Apr. 29	66	(3)	20	37	1879, June 2	11	9	21	7
May 25	109	(7)	20	63	1880, June 10	190	8	21	175
May 27	142	2 1	20	65	1878, June 14	191		20	119
June 14	190		20	113	1891, Mar. 3	561	1	26	1095
June 15	243	2 1	20	556	1879, Mar. 3	288	3	20	664
June 17	259	2 1	20	141	1909, Mar. 4	321	341	35	1155
June 18	263	3, 4	20	150	1892, July 30	328	5	27	336
Do	263	6	20	150	1879, June 23	35	8	21	35
June 19	316		20	169	1912, Aug. 24	374		37	503
Do	322	(4)	20	173	1910, Jan. 26	4	2	36	186
Do	329	2 1	20	191	1879, Mar. 3	182	1	20	383
Do	329	2,3 1	20	192	1911, Mar. 4	240	1	36	1292
Do	329	2,7 1	20	204	1911, Mar. 3	231	297	36	1168
June 20	359	2 1	20	232	1879, Mar. 3	182	1	20	396
Do	359	2 1	20	232	1880, Apr. 23	61		21	81
Do	359	2 1	20	234	1879, June 30	51		21	43
Do	359	2 1	20	236	1879, Mar 3	182	1	20	398
Do	367		20	243	1884, July 4	181	1	23	99
Dec. 21	10	(3)	20	259	1879, Mar. 3	180		20	357
1879									
Feb. 3	42		20	280	1909, Mar. 4	321	341	35	1155
Do	43	2 2	20	280	1886, June 30	581		24	106
Feb. 14	68	(4)	20	290	1913, Mar. 4	148		37	908
Feb. 15	82		20	292	1880, Apr. 20	58	4	21	76
Feb. 24	96	2 1	20	317	1917, Feb. 8	35		39	901
Do	97	(4)	20	318	1879, June 11	18	1, 2	21	10
Mar. 1	125	7	20	341	1880, May 28	108	9	21	148
Do	125	2 12	20	342	do	108	12	21	148
Do	125	2 13	20	343	do	108	13	21	148
Do	125	2,3 14	20	343	1890, Oct. 1	1244	26	26	618
Mar. 3	180	2 1	20	356	1909, Mar. 4	321	341	35	1155
Do	180	2 1	20	357	1881, Mar. 1	96	1	21	376
Do	180	5	20	358	1880, June 11	206	1	21	178
Do	180	13	20	359	1909, Mar. 4	321	341	35	1155
Do	180	23	20	361	do	321	341	35	1155
Do	180	27, 28	20	362	do	321	341	35	1155
Do	182	2 1	20	379	1910, June 25	384	1	36	755
Do	182	2 1	20	385, 387, 395	1879, June 20	J. Res. 12		21	51
Do	182	2 2	20	403	1888, Feb. 1	4	1	25	
Do	182	2 2	20	403	1898, July 1	546	1	30	640
Do	195		20	473	1889, Mar. 1	319	25	25	767
Do	202		20	484	1893, Feb. 15	114	9	27	452
May 17	8		21	4	1909, Mar. 4	321	341	35	1156
June 23	35	3	21	34	1882, June 30	254	1	22	118
1880									
Mar. 10	37		21	67	1922, Sept. 21	356	642	42	989
Apr. 20	57	2-6	21	75	1889, Mar. 1	319	25	25	767
May 3	73	(3)	21	86	1902, July 1	1368		32	680
May 11	85	2 4	21	132	1916, May 18	125	1	39	128
May 27	105	(4)	21	142	1882, Aug. 7	444	2	22	348
June 9	167		21	170	1882, May 4	116	1	22	53
June 10	190		21	173	1922, Sept. 21	356	643	42	989
June 14	214	(7)	21	198	do	356	643	42	989
June 15	223	8	21	204	1884, May 14	50		23	22
June 16	250	(3)	21	291	1890, Oct. 1	1244	26	26	618
1881									
Feb. 8	34		21	322	1922, Sept. 21	356	643	42	989
Do	J. Res. 9		21	516	1884, Mar. 31	18	2	23	6
Feb. 23	69		21	328	1886, June 21	463	4	24	86
Feb. 26	80	2 1	21	350	1881, Mar. 3	133	3	21	458
Feb. 28	92	(3,7)	21	373	1922, Sept. 21	356	643	42	989
Mar. 1	96	2 1	21	375	1882, Mar. 6	24	1	22	10
Mar. 2	107	1, 2	21	377	1920, Feb. 19	83	4	41	437
Mar. 3	130	2 1	21	409	1912, Aug. 24	374		37	503
Do	131	3	21	414	1888, Aug. 9	824	2	25	399
Do	133	2 1	21	454	1882, Aug. 7	433	1	22	336
Do	138	(3)	21	502	1905, Feb. 20	592	30	33	731
Do	156	(3,7)	21	512	1922, Sept. 21	356	643	42	989

[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[4] So far as inconsistent with the repealing act.
[7] Repeal of provisions therein amended.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1882									
Mar. 6	25	[2,7]	22	13	1922, Sept. 21	356	643	42	989
Mar. 22	47	1, 3, 4	22	30, 31	1909, Mar. 4	321	341	35	1156
Do	47	5	22	31	1911, Mar. 3	231	297	36	1168
Mar. 23	48	[7]	22	32	do	231	297	36	1168
Apr. 25	89	[7]	22	49	1922, Sept. 21	356	642	42	989
May 6	126	[8]	22	58	1888, Sept. 13	1015	15	25	479
Do	126	[4]	22	58	1888, Oct. 1	1064	4	25	504
May 19	172	2	22	93	1907, Mar. 2	2507		34	1060
May 25	187		22	96	1885, Mar. 2	314	4	23	339
June 10	200	[2]	22	101	1907, Mar. 4	2918	1	34	1300
June 30	255	[2]	22	123	1894, July 26	167		28	151
July 12	290	[2,3] 1-3, [2,3] 4, [3] 5-7	22	162	1922, July 1	257	2	42	767
Do	290	[2] 8	22	164	1913, Dec. 23	6	17	38	268
Do	290	[2] 8	22	164	1917, June 21	32	9	40	239
Do	290	[2] 9	22	165	1900, Mar. 14	41	12	31	49
Do	312	[2] 6	22	172	1890, Sept. 29	1048		26	502
July 20	362		22	180	1886, May 6	87	2	24	22
July 31	377	[2,7]	22	215	1922, Sept. 21	356	643	42	989
Aug. 3	389	[2] 1	22	237	1884, July 7	331	1	23	179
Aug. 5	389	[2]	22	243	1883, Mar. 3	128	1	22	550
Do	391	[2] 1	22	288	1884, July 5	235	4	23	159
Do	441	[2] 1, 2-6	22	346-347	1895, Mar. 1	146	1	28	699
Aug. 7	J. Res. 73	[2]	22	393	1886, Apr. 15	J. Res. 10		24	341
Do									
1883									
Jan. 16	27	11-15	22	406-407	1909, Mar. 4	321	341	35	1156
Mar. 1	61	[2] 1	22	449	1884, July 4	180	1	23	91
Mar. 2	64		22	451	1897, Mar. 2	358	12	29	607
Mar. 3	116		22	485	1911, Mar. 3	231	297	36	1168
Do	121	7-9	22	523-525	1890, June 10	407	29	26	142
Do	121	7-9	22	523-525	1909, Aug. 5	6	28	36	104
Do	123	1, [2] 2	22	526, 527	1894, Jan. 27	21	1	28	31
Do	137	[2] 9	22	570	1892, Apr. 28	54	4	27	22
Do	142	[2] 4	22	602	1900, Feb. 7	11		31	6
Do	143	[4]	22	626	1894, Aug. 3	198		28	223
Do									
1884									
Apr. 18	26		23	11	1909, Mar. 4	321	341	35	1156
May 13	46	1	23	21	1896, Mar. 31	84		29	84
May 16	52		23	22	1909, Mar. 4	321	341	35	1156
May 17	53	[2] 8	23	26	1897, July 24	14	1	30	215
Do	53	[2] 14	23	28	1899, Mar. 3	429	142	30	1274
Do	53	[2] 14	23	28	1909, Feb. 6	80	9	35	603
June 5	71	[2] 1	23	39	1884, July 7	334	1	23	251
June 9	73		23	40	1925, Feb. 28	368	215	43	1070
June 24	103	[7]	23	48	1922, Sept. 21	356	643	42	989
June 26	121	[2] 15	23	57	1905, Mar. 3	1484	1	33	1217
Do	121	24, 25, [7] 29	23	58, 59	1922, Sept. 21	356	642	42	989
June 27	J. Res. 42	[2]	23	276	1886, Apr. 15	J. Res. 10		24	341
July 2	142	[7]	23	63	1922, Sept. 21	356	643	42	989
July 4	180	[2] 1	23	92	1885, Mar. 3	341	1	23	382
July 5	217	[2]	23	108	1888, Sept. 26	1037	2	25	492
Do	217	[2]	23	109, 110	1895, Mar. 2	177	1	28	787
Do	220	[6]	23	115	1888, Sept. 13	1017	15	25	479
Do	221	5	23	119	1920, Feb. 19	83	4	41	437
Do	224	[7]	23	121	1920, June 4	227	[5] 4	41	812
Do	229	[2] 1	23	143	1925, Mar. 3	467	2	43	1190
Do	229	[2] 1	23	144	1902, June 13	1079	1	32	367
Do	235	2	23	159	1921, Mar. 3	128	7	41	1352
Do	332	[2]	23	212	1884, Dec. 18	J. Res. 4		23	516
July 7									
1885									
Feb. 25	145	[2] 1	23	319	1888, July 18	676		25	314
Feb. 26	165		23	333	1888, Apr. 24	193	8	25	94
Mar. 3	319	[2]	23	340	1888, Oct. 17	1186	8	25	559
Do	332		23	349	1886, May 27	381	3	24	71
Do	339	[2,3]	23	359	1920, June 4	227	4	41	761
Do	341	9	23	385	1909, Mar. 4	321	341	35	1156
Do	342	[2] 1	23	386	1922, June 19	227	1	42	656
Do	353		23	437	1925, Feb. 13	229	13	43	942
Do	354	[2] 1	23	439	1907, Jan. 19	300	2	34	852
Do	355		23	443	1911, Mar. 3	231	297	36	1168
Do	384		23	673	1886, Mar. 19	24	2	24	683
1886									
Apr. 15	50	[2] 1, 8	24	12, 14	1888, Oct. 2	1069		25	523
May 1	69	[7]	24	16	1922, Sept. 21	356	643	42	989
Do	J. Res. 12	[4]	24	342	do	356	643	42	989
June 19	421	[2] 1	24	80	1910, June 25	384	7	36	773
Do	421	3	24	80	1898, Dec. 21	28	25	30	764
Do	421	11, 12	24	81, 82	1909, Aug. 5	6	36	36	112
July 6	744		24	124	1889, Feb. 26	280	13	25	748
July 26	779	[7]	24	148	1910, June 17	301	13	36	539
July 29	810		24	167	1894, Aug. 6	228		28	236
Aug. 4	902	[2] 1	24	224	1887, Mar. 3	362		24	512
Aug. 5	929	[2] 1	24	315	1888, Aug. 11	860	1	25	406
Do	929	[2] 1	24	321	1890, Sept. 19	907	1	26	443
1887									
Jan. 3	13	1	24	354	1894, Jan. 27	21	1	28	30
Do	13	2	24	355	1909, Mar. 4	321	341	35	1156
Jan. 26	49	[2] 1	24	368-369	1925, Mar. 3	443	16	43	1126
Feb. 4	104	[2] 18	24	386	1917, Aug. 9	50	3	40	271
Feb. 9	123	[7]	24	392	1922, Sept. 21	356	643	42	989
Feb. 23	215	[7]	24	411	do	356	643	42	989
Do	218		24	414	do	356	643	42	989
Do	221	[7]	24	415	do	356	642	42	989
Mar. 2	319	[4]	24	446	1890, June 27	633	2	26	182
Mar. 3	337		24	472	1924, June 7	314		43	599
Do	359	1-3	24	505	1911, Mar. 3	231	297	36	1168

[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[4] So far as inconsistent with the repealing act.
[5] Of Subchapter II.
[7] Repeal of provisions therein amended.
[8] Repeal to take effect on ratification of a treaty that has never been ratified.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1887									
Mar. 3	359	[4]	24	506	1925, Feb. 13	229	13	43	942
Do	359	8, 9	24	506-507	1911, Mar. 3	231	297	36	1168
Do	359	[3] 9, [3] 10	24	507	1925, Feb. 13	229	13	43	942
Do	359	11-16	24	507-508	1911, Mar. 3	231	297	36	1168
Do	362	(2)	24	525	1888, Oct. 2	1069		25	524
Do	373	1	24	552	1911, Mar. 3	231	297	36	1168
Do	397	3-5, 9, 10	24	635-636	1909, Mar. 4	321	341	35	1156
1888									
Jan. 20	2	2	25	2	1909, Mar. 4	321	341	35	1156
Feb. 1	4	[5,7] 1	25	6	1890, June 10	407	29	26	142
Apr. 2	53		25	74	1914, Mar. 9	34		38	305
Apr. 4	61	1	25	80	1909, Aug. 5	6	36	36	112
Do	61	[3] 2	25	80	1910, June 25	384	8	36	773
Do	61	3	25	80	1898, Dec. 21	28	25	30	764
May 2	227	(2,7)	25	134	1922, Sept. 21	356	643	42	989
June 4	340		25	166	1909, Mar. 4	321	341	35	1156
Do	341	[5,7] 1	25	166	1922, Sept. 21	356	643	42	989
Do	343		25	167	1899, Mar. 3	427	1	30	1237
June 6	362		25	170	1889, Mar. 2	383	2	25	863
June 18	394		25	187	1909, Mar. 4	321	341	35	1156
June 19	421	(2)	25	195	1903, Feb. 21	746		32	850
June 23	478	[4] 1	25	200	1890, May 28	382	2	26	122
June 29	503	8	25	238	1889, Mar. 2	412	10	25	1004
Aug. 1	724	[3] 1	25	353	1890, Mar. 24	47	1	26	28
Do	729	3	25	358	1912, Aug. 17	300		37	311
Aug. 6	745	[3] 2	25	365	1890, Apr. 18	98	3	26	57
Aug. 13	866	1-4, 6, 7	25	433-437	1911, Mar. 3	231	297	36	1168
Sept. 22	1028	[3] 6	25	490	1895, Mar. 2	162	3	28	707
Sept. 26	1039		25	496	1909, Mar. 4	321	341	35	1156
Oct. 1	1061		25	500	1897, Mar. 3	396		29	696
Do	1063		25	501	1898, June 1	370	12	30	423
Oct. 2	1069	(2)	25	527	1890, Aug. 30	837		26	391
Oct. 19	1209	(2,7)	25	565	1922, Sept. 21	356	643	42	989
1889									
Feb. 9	120		25	658	1909, Mar. 4	321	341	35	1156
Do	121	(2,7)	25	658	1922, Sept. 21	356	643	42	989
Feb. 13	149	(7)	25	667	do	356	643	42	989
Feb. 14	165		25	670	1909, Mar. 3	264	9	35	819
Feb. 23	203	(2)	25	687	1911, Mar. 3	210	5	36	1064
Mar. 1	310	(2,7)	25	751	1922, Sept. 21	356	643	42	989
Do	319		25	760	1899, Mar. 3	419	33	30	1021
Do	319	[3] 17	25	765	1894, Apr. 21	61	1	28	60
Do	328	12-17	25	774	1909, Feb. 18	146		35	630
Do	328	52-54	26	779, 780	do	146		35	635
Mar. 2	371	(2)	25	824	1891, Mar. 2	494		26	815
Do	382	[3] 7	25	861	1917, Aug. 9	50	3	40	271
Do	393	1, 2	25	873	1909, Mar. 4	321	341	35	1156
Do	411	[3] 1	25	963	1890, Aug. 30	837		26	394
Do	418	(2)	25	1012	1892, Apr. 11	41	1	27	16
Do	422	[3] 1	25	1014	1902, May 27	888	1	32	263
1890									
Jan. 23	2		26	2	1899, Mar. 3	419	33	30	1021
Feb. 19	14	(2,7)	26	8	1922, Sept. 21	356	643	42	989
Mar. 8	29	[5,7] 1	26	18	do	356	643	42	989
Mar. 13	31	(2,7)	26	18	do	356	643	42	989
Apr. 3	61		26	34	1899, Mar. 3	419	33	30	1021
Do	62	(7)	26	34	1922, Sept. 21	356	643	42	989
Apr. 5	66		26	46	1892, Aug. 5	380	1	27	366
Apr. 11	78	(7)	26	54	1920, June 4	227	[6] 4	41	812
Apr. 19	101	(7)	26	58	1922, Sept. 21	356	643	42	989
Apr. 26	159	(7)	26	66	do	356	643	42	989
June 10	407	(9)	26	131	do	356	643	42	989
June 16	426	[3] 1	26	157	1895, Feb. 12	83		28	655
June 30	639	(3,3)	26	188	1895, Mar. 2	193		28	965
July 14	708	1	26	289	1893, Nov. 1	8		28	4
Aug. 14	735		26	313	1899, Mar. 3	419	33	30	1021
Aug. 19	802	[3] 1	26	323	1894, May 28	83		28	83
Aug. 28	813	(2,7)	26	362	1922, Sept. 21	356	643	42	989
Do	814	[5,7] 2	26	363	do	356	643	42	989
Sept. 19	907	[3] 1	26	442	1892, July 13	158	1	27	101
Do	908	1	26	465	1909, Mar. 4	321	341	35	1157
Sept. 25	909	(2,7)	26	467	1922, Sept. 21	356	643	42	989
Do	912	(2,7)	26	468	do	356	643	42	989
Do	917	[7] 2	26	470	do	356	642	42	989
Sept. 29	1065		26	1280	1895, Feb. 21	117		28	1033
Sept. 30	1126	[3] 1	26	538	1891, Mar. 3	540	1	26	891
Do	1187		26	1302	1898, June 20	486		30	1467
Oct. 1	1244	[3] 1	26	583	1894, Aug. 27	349	1	28	521
Do	1244	3	26	612	do	349	71	28	569
Do	1244	[3] 27	26	618	do	349	69	28	569
Do	1244	36, 37	26	620	1914, Jan. 17	10	6	38	278
Do	1244	[7] 54	26	624	1922, Sept. 21	356	643	42	989
Do	1246	(4)	26	625	1902, July 1	1352	6	32	619
Do	1259	1	26	648	1913, Mar. 2	93		37	723
Do	1263	[3] 2	26	651	1913, June 23	3	1	38	49
Do	1266	(2,3) 4	26	653	1898, July 8	J. Res. 57		30	752
Do	J. Res. 60		26	685	1894, Aug. 23	315		28	491
Dec. 20	25		26	691	1907, Feb. 9	914	5	34	890
1891									
Jan. 19	76	(9)	26	718	1896, Mar. 28	80		29	711
Feb. 10	127		26	742	1909, Mar. 4	321	341	35	1157
Feb. 21	251	(2,7)	26	766	1922, Sept. 21	356	643	42	989
Feb. 28	383	[3] 5	26	796	1895, Mar. 2	188	1	28	902

[3] Part.
[4] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[5] So far as inconsistent with the repealing act.
[6] Of Subchapter II.
[7] Repeal of provisions therein amended.
[9] Entire act except sections 12 and 22.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1891									
Mar. 3	517	[1] 2	26	826	1892, July 16	196	1	27	222
Do	517	7	26	828	1911, Mar. 3	231	297	36	1169
Do	525	[7] 2	26	836	1922, Sept. 21	356	643	42	989
Do	537	3	26	851	1893, Mar. 3	208	----------	27	573
Do	540	[1] 1	26	888	1893, Feb. 23	154	----------	27	473
Do	540	[1] 4	26	900	1905, Feb. 24	777	----------	33	807
Do	542	(2)	26	969	1916, July 27	260	1	39	394
1892									
Feb. 26	10, 11	(7)	27	4, 5	1922, Sept. 21	356	643	42	989
Do	J. Res. 4	[1] 2	27	394	1925, Mar. 3	443	16	43	1126
Mar. 8	12	(2)	27	5	1906, June 21	3504	----------	34	328
Mar. 31	29	[7] 3	27	12	1922, Sept. 21	356	643	42	989
Apr. 7	37	[2,7] 1	27	14	----do	356	643	42	989
Do	37	[1] 2	27	14	1901, Feb. 1	189	----------	31	745
Apr. 13	43, 44	(7)	27	16	1922, Sept. 21	356	643	42	989
June 3	86	(7)	27	41	-----do	356	642	42	989
June 30	137	(7)	27	61	-----do	356	643	42	989
July 6	153	----------	27	86	1899, Mar. 3	419	33	30	1021
July 14	168	(7)	27	148	1922, Sept. 21	356	643	42	989
July 20	208	----------	27	252	1898, July 7	571	1	30	685
July 21	215	(7)	27	254	1922, Sept. 21	356	643	42	989
July 22	228	----------	27	254	1914, Sept. 25	310	3	38	717
July 23	234	(4)	27	260	1897, Jan. 30	109	2	29	507
July 27	264	(7)	27	273	1922, Sept. 21	356	643	42	989
Do	272	[7] 1	27	277	1920, June 4	227	[1] 4	41	812
July 29	322	6	27	333	1894, Aug. 23	317	2	28	493
Dec. 22	11	(7)	27	408	1922, Sept. 21	356	643	42	989
1893									
Feb. 9	75	----------	27	437	1896, June 11	414	13	29	388
Feb. 11	82	----------	27	441	-----do	415	13	29	391
Feb. 20	146	----------	27	468	1912, Aug. 24	355	1	37	428
Feb. 21	151	(3)	27	472	1922, Sept. 21	356	643	42	989
Feb. 27	168	(3)	27	486	1894, Aug. 1	179	1	28	216
Mar. 1	182	(2)	27	497	1909, Mar. 2	235	----------	35	672
Do	187	(2)	27	524	1895, Mar. 2	161	----------	28	703
Mar. 2	197	6-19	27	534-537	1898, June 28	519	1	30	519
Mar. 3	202	(2)	27	557	1897, June 7	4	5	30	103
Do	204	[1] 2	27	564	1894, Aug. 14	287	15	28	285
Do	209	[1] 1	27	618	1894, Aug. 15	290	1	28	292
Do	209	[1] 16	27	645, 646	1895, Mar. 2	189	1	28	939
1894									
June 5	92	1	28	85	1911, Feb. 13	46	6	36	901
Do	92	[7] 2	28	86	1922, Sept. 21	356	642	42	989
July 26	165	(2)	28	124	1918, May 9	69	2	40	546
July 31	174	[7] 1	28	204	1894, Aug. 18	301	1	28	417
Aug. 1	179	[1] 2	28	216	1920, June 14	286	----------	41	1077
Aug. 3	192	(3)	28	219	1918, July 1	114	----------	40	708
Do	197	[7] 2	28	222	1922, Sept. 21	356	643	42	989
Aug. 6	227	----------	28	233	1909, Mar. 4	321	341	35	1157
Do	228	(2)	28	234	1898, July 8	J. Res. 57	----------	30	752
Aug. 8	238	(2)	28	274	1909, Mar. 4	321	341	35	1157
Aug. 11	256	(2,7)	28	277	1922, Sept. 21	356	643	42	989
Aug. 13	284	----------	28	281	1907, Jan. 19	300	2	34	852
Aug. 18	301	[1] 1	28	391	1912, Aug. 24	355	1	37	434
Do	301	[1] 1	28	392	1897, July 19	9	1	30	109
Aug. 20	303	----------	28	1010	1895, Jan. 28	52	----------	28	1027
Aug. 23	310	(2,7)	28	488	1922, Sept. 21	356	643	42	989
Aug. 24	330	[1] 4	28	503	1900, Mar. 28	111	1	31	52
Aug. 27	349	1-24	28	509-552	1897, July 24	11	34	30	213
Do	349	37	28	560	1924, June 2	234	1021	43	347
Do	349	61	28	567	1896, June 3	310	1	29	195
Do	349	[1] 69	28	569	1909, Aug. 5	6	35	36	111
Do	349	[7] 70	28	569	1922, Sept. 21	356	643	42	989
1895									
Jan. 12	23	[1] 54	28	609	1910, June 25	439	----------	36	868
Do	23	59	28	610	1907, Mar. 1	2284	6	34	1015
Do	23	[1] 73	28	616	1910, June 25	388	2	36	821
Do	23	[1] 73	28	617	1896, June 11	420	1	29	454
Do	23	[1] 73	28	617	1925, Mar. 3	421	5	43	1106
Do	23	[1] 73	28	620	1912, Aug. 24	355	1	37	481
Do	23	81	28	621	1907, Mar. 1	2284	6	34	1015
Do	23	[1] 89	28	622	1925, Mar. 3	421	4	43	1106
Do	23	99	28	624	1907, Mar. 1	2284	6	34	1015
Feb. 13	87	----------	28	664	1897, Mar. 3	387	----------	29	669
Feb. 18	97	(2)	28	667	1898, Dec. 21	28	25	30	764
Feb. 19	102	[1] 1, [1] 3	28	672	1897, June 7	4	5	30	103
Mar. 1	J. Res. 23	----------	28	973	1900, May 21	487	2	31	181
Mar. 2	169	(2)	28	737	1909, Mar. 4	321	341	35	1157
Do	177	9	28	808	1922, Sept. 21	356	643	42	989
Do	179	----------	28	811	1921, Mar. 3	118	33	41	1225
Do	180	----------	28	813	1916, Aug. 23	397	----------	39	531
Do	187	1	28	848	1909, Aug. 5	6	41	36	118
Do	188	8	28	908	1910, June 25	431	20	36	861
Do	188	11	28	910	1904, Apr. 21	1402	9	33	218
Do	189	[1] 1	28	933	1922, Sept. 21	356	321	42	948
Do	189	[1] 1	28	961	1907, Mar. 1	228	8	34	1015
Do	189	[1] 1	28	962	1897, Mar. 3	376	3	29	625
Do	190	----------	28	962	1917, Oct. 6	85	----------	40	390
Do	191	1, 2	28	963	1909, Mar. 4	321	341	35	1157
1896									
Jan. 21	5	----------	29	2	1898, June 28	519	1	30	519
Feb. 7	12	----------	29	5	1909, Mar. 4	321	341	35	1157
Mar. 28	74	----------	29	75	1921, Mar. 3	118	33	41	1225
Apr. 25	140	(2)	29	108	1909, Mar. 4	321	341	35	1157

[1] Part.
[2] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[4] So far as inconsistent with the repealing act.
[5] Of Subchapter II.
[6] Repeal of amendment of provisions therein contained.
[7] Repeal of provisions therein amended.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1896									
May 9	164	(7)	29	115	1922, Sept. 21	356	642	42	989
May 18	191	(3,7)	29	121	do	356	643	42	989
May 19	199		29	122	1908, Apr. 28	151	5	35	69
May 21	217	(7)	29	129	1922, Sept. 21	356	642	42	989
May 30	274		29	192	1921, Mar. 3	118	33	41	1225
June 3	313	2 8	29	200	1905, Jan. 19	49		33	609
Do	314	2 1	29	219	1912, July 25	253	1	37	296
Do	314	2 1	29	232	1916, July 27	260	1	39	404
June 6	335	5	29	252	1909, Mar. 3	250	1	35	703
Do	372	4	29	264	1908, May 29	222	2	35	473
June 8	372	4	29	264	1916, Aug. 21	362		39	519
June 10	398	2 1	29	343	1909, Mar. 4	321	341	35	1157
Do	398	2 8, 2 9	29	353, 358	1897, June 7	3	10	30	93
Do	404	(2,7)	29	384	1922, Sept. 21	356	643	42	989
June 11	418		29	393	do	356	643	42	989
Do	419	2 1	29	400	1897, Mar. 3	387		29	672
Do	420	2 1	29	453	1902, May 16	J. Res. 22		32	741
1897									
Jan. 15	29		29	487	1909, Mar. 4	321	341	35	1157
Jan. 20	68		29	492	1911, Mar. 3	231	297	36	1169
Feb. 5	167	1	29	511	1908, May 28	212	6	35	426
Feb. 8	172		29	512	1909, Mar. 4	321	341	35	1158
Feb. 24	313		29	594	do	321	341	35	1158
Feb. 25	316		29	595	do	321	341	35	1158
Mar. 2	361		29	608	1904, Feb. 10	156	9	33	14
Mar. 3	377		29	625	1909, Mar. 4	321	341	35	1158
Do	387	2 1	29	679	1898, July 1	546	1	30	635
Do	389	2 5	29	689	1897, June 7	4	5	30	103
Do	389	10	29	689	1915, Mar. 4	172	2	38	1194
Do	389	2 12, 2 13	29	690	1897, June 7	4	5	30	103
Do	389	7 15, 7 17	29	691	1922, Sept. 21	356	642	42	989
Do	389	18	29	691	1909, Mar. 4	321	341	35	1158
June 4	2	2,7 1	30	30	1922, Sept. 21	356	643	42	989
Do	2	2,7 1	30	36	1905, Mar. 3	1495		33	1264
June 7	3	2 1	30	72	1898, July 1	542		30	569
Do	3	2 1	30	75	1902, May 27	888	1	32	263
Do	3	2 1	30	90	1902, June 27	1157	4	32	404
		11	30	93	1911, Mar. 3	210	1	36	1062
July 24	11	1–4	30	151–205	1909, Aug. 5	6	41	36	118
Do	11	17	30	209	1909, Mar. 4	321	341	35	1158
Do	11	7 32	30	211	1922, Sept. 21	356	643	42	989
1898									
Jan. 25	J. Res. 5		30	733	1898, July 7	571	1	30	653
Feb. 28	32	3 4	30	252	1900, Apr. 23	252		31	138
Mar. 18	72	2 1	30	328	1904, Jan. 23	7	1	33	7
Apr. 21	186	(3,7)	30	361	1922, Sept. 21	356	643	42	989
Apr. 22	187	2 10	30	363	1898, June 29	538		30	525
Do	J. Res. 25		30	739	1922, Jan. 31	44	3	42	361
May 4	234	(3)	30	390	1908, May 13	166		35	159
May 14	299	2 1	30	409	1920, June 5	265		41	1059
May 17	341	(7)	30	417	1922, Sept. 21	356	643	42	989
June 1	370		30	424	1913, July 15	6	11	38	108
June 13	446	2 1	30	442	1909, Mar. 4	321	341	35	1158
Do	448	2	30	448	1902, Apr. 12	500	2	32	96
Do	448	4	30	450	do	500	5	32	97
Do	448	6	30	451	do	500	7	32	97
Do	448	2 9	30	453	1901, Mar. 2	806	6	31	940
Do	448	12	30	454	1902, Apr. 12	500	7	32	97
Do	448	18	30	456	1901, Mar. 2	806	14	31	950
Do	448	18	30	456	1902, Apr. 12	500	7	32	97
Do	448	20–25, (10), 27–29	30	456–464	do	500	7	32	97
Do	448	50	30	470	do	500	10	32	99
June 17	463	3	30	475	1916, Aug. 29	417		39	573
June 18	469	1	30	483	1913, Mar. 2	93		37	723
June 21	489	2 3	30	484	1910, June 20	310	7	36	562
June 27	503		30	494	1911, Mar. 3	231	297	36	1169
June 29	536	(3,7)	30	522	1922, Sept. 21	356	643	42	989
July 1	541	24, 2 25	30	553	1925, Feb. 13	229	13	43	941–942
Do	546	2 1	30	598	1901, Mar. 3	853		31	1136
Do	546	3	30	649	1911, Mar. 3	231	297	36	1168
July 2	564	(3,7)	30	652	1922, Sept. 21	356	643	42	989
July 7	571	2,3 1	30	661	1911, Mar. 4	240	1	36	1292
Do	572, 573	(3)	30	714, 715	1899, Mar. 2	352	11	30	979
Do	576		30	717	1909, Mar. 4	321	341	35	1158
1899									
Jan. 12	48		30	802	1906, June 21	3505	6	34	385
Jan. 31	78	1–6, 8	30	811	1903, Mar. 3	1006	1	32	1049
Feb. 2	84		30	814	1922, Sept. 21	356	643	42	989
Feb. 8	121		30	822	1925, Feb. 13	229	13	43	942
Feb. 9	128	(3)	30	833	1910, June 25	388	2	36	821
Feb. 21	172	(7)	30	839	1922, Sept. 21	356	643	42	989
Feb. 28	J. Res. 23		30	1390	1902, Apr. 12	500	7	32	97
Mar. 2	374	(3)	30	990	1902, Feb. 28	134	23	32	50
Mar. 3	413	9	30	1006	1915, Mar. 3	83		38	938
Do	413	2 13	30	1007	1906, June 29	3590		34	554
Do	419		30	1014	1909, July 2	2	33	36	10
Do	424	3 1	30	1082	1907, Mar. 4	2918	1	34	1310
Do	424	2 1	30	1109	1900, June 6	791	1	31	631
Do	426	(3)	30	1188	1900, May 9	386		31	171
Do	429	2 460	30	1337	1914, July 18	187		38	517
Do	445	3 4	30	1358	1900, June 6	791	1	31	612
Do	446		30	1358	1902, June 6	1036	23	32	326
1900									
Feb. 1	7		31	3	1902, Mar. 6	139	12	32	53
Mar. 14	41	2 12	31	49	1917, Oct. 5	74	2	40	342
Mar. 23	89	(3,7)	31	50	1922, Sept. 21	356	643	42	989
Apr. 12	188	(7)	31	75	do	356	643	42	989
Apr. 18	246	(7)	31	137	do	356	643	42	989

[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[7] Repeal of provisions therein amended.
[10] Schedules.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1900									
Apr. 30	339	[2] 60	31	151	1918, June 13	97	3	40	604
Do	339	[2] 86	31	158	1925, Feb. 13	229	13	43	942
May 5	349		31	169	1909, Mar. 4	321	341	35	1158
May 10	389		31	174	1902, Mar. 6	139	12	32	53
May 12	391	1, 3, 4	31	175–176	1911, Mar. 3	231	297	36	1198
May 21	487	[7] 1	31	181	1922, Sept. 21	356	642	42	989
May 22	489	([3,7])	31	181	1922, Sept. 21	356	643	42	989
May 25	553	2–4	31	188	1909, Mar. 4	321	341	35	1158
June 2	615		31	262	1902, Mar. 6	139	12	32	53
June 4	623	([3,7])	31	266	1922, Sept. 21	356	643	42	989
June 5	714	([7])	31	266	....do	356	643	42	989
June 6	786	[2] 29	31	331	1914, July 18	187		38	517
Do	786	[11] 771	31	454	1909, Mar. 3	269	9	35	842
Do	789	[2] 1	31	572	1903, Mar. 3	1006		32	1070
Do	790	[2] 4	31	586	1902, June 13	1079	1	32	362
Do	791	[2] 1	31	614	1905, Mar. 3	1495		33	1264
Do	813	[2] 6	31	677	1906, June 5	2580	1	34	213
Do	818	([3,7])	31	682	1922, Sept. 21	356	643	42	989
1901									
Feb. 2	192	19	31	753	1918, July 9	143	7	40	880
Feb. 8	346		31	764	1905, Feb. 9	566	4	33	714
Feb. 11	351	([7])	31	766	1922, Sept. 21	356	643	42	989
Feb. 12	353	[2] 9	31	770	1906, June 29	3618	8	34	625
Do	354	[2] 3	31	776	1903, Feb. 28	856	5	32	914
Do	358		31	785	1909, Mar. 3	264	9	35	819
Feb. 15	373	([7])	31	791	1922, Sept. 21	356	643	42	989
Feb. 20	383	([7])	31	798	....do	356	643	42	989
Do	384		31	798	1907, Feb. 26	1638	5	34	997
Do	385	([7])	31	799	1922, Sept. 21	356	643	42	989
Feb. 23	466		31	801	1902, Mar. 6	139	12	32	53
Mar. 1	676	([3])	31	861	1902, May 27	888	1	32	258
Mar. 2	803	([2])	31	903	1922, June 10	212	15	42	632
Do	804	([2,3])	31	920	1920, June 4	227	4	41	761
Do	806	2	31	938	1902, Apr. 12	500	2	32	96
Do	806	4, 5, 8–10	31	940, 942–947	....do	500	7	32	97
Do	809	[7] 4, 7 5	31	951	1920, June 4	227	[5] 4	41	812
Mar. 3	831	[2] 1	31	1037	1905, Mar. 3	1495		33	1264
Do	832	8	31	1085	1910, June 25	431	20	36	861
Do	837	([7])	31	1087	1922, Sept. 21	356	643	42	989
Do	852	([3,7])	31	1107	1922, June 10	212	15	42	632
Do	854	81, 82	31	1202	1902, June 30	1329		32	523
Do	854	167–172	31	1217–1218	....do	1329		32	527
Do	854	[2] 229	31	1227	1902, July 1	1352	1	32	609
Do	854	259	31	1231	1902, June 30	1329		32	528
Do	854	340	31	1244	.... do	1329		32	529
Do	854	367, 368	31	1248	....do	1329		32	530
Do	854	[2] 466	31	1263	....do	1329		32	530
Do	854	511	31	1269	....do	1329		32	532
Do	854	517	31	1270	....do	1329		32	532
Do	854	524–532	31	1271–1272	....do	1329		32	532
Do	854	[2] 539	31	1274	....do	1329		32	532
Do	854	540–543	31	1274	....do	1329		32	533
Do	854	554	31	1276	....do	1329		32	533
Do	854	792	31	1320	....do	1329		32	534
Do	854	987	31	1347	....do	1329		32	537
Do	854	991	31	1348	....do	1329		32	537
Do	854	[2] 1067	31	1357	....do	1329		32	540
Do	854	1092, 1099	31	1360, 1361	....do	1329		32	541
Do	854	1160	31	1375	1920, Apr. 19	153	1	41	567
Do	854	1167, 1168	31	1376	1902, June 30	1329		32	542
Do	854	[2] 1267	31	1389	....do	1329		32	542
Do	854	1576	31	1424	....do	1329		32	544
Do	854	[2] 1589	31	1426	....do	1329		32	545
Do	854	1624	31	1433	....do	1329		32	545
Do	857	([7])	31	1437	1922, Sept. 21	356	643	42	989
Do	866		31	1446	1910, May 6	208	6	36	351
1902									
Jan. 8	J. Res. 3		32	735	1902, Jan. 31	5	2	32	2
Feb. 4	7		32	3	1907, Feb. 9	914	5	34	890
Feb. 14	18		32	33	1909, Mar. 4	321	341	35	1158
Mar. 6	139	7, 10	32	52, 53	1909, July 2	2	33	36	10
Apr. 12	503	([3])	32	102	1922, July 1	257	2	42	767
Apr. 21	563	[2] 1	32	113	1909, Mar. 4	321	341	35	1158
May 27	888	6	32	274	1910, June 25	431	20	36	861
June 6	1036	[2] 3	32	317	1903, Jan. 8	59		32	764
Do	1036	[2] 19	32	325	1905, Mar. 3	1430		33	999
June 13	1079	[2] 1	32	364	1907, Mar. 2	2509	1	34	1103
June 17	1093	9	32	390	1910, June 25	407	6	36	836
June 28	1300	([3,5])	32	418	1920, June 4	227	4	41	761
Do	1301	[2] 1	32	430	1903, Feb. 24	752	2	32	853
Do	1302	[2] 8	32	484	1909, Aug. 5	6	39	36	117
June 30	1328	([3,5])	32	512	1922, June 10	212	15	42	632
Do	J. Res. 36		32	746	1910, June 25	439		36	868
July 1	1351	[2] 1	32	557	1905, Feb. 24	777		33	802
Do	1352	[3] 6	32	617	1917, Mar. 3	160	1	39	1005
Do	1359	([7])	32	636	1922, Sept. 21	356	643	42	989
Do	1369	78	32	710	1903, Mar. 2	980	13	32	955
Do	1369	[4,7] 84	32	711	1922, Sept. 21	356	642	42	989
Do	1376		32	727	1909, Mar. 4	321	341	35	1158
Dec. 15	1	([7])	32	753	1922, Sept. 21	356	643	42	989
Dec. 23	11	([7])	32	760	....do	356	643	42	989

[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[5] Of Subchapter II.
[7] Repeal of provisions therein amended.
[11] Of Title II.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1903									
Jan. 22	197	(2,7)	32	780	1922, Sept. 21	356	643	42	989
Do	237		32	1550	1907, Feb. 27	2114		34	2665
Feb. 2	351		32	793	1909, Mar. 4	321	341	35	1158
Feb. 28	856	(2)	32	909	1904, Apr. 22	1423	8	33	251
Do	856	12	32	918	1909, Feb. 3	61	3b	35	594
Mar. 2	982	(7)	32	955	1922, Sept. 21	356	643	42	989
Mar. 3	994	2 1	32	998	1905, Mar. 3	1479	1	33	1069
Do	998		32	1023	1909, Aug. 5	6	41	36	118
Do	1007	2 1	32	1119	1912, Aug. 24	374		37	503
Do	1009	3	32	1175	1909, Mar. 4	321	341	35	1158
Do	1010	(2)	32	1198	1906, Apr. 9	1370	2	34	104
Do	1012	1-33, 35-38	32	1213-1221	1907, Feb. 20	1134	43	34	911
Do	1012	1-33, 35-38	32	1213-1221	1917, Feb. 5	29	38	39	897
Do	1012	39	32	1222	1906, June 29	3592	26	34	603
Do	1012	39	32	1222	1907, Feb. 20	1134	43	34	911
Do	1012	39	32	1222	1917, Feb. 5	29	38	39	897
Do	1015		32	1223	1909, Mar. 4	321	341	35	1158
Do	1019	4	32	1227	1910, June 25	414	1	36	843
1904									
Feb. 26	171		33	56	1905, Feb. 9	566	4	33	714
Mar. 12	543	(2)	33	68, 73	1904, Apr. 27	1630	1	33	394
Mar. 18	715	2,7 1	33	85	1922, Sept. 21	356	643	42	989
Mar. 22	749		33	144	1907, Feb. 20	1134	43	34	911
Mar. 24	815	(2,7)	33	145	1922, Sept. 21	356	643	42	989
Apr. 12	1246	(2,7)	33	171	do	356	643	42	989
Apr. 19	1396		33	185	1912, Aug. 24	370	5	37	498
Apr. 21	1402	2 1	33	204	1905, Mar. 3	1479	1	33	1072
Do	1402	2 6	33	217	1906, June 21	3504		34	328
Apr. 22	1421	2 2	33	249	1908, Apr. 3	131		35	57
Apr. 23	1485	(2)	33	276	1917, May 12	12		40	74
Apr. 27	1624	2 1	33	357	1920, June 4	224	11	41	754
Do	1625	(7)	33	362	1922, Sept. 21	356	642	42	989
Do	1627	(7)	33	362	do	356	643	42	989
Do	1630	2,3 1	33	407	1922, June 10	212	15	42	632
Apr. 28	1761	4	33	452	1907, Mar. 2	2509	5	34	1119
Do	1774		33	526	1909, Mar. 4	321	341	35	1159
Do	1825	(2,7)	33	574	1922, Sept. 21	356	643	42	989
1905									
Jan. 27	277	2 1	33	616	1909, Feb. 6	80	7	35	601
Feb. 8	550		33	705	1909, Mar. 4	321	341	35	1159
Feb. 9	565		33	711	1916, Apr. 28	96	2	39	58
Do	J. Res. 16		33	1282	1912, July 22	249	6	37	199
Feb. 17	580, 582	(2,7)	33	718, 719	1922, Sept. 21	356	643	42	989
Feb. 23	741		33	741	1908, May 27	200	1	35	363
Mar. 1	1300	(7)	33	822	1922, Sept. 21	356	643	42	989
Mar. 2	1304		33	823	1909, Mar. 4	321	341	35	1159
Do	1306	(7)	33	826	1922, Sept. 21	356	642	42	989
Mar. 3	1454	5	33	1025	1909, Mar. 4	321	341	35	1159
Do	1457	6	33	1030	1918, June 10	95	5	40	603
Do	1475	3	33	1045	1924, June 7	329	2	43	635
Do	1479	2 1	33	1070	1920, May 14	187		41	599
Do	1482	5	33	1148	1906, June 29	3609		34	618
1906									
Feb. 5	82		34	10	1910, June 25	440	5	36	869
Mar. 5	514		34	50	1911, Aug. 14	10	3	37	16
Mar. 9	632		34	56	1907, Mar. 2	2576	3	34	1253
Do	633		34	58	do	2577	3	34	1254
Mar. 31	1358		34	94	1921, Mar. 3	118	33	41	1225
Apr. 14	1627		34	116	1911, Mar. 3	231	297	36	1169
Apr. 30	2071		34	154	1908, Apr. 29	152	6	35	70
May 2	2077	(2)	34	167	1916, Sept. 7	454	3	39	741
May 3	2078, 2079	(7)	34	168	1922, Sept. 21	356	643	42	989
May 7	2084	18	34	182	1907, Feb. 27	2085	4	34	1006
May 14	2458	2 1	34	192	1909, Feb. 6	80	7	35	601
May 23	2553	(7)	34	199	1922, Sept. 21	356	643	42	989
June 4	2571		34	208	1909, Mar. 4	321	341	35	1159
June 8	3054		34	219	1925, Feb. 4	140	4	43	808
June 11	3074	4	34	234	1916, Aug. 8	295		39	440
Do	3075		34	234	1917, Mar. 2	145	8	39	954
June 16	3335	16, 17, 20	34	276, 277	1907, Mar. 4	2911	4	34	1287
June 19	3436	2,7 3	34	303	1922, Sept. 21	356	643	42	989
June 20	3442		34	313	1914, Aug. 15	253	6	38	693
June 21	3504	(2)	34	348	1913, Feb. 13	44		37	668
June 26	3547	6, 13	34	480, 481	1924, June 6	272	7	43	466
June 27	3553	2 1	34	491	1907, Mar. 2	2510	1	34	1128
June 28	3569	(7)	34	539	1922, Sept. 21	356	642	42	989
Do	3574	(7)	34	546	1909, Mar. 4	321	341	35	1153
Do	3576	(3,7)	34	547	1908, Apr. 3	131		35	57
June 29	3592	2 10	34	599	1918, May 9	69	I	40	544
Do	3592	16, 17, 19	34	602	1909, Mar. 4	321	341	35	1159
Do	3607	2 2	34	617	1913, June 30	4	1	38	84
Do	3615		34	621	1925, Mar. 3	443	16	43	1125
Do	3625	(7)	34	631	1922, Sept. 21	356	643	42	989
Do	3780		34	2186	1909, Feb. 27	231		35	1538
June 30	3909		34	633	1911, Feb. 13	46	6	36	901
Do	3914	2 1	34	700	1906, June 30	J. Res. 54		34	840
Do	3914	2 1	34	711	1906, Dec. 19	2		34	842
Do	3914	2 4	34	763	1909, Aug. 5	6	41	36	118
Do	3916	2 20	34	787	1912, Apr. 30	98		37	104
Do	3946		34	826	1910, Apr. 15	166	3	36	301
1907									
Jan. 18	152		34	849	1911, Feb. 21	142	1	36	927
Jan. 22	384		34	854	1921, Mar. 3	118	33	41	1225
Jan. 25	399	(7)	34	864	1922, Sept. 21	356	642	42	989
Jan. 26	420		34	864	1909, Mar. 4	321	341	35	1159
Feb. 6	470	(7)	34	880	1922, Sept. 21	356	643	42	989
Feb. 20	1134	1-33	34	898-908	1917, Feb. 5	29	38	39	897
Do	1134	2 34	34	908	1914, Aug. 1	223	1	38	666
Do	1134	35-44	34	908-911	1917, Feb. 5	29	38	39	897

[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[7] Repeal of provisions therein amended.

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1907									
Feb. 25	1189	2	34	928	1910, Feb. 24	57	2	36	202
Do	1190		34	928	1918, July 30	162		40	917
Feb. 26	1635	[2] 4	34	993	1909, Feb. 17	137	1	35	626
Feb. 27	2074		34	1000	1908, Feb. 29	55	3	35	36
Mar. 1	2284	2	34	1013	1908, Jan. 15	J. Res. 3	3	35	566
Do	2284	3	34	1014	1908, May 27	200	1	35	384
Do	2285	(2)	34	1036–1038	1919, June 30	4	10	41	16, 17
Mar. 2	2509	[2] 1	34	1098	1909, Mar. 3	264	11	35	820
Do	2534	1	34	1228	1920, June 4	223	5	41	751
Do	2534	3	34	1228	1922, Sept. 22	411	7	42	1022
Do	2534	4	34	1229	do	411	6	42	1022
Do	2539		34	1233	1909, Mar. 4	321	341	35	1159
Do	2548	13	34	1237	1912, Aug. 23	346		37	358
Do	2571	4	34	1250	1913, Oct. 3	16	4	38	200
Do	2576		34	1253	1908, Apr. 3	133	3	35	58
Do	2577		34	1254	do	132	3	35	58
Do	2579		34	1254	1911, Feb. 13	56	3	36	905
Do	2580		34	1255	1911, Feb. 18	121	3	36	922
Mar. 4	2907	(3)	34	1270, 1280, 1282	1911, Mar. 4	238		36	1264
1908									
Feb. 11	20, 22	(7)	35	7	1922, Sept. 21	356	643	42	989
Feb. 24	35, 36	(7)	35	35	do	356	643	42	989
Mar. 10	76	(2)	35	40	1925, Feb. 13	229	13	43	942
Mar. 26	104		35	49	1911, Feb. 27	168	2	36	958
Apr. 6	135	(7)	35	58	1922, Sept. 21	356	643	42	989
May 11	161	[2] 1	35	101	1908, May 21	183		35	172
May 14	168	9	35	163	1925, Feb. 27	364		43	1044
May 23	187	[7] 4, 6, 7	35	245	1922, Sept. 21	356	643	42	989
May 27	200	[2] 1	35	331	1910, June 17	301	3	36	537
Do	200	[2] 1	35	354	1909, Mar. 4	297	1	35	905
Do	[7] 205		35	403	1922, Sept. 21	356	643	42	989
Do	206	(3,7)	35	416	1909, Mar. 4	321	341	35	1153
May 28	212	[2] 5	35	425	1909, Aug. 5	6	37	36	112
May 30	229	17–19	35	552–553	1911, Aug. 22	36	2	37	30
Do	234, 235		35	554, 555	1909, Mar. 4	321	341	35	1159
1909									
Jan. 8	13		35	585	1912, June 28	188	2	37	186
Feb. 15	127	(7)	35	619	1911, Mar. 3	231	297	36	1168
Feb. 23	171	[7] 1	35	643	1922, Sept. 21	356	643	42	989
Feb. 24	187		35	1533	1909, July 15	5		36	1461
Feb. 27	226	(3,7)	35	659	1922, Sept. 21	356	643	42	989
Mar. 2	J. Res. 21		35	1168	1912, July 22	249	6	37	199
Do	J. Res. 23		35	1168	1909, Apr. 23	J. Res. 1		36	182
Mar. 3	261	(3,7)	35	780	1922, Sept. 21	356	643	42	989
Do	[2] 263		35	782	1910, June 25	431	17	36	859
Do	264	[2] 7	35	819	1911, Feb. 27	166	4	36	956
Do	264	14	35	836	1910, June 17	297	1	36	503
Mar. 4	298	[2] 1	35	931	1911, Aug. 22	36	3	37	30
Do	314	1	35	1065	1923, Mar. 4	251	7	42	1454
Do	321	83	35	1103	1925, Feb. 28	368	318	43	1074
July 2	2		36	1	1919, Mar. 3	97	34	40	1302
Aug. 5	6	1–27	36	11–91	1913, Oct. 3	16	4	38	201
Do	6	[2, 7] 28	36	91–108	do	16	4	38	201
Do	6	[2, 7] 28	36	91–108	1922, Sept. 21	356	643	42	989
Do	6	29, 34	36	108, 110	1913, Oct. 3	16	4	38	201
Do	6	35	36	110	1919, Feb. 24	18	704	40	1118
Do	6	37, 38, 41, 42	36	112, 118	1913, Oct. 3	16	4	38	201
Do	7	(2)	36	121	1912, Aug. 24	355	1	37	425
1910									
Feb. 15	J. Res. 9		36	874	1919, Mar. 3	97	34	40	1302
Feb. 25	63		36	227	do	97	34	40	1302
Mar. 3	76		36	232	1911, Mar. 3	231	297	36	1168
Mar. 5	84	(2)	36	1583	1910, June 25	476		36	1874
Mar. 8	88	1	36	234	1920, June 4	227	[4] 4	41	812
Mar. 23	115	(2)	36	249	1918, July 9	143	7	40	880
Mar. 26	128		36	263	1917, Feb. 5	29	38	39	897
Mar. 28	134		36	266	1911, Mar. 3	231	297	36	1168
Apr. 4	140	[2] 7	36	275	do	210	5	36	1064
Do	140	[2] 11	36	277	1921, Mar. 3	135	6	41	1357
May 16	240	[2] 4	36	370	1910, June 25	384	1	36	743
May 18	248	[2] 1	36	412	1912, June 26	182	1	37	177
June 11	285		36	466	1923, Mar. 3	232	3	42	1443
June 13	289	(2,7)	36	467	1922, Sept. 21	356	643	42	989
June 17	299	[2] 3	36	534	1910, Dec. 19	3		36	887
June 18	309	1–5, [2] 6, 17	36	539–544, 557	1911, Mar. 3	231	297	36	1169
June 22	311	[2] 2	36	579	1925, Feb. 21	278	2	43	957
June 23	373		36	604	1920, June 5	250	30	41	1006
June 24	378	(3)	36	607	1912, Aug. 22	335		37	329
June 25	382	[2] 1	36	659	1915, Mar. 4	142	2, 12	38	1052, 1054
Do	384	[2] 1	36	766	1925, Mar. 3	421	3	43	1106
Do	392		36	822	1925, Feb. 28	368	318	43	1074
Do	398	(7)	36	828	1922, Sept. 21	356	643	42	989
Do	401	3	36	830	1918, May 9	69	2	40	547
Do	409		36	837	1911, Mar. 3	231	297	36	1168
1911									
Feb. 13	46	1–4	36	899–900	1922, Sept. 21	356	643	43	990
Feb. 17	103	10	36	916	1924, June 7	355	5	43	659
Feb. 27	166	[2] 1	36	949	1915, Mar. 4	142	2	38	1052
Mar. 3	207	(3)	36	1016	1912, Aug. 9	275		37	252
Do	210	[2] 23	36	1075	1914, Aug. 1	222	1	38	584
Do	226		36	1084	1917, June 15	30	9	40	219
Do	228	(3,7)	36	1086	1922, Sept. 21	356	643	42	989
Do	231	130, 131, 133, 134	36	1134	1925, Feb. 13	229	13	43	941
Do	231	181, 182	36	1142	do	229	13	43	941
Do	231	236	36	1156	do	229	13	43	941
Do	231	241–243	36	1157	do	229	13	43	941
Do	231	244	36	1157	[1915, Jan 28	22	3	38	804
Do	231	244	36	1157	[1925, Feb. 13	229	13	43	941

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[7] Repeal of provisions therein amended.

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Mar. 3	231	245–252	36	1158–1159	1925, Feb. 13	229	13	43	941
Do	231	263	36	1162	1914, Oct. 15	323	17	38	737
Mar. 4	238	(2)	36	1240	1924, Apr. 15	110		43	98
Do	239	(2)	36	1267	1911, Aug. 14	J. Res. 5		37	38
Do	240	[1] 1	36	1308	....do	J. Res. 5		37	38
Do	241	[1] 1	36	1334, 1336	....do	J. Res. 5		37	38
Do	285	[1] 1	36	1383	1912, Aug. 24	355	1	37	425
Do	285	[1] 1	36	1412	1911, Aug. 14	J. Res. 5		37	37
July 23	3		37	4	1922, Sept. 21	356	321	42	947
July 27	4		37	12	1913, Oct. 3	16	4	38	204
Aug. 17	23	(7)	37	22	1922, Sept. 21	356	643	42	989
Aug. 19	35		37	25	1925, Feb. 28	368	318	43	1074
1912									
Mar. 4	50		37	72	1918, July 9	143	7	40	880
Mar. 14	J. Res. 10		37	630	1922, Jan. 31	44	3	42	361
May 10	118	[2,7] 1	37	110	1922, Sept. 21	356	643	42	989
May 27	131	(2,7)	37	116	....do	356	643	42	989
June 7	159	[7] 2	37	129	....do	356	643	42	989
Do	160		37	130	1917, Feb. 15	70		39	919
June 15	169	(2,7)	37	133	1922, Sept. 21	356	643	42	989
June 26	182	[1] 1	37	162	1917, Mar. 3	160	1	39	1027
July 22	249		37	198	1924, Apr. 2	80	7	43	32
July 25	253	10	37	233	1913, Mar. 4	142	1	37	765
Do	253	13	37	234	1916, July 1	209	1	39	330
Aug. 1	270	[1] 8	37	248	1916, Aug. 7	275	4	39	439
Aug. 22	332	(2,7)	37	326	1922, Sept. 21	356	643	42	989
Do	335	(2,3)	37	344, 345	1918, July 1	114		40	708
Aug. 23	349		37	360	1925, Feb. 28	368	318	43	1074
Aug. 24	355	[1] 1	37	420	1913, Mar. 4	147	1	37	868
Do	355	[1] 1	37	429	1916, Aug. 29	417		39	601
Do	355	[1] 7	37	487	1919, Mar. 3	99	6	40	1309
Do	389	[1] 1	37	547	1916, July 28	261	2	39	424
Do	389	[1] 4	37	554	1916, May 18	126	5	39	161
Do	390	[1] 5	37	562	1914, June 15	106	1	38	385
Do	390	[1] 5	37	562	1914, Aug. 18	256	1	38	698
Do	390	[1] 5	37	562	1922, Sept. 21	356	321	42	947
Do	390	[1] 9	37	566	1925, Feb. 13	229	13	43	942
Do	391	[2,3] 1	37	571	1920, June 4	227	4	41	762
Do	391	[1] 1	37	575	1918, July 9	143	7	40	880
1913									
Mar. 2	93	(3)	37	705	1916, June 3	134	13	39	175
Mar. 4	147	[1] 18	37	883	1919, July 19	24	1	41	166
Do	147	[1] 21	37	884	1916, June 28	183		39	241
Do	148	(2,3)	37	903	1918, July 1	114		40	708
June 30	4	[1] 1	38	82	1914, Apr. 6	52	4	38	335
Do	4	[1] 2	38	85	1914, Aug. 1	222	2	38	588
Sept. 18	13	(7)	38	112	1922, Sept. 21	356	643	42	989
Oct. 3	16	1	38	114–166	....do	356	321	42	947
Do	16	2	38	166	1916, Sept. 8	463	24	39	776
Do	16	3	38	181–192	1922, Sept. 21	356	643	42	990
Do	16	[1] 4	38	192–202	....do	356	321	42	947
Do	16	[1] 4	38	195, 196	1915, Mar. 4	171	1	38	1193
Do	20	(7)	38	204	1922, Sept. 21	356	643	42	989
Oct. 22	32	[1] 1	38	213	1916, Feb. 28	37	1	39	21
1914									
Feb. 16	21	(2,3)	38	283	1918, July 1	114		40	708
Do	21	[1] 5	38	285	1917, Oct. 6	93		40	394
Apr. 24	69		38	346	1925, Feb. 28	368	215	43	1070
Apr. 27	72	(2)	38	355	1923, Mar. 2	178		42	1384
June 30	130	(2)	38	395	1918, May 9	69	2	40	546
July 1	134	(7)	38	453	1922, Sept. 21	356	643	42	989
July 21	191	[1] 1	38	545	1917, Mar. 3	160	1	39	1036
July 29	215	[1] 2	38	577	1916, Sept. 8	464	1	39	804
Aug. 1	223	[1] 1	38	666	1920, June 5	235	1	41	936
Aug. 18	255		38	693	1916, Aug. 11	313		39	482
Aug. 25	286	[1] 1	38	707	1924, June 7	301	2	43	539
Sept. 2	293		38	711	....do	320	600, 601	43	629
Sept. 9	295		38	713	1924, Apr. 12	87	2	42	91
Oct. 22	331		38	745	1916, Sept. 8	463	410	39	792
Do	331		38	745	1919, Feb. 24	18	1009	40	1132
Do	333		38	765	1917, Feb. 19	91	2	39	923
1915									
Jan. 26	19	[1] 4	38	800	1919, Mar. 1	88		40	1270
Jan. 28	22	2, 4, 5	38	803–804	1925, Feb. 13	229	13	43	941
Feb. 23	44	(7)	38	811	1922, Sept. 21	356	643	42	989
Feb. 24	55	(7)	38	812	....do	356	643	42	989
Mar. 3	75	[1] 1	38	828	1916, July 1	209	1	39	268
Do	83	(2)	38	941–942	1917, May 22	20	18	40	89
Mar. 4	144	(2)	38	1108	1916, July 1	209	1	39	298
Do	146	(2)	38	1128	1916, May 4	110	1	39	62
Do	157	(7)	38	1186	1922, Sept. 21	356	643	42	989
Do	170		38	1193	1924, Apr. 12	87	2	42	91
Do	187	(7)	38	1219	1922, Sept. 21	356	643	42	989
Do	J. Res. 14		38	1226	1917, June 15	30	[12] 11	40	223
Dec. 17	4		39	2	1916, Sept. 8	463	410	39	792
Do	4		39	2	1919, Feb. 24	18	1009	40	1132
1916									
Apr. 27	91		39	56	1920, Mar. 17	101	2	41	532
Do	91		39	56	1924, June 7	359	2	43	662
May 10	117	[1] 1	39	71	1917, Apr. 17	3	1	40	28
May 18	126	[1] 16	39	163	1916, July 28	261	1	39	418
June 3	134	[1] 10	39	171	1916, Aug. 29	418	1	39	640
Do	134	[1] 12	39	174	1920, Jan. 24	53		41	396
Do	134	16	39	176	1920, June 4	227	16	41	769
Do	134	26	39	185	....do	227	26	41	775
Do	134	[1] 27	39	186	1918, July 2	117	11	40	754
Do	134	[1] 28	39	186	1920, June 4	227	28	41	775

[1] Part.
[2] Repeal expressed in general terms without specific citations, but clearly applies to Provision listed.
[7] Repeal of provisions therein amended.
[12] Of Title V.

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1916									
June 13	134	31-34, 36, 38, 39	39	187-191	1920, June 4	227	31	41	775
Do	134	71	39	201	do	227	39	41	781
Do	134	79	39	202	do	227	43	41	782
Do	134	114	39	211	do	227	50	41	785
June 16	154	(7)	39	229	1922, Sept. 21	356	643	42	989
Do	157	(7)	39	232	do	356	643	42	989
July 1	209	[2] 1	39	333	1917, June 12	27	1	40	177
July 8	234	(7)	39	354	1922, Sept. 21	356	643	42	989
Aug. 1	264	[2] 4	39	434	1924, June 5	263		43	390
Aug. 7	270	(7)	39	435	1922, Sept. 21	356	643	42	989
Aug. 9	302	5	39	444	1922, Apr. 29	171		42	503
Aug. 11	332		39	514	1917, June 12	26	12	40	105
Do	332		39	514	1924, June 7	320	600	43	629
Aug. 29	416	27	39	555	1925, Feb. 13	229	13	43	942
Do	417	(1)	39	560	1917, Mar. 4	180		39	1171
Do	417	(2)	39	560	1918, July 2	117	11	40	754
Do	417	(2,3)	39	574	1918, July 1	114		40	708
Do	417	(2)	39	579	1917, May 22	20	14	40	87
Do	417	(2)	39	587-600	1925, Feb. 28	374	3	43	1081
Do	417	(2)	39	597	1917, Oct. 6	93		40	394
Do	417	(2)	39	603	1925, Mar. 4	536	26	43	1278
Do	417	(2)	39	611	1917, May 22	20	14	40	87
Do	418	[2,3] 1	39	632	1920, June 4	227	4	41	761
Do	418	[7] 3	39	650	do	227	[5] 4	41	812
Sept. 6	448	2-6	39	726-727	1925, Feb. 13	229	13	43	941
Sept. 7	451	5, 7, 8	39	730	1920, June 5	250	2	41	988
Sept. 8	463	[2] 1-413	39	756-793	1919, Feb. 24	18	1400	40	1149
Do	463	[2] 8	39	762	1917, Oct. 3	63	1204	40	332
Do	463	[2] 9	39	764, 765	do	63	1205	40	333
Do	463	600	39	795	1922, Sept. 21	356	321	42	947
Do	464	[2] 1	39	802	1917, June 15	29	1	40	184
1917									
Feb. 5	29	32	39	895	1924, May 26	190	20	43	165
Mar. 2	145	[2] 42, 43	39	966	1925, Feb. 13	229	13	43	942
Mar. 3	159	1	39	1000	1917, Oct. 3	63	1301	40	338
Do	159	200-207	39	1000-1002	do	63	214	40	308
Do	159	300-301, 402	39	1002-1003	1919, Feb. 24	18	1400	40	1149
Do	160	[2] 1	39	1012	1924, Apr. 23	131	17	43	109
Do	160	[2] 1	39	1012	1925, Mar. 3	443	16	43	1126
Do	169		39	1131	1917, June 12	26	12	40	105
Do	169		39	1131	1924, June 7	320	600	43	629
Apr. 25	5, 9		40	37, 38	1925, Feb. 28	374	3	43	1081
May 12	12	(3)	40	52	1920, June 4	227	4	41	761
May 18	15	[2] 7	40	81	1919, Feb. 28	79		40	1211
Do	15	[2] 14	40	83	do	79		40	1211
June 12	26		40	102	1924, June 7	320	600	43	629
June 15	29	[2] 1	40	182-184	1920, June 5	250	2	41	988
Aug. 8	49	18	40	269	1920, June 10	285	29	41	1077
Aug. 9	50	[2] 2	40	271	1920, Feb. 28	91	432	41	493
Aug. 10	53	8, 9	40	279	1919, Oct. 22	80	3	41	298
Oct. 3	63	1-1010	40	300-327	1919, Feb. 24	18	1400	40	1149
Do	63	1100	40	327	do	18	1401	40	1150
Do	63	1101-1106	40	327-328	1925, Feb. 28	368	215	43	1070
Do	63	1107	40	328	1919, Feb. 24	18	1401	40	1150
Do	63	1200-1212	40	329-338	do	18	1400	40	1150
Oct. 5	68		40	340	1918, May 9	69	1	40	546
Oct. 6	79	[2] 1	40	378	1918, July 8	139	1	40	837
Do	80	(7)	40	384	1922, Sept. 21	356	643	42	989
Do	88		40	392	1920, June 5	250	22	41	997
Do	105	(3)	40	398	1924, June 7	320	600	43	629
1918									
Mar. 19	24	3	40	451	1919, Aug. 20	51		41	280
Mar. 28	28	[2] 1	40	479-480	1921, Mar. 4	163		41	1437
Do	28	[2] 1	40	488	1925, Mar. 4	536	26	43	1278
Apr. 2	41	(3)	40	502	1924, June 7	320	601	43	630
Apr. 5	45	[2] 21	40	512	1921, Aug. 24	80	4	42	183
Apr. 22	62		40	535	1920, June 5	250	2	41	988
May 6	67	9	40	541	do	234	1	41	848
May 16	75		40	553	1921, Mar. 3	136		41	1360
May 20	77		40	555	1924, June 7	320	601	43	630
May 31	90		40	593	1919, Oct. 22	80	119	41	304
June 20	103	3	40	608	1925, Feb. 27	364		43	1044
June 25	104	1-15, 17	40	609-613	1924, June 7	320	600	43	629, 630
		19-21	40	614-616	do	320	601	43	630
June 27	107		40	617	do	320	601	43	630
July 1	114	[2] 1	40	708, 710-712	1925, Feb. 28	374	3	43	1081
Do	114	(2)	40	721	1919, Feb. 25	39	4	40	1173
Do	114	(2)	40	738	1919, July 11	9		41	156
July 2	117	[2] 1	40	746	1920, Apr. 24	161	1	41	578
July 8	137	(2)	40	816-817	1919, Feb. 25	39	2	40	1171-72
July 9	143	(2)	40	850	do	39	3	40	1173
Do	143	(3)	40	869, 870, 873	do	39	2	40	1171-72
Do	143	[7] c. X	40	882	1920, June 4	227	[5] 4	41	812
Do	143	[10] 6	40	890	do	227	31	41	775
July 11	145		40	897	1924, June 7	320	600	43	629
July 16	154		40	904	1919, July 11	10	1	41	157
July 18	157		40	913	1920, June 5	250	2	41	988
July 20	158, 159	(7)	40	916, 917	1922, Sept. 21	356	643	42	989
Oct. 16	187		40	1013	1925, Feb. 28	368	318	43	1074
Nov. 4	201	[2] 1	40	1022	1920, June 5	250	2	41	988
Do	201	[2,3] 1	40	1024	1924, June 7	320	601	43	630
Do	201	[2] 1	40	1027-1031	1919, Feb. 25	39	2	40	1170-72

[2] Part.
[3] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[5] Of subchapter II.
[7] Repeal of provisions therein amended.
[10] Of Subchapter XVII.

Statutes repealed					Repealed by act of—				
Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1919									
Feb. 24	18	[14] II–V	40	1058–1105	1921, Nov. 23	136	1400	42	320
Do	18	628–630	40	1116	do	136	1400	42	321
Do	18	[14] VII–XII	40	1116–1140	do	136	1400	42	321
Do	18	1314–1317, 1319–1320	40	1145–1148	do	136	1400	42	321
Feb. 25	36		40	1160	1924, June 7	320	601	43	630
Feb. 26	46	[3]	40	1179	do	320	601	42	630
Feb. 28	70	[1] 2	40	1203	1921, June 30	33	1	42	82
Do	81	[7]	40	1211	1920, June 4	227	[5] 4	41	812
Mar. 2	93	[7]	40	1272	1922, Sept. 21	356	643	42	989
Do	94	[1] 5	40	1274	1924, June 7	327		43	634
Do	95	[1] 1	40	1286	1920, June 5	252	3	41	1013
Mar. 3	100	[1] 9	40	1314	1921, Aug. 24	80	4	42	183
July 11	9	[2]	41	138	1925, Feb. 28	374	3	43	1081
Do	9	[3]	41	140	1919, Dec. 24	19		41	384
Do	12		41	158	1924, June 7	320	601	43	630
Aug. 6	33		41	274	do	320	601	43	630
Nov. 19	112	[7]	41	357	1920, June 4	227	[5] 4	41	812
Dec. 17	8		41	368	1919, Dec. 20	12		41	370
Dec. 24	16		41	371	1924, June 7	320	601	43	630
1920									
Feb. 28	90	[1] 2	41	454	1921, Aug. 24	94		42	202
Do	91	[1] 201	41	458	1921, Feb. 27	81		41	1149
Apr. 13	128		41	550	1923, Mar. 4	252	407	42	1480
Apr. 23	158	[7]	41	573	1922, Sept. 21	356	321	42	947
Apr. 24	161	[1] 2	41	583	1920, June 5	254		41	1053
May 31	217	[2]	41	725	1920, June 2	220		41	738
June 4	223	[1] 1	41	746	1921, Nov. 23	136	411	42	284
Do	227	[3,4] 4	41	761	1922, June 10	212	9	42	629
Do	227	[1] 27	41	775	1921, June 30	33	1	42	74
Do	228	[1] 1–3, 9	41	824, 834, 837	1925, Feb. 28	374	3	43	1081
Do	228	[1] 2	41	834	1922, July 1	258	1	42	799
Do	228	[1] 3	41	834	1925, Mar. 4	536	9	43	1274
June 5	253	[1] 1	41	1028	1921, Oct. 22	113	2	42	207
Do	254	[3]	41	1053	1921, July 21	50	9	42	145
June 10	285	[1] 4	41	1065	1921, Mar. 3	129		41	1353
1921									
Mar. 4	156	[3]	41	1365	1921, June 16	23	1	42	37
Do	161	3	41	1433	1922, May 11	189	2	42	541
May 27	14	[14] I, III, V	42	9, 15, 18	1922, Sept. 21	356	643	42	990
June 18	24	[2,7]	42	64	do	356	643	42	989
July 9	42	[1] 313	42	120	1925, Feb. 13	229	13	43	942
Aug. 9	57		42	147	1924, June 7	320	601	43	630
Aug. 24	93	[8]	42	202	do	320	601	43	630
Nov. 16	123	[7]	42	220	1922, Sept. 21	356	643	42	990
Nov. 23	136	[14] II, IV	42	227-271, 277-284	1924, June 2	234	1100	43	352
Do	136	[1] 500, 501, 502	42	285	do	234	1100	43	352
Do	136	602, 603	42	285, 286	do	234	1100	43	352
Do	136	[14] VII, VIII	42	286–291	do	234	1100	43	352
Do	136	900–905	42	291–293	do	234	1100	43	352
Do	136	[14] X–XII	42	294–308	do	234	1100	43	352
Do	136	1307–1309,[1]1310, 1311–1316, 1318, 1320–1326,1328–1330	42	310–319	do	234	1100	43	352
1922									
Feb. 17	54		42	366	1925, Feb. 13	229	13	43	942
June 12	218	[2]	42	641	1923, Feb. 13	72		42	1233
June 24	237	[2]	42	1593	1924, June 7	292	1	43	524
June 29	249	[1] 1	42	679	1923, Mar. 4	292	1	42	1531
Do	249	[1] 1	42	702	1923, Feb. 28	148	1	42	1360
Sept. 14	305		42	837	1925, Feb. 13	229	13	43	942
Sept. 18	327	[2]	42	1600	1924, June 7	292	1	43	524
Sept. 19	346	[7] 21–24, [7] 26, [7] 27	42	855–856	1924, June 2	234	1100	43	352
Sept. 21	370	[1] 3	42	1006	1925, Feb. 13	229	13	43	942
Sept. 22	429	[1] 1	42	1052	1923, Jan. 22	29	1	42	1162
Dec. 18	10		42	1064	1924, June 7	320	601	43	630
1923									
Feb. 5	58	[3]	42	1768	1924, June 7	292	1	43	524
Mar. 2	173		42	1374	do	320	601	43	630
Do	203	[2]	42	1787	do	292	1	43	524
Mar. 4	265	[1] 13	42	1497	do	378		43	669
Do	276	[7] 1	42	1504	1924, June 2	234	1100	43	352
Do	280	[7]	42	1507	do	234	1100	43	352
Do	291		42	1521	1924, June 7	320	601	43	630
Do	292	[1] 1	42	1544	1924, Apr. 2	81	1	43	45
Do	294	[2]	42	1560	1924, June 2	234	1100	43	352
1924									
Mar. 13	55	[7]	43	22	1924, June 2	234	1100	43	352
June 7	320	31	43	615	1925, Mar. 4	553	4	43	1304

[1] Part.
[2] Repeal expressed in general terms without specific citations, but clearly applies to provision listed.
[5] Of Subchapter II.
[7] Repeal of provisions therein amended.
[14] Titles.

THE ORGANIC LAWS

OF

THE UNITED STATES OF AMERICA

1843

THE DECLARATION OF INDEPENDENCE—1776 *

IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

* The delegates of the United Colonies of New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; New Castle, Kent, and Sussex, in Delaware; Maryland; Virginia; North Carolina, and South Carolina, In Congress assembled at Philadelphia, *Resolved* on the 10th of May, 1776, to recommend to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been established, to adopt such a government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general. A preamble to this resolution, agreed to on the 15th of May, stated the intention to be totally to suppress the exercise of every kind of authority under the British crown. On the 7th of June, certain resolutions respecting independency were moved and seconded. On the 10th of June it was resolved, that a committee should be appointed to prepare a declaration to the following effect: "That the United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." On the preceding day it was determined that the committee for preparing the declaration should consist of five, and they were chosen accordingly, in the following order: Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, Mr. R. R. Livingston. On the 11th of June a resolution was passed to appoint a committee to prepare and digest the form of a confederation to be entered into between the colonies, and another committee to prepare a plan of treaties to be proposed to foreign powers. On the 12th of June, it was resolved, that a committee of Congress should be appointed by the name of a board of war and ordnance, to consist of five members. On the 25th of June, a declaration of the deputies of Pennsylvania, met in provincial conference, expressing their willingness to concur in a vote declaring the United Colonies free and independent States, was laid before Congress and read. On the 28th of June, the committee appointed to prepare a declaration of independence brought in a draught, which was read, and ordered to lie on the table. On the 1st of July, a resolution of the convention of Maryland, passed the 28th of June, authorizing the deputies of that colony to concur in declaring the United Colonies free and independent States, was laid before Congress and read. On the same day Congress resolved itself into a committee of the whole, to take into consideration the resolution respecting independency. On the 2d of July, a resolution declaring the colonies free and independent States, was adopted. A declaration to that effect was, on the same and the following days, taken into further consideration. Finally, on the 4th of July, the Declaration of Independence was agreed to, engrossed on paper, signed by John Hancock as president, and directed to be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops, and to be proclaimed in each of the United States, and at the head of the Army. It was also ordered to be entered upon the Journals of Congress, and on the 2d of August, a copy engrossed on parchment was signed by all but one of the fifty-six signers whose names are appended to it. That one was Matthew Thornton, of New Hampshire, who on taking his seat in November asked and obtained the privilege of signing it. Several who signed it on the 2d of August were absent when it was adopted on the 4th of July, but, approving of it, they thus signified their approbation.

NOTE.—The proof of this document, as published above, was read by Mr. Ferdinand Jefferson, the Keeper of the Rolls at the Department of State, at Washington, who compared it with the fac-simile of the original in his custody. He says: "In the fac-simile, as in the original, the whole instrument runs on without a break, but dashes are mostly inserted. I have, in this copy, followed the arrangement of paragraphs adopted in the publication of the Declaration in the newspaper of John Dunlap, and as printed by him for the Congress, which printed copy is inserted in the original Journal of the old Congress. The same paragraphs are also made by the author, in the original draught preserved in the Department of State."

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

WE, THEREFORE, the Representatives of the UNITED STATES OF AMERICA, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

New Hampshire

JOSIAH BARTLETT, MATTHEW THORNTON.
WM. WHIPPLE,

Massachusetts Bay

SAML. ADAMS, ROBT. TREAT PAINE,
JOHN ADAMS, ELBRIDGE GERRY.

Rhode Island

STEP. HOPKINS, WILLIAM ELLERY.

Connecticut

ROGER SHERMAN, WM. WILLIAMS,
SAM'EL HUNTINGTON, OLIVER WOLCOTT.

New York

WM. FLOYD, FRANS. LEWIS,
PHIL. LIVINGSTON, LEWIS MORRIS.

New Jersey

RICHD. STOCKTON, JOHN HART,
JNO. WITHERSPOON, ABRA. CLARK.
FRAS. HOPKINSON,

Pennsylvania

ROBT. MORRIS, JAS. SMITH,
BENJAMIN RUSH, GEO. TAYLOR,
BENJA. FRANKLIN, JAMES WILSON,
JOHN MORTON, GEO. ROSS.
GEO. CLYMER,

Delaware

CÆSAR RODNEY, THO. M'KEAN.
GEO. READ,

Maryland

SAMUEL CHASE, THOS. STONE,
WM. PACA, CHARLES CARROLL of Carrollton.

Virginia

GEORGE WYTHE, THOS. NELSON, jr.,
RICHARD HENRY LEE, FRANCIS LIGHTFOOT LEE,
TH. JEFFERSON, CARTER BRAXTON.
BENJA. HARRISON,

North Carolina

WM. HOOPER, JOHN PENN.
JOSEPH HEWES,

South Carolina

THOS. HEYWARD, Junr., THOMAS LYNCH, Junr.,
EDWARD RUTLEDGE, ARTHUR MIDDLETON.

Georgia

BUTTON GWINNETT, GEO. WALTON.
LYMAN HALL,

NOTE.—Mr. Ferdinand Jefferson, Keeper of the Rolls in the Department of State, at Washington, says: "The names of the signers are spelt above as in the fac-simile of the original, but the punctuation of them is not always the same; neither do the names of the States appear in the fac-simile of the original. The names of the signers of each State are grouped together in the fac-simile of the original, except the name of Matthew Thornton, which follows that of Oliver Wolcott."

ARTICLES OF CONFEDERATION—1777 *

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting

Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventyseven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia in the Words following, viz.

"*Articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.*

ARTICLE I. The stile of this confederacy shall be "The United States of America."

ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governor or Executive power, of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

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* Congress *Resolved,* on the 11th of June, 1776, that a committee should be appointed to prepare and digest the form of a confederation to be entered into between the Colonies; and on the day following, after it had been determined that the committee should consist of a member from each Colony, the following persons were appointed to perform that duty, to wit: Mr. Bartlett, Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Dickinson, Mr. M'Kean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rutledge, and Mr. Gwinnett. Upon the report of this committee, the subject was, from time to time, debated, until the 15th of November, 1777, when a copy of the confederation being made out, and sundry amendments made in the diction, without altering the sense, the same was finally agreed to. Congress, at the same time, directed that the articles should be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States; which being done, the same should become conclusive. Three hundred copies of the Articles of Confederation were ordered to be printed for the use of Congress; and on the 17th of November, the form of a circular letter to accompany them was brought in by a committee appointed to prepare it, and being agreed to, thirteen copies of it were ordered to be made out, to be signed by the president and forwarded to the several States, with copies of the confederation. On the 29th of November ensuing, a committee of three was appointed, to procure a translation of the articles to be made into the French language, and to report an address to the inhabitants of Canada, &c. On the 26th of June, 1778, the form of a ratification of the Articles of Confederation was adopted, and, it having been engrossed on parchment, it was signed on the 9th of July on the part and in behalf of their respective States, by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina, agreeably to the powers vested in them. The delegates of North Carolina signed on the 21st of July, those of Georgia on the 24th of July, and those of New Jersey on the 26th of November following. On the 5th of May, 1779, Mr. Dickinson and Mr. Van Dyke signed in behalf of the State of Delaware, Mr. M'Kean having previously signed in February, at which time he produced a power to that effect. Maryland did not ratify until the year 1781. She had instructed her delegates, on the 15th of December, 1778, not to agree to the confederation until matters respecting the western lands should be settled on principles of equity and sound policy; but, on the 30th of January, 1781, finding that the enemies of the country took advantage of the circumstance to disseminate opinions of an ultimate dissolution of the Union, the legislature of the State passed an act to empower their delegates to subscribe and ratify the articles, which was accordingly done by Mr. Hanson and Mr. Carroll, on the 1st of March of that year, which completed the ratifications of the act; and Congress assembled on the 2d of March under the new powers.

NOTE.—The proof of this document, as published above, was read by Mr. Ferdinand Jefferson, the Keeper of the Rolls of the Department of State, at Washington, who compared it with the original in his custody. He says: "The initial letters of many of the words in the original of this instrument are capitals, but as no system appears to have been observed, the same words sometimes beginning with a capital and sometimes with a small letter, I have thought it best not to undertake to follow the original in this particular. Moreover, there are three forms of the letter s: the capital S, the small s and the long s, the last being used indiscriminately to words that should begin with a capital and those that should begin with a small s."

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conferrence, agreement, alliance or treaty with any king prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and

truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States.—fixing the standard of weights and measures throughout the United States.—regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expense of the United States; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secresy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it has pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do

further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the States we re[s]pectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.*

On the part & behalf of the State of New Hampshire

JOSIAH BARTLETT, JOHN WENTWORTH, Junr., August 8th, 1778.

On the part and behalf of the State of Massachusetts Bay

JOHN HANCOCK, FRANCIS DANA,
SAMUEL ADAMS, JAMES LOVELL,
ELDBRIDGE GERRY, SAMUEL HOLTEN.

On the part and behalf of the State of Rhode Island and Providence Plantations

WILLIAM ELLERY, JOHN COLLINS.
HENRY MARCHANT,

On the part and behalf of the State of Connecticut

ROGER SHERMAN, TITUS HOSMER,
SAMUEL HUNTINGTON, ANDREW ADAMS.
OLIVER WOLCOTT,

On the part and behalf of the State of New York

JAS. DUANE, WM. DUER,
FRA. LEWIS, GOUV. MORRIS.

On the part and in behalf of the State of New Jersey, Novr. 26, 1778

JNO. WITHERSPOON, NATHL. SCUDDER.

On the part and behalf of the State of Pennsylvania

ROBT. MORRIS, WILLIAM CLINGAN,
DANIEL ROBERDEAU, JOSEPH REED, 22d July,
JONA. BAYARD SMITH, 1778.

On the part & behalf of the State of Delaware

THO. M'KEAN, Feby. 12, 1779. NICHOLAS VAN DYKE.
JOHN DICKINSON, May 5th, 1779.

On the part and behalf of the State of Maryland

JOHN HANSON, March 1, 1781. DANIEL CARROLL, Mar. 1. 1781.

On the part and behalf of the State of Virginia

RICHARD HENRY LEE, JNO. HARVIE,
JOHN BANISTER, FRANCIS LIGHTFOOT LEE.
THOMAS ADAMS,

On the part and behalf of the State of No. Carolina

JOHN PENN, July 21st, 1778. CORNS. HARNETT,
JNO. WILLIAMS.

On the part & behalf of the State of South Carolina

HENRY LAURENS, RICHD. HUTSON,
WILLIAM HENRY DRAYTON, THOS. HEYWARD, Junr.
JNO. MATHEWS,

On the part & behalf of the State of Georgia

JNO. WALTON, 24th July, 1778. EDWD. TELFAIR,
EDWD. LANGWORTHY.

* From the circumstance of delegates from the same State having signed the Articles of Confederation at different times, as appears by the dates, it is probable they affixed their names as they happened to be present in Congress, after they had been authorized by their constituents.

ORDINANCE OF 1787: THE NORTHWEST TERRITORIAL GOVERNMENT

[THE CONFEDERATE CONGRESS, JULY 13, 1787]

An Ordinance for the government of the territory of the United States northwest of the river Ohio

SECTION 1. *Be it ordained by the United States in Congress assembled,* That the said territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

SEC. 2. *Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

SEC. 3. *Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

SEC. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

SEC. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

SEC. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

SEC. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided,* That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also,* That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

SEC. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet

together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

SEC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress with a right of debating, but not of voting, during this temporary government.

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, *bona fide*, and without fraud previously formed.

ARTICLE III

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, And it is further understood and declared, that the boundaries of these three States shall be sub-

ject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

CONSTITUTION OF THE UNITED STATES OF AMERICA—1787 *

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE. I.

SECTION: 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

† Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

‡ SECTION. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath

* In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1789. Vermont, in convention, ratified the Constitution January 10, 1789, and was, by an act of Congress approved February 19, 1791, "received and admitted into this Union as a new and entire member of the United States."

† This clause has been affected by the 14th and 16th amendments, pp. 1860, 1861.

‡ This section has been affected by the 17th amendment, p. 1861.

or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE. II.

SECTION. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

NOTE.—This clause has been superseded by the twelfth amendment, p. 1860.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both

Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges. both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. IN WITNESS whereof We have hereunto subscribed our Names,

G° WASHINGTON—*Presid!*
and deputy from Virginia

Attest WILLIAM JACKSON *Secretary*

New Hampshire

JOHN LANGDON — NICHOLAS GILMAN

Massachusetts

NATHANIEL GORHAM — RUFUS KING

Connecticut

WM SAML JOHNSON — ROGER SHERMAN

New York

ALEXANDER HAMILTON

New Jersey

WIL: LIVINGSTON — WM PATERSON.
DAVID BREARLEY. — JONA: DAYTON

Pensylvania

B FRANKLIN — THOS FITZSIMONS
THOMAS MIFFLIN — JARED INGERSOLL
ROBT MORRIS — JAMES WILSON.
GEO. CLYMER — GOUV MORRIS

Delaware

GEO: READ — RICHARD BASSETT
GUNNING BEDFORD jun — JACO: BROOM
JOHN DICKINSON

Maryland

JAMES MCHENRY — DANL CARROLL.
DAN OF ST THOS JENIFER

Virginia

JOHN BLAIR— — JAMES MADISON JR.

North Carolina

WM BLOUNT — HU WILLIAMSON
RICHD DOBBS SPAIGHT.

South Carolina

J. RUTLEDGE — CHARLES PINCKNEY
CHARLES COTESWORTH PINCKNEY — PIERCE BUTLER.

Georgia

WILLIAM FEW — ABR BALDWIN

ARTICLES IN ADDITION TO, AND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE [I.]*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE [II.]

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE [III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE [IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE [V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE [VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE [VII.]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

ARTICLE [VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE [IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

*The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789. They were ratified by the following States, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791, and Virginia, December 15, 1791. There is no evidence on the journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

ARTICLE [X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

[ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.———The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION. 2. Congress shall have power to enforce this article by appropriate legislation.

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution, declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore, *Resolved*, That said fourteenth article is

hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereafter mentioned, by the legislatures of thirty of the thirty-six States, viz: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866, (and the legislature of the same State passed a resolution in April, 1868, to withdraw its consent to it;) Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868; North Carolina rejected it December 4, 1866, and ratified it July 4, 1868; South Carolina rejected it December 20, 1866, and ratified it July 6, 1868; New York ratified it January 10, 1867; Ohio ratified it January 11, 1867, (and the legislature of the same State passed a resolution in January, 1868, to withdraw its consent to it;) Illinois ratified it January 15, 1867; West Virginia, January 16, 1867; Kansas, January 18, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Missouri, January 26, 1867; Indiana, January 29, 1867; Minnesota, February 1, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Pennsylvania, February 13, 1867; Michigan, February 15, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, April 3, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; Louisiana, July 9, 1868; and Alabama, July 13, 1868. Georgia again ratified the amendment February 2, 1870. Texas rejected it November 1, 1866, and ratified it February 18, 1870. Virginia rejected it January 19, 1867, and ratified it October 8, 1869. The amendment was rejected by Kentucky January 10, 1867; by Delaware February 8, 1867; by Maryland March 23, 1867; and was not afterward ratified by either State.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. The dates of these ratifications (arranged in the order of their reception at the Department of State) were: from North Carolina, March 5, 1869; West Virginia, March 3, 1869; Massachusetts, March 9–12, 1869; Wisconsin, March 9, 1869; Maine, March 12, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; South Carolina, March 16, 1869; Pennsylvania, March 26, 1869; Arkansas, March 30, 1869; Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13–14, 1869; New York, March 17–April 14, 1869, (and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it;) New Hampshire, July 7, 1869; Nevada, March 1, 1869; Vermont, October 21, 1869; Virginia, October 8, 1869; Missouri, January 10, 1870; Mississippi, January 15–17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870; Kansas, January 18–19, 1870; Minnesota, February 19, 1870; Rhode Island, January 18, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870. The State of Georgia also ratified the amendment February 2, 1870.

ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

The sixteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-first Congress on the 12th of July, 1909, and was declared, in a proclamation of the Secretary of State, dated the 25th of February, 1913, to have been ratified by the Legislatures of the States of Alabama, Kentucky, South Carolina, Illinois, Mississippi, Oklahoma, Maryland, Georgia, Texas, Ohio, Idaho, Oregon, Washington, California, Montana, Indiana, Nevada, North Carolina, Nebraska, Kansas, Colorado, North Dakota, Michigan, Iowa, Missouri, Maine, Tennessee, Arkansas, Wisconsin, New York, South Dakota, Arizona, Minnesota, Louisiana, Delaware, and Wyoming; in all, thirty-six.

[ARTICLE XVII.]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

The seventeenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-second Congress on the 16th of May, 1912, and was declared, in a proclamation of the Secretary of the State, dated the 31st of May, 1913, to have been ratified by the legislatures of the States of Massachusetts, Arizona, Minnesota, New York, Kansas, Oregon, North Carolina, California, Michigan, Idaho, West Virginia, Nebraska, Iowa, Montana, Texas, Washington, Wyoming, Colorado, Illinois, North Dakota, Nevada, Vermont, Maine, New Hampshire, Oklahoma, Ohio, South Dakota, Indiana, Missouri, New Mexico, New Jersey, Tennessee, Arkansas, Connecticut, Pennsylvania, and Wisconsin.

ARTICLE [XVIII.]

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

The eighteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-fifth Congress, on the 3rd of December, 1917, and was declared, in a proclamation of the Secretary of State, dated the 29th of January, 1919, to have been ratified by the Legislatures of the States of Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

ARTICLE [XIX.]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

The nineteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-sixth Congress, on the 19th of May, 1919, and was declared, in a proclamation of the Secretary of State, dated the 26th of August, 1920, to have been ratified by the Legislatures of the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin and Wyoming.

ANALYTICAL INDEX TO THE CONSTITUTION OF THE UNITED STATES AND THE AMENDMENTS THERETO

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All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]	14	1	—	1860
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Nor shall any State deprive any person of life, liberty, or property without due process of law. [Amendments]	14	1	—	1860
Nor deny to any person within its jurisdiction the equal protection of the laws. [Amendments]	14	1	—	1860
Citizens or subjects of a foreign state. The judicial power of the United States shall not extend to suits in law or equity brought against one of the States by the citizens of another State, or by. [Amendments]	11	—	—	1860
Civil officers of the United States shall, on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors be removed. All	2	4	—	1858
Claims of the United States or any particular State in the territory or public property. Nothing in this Constitution shall be construed to prejudice	4	3	2	1858
Classification of Senators. Immediately after they shall be assembled after the first election, they shall be divided as equally as may be into three classes	1	3	2	1855
Classification of Senators. The seats of the Senators of the first class shall be vacated at the expiration of the second year	1	3	2	1855
The seats of the Senators of the second class at the expiration of the fourth year	1	3	2	1855
The seats of the Senators of the third class at the expiration of the sixth year	1	3	2	1855
Coin a tender in payment of debts. No State shall make anything but gold and silver	1	10	1	1857
Coin money and regulate the value thereof and of foreign coin. Congress shall have power to	1	8	5	1856
Coin of the United States. Congress shall provide for punishing the counterfeiting the securities and current	1	8	6	1856
Color, or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race. [Amendments]	15	1	—	1861
Comfort. Treason against the United States shall consist in levying war against them, and giving their enemies aid and	3	3	1	1858
Commander-in-chief of the Army and Navy, and of the militia when in actual service. The President shall be	2	2	1	1857
Commerce with foreign nations, among the States, and with Indian tribes. Congress shall have power to regulate	1	8	3	1856
Commerce or revenue. No preference shall be given to the ports of one State over those of another by any regulation of	1	9	6	1857
Vessels clearing from the ports of one State shall not pay duties in those of another	1	9	6	1857
Commissions to expire at the end of the next session. The President may fill vacancies that happen in the recess of the Senate by granting	2	2	3	1857
Common defense, promote the general welfare, &c. To insure the. [Preamble]	—	—	—	1855
Common defense and general welfare. Congress shall have power to provide for the	1	8	1	1856
Common law, where the amount involved exceeds twenty dollars, shall be tried by jury. Suits at. [Amendments]	7	—	—	1859
No fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the. [Amendments]	7	—	—	1859
Compact with another State. No State shall, without the consent of Congress, enter into any agreement or	1	10	3	1857
Compact with a foreign power. No State shall, without the consent of Congress, enter into any agreement or	1	10	3	1857
Compensation of Senators and Representatives to be ascertained by law	1	6	1	1856
Compensation of the President shall not be increased nor diminished during the period for which he shall be elected	2	1	6	1857
Compensation of the judges of the Supreme and inferior courts shall not be diminished during their continuance in office	3	1	—	1858
Compensation. Private property shall not be taken for public use without just. [Amendments]	5	—	—	1858
Compulsory process for obtaining witnesses in his favor. In criminal prosecutions the accused shall have. [Amendments]	6	—	—	1858
Confederation. No State shall enter into any treaty, alliance, or	1	10	1	1857
Confederation. All debts contracted and engagements entered into before the adoption of this Constitution shall be valid against the United States under it, as under the	6	—	1	1858
Confession in open court. Conviction of treason shall be on the testimony of two persons to the overt act, or upon	3	3	1	1858
Congress of the United States. All legislative powers shall be vested in a	1	1	—	1855
Shall consist of a Senate and House of Representatives	1	1	—	1855
Shall assemble at least once in every year, which shall be on the first Monday of December, unless they by law appoint a different day	1	4	2	1856
May at any time alter regulations for elections of Senators and Representatives, except as to the places of choosing Senators	1	4	1	1856
Each House shall be the judge of the elections, returns, and qualifications of its own members	1	5	1	1856
A majority of each House shall constitute a quorum to do business	1	5	1	1856
A smaller number may adjourn from day to day and compel the attendance of absent members	1	5	1	1856
Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member	1	5	2	1856
Each House shall keep a journal of its proceedings	1	5	3	1856
Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days	1	5	4	1856
Senators and Representatives shall receive a compensation to be ascertained by law	1	6	1	1856
They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at their respective Houses, and in going to and returning from the same	1	6	1	1856
No Senator or Representative shall, during his term, be appointed to any civil office which shall have been created, or of which the emoluments shall have been increased, during such term	1	6	2	1856
No person holding any office under the United States, shall, while in office, be a member of either House of Congress	1	6	2	1856
All bills for raising revenue shall originate in the House of Representatives	1	7	1	1856
Proceedings in cases of bills returned by the President with his objections	1	7	2	1856
Shall have power to lay and collect duties, imposts, and excises, pay the debts, and provide for the common defense and general welfare	1	8	1	1856
Shall have power to borrow money on the credit of the United States	1	8	2	1856
To regulate foreign and domestic commerce, and with the Indian tribes	1	8	3	1856
To establish uniform rule of naturalization and uniform laws on the subject of bankruptcies	1	8	4	1856
To coin money, regulate its value and the value of foreign coin, and to fix the standard of weights and measures	1	8	5	1856
To punish the counterfeiting the securities and current coin of the United States	1	8	6	1856
To establish post-offices and post-roads	1	8	7	1856
To promote the progress of science and the useful arts	1	8	8	1856
To constitute tribunals inferior to the Supreme Court	1	8	9	1856
To define and punish piracies and felonies on the high seas and to punish offenses against the law of nations	1	8	10	1856
To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water	1	8	11	1856
To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years	1	8	12	1856
To provide and maintain a Navy	1	8	13	1856
To make rules for the government of the Army and Navy	1	8	14	1856
To call out the militia to execute the laws, suppress insurrections, and repel invasions	1	8	15	1856
To provide for organizing, arming, and equipping the militia	1	8	16	1856
To exercise exclusive legislation over the District fixed for the seat of government, and over forts, magazines, arsenals, and dockyards	1	8	17	1856
To make all laws necessary and proper to carry into execution all powers vested by the Constitution in the Government of the United States	1	8	18	1856
No person holding any office under the United States shall accept of any present, emolument, office, or title of any kind from any foreign state, without the consent of	1	9	8	1857

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Congress of the United States. May determine the time of choosing the electors for President and Vice-President and the day on which they shall give their votes	2	1	3	1857
The President may, on extraordinary occasions, convene either House of	2	3	—	1857
The manner in which the acts, records, and judicial proceedings of the States shall be prescribed by	4	1	—	1858
New States may be admitted by Congress into this Union	4	3	1	1858
Shall have power to make all needful rules and regulations respecting the territory or other property belonging to the United States	4	3	2	1858
Amendments to the Constitution shall be proposed whenever it shall be deemed necessary by two-thirds of both Houses of	5	—	—	1858
Persons engaged in insurrection or rebellion against the United States disqualified for Senators or Representatives in. [Amendments]	14	3	—	1860
But such disqualification may be removed by a vote of two-thirds of both Houses of. [Amendments]	14	3	—	1860
Shall have power to enforce, by appropriate legislation, the thirteenth amendment. [Amendments]	13	2	—	1860
Shall have power to enforce, by appropriate legislation, the fourteenth amendment. [Amendments]	14	5	—	1860
Shall have power to enforce, by appropriate legislation, the fifteenth amendment. [Amendments]	15	2	—	1861
Consent. No State shall be deprived of its equal suffrage in the Senate without its	5	—	—	1858
Consent of Congress. No person holding any office of profit or trust under the United States shall accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign potentate, without the	1	9	8	1857
No State shall lay any imposts, or duties on imports, except what may be absolutely necessary for executing its inspection laws, without the	1	10	2	1857
No State shall lay any duty of tonnage, keep troops or ships of war in time of peace without the	1	10	3	1857
No State shall enter into any agreement or compact with another State, or with a foreign power, without the	1	10	3	1857
No State shall engage in war unless actually invaded, or in such imminent danger as will not admit of delay, without the	1	10	3	1857
No new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures thereof, as well as the	4	3	1	1858
Consent of the legislature of the State in which the same may be. Congress shall exercise exclusive authority over all places purchased for the erection of forts, magazines, arsenals, dockyards, and other needful buildings by the	1	8	17	1856
Consent of the legislatures of the States and of Congress. No States shall be formed by the junction of two or more States or parts of States without the	4	3	1	1858
Consent of the other. Neither House, during the session of Congress shall adjourn for more than three days, nor to any other place than that in which they shall be sitting, without the	1	5	4	1856
Consent of the owner. No soldier shall be quartered in time of peace in any house without the. [Amendments]	3	—	—	1859
Consent of the Senate. The President shall have power to make treaties, by and with the advice and	2	2	2	1857
The President shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers created by law and not otherwise herein provided for, by and with the advice and	2	2	2	1857
Constitution, in the Government of the United States, or in any department or officer thereof. Congress shall have power to pass all laws necessary to the execution of the powers vested by the	1	8	18	1856
Constitution, shall be eligible to the office of President. No person except a natural-born citizen, or a citizen at the time of the adoption of the	2	1	4	1857
Constitution. The President, before he enters upon the execution of his office, shall take an oath to preserve, protect, and defend the	2	1	7	1857
Constitution, laws, and treaties of the United States. The judicial power shall extend to all cases arising under the	3	2	1	1858
Constitution shall be so construed as to prejudice any claims of of the United States, or of any State (in respect to territory or other property of the United States). Nothing in the	4	3	2	1858
Constitution. The manner in which amendments may be proposed and ratified	5	—	—	1858
Constitution as under the Confederation shall be valid. All debts and engagements contracted before the adoption of the	6	—	1	1858
Constitution and the laws made in pursuance thereof, and all treaties made, or which shall be made, by the United States, shall be the supreme law of the land. The	6	—	2	1858
The judges in every State, anything in the constitution or laws of a State to the contrary notwithstanding, shall be bound thereby	6	—	2	1858
Constitution. All officers, legislative, executive, and judicial, of the United States, and of the several States, shall be bound by an oath to support the	6	—	3	1858
But no religious test shall ever be required as a qualification for any office or public trust	6	—	3	1858
Constitution between the States so ratifying the same. The ratification of the conventions of nine States shall be sufficient for the establishment of the	7	—	—	1858
Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. The enumeration in the. [Amendments]	9	—	—	1859
Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. Powers not delegated to the United States by the. [Amendments]	10	—	—	1860
Constitution, and then engaged in rebellion against the United States. Disqualification for office imposed upon certain class of persons who took an oath to support the. [Amendments]	14	3	—	1860
Constitution. Done in convention by the unanimous consent of the States present, September 17, 1787	7	—	2	1858
Contracts. No State shall pass any ex post facto law, or law impairing the obligation of	1	10	1	1857
Controversies to which the United States shall be a party: between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; between a State or its citizens and foreign states, citizens, or subjects. The judicial power shall extend to	3	2	1	1858
Convene Congress or either House, on extraordinary occasions. The President may	2	3	—	1857
Convention for proposing amendments to the Constitution. Congress, on the application of two-thirds of the legislatures of the States, may call a	5	—	—	1858
Convention, by the unanimous consent of the States present on the 17th of September, 1787. Adoption of the Constitution in	7	—	2	1858
Conventions of nine States shall be sufficient for the establishment of the Constitution. The ratification of the	7	—	—	1858
Conviction in cases of impeachment shall not be had without the concurrence of two-thirds of the members present	1	3	7	1856
Copyrights to authors for limited times. Congress shall have power to provide for	1	8	8	1856
Corruption of blood. Attainder of treason shall not work	3	3	2	1858
Counsel for his defense. In all criminal prosecutions the accused shall have the assistance of. [Amendments]	6	—	—	1859
Counterfeiting the securities and current coin of the United States. Congress shall provided for the punishment of	1	8	6	1856
Courts. Congress shall have power to constitute tribunals inferior to the Supreme Court	1	8	9	1856
Courts of law. Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the heads of departments, or in the	2	2	2	1857
Courts as Congress may establish. The judicial power of the United States shall be vested in one Supreme Court and such inferior	3	1	—	1858
Courts. The judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	—	1858
Their compensation shall not be diminished during their continuance in office	3	1	—	1858
Credit. No State shall emit bills of	1	10	1	1857
Credit of the United States. Congress shall have power to borrow money on the	1	8	2	1856
Credit shall be given in every other State to the public acts, records, and judicial proceedings of each State. Full faith and	4	1	—	1858
Crime, unless on a presentment of a grand jury. No person shall be held to answer for a capital or otherwise infamous. [Amendments]	5	—	—	1859
Except in cases in the military and naval forces, or in the militia when in actual service. [Amendments]	5	—	—	1859
Crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other	2	4	—	1858
Crimes, except in cases of impeachment, shall be tried by jury. All	3	2	3	1858
They shall be tried in the State within which they may be committed	3	2	3	1858
When not committed in a State, they shall be tried at the places which Congress may by law have provided	3	2	3	1858
Criminal prosecutions, the accused shall have a speedy and public trial by jury in the State and district where the crime was committed. In all. [Amendments]	6	—	—	1859
He shall be informed of the nature and cause of the accusation. [Amendments]	6	—	—	1859
He shall be confronted with the witnesses against him. [Amendments]	6	—	—	1859
He shall have compulsory process for obtaining witnesses in his favor. [Amendments]	6	—	—	1859
He shall have the assistance of counsel in his defense. [Amendments]	6	—	—	1859
Criminate himself. No person as a witness shall be compelled to. [Amendments]	5	—	—	1859
Cruel and unusual punishments inflicted. Excessive bail shall not be required, nor excessive fines imposed, nor. [Amendments]	8	—	—	1859

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	Art.	Sec.	Cl.	Page
Danger as will not admit of delay. No state shall, without the consent of Congress, engage in war, unless actually invaded, or in such imminent	1	10	3	1857
Day on which they shall vote for President and Vice-President, which shall be the same throughout the United States. Congress may determine the time of choosing the electors, and the	2	1	3	1857
Day to day, and may be authorized to compel the attendance of absent members. A smaller number than a quorum of each House may adjourn from	1	5	1	1856
Death, resignation, or inability of the President, the powers and duties of his office shall devolve on the Vice-President. In case of the	2	1	5	1857
Death, resignation, or inability of the President. Congress may provide by law for the case of the removal	2	1	5	1857
Debt of the United States, including debts for pensions and bounties incurred in suppressing insurrection or rebellion, shall not be questioned. The validity of the public. [Amendments]	14	4	—	1860
Debts. No State shall make anything but gold and silver coin a tender in payment of	1	10	1	1857
Debts and provide for the common defense and general welfare of the United States. Congress shall have power to pay the	1	8	1	1856
Debts and engagements contracted before the adoption of this Constitution shall be as valid against the United States, under it, as under the Confederation	6	—	1	1858

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Debts or obligations incurred in aid of insurrection or rebellion against the United States, or claims for the loss or emancipation of any slave. Neither the United States nor any State shall assume or pay any. [Amendments]	14	4	—	1860
Declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water. Congress shall have power to	1	8	11	1856
Defense, promote the general welfare, &c. To insure the common. [Preamble]	—	—	—	1855
Defense and general welfare throughout the United States. Congress shall have power to pay the debts and provide for the common	1	8	1	1856
Defense. In all criminal prosecutions the accused shall have the assistance of counsel for his. [Amendments]	6	—	—	1859
Delaware entitled to one Representative in the first Congress	1	2	3	1855
Delay. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of	1	10	3	1857
Delegated to the United States, nor prohibited to the States, are reserved to the States or to the people. The powers not. [Amendments]	10	—	—	1860
Deny or disparage others retained by the people. The enumeration in the Constitution of certain rights shall not be construed to. [Amendments]	9	—	—	1859
Departments upon any subject relating to their duties. The President may require the written opinion of the principal officers in each of the executive	2	2	1	1857
Departments. Congress may by law vest the appointment of inferior officers in the heads of	2	2	2	1857
Direct tax shall be laid unless in proportion to the census or enumeration. No capitation or other	1	9	4	1857
Direct taxes and Representatives, how apportioned among the several States	1	2	3	1855
Disability of the President and Vice-President. Provisions in case of the	2	1	5	1857
Disability. No person shall be a Senator or Representative in Congress, or presidential elector, or hold any office, civil or military, under the United States, or any State, who having previously taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, to support the Constitution, afterward engaged in insurrection or rebellion against the United States. [Amendments]	14	3	—	1860
But Congress may, by a vote of two-thirds of each House, remove such. [Amendments]	14	3	—	1860
Disagreement between the two Houses as to the time of adjournment, the President may adjourn them to such time as he may think proper. In case of	2	3	—	1858
Disorderly behavior. Each House may punish its members for	1	5	2	1856
And with the concurrence of two-thirds expel a member	1	5	2	1856
Disparage others retained by the people. The enumeration in the Constitution of certain rights shall not be construed to deny or. [Amendments]	9	—	—	1859
Disqualification. No Senator or Representative shall, during the time for which he was elected, be appointed to any office under the United States which shall have been created or its emoluments increased during such term	1	6	2	1856
No person holding any office under the United States shall be a member of either House during his continuance in office	1	6	2	1856
No person shall be a member of either House, presidential elector, or hold any office under the United States, or any State, who, having previously sworn to support the Constitution, afterward engaged in insurrection or rebellion. [Amendments]	14	3	—	1860
Disqualification. But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	—	1860
District of Columbia. Congress shall exercise exclusive legislation in all cases over the	1	8	17	1856
Dockyards. Congress shall have exclusive authority over all places purchased for the erection of	1	8	17	1856
Domestic tranquillity, provide for the common defense, &c. To insure. [Preamble]	—	—	—	1855
Domestic violence. The United States shall protect each State against invasion and	4	4	—	1858
Due process of law. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without. [Amendments]	5	—	—	1859
No State shall deprive any person of life, liberty, or property without. [Amendments]	14	1	—	1860
Duties and powers of the office of President, in case of his death, removal, or inability to act, shall devolve on the Vice-President	2	1	5	1857
In case of the disability of the President and Vice-President, Congress shall declare what officer shall act	2	1	5	1857
Duties, imposts, and excises. Congress shall have power to lay and collect taxes	1	8	1	1856
Shall be uniform throughout the United States	1	8	1	1856
Duties shall be laid on articles exported from any State. No tax or	1	9	5	1857
Duties in another State. Vessels clearing in the ports of one State shall not be obliged to pay	1	9	6	1857
On imports and exports, without the consent of Congress, except where necessary for executing its inspection laws. No State shall lay any	1	10	2	1857
The net produce of all such duties shall be for the use of the Treasury of the United States	1	10	2	1857
All laws laying such duties shall be subject to the revision and control of Congress	1	10	2	1857
Duty of tonnage without the consent of Congress. No State shall lay any	1	10	3	1857

E

Election of President and Vice-President. Congress may determine the day for the	2	1	3	1857
Shall be the same throughout the United States. The day of the	2	1	3	1857
Elections for Senators and Representatives. The legislatures of the States shall prescribe the times, places, and manner of holding	1	4	1	1856
But Congress may, at any time, alter such regulations, except as to the places of choosing Senators	1	4	1	1856
Returns and qualifications of its own members. Each House shall be the judge of the	1	5	1	1856
Senators elected by the people. [Amendments]	17	1	—	1861
Electors for members of the House of Representatives. Qualifications of	1	2	1	1855
Electors for Senators. Qualifications of. [Amendments]	17	1	—	1861
Electors for President and Vice-President. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress	2	1	2	1857
But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector	2	1	2	1857
Congress may determine the time of choosing the electors and the day on which they shall give their votes	2	1	3	1857
Which day shall be the same throughout the United States	2	1	3	1857
The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	—	—	1860
Electors shall name, in their ballots, the person voted for as President; and in distinct ballots the person voted for as Vice-President. [Amendments]	12	—	—	1860
They shall make distinct lists of the persons voted for as President and of persons voted for as Vice-President, which they shall sign and certify, and transmit sealed to the seat of government, directed to the President of the Senate. [Amendments]	12	—	—	1860
No person having taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, and afterwards engaged in insurrection or rebellion against the United States, shall be an elector	14	3	—	1860
But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	—	1860
Emancipation of any slave shall be held to be illegal and void. Claims for the loss or. [Amendments]	14	4	—	1860
Emit bills of credit. No State shall	1	10	1	1857
Emolument of any kind from any king, prince, or foreign state, without the consent of Congress. No person holding any office under the United States shall accept any	1	9	8	1857
Enemies. Treason shall consist in levying war against the United States, in adhering to, or giving aid and comfort to their	3	3	1	1858
Engagements contracted before the adoption of this Constitution shall be valid. All debts and	6	—	1	1858
Enumeration of the inhabitants shall be made within three years after the first meeting of Congress, and within every subsequent term of ten years thereafter	1	2	3	1855
Ratio of representation not to exceed one for every 30,000 until the first enumeration shall be made	1	2	3	1855
Income tax authorized without regard to. [Amendments]	16	—	—	1861
Enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. The. [Amendments]	9	—	—	1859
Equal protection of the laws. No State shall deny to any person within its jurisdiction the. [Amendments]	14	1	—	1860
Equal suffrage in the Senate. No State shall be deprived without its consent, of its	5	—	—	1858
Establishment of this Constitution between the States ratifying the same. The ratification of nine States shall be sufficient for the	7	—	—	1858
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. [Amendments]	8	—	—	1859
Excises. Congress shall have power to lay and collect taxes, duties, imposts, and	1	8	1	1856
Shall be uniform throughout the United States. All duties, imposts, and	1	8	1	1856
Exclusive legislation, in all cases, over such district as may become the seat of government. Congress shall exercise	1	8	17	1856
Over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise	1	8	17	1856
Executive of a State. The United States shall protect each State against invasion and domestic violence, on the application of the legislature or the	4	4	—	1858
Executive and judicial officers of the United States and of the several States shall be bound by an oath to support the Constitution	6	—	3	1858
Executive departments. On subjects relating to their duties the President may require the written opinions of the principal officers in each of the	2	2	1	1857
Congress may by law vest the appointment of inferior officers in the heads of	2	2	2	1857
Executive power shall be vested in a President of the United States of America. The	2	1	1	1857
Expel a member. Each House, with the concurrence of two-thirds, may	1	5	2	1856
Expenditures of public money shall be published from time to time. A regular statement of the receipts and	1	9	7	1857
Exportations from any State. No tax or duty shall be laid on	1	9	5	1857
Exports or imports, except upon certain conditions. No State shall, without the consent of Congress, lay any duties on	1	10	2	1857
Laid by any State, shall be for the use of the Treasury. The net produce of all duties on	1	10	2	1857
Shall be subject to the revision and control of Congress. All laws of the States laying duties on	1	10	2	1857
Ex post facto law shall be passed. No bill of attainder or	1	9	3	1857
Ex post facto law, or law impairing the obligation of contracts. No State shall pass any bill of attainder	1	10	1	1857
Extraordinary occasions. The President may convene both houses, or either House of Congress, on	2	3	—	1857

F

	Art.	Sec.	Cl.	Page
Faith and credit in each State shall be given to the acts, records, and judicial proceedings of another State. Full	4	1	—	1858
Felony, and breach of the peace. Members of Congress shall not be privileged from arrest for treason	1	6	1	1856
Felonies committed on the high seas. Congress shall have power to define and punish piracies and	1	8	10	1856
Fines. Excessive fines shall not be imposed. [Amendments]	8	—	—	1859
Foreign coin. Congress shall have power to coin money, fix the standard of weights and measures, and to regulate the value of	1	8	5	1856
Foreign nations, among the States, and with the Indian tribes. Congress shall have power to regulate commerce with	1	8	3	1856
Foreign power. No State shall, without the consent of Congress, enter into any compact or agreement with any	1	10	3	1857
Forfeiture, except during the life of the person attainted. Attainder of treason shall not work	3	3	2	1858
Formation of new States. Provisions relating to the	4	3	1	1858
Form of government. The United States shall guarantee to every State in this Union a republican	4	4	—	1858
And shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence	4	4	—	1858
Forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise exclusive authority over all places purchased for the erection of	1	8	17	1856
Freedom of speech or the press. Congress shall make no law abridging the. [Amendments]	1	—	—	1859
Free State, the right of the people to keep and bear arms shall not be infringed. A well-regulated militia being necessary to the security of a. [Amendments]	2	—	—	1859
Fugitives from crime found in another State shall, on demand, be delivered up to the authorities of the State from which they may flee	4	2	2	1858
Fugitives from service or labor in one State, escaping into another State, shall be delivered up to the party to whom such service or labor may be due	4	2	3	1858

G

General welfare and secure the blessings of liberty, &c. To promote the. [Preamble.]	—	—	—	1855
General welfare. Congress shall have power to provide for the common defense and	1	8	1	1856
Georgia shall be entitled to three Representatives in the first Congress	1	2	3	1855
Gold and silver coin a tender in payment of debts. No State shall make anything but	1	10	1	1856
Good behavior. The judges of the Supreme and inferior courts shall hold their offices during	3	1	—	1858
Government. The United States shall guarantee to every State in this Union a republican form of	4	4	—	1858
And shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence	4	4	—	1858
Grand jury. No person shall be held to answer for a capital or otherwise infamous crime, unless on the presentment of a. [Amendments]	5	—	—	1859
Except in cases arising in the land and naval forces, and in the militia when in actual service. [Amendments]	5	—	—	1859
Guarantee to every State in this Union a republican form of government. The United States shall	4	4	—	1858
And shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence	4	4	—	1858

H

Habeas corpus shall not be suspended unless in cases of rebellion or invasion. The writ of	1	9	2	1857
Heads of departments. Congress may, by law, vest the appointment of inferior officers in the	2	2	2	1857
On any subject relating to their duties, the President may require the written opinion of the principal officers in each of the executive departments	2	2	1	1857
High crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other	2	4	—	1858
House of Representatives. Congress shall consist of a Senate and	1	1	—	1855
Shall be composed of members chosen every second year	1	2	1	1855
Qualifications of electors for members of the	1	2	1	1855
No person shall be a member who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States	1	2	2	1855
The executives of the several States shall issue writs of election to fill vacancies in the	1	2	4	1855
Shall choose their Speaker and other officers	1	2	5	1855
Shall have the sole power of impeachment	1	2	5	1855
Shall be the judge of the elections, returns, and qualifications of its own members	1	5	1	1856
A majority shall constitute a quorum to do business	1	5	1	1856
Less than a majority may adjourn from day to day, and compel the attendance of absent members	1	5	1	1856
May determine its own rules of proceedings	1	5	2	1856
May punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member	1	5	2	1856
Shall keep a journal of its proceedings	1	5	3	1856
Shall not adjourn for more than three days during the session of Congress without the consent of the Senate	1	5	4	1856
Members shall not be questioned for any speech or debate in either House or in any other place	1	6	1	1856
No person holding any office under the United States shall, while holding such office, be a member of the	1	6	2	1856
No person, while a member of either House, shall be appointed to an office which shall have been created or the emoluments increased during his membership	1	6	2	1856
House of Representatives. All bills for raising revenue shall originate in the	1	7	1	1856
The votes for President and Vice-President shall be counted in the presence of the Senate and. [Amendments.]	12	—	—	1860
If no person have a majority of electoral votes, then from the three highest on the list the House of Representatives shall immediately, by ballot, choose a President. [Amendments]	12	—	—	1860
They shall vote by States, each State counting one vote. [Amendments]	12	—	—	1860
A quorum shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to the choice of a President. [Amendments]	12	—	—	1860
No person having as a legislative, executive, or judicial officer of the United States, or of any State, taken an oath to support the Constitution, and afterwards engaged in insurrection or rebellion against the United States, shall be a member of the. [Amendments]	14	3	—	1860
But Congress may, be a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	—	1860

I

Imminent danger as will not admit of delay. No State shall, without the consent of Congress, engage in war, unless actually invaded or in such	1	10	3	1857
Immunities. Members of Congress shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going and returning from the same	1	6	1	1856
No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments]	3	—	—	1859
Immunities. No person shall be twice put in jeopardy of life and limb for the same offense. [Amendments]	5	—	—	1859
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]	14	1	—	1860
No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]	14	1	—	1860
Nor shall any State deprive any person of life, liberty, or property without due process of law. [Amendments]	14	1	—	1860
Nor deny to any person within its jurisdiction the equal protection of the law. [Amendments]	14	1	—	1860
Impeachment. The President may grant reprieves and pardons except in cases of	2	2	1	1857
The House of Representatives shall have the sole power of	1	2	5	1855
Impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed upon	2	4	—	1858
Impeachments. The Senate shall have the sole power to try all	1	3	6	1855
The Senate shall be on oath, or affirmation, when sitting for the trial of	1	3	6	1855
When the President of the United States is tried the Chief Justice shall preside	1	3	6	1855
No person shall be convicted without the concurrence of two-thirds of the members present	1	3	6	1855
Judgment shall not extend beyond removal from office and disqualification to hold office	1	3	7	1856
But the party convicted shall be liable to indictment and punishment according to law	1	3	7	1856
Importation of slaves prior to 1808 shall not be prohibited by the Congress	1	9	1	1856
But a tax or duty of ten dollars for each person may be imposed on such	1	9	1	1856
Imports or exports except what may be absolutely necessary for executing its inspection laws. No State shall, without the consent of Congress, lay any imposts or duties on	1	10	2	1857
Imports or exports laid by any State shall be for the use of the Treasury. The net produce of all duties on	1	10	2	1857
Imports or exports shall be subject to the revision and control of Congress. All laws of States laying duties on	1	10	2	1857
Imposts and excises. Congress shall have power to lay and collect taxes, duties	1	8	1	1856
Shall be uniform throughout the United States. All taxes, duties	1	8	1	1856
Inability of the President, the powers and duties of his office shall devolve on the Vice-President. In case of the death, resignation, or	2	1	5	1857
Inability of the President or Vice-President. Congress may provide by law for the case of the removal, death, resignation, or	2	1	5	1857
Income taxes. Congress shall have power to lay and collect without apportionment among the several States, and without regard to any census or enumeration. [Amendments]	16	—	—	1861
Indian tribes. Congress shall have power to regulate commerce with the	1	8	3	1856
Indictment or presentment of a grand jury. No person shall be held to answer for a capital or infamous crime unless on. [Amendments]	5	—	—	1859
Except in cases arising in the land and naval forces, and in the militia when in actual service. [Amendments]	5	—	—	1859
Indictment, trial, judgment, and punishment, according to law. The party convicted in case of impeachment shall nevertheless be liable and subject to	1	3	7	1856
Infamous crime unless on presentment or indictment of a grand jury. No person shall be held to answer for a capital or. [Amendments]	5	—	—	1859
Inferior courts. Congress shall have power to constitute tribunals inferior to the Supreme Court	1	8	9	1856
Inferior courts as Congress may establish. The judicial power of the United States shall be vested in one Supreme Court and such	3	1	—	1858
The judges of both the Supreme and inferior courts shall hold their offices during good behavior	3	1	—	1858
Their compensation shall not be diminished during their continuance in office	3	1	—	1858

	Art.	Sec.	Cl.	Page
Inferior officers in the courts of law, in the President alone, or in the heads of Departments. Congress, if they think proper, may by law vest the appointment of	2	2	2	1857
Inhabitant of the State for which he shall be chosen. No person shall be a Senator who shall not have attained the age of thirty years, been nine years a citizen of the United States, and who shall not, when elected, be an	1	3	3	1855
Insurrection or rebellion against the United States. No person shall be a Senator or Representative in Congress, or presidential elector, or hold any office, civil or military, under the United States, or any State, who, having taken an oath as a legislative, executive, or judicial officer of the United States, or of a State, afterwards engaged in. [Amendments]	14	3	—	1860
But Congress may, by a vote of two-thirds of each House, remove such disabilities. [Amendments]	14	3	—	1860
Insurrection or rebellion against the United States. Debts declared illegal and void which were contracted in aid of. [Amendments]	14	4	—	1860
Insurrections and repel invasions. Congress shall provide for calling forth the militia to suppress	1	8	15	1856
Intoxicating liquors. Prohibition of manufacture, sale and transportation. [Amendments]	19	—	—	1861
Invasion. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of delay	1	10	3	1857
Invasion. The writ of habeas corpus shall not be suspended unless in case of rebellion or	1	9	1	1856
Invasion and domestic violence. The United States shall protect each State against	4	4	—	1858
Invasions. Congress shall provide for calling forth the militia to suppress insurrections and repel	1	8	15	1856
Inventors and authors in their inventions and writings. Congress may pass laws to secure for limited times exclusive rights to	1	8	8	1856
Involuntary servitude, except as a punishment for crime, abolished in the United States. Slavery and. [Amendments]	13	1	—	1860
J				
Jeopardy of life and limb for the same offense. No person shall be twice put in. [Amendments]	5	—	—	1859
Journal of its proceedings. Each House shall keep a	1	5	3	1856
Judges in every State shall be bound by the Constitution, the laws and treaties of the United States, which shall be the supreme law of the land	6	—	2	1858
Judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	—	1858
Their compensation shall not be diminished during their continuance in office	3	1	—	1858
Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under the United States	1	3	7	1856
But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law	1	3	7	1856
Judicial power of the United States. Congress shall have power to constitute tribunals inferior to the Supreme Court	1	8	9	1856
The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish	3	1	—	1858
The judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	—	1858
Their compensation shall not be diminished during their continuance in office	3	1	—	1858
It shall extend to all cases in law and equity arising under the Constitution, laws, and treaties of the United States	3	2	1	1858
To all cases affecting ambassadors, other public ministers, and consuls	3	2	1	1858
To all cases of admiralty and maritime jurisdiction	3	2	1	1858
To controversies to which the United States shall be a party	3	2	1	1858
To controversies between two or more States	3	2	1	1858
To controversies between a State and citizens of another State	3	2	1	1858
To controversies between citizens of different States	3	2	1	1858
To citizens of the same State claiming lands under grants of different States	3	2	1	1858
To controversies between a State or its citizens and foreign states, citizens, or subjects	3	2	1	1858
In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction	3	2	2	1858
In all other cases before mentioned, it shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make	3	2	2	1858
The trial of all crimes, except in cases of impeachment, shall be by jury	3	2	3	1858
The trial shall be held in the State where the crimes shall have been committed	3	2	3	1858
But when not committed in a State, the trial shall be at such place or places as Congress may by law have directed	3	2	3	1858
The judicial power of the United States shall not be held to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. [Amendments]	11	—	—	1860
Judicial proceedings of every other State. Full faith and credit shall be given in each State to the acts, records, and	4	1	—	1858
Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	—	1858
Judicial and executive officers of the United States and of the several States shall be bound by an oath to support the Constitution	6	—	3	1858
Judiciary. The Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a State may be a party	3	2	2	1858
The Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and regulations as Congress may make	3	2	2	1858
Junction of two or more States or parts of States without the consent of the legislatures and of Congress. No State shall be formed by the	4	3	1	1858
Jurisdiction of another State. No new State shall, without the consent of Congress, be formed or erected within the	4	3	1	1858
Jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress may make. The Supreme Court shall have appellate	3	2	2	1858
Jurisdiction. In all cases affecting ambassadors and other public ministers and consuls, and in cases where a State is a party, the Supreme Court shall have original	3	2	2	1858
Jury. The trial of all crimes, except in cases of impeachment, shall be by	3	2	3	1858
In all criminal prosecutions the accused shall have a speedy and public trial by. [Amendments]	6	—	—	1859
All suits at common law, where the value exceeds twenty dollars, shall be tried by. [Amendments]	7	—	—	1859
Where a fact has been tried by a jury it shall not be re-examined except by the rules of the common law. [Amendments]	7	—	—	1859
Just compensation. Private property shall not be taken for public use without. [Amendments]	5	—	—	1859
Justice, insure domestic tranquillity, &c. To establish. [Preamble]	—	—	—	1855
L				
Labor, in one State escaping into another State shall be delivered up to the party to whom such service or labor may be due. Fugitives from service or	4	2	3	1858
Land and naval forces. Congress shall make rules for the government and regulation of the	1	8	14	1856
Law and fact, with exceptions and under regulations to be made by Congress. The Supreme Court shall have appellate jurisdiction as to	3	2	2	1858
Law of the land. The Constitution, the laws made in pursuance thereof, and treaties of the United States, shall be the supreme	6	—	2	1858
The judges in every State shall be bound thereby	6	—	2	1858
Law of nations. Congress shall provide for punishing offenses against the	1	8	10	1856
Laws. Congress shall provide for calling forth the militia to suppress insurrection, repel invasion, and to execute the	1	8	15	1856
Laws and treaties of the United States. The judicial power shall extend to all cases in law and equity arising under the Constitution, or the	3	2	1	1858
Laws necessary to carry into execution the powers vested in the government, or in any department or officer of the United States. Congress shall make all	1	8	18	1856
Legal tender in payment of debts. No State shall make anything but gold and silver coin a	1	10	1	1857
Legislation in all cases over such district as may become the seat of government. Congress shall exercise exclusive	1	8	17	1856
Over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise exclusive	1	8	17	1856
Legislation. Congress shall have power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof	1	8	18	1856
Legislation. Congress shall have power to enforce article xiii, prohibiting slavery, by appropriate. [Amendments]	13	2	—	1860
Congress shall have power to enforce the fourteenth amendment by appropriate. [Amendments]	14	5	—	1860
Congress shall have power to enforce the fifteenth amendment by appropriate. [Amendments]	15	2	—	1861
Legislative powers herein granted shall be vested in Congress. All	1	1	—	1855
Legislature, or the Executive (when the legislature cannot be convened). The United States shall protect each State against invasion and domestic violence, on the application of the	4	4	—	1858
Legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments to the Constitution. On the application of the	5	—	—	1858
Letters of marque and reprisal. Congress shall have power to grant	1	8	11	1856
No State shall grant	1	10	1	1857
Liberty to ourselves and our posterity, &c. To secure the blessings of. [Preamble]	—	—	—	1855
Life, liberty, and property without due process of law. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of. [Amendments]	5	—	—	1859
No State shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of. [Amendments]	14	1	—	1860
Life or limb for the same offense. No person shall be twice put in jeopardy of. [Amendments]	5	—	—	1859
Loss or emancipation of any slave shall be held illegal and void. Claims for the. [Amendments]	14	4	—	1860
M				
Magazines, arsenals, dock-yards, and other needful buildings. Congress shall have exclusive authority over all places purchased for the erection of	1	8	17	1856
Majority of each House shall constitute a quorum to do business. A. But a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members	1	5	1	1856
Majority of all the States shall be necessary to a choice. When the choice of a President shall devolve on the House of Representatives, a quorum shall consist of a member or members from two-thirds of the States; but a. [Amendments]	12	—	—	1860
When the choice of a Vice-President shall devolve on the Senate, a quorum shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. [Amendments]	12	—	—	1860

	Art.	Sec.	Cl.	Page
Maritime jurisdiction. The judicial power shall extend to all cases of admiralty and	3	2	1	1858
Marque and reprisal. Congress shall have power to grant letters of	1	8	11	1856
No State shall grant any letters of	1	10	1	1857
Maryland entitled to six Representatives in the first Congress	1	2	3	1855
Massachusetts entitled to eight Representatives in the first Congress	1	2	3	1855
Measures. Congress shall fix the standard of weights and	1	8	5	1856
Meeting of Congress. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day	1	4	2	1856
Members of Congress and of State legislatures shall be bound by oath or affirmation to support the Constitution	6	—	3	1858
Militia to execute the laws, suppress insurrections, and repel invasions. Congress shall provide for calling forth the	1	8	15	1856
Congress shall provide for organizing, arming, and disciplining the	1	8	16	1856
Militia to execute the laws, suppress insurrections, and repel invasions. Congress shall provide for governing such part of them as may be employed by the United States	1	8	16	1856
Reserving to the States the appointment of the officers and the right to train the militia according to the discipline prescribed by Congress	1	8	16	1856
A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. [Amendments]	2	—	—	1859
Misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other high crimes and	2	4	—	1858
Money on the credit of the United States. Congress shall have power to borrow	1	8	2	1856
Regulate the value thereof and of foreign coin. Congress shall have power to coin	1	8	5	1856
Shall be drawn from the Treasury but in consequence of appropriations made by law. No	1	9	7	1857
Shall be published from time to time. A regular statement and account of receipts and expenditures of public	1	9	7	1857
For raising and supporting armies. No appropriation of money shall be for a longer term than two years	1	8	12	1856

N

Nations. Congress shall have power to regulate commerce with foreign	1	8	3	1856
Congress shall provide for punishing offences against the law of	1	8	10	1856
Natural-born citizen, or a citizen at the adoption of the Constitution, shall be eligible to the office of President. No person except a	2	1	4	1857
Naturalization. Congress shall have power to establish a uniform rule of	1	8	4	1856
Naturalized in the United States, and subject to their jurisdiction, shall be citizens of the United States and of the States in which they reside. All persons born, or. [Amendments]	14	1	—	1860
Naval forces. Congress shall make rules and regulations for the government and regulation of the land and	1	8	14	1856
Navy. Congress shall have power to provide and maintain a	1	8	13	1856
New Hampshire entitled to three Representatives in the first Congress	1	2	3	1855
New Jersey entitled to four Representatives in the first Congress	1	2	3	1855
New States may be admitted by Congress into this Union	4	3	1	1858
But no new State shall be formed within the jurisdiction of another State without the consent of Congress	4	3	1	1858
Nor shall any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures and of Congress	4	3	1	1858
New York entitled to six Representatives in the first Congress	1	2	3	1855
Nobility shall be granted by the United States. No title of	1	9	8	1857
No State shall grant any title of	1	10	1	1857
Nominations for office by the President. The President shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors and other public officers	2	2	2	1857
He may grant commissions to fill vacancies that happen in the recess of the Senate, which shall expire at the end of their next session	2	2	3	1857
North Carolina entitled to five Representatives in the first Congress	1	2	3	1855
Number of electors for President and Vice-President in each State shall be equal to the number of Senators and Representatives to which such State may be entitled in Congress	2	1	2	1857

O

Oath of office of the President of the United States. Form of the	2	1	7	1857
Oath or affirmation. No warrants shall be issued but upon probable cause supported by. [Amendments]	4	—	—	1859
Oath or affirmation to support the Constitution. Senators and Representatives, members of State legislatures, executive and judicial officers of the United States and of the several States, shall be bound by	6	—	3	1858
But no religious test shall ever be required as a qualification for office	6	—	3	1858
The Senators when sitting to try impeachment shall be on	1	3	6	1855
Objections. If he shall not approve it, the President shall return the bill to the House in which it originated with his	1	7	2	1856
Obligation of contracts. No State shall pass any ex post facto law, or law impairing the	1	10	1	1857
Obligations incurred in aid of insurrection or rebellion against the United States to be held illegal and void. All debts or. [Amendments]	14	4	—	1860
Offense. No person shall be twice put in jeopardy of life or limb for the same. [Amendments]	5	—	—	1859
Offenses against the law of nations. Congress shall provide for punishing	1	8	10	1856
Against the United States, except in cases of impeachment. The President may grant reprieves or pardons for	2	2	1	1857
Office under the United States. No person shall be a member of either House while holding any civil	1			1856
No Senator or Representative shall be appointed to any office under the United States which shall have been created, or its emoluments increased, during the term for which he is elected.	1	6	2	1856
Or title of any kind from any king, prince, or foreign State, without the consent of Congress. No person holding any office under the United States shall accept of any present, emolument	1	9	8	1857
Office of President, in case of his removal, death, resignation, or inability, shall devolve on the Vice-President. The powers and duties of the	2	1	5	1857
During the term of four years. The President and Vice-President shall hold	2	1	1	1857
Of trust or profit under the United States shall be an elector for President and Vice-President. No person holding an	2	1	2	1857
Civil or military under the United States, or any State, who had taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, and afterward engaged in insurrection or rebellion. No person shall be a Senator, Representative, or Presidential elector, or hold any. [Amendments]	14	3	—	1860
Officers in the President alone, in the courts of law, or in the heads of Departments. Congress may vest the appointment of inferior	2	2	2	1857
Of the United States shall be removed on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil	2	4	—	1858
The House of Representatives shall choose their Speaker and other	1	2	5	1855
The Senate, in the absence of the Vice-President, shall choose a President *pro tempore,* and also their other	1	3	5	1855
Offices becoming vacant in the recess of the Senate may be filled by the President, the commissions to expire at the end of the next session	2	2	3	1857
One-fifth of the members present, be entered on the journal of each House. The yeas and nays shall, at the desire of	1	5	3	1856
Opinion of the principal officers in each of the Executive Departments on any subject relating to their duties. The President may require the written	2	2	1	1857
Order, resolution, or vote (except on a question of adjournment) requiring the concurrence of the two Houses, shall be presented to the President. Every	1	7	3	1856
Original jurisdiction, in all cases affecting ambassadors, other public ministers, and consuls, and in which a State may be a party. The Supreme Court shall have	3	2	2	1858
Overt act, or on confession in open court. Conviction of treason shall be on the testimony of two witnesses to the	3	3	1	1858

P

Pardons, except in cases of impeachment. The President may grant reprieves and	2	2	1	1857
Patent rights to inventors. Congress may pass laws for securing	1	8	8	1856
Peace. Members of Congress shall not be privileged from arrest for treason, felony, and breach of the	1	6	1	1856
No State shall, without the consent of Congress, keep troops or ships of war in time of	1	10	3	1857
No soldier shall be quartered in any house without the consent of the owner in time of. [Amendments]	3	—	—	1859
Pensions and bounties shall not be questioned. The validity of the public debt incurred in supressing insurrection and rebellion against the United States, including the debt for. [Amendments]	14	4	—	1860
Pennsylvania entitled to eight Representatives in the first Congress	1	2	3	1855
People, peaceably to assemble and petition for redress of grievances, shall not be abridged by Congress. The right of the. [Amendments]	1	—	—	1859
To keep and bear arms shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the. [Amendments]	2	—	—	1859
To be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated. The right of the. [Amendments]	4	—	—	1859
People. The enumeration of certain rights in the Constitution shall not be held to deny or disparage others retained by the. [Amendments]	9	—	—	1859
People. Powers not delegated to the United States, nor prohibited to the States, are reserved to the States or to the. [Amendments]	10	—	—	1860
Perfect Union, &c. To establish a more. [Preamble]	—	—	—	1855
Persons, houses, papers, and effects against unreasonable searches and seizures. The people shall be secured in their. [Amendments]	4	—	—	1859
Persons, as any State may think proper to admit, shall not be prohibited prior to 1808. The migration or importation of such	1	9	1	1856
But a tax or duty of ten dollars shall be imposed on the importation of each of such	1	9	1	1856
Petition for the redress of grievances. Congress shall make no law abridging the right of the people peaceably to assemble and to. [Amendments]	1	—	—	1859
Piracies and felonies committed on the high seas. Congress shall define and punish	1	8	10	1856
Place than that in which the two Houses shall be sitting. Neither House during the session shall, without the consent of the other, adjourn for more than three days, nor to any other	1	5	4	1856
Places of choosing Senators. Congress may by law make or alter regulations for the election of Senators and Representatives, except as to the	1	4	1	1856
Ports of one State over those of another. Preference shall not be given by any regulation of commerce or revenue to the	1	9	6	1857
Vessels clearing from the ports of one State shall not pay duties in another	1	9	6	1857

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Post offices and post roads. Congress shall establish	1	8	7	1856
Powers herein granted shall be vested in Congress. All legislative	1	1	—	1855
Powers vested by the Constitution in the Government or in any Department or officer of the United States. Congress shall make all laws necessary to carry into execution the	1	8	18	1856
Powers and duties of the office shall devolve on the Vice-President, on the removal, death, resignation, or inability of the President. The	2	1	5	1857
Powers not delegated to the United States nor prohibited to the States are reserved to the States and to the people. [Amendments]	10	—	—	1860
The enumeration of certain rights in this Constitution shall not be held to deny or disparage others retained by the people. [Amendments]	9	—	—	1859
Preference, by any regulation of commerce or revenue, shall not be given to the ports of one State over those of another	1	9	6	1857
Prejudice any claims of the United States or of any particular State in the territory or property of the United States. Nothing in this Constitution shall	4	3	2	1858
Present, emolument, office, or title of any kind whatever from any king, prince, or foreign State. No person holding any office under the United States shall, without the consent of Congress, accept any	1	9	8	1857
Presentment or indictment of a grand jury, *except in cases arising* in the land or naval forces, or in the militia when in actual service. No person shall be held to answer for a capital or otherwise infamous crime unless on a. [Amendments]	5	—	—	1859
President of the United States. The Senate shall choose a President *pro tempore* when the Vice-President shall exercise the office of	1	3	5	1855
The Chief Justice shall preside upon the trial of the	1	3	6	1856
Shall approve and sign all bills passed by Congress before they shall become laws	1	7	2	1856
Shall return to the House in which it originated, with his objections, any bill which he shall not approve	1	7	2	1856
If not returned within ten days (Sundays excepted), it shall become a law, unless Congress shall adjourn before the expiration of that time	1	7	2	1856
Every order, resolution, or vote which requires the concurrence of both Houses, except on a question of adjournment, shall be presented to the	1	7	3	1856
If disapproved by him, shall be returned and proceeded on as in the case of a bill	1	7	3	1856
The executive power shall be vested in a	2	1	1	1857
He shall hold his office during the term of four years	2	1	1	1857
In case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of his office, the Vice-President shall perform the duties of	2	1	5	1857
Congress may declare, by law, in the case of the removal, death, resignation, or inability of the President, what officer shall act as	2	1	6	1857
The President shall receive a compensation which shall not be increased nor diminished during his term, nor shall he receive any other emolument from the United States	2	1	6	1857
Before he enters upon the execution of his office he shall take an oath of office	2	1	7	1857
Shall be commander-in-chief of the Army and Navy and of the militia of the States when called into actual service	2	2	1	1857
He may require the opinion, in writing, of the principal officer in each of the Executive Departments	2	2	1	1857
He may grant reprieves or pardons for offenses, except in cases of impeachment	2	2	1	1857
He may make treaties by and with the advice and consent of the Senate, two-thirds of the Senators present concurring	2	2	2	1857
He may appoint, by and with the advice and consent of the Senate, ambassadors, other public ministers and consuls, *judges of the Supreme Court, and all other officers whose* appointments may be authorized by law and not herein provided for	2	2	2	1857
Congress may vest the appointment of inferior officers in the	2	2	2	1857
He may fill up all vacancies that may happen in the recess of the Senate by commissions which shall expire at the end of their next session	2	2	3	1857
He shall give information to Congress of the state of the Union, and recommend measures	2	3	—	1857
On extraordinary occasions he may convene both Houses or either	2	3	—	1857
In case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper	2	3	—	1857
He shall receive ambassadors and other public ministers	2	3	—	1857
He shall take care that the laws be faithfully executed	2	3	—	1857
He shall commission all the officers of the United States	2	3	—	1857
On impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors, shall be removed from office. The	2	4	—	1858
No person except a natural-born citizen, or a citizen of the United States at the adoption of the Constitution, shall be eligible to the office of	2	1	4	1857
No person who shall not have attained the age of thirty-five years and been fourteen years a citizen of the United States shall be eligible to the office of	2	1	4	1857
President and Vice-President. Manner of choosing. Each State, by its legislature, shall appoint a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress	2	1	2	1857
No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector	2	1	2	1857
Congress may determine the tim eof choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States	2	1	3	1857
The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	—	—	1860
They shall name in distinct ballots the person voted for as President and the person voted for as Vice-President. [Amendments]	12	—	—	1860
President and Vice-President. Manner of choosing. They shall make distinct lists of the persons voted for as President and as Vice President, which they shall sign and certify and transmit sealed to the President of the Senate at the seat of government. [Amendments]	12	—	—	1860
The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. [Amendments]	12	—	—	1860
The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed. [Amendments]	12	—	—	1860
If no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. [Amendments]	12	—	—	1860
In choosing the President, the votes shall be taken by States, the representation from each State having one vote. [Amendments]	12	—	—	1860
A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	—	—	1860
But if no choice shall be made before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or disability of the President. [Amendments]	12	—	—	1860
President of the Senate, but shall have no vote unless the Senate be equally divided. The Vice-President shall be	1	3	4	1855
President pro tempore. In the absence of the Vice-President the Senate shall choose a	1	3	5	1855
When the Vice-President shall exercise the office of President of the United States, the Senate shall choose a	1	3	5	1855
Press. Congress shall pass no law abridging the freedom of speech or of the. [Amendments]	1	—	—	1859
Previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or. [Amendments]	15	1	—	1861
Private property shall not be taken for public use without just compensation. [Amendments]	5	—	—	1859
Privilege. Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same	1	6	1	1856
They shall not be questioned for any speech or debate in either House in any other place	1	6	1	1856
Privileges and immunities of citizens of the United States. The citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States	4	2	1	1858
No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments]	3	—	—	1859
No person shall be twice put in jeopardy of life and limb for the same offense. [Amendments]	5	—	—	1859
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]	14	1	—	1860
No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]	14	1	—	1860
No State shall deprive any person of life, liberty, or property without due process of law. [Amendments]	14	1	—	1860
Nor deny to any person within its jurisdiction the equal protection of its laws. [Amendments]	14	1	—	1860
Prizes captured on land or water. Congress shall make rules concerning	1	8	11	1856
Probable cause. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. And no warrant shall issue for such but upon. [Amendments]	4	—	—	1859
Process of law. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due. [Amendments]	5	—	—	1859
No State shall deprive any person of life, liberty, or property, without due. [Amendments]	14	1	—	1860
Process for obtaining witnesses in his favor. In all criminal prosecutions the accused shall have. [Amendments]	6	—	—	1859
Progress of science and useful arts. Congress shall have power to promote the	1	8	8	1856
Property of the United States. Congress may dispose of and make all needful rules and regulations respecting the territory or	4	3	2	1858
Property, without due process of law. No person shall be compelled in any criminal case to be a witness against himself; nor shall he be deprived of his life, liberty, or. [Amendments]	5	—	—	1859
No State shall abridge the privileges or immunities of citizens of the United States; nor deprive any person of his life, liberty, or. [Amendments]	14	1	—	1860
Prosecutions. The accused shall have a speedy and public trial in all criminal. [Amendments]	6	—	—	1859
He shall be tried by a jury in the State or district where the crime was committed. [Amendments]	6	—	—	1859
He shall be informed of the nature and cause of the accusation. [Amendments]	6	—	—	1859
He shall be confronted with the witnesses against him. [Amendments]	6	—	—	1859
He shall have compulsory process for obtaining witnesses. [Amendments]	6	—	—	1859
He shall have counsel for his defense. [Amendments]	6	—	—	1859
Protection of the laws. No State shall deny to any person within its jurisdiction the equal. [Amendments]	14	1	—	1860
Public debt of the United States incurred in suppressing insurrection or rebellion shall not be questioned. The validity of the. [Amendments]	14	4	—	1860
Public safety may require it. The writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the	1	9	2	1857

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Public trial by jury. In all criminal prosecutions the accused shall have a speedy and. [Amendments]	6	—	—	1859
Public use. Private property shall not be taken for, without just compensation. [Amendments]	5	—	—	1859
Punishment according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and	1	3	7	1856
Punishments inflicted. Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual. [Amendments]	8	—	—	1859

Q

Qualification for office. No religious test shall ever be required as a	6	—	3	1858
Qualifications of electors of members of the House of Representatives shall be the same as electors for the most numerous branch of the State legislature	1	2	1	1855
Qualifications of electors of Senators shall be the same as electors of the most numerous branch of the State legislature. [Amendments]	17	1	—	1861
Qualifications of members of the House of Representatives. They shall be twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the State in which chosen	1	2	2	1855
Of Senators. They shall be thirty years of age, nine years a citizen of the United States, and an inhabitant of the State in which chosen	1	3	3	1855
Of its own members. Each House shall be the judge of the election, returns, and	1	5	1	1856
Of the President. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President	2	1	4	1857
Neither shall any person be eligible to the office of President who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States	2	1	4	1857
Of the Vice-President. No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President. [Amendments]	12	—	—	1860
Quartered in any house without the consent of the owner in time of peace. No soldier shall be. [Amendments]	3	—	—	1859
Quorum to do business. A majority of each House shall constitute a	1	5	1	1856
But a smaller number than a quorum may adjourn from day to day and may be authorized to compel the attendance of absent members	1	5	1	1856
Of the House of Representatives for choosing a President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	—	—	1860
Quorum to elect a Vice-President by the Senate. Two-thirds of the whole number of Senators shall be a. [Amendments]	12	—	—	1860
A majority of the whole number shall be necessary to a choice. [Amendments]	12	—	—	1860

R

Race, color, or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of. [Amendments]	15	1	—	1861
Ratification of amendments to the Constitution shall be by the legislatures of three-fourths of the several States or by conventions in three-fourths of the States, accordingly as Congress may propose	5	—	—	1858
Ratification of the conventions of nine States shall be sufficient to establish the Constitution between the States so ratifying the same	7	—	—	1858
Ratio of representation until the first enumeration under the Constitution shall be made not to exceed one for every thirty thousand	1	2	3	1855
Ratio of representation shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. [Amendments]	14	2	—	1860
But when the right to vote for Presidential electors or members of Congress, or the legislative, executive, and judicial officers of the State, except for engaging in rebellion or other crime, shall be denied or abridged by a State, the basis of representation shall be reduced therein in the proportion of such denial or abridgment of the right to vote. [Amendments]	14	2	—	1860
Rebellion against the United States. Persons who, while holding *certain Federal and State offices, took an oath to support* the Constitution, afterward engaged in insurrection or rebellion, disabled from holding office under the United States. [Amendments]	14	3	—	1860
But Congress may by a vote of two-thirds of each House remove such disability. [Amendments]	14	3	—	1860
Rebellion against the United States. Debts incurred for pensions and bounties for services in suppressing the rebellion shall *not be questioned.* [*Amendments*]	14	4	—	1860
All debts and obligations incurred in aid of the rebellion, and all claims for the loss or emancipation of slaves, declared and held to be illegal and void. [Amendments]	14	4	—	1860
Rebellion or invasion. The writ of *habeas corpus* shall not be suspended except when the public safety may require it in cases of	1	9	2	1857
Receipts and expenditures of all public money shall be published from time to time. A regular statement of	1	9	7	1857
Recess of the Senate. The President may grant commissions, which shall expire at the end of the next session, to fill vacancies that may happen during the	2	2	3	1857
Reconsideration of a bill returned by the President with his objections. Proceedings to be had upon the	1	7	2	1856
Records, and judicial proceedings of every other State. Full faith and credit shall be given in each States to the acts	4	1	—	1858
Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	—	1858
Redress of grievances. Congress shall make no law abridging the right of the people peacably to assemble and to petition for the. [Amendments]	1	—	—	1855
Regulations, except as to the places of choosing Senators. The time, places, and manner of holding elections for Senators and Representatives shall be prescribed by the legislatures of the States, but Congress may at any time by law make or alter such	1	4	1	1856
Regulations of commerce or revenue. Preference to the ports of one State over those of another shall not be given by any	1	9	6	1857
Religion or prohibiting the free exercise thereof. Congress shall make no law respecting the establishment of. [Amendments]	1	—	—	1859
Religious test shall ever be required as a qualification for any office or public trust under the United States. No	6	—	3	1858
Removal of the President from office, the same shall devolve on the Vice-President. In case of the	2	1	5	1857
Representation. No State, without its consent, shall be deprived of its equal suffrage in the Senate	5	—	—	1858
Representation and direct taxation, how apportioned among the several States	1	2	3	1855
Representation until the first enumeration under the Constitution not to exceed one for every thirty thousand. The ratio of	1	2	3	1855
Representation in any State. The executive thereof shall issue writs of election to fill vacancies in the	1	2	4	1855
Representation among the several States shall be according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. The ratio of. [Amendments]	14	2	—	1860
But where the right to vote in certain Federal and State elections is abridged for any cause other than rebellion or other crime, the basis of representation shall be reduced. [Amendments]	14	2	—	1860
Representatives. Congress shall consist of a Senate and House of	1	1	—	1855
Qualifications of electors of members of the House of	1	2	1	1855
No person shall be a Representative who shall not have attained the age of twenty-five years, been seven years a citizen of the United States, and an inhabitant of the State in which he shall be chosen	1	2	2	1855
And direct taxes, how apportioned among the several States	1	2	3	1855
Shall choose their Speaker and other officers. The House of	1	2	5	1855
Shall have the sole power of impeachment. The House of	1	2	5	1855
Executives of the States shall issue writs of election to fill vacancies in the House of	1	2	4	1855
The times, places, and manner of choosing Representatives shall be prescribed by the legislatures of the States	1	4	1	1856
But Congress may at any time by law make or alter such regulations except as to the places of choosing Senators	1	4	1	1856
And Senators shall receive a compensation, to be ascertained by law	1	6	1	1856
Shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at the session of the House, and in going to and returning from the same	1	6	1	1856
Shall not be questioned in any other place for any speech or debate. Members of the House of	1	6	1	1856
No member shall be appointed during his term to any civil office which shall have been created, or the emoluments of which shall have been increased, during such term	1	6	2	1856
No person holding any office under the United States shall, while holding such office, be a member of the House of	1	6	2	1856
All bills for raising revenue shall originate in the House of	1	7	1	1856
No Senator or Representative shall be an elector for President *or Vice-President*	2	1	2	1857
Representatives shall be bound by an oath or affirmation to support the Constitution of the United States. The Senators and	6	—	3	1858
Representatives among the several States. Provisions relative to the apportionment of. [Amendments]	14	2	—	1860
Representatives and Senators. Prescribing certain disqualifications for office as. [Amendments]	14	3	—	1860
But Congress may, by a vote of two-thirds of each House, remove such disqualification. [Amendments]	14	3	—	1860
Reprieves and pardons except in cases of impeachment. The President may grant	2	2	1	1857
Reprisal. Congress shall have power to grant letters of marque and	1	8	11	1856
No State shall grant any letters of marque and	1	10	1	1857
Republican form of government. The United States shall guarantee to every State in this Union a	4	4	—	1858
Republican form of government. And shall protect each of them against invasion; and on the application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence	4	4	—	1858
Reserved rights of the States and the people. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. [Amendments]	9	—	—	1859
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [Amendments]	10	—	—	1860
Resignation, or inability of the President, the duties and powers of his office shall devolve on the Vice-President. In case of the death	2	1	5	1857
Resignation, or inability of the President. Congress may by law provide for the case of the removal, death	2	1	6	1857
Resolution, or vote (except on a question of adjournment) requiring the concurrence of the two Houses shall, before it becomes a law, be presented to the President. Every order	1	7	3	1856
Revenue shall originate in the House of Representatives. All bills for raising	1	7	1	1856

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Revenue. Preference shall not be given to the ports of one State over those of another by any regulations of commerce or	1	9	6	1857
Rhode Island entitled to one Representative in the first Congress	1	2	3	1855
Right of petition. Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the redress of grievances. [Amendments]	1	—	—	1859
Right to keep and bear arms. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. [Amendments]	2	—	—	1859
Rights in the Constitution shall not be construed to deny or disparage others retained by the people. The enumeration of certain. [Amendments]	9	—	—	1859
Rights not delegated to the United States nor prohibited to the States are reserved to the States or to the people. [Amendments]	10	—	—	1860
Rules of its proceedings. Each House may determine the	1	5	2	1856
Rules and regulations respecting the territory or other property of the United States. Congress shall dispose of and make all needful	4	3	2	1858
Rules of the common law. All suits involving over twenty dollars shall be tried by jury according to the. [Amendments]	7	—	—	1859
No fact tried by a jury shall be re-examined except according to the. [Amendments]	7	—	—	1859
S				
Science and the useful arts by securing to authors and inventors the exclusive right to their writings and discoveries. Congress shall have power to promote the progress of	1	8	8	1856
Searches and seizures shall not be violated. The right of the people to be secure against unreasonable. [Amendments]	4	—	—	1859
And no warrants shall be issued but upon probable cause, on oath or affirmation, describing the place to be searched and the persons or things to be seized. [Amendments.]	4	—	—	1859
Seat of Government. Congress shall exercise exclusive legislation in all cases over such district as may become the	1	8	17	1856
Securities and current coin of the United States. Congress shall provide for punishing the counterfeiting of the	1	8	6	1856
Security of a free State, the right of the people to keep and bear arms shall not be infringed. A well-regulated militia being necessary to the. [Amendments]	2	—	—	1859
Senate and House of Representatives. The Congress of the United States shall consist of a	1	1	—	1855
Senate of the United States. The Senate shall be composed of two Senators from each State, chosen by the legislature for six years	1	3	1	1855
The Senate shall be composed of two Senators from each State, elected by the people thereof, for six years. [Amendments]	17	1	—	1861
Qualifications of electors of Senators. [Amendments]	17	1	—	1861
If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature	1	3	2	1855
When vacancies happen the executive authority of the State shall issue writs of election to fill such vacancies; provided, that the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct. [Amendments]	17	2	—	1861
The Vice-President shall be President of the Senate, but shall have no vote unless the Senate be equally divided	1	3	4	1855
The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President	1	3	5	1855
The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation	1	3	6	1855
When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present	1	3	6	1855
It shall be the judge of the elections, returns, and qualifications of its own members	1	5	1	1856
A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members	1	5	1	1856
It may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member	1	5	2	1856
It shall keep a journal of its proceedings and from time to time publish the same, except such parts as may in their judgment require secrecy	1	5	3	1856
It shall not adjourn for more than three days during a session without the consent of the other House	1	5	4	1856
It may propose amendments to bills for raising revenue, but such bills shall originate in the House of Representatives	1	7	1	1856
The Senate shall advise and consent to the ratification of all treaties, provided two-thirds of the members present concur	2	2	2	1856
It shall advise and consent to the appointment of ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers not herein otherwise provided for	2	2	2	1856
It may be convened by the President on extraordinary occasions	2	3	1	1856
No State, without its consent, shall be deprived of its equal suffrage in the Senate	5	—	—	1858
Senators. They shall, immediately after assembling, under their first election, be divided into three classes, so that the seats of one-third shall become vacant at the expiration of every second year	1	3	2	1855
No person shall be a Senator who shall not be thirty years of age, nine years a citizen of the United States, and an inhabitant when elected of the State for which he shall be chosen	1	3	3	1855
The times, places, and manner of choosing Senators may be fixed by the legislature of a State, but Congress may by law make or alter such regulations, except as to the places of choosing	1	4	1	1856
If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature	1	3	2	1855
Senators. If vacancies happen the executive authority of the State shall issue writs of election to fill such vacancies; provided, that the legislature of any State may empower the executive there of to make temporary appointment until the people fill the vacancies by election as the legislature may direct. [Amendments]	17	2	—	1861
They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Senate and in going to and returning from the same	1	6	1	1856
Senators and Representatives shall receive a compensation to be ascertained by law	1	6	1	1856
Senators and Representatives shall not be questioned for any speech or debate in either House in any other place	1	6	1	1856
No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the United States which shall have been created, or of which the emoluments shall have been increased, during such term	1	6	2	1856
No person holding any office under the United States shall be a member of either House during his continuance in office	1	6	2	1856
No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector for President and Vice-President	2	1	2	1857
Senators and Representatives shall be bound by an oath or affirmation to support the Constitution	6	—	3	1858
No person shall be a Senator or Representative who, having, as a Federal or State officer, taken an oath to support the Constitution, afterward engaged in rebellion against the United States. [Amendments]	14	3	—	1860
But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	—	1860
Service or labor in one State, escaping into another State, shall be delivered up to the party to whom such service or labor may be due. Fugitives from	4	2	3	1858
Servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States or any place subject to their jurisdiction. Neither slavery nor involuntary [Amendments]	13	1	—	1860
Servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of [Amendments]	15	1	—	1861
Ships of war in time of peace, without the consent of Congress. No State shall keep troops or	1	10	3	1857
Silver coin a tender in payment of debts. No State shall make anything but gold and	1	10	1	1857
Slave. Neither the United States not any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion, or any claim for the loss or emancipation of any [Amendments]	14	4	—	1860
Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States, or any places subject to their jurisdiction. Neither [Amendments]	13	1	—	1860
Soldiers shall not be quartered, in time of peace, in any house without the consent of the owner. [Amendments]	3	—	—	1859
South Carolina entitled to five Representatives in the first Congress	1	2	3	1855
Speaker and other officers. The House of Representatives shall choose their	1	2	5	1855
Speech or of the press. Congress shall make no law abridging the freedom of [Amendments]	1	—	—	1859
Speedy and public trial by a jury. In all criminal prosecutions the accused shall have a [Amendments]	6	—	—	1859
Standard of weights and measures. Congress shall fix the	1	8	5	1856
State of the Union. The President shall, from time to time, give Congress information of the	2	3	—	1857
State legislatures, and all executive and judicial officers of the United States, shall take an oath to support the Constitution. All members of the several	6	—	3	1858
States. When vacancies happen in the representation from any State, the executive authority shall issue writs of election to fill such vacancies	1	2	4	1855
When vacancies happen in the representation of any State in the Senate, the executive authority shall issue writs of election to fill such vacancies. [Amendments]	17	2	—	1861
Congress shall have power to regulate commerce among the several	1	8	3	1856
No State shall enter into any treaty, alliance, or confederation	1	10	1	1857
Shall not grant letters of marque and reprisal	1	10	1	1857
Shall not coin money	1	10	1	1857
Shall not emit bills of credit	1	10	1	1857
Shall not make anything but gold and silver coin a tender in payment of debts	1	10	1	1857
Shall not pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts	1	10	1	1857
Shall not grant any title of nobility	1	10	1	1857
Shall not, without the consent of Congress, lay any duties on imports or exports, except what may be absolutely necessary for executing its inspection laws	1	10	2	1857
Shall not, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay	1	10	3	1857
Full faith and credit in every other State shall be given to the public acts, records, and judicial proceedings of each State	4	1	—	1858
Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	—	1858
Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States	4	2	1	1858
New States may be admitted by Congress into this Union	4	3	1	1858
But no new State shall be formed or erected within the jurisdiction of another State	4	3	1	1858
Nor any State formed by the junction of two or more States or parts of States, without the consent of the legislatures as well as of Congress	4	3	1	1858

	Art.	Sec.	Cl.	Page
States. No State shall be deprived, without its consent, of its equal suffrage in the Senate	5	—	—	1858
Three-fourths of the legislatures of the States, or conventions of three-fourths of the States, as Congress shall prescribe, may ratify amendments to the Constitution	5	—	—	1858
The United States shall guarantee a republican form of government to every State in the Union	4	4	—	1858
They shall protect each State against invasion	4	4	—	1858
And on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence	4	4	—	1858
The ratification by nine States shall be sufficient to establish the Constitution between the States so ratifying the same	7	—	—	1858
When the choice of President shall devolve on the House of Representatives, the vote shall be taken by States. [Amendments]	12	—	—	1860
But in choosing the President the vote shall be taken by States, the representation from each State having one vote. [Amendments]	12	—	—	1860
A quorum for choice of President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	—	—	1860
States or the people. Powers not delegated to the United States, nor prohibited to the States, are reserved to the. [Amendments]	10	—	—	1860
Suffrage in the Senate. No State shall be deprived without its consent of its equal	5	—	—	1858
No denial of right to vote on account of sex. [Amendments]	18	—	—	1861
Suits at common law, where the value in controversy shall exceed $20, shall be tried by jury. [Amendments]	7	—	—	1859
In law or equity against one of the States, by citizens of another State, or by citizens of a foreign State. The judicial power of the United States shall not extend to [Amendments]	11	—	—	1860
Supreme Court. Congress shall have power to constitute tribunals inferior to the	1	8	9	1856
Supreme Court, and such inferior courts as Congress may establish. The judicial power of the United States shall be vested in one.	3	1	—	1858
Supreme Court. The judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	—	1858
The compensation of the judges shall not be diminished during their continuance in office	3	1	—	1858
Shall have original jurisdiction. In all cases affecting ambassadors, other public ministers and consuls, and in which a State may be a party, the	3	2	2	1858
Shall have appellate jurisdiction, both as to law and the fact, with such exceptions and regulations as Congress may make. The	3	2	2	1858
Supreme law of the land. This Constitution, the laws made in pursuance thereof, and the treaties of the United States, shall be the	6	—	2	1858
The judges in every State shall be bound thereby	6	—	2	1858
Suppress insurrections and repel invasions. Congress shall provide for calling forth the militia to execute the laws	1	8	15	1856
Suppression of insurrection or rebellion shall not be questioned. The public debt, including the debt for pensions and bounties, incurred in the. [Amendments]	14	4	—	1860

T

Tax shall be laid unless in proportion to the census or enumeration. No capitation or other direct	1	9	4	1857
Tax on incomes authorized without apportionment among the several States, and without regard to any census or enumeration. [Amendments]	16	—	—	1861
Tax or duty shall be laid on articles exported from any State. No	1	9	5	1857
Taxes (direct) and Representatives, how apportioned among the several States	1	2	3	1855
Taxes, duties, imposts, and excises. Congress shall have power to lay	1	8	1	1856
They shall be uniform throughout the United States	1	8	1	1856
Temporary appointments until the next meeting of the legislature. If vacancies happen in the Senate in the recess of the legislature of a State, the executive of the State shall make	1	3	2	1855
Tender in payment of debts. No State shall make anything but gold and silver coin a	1	10	1	1857
Term of four years. The President and Vice-President shall hold their offices for the	2	1	1	1857
Term for which he is elected. No Senator or Representative shall be appointed to any office under the United States which shall have been created or its emoluments increased during the	1	6	2	1856
Territory or other property of the United States. Congress shall dispose of and make all needful rules and regulations respecting the	4	3	2	1858
Test as a qualification for any office or public trust shall ever be required. No religious	6	—	3	1858
Testimony of two witnesses to the same overt act, or on confession in open court. No person shall be convicted of treason except on the	3	3	1	1858
Three-fourths of the legislatures of the States, or conventions in three-fourths of the States, as Congress shall prescribe, may ratify amendments to the Constitution	5	—	—	1858
Tie. The Vice-President shall have no vote unless the Senate be equally divided	1	3	4	1855
Times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof	1	4	1	1856
But Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators	1	4	1	1856
Title of nobility. The United States shall not grant any	1	9	8	1857
No State shall grant any	1	10	1	1857
Title of any kind, from any king, prince, or foreign state, without the consent of Congress. No person holding any office under the United States shall accept of any	1	9	8	1857
Tonnage without the consent of Congress. No State shall lay any duty of	1	10	3	1857
Tranquility, provide for the common defense, &c. To insure domestic. [Preamble]	—	—	—	1855
Treason shall consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort	3	3	1	1858
No person shall, unless on the testimony of two witnesses to the same overt act, or on confession in open court, be convicted of	3	3	1	1858
Congress shall have power to declare the punishment of	3	3	2	1858
Shall not work corruption of blood. Attainder of	3	3	2	1858
Shall not work forfeiture, except during the life of the person attained. Attainder of	3	3	2	1858
Treason, bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed from office on impeachment for and conviction of	2	4	1	1858
Treason, felony, and breach of the peace. Senators and Representatives shall be privileged from arrest while attending, or while going to or returning from the sessions of Congress, except in cases of	1	6	1	1856
Treasury, but in consequence of appropriations made by law. No money shall be drawn from the	1	9	7	1857
Treaties. The President shall have power, with the advice and consent of the Senate, provided two-thirds of the Senators present concur, to make	2	2	2	1857
The judicial power shall extend to all cases arising under the Constitution, laws, and	3	2	1	1858
They shall be the supreme law of the land, and the judges in every State shall be bound thereby	6	—	2	1858
Treaty, alliance, or confederation. No State shall enter into any	1	10	1	1857
Trial, judgment, and punishment according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall nevertheless be liable and subject to indictment	1	3	7	1856
Trial by jury. All crimes, except in cases of impeachment, shall be tried by jury	3	2	3	1858
Such trial shall be held in the State within which the crime shall have been committed	3	2	3	1858
But when not committed within a State, the trial shall be at such a place as Congress may by law have directed	3	2	3	1858
In all criminal prosecutions the accused shall have a speedy and public. [Amendments]	6	—	—	1859
Suits at common law, when the amount exceeds $20, shall be by. [Amendments]	7	—	—	1859
Tribunals inferior to the Supreme Court. Congress shall have power to constitute	1	8	9	1856
Troops or ships of war in time of peace without the consent of Congress. No State shall keep	1	10	3	1857
Trust or profit under the United States, shall be an elector for President and Vice-President. No Senator, Representative, or person holding any office of	2	1	2	1857
Two-thirds of the members present. No person shall be convicted on an impeachment without the concurrence of	1	3	6	1856
Two-thirds, may expel a member. Each House, with the concurrence of	1	5	2	1856
Two-thirds. A bill returned by the President with his objections, may be repassed by each House by a vote of	1	7	2	1856
Two-thirds of the Senators present concur. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided	2	2	2	1857
Two-thirds of the legislatures of the several States. Congress shall call a convention for proposing amendments to the Constitution on the application of	5	—	—	1858
Two-thirds of both Houses shall deem it necessary. Congress shall propose amendments to the Constitution whenever	5	—	—	1858
Two-thirds of the States. When the choice of a President shall devolve on the House of Representatives, a quorum shall consist of a member or members from. [Amendments]	12	—	—	1860
Two-thirds of the whole number of Senators. A quorum of the Senate, when choosing a Vice-President, shall consist of. [Amendments]	12	—	—	1860
Two-thirds, may remove the disabilities imposed by the third section of the fourteenth amendment. Congress, by a vote of. [Amendments]	14	3	—	1860
Two years. Appropriations for raising and supporting armies shall not be for a longer term than	1	8	12	1856

U

Union. To establish a more perfect. [Preamble]	—	—	—	1855
The President shall, from time to time, give to Congress information of the state of the	2	3	1	1857
New States may be admitted by Congress into this	4	3	1	1858
But no new State shall be formed or erected within the jurisdiction of another	4	3	1	1858
Unreasonable searches and seizures. The people shall be secured in their persons, houses, papers, and effects against. [Amendments]	4	—	—	1859
And no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. [Amendments]	4	—	—	1859
Unusual punishments inflicted. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and. [Amendments]	8	—	—	1859
Use without just compensation. Private property shall not be taken for public. [Amendments]	5	—	—	1859
Useful arts, by securing for limited times to authors and inventors the exclusive right to their writings and inventions. Congress shall have power to promote the progress of science and the	1	8	8	1856

V

Vacancies happening in the representation of a State. The executive thereof shall issue writs of election to fill	1	2	4	1855
Vacancies happening in the representation of a State in the Senate. The executive thereof shall issue writs of election to fill. [Amendments]	17	2	—	1861

	Art.	Sec.	Cl.	Page
Vacancies happening in the Senate in the recess of the legislature of a State. How filled	1	3	2	1855
Vacancies that happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session. The President shall have power to fill	2	2	3	1857
Validity of the public debt incurred in suppressing insurrection against the United States, including debt for pensions and bounties, shall not be questioned. [Amendments]	14	4	—	1860
Vessels bound to or from the ports of one State, shall not be obliged to enter, clear, or pay duties in another State	1	9	6	1857
Veto of a bill by the President. Proceedings of the two Houses upon the	1	7	2	1856
Vice-President of the United States shall be President of the Senate	1	3	4	1855
He shall have no vote unless the Senate be equally divided	1	3	4	1855
The Senate shall choose a President *pro tempore* in the absence of the	1	3	5	1855
He shall be chosen for the term of four years	2	1	1	1857
The number and the manner of appointing electors for President and	2	1	2	1857
In case of the removal, death, resignation, or inability of the President, the powers and duties of his office shall devolve on the	2	1	5	1857
Congress may provide by law for the case of the removal, death, resignation, or inability both of the President and	2	1	5	1857
On impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors, shall be removed from office. The	2	4	—	1858
Vice-President. The manner of choosing the. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	—	—	1860
The electors shall name, in distinct ballots, the person voted for as Vice-President. [Amendments]	12	—	—	1860
They shall make distinct lists of the persons voted for as Vice-President, which lists they shall sign and certify, and send sealed to the seat of Government, directed to the President of the Senate. [Amendments]	12	—	—	1860
The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall be then counted. [Amendments]	12	—	—	1860
The person having the greatest number of votes shall be Vice-President, if such number be a majority of the whole number of electors. [Amendments]	12	—	—	1860
If no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. [Amendments]	12	—	—	1860
A quorum for this purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice. [Amendments]	12	—	—	1860
But if the House shall make no choice of a President before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. [Amendments]	12	—	—	1860
No person constitutionally ineligible as President shall be eligible as. [Amendments]	12	—	—	1860
Violence. The United States shall guarantee to every State a republican form of government, and shall protect each State against invasion and domestic	4	4	—	1858
Virginia entitled to ten Representatives in the first Congress	1	2	3	1855
Vote. Each Senator shall have one	1	3	1	1855
The Vice-President, unless the Senate be equally divided, shall have no	1	3	4	1855
Vote requiring the concurrence of the two Houses (except upon a question of adjournment) shall be presented to the President. Every order, resolution, or	1	7	3	1856
Vote, shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The right of citizens of the United States to. [Amendments]	15	1	—	1861
Vote of two-thirds. Each House may expel a member by a	1	5	2	1856
A bill vetoed by the President may be repassed in each House by a	1	7	2	1856
No person shall be convicted on an impeachment except by a	1	3	6	1856
Whenever both Houses shall deem it necessary, Congress may propose amendments to the Constitution by a	5	—	—	1858
The President may make treaties with the advice and consent of the Senate, by a	2	2	2	1857
Disabilities incurred by participation in insurrection or rebellion, may be relieved by Congress by a [Amendments]	14	3	—	1860
W				
War, grant letters of marque and reprisal, and make rules concerning captures on land and water. Congress shall have power to declare	1	8	11	1856
For governing the land and naval forces. Congress shall have power to make rules and articles of	1	8	14	1856
No State shall, without the consent of Congress, unless actually invaded, or in such imminent danger as will not admit of delay, engage in	1	10	3	1857
War against the United States, adhering to their enemies, and giving them aid and comfort. Treason shall consist only in levying	3	3	1	1858
Warrants shall issue but upon probable cause, on oath or affirmation, describing the place to be searched, and the person or things to be seized. No [Amendments]	4	—	—	1859
Weights and measures. Congress shall fix the standard of	1	8	5	1856
Welfare and to secure the blessings of liberty, &c. To promote the general. [Preamble]	—	—	—	1855
Welfare. Congress shall have power to provide for the common defense and general	1	8	1	1856
Witness against himself. No person shall, in a criminal case, be compelled to be a [Amendments]	5	—	—	1859
Witnesses against him. In all criminal prosecutions the accused shall be confronted with the [Amendments]	6	—	—	1859
Witnesses in his favor. In all criminal prosecutions the accused shall have compulsory process for obtaining [Amendments]	6	—	—	1859
Witnesses to the same overt act, or on confession in open court. No person shall be convicted of treason unless on the testimony of two	3	3	1	1858
Writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it	1	9	2	1857
Writs of election to fill vacancies in the representation of any State. The executives of the State shall issue	1	2	4	1855
Written opinion of the principal officer in each of the Executive Departments on any subject relating to the duties of his office. The President may require the	2	2	1	1857
Y				
Yeas and nays of the members of either House shall, at the desire of one-fifth of those present, be entered on the journals	1	5	3	1856
The votes of both Houses upon the reconsideration of a bill returned by the President with his objections shall be determined by	1	7	2	1856

APPENDIX

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE FIRST SESSION OF THE SIXTY-NINTH CONGRESS, CLASSIFIED UNDER
THE APPROPRIATE TITLE, CHAPTER, AND SECTION OF THE CODE

1875

GENERAL AND PERMANENT LAWS OF THE FIRST SESSION OF THE SIXTY-NINTH CONGRESS

CLASSIFIED UNDER THE APPROPRIATE TITLE, CHAPTER, AND SECTION OF THE CODE

Explanatory note for users of Appendix.—Where a section of the Code has been amended by a statute enacted at the first session of the Sixty-ninth Congress, that amendment has, as a general rule, been incorporated in the section and the whole section, as amended, reprinted here under the particular title and chapter where the section appears in the Code. In some instances, however, the amendment is not susceptible of incorporation in the section, and in such instances the language of the amending statute is set out in a note following the original section number and heading. Where a statute does not amend a Code section, but is new legislation, it is given a new section number under the appropriate title and chapter, and where there is related matter, following that matter.

TITLE 2.—THE CONGRESS

Chapter 4.—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES.

Sec.

64a. Death, resignation, or disability of Secretary of Senate; Financial Clerk deemed successor as disbursing officer. [New.]
94. Appointment, duties, and removal of janitors to committees of House of Representatives.
96. Payment from moneys of House of Representatives of certain bills.
119. Stationery rooms of House and Senate—specification of classes of articles purchasable. [New.]

64a. Death, resignation, or disability of Secretary of Senate; Financial Clerk deemed successor as disbursing officer.—Hereafter, in the event of the death, resignation, or disability of the Secretary of the Senate, the Financial Clerk of the Senate shall be deemed his successor as a disbursing officer, under his bond as Financial Clerk, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended. (Mar. 3, 1926, c. 44, 44 Stat. 162.)

New section.

94. Appointment, duties, and removal of janitors to committees of House of Representatives.

Section 94 of Title 2 repealed.—The statutory provision constituting § 94 of Title 2 was repeated in Act of May 13, 1926, c. 294, § 1, 44 Stat. 542.

96. Payment from moneys of House of Representatives of certain bills.

Section 96 of Title 2 amended.—The provision of Act of July 16, 1914, c. 141, § 1, 38 Stat. 462, constituting § 96 of Title 2 of the Code, has been amended by Act of Mar. 3, 1926, c. 44, § 1, 44 Stat. 163, as follows:

"The limitation on expenditures by the Clerk of the House of Representatives for supplies or utensils used in the barber shops of the House Office Building or House wing of the Capitol, made by the Act of July 16, 1914 (Thirty-eighth Statutes at Large, page 462), shall not hereafter apply to the purchase of necessary furniture."

119. Stationery rooms of House and Senate—specification of classes of articles purchasable.—Hereafter the Committee on Accounts of the House of Representatives and the Committee to Audit and Control the Contingent Expenses of the Senate, respectively, shall make and issue regulations specifying the classes of articles which may be purchased by or through the stationery rooms of the House and Senate. (May 13, 1926, c. 294, § 2, 44 Stat. 552.)

New section.

Chapter 5.—LIBRARY OF CONGRESS.

Sec.

159. Same; perpetual succession; suits by or against.
162. Same; employees; compensation.

159.—Same; perpetual succession; suits by or against.—The board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it. (Mar. 3, 1925, c. 423, § 3, 43 Stat. 1108; Jan. 27, 1926, c. 6, § 1, 44 Stat. 2.)

Section 159 of Title 2 amended.—Act of Mar. 3, 1925, c. 423, § 3, 43 Stat. 1108, constituting § 159 of Title 2 of the Code, has been amended by Act of Jan. 27, 1926, c. 6, 44 Stat. 2, to read as above. The amendment relates to the first sentence.

162. Same; employees; compensation.

Section 162 of Title 2 amended.—Act of Mar. 3, 1925, c. 423, § 6, 43 Stat. 1108, constituting § 162 of Title 2 of the Code, has been amended by Act of Jan. 27, 1926, c. 6, § 2, 44 Stat. 2, as follows: "Section 6 of said Act is amended by striking out the comma after the word 'undertakings.'"

Chapter 6.—CONGRESSIONAL INVESTIGATIONS.

Sec.

196. Senate resolutions for investigations—limit of cost. [New.]

196. Senate resolutions for investigations—limit of cost.—Hereafter Senate resolutions providing for inquiries and investigations shall contain a limit of cost of such investigation, which limit shall not be exceeded except by vote of the Senate authorizing additional amounts. (Mar. 3, 1926, c. 44, 44 Stat. 162.)

New section.

TITLE 3.—THE PRESIDENT

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT.

Sec.
43. President's traveling expenses.
46. Detail of employees of executive departments to office of President.
53. Protection of the President.

43. President's traveling expenses.

Section 43 of Title 3 saved from repeal.—The statutory provision constituting § 43 of Title 3 of the Code was saved from repeal or modification by § 10 of the Act of June 3, 1926, c. 457, 44 Stat. 689, constituting § 830 of Title 5 of this appendix to the Code.

46. Detail of employees of executive departments to office of President.

Section 46 of Title 3 repeated.—The statutory provision constituting § 46 of Title 3 of the Code was repeated in the Executive, etc., Appropriation Act of Apr. 22, 1926, c. 171, § 1, 44 Stat. 305.

53. Protection of the President.

Section 53 of Title 3 repeated.—The statutory provision constituting § 53 of Title 3 of the Code was repeated in the Treasury and Post Office Departments Appropriation Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 146.

TITLE 5.—EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES

Chapter 1.—PROVISIONS APPLICABLE TO DEPARTMENTS AND OFFICERS GENERALLY.

Sec.
75a. Civilian employees in field service; quarters, heat, light, etc. [New.]
92a. Oaths required by United States; administration by notaries public and other State officers. [New.]
118. Expenditures for telegraph and telephone communication. [New.]

75a. Civilian employees in field service; quarters, heat, light, etc.—The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations for the fiscal year 1927 of the character heretofore used for such purposes are hereby made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians. (Mar. 2, 1926, c. 43, § 3, 44 Stat. 161.)

New section.

92a. Oaths required by United States; administration by notaries public and other State officers.—In all cases in which, under the laws of the United States, oaths are authorized or required to be administered, they may be administered by notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths. (July 3, 1926, c. 752, 44 Stat. 830.)

New section. It constitutes an Act entitled "An Act to authorize notaries public and other State officers to administer oaths required by the United States," cited to the text.

118. Expenditures for telegraph and telephone communication.—Hereafter the head of any department or establishment of the Government, in his discretion, may transfer in advance to the Signal Corps of the Army, from appropriations available for the transmission of messages such amounts as may be necessary to defray the expense of transmitting messages turned over by him to that corps, including the payment of toll charges of commercial carriers, the leasing of facilities required for transmitting messages, and the installation and maintenance of such facilities. (Apr. 15, 1926, c. 146, 44 Stat. 267.)

New section.

Chapter 3.—DEPARTMENT OF WAR.

Sec.
182a. Additional Secretary of War; aeronautic duties. [New.]
189. Assignment of clerks and employees to duty in War Department.
204. Same; basis of distribution; notice to States, etc.
205. Same; shipments; how made.
214. Equipment for Metropolitan Police.

182a. Additional Secretary of War; aeronautic duties.—To aid the Secretary of War in fostering military aeronautics, and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of War who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the Classification Act of 1923. (July 2, 1926, c. 721, § 9, 44 Stat. 784.)

New section. The matter constituting it came from Act of July 2, 1926, c. 721, § 9, as shown above, and was preceded by these words: "That section 5a of the National Defense Act, as amended, be, and the same is hereby, amended by adding at the end of said section 5a the following: (Then followed the matter constituting the text.)

189. Assignment of clerks and employees to duty in War Department.

Section 189 of Title 5 repealed.—The statutory provision constituting § 189 of Title 5 of the Code was repealed in Act of Apr. 15, 1926, c. 146, 44 Stat. 258.

204. Same; basis of distribution; notice to States, etc.—For the purposes of sections 203 to 207 of this Title the reports compiled prior to June 7, 1924, under the direction of the Secretary of War showing the number of men in the armed forces of the United States accredited to each State, Territory, and possession of the United States, and to the District of Columbia, either by enlistment or by the process of the Selective Service Act, or otherwise drawn into and becoming an integral part of the armed forces of the United States during the period April 7, 1917, to November 11, 1918, and the allotment of war trophies suitable for distribution among the several States, Territories, and possessions, and the District of Columbia, shall serve as the basis of distribution. As soon as practicable after June 7, 1924, the Secretary of War shall cause the chief executive of each of the several States, Territories, and possessions, and the Commissioners of the District of Columbia to be informed of the character and quantity of war devices and trophies apportioned thereto, and shall invite each such chief executive and the Commissioners of the District of Columbia to designate such material as will be accepted free on board common carrier at the point of storage and to designate the point or points to which the accepted material is to be shipped without expense to the United States other than that of packing and loading at the point of storage: *Provided*, That the Secretary of War is authorized to apportion and distribute such war devices and trophies, formerly contemplated by the said reports heretofore compiled as unsuitable for distribution as trophies, as he deems suitable for distribution, and to include the Canal Zone in such apportionment and distribution. (June 7, 1924, c. 312, § 2, 43 Stat. 597; May 22, 1926, c. 362, 44 Stat. 615.)

Section 204 of Title 5 amended.—The provision of Act of June 7, 1924, c. 312, § 2, 43 Stat. 597, constituting § 204 of Title 5 of the Code, has been amended by Act of May 22, 1926, c. 362, 44 Stat. 615, to read as above. The amendment related to the second sentence, adding the proviso at end of section.

205. Same; shipments; how made.—Shipment of the apportionment of each State, Territory, and possession, and the District of Columbia accepted shall be made as soon as practicable after the chief executive or the commissioners thereof as the case may require, shall have informed the Secretary of War that such State, Territory, possession, or District will accept and take possession thereof as hereinbefore provided for and will relieve the United States of all responsibility for the safe delivery of the material and of all charges, costs, and expenses whatsoever connected with the transportation thereof: *Provided*, That if the chief executive or the commissioners of any State, Territory, possession, or District shall not, on or before July 1, 1927, file with the Secretary of War such acceptance and agreement, such apportionment, or any part thereof, shall be reapportioned and redistributed to the several States, Territories, and possessions of the United States, the District of Columbia, and the Canal Zone as the Secretary of War shall determine, and any residue not accepted or rejected on or before July 1, 1928, shall be sold as surplus property as it then is and where it then is, or shall be destroyed, all as the Secretary of War, in his discretion, shall determine; war devices and trophies considered by the Secretary of War as unsuitable for distribution under this Act, may be sold, or otherwise disposed of. (June

7, 1924, c. 312, § 3, 43 Stat. 598; May 22, 1926, c. 362, 44 Stat. 615.)

Section 205 of Title 5 amended.—The provision of Act of June 7, 1924, c. 312, § 3, 43 Stat. 598, constituting § 205 of Title 5 of the Code, has been amended by Act of May 22, 1926, c. 362, 44 Stat. 615, to read as above.

214. Equipment for Metropolitan Police.

Section 214 of Title 5 repealed.—The statutory provision constituting § 214 of Title 5 of the Code was repealed in Act of May 10, 1926, c. 276, § 1, 44 Stat. 436.

Chapter 4.—DEPARTMENT OF TREASURY.

Sec.
249. Chief clerk and superintendent to be chief executive officer of department.
251. Government actuary; salary.

249. Chief clerk and superintendent to be chief executive officer of department.

Section 249 of Title 5 repealed.—The statutory provision constituting § 249 of Title 5 of the Code was repealed with the exception of the words "and superintendent of the Treasury Department" in Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 137.

251. Government actuary; salary.—The salary of the Government actuary, so long as the position is held by the present incumbent, shall be at the rate of $10,000 a year. (June 2, 1924, c. 234, § 1102, 43 Stat. 353; Feb. 26, 1926, c. 27, § 1206, Title XII, 44 Stat. 129.)

Section 251 of Title 5 amended.—The statutory provision constituting § 251 of Title 5 of the Code was amended by Act of Feb. 26, 1926, c. 27, § 1201, Title XII, 44 Stat. 129, to read as above.

Chapter 5.—DEPARTMENT OF JUSTICE.

Sec.
297. Solicitors for departments.
299. Officials for investigation of official matters in Departments of Justice and State.
301. Officials for investigation of official acts, records, and accounts of marshals, attorneys, clerks of courts, United States commissioners, referees, and trustees.
315. Appointment and oath of special attorney or counsel.

297. Solicitors for departments.

Office of Solicitor of Internal Revenue abolished.—Act of Feb. 26, 1926, c. 27, § 1201, 44 Stat. 126, creates the office of General Counsel for the Bureau of Internal Revenue and provides that "Commencing at such time as the General Counsel first appointed under this section qualifies and takes office, the office of Solicitor of Internal Revenue in the Department of Justice shall cease to exist."

299. Officials for investigation of official matters in Departments of Justice and State.

Section 299 of Title 5 repealed.—The statutory provision constituting § 299 of Title 5 of the Code was repealed in Act of Apr. 29, 1926, c. 195, Title II, 44 Stat. 342.

301. Officials for investigation of official acts, records, and accounts of marshals, attorneys, clerks of courts, United States commissioners, referees, and trustees.

Section 301 of Title 5 repealed in part.—The statutory provision which constitutes § 301 of Title 5 of the Code was repealed in part in Act of Apr. 29, 1926, c. 195, Title II, 44 Stat. 343.

315. Appointment and oath of special attorney or counsel.

Section 315 of Title 5 repealed in part.—The last sentence of the statutory provision constituting § 315 of Title 5 of the Code was repealed in Act of Apr. 29, 1926, c. 195, Title II, 44 Stat. 346.

Chapter 7.—DEPARTMENT OF NAVY.

GENERAL PROVISIONS

421a. Additional Assistant Secretary of the Navy.—To aid the Secretary of the Navy in fostering naval aeronautics, and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of the Navy, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the Classification Act of 1923.[1] He shall, under the direction of the Secretary of the Navy, be charged with the supervision of naval aeronautics and the coordination of its activities with other governmental agencies and, in addition, such other duties as may be assigned to him by the Secretary of the Navy. There shall be detailed to his office from the Bureau of Aeronautics such number of officers and civilian employees as may be authorized by the Secretary of the Navy. (June 24, 1926, c. 668, § 4, 44 Stat. 767.)

New section.

Chapter 8.—DEPARTMENT OF INTERIOR.

Sec.
484. Chief clerk.
496. Purchase of supplies and equipment or procurement of services for bureaus and offices of Interior Department.
497. Temporary or emergency appointments; delegation of authority by Secretary of Interior.

484. Chief clerk.

Section 484 of Title 5 repealed.—The statutory provision constituting § 484 of Title 5 of the Code was repealed in Act of July 3, 1926, c. 771, 44 Stat. 854.

496. Purchase of supplies and equipment or procurement of services for bureaus and offices of Interior Department.

Section 496 of Title 5 repealed.—The statutory provision constituting § 496 of Title 5 of the Code was repealed in Act of May 10, 1926, c. 277, § 1, 44 Stat. 455.

497. Temporary or emergency appointments; delegation of authority by Secretary of Interior.—The Secretary of the Interior may by appropriate regulation delegate to supervisory officers the power vested in him under section 169 of the Revised Statutes of the United States[2] to make temporary or emergency appointments of persons for duty in the field, subject, however, to later confirmation thereof by the Secretary of the Interior. (May 22, 1926, c. 368, 44 Stat. 620.)

New section. This section constituted an Act entitled "An Act authorizing the Secretary of Interior to delegate to supervisory officers the power to make temporary and emergency appointments," cited to the text.

Chapter 10.—DEPARTMENT OF COMMERCE.

Sec.
592a. Additional Assistant Secretary of Commerce. [New.]
593. Chief clerk and superintendent.
606. Commercial attachés.

592a. Additional Assistant Secretary of Commerce.—To aid the Secretary of Commerce in fostering air commerce and to perform such functions vested in the Secretary under this Act[3] as the Secretary may designate there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the Classification Act of 1923. Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this Act and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this Act[3]; (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this Act as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities, except airports, as

[1] For Classification Act of 1923 see chapter 13 of this title of the Code.
[2] "Section 169 of the Revised Statutes of the United States" should be translated "Section 43 of Title 5 of the Code."
[3] Act "should be translated chapter 6 of Title 49 of this appendix."

are necessary for executing the functions vested in the Secretary of Commerce by this Act[3].

New section. This section constitutes § 8 of the Act of May 20, 1926, c. 44, Stat. 573, entitled "An Act to encourage and regulate the use of aircraft in commerce, and for other purposes." The remainder of the Act constitutes chapter 6 of Title 49 of this appendix.

593. Chief clerk and superintendent.

Section 593 of Title 5 repeated.—The statutory provision constituting § 593 of Title 5 of the Code was repeated in Act of Apr. 29, 1926, c. 195, Title III, 44 Stat. 349.

606. Commercial attachés.—For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $3,000 per annum for each person so employed, and for janitor and messenger service, traveling and subsistence expenses of officers and employees, rent outside of the District of Columbia, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference, and periodicals, maps, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $700, and all other publications, travel to and from the United States, and all other incidental expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $335,000: *Provided*, That not to exceed two commercial attachés employed under this appropriation may be recalled from their foreign posts and assigned for duty in the Department of Commerce without loss of salary: *Provided further*, That payment in advance of subscriptions for newspapers, rent, telephone, and other similar services under this appropriation is hereby authorized. (Apr. 29, 1926, c. 195, Title III, 44 Stat. 350.)

New section. The provision came from the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor Appropriation Act for the year 1927, cited above. Similar provisions are contained in prior acts.

Chapter 14.—RETIREMENT OF CIVIL SERVICE EMPLOYEES.[4]

Sec.
691a. Eligibility for superannuation retirement.
692a. Automatic separation.
693a. Employees included.
694a. Method of computing annuities.
695a. Computation of accredited service.
696a. Disability retirement; medical examinations required.
697a. Involuntary separation from the service.
698a. Benefits extended to those already retired.
699a. Credit for past service.
700a. Deductions and donations.
701a. Investments and account.
702a. Return of amounts deducted from salaries.
703a. Payment of annuities and form of application.
704a. Credit for services beyond purview of Act.
705a. Duties of the Civil Service Commission.
706a. Board of actuaries.
707a. Administration; powers, and duties of Commissioner of Pensions; estimates of appropriations necessary.
708a. Exemption from execution, and so forth.
709a. Effective date; repeal.

[3] Act "should be translated chapter 6 of Title 49 of this appendix."

[4] *Amendment of Act constituting chapter 14 of Title 5.*—Act of May 22, 1920, with amendments constituting chapter 14 of Title 5 of the Code was amended by Act of July 3, 1926, c. 801, 44 Stat. 904. This Act is here set out as §§ 691a–709a of Title 5 of the appendix.

The Act of July 3, 1926, was entitled "An Act to amend an Act entitled 'An Act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and Acts in amendment thereof."

Section 691a. Eligibility for superannuation retirement.—All employees to whom this Act[5] applies who, before its effective date, shall have attained or shall thereafter attain the age of seventy years and rendered at least fifteen years of service computed as prescribed in section 5 of this Act[6] shall be eligible for retirement on an annuity as provided in section 4[7] hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at sixty-five years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include fifteen years or more of such service rendered in the Tropics, shall be eligible at sixty-two years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than fifteen years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this Act[5]: *Provided further*, That any mechanic, having served thirty years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained, or who shall thereafter attain the age of sixty-two years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last ten years of his service as a mechanic.

Provided further, That the term "mechanics" as used in this Act[5] shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer. (July 3, 1926, c. 801, § 1, 44 Stat. 904.)

692a. Automatic separation.—All employees to whom this Act[5] applies shall, on arriving at retirement age as defined in the preceding section and having rendered fifteen years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least sixty days in advance thereof: *Provided*, That if not less than thirty days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

[5] "Act" should be translated "chapter."

[6] "Section 5 of this Act" should be translated "section 695a of this chapter."

[7] "Section 4" should be translated "section 694a of this chapter of Title 5 of the appendix."

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this Act,[8] shall be employed again in any position within the purview of this Act.[5] (July 3, 1926, c. 801, § 2, 44 Stat. 905.)

See footnote to this chapter.

693a. Employees included.—This Act[5] shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor or uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the Act of May 22, 1920,[9] and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This Act[5] shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the Act of June 20, 1918,[10] entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this Act excluded by Executive orders from the benefits of the Act of May 22, 1920, and amendments thereof.[9]

The provisions of this Act[5] may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this Act[5] any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this Act[5] shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for twenty years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this Act[5] as his length of service entitles him to receive. (July 3, 1926, c. 801, § 3, 44 Stat. 905.)

See footnote to this chapter.

694a. Method of computing annuities.—The annuity of an employee retired under the provisions of the preceding sections of this Act[5] shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employee during the ten years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed thirty years, and dividing the product by forty-five. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this Act[5] all periods of service shall be computed in accordance with section 5[11] hereof, and the annuity shall be fixed at the nearest multiple of twelve.

The term "basic salary, pay, or compensation," wherever used in this Act[5] shall be so construed as to exclude from the operation of the Act[5] all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation. (July 3, 1926, c. 801, § 4, 44 Stat. 907.)

See footnote to this chapter.

695a. Computation of accredited service.—Subject to the provisions of section 9[12] hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act[5] shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects

[5] "Act" should be translated "chapter."

[8] "Section 1 of this Act" should be translated "Section 691a of this chapter of Title 5 of the appendix."

[9] "Act of May 22, 1920, and amendments" constitutes this chapter of Title 5 of the Code which is here amended.

[10] Section 6 of the Act of June 20, 1918, constitutes § 763 of Title 33 of the Code.

[11] "Section 5" should be translated "section 695a."

[12] "Section 9" should be translated "section 697a."

to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the War Risk Insurance Act,[14] the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this Act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the War Risk Insurance Act [14] in addition to the annuity herein provided.

In computing length of service for the purpose of this Act[5] all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated. (July 3, 1926, c. 801, § 5, 44 Stat. 907.)

See footnote to this chapter.

696a. Disability retirement; medical examinations required.—Any employee to whom this Act[5] applies who shall have served for a total period of not less than fifteen years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4[15] hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1[16] hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding ninety days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this Act,[5] shall be paid to the retired employee, as provided in section 12[17] hereof, upon application therefor in such form and manner as the Comptroller General may direct. In case of reemployment in a position within the purview of this Act the amount so refunded shall be redeposited as provided in section 12[17] hereof.

No person shall be entitled to receive an annuity under the provisions of this Act,[5] and compensation under the provisions of the Act of September 7, 1916,[18] entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this Act.[5] (July 3, 1926, c. 801, § 6, 44 Stat. 907.)

See footnote to this chapter.

697a. Involuntary separation from the service.—Should any employee fifty-five years of age or over to whom this Act[5] applies, after having served for a total period of not less than fifteen years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this Act[19] and under act of May 22, 1920,[20] including accrued interest thereon computed as prescribed in section 12 hereof; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this Act;[21] or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this Act.[21] The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

See footnote to this chapter.

Any employee who has served for a period of not less than fifteen years, and who is forty-five years of age, or over, and

[5] "Act" should be translated "chapter."

[14] The War Risk Insurance Act constitutes §§ 511–518 of Title 38 of the Code.

[15] "Section 4" should be translated "section 649a."

[16] "Section 1" should be translated "section 691a."

[17] "Section 12" should be translated "section 702a."

[18] Act of Sept. 7, 1916, constitutes chapter 16 of Title 5 of the Code.

[19] "Section 10 of this Act" should be translated "section 670a of this chapter."

[20] Act of May 22, 1920, with amendments, constitutes this chapter of Title 5 of the Code, which is here amended.

[21] "Section 4 of this Act" should be translated "section 694a of this chapter."

less than fifty-five years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of fifty-five years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this Act,[5] or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the Act of May 22, 1920,[20] or said Act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the "civil-service retirement and disability fund," such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per centum per annum before he shall be entitled to the benefits of this section. (July 3, 1926, c. 801, § 7, 44 Stat. 909.)

698a. Benefits extended to those already retired.—In the case of those who before the effective date of this Act[5] shall have been retired on annuity under the provisions of the Act of May 22, 1920,[20] or said Act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this Act,[5] but this Act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date. (July 3, 1926, c. 801, § 8, 44 Stat. 909.)

See footnote to this chapter.

699a. Credit for past service.—Beginning with the effective date of this Act,[5] all employees who may be brought then or thereafter within the purview of the Act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per centum of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this Act,[5] and also 3½ per centum of the basic salary, pay, or compensation for services rendered after the effective date of this Act,[5] together with interest computed at the rate of 4 per centum per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled. (July 3, 1926, c. 801, § 9, 44 Stat. 910.)

See footnote to this chapter.

700a. Deductions and donations.—Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this Act[5] applies a sum equal to 3½ per centum of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the Act of May 22, 1920,[22] and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act.[5]

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this Act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this Act[5] all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this Act[5] shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this Act,[5] notwithstanding the provisions of sections 167, 168, and 169[23] of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this Act applies. (July 3, 1926, c. 801, § 10, 44 Stat. 910.)

See footnote to this chapter.

701a. Investments and account.—The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this Act.[24]

The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this Act,[5] and shall keep such other accounts as may be deemed necessary for a proper administration of the Act.[5] (July 3, 1926, c. 801, § 11, 44 Stat. 910.)

See footnote to this chapter.

702a. Return of amounts deducted from salaries.—In the case of any employee to whom this Act[5] applies who shall be transferred to a position not within the purview of the Act,[5] or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per centum per annum, compounded on June 30 of each fiscal year, shall be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this Act,[5] be redeposited with interest before such employee may derive any benefits under this Act,[5] except as provided in this section, but interest shall not be required covering any period of separation from the service.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions

[5] "Act" should be translated "chapter."

[20] Act of May 22, 1920, with amendments, constitute this chapter of the Code.

[22] Act of May 22, 1920, with amendments, is this chapter of Title 5 of the Code, which is here amended.

[23] R. S. sec. 169 constitutes § 43 of Title 5 of the Code.

[24] "Section 12 of this Act" should be translated "section 702a of this chapter."

from his salary, pay, or compensation, with interest thereon at 4 per centum per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

If the amount of accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this Act,[5] does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of thirty days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person. (July 3, 1926, c. 801, § 12, 44 Stat. 911.)

See footnote to this chapter.

703a. Payment of annuities and form of application.—Annuities granted under the terms of this Act[5] shall be due and payable in monthly instalments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this Act[5] for retirement under the provisions of section 1 of this Act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7[25] hereof shall be subject to the limitations specified in said sections. (July 3, 1926, c. 801, § 13, 44 Stat. 912.)

See footnote to this chapter.

704a. Credit for services beyond purview of Act.—Employees who have gone from employment within the purview of this Act[5] to other employment under the Government and have returned to a position under the purview of this Act[5] shall have the time of such other service included in the computation for his retirement: *Provided*, That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this Act[5] an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment. (July 3, 1926, c. 801, § 14, 44 Stat. 912.)

See footnote to this chapter.

705a. Duties of Civil Service Commission.—The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this Act;[5] and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this Act,[5] including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this Act.[5] (July 3, 1926, c. 801, § 15, 44 Stat. 912.)

See footnote to this chapter.

706a. Board of actuaries.—The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this Act,[5] with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this Act.[5] The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior. (July 3, 1926, c. 801, § 16, 44 Stat. 912.)

See footnote to this chapter.

707a. Administration; powers and duties of Commissioner of Pensions; estimates of appropriations necessary.—For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act[5] into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this Act,[5] the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the board of actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this Act[5] in full force and effect. (July 3, 1926, c. 801, § 17, 44 Stat. 913.)

See footnote to this chapter.

[5] "Act" should be translated "chapter."

[25] "Sections 6 and 7" should be translated "sections 696a and 697a."

[5] "Act" should be translated "chapter."

708a. Exemption from execution, and so forth.—None of the moneys mentioned in this Act[5] shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process. (July 3, 1926, c. 801, § 18, 44 Stat. 913.)

See footnote to this chapter.

709a. Effective date; repeal.—This Act[5] shall become effective as of July 1, 1926, and all laws or parts of laws inconsistent with the provisions of this Act[5] are hereby repealed as of said effective date. (July 3, 1926, c. 801, § 19, 44 Stat. 913.)

See footnote to this chapter.

Chapter 15.—COMPENSATION FOR INJURIES TO EMPLOYEES OF UNITED STATES.

Sec.
759. Medical, surgical, and hospital service; transportation expenses.
771. Physical examinations; refusal to submit to.
773. Same; physicians' fees.

759. Medical, surgical, and hospital service; transportation expenses.—For any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the commission, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this is not practicable they shall be furnished by or upon the order of private physicians and hospitals designated or approved by the commission. For the securing of such services, appliances, and supplies, the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the commission, are necessary and reasonable. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. Any award heretofore made by the commission on account of expenses incurred under section 9[26] of the Act of September 7, 1916, prior to the passage of this Act,[27] shall be valid, if such award would be valid if made on account of expenses incurred under this section after the passage of this Act.[27] (Sept. 7, 1916, c. 458, § 9, 39 Stat. 743; June 26, 1926, c. 695, § 1, 44 Stat. 772.)

Section 759 of Title 5 amended.—The provision of Act of Sept. 7, 1916, c. 458, § 9, 39 Stat. 743, constituting § 759 of Title 5 of the Code, has been amended by Act of June 26, 1926, c. 695, § 1, 44 Stat. 772, to read as above.

771. Physical examinations; refusal to submit to.—That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act[28] shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

For any examination required by the commission the employee shall be paid all expenses incident to such examination which, in the opinion of the commission, are necessary and reasonable, including transportation and loss of wages incurred in order to submit to examination. All such expenses when authorized or approved by the commission shall be paid from the employees' compensation fund. (Sept. 7, 1916, c. 458, § 21, 39 Stat. 747; June 26, 1926, c. 695, § 2, 44 Stat. 772.)

Section 771 of Title 5 amended.—The provision of Act of Sept. 7, 1916, c. 458, § 21, 39 Stat. 747, constituting § 771 of Title 5 of the Code, has been amended by Act of June 26, 1926, c. 695, § 2, 44 Stat. 772, to read as above.

773. Same; physicians' fees.—That fees for examinations made on the part of the United States under sections 21 and 22[29] by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 21,[30] when authorized or approved by the commission, shall be paid from the employees' compensation fund. (Sept. 7, 1916, c. 458, § 23, 39 Stat. 747; June 26, 1926, c. 695, § 3, 44 Stat. 772.)

Section 773 of Title 5 amended.—The provision of Act of Sept. 7, 1916, c. 458, § 23, 39 Stat. 747, constituting § 773 of Title 5 of the Code, has been amended by Act of June 26, 1926, c. 695, § 3, 44 Stat. 772, to read as above.

Chapter 16.[31]—SUBSISTENCE EXPENSE ACT OF 1296. [NEW.]

Sec.
821. Citation of Act.
822. Definitions.
823. Officers and employees away on official business; allowances of actual necessary expenses.
824. Per diem allowance in lieu of expenses.
825. Allowance for traveling beyond limits of United States.
826. Per diem allowance in lieu of expenses.
827. Regulations governing expenses or per diem; standardization.
828. Advancements and deduction thereof.
829. Repeal of inconsistent laws; exceptions.
830. Travel allowance of President not affected.
831. Travel allowance of railway postal clerks not affected.
832. Appropriations for year 1897 containing inconsistent rates.
833. Effective date of act; no deficiency in appropriations authorized.

Section 821. Citation of Act.—This Act may be cited as the "Subsistence Expense Act of 1926." (June 3, 1926, c. 457, § 1, 44 Stat. 688.)

New section.

822. Definitions.—When used in this Act[5]—

The term "departments and establishments" means any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia.

The term "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler.

The term "actual expenses" means the actual amounts necessarily expended by the traveler for subsistence and itemized in accounts for reimbursement.

The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses. (June 3, 1926, c. 457, § 2, 44 Stat. 689.)

New section.

823. Officers and employees away on official business; allowances of actual necessary expenses.—Civilian officers and employees of the departments and establishments while traveling

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[5] "Act" should be translated "chapter."

[26] "Section 9" is this section before its amendment.

[27] "Act" has reference to this section and sections 771 and 773 which also constitute the "Act."

[28] "Act" has reference to this section and sections 759 and 777 which also constitute the "Act."

[29] "Sections 21 and 22" should be translated "sections 771 and 772."

[30] "Section 21" should be translated "section 771."

[31] New chapter. This chapter constitutes Act of June 3, 1926, c. 457, §§ 1–13, 44 Stat. 688, entitled "An Act to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business."

on official business and away from their designated posts of duty shall be allowed their actual necessary expenses in an amount not to exceed $7 each for any one calendar day. (June 3, 1926, c. 457, § 3, 44 Stat. 689.)

New section.

824. Per diem allowance in lieu of expenses.—The heads of departments and establishments, in lieu of the actual expenses authorized by section 3,[31a] may prescribe a per diem allowance not to exceed $6 for any one calendar day or portions thereof for absences of less than twenty-four hours. (June 3, 1926, c. 457, § 4, 44 Stat. 689.)

New section.

825. Allowance for traveling beyond limits of United States.—Civilian officers and employees of the departments and establishments while traveling on official business beyond the limits of the continental United States shall be allowed their actual expenses in an amount to be prescribed by the heads of departments or establishments not to exceed an average of $8 per day during the travel, exclusive of absence on leave.

Actual expenses and per diem allowance under this section for any travel performed within the limits of continental United States shall be in accordance with the rates prescribed in sections 3 and 4 of this Act.[32] (June 3, 1926, c. 457, § 5, 44 Stat. 689.)

New section.

826. Per diem allowance in lieu of expenses.—The heads of departments and establishments may prescribe a per diem allowance of not to exceed $7, in lieu of the actual expenses authorized by section 5.[32a] (June 3, 1926, c. 457, § 6, 44 Stat. 689.)

New section.

827. Regulations governing expenses or per diem; standardization.—The allowance and payment of actual expenses and the fixing and payment of per diem allowance, or portions thereof, shall be in accordance with regulations which shall be promulgated by the heads of departments and establishments and which shall be standardized as far as practicable and shall not be effective until approved by the President of the United States. (June 3, 1926, c. 457, § 7, 44 Stat. 689.)

New section.

828. Advancements and deduction thereof.—The heads of departments and establishments, under regulations which shall be prescribed by the Secretary of the Treasury for the protection of the United States, may advance through the proper disbursing officers from applicable appropriations to any person entitled to actual expenses or per diem allowance under this Act such sums as may be deemed advisable considering the character and probable duration of the travel to be performed. Any sums so advanced shall be recovered from the person to whom advanced, or his estate, by deduction from any amount due from the United States or by such other legal method of recovery as may be necessary. (June 3, 1926, c. 457, § 8, 44 Stat. 689.)

New section.

829. Repeal of inconsistent laws; exceptions.—All laws or parts of laws which are inconsistent with or in conflict with the provisions of this Act except such laws or parts of law as specially fix or now permit rates higher than the maximum rates established in this Act[5] are hereby repealed or modified only to the extent of such inconsistency or conflict. (June 3, 1926, c. 457, § 9, 44 Stat. 689.)

New section.

830. Travel allowance of President not affected—Certain acts not modified or repealed.—This Act shall not be construed to modify or repeal the Act[33] providing for the traveling expenses of the President of the United States or any Acts (including appropriations for the fiscal year 1927) specifically fixing or permitting mileage rates for travel and/or subsistence expenses. (June 3, 1926, c. 457, § 10, 44 Stat. 689.)

New section.

831. Travel allowance of railway postal clerks not affected.—This Act[5] shall not be construed to modify or repeal the per diem travel allowances granted railway postal clerks, acting railway postal clerks, and substitute railway postal clerks in section 7, Title 1, of the Act approved February 28, 1925 (Forty-third Statutes, p. 1062).[34] (June 3, 1926, c. 457, § 11, 44 Stat. 690.)

New section.

832. Appropriations for year 1897 containing inconsistent rates.—Appropriations for the fiscal year 1927 which contain specific rates of actual expenses or per diem allowance inconsistent with the rates permitted by this Act[5] are hereby modified to the extent required to permit the application of the provisions of this Act[5] to such appropriations. (June 3, 1926, c. 457, § 12, 44 Stat. 690.)

New section.

833. Effective date of act.—This Act[5] shall take effect on July 1, 1926, but any increases deemed necessary to be made in the rates of actual expenses or per diem allowance under the authority of this Act[5] shall not be authorized by heads of departments and establishments to the extent of incurring a deficiency in appropriations available for the payment thereof during the fiscal year 1927. (June 3, 1926, c. 457, § 13, 44 Stat. 690.)

New section.

[31a] "Section 3" should be translated "section 823."

[32] "Sections 3 and 4 of this Act" should be translated "sections 823 and 824."

[32a] "Section 5" should be translated "section 825."

[5] "Act" should be translated "chapter."

[33] The "Act" referred to in the text constitutes § 42 of Title 3 of the Code.

[34] Section 7 of Act of Feb. 28, 1925, above referred to, constitutes § 633 of Title 39 of the Code.

TITLE 6.—OFFICIAL AND PENAL BONDS

15. Bonds or notes of United States in lieu of recognizance, stipulation, bond, guaranty, or undertaking; place of deposit; return to depositor; contractors' bonds.

Section 15 of Title 6 repealed and reenacted.—Act of June 2, 1924, c. 234, § 1029, 43 Stat. 349, constituting § 15 of Title 6 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of the latter date, but the language of the section was carried into § 1126 of the latter Act, to take effect as of the said date.

TITLE 7.—AGRICULTURE

Chapter 5.—IMPORTATION OF ADULTERATED SEEDS ACT.

Sec.
111. General prohibition against importation; exceptions.
115. Alfalfa or red clover; importation regulated. [New.]
116. Misbranded seed; confiscation. [New.]

111. General prohibition against importation; exceptions.—The importation into the United States of seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, rye, sorghum, timothy, vetch, rye grass, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this chapter, is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: *Provided, however*, That such seed may be delivered to the owner or consignee thereof under bond, to be recleaned in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this chapter for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: *Provided further*, That this chapter shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, broomcorn millet, early fortune millet, oats, rye, or wheat not intended for seeding purposes, when shipped in bond through the United States or imported for the purpose of manufacture. (Aug. 24, 1912, c. 382, § 1, 37 Stat. 506; Aug. 11, 1916, c. 313, 39 Stat. 453; Apr. 26, 1926, c. 186, § 1, 44 Stat. 325.)

Section 111 of Title 7 amended.—Section 1 of Act of Aug. 24, 1912, c. 382, 37 Stat. 506, as amended by Act of Aug. 11, 1916, c. 313, 39 Stat. 453, constituting § 111 of Title 7 of the Code, has been amended by Act of Apr. 26, 1926, c. 186, § 1, 44 Stat. 325, which provided as follows: "That section 1 of the Act entitled 'An Act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, is amended (a) by striking out the words 'red top' wherever such words appear in such section and (b) by inserting, after the word 'flax' in the second proviso of such section, a comma and the words 'broomcorn millet, early fortune millet.'" These changes have been incorporated in the text.

115. Alfalfa or red clover; importation regulated.—(a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seed containing 10 per centum or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin.

(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of ninety days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per centum or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per centum of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

(d) Subdivision (a) of this section shall become effective upon the expiration of thirty days after the date of the passage of this amendatory Act. (Apr. 26, 1926, c. 186, § 2, 44 Stat. 325.)

New section.

This section, and section 116, were added to the Act of Aug. 24, 1912, c. 382, as sections 5 and 6, by Act of Apr. 26, 1926, c. 186, cited to the text.

116. Misbranded seed; confiscation.—(a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

(1) Transported in interstate commerce; or

(2) Held for sale or exchange after having been so transported.

(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

(1) By sale; or

(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction; or

(3) By destruction.

(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid in to the Treasury as miscellaneous receipts.

(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds $20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.

(f) As used in this section—

(1) The term "person" means individual, partnership, corporation, or association;

(2) The term "interstate commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and

(3) The term "district court of the United States" includes any court exercising the powers of a district court of the United States.

(g) For the purposes of this section, seed shall be held to be misbranded if—

(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or

(2) If such seed is required to be colored, under the provisions of section 5[1] and the regulations issued thereunder, and is not so colored; or

(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5[1] and the regulations issued thereunder.

(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.

(i) This section shall take effect upon the date of the passage of this amendatory Act;[2] but no penalty or condemnation shall be enforced for any violation of this section occurring within thirty days after such date. (Apr. 26, 1926, c. 186, § 2, 44 Stat. 325.)

New section. See note to section 115.

Chapter 8.—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS.

Sec.

161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; notice and hearings; promulgation.

161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; notice and hearings; promulgation.—The Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. No person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter provided. It shall be unlawful to move, or allow to be moved, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District; and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That until the Secretary of Agriculture shall have made a determination that such a quarantine is necessary and has duly established the same with reference to any dangerous plant disease or insect infestation, as herein above provided, nothing in this Act shall be construed to prevent any State, Territory, Insular Possession, or District from promulgating, enacting, and enforcing any quarantine, prohibiting or restricting the transportation of any class of nursery stock, plant, fruit, seed, or other product or article subject to the restrictions of this section, into or through such State, Territory, District, or portion thereof, from any other State, Territory, District, or portion thereof, when it shall be found, by the State, Territory, or District promulgating or enacting the same, that such dangerous plant disease or insect infestation exists in such other State, Territory, District, or portion thereof: *Provided further*, That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purposes of this Act,[3] to cooperate with any State, Territory, or District, in connection with any quarantine, enacted or promulgated by such State, Territory, or District, as specified in the preceding proviso: *Provided further*, That any nursery stock, plant, fruit, seed, or other product or article, subject to the restrictions of this section, a quarantine with respect to which shall have been established by the Secretary of Agriculture under the provisions of this Act shall, when transported to, into, or through any State, Territory, or District, in violation of such quarantine, be subject to the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police powers, to the same extent and in the same manner as though such nursery stock, plant, fruit, seed, or other product or article had been produced in such State, Territory, or District, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (Mar. 4, 1917, c. 179, 39 Stat. 1165; Apr. 13, 1926, c. 135, 44 Stat. 250.)

Section 161 of Title 7 amended.—The provision of Act of Aug. 20, 1912, c. 308, § 8, 37 Stat. 318, as amended by Act of Mar. 4, 1917, c. 179, 39 Stat. 1165, constituting § 161 of Title 7 of the Code, has been amended by Resolution of Apr. 13, c. 135, 44 Stat. 250, to read as above. The amendment added the three provisos at end of section.

Chapter 9.—PACKERS AND STOCKYARDS.

STOCKYARDS AND STOCKYARD DEALERS

Sec.

204. Bond and suspension of registrants.

205. General duty as to services.

STOCKYARDS AND STOCKYARD DEALERS

204. Bond and suspension of registrants.

Section 204 of Title 7 repeated.—The statutory provision constituting § 204 of Title 7 of the Code was repeated in Act of May 11, 1926, c. 286, 44 Stat. 527.

[1] "Section 5" should be translated "section 115."

[2] "This amendatory Act" should be translated "sections 115 and 116 of this title of the appendix."

[3] "This Act" should be translated "chapter."

205. General duty as to services.—It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard: *Provided*, That in any State where the weighing of livestock at a stockyard is conducted by a duly authorized department or agency of the State, the Secretary, upon application of such department or agency, may register it as a market agency for the weighing of livestock received in such stockyard, and upon such registration such department or agency and the members thereof shall be amenable to all the requirements of this Act[3a]; and upon failure of such department or agency or the members thereof to comply with the orders of the Secretary under this Act[3a] he is authorized to revoke the registration of such department or agency and to enforce such revocation as provided in section 315 of this Act.[1] (Aug. 15, 1921, c. 64, § 304, 42 Stat. 164, amended May 5, 1926, c. 240, 44 Stat. 397.)

Section 205 of Title 7 amended.—Section 304 of Act of Aug. 15, 1921, c. 64, 42 Stat. 164, constituting § 205 of Title 7 of the Code, has been amended by Act of May 5, 1926, c. 240, 44 Stat. 397, to read as above. The amendment added all of the section beginning with the word "Provided."

Chapter 13.—AGRICULTURAL AND MECHANICAL COLLEGES.

COLLEGE-AID LAND APPROPRIATION

304. Investment of proceeds of sale of land or scrip.—All moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of landscrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 305 of this chapter), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of sections 301 to 308, inclusive, of this chapter, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. (Mar. 3, 1883, c. 102, 22 Stat. 484; Apr. 13, 1926, c. 130, 44 Stat. 247.)

Section 304 of Title 7 amended.—The provision of Act of Mar. 3, 1883, c. 102, 22 Stat. 484, constituting § 304 of Title 7 of the Code, has been amended by Act of Apr. 13, 1926, c. 130, 44 Stat. 247, to read as above.

Chapter 14.—AGRICULTURAL EXPERIMENT STATIONS.

367. Secretary to prescribe form of financial report by stations and to coordinate departmental work with that of stations.

Section 367 of Title 7 repealed.—The statutory provision constituting § 367 of Title 7 of the Code was repealed in Act of May 11, 1926, c. 286, 44 Stat. 502.

[3a] "Act" should be translated "chapter."

[1] Section 216 of this title constitutes the "section 315" mentioned in the text.

Chapter 17.—MISCELLANEOUS MATTERS.

Sec.
414. Certification of condition, etc., of agricultural products shipped in interstate commerce; certificate as evidence.
419. Sale by Secretary of Agriculture of products of agricultural experiment stations in Alaska and insular possessions; disposition of moneys.
421. Dairying and livestock experiment station, Mandan, N. Dak. [New.]

414. Certification of condition, etc., of agricultural products shipped in interstate commerce; certificate as evidence.

Section 414 of Title 7 repealed.—The statutory provision constituting § 414 of Title 7 of the Code was repealed in Act of May 11, 1926, c. 286, 44 Stat. 523.

419. Sale by Secretary of Agriculture of products of agricultural experiment stations in Alaska and insular possessions; disposition of moneys.

Section 419 of Title 7 repealed.—The statutory provision constituting § 419 of Title 7 of the Code was repealed in Act of May 11, 1926, c. 286, 44 Stat. 502.

421. Dairying and livestock experiment station, Mandan, N. Dak.—The Secretary of Agriculture is authorized and directed to establish at Mandan, North Dakota, a dairying and livestock experiment station, in connection with the Great Plains Experiment Station, for investigations and experiments in the dairy and livestock industries and the problems pertaining to the establishment and development of such industries, and for demonstrations, assistance, and service in livestock breeding, growing, and feeding. (July 3, 1926, c. 769, § 1, 44 Stat. 840.)

New section.

This section is § 1 of an Act entitled "An Act to provide for the establishment of a dairying and livestock experiment station at Mandan, North Dakota," cited above. Section 2 of said Act reads as follows:

"SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this Act, including the acquisition of suitable lands, the construction of buildings, the purchase of livestock and breeders, and the employment of necessary persons."

Chapter 18.—COOPERATIVE MARKETING ACT [NEW].

Sec.
451. Division of cooperative marketing in Bureau of Agricultural Economics; definitions.
452. Establishment of division.
453. Authority and duties of division.
454. Advisers to counsel with Secretary of Agriculture; expenses and subsistence.
455. Dissemination of crop, market, etc., information by cooperative marketing associations.
456. Rules and regulations; appointment, removal, and compensation of employees; expenditures; appropriations.
457. Partial invalidity of Act.

New chapter. Derived from Act of July 2, 1926, c. 725, 44 Stat. 802, the Act being entitled "An Act to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes."

451. Division of cooperative marketing in Bureau of Agricultural Economics; definitions.—When used in this Act[1a] the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce. (July 2, 1926, c. 725, § 1, 44 Stat. 802.)

New section.

[1a] "Act" should be translated "chapter."

452. Establishment of division.—The Secretary of Agriculture is hereby authorized and directed to establish a division of cooperative marketing with suitable personnel in the Bureau of Agricultural Economics of the Department of Agriculture or in such bureau in the Department of Agriculture as may hereafter be concerned with the marketing and distribution of farm products. Such division shall be under the direction and supervision of the Secretary of Agriculture. (July 2, 1926, c. 725, § 2, 44 Stat. 802.)

New section.

453. Authority and duties of division.—(a) The division shall render service to associations of producers of agricultural products, and federations and subsidiaries thereof, engaged in the cooperative marketing of agricultural products, including processing, warehousing, manufacturing, storage, the cooperative purchasing of farm supplies, credit, financing, insurance, and other cooperative activities.

(b) The division is authorized—

(1) To acquire, analyze, and disseminate economic, statistical, and historical information regarding the progress, organization, and business methods of cooperative associations in the United States and foreign countries.

(2) To conduct studies of the economic, legal, financial, social, and other phases of cooperation, and publish the results thereof. Such studies shall include the analyses of the organization, operation, financial, and merchandising problems of cooperative associations.

(3) To make surveys and analyses if deemed advisable of the accounts and business practices of representative cooperative associations upon their request; to report to the association so surveyed the results thereof; and with the consent of the association so surveyed to publish summaries of the results of such surveys, together with similar facts, for the guidance of cooperative associations and for the purpose of assisting cooperative associations in developing methods of business and market analysis.

(4) To confer and advise with committees or groups of producers, if deemed advisable, that may be desirous of forming a cooperative association and to make an economic survey and analysis of the facts surrounding the production and marketing of the agricultural product or products which the association, if formed, would handle or market.

(5) To acquire from all available sources information concerning crop prospects, supply, demand, current receipts, exports, imports, and prices of the agricultural products handled or marketed by cooperative associations, and to employ qualified commodity marketing specialists to summarize and analyze this information and disseminate the same among cooperative associations and others.

(6) To promote the knowledge of cooperative principles and practices and to cooperate, in promoting such knowledge, with educational and marketing agencies, cooperative associations, and others.

(7) To make such special studies, in the United States and foreign countries, and to acquire and disseminate such information and findings as may be useful in the development and practice of cooperation. (July 2, 1926, c. 725, § 3, 44 Stat. 802.)

New section.

454. Advisers to counsel with Secretary of Agriculture; expenses and subsistence.—The Secretary of Agriculture is authorized, in his discretion, to call advisers to counsel with him and/or his representatives relative to specific problems of cooperative marketing of farm products or any other cooperative activity. Any person, other than an officer, agent, or employee of the United States, called into conference, as provided for in this section, may be paid actual transportation expenses and not to exceed $10 per diem to cover subsistence and other expenses while in conference and en route from and to his home. (July 2, 1926, c. 725, § 4, 44 Stat. 803.)

New section.

455. Dissemination of crop, market, etc., information by cooperative marketing associations.—Persons engaged, as original producers of agricultural products, such as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting together in associations, corporate or otherwise, in collectively processing, preparing for market, handling, and marketing in interstate and/or foreign commerce such products of persons so engaged, may acquire, exchange, interpret, and disseminate past, present, and prospective crop, market, statistical, economic, and other similar information by direct exchange between such persons, and/or such associations or federations thereof, and/or by and through a common agent created or selected by them. (July 2, 1926, c. 725 § 5, 44 Stat. 803.)

New section.

456. Rules and regulations; appointment, removal, and compensation of employees; expenditures; appropriations.—The Secretary of Agriculture may make such rules and regulations as may be deemed advisable to carry out the provisions of this Act[1b] and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this Act[1b]; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law and make such expenditure for rent, outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, periodicals, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act[1b] in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $225,000 to be available for expenditure during the fiscal years 1926 and 1927, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this Act[1b] is hereby authorized. (July 2, 1926, c. 725, § 6, 44 Stat. 803.)

New section.

457. Partial invalidity of Act.—If any provision of this Act[1b] is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the Act[1b] and the applicability of such provision to other persons and circumstances shall not be affected thereby, and nothing contained in this Act[1b] is intended, nor shall be construed, to modify or repeal any of the provisions of the Act of February 18, 1922[2] (chapter 57, Forty-second Statutes at Large, page 388). (July 2, 1926, c. 725, § 7, 44 Stat. 803.)

New section.

[1b] "Act" should be translated "chapter."

[2] For Act of Feb. 18, 1922, see §§ 291, 292 of Title 7 of the Code.

TITLE 8.—ALIENS AND CITIZENSHIP

Chapter 6.—IMMIGRATION.

BUREAU OF IMMIGRATION, IMMIGRATION OFFICERS, AND IMMIGRANT STATIONS

Sec.
117. Use of hospital at Ellis Island by Public Health Service.
118. Motor vehicles for enforcement of immigration and Chinese exclusion laws.

REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL

176. Disposition of moneys received or paid for expenses of detained aliens.

QUOTA AND NONQUOTA IMMIGRANTS

204. "Nonquota immigrant" defined.
231. Admission into Porto Rico of certain resident Spanish subjects. [New.]

ALIEN VETERANS OF THE WORLD WAR

241. "Alien veteran" defined; definitions of Immigration Act of 1924 adopted.
242. Alien veteran as nonquota immigrant; head tax or fees; grounds for exclusion.
243. Status of child or spouse of "alien veteran."
244. Immigration visa; issuance within one year.
245. Deportation as public charge; prohibition.
246. Person bringing admissible alien veteran to port not subject to fine.

BUREAU OF IMMIGRATION, IMMIGRATION OFFICERS, AND IMMIGRANT STATIONS

117. Use of hospital at Ellis Island by Public Health Service.

Section 117 of Title 8 repeated.—The statutory provision constituting § 117 of Title 8 of the Code was repeated in Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 147.

118. Motor vehicles for enforcement of immigration and Chinese exclusion laws.

Section 118 of Title 8 repeated.—The statutory provision constituting § 118 of Title 8 of the Code was repeated in Act of Apr. 29, 1926, c. 195, 44 Stat. 371.

REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL

176. Disposition of moneys received or paid for expenses of detained aliens.

Section 176 of Title 8 repeated in part.—The statutory provision constituting the first sentence of § 176 of Title 8 of the Code was repeated in Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 147.

QUOTA AND NONQUOTA IMMIGRANTS

204. "Nonquota immigrant" defined.—When used in this Act the term "nonquota immigrant" means—

(a) An immigrant who is the unmarried child under eighteen years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under eighteen years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under eighteen years of age, if accompanying or following to join him; or an immigrant arriving in the United States before July 1, 1927, who is the wife, or the unmarried child under eighteen years of age, of an alien resident of the United States who entered the United States prior to July 1, 1924, and who continuously for at least two years immediately preceding the time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, if such immigrant is following to join such alien; or

(e) An immigrant who is a bona fide student at least fifteen years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn. (May 26, 1924, c. 190, § 4, 43 Stat. 155; July 3, 1926, c. 738, § 1, 44 Stat. 812.)

Section 204 of Title 8 amended.—The provision of Act of May 26, 1924, c. 190, § 4, 43 Stat. 155, constituting § 204 of Title 8 of the Code, has been amended by Act of July 3, 1926, c. 738, § 1, 44 Stat. 812, to read as above. The amendment added the second provision of par. (d) beginning "or an immigrant."

Section 2 of the above amending Act provided as follows:

"SEC. 2. Despite the provisions of the Immigration Act of 1924, the Secretary of Labor is authorized to admit to the United States for permanent residence any otherwise admissible alien who (1) is the wife or the unmarried child under eighteen years of age of an alien resident of the United States who entered the United States prior to July 1, 1924, and who continuously for at least two years immediately preceding the time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, and (2) who arrived at a United States port of entry between May 26, 1924, and July 1, 1924, and were thereafter temporarily admitted."

231. Admission into Porto Rico of certain resident Spanish subjects.—That all Spanish subjects who on April 11, 1899 (whether adults or minors), were bona fide residents of Porto Rico or adjacent islands which comprised the Province of Puerto Rico and who, in conformity with Article IX of the treaty between the United States and Spain of April 11, 1899, have preserved their allegiance to the Crown of Spain, may be admitted into Porto Rico without regard to the provisions of the Immigration Act of 1924, except section 23.[1] (May 26, 1926, c. 400, 44 Stat. 657.)

New section. It is derived from an Act entitled "An Act exempting from the provisions of the Immigration Act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899," cited to the text.

ALIEN VETERANS OF THE WORLD WAR[2] [NEW]

241. "Alien veteran" defined; definitions of Immigration Act of 1924 adopted.—That (a) as used in this Act, the term "alien veteran" means an individual, a member of the military

[1] Sec. 23 of the Immigration Act of 1924, referred to above, constitutes § 221 of Title 8 of the Code.

[2] Secs. 241–247 which follow are §§ 1–6 of Act of March 26, 1926, c. 398, 44 Stat. 654. Sec. 7 of the act is § 392a of this title of the appendix. The Act was entitled "An Act to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War."

or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the Immigration Act of 1924[3] shall, when used in this Act,[7] have the meaning assigned to such terms in that Act. (May 26, 1926, c. 398, § 1, 44 Stat. 654.)

New section. See footnote to this subdivision of chapter 6.

242. Alien veteran as nonquota immigrant; head tax or fees; grounds for exclusion.—An alien veteran shall for the purposes of the Immigration Act of 1924 be considered as a nonquota immigrant, but shall be subject to all the other provisions of that Act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the Immigration Act of 1917;[3a]

(b) He shall not be required to pay any fee under section 2 or section 7 of the Immigration Act of 1924;[4]

(c) If otherwise admissible, he shall not be excluded under section 3 of the Immigration Act of 1917,[5] unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

(4) Contract laborers;

(5) Persons previously deported;

(6) Persons convicted of crime. (May 26, 1926, c. 398, § 2, 44 Stat. 654.)

New section. See footnote to this subdivision of chapter 6.

243. Status of child or spouse of "alien veteran."—The unmarried child under eighteen years of age, the wife, or the husband, of an alien veteran shall, for the purposes of the Immigration Act of 1924,[5] be considered as a nonquota immigrant when accompanying or following within six months to join him, but shall be subject to all the other provisions of that Act and of the immigration laws. (May 26, 1926, c. 398, § 3, 44 Stat. 655.)

New section. See footnote to this subdivision of chapter 6.

244. Immigration visa; issuance within one year.—The foregoing provisions of this Act[6] shall not apply to any alien unless the immigration visa is issued to him before the expiration of one year after the enactment of this Act.[7] (May 26, 1926, c. 398, § 4, 44 Stat. 655.)

New section. See footnote to this subdivision of chapter 6.

245. Deportation as public charge; prohibition.—An alien veteran admitted to the United States under this Act[7] shall not be subject to deportation on the ground that he has become a public charge. (May 26, 1926, c. 398, § 5, 44 Stat. 655.)

New section. See footnote to this subdivision of chapter 6.

246. Person bringing admissible alien veteran to port not subject to fine.—Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms of this Act,[8] even though such alien would be subject to exclusion if this Act[8] had not been enacted. (May 26, 1926, c. 398, § 6, 44 Stat. 655.)

New section. See footnote to this subdivision of chapter 6.

Chapter 9.—NATURALIZATION.

NATURALIZATION PROCEEDINGS IN GENERAL

Sec.
374. Same; not to be made on election day. [Repealed.]
392a. Alien veterans of World War; naturalization proceedings within two years. [New.]
399a. Preliminary hearings upon petitions for naturalization; examiners; powers, etc. [New.]

NATURALIZATION PROCEEDINGS IN GENERAL

374. Same; not to be made on election day, etc.—[Repealed.]

Section 374 of Title 8 repealed.—The statutory provision constituting this section has been repealed by § 1 of Act of May 25, 1926, c. 388, 44 Stat. 652.

Section 2 of the Act provides that no declaration of intention heretofore filed in disregard of the repealed provision "shall be held invalid for such cause."

392a. Alien veterans of World War; naturalization proceedings within two years.—An alien veteran shall, if residing in the United States, be entitled, at any time within two years after the enactment of this Act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court. (May 26, 1926, c. 398, § 7, 44 Stat. 655.)

New section. See footnote to chapter 6, subdivision ALIEN VETERANS OF THE WORLD WAR, p. 1897 of this appendix.

399a. Preliminary hearings upon petitions for naturalization; examiners; powers, etc.—(a) The judge of any United States district court, or the senior judge of such court if there are more judges than one, is hereby authorized, in his discretion, to designate one or more examiners or officers of the Bureau of Naturalization (including the Naturalization Service) serving as such examiner or officer within the territorial jurisdiction of such court, to conduct preliminary hearings upon petitions for naturalization to such court, and to make findings and recommendations thereon. For such purposes any such designated examiner or officer is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpœna witnesses, and to administer oaths, including the oath of the petitioner to his petition and the oath of his witnesses.

(b) The findings of any such designated examiner or officer upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition required by section 9,[9] with a recommendation that the petition be granted or denied or continued, with the reasons therefor. Such findings and recommendations shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by the designated examiner or officer. The judge to whom such findings and recommendations are submitted shall by written order approve such recommendations with such exceptions as he may deem proper, by subscribing his name to each such list

[3] The Immigration Act of 1924, referred to above, constitutes §§ 201–226 of Title 8 of the Code.

[3a] Section 2 of the Immigration Act of 1917 referred to in par. (a), constitutes § 132 of Title 8 of the Code, and § 3 referred to in par. (c) constitutes § 136.

[4] Sections 2 and 7 of the Immigration Act of 1924, referred to in par. (b), constitute, respectively, §§ 202 and 207 of Title 8 of the Code.

[5] The Immigration Act of 1924, referred to above, constitutes §§ 201–226 of Title 8 of the Code.

[6] "The foregoing provisions of this Act" should be translated "Sections 241–243."

[7] "This Act" should read "sections 241–246."

[8] "This Act" should be translated "sections 241–246."

[9] "Section 9" should be translated "section 398 of Title 8 of the Code."

when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the Commissioner of Naturalization.

(c) The provisions of section 9[9] requiring the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner or officer has conducted the preliminary hearing authorized by this subdivision; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court. (June 8, 1926, c. 502, 44 Stat. 709.)

[9] "Section 9" should be translated "section 398 of Title 8 of the Code."

New section. The matter constituting this section came from Act of June 8, 1926, cited to the text and contained the following introductory language:

"That section 4 of the Act entitled 'An Act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, as amended, is amended by adding at the end thereof a new subdivision, to read as follows:"

The Act of June 29, 1906, mentioned in the introductory language just quoted, constitutes §§ 372–399 of Title 8 of the Code.

TITLE 10.—ARMY

Chapter 1.—COMPOSITION, ORGANIZATION, AND GOVERNMENT OF THE ARMY GENERALLY.

Sec.
6. Appointment of chiefs and assistant chiefs; term of office.
11. Army Band leader.

6. Appointment of chiefs and assistant chiefs; term of office.—Except as otherwise herein prescribed, chiefs and assistants to the chiefs of the several branches shall hereafter be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, and such appointments shall not create vacancies. Appointment as chief of any branch shall be made from among officers commissioned in grades not below that of colonel, and as assistant from among officers of not less than fifteen years' commissioned service, who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment: *Provided*, That the chiefs of the several branches shall make recommendations to the Secretary of War for the appointment of their assistants: *Provided further*, That in making the first appointment to any such office created by this title, the chief of a branch may be selected from among officers of not less than twenty-two years' commissioned service. *And provided further*, That during the period of seven years immediately following July 1, 1926, any appointment as Chief of the Air Corps shall be made from among officers of any grade of not less than fifteen years' commissioned service, and from those who have demonstrated by actual and extended service in such corps that they are qualified for such appointment; and as assistants from among officers of not less than fifteen years' commissioned service of similar qualifications: *Provided*, That the Chief of the Air Corps shall make recommendations to the Secretary of War for the appointment of his assistants. Any officer who shall have served four years as chief of a branch, and who may subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the grade held by him as such chief. (June 3, 1916, c. 134, § 4[4c]; June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762; July 2, 1926, c. 721, § 7, 44 Stat. 783.)

Section 6 of Title 10 amended.—Section 4 of Act of June 4, 1920, c. 227, subchapter I, 41 Stat. 762, constituting section 6 of Title 10 of the Code, has been amended by Act of July 2, 1926, c. 721, § 7, 44 Stat. 783. The amendment added the latter part of the section, beginning with the words "And provided further."

11. Army Band leader.

By the Appropriation Act of Apr. 15, 1926, c. 146, Title I [44 Stat. 257] in a provision amending section 19 of Title 37 of the Code "members of the United States Band" were included in a provision for allowances for quarters and subsistence. See that section and title in the appendix.

Chapter 2.—GENERAL STAFF CORPS.

23a. Air Section of War Department General Staff.—For the period of three years immediately following July 1, 1926, there is hereby created in each of the divisions of the War Department General Staff an air section to be headed by an officer of the Air Corps, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division. (July 2, 1926, c. 721, § 5, 44 Stat. 782.)

New section.

Chapter 6.—QUARTERMASTER CORPS.

Sec.
74. Limitation on issue of reserve supplies or equipment.
77. Technical experts employed in Quartermaster General's Office.

74. Limitation on issue of reserve supplies or equipment.

Section 74 of Title 10 repealed.—The statutory provision of Act of June 7, 1924, c. 291, Title I, 43 Stat. 509 and Act of Feb. 12, 1925, c. 225, Title I, 43 Stat. 924, constituting section 74 of Title 10 of the Code have been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 286.

77. Technical experts employed in Quartermaster General's Office.

Section 77 of Title 10 repealed.—The statutory provision constituting section 77 of Title 10 of the Code, has been repeated in the War Department appropriation act for 1927, Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 266.

Chapter 8.—FINANCE DEPARTMENT.

173. Delegation of duties by disbursing officers.

Designation of deputies.—See section 103a of Title 31, Money and Finance, in the appendix.

Chapter 9.—CORPS OF ENGINEERS.

187. Employment of draftsmen, etc., in office of Chief of Engineers.

Section 187 of Title 10 repealed.—The statutory provision of Act of Feb. 12, 1925, c. 225, 43 Stat. 912, constituting section 187 of Title 10 of the Code, has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 274, in the appropriation for the office of the Chief of Engineers, the words "that the expenditures on this account for the fiscal year 1927 shall not exceed $150,000" being interpolated after the word "Provided."

Chapter 10.—ORDNANCE DEPARTMENT.

197. Employment of draftsmen, etc., in office of Chief of Ordnance.

Section 197 of Title 10 repealed.—The statutory provision of Act of Feb. 12, 1925, c. 225, 43 Stat. 915, constituting section 197 of Title 10 of the Code has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 277, in the appropriation for 1927 for the office of Chief of Ordnance, the words "the entire expenditures for this purpose for the fiscal year 1927 shall not exceed $250,000" being interpolated after the word "Provided."

Chapter 11.—SIGNAL CORPS.

213. Employment of draftsmen, etc., in Signal Office.

Section 213 of Title 10 repealed.—The statutory provision of Act of Feb. 12, 1925, c. 225, 43 Stat. 906, constituting section 213 of Title 10 of the Code, has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 267, the words "in addition to the foregoing employees appropriated for in the Signal Office" being interpolated before the word "Provided," and the words "the entire expenditures for this purpose for the fiscal year 1927 shall not exceed $33,000" being interpolated after that word. (Act of Apr. 15, 1926, c. 146 Title I, 44 Stat. 267.)

Chapter 12.—CHEMICAL WARFARE SERVICE.

222. Employment of chemists, etc., in office of chief.

Section 222 of Title 10 repealed.—The statutory provision constituting section 222 of Title 10 of the Code, has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 277, the words "the total expenditures for this purpose for the fiscal year 1927 shall not exceed $19,160," being interpolated after the word "Provided."

Chapter 18.—AIR SERVICE.

Sec.
291. Establishment and composition of Air Corps.
292a. Temporary rank for Air Corps Officers. [New.]
292b. Five-year Air Corps Program. [New.]
292c. Detail in Aid of Civil Aviation. [New.]
300. Additional pay for flying duty.
307. Bond for indemnity against injury caused by exhibition flights.
309. Employment of draftsmen and engineers in Air Service.
310. Encouragement of aviation. [New.]

Air Service now Air Corps.—Act of July 2, 1926, c. 721, § 1, 44 Stat. 780, provided as follows: "The Act entitled 'An Act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, as amended, be, and the same is hereby, amended so that the Air Service re-

ferred to in that Act and in all subsequent Acts of Congress shall be known as the Air Corps."

The Air Corps Act of July 2, 1926, consisted of 14 sections which are placed in the appendix as follows:

Section 1 is quoted above.

Section 2 appears as section 291 of this Title in the appendix.

Section 3 appears as section 292a of this Title in the appendix.

Section 4 appears as section 553a of this Title in the appendix.

Section 5 appears as section 23a of this Title in the appendix.

Section 6 appears as section 29 of Title 37 in the appendix.

Section 7 amended section 6 of this Title and appears as part of that section in the appendix.

Section 8 appears as section 292b of this Title in the appendix.

Section 9 authorized an additional Assistant Secretary of State and appears in Title 5, chapter 3, in the appendix.

Section 10 appears as section 310 of this Title in the appendix.

Sections 11, 12, and 13 appears as sections 1428, 1429, and 1430 of this Title in the appendix.

Section 14 provided as follows: "That if any section or provision of this Act shall be held to be invalid, it is hereby provided that all other sections and provisions of this Act not expressly held to be invalid shall continue in full force and effect. No provision of this Act shall be retroactive and the provisions hereof shall take effect upon date of approval thereof, except as otherwise provided for herein, and all Acts or parts of Acts contrary to the provisions of this Act or inconsistent therewith be, and the same are hereby, repealed."

291. Establishment and composition of Air Corps.—There is hereby created an Air Corps. The Air Corps shall consist of one Chief of the Air Corps, with the rank of major general; three assistants, with the rank of brigadier general; one thousand five hundred and fourteen officers in grades from colonel to second lieutenant, inclusive; and sixteen thousand enlisted men, including not to exceed two thousand five hundred flying cadets, such part of whom as the President may direct being formed into tactical units or bands, organized as he may prescribe: *Provided*, That the Chief of the Air Corps, at least two brigadier generals, and at least 90 per centum of the officers in each grade below that of the brigadier general shall be flying officers: *Provided further*, That in time of war 10 per centum of the total number of officers that may be authorized for the Air Corps for such war may be immediately commissioned as nonflying officers: *Provided further*, That as soon as a sufficient number can be trained, at least 90 per centum of the total number of officers authorized for the Air Corps for such war shall be flying officers: *Provided further*, That hereafter in time of peace in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity to so qualify, the Secretary of War is hereby authorized to detail to the Air Corps officers of all grades and such officers shall start flying training immediately upon being so detailed, but hereafter such officers shall not remain detailed to the Air Corps for a period in excess of one year or be permanently commissioned therein unless they qualify as flying officers: *Provided further*, That any officer who is specifically recommended by the Secretary of War because of special qualifications other than as a flyer may be detailed to the Air Corps for a period longer than one year, or may be permanently commissioned in the Air Corps, but such officers, together with those flying officers who shall have become disqualified for flying shall not be included among the 90 per centum of flying officers: *And provided further*, That nothing in this Act[1] shall be construed to limit the number of officers in each grade that may be detailed to the Air Corps for training as flying officers except that the total number of officers allotted to the Air Corps shall not be exceeded. Flying units shall in all cases be commanded by flying officers. Wherever used in this Act a flying officer in time of peace is defined as one who has received an aeronautical rating as a pilot of service types of aircraft: *Provided*, That all officers of the Air Corps now holding any rating as a pilot shall be considered as flying officers within the meaning of this Act[1]: *Provided further*, That hereafter in order to receive a rating as a pilot in time of peace an officer or an enlisted man must fly in heavier-than-air craft at least two hundred hours while acting as a pilot, seventy-five of which must be alone, and must successfully complete the course prescribed by competent authority: *And provided further*, That in time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of air craft and also in time of war may include any officer who has received an aeronautical rating as observer. Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President: *Provided*, That nothing in this Act[1] shall be construed as amending existing provisions of law relating to flying cadets. On and after July 1, 1929, and in time of peace, not less than 20 per centum of the total number of pilots employed in tactical units of the Air Corps shall be enlisted men, except when the Secretary of War shall determine that it is impractical to secure that number of enlisted pilots.

Enlisted men of the fourth, fifth, sixth, and seventh grades in the Air Corps who have demonstrated their fitness and shown that they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto may be rated as air mechanics, first class, or air mechanics, second class, under such regulations as the Secretary of War may prescribe. Each enlisted man while holding the rating of air mechanic, first class, and performing the duties as such shall receive the pay of the second grade, and each enlisted man while holding the rating of air mechanic, second class, and performing the duties as such shall receive the pay of the third grade: *Provided*, That such number as the Secretary of War may determine as necessary, not to exceed 14 per centum of the total authorized enlisted strength of the Air Corps, shall be rated as air mechanics, first class, or air mechanics, second class. (July 2, 1926, c. 721, § 2, 44 Stat. 780.)

Section 2 of the Act of July 2, 1926, struck out section 291 of this Title in the Code, and substituted the text in lieu thereof.

292a. Temporary rank for Air Corps officers.—The Secretary of War is hereby authorized to assign, under such regulations as he may prescribe, officers of the Air Corps to flying commands, including wings, groups, squadrons, flights, schools, important air stations, and to the staffs of commanders of troops, which assignment shall carry with it temporary rank, including pay and allowances appropriate to such rank, as determined by the Secretary of War, for the period of such assignment: *Provided*, That such temporary rank is limited to two grades above the permanent rank of the officer appointed: *Provided further*, That no officers shall be temporarily advanced in rank as contemplated in this section unless the Chief of the Air Corps certifies that no officers of suitable permanent rank are available for the duty requiring the increased rank: *And provided further*, That no officer holding temporary rank under the provisions of this section shall be eligible to command outside of his own corps except by seniority under his permanent commission. (July 2, 1926, c. 721, § 3, 44 Stat. 782.)

New section.

292b. Five-year Air Corps program.—For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development the following five-year program is authorized:

Personnel.—The number of promotion-list officers now authorized by law in the grade of second lieutenant of the Regular Army is hereby increased by four hundred and three, and the

[1] "Act" should be translated "chapter."

[1] "Act" should be translated "chapter."

number of enlisted men now authorized by law for the Regular Army is hereby authorized to be increased by six thousand two hundred and forty: *Provided*, That the increase in the number of officers and enlisted men herein authorized shall be allotted as hereinafter provided. The present allotment of officers to the Air Corps is hereby authorized to be increased by four hundred and three officers distributed in grades from colonel to second lieutenant, inclusive, and the present allotment of enlisted men to the Air Corps is hereby authorized to be increased by six thousand two hundred and forty enlisted men. The President is authorized to call to active service, with their consent, such number of Air Corps reserve officers as he may deem necessary, not to exceed five hundred and fifty, 90 per centum of whom shall serve for periods of not more than one year, and 10 per centum for periods of not more than two years: *Provided*, That nothing contained in this section shall affect the number of reserve officers that may be called to active duty for periods of less than six months under existing law.

Equipment.—The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed one thousand eight hundred serviceable airplanes, and such number of airships and free and captive balloons as he may determine to be necessary for training purposes, together with spare parts, equipment, supplies, hangars, and installations necessary for the operation and maintenance thereof. In order to maintain the number specified above, the Secretary of War is hereby authorized to replace obsolete or unserviceable aircraft from time to time: *Provided*, That the necessary replacement of airplanes shall not exceed approximately four hundred annually: *Provided*, That the total number of airplanes and airships herein authorized shall be exclusive of those waiting salvage or undergoing experiment or service tests, those authorized by the Secretary of War to be placed in museums and those classified by the Secretary of War as obsolete: *And provided further*, That the total number of planes authorized in this section shall include the number necessary for the training and equipment of the National Guard and the training of the Organized Reserves as may be determined by the Secretary of War.

Method of increase.—The total increase in personnel and equipment authorized herein shall be distributed over a five-year period beginning July 1, 1926. Not to exceed one-fifth of the total increase shall be made during the first year and the remainder in four approximately equal increments. The President is hereby authorized to submit to Congress annually estimates of the cost of carrying out the five-year program authorized herein: *Provided*, That a supplemental estimate for the fiscal year ending June 30, 1927, may be submitted to cover the cost of the first annual increment. (July 2, 1926, c. 721, § 8, 44 Stat. 783.)

New section.

292c. Detail in Aid of Civil Aviation.—The President of the United States be, and he is hereby, authorized in his discretion to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation as provided for in the Air Commerce Act of 1926: *Provided*, That such detail shall not be for a period of more than one year. (July 3, 1926, c. 807, 14 Stat. 915.)

New section.

The text is a resolution entitled "Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation." The "Air Commerce Act of 1926" referred to in the text is chapter 6 of Title 49 in the appendix.

300. Additional pay for flying duty.

The appropriation act for 1927 in appropriating money for the additional pay allowed by this section added a proviso that "this appropriation shall not be available for increased pay on flying status to more than seven hundred enlisted men. Act April 15, 1926, c. 146, Title I, 44 Stat. 257.

307. Bond for indemnity against injuries caused by exhibition flights.

Section 307 of Title 10 repeated.—The statutory provision constituting section 307 of Title 10 of the Code, has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 269.

309. Employment of draftsmen and engineers in Air Service.

Section 309 of Title 10 repeated.—The statutory provision constituting section 309 of Title 10 of the Code, has been repeated in the Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 270, the words "the entire expenditure for this purpose for the fiscal year 1927 shall not exceed $70,000," being interpolated after the word "Provided."

310. Encouragement of aviation.—(a) *Submission in competition of designs of aircraft, parts and accessories to be invited—Advertisement.* That in order to encourage the development of aviation and improve the efficiency of the Army and Navy aeronautical matériel the Secretary of War or the Secretary of the Navy prior to the procurement of new designs of aircraft or aircraft parts or aeronautical accessories, shall, by advertisement for a period of thirty days in at least three of the leading aeronautical journals and in such other manner as he may deem advisable, invite the submission in competition, by sealed communications, of such designs of aircraft, aircraft parts, and aeronautical accessories, together with a statement of the price for which such designs in whole or in part will be sold to the Government.

(b) *Advertisement—Specifications—Information of competition for applicants—Reference of designs to board—Appraisal—Report—Announcement of results.* The aforesaid advertisement shall specify a sufficient time, not less than sixty days from the expiration of the advertising period, within which all such communications containing designs and prices therefor must be submitted, and all such communications received shall be carefully kept sealed in the War Department or the Navy Department, as the case may be, until the expiration of said specified time, and no designs mailed after that time shall be received or considered. Said advertisement shall state in general terms the kind of aircraft, parts, or accessories to be developed and the approximate number or quantity required, and the department concerned shall furnish to each applicant identical specific detailed information as to the conditions and requirements of the competition and as to the various features and characteristics to be developed, listing specifically the respective measures of merit, expressed in rates per centum, that shall be applied in determining the merits of the designs, and said measures of merit shall be adhered to throughout such competition. All designs received up to the time specified for submitting them shall then be referred to a board appointed for that purpose by the Secretary of the department concerned and shall be appraised by it as soon as practicable and report made to the Secretary as to the winner or winners of such competition. When said Secretary shall have approved the report of said board, he shall then fix a time and place for a public announcement of the results and notify each competitor thereof; but if said report shall be disapproved by said Secretary, the papers shall be returned to the board for revision or the competition be decided by the Secretary, in his discretion, and in any case the decision of the Secretary shall be final and conclusive. Such announcement shall include the percentages awarded to each of the several features or characteristics of the designs submitted by each competitor and the prices named by the competitors for their designs and the several features thereof if separable.

(c) *Contract with winner for furnishing items authorized—Purchase of winning designs.* Thereupon the said Secretary is authorized to contract with the winner or winners in such competition on such terms and conditions as he may deem most advantageous to the Government for furnishing or constructing all or each of the items, or all of any one or more

of the several items of the aircraft, or parts, or accessories indicated in the advertisement, as the said Secretary shall find that in his judgment a winner is, or can within a reasonable time become, able and equipped to furnish or construct satisfactorily all or part, provided said Secretary and the winner shall be able to agree on a reasonable price. If the Secretary shall decide that a winner can not reasonably carry out and perform a contract for all or part of such aircraft, parts, or accessories, as above provided, then he is authorized to purchase the winning designs or any separable parts thereof if a fair and reasonable price can be agreed on with the winner, but not in excess of the price submitted with the designs.

(d) *Rights of Government under contract or purchase of designs—Right of designer to patent.* After contract is made, as authorized by any provision of this section, with a winner in such design competition, for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs and payment is completed under said contract, and after the purchase of and payment for the designs or separable parts thereof of a winner, as authorized herein, with whom a contract shall not have been made for furnishing or constructing aircraft, aircraft parts or aeronautical accessories in accordance with his designs, then in either case any department of the Government shall have the right without further compensation to the winner to construct or have constructed according to said designs and use any number of aircraft or parts or accessories, and sell said aircraft or parts or accessories according to law as condemned material: *Provided*, That such winner shall, nevertheless, be at liberty to apply for a patent on any features originated by him, and shall be entitled to enjoy the exclusive rights under such patent as he may obtain as against all other persons except the United States Government or its assignee as aforesaid.

(e) *Submission of graduated scale of prices—Effect on contract.* The competitors in design competition mentioned in this section shall submit with their designs a graduated scale of prices for which they are willing to construct any or all or each of the aircraft, aircraft parts, and aeronautical accessories for which designs are submitted and such stated prices shall not be exceeded in the awarding of contracts contemplated by this section.

(f) *Rejection of all designs—Division of contracts.* If the Secretary of War or the Secretary of the Navy shall find that in his judgment none of the designs submitted in said competition is of sufficient merit to justify the procurement of aircraft, aircraft parts, or aeronautical accessories in accordance therewith, then he shall not be obligated to accept any of such designs or to make any payment on account of any of them. If the Secretary of the department concerned shall decide that the designs submitted by two or more competitors possess equal merit, or that certain features embodied in the designs of any competitor are superior to corresponding features embodied in the designs of any other competitor and such features of one design may be substituted in another design, the said Secretary shall in his discretion divide the contracts for furnishing and manufacturing the aircraft, parts, or accessories required, equitably among those competitors that have submitted designs of equal merit, or he may select and combine features of superior excellence in different designs in such manner as may in his judgment best serve the Government's interests and make payment accordingly to the several competitors concerned at fair and reasonable prices, awarding the contract for furnishing or constructing the aircraft, parts, or accessories to the competitor or competitors concerned that have the highest figures of merit in said competition.

(g) *Inability to contract with or purchase from winner of competition—Advertisement for bids—Contract—Rejection of bids.* In case the Secretary of War or the Secretary of the Navy shall be unable to make contract as above authorized with a winner in said competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories covered by the whole or part of the designs of such winner, or shall be unable to agree with a winner in the competition on a reasonable purchase price for the design of such winner with whom a contract may not be made, as aforesaid, he may retain such designs and shall advertise according to law for proposals for furnishing or constructing aircraft, or parts or accessories, in accordance with such designs or combinations thereof as aforesaid and, after all proposals are submitted, make contract on such terms and conditions as he may consider the best in the Government's interests, with the bidder that he shall find to be the lowest responsible bidder for furnishing or constructing the aircraft, parts, or accessories required, but the said Secretary shall have the right to reject all bids and to advertise for other bids with such other and different specifications as he may deem proper.

(h) *Showing of error in award—Reference to board of arbitration—Composition of board.* If, within ten days after the announcement of the result of said competition, any participant in the competition shall make to the Secretary of War or the Secretary of the Navy a reasonable showing in writing that error was made in determining the merits of designs submitted whereby such claimant was unjustly deprived of an award, the matter shall at once be referred by the Secretary of the department concerned to a board of arbitration for determination and the finding of such board shall, with the approval of the said Secretary, be conclusive on both parties. Such board of arbitration shall be composed of three skilled aeronautical engineers, one selected by the said Secretary, one by the claimant, and the third by those two, no one of whom shall have been a member of the board of appraisal in that competition.

(i) *Use of designs without just compensation—Right to sue Government—Limitation.* Any person, firm, or corporation that shall complain that his, their, or its designs hereafter developed relating to aircraft or any components thereof are used or manufactured by or for any department of the Government without just compensation from either the Government or any other source, may within four years from the date of such use file suit in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture after the date of this Act.[1]

(j) *Eligibility for award of contract restricted to citizens—Employment of aliens.* Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned.

(k) *Purchase abroad of designs, aircraft, etc., for experimental purposes—Procurement in quantity.* The Secretary of War or the Secretary of the Navy may at his discretion pur-

[1] "Act" should be translated "chapter."

chase abroad or in the United States with or without competition, by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement, new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (j) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

(l) *Plant and books of contractor furnishing aircraft or parts—Right of Government to inspect and audit.* The manufacturing plant, and books, of any contractor for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department, or such part of any manufacturing plant as may be so engaged, shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government.

(m) *Preservation of audits and reports of inspection—Report to Congress of operations.* All audits and reports of inspection, made under the provisions of this section, shall be preserved by the Secretary of War or the Secretary of the Navy, as the case may be, for a period of ten years, and shall be subject to inspection by any committee of Congress, and the said Secretaries shall annually make a detailed and itemized report to Congress of all the departments' operations under this section, the names and addresses of all competitors, and of all persons having been awarded contracts and the prices paid for aircraft purchased and the grounds and reasons for having awarded such contracts to the particular persons, firms, or corporations, and all such reports shall be printed and held subject to public distribution.

(n) *Release of claims—Delivery to Secretary of War or Secretary of Navy by vendor or contractor.* Every vendor of designs to the War Department or the Navy Department under the provisions of this section, and every contractor for furnishing or constructing for the War Department or the Navy Department, or both, aircraft or aircraft parts or aeronautical accessories, shall deliver to the Secretary of War or Secretary of the Navy, or both, when required by either or both, a release in such form and containing such terms and conditions as may be prescribed by the Secretary of War, the Secretary of the Navy, or both, of claims on the part of such vendor or contractor against the United States arising out of such sale or contract, or both.

(o) *Appropriations—Availability.* All or any appropriations available for the procurement of aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department shall be available for payment of the purchase price of designs and the costs of arbitration as authorized by this section.

(p) *Collusion, etc., affecting competition or audit declared unlawful—Penalty.* Any collusion, understanding, or arrangement to deprive the United States Government of the benefit of full and free competition in any competition authorized by this section, or to deprive the United States Government of the benefit of a full and free audit of the books of any person, firm, or corporation engaged in carrying out any contract authorized by this section, so far as may be necessary to disclose the exact cost of executing such contract, shall be unlawful, and any person, firm, or corporation that shall, upon indictment and trial, be found guilty of violating any of the provisions of this section shall be sentenced to pay a fine of not exceeding $20,000, or to be imprisoned not exceeding five years, or both, at the discretion of the court.

(q) *Contract for procurement of aircraft, etc., of earlier design.* In the procurement of aircraft constructed according to designs presented by any individual, firm, or corporation prior to the passage of this Act, which designs have been reduced to practice and found to be suitable for the purpose intended, or according to such designs with minor modifications thereof, the Secretary of War or the Secretary of the Navy, when in his opinion the interests of the United States will be best served thereby, may contract with said individual, firm, or corporation, at reasonable prices for such quantities of said aircraft, aircraft parts, or aeronautical accessories as he may deem necessary: *Provided*, That the action of the Secretary of War or the Secretary of the Navy, in each such case shall be final and conclusive.

(r) *Patents and design board created—Submission to board of designs for aircraft, etc.—Evaluation—Purchase of ownership or right to use.* A board to be known as the patents and design board is hereby created, the three members of which shall be an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce. To this board any individual, firm, or corporation may submit a design for aircraft, aircraft parts, or aeronautical accessories, and whether patented or unpatentable, the said board upon the recommendation of the National Advisory Committee for Aeronautics shall determine whether the use of such designs by the Government is desirable or necessary, and evaluate the designs so submitted and fix the worth to the United States of said design, not to exceed $75,000. The said designer, individual, firm, or corporation, may then be offered the sum fixed by the board for the ownership or a nonexclusive right of the United States to the use of the design in aircraft, aircraft parts or aeronautical accessories and upon the acceptance thereof shall execute complete assignment or nonexclusive license to the United States: *Provided*, That no sum in excess of $75,000 shall be paid for any one design.

(s) *"Winner" or "winners" construed.* The terms "winner" or "winners" as used in this section shall be construed to include not more than three competitors having the highest figures of merit in any one competition.

(t) *Contract for aircraft, etc.—Award to lowest responsible bidder—Review of decision of Secretary of War or Secretary of Navy.* Hereafter whenever the Secretary of War, or the Secretary of the Navy, shall enter into a contract for or on behalf of the United States, for aircraft, aircraft parts, or aeronautical accessories, said Secretary is hereby authorized to award such contract to the bidder that said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or the service required to the best advantage of the Government; and the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts. (July 2, 1926, c. 721, § 10, 44 Stat. 784.)

New section.

Chapter 19.—PHILIPPINE SCOUTS.

334. Pay and allowances of enlisted men.—The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army: *Provided*, That pay-

ments of travel pay and of commutation of quarters, heat, and light heretofore made to enlisted men of the Philippine Scouts, if not in excess of those authorized at the time for enlisted men of the Regular Army, be, and the same are hereby, validated: *And provided further*, That any such payments of travel pay and commutation of quarters, heat, and light which have been collected back from enlisted men of the Philippine Scouts to whom originally paid shall be refunded to them. (Feb. 2, 1901, c. 192, § 36, 31 Stat. 757; May 10, 1926, c. 279, 44 Stat. 496.)

Section 334 of Title 10 amended.—The provision of Act of Feb. 2, 1901, c. 192, § 36, 31 Stat. 757, constituting § 334 of Title 10 of the Code, has been amended by Act of May 10, 1926, c. 279, 44 Stat. 496, to read as above.

The amendments added the two provisos.

Chapter 20.—RESERVE FORCES.

OFFICERS' RESERVE CORPS

Sec.
362a. Payment of arrears. [New.]
367. Mileage allowance limited.
367a. Travel on Government-owned vessel. [New.]

RESERVE OFFICERS' TRAINING CORPS

389. Equipment and supplies.

ENLISTED RESERVE FORCE

423. Persons eligible for enlistment.
427. Pay and allowances on active duty.
428. Payment of arrears. [New.]

OFFICERS' RESERVE CORPS

362a. Payment of arrears.—Hereafter members of the National Guard, the Officers' Reserve Corps, and the Enlisted Reserve Corps who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period, and the 31st day of a calendar month shall not be excluded from the computation. (May 11, 1926, c. 288, 44 Stat. 531.)

New section.

367. Mileage allowance limited.

Section 367 of Title 10 repeated.—The statutory provision constituting § 367 of Title 10 of the Code, has been repeated in the Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 282.

367a. Travel on Government-owned vessel.—Hereafter officers performing travel on Government-owned vessels for which no transportation fare is charged shall be entitled only to reimbursement of actual and necessary expenses incurred. (Apr. 15, 1926, c. 146, Title I, 44 Stat. 283.)

New section. This section is derived from the War Department Appropriation Act for 1927, and was part of a provision applicable solely to the Officers' Reserve Corps.

RESERVE OFFICERS' TRAINING CORPS

389. Equipment and supplies.

The War Department Appropriation Act for 1927 contained the following provision: "Uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made." (Apr. 15, 1926, c. 146, Title I, 44 Stat. 285.)

ENLISTED RESERVE CORPS

423. Persons eligible for enlistment.—Enlistment shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War, except that for original enlistments in railway operating units the maximum age limit shall be forty-five years. (June 4, 1920, c. 227, § 35, 41 Stat. 780; June 8, 1926, c. 494, 44 Stat. 705.)

Section 423 of Title 10 amended.—The provision of Act of June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780, constituting § 423 of Title 10 of the Code, has been amended by Act of June 8, 1926, c. 494, 44 Stat. 705, to read as above.

The amendment added the words following the words "Secretary of War."

427. Pay and allowances on active duty.

See section 159 of Title 32 in the appendix.

428. Payment of arrears.—"Hereafter members of the National Guard, the Officers' Reserve Corps, and the Enlisted Reserve Corps who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period, and the thirty-first day of a calendar month shall not be excluded from the computation." (May 11, 1926, c. 288, 44 Stat. 531.)

New section.

Chapter 21.—COMMISSIONED OFFICERS.

GENERAL PROVISIONS

Sec.
481. Authorized number of officers in Army.
501. Length of service; time spent as cadet at Military or Naval Academy.

DETACHED DUTY

535. Detail of officers [and enlisted men] as students, observers, and investigators.
540. Detail of officers and men to assist foreign governments. [New.]

GENERAL PROVISIONS

481. Authorized number of officers in Army.

Increase authorized by Air Corps, Act of 1926. See section 292b of this title of the appendix.

501. Length of service; time spent as cadet at Military or Naval Academy.

Section 501 of Title 10 repeated.—The statutory provision constituting § 501 of Title 10 of the Code, has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 257.

DETACHED DUTY

535. Detail of officers [and enlisted men] as students, observers, and investigators.—The Secretary of War is hereby authorized, in his discretion, to detail not to exceed 2 per centum of the commissioned officers and one-half of 1 per centum of the enlisted men of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places as shall be best suited to enable such officers or enlisted men to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers or enlisted men shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided*, That no expense shall be incurred by the United States in addition to pay and allowances of the officers or enlisted men so detailed, except for the cost of tuition at such technical, professional, and other educational institutions: *And provided further*, That the allowances and tuition for enlisted men during the period of such detail may be paid from any funds appropriated for or allotted to the procurement branches: *And provided further*, That the Secretary of War may fix the length of enlistments for this purpose at three

years or less, and the total length of detail of an enlisted man shall not exceed 50 per centum of his enlistment period. (June 3, 1916, c. 134, § 127a; June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786; June 8, 1926, c. 495, 44 Stat. 705.)

Section 535 of Title 10 amended.—The provision of Act of June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786, constituting § 535 of Title 10 of the Code, has been amended to read as above.

The amendment added the words "and one-half of 1 per centum of the enlisted men" in the first sentence and the second and third provisos.

540. Detail of officers and men to assist foreign governments.—The President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States. (May 19, 1926, c. 334, 44 Stat. 565.)

New section.

Chapter 22.—WARRANT OFFICERS.

Sec.
591. Appointment of warrant officers; number authorized.
595. Appointment of field clerks as warrant officers. [New.]

591. Appointment of warrant officers; number authorized.

See section 595 of this title in the appendix.

595. Appointment of field clerks as warrant officers.—Hereafter Army field clerks and field clerks, Quartermaster Corps, now in active service, shall have the rank, pay, allowances, retirement privileges, and benefits of warrant officers, other than those of the Army Mine Planter Service, and the Secretary of War is hereby authorized and directed to appoint them warrant officers of the Regular Army: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as now authorized for warrant officers, including service as Army field clerks and field clerks, Quartermaster Corps, and all classified field service rendered as headquarters clerks and clerks of the Quartermaster Corps: *Provided further*, That the limitation in the Act of June 30, 1922,[1] on the number of warrant officers, United States Army, shall not apply to the appointees hereunder. (Apr. 27, 1926, c. 191, 44 Stat. 328.)

New section.

Chapter 23.—ENLISTED FORCE.

GENERAL PROVISIONS
Sec.
602. Enlisted strength of Army.
DETAILS
645. Detail as students, observers, and investigators.
DISCHARGE FROM ENLISTMENT
Sec.
654. Discharge for misrepresentation of age as honorable discharge; back pay; certificate. [New.]

[1] "Act of June 30, 1922," should be translated "section 591 of this title."

GENERAL PROVISIONS

602. Enlisted strength of Army.

Section 602 of Title 10 repealed.—The statutory provision constituting § 602 of Title 10 of the Code, has been repealed in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 257.

Increase authorized by Air Corps Act of 1926. See section 292b in the appendix.

DETAILS

645. Detail as students, observers, and investigators.

See section 535 of this title in the appendix.

DISCHARGE FROM ENLISTMENT

654. Discharge for misrepresentation of age as honorable discharge; back pay; certificate.—That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this Act:[1a] *Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this Act. (Mar. 16, 1926, c. 57, 44 Stat. 208.)

New section.

Chapter 24.—CIVILIAN EMPLOYEES.

Sec.
661. Assignment of Army field clerks, messengers, and laborers to duty.
662. Appointment of Army field clerks and field clerks, Quartermaster Corps, discontinued.

661. Assignment of Army field clerks, messengers, and laborers to duty.

See section 595 of this title in the appendix for legislation apparently affecting this section with respect to Army field clerks.

662. Appointment of Army field clerks and field clerks, Quartermaster Corps, discontinued.

See section 595 of this title in the appendix for legislation apparently affecting this section.

Chapter 25.—PAY AND ALLOWANCES.

LONGEVITY PAY
Sec.
684. Time served as cadet at Military or Naval Academy.
QUARTERS AND SUBSISTENCE
727. Subsistence of Army patients in Canal Zone hospitals.
MILEAGE AND TRAVEL EXPENSES
748a. Travel on Government-owned vessel. [New.]
CLOTHING FOR TROOPS
832. Commutation in lieu of uniforms.
ABSENCE FROM DUTY AS AFFECTING RIGHT TO PAY
847. Pay during sickness due to misconduct. [Repealed.]
847a. Pay during absence due to use of alcohol or drugs. [New.]

[1a] "Act" should be translated "section."

Sec.
847b. Pay during absence due to venereal disease. [New.]
847c. Determination of period and cause of absence. [New.]
847d. Expenses allowed in case of forfeiture of pay. [New.]

MISCELLANEOUS

914. Free tuition in schools for children of officers and men.

LONGEVITY PAY

684. Time served as cadet at Military or Naval Academy.

Section 684 of Title 10 repeated.—The statutory provision constituting § 684 of Title 10 of the Code has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 257.

QUARTERS AND SUBSISTENCE

727. Subsistence of Army patients in Canal Zone hospitals.

Section 727 of Title 10 substantially repeated.—The statutory provision constituting § 727 of Title 10 of the Code has been substantially repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 271.

MILEAGE AND TRAVEL EXPENSES

748a. Travel on Government-owned vessel.—Hereafter officers and other members of the Military Establishment named in this paragraph[2] [commissioned officers, warrant officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps] performing travel on Government-owned vessels for which no transportation fare is charged shall be entitled only to reimbursement of actual and necessary expenses incurred. (Apr. 15, 1926, c. 146, Title I, 44 Stat. 259.)

New section.

CLOTHING FOR TROOPS

832. Commutation in lieu of uniforms.

Section 832 of Title 10 repeated.—The statutory provision constituting § 832 of Title 10 of the Code, has been repeated in Act of Apr. 15, 1927, c. 146, Title I, 44 Stat. 284.

ABSENCE FROM DUTY AS AFFECTING RIGHT TO PAY

847. Pay during sickness due to misconduct. [Repealed.]

Section 847 of Title 10 repealed.—Section 847 of Title 10 of the Code was expressly repealed by section 5 of the Act of May 17, 1926, c. 302, 44 Stat. 557. The four preceding sections of that Act follow as sections 847a, 847b, 847c, and 847d of this title in the appendix.

847a. Pay during absence due to use of alcohol or drugs.—Hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the effects of a disease, as distinguished from injury, which is directly attributable to and immediately follows his own intemperate use of alcoholic liquor or habit-forming drugs, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence. (May 17, 1926, c. 302, § 1, 44 Stat. 557.)

New section.

847b. Pay during absence due to venereal disease.—Hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the direct effects of a venereal disease due to his own misconduct, shall, except as hereafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence: *Provided*, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease and regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service. (May 17, 1926, c. 302, § 2, 44 Stat. 557.)

New section.

847c. Determination of period and cause of absence.—For all purposes within the scope of this Act[2a] the period of absence and the cause thereof shall be determined under such procedure and regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, and such determination shall be final and conclusive for all purposes. (May 17, 1926, c. 302, § 1, 44 Stat. 557.)

New section.

847d. Expenses allowed in case of forfeiture of pay.—Each person whose pay, as distinguished from allowance, is forfeited for a period in excess of one month at any one time pursuant to the provisions of this Act[2a] shall be paid for necessary personal expenses the sum of $5 for each full month during which his pay is so forfeited. (May 17, 1926, c. 302, § 4, 44 Stat. 557.)

New section.

MISCELLANEOUS

914. Free tuition in schools for children of officers and men.

Section 914 of Title 10 repeated.—The statutory provision constituting § 914 of Title 10 of the Code has been repeated in Act of May 10, 1926, c. 276, § 1, 44 Stat. 433.

Chapter 26.—RETIREMENT.

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT
Sec.
952. Period of cadetship at Military or Naval Academy.

RETIRED PAY

971a. Retired pay of officers appointed by virtue of service in World War. [New.]
972a. Retired pay of officers and warrant officers retired prior to July 1, 1922. [New.]

ARMY NURSE CORPS. [New.]

1029. Retirement of Army nurses. [New.]
1030. Pay of retired nurse. [New.]
1031. Service considered in computation. [New.]
1032. Title; uniform; use in emergency. [New.]

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

952. Period of cadetship at Military or Naval Academy.

Section 952 of Title 10 repeated.—The statutory provision constituting § 952 of Title 10 of the Code has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 257.

RETIRED PAY

971a. Retired pay of officers appointed by virtue of service in World War.—Any person originally appointed under the provisions of this Act[3] at an age greater than forty-five years shall, when retired, receive retired pay at the rate of 4 per centum of active pay for each complete year of commissioned service in the United States Army, the total not to be more than 75 per centum: *Provided*, That any officer so appointed, who has been or may hereafter be retired in accordance with law on account of physical disability incident to the service, shall receive, from the date of such retirement, retired pay at the rate of 75 per centum of his active pay at the time of such retirement. (June 4, 1920, c. 227, § 24, 41 Stat. 771; May 19, 1926, c. 333, 44 Stat. 564.)

New section.

[2] This section is derived from the War Department Appropriation Act of April 15, 1926. and the reference is to a provision appropriating money for the cost of travel during 1927 by certain specified officers.

[2a] "Act" should be translated "sections 847a–847d of this title of the appendix."

[3] The Act from which the foregoing down to the word "Provided" was derived was chiefly of a temporary character, requiring not less than one-half of the vacancies then existing in the Regular Army to be filled by the appointment of persons other than officers of the Regular Army who had served as officers between Apr. 6, 1917, and June 4, 1920.

972a. Retired pay of officers and warrant officers retired prior to July 1, 1922.—Hereafter the retired pay of the officers and warrant officers of the Army, * * * who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this Act[4] shall operate to reduce the pay of any officer or warrant officer now on the retired list. (May 8, 1926, c. 274, § 1, 44 Stat. 417.)

New section. Section 2 of this Act read as follows: "That all Acts or parts of Acts inconsistent with this Act are hereby repealed."

ARMY NURSE CORPS. [New.]

1029. Retirement of Army nurses.—When a member of the Army Nurse Corps or the Navy Nurse Corps shall have served thirty years, or shall have reached the age of fifty years, having served twenty years, she may, in the discretion of the Secretary of War or the Secretary of the Navy, respectively, be retired from active service and placed on a list, hereby created in each of the aforementioned services and designated the "Nurse Corps Retired List," in the grade to which she belonged at the time of her retirement. (May 13, 1926, c. 289, § 1, 44 Stat. 531.)

New section.

1030. Pay of retired nurse.—The annual pay of a retired member of the Army Nurse Corps or the Navy Nurse Corps shall be 3 per centum of the annual active base pay which she is receiving at the time of retirement multiplied by the number of complete years of service rendered prior to retirement, but not exceeding 75 per centum of such annual active base pay; and, in addition, supplemental annual retired pay for each complete year of active service rendered prior to retirement in each of the grades hereafter named, as follows: Chief nurse, $18; assistant superintendent, $45; director, $45; assistant director, $45; superintendent, $75: *Provided*, That in computing the period of service in any grade for such supplemental retired pay any period less than a year served in any higher grade may be included. (May 13, 1926, c. 289, § 2, 44 Stat. 532.)

New section.

1031. Service considered in computation.—For the purpose of computing eligibility for retirement and retired pay, there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as contract nurse prior to February 2, 1901, and service as a reserve nurse on active duty since February 2, 1901. (May 13, 1926, c. 289, § 3, 44 Stat. 532.)

New section.

1032. Title; uniform; employment in emergency.—Retired nurses shall be authorized to bear the title and may, under such regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, wear the uniform of the grade held at the time of retirement, and, in time of war or national emergency, may be employed on active duty, in the discretion of the Secretary of War or the Secretary of the Navy, and when so employed shall receive the full active pay and allowances of their respective grades. (May 13, 1926, c. 289, § 4, 44 Stat. 532.)

New section.

Chapter 27.—MILITARY ACADEMY.

MILITARY AND ACADEMIC STAFF

Sec.
1077. Professor of English.
1077a. Department of economics, government, and history created. [New.]

CADETS

1091a. Increase in number of cadets from United States at large. [New.]
1093a. Siamese cadets. Authorized. [New.]

[4] "Act" should be translated "section."

PROPERTY, BUILDINGS, AND GROUNDS

Sec.
1121a. Transfer of surplus materials and tools. [New.]

PAY AND ALLOWANCES.

1133a. Army officer serving as professor. [New.]
1138. Quarters, fuel, and light for civilian instructors.
1145. Leave of absence to constructing quartermaster.

MILITARY AND ACADEMIC STAFF

1077. Professor of English.—The head of the department of English shall *hereafter* have the same status as the professors at the head of the other departments of instruction at the Military Academy, and the President of the United States is hereby authorized, by and with the consent of the Senate, to appoint a civilian in the department of English, United States Military Academy, a professor at the Military Academy, with the rank, pay, allowances, title, and status of the other professors: *Provided further*, That the provisions of law relating to retirement for disability in line of duty shall not apply in the case of this professor until after he shall have served fifteen years at the Military Academy. (Apr. 19, 1910, c. 174, 36 Stat. 312, amended, June 8, 1926, c. 492, 44 Stat. 703.)

Section 1077 of Title 10 amended.—The provision of Act of Apr. 19, 1910, c. 174, 36 Stat. 312, constituting § 1077 of Title 10 of the Code, has been amended by Act of June 8, 1926, c. 492, 44 Stat. 703, to read as above.

See section 1077a in the appendix for the creation of a department of economics, government, and history.

1077a. Department of economics, government, and history created.—That a department of economics, government, and history be established at the United States Military Academy, at West Point, New York, the head of which department shall have the same status as the permanent professors at the head of the other departments of instruction at the United States Military Academy, and the President of the United States is hereby authorized, by and with the consent of the Senate, to appoint a professor of economics, government, and history at the United States Military Academy with the rank, pay, and allowances, title and status of the other professors at the United States Military Academy. (June 8, 1926, c. 492, 44 Stat 703.)

New section. The Act of June 8, 1926, cited to the text, also contained a provision that "the present head of the department of English and history shall be transferred to and become head of the department of economics, government, and history."

CADETS

1091a. Increase in number of cadets from United States at large.—The number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy, are each hereby increased by forty from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States who were killed in action or died prior to July 2, 1921, of wounds or injuries received, or disease contracted in line of duty during the World War: *Provided*, That one-half shall be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps. (June 8, 1926, c. 492, 44 Stat. 704.)

New section.

1093a. Siamese cadets authorized.—The Secretary of War be, and he hereby is, authorized to permit two Siamese subjects, to be designated hereafter by the Government of Siam, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Siamese subjects shall agree to comply with all regulations for the police

and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction, and that the said Siamese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the Academic Board: *And provided further*, That in the case of the said Siamese subjects the provisions of sections 1320 and 1321 of the Revised Statutes[4] shall be suspended. (Joint Resolution July 3, 1926, 44 Stat. 914.)

New section.

PROPERTY, BUILDINGS, AND GROUNDS

1121a. Transfer of surplus materials and tools.—The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of buildings; also surplus tools and material required for use in the instruction of cadets at the academy. (Apr. 15, 1926, c. 146, Title I, 44 Stat. 281.)

New section.

PAY AND ALLOWANCES

1133a. Army officer serving as professor.—Any officer of the United States Army now holding the position of permanent professor at the United States Military Academy, and who on July 2, 1921, would have become entitled to his promotion to a colonelcy had he remained in the line of the Army and who on that date had completed more than three years' duty as permanent professor, shall have the rank, pay, and allowances of a colonel in the Army, and that the said rank shall date from July 2, 1921: *Provided*, That no back pay and allowances prior to the passage of this Act shall accrue. (Apr. 27, 1926, c. 192, 44 Stat. 328.)

New section.

1138. Quarters, fuel, and light for civilian instructors.

Section 1138 of Title 10 repealed.—The statutory provision constituting § 1138 of Title 10 of the Code has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 280.

1145. Leave of absence to constructing quartermaster.

Section 1145 of Title 10 repealed.—The statutory provision constituting § 1145 of Title 10 of the Code has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 281.

Chapter 29.—SUPPLIES, STORES, AND SERVICE.

PROCUREMENT OF STORES, SUPPLIES, AND SERVICES

Sec.
1209. Exchange of unserviceable ammunition. [New.]
1210. Reclamation of unserviceable ammunition. [New.]

MISCELLANEOUS PROVISIONS

1318. Encouragement of breeding of horses for Army.

PROCUREMENT OF STORES, SUPPLIES, AND SERVICES

1209. Exchange of unserviceable ammunition.—The Secretary of War is hereby authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use. (June 1, 1926, c. 435, § 1, 44 Stat. 680.)

New section.

1210. Reclamation of unserviceable ammunition.—The Secretary of War is authorized, by contract or otherwise, to reclaim, by reworking, reconditioning, or otherwise converting into usable form, either in complete rounds or in serviceable components, such deteriorated and unserviceable ammunition and components thereof as it may not be advisable to have so exchanged,[5] and to pay either the whole or part of the cost thereof through the exchange of deteriorated and unserviceable components not desired to retain. (June 1, 1926, c. 435, § 2, 44 Stat. 680.)

New section.

MISCELLANEOUS PROVISIONS

1318. Encouragement of breeding of horses for Army.

Section 1318 of Title 10 repealed.—The statutory provision constituting § 1318 of Title 10 of the Code has been repeated in Act of April 15, 1926, c. 146, Title I, 44 Stat. 263.

Chapter 30.—MILITARY POSTS AND CAMPS; QUARTERS AND BARRACKS; TRAINING STATIONS.

Sec.
1351. Easements for gas, water, and sewer pipe lines; condition; annulment; report. [New.]
1352. Right to alter, amend, or repeal reserved. [New.]

1351. Easements for gas, water and sewer pipe lines; condition; annulments; report.—The Secretary of War is hereby authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant easements for rights of way over, across, in, and upon public military reservations and other lands under his control, for gas, water, and sewer pipe lines, to any citizen, association, or corporation of any State, Territory, or possession of the United States: *Provided*, That such rights of way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such rights of way may be annulled and forfeited by the Secretary of War for failure to comply with the terms or conditions of any grant hereunder or for nonuse or for abandonment of rights granted under the authority hereof: *And provided further*, That the Secretary of War shall include in his annual report to the President a full and complete statement of each and all easements granted, which statement shall also include the name and address of the grantee, the purpose of the grant, and the benefits accruing to the United States or to the public therefrom. (May 17, 1926, c. 313, § 1, 44 Stat. 562.)

New section.

1352. Right to alter, amend or repeal reserved.—The right to alter, amend, or repeal this Act[6] is hereby expressly reserved. (May 17, 1926, c. 313, § 2, 44 Stat. 562.)

New section.

Chapter 32.—UNIFORM OF ARMY.

1393. Protection of the uniform.—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon

[4] "Sections 1320 and 1321 of the Revised Statutes" should be translated "sections 1099 and 1101 of this title."

[5] The reference is to the first section of the Act appearing as section 1209 of this title in the appendix.

[6] The text was sec. 2 of the Act of May 17, 1926, sec. 1351 of this title in the appendix being sec. 1.

occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment: *Provided*, That hereafter, upon the discharge or furlough to the reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use: *Provided further*, That upon the release from Federal service of an enlisted man of the National Guard called as such into the service of the United States, all uniform outer clothing then in his possession shall be taken up and accounted for as property issued to the National Guard of the State to which the enlisted man belongs, in the manner prescribed by section 67 of said Act:[48a] *And provided further*, That when an enlisted man is discharged otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of War, a suit of citizen's outer clothing to cost not exceeding $15 may be issued to such enlisted man: *And provided further*, That officers and members of the National Home for Disabled Volunteer Soldiers may, regardless of the preceding provisions of said Act, wear such uniforms as the Secretary of War may authorize. (June 3, 1916, c. 134, § 125, 39 Stat. 216; July 9, 1918, c. 143, Subchapter XVII, § 10, 40 Stat. 891; July 3, 1926, c. 781, 44 Stat. 891.)

Section 1393 of Title 10 amended.—The provisions constituting § 1393 of Title 10 of the Code have been amended by Act of July 3, 1926, c. 781, 44 Stat. 891, to read as above.

All of the text down to and including the first sentence of the last paragraph is derived from the Act of June 3, 1916. The Act of July 9, 1918, added the four provisos which conclude the last paragraph. The Act of July 3, 1926, struck from the first of these provisos the following words which were contained therein as it was enacted in 1918: "and within four months after such termination of his active service he shall return all uniform clothing, which he was so permitted to retain for wear to his home, by mail, under a franked label which shall be furnished him for the purpose and in conformity with the instructions given him at the time of such termination of his active service; and in case he shall fail to return the same within such period, and in accordance with such instructions, he shall be deemed guilty of a misdemeanor and, upon conviction, suffer the punishment prescribed by this section."

In connection with the next to the last proviso in the text it is noted that the War Department Appropriation Act for 1927 appropriates money "for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed $30, to be issued to each soldier discharged otherwise than honorably." (Apr. 15, 1926, c. 146, Title 1, 44 Stat. 262.)

Chapter 33.—MILITARY DECORATIONS AND BADGES.

Sec.
1428. Soldier's medal authorized. [New.]
1429. Distinguished flying cross authorized. [New.]
1430. Additional pay for holder of soldier's medal or distinguished flying cross. [New.]

1428. Soldier's medal authorized.—Under such rules and regulations as he may prescribe the President is hereby authorized to present, but not in the name of Congress, a medal to be known as the soldier's medal, of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Army of the United States, including the National Guard and the Organized Reserves, shall hereafter distinguish himself, or herself, by heroism not involving actual conflict with an enemy.

No more than one soldier's medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of the soldier's medal the President may award a suitable bar, or other suitable device, to be worn as he shall direct. (July 2, 1926, c. 721, § 11, 44 Stat. 789.)

New section.

1429. Distinguished flying cross authorized.—Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this Act,[48b] the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, since the 6th day of April, 1917, has distinguished, or who, after the approval of this Act, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have heretofore been recommended for but have not received the congressional medal of honor, the distinguished service cross, or the distinguished service medal and except those officers or enlisted men who displayed heroism

[48a] "Section 67 of said Act" should be translated "section 49 of Title 32 of the Code."

[48b] See note to chapter 18 of this title in the appendix.

while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable. (July 2, 1926, c. 721, § 12, 44 Stat. 789.)

New section.

1430. Additional pay for holder of soldier's medal or distinguished flying cross.—Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as hereinbefore provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (July 2, 1926, c. 721, § 13, 44 Stat. 789.)

New section.

Chapter 34.—DESERTION.

1431. Compensation for arresting deserters.

Section 1431 of Title 10 repealed.—The statutory provision constituting § 1431 of Title 10 of the Code, has been repealed in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 259.

Chapter 35.—UNITED STATES DISCIPLINARY BARRACKS.

Sec.
1460. Donation to dishonorably discharged prisoners.
1461. Compensation for arrest of escaped prisoners.

1460. Donation to dishonorably discharged prisoners.

Section 1460 of Title 10 repealed.—The statutory provision constituting § 1460 of Title 10 of the Code has been repealed in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 259.

1461. Compensation for arrest of escaped prisoners.

Section 1461 of Title 10 repealed.—The statutory provision constituting § 1461 of Title 10 of the Code has been repealed in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 259.

Chapter 37.—SURPLUS WAR DEPARTMENT REAL PROPERTY; SALE; DISPOSITION OF PROCEEDS. [New.]

Sec.
1594. Sale of military reservations; land occupied by American Legion.
1595. Rights of States under swamp-land grants.
1596. Lands claimed under adverse possession.
1597. Disposition of proceeds of sale; military post construction fund.
1598. Appraisal.
1599. Transfer to other departments of Government.
1600. Sale to State, county, or municipality.
1601. Public sale.
1602. Expenses payable from proceeds of sale; fee of auctioneer.
1603. Report of sales.
1604. Report as to reservations becoming useless.
1605. Effect on prior legislation.

1594. Sale of military reservations; land occupied by American Legion.—That the Secretary of War is hereby authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interest of the United States, the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided*, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post:

NAME OF RESERVATION

Anastasia Islands, Florida.
Andrew, Fort, Massachusetts.
Barrancas, Fort, Military Reservation, Florida (that portion purchased in April, 1832, and reserved by Executive order of January 10, 1838, and subsequently transferred to the War Department).
Battery Bienvenue, Louisiana.
Boca Grande Military Reservation, Florida (all except that portion reserved for and used as a Marine hospital reservation).
Casey, Fort, Washington (that portion known as "Shields Spring" tract, about sixty-six acres).
Chickamauga and Chattanooga National Military Park, Tennessee (lot numbered 30 and one-half of lot numbered 32 on Caroline Street).
Clinch, Fort, Florida (remainder).
Crockett, Fort, Texas (lots numbered 45 and 55, section 1, Galveston, Texas).
Dade, Fort, Florida.
De Soto, Fort, Florida.
Flag Island, Florida.
Howard, Fort, Maryland.
Jackson, Fort, Louisiana.
Jackson Barracks, Louisiana.
Key West Barracks, Florida.
Macomb, Fort, Louisiana.
Madison Barracks, New York (water lot).
Martello Tower, West, Florida (north portion, ten and six-tenths acres).
Martello Tower, East, Florida (north portion, ten acres).
Mobile Bay (islands in), Alabama.
Moreno Point, Florida.
Morgan, Fort, Alabama.
Newport News warehouses, Virginia (that portion lying between the right of way of the Chesapeake and Ohio Railway and Virginia Avenue in the city of Newport News, and the said right of way of the said Chesapeake and Ohio Railway and the county road in the county of Warwick, and between Forty-ninth Street in the city of Newport News and the lands of the Old Dominion Land Company).
Norfolk, Fort, Virginia.
Pensacola Military Reservation, Florida (all but five hundred and fifty-two thousand square feet reserved for a fire-control station).
Perdido Bay Military Reservation, Florida (east side entrance to).
Perdido Bay Military Reservation, Alabama (lands west of and north of Bay La Launch).
Perdido Bay Military Reservation, Alabama (lands on west side of entrance to).
Pickens, Fort (Santa Rosa Island), Military Reservation [*sic*], Florida (portion comprising the east end of Santa Rosa Island).

Pike, Fort, Louisiana.
Saint Andrews Sound Military Reservation, Florida.
Saint Josephs Bay Military Reservation, Florida.
San Diego Barracks, California.
Schuyler, Fort, New York.
Ship Island, Mississippi.
Smallwood, Fort, Maryland.
Taylor, Fort, Florida (the detached lot fronting on Whitehead Street between Louisa and United Streets in the city of Key West, Florida).
Three Tree Point Military Reservation, Washington.
Townsend, Fort, Washington.
Marsh Islands (opposite Powder House Lot Military Reservation) near Saint Augustine, Florida.
Wingate, Fort, New Mexico (that portion north of the right of way of the Atchison, Topeka and Santa Fe Railroad, nine thousand five hundred and two acres).
Washington, District of Columbia (part of lot 4, square 377). (Mar. 12, 1926, c. 54, § 1, 44 Stat. 203.)

New section.

1595. Rights of States under swamp land grants.—That prior to the sale under this Act of any reservation created out of the public domain the Secretary of War shall make request upon the Secretary of the Interior to determine whether or not the State is entitled to any of the lands embraced therein under the so-called swamp land grant (Act of September 28, 1850, Ninth Statutes, pages 519, 520),[7] and if the Secretary of the Interior shall determine that the State under the provisions of the said Act is entitled to any lands therein, he shall cause such lands to be surveyed and patented to the State: *Provided further*, That upon request of the Secretary of War the Secretary of the Interior may cause surveys to be made either as a whole or in two or more parts as the Secretary of War may request of any reservation or reservations authorized to be sold under this Act. (Mar. 12, 1926, c. 54, § 2, 44 Stat. 205.)

New section.

1596. Lands claimed under adverse possession.—The Secretary of War is hereby authorized, directed, and empowered, in the event it be found that any citizen of the United States or the ancestors, the assignors, or the predecessors in title of a citizen, either separately or by tacking, shall have for a period of twenty or more years immediately preceding the approval of this Act resided upon and occupied adversely or improved any part or parcel of the aforesaid designated property or exercised ownership thereof based upon a deed of conveyance, purporting to convey a fee simple title and executed twenty years or more prior to the passage of this Act,[7a] and theretofore made by one claiming title to such part or parcel, to have such part or parcel so claimed separately surveyed if requested in writing by a claimant within sixty days after the service of written notice on such person or his tenant or agent that the United States claims such land and to thereafter convey title to the claimant by quitclaim deed upon payment of 10 per centum of the appraised value thereof: *Provided*, That any claimant who fails or refuses for more than sixty days after the notice herein provided to make written application for survey and submit satisfactory record and other evidence required by the Secretary of War to substantiate the claim that he is entitled to a quitclaim deed under the provisions of this section shall forever be estopped from exercising any claim of title or right of possession to the property: *Provided further*, That in carrying out the provisions of this section the Secretary of War shall not incur any expense other than that incident and necessary to giving the notices required and surveying and platting such of the property as may be claimed by a citizen of the United States. (Mar. 12, 1926, c. 54, § 3, 44 Stat. 205.)

New section.

[7] Sections 982, 983, and 984 of Title 43 of the Code.
[7a] "Act" should be translated "chapter."

1597. Disposition of proceeds of sale; military post construction fund.—The net proceeds of the sale of the surplus War Department real property hereinbefore designated, and the net proceeds of the sale of surplus War Department real property, including net proceeds derived from the sale of surplus buildings heretofore authorized and not heretofore covered into the Treasury, shall be deposited in the Treasury to the credit of a fund to be known as the military post construction fund, to be and remain available until expended for permanent construction at military posts in such amounts as may be authorized by law from time to time by the Congress: *Provided*, That where the lands sold were originally reserved from the public domain for military or other public purposes of the United States, before the deposit of the net proceeds of the sale into the Treasury there shall be deducted from the net proceeds of the sale, and paid to the State in which the land is situated in each case the 5 per centum as provided by the Act of March 3, 1845 (Fifth Statutes, page 788),[8] and similar Acts, of the net proceeds of the sale of all such lands as were reserved subsequently to the passage of such Act or Acts, but excepting and excluding, however, from such deduction the appraised value of any buildings or improvements that may have been constructed by the United States upon the said lands: *And provided further*, That estimates of the moneys to be expended from the said military post construction fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress in the Budget. (Mar. 12, 1926, c. 54, § 4, 44 Stat. 206.)

New section.

1598. Appraisal.—In the disposal of the aforesaid property the Secretary of War shall in each and every case cause the property to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land. (Mar. 12, 1926, c. 54, § 5, 44 Stat. 206.)

New section.

1599. Transfer to other departments of Government.—In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold, the head of the department requiring the same shall, within ninety days after the approval of this Act,[7a] make application to the Secretary of War for the transfer thereof, giving the specific reasons therefor, but no such transfer shall be made unless approved by the President. (Mar. 12, 1926, c. 54, § 6, 44 Stat. 206.)

New section.

1600. Sale to State, county, or municipality.—After ninety days from the date of the approval of this Act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments, and such State, or county in which such land is located, or municipality in or nearest which such land is located shall, in the order named, have the option at any time within six months after such notification to the governor to acquire the same or any part thereof which shall have been separately appraised and approved upon payment within such period of six months of the appraised value thereof: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall

[7a] "Act" should be translated "chapter."
[8] Section 711 (17) of Title 31 in the Code.

revert to the United States without notice, demand, or action brought: *And provided further*, That if the proper official or board of any such State, county, or municipality shall within such time limit, notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *Provided further*, That where any of the lands referred to in section 1 are now under lease or license to any State for National Guard purposes, the State shall have the right to purchase said lands at their appraised value, and after purchase may sell any part of such lands as in the opinion of the Secretary of War may not be needed for the use of the National Guard of such State: *And provided further*, That the sale of Fort Gaines, Alabama, authorized to be sold under the Act of June 4, 1924,[9] may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said Act. (Mar. 12, 1926, c. 54, § 7, 44 Stat. 206.)

New section.

1601. Public sale.—Six months after the date of the notification of said appraisal, if the option given in section 7[10] hereof shall not have been exercised in the manner herein specified, or after receipt by the Secretary of War of notice that the State, county, and municipality do not desire to exercise the option herein granted, the Secretary of War may sell or cause to be sold each of said properties at public sale at not less than the appraised value thereof, after advertisement in such manner as he may direct. (Mar. 12, 1926, C. 54, § 8, 44 Stat. 207.)

New section.

1602. Expenses payable from proceeds of sale; fee of auctioneer.—The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the property hereinbefore authorized for disposition shall be paid from the proceeds of the sale of any of the properties sold under this Act:[11] *Provided*, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of $100 a day. (Mar. 12, 1926, c. 54, § 9, 44 Stat. 207.)

New section.

1603. Report of sales.—A full report of all transfers and sales made under the provisions of this Act[11] shall be submitted to Congress by the Secretary of War upon the consummation thereof. (Mar. 12, 1926, c. 54, § 10, 44 Stat. 207.)

New section.

1604. Report as to reservations becoming useless.—Hereafter if any real property acquired for military purposes becomes useless for such purposes, the Secretary of War is directed to report such fact to Congress in order that authorization for its disposition in accordance with this Act[11] may be granted. (Mar. 12, 1926, c. 54, § 11, 44 Stat. 207.)

New section.

1605. Effect on prior legislation.—The authority granted by this Act repeals all prior legislative authority granted to the Secretary of War to sell or transfer any of the reservations herein designated. Mar. 12, 1926, c. 54, § 12, 44 Stat. 207.)

New section.

[9] A special and temporary Act not carried into the Code.

[10] "Section 7" should be translated "section 1600 of this title of the appendix."

[11] "Act" should be translated "chapter."

TITLE 11.—BANKRUPTCY[1]

Chapter 1.—DEFINITIONS.

Section 1. Meaning of words and phrases.—The words and phrases used in this title and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be constructed as follows: (1) "A person against whom a petition has been filed" shall include a person who has filed a voluntary petition; (2) "adjudication" shall mean the date of the entry of a decree that the defendant, in a bankruptcy proceeding, is a bankrupt, or if such decree is appealed from, then the date when such decree is finally confirmed; (3) "appellate courts" shall include the circuit courts of appeals of the United States, the Court of Appeals of the District of Columbia, the supreme courts of the Territories, and the Supreme Court of the United States; (4) "bankrupt" shall include a person against whom an involuntary petition or an application to set a composition aside or to revoke a discharge has been filed, or who has filed a voluntary petition, or who has been adjudged a bankrupt; (5) "clerk" shall mean the clerk of a court of bankruptcy; (6) "corporations" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include limited or other partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association, joint stock companies, unincorporated companies and associations, and any business conducted by a trustee, or trustees, wherein beneficial interest or ownership is evidenced by certificate or other written instrument; (7) "court" shall mean the court of bankruptcy in which the proceedings are pending, and may include the referee; (8) "courts of bankruptcy" shall include the district courts of the United States and of the Territories and possessions to which this Act is or may hereafter be applicable, the Supreme Court of the District of Columbia, and the United States Court of Alaska; (9) "creditor" shall include anyone who owns a demand or claim provable in bankruptcy, and may include his duly authorized agent, attorney, or proxy; (10) "date of bankruptcy," or "time of bankruptcy," or "commencement of proceedings," or "bankruptcy," with reference to time, shall mean the date when the petition was filed; (11) "debt" shall include any debt, demand, or claim provable in bankruptcy; (12) "discharge" shall mean the release of a bankrupt from all of his debts which are provable in bankruptcy, except such as are excepted by this title; (13) "document" shall include any book, deed, or instrument in writing; (14) "holiday" shall include Christmas, the Fourth of July, the twenty-second of February, and any day appointed by the President of the United States or the Congress of the United States as a holiday or as a day of public fasting or thanksgiving; (15) a person shall be deemed insolvent within the provisions of this title whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, shall not, at a fair valuation, be sufficient in amount to pay his debts; (16) "judge" shall mean a judge of a court of bankruptcy, not including the referee; (17) "oath" shall include affirmation; (18) "officer" shall include clerk, marshal, receiver, referee, and trustee, and the imposing of a duty upon or the forbidding of an act by any officer shall include his successor and any person authorized by law to perform the duties of such officer; (19) "persons" shall include corporations, except where otherwise specified, and officers, partnerships, and women, and when used with reference to the commission of acts which are herein forbidden shall include persons who are participants in the forbidden acts, and the agents, officers, and members of the board of directors or trustees, or other similar controlling bodies of corporations; (20) "petition" shall mean a paper filed in a court of bankruptcy or with a clerk or deputy clerk by a debtor praying for the benefits of this title, or by creditors, alleging the commission of an act of bankruptcy by a debtor therein named; (21) "referee" shall mean the referee who has jurisdiction of the case or to whom the case has been referred, or anyone acting in his stead; (22) "conceal" shall include secrete, falsify, and mutilate; (23) "secured creditor" shall include a creditor who has security for his debt upon the property of the bankrupt of a nature to be assignable under this title, or who owns such a debt for which some indorser, surety, or other persons secondarily liable for the bankrupt has such security upon the bankrupt's assets; (24) States shall include the Territories and possessions to which this Act is, or may hereafter be, applicable, Alaska, and the District of Columbia; (25) "transfer" shall include the sale and every other and different mode of disposing of or parting with property, or the possession of property, absolutely or conditionally, as a payment, pledge, mortgage, gift, or security; (26) "trustee" shall include all of the trustees of an estate; (27) "wage earner" shall mean an individual who works for wages, salary, or hire, at a rate of compensation not exceeding $1,500 per year; (28) words importing the masculine gender may be applied to and include corporations, partnerships, and women; (29) words importing the plural number may be applied to and mean only a single person or thing; (30) words importing the singular number may be applied to and mean several persons or things. (July 1, 1898, c. 541, § 1, 30 Stat. 544; Apr. 12, 1900, c. 191, § 34, 31 Stat. 85; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; May 27, 1926, c. 406, § 1, 44 Stat. 662.)

Section 1 of Title 11 amended.—Section 1 of Act of July 1, 1898, c. 541, 30 Stat. 544, and Acts amendatory thereof and supplementary thereto, constituting § 1 of title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 1, 44 Stat. 662. The amendment relates to subd. (6), (8), and (24), and the changes are incorporated in the text.

Chapter 2.—CREATION OF COURTS OF BANKRUPTCY AND THEIR JURISDICTION.

11. Courts; jurisdiction and powers.—That the courts of bankruptcy as hereinbefore defined, namely, the district courts of the United States in the several States, the Supreme Court

[1] This title of the appendix contains Act of May 27, 1926, c. 406, 44 Stat. 662, entitled "An Act to amend an Act entitled an Act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and Acts amendatory thereof and supplementary thereto."

This Act of May 27, 1926, has twenty sections, the last four of which read as follows:

"SEC. 17. Nothing herein contained shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any Act or Acts of which this Act is amendatory.

"SEC. 18. The provisions of this amendatory Act shall govern proceedings, so far as practicable and applicable, in bankruptcy cases pending when it takes effect; but as to proceedings in cases pending when this Act takes effect, to which the provisions of this amendatory Act are not applicable, such proceedings shall be disposed of conformably to the provisions of said Act approved July 1, 1898, and the Acts amendatory thereof and supplementary thereto.

"SEC. 19. All Acts or parts of Acts inconsistent with any provisions of this Act are hereby repealed.

"SEC. 20. This Act shall take effect and be in force on and after three months from the date of its approval."

of the District of Columbia, the district courts of the several Territories and possessions to which this Act is, or may hereafter be, applicable, and the United States Court in the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held, to (1) adjudge persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or the greater portion thereof, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States and have property within their jurisdictions; (2) allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates; (3) appoint receivers or the marshals, upon application of parties in interest, in case the courts shall find it absolutely necessary, for the preservation of estates, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified; (4) arraign, try, and punish bankrupts, officers, and other persons, and the agents, officers, members of the board of directors or trustees, or other similar controlling bodies, of corporations for violations of the provisions contained in this title, in accordance with the laws of procedure of the United States in force on July 1, 1898, or such as may be thereafter enacted, regulating trials for the alleged violation of laws of the United States; (5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, as provided in section 76 of this title; (6) bring in and substitute additional persons or parties in proceedings in bankruptcy when necessary for the complete determination of a matter in controversy; (7) cause the estates of bankrupts to be collected, reduced to money and distributed, and determine controversies in relation thereto, except as herein otherwise provided; (8) close estates, whenever it appears that they have been fully administered, by approving the final accounts and discharging the trustees, and reopen them whenever it appears they were closed before being fully administered; (9) confirm or reject compositions between debtors and their creditors, and set aside compositions and reinstate the cases; (10) consider and confirm, modify or overrule, or return, with instructions for further proceedings, records and findings certified to them by referees; (11) determine all claims of bankrupts to their exemptions; (12) discharge or refuse to discharge bankrupts and set aside discharges and reinstate the cases; (13) enforce obedience by bankrupts, officers, and other persons to all lawful orders, by fine or imprisonment or fine and imprisonment; (14) extradite bankrupts from their respective districts to other districts; (15) make such orders, issue such process, and enter such judgments in addition to those specifically provided for as may be necessary for the enforcement of the provisions of this title; (16) punish persons for contempts committed before referees; (17) pursuant to the recommendation of creditors, or when they neglect to recommend the appointment of trustees, appoint trustees, and upon complaints of creditors, remove trustees for cause upon hearings and after notices to them; (18) tax costs, whenever they are allowed by law, and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against estates, in proceedings in bankruptcy; (19) transfer cases to other courts of bankruptcy and (20) exercise ancillary jurisdiction over persons or property within their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceedings pending in any other court of bankruptcy.

Nothing in this section contained shall be construed to deprive a court of bankruptcy of any power it would possess were certain specific powers not herein enumerated. (July 1, 1898, c. 541, § 2, 30 Stat. 545; Apr. 12, 1900, c. 191, § 34, 31 Stat. 85; Feb. 5, 1903, c. 487, § 1, 32 Stat. 797; Mar. 3, 1909, c. 269, § 1, 35 Stat. 838; June 25, 1910, c. 412, §§ 1, 2, 36 Stat. 838, 839; May 27, 1926, c. 406, § 2, 44 Stat. 662.)

Section 11 of Title 11 amended.—Section 2 of Act of July 1, 1898, c. 541, 30 Stat. 545, and Acts amendatory thereof and supplementary thereto, constituting § 11 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 2, 44 Stat. 662, to read as above. The amendment relates to the introductory provision preceding subd. (1).

Chapter 3.—BANKRUPT.

Sec.
21. Acts of bankruptcy.
25. Same; duties.
30. Compositions; when confirmed.
32. Discharges; when granted.

21. Acts of bankruptcy.—(a) Acts of bankruptcy by a person shall consist of his having

(1) Conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or

(2) Transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or

(3) Suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or other disposition of any property affected by such preference vacated or discharged such preference; or

(4) Suffered, or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same within thirty days from the date such levy, attachment, judgment, or other lien was obtained; or

(5) Made a general assignment for the benefit of his creditors; or, while insolvent, a receiver or a trustee has been appointed, or put in charge of his property; or

(6) Admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

(b) A petition may be filed against a person who is insolvent and who has committed an act of bankruptcy within four months after the commission of such act. Such time shall not expire until four months after (1) the date of the recording or registering of the transfer or assignment when the act consists in having made a transfer of any of his property with intent to hinder, delay, or defraud his creditors or for the purpose of giving a preference as hereinbefore provided, or a general assignment for the benefit of his creditors, if by law such recording or registering is required or permitted, or, if it is not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property unless the petitioning creditors have received actual notice of such transfer or assignment.

(c) It shall be a complete defense to any proceedings in bankruptcy instituted under the first subdivision of this section to allege and prove that the party proceeded against was not insolvent as defined in this title at the time of the filing the petition against him, and if solvency at such date is proved by the alleged bankruptcy the proceedings shall be dismissed, and

under said subdivision one the burden of proving solvency shall be on the alleged bankrupt.

(d) Whenever a person against whom a petition has been filed as hereinbefore provided under the second and third subdivisions of this section takes issue with and denies the allegation of his insolvency, it shall be his duty to appear in court on the hearing, with his books, papers, and accounts, and submit to an examination, and give testimony as to all matters tending to establish solvency or insolvency, and in case of his failure to so attend and submit to examination the burden of proving his solvency shall rest upon him.

(e) Whenever a petition is filed by any person for the purpose of having another adjudged a bankrupt, and an application is made to take charge of and hold the property of the alleged bankrupt, or any part of the same, prior to the adjudication and pending a hearing on the petition, the petitioner or applicant shall file in the same court a bond with at least two good and sufficient sureties who shall reside within the jurisdiction of said court, to be approved by the court or a judge thereof, in such sum as the court shall direct, conditioned for the payment, in case such petition is dismissed, to the respondent, his or her personal representatives, all costs, expenses, and damages occasioned by such seizure, taking, and detention of the property of the alleged bankrupt.

If such petition be dismissed by the court or withdrawn by the petitioner, the respondent or respondents shall be allowed all costs, counsel fees, expenses, and damages occasioned by such seizure, taking, or detention of such property. Counsel fees, costs, expenses, and damages shall be fixed and allowed by the court, and paid by the obligors in such bond. (July 1, 1898, c. 541, § 3, 30 Stat. 546; Feb. 5, 1903, c. 487, § 2, 32 Stat. 797; May 27, 1926, c. 406, § 3, 44 Stat. 662.)

Section 21 of Title 11 amended.—Section 3 of Act of July 1, 1898, c. 541, 30 Stat. 546, and Acts amendatory thereof and supplementary thereto, constituting § 21 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 3, 44 Stat. 662, to read as above. The amendment relates to par. (a).

25. Same; duties.—The bankrupt shall (1) attend the first meeting of his creditors, if directed by the court or a judge thereof to do so, and the hearing upon his application for a discharge, if filed; (2) comply with all lawful orders of the court; (3) examine the correctness of all proofs of claims filed against his estate; (4) execute and deliver such papers as shall be ordered by the court; (5) execute to his trustee transfers of all his property in foreign countries; (6) immediately inform his trustee of any attempt, by his creditors or other persons, to evade the provisions of this title, coming to his knowledge; (7) in case of any person having to his knowledge proved a false claim against his estate, disclose that fact immediately to his trustee; (8) prepare, make oath to, and file in court within ten days after adjudication, if an involuntary bankrupt, and within ten days after the filing of a petition, if a voluntary bankrupt (unless in either case further time is granted), a schedule of his property showing the amount and kind of property, the location thereof, its money value in detail, and a list of his creditors showing their residence, if known; if unknown, that fact to be stated, the amounts due each of them, the consideration thereof, the security held by them, if any, and a claim for such exemptions, as he may be entitled to, all in triplicate, one copy of each for the clerk, one for the referee, and one for the trustee; and (9) when present at the first meeting of his creditors, and at such other times as the court shall order, submit to an examination concerning the conducting of his business, the cause of his bankruptcy, his dealings with his creditors and other persons, the amount, kind, and whereabouts of his property, and, in addition, all matters which may affect the administration and settlement of his estate; but no testimony given by him shall be offered in evidence against him in any criminal proceeding.

He shall not be required to attend a meeting of his creditors, or at or for an examination at a place more than one hundred and fifty miles distant from his home or principal place of business, or to examine claims except when presented to him, unless ordered by the court, or a judge thereof, for cause shown, and the bankrupt shall be paid his actual expenses from the estate when examined or required to attend at any place other than the city, town, or village of his residence. (July 1, 1898, c. 541, § 7, 30 Stat. 548; May 27, 1926, c. 406, § 4, 44 Stat. 663.)

Section 25 of Title 11 amended.—Section 7 of Act of July 1, 1898, c. 541, 30 Stat. 548, constituting § 25 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 4, 44 Stat. 663, to read as above. The amendment relates to subd. (8).

30. Compositions; when confirmed.—(a) A bankrupt may offer, either before or after adjudication, terms of composition to his creditors, after, but not before, he has been examined in open court, or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of the estate, at which meeting the judge or referee shall preside; but action upon the petition for adjudication shall not be delayed, except that the court, for good cause shown, may in its discretion delay such action upon such terms and conditions for the protection of and indemnity against loss by the bankrupt estate as may be proper.

(b) An application for the confirmation of a composition may be filed in the court of bankruptcy after, but not before, it has been accepted in writing by a majority in number of all creditors whose claims have been allowed, which number must represent a majority in amount of such claims, and the consideration to be paid by the bankrupt to his creditors, and the money necessary to pay all debts which have priority and the cost of the proceedings, have been deposited in such place as shall be designated by and subject to the order of the judge.

(c) A date and place, with reference to the convenience of the parties in interest, shall be fixed for the hearing upon each application for the confirmation of a composition, and such objections as may be made to its confirmation.

(d) The judge shall confirm a composition if satisfied that (1) it is for the best interests of the creditors; (2) the bankrupt has not been guilty of any of the acts or failed to perform any of the duties which would be a bar to his discharge; and (3) the offer and its acceptance are in good faith and have not been made or procured except as herein provided, or by any means, promises, or acts herein forbidden.

(e) Upon the confirmation of a composition, the consideration shall be distributed as the judge shall direct, and the case dismissed. Whenever a composition is not confirmed, the estate shall be administered in bankruptcy as herein provided. (July 1, 1898, c. 541, § 12, 30 Stat. 549; June 25, 1910, c. 412, § 5, 36 Stat. 839; May 27, 1926, c. 406, § 5, 44 Stat. 663.)

Section 30 of Title 11 amended.—Section 12 of Act of July 1, 1898, c. 541, 30 Stat. 549, and Acts amendatory thereof and supplementary thereto, constituting § 30 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 5, 44 Stat. 663, to read as above. The amendment relates to par. (a).

32. Discharges; when granted.—(a) Any person may, after the expiration of one month and within twelve months, subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending, if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such

time, it may be filed within but not after the expiration of the next six months.

(b) The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard; and investigate the merits of the application and discharge the applicant, unless he has

(1) Committed an offense punishable by imprisonment as herein provided; or

(2) Destroyed, mutilated, falsified, concealed, or failed to keep books of account, or records, from which his financial condition and business transactions might be ascertained; unless the court deem such failure or acts to have been justified, under all the circumstances of the case; or

(3) Obtained money or property on credit, or obtained an extension or renewal of credit, by making or publishing, or causing to be made or published, in any manner whatsoever, a materially false statement in writing respecting his financial condition; or

(4) At any time subsequent to the first day of the twelve months immediately preceding the filing of the petition, transferred, removed, destroyed, or concealed or permitted to be removed, destroyed, or concealed any of his property, with intent to hinder, delay, or defraud his creditors; or

(5) Has been granted a discharge in bankruptcy within six years; or

(6) In the course of proceedings in bankruptcy, refused to obey any lawful order of or to answer any material question approved by the court; or

(7) Has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities;

Provided, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this paragraph (b), would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt:

And provided further, That the trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do by the creditors at a meeting of creditors called for that purpose on the application of any creditor.

(c) The confirmation of a composition shall discharge the bankrupt from his debts, other than those agreed to be paid by the terms of the composition and those not affected by a discharge. (July 1, 1898, c. 541, § 14, 30 Stat. 550; Feb. 5, 1903, c. 487, § 4, 32 Stat. 797; June 25, 1910, c. 412, § 6, 36 Stat. 839; May 27, 1926, c. 406, § 6, 44 Stat. 663.)

Section 32 of Title 11 amended.—Section 14 of Act of July 1, 1898, c. 541, 30 Stat. 550, and Acts amendatory thereof and supplementary thereto, constituting § 32 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 6, 44 Stat. 663, to read as above. The amendment relates to paragraphs (a) and (b).

Chapter 4.—COURTS AND PROCEDURE THEREIN.

Sec.
44. Evidence.
46. Jurisdiction; United States and State courts.
47. Same; appellate jurisdiction.
48. Appeals and writs of error.
52. Offenses.

44. Evidence.—(a) A court of bankruptcy may, upon application of any officer, bankrupt, or creditor, by order require any designated person, including the bankrupt and his wife, to appear in court or before a referee or the judge of any State court, to be examined concerning the acts, conduct, or property of a bankrupt whose estate is in process of administration under the provisions of this title. The wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt.

(b) The right to take depositions in proceedings under this title shall be determined and enjoyed according to the United States laws in force relating to the taking of depositions, except as herein provided.

(c) Notice of the taking of depositions shall be filed with the referee in every case. When depositions are to be taken in opposition to the allowance of a claim notice shall also be served upon the claimant, and when in opposition to a discharge notice shall also be served upon the bankrupt.

(d) Certified copies of proceedings before a referee, or of papers, when issued by the clerk or referee, shall be admitted as evidence with like force and effect as certified copies of the records of district courts of the United States are admitted as evidence.

(e) A certified copy of the order approving the bond of a trustee shall constitute conclusive evidence of the vesting in him of the title to the property of the bankrupt, and if recorded shall impart the same notice that a deed from the bankrupt to the trustee if recorded would have imparted had not bankruptcy proceedings intervened.

(f) A certified copy of an order confirming or setting aside a composition, or granting or setting aside a discharge, not revoked, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and of the fact that the order was made.

(g) A certified copy of an order confirming a composition shall constitute evidence of the revesting of the title of his property in the bankrupt, and if recorded shall impart the same notice that a deed from the trustee to the bankrupt if recorded would impart.

(h) A communication by a creditor, receiver, or trustee of one by or against whom a bankruptcy petition is filed, or who has been adjudicated a bankrupt, to another creditor, uttered in good faith and with reasonable grounds for belief in its truth, concerning the conduct, acts, or property of such bankrupt, shall be privileged, and the creditor receiver, or trustee so uttering the same shall not be held liable therefor. (July 1, 1898, c. 541, § 21, 30 Stat. 551; Feb. 5, 1903, c. 487, § 7, 32 Stat. 798; May 27, 1926, c. 406, § 7, 44 Stat. 664.)

Section 44 of Title 11 amended.—Section 21 of Act of July 1, 1898, c. 541, 30 Stat. 544, and Acts amendatory thereof and supplementary thereto, constituting § 44 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 7, 44 Stat. 664, to read as above. The amendment added a new paragraph (h) after par. (g).

46. Jurisdiction; United States and State courts.—(a) The United States district courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

(b) Suits by the trustee shall be brought or prosecuted only in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b; section 67, subdivision e; and section 70, subdivision e.

Section 46 of Title 11 amended.—Section 23 of Act of July 1, 1898, c. 541, 30 Stat. 552, and Acts amendatory thereof and supplementary thereto, constituting § 46 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 8, 44 Stat. 664, to read as above.

47. Same; appellate jurisdiction.—(a) The Supreme Court of the United States, the circuit courts of appeal of the United States, the Court of Appeals of the District of Columbia, and the supreme courts of the Territories, in vacation, in chambers, and during their respective terms, as now or as they may be hereafter held, are hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases.

(b) The several circuit courts of appeal and the Court of Appeals of the District of Columbia shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law (and in matter of law and fact the matters specified in section 25[2]) the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised by appeal and in the form and manner of an appeal, except in the cases mentioned in said section 25[2] to be allowed in the discretion of the appellate court.

(c) All appeals under this section shall be taken within thirty days after the judgment, or order, or other matter complained of, has been rendered or entered.

Section 47 of Title 11 amended.—Section 24 of Act of July 1, 1898, c. 541, 30 Stat. 553, and Acts amendatory thereof and supplementary thereto, constituting § 47 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 9, 44 Stat. 664, to read as above.

48. Appeals and writs of error.—(a) That appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States and the Court of Appeals of the District of Columbia and to the supreme courts of the Territories in the following cases, to wit:

(1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt;

(2) From a judgment granting or denying a discharge; and

(3) From a judgment allowing or rejecting a debt or claim of $500 or over.

Such appeal shall be taken within thirty days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

(b) Trustees shall not be required to give bond when they take appeals or sue out writs of error.

(c) Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof and issue writs of certiorari pursuant to the provisions of the United States laws in force on July 1, 1898, or such as may be thereafter enacted. (July 1, 1898, c. 541, § 25, 30 Stat. 553; Feb. 13, 1925, c. 229, §§ 1, 13, 43 Stat. 936, 941; May 27, 1926, c. 406, § 10, 44 Stat. 665.)

Section 48 of Title 11 amended.—Section 25 of Act of July 1, 1898, c. 541, 30 Stat. 553, and Acts amendatory thereof and supplementary thereto, constituting § 48 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 10, 44 Stat. 665, to read as above. The amendment relates to par. (a).

52. Offenses.—(a) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

(b) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently

(1) Concealed from the receiver, trustee, United States marshal, or other officer of the court charged with the control or custody of property, or from creditors in composition cases, any property belonging to the estate of a bankrupt; or

(2) Made a false oath or account in, or in relation to any proceeding in bankruptcy; or

(3) Presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition, personally, or by agent, proxy, or attorney, or as agent, proxy, or attorney; or

(4) Received any material amount of property from a bankrupt after the filing of the petition with intent to defeat this Act; or

(5) Received or attempted to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof from any person, for acting or forbearing to act in bankruptcy proceedings; or

(6) Having been an officer or agent of any person or corporation, and in contemplation of the bankruptcy of such person or corporation, or with intent to defeat the operation of this Act, concealed or transferred any of the property of the debtor; or

(7) After the filing of the petition, or, in contemplation of bankruptcy, concealed, destroyed, mutilated, or falsified any book, document, or record affecting or relating to the property or affairs of a bankrupt; or

(8) After the filing of the petition, withheld from the receiver or trustee any book, document, or paper affecting or relating to the property or affairs of a bankrupt, to the possession of which he is entitled.

(c) A person shall be punished by fine, not to exceed $500, and forfeit his office, and the same shall thereupon become vacant, upon conviction of the offense of having knowingly (1) acted as a referee in a case in which he is directly or indirectly interested; or (2) purchased, while a referee, directly or indirectly, any property of the estate in bankruptcy of which he is referee; or (3) refused, while a referee or trustee, to permit a reasonable opportunity for the inspection of the accounts relating to the affairs of, and the papers and records of, estates in his charge by parties in interest when directed by the court so to do.

(d) A person shall not be prosecuted for any offense arising under this Act unless the indictment is found or the information is filed in court within three years after the commission of the offense.

(e) (1) Whenever any referee, receiver, or trustee shall have grounds for believing that any offense under this Act[3] has been committed, or from facts or circumstances brought out in the course of administration or otherwise brought to his attention, that there is reasonable ground to believe that such an offense has been committed, or for special reason, an investigation should be had in connection therewith, it shall be the duty of such referee, receiver, or trustee to report such matter to the United States attorney for the district in which it is believed such an offense has been committed, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and a statement as to the offense or offenses believed to have been committed.

(2) It shall be the duty of every United States attorney immediately to inquire into the fact so reported to him by any referee, receiver, or trustee, and the law applicable thereto, and if it appears probable that any offense under this Act has been committed, in a proper case and without delay, to present the matter to the grand jury, unless upon inquiry and examination such district attorney decides that the ends of public justice do not require that the alleged offense should be investigated or prosecuted, in which case he shall report the facts to the Attorney General for his direction in the premises. (July 1,

[2] "Section 25" should be translated "section 48 of this title in the appendix."

[3] "Act" should be translated "title."

1898, c. 541, § 29, 30 Stat. 554; May 27, 1926, c. 406, § 11, 44 Stat. 665.)

Section 52 of Title 11 amended.—Section 29 of Act of July 1, 1898, c. 541, 30 Stat. 554, constituting § 52 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 11, 44 Stat. 665, to read as above. The amendment relates to paragraphs (a), (b), (d), and (e), adding (e) as new paragraph.

Chapter 5.—OFFICERS, THEIR DUTIES AND COMPENSATION.

66. Same; jurisdiction.—Referees respectively are invested, subject always to a review by the judge, within the limits of their districts as established from time to time, with jurisdiction to (1) consider all petitions referred to them by the clerks and make the adjudications or dismiss the petitions; (2) exercise the powers vested in courts of bankruptcy for the administering of oaths to and the examination of persons as witnesses and for requiring the production of documents in proceedings before them, except the power of commitment; (3) exercise the powers of the judge for the taking possession and releasing of the property of the bankrupt in the event of the issuance by the clerk of a certificate showing the absence of a judge from the judicial district, or the division of the district, or his sickness, or inability to act; (4) perform such part of the duties, except as to questions arising out of the applications of bankrupts for compositions or discharges, as are by this title conferred on courts of bankruptcy and as shall be prescribed by rules or orders of the courts of bankruptcy of their respective districts, except as herein otherwise provided; and (5) during the examination of the bankrupt, or other proceedings, authorize the employment of stenographers for reporting and transcribing the proceedings at such reasonable expense to the estate as the court may fix. (July 1, 1898, c. 541, § 38, 30 Stat. 555; May 27, 1926, c. 406, § 12, 44 Stat. 666.)

Section 66 of Title 11 amended.—Section 38 of Act of July 1, 1898, c. 541, 30 Stat. 555, constituting § 66 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 12, 44 Stat. 666, to read as above. The amendment relates to subd. (5).

Chapter 6.—CREDITS.

Sec.
93. Proof and allowance of claims.
96. Preferred creditors.

93. Proof and allowance of claims.—(a) Proof of claims shall consist of a statement under oath, in writing, signed by a creditor setting forth the claim, the consideration therefor, and whether any, and, if so what, securities are held therefor, and whether any, and, if so what, payments have been made thereon, and that the sum claimed is justly owing from the bankrupt to the creditor.

(b) Whenever a claim is founded upon an instrument of writing, such instrument, unless lost or destroyed, shall be filed with the proof of claim. If such instrument is lost or destroyed, a statement of such fact and of the circumstances of such loss or destruction shall be filed under oath with the claim. After the claim is allowed or disallowed, such instrument may be withdrawn by permission of the court, upon leaving a copy thereof on file with the claim.

(c) Claims after being proved may, for the purpose of allowance, be filed by the claimants in the court where the proceedings are pending or before the referee if the case has been referred.

(d) Claims which have been duly proved shall be allowed, upon receipt by or upon presentation to the court, unless objection to their allowance shall be made by parties in interest, or their consideration be continued for cause by the court upon its own motion.

(e) Claims of secured creditors and those who have priority may be allowed to enable such creditors to participate in the proceedings at creditors' meetings held prior to the determination of the value of their securities or priorities, but shall be allowed for such sums only as to the courts seem to be owing over and above the value of their securities or priorities.

(f) Objections to claims shall be heard and determined as soon as the convenience of the court and the best interests of the estates and the claimants will permit.

(g) The claims of creditors who have received preferences, voidable under section 96, subdivision (b), of this title, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section 107, subdivision (e), of this title, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances.

(h) The value of securities held by secured creditors shall be determined by converting the same into money according to the terms of the agreement pursuant to which such securities were delivered to such creditors or by such creditors and the trustee, by agreement, arbitration, compromise, or litigation, as the court may direct, and the amount of such value shall be credited upon such claims, and a dividend shall be paid only on the unpaid balance.

(i) Whenever a creditor whose claim against a bankrupt estate is secured by the individual undertaking of any person fails to prove such claim, such person may do so in the creditor's name, and if he discharge such undertaking in whole or in part he shall be subrogated to that extent to the rights of the creditor.

(j) Debts owing to the United States, a State, a county, a district, or a municipality as a penalty or forfeiture shall not be allowed, except for the amount of the pecuniary loss sustained by the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby and such interest as may have accrued thereon according to law.

(k) Claims which have been allowed may be reconsidered for cause and reallowed or rejected in whole or in part, according to the equities of the case, before but not after the estate has been closed.

(l) Whenever a claim shall have been reconsidered and rejected, in whole or in part, upon which a dividend has been paid, the trustee may recover from the creditor the amount of the dividend received upon the claim if rejected in whole, or the proportional part thereof if rejected only in part.

(m) The claim of any estate which is being administered in bankruptcy against any like estate may be proved by the trustee and allowed by the court in the same manner and upon like terms as the claims of other creditors.

(n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within thirty days before or after the expiration of such time, then within sixty days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer. (July 1, 1898, c. 541, § 57, 30 Stat. 560; Feb. 5, 1903, c. 487, § 12, 32 Stat. 799; May 27, 1926, c. 406, § 13, 44 Stat. 666.)

Section 93 of Title 11 amended.—Section 57 of Act of July 1, 1898, c. 541, 30 Stat. 560, and act amendatory thereof and supplementary thereto, constituting § 93 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 13, 44 Stat. 666, to read as above. The amendment relates to paragraph (n).

96. Preferred creditors.—(a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person,

or made a transfer to [of] any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of recording or registering of the transfer, if by law such recording or registering is required or permitted.

(b) If a bankrupt shall have procured or suffered a judgment to be entered against him in favor of any person or have made a transfer of any of his property, and if, at the time of the transfer, or of the entry of the judgment, or of the recording or registering of the transfer if by law recording or registering thereof is required, and being within four months before the filing of the petition in bankruptcy or after the filing thereof and before the adjudication, the bankrupt be insolvent and the judgment or transfer then operate as a preference, and the person receiving it or to be benefited thereby, or his agent acting therein, shall then have reasonable cause to believe that the enforcement of such judgment or transfer would effect a preference, it shall be voidable by the trustee and he may recover the property or its value from such person. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

(c) If a creditor has been preferred, and afterwards in good faith gives the debtor further credit without security of any kind for property which becomes a part of the debtor's estates, the amount of such new credit remaining unpaid at the time of the adjudication in bankruptcy may be set off against the amount which would otherwise be recoverable from him.

(d) If a debtor shall, directly or indirectly, in contemplation of the filing of a petition by or against him, pay money or transfer property to an attorney and counselor at law, solicitor in equity, or proctor in admiralty for services to be rendered, the transaction shall be reexamined by the court on petition of the trustee or any creditor and shall only be held valid to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the trustee for the benefit of the estate. (July 1, 1898, c. 541, § 60, 30 Stat. 562; Feb. 5, 1903, c. 487, § 13, 32 Stat. 799; June 25, 1910, c. 412, § 11, 36 Stat. 842; May 27, 1926, c. 406, § 14, 44 Stat. 666.)

Section 96 of Title 11 amended.—Section 60 of Act of July 1, 1898, c. 541, 30 Stat. 562, and Acts amendatory thereof and supplementary thereto, constituting § 96 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 14, 44 Stat. 666, to read as above. The amendment relates to paragraph (a).

Chapter 7.—ESTATES.

Sec.
104. Debts which have priority.
110. Same; title.

104. Debts which have priority.—(a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, in the order of priority as set forth in paragraph (b) hereof: *Provided*, That no order shall be made for the payment of a tax assessed against real estate of a bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court. Upon filing the receipts of the proper public officers for such payments the trustee shall be credited with the amounts thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

(b) The debts to have priority, in advance of the payment of dividends to creditors, and to be paid in full out of bankrupt estates, and the order of payment shall be

(1) The actual and necessary cost of preserving the estate subsequent to filing the petition;

(2) The filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expense of such recovery;

(3) The cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary and involuntary cases, as the court may allow;

(4) Where the confirmation of composition terms has been refused or set aside upon the objection and through the efforts and at the expense of one or more creditors, in the discretion of the court, the reasonable expenses of such creditors in opposing such composition;

(5) Wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of the commencement of the proceeding, not to exceed $600 to each claimant;

(6) Taxes payable under paragraph (a) hereof and

(7) Debts owing to any person who by the laws of the States or the United States is entitled to priority:

Provided, That the term "person" as used in this section shall include corporations, the United States, and the several States and Territories of the United States.

(c) In the event of the confirmation of a composition being set aside, or a discharge revoked, the property acquired by the bankrupt in addition to his estate at the time the composition was confirmed or the adjudication was made shall be applied to the payment in full of the claims of creditors for property sold to him on credit, in good faith, while such composition or discharge was in force, and the residue, if any, shall be applied to the payment of the debts which were owing at the time of adjudication. (July 1, 1898, c. 541, § 64, 30 Stat. 563; Feb. 5, 1903, c. 487, § 14, 32 Stat. 800; June 15, 1906, c. 3333, 34 Stat. 267; May 27, 1926, c. 406, § 15, 44 Stat. 666.)

Section 104 of Title 11 amended.—Section 64 of Act of July 1, 1898, c. 531, 30 Stat. 563, and Acts amendatory thereof and supplementary thereto, constituting § 104 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 15, 44 Stat. 666, to read as above. The amendment relates to subdivisions (a) and (b).

110. Same; title.—(a) The trustee of the estate of a bankrupt, upon his appointment and qualification, and his successor or successors, if he shall have one or more, upon his or their appointment and qualification, shall in turn be vested by operation of law with the title of the bankrupt, as of the date he was adjudged a bankrupt, except in so far as it is to property which is exempt, to all (1) documents relating to his property; (2) interests in patents, patent rights, copyrights, and trademarks, and in applications for patents, copyrights, and trademarks: *Provided*, That in case the trustee, within thirty days after appointment, does not notify the applicant for a patent, copyright, or trade-mark of his election to prosecute the application to allowance or rejection, the bankrupt may apply to the court for an order revesting him with the title thereto, which petition shall be granted, unless, for cause shown by the trustee, the court grants further time to the trustee for making such selection; and such applicant may, in any event, at any time petition the court to be revested with such title in case the trustee shall fail to prosecute such application with

reasonable diligence; and the court, upon revesting the bankrupt with such title, shall direct the trustee to execute proper instruments of transfer to make the same effective in law and upon the records; (3) powers which he might have exercised for his own benefit, but not those which he might have exercised for some other persons; (4) property transferred by him in fraud of his creditors; (5) property which prior to the filing of the petition he could by any means have transferred or which might have been levied upon and sold under judicial process against him. When any bankrupt shall have any insurance policy which has a cash surrender value payable to himself, his estate, or personal representatives, he may, within thirty days after the cash surrender value has been ascertained and stated to the trustee by the company issuing the same, pay or secure to the trustee the sum so ascertained and stated, and continue to hold, own, and carry such policy free from the claims of the creditors participating in the distribution of his estate under the bankruptcy proceedings, otherwise the policy shall pass to the trustee as assets; and (6) rights of action arising upon contracts or from the unlawful taking or detention of, or injury to, his property.

(b) All real and personal property belonging to bankrupt estates shall be appraised by three disinterested appraisers; they shall be appointed by, and report to, the court. Real and personal property shall, when practicable, be sold subject to the approval of the court; it shall not be sold otherwise than subject to the approval of the court for less than 75 per centum of its appraised value.

(c) The title to property of a bankrupt estate which has been sold, as provided in this title, shall be conveyed to the purchaser by the trustee.

(d) Whenever a composition shall be set aside, or discharge revoked, the trustee shall, upon his appointment and qualification, be vested as provided in this title with the title to all of the property of the bankrupt as of the date of the final decree setting aside the composition or revoking the discharge.

(e) The trustee may avoid any transfer by the bankrupt of his property which any creditor of such bankrupt might have avoided, and may recover the property so transferred, or its value, from the person to whom it was transferred, unless he was a bona fide holder for value prior to the date of the adjudication. Such property may be recovered or its value collected from whoever may have received it, except a bona fide holder for value. For the purpose of such recovery any court of bankruptcy as defined in this title, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

(f) Upon the confirmation of a composition offered by a bankrupt, the title to his property shall thereupon revest in him. (July 1, 1898, c. 541, § 70, 30 Stat. 565; Feb. 5, 1903, c. 487, § 16, 32 Stat. 800; May 27, 1926, c. 406, § 16, 44 Stat. 667.)

Section 110 of Title 11 amended.—Section 70 of Act of July 1, 1898, c. 541, 30 Stat. 565, and Acts amendatory thereof and supplementary thereto, constituting § 110 of Title 11 of the Code, has been amended by Act of May 27, 1926, c. 406, § 16, 44 Stat. 667, to read as above. The amendment relates to paragraph (a), subdivision (2).

TITLE 12.—BANKS AND BANKING

Chapter 4.—TAXATION.

NATIONAL BANK SHARES

548. State taxation.—The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may (1) tax said shares, or (2) include dividends derived therefrom in the taxable income of an owner or holder thereof, or (3) tax such associations on their net income, or (4) according to or measured by their net income, provided the following conditions are complied with:

1. (a) The imposition by any State of any one of the above four forms of taxation shall be in lieu of the others, except as hereinafter provided in subdivision (c) of this clause.

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided*, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

(c) In case of a tax on or according to or measured by the net income of an association, the taxing State may, except in case of a tax on net income, include the entire net income received from all sources, but the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits: *Provided, however*, That a State which imposes a tax on or according to or measured by the net income of, or a franchise or excise tax on, financial, mercantile, manufacturing, and business corporations organized under its own laws or laws of other States and also imposes a tax upon the income of individuals, may include in such individual income dividends from national banking associations located within the State on condition that it also includes dividends from domestic corporations and may likewise include dividends from national banking associations located without the State on condition that it also includes dividends from foreign corporations, but at no higher rate than is imposed on dividends from such other corporations.

(d) In case the dividends derived from the said shares are taxed, the tax shall not be at a greater rate than is assessed upon the net income from other moneyed capital.

2. The shares of any national banking association owned by nonresidents of any State, shall be taxed by the taxing district or by the State where the association is located and not elsewhere; and such association shall make return of such shares and pay the tax thereon as agent of such nonresident shareholders.

3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

4. The provisions of section 5219 of the Revised Statutes of the United States[1] as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section. (R. S. § 5219; Mar. 4, 1923, c. 267, 42 Stat. 1499; Mar. 25, 1926, c. 88, 44 Stat. 223.)

Section 548 of Title 12 amended.—Section 5219 of the Revised Statutes, as amended by Act of Mar. 4, 1923, c. 267, 42 Stat. 1499, constituting § 548 of Title 12 of the Code, has been again amended to read as above.

[1] The words "section 5219 of the Revised Statutes of the United States as heretofore in force" relate to this section before its amendment by the Act of Mar. 25, 1926, cited in the text.

Chapter 5.—CRIMES AND OFFENSES.

IN GENERAL

Sec.
584. Spurious advertising or representations as to Federal farm loans and bonds; use of words "Federal," "United States," etc. [New.]
585. Use of words "Federal," "United States," and "reserve" as part of business name. [New.]
586. False advertising or representation as to membership in Federal Reserve System. [New.]
587. Violation of sections 584–586; penalties; injunctions. [New.]
588. Partial invalidity of sections 584–587; effect on remainder. [New.]

IN GENERAL

584. Spurious advertising or representations as to Federal farm loans and bonds; use of words "Federal," "United States," etc.—That no bank, banking association, trust company, corporation, association, firm, partnership, or person not organized under the provisions of the Act of July 17, 1916, known as the Federal Farm Loan Act,[2] as amended, shall advertise or represent that it makes Federal farm loans or advertise of [or] offer for sale as Federal farm loan bonds any bond not issued under the provisions of the Federal Farm Loan Act, or make use of the word "Federal" or the words "United States" or any other word or words implying Government ownership, obligation, or supervision in advertising or offering for sale any bond, note, mortgage, or other security not issued by the Government of the United States or under the provisions of the said Federal Farm Loan Act or some other Act of Congress. (May 24, 1926, c. 377, § 1, 44 Stat. 628.)

New section. This section and sections 585–588 came from an Act entitled "An Act to prohibit the offering for sale as Federal farm loan bonds any securities not issued under the terms of the Farm Loan Act, to limit the use of the words 'Federal,' 'United States,' or 'reserve' or any combination of such words, to prohibit false advertising, and for other purposes," cited to the text.

585. Use of words "Federal," "United States," and "reserve" as part of business name.—No bank, banking association, trust company, corporation, association, firm, partnership, or person engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, or trust business shall use the word "Federal," the words "United States," or the word "reserve," or any combination of such words, as a portion of its corporate, firm, or trade name or title or of the name under which it does business: *Provided, however*, That the provisions of this section shall not apply to the Federal Reserve Board, the Federal Farm Loan Board, the Federal Trade Commission, or any other department, bureau, or independent establishment of the Government of the United States, nor to any Federal reserve bank, Federal land bank, or Federal reserve agent, nor to the Federal Advisory Council, nor to any corporation organized under the laws of the United States, nor to any bank, banking association, trust company, corporation, association, firm, partnership, or person actually engaged in

[2] The Federal Farm Loan Act constitutes chapter 7 of Title 12 of the Code.

business under such name or title prior to the passage of this Act. (May 24, 1926, c. 377, § 2, 44 Stat. 628.)

New section. See note to § 584.

586. False advertising or representation as to membership in Federal reserve system.—That no bank, banking association, or trust company which is not a member of the Federal reserve system shall advertise or represent in any way that it is a member of such system or publish or display any sign, symbol, or advertisement reasonably calculated to convey the impression that it is a member of such system. (May 24, 1926, c. 377, § 3, 44 Stat. 628.)

New section. See note to § 584.

587. Violation of sections 584–586; penalties; injunctions.—That any bank, banking association, trust company, corporation, association, firm, or partnership violating any of the provisions of this Act[3] shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding $1,000. Any person violating any of the provisions of this Act,[3] or any officer of any bank, banking association, trust company, corporation, or association, or member of any firm or partnership violating any of the provisions of this Act[3] who participates in, or knowingly acquiesces in, such violations shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding $1,000 or imprisonment not exceeding one year, or both. Any such illegal use of such word or words, or any combination of such words, or any other violation of any of the provisions of this Act,[3] may be enjoined by the United States district court having jurisdiction, at the instance of any United States district attorney, any Federal land bank, joint-stock land bank, Federal reserve bank, or the Federal Farm Loan Board or the Federal Reserve Board. (May 24, 1926, c. 377, § 4, 44 Stat. 628.)

New section. See note to § 584.

588. Partial invalidity of sections 584–587; effect on remainder.—That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (May 24, 1926, c. 377, § 5, 44 Stat. 629.)

New section. See note to § 584.

[3] "This Act" should be translated "sections 584–588."

TITLE 14.—COAST GUARD

Chapter 1.—GENERAL PROVISIONS.

Sec.
2a. Computation of length of service of officers; time spent at Naval or Military Academy. [New.]
5a. "District superintendent" title changed to "district commander"; rank, pay, and allowances; appointment. [New.]
10. Distribution in grades of permanent commissioned officers.
15. Cadets; number; qualifications; examinations; obligations; dismissal.
18. Promotion of commissioned officers generally; examinations.
19. Constructor; appointment; rank.
24. Promotion of ensigns and district superintendents; service requirement; necessity for vacancies in higher grade.

2a. Computation of length of service of officers; time spent at Naval or Military Academy.—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Surveys, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 21, 1926, c. 355, 44 Stat. 604.)

New section. This provision is from the Navy Department and naval service appropriation act for the year 1927, cited to the text.

5a. "District superintendent;" title changed to "district commander;" rank, pay, and allowances; appointment.—That the title "district superintendent" is hereby changed to "district commander," and all laws applicable to district superintendents shall apply to district commanders except as modified by the provisions of this section. A district commander of less than ten years' commissioned service shall have the rank, pay, and allowances of a lieutenant, and, after ten years' commissioned service, shall have the rank, pay, and allowances of a lieutenant commander. An original appointment as district commander shall be made under regulations prescribed by the President from the warrant or chief petty officers of the Coast Guard: *Provided*, That the proviso "That the district superintendents shall be chief officers and first in authority in their respective districts, subject to the authority of the captain commandant," contained in section 4 of the Act approved January 28, 1915,[1] is hereby repealed. (July 3, 1926, c. 742, § 9, 44 Stat. 817.)

New section.

The Act of July 3, 1926, c. 742, § 9, 44 Stat. 817, cited to the text, was entitled "An Act to readjust the commissioned personnel of the Coast Guard, and for other purposes."

This Act contains 14 sections, the balance of which constitute c. 9 of this title of the Appendix.

10. Distribution in grades of permanent commissioned officers.

Section 10 of Title 14 affected.—See § 211 in c. 9 of this title of the appendix.

15. Cadets; number; qualifications; examinations; obligations; dismissal.

Section 15 of Title 14 affected.—See § 216 in c. 9 of this title of the appendix.

18. Promotion of commissioned officers generally; examinations.

Section 18 of Title 14 affected.—See § 217 in c. 9 of this title of the appendix.

19. Constructor; appointment; rank.

Section 19 of Title 14 affected.—See § 218 in c. 9 of this title of the appendix.

[1] The proviso of sec. 4 of Act of Jan. 28, 1915, repealed by the text, constitutes § 100 of Title 14 of the Code.

24. Promotion of ensigns and district superintendents; service requirement; necessity for vacancies in higher grade.

The title "district superintendent" was changed to "district commander" by Act of July 3, 1926, c. 742, § 9, 44 Stat. 817, constituting § 5a of this title of the appendix.

Chapter 3.—COAST GUARD STATIONS.

Sec.
100. District superintendent as chief officer of district.
101. District superintendents as disbursing and customs officers; bond.
102. Promotion to fill vacancy of district superintendent and of keeper.
105. Appointments made only for fitness.

100. District superintendent as chief officer of district.—[Repealed.]

The proviso in § 4 of Jan. 28, 1915, c. 20, 38 Stat. 802, which constitutes § 100 of Title 14 of the Code, was repealed by Act of July 3, 1926, c. 742, § 9, 44 Stat. 817.

101. District superintendents as disbursing and customs officers; bond.

The title "district superintendent" was changed to "district commander" by Act July 3, 1926, c. 742, § 9, 44 Stat. 817, constituting § 5a of this title of the appendix.

102. Promotion to fill vacancy of district superintendent and of keeper.

The title "district superintendent" was changed to "district commander" by Act July 3, 1926, c. 742, § 9, 44 Stat. 817, constituting § 5a of this title of the appendix.

105. Appointments made only for fitness.

The title "district superintendent" was changed to "district commander" by Act July 3, 1926, c. 742, § 9, 44 Stat. 817, constituting § 5a of this title of the appendix.

Chapter 4.—PAY AND ALLOWANCES.

Sec.
121a. Pay of surfmen; repeal of provision in Act May 27, 1908. [New.]
123. District superintendents; pay and allowances.
126. Travel on Government-owned vessels.

121a. Pay of surfmen; repeal of provision in Act May 27, 1908.—That the provision contained in the Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908 (Thirty-fifth Statutes at Large, page 321), which reads "Hereafter the pay of surfmen in the Life Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section 6 of the Act of June 30, 1906, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907," be, and the same is hereby, repealed. (July 3, 1926, c. 742, § 12, 44 Stat. 817.)

New section. See footnote to chapter 9 of this title of the appendix.

The statutory provision here repealed does not appear in the Code.

123. District superintendents; pay and allowances.

The title "district superintendent" was changed to "district commander" by Act July 3, 1926, c. 742, § 9, 44 Stat. 817, constituting § 5a of this title of the appendix.

126. Travel on Government-owned vessels.

Section 126 of Title 14 repealed.—The statutory provision constituting § 126 of Title 14 of the Code, was repeated in Act of Mar. 2, 1926, c. 43, § 1, 43 Stat. 144.

Chapter 6.—RETIREMENT AND DISABILITY; ALLOWANCE TO DEPENDENTS.

167a. Retired pay; officers and warrant officers; amounts to persons retired on or before June 30, 1922.—Hereafter the re-

tired pay of the officers and warrant officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this Act shall operate to reduce the pay of any officer or warrant officer now on the retired list. (May 8, 1926, c. 274, § 1, 44 Stat. 417.)

New section. This section is section 1 of an Act entitled "An Act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited to the text. Section 2 of this Act repeals all inconsistent Acts and parts of Acts.

Chapter 9.[2]—READJUSTMENT OF COMMISSIONED PERSONNEL.

Sec.
203. Appointment of temporary officers authorized; pay and allowances; retirement rights.
211. Regular commissioned officers, other than chief warrant officers; number; distribution in grades.
212. Temporary commissioned officers; number; distribution in grades.
213. Engineer officers; transfer to line; precedence; cadet engineers.
214. Commissioned engineer officers; vacancies at bottom of list; when and how filled.
215. Temporary commissioned officers; appointment as regular commissioned officers; rank.
216. Cadets; number; appointment; term of service.
217. Promotions.
218. Constructor; rank, pay, and allowances; appointment.
219. Chief warrant officers; temporary officers made permanent; appointment; rank, pay, and allowances.
220. Coast Guard personnel, where trained; cost.
221. Existing rank, pay, and allowances of commissioned officers as affected by chapter.
222. Repeal of inconsistent laws.

203. Appointment of temporary officers authorized; pay and allowances; retirement rights.

Section 203 of Title 14 affected.—See § 212 in c. 9 of this title of the appendix.

211. Regular commissioned officers, other than chief warrant officers; number; distribution in grades.—On and after July 1, 1926, the number of regular commissioned officers, other than chief warrant officers, authorized in the Coast Guard shall be three hundred and forty, distributed in grades as follows: *One commandant, fifteen captains, thirty-five commanders,* seventy-one lieutenant commanders, sixty-six lieutenants, and eighty-five lieutenants (junior grade) and ensigns, one engineer in chief, eight captains (engineering), eleven commanders (engineering), and twenty-eight lieutenant commanders (engineering), five constructors, and fourteen district commanders. (July 3, 1926, c. 742, § 1, 44 Stat. 815.)

New section. See footnote to this chapter.

212. Temporary commissioned officers; number; distribution in grades.—On and after July 1, 1926, the number of temporary commissioned officers authorized in the Coast Guard shall be one hundred and fifteen, distributed in grades as follows: Fifty lieutenants and sixty-five lieutenants (junior grade) and ensigns of the line, and after that date no more temporary officers shall be appointed in the grade of lieutenant commander or above. (July 3, 1926, c. 742, § 2, 44 Stat. 815.)

New section. See footnote to this chapter.

213. Engineer officers; transfer to line; precedence; cadet engineers.—That all lieutenants (engineering) not holding temporary appointments as lieutenant commanders (engineering), all lieutenants (junior grade) (engineering) and all ensigns (engineering), both regular and temporary, who are in the Coast Guard on July 1, 1926, shall be transferred to the line of the Coast Guard and shall be commissioned accordingly, the regular engineer officers to become regular line officers and temporary engineer officers to become temporary line officers, respectively. Engineer officers thus transferred shall take precedence with line officers in the grades to which transferred in accordance with total lengths of continuous commissioned service in the Coast Guard. All cadet engineers who are in the service on July 1, 1926, shall be appointed cadets of the line as of that date and service as cadet engineer shall be counted as cadet service. (July 3, 1926, c. 742, § 3, 44 Stat. 815.)

New section. See footnote to this chapter.

214. Commissioned engineer officers; vacancies at bottom of list; when and how filled.—A vacancy occurring at the bottom of the list of commissioned engineer officers after July 1, 1926, may or may not be filled, in the discretion of the President, in accordance with the existing needs of the service for engineer officers. If such a vacancy is filled, it shall be filled by promotion of the senior regular officer of the next lower grade of the line who applies for such promotion and who demonstrates his entire fitness therefor in the manner provided in section 3 of the Act approved January 12, 1923.[3] If such a vacancy is not filled within a period of six months after its occurrence, it shall accrue to the corresponding grade of the line and shall increase the number of officers of such corresponding grade of the line as authorized in section 1 of this Act[4] accordingly, but shall not increase the total number of commissioned line and engineer officers combined as authorized by this Act.[5] (July 3, 1926, c. 742, § 4, 44 Stat. 816.)

New section. See footnote to this chapter.

215. Temporary commissioned officers; appointment as regular commissioned officers; rank.—That the President is authorized to appoint, by and with the advice and consent of the Senate, temporary commissioned officers to be commissioned officers in the regular Coast Guard in grades not above lieutenant: *Provided*, That no temporary officer shall be appointed a regular commissioned officer until his entire fitness for such appointment has been established to the satisfaction of a board of commissioned officers of the Coast Guard appointed by the President, and until he has been pronounced physically qualified by a board of medical officers: *Provided further*, That temporary officers who may be thus commissioned in the regular Coast Guard shall take rank in the grades in which they are appointed in accordance with the dates of their commissions as regular officers. (July 3, 1926, c. 742, § 5, 44 Stat. 816.)

New section. See footnote to this chapter.

216. Cadets; number; appointment; term of service.—That on and after the date of the passage of this Act the number of cadets in the Coast Guard shall be such as the Secretary of the Treasury may from time to time determine as necessary for the needs of the service. Appointments to cadetships shall be made under regulations prescribed by the Secretary of the Treasury, who shall determine age limits, methods of selection of applicants, and all other matters affecting such appointments. Cadets shall serve two years, three years, or four years, as the Secretary of the Treasury may determine from time to time in accordance with the needs of the service, before being eligible

[2] New chapter. Derived from Act of July 3, 1926, c. 742, 44 Stat. 815, entitled "An Act to readjust the commissioned personnel of the Coast Guard, and for other purposes."

This Act contains 14 sections, sections 9 and 12 of which constitute §§ 5a and 121a of this title of the appendix.

[3] "Section 3 of the Act approved January 12, 1923," should be translated "section 18 of this title of the Code."

[4] "Section 1 of this Act" should be translated "section 211 of this chapter."

[5] "Act" should be translated "chapter."

to be commissioned as ensigns. (July 3, 1926, c. 742, § 6, 44 Stat. 816.)

New section. See footnote to this chapter.

217. **Promotions.**—That hereafter no officer shall be promoted to lieutenant commander or to lieutenant commander (engineering) who has had less than eight years' commissioned service, regular or temporary, in the Coast Guard. On and after September 1, 1926, no officer shall be promoted in the regular Coast Guard from lieutenant (junior grade) to lieutenant until he shall have served at least two years as a lieutenant (junior grade) in the regular service. Subsequent to the passage of this Act[5] and continuing until June 30, 1931, an ensign may be promoted to lieutenant (junior grade) after two years' service as an ensign; on and after July 1, 1931, an ensign shall be required to complete three years' service in his grade, after which he shall be eligible for promotion to the next higher grade, without regard to the number already in that higher grade. (July 3, 1926, c. 742, § 7, 44 Stat. 816.)

New section. See footnote to this chapter.

218. **Constructor; rank, pay and allowances; appointment.**—That a constructor, upon original appointment as such, shall have the rank, pay, and allowances of a lieutenant. An original appointment as constructor shall be made under regulations prescribed by the President from the list of commissioned officers of the Coast Guard or from civil life and shall be for a probationary period of two years, and, prior to the expiration of such probationary period of service, the fitness of the officer who has thus served shall be passed upon by a board of commissioned officers of the Coast Guard appointed by the President. If the board finds that the officer is in all respects fitted to be a constructor in the Coast Guard, he may be regularly appointed a constructor to rank from the date of his original probationary appointment: *Provided*, That no person shall receive an original probationary appointment as constructor who is more than thirty years of age. (July 3, 1926, c. 742, § 8, 44 Stat. 817.)

New section. See footnote to this chapter.

[5] "Act" should be translated "chapter."

219. **Chief warrant officers; temporary officers made permanent; appointment; rank, pay and allowances.**—That all temporary chief warrant officers who are in the Coast Guard on July 1, 1926, shall be transferred to the regular Coast Guard as chief warrant officers as of that date and shall be commissioned accordingly. Under such regulations as he may prescribe the President is authorized to appoint, by and with the advice and consent of the Senate, chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard as the needs of the service may require, and such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy of like length of service: *Provided*, That no warrant officer shall suffer a reduction in pay or allowances on account of his appointment as a chief warrant officer under the provisions of this section. (July 3, 1926, c. 742, § 10, 44 Stat. 817.)

New section. See footnote to this chapter.

220. **Coast Guard personnel where trained; cost.**—That Coast Guard personnel may be trained at naval training stations and instructed at schools maintained by the Navy, and the pro rata cost of such training or instruction may be borne by Coast Guard appropriations, and the proper Navy appropriations may be credited accordingly. (July 3, 1926, c. 742, § 11, 44 Stat. 817.)

New section. See footnote to this chapter.

222. **Existing rank, pay and allowances of commissioned officers as affected by chapter.**—That nothing contained in this Act[5] shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law. (July 3, 1926, c. 742, § 13, 44 Stat. 818.)

New section. See footnote to this chapter.

223. **Repeal of inconsistent laws.**—That all Acts and parts of Acts inconsistent with the provisions of this Act[5] are hereby repealed. (July 3, 1926, c. 742, § 14, 44 Stat. 818.)

New section. See footnote to this chapter.

[5] "Act" should be translated "chapter."

TITLE 15.—COMMERCE AND TRADE [1]

Chapter 5.—THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Sec.
189a. Sale of lists of foreign buyers, news bulletins, reports, etc.; charges; disposition of receipts. [New.]

189a. Sale of lists of foreign buyers, news bulletins, reports, etc.; charges; disposition of receipts.—That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as "Miscellaneous receipts." (Apr. 29, 1926, c. 195, Title III, 44 Stat. 353.)

New section.

Chapter 6.—WEIGHTS AND MEASURES AND STANDARD TIME.

WEIGHTS, MEASURES, AND STANDARDS GENERALLY
Sec.
209. Standards for screw threads to be adopted.
210. Promulgation for use by public.
SCREW THREADS [2] [New.]
211. Standardization of screw threads; Commission; creation.
212. Duties of commission; standards; adoption; use.
213. Promulgation of standards; publication.
214. Commission; pay.
215. Commission; rules and regulations.

WEIGHTS, MEASURES, AND STANDARDS GENERALLY

209. Standards for screw threads to be adopted.

Section 209 of Title 15 amended.—See secs. 211–215 in this chapter of Title 15 of the appendix.

210. Promulgation for use by public.

Section 210 of Title 15 amended.—See secs. 211–215 in this chapter of Title 15 of the appendix.

SCREW THREADS

211. Standardization of screw threads; Commission; creation.—That a commission is hereby created, to be known as the Commission for the Standardization of Screw Threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two representatives of the Army, to be appointed by the Secretary of War; two representatives of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers. (July 18, 1918, c. 156, § 2, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291; Apr. 16, 1926, c. 148, § 1, 44 Stat. 297.)

New section.

212. Duties of commission; standards; adoption; use.—That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments. (July 18, 1918, c. 156, § 2, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291; Apr. 16, 1926, c. 148, § 2, 44 Stat. 297.)

New section.

213. Promulgation of standards; publication.—That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document. (July 18, 1918, c. 156, § 2, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291; Apr. 16, 1926, c. 148, § 3, 44 Stat. 297.)

New section.

214. Commission; pay.—That the commission shall serve without compensation but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards. (July 18, 1918, c. 156, § 2, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291; Apr. 16, 1926, c. 148, § 4, 44 Stat. 297.)

New section.

215. Commission; rules and regulations.—That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business. (July 18, 1918, c. 156, § 2, 40 Stat. 913; Mar. 3, 1919, c. 96, 40 Stat. 1291; Apr. 16, 1926, c. 148, § 5, 44 Stat. 297.)

New section.

Chapter 9.—THE WEATHER BUREAU.

Sec.
313. Duties of chief of bureau.
319. Printing.

313. Duties of chief of bureau.—The Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.

Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon civil airways designated by the Secretary of Commerce under authority of law as routes suitable for air commerce, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations. (Oct. 1, 1890, c. 1266, § 3, 26 Stat. 653; May 20, 1926, c. 344, § 5 (e), 44 Stat. 571.)

Section 313 of Title 15 amended.—The provision of Act of Oct. 1, 1890, c. 1266, § 3, 26 Stat. 653, constituting § 313 of Title 15 of the Code, has been amended by Act of May 20, 1926, c. 344, § 5 (e), 44 Stat. 571, to read as above. The amendment added a new paragraph at the end of section.

319. Printing.

Section 319 of Title 15 repeated.—The statutory provision constituting § 319 of Title 15 of the Code was repeated in Act of May 11, 1926, c. 286, 44 Stat. 504.

[1] **"Air Commerce Act of 1926."**—See Title 49 in this appendix.

[2] New subdivision. Secs. 211–215 are from Act of Apr. 16, 1926, entitled "An Act to amend an Act to provide for the appointment of a commission to standardize screw threads." The first part of the Act provided as follows: "That an Act entitled 'An Act to provide for the appointment of a commission to standardize screw threads,' approved July 18, 1918, as amended by an Act approved March 3, 1919, and extended by Public Resolutions approved March 23, 1920, and March 21, 1922, be, and the same is hereby, amended so that it will read:"

The Act mentioned in the above quoted matter constitutes §§ 209 and 210 of Title 15.

TITLE 16.—CONSERVATION

Chapter 1.—THE NATIONAL PARKS, MILITARY PARKS, AND MONUMENTS.

THE NATIONAL PARK SERVICE

Sec.
1. Service created; director; other employees.
11. Medical attention for employees. [New.]
12. Medical attention to employees at isolated places; removal of bodies for burial. [New.]
13. Aid to visitors in emergencies. [New.]

YELLOWSTONE NATIONAL PARK

37. Provision of feed and range facilities for game animals. [New.]
38. Exchange for State or private lands authorized. [New.]
39. Reservation of timber, minerals, or easements by owners on exchange. [New.]
40. Additions to park; entry under other Acts. [New.]

SEQUOIA, YOSEMITE, AND GENERAL GRANT NATIONAL PARKS

41. Sequoia National Park.
43. Same; rules and regulations; fish and game; trespassers.
44. Land set aside as reserved forest lands.
45. Additional forest reserves in California.
45a. Sequoia National Park; revision of boundaries. [New.]
45b. Rules and regulations; leases; fish and game. [New.]
45c. Prior claims, locations, and entries; permits for use of natural resources. [New.]
45d. Exclusive privileges prohibited. [New.]
45e. Violations; penalty. [New.]
45f. Game refuge established; penalties. [New.]

MOUNT RAINIER NATIONAL PARK

91. Mount Rainier National Park; establishment; trespassers.
95. Same; jurisdiction by the United States; fugitives from justice.
107. Boundary changed. [New.]
108. Other laws extended to added lands. [New.]

ROCKY MOUNTAIN NATIONAL PARK

191. Rocky Mountain National Park; establishment; reclamation project.
193. Same; claims and rights under land laws, etc.
195. Boundaries revised; excluded lands transferred. [New.]
196. Use of park land for Arbuckle Reservoir. [New.]
197. Applicability of other laws. [New.]

SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK. [New]

403. Shenandoah National Park and Great Smoky Mountains National Park established.
403a. Acceptance of title to lands.
403b. Administration; Federal Water Power Act inapplicable; minimum area.
403c. Use of existing commission.

MAMMOTH CAVE NATIONAL PARK. [New]

404. Mammoth Cave National Park established.
404a. Acceptance of title to lands.
404b. Administration; Federal Water Power Act inapplicable; minimum area.
404c. Use of existing commission.

COOS COUNTY, OREGON. [New]

405. Reservation for park and camp sites.
405a. Rules and regulations; fees.

THE NATIONAL MILITARY PARKS

422. Moores Creek National Park; establishment. [New.]
422a. Control by Secretary of War; acceptance of lands. [New.]
422b. Duties of Secretary of War. [New.]
422c. Ascertaining and marking of lines of battle. [New.]
422d. Monuments, etc., protected. [New.]
423. Petersburg National Military Park; establishment. [New.]
423a. Acceptance of donations of lands. [New.]
423b. Commission; organization. [New.]
423c. Duties of commission. [New.]
423d. Acceptance and disposition of gifts. [New.]
423e. Ascertaining and marking lines of battle. [New.]
423f. Protection of monuments, etc. [New.]
423g. Rules and regulations. [New.]
423h. Report of completion; superintendent of park. [New.]
423i. Appropriation. [New.]
424. Purchase of real estate for future military parks. [New.]

NATIONAL MONUMENTS

431. National monuments; reservation of land; relinquishment of private claims.

MISCELLANEOUS

455. Study of battle fields for commemorative purposes. [New.]
455a. Reports to Congress. [New.]
455b. Estimate of cost. [New.]
455c. Purchase of real estate for military park. [New.]
456. Expense of depositing money payable from appropriations. [New.]

THE NATIONAL PARK SERVICE

1. Service created; director; other employees.

Application to added territory in Mount Ranier National Park of this section and sections 2, 3, and 4 of this title of the Code, see § 108 of this title in the appendix.

Application to added territory in Rocky Mountain National Park see § 197 of this title in the appendix.

Application to Shenandoah National Park and Great Smoky Mountain National Park, see § 403b of this title in the appendix.

To Mammoth Cave National Park see § 404b of this title in the appendix.

11. Medical attention for employees.—Hereafter the Secretary of the Interior in his administration of the National Park Service is authorized to contract for medical attention and service for employees and to make necessary pay-roll deductions agreed to by the employees therefor. (May 10, 1926, c. 277, § 1, 44 Stat. 491.)

New section.

12. Medical attention to employees at isolated places; removal of bodies for burial.—The Secretary of the Interior is hereby authorized to aid and assist visitors within the national parks or national monuments in emergencies and when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable them to reach safely a point where such food or supplies can be purchased: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit and shall be available for the purchase of similar food or supplies. (July 3, 1926, c. 792, § 1, 44 Stat. 900.)

New section.

13. Aid to visitors in emergencies.—The Secretary of the Interior, in his discretion, is authorized to provide, out of moneys appropriated for the general expense of the several national parks and national monuments, medical attention for employees of the National Park Service located at isolated situations, including the moving of such employees to hospitals or others places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial. (July 3, 1926, c. 792, § 2, 44 Stat. 900.)

New section.

YELLOWSTONE NATIONAL PARK

37. Provision of feed and range facilities for game animals.—As a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and

adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this Act.[1] (May 26, 1926, c. 399, § 1, 44 Stat. 655.)

New section.

38. Exchange for State or private lands authorized.—The Secretary of the Interior be, and is hereby, authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships herein above described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. (May 26, 1926, c. 399, § 2, 44 Stat. 655.)

New section.

39. Reservation of timber, minerals, or easements by owners on exchange.—Reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this Act.[1] Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this Act[1]: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (May 26, 1926, c. 399, § 3, 44 Stat. 656.)

New section.

40. Additions to park; entry under other Acts.—The President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of this Act,[1] within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this Act[1a]; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of this Act[1]: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 1 of this Act[2] shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906,[3] authorizing homestead entries in national forests. (May 26, 1926, c. 399, § 6, 44 Stat. 656.)

New section.

SEQUOIA, YOSEMITE, AND GENERAL GRANT NATIONAL PARKS

41. Sequoia National Park.

Section 41 of Title 16 affected.—See § 45a of this title in the appendix for legislation affecting this section.

43. Same; rules and regulations; leases; fish and game; trespassers.

Section 43 of Title 16 affected.—See § 45b of this title in the appendix for legislation affecting this section.

44. Land set aside as reserved forest lands.

Section 44 of Title 16 affected.—See § 45a of this title in the appendix for legislation affecting this title.

45. Additional forest reserves in California.

Section 45 of Title 16 affected.—See § 45a of this title in the appendix for legislation affecting this section.

45a. Sequoia National Park; revision of boundaries.—The boundaries of the Sequoia National Park, California, are hereby changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fort Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight

[1] "This Act" should be translated "sections 37 to 40 of this title in the appendix." Sections 4 and 5 of the Act of May 26, 1926, related to matters not carried into the Code.

[1] "This Act" should be translated "sections 37 to 40 of this title of the appendix."

[1a] "Section 3 of this Act" should be translated "section 39 of this title of the appendix."

[2] Section 37 of this title in the appendix.

[3] Sections 506 to 509 of this title in the Code.

thousand eight hundred and eighty-eight feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydropraphic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main crest of the Sierra Nevada, northwest of Cirque Peak; thence northerly and westerly along said main crest of the Sierra Nevada to Junction Peak (United States Geological Survey bench mark thirteen thousand nine hundred and three feet); thence westerly along the crest of the Kings-Kern Divide to a junction with the crest of the Great Western Divide at Thunder Mountain (United States Geological Survey bench mark thirteen thousand five hundred and seventy-eight feet); thence southwesterly along the crest of the Great Western Divide to Triple Divide Peak (United States Geological Survey altitude twelve thousand six hundred and fifty-one feet); thence westerly and northwesterly along the crest of the hydrographic divide between the headwaters of Roaring River and the headwaters of the Middle and Marble Forks of the Kaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwesterly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the Junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are hereby included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are hereby included in and made a part of the Sequoia National Forest, subject to all laws and regulations applicable to the national forests. (July 3, 1926, c. 744, § 1, 44 Stat. 818.)

New section.

45b. Rules and regulations; leases; fish and game.—That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, such regulations being primarily aimed at the freest use of said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, natural curiosities, or wonders within said park and their retention in their natural condition as far as practicable, and for the preservation of said park in a state of nature so far as is consistent with the purposes of this Act.[4] Such rules and regulations shall permit the taking of fish by hook and line from the streams or lakes in said park, but at such seasons, during such times, and in such manner as may be directed by the Secretary of the Interior. Such rules and regulations however, shall provide against the destruction of the wild life within said park, and the Secretary of the Interior is hereby authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act.[4] Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or persons or company for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors. Such leases or privileges may be renewed or extended at the expiration of the terms thereof: *Provided*, That existing leases from the Department of Agriculture may be continued, in the discretion of the Secretary of the Interior, for so long as such extension is not detrimental to the public purposes for which the park is created. (July 3, 1926, c. 744, § 2, 44 Stat. 820.)

New section.

45c. Prior claims, locations, and entries; permits for use of natural resources.—Nothing herein contained shall affect any valid existing claim, location, or entry heretofore established under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided*, That under rules and regulations to be prescribed by him the Secretary of the Interior may issue permits to any bona fide claimant, entrymen, landowner, or lessee of land within the boundaries herein established to secure timber for use on and for the improvement of his land; and he shall also have authority to issue, under rules and regulations to be prescribed by him, grazing permits and authorize the grazing of livestock on the lands within said park at fees not to exceed those charged by the Forest Service on adjacent areas, so long as such timber cutting and grazing are not detrimental to the primary purpose for which such park is created: *Provided*, That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as herein constituted, shall be granted or made without specific authority of Congress. (July 3, 1926, c. 744. § 3, 44 Stat. 820.)

New section.

45d. Exclusive privileges prohibited.—No exclusive privilege shall be granted within said park, or on or over the roads and trails therein, except upon ground leased for the erection of buildings or camps thereon. (July 3, 1926, c. 744, § 4, 44 Stat. 820.)

New section.

45e. Violations; penalty.—Any person found guilty of violating any of the provisions of this Act[4] or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for

[4] "This Act" should be translated "sections 45a to 45f of this title in the appendix."

the protection of the property therein, for the preservation from injury or spoilation of timber, natural curiosities, or other objects within said park or for the protection of the animals, birds, and fish in said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months or both. (July 3, 1926, c. 744, § 5, 44 Stat. 820.)

New section.

45f. Game refuge established; penalties.

For § 6 of the Act of July 3, 1926, establishing a game preserve, see § 688 of this title in the appendix.

MOUNT RAINIER NATIONAL PARK

91. Mount Rainier National Park; establishment; trespassers.

Boundaries changed.—See § 107 of this title in the appendix.

Application to added territory.—See § 108 of this title in the appendix.

95. Same; jurisdiction by the United States; fugitives from Justice.

Application to added territory of this and the nine following sections in the Code, see § 108 of this title in the appendix.

107. Boundary changed.—The boundary of the Mount Rainier National Park is hereby changed so as to read as follows: Beginning at park boundary monument numbered 1, established on the east line of section 4, township 17 north, range 7 east, Willamette meridian, by a survey of the boundaries of Mount Rainier National Park, Washington, by the General Land Office, plat dated April 17, 1909; thence southerly along the present west park boundary line as established by said survey, being the midtownship line of range 7 east, to its intersection with the south bank of Nisqually River; thence easterly along said bank to its intersection with the present south park boundary line at a point east of park boundary monument numbered 28, as established by said survey, being the township line between townships 14 and 15 north; thence easterly along said south park boundary line to the southeast corner of the present park boundary; thence northerly along the present east park boundary line to park boundary monument numbered 59, as established by said survey, being the midtownship line of range 10 east; thence due north to the south bank of White River; thence northeasterly along said bank to a point due east of park boundary monument numbered 67, thence due west to said monument numbered 67; thence westerly along the present north park boundary line, as established by said survey, being the township line between townships 17 and 18 north, to its intersection with the north bank of Carbon River; thence westerly along said bank to a point due north of park boundary monument numbered 1; thence due south to place of beginning; and all of those lands lying within the boundary above described are hereby included in and made a part of the Mount Rainier National Park; and all of those lands of the present Mount Rainier National Park excluded from the park are hereby included in and made a part of the Rainier National Forest, subject to all national forest laws and regulations. (May 28, 1926, c. 410, § 1, 44 Stat. 668.)

New section.

108. Other laws extended to added lands.—The provisions of the Act of March 2, 1899, entitled, "An Act to set aside a portion of certain lands in the State of Washington, now known as the 'Pacific Forest Reserve,' as a public park, to be known as the 'Mount Rainier National Park,'"[5] the Act of June 10, 1916, entitled "An Act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes,"[6] the Act of August 25, 1916, entitled "An Act to establish a national park service, and for other purposes," and all Acts supplementary to and amendatory of said Acts[7] are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the Act of June 10, 1920, entitled "An Act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes,"[8] shall not apply to or extend over such lands. (May 28, 1926, c. 410, § 2, 44 Stat. 669.)

New section.

ROCKY MOUNTAIN NATIONAL PARK

191. Rocky Mountain National Park; establishment; reclamation project.

Boundaries revised.—See § 195 of this title in the appendix.

193. Same; claims and rights under land laws, etc.

Application to added territory of this and the two following sections, see § 197 of this title in the appendix.

195. Boundaries revised; excluded lands transferred.—Portions of the north and east boundary of the Rocky Mountain National Park are hereby revised as follows:

North boundary, beginning at the northwest corner of the northeast quarter of the northeast quarter of section 33, township 7 north, range 74 west, being a point on the present north boundary line of the Rocky Mountain National Park; thence southerly to the southwest corner of the northeast quarter of the northeast quarter of said section; thence westerly to the southeast corner of the northwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section, being a point on the present north boundary line of the Rocky Mountain National Park and the end of the above-described change of said boundary; and

East boundary, beginning at the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, being a point on the present east boundary line of Rocky Mountain National Park; thence westerly along the township line to the northwest corner of said section; thence northerly along section line to the southwest corner of the northwest quarter of section 34, township 4 north, range 73 west; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 22, said township; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 15, said township; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence northerly passing through the northeast corner of the

[5] The Act of Mar. 2, 1899, referred to in the text appears as §§ 91 to 93 of this title in the Code.

[6] The Act of June 30, 1916, erroneously referred to in the text as "Act of June 10, 1916," appears as §§ 95 to 105 of this title in the Code.

[7] The Act of Aug. 25, 1916, appears as §§ 1 to 4 of this title in the Code.

[8] The Act of June 10, 1920, appears as §§ 791 to 823 of this title in the Code.

northwest quarter of said section, to the northeast corner of the southeast quarter of the southwest quarter of section 10, said township; thence westerly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the southwest quarter of said section; thence westerly, passing through the northwest corner of the southwest quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 9, said township; thence southerly to the northeast corner of the southwest quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 5, said township; thence westerly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of the southeast quarter of said section; thence westerly along section line to the southeast corner of the southwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly along section line to the northeast corner of section 6, said township; thence easterly along the first correction line north to the southeast corner of the southwest quarter of section 32, township 5 north, range 73 west; thence northerly to the northeast corner of the northwest quarter of said section; thence westerly along section line to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 20, said township; thence easterly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly, passing through the southwest corner of the southeast quarter of the southeast quarter of said section, to the southwest corner of the northeast quarter of the northeast quarter of section 29, said township; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northwest quarter of section 28, said township; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of the northwest quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of the northeast quarter of said section, to the southeast corner of the northeast quarter of the northeast quarter of section 27, said township; thence northerly along section line to the northeast corner of said section; thence westerly along section line to the southeast corner of the southwest quarter of the southwest quarter of section 22, said township; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly along section lines to the southeast corner of the southwest quarter of section 16, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section line to the center line of the north branch of Fall River; thence northwesterly along the center line of the north branch of Fall River to the west line of the east half of the east half of section 17, said township; thence southerly to the northeast corner of the southwest quarter of the southeast quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of said section; thence westerly along section line to the southeast corner of section 18, said township; thence northerly along section line to the northeast corner of said section; thence easterly along section line to the northwest corner of section 16, said township; thence southerly along section line to the southwest corner of the northwest quarter of the northwest quarter of said section; thence easterly to the northwest corner of the southwest quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northeast quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 15, said township; thence southerly to the southwest corner of the northeast quarter of the southwest quarter of said section; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northeast quarter of said section; thence easterly on mid-section lines to the southeast corner of the northwest quarter of section 18, township 5 north, range 72 west; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of section 7, said township; thence westerly along section line to the southeast corner of the southwest quarter of section 6, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly to the northwest corner of said section, being a point on the present east boundary line of Rocky Mountain National Park and the end of the change of said boundary: *Provided, however,* That the following lands shall remain and be a part of the Rocky Mountain National Park: The northwest quarter of the northeast quarter and the east half of the northeast quarter of the northwest quarter of section 34, township 5 north, range 73 west; all of that portion of the following described lands located in township 4 north, range 73 west, lying west of the hydrographic divide that forms the eastern boundary of the watershed of Cow Creek and of Aspen Brook; the east half of the northeast quarter of section 35; the east half of the southeast quarter and the southeast quarter of the northeast quarter of section 26; section 24; section 25; the east half of section 23: *Provided further,* That those portions of the following-described lands that are hereby excluded from the Rocky Mountain National Park, are hereby transferred to and made a part of the Colorado National Forest, subject to all laws and regulations applicable to National Forests; the northwest quarter of the northeast quarter and northeast quarter of the northwest quarter, section 33, township 7 north, range 74 west; section 6, township 5 north, range 72 west; the southeast quarter of the southeast quarter of section 34, township 5 north, range 73 west; sections 3, 10, and 15, township 4 north, range 73 west. (June 9, 1926, c. 515, § 1, 44 Stat. 712.)

New section.

196. Use of park land for Arbuckle reservoir.—The Secretary of the Interior is hereby authorized in his discretion to permit, by license, lease, or other authorization, the use of necessary land in the Rocky Mountain National Park for the maintenance and operation in its present height and capacity, of the Arbuckle Number 2 reservoir. (June 9, 1926, c. 515, § 2, 44 Stat. 714.)

New section.

197. Applicability of other laws.—The provisions of the Act of January 26, 1915, entitled "An Act to establish the Rocky Mountain National Park in the State of Colorado, and for

other purposes,"[9] and Act of August 25, 1916, entitled "An Act to establish a national-park service, and for other purposes,"[10] and all Acts supplementary to and amendatory of said Acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the Act of June 10, 1920, entitled "An Act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes,"[11] shall not apply to or extend over such lands. (June 9, 1926, c. 515, § 3, 44 Stat. 714.)

New section.

SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK. [New]

403. Shenandoah National Park and Great Smoky Mountains National Park established.—When title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there shall be, and are hereby, established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately five hundred and twenty-one thousand acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately seven hundred and four thousand acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation. (May 22, 1926, c. 363, § 1, 44 Stat. 616.)

New section.

403a. Acceptance of title to lands.—The Secretary of the Interior is hereby authorized, in his discretion, to accept as hereinafter provided on behalf of the United States title to the lands referred to in the previous section hereof and to be purchased with the $1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the $1,066,693 which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Incorporated) (North Carolina) and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area. (May 22, 1926, c. 363, § 2, 44 Stat. 616.)

New section.

403b. Administration; Federal Water Power Act inapplicable; minimum area.—The administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes,"[10] as amended: *Provided*, That the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act,[11] shall not apply to these parks: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be for the Shenandoah National Park area two hundred and fifty thousand acres and for the Great Smoky Mountains National Park area one hundred and fifty thousand acres: *Provided further*, That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary. (May 22, 1926, c. 363, § 3, 44 Stat. 616.)

New section.

403c. Use of existing commission.—The Secretary of the Interior may for the purpose of carrying out the provisions of this Act employ the commission authorized by the Act approved February 21, 1925.[12] (May 22, 1926, c. 363, § 4, 44 Stat. 617.)

New section.

MAMMOTH CAVE NATIONAL PARK. [New]

404. Mammoth Cave National Park established.—When title to lands within the area hereinafter referred to shall have been vested in the United States in fee simple, there shall be, and there is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately seventy thousand six hundred and eighteen acres, recommended as a National Park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the Act of February 21, 1925; which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (May 25, 1926, c. 382, § 1, 44 Stat. 635.)

New section.

404a. Acceptance of title to lands.—The Secretary of the Interior is hereby authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in the previous section hereof, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase. (May 25, 1926, c. 382, § 2, 44 Stat. 635.)

404b. Administration; Federal Water Power Act inapplicable; minimum area.—The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes,"[10] as amended: *Provided*, That the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act,[11] shall not apply to this park: *And provided further*, That the minimum area to be administered and protected

[9] The Act of Jan. 26, 1915, referred to in the text, constitutes §§ 191, 193 to 195 of this title in the Code.

[10] The Act of Aug. 25, 1916, referred to in the text, constitutes §§ 1–4 of this title in the Code.

[11] The Act of June 10, 1920, referred to in the text, constitutes §§ 791 to 823 of this title in the Code.

[12] A temporary Act (43 Stat. 856) not carried into the Code, providing for a commission to inspect the battle ground of the seige of Petersburg, Va.

by the National Park Service shall be, for the said Mammoth Cave National Park, twenty thousand acres, including all of the caves: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary. (May 25, 1926, c. 382, § 3, 44 Stat. 636.)

New section.

404c. Use of existing commission.—The Secretary of the Interior may, for the purpose of carrying out the provisions of this Act, employ the commission authorized by the Act approved February 21, 1925.[12] (May 25, 1926, c. 382, § 4, 44 Stat. 636.)

New section.

COOS COUNTY, OREGON. [New]

405. Reservation for park and camp sites.—That the northeast quarter northwest quarter, lot 1, section 7, township 28 south, range 9 west, the southwest quarter northeast quarter, north half southeast quarter, section 5, township 27 south, range 11 west, the west half southwest quarter, section 5, the south half northwest quarter, section 11, township 28 south, range 11 west, the south half southeast quarter and east half southwest quarter, section 35, township 27 south, range 12 west, Willamette Meridian, Coos County, Oregon, formerly a part of the Coos Bay military wagon road grant, subject to valid existing rights and as to lands withdrawn for water power purposes to all the provisions of the Federal water power Act of June 10, 1920 (Forty-first Statutes at Large, page 1063),[11] and to the cutting and removal of the merchantable timber on the northeast quarter southwest quarter, section 35, township 27 south, range 12 west, pursuant to a sale thereof heretofore made, be, and the same hereby are, reserved and set apart as public parks and camp sites for recreational purposes and to preserve the rare groves of myrtle trees thereon, such lands to be placed under the care, control, and management of the county court of Coos County, Oregon, in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That all the expense of such care, control, and management shall be paid by the said county court. (May 5, 1926, c. 241, § 1, 44 Stat. 397.)

New section.

405a. Rules and regulations; fees.—The said county court may make necessary rules and regulations governing the use of such lands and may charge such reasonable fees as may be necessary to provide funds for the upkeep, care, and protection of such reserved lands and the myrtle trees thereon, the said regulations and fees chargeable to be approved by the Secretary of the Interior before becoming effective. (May 5, 1926, c. 241, § 2, 44 Stat. 398.)

New section.

THE NATIONAL MILITARY PARKS

422. Moores Creek National Military Park; establishment.—In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battle field of Moores Creek, in the State of North Carolina, is hereby declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract: Beginning at a stone at the run of Moores Creek, on the east bank of same, about twenty poles (in a straight line) above the new iron bridge, and running thence parallel to William Walker's line, south sixty-two and one-half degrees west eleven chains to a stake; thence south seven and one-half degrees east three and six-tenths chains to a stone at the south edge of the old stage road; thence along the south edge of said road south forty-six degrees east about five chains and eighty links to a stone; thence south thirty-seven and one-fourth degrees west fourteen chains and twelve links to a stone; thence north sixty-two and one-half degrees west ten chains and seventy-five links to a stone, a corner (4) of an eight-acre tract which the parties of the first part conveyed to Governor D. L. Russell, for the purposes aforesaid, by a deed dated January, 1898, and recorded in Pender County; thence with the lines of said tract north thirty-nine and one-half degrees east thirteen chains and twenty-seven links to a stake, the third corner of the said eight-acre tract; thence north fifty-one degrees west four chains to a stake about twenty feet from the old entrenchment (the second corner of the eight-acre tract); thence with the first line reversed north forty-four degrees west two chains to a sweet gum at the run of Moores Creek (the first corner of the eight-acre tract); thence up and with the run of said creek to the first station, containing twenty acres.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south forty-four degrees east two poles to a stake; thence south fifty-one degrees east four poles five links to a stake; thence south thirty-nine degrees west thirteen poles twenty-seven links to a stake; thence north fifty-one degrees west nine poles thirty-one links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing eight acres, more or less.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about twenty feet from the west end of the old entrenchments and running thence in a line parallel to and ten feet distance from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake ten feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing two acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battlefield and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate thirty acres, more or less, and being the property of the State of North Carolina, and the area thus inclosed shall be known as the Moores Creek National Military Park. (June 2, 1926, c. 448, § 1, 44 Stat. 684.)

New section.

422a. Control by Secretary of War; acceptance of lands.—The establishment of the Moores Creek National Military Park shall be carried forward under the control and direction of the Secretary of War, who is hereby authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing thirty acres, more or less, and described more particularly in the preceding section. (June 2, 1926, c. 448, § 2, 44 Stat. 685.)

New section.

422b. Duties of Secretary of War.—The affairs of the Moores Creek National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the park or its vicinity;

[11] The Act of June 10, 1920, referred to in the text, constitutes §§ 791 to 823 of this title in the Code.

[12] A temporary Act (43 Stat. 856) not carried into the Code, providing for a commission to inspect the battle ground of the siege of Petersburg, Va.

and the Secretary of War in establishing this military park is authorized to employ such labor and services and to obtain such supplies and material as may be considered best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park. (June 2, 1926, c. 448, § 3, 44 Stat. 685.)

New section.

422c. Ascertaining and marking of lines of battle.—It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Military Park, to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War. (June 2, 1926, c. 448, § 4, 44 Stat. 686.)

New section.

422d. Monuments, etc., protected.—If any person shall, except by permission of the Secretary of War, destroy, deface, injure, or remove any monument, column, statues, memorial structures, or work of art, which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber, battle relic, tree, or tree growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more than $50, one half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature are now by law recoverable in the said county of Pender, State of North Carolina. (June 2, 1926, c. 448, § 5, 44 Stat. 686.)

New section.

423. Petersburg National Military Park; establishment.—In order to commemorate the campaign and siege and defense of Petersburg, Virginia, in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein the battle fields at Petersburg, in the State of Virginia, are hereby declared a national military park whenever the title to the same shall have been acquired by the United States by donation and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia—that is to say, one hundred and eighty-five acres or so much thereof as the Secretary of War may deem necessary in and about the city of Petersburg, State of Virginia. (July 3, 1926, c. 746, § 1, 44 Stat 822.)

New section.

423a. Acceptance of donations of lands.—The Secretary of War is hereby authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Military Park. (July 3, 1926, c. 746, § 2, 44 Stat. 822.)

New section.

423b. Commission; organization.—The affairs of the Petersburg National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of War, one of whom shall be designated as chairman and another as secretary of the commission. (July 3, 1926, c. 746, § 3, 44 Stat. 822.)

New section.

423c. Duties of commission.—It shall be the duties of the commissioners, under the direction of the Secretary of War, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park, or in its vicinity, and the said commission in establishing the park shall have authority, under the direction of the Secretary of War, to employ such labor and service at rates to be fixed by the Secretary of War, and to obtain such supplies and materials as may be necessary to carry out the provisions of this Act. (July 3, 1926, c. 746, § 4, 44 Stat. 822.)

New section.

423d. Acceptance and disposition of gifts.—The commission, acting through the Secretary of War, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Petersburg National Military Park Fund," which fund shall be applied to and expended under the direction of the Secretary of War, for carrying out the provisions of this Act.[12a] (July 3, 1926, c. 746, § 5, 44 Stat. 822.)

New section.

423e. Ascertaining and marking lines of battle.—It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Military Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of War and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of War may be used by any other State. (July 3, 1926, c. 746, § 6, 44 Stat. 823.)

New section.

423f. Protection of monuments, etc.—If any person shall, except by permission of the Secretary of War, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, justice of the peace of the county in

[12a] "This Act" should be translated "sections 423 to 423i of this title of the appendix."

which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States commissioner or court, justice of the peace or other court, according to the aggravation of the offense, of not less than $5 nor more than $500, one half for the use of the park and the other half to the informant, to be enforced and recovered before such United States commissioner or court, justice of the peace or other court, in like manner as debt of like nature are now by law recoverable in the several counties where the offense may be committed. (July 3, 1926, c. 746, § 7, 44 Stat. 823.)

New section.

423g. Rules and regulations.—The Secretary of War, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park. (July 3, 1926, c. 746, § 8, 44 Stat. 823.)

New section.

423h. Report of completion; superintendent of park.—Upon completion of the acquisition of the land and the work of the commission, the Secretary of War shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of War and paid out of the appropriation available for the maintenance of the park. (July 3, 1926, c. 746, § 9, 44 Stat. 823.)

New section.

423i. Appropriation.—To enable the Secretary of War to begin to carry out the provisions of this Act,[13] there is hereby authorized to be appropriated not more than the sum of $15,000, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, after the United States has acquired title, and disbursements under this Act[13] shall be annually reported by the Secretary of War to Congress. (July 3, 1926, c. 746, § 10, 44 Stat. 823.)

New section.

424. Purchase of real estate for future military parks.

See § 455c of this title in the appendix.

NATIONAL MONUMENTS

431. National monuments; reservation of land; relinquishment of private claims.

Site of Battle of Little Big Horn.—Act Apr. 14, 1926, c. 138, 44 Stat. 251, reads as follows:

"The Secretary of the Interior is hereby authorized and directed to acquire, by condemnation or otherwise, such land as may be deemed appropriate, not exceeding one hundred and sixty acres, on the site of the battle with the Sioux Indians in which the commands of Major Marcus A. Reno and Major Frederick W. Benteen were engaged, and to erect thereon a suitable monument and historical tablet.

"Sec. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as may be necessary, to carry out the provisions of this Act."

MISCELLANEOUS

455. Study of battle fields for commemorative purposes.—The Secretary of War is hereby authorized to have made studies and investigations and, where necessary, surveys of all battle fields within the continental limits of the United States whereon troops of the United States or of the original thirteen colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battle fields or other adjacent points of historic and military interest. (June 11, 1926, c. 555, § 1, 44 Stat. 726.)

New section.

455a. Reports to Congress.—On or before December 1, 1926, the Secretary of War shall submit through the President to Congress a preliminary plan by which the purpose of this Act[14] can, in his opinion, be most economically carried out; and annually thereafter he shall submit through the President to Congress a detailed report of progress made under this Act[14] together with his recommendations for further operations. (June 11, 1926, c. 555, § 2, 44 Stat. 727.)

New section.

455b. Estimate of cost.—That the Secretary of War shall include annually in his War Department appropriation estimates a list of the battle fields for which surveys or other field investigations are planned for the fiscal year in question, together with the estimated cost of making each survey or other field investigation. (June 11, 1926, c. 555, § 3, 44 Stat. 727.)

New section.

455c. Purchase of real estate for military park.—That hereafter no real estate shall be purchased for military park purposes by the Government unless report thereon shall have been made by the Secretary of War through the President to Congress under the provisions of this Act.[14] (June 11, 1926, c. 555, § 4, 44 Stat. 727.)

New section.

456. Expense of depositing money payable from appropriations.—Hereafter appropriations made for the administration, protection, and maintenance of the national parks and national monuments under the jurisdiction of the Secretary of the Interior shall be available for the expense of depositing public money. (May 10, 1926, c. 277, § 1, 44 Stat. 491.)

New section.

Chapter 2.—THE NATIONAL FORESTS.

Sec.

471a. Colorado National Forest; transfer of park land to forest. [New.]
471b. Forest reserves in New Mexico and Arizona restricted. [New.]
485. Exchange of lands in national forests.
491. Export of timber and other products.
493. Nebraska National Forest; trees from for homestead settlers.
506. Agricultural lands opened to homestead entry.

471a. Colorado National Forest; transfer of park land to forest.

See § 195 of this title in the appendix.

471b. Forest reserves in New Mexico and Arizona restricted.—Hereafter no forest reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona except by Act of Congress. (June 15, 1926, c. 587, 44 Stat. 745.)

New section.

485. Exchange of lands in national forests.

Act Apr. 13, 1926, c. 131, 44 Stat. 248, authorizes the exchange of lands within the Medicine Bow National Forest, Wyoming.

Act Apr. 21, 1926, c. 167, 44 Stat. 303, provides for the acquirement by the United States of privately owned lands in New Mexico, within the Mora grant, and adjoining one or more national forests, and to exchange therefor land or timber in national forests in either New Mexico or Arizona, and requires that land thus acquired become part of the Carson National Forest or Santa Fe National Forest.

491. Export of timber and other products.

Section 491 of Title 16 repeated.—The statutory provision constituting § 491 of this title in the Code has been repeated in the Agriculture Department Appropriation Act for 1927. (Act May 11, 1926, c. 286, 44 Stat. 512.)

[13] "This Act" should be translated "sections 423 to 423i of this title in the appendix."

[14] "This Act" should be translated "sections 455 to 455c of this title in the appendix."

493. Nebraska National Forest; trees from for homestead settlers.

Section 493 of Title 16 repealed.—The statutory provision constituting § 493 of this title in the Code has been repeated in the Agriculture Appropriation Act for 1927. (Act May 11, 1926, c. 286, 44 Stat. 514.)

506. Agricultural lands opened to homestead entry.

Section 506 of Title 16 affected.—For legislation affecting this section, see § 40 of this title in the appendix.

Chapter 3.—FOREST PROTECTION; FOREST SERVICE; REFORESTATION.

Sec.

562a. Forest experiment station in Ohio and Mississippi Valleys. [New.]
562b. Forest experiment station in Pennsylvania. [New.]
565. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States.
566. Expenditure by Secretary of Agriculture for study of effects of tax laws, etc., upon forest perpetuation, etc.; appropriation.
567. Cooperation by Secretary of Agriculture with States in procuring, etc., forest-tree seeds and plants; limitation on expenditure; appropriation.
568. Cooperation by Secretary of Agriculture with States in establishing, etc., wood lots, shelter belts, windbreaks, etc.; limitation on expenditure; appropriation.
568a. Cooperation by Secretary of Agriculture with Territories and other possessions. [New.]

562a. Forest experiment station in Ohio and Mississippi Valleys.—The Secretary of Agriculture is authorized to establish and maintain a forest experiment station in the States of the Ohio Valley and central Mississippi Valley, at such a place or places as may be selected by him, and he is hereby authorized and directed to conduct silvicultural, forest-fire, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, and with States, universities, colleges, county and municipal agencies, associations, and individuals, to determine the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots. (July 3, 1926, c. 767, § 1, 44 Stat. 838.)

New section.

Section 2 of the Act cited to the text was as follows:

"An appropriation of $30,000 for the fiscal year ending June 30, 1927, for the establishment of the station provided by this Act and such annual appropriations as may thereafter be necessary for its maintenance and operation are hereby authorized."

562b. Forest experiment station in Pennsylvania.—In order to determine and demonstrate the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots, the Secretary of Agriculture is hereby authorized and directed to establish and maintain a forest experiment station at such place or places as may be determined as most suitable by him, in cooperation with the State of Pennsylvania and with the neighboring States, and to conduct such silvicultural and other forest experiments and investigations as may be necessary, either independently or in cooperation with other organizations, institutions, or individuals, and that to carry out the purposes of this Act[14a] an appropriation in the amount of $30,000 is hereby authorized. (July 3, 1926, c. 770, 44 Stat. 840.)

New section.

565. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States.—If the Secretary of Agriculture shall find that the system and practice of forest-fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this Act[14b] have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States. (June 7, 1924, c. 348, § 2, 43 Stat. 653; Mar. 3, 1925, c. 447, 43 Stat. 1127; Apr. 13, 1926, c. 119, 44 Stat 242.)

Section 565 of Title 16 amended.—The statutory provision constituting § 565 of Title 16 of the Code has been amended by Act of Apr. 13, 1926, c. 119, 44 Stat. 242, to read as above. The amendment related to the second sentence.

566. Expenditure by Secretary of Agriculture for study of effects of tax laws, etc., upon forest perpetuation, etc.; appropriation.

Section 567 of Title 16 affected.—This section is affected by § 568a of this chapter of the appendix.

567. Cooperation by Secretary of Agriculture with States in procuring, etc., forest-tree seeds and plants; limitation on expenditure; appropriation.

Section 567 of Title 16 affected.—This section is affected by § 568a of this chapter of the appendix.

568. Cooperation by Secretary of Agriculture with States in establishing, etc., wood lots, shelter belts, windbreaks, etc.; limitation on expenditure; appropriation.

Section 568 of Title 16 affected.—This section is affected by § 568a of this chapter of the appendix.

568a. Cooperation by Secretary of Agriculture with Territories and other possessions.—The Secretary of Agriculture is hereby authorized to cooperate with Territories and other possessions of the United States on the same terms and conditions as with States under sections 3, 4, and 5 of the Act of Congress entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924.[15] (Apr. 13, 1926, c. 134, 44 Stat. 250.)

New section.

Chapter 4.—PROTECTION OF TIMBER, AND DEPREDATIONS.

Sec.

614. Sale of timber killed or damaged by forest fires.
615. Disposal of proceeds of sale of burnt timber on existing claim.
616. Exportation of timber cut on national forest or public land in Alaska. [New.]

614. Sale of timber killed or damaged by forest fires.—The Secretary of the Interior is hereby authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, dead or down timber, or timber which has been seriously or permanently damaged by forest fires, on any lands of the United States, outside the

[14a] "Act" should be translated "section."

[14b] "Act" should be translated "chapter."

[15] Sections 3, 4, and 5 of the Act of June 7, 1924, mentioned in the text, constitute §§ 566, 567, and 568 of this title of the Code.

boundaries of national forests, including those embraced in unperfected claims under any of the public land laws, also upon the ceded Indian lands, the proceeds of all such sales to be covered into the Treasury of the United States: *Provided*, That such dead, down, or damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of such timber on any such lands shall be kept in a special fund to await the final determination of the claim. (Mar. 4, 1913, c. 165, § 1, 37 Stat. 1015; July 3, 1926, c. 779, § 1, 44 Stat. 890.)

Section 614 of Title 16 amended.—The provision of Act of March 4, 1913, c. 165, § 1, 37 Stat. 1015, constituting § 614 of Title 16 of the Code, has been amended by Act of July 3, 1926, c. 779, § 1, 44 Stat. 890, to read as above.

615. Disposal of proceeds of sale of burnt timber on existing claim.—Upon the certification of the Secretary of the Interior that any such claim has been finally approved and patented, the Secretary of the Treasury is hereby authorized and directed to pay to such claimant, his heirs, or legal representatives, the money received from the sale of such timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled, the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of such timber upon the lands embraced in such claim to the general fund in the Treasury derived from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided. (Mar. 4, 1913, c. 165, § 2, 37 Stat. 1016; July 3, 1926, c. 779, § 2, 44 Stat. 891.)

Section 615 of Title 16 amended.—The provision of Act of March 4, 1913, c. 165, § 2, 37 Stat. 1016, constituting § 615 of Title 16 of the Code, has been amended by Act of July 3, 1926, c. 779, § 2, 44 Stat. 891, to read as above.

616. Exportation of timber cut on national forest or public land in Alaska.—Timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are hereby authorized to issue rules and regulations to carry out the purposes of this Act.[15a] (Apr. 12, 1926, c. 117, 44 Stat. 242.)

New section.

Chapter 6.—GAME AND BIRD PRESERVES; PROTECTION.

Sec.

688. Sequoia National Game Preserve. [New.]
689. Tahquitz National Game Preserve. [New.]
689a. Other uses of land permitted. [New.]
689b. Hunting, etc., prohibited; penalties. [New.]
689c. Rules and regulations; predatory animals. [New.]
689d. Acceptance of title to privately owned lands. [New.]

688. Sequoia National Game Preserve.—All parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of this Act,[15b] are hereby designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any persons violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That it is the purpose of this section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further*, That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and the rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established. (July 3, 1926, c. 744, § 6, 44 Stat. 821.)

New section.

689. Tahquitz National Game Preserve.—There is hereby created within the San Bernardino National Forest in Riverside County, California, for the protection of game animals, and as the recognized breeding place therefore, the Tahquitz National Game Preserve, which shall include the following lands: Sections 28, 29, 30, 31, 32, 33, 34, and 35, township 3 south, range 3 east, San Bernardino meridian; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 4 south, range 3 east, San Bernardino meridian; and sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, and 24, township 5 south, range 3 east, San Bernardino meridian; but the establishment of this reservation shall not interfere with any existing right or withdrawals made prior to passage of this Act:[15c] *Provided*, That all the land with the exterior boundary of the aforesaid tract shall first become the property of the United States.

That where the Government survey has not been completed the aforesaid description shall be deemed to refer to and be determined by lines projected from the official survey. (July 3, 1926, c. 776, § 1, 44 Stat. 889.)

New section.

689a. Other uses of land permitted.—The lands included in said game preserve shall continue to be parts of the national forest and nothing contained in this Act[15c] shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established. (July 3, 1926, c. 776, § 2, 44 Stat. 889.)

New section.

689b. Hunting, etc., prohibited; penalties.—On lands within the game preserve established in section 2[16] of this Act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided, and any person violating any provision of this section or any of the rules and regulations made under the provisions of this Act[15c] shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding $500, or be imprisoned for a period not exceeding six months, or shall suffer both the fine and imprisonment, in the discretion of the court. (July 3, 1926, c. 776, § 3, 44 Stat. 889.)

New section.

[15a] "Act" should be translated "section."

[15b] "This Act" should be translated "section 45a of this title in the appendix."

[15c] "This Act" should be translated "sections 689 to 689d of this title in the appendix."

[16] The reference in the text to "section 2" is an obvious error, "section 1" (§ 689 of this title in the appendix) being intended.

689c. Rules and regulations; predatory animals.—The Secretary of Agriculture shall execute the provision of this Act,[17] and he is hereby authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purposes of this Act,[17] including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wild life within the limits of said game preserve. (July 3, 1926, c. 776, § 4, 44 Stat. 889.)

New section.

689d. Acceptance of title to privately owned lands.—Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established hereby, and make exchange therefor under the provisions of the Act approved March 20, 1922 (Forty-second Statutes, page 465).[18] (July 3, 1926, c. 776, § 5, 44 Stat. 889.)

New section.

Chapter 12.—WATER POWER.

Application to national parks.—To lands added to Mount Rainier National Park, see § 108 of this title in the appendix.

To lands added to Rocky Mountain National Park, see § 197 of this title in the appendix.

To Shenandoah National Park and Great Smoky Mountains National Park, see § 403b of this title in the appendix.

To Mammoth Cave National Park, see § 404b of this title in the appendix.

To lands reserved for park purposes in Coos County, Oreg., see § 405 of this title in the appendix.

Chapter 13.—REGULATION OF INTERSTATE TRANSPORTATION OF BLACK BASS. [New.]

Sec.
851. "Person" defined.
852. Transportation forbidden where law has been violated.
853. Penalty.
854. Effect on power of States.
855. Effect on shipment for breeding or stocking.
856. Time of taking effect.

851. "Person" defined.—When used in this Act[19] the word "person" includes company, partnership, corporation, association, and common carrier. (May 20, 1926, c. 346, 51, 44 Stat. 576.)

New section.

852. Transportation forbidden where law has been violated.—It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier or for any person knowingly to transport or carry, by any means whatsoever, from the State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (Micropterus salmoides) or any small-mouth black bass (Micropterus dolomieu) which has either been caught, sold, purchased, or possessed in violation of the law of the State, Territory, or the District of Columbia wherein the delivery of such black bass for transportation is made or the transaction or the carrying thereof begins. (May 20, 1926, c. 346, § 2, 44 Stat. 576.)

New section.

853. Penalty.—Any person violating the provisions of this Act[19] shall, upon conviction thereof, be punished by fine not exceeding $200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court. (May 20, 1926, c. 346, § 3, 44 Stat. 576.)

New section.

854. Effect on power of States.—Nothing in this Act[19] shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this Act,[19] or from making or enforcing laws or regulations which shall give further protection to large and small mouth black bass. (May 20, 1926, c. 346, § 4, 44 Stat. 576.)

New section.

855. Effect on shipments for breeding or stocking.—Nothing in this Act[19] shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes. (May 20, 1926, c. 346, § 5, 44 Stat. 576.)

New section.

856. Time of taking effect.—This Act[19] shall become effective immediately upon its passage and approval. (May 20, 1926, c. 346, § 6, 44 Stat. 576.)

New section.

[17] "This Act" should be translated "sections 689 to 689d of this title in the appendix."

[18] The Act of Mar. 20, 1922, *referred to in the text, constitutes* § 485 of this title in the Code.

[19] "This Act" should be translated "sections 851 to 856 of this title in the appendix."

[19] "This Act" should be translated "sections 851 to 856 of this title in the appendix."

TITLE 17.—COPYRIGHTS.

15. Mechanical work to be done in United States.—Of the printed book or periodical specified in section 5, subsections (a) and (b) of this Act,[1] except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engraving, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however*, That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this Act,[2] or to works printed or produced in the United States by any other process than those above specified in this section. (Mar. 4, 1909, c. 320, § 15, 35 Stat. 1078; July 3, 1926, c. 743, 44 Stat. 818.)

Section 15 of Title 17 amended.—Sec. 15 of Act of Mar. 4, 1909, c. 320, 34 Stat. 1078, constituting sec. 15 of the Code, has been amended by Act of July 3, 1926, c. 743, 44 Stat. 818, to read as above. The amendment added the words beginning with "or to works printed," etc., at end of section.

[1] "Section 5, subsections (a) and (b) of this Act" mentioned in the text, constitutes a part of § 5 of this title of the Code.

[2] "Act" should be translated "this title of the Code."

TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE.

PART 1.—CRIMES.

Chapter 4.—OFFENSES AGAINST OPERATIONS OF GOVERNMENT.

Sec.

103a. Coal land of United States; trespass; penalty. [New.]
103b. Existing rights; no interference. [New.]

103a. Coal land of United States; trespass; penalty.—That it shall be unlawful to mine and remove coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of the United States, or in deposits or beds reserved to the United States, with the intent wrongfully to appropriate, sell, or dispose of the same, and every person who shall violate any of the provisions of this Act[1] shall be deemed guilty of misdemeanor and fined not more than $1,000 or imprisoned not more than one year, or both. (July 3, 1926, c. 780, § 1, 44 Stat. 891.)

New section.

The Act of July 3, 1926, c. 780, 44 Stat. 891, cited to the text, was entitled, "An Act to define trespass on coal lands of the United States and to provide a penalty therefor." It contained two sections which constitute §§ 103a, 103b of this title of the appendix.

103b. Existing rights; no interference.—Nothing in this Act,[2] however, shall interfere with any right or privilege conferred by existing laws of the United States. (July 3, 1926, c. 780, § 2, 44 Stat. 891.)

New section.

See note to § 103a of this title of the appendix.

Chapter 5.—OFFENSES RELATING TO OFFICIAL DUTIES.

216. Disclosing operations of manufacturers, and income-tax returns.—It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. (R. S. § 3167, amended, Aug. 27, 1894, c. 349, § 34, 28 Stat. 557, Oct. 3, 1913, c. 16, § II, I, 38 Stat. 177, Sept. 8, 1916, c. 463, § 16, 39 Stat. 773, Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146, reenacted, Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311, June 2, 1924, 4:01 p. m., c. 234, § 1018, 43 Stat. 345, and Feb. 26, 1926, c. 27, § 1115, 44 Stat. 117.)

Section 216 of Title 18 repealed and reenacted.—The statute constituting section 216 of Title 18, "Criminal Code and Criminal Procedure," was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted in section 1115 of said Act and constitutes the text. This provision is also set out again in section 1025 of Title 26, in the appendix.

Chapter 8.—OFFENSES AGAINST POSTAL SERVICES.

349. (Criminal Code, section 220.) Counterfeiting foreign stamps.—Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeit postage stamp or revenue stamp of any foreign government shall be fined not more than $500, or imprisoned not more than five years, or both: *Provided, however*, That nothing in this Act[3] shall be held to repeal or modify an Act[4] entitled "An Act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates," approved March 3, 1923. (R. S. § 5465; March 4, 1909, c. 321, § 220, 35 Stat. 1132; May 26, 1926, c. 396, 44 Stat. 653.)

Section 349 of Title 18 amended.—The provisions of Act of Mar. 4, 1909, c. 321, § 220, 35 Stat. 1132, constituting § 349 of Title 18 of the Code, have been amended by Act of May 26, 1926, c. 396, 44 Stat. 653, to read as above. The amendment inserted the words "or revenue stamp" in the first paragraph, and added the proviso at the end thereof.

Act of Mar. 3, 1923, mentioned in the text constitutes § 350 of Title 18 of the Code.

PART 2.—CRIMINAL PROCEDURE

Chapter 16.—LIMITATIONS.

Sec.

585. Crimes under internal revenue laws.
586. Same; prosecutions instituted prior to amendment of preceding section.

585. Crimes under internal revenue laws.—No person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal revenue laws of the United States unless the indictment is found or the information instituted within three years next after the commission of the offense: *Provided*, That for offenses involving the defrauding or attempting to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, the period of limitation shall be six years, but this proviso shall not apply to acts, offenses, or transactions which were barred by law at the time of the enactment of the Revenue Act of 1924:[5] *Provided further*, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings: *Provided further*, That the provisions of this Act[3] shall not apply to offenses committed prior to its passage: *Provided further*, That where a complaint shall be instituted before a commissioner of the United States within the period above limited, the time shall be extended until the discharge of the grand jury at its next session within the district: *And provided further*, That this Act[3] shall not apply to offenses committed by officers of the United States. (July 5, 1884, c. 225, § 1, 23 Stat. 122, amended, Nov. 23, 1921, c. 136, § 1321(a), 42 Stat. 315, June 2, 1924, 4:01 p. m., c. 234, § 1010(a), 43 Stat. 341, and Feb. 26, 1926, c. 27, § 1110(a), 44 Stat. 115.)

Section 585 of Title 18 reenacted.—The statutory provision constituting § 585 of Title 18 of the Code was reenacted without change by Act Feb. 26, 1926, c. 27, § 1110 (a), 44 Stat. 114. It is set out as reenacted in the text.

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[1] "Act" should be translated "this section and section 103b."
[2] "Act" should be translated "this section and section 103a."
[3] "Act" should be translated "section."
[4] "Act" should be translated "section 350 of this title."
[5] The Revenue Act of 1924 was enacted June 2, 1924.

586. Same; prosecutions instituted prior to amendment of preceding section.

Section 586 of Title 18 reenacted.—The statutory provision constituting § 586 of Title 18 of the Code was reenacted without change by Act of Feb. 26, 1926, c. 27, § 1110 (b), 44 Stat. 115.

PART 3.—PRISONERS AND THEIR TREATMENT

Chapter 22.—GENERAL PROVISIONS.

700. Same; clothing and money on discharge.

Section 700 of Title 18 superseded.—The statutory provision constituting § 700 of Title 18 of the Code was superseded by Act of July 3, 1926, c. 795, 44 Stat. 901, constituting § 746 in this title of the appendix.

Chapter 23.—UNITED STATES PRISONS IN GENERAL.

746. Transportation home of discharged prisoners; clothing and money.—On the discharge from any prison of any person convicted under the laws of the United States on indictment he shall be furnished with transportation to the place of conviction or place of bona fide residence within the United States at the time of his commitment under sentence of the court, or to such place within the United States as may be authorized by the Attorney General; and if the term of his imprisonment shall have been six months or more he shall also be furnished with such suitable clothing as may be authorized by the Attorney General, and, in the discretion of the Attorney General, an amount of money not to exceed $20. For the furnishing of such clothing and money charge shall be made and allowed in the accounts of the said prison with the United States. (July 3, 1926, c. 795, 44 Stat. 901.)

Section 746 of Title 18 superseded.—The statutory provision constituting § 746 of Title 18 of the Code was superseded by Act of July 3, 1926, c. 795, 44 Stat. 901, cited to the text, and entitled "An Act to increase the clothing and cash gratuity furnished to persons discharged from prisons."

TITLE 19.—CUSTOMS DUTIES

Chapter 1.—COLLECTION DISTRICTS, PORTS, AND OFFICERS.

6. Deputies and other customs officers, laborers, and employees; appointment; compensation, and duties.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

Chapter 3.—THE TARIFF AND RELATED PROVISIONS.

Subtitle II.—FREE LIST

Sec.
122. Free list.

Subtitle III.—SPECIAL PROVISIONS

APPEALS AND PROTESTS

169. Appeals, etc., from determination of appraisers.

UNFAIR METHODS OF COMPETITION AND IMPORTATION UNLAWFUL

176. Same; conduct of investigations by Tariff Commission; findings; appeals to Court of Customs Appeals and review by Supreme Court.

Subtitle IV.—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

PART 2.—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

284. Manifests of vessels in coasting trade.
285. Entry for goods taken or delivered at intermediate ports.

PART 3.—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

361. Additional duties where merchandise undervalued; fraudulent undervaluation; assessment of duties upon amount less than entered value.
381. Appeal for reappraisement to Board of General Appraisers.
385. Assessment of ad valorem duties; duties on coverings or containers.
392. Examination of importers, consignees, agents, etc.; production of documents.
394. Inspection of exporter's books; failure to permit; prohibiting importation; withholding delivery of and selling merchandise imported.
395. Inspection of importer's books; prohibiting importation; withholding delivery of and selling merchandise.
398. Protests; necessity for; time for filing; contents; amendment.
399. Same; review of decision by collector; refunds; finality of determination on protest.
400. Complaint by American manufacturer, producer, or wholesaler; appraised value of imported merchandise; appeal for reappraisement by Secretary of Treasury, consignee, or American manufacturer, etc.
402. Same; copies of appeals and protests for consignee; appearance by consignee before Board of General Appraisers; appeal to Court of Customs Appeals.
403. Same; inspection of documents, etc., of consignee by American manufacturer, etc.
404. Frivolous appeals or protests; penalty; filing appeal.
405. Board of General Appraisers; members; vacancies; salaries; removal; office; powers of board and members thereof; president; expenses; retirement.
405a. "Board of General Appraisers"; title changed to "United States Customs Court"; title of members. [New.]
405b. Activities and constitution of board unaffected. [New.]
406. Decisions of general appraisers; filing; inspection; copies for collectors and Secretary of Treasury; publication.

PART 4.—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

464. Deterioration of or injury to merchandise in bonded warehouses; abatement or allowances for; abandonment of merchandise by consignee.

PART 5.—ENFORCEMENT PROVISIONS

532. Remission or mitigation of fines, penalties, or forfeitures.

Subtitle II.—Free List

122. Free list.

SCHEDULE 15

Paragraph 1506 of section 122 of Title 19 affected.—Paragraph 1506 of section 122 of Title 19 was affected by resolution of May 24, 1926, c. 378, 44 Stat. 629, which reads as follows:

"Notwithstanding the provisions of paragraph 1506 of Title II of the Tariff Act of 1922 cattle which heretofore have strayed across the boundary line into any foreign country, or which have been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before May 1, 1926, and the offspring and increase of any such cattle, shall be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury if brought into the United States at any time before December 31, 1926.

"SEC. 2. The Secretary of the Treasury shall, under regulations prescribed by him, remit and refund any duties on any such cattle and their offspring and increase brought into the United States after December 30, 1925, and before the enactment of this resolution. Such refunds shall be made upon application therefor made within one year after the enactment of this resolution. There is hereby authorized to be appropriated an amount necessary to make such refunds."

Subtitle III.—Special Provisions

APPEALS AND PROTESTS

169. Appeals, etc., from determination of appraisers.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 699, constituting § 405a of this title of the appendix.

UNFAIR METHODS OF COMPETITION AND IMPORTATION UNLAWFUL

176. Same; conduct of investigations by Tariff Commission; findings; appeals to Court of Customs Appeals and review by Supreme Court.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

Subtitle IV.—Customs Administration

ADMINISTRATIVE PROVISIONS

PART 2.—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

284. Manifests of vessels in coasting trade. [Repealed.]

Section 284 of Title 19 repealed.—The provisions of R. S. 3116, constituting § 284 of Title 19 of the Code, have been repealed by Act of July 3, 1926, c. 757, § 3, 44 Stat. 832, entitled "An Act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York."

285. Entry for goods taken or delivered at intermediate ports. [Repealed.]

Section 285 of Title 19 repealed.—The provisions of R. S. 3117, constituting § 285 of Title 19 of this Code, have been repealed by Act of July 3, 1926, c. 757, § 3, 44 Stat. 832, entitled "An Act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York."

PART 3.—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

361. Additional duties where merchandise undervalued; fraudulent undervaluation; assessment of duties upon amount less than entered value.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

381. Appeal for reappraisement to Board of General Appraisers.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

385. Assessment of ad valorem duties; duties on coverings or containers.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

392. Examination of importers, consignees, agents, etc.; production of documents.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

394. Inspection of exporter's books; failure to permit; prohibiting importation; withholding delivery of and selling merchandise imported.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

395. Inspection of importer's books; prohibiting importation; withholding delivery of and selling merchandise.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

398. Protests; necessity for; time for filing; contents; amendment.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

399. Same; review of decision by collector; refunds; finality of determination on protest.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

400. Complaint by American manufacturer, producer, or wholesaler; appraised value of imported merchandise; appeal for reappraisement by Secretary of Treasury, consignee, or American manufacturer, etc.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

402. Same; copies of appeals and protests for consignee; appearance by consignee before Board of General Appraisers; appeal to Court of Customs Appeals.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

403. Same; inspection of documents, etc., of consignee by American manufacturer, etc.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

404. Frivolous appeals or protests; penalty; filing appeal.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

405. Board of General Appraisers; members; vacancies; salaries; removal; office; powers of board and members thereof; president; expenses; retirement.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

405a. "Board of General Appraisers"; title changed to "United States Customs Court"; title of members.—The Board of General Appraisers shall hereafter be known as the United States Customs Court and the members thereof shall hereafter be known as the chief justice and the associate justices of the United States Customs Court. (May 28, 1926, c. 411, § 1, 44 Stat. 669.)

New section. The Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, cited to the text, was entitled "An Act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known." It contained two sections, which constitute §§ 405a, 405b of this title of the appendix.

405b. Activities and constitution of board unaffected.—The jurisdiction, powers, and duties of said board, its subdivisions and its officers, and their appointment, including the designation of its presiding officers, and the immunities, tenure of office, powers, duties, rights, and privileges of the members of said board, shall remain the same as by existing law provided. (May 28, 1926, c. 411, § 2, 44 Stat. 669.)

New section. See note to § 405a of this title of the appendix.

406. Decisions of general appraisers; filing; inspection; copies for collectors and Secretary of Treasury; publication.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

PART 4.—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

464. Deterioration of or injury to merchandise in bonded warehouses; abatement or allowances for; abandonment of merchandise by consignee.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

PART 5.—ENFORCEMENT PROVISIONS

532. Remission or mitigation of fines, penalties, or forfeitures.

The title "Board of General Appraisers" was changed to "United States Customs Court" by Act of May 28, 1926, c. 411, § 1, 44 Stat. 669, constituting § 405a of this title of the appendix.

TITLE 21.—FOOD AND DRUGS

Chapter 4.—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS.

Sec. IMPORTATION OF CATTLE AND QUARANTINE
104. Importation of diseased animals prohibited.

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION
115. Transportation of diseased livestock prohibited; splenetic fever.
129. Payment for animals purchased; computation of value, and amount paid.

IMPORTATION OF CATTLE AND QUARANTINE

104. Importation of diseased animals prohibited.—The importation of meat,[1] cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their importation, is hereby prohibited: *Provided*, That the Secretary of Agriculture within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States. (Aug. 30, 1890, c. 839, § 6, 26 Stat. 416; June 28, 1926, c. 700, § 2, 44 Stat. 775.)

Section 104 of Title 21 amended.—The provision of Act of Aug. 30, 1890, c. 839, § 6, 26 Stat. 416, constituting § 104 of Title 21 of the Code, has been amended by Act of June 28, 1926, c. 700, § 2, 44 Stat. 775, to read as above. The introductory part of § 2 provided as follows: "That section 6, chapter 839, 'An Act providing for the inspection of meats for exportation, prohibiting the importation of adulterated articles of food and drink, and authorizing the President to make proclamation in certain cases, and for other purposes,' approved August 30, 1890, be amended to hereafter read as follows:"

Section 1 of the Act of June 28, 1926, c. 700, 44 Stat. 774, constitutes § 115 of this title of the appendix.

Section 3 of the Act of June 28, 1926, c. 700, 44 Stat. 775, provided as follows: "That all laws or parts of laws in conflict with this Act be, and they are hereby, expressly repealed."

[1] Sec. 6 of Act of Aug. 3, 1890, constituting § 104 of Title 21 of the Code, here amended, contained the words "neat cattle," instead of "meat, cattle," contained in the amending statute. It is probable that "meat, cattle," is an error.

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

115. Transportation of diseased livestock prohibited; splenetic fever.—No railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot, or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia: *Provided*, That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations as the Secretary of Agriculture may prescribe. (May 29, 1884, c. 60, § 6, 23 Stat. 32; June 28, 1926, c. 700, § 1, 44 Stat. 774.)

Section 115 of Title 21 amended.—The provisions of Act of May 29, 1884, c. 60, § 6, 23 Stat. 32, constituting § 115 of Title 21 of the Code, have been amended by Act of June 28, 1926, c. 700, § 1, 44 Stat. 774, entitled "An Act to amend section 6 of the Act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said Act."

The introductory part of § 1 of the Act of June 28, 1926, provided as follows: "That the proviso in section 6 of the Act of May 29, 1884, entitled 'An Act for the establishment of a Bureau of Animal Industry, and so forth,' be, and the same is hereby, repealed so that section 6, as amended, will read as follows:"

Section 2 of Act of June 28, 1926, c. 700, 44 Stat. 774, constitutes § 104 of this title of the appendix.

Section 3 of the Act of June 28, 1926, c. 700, 44 Stat. 775, provided as follows: "That all laws or parts of laws in conflict with this Act be, and they are hereby, expressly repealed."

129. Payment for animals purchased; computation of value, and amount paid.

Section 129 of Title 21 repealed.—The statutory provision constituting § 129 of Title 21 of the Code, has been repealed in Act of May 11, 1926, c. 286, 44 Stat. 529.

TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

Chapter 1.—DIPLOMATIC AND CONSULAR SERVICE GENERALLY.

ORGANIZATION OF "FOREIGN SERVICE OF UNITED STATES"

Sec.
16. Special details and inspectors; allowance for expenses.
21. Retirement and disability system; establishment; rules and regulations.
21a. Chief of Division of Western European Affairs. [New.]

DIPLOMATIC OFFICERS GENERALLY

35. Clerks at embassies and legations.

CONSULAR OFFICERS GENERALLY

56. Consular clerks; appointment.

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

133. Purchase of buildings for Diplomatic and Consular Service.

ORGANIZATION OF "FOREIGN SERVICE OF UNITED STATES"

16. Special details and inspectors; allowance for expenses.

Section 16 of Title 22 affected.—The State, etc., Appropriation Act of Apr. 29, 1926, c. 195, Title I, 44 Stat. 333, provided as follows: "Inspectors shall not be allowed actual and necessary expenses for subsistence, itemized, exceeding an average of $8 per day."

21. Retirement and disability system; establishment; rules and regulations.

(c) *Deductions from salaries of Foreign Service officers.*—Five per centum of the basic salary of all Foreign Service officers eligible to retirement shall be contributed to the Foreign Service retirement and disability fund, and the Secretary of the Treasury is directed on and after the date on which this Act takes effect to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the Foreign Service retirement and disability fund for the payment of annuities, refunds, and allowances: *Provided*, That for the purpose of computing deductions and calculating annuities all basic salaries in excess of $9,000 per annum shall be treated as $9,000.

(o) *Rights of diplomatic secretaries or consular officers promoted to grade of ambassador or minister or appointed to position in State Department.*—Any diplomatic secretary or consular officer who has been or any Foreign Service officer who may hereafter be promoted from the classified service to the grade of ambassador or minister or appointed to a position in the Department of State shall be entitled to all the benefits of the Foreign Service retirement and disability system provided by section 18 of this Act [1] in the same manner and under the same conditions as Foreign Service officers; and there shall likewise be entitled to the benefits of said system in the same manner and under the same conditions as Foreign Service officers any ambassador or minister or any Assistant Secretary of State now in the service, who at the time of original appointment to the grade of ambassador or minister or to the position of Assistant Secretary of State was a diplomatic secretary or consular officer or who at any time prior to such appointment had served for a period of ten years as diplomatic secretary or consular officer or in the Department of State or on special duty under the Department of State or in any or all of these capacities. (May 24, 1924, c. 182, § 18, 43 Stat. 144; July 3, 1926, c. 798, § 1, 44 Stat. 902.)

Section 21 of Title 22, amended.—Subsections (c) and (o) of Act of May 24, 1924, c. 182, § 18, 43 Stat. 144, constituting § 21 of Title 22 of the Code have been amended by Act of July 3, 1926, c. 798, § 1, 44 Stat. 902 to read as above. The amendment substituted in subsection (c) the effective date of the amending act in place of July 1, 1924, and added to subsection (o) the last sentence as set out above.

[1] "Section 18 of the Act" should be translated "this section."

21a. Chief of Division of Western European Affairs.—The Chief of the Division of Western European Affairs shall be entitled to participate in and have the benefits of said Foreign Service retirement and disability fund.[2] (July 3, 1926, c. 798, § 2, 44 Stat. 902.)

New section.

The first section of the Act of which the text is the second section, constitutes § 21 in this chapter of Title 22 of the appendix.

DIPLOMATIC OFFICERS GENERALLY

35. Clerks at embassies and legations.

Section 35 of Title 22 repeated.—The statutory provision constituting § 35 of Title 22 of the Code was repeated in Act of Apr. 29, 1926, c. 195, 44 Stat. 331.

CONSULAR OFFICERS GENERALLY

56. Consular clerks; appointment.

Section 56 of Title 22 repeated.—The statutory provision constituting § 56 of Title 22 of the Code was repeated in Act of Apr. 29, 1926, c. 195, Title I, 44 Stat. 333.

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

133. Purchase of buildings for Diplomatic and Consular Service. [Repealed.]

The Act of Feb. 17, 1911, c. 105, 36 Stat. 917, which constitutes § 133 of Title 22 of the Code was repealed by Act of May 7, 1926, c. 250, § 7, set out in §§ 292–299 of this title in the appendix.

Chapter 3.—UNITED STATES COURT FOR CHINA.

Sec.
211. Issuance of passports authorized; manner of issuing.
211a. Authority to grant, issue, and verify. [New.]
214a. Fees erroneously charged and paid; refund. [New.]
217. Time limitation as to validity of passport or visa.
217a. Validity of passport or visa; limitation of time; renewal. [New.]

201. Expenses of judge and district attorney in attendance on sessions in other cities than Shanghai.

Section 201 repeated.—The statutory provision constituting § 201 of Title 22 of the Code was repeated in Act Apr. 29, 1926, c. 195 Title I, 44 Stat. 341.

Chapter 4.—PASSPORTS.

211. Issuance of passports authorized; manner of issuing. [Repealed.]

R. S. § 4075 as amended by Act June 14, 1902, c. 1088, § 1, 32 Stat. 386, constituting § 211 of Title 22 of the Code was repealed by § 4 of the Act of July 3, 1926, c. 772, 44 Stat. 887, entitled "An Act to regulate the issue and validity of passports, and for other purposes." The subject matter of this section was reenacted in part by § 1 of the repealing Act and constitutes § 211a of this Title of the Appendix immediately following. Sections 2 and 3 constitute §§ 217a and 214a of this title, respectively.

211a. Authority to grant, issue and verify.—The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for

[2] "Said Foreign Service retirement and disability fund" should be translated "section 18 of Title 22 of the Code."

and on behalf of the United States, and no other person shall grant, issue, or verify such passports. (July 3, 1926, c. 772, 44 Stat. 887.)

New section. See note to § 211.

214a. Fees erroneously charged and paid; refund.—That whenever a fee is erroneously charged and paid for the issue of a passport to a person who is exempted from the payment of such a fee by section 1 of "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," approved June 4, 1920 (Forty-first Statutes, p. 750),[3] the Department of State is hereby authorized to refund to the person who paid such fee the amount thereof, and the money for that purpose is hereby authorized to be appropriated. (July 3, 1926, c. 772, § 3, 44 Stat. 887.)

New section. See note to § 211.

217. Time limitation as to validity of passport or visa. [Repealed.]

Act of June 4, 1920, c. 223, § 3,, 41 Stat. 751, constituting § 217 of Title 22 of the Code, was repealed by § 4 of the Act July 3, 1926, c. 772, 44 Stat. 887. The subject matter of this section was reenacted as a part of § 217a immediately following.

217a. Validity of passport or visa; limitation of time; renewal.—The validity of a passport or visa shall be limited to a period of two years: *Provided*, That the Secretary of State may limit the validity of a passport or visa to a shorter period and that no immigration visa shall be issued for a longer period than that specified in the Immigration Act of 1924[4] or amendments thereto: *And provided further*, That a passport may be renewed without any additional charge under regulations prescribed by the Secretary of State, and at his discretion to bona fide teachers, but the final date of expiration shall not be more than four years from the original date of issue. (July 3, 1926, c. 772, § 2, 44 Stat. 887.)

New section. See note to § 211.

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

265. Disposition of receipts for support of Pan American Union.

Section 265 of Title 22 repeated.—The statutory provision constituting § 265 of Title 22 of the Code was repeated in Act Apr. 29, 1926, c. 195, Title I, 44 Stat. 336.

Chapter 8.—FOREIGN SERVICE BUILDINGS.

Sec.

291. Lease of buildings, etc., for offices; living quarters, heat, light, and equipment. [New.]
292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space. [New.]
293. Foreign Service Buildings Commission established; composition; duties; prior commission abolished; rules and reports. [New.]
294. Manner of use of buildings; contracts for construction, etc. [New.]
295. Appropriation; Foreign Service Building Fund expenditures. [New.]
296. Duties of Secretary of State with respect to commission and properties. [New.]
297. Acquisition of property by lease. [New.]
298. Repeal of prior Act; effect. [New.]
299. Title of Act. [New.]

291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment.—The Secretary of State may lease or rent, for periods not exceeding ten years, such buildings and grounds for offices for the Foreign Service as may be necessary; and he may, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, continue to furnish the chief diplomatic representatives and their minor employees in foreign countries and officers and employees in the Foreign Service in China, Japan, and Turkey with living quarters, heat, light, and household equipment in Government-owned buildings and in buildings rented for use as offices at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 1765[5] of the Revised Statutes, and appropriations for "Contingent Expenses, Foreign Missions," and "Contingent Expenses, Consulates," are hereby made available for such purposes; and he is also authorized, in his discretion, to furnish living quarters in such buildings to other officers and employees not herein provided for, at rates to be determined by him. (Apr. 29, 1926, c. 195, Title I, 44 Stat. 333.)

New section.

292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space.—That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made pursuant to this Act,[4a] in foreign capitals and in other foreign cities, sites and buildings, and to alter, repair, and furnish such buildings, for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating, to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government. (May 7, 1926, c. 250 § 1, 44 Stat. 403.)

New section. This section and §§ 293–299 immediately following are §§ 1–8 of an Act entitled "An Act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America," cited to the text.

293. Foreign Service Buildings Commission established; composition; duties; prior commission abolished; rules and reports.—(a) There is hereby established a joint commission, to be known as the Foreign Service Buildings Commission, and to be composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Committee on Foreign Relations of the Senate, and the chairman and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives. A member of the commission may continue to serve as a member thereof until his successor has qualified.

(b) It shall be the duty of the commission to consider, formulate, and to approve plans and proposals for the acquisition and utilization of the sites and buildings authorized by section 1, and of sites and buildings heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, including the initial furnishings of such buildings and the initial alteration and repair of purchased buildings and grounds. The commission established by the Act entitled "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922," approved March 2, 1921, is hereby abolished.

(c) The commission shall prescribe rules and regulations for carrying into effect the provisions of this Act,[4a] and shall make an annual report to the Congress. (May 7, 1926, c. 250, § 2, 44 Stat. 404.)

New section. See note to § 292.

[3] Sec. 1 of the Act of June 4, 1920, 41 Stat. 750, mentioned in the text constitutes § 214 of this title of the Code.

[4] The provision of the Immigration Act of 1924 relating to limitation on immigrant visas, mentioned in the text, constitutes subdivision (c) of § 202 of Title 8 of the Code.

[4a] "This Act" should be translated "sections 292 to 299 of this title of the appendix."

[5] R. S. § 1765 mentioned in the text constitutes § 70 of Title 5 of the Code.

294. Manner of use of buildings; contracts for construction, etc.—Buildings and grounds acquired under this Act [5a] or heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may, subject to the direction of the commission, be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for all work of construction, alteration, and repair under this Act [5a] are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, in the judgment of the commission, without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States. (May 7, 1926, c. 250, § 3, 44 Stat. 404.)

New section. See note to § 292.

295. Appropriation; Foreign Service Building Fund; expenditures.—For the purpose of carrying into effect the provisions of this Act [5a] there is hereby authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Building Fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this Act [5a] the Secretary of State, subject to the direction of the commission, may enter into contracts for the acquisition of the buildings and grounds authorized by this Act.[5a] In the case of the buildings and grounds authorized by this Act,[5a] after the initial alterations, repairs, and furnishing have been completed, subsequent expenditures for such purposes shall not be made out of the appropriations authorized by this Act.[5a] (May 7, 1926, c. 250, § 4, 44 Stat. 404.)

New section. See note to § 292.

296. Duties of Secretary of State with respect to commission and properties.—The Secretary of State is empowered, subject to the direction of the commission, to collect information and to formulate plans for the use of the commission and to supervise and preserve the diplomatic and consular properties of the United States in foreign countries and the properties acquired under this Act.[5a] In the collection of such information and in the formulation of such plans he may, subject to the direction of the commission, obtain such special architectural or other expert technical services as may be necessary and pay therefor, not exceeding in any case 5 per centum of the cost of construction or remodeling of the properties in respect to which said special services are rendered, from such appropriations as Congress may make under this Act,[5a] without regard to civil service laws or regulations and the provisions of the Classification Act of 1923. (May 7, 1926, c. 250, § 5, 44 Stat. 404.)

New section. See note to § 292.

297. Acquisition of property by lease.—The authority granted to acquire sites and buildings by purchase shall, in cases where it is impossible to acquire title, be construed as authority to acquire the property by lease for a term sufficiently long, in the judgment of the commission, to be practically equivalent to the acquisition of title. (May 7, 1926, c. 250, § 6, 44 Stat. 405.)

New section. See note to § 292.

298. Repeal of prior Act; effect.—The Act entitled "An Act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad," approved February 17, 1911,[6] is repealed, but such repeal shall not invalidate appropriations already made under the authority of such Act. (May 7, 1926, c. 250, § 7, 44 Stat. 405.)

New section. See note to § 292.

299. Title of Act.—This Act [5a] may be cited as the "Foreign Service Buildings Act, 1926." (May 7, 1926, c. 250, § 8, 44 Stat. 405.)

New section. See note to § 292.

[5a] "This Act" should be translated "sections 292 to 299 of this title of the appendix."

[6] The Act of Feb. 17, 1911, c. 105, 36 Stat. 917, repealed by this section constituted § 133 of Title 22 of the Code.

TITLE 23.—HIGHWAYS

Chapter I.—FEDERAL HIGHWAY ACT.

23. Forest roads and trails; appropriation; manner of expenditure.

Section 23 of Title 23 affected.—Additional appropriation for Federal-aid roads are provided by Act of June 22, 1926, c. 648, 44 Stat. 760, and also Act of May 11, 1926, 44 Stat. 530.

TITLE 24.—HOSPITALS, ASYLUMS, AND CEMETERIES

Chapter 2.—THE SOLDIERS' HOME.

Sec.
41. Board of commissioners; composition.
42. Report of president.

41. Board of commissioners; composition.

Section 41 of Title 24 amended.—The provisions of Act Mar. 4, 1909, c. 299, § 1, 35 Stat. 1004, constituting in part § 41 of Title 24 of the Code, has been amended by Act of May 11, 1926, c. 285, 44 Stat. 499, as follows: Hereafter the Board of Commissioners of the United States Soldiers' Home shall consist of the following-named officers of the Army: The Surgeon General, The Adjutant General, the Quartermaster General, the Chief of Engineers, the Judge Advocate General, the Chief of Finance, and the governor of the home; * * *. The amendment adds the "Chief of Finance" to the board.

42. Report of president.

Section 42 of Title 24 repealed.—The statutory provision constituting § 42 of Title 24 was repeated in Act May 1, 1926, c. 285, 44 Stat. 499.

Chapter 3.—THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

BENEFICIARIES AND PENSIONS

134. Aid to State or Territorial home.

Last proviso of section 134 of Title 24 repealed.—The last proviso of the statutory provision constituting § 134 of Title 24 of the Code was repeated in Act April 15, 1926, c. 146, 44 Stat. 294.

Chapter 4.—SAINT ELIZABETHS HOSPITAL.

169. Disposition of money paid for care of patients.

Section 169 of Title 24 repealed.—The statutory provision constituting § 169 of Title 24 of the Code was repeated in Act May 10, 1926, c. 277, § 1, 44 Stat. 494.

Chapter 7.—NATIONAL CEMETERIES.

Sec.
288. Single approach to cemeteries authorized.
290. Encroachment by railroads on right of way.

288. Single approach to cemeteries authorized.

Section 288 of Title 24 repealed.—The statutory provision constituting § 288 of Title 24 of the Code was repeated in Act April 15, 1926, c. 146, Title II, 44 Stat. 287.

290. Encroachment by railroads on right of way.

Section 290 of Title 24 repealed.—The statutory provision constituting § 290 of Title 24 of the Code was repeated in Act April 15, 1926, c. 146, Title II, 44 Stat. 287.

TITLE 25.—INDIANS

Chapter 4.—PERFORMANCE BY UNITED STATES OF OBLIGATIONS TO INDIANS.

DISBURSEMENT OF MONEYS AND SUPPLIES

Sec.
123a. Tribal funds; use to purchase insurance for protection of tribal property. [New.]

DEPOSIT, CARE, AND INVESTMENT OF INDIAN MONEY

155. Disposal of proceeds of pasturage, sales of timber, coal, or other product.
155a. Disposal of miscellaneous revenues from Indian reservations, etc. [New.]

DISBURSEMENT OF MONEYS AND SUPPLIES

123a. Tribal funds; use to purchase insurance for protection of tribal property.—Hereafter the funds of any tribe of Indians under the control of the United States may be used for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, hail, earthquake, and other elements and forces of nature. (Apr. 13, 1926, c. 118, 44 Stat. 242.)

New section. This section is from an Act entitled "An Act authorizing the use of the funds of any tribe of Indians for payment of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail," cited to the text.

DEPOSIT, CARE, AND INVESTMENT OF INDIAN MONEYS

155. Disposal of proceeds of pasturage, sales of timber, coal or other product.

Section 155 of Title 25 amended.—The Act of Mar. 3, 1883 (23 Stat. 590), constituting § 155 of Title 25 of the Code, was amended by the Act of May 17, 1926, c. 309, 44 Stat. 560, § 1, of which is set out as § 155a of this supplemental title. Section 2 of said Act provided that "The Act of Mar. 3, 1883 (Twenty-second Statutes at Large, page 590), and the Act of Mar. 2, 1887 (Twenty-fourth Statutes at Large, page 463), are hereby amended in accordance with the foregoing."

Act. Mar. 2, 1887, c. 320, 24 Stat. 463, also amended by the above-mentioned Act to read as follows: "The Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the Act approved Mar. 3, 1883, and which is carried on the books of that department under the caption of 'Indian moneys proceeds of labor,' for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress."

155a. Disposal of miscellaneous revenues from Indian reservations, etc.—Hereafter all miscellaneous revenues derived from Indian reservations, agencies, and schools, which are not required by existing law to be otherwise disposed of, shall be covered into the Treasury of the United States under the caption "Indian moneys, proceeds of labor," and are hereby made available for expenditure, in the discretion of the Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds, imposed by section 27 of the Act of May 18, 1916 (Thirty-ninth Statutes at Large, page 159). (May 17, 1926, c. 309, § 1, 44 Stat. 560.)

New section. See note to § 155 in this title of the appendix.

Section 27 of the Act of May 18, 1916, mentioned in the text, is set out in §§ 123 and 142 of Title 25 of the Code.

Chapter 12.—LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS.

Sec.

400a. Lease for mining purposes of land reserved for agency or school; disposition of proceeds; royalty. [New.]
402a. Lease of unallotted irrigable lands for farming purposes.

400a. Lease for mining purposes of land reserved for agency or school; disposition of proceeds; royalty.—The Secretary of the Interior be, and he is hereby, authorized under such rules and regulations as he may prescribe, to lease at public auction upon not less than thirty days' public notice for mining purposes land on any Indian reservation reserved for Indian agency or school purposes, in accordance with existing law applicable to other lands in such reservation, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies: *Provided*, That a royalty of at least one-eighth shall be reserved in all leases. (Apr. 17, 1926, c. 156, 44 Stat. 300.)

New section. This section is an Act entitled "An Act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes," cited to the text.

402a. Lease of unallotted irrigable lands for farming purposes.—The unallotted irrigable lands on any Indian reservation may be leased for farming purposes for not to exceed ten years with the consent of the tribal council, business committee, or other authorized body representative of the Indians, under such rules and regulations as the Secretary of the Interior may prescribe. (July 3, 1926, c. 787, 44 Stat. 894.)

New section. This section is an Act entitled "An Act to authorize the leasing of unallotted irrigable land on Indian reservations," cited to the text.

TITLE 26.—INTERNAL REVENUE [1]

Chapter 1.—THE COMMISSIONER OF INTERNAL REVENUE.

Sec.
1a. Bureau of Internal Revenue; general counsel and assistants; assistant to commissioner; special deputy commissioner. [New.]
3. Deputy commissioners and assistants to commissioner.
5. Duties of assistant to commissioner.

1a. Bureau of Internal Revenue; general counsel and assistants; assistant to commissioner; special deputy commissioner.—(a) There is hereby created in the Department of the Treasury the office of general counsel for the Bureau of Internal Revenue. The general counsel shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $10,000 per annum payable out of any appropriation available for the payment of expenses of assessing and collecting the internal-revenue taxes. He shall perform such duties as are now required under the internal revenue laws to be performed by the solicitor of internal revenue, or as may be prescribed by the Secretary or required by law. Commencing at such time as the general counsel first appointed under this section qualifies and takes office, the office of solicitor of internal revenue in the Department of Justice shall cease to exist.

(b) There shall be in the Bureau of Internal Revenue the following officers who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such duties as may be prescribed by the commissioner or required by law;

(1) Four assistant general counsel each of whom shall receive a salary at the rate of $8,000 per annum.

(2) One assistant to the commissioner who shall receive a salary at the rate of $8,000 per annum. The office of assistant to the commissioner provided by existing law is abolished to take effect at such time as the assistant to the commissioner first appointed under this section takes office.

(3) One special deputy commissioner who shall receive a salary at the rate of $7,500 per annum. (Feb. 26, 1926, c. 27, § 1201, 44 Stat. 126.)

New section.

3. Deputy commissioners and assistant to commissioner.

Section 3 of Title 26 partly superseded by § 1a in this chapter of appendix.

5. Duties of assistant to commissioner.

Section 5 of Title 26 superseded by § 1a in this chapter of appendix.

Chapter 2.—OFFICERS OF INTERNAL REVENUE.

Sec.
26. Duties of collectors; reports of violations of law.
52. Same; revenue agents and inspectors.
58. Administering oaths and taking evidence.
62. Disclosing operations of manufacturers.
73. Use of appropriation for salaries in payment of expenses of collectors, deputy collectors, etc., when attending trial or examination.

26. Duties of collectors; reports of violations of law.

Section 26 of Title 26 repealed and reenacted.—The provisions of § 1018 of the Revenue Act of 1924, constituting § 26 of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1115 of said Act of 1926 (44 Stat. 117) to take effect as of the above date.

52. Same; revenue agents and inspectors.—Under such regulations as the commissioner, with the approval of the Secretary, may prescribe all internal-revenue agents and inspectors may be granted leave of absence with pay on account of sickness, not to exceed thirty days in any calendar year. (Feb. 26, 1926, c. 27, § 1202, 44 Stat. 127.)

Section 52 of Title 26 superseded.—The statutory provision constituting § 52 of Title 26 of the Code was apparently superseded by text. The only substantial difference is that the words "in any calendar year," appearing in the fourth line of the Code section have been omitted.

58. Administering oaths and taking evidence.

Section 58 of Title 26 repealed and reenacted.—The provisions of § 1018 of the Revenue Act of 1924, constituting § 58 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change by § 1115 of said Act of 1926 (44 Stat. 117) to take effect as of the above date.

62. Disclosing operations of manufacturers.

Section 62 of Title 26 repealed in part and reenacted.—Section 1018 of the Act of June 2, 1924, which in part constitutes § 62 of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed provision was reenacted without change and is set out in § 1025 of this title of the appendix.

73. Use of appropriation for salaries in payment of expenses of collectors, deputy collectors, etc., when attending trial or examination.

Section 73 of Title 26 repeated.—The statutory provision constituting § 73 of Title 26 of the Code has been repeated in the Treasury and Post Office Departments Appropriation Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 142.

Chapter 3.—ASSESSMENTS AND COLLECTIONS.

Sec.
91. Canvass for objects of taxation.
93. Returns of persons liable to tax.
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106. Same; evading tax by fraud or otherwise.
107. Collection of tax by distraint or proceeding in court; proceedings for collection of tax without assessment.
107a. Date on which distraint is begun. [New.]
108. Effect of existing limitations.
110. Same; United States certificates of indebtedness and uncertified checks.
111. Same; fractional parts of a cent disregarded.
113. Same; income tax.
116. Distraint for taxes.
124. Same; when property not divisible.
129. Same; place of seizure.
136. Chancery proceedings against real estate.
140. Collections paid into Treasury daily; exception.
149. Refundments; taxes or penalties.
153. Interest on claims for refunds or credits.
156. Suits for recovery of taxes wrongfully collected.
157. Claims for refundment; limitations.

91. Canvass for objects of taxation.

Section 91 of Title 26 repealed and reenacted.—The provision of § 1018 of the Revenue Act of 1924, constituting § 91 of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1115 of said Act of 1926 (44 Stat. 117), to take effect as of the above date.

93. Returns of persons liable to tax.

Section 93 of Title 26 repealed and reenacted.—The provision of § 1018 of the Revenue Act of 1924, constituting § 93 of Title 26

[1] This title of the Code has been radically affected by Act of Feb. 26, 1926, c. 27, 44 Stat. 9, entitled "An Act to reduce and equalize taxation, to provide revenue, and for other purposes."

of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1115 of said Act of 1926 (44 Stat. 117), to take effect as of the above date.

94. Notice to file return by collector; summons.

Section 94 of Title 26 repealed and reenacted.—The provision of § 1018 of the Revenue Act of 1924, constituting § 94 of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1115 of said Act of 1926 (44 Stat. 117), to take effect as of the above date.

97. Failure to make return; returns by collectors; making or amending returns by commissioner; extension of time for filing; assessment.—If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case the Commissioner of Internal Revenue may, from his own knowledge and from such information as he can obtain through testimony or otherwise, make a return or amend any return made by a collector or deputy collector. Any return or list so made and subscribed by the commissioner, or by a collector or deputy collector and approved by the commissioner, shall be prima facie good and sufficient for all legal purposes.

If the failure to file a return (other than a return under Title II of the Revenue Act of 1924[2] or Title II of the Revenue Act of 1926[3]) or a list is due to sickness or absence, the collector may allow such further time, not exceeding 30 days, for making and filing the return or list as he deems proper.

The Commissioner of Internal Revenue shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section. (R. S. § 3176; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331; Aug. 27, 1894, c. 349, § 34, 28 Stat. 559; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 179; Sept. 8, 1916, c. 465, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1147; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 313; June 2, 1924, 4.01 p. m., c. 234, § 1003, 43 Stat. 339; Feb. 26, 1926, c. 27, § 1103, 44 Stat. 112.)

Section 97 of Title 26 amended.—That part of § 3176 of the Revised Statutes, as amended, constituting § 97 of the Code, is again amended by Act of Feb. 26, 1926, c. 27, § 1103, 44 Stat. 112 ("Revenue Act of 1926"), to read as above.

98. Same; addition to tax for failure to file; addition in case of fraud; collection.—In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made, the commissioner shall add to the tax 50 per centum of its amount.

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax. (R. S. § 3176; Mar. 1, 1879, c. 125, § 3, 20 Stat. 331; Aug. 27, 1894, c. 349, § 34, 28 Stat. 559; Oct. 3, 1913, c. 16, § II, I, 38 Stat. 179; Sept. 8, 1916, c. 463, § 16, 39 Stat. 773; Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1147; Nov. 23, 1921, c. 136, § 1311, 42 Stat. 313; June 2, 1924, 4.01 p. m., c. 234, § 1003, 43 Stat. 339; Feb. 26, 1926, c. 27, § 1103, 44 Stat. 112.)

Section 97 of Title 26 amended.—That part of § 3176 of the Revised Statutes, as amended, constituting § 98 of the Code, has been again amended by Act of Feb. 26, 1926, c. 27, § 1103, 44 Stat. 112 ("Revenue Act of 1926"), to read as above.

105. Limitation on time for assessment or collection of internal revenue taxes.—Except as provided in sections 277, 278, 310, and 311.[4]

Notwithstanding the provision of section 3182[5] of the Revised Statutes or any other provision of law, all internal-revenue taxes shall (except as provided in paragraph (2) or (3) of this subdivision[6]) be assessed within four years after such taxes became due, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of five years after such taxes became due. (Feb. 26, 1926, § 1109 (a) (1), 44 Stat. 114.)

Section 105 of Title 26 repealed and reenacted.—The statutory provision constituting § 105 of Title 26 of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. But the subject matter of the repealed provision was substantially reenacted to read as above by § 1109 (a) (1) of said Act.

106. Same; evading tax by fraud or otherwise.—In case of a false or fraudulent return with intent to evade tax, of a failure to file a return within the time required by law, or of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. (Feb. 26, 1926, c. 27, § 1109 (a) (2) 44 Stat. 114.)

Section 106 of Title 26 repealed and reenacted.—The statutory provision constituting § 106 of Title 26 of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. But the subject matter of the repealed provision was substantially reenacted by § 1109 (a) (2) of said Act to read as above.

107. Collection of tax by distraint or proceeding in court; proceedings for collection of tax without assessment.—Where the assessment of any tax imposed by this Act[7] or by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act[7]), but only if begun (A) within six years after the assessment of the tax, or (B) prior to the expiration of any period for collection agreed upon in writing by the commissioner and the taxpayer. (Feb. 26, 1926, c. 27, § 1109 (a) (3) 44 Stat. 114.)

Section 107 of Title 26 superseded.—The statutory provision constituting § 107 of Title 26 of the Code was repealed by Act Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. But the subject matter of the repealed statute was carried into § 1109 of said Act and is set out above.

107a. Date on which distraint is begun.—In determining the running of any period of limitation in respect of distraint, the distraint shall be held to have been begun (a) in the case of personal property, on the date on which the levy upon such property is made, or (b) in the case of real property, on the date on which notice of the time and place of sale is given to the person whose estate it is proposed to sell. (Feb. 26, 1926, c. 27, § 1130, 44 Stat. 125.)

New section.

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[2] "Title II of the Revenue Act of 1924" should be translated "chapter 19 of this title."

[3] "Title II of the Revenue Act of 1926" should be translated "this section and section 98 of this title."

[4] "Section 277, 278, 310 and 311" should be translated "sections 1057, 1058 to 1062, 1110, and 1111."

[5] "Section 3182 of the Revised Statutes" should be translated "section 102."

[6] "Paragraph (2) or (3) of this subdivision" should be translated "sections 106 and 107."

[7] "Act" has reference to Act Feb. 26, 1926, c. 27, 44 Stat. 9.

108. Effect of existing limitations.—This section[8] shall not bar a distraint or proceeding in court begun before the enactment of the Revenue Act of 1924;[9] nor shall it authorize the assessment of a tax or the collection thereof by distraint or by proceeding in court if at the time of the enactment of this Act[10] such assessment, distraint, or proceeding was barred by the statutory period of limitation properly applicable thereto, unless prior to the enactment of this Act[10] the commissioner and the taxpayer agreed in writing thereto. (Feb. 26, 1926, c. 27, § 1109, (a) (3) 44 Stat. 114.)

Section 108 of Title 26 repealed and in part reenacted.—The statute constituting § 108 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was in part carried into § 1109 of said Act and is herein set out.

110. Same; United States certificates of indebtedness and uncertified checks.—Collectors may receive, at part with an adjustment for accrued interest, notes or certificates of indebtedness issued by the United States and uncertified checks in payment of income, war-profits, and excess-profits taxes and any other taxes payable other than by stamp, during such time and under such rules and regulations as the commissioner, with the approval of the Secretary, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.—(Feb. 26, 1926, c. 27, § 1118 (a), 44 Stat. 120.)

Section 110 of Title 26 repealed and reenacted.—The statute constituting § 110 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was in substance reenacted by § 1118 (a) of said Act and is herein set out.

111. Same; fractional parts of a cent disregarded.

Section 111 of Title 26 repealed and reenacted.—The statutory provision § 111 of Title 26 of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 120, but has been reenacted without change by § 1118 (c) of that Act.

113. Same; income tax.

Section 113 of Title 26 repealed and reenacted.—Section 1021 (b) of Act of June 2, 1924, c. 234, 43 Stat. 347, constituting § 113 of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 120, but has been reenacted without change by § 1118 (b) of that Act.

116. Distraint for taxes.

See section 1268b of this title of the appendix.

124. Same; when property not divisible.

Section 124 of Title 26 repealed and reenacted.—The statute (§ 1031 of the Revenue Act of 1924) constituting § 124 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1128 of said Act of 1926 (44 Stat. 124) to take effect as of the above date.

129. Same; place of seizure.—Any collector or deputy collector may, for the collection of taxes imposed upon any person, and committed to him for collection, seize and sell any of the property, real or personal (except property exempt from distraint and sale, under section 3187 of the Revised Statutes), or any right or interest therein, of such person situated in any other collection district within the State in which such officer resides, notwithstanding the provisions of section 3209 of the Revised Statutes; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection district. (Feb. 26, 1926, c. 27, § 1129, 44 Stat. 125.)

Section 129 of Title 26 amended.—R. S. § 3200, constituting § 129 of Title 26 of the Code, was amended to read as above by the statute cited thereto.

Sections 3187 and 3209 of the Revised Statutes, mentioned in the text, are set out in §§ 116 and 138, respectively, of Title 26 of the Code.

136. Chancery proceedings against real estate.

Section 136 of Title 26 repealed and reenacted.—The statute (§ 1030 of the Revenue Act of 1926) constituting § 136 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1127 of said Act of 1926 (44 Stat. 123) to take effect as of the above date.

140. Collections paid into Treasury daily; exception.

Section 140 of Title 26 repealed and reenacted.—The statute (§ 1031 of the Revenue Act of 1926) constituting § 140 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1128 of said Act of 1926 (44 Stat. 124), to take effect as of the above date.

149. Refundments; taxes or penalties.—Except as otherwise provided in sections 284 and 319 of the Revenue Act of 1926 the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal-revenue taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress at the beginning of each regular session of Congress of all transactions under this section. (Feb. 26, 1926, c. 27, § 1111, 44 Stat. 115.)

Section 149 of Title 26 amended.—R. S., § 3220, as amended, constituting § 149 of Title 26 of the Code, was amended to read as above by the statute cited thereto.

Sections 284 and 319, mentioned in the text, are set out in §§ 1065a and 1120 of this title in the appendix.

153. Interest on claims for refunds or credits.—(a) Upon the allowance of a credit or refund of any internal-revenue tax erroneously or illegaly assessed or collected, or of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate of 6 per centum per annum from the date such tax, penalty, or sum was paid to the date of the allowance of the refund, or in the case of a credit, to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment made under the Revenue Act of 1921, the Revenue Act of 1924, or this Act, then to the date of the assessment of that amount.

(b) As used in this section—

(1) The term "additional assessment" means a further assessment for a tax of the same character previously paid in part, and includes the assessment of a deficiency under Title II or Title III of the Revenue Act of 1924 or of this Act;

(2) The term "date of the allowance of the refund" means, in the case of any income, war-profits, or excess-profits tax, the first date on which the Commissioner signs the schedule of overassessments in respect thereof.

(c) This section shall be applicable to any refund paid, and to any credit taken, on or after the date of the enactment of this Act, even though such refund or credit was allowed prior to such date. (Feb. 26, 1926, c. 27, § 1116, 44 Stat. 119.)

Section 153 of Title 26 repealed and subject reenacted.—The statute constituting § 153 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was carried into § 1116 of said Act and is herein set out.

[8] "This section" should be translated "sections 105 to 107."

[9] Revenue Act of 1924 is set out in this title of the Code.

[10] Feb. 26, 1926, is the time of the enactment of the Act mentioned in the text.

The Revenue Act of 1924, mentioned in the text, is set out in Title 26, INTERNAL REVENUE, and "this Act," similarly mentioned, constitutes this title of the appendix. Title II and Title III of the Revenue Act of 1924 or this Act constitute chapters 19 and 20 of Title 26, INTERNAL REVENUE, and this title of the appendix.

156. Suits for recovery of taxes wrongfully collected.

Section 156 of Title 26 repealed and reenacted.—The statute (§ 1014(a) of the Revenue Act of 1924) constituting § 156 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted, without change, in § 1113 of said Act of 1926 (44 Stat. 116), to take effect as of the above date.

Subdivision (b) of said § 1113 provides that "This section shall not affect any proceeding in court instituted prior to the enactment of the Revenue Act of 1924."

157. Claims for refundment; limitations.—(a) All claims for the refunding or crediting of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as provided in sections 284 and 319 of the Revenue Act of 1926, be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum.

(b) Except as provided in section 284 of the Revenue Act of 1926, claims for credit or refund (other than claims in respect of taxes imposed by the Revenue Act of 1916, the Revenue Act of 1917, or the Revenue Act of 1918) which at the time of the enactment of the Revenue Act of 1921 were barred from allowance by the period of limitation then in existence, shall not be allowed. (R. S. § 3228; Nov. 23, 1921, c. 136, § 1316, 42 Stat. 314; June 2, 1924, 4:01 p. m., c. 234, § 1012, 43 Stat. 342; Feb. 26, 1926, c. 27, § 1112, 44 Stat. 115.)

Section 157 of Title 26 amended.—R. S. § 3228, as amended, constituting § 157 of Title 26 of the Code, was amended by the statute cited thereto.

Section 3228 of the Revised Statutes, mentioned in the text, constitutes § 157 of said Title 26. Sections 284 and 319, mentioned in the text, are set out in §§ 1065a and 1120 of this supplemental title.

Chapter 4.—SPECIAL TAXES.

Sec.

206. Same; brewers, distillers, and so forth; where business prohibited.
211. Manufacturers, importers, producers, and so forth, of opium, coca leaves, and so forth.
212. Same; manufacturers of tobacco, cigars, and so forth. [Repealed.]
213. Same; brokers. [Repealed.]
214. Same; pawnbrokers. [Repealed.]
215. Same; shipbrokers. [Repealed.]
216. Same; customhouse brokers. [Repealed.]
217. Same; bowling-alley and billiard-room proprietors. [Repealed.]
218. Same; shooting-gallery proprietors. [Repealed.]
219. Same; riding-academy proprietors. [Repealed.]
220. Same; passenger automobiles for hire. [Repealed.]
223. Capital-stock tax; domestic and foreign corporations. [Repealed.]
223a. Capital-stock tax; determination of commissioner; prima facie evidence. [New.]
224. Yachts, motor boats, and so forth, with fixed engines; sailing boats; where tax inapplicable.

206. Same; brewers, distillers, and so forth; where business prohibited.—On and after July 1, 1926, there shall be levied, collected, and paid annually, in lieu of the tax imposed by section 701 of the Revenue Act of 1924,[11] a special excise tax of $1,000, in the case of every person carrying on the business of a brewer, distiller, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquor, retail dealer in malt liquor, or manufacturer of stills, as defined in section 3244 as amended and section 3247 of the Revised Statutes,[12] in any State, Territory, or District of the United States contrary to the laws of such State, Territory, or District, or in any place therein in which carrying on such business is prohibited by local or municipal law. The payment of the tax imposed by this section shall not be held to exempt any person from any penalty or punishment provided for by the laws of any State, Territory, or District for carrying on such business in such State, Territory, or District, or in any manner to authorize the commencement or continuance of such business contrary to the laws of such State, Territory, or District, or in places prohibited by local or municipal law.

Any person who carries on any business or occupation for which a special tax is imposed by this section, without having paid such special tax, shall, besides being liable for the payment of such special tax, be subject to a penalty of not more than $1,000 or to imprisonment for not more than one year, or both. (Feb. 26, 1926, c. 27, § 701, 44 Stat. 95.)

Section 206 of Title 26 superceded.—The statute constituting section 206 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect June 30, 1926. The subject matter of said statute has been carried into this section.

211. Manufacturers, importers, producers, and so forth, of opium, coca leaves, and so forth.—On or before July 1 of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, or gives away opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business and place or places where such business is to be carried on, and pay the special taxes hereinafter provided;

Every person who on January 1, 1919, is engaged in any of the activities above numerated or who between such date and the passage of this Act[13] first engaged in any of such activities, shall within thirty days after the passage of this Act[13] make like registration; and shall pay the proportionate part of the tax for the period ending June 30, 1919; and

Every person who first engages in any such activities after the passage of this Act[13] shall immediately make like registration and pay the proportionate part of the tax for the period ending on the following June 30th;

Importers, manufacturers, producers, or compounders, $24 per annum; wholesale dealers, $12 per annum; retail dealers, $6 per annum; physicians, dentists, veterinary surgeons, and other practitioners lawfully entitled to distribute, dispense, give away, or administer any of the aforesaid drugs to patients upon whom they in the course of their professional practice are in attendance, shall pay $1 per annum.

Every person who imports, manufactures, compounds, or otherwise produces for sale or distribution any of the aforesaid drugs shall be deemed to be an importer, manufacturer, or producer.

Every person who sells or offers for sale any of said drugs in the original stamped packages, as hereinafter provided,[14] shall be deemed a wholesale dealer.

Every person who sells or dispenses from original stamped packages, as hereinafter provided, shall be deemed a retail dealer: *Provided*, That the office, or if none, the residence of any person shall be considered for the purpose of this Act[15] his place of business; but no employee of any person who has registered and paid special tax as herein required, acting within the scope of his employment, shall be required to register and pay special tax provided by this section: *Provided further*, That officials of the United States, Territorial, District of Columbia, or insular possessions, State or municipal governments, who in the exercise of their official duties engage in any of the

[11] Section 701 of the Revenue Act of 1924 is set out in part in § 206 of Title 26 of the Code.

[12] Sections 3244 and 3247 of the Revised Statutes are set out in Title 26 of the Code, the former in §§ 202 to 205, inclusive, and §§ 791 and 799, the latter in § 241.

[13] "The passage of this Act" refers to Feb. 26, 1926.

[14] "Hereinafter provided and hereinafter prescribed" refer to § 692 of Title 26 of the Code.

[15] "This Act" refers to Feb. 26, 1926.

business herein described, shall not be required to register, nor pay special tax, nor stamp the aforesaid drugs as hereinafter prescribed, but their right to this exemption shall be evidenced in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe.

It shall be unlawful for any person required to register under the provisions of this Act[15] to import, manufacture, produce, compound, sell, deal in, dispense, distribute, administer, or give away any of the aforesaid drugs without having registered and paid the special tax as imposed by this section.

The word 'person' as used in this Act[15] shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, as far as necessary, are hereby extended and made applicable to this section.[16] (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785; Feb. 24, 1919, c. 18, § 1006, 40 Stat. 1130; Nov. 23, 1921, c. 36, § 1005, 42 Stat. 298; June 2, 1924, c. 234, § 705, 43 Stat. 328; Feb. 26, 1926, c. 27, § 703, 44 Stat. 96.)

Section 211 of Title 26 amended.—Act Dec. 17, 1914, c. 1, § 1, 38 Stat. 785, as amended, constituting §§ 211, 691 to 695, and 704 of Title 26 of the Code was further amended by Act Feb. 26, 1926, c. 27, § 703, 44 Stat. 96. The part constituting § 211 now reads as above.

212. Same; manufacturers of tobacco, cigars, and so forth.—[Repealed.]

Section 212 of Title 26 repealed.—Act June 2, 1924, c. 234, § 702, 43 Stat. 327, constituting § 212 of Title 26 of the Code was repealed by Act Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect June 30, 1920.

213. Same; brokers.—[Repealed.]

Section 213 of Title 26 repealed.—The statutes constituting §§ 213 to 220, inclusive, of Title 26, of the Code were repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect June 30, 1926.

214. Same; pawnbrokers.—[Repealed.]

Section 214 of Title 26 repealed.—See note to § 213 supra.

215. Same; shipbrokers.—[Repealed.]

Section 215 of Title 26 repealed.—See note to § 213 supra.

216. Same; customhouse brokers.—[Repealed.]

Section 216 of Title 26 repealed.—See note to § 213 supra.

217. Same; bowling alley and billiard room proprietors.—[Repealed.]

Section 217 of Title 26 repealed.—See note to § 213 supra.

218. Same; shooting gallery proprietors.—[Repealed.]

Section 218 of Title 26 repealed.—See note to § 213 supra.

219. Same; riding academy proprietors.—[Repealed.]

Section 219 of Title 26 repealed.—See note to § 213 supra.

220. Same; passenger automobiles for hire.—[Repealed.]

Section 220 of Title 26 repealed.—See note to § 213 supra.

223. Capital stock tax; domestic and foreign corporations.—[Repealed.]

Section 223 of Title 26 repealed.—The statute constituting § 223 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect on June 30, 1926.

223a. Capital stock tax; determination of commissioner; prima facie evidence.—In any proceeding in court in respect of any tax imposed by section 700 of the Revenue Act of 1924[17] or by any prior capital stock tax law—

(1) The determination by the commissioner as to the fair average value of the capital stock of a domestic corporation shall be only prima facie evidence of the facts on which such determination was based; and

(2) The determination by the commissioner as to the average amount of capital employed in the transaction of business in the United States by a foreign corporation shall be only prima facie evidence of the facts on which such determination was based. (Feb. 26, 1926, c. 27, § 700, 44 Stat. 95.)

New section.

224. Yachts, motor boats, and so forth, with fixed engines; sailing boats; where tax inapplicable.—On and after July 1, 1926, and thereafter on July 1 in each year, and also at the time of the original purchase of a new yacht or other boat by a user, if on any other date than July 1, there shall be levied, assessed, collected, and paid, in lieu of the tax imposed by section 703 of the Revenue Act of 1924,[18] upon the use of yachts, pleasure boats, power boats, sailing boats, and motor boats with fixed engines, if foreign built and if of over five net tons and over thirty-two feet in length, not used exclusively for trade, fishing, or national defense, a special excise tax to be based on each such yacht or other boat, at rates as follows: Yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over five net tons, length over thirty-two feet and not over fifty feet, $2 for each foot; length over fifty feet, and not over one hundred feet, $4 for each foot; length over one hundred feet, $8 for each foot.

In determining the length of such yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, the measurement of over-all length shall govern.

In the case of a tax imposed at the time of the original purchase of a new yacht or boat on any other date than July 1, the amount to be paid shall be the same number of twelfths of the amount of the tax as the number of calendar months (including the month of sale) remaining prior to the following July 1.

This section shall not apply to any yacht or other boat (1) which is used without profit by any benevolent, charitable, or religious organization, exclusively for furnishing aid, comfort, or relief to seamen, or (2) which was owned on January 1, 1926, by a citizen of the United States or by a domestic partnership or corporation. (Feb. 26, 1926, c. 27, § 702, 44 Stat. 95.)

Section 224 of Title 26 superseded.—The statute constituting § 224 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125. The subject matter contained in the repealed statute is carried into this section.

Chapter 5.—DISTILLED SPIRITS, WINES, AND DENATURED ALCOHOL.

DISTILLED SPIRITS; TAX ON DISTILLED SPIRITS AND GENERAL REGULATIONS

Sec.
245. Tax on distilled spirits.
249a. Liens on distilleries; discharge; certificate. [New.]

BONDED WAREHOUSES, INCLUDING DISTILLERY WAREHOUSES. SPECIAL WAREHOUSES FOR FRUIT BRANDY, AND GENERAL BONDED WAREHOUSES

420. Removal of distilled spirits to another warehouse for concentration; bottling in bond in warehouse to which removed.

DENATURED ALCOHOL

490. Forfeited or abandoned spirits; sale for denaturation; tax.

DISTILLED SPIRITS; TAX ON DISTILLED SPIRITS AND GENERAL REGULATIONS

245. Tax on distilled spirits.—There shall be levied and collected on all distilled spirits now in bond or that have been or that may be hereafter produced in or imported into the United States, in lieu of the internal-revenue taxes now imposed thereon by law, an internal-revenue tax at the following

[15] "Act" refers to this section and Chapter 11 of Title 26 of the Code.

[16] "Section" refers to the section and §§ 211, 691 to 695 and 704 of Title 26 of the Code.

[17] Section 700 of the Revenue Act of 1924, mentioned in the text, constitutes § 223 of Title 26 of the Code.

[18] Section 703 of the Revenue Act of 1924, mentioned in the text constitutes § 224 of Title 26 of the Code.

rates, to be paid by the distiller or importer when withdrawn, and collected under the provisions of existing law.

(1) Until January 1, 1927, $2.20 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon;

(2) On and after January 1, 1927, and until January 1, 1928, $1.65 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon; and

(3) On and after January 1, 1928, $1.10 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

(4) On and after the enactment of the Revenue Act of 1926,[19] on all distilled spirits which are diverted to beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage there shall be levied and collected a tax of $6.40 on each proof gallon or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the person responsible for such diversion. If a tax at the rate of $2.20, $1.65, or $1.10 per proof or wine gallon has been paid upon such distilled spirits a credit of the tax so paid shall be allowed in computing the tax imposed by this paragraph.

(5) The internal revenue tax imposed by this subdivision upon distilled spirits heretofore or hereafter imported into the United States shall, under regulations prescribed by the Commissioner, with the approval of the Secretary, be collected and deposited in the same manner as other internal revenue taxes, except that such collection and depositing shall be by the collector of customs instead of by the collector of internal revenue. Such tax shall be in addition to any customs duty imposed under the Tariff Act of 1922[20] or any subsequent Act.

(6) Distilled spirits smuggled or brought into the United States unlawfully shall, for the purpose of this subdivision, be held to be imported into the United States, and section 3334[21] of the Revised Statutes, as amended, shall be applicable to any sale thereof.

(7) When any distilled spirits exported free of tax and reimported in the original packages prior to January 1, 1926, are after the enactment of the Revenue Act of 1926[19] withdrawn from any internal-revenue bonded warehouse for tax payment or for bottling in bond, an allowance may be made for actual loss by leakage or evaporation not exceeding one proof gallon as to each cask or package of a capacity of not less than 40 wine gallons for each period of six months or fraction thereof from the date of official regauge after reimportation, and such distilled spirits may be bottled in accordance with the provisions of the Act of March 3, 1897,[22] entitled "An Act to allow the bottling of distilled spirits in bond," as amended. The allowance for losses provided in this paragraph shall be made subject to the conditions of section 50 of the Act of August 27, 1894,[a] entitled "An Act to reduce taxation, to provide revenue for the government, and for other purposes," as amended. (R. S. § 3251; Feb. 24, 1919, c. 18, § 600 (a), 40 Stat. 1105; Nov. 23, 1921, c. 136, § 600, 42 Stat. 285; Feb. 26, 1926, c. 27, § 900, 44 Stat. 104.)

Section 245 of Title 26 amended.—Act Feb. 24, 1919, c. 18, § 600 (a), 40 Stat. 1105, as amended, constituting § 245 of Title 26 of the Code, was amended to read as above by Act Feb. 26, 1926, cited thereto.

[19] "Revenue Act of 1926" constitutes this title of the appendix.

[20] "The Tariff Act of 1922" is set out in Chapter 3 of Title 19 of the Code.

[21] Section 3334 of the Revised Statutes is set out in § 262 of Title 26 of the Code.

[22] The Act of Mar. 3, 1897, is set out in §§ 411 to 417, inclusive, of Title 26 of the Code.

[a] Section 50 of the Act of Aug. 27, 1894, is set out in § 407 of Title 26 of the Code.

249a. Liens on distilleries; discharge; certificate.—(a) Any lien, under section 3251 of the Revised Statutes,[23] as amended, on any land or any building thereon shall be held to be extinguished, if (1) such land and building are no longer used for distillery purposes, and (2) there is no outstanding liability for taxes or penalties imposed by law on the distilled spirits produced therein, and (3) no litigation is pending in respect of any such tax or penalty.

(b) Any person claiming any interest in any such land or building may apply to the collector for a duly acknowledged certificate to the effect that such lien is discharged and, if the Commissioner determines that any such lien is extinguished, the collector shall issue such certificate, and any such certificate may be recorded. (Feb. 26, 1926, c. 27, § 902, 44 Stat. 105.)

New section.

BONDED WAREHOUSES, INCLUDING DISTILLERY WAREHOUSES, SPECIAL WAREHOUSES FOR FRUIT BRANDY, AND GENERAL BONDED WAREHOUSES

420. Removal of distilled spirits to another warehouse for concentration; bottling in bond in warehouse to which removed.

Section 420 of Title 26 repealed.—The statutory provision constituting § 420 of Title 26 of the Code was repealed in the Treasury and Post Office Departments Appropriation Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 143.

DENATURED ALCOHOL

490. Forfeited or abandoned spirits; sale for denaturation; tax.—Notwithstanding the provisions of section 3334 of the Revised Statutes,[24] as amended, or section 492 of the Tariff Act of 1922,[25] any distilled spirits forfeited or abandoned to the United States may be sold, in such cases as the Commissioner of Internal Revenue may by regulation provide, to the proprietor of any industrial alcohol plant for denaturation, or redistillation and denaturation, without the payment of the internal-revenue tax thereon. (Feb. 26, 1926, c. 27, § 901, 44 Stat. 105.)

New section.

Chapter 6.—FERMENTED LIQUORS.

Sec.
506a. Tax on cereal beverages. [New.]
506b. Returns; payment of tax; penalty for nonpayment when due. [New.]

506a. Tax on cereal beverages.—There shall be levied, assessed, collected, and paid upon all beverages derived wholly or in part from cereals or substitutes therefor, and containing less than one-half of 1 per centum of alcohol by volume, sold by the manufacturer, producer, or importer, a tax of one-tenth of 1 cent per gallon or fraction thereof. (Feb. 26, 1926, c. 27, § 903, 44 Stat. 105.)

New section.

506b. Returns; payment of tax; penalty for nonpayment when due.—(a) Each manufacturer, producer, or importer of any of the beverages enumerated in section 903[26] shall make monthly returns under oath in duplicate and pay the taxes imposed in respect of such beverages by such section to the collector for the district in which is located the principal place of business. Such returns shall contain such information necessary for the assessment of the tax, and shall be made at such

[23] Section 3251 of the Revised Statutes is set out in §§ 245 and 249 of Title 26 of the Code.

[24] Section 3334 of the Revised Statutes constitutes § 262 of Title 26 of the Code.

[25] Section 492 of the Tariff Act of 1922 constitutes § 364 of Title 19, CUSTOMS DUTIES.

[26] Section 903, mentioned in the text, constitutes § 506a of this title of the appendix.

times and in such manner as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

(b) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month, from the time when the tax became due until paid. (Feb. 26, 1926, c. 27, § 904, 44 Stat. 105.)

New section.

Chapter 11.—OPIUM, COCA LEAVES, AND COMPOUNDS; MANUFACTURERS, AND SO FORTH, THEREOF.

Sec.
691. Tax on opium, coca leaves, and so forth, in addition to import duty.
692. Selling or dispensing in or from original stamped packages; prescriptions.
693. Internal-revenue stamp law applicable; seizure and forfeiture of unstamped packages.
694. Books and records of importers, manufacturers, and wholesale dealers.
695. Definition; "person."
702. Certain preparations and remedies excepted; decocainized coca leaves, and so forth.
704. Rules and regulations.
708. Forfeitures and disposition of opium, and so forth.

691. Tax on opium, coca leaves, and so forth, in addition to import duty.

Act Dec. 17, 1914, c. 1, § 1, 38 Stat. 785, as amended, constituting §§ 211, 691 to 695 and 704 of Title 26 of the Code was further amended by Act Feb. 26, 1926, c. 27, § 703, 44 Stat. 96. The part constituting §§ 691 to 695 and 704 of Title 26 was not affected by the amendment.

692. Selling or dispensing in or from original stamped packages; prescriptions.

See note to § 691.

693. Internal-revenue stamp law applicable; seizure and forfeiture of unstamped packages.

See note to § 691.

694. Books and records of importers, manufacturers, and wholesale dealers.

See note to § 691.

695. Definition; "person."

See note to § 691.

"Sections 691 to 695 of this title," appearing in the second line of this section of Title 26 of the Code, should read "this chapter."

"Material," appearing in the fourth line of this section of Title 26 of the Code, should read "natural."

702. Certain preparations and remedies excepted; decocainized coca leaves, and so forth.

Section 702 of Title 26 reenacted.—Act Dec. 17, 1914, c. 1, § 6, 38 Stat. 789, as amended by Act Feb. 24, 1919, c. 18, § 1007, 40 Stat. 1132, constituting § 702 of Title 26 of the Code, was reenacted without change by Act Feb. 26, 1926, c. 27, § 704, 44 Stat. 98.

Act June 2, 1924, c. 234, § 706, 43 Stat. 330, also cited to § 702 of Title 26 of the Code, was repealed by Act Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect June 30, 1926.

704. Rules and regulations.

See note to § 691.

708. Forfeitures and disposition of opium, and so forth.—All opium, its salts, derivatives, and compounds, and coca leaves, salts, derivatives, and compounds thereof, which may now be under seizure or which may hereafter be seized by the United States Government from any person or persons charged with any violation of the Act of October 1, 1890,[27] as amended by the Acts of March 3, 1897, February 9, 1909, and January 17, 1914, or the Act of December 17, 1914,[28] as amended, shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is hereby authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the commissioner, with the approval of the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States.

The provisions of this section shall also apply to any of the aforesaid drugs seized or coming into the possession of the United States in the enforcement of any of the above-mentioned Acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession of the United States under the operation of said Acts, or the provisions of this section, shall be destroyed without certification by a committee appointed by the commissioner, with the approval of the Secretary, that they are of no value for medical or scientific purposes. (Feb. 26, 1926, c. 27, § 705, 44 Stat. 99.)

Section 708 of Title 26 reenacted.—The statute constituting § 708 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect June 30, 1926. But the subject matter of the repealed statute was reenacted to read as above.

Chapter 14.—TOBACCO AND SNUFF.

Sec.
761. Tax on tobacco and snuff.
769. Packages of tobacco and snuff.
770. Perique tobacco, refuse, cuttings, sweepings, etc.; sale between manufacturers or for export.
792. Dealers in leaf tobacco; statements; bonds; numbers assigned to.
793. Same; inventories; records; reports.
794. Same; sales or shipments by.
795. Same; tax on tobacco unlawfully sold, removed, or shipped.
796. Same; offenses; punishment.
797. Same; farmers and cooperative associations.

761. Tax on tobacco and snuff.

Section 761 of Title 26 repealed and reenacted.—The statute constituting the first sentence of § 761 of Title 26 of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter thereof was reenacted without change.

769. Packages of tobacco and snuff.—All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description and in no other manner:

All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-eighth of an ounce, three-eighths of an ounce, and further packages with a difference between each package and the one next smaller of one-eighth of an ounce up to and including two ounces, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and further packages with a difference between each package and the one next smaller of one ounce up to and including sixteen ounces: *Provided*, That snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds.

All cavendish, plug, and twist tobacco, in wooden packages not exceeding two hundred pounds net weight.

And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages and the provisions of sections 3364 of the

[27] "Act of October 1, 1890," and amendments refer to §§ 171 to 185 of Title 21 of the Code.

[28] "Act of December 17, 1914," refers to §§ 211 and 691 to 707 of Title 26 of the Code.

Revised Statutes [29] requiring a label to be affixed to each package, shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulation as the Commissioner of Internal Revenue may establish. (Feb. 26, 1926, c. 27, § 401 (b), 44 Stat 88.)

Section 769 of Title 26 repealed and reenacted.—The statute constituting § 769 of Title 26 was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date.

Subdivision (b) of § 400 of said Act, however, reenacted said statute without material change.

770. Perique tobacco, refuse, cuttings, sweepings, etc.; sale between manufacturers or for export.—Perique tobacco, snuff flour, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe. (Feb. 26, 1926, c. 27, § 401(b), 44 Stat. 88.)

Section 770 of Title 26 repealed and reenacted.—The statute constituting § 770 of Title 26 was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. Subdivision (b) of § 401 of said Act, however, reenacted said statute without change.

792. Dealers in leaf tobacco; statements; bonds; numbers assigned to.

Section 792 of Title 26 repealed and reenacted.—Section 403 of the Act of June 2, 1924, 43 Stat. 318, constituting §§ 792 to 797, inclusive, of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of the latter date. The repealed statute was reenacted without change by § 403 of said Act of 1926 (44 Stat. 89), to take effect as of said date.

793. Same; inventories; records; reports.

Section 793 of Title 26 repealed and reenacted.—See note to § 792.

794. Same; sales or shipments by.

Section 794 of Title 26 repealed and reenacted.—See note to § 792.

795. Same; tax on tobacco unlawfully sold, removed, or shipped.

Section 795 of Title 26 repealed and reenacted.—See note to § 792.

796. Same; offenses; punishment.

Section 796 of Title 26 repealed and reenacted.—See note to § 792.

797. Same; farmers and cooperative associations.

Section 797 of Title 26 repealed and reenacted.—See note to § 792.

Chapter 15.—CIGARS AND CIGARETTES.

Sec.
828. Packing cigars; cigars used by employees.
829. Packages of cigarettes and small cigars; stamps.
831. Label indicating clause of law.
832. Cigars and cigarettes; tax; amount.
833. Same; retail price.
834. Cigarette paper; tax bond of manufacturers.
853. Refund on cigar tax; time for making claim; minimum amount; rules and forms.

828. Packing cigars; cigars used by employees.

Section 828 of Title 26 repealed and reenacted.—The statute (subdivision (c) of § 400 of the Revenue Act of 1924) constituting section 828 of Title 26 of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect 30 days after said date. The subject matter of the repealed statute was reenacted without change in section 400 of said Act of 1926 (44 Stat. 88). Subdivision (f) of said section 400 provides that "This section shall take effect on the expiration of 30 days after the enactment of this Act."

[29] Section 3664 of the Revised Statutes is § 772 of Title 26 of the Code.

829. Packages of cigarettes and small cigars; stamps.

Section 829 of Title 26 repealed and reenacted.—The statute constituting § 829 of Title 26, of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect 30 days thereafter. The subject matter thereof was reenacted without change to take effect as of the same date by virtue of subdivision (f) of § 400 of said Act.

831. Label indicating clause of law.—The commissioner may, by regulation, require the manufacturer or importer to affix to each box, package, or container a conspicuous label indicating the clause of this section [30] under which the cigars therein contained have been tax paid, which must correspond with the tax-paid stamp on such box or container. (Feb. 26, 1926, c. 27, § 400(c) 44 Stat. 88.)

Section 831 of Title 26 repealed and reenacted.—The statute constituting section 831 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect 30 days thereafter. The subject matter thereof was reenacted to take effect as of the same date, by virtue of subdivision (f) of § 400 of said Act.

832. Cigars and cigarettes; tax; amount.—Upon cigars and cigarettes manufactured in or imported into the United States, which on or after the expiration of thirty days after the enactment of this Act are sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid under the provisions of existing law, in lieu of the internal-revenue taxes now imposed thereon by section 400 of the Revenue Act of 1924,[31] the following taxes, to be paid by the manufacturer or importer thereof:

On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 75 cents per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 5 cents each, $2 per thousand;

If manufactured or imported to retail at more than 5 cents each and not more than 8 cents each, $3 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, $5 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, $10.50 per thousand;

If manufactured or imported to retail at more than 20 cents each, $13.50 per thousand;

On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $3 per thousand;

Weighing more than three pounds per thousand, $7.20 per thousand. (Feb. 26, 1926, c. 27, § 400(a), 44 Stat. 88.)

Section 832 of Title 26 repealed and reenacted.—The statute constituting § 832 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect 30 days thereafter. The subject matter therein contained was carried into this section to take effect as of the same date, by virtue of subdivision (f) of § 400 of said Act.

833. Same; retail price.—Whenever in this section [32] reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar in its principal market. (Feb. 26, 1926, c. 27, § 400 (b), 44 Stat. 88.)

Section 833 of Title 26 repealed and reenacted.—The statute constituting § 833 of Title 26, INTERNAL REVENUE, was repealed by Act of

[30] "This section" constitutes §§ 828, 829, 831, 832, and 833 of this title of the Code and of the appendix.

[31] Section 400 of the Revenue Act of 1924 is set out in §§ 828, 829, 831, 832, 833, and 845 of this title of the Code and of the appendix.

[32] "This section" is set out in §§ 828a, 829a, 831a, 832a, and 833a of this title of the Code and appendix.

Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect 30 days thereafter. The subject matter thereof was in substance reenacted to take effect as of the same date, by virtue of subdivision (f) of section 400 of said Act.

834. Cigarette paper; tax; bond of manufacturers.

Section 834 of Title 26 repealed and reenacted.—The statute constituting § 834 was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect on the enactment thereof. The subject matter therein contained was, however, reenacted without change.

In line 8 of § 834 a comma should be inserted after "package."

853. Refund on cigar tax; time for making claim; minimum amount; rules and forms.—(a) In the case of all cigars and little cigars in original and unbroken statutory packages held and intended for sale by any person on the effective date of the repeal of section 400 of the Revenue Act of 1924, including those in customs custody or in transit from the insular possessions of the United States, which on such date have affixed thereto stamps purchased at the rates of tax imposed by section 400 of the Revenue Act of 1924, there shall be allowed a refund equal to the difference between the tax imposed by such section and the tax imposed by section 400 of this Act.

(b) No refund shall be allowed under this section unless claim therefor is presented within sixty days after the effective date of the repeal of section 400 of the Revenue Act of 1924. No refund shall be made to any person if the claim is for an amount less than $10.

(c) The commissioner, with the approval of the Secretary, shall adopt such rules and regulations and shall prescribe and furnish such blank forms as may be necessary to carry this section into effect. (Feb. 26, 1926, c. 27, § 1205, 44 Stat. 129.)

New section.

Section 400 of the Revenue Act of 1924, mentioned in the text, is set out in §§ 828, 829, 831 to 833, inclusive, and § 845 of Title 26, INTERNAL REVENUE. Section 400 of this Act, similarly mentioned, is set out in §§ 828a, 829a, and 831a, to 833a, inclusive, of this supplemental title.

Chapter 16.[33]—TAX ON ADMISSION AND DUES.

Sec.
871. Tax on admissions to places of amusement; amount; exemptions.
872. Tax on club dues or fees; amount; exemptions.
873. Collection of taxes imposed; returns; penalty.

871. Tax on admissions to places of amusement; amount; exemptions.—(a) On and after the date this title[34] takes effect, there shall be levied, assessed, collected, and paid, in lieu of taxes imposed by section 500 of the Revenue Act of 1924[35]—

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place on or after such date, including admission by season ticket or subscription, to be paid by the person paying for such admission; but where the amount paid for admission is 75 cents or less, no tax shall be imposed;

(2) Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 5 per centum of the amount of such excess; and if sold for more than 50 cents in excess of the sum of such established price plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per centum of the whole amount of such excess, such taxes to be returned and paid, in the manner and subject to the interest provided in section 602, by the person selling such tickets;

(3) A tax equivalent to 50 per centum of the amount for which the proprietors, managers, or employees of any opera house, theater, or other place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor, such tax to be returned and paid, in the manner and subject to the interest provided in section 602,[36] by the person selling such tickets;

(4) In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed by paragraph (1)), a tax equivalent to 10 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, such tax to be paid by the lessee or holder; and

(5) A tax of 1½ cents for each 10 cents or fraction thereof of the amount paid for admission to any public performance for profit at any roof garden, cabaret, or other similar entertainment, to which the charge for admission is wholly or in part included in the price paid for refreshment, service, or merchandise; the amount paid for such admission to be deemed to be 20 per centum of the amount paid for refreshment, service, and merchandise; such tax to be paid by the person paying for such refreshment, service, or merchandise. Where the amount paid for admission is 50 cents or less, no tax shall be imposed.

(b) No tax shall be levied under this title in respect of—

(1) Any admissions all the proceeds of which inure (A) exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, societies for the prevention of cruelty to children or animals, or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any city, town, village, or other municipality, or of maintaining a cooperative or community center moving-picture theater—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual; or (B) exclusively to the benefit of persons in the military or naval forces of the United States; or (C) exclusively to the benefit of persons who have served in such forces and are in need; or (D) exclusively to the benefit of National Guard organizations, Reserve Officers' associations or organizations, posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or (E) exclusively to the benefit of members of the police or fire department of any city, town, village, or other municipality, or the dependents or heirs of such members; or

(2) Any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same, or admissions to any exhibit, entertainment, or other pay feature conducted by such association as part of any such fair—if the proceeds therefrom are used exclusively for the improvement, maintenance, and operation of such agricultural fairs.

(c) The term "admission" as used in this title includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor.

[33] The Statutes constituting §§ 871 to 873, inclusive, of Title 26, INTERNAL REVENUE, were repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect 30 days after that date. The subject matter contained in the repealed statutes is carried into the Act of Feb. 26, 1926, Title V, §§ 500 to 503, and is herein set out, except § 502, which makes no change in the former statute constituting § 873 of Title 26 of the Code.

Section 503 provides that "This title shall take effect on the expiration of thirty days after the enactment of this Act."

[34] Section 500 of the Revenue Act of 1924, is set out in § 871 of Title 26, of the Code.

[35] "This title," herein referred to, constitutes chapter 16 of this title of the appendix.

[36] "Section 602" constitutes § 885 of this title of the appendix.

(d) The price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold shall be conspicuously and indelibly printed, stamped, or written on the face or back of that part of the ticket which is to be taken up by the management of the theater, opera, or other place of amusement, together with the name of the vendor if sold other than at the ticket office of the theater, opera, or other place of amusement. Whoever sells an admission ticket or card on which the name of the vendor and price is not so printed, stamped, or written, or at a price in excess of the price so printed, stamped, or written thereon, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100. (Feb. 26, 1926, c. 27, § 500, 44 Stat. 91.)

Section 871 repealed and reenacted.—See footnote to this chapter.

872. Tax on club dues or fees; amount; exemptions.—On and after the date this title[37] takes effect there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 501 of the Revenue Act of 1924,[38] a tax equivalent to 10 per centum of any amount paid on or after such date, for any period after such date, (a) as dues or membership fees (where the dues or fees of an active resident annual member are in excess of $10 per year) to any social, athletic, or sporting club or organization; or (b) as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees (not including initiation fees) of an active resident annual member are in excess of $10 per year; such taxes to be paid by the person paying such dues or fees: *Provided*, That there shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university. In the case of life memberships a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member, but shall pay no tax upon the amount paid for life membership. (Feb. 26, 1926, c. 27, § 501, 44 Stat. 92.)

Section 872 repealed and reenacted.—See footnote to this chapter of the appendix.

873. Collection of taxes imposed; returns; penalty.

Section 873 of Title 26 repealed and reenacted.—See footnote to this chapter.

Chapter 17.[39]—EXCISE TAXES.

Sec.
881. Tax on certain articles sold or leased.
882. Sale at wholesale and retail; computation of tax.
883. Same; sales or leases to affiliated corporations; sales or leases at less than fair market price.
885. Same; returns; time for payment.
886. Tax on jewelry, etc.; amount; returns; time for payment; interest. [Repealed.]
887. Refunds to vendee or lessee; damages for failure to refund.
888. Refund of automobile tax; application; remission by manufacturer to dealer; damages for failure to remit.

881. Tax on certain articles sold or leased.—There shall be levied, assessed, collected, and paid upon the following articles sold or leased by the manufacturer, producer, or importer, a tax equivalent to the following percentage of the price for which so sold or leased—

(1) *Automobile chassis and bodies and motor cycles.*—Automobile chassis and bodies and motor cycles (including tires, inner tubes, parts, and accessories therefor sold on or in connection therewith or with the sale thereof), except automobile truck chassis and bodies, automobile wagon chassis and bodies, and tractors, 3 per centum. A sale or lease of an automobile shall, for the purposes of this subdivision, be considered to be a sale of the chassis and of the body. This subdivision shall take effect on the expiration of 30 days after the enactment of this Act:

(2) *Firearms, shells and cartridges.*—Pistols and revolvers, except those sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, 10 per centum.

(10) *Construction of tax imposed.*—The taxes imposed by this section[40] shall, in the case of any article in respect of which a corresponding tax is imposed by section 600 of the Revenue Act of 1924,[41] be in lieu of such tax. (Feb. 26, 1926, c. 27, § 600, 44 Stat. 93.)

Section 881 of Title 26 repealed and reenacted with changes.—See footnote to this chapter.

882. Sales at wholesale and retail; computation of tax.

Section 882 of Title 26 repealed and reenacted without change.—See footnote to this chapter.

883. Same; sales or leases to affiliated corporations; sales or leases at less than fair market price.

Section 883 repealed and reenacted without change.—See footnote to this chapter.

884. Same; sculpture; paintings, statuary, and so forth. [Repealed.]

Section 884 of Title 26 of the Code repealed.—See footnote to this chapter.

885. Same; returns; time for payment.

Section 885 repealed and reenacted without change.—See footnote to this chapter.

886. Tax on jewelry, and so forth; amount; returns; time for payment; interest. [Repealed.]

Section 886 of Title 26 repealed.—See footnote to this chapter.

887. Refunds to vendee or lessee; damages for failure to refund.—(a) If (1) any person has, prior to January 1, 1926, made a bona fide contract with any other person for the sale or lease, after the tax takes effect, of any article in respect of which a tax is imposed by section 600 of this Act,[42] and in respect of which a corresponding but greater tax was imposed by section 600 of the Revenue Act of 1924,[43] (2) the contract price includes the amount of the tax imposed by section 600 of the Revenue Act of 1924, and (3) such contract does not permit the deduction, from the amount to be paid thereunder, of the whole of the difference between the corresponding tax imposed by section 600 of the Revenue Act of 1924[43] and the tax imposed by section 600 of this Act,[42] then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such difference as is not so permitted to be deducted from the contract price.

(b) If (1) any person has, prior to January 1, 1926, made a bona fide contract with any other person for the sale or lease,

[37] "This title" constitutes chapter 16 of this supplemental title.

[38] "Section 501 of the Revenue Act of 1924" is set out in § 872 of this title of the appendix.

[39] The statutes constituting §§ 881 to 887, inclusive, of Title 26, Internal Revenue, were repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date, with the exception of subdivision 2 of § 881, the repeal of which became effective 30 days thereafter. The subject matter contained in the repealed statutes is carried into the Act of Feb. 26, 1926, Title VI, §§ 600 to 603, inclusive, herein set out, except §§ 600 (next to last paragraph), 601, and 602. These sections, constituting §§ 882, 883, and 885 of Title 26 of the Code, were reenacted without change and so are not repeated in this chapter of the appendix.

[40] "This section" constitutes §§ 881 and 882a of this title of the appendix.

[41] Section 600 of the Revenue Act of 1924 is set out in §§ 881 and 882 of Title 26 of the Code.

[42] "Section 600 of this Act" constitutes §§ 881 and 882 of this title of the Code and appendix.

[43] "Section 600 of the Revenue Act of 1924" is set out in §§ 881 and 882 of Title 26 of the Code.

after the date of the enactment of this Act,[41] of any article in respect of which a tax was imposed by section 600 of the Revenue Act of 1924,[42] and in respect of which no corresponding tax is imposed by section 600 of this Act,[42] (2) the contract price includes the amount of the tax imposed by section 600 of the Revenue Act of 1924,[43] and (3) such contract does not permit deduction, from the amount to be paid thereunder, of the tax imposed by section 600 of the Revenue Act of 1924,[43] then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such tax as is not so permitted to be deducted from the contract price.

(c) Any refund by the vendor or lessor under subdivision (a) or (b) shall be made at the time the sale or lease is consummated. Upon the failure of the vendor or lessor so to refund, he shall be liable to the vendee or lessee for damages in the amount of three times the amount of such refund, and the court shall include in any judgment in favor of the vendee or lessee in any suit for the recovery of such damages, costs of the suit and a reasonable attorney's fee to be fixed by the court. (Feb. 26, 1926, c. 27, § 603, 44 Stat. 94.)

Section 887 of Title 26 repealed and reenacted in part.—See footnote to this chapter.

888. Refund of automobile tax; application; remission by manufacturer to dealer; damages for failure to remit.—(a) Where prior to the effective date of the repeal of subdivision (2) of section 600 of the Revenue Act of 1924[45] any article subject to the tax imposed by such subdivision has been sold by the manufacturer, producer, or importer, and is on such date held by a dealer and intended for sale, there shall be refunded to the manufacturer, producer, or importer an amount equal to 2 per centum of the price for which such article was sold by him, or, if the tax has not been paid, an amount equal to such 2 per centum shall be credited against the tax in respect of such article.

(b) As used in this section the term "dealer" includes a wholesaler, jobber, or distributor. For the purposes of this section, an article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(c) Under regulations prescribed by the commissioner with the approval of the Secretary, the refund provided by this section (1) may be applied as a credit against the tax shown by subsequent returns of the manufacturer, producer, or importer, and (2) may be made to the dealer instead of to the manufacturer, producer or importer, if the manufacturer, producer or importer waives any claim for the amount so to be refunded.

(d) When the refund or credit provided for in this section has been allowed to the manufacturer, producer, or importer, he shall remit to the dealer to whom was sold the article in respect of which the refund or credit was allowed, so much of that amount of the tax corresponding to the refund or credit, as was paid or agreed to be paid by the dealer. Upon the failure of the manufacturer, producer or importer to make such remission he shall be liable to the dealer for damages in the amount of three times the amount thereof, and the court shall include in any judgment in favor of the dealer in any suit for the recovery of such damages, costs of the suit and a reasonable attorney's fee to be fixed by the court. (Feb. 26, 1926, c. 27, § 1204, 44 Stat. 128.)

New section.

[42] "Section 600 of this Act" constitutes §§ 881 and 882 of this title of the Code and appendix.

[43] "Section 600 of the Revenue Act of 1924" is set out in §§ 881 and 882 of Title 26 of the Code.

[44] "Act" refers to Act of Feb. 26, 1926, set out in this title of the appendix.

[45] "Subdivision (2) of section 600 of the Revenue Act of 1924" is set out in § 881 (2) of Title 26 of the Code.

Chapter 18.—STAMP TAXES ON SPECIFIC OBJECTS.

Sec.

901. Tax on certain enumerated documents and instruments.
902. Same; exemptions.
903. Same; stamps; preparation and distribution.
904. Same; cancellation of stamps.
905. Same; collection of omitted taxes.
906. Same; stamps for Postmaster General; distribution and sale. [Repealed.]
907. Same; stamps for designated depositaries or State agents; bonds; regulations.
908. Same; offenses.
909. Same; other offenses.

The statutes constituting §§ 901 to 909, inclusive, of Title 26, INTERNAL REVENUE, were repealed by Act of Feb. 26, 1926, c. 27, §1200, 44 Stat. 125, to take effect 30 days thereafter.

The subject matter of the repealed statutes was in substance carried into the said Act in Title VIII, herein set out in corresponding sections.

901. Tax on certain enumerated documents and instruments.—On and after the expiration of thirty days after the enactment of this Act there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this title, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, are written or printed, by any person who makes, signs, issues, sells, removes, consigns, or ships the same, or for whose use or benefit the same are made, signed, issued, sold, removed, consigned, or shipped, the several taxes specified in such schedule. The taxes imposed by this section shall, in the case of any article upon which a corresponding stamp tax is now imposed by law, be in lieu of such tax.

SCHEDULE A.—STAMP TAXES

(1) *Bonds, debentures, certificates of indebtedness, and other corporate securities.*—Bonds of indebtedness: On all bonds, debentures, or certificates of indebtedness issued by any corporation, and all instruments, however termed, issued by any corporation with interest coupons or in registered form, known generally as corporate securities, on each $100 of face value or fraction thereof, 5 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured.

(2) *Issues of capital stock.*—Capital stock, issue: On each original issue, whether on organization or reorganization, of certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, on each $100 of face value or fraction thereof, 5 cents: *Provided*, That where a certificate is issued without face value, the tax shall be 5 cents per share, unless the actual value is in excess of $100 per share, in which case the tax shall be 5 cents on each $100 of actual value or fraction thereof, or unless the actual value is less than $100 per share, in which case the tax shall be 1 cent on each $20 of actual value, or fraction thereof.

The stamps representing the tax imposed by this subdivision shall be attached to the stock books and not to the certificates issued.

(3) *Sales or transfers of capital stock.*—Capital stock, sales or transfers: On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to shares or certificates of stock or of profits or of interest in property or accumulations in any corporation, or to rights to

subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, interest, or rights, or not, on each $100 of face value or fraction thereof, 2 cents, and where such shares are without par or face value, the tax shall be 2 cents on the transfer or sale or agrement to sell on each share: *Provided*, That it is not intended by this title[46] to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited, nor upon mere loans of stock nor upon the return of stock so loaned: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the corporation the stamp shall be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any stock, interest or right, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both.

(4) *Sales on exchange for future delivery.*—Produce, sales of, on exchange: Upon each sale, agreement of sale, or agreement to sell (not including so-called transferred or scratch sales), any products or merchandise at, or under the rules of usages of, any exchange, or board of trade, or other similar place, for future delivery, for each $100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale: *Provided further*, That sellers of commodities described herein, having paid the tax provided by this subdivision, may transfer such contracts to a clearing-house corporation or association, and such transfer shall not be deemed to be a sale, or agreement of sale, or an agreement to sell within the provisions of this Act,[47] provided that such transfer shall not vest any beneficial interest in such clearing house association but shall be made for the sole purpose of enabling such clearing-house association to adjust and balance the accounts of the members of such clearing-house association on their several contracts. Every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers: and any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale or agreement of sale, or agreement to sell, or who, in pursuance of any such sale, agreement of sale, or agreement to sell, delivers any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who delivers such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000 or be imprisoned not more than six months, or both.

No bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of cash sales of products or merchandise for immediate or prompt delivery which in good faith are actually intended to be delivered shall be subject to this tax.

This subdivision shall not affect but shall be in addition to the provisions of the "United States cotton futures Act,"[48] approved August 11, 1916, as amended, and "The Future Trading Act,"[49] approved August 24, 1921.

(8) *Passage tickets to ports not in United States, Canada, or Mexico.*—5. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, or Mexico, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.

(11) *Playing cards.*—6. Playing cards: Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, or removed for consumption or sale, a tax of 10 cents per pack.

(12) *Insurance policies.*—7. On each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called whereby insurance is made or renewed upon property within the United States (including rents and profits) against peril by sea or on inland waters or in transit on land (including transshipments and storage at termini or way points) or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection or riot, issued to or for or in the name of a domestic corporation or partnership or an individual resident of the United States by any foreign corporation or partnership or any individual not a resident of the United States, when such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 3 cents on each dollar, or fractional part thereof of the premium charged: *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this subdivision.

Any person to or for whom or in whose name any such policy or other instrument is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, shall affix the proper stamps to such policy or other instrument, and for failure to affix such stamps with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of the tax. (Feb. 26, 1926, c. 27, § 800, Sched. A, 44 Stat. 99, 101.)

See note at beginning of this chapter.

[46] "This title" constitutes chapter 18 of this supplemental title.

[47] "This Act," is set out throughout this supplemental title.

[48] The United States Cotton Futures Act, constitutes §§ 731 to 752, inclusive, of Title 26, INTERNAL REVENUE.

[49] The Future Trading Act was held unconstitutional in Hill *v.* Wallace, 259 U. S. 44, S. Ct. 168 mem.; 66 U. S. (6 ed.). A new Act known as the Grain Futures Act (Act of Sept. 21, 1922, c. 369) constitutes Chapter 1 of Title 7, AGRICULTURE.

902. Same; exemptions.—There shall not be taxed under this title[46] any bond, note, or other instrument, issued by the United States, or by any foreign Government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power; or any bond of indemnity required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-savings certificate, warrant or check, issued by the United States; or stocks and bonds issued by domestic building and loan associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies. (Feb. 26, 1926, c. 27, § 801, 44 Stat. 99.)

This section repealed and reenacted; see note at beginning of chapter.

903. Same; stamps; preparation and distribution.—The commissioner shall cause to be prepared and distributed for the payment of the taxes prescribed in this title[46] suitable stamps denoting the tax on the document, articles, or thing to which the same may be affixed, and shall prescribe such method for the affixing of said stamps in substitution for or in addition to the method provided in this title,[46] as he may deem expedient. (Feb. 26, 1926, c. 27, § 805 (a), 44 Stat. 100.)

This section repealed and reenacted; see note at beginning of chapter.

904. Same; cancellation of stamps.—Whenever an adhesive stamp is used for denoting any tax imposed by this title,[46] except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient. (Feb. 26, 1926, c. 27, § 804, 44 Stat. 100.)

This section repealed and reenacted; see note at beginning of this chapter.

905. Same; collection of omitted taxes.—All internal revenue laws relating to the assessment and collection of taxes are hereby extended to and made a part of this title,[46] so far as applicable, for the purpose of collecting stamp taxes omitted through mistake or fraud from any instrument, document, paper, writing, parcel, package, or article named herein. (Feb. 26, 1926, c. 27, § 805 (b), 44 Stat. 100.)

This section repealed and reenacted; see note at beginning of this chapter.

906. Same; stamps for Postmaster General; distribution and sale.—[Repealed.]

Section 806 of the Revenue Act of 1926, which in effect reenacted § 806 of the Revenue Act of 1924, was repealed by Act of May 14, 1926, which read as follows: "That § 806 of the Revenue Act of 1926 be, and is hereby, repealed." (May 14, 1926, c. 299, 44 Stat. 554.) The repealed section (44 Stat. 101) read exactly the same as § 906 of Title 26 of the Code.

And see note at the beginning of this chapter.

907. Same; stamps for designated depositaries or State agents; bonds; regulations.—(a) Each collector shall furnish, without prepayment, to any designated depositary of the United States, located in the district of such collector, a suitable quantity of adhesive stamps to be kept on sale by such designated depositary.

(b) Each collector shall furnish, without prepayment, to any person who is (1) located in the district of such collector, (2) duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and (3) designated by the commissioner for the purpose, a suitable quantity of such adhesive stamps as are required by subdivisions 2, 3, and 4 of Schedule A[50] of this title, to be kept on sale by such person.

(c) In such cases the collector may require a bond, with sufficient sureties, in a sum to be fixed by the commissioner, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand. The Secretary may from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps. (Feb. 26, 1926, c. 27, § 807, 44 Stat. 101.)

See note at beginning of this chapter.

908. Same; offenses.—Whoever—

(a) Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid;

(b) Manufacturers or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid;

(c) Makes use of any adhesive stamp to denote any tax imposed by this title[46] without canceling or obliterating such stamp as prescribed in section 804;[51]

Is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than $100 for each offense. (Feb. 26, 1926, c. 27, § 802, 44 Stat. 99.)

This section repealed and reenacted; see note at the beginning of this chapter.

909. Same; other offenses.—Whoever—

(a) Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title;[53]

(b) Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title,[53] (1) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title;[53] or (2) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or (3) any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article;

(c) Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has been already used, or knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same;

(d) Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

Is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused,

[46] This title constitutes chapter 18 of this supplemental title.

[50] Schedule A is set out under § 901 of this supplemental title.

[51] Section 804 is set out in § 904 of this supplemental title.

[53] "This title," herein referred to, constitutes chapter 18 of this supplemental title.

canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States. (Feb. 26, 1926, c. 27, § 803, 44 Stat. 100.)

This section repealed and reenacted; see note at beginning of this chapter.

Chapter 19.—INCOME TAX.

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934. Gains or losses not recognized.
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956. Same; deductions not allowed.
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958. Nonresident aliens; gross income from sources within and without United States; deductions; allocation of items; definitions; returns; claims for credits.
959. Partnerships; credits; net income.
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The Statutes constituting Chapter 19, of Title 26 of the Code, with the exception of §§ 983, 1025, 1067, and 1068 were repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125. The repeal, except as to §§ 1024 and 1045 to 1066, inclusive, was to take effect as of Jan. 1, 1925; in the case of the said excepted sections the repeal was to take effect as of the date of the enactment of the said Act.

The subject matter contained in the repealed statutes is substantially carried into the Act of Feb. 26, 1926, Title II, §§ 200 to 286, inclusive, herein set out in sections corresponding to those of the Code.

PART I.—GENERAL PROVISIONS

931. Definitions.—When used in this title—

(a) The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under section 212 or 232. The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. The term "taxable year" includes, in the case of a return made for a fractional part of a year under the provisions of this title or under regulations prescribed by the commissioner with the approval of the Secretary, the period for which such return is made. The first taxable year, to be called the taxable year 1925, shall be the calendar year 1925 or any fiscal year ending during the calendar year 1925.

(b) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(c) The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of section 221 or 237.

(d) The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under section 212 or 232. The deductions and credits provided for in this title shall be taken for the taxable year in which "paid or accrued" or "paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed under section 212 or 232, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period.

(e) The term "stock" includes the share in an association, joint-stock company, or insurance company.

(f) The term "shareholder" includes a member in an association, joint-stock company, or insurance company. (Feb. 26, 1926, c. 27, § 200, 44 Stat. 10.)

See note at beginning of this chapter.

Sections 212 and 232 herein referred to are set out as §§ 953 and 984, respectively, of this supplemental title.

Sections 221 and 237, mentioned in the text, are set out in §§ 962 and 989, respectively, of this supplemental title.

932. Dividends and distributions.—(a) The term "dividend" when used in this title (except in paragraph (9) of subdivision (a) of section 234 and paragraph (4) of subdivision (a) of section 245) means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913.

(b) For the purposes of this Act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in section 204.

(c) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under section 202, but shall be recognized only to the extent provided in section 203. In the case of amounts distributed in partial liquidation (other than a distribution within the provisions of subdivision (g) of section 203 of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subdivision (b) of this section for the purpose of determining the taxability of subsequent distributions by the corporation.

(d) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the basis of the stock provided in section 204, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property. The provisions of this paragraph shall also apply to distributions from depletion reserves based on the discovery value of mines.

(e) Any distribution made by a corporation, which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or the Revenue Act of 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or section 218 of the Revenue Act of 1921, shall be exempt from tax to the distributees.

(f) A stock dividend shall not be subject to tax.

(g) If a corporation cancels or redeems its stock (whether or not such stock was issued as a stock dividend) at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock, to the extent that it represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend. In the case of the cancellation or redemption of stock not issued as a stock dividend this subdivision shall apply only if the cancellation or redemption is made after January 1, 1926.

(h) As used in this section the term "amounts distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock. (Feb. 26, 1926, c. 27, § 201, 44 Stat. 10.)

See note at beginning of this chapter.

Sections 202, 203, 204, and 234 herein referred to are set out in §§ 933, 934, 935, and 986, respectively, of this supplemental title. Subdivision (a) of section 245, mentioned in the text, is set out in § 1004 of said title.

933. Amount of gain derived or loss sustained from sale or other disposition of property.—(a) Except as hereinafter provided in this section, the gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the basis provided in subdivision (a) or (b) of section 204, and the loss shall be the excess of such basis over the amount realized.

(b) In computing the amount of gain or loss under subdivision (a)—

(1) Proper adjustment shall be made for any expenditure or item of loss properly chargeable to capital account, and

(2) The basis shall be diminished by the amount of the deductions for exhaustion, wear and tear, obsolescence, amortization, and depletion which have since the acquisition of the property been allowable in respect of such property under this Act or prior income tax laws; but in no case shall the amount of the diminution in respect of depletion exceed a depletion deduction computed without reference to discovery value or to paragraph (2) of subdivision (c) of section 204. In addition, if the property was acquired before March 1, 1913, the basis (if other than the fair market value as of March 1, 1913) shall be diminished in the amount of exhaustion, wear and tear, obsolescence, and depletion actually sustained before such date.

(c) The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received.

(d) In the case of a sale or exchange, the extent to which the gain or loss determined under this section shall be recognized for the purposes of this title, shall be determined under the provisions of section 203.

(e) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received. (Feb. 26, 1926, c. 27, § 202, 44 Stat. 11.)

See note at beginning of this chapter.

Sections 203 and 204 herein referred to are set out in §§ 934 and 935, respectively, of this supplemental title, "This Act," herein referred to is set forth throughout this supplemental title.

934. Gains or losses not recognized.—(a) Upon the sale or exchange of property the entire amount of the gain or loss, determined under section 202, shall be recognized, except as hereinafter provided in this section.

(b) (1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment, or if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(2) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(3) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(4) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

(5) If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the commissioner with the approval of the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

(c) If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such a corporation, no gain to the distributee from the receipt of such stock or securities shall be recognized.

(d) (1) If an exchange would be within the provisions of paragraph (1), (2), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(e) If an exchange would be within the provisions of paragraph (3) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then—

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(f) If an exchange would be within the provisions of paragraph (1), (2), (3), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(g) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, of its stock or securities or stock or securities in a corporation a party to the reorganization, shall not be considered a distribution of earnings or profits within the meaning of subdivision (b) of section 201 for the purpose of determining the taxability of subsequent distributions by the corporation.

(h) As used in this section and sections 201 and 204—

(1) The term "reorganization" means (A) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation, or substantially all the properties of another corporation), or (B) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (C) a recapitalization, or (D) a mere change in identity, form, or place of organization, however effected.

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation.

(i) As used in this section the term "control" means the ownership of at least 80 per centum of the voting stock and

at least 80 per centum of the total number of shares of all other classes of stock of the corporation. (Feb. 26, 1926, c. 27, § 203, 44 Stat. 12.)

See note at beginning of this chapter.

Sections 201, 202, and 204 herein referred to are set out in §§ 932, 933, and 935, respectively, of this supplemental title.

935. Basis of determining gain or loss, and so forth.—(a) The basis for determining the gain or loss from the sale or other disposition of property acquired after February 28, 1913, shall be the cost of such property; except that—

(1) If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

(2) If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift. If the facts necessary to determine such basis are unknown to the donee, the commissioner shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the commissioner finds it impossible to obtain such facts, the basis shall be the fair market value of such property as found by the commissioner as of the date or approximate date at which, according to the best information that the commissioner is able to obtain, such property was acquired by such donor or last preceding owner;

(3) If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made. The provisions of this paragraph shall not apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402 of the Revenue Act of 1921, or in subdivision (c) or (f) of section 302 of the Revenue Act of 1924 or in subdivision (c) or (f) of section 302 of this Act;

(4) If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition;

(5) If the property was acquired by bequest, devise, or inheritance, the basis shall be the fair market value of such property at the time of such acquisition. The provisions of this paragraph shall apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402 of the Revenue Act of 1921, or in subdivision (c) or (f) of section 302 of the Revenue Act of 1924 or in subdivision (c) or (f) of section 302 of this Act;

(6) If the property was acquired upon an exchange described in subdivision (b), (d), (e), or (f) of section 203, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by paragraph (1), (2), (3), or (4) of subdivision (b) of section 203 to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it;

(7) If the property (other than stock or securities in a corporation a party to the reorganization) was acquired after December 31, 1917, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 80 per centum or more remained in the same persons or any of them, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made;

(8) If the property (other than stock or securities in a corporation a party to a reorganization) was acquired after December 31, 1920, by a corporation by the issuance of its stock or securities in connection with a transaction described in paragraph (4) of subdivision (b) of section 203 (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money in addition to such stock or securities), then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made;

(9) If the property consists of stock or securities distributed after December 31, 1923, to a taxpayer in connection with a transaction described in subdivision (c) of section 203, the basis in the case of the stock in respect of which the distribution was made shall be apportioned, under rules and regulations prescribed by the commissioner with the approval of the Secretary, between such stock and the stock or securities distributed;

(10) If the property was acquired as the result of a compulsory or involuntary conversion described in paragraph (5) of subdivision (b) of section 203, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made;

(11) If substantially identical property was acquired after December 31, 1920, in place of stock or securities which were sold or disposed of and in respect of which loss was not allowed as a deduction under paragraph (5) of subdivision (a) of section 214 or paragraph (4) of subdivision (a) of section 234 of this Act, the Revenue Act of 1921, or the Revenue Act of 1924, the basis in the case of the property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

(b) The basis for determining the gain or loss from the sale or other disposition of property acquired before March 1, 1913, shall be (A) the cost of such property (or, in the case of such property as is described in paragraph (1), (4), or (5), of subdivision (a), the basis as therein provided), or (B) the fair market value of such property as of March 1, 1913, whichever is greater. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

(c) The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any

property shall be the same as is provided in subdivision (a) or (b) for the purpose of determining the gain or loss upon the sale or other disposition of such property, except that—

(1) In the case of mines discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

(2) In the case of oil and gas wells the allowance for depletion shall be 27½ per centum of the gross income from the property during the taxable year. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance be less than it would be if computed without reference to this paragraph. (Feb. 26, 1926, c. 27, § 204, 44 Stat. 14.)

See note at beginning of this chapter.

Sections 214, 234, and 302 of the Revenue Act of 1924 herein referred to are set out in §§ 955, 986, and 1094, respectively, of Title 26 (INTERNAL REVENUE) of the Code.

Sections 203, 214, 234, and 302 of this Act herein referred to are set out in §§ 934, 955, 986, and 1094, respectively, of this supplemental title.

936. Requirement of inventories.—Whenever in the opinion of the commissioner the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the commissioner, with the approval of the Secretary, may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income. (Feb. 26, 1926, c. 27, § 205, 44 Stat. 16.)

See note at beginning of this chapter.

Except for the omission of the words "of Internal Revenue" after "commissioner" and of the words "of the Treasury" after "Secretary," § 205 of the Act of Feb. 26, 1926, c. 27, reenacts without change § 205 of the Revenue Act of 1924 repealed by the former Act.

937. Net losses; determination of.—(a) As used in this section the term "net loss" means the excess of the deductions allowed by section 214 or 234 over the gross income, with the following exceptions and limitations:

(1) Deductions otherwise allowed by law not attributable to the operation of a trade or business regularly carried on by the taxpayer shall be allowed only to the extent of the amount of the gross income not derived from such trade or business;

(2) In the case of a taxpayer other than a corporation, deductions for capital losses otherwise allowed by law shall be allowed only to the extent of the capital gains;

(3) The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value, or to paragraph (2) of subdivision (c) of section 204;

(4) The deduction provided for in paragraph (6) of subdivision (a) of section 234 of amounts received as dividends shall not be allowed;

(5) There shall be included in computing gross income the amount of interest received free from tax under this title, decreased by the amount of interest paid or accrued which is not allowed as a deduction by paragraph (2) of subdivision (a) of section 214 or by paragraph (2) of subdivision (a) of section 234.

(b) If, for any taxable year, it appears upon the production of evidence satisfactory to the commissioner that any taxpayer has sustained a net loss, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the succeeding taxable year (hereinafter in this section called "second"), and if such net loss is in excess of such net income (computed without such deduction), the amount of such excess shall be allowed as a deduction in computing the net income for the next succeeding taxable year (hereinafter in this section called "third year"); the deduction in all cases to be made under regulations prescribed by the commissioner with the approval of the Secretary.

(c) (1) If in the second year the taxpayer (other than a corporation) sustains a capital net loss, the deduction allowed by subdivision (b) of this section shall first be applied as a deduction in computing the ordinary net income for such year. If the deduction is in excess of the ordinary net income (computed without such deduction) then the amount of such excess shall be allowed as a deduction in computing net income for the third year.

(2) If in the second year the taxpayer (other than a corporation) has a capital net gain, the deduction allowed by subdivision (b) of this section shall first be applied as a deduction in computing the ordinary net income for such year. If the deduction is in excess of the ordinary net income (computed without such deduction) the amount of such excess shall next be applied against the capital net gain for such year, and if in excess of the capital net gain the amount of that excess shall be allowed as a deduction in computing net income for the third year.

(d) If any portion of a net loss is allowed as a deduction in computing net income for the third year, under the provisions of either subdivision (b) or (c), and the taxpayer (other than a corporation) has in such year a capital net gain or a capital net loss, then the method of allowing such deduction in such third year shall be the same as provided in subdivision (c).

(e) If for the taxable year 1923 a taxpayer sustained a net loss within the provisions of the Revenue Act of 1921, or if for the taxable year 1924 a taxpayer sustained a net loss within the provisions of the Revenue Act of 1924, the amount of such net loss shall be allowed as a deduction in computing net income for the two succeeding taxable years to the same extent and in the same manner as a net loss sustained for one taxable year is, under this Act, allowed as a deduction for the two succeeding taxable years.

(f) If a taxpayer makes return for a period beginning in one calendar year (hereinafter in this subdivision called "first calendar year") and ending in the following calendar year (hereinafter in this subdivision called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his net loss for the period ending during the second calendar year shall be the sum of: (1) the same proportion of a net loss for the entire period, determined under the law applicable to the first calendar year, which the portion of such period falling within such calendar year is of the entire period; and (2) the same

proportion of a net loss for the entire period, determined under the law applicable to the second calendar year, which the portion of such period falling within such calendar year is of the entire period.

(g) The benefit of this section shall be allowed to the members of a partnership, to an estate or trust, and to insurance companies subject to the tax imposed by section 243 or 246, under regulations prescribed by the Commissioner with the approval of the Secretary. (Feb. 26, 1926, c. 27, § 206, 44 Stat. 17.)

See note at beginning of this chapter.

The Revenue Act of 1924 herein referred to is set out in Title 26 (INTERNAL REVENUE) of the Code.

Sections 204, 214, 234, 243, and 246 herein referred to are set out in §§ 935, 955, 986, 1001, and 1006, respectively, of this supplemental title.

938. Amount of tax for fiscal year with different rates.—(a) If the taxpayer makes return for a period beginning in one calendar year (hereinafter in this subdivision called "first calendar year") and ending in the following calendar year (hereinafter in this subdivision called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his tax under this title for the period ending during the second calendar year shall be the sum of: (1) the same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first calendar year is of the entire period; and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period.

(b) If a fiscal year of a partnership begins in one calendar year and ends in another calendar year, and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then (1) the rates for the calendar year during which such fiscal year begins shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year, and (2) the rates for the calendar year during which such fiscal year ends shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year. In such cases the part of such income subject to the rates in effect for the most recent calendar year shall be added to the other income of the taxpayer subject to such rates and the resulting amount shall be placed in the lower brackets of the rate schedule applicable to such year, and the part of such income subject to the rates in effect for the next preceding calendar year shall be placed in the next higher brackets of the rate schedule applicable to such year.

(c) Any amount paid before or after the enactment of this Act on account of the tax imposed for a fiscal year beginning in 1924 and ending in 1925 by Title II of the Revenue Act of 1924 shall be credited toward the payment of the tax imposed for such fiscal year by this Act, and if the amount so paid exceeds the amount of such tax imposed by this Act, the excess shall be credited or refunded in accordance with the provisions of section 284. (Feb. 26, 1926, c. 27, § 207, 44 Stat. 18.)

See note at beginning of this chapter.

Title II of the Revenue Act of 1924, herein referred to, is set out in c. 19 of Title 26 (INTERNAL REVENUE) of the Code. This Act herein referred to is set out throughout this supplemental title. Section 284 herein referred to is set out in § 1065 of this supplemental title.

939. Capital gain; capital loss; capital deductions; ordinary deductions; capital net gain; capital net loss; ordinary net income; capital assets; tax in lieu of taxes imposed by sections 951, 952; members of partnerships.—(a) For the purposes of this title—

(1) The term "capital gain" means taxable gain from the sale or exchange of capital assets consummated after December 31, 1921;

(2) The term "capital loss" means deductible loss resulting from the sale or exchange of capital assets;

(3) The term "capital deductions" means such deductions as are allowed by section 214 for the purpose of computing net income, and are properly allocable to or chargeable against capital assets sold or exchanged during the taxable year;

(4) The term "ordinary deductions" means the deductions allowed by section 214 other than capital losses and capital deductions;

(5) The term "capital net gain" means the excess of the total amount of capital gain over the sum of (A) the capital deductions and capital losses, plus (B) the amount, if any, by which the ordinary deductions exceed the gross income computed without including capital gain;

(6) The term "capital net loss" means the excess of the sum of the capital losses plus the capital deductions over the total amount of capital gain;

(7) The term "ordinary net income" means the net income, computed in accordance with the provisions of this title, after excluding all items of capital gain, capital loss, and capital deductions; and

(8) The term "capital assets" means property held by the taxpayer for more than two years (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale in the course of his trade or business. In determining the period for which the taxpayer has held property received on an exchange there shall be included the period for which he held the property exchanged, if under the provisions of section 204 the property received has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged. In determining the period for which the taxpayer has held property however acquired there shall be included the period for which such property was held by any other person, if under the provisions of section 204 such property has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as it would have in the hands of such other person. In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain is recognized to the distributee under the provisions of subdivision (c) of section 203 of this Act or of the Revenue Act of 1924, there shall be included the period for which he held the stock or securities in the distributing corporation prior to the receipt of the stock or securities upon such distribution.

(b) In the case of any taxpayer (other than a corporation) who for any taxable year derives a capital net gain, there shall (at the election of the taxpayer) be levied, collected and paid, in lieu of the taxes imposed by sections 210 and 211 of this title, a tax determined as follows:

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 210 and 211, and the total tax shall be this amount plus 12½ per centum of the capital net gain.

(c) In the case of any taxpayer (other than a corporation) who for any taxable year sustains a capital net loss, there shall be levied, collected, and paid, in lieu of the taxes imposed

by sections 210 and 211 of this title, a tax determined as follows:

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 210 and 211, and the total tax shall be this amount minus 12½ per centum of the capital net loss; but in no case shall the tax under this subdivision be less than the taxes imposed by sections 210 and 211 computed without regard to the provisions of this section.

(d) The total tax determined under subdivision (b) or (c) shall be collected and paid in the same manner, at the same time, and subject to the same provisions of law, including penalties, as other taxes under this title.

(e) In the case of the members of a partnership, of an estate or trust, or of the beneficiary of an estate or trust, the proper part of each share of the net income, which consists, respectively, of ordinary net income, capital net gain, or capital net loss, shall be determined under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary, and shall be separately shown in the return of the partnership or estate or trust, and shall be taxed to the member or beneficiary or to the estate or trust as provided in sections 218 and 219, but at the rates and in the manner provided in subdivision (b) or (c) of this section. (Feb. 26, 1926, c. 27, § 208, 44 Stat. 19.)

See note at beginning of this chapter.

Section 203 of the Revenue Act of 1924, mentioned in the text, is set out in § 934 of Title 26, Internal Revenue. Sections 203, 204, 210, 211, 214, 218, and 219, mentioned in the text, are set out in §§ 934, 935, 951, 952, 955, 959, and 960, respectively, of this supplemental title.

940. Earned income, and so forth, defined; additional credit on account of earned income; members of partnerships.—(a) For the purposes of this section—

(1) The term "earned income" means wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer, not in excess of 20 per centum of his share of the net profits of such trade or business, shall be considered as earned income.

(2) The term "earned income deductions" means such deductions as are allowed by section 214 for the purpose of computing net income, and are properly allocable to or chargeable against earned income.

(3) The term "earned net income" means the excess of the amount of the earned income over the sum of the earned income deductions. If the taxpayer's net income is not more than $5,000, his entire net income shall be considered to be earned net income, and if his net income is more than $5,000, his earned net income shall not be considered to be less than $5,000. In no case shall the earned net income be considered to be more than $20,000.

(b) In the case of an individual the tax shall, in addition to the credits provided in section 222, be credited with 25 per centum of the amount of tax which would be payable if his earned net income constituted his entire net income; but in no case shall the credit allowed under this subdivision exceed 25 per centum of his tax under section 210 plus 25 per centum of the tax which would be payable under section 211 if his earned net income constituted his entire net income.

(c) In the case of the members of a partnership the proper part of each share of the net income which consists of earned income shall be determined under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary and shall be separately shown in the return of the partnership and shall be taxed to the member as provided in section 218. (Feb. 26, 1926, c. 27, § 209, 44 Stat. 20.)

See note at beginning of this chapter.

Sections 210, 211, 214, 218, and 222, mentioned in the text, are set out in §§ 951, 952, 955, 959, and 963, respectively, of this supplemental title.

941. Effective date of title.—This title shall take effect as of January 1, 1925, except that section 257 and sections 271 to 285, inclusive, and this section, shall take effect on the enactment of this Act. (Feb. 26, 1926, c. 27, § 286, 44 Stat. 69.)

New section. "This title" herein referred to constitutes c. 19 of this supplemental title. Section 257 and §§ 271 to 285, inclusive, mentioned in the text, are set out in § 1024a and §§ 1045a to 1071, inclusive, respectively, of this supplemental title. "This Act" herein referred to is set out throughout this supplemental title.

PART II.—INDIVIDUALS

951. Normal tax rates; aliens residents of contiguous countries.—(a) In lieu of the tax imposed by section [53] 210 of the Revenue Act of 1924, there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 5 per centum of the amount of the net income in excess of the credits provided in section 216, except that in the case of a citizen or resident of the United States the rate upon the first $4,000 of such excess amount shall be 1½ per centum, and upon the next $4,000 of such excess amount shall be 3 per centum;

(b) In lieu of the tax imposed by subdivision (a), there shall be levied, collected, and paid for each taxable year upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

(1) 1½ per centum of the amount by which the part of the net income attributable to wages, salaries, professional fees, or other amounts received as compensation for personal services actually performed in the United States, exceeds the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 1½ per centum rate shall not exceed $4,000;

(2) 3 per centum of the amount by which such part of the net income exceeds the sum of (A) the credits provided in subdivisions (d) and (e) of section 216, plus (B) $4,000; but the amount taxable at such 3 per centum rate shall not exceed $4,000; and

(3) 5 per centum of the amount of the net income in excess of the sum of (A) the amount taxed under paragraphs (1) and (2), plus (B) the credits provided in section 216. (Feb. 26, 1926, c. 27, § 210, 44 Stat. 21.)

See note at beginning of this chapter.

952. Surtax; rates; bona fide sales of mines, oil, or gas wells.—(a) In lieu of the tax imposed by section 211 of the Revenue Act of 1924, but in addition to the normal tax imposed by section 210 of this Act, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a surtax as follows:

Upon a net income of $10,000 there shall be no surtax; upon net incomes in excess of $10,000 and not in excess of $14,000, 1 per centum of such excess.

[53] Section 210 of the Revenue Act of 1924, mentioned in this text, is set out in § 951 of Title 26 (INTERNAL REVENUE) of the Code. Section 216 mentioned herein is set out in § 957 of this supplemental title.

$40 upon net incomes of $14,000; and upon net incomes in excess of $14,000 and not in excess of $16,000, 2 per centum in addition of such excess.

$80 upon net incomes of $16,000; and upon net incomes in excess of $16,000 and not in excess of $18,000, 3 per centum in addition of such excess.

$140 upon net incomes of $18,000; and upon net incomes in excess of $18,000 and not in excess of $20,000, 4 per centum in addition of such excess.

$220 upon net incomes of $20,000; and upon net incomes in excess of $20,000 and not in excess of $22,000, 5 per centum in addition of such excess.

$320 upon net incomes of $22,000; and upon net incomes in excess of $22,000 and not in excess of $24,000, 6 per centum in addition of such excess.

$440 upon net incomes of $24,000; and upon net incomes in excess of $24,000 and not in excess of $28,000, 7 per centum in addition of such excess.

$720 upon net incomes of $28,000; and upon net incomes in excess of $28,000 and not in excess of $32,000, 8 per centum in addition of such excess.

$1,040 upon net incomes of $32,000; and upon net incomes in excess of $32,000 and not in excess of $36,000, 9 per centum in addition of such excess.

$1,400 upon net incomes of $36,000; and upon net incomes in excess of $36,000 and not in excess of $40,000, 10 per centum in addition of such excess.

$1,800 upon net incomes of $40,000; and upon net incomes in excess of $40,000 and not in excess of $44,000, 11 per centum in addition of such excess.

$2,240 upon net incomes of $44,000; and upon net incomes in excess of $44,000 and not in excess of $48,000, 12 per centum in addition of such excess.

$2,720 upon net incomes of $48,000; and upon net incomes in excess of $48,000 and not in excess of $52,000, 13 per centum in addition of such excess.

$3,240 upon net incomes of $52,000; and upon net incomes in excess of $52,000 and not in excess of $56,000, 14 per centum in addition of such excess.

$3,800 upon net incomes of $56,000; and upon net incomes in excess of $56,000 and not in excess of $60,000, 15 per centum in addition of such excess.

$4,400 upon net incomes of $60,000; and upon net incomes in excess of $60,000 and not in excess of $64,000, 16 per centum in addition of such excess.

$5,040 upon net incomes of $64,000; and upon net incomes in excess of $64,000 and not in excess of $70,000, 17 per centum in addition of such excess.

$6,060 upon net incomes of $70,000; and upon net incomes in excess of $70,000 and not in excess of $80,000, 18 per centum in addition of such excess.

$7,860 upon net incomes of $80,000; and upon net incomes in excess of $80,000 and not in excess of $100,000, 19 per centum in addition of such excess.

$11,660 upon net incomes of $100,000; and upon net incomes in excess of $100,000, in addition 20 per centum of such excess.

(b) In the case of a bona fide sale of mines, oil or gas wells, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this section attributable to such sale shall not exceed 16 per centum of the selling price of such property or interest. (Feb. 26, 1926, c. 27, § 211, 44 Stat. 21.)

See note at beginning of this chapter.

Section 211 of the Revenue Act of 1924 mentioned herein is set out in § 952 of Title 26 (INTERNAL REVENUE) of the Code. Section 210 herein referred to is set out in § 951 of this supplemental title.

953. Net income; computation; change of accounting period [installment sales].—(a) In the case of an individual the term "net income" means the gross income as defined in section 213, less the deductions allowed by sections 214 and 206.

(b) The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 200 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

(c) If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the commissioner, be computed on the basis of such new accounting period, subject to the provisions of section 226.

(d) Under regulations prescribed by the commissioner with the approval of the Secretary, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the total profit realized or to be realized when the payment is completed, bears to the total contract price. In the case (1) of a casual sale or other casual disposition of personal property for a price exceeding $1,000, or (2) of a sale or other disposition of real property, if in either case the initial payments do not exceed one-fourth of the purchase price, the income may, under regulations prescribed by the commissioner with the approval of the Secretary, be returned on the basis and in the manner above prescribed in this subdivision. As used in this subdivision the term "initial payments" means the payments received in cash or property other than evidences of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made. (Feb. 26, 1926, c. 27, § 212, 44 Stat. 23.)

See note at beginning of this chapter.

Sections 200, 206, 213, 214, and 226, mentioned in the text, are set out in §§ 931, 937, 954, 955, and 968, respectively, of this supplemental title.

953a. Retroactive application of section 953; credits and refunds.—The provisions of subdivision (d) of section 212 shall be retroactively applied in computing income under the provisions of the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or any of such Acts as amended. Any tax that has been paid under such Acts prior to the enactment of this Act, if in excess of the tax imposed by such Acts as retroactively modified by this section, shall, subject to the statutory period of limitations properly applicable thereto, be credited or refunded to the taxpayer as provided in section 284. (Feb. 26, 1926, c. 27, § 1208, 44 Stat. 130.)

New section. Sections 212 and 284, mentioned in the text, are set out in §§ 953 and 1065, respectively, of this supplemental title. The Revenue Act of 1924, similarly mentioned, is set out in Title 26 (INTERNAL REVENUE) of the Code.

954. Gross income; what included; what not included.—For the purposes of this title, except as otherwise provided in section 233—

(a) The term "gross income" includes gains, profits, and income derived from salaries, wages, or compensation for personal service (including in the case of the President of the United States, the judges of the Supreme and inferior courts

of the United States, and all other officers and employees, whether elected or appointed, of the United States, Alaska, Hawaii, or any political subdivision thereof, or the District of Columbia, the compensation received as such), of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under subdivision (b) of section 212, any such amounts are to be properly accounted for as of a different period.

(b) The term "gross income" does not include the following items; which shall be exempt from taxation under this title:

(1) Amounts received under a life insurance contract paid by reason of the death of the insured, whether in a single sum or in installments (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income);

(2) Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts) under a life insurance, endowment, or annuity contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph (1) or this paragraph;

(3) The value of property acquired by gift, bequest, devise, or inheritance (but the income from such property shall be included in gross income);

(4) Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (B) securities issued under the provisions of the Federal Farm Loan Act, or under the provisions of such Act as amended; or (C) the obligations of the United States or its possessions. Every person owning any of the obligations or securities enumerated in clause (A), (B), or (C) shall, in the return required by this title, submit a statement showing the number and amount of such obligations and securities owned by him and the income received therefrom, in such form and with such information as the Commissioner may require. In the case of obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit), the interest shall be exempt only if and to the extent provided in the respective Acts authorizing the issue thereof as amended and supplemented, and shall be excluded from gross income only if and to the extent it is wholly exempt to the taxpayer from income taxes;

(5) The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments, or from any other source within the United States;

(6) Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness;

(7) Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, or income accruing to the Government of any possession of the United States, or any political subdivision thereof.

Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, prior to September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

(A) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the commissioner with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year.

(B) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title;

(8) The income of a nonresident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(9) Amounts received as compensation, family allotments and allowances under the provisions of the War Risk Insurance and the Vocational Rehabilitation Acts or the World War Veterans' Act, 1924, or as pensions from the United States for service of the beneficiary or another in the military or naval forces of the United States in time of war, or as a State pension for services rendered by the beneficiary or another for which the State is paying a pension;

(10) The amount received by an individual as dividends or interest from domestic building and loan associations, substantially all the business of which is confined to making loans to members, but the amount excluded from gross income under this paragraph in any taxable year shall not exceed $300;

(11) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation;

(12) The receipts of shipowners' mutual protection and indemnity associations, not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder; but such corporations shall be subject as other

persons to the tax upon their net income from interest, dividends, and rents;

(13) In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China Trade Act, 1922, if, at the time of such distribution, he is a resident of China, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him;

(14) In the case of an individual citizen of the United States, a bona fide nonresident of the United States for more than six months during the taxable year, amounts received from sources without the United States if such amounts constitute earned income as defined in section 209; but such individual shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources within the United States, determined under the provisions of section 217. (Feb. 26, 1926, c. 27, § 213, 44 Stat. 23.)

See note at beginning of this chapter.

"This title" mentioned in the text constitutes c. 19 of this supplemental title. Sections 209, 212, 217, and 233, mentioned in the text, are set out in §§ 940, 953, 958, and 985, respectively, of this supplemental title. The Federal Farm Loan Act as amended, referred to herein, is set out in chs. 7, 8, and 9 of title 12, BANKS AND BANKING. The World War Veterans' Act, 1924, mentioned in the text, is set out in c. 10 of Title 38, PENSIONS, BONUSES AND VETERANS' RELIEF. The China Trade Act of 1922, mentioned in the text, is set out in c. 4 of Title 15, COMMERCE AND TRADE.

955. Computation of net income; deductions allowed.—(a) In computing net income there shall be allowed as deductions:

Ordinary expenses incurred during taxable year; salaries; traveling expenses.—(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

Interest paid or accrued during taxable year; exception.—(2) All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title;

Taxes paid or accrued during taxable year.—(3) Taxes paid or accrued within the taxable year except (A) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (B) so much of the income, war-profits, and excess-profits taxes, imposed by the authority of any foreign country or possession of the United States, as is allowed as a credit under section 222, (C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and (D) taxes imposed upon the taxpayer upon his interest as shareholder of a corporation, which are paid by the corporation without reimbursement from the taxpayer. For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by the law of the jurisdiction imposing such taxes;

Losses sustained during taxable year and not compensated.—(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business;

Same.—(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but in the case of a nonresident alien individual only if the profit, if such transaction had resulted in a profit, would be taxable under this title. No deduction shall be allowed under this paragraph for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed;

Losses from fires, storms, shipwrecks, and so forth.—(6) Losses sustained during the taxable year of property not connected with the trade or business (but in the case of a nonresident alien individual only property within the United States) if arising from fires, storms, shipwreck, or other casualty, or from theft, and if not compensated for by insurance or otherwise. The basis for determining the amount of the deduction under this paragraph, or paragraph (4) or (5), shall be the same as is provided in section 204 for determining the gain or loss from the sale or other disposition of property;

Worthless debts charged off within taxable year; debts recoverable in part.—(7) Debts ascertained to be worthless and charged off within the taxable year (or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the commissioner may allow such debt to be charged off in part;

Exhaustion; wear and tear; obsolescence [apportionment].—(8) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence. In the case of improved real estate held by one person for life with remainder to another person, the deduction provided for in this paragraph shall be equitably apportioned between the life tenant and the remainderman under rules and regulations prescribed by the commissioner with the approval of the Secretary;

Mines, oil and gas wells; depletion and depreciation.—(9) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the commissioner, with the approval of the Secretary. In the case of leases the deduction allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

Contributions or gifts.—(10) Contributions or gifts made within the taxable year to or for the use of: (A) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes; (B) any corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; (C) the special fund for vocational rehabilitation authorized by section 7 of the Vocational Rehabilitation Act; (D) posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their

net earnings inures to the benefit of any private shareholder or individual; or (E) a fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this paragraph, except that if in the taxable year and in each of the ten preceding taxable years the amount in all the above cases combined exceeds 90 per centum of the taxpayer's net income for each such year, as computed without the benefit of this paragraph, then to the full amount of such contributions and gifts made within the taxable year. In case of a nonresident alien individual this deduction shall be allowed only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States, or to such vocational rehabilitation fund. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the commissioner, with the approval of the Secretary.

Casual sale of real property; allowance for future expense liabilities.—(11) In the case of a casual sale or other casual disposition of real property, a reasonable allowance for future expense liabilities, incurred under the provisions of the contract under which such sale or other disposition was made, under such regulations as the commissioner, with the approval of the Secretary, may prescribe, including the giving of a bond, with such sureties and in such sum (not less than the estimated tax liability computed without the benefit of this paragraph) as the commissioner may require, conditioned upon the payment (notwithstanding any statute of limitations) of the tax, computed without the benefit of this paragraph, in respect of any amounts allowed as a deduction under this paragraph and not actually expended in carrying out the provisions of such contract.

Nonresident aliens.—(b) In the case of a nonresident alien individual, the deductions allowed in subdivision (a), except those allowed in paragraphs (5), (6), and (10), shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in section 217 under rules and regulations prescribed by the Commissioner with the approval of the Secretary. In the case of a citizen entitled to the benefits of section 262 the deductions shall be the same and shall be determined in the same manner as in the case of a nonresident alien individual. (Feb. 26, 1926, c. 27, § 214, 44 Stat. 26.)

See note at beginning of this chapter.

"This title" herein referred to constitutes c. 19 of this supplemental title. Sections 204, 217, 222, and 262 mentioned in the text are set out in §§ 935, 958, 963, and 1030, respectively, of this supplemental title.

956. Same; deductions not allowed.—(a) In computing net income no deduction shall in any case be allowed in respect of—

(1) Personal, living, or family expenses:

(2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or

(4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(b) Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this Act for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled. (Feb. 26, 1926, c. 27, § 215, 44 Stat. 28.)

See note at beginning of this chapter.

"This Act," herein referred to, constitutes this supplemental title.

957. Credits allowed for purpose of normal tax.—For the purpose of the normal tax only there shall be allowed the following credits:

(a) The amount received as dividends (1) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation organized under the China Trade Act, 1922, or (2) from a foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 217;

(b) The amount received as interest upon obligations of the United States which is included in gross income under section 213;

(c) In the case of a single person, a personal exemption of $1,500; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of $3,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be $3,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

(d) $400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(e) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 262, the personal exemption shall be only $1,500. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 262.

(f) (1) The credits allowed by subdivisions (d) and (e) of this section shall be determined by the status of the taxpayer on the last day of his taxable year.

(2) The credit allowed by subdivision (c) of this section shall, in case the status of the taxpayer changes during his taxable year, be the sum of (A) an amount which bears the same ratio to $1,500 as the number of months during which the taxpayer was single bears to twelve months, plus (B) an amount which bears the same ratio to $3,500 as the number of months during which the taxpayer was a married person living with husband or wife or was the head of a family bears to twelve months. For the purposes of this paragraph a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

(3) In the case of an individual who dies during the taxable year, the credits allowed by subdivisions (c), (d), and (e) shall be determined by his status at the time of his death, and in such case full credits shall be allowed to the surviving spouse, if any, according to his or her status at the close of the taxable year. (Feb. 26, 1926, c. 27, § 216, 44 Stat. 29.)

See note at beginning of this chapter.

Sections 213, 217, and 262, mentioned in the text are set out in §§ 954, 958, and 1030, respectively, of this supplemental title. The China Trade Act of 1922, herein referred to is set out in c. 4 of Title 15, COMMERCE AND TRADE.

958. Nonresident aliens; gross income from sources within and without United States; deductions; allocation of items; definitions; returns; claims for credits.—(a) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 262, the following items of gross income shall be treated as income from sources within the United States:

(1) Interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including (A) interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States and not having an office or place of business therein, or (B) interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the commissioner that less than 20 per centum of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable;

(2) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation less than 20 per centum of whose gross income is shown to the satisfaction of the commissioner to have been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence), or (B) from a foreign corporation unless less than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this section;

(3) Compensation for labor or personal services performed in the United States;

(4) Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

(5) Gains, profits, and income from the sale of real property located in the United States.

(b) From the items of gross income specified in subdivision (a) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States.

(c) The following items of gross income shall be treated as income from sources without the United States:

(1) Interest other than that derived from sources within the United States as provided in paragraph (1) of subdivision (a);

(2) Dividends other than those derived from sources within the United States as provided in paragraph (2) of subdivision (a);

(3) Compensation for labor or personal services performed without the United States;

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like properties; and

(5) Gains, profits, and income from the sale of real property located without the United States.

(d) From the items of gross income specified in subdivision (c) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as net income from sources without the United States.

(e) Items of gross income, expenses, losses and deductions, other than those specified in subdivisions (a) and (c), shall be allocated or apportioned to sources within or without the United States under rules and regulations prescribed by the commissioner with the approval of the Secretary. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the net income therefrom) the expenses, losses and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States. In the case of gross income derived from sources partly within and partly without the United States, the net income may first be computed by deducting the expenses, losses or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses or other deductions which can not definitely be allocated to some items or class of gross income; and the portion of such net income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the commissioner with the approval of the Secretary. Gains, profits and income from (1) transportation or other services rendered partly within and partly without the United States, or (2) from the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States, shall be treated as derived partly from sources within and partly from sources without the United States. Gains, profits and income derived from the purchase of personal property within and its sale without the United States or from the purchase of personal property without and its sale within the United States, shall be treated as derived entirely from sources within the country in which sold, except that gains, profits and income derived from the purchase of personal property within the United States and its sale within a possession of the United States or from the purchase of personal property within a possession of the United States and its sale within the United States shall be treated as derived partly from sources within and partly from sources without the United States.

(f) As used in this section the words "sale" or "sold" include "exchange" or "exchanged"; and the word "produced" includes "created," "fabricated," "manufactured," "extracted," "processed," "cured," or "aged."

(g) (1) Except as provided in paragraph (2) a nonresident alien individual or a citizen entitled to the benefits of section

262 shall receive the benefit of the deductions and credits allowed in this title only by filing or causing to be filed with the collector a true and accurate return of his total income received from all sources in the United States, in the manner prescribed in this title; including therein all the information which the commissioner may deem necessary for the calculation of such deductions and credits.

(2) The benefit of the credits allowed in subdivisions (d) and (e) of section 216, and of the reduced rate of tax provided for in subdivision (b) of section 210, may, in the discretion of the commissioner and under regulations prescribed by him with the approval of the Secretary, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent. (Feb. 26, 1926, c. 27, § 217, 44 Stat. 30.)

See note at beginning of this chapter.

"This title," mentioned in the text constitutes this chapter of this supplemental title. Sections 210, 216, and 262 mentioned in the text are set out in §§ 951, 957, and 1030, respectively, of this supplemental title.

959. Partnerships; credits; net income.—(a) Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, or, if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his distributive share of the net income of the partnership for any accounting period of the partnership ending within the taxable year upon the basis of which the partner's net income is computed.

(b) The partner shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 216, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 216 as are received by the partnership.

(c) The net income of the partnership shall be computed in the same manner and on the same basis as provided in section 212 except that the deduction provided in paragraph (10) of subdivision (a) of section 214 shall not be allowed. (Feb. 26, 1926, c. 27, § 218, 44 Stat. 32.)

See note at beginning of this chapter.

Sections 212, 214, and 216 mentioned in the text, are set out in §§ 953, 955, and 957, respectively, of this supplemental title.

960. Estates or property held in trust; net incomes; stock bonus or profit sharing plan; revesting or distribution of trusts.—(a) The tax imposed by Parts I and II of this title shall apply to the income of estates or of any kind of property held in trust, including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

(b) Except as otherwise provided in subdivision (g) and (h), the tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary. The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in section 212, except that—

(1) There shall be allowed as a deduction (in lieu of the deduction authorized by paragraph (10) of subdivision (a) of section 214) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in paragraph (10) of subdivision (a) of section 214, or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit;

(2) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under paragraph (3) in the same or any succeeding taxable year;

(3) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary.

(c) For the purpose of the normal tax the estate or trust shall be allowed the same credit as is allowed to a single person under subdivision (c) of section 216, and, if no part of the income of the estate or trust is included in computing the net income of any legatee, heir, or beneficiary, then in addition the same credits as are allowed by subdivisions (a) and (b) of section 216.

(d) If any part of the income of an estate or trust is included in computing the net income of any legatee, heir, or beneficiary, such legatee, heir, or beneficiary shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 216, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 216 as are, under this section, required to be included in computing his net income. Any remaining portion of such amounts specified in subdivisions (a) and (b) of section 216 shall, for the purpose of the normal tax, be allowed as credits to the estate or trust.

(e) If the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is required, under paragraph (2) of subdivision (b) of this section, to include in computing his net income, shall be based upon the income of the estate or trust for its taxable year ending within his taxable year.

(f) A trust created by an employer as a part of a stock bonus, pension, or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer, or employees, or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under this section, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by

him. Such distributees shall for the purpose of the normal tax be allowed as credits such part of the amount so distributed or made available as represents the items specified in subdivisions (a) and (b) of section 216.

(g) Where the grantor of a trust has, at any time during the taxable year, either alone or in conjunction with any person not a beneficiary of the trust, the power to revest in himself title to any part of the corpus of the trust, then the income of such part of the trust for such taxable year shall be included in computing the net income of the grantor.

(h) Where any part of the income of a trust may, in the discretion of the grantor of the trust, either alone or in conjunction with any person not a beneficiary of the trust, be distributed to the grantor or be held or accumulated for future distribution to him, or where any part of the income of a trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in paragraph (10) of subdivision (a) of section 214), such part of the income of the trust shall be included in computing the net income of the grantor. (Feb. 26, 1926, c. 27, § 219, 44 Stat. 32.)

See note at beginning of this chapter.

"Parts I and II of this title," mentioned in the text, constitute Parts I and II of chapter 19 of this supplemental title.

Sections 212, 214, and 216 mentioned in the text are set out in §§ 953, 955, and 957, respectively, of this supplemental title.

961. Evasion of surtax; accumulated profits of corporations; statements of gains and profits; net income.—(a) If any corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its shareholders through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there shall be levied, collected, and paid for each taxable year upon the net income of such corporation a tax equal to 50 per centum of the amount thereof, which shall be in addition to the tax imposed by section 230 of this title and shall (except as provided in subdivision (d) of this section) be computed, collected, and paid upon the same basis and in the same manner and subject to the same provisions of law, including penalties, as that tax.

(b) The fact that any corporation is a mere holding or investment company, or that the gains or profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a purpose to escape the surtax.

(c) When required by the commissioner, or any collector, every corporation shall forward to him a correct statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed, and of the amounts that would be payable to each.

(d) As used in this section the term "net income" means the net income as defined in section 232, increased by the sum of the amount of the deduction allowed under paragraph (6) of subdivision (a) of section 234, and the amount of the interest on obligations of the United States issued after September 1, 1917, which would be subject to tax in whole or in part in the hands of an individual owner.

(e) The tax imposed by subdivision (a) of this section shall not apply in respect of any taxable year if all the shareholders of the corporation include (at the time of filing their returns) in their gross income their entire distributive share, whether distributed or not, of the net income of the corporation for such year. Any amount so included in the gross income of a shareholder shall be treated as a dividend received. Any subsequent distribution made by the corporation out of the earnings or profits for such taxable year shall, if distributed to any shareholder who has so included in his gross income his distributive share, be exempt from tax in the amount of the share so included. (Feb. 26, 1926, c. 27, § 220, 44 Stat. 34.)

See note at beginning of this chapter.

Sections 230, 232, and 234, mentioned in the text, are set out in §§ 981, 984, and 986, respectively, of this supplemental title.

962. Taxes to be deducted and withheld at source; returns.—(a) All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens (other than income received as dividends of the class allowed as a credit by subdivision (a) of section 216) shall (except in the cases provided for in subdivision (b) and except as otherwise provided in regulations prescribed by the commissioner under section 217) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 5 per centum thereof: *Provided*, That the commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

(b) In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods and whether payable to a nonresident alien individual or to an individual citizen or resident of the United States or to a partnership: *Provided*, That the commissioner may authorize such tax to be deducted and withheld in the case of interest upon any such bonds, mortgages, deeds of trust, or other obligations, the owners of which are not known to the withholding agent. Such deduction and withholding shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the credits provided in subdivisions (c) and (d) of section 216; nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the commissioner under subdivision (g) of section 217. Such deduction and withholding shall be at the rate of 1½ per centum instead of at the rate of 2 per centum in the case of a citizen or resident entitled to receive such interest if he files with the withholding agent on or before February 1 a signed notice in writing that his net income in excess of the credits provided in section 216 does not exceed $4,000.

(c) Every person required to deduct and withhold any tax under this section shall make return thereof on or before March 15 of each year and shall on or before June 15 pay the tax to the official of the United States Government authorized to receive it. Every such person is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section.

(d) Income upon which any tax is required to be withheld at the source under this section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

(e) If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment. (Feb. 26, 1926, c. 27, § 221, 44 Stat. 35.)

See note at beginning of this chapter.

"This title" mentioned in the text constitutes chapter 19 of this supplemental title. Sections 216 and 217, mentioned in the text, are set out in §§ 957 and 958, respectively, of this supplemental title.

963. Credits.—(a) The tax computed under Parts I and II of this title shall be credited with:

(1) In the case of a citizen of the United States the amount of any income, war-profits, and excess-profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) In the case of a resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) In the case of an alien resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(4) In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such taxes of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(5) The above credits shall not be allowed in the case of a citizen entitled to the benefits of section 262; and in no other case shall the amount of credit taken under this subdivision exceed the same proportion of the tax (computed on the basis of the taxpayer's net income without the deduction of any income, war-profits, or excess-profits tax any part of which may be allowed to him as a credit by this section), against which such credit is taken, which the taxpayer's net income (computed without the deduction of any such income, war-profits, or excess-profits tax) from sources without the United States bears to his entire net income (computed without such deduction) for the same taxable year.

(b) If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the commissioner, who shall redetermine the amount of the tax due under Parts I and II of this title for the year or years affected, and the amount of tax due upon such redetermination, if any, shall be paid by the taxpayer upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 284. In the case of such a tax accrued but not paid, the commissioner as a condition precedent to the allowance of this credit may require the taxpayer to give a bond with sureties satisfactory to and to be approved by the commissioner in such sum as the commissioner may require, conditioned upon the payment by the taxpayer of any amount of tax found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the commissioner may require.

(c) The credits provided for in subdivision (a) of this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subdivision (b) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possesion of the United States accrued, the credits for all subsequent years shall be taken upon the same basis.

(d) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such cerdits. (Feb. 26, 1926, c. 27, § 222, 44 Stat. 36.)

See note at beginning of this chapter.

Parts I and II of this title mentioned in the text constitute Parts I and II of chapter 19 of this supplemental title. Sections 262 and 284, mentioned in the text, are set out in §§ 1030 and 1065, respectively, of this supplemental title.

964. Returns; persons required to make.—(a) The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of $1,500 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of $3,500 or over, if married and living with husband or wife; and

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income.

(b) If a husband and wife living together have an aggregate net income for the taxable year of $3,500 or over, or an aggregate gross income for such year of $5,000 or over—

(1) Each shall make such a return, or

(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayers. (Feb. 26, 1926, c. 27, § 223, 44 Stat. 37.)

See note at beginning of this chapter.

"This title" referred to herein constitutes chapter 19 of this supplemental title.

964a. Same; community property; credit or refund.—Income for any period before January 1, 1925, of a marital community in the income of which the wife has a vested interest as distinguished from an expectancy, shall be held to be correctly returned if returned by the spouse to whom the income belonged under the State law applicable to such marital community for such period. Any spouse who elected so to return such income shall not be entitled to any credit or refund on the ground that such income should have been returned by the other spouse. (Feb. 26, 1926, c. 27, § 1212, 44 Stat. 130.)

New section.

965. Same; partnerships.—Every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners. (Feb. 26, 1926, c. 27, § 224, 44 Stat. 37.)

See note at beginning of this chapter.

"This title," referred to herein, constitutes chapter 19 of this supplemental title.

966. Same; fiduciaries; when required; contents; verification.—(a) Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of $1,500 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of $3,500 or over, if married and living with husband or wife;

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income;

(4) Every estate or trust the net income of which for the taxable year is $1,500 or over;

(5) Every estate or trust the gross income of which for the taxable year is $5,000 or over, regardless of the amount of the net income; and

(6) Every estate or trust of which any beneficiary is a nonresident alien.

(b) Under such regulations as the commissioner with the approval of the Secretary may prescribe a return made by one of two or more joint fiduciaries and filed in the office of the collector of the district where such fiduciary resides shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct. Any fiduciary required to make a return under this Act shall be subject to all the provisions of this Act which apply to individuals. (Feb. 26, 1926, c. 27, § 225, 44 Stat. 37.)

See note at beginning of this chapter.

"This title," referred to herein, constitutes chapter 19 of this supplemental title. "This Act," mentioned in the text, constitutes this supplemental title.

967. Same; time for making; to whom made.—(a) Returns (except in the case of nonresident aliens) shall be made on or before the fifteenth day of the third month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of March. In the case of a nonresident alien individual returns shall be made on or before the fifteenth day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of June. The commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(b) Returns shall be made to the collector for the district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in the United States, then to the collector at Baltimore, Maryland. (Feb. 26, 1926, c. 27, § 227, 44 Stat. 39.)

See note at beginning of this chapter.

968. Returns on change from fiscal to calendar year, or vice versa; computation of net income.—(a) If a taxpayer, with the approval of the commissioner, changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

(b) Where a separate return is so made, and in all other cases where a separate return is required or permitted, by regulations prescribed by the commissioner with the approval of the Secretary, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made.

(c) If a separate return is made under subdivision (a) the net income, computed in accordance with the provisions of subdivision (b), shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such period is of twelve months.

(d) The commissioner with the approval of the Secretary shall by regulations prescribe the method of applying the provisions of subdivisions (b) and (c) to cases where the taxpayer makes a separate return under subdivision (a) and it appears that for the period for which the return is so made he has derived a capital net gain, or sustained a capital net loss, or received earned income.

(e) In the case of a return made for a fractional part of a year, except a return made under subdivision (a), the credits provided in subdivisions (c), (d), and (e) of section 216 shall be reduced respectively to amounts which bear the same ratio to the full credits provided in such subdivisions as the number of months in the period for which return is made bears to twelve months. (Feb. 26, 1926, c. 27, § 226, 44 Stat. 38.)

See note at beginning of this chapter.

Section 216 mentioned in the text is set out in § 957 of this supplemental title.

PART III. CORPORATIONS

981. Rate [installment payments].—(a) In lieu of the tax imposed by section 230 of the Revenue Act of 1924, there shall be levied, collected, and paid for each taxable year upon the net income of every corporation, a tax at the following rates:

(1) For the calendar year 1925, 13 per centum of the amount of the net income in excess of the credits provided in sections 236 and 263; and

(2) For each calendar year thereafter 13½ per centum of such excess amount.

(b) A taxpayer whose taxable year is the calendar year and who elects for the calendar year 1925 to pay the tax imposed by this section in four installments as provided in section 270, shall pay such installments in amounts as follows:

(1) The amount of the first and second installments shall each equal 24 per centum of the tax; and

(2) The amount of the third and fourth installments shall each equal 26 per centum of the tax. (Feb. 26, 1926, c. 27, § 230, 44 Stat. 39.)

See note at beginning of this chapter.

Section 230 of the Revenue Act of 1924, mentioned in the text, is set out in § 981 of Title 26 (INTERNAL REVENUE) of the Code. Sections 236 and 263, mentioned in the text, are set out in §§ 988 and 1031, respectively, of this supplemental title. Section 270, herein referred to, is set out in §§ 1041 to 1044, inclusive, of this supplemental title.

982. Organizations exempted.—The following organizations shall be exempt from taxation under this title—

Labor, agricultural, or horticultural organizations.—(1) Labor, agricultural, or horticultural organizations;

Mutual savings banks.—(2) Mutual savings banks not having a capital stock represented by shares;

Fraternal beneficiary societies, orders and so forth.—(3) Fraternal beneficiary societies, orders, or associations, (a) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (b) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

Domestic building and loan associations; cooperative banks operated without profit.—(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

Cemetery companies for benefit of members.—(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Corporations, community chest, foundations, and so forth, for religious and charitable purposes.—(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Business leagues, chambers of commerce, and so forth.—(7) Business leagues, chambers of commerce, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Civic leagues or organizations for promotion of social welfare; associations of employees.—(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

Clubs for nonprofitable purposes.—(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

Benevolent life insurance associations [other mutual companies]; conditions.—(10) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;

Mutual hail, cyclone, and insurance companies.—(11) Farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including interinsurers and reciprocal underwriters) the income of which is used or held for the purpose of paying losses or expenses;

Associations for marketing produce of members.—(12) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose.

Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases;

Corporations for holding title to property, and so forth.—(13) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title; and

Federal land banks; national farm loan associations, and so forth.—(14) Federal land banks, national farm-loan associations, and Federal intermediate credit banks, as provided in the Federal Farm Loan Act, as amended. (Feb. 26, 1926, c. 27, § 231, 44 Stat. 39.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title. The Federal Farm Loan Act, mentioned in the text, is set out in chs. 7, 8, and 9 of Title 12, Banks and Banking.

984. Computation of net income.—In the case of a corporation subject to the tax imposed by section 230 the term "net income" means the gross income as defined in section 233 less the deductions allowed by sections 234 and 206, and the net income shall be computed on the same basis as is provided in subdivisions (b) and (d) of section 212 or in section 226. In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the computation shall also be made in the manner provided in section 217. (Feb. 26, 1926, c. 27, § 232, 44 Stat. 41.)

See note at beginning of this chapter.

Sections 206, 212, 217, 226, 230, 233, 234, and 262, mentioned in the text, are set out in §§ 937, 953, 958, 968, 981, 985, 986, and 1030, respectively, of this supplemental title.

985. Gross income.—(a) In the case of a corporation subject to the tax imposed by section 230 the term "gross income" means the gross income as defined in sections 213 and 217, except that mutual marine insurance companies shall include in gross income the gross premiums collected and received by them less amounts paid for reinsurance.

(b) In the case of a foreign corporation, gross income means only gross income from sources within the United States, determined (except in the case of insurance companies subject to the tax imposed by sections 243 or 246) in the manner provided in section 217. (Feb. 26, 1926, c. 27, § 233, 44 Stat. 41.)

See note at beginning of this chapter.

Sections 213, 217, 230, 243, and 246, herein referred to, are set out in §§ 954, 958, 981, 1001, and 1006, respectively, of this supplemental title.

986. Deductions allowable in computing net income.—(a) In computing the net income of a corporation subject to the tax imposed by section 230 there shall be allowed as deductions:

Ordinary and necessary expenditure incurred during taxable year; salaries; rentals.—(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

Interest paid or accrued within taxable year.—(2) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title;

Taxes paid or accrued within taxable year.—(3) Taxes paid or accrued within the taxable year except (A) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (B) so much of the income, war-profits and excess-profits taxes imposed by the authority of any foreign country or possession of the United States as is allowed as a credit under section 238, and (C) taxes assesed against local benefits of a kind tending to increase the value of the property assessed. In the case of obligors specified in subdivision (b) of section 221 no deduction for the payment of the tax imposed by this title, or any other tax paid pursuant to the tax-free covenant clause, shall be allowed, nor shall such tax be included in the gross income of the obligee. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a corporation upon his interest as shareholder, which are paid by the corporation without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes. For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by law of the jurisdiction imposing such taxes;

Losses sustained during taxable year without compensation.—(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise. No deduction shall be allowed under this paragraph for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition, unless such claim is made by a dealer in stock or securities and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. The basis for determining the amount of the deduction for losses sustained shall be the same as is provided in section 204 for determining the gain or loss from the sale or other disposition of property;

Worthless debts charged off within taxable year; reserve for bad debts; debts recoverable in part.—(5) Debts ascertained to be worthless and charged off within the taxable year (or in the discretion of the commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the commissioner may allow such debt to be charged off in part;

Dividends received.—(6) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation organized under the China Trade Act, 1922, or (B) from any foreign corporation when it is shown to the satisfaction of the commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 217;

Exhaustion, wear and tear of property; obsolescence.—(7) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

Mines, oil and gas wells; depletion and depreciation.—(8) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the commissioner with the approval of the Secretary. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

Insurance companies (other than life insurance companies); additional deductions.—(9) In the case of insurance companies (other than life insurance companies), in addition to the above (unless otherwise allowed): (A) The net addition required by law to be made within the taxable year to reserve funds (including in the case of assessment insurance companies the actual deposit of sums with State or Territorial officers pursuant to law as additions to guarantee or reserve funds); and (B) the sums other than dividends paid within the taxable year on policy and annuity contracts. This paragraph shall apply only to mutual insurance companies other than life insurance companies;

Mutual marine insurance companies; additional deductions.—(10) In the case of mutual marine insurance companies, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (9), inclusive, unless otherwise allowed, amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment and the payment thereof;

Mutual insurance companies requiring premium deposits.—(11) In the case of mutual insurance companies (including interinsurers and reciprocal underwriters, but not including mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (9), inclusive, unless otherwise allowed, the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses, and reinsurance reserves.

Deductions allowable only to extent of income within United States.—(b) In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the deductions allowed in subdivision (a) shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in section 217 under rules and regulations prescribed by the commissioner with the approval of the Secretary. (Feb. 26, 1926, c. 27, § 234, 44 Stat. 41.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title. The China Trade Act of 1922, mentioned in the text, constitutes c. 4 of Title 15, COMMERCE AND TRADE. Sections 204, 217, 221, 230, 238, and 262, mentioned in the text, are set out in §§ 935, 958, 962, 981, 990, and 1030, respectively, of this supplemental title.

987. Same; items not allowed.—In computing net income no deduction shall in any case be allowed in respect of any of the items specified in section 215. (Feb. 26, 1926, c. 27, § 235, 44 Stat. 43.)

See note at beginning of this chapter.
Section 215, herein referred to, is set out in § 956 of this supplemental title.

988. Credits allowed.—For the purpose only of the tax imposed by section 230 there shall be allowed the following credits:

(a) The amount received as interest upon obligations of the United States which is included in gross income under section 233; and

(b) In the case of a domestic corporation the net income of which is $25,000 or less, a specific credit of $2,000; but if the net income is more than $25,000 the tax imposed by section 230 shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000. (Feb. 26, 1926, c. 27, § 236, 44 Stat. 43.)

See note at beginning of this chapter.
Sections 230 and 233, mentioned in the text, are set out in §§ 981 and 985, respectively, of this supplemental title.

989. Foreign corporations; deduction and withholding of tax at source.—In the case of foreign corporations subject to taxation under this title not engaged in trade or business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 221 a tax equal to 12½ per centum thereof in respect of all payments of income made before the enactment of this Act, and equal to 13½ per centum thereof in respect of all payments of income made after the enactment of this Act, and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subdivision (b) of that section the deduction and withholding shall be at the rate of 2 per centum. (Feb. 26, 1926, c. 27, § 237, 44 Stat. 43.)

See note at beginning of this chapter.
"This title," herein referred to, constitutes c. 19 of this supplemental title. Section 221, mentioned in the text, is set out in § 962 of this supplemental title.

990. Credit for other taxes paid.—(a) In the case of a domestic corporation the tax imposed by this title shall be credited with the amount of any income, war-profits, and excess-profits taxes paid or accrued during the same taxable year to any foreign country, or to any possession of the United States: *Provided*, That the amount of such credit shall in no case exceed the same proportion of the tax (computed on the basis of the taxpayer's net income without the deduction of any income, war-profits, or excess-profits taxes imposed by any foreign country or possession of the United States), against which such credit is taken, which the taxpayer's net income (computed without the deduction of any such income, war-profits, or excess-profits tax) from sources without the United States bear to its entire net income (computed without such deduction) for the same taxable year. In the case of domestic insurance companies subject to the tax imposed by section 243 or 246, the term "net income" as used in this subdivision means net income as defined in sections 245 and 246, respectively.

(b) If accrued taxes when paid differ from the amounts claimed as credits by the corporation, or if any tax paid is refunded in whole or in part, the corporation shall at once notify the commissioner, who shall redetermine the amount of the taxes for the year or years affected, and the amount of taxes due upon such redetermination, if any, shall be paid by the corporation upon notice and demand by the collector, or the amount of taxes overpaid, if any, shall be credited, or refunded to the corporation in accordance with the provisions of section 284. In the case of such a tax accrued but not paid, the commissioner as a condition precedent to the allowance of this credit may require the corporation to give a bond with sureties satisfactory to and to be approved by him in such sum as he may require, conditioned upon the payment by the taxpayer of any amount of taxes found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the commissioner may require.

(c) The credits provided for in subdivision (a) of this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping its books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subdivision (b) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken upon the same basis.

(d) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credit.

(e) For the purposes of this section a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends (not deductible under section 234) in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by such foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits: *Provided*, That the credit allowed to any domestic corporation under this subdivision shall in no case exceed the same proportion of the taxes against which it is credited, which the amount of such dividends bears to the amount of the entire net income of the domestic corporation in which such dividends are included. The term "accumulated profits" when used in this subdivision in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the commissioner with the approval of the Secretary shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings. In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subdivision shall be construed to mean such accounting period.

(f) For the purposes of this section a corporation entitled to the benefits of section 262 or 263 shall be treated as a foreign corporation. (Feb. 26, 1926, c. 27, § 238, 44 Stat. 44.)

See note at beginning of this chapter.
"This title," herein referred to, constitutes c. 19 of this supplemental title. Sections 234, 243, 246, 262, and 263, mentioned in the text, are set out in §§ 980, 1001, 1006, 1030, and 1031, respectively, of this supplemental title. Section 245, mentioned in the text, is set out in §§ 1004 and 1005 of said title.

991. Tax returns; form and contents; verification.—(a) Every corporation subject to taxation under this title shall make a return, stating specifically the items of its gross income and the deductions and credits allowed by this title. The return

shall be sworn to by the president, vice president, or other principal officer and by the treasurer or assistant treasurer. If any foreign corporation has no office or place of business in the United States but has an agent in the United States, the return shall be made by the agent. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

(b) Returns made under this section shall be subject to the provisions of section 226. In the case of a return made for a fractional part of a year, except a return made under subdivision (a) of section 226, the credit provided in subdivision (b) of section 236 shall be reduced to an amount which bears the same ratio to the full credit therein provided as the number of months in the period for which the return is made bears to twelve months.

(c) There shall be included in the return or appended thereto a statement of such facts as will enable the commissioner to determine the portion of the earnings or profits of the corporation (including gains, profits and income not taxed) accumulated during the taxable year for which the return is made, which have been distributed or ordered to be distributed, respectively, to its shareholders during such year. (Feb. 26, 1926, c. 27, § 239, 44 Stat. 45.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title. Sections 226 and 236 mentioned in the text are set out in §§ 968 and 988, respectively, of this supplemental title.

992. Same; time for making; to whom made.—(a) Returns of corporations shall be made at the same time as is provided in subdivision (a) of section 227, except that in the case of foreign corporations not having any office or place of business in the United States returns shall be made at the same time as provided in section 227 in the case of a nonresident alien individual.

(b) Returns shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland. (Feb. 26, 1926, c. 27, § 241, 44 Stat. 46.)

See note at beginning of this chapter.

Section 227, mentioned in the text, is set out in § 967 of this supplemental title.

993. Affiliated corporations; separate or consolidated returns; foreign corporations.—(a) Corporations which are affiliated within the meaning of this section may, for any taxable year, make separate returns or, under regulations prescribed by the commissioner with the approval of the Secretary, make a consolidated return of net income for the purpose of this title, in which case the taxes thereunder shall be computed and determined upon the basis of such return. If return is made on either of such bases, all returns thereafter made shall be upon the same basis unless permission to change the basis is granted by the commissioner.

(b) In any case in which a tax is assessed upon the basis of a consolidated return, the total tax shall be computed in the first instance as a unit and shall then be assessed upon the respective affiliated corporations in such proportions as may be agreed upon among them, or, in the absence of any such agreement, then on the basis of the net income properly assignable to each. There shall be allowed in computing the income tax only one specific credit computed as provided in subdivision (b) of section 236.

(c) For the purpose of this section two or more domestic corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the voting stock of the other or others, or (2) if at least 95 per centum of the voting stock of two or more corporations is owned by the same interests. This subdivision shall be applicable to the determination of affiliation for the taxable year 1925.

(d) For the purpose of this section two or more domestic corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the stock of the other or others, or (2) if at least 95 per centum of the stock of two or more corporations is owned by the same interests. As used in this subdivision the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. This subdivision shall be applicable to the determination of affiliation for the taxable year 1926 and each taxable year thereafter.

(e) A corporation organized under the China Trade Act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section.

(f) In any case of two or more related trades or businesses (whether unincorporated or incorporated and whether organized in the United States or not) owned or controlled directly or indirectly by the same interests, the commissioner may and at the request of the taxpayer shall, if necessary in order to make an accurate distribution or apportionment of gains, profits, income, deductions, or capital between or among such related trades or businesses, consolidate the accounts of such related trades or businesses.

(g) For the purposes of this section a corporation entitled to the benefits of section 262 shall be treated as a foreign corporation. (Feb. 26, 1926, c. 27, § 240, 44 Stat. 46.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title. China Trade Act, 1922, mentioned in the text, constitutes c. 4 of Title 15, COMMERCE AND TRADE. Sections 236 and 262 mentioned in the text, are set out in §§ 988 and 1030, respectively, of this supplemental title.

INSURANCE COMPANIES

1001. Same; taxes imposed in lieu of other taxes.—In lieu of the tax imposed by section 230, there shall be levied, collected, and paid for each taxable year upon the net income of every life insurance company a tax as follows:

(1) In the case of a domestic life insurance company, 12½ per centum of its net income.

(2) In the case of a foreign life insurance company, 12½ per centum of its net income from sources within the United States. (Feb. 26, 1926, c. 27, § 243, 44 Stat. 47.)

See note at beginning of this chapter.

Section 230 is set out in § 981 of this supplemental title.

1002. Life insurance companies; definition of.—When used in this title the term "life insurance company" means an insurance company engaged in the business of issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 per centum of its total reserve funds. (Feb. 26, 1926, c. 27, § 242, 44 Stat. 47.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title.

1003. Same; gross income; reserve fund required by law.—(a) In the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents.

(b) The term "reserve funds required by law" includes, in the case of assessment insurance, sums actually deposited by any company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation of

the company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use. (Feb. 26, 1926, c. 27, § 244, 44 Stat. 47.)

See note at beginning of this chapter.

1004. Same; net income; computation; credits; deductions.—(a) In the case of a life insurance company the term "net income" means the gross income less—

(1) The amount of interest received during the taxable year which under paragraph (4) of subdivision (b) of section 213 is exempt from taxation under this title:

(2) An amount equal to the excess, if any, over the deduction specified in paragraph (1) of this subdivision, of 4 per centum of the mean of the reserve funds required by law and held at the beginning and end of the taxable year, plus (in case of life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation) 4 per centum of the mean of such reserve funds (not required by law) held at the beginning and end of the taxable year, as the commissioner finds to be necessary for the protection of the holders of such policies only;

(3) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation organized under the China Trade Act, 1922, or (B) from any foreign corporation when it is shown to the satisfaction of the commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 217;

(4) An amount equal to 2 per centum of any sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than five years from the date of the policy contract;

(5) Investment expenses paid during the taxable year: *Provided*, That if any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

(6) Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes:

(7) A reasonable allowance for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence;

(8) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title; and

(9) In the case of a domestic life insurance company, the net income of which (computed without the benefit of this paragraph) is $25,000 or less, the sum of $2,000; but if the net income is more than $25,000 the tax imposed by section 243 shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000.

(b) No deduction shall be made under paragraphs (6) and (7) of subdivision (a) on account of any real estate owned and occupied in whole or in part by a life insurance company unless there is included in the return of gross income the rental value of the space so occupied. Such rental value shall be not less than a sum which in addition to any rents received from other tenants shall provide a net income (after deducting taxes, depreciation, and all other expenses) at the rate of 4 per centum per annum of the book value at the end of the taxable year of the real estate so owned or occupied. (Feb. 26, 1926, c. 27, § 245 (a), (b), 44 Stat. 47.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title. The China Trade Act, 1922, mentioned in the text, constitutes c. 4 of Title 15, COMMERCE AND TRADE. Sections 213, 217, and 262, mentioned in the text, are set out in §§ 954, 958, and 1030, respectively, of this supplemental title.

1005. Same; foreign corporations; net income.—In the case of a foreign life insurance company the amount of its net income for any taxable year from sources within the United States shall be the same proportion of its net income for the taxable year from sources within and without the United States, which the reserve funds required by law and held by it at the end of the taxable year upon business transacted within the United States is of the reserve funds held by it at the end of the taxable year upon all business transacted. (Feb. 26, 1926, c. 27, § 245 (c), 44 Stat. 47.)

See note at beginning of this chapter.

1006. Other insurance companies; taxes imposed; gross income; net income; investment income; underwriting income; premiums earned on insurance contracts during taxable year; losses incurred; expenses incurred.—(a) In lieu of the tax imposed by section 230, there shall be levied, collected, and paid for each taxable year upon the net income of every insurance company (other than a life or mutual insurance company) a tax as follows:

(1) In the case of such domestic insurance company, 12½ per centum of its net income;

(2) In the case of such a foreign insurance company, 12½ per centum of its net income from sources within the United States.

(b) In the case of an insurance company subject to the tax imposed by this section—

(1) The term "gross income" means the combined gross amount earned during the taxable year, from investment income and from underwriting income as provided in this subdivision, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners;

(2) The term "net income" means the gross income as defined in paragraph (1) of this subdivision less the deductions allowed by section 247;

(3) The term "investment income" means the gross amount of income earned during the taxable year from interest, dividends, and rents, computed as follows:

To all interest, dividends and rents received during the taxable year, add interest, dividends and rents due and accrued at the end of the taxable year, and deduct all interest, dividends and rents due and accrued at the end of the preceding taxable year;

(4) The term "underwriting income" means the premiums earned on insurance contracts during the taxable year less losses incurred and expenses incurred;

(5) The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance. To the result so obtained add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year;

(6) The term "losses incurred" means losses incurred during the taxable year on insurance contracts, computed as follows:

To losses paid during the taxable year, add salvage and reinsurance recoverable outstanding at the end of the preceding taxable year, and deduct salvage and reinsurance recoverable outstanding at the end of the taxable year. To the result so obtained add all unpaid losses outstanding at the end of the taxable year and deduct unpaid losses outstanding at the end of the preceding taxable year;

(7) The term "expenses incurred" means all expenses shown on the annual statement approved by the National Convention of Insurance Commissioners, and shall be computed as follows:

To all expenses paid during the taxable year add expenses unpaid at the end of the taxable year and deduct expenses unpaid at the end of the preceding taxable year. For the purpose of computing the net income subject to the tax imposed by this section there shall be deducted from expenses incurred as defined in this paragraph all expenses incurred which are not allowed as deductions by section 247. (Feb. 26, 1926, c. 27, § 246, 44 Stat. 48.)

See note at beginning of this chapter.

Sections 230 and 247, mentioned in the text, are set out in §§ 981 and 1007, respectively, of this supplemental title.

1007. Same; net income; computation; deductions.—(a) In computing the net income of an insurance company subject to the tax imposed by section 246 there shall be allowed as deductions:

(1) All ordinary and necessary expenses incurred, as provided in paragraph (1) of subdivision (a) of section 234;

(2) All interest as provided in paragraph (2) of subdivision (a) of section 234;

(3) Taxes as provided in paragraph (3) of subdivision (a) of section 234;

(4) Losses incurred;

(5) Bad debts in the nature of agency balances and bills receivable ascertained to be worthless and charged off within the taxable year;

(6) The amount received as dividends from corporations as provided in paragraph (6) of subdivision (a) of section 234;

(7) The amount of interest earned during the taxable year which under paragraph (4) of subdivision (b) of section 213 is exempt from taxation under this title, and the amount of interest allowed as a credit under section 236;

(8) A reasonable allowance for the exhaustion, wear and tear of property, as provided in paragraph (7) of subdivision (a) of section 234;

(9) In the case of such a domestic insurance company, the net income of which (computed without the benefit of this paragraph) is $25,000 or less, the sum of $2,000; but if the net income is more than $25,000 the tax imposed by section 246 shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000.

(b) In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in subdivision (b) of section 234.

(c) Nothing in this section or in section 246 shall be construed to permit the same item to be twice deducted. (Feb. 26, 1926, c. 27, § 247, 44 Stat. 49.)

See note at beginning of this chapter.

Sections 213, 234, 236, and 246, mentioned in the text, are set out in §§ 954, 986, 988, and 1006 of this supplemental title.

PART IV.—ADMINISTRATIVE PROVISIONS

1021. Dividend returns; contents; verification.—Every corporation subject to the tax imposed by this title shall, when required by the commissioner, render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him. (Feb. 26, 1926, c. 27, § 254, 44 Stat. 50.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title.

1022. Brokers' returns; contents; verification.—Every person doing business as a broker shall, when required by the commissioner, render a correct return duly verified under oath, under such rules and regulations as the commissioner, with the approval of the Secretary, may prescribe, showing the names of customers for whom such person has transacted any business, with such details as to the profits, losses, or other information which the commissioner may require, as to each of such customers, as will enable the commissioner to determine whether all income tax due on profits or gains of such customers has been paid. (Feb. 26, 1926, c. 27, § 255, 44 Stat. 50.)

See note at beginning of this chapter.

1023. Returns by employers, fiduciaries, lessees, mortgagors, etc.; amount; contents.—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections 254 and 255), of $1,500 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

The provisions of this section shall not apply to the payment of interest on obligations of the United States. (Feb. 26, 1926, c. 27, § 256. 44 Stat. 50.)

See note at beginning of this chapter.

Sections 254 and 255, mentioned in the text, are set out in §§ 1021 and 1022 respectively, of this supplemental title.

1024. Inspection; lists of persons making returns.—(a) Returns upon which the tax has been determined by the com-

missioner shall constitute public records; but, except as hereinafter provided in this section and section 1203, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President. Whenever a return is open to the inspection of any person a certified copy thereof shall, upon request, be furnished to such person under rules and regulations prescribed by the commissioner with the approval of the Secretary. The commissioner may prescribe a reasonable fee for furnishing such copy.

(b) (1) The Secretary and any officer or employee of the Treasury Department, upon request from the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a select committee of the Senate or House specially authorized to investigate returns by a resolution of the Senate or House, or a joint committee so authorized by concurrent resolution, shall furnish such committee sitting in executive session with any data of any character contained in or shown by any return.

(2) Any such committee shall have the right, acting directly as a committee, or by or through such examiners or agents as it may designate or appoint, to inspect any or all of the returns at such times and in such manner as it may determine.

(3) Any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and the House, as the case may be.

(c) The proper officers of any State may, upon the request of the governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of the corporation, at such times and in such manner as the Secretary may prescribe.

(d) All bona fide shareholders of record owning 1 per centum or more of the outstanding stock of any corporation shall, upon making request of the commissioner, be allowed to examine the annual income returns of such corporation and of its subsidiaries. Any shareholder who pursuant to the provisions of this section is allowed to examine the return of any corporation, and who makes known in any manner whatever not provided by law the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any such return, shall be guilty of a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

(e) The commissioner shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the name and the post-office address of each person making an income-tax return in such district. (Feb. 26, 1926, c. 27, § 257, 44 Stat. 51.)

See note at beginning of this chapter.

Section 1203, mentioned in the text, is set out in § 1274 of this supplemental title.

1025. Disclosure by officials or publication of income tax returns unlawful.—It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. (Feb. 26, 1926, c. 27, § 1115, 44 Stat. 117.)

See note at beginning of this chapter.

Section 3167 of the Revised Statutes as amended, constituting §§ 62 and 1025 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the statute was reenacted without change in § 1115 of said Act and is herein set out. This provision is also set out again in § 216 of supplemental Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE.

1026. Statistics of operation of law; contents.—The commissioner, with the approval of the Secretary, shall prepare and publish annually statistics reasonably available with respect to the operation of the income, war-profits and excess-profits tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and any other facts deemed pertinent and valuable. (Feb. 26, 1926, c. 27, § 258, 44 Stat. 52.)

See note at beginning of this chapter.

1027. Licenses to and regulation of persons collecting foreign payments of interest or dividends; penalty.—All persons undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the commissioner and shall be subject to such regulations enabling the Government to obtain the information required under this title as the commissioner, with the approval of the Secretary, shall prescribe; and whoever knowingly undertakes to collect such payments without having obtained a license therefor, or without complying with such regulations, shall be guilty of a misdemeanor and shall be fined not more than $5,000 or imprisoned for not more than one year, or both. (Feb. 26, 1926, c. 27, § 259, 44 Stat. 52.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title.

1028. Citizens of United States possessions; taxation of; Virgin Islands.—Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States, shall be subject to taxation under this title only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources.

Nothing in this section shall be construed to alter or amend the provisions of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, relating to the imposition of income taxes in the Virgin Islands of the United States. (Feb. 26, 1926, c. 27, § 260, 44 Stat. 52.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title. The Act of July 12, 1921, mentioned in the text is set forth in part in section 1397 of Title 48, TERRITORIES AND INSULAR POSSESSIONS.

1029. Porto Rico and Philippine Islands; levy, assessment, collection, and payment of tax.—In Porto Rico and the Philippine Islands the income tax shall be levied, assessed, collected, and paid as provided by law prior to the enactment of this Act. (Feb. 26, 1926, c. 27, § 261, 44 Stat. 52.)

See note at beginning of this chapter.

1030. Gross income of citizens or domestic corporations fulfilling certain requirements.—(a) In the case of citizens of the United States or domestic corporations, satisfying the following conditions, gross income means only gross income from sources within the United States—

(1) If 80 per centum or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section), for the three-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States; and

(2) If, in the case of such corporation, 50 per centum or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

(3) If, in the case of such citizen, 50 per centum or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

(b) Notwithstanding the provisions of subdivision (a) there shall be included in gross income all amounts received by such citizens or corporations within the United States, whether derived from sources within or without the United States.

(c) As used in this section the term "possession of the United States" does not include the Virgin Islands of the United States. (Feb. 26, 1926, c. 27, § 262, 44 Stat. 53.)

See note at beginning of this chapter.

1031. Corporations organized under China Trade Act; credits allowed.—(a) For the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the commissioner—

(1) The amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in China, the United States, or possessions of the United States, or were individual citizens of the United States or China, and owned shares of stock of the corporation;

(2) That such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation; and

(3) That such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided.

(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

(d) As used in this section the term "China" shall have the same meaning as when used in the China Trade Act, 1922. (Feb. 26, 1926, c. 27, § 263, 44 Stat. 53.)

See note at beginning of this chapter.

The China Trade Act, 1922, mentioned in the text, constitutes ch. 4 of Title 15, COMMERCE AND TRADE. Sections 217 and 230, mentioned in the text, are set out in §§ 958 and 981, respectively, of this supplemental title.

PART V.—PAYMENT, COLLECTION, AND REFUND OF TAX AND PENALTIES

1041. Time for payment of tax; payments in full.—(a) Except as provided in subdivisions (b), (c), and (d) of this section the total amount of tax imposed by this title shall be paid—

(1) In the case of a taxpayer, other than a nonresident alien individual, and other than a foreign corporation not having an office or place of business in the United States, on the 15th day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the third month following the close of the fiscal year; and

(2) In the case of a nonresident alien individual, and of a foreign corporation not having an office or place of business in the United States, on the 15th day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the sixth month following the close of the fiscal year.

(d) A tax imposed by this title, or any installment thereof, may be paid, at the election of the taxpayer, prior to the date prescribed for its payment. (Feb. 26, 1926, c. 27, § 270 (a) (d), 44 Stat. 54.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title.

1042. Same; payment in installments.—(1) The taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed in subdivision (a) for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after such date.

(2) If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector. (Feb. 26, 1926, c. 27, § 270 (b), 44 Stat. 54.)

See note at beginning of this chapter.

1043. Same; extension of time for payment.—(1) At the request of the taxpayer, the Commissioner may extend the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, for a period not to exceed six months from the date prescribed in subdivision (a) or (b) for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(2) If the time for payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the date when such payment should have been made if no extension had been granted, until

the expiration of the period of the extension. (Feb. 26, 1926, c. 27, § 270(c), 44 Stat. 54.)

See note at beginning of this chapter.

1044. Same; taxes payable at source.—The provisions of this section shall not apply to the payment of a tax required to be withheld at the source under section 221 or 237. (Feb. 26, 1926, c. 27, § 270(e), 44 Stat. 54.)

See note at beginning of this chapter.

Sections 221 and 237, mentioned in the text, are set out in §§ 962 and 989, respectively, of this supplemental title.

1045. Examination of return and determination of amount of tax.—As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax. (Feb. 26, 1926, c. 27, § 271, 44 Stat. 55.)

See note at beginning of this chapter.

1046. Credit or refund of overpayments.—If the taxpayer has paid as an installment of the tax more than the amount determined to be the correct amount of such installment, the excess shall be credited against the unpaid installments, if any. If the amount already paid, whether or not on the basis of installments, exceeds the amount determined to be the correct amount of the tax, the excess shall be credited or refunded as provided in section 284. (Feb. 26, 1926, c. 27, § 272, 44 Stat. 55.)

See note at beginning of this chapter.

Section 284, mentioned in the text, is set out in §1065 of this supplemental title.

1047. Deficiency in tax; what constitutes.—As used in this title in respect of a tax imposed by this title the term "deficiency" means—

(1) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the taxpayer upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the taxpayer upon his return, or if no return is made by the taxpayer, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. (Feb. 26, 1926, c. 27, § 273, 44 Stat. 55.)

See note at beginning of this chapter.

"This title," herein referred to, constitutes c. 19 of this supplemental title.

1048. Same; notice to taxpayer of deficiency; [limitations on assessment or collection of same].—If in the case of any taxpayer, the commissioner determines that there is a deficiency in respect of the tax imposed by this title, the commissioner is authorized to send notice of such deficiency to the taxpayer by registered mail. Within 60 days after such notice is mailed (not counting Sunday as the sixtieth day), the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as otherwise provided in subdivision (d) or (f) of this section or in section 279, 282, or 1001, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such 60-day period, nor, if a petition has been filed with the board, until the decision of the board has become final. Notwithstanding the provisions of section 3224 of the Revised Statutes the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court. (Feb. 26, 1926, c. 27, § 274(a), 44 Stat. 55.)

"This title" herein referred to constitutes c. 19 of this supplemental title. Section 3224 of the Revised Statutes, mentioned in the text, is set out in § 154 of Title 26, INTERNAL REVENUE. Section 279, mentioned in the text, is set out in §§ 1051 and 1063 of this supplemental title. Sections 282 and 1001, mentioned in the text, are set out in §§ 1071 and 1224, respectively, of said title.

See note at beginning of this chapter. Subdivisions (d) and (f), mentioned in the text, are set out in §§ 1048a and 1048b, respectively, of this supplemental title.

1048a. Same; waiver of restrictions by taxpayer.—The taxpayer shall at any time have the right, by a signed notice in writing filed with the commissioner, to waive the restrictions provided in subdivision (a) of this section on the assessment and collection of the whole or any part of the deficiency. (Feb. 26, 1926, c. 27, § 274 (d), 44 Stat. 55.)

New section. Subdivision (a), mentioned in the text, is set out in § 1048 of this supplemental title.

1048b. Additional deficiency in same year; mathematical error; notice.—If after the enactment of this Act the commissioner has mailed to the taxpayer notice of a deficiency as provided in subdivision (a), and the taxpayer files a petition with the board within the time prescribed in such subdivision, the commissioner shall have no right to determine any additional deficiency in respect of the same taxable year, except in the case of fraud, and except as provided in subdivision (e) of this section or in subdivision (c) of section 279. If the taxpayer is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered, for the purposes of this subdivision or of subdivision (a) of this section, or of subdivision (d) of section 284, as a notice of a deficiency, and the taxpayer shall have no right to file a petition with the board based on such notice, nor shall such assessment or collection be prohibited by the provisions of subdivision (a) of this section. (Feb. 26, 1926, c. 27, § 274 (f), 44 Stat. 55.)

New section. Section 279, mentioned in the text, is set out in §§ 1051 and 1063 of this supplemental title; § 284, similarly mentioned, is set out in § 1065 of said title. Subdivisions (a) and (e), mentioned in the text, are set out in §§ 1048 and 1049a, respectively, of said title.

1049. [Deficiency; assessment and payment, where petition filed with board].—If the taxpayer files a petition with the board, the entire amount redetermined as the deficiency by the decision of the board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the commissioner but disallowed as such by the decision of the board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment. (Feb. 26, 1926, c. 27, § 274 (b), 44 Stat. 55.)

See note at beginning of this chapter.

1049a. Redetermination of deficiency by board.—The board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the taxpayer, and to determine whether any penalty, additional amount or addition to the tax should be assessed, if claim therefor is asserted by the commissioner at or before the hearing or a rehearing. (Feb. 26, 1926, c. 27, § 274 (e), 44 Stat. 55.)

New section.

1049b. Redetermination of deficiency; consideration of taxes of other years.—The board in redetermining a deficiency in respect of any taxable year shall consider such facts with relation to the taxes for other taxable years as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not

the tax for any other taxable year has been overpaid or underpaid. (Feb. 26, 1926, c. 27, § 274 (g), 44 Stat. 55.)

New section.

1049c. When decision of board becomes final.—For the purposes of this title the date on which a decision of the board becomes final shall be determined according to the provisions of section 1005. (Feb. 26, 1926, c. 27, § 274 (h), 44 Stat. 55.)

New section. "This title," herein referred to, constitutes c. 19 of this supplemental title. Section 1005, mentioned in the text, is set out in § 1228 of said title.

1050. Assessment and payment where no appeal to board.—If the taxpayer does not file a petition with the board within the time prescribed in subdivision (a) of this section, the deficiency, notice of which has been mailed to the taxpayer, shall be assessed, and shall be paid upon notice and demand from the collector. (Feb. 26, 1926, c. 27, § 274 (c), 44 Stat. 55.)

See note at beginning of this chapter.

Subdivision (a), mentioned in the text, is set out in § 1048 of this supplemental title.

1051. Same; assessment and collection of deficiency where delay would jeopardize same.—(a) If the commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

(b) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under subdivision (a) of section 274, then the commissioner shall mail a notice under such subdivision within 60 days after the making of the assessment.

(c) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the taxpayer, despite the provisions of subdivision (f) of section 274 and whether or not the taxpayer has theretofore filed a petition with the Board of Tax Appeals. The commissioner shall notify the board of the amount of such assessment, if the petition is filed with the board before the making of the assessment or is subsequently filed, and the board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) If the jeopardy assessment is made after the decision of the board is rendered such assessment may be made only in respect of the deficiency determined by the board in its decision.

(e) A jeopardy assessment may not be made after the decision of the board has become final or after the taxpayer has filed a petition for review of the decision of the board.

(f) When a jeopardy assessment has been made the taxpayer, within 10 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the board which has become final, together with interest thereon as provided in subdivision (j) of this section.

(g) If the bond is given before the taxpayer has filed his petition with the board under subdivision (a) of section 274, the bond shall contain a further condition that if a petition is not filed within the period provided in such subdivision, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subdivision.

(h) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the taxpayer, be proportionately reduced. If the board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the board is rendered the bond shall, at the request of the taxpayer, be proportionately reduced.

(i) When the petition has been filed with the board and when the amount which should have been assessed has been determined by a decision of the board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded to the taxpayer as provided in section 284. If the amount determined as the amount which shall have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

(j) In the case of the amount collected under subdivision (i) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under subdivision (i) of this section, or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in subdivision (j) of section 274. If the amount included in the notice and demand from the collector under subdivision (i) of this section is not paid in full within 10 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month (or, for any period the estate of the taxpayer is held by a fiduciary appointed by any court of competent jurisdiction or by will, at the rate of 6 per centum per annum) from the date of such notice and demand until it is paid. (Feb. 26, 1926, c. 27, § 279 (a–j), 44 Stat. 59.)

See note at beginning of this chapter.

Subdivisions (a), (f), and (j) of § 274, mentioned in the text, are set out in §§ 1048, 1048b, and 1053, respectively, of this supplemental title. Section 284, mentioned in the text, is set out in § 1065 of said title.

1052. Prorating deficiency to installments.—If the taxpayer has elected to pay the tax in installments and a deficiency has been assessed, the deficiency shall be prorated to the four installments. Except as provided in section 279, that part of the deficiency so prorated to any installment the date for payment of which has not arrived, shall be collected at the same time as and as part of such installment. That part of the deficiency so prorated to any installment the date for payment of which has arrived, shall be paid upon notice and demand from the collector. (Feb. 26, 1926, c. 27, § 274 (i), 44 Stat. 55.)

See note at beginning of this chapter.

Section 279, mentioned in the text, is set out in §§ 1051 and 1063 of this supplemental title.

1053. Interest on deficiency.—Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the date prescribed for

the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed, or, in the case of a waiver under subdivision (d) of this section, to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier. (Feb. 26, 1926, c. 27, § 274 (j), 44 Stat. 55.)

See note at beginning of this chapter.

Subdivision (d), mentioned in the text, is set out in section 1048a of this supplemental title.

1054. Extension of time for payment of deficiency.—Where it is shown to the satisfaction of the commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the taxpayer the commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of eighteen months. If an extension is granted, the commissioner may require the taxpayer to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period. (Feb. 26, 1926, c. 27, § 274 (k), 44 Stat. 55.)

See note at beginning of this chapter.

1055. Increasing tax where deficiency due to negligence or fraud.—(a) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of subdivisions (i) and (j) of section 274 shall not be applicable.

(b) If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 3176 of the Revised Statutes, as amended. (Feb. 26, 1926, c. 27, § 275, 44 Stat. 57.)

See note at beginning of this chapter.

Subdivisions (i) and (j) of section 274, mentioned in the text, are set out in §§ 1052 and 1053, respectively, of this supplemental title. Section 3176 of the Revised Statutes, mentioned in the text, is set out in §§ 97 and 98 of Title 26, INTERNAL REVENUE.

1056. Delinquent taxes; interest, estates; [effect of filing bond].—(a) (1) Where the amount determined by the taxpayer as the tax imposed by this title, or any installment thereof, or any part of such amount or installment, is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the date prescribed for its payment until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under paragraph (2) of subdivision (c) of section 270, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) Where a deficiency, or any interest or additional amounts assessed in connection therewith under subdivision (j) of section 274, or under section 275, or any addition to the tax in case of delinquency provided for in section 3176 of the Revised Statutes, as amended, is not paid in full within ten days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid. If any part of a deficiency prorated to any unpaid installment under subdivision (i) of section 274 is not paid in full on or before the date prescribed for the payment of such installment, there shall be collected as part of the tax interest upon the unpaid amount at the rate of 1 per centum a month from such date until it is paid.

(c) For any period an estate is held by a fiduciary appointed by order of any court of competent jurisdiction or by will, there shall be collected interest at the rate of 6 per centum per annum in lieu of the interest provided in subdivisions (a) and (b) of this section.

(d) If a bond is filed, as provided in section 279, the provisions of subdivisions (b) and (c) of this section shall not apply to the amount covered by the bond. (Feb. 26, 1926, c. 27, § 276, 44 Stat. 57.)

See note at beginning of this chapter.

"This title," herein referred to constitutes c. 19 of this supplemental title. Subdivision (c) of § 270 and subdivisions (i) and (j) of § 274, mentioned in the text, are set out in §§ 1043, 1052, and 1053, respectively of said title. Section 275 similarly mentioned is set out in § 1055 of said title; § 279 similarly mentioned is set out in §§ 1051 and 1063 of said title. Section 3176 of the Revised Statutes similarly mentioned, is set out in §§ 97 and 98 of Title 26, INTERNAL REVENUE.

1057. Assessments and collections; [suspension of running of limitation].—(a) Except as provided in section 278—(1) The amount of income taxes imposed by this Act shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

(2) The amount of income, excess-profits, and war-profits taxes imposed by the Revenue Act of 1921, and by such Act as amended, for the taxable year 1921 and succeeding taxable years, and the amount of income taxes imposed by the Revenue Act of 1924, shall be assessed within four years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

(3) The amount of income, excess-profits, and war-profits taxes imposed by the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, the Act entitled "An Act to reduce tariff duties and to provide revenue for the government, and for other purposes," approved October 3, 1913, the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, and by any such Act as amended, shall be assessed within five years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period. (4) In the case of income received during the lifetime of a decedent, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within one year after written

request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, but not after the expiration of the period prescribed for the assessment of the tax in paragraph (1), (2), or (3) of this subdivision.

(5) If a corporation makes no return of the tax imposed by this title, but each of the shareholders includes in his return his distributive share of the net income of the corporation, then the tax of the corporation shall be assessed within four years after the last date on which any such shareholder's return was filed. Nothing in section 283 shall be construed as making the provisions of this paragraph applicable to any tax imposed by a prior Act of Congress.

(b) The running of the statute of limitations provided in this section or in section 278 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under subdivision (a) of section 274) be suspended for the period during which the commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court, and for 60 days thereafter. (Feb. 26, 1926, c. 27, § 277, 44 Stat. 58.)

See note at beginning of this chapter.

"This Act," herein referred to, constitutes this supplemental title. "This title," herein referred to, constitutes c. 19 of said supplemental title. The Revenue Act of 1924, mentioned in the text, is set out in Title 26, INTERNAL REVENUE. Subdivision (a) of § 274, similarly mentioned, is set out in § 1048 of this supplemental title; § 278, similarly mentioned, is set out in §§ 1058 to 1062, inclusive, of said title; and § 283, similarly mentioned, is set out in § 1064 of said title.

1058. Same; false or fraudulent returns.—In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. (Feb. 26, 1926, c. 27, § 278 (a), 44 Stat. 59.)

See note at beginning of this chapter.

1059. Assessment and collection under prior law of deficiency attributable to tentatively allowed deductions.—Any deficiency attributable to a change in a deduction tentatively allowed under paragraph (9) of subdivision (a) of section 214, or paragraph (8) of subdivision (a) of section 234, of the Revenue Act of 1918 or the Revenue Act of 1921, may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time. (Feb. 26, 1926, c. 27, § 278 (b), 44 Stat. 59.)

See note at beginning of this chapter.

1060. Assessment of tax assessable after prescribed time.—Where both the commissioner and the taxpayer have consented in writing to the assessment of the tax after the time prescribed in section 277 for its assessment the tax may be assessed at any time prior to the expiration of the period agreed upon. (Feb. 26, 1926, c. 27, § 278 (c), 44 Stat. 59.)

See note at beginning of this chapter.

Section 277, mentioned in the text, is set out in § 1057 of this supplemental title.

1061. Distraint or court proceeding; time for.—Where the assessment of any income, excess-profits, or war-profits tax imposed by this title or by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act), but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the commissioner and the taxpayer. (Feb. 26, 1926, c. 27, § 278 (d) 44 Stat. 59.)

See note at beginning of this chapter.

"This title," mentioned in the text, constitutes c. 19 of this supplemental title.

1062. Assessment or collection of taxes by distraint; where barred.—This section shall not bar a distraint or proceeding in court begun before the enactment of the Revenue Act of 1924; nor shall it authorize the assessment of a tax or the collection thereof by distraint or by proceeding in court (1) if at the time of the enactment of this Act such assessment, distraint or proceeding was barred by the statutory period of limitation properly applicable thereto, unless prior to the enactment of this Act the commissioner and the taxpayer agreed in writing thereto, or (2) contrary to the provisions of subdivision (a) of section 274 of this Act. (Feb. 26, 1926, c. 27, § 278 (e), 44 Stat. 59.)

See note at beginning of this chapter.

"This section," herein referred to, constitutes §§ 1058 to 1062, inclusive, of this supplemental title. Subdivision (a) of § 274, mentioned in the text, is set out in § 1048 of said title. The Revenue Act of 1924, similarly mentioned, is set out in Title 26, INTERNAL REVENUE.

1063. Claim in abatement.—No claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any income, war-profits, or excess-profits tax. (Feb. 26, 1926, c. 27, § 279 (k), 44 Stat. 59.)

See note at beginning of this chapter.

1064. Assessment and collections under prior law.—(a) If after the enactment of this Act the commissioner determines that any assessment should be made in respect of any income, war-profits, or excess-profits tax imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or by any such Act as amended, the commissioner is authorized to send by registered mail to the person liable for such tax notice of the amount proposed to be assessed, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 274 of this Act. In the case of any such determination the amount which should be assessed (whether as deficiency or as interest, penalty, or other addition to the tax) shall, except as provided in subdivision (d) of this section, be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand and the provisions prohibiting claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except as otherwise provided in section 277 of this Act.

(b) If before the enactment of this Act any person has appealed to the Board of Tax Appeals under subdivision (a) of section 274 of the Revenue Act of 1924 (if such appeal relates to a tax imposed by Title II of such Act or to so much of an income, war-profits, or excess-profits tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and the appeal is pending before the board at the time of the enactment of this Act, the board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the commissioner and of the person who has brought the appeal, and the jurisdiction of the board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section, except as provided in subdivision (j) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (d) of section 284.

(c) If before the enactment of this Act the commissioner has mailed to any person a notice under subdivision (a) of section 274 of the Revenue Act of 1924 (whether in respect of a tax imposed by Title II of such Act or in respect of so much of an income, war-profits, or excess-profits tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and if the 60-day period referred to in such subdivision has not expired before the enact-

ment of this Act and no appeal has been filed before the enactment of this Act, such person may file a petition with the board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the 60-day period referred to in subdivision (a) of section 274 of this Act shall begin on the date of the enactment of this Act, and the powers, duties, rights, and privileges of the commissioner and of the person entitled to file the petition, and the jurisdiction of the board and of the courts, shall, whether or not the petition is filed, be determined, and the computation of the tax shall be made in the same manner as provided in subdivision (a) of this section.

(d) In the case of any assessment made after the enactment of this Act in respect of a tax imposed by any Act of Congress prior to November 23, 1921, interest upon the tax proposed to be assessed shall be assessed at the same time as such tax, shall be paid upon notice and demand from the collector, and shall be collected as part of such tax, at the rate of 6 per centum per annum, from the date of the enactment of this Act to the date such tax is assessed, or, in the case of a waiver under subdivision (d) of section 274, to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier.

(e) If any deficiency in any income, war-profits, or excess-profits tax imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the commissioner, after the enactment of this Act, finally determines the amount of the deficiency, he is authorized to send by registered mail to the person liable for such tax notice of such deficiency, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 274 of this Act. In the case of any such final determination the amount of the tax (whether deficiency or interest, penalty, or other addition to the tax) shall, except as provided in subdivision (h) of this section, be computed as if this Act had not been enacted, but the amount so computed shall be collected and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand, and the provisions relating to claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except as otherwise provided in section 277 of this Act and in subdivision (i) of this section.

(f) If any deficiency in any income, war-profits, or excess-profits tax imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before that date, and if the commissioner after June 2, 1924, but before the enactment of this Act finally determined the amount of the deficiency, and if the person liable for such tax appealed before the enactment of this Act to the board and the appeal is pending before the board at the time of the enactment of this Act, the board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the commissioner and of the person who has brought the appeal, and the jurisdiction of the board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (e) of this section, except as provided in subdivision (j) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (d) of section 284.

(g) If any deficiency in any income, war-profits, or excess-profits tax imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the commissioner after June 2, 1924, finally determined the amount of the deficiency, and notified the person liable for such tax to that effect less than 60 days prior to the enactment of this Act and no appeal has been filed before the enactment of this Act, the person so notified may file a petition with the board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the 60-day period referred to in subdivision (a) of section 274 of this Act shall begin on the date of the enactment of this Act, and, whether or not the petition is filed, the powers, duties, rights, and privileges of the commissioner and of the person who is so notified, and the jurisdiction of the board and of the courts, shall be determined, and the computation of the tax be made, in the same manner as provided in subdivision (e) of this section.

(h) In cases within the scope of subdivision (e), (f), or (g) in computing the amount which should be collected, interest upon the amount determined by the commissioner, or by the decision of the board which has become final, to be the amount of the deficiency, shall be included at the rate of 6 per centum per annum from the date of the enactment of this Act up to the date of notice and demand from the collector, or, in the case of a waiver under subdivision (d) of section 274, to the thirtieth day after the filing of such waiver or to the date of notice and demand whichever is the earlier. The interest provided in this subdivision shall be included only in cases where no other interest for the same period is provided by law.

(i) In cases within the scope of subdivision (e), (f), or (g), if the commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 274 of this Act, instruct the collector to proceed to enforce the payment of the unpaid portion of the deficiency, and notice and demand shall be made by the collector for the payment thereof. Within 10 days after such jeopardy notice and demand the person liable for the tax may obtain a stay of collection of the whole or any part of the amount included in the notice and demand by filing with the collector a bond in like manner, under the same conditions, and with the same effect, as in the case of a bond to stay the collection of a jeopardy assessment under section 279 of this Act.

(j) In cases within the scope of subdivision (b) or (f) of this section where any hearing before the board has been held before the enactment of this Act and the decision is rendered after the enactment of this Act, such decision shall, for the purposes of this title, be considered to have become final upon the date when it is rendered and neither party shall have any right to petition for a review of the decision. The commissioner may, within one year from the time the decision is rendered, begin a proceeding in court for the collection of any part of the amount disallowed by the board, unless the statutory period of limitations properly applicable thereto has expired before the appeal was taken to the board. The court shall include in its judgment interest upon the amount thereof in the same cases, at the same rate, and for the same period, as if such amount were collected otherwise than by proceeding in court. In any such proceeding by the commissioner or in any suit by the taxpayer for a refund, the findings of the board shall be prima facie evidence of the facts therein stated.

(k) Where before the enactment of this Act a jeopardy assessment has been made under subdivision (d) of section 274 of the Revenue Act of 1924 (whether of a deficiency in the tax imposed by Title II of such Act or of a deficiency in an income, war-profits, or excess-profits tax imposed by any of the prior Acts enumerated in subdivision (a) of this section)

all proceedings after the enactment of this Act shall be the same as under the Revenue Act of 1924 as amended by this Act, except that—

(1) A decision of the board rendered after the enactment of this Act where no hearing has been held by the board before the enactment of this Act may be reviewed in the same manner as provided in this Act in the case of a tax imposed by this title;

(2) Where no hearing has been held by the board before the enactment of this Act, the commissioner shall have no right to begin a proceeding in court for the collection of any part of the deficiency disallowed by the board; and

(3) In the consideration of the case the jurisdiction and powers of the board shall be the same as provided in this Act in the case of a tax imposed by this title.

(l) In the case of any income, war-profits, or excess-profits tax imposed by prior Act of Congress, in computing the period of limitations provided in section 277 or 278 of this Act on the making of assessments and the beginning of distraint or a proceeding in court, the running of the statute of limitations shall be considered to have been suspended (in addition to the period of suspension provided for in subdivision (b) of section 277) for any period prior to the enactment of this Act during which the commissioner was prohibited from making the assessment or beginning distraint or proceeding in court. (Feb. 26, 1926, c. 27, § 283, 44 Stat. 63.)

See note at beginning of this chapter.

The Revenue Act of 1924, herein referred to, is set out in Title 26, INTERNAL REVENUE. "Title II" of said Act, also herein referred to, is set out in c. 19, Title 26, INTERNAL REVENUE. "This title," herein referred to, constitutes c. 19 of this supplemental title. "This Act," herein referred to, constitutes this supplemental title. Section 274 of the Revenue Act of 1924, mentioned in the text, is set out in §§ 1048 to 1054, inclusive, of Title 26, INTERNAL REVENUE; subdivisions (a) and (d) of said § 274, are set out in §§ 1048 and 1051, respectively, of said Title 26. Subdivisions (a) and (d) of § 274 of this Act, mentioned in the text, are set out in §§ 1048a and 1048b, respectively, of this supplemental title. Section 277, similarly mentioned, is set out in § 1057a of said title; § 278, similarly mentioned, is set out in §§ 1058 to 1062, inclusive, of said title; § 279, similarly mentioned, is set out in §§ 1051 and 1063 of said title; and § 284, similarly mentioned, is set out in § 1065 of said title.

1065. Credit or refund of overpayments; time for claim; [effect of determination of deficiency]; waiver of right to have tax assessed.—(a) Where there has been an overpayment of any income, war-profits, or excess-profits tax imposed by this Act, the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or any such Act as amended, the amount of such overpayment shall, except as provided in subdivision (d), be credited against any income, war-profits, or excess-profits tax or installment thereof then due from the taxpayer, and any balance of such excess shall be refunded immediately to the taxpayer.

(b) Except as provided in subdivisions (c), (d), (e), and (g) of this section—

(1) No such credit or refund shall be allowed or made after three years from the time the tax was paid in the case of a tax imposed by this Act, nor after four years from the time the tax was paid in the case of a tax imposed by any prior Act, unless before the expiration of such period a claim therefor is filed by the taxpayer; and

(2) The amount of the credit or refund shall not exceed the portion of the tax paid during the three or four years, respectively, immediately preceding the filing of the claim, or if no claim was filed, then during the three or four years, respectively, immediately preceding the allowance of the credit or refund.

(c) If the invested capital of a taxpayer is decreased by the commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that there has been an overpayment of income, war-profits, or excess-profits taxes in any previous year or years, then the amount of such overpayment shall be credited or refunded, without the filing of a claim therefor, notwithstanding the period of limitation provided for in subdivision (b) or (g) has expired.

(d) If the commissioner has mailed to the taxpayer a notice of deficiency under subdivision (a) of section 274 and if the taxpayer after the enactment of this Act files a petition with the Board of Tax Appeals within the time prescribed in such subdivision, no credit or refund in respect of the tax for the taxable year in respect of which the commissioner has determined the deficiency shall be allowed or made and no suit by the taxpayer for the recovery of any part of such tax shall be instituted in any court except—

(1) As provided in subdivision (e) of this section or in subdivision (1) of section 279 or in subdivision (b), (f), or (i) of section 283 or in subdivision (d) of section 1001; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the board which has become final; and

(3) As to any amount collected after the statutory period of limitations upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the board which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive.

(e) If the board finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the commissioner determined the deficiency, the board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the board has become final, be credited or refunded to the taxpayer as provided in subdivision (a). Such refund or credit shall be made either (1) if claim therefor was filed within the period of limitation provided for in subdivision (b) or (g), or (2) if the petition was filed with the board within four years after the tax was paid, or, in the case of a tax imposed by this Act, within three years after the tax was paid.

(f) Where there has been an overpayment of tax under section 221 or 237 any refund or credit made under the provisions of this section shall be made to the withholding agent unless the amount of such tax was actually withheld by the withholding agent.

(g) If the taxpayer has, within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, or if he has, on or before June 15, 1924, filed such a waiver in respect of the taxes due for the taxable year 1918, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either on or before April 1, 1925, or within four years from the time the tax was paid. If the taxpayer has, on or before June 15, 1925, filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefor is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If the taxpayer has, on or before June 15, 1926, filed

such a waiver in respect of the taxes due for the taxable year 1920 or 1921, then such credit or refund relating to the taxes for the taxable year 1920 or 1921 shall be allowed or made if claim therefor is filed either on or before April 1, 1927, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid, or (2) on or before April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919, or on or before April 1, 1928, in the case of credits or refunds relating to the taxes for the taxable years 1920 and 1921. This subdivision shall not authorize a credit or refund prohibited by the provisions of subdivision (d).

(h) Except as provided in subdivision (d) this section shall not (1) bar from allowance a claim for credit or refund filed prior to the enactment of this Act which but for such enactment would have been allowable, or (2) bar from allowance a claim in respect of a tax for the taxable year 1919 or 1920 if such claim is filed before the expiration of five years after the date the return was due. (Feb. 26, 1926, c. 27, § 284, 44 Stat. 66.)

See note at beginning of this chapter.

The Revenue Act of 1924, mentioned in the text, is set out in Title 26, INTERNAL REVENUE. "This Act," herein referred to, constitutes this supplemental title. Sections 221 and 237, mentioned in the text, are set out in §§ 962 and 989, respectively, of said supplemental title. Subdivision (a) of § 274, similarly mentioned, is set out in § 1048 of said title; subdivision (i) of § 279, similarly mentioned, is set out in § 1051 of said title. Sections 283 and 1001, similarly mentioned, are set out in §§ 1064 and 1224, respectively, of said title.

1065a. Credit or refund to stockholder of personal service corporation.—Any individual who has paid a tax (in accordance with section 218 of the Revenue Act of 1918 or section 218 of the Revenue Act of 1921) as a stockholder of a personal service corporation shall be entitled to a credit or refund, in the manner provided in section 284, if (a) such corporation has been finally determined not to be a personal service corporation, and (b) such corporation has paid the tax imposed by Title II of the Revenue Act of 1918 or Title II of the Revenue Act of 1921, as the case may be, and (c) claim therefor is filed within one year after the enactment of this Act, or before the expiration of the period of limitations upon the filing of such claim, whichever is the later. (Feb. 26, 1926, c. 27, § 1210, 44 Stat. 130.)

New section. Section 284, mentioned in the text, is set out in § 1065 of this supplemental title.

1065b. Salaries of State and municipal officers; abatement, credit, or refund of taxes thereon.—Any taxes imposed by the Revenue Act of 1924 or prior Revenue Acts upon any individual in respect of amounts received by him as compensation for personal services as an officer or employee of any state or political subdivision thereof (except to the extent that such compensation is paid by the United States Government directly or indirectly), shall, subject to the statutory period of limitations properly applicable thereto, be abated, credited, or refunded. (Feb. 26, 1926, c. 27, § 1211, 44 Stat. 130.)

New section. The Revenue Act of 1924, mentioned in the text, is set out in Title 26, INTERNAL REVENUE.

1066. Termination of taxable period; security for return and payment of taxes; certificate for departing aliens; penalties.—(a) If the commissioner finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the commissioner shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the commissioner, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design.

(b) A taxpayer who is not in default in making any return or paying income, war-profits, or excess-profits tax under any Act of Congress may furnish to the United States, under regulations to be prescribed by the commissioner, with the approval of the Secretary, security approved by the commissioner that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The commissioner may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this section, provided the taxpayer has paid in full all other income, war-profits, or excess-profits taxes due from him under any Act of Congress.

(c) If security is approved and accepted pursuant to the provisions of this section and such further or other security with respect to the tax or taxes covered thereby is given as the commissioner shall from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such respective taxes.

(d) In the case of a citizen of the United States or of a possession of the United States about to depart from the United States the commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(e) No alien shall depart from the United States unless he first procures from the collector or agent in charge a certificate that he has complied with all the obligations imposed upon him by the income, war-profits, and excess-profits tax laws.

(f) If a taxpayer violates or attempts to violate this section there shall, in addition to all other penalties, be added as part of the tax 25 per centum of the total amount of the tax or deficiency in the tax, together with interest at the rate of 1 per centum a month from the time the tax became due. (Feb. 26, 1926, c. 27, § 285, 44 Stat. 68.)

See note at beginning of this chapter.

1069. Transferees and fiduciaries; liability same as in case of deficiency in tax; limitations for assessment; pending suits.—(a) The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this title (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) The liability, at law or in equity, of a transferee of property of a taxpayer, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law)

imposed upon the taxpayer by this title or by any prior income, excess-profits, or War-Profits Tax Act.

(2) The liability of a fiduciary under section 3467 of the Revised Statutes in respect of the payment of any such tax from the estate of the taxpayer.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

(b) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the taxpayer; or

(2) If the period of limitation for assessment against the taxpayer expired before the enactment of this Act but assessment against the taxpayer was made within such period—then within six years after the making of such assessment against the taxpayer, but in no case later than one year after the enactment of this Act.

(3) If a court proceeding against the taxpayer for the collection of the tax has been begun within either of the above periods—then within one year after return of execution in such proceeding.

(c) For the purposes of this section, if the taxpayer is deceased, or in the case of a corporation, has terminated its existence, the period of limitation for assessment against the taxpayer shall be the period that would be in effect had the death or termination of existence not occurred.

(d) The running of the period of limitation upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under subdivision (a) of section 274 to the transferee of [*sic*] fiduciary, be suspended for the period during which the commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary, and for 60 days thereafter.

(e) This section shall not apply to any suit or other proceeding for the enforcement of the liability of a transferee or fiduciary pending at the time of the enactment of this Act.

(f) As used in this section, the term "transferee" includes heir, legatee, devisee, or distributee. (Feb. 26, 1926, c. 27, § 280, 44 Stat. 61.)

New section. "This title," herein refered to, constitutes c. 19 of this supplemental title. Subdivision (a) of § 274, mentioned in the text, is set out in § 1048 of said title. Section 3467 of the Revised Statutes, similarly mentioned, is set out in § 192 of Title 31, MONEY AND FINANCE.

1070. Rights and duties of fiduciaries; notice.—(a) Upon notice to the commissioner that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, rights, duties, and privileges of the taxpayer in respect of a tax imposed by this title or by prior income, excess-profits, or war-profits tax Act (except as otherwise specifically provided and except that the tax shall be collected from the estate of the tax-payer), until notice is given that the fiduciary capacity has terminated.

(b) Upon notice to the commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 280, the fiduciary shall assume, on behalf of such person, the powers, rights, duties, and privileges of such person under such section (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

(c) Notice under subdivision (a) or (b) shall be given in accordance with regulations prescribed by the commissioner with the approval of the Secretary.

(d) In the absence of any notice to the commissioner under subdivision (a) or (b), notice under this title of a deficiency or other liability, if mailed to the taxpayer or other person subject to liability at his last known address, shall be sufficient for the purposes of this title even if such taxpayer or other person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence. (Feb. 26, 1926, c. 27, § 281, 44 Stat. 62.)

New section. "This title," herein referred to, constitutes c. 19 of this supplemental title. Section 280, mentioned in the text, is set out in § 1069 of said title.

1071. Bankruptcy of taxpayer; assessment and collection of deficiency; limitation period; interest; extension of time for payment.—(a) Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the commissioner in respect of a tax imposed by this title upon such taxpayer shall, despite the provisions of subdivision (a) of section 274, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law. Claim for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the board; but no petition for any such redetermination shall be filed with the board after the adjudication of bankruptcy or the appointment of the receiver.

(b) Any portion of the claim allowed in such bankruptcy or receivership proceeding which is unpaid shall be paid by the taxpayer upon notice and demand from the collector after the termination of such proceeding, and may be collected by distraint or proceeding in court within six years after termination of such proceeding.

(c) If the amount of such portion of the claim is not paid in full within 10 days from the date of notice and demand from the collector, then there shall be collected as a part of such amount interest upon the unpaid portion thereof at the rate of 1 per centum a month from the date of such notice and demand until payment. Extensions of time for such payment may be had in the same manner and subject to the same provisions and limitations as are provided in subdivision (k) of section 274 in the case of a deficiency in a tax imposed by this title. (Feb. 26, 1926, c. 27, § 282, 44 Stat. 62.)

New section. "This title," herein referred to, constitutes c. 19 of this supplemental title. Subdivisions (a) and (k) of § 274, mentioned in the text, are set out in §§ 1048 and 1054, respectively, of said title.

1072. Amortization deduction under prior law.—The deduction provided by paragraph (9) of subdivision (a) of section 214 or by paragraph (8) of subdivision (a) of section 234 of the Revenue Act of 1918 may (notwithstanding any provisions of the Revenue Act of 1921) be allowed for the taxable year 1918, 1919, or 1920 if claim therefor was made before June 15, 1924. (Feb. 26, 1926, c. 27, § 1209, 44 Stat. 130.)

New section.

Chapter 20.—ESTATE AND GIFT TAX.

PART I.—ESTATE TAX

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1120. Refund or suit for recovery of tax; restrictions on; limitations. [New.]
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PART II.—GIFT TAX. [Repealed]

1137. Claim in abatement. [New.]

PART I.—ESTATE TAX

The statutes constituting §§ 1091 to 1118, inclusive, of Title 26, INTERNAL REVENUE, were repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, as of that date.

The subject matter contained in the repealed statutes is, in substance, carried into the Act of Feb. 26, 1926, Title III, §§ 300 to 325, inclusive, herein set out in sections corresponding to those in said Title 26 of the Code.

1091. Definitions.—When used in this title—

(a) The term "executor" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent;

(b) The term "net estate" means the net estate as determined under the provisions of section 303;

(c) The term "month" means calendar month; and

(d) The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the commissioner. (Feb. 26, 1926, c. 27, § 300, 44 Stat. 69.)

See note at beginning of Part I of this chapter.

This title, herein referred to, constitutes c. 20 of this supplemental title. Section 303, mentioned in the text, is set out in § 1095 of said supplemental title.

1092. Percentage of tax.—In lieu of the tax imposed by Title III of the Revenue Act of 1924, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 303) is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this act, whether a resident or nonresident of the United States;

1 per centum of the amount of the net estate not in excess of $50,000;

2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

3 per centum of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

4 per centum of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

5 per centum of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

6 per centum of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

7 per centum of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

8 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

9 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

10 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

11 per centum of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

12 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $3,500,000;

13 per centum of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

14 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

15 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

16 per centum of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

17 per centum of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

18 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

19 per centum of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

20 per centum of the amount by which the net estate exceeds $10,000,000. (Feb. 26, 1926, c. 27, § 301 (a), 44 Stat. 69.)

See note at beginning of Part I of this chapter.

Title III of the Revenue Act of 1924, mentioned in the text, is set out in c. 20, of Title 26, INTERNAL REVENUE. Section 303, similarly mentioned, is set out in § 1095 of this supplemental title.

Subdivision (a) of § 301 of the Revenue Act of 1924 (§ 1092 of Title 26, INTERNAL REVENUE), was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, as of that date, and § 1092, of this supplemental title was substituted therefor. The repealed section was retroactively amended by § 322 of the Act of Feb. 26, 1926, as follows:

"SEC. 322. (a) In lieu of the tax imposed by Title IV of the Revenue Act of 1921, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 303) is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this Act, whether a resident or nonresident of the United States:

"1 per centum of the amount of the net estate not in excess of $50,000;

"2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $150,000;

"3 per centum of the amount by which the net estate exceeds $150,000 and does not exceed $250,000;

"4 per centum of the amount by which the net estate exceeds $250,000 and does not exceed $450,000;

"6 per centum of the amount by which the net estate exceeds $450,000 and does not exceed $750,000;

"8 per centum of the amount by which the net estate exceeds $750,000 and does not exceed $1,000,000;

"10 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

"12 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

"14 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $3,000,000;

"16 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $4,000,000;

"18 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

"20 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $8,000,000;

"22 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $10,000,000; and

"25 per centum of the amount by which the net estate exceeds $10,000,000."

(b) Subdivision (a) of this section shall take effect as of June 2, 1924. (June 2, 1924, 4.01 p. m., c. 234, § 301(a), 43 Stat. 303; Feb. 26, 1926, c. 27, § 322, 44 Stat. 85.)

Section 303, referred to in this amendatory section, is set forth in § 1095 of Title 26, INTERNAL REVENUE.

1093. Taxes paid States, Territories, or District of Columbia as credits; limitation.—The tax imposed by this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any state or territory or the District of Columbia, in respect of any property included in the gross estate. The credit allowed by this subdivision shall not exceed 80 per centum of the tax imposed by this section, and shall include only such taxes as were actually paid and credit therefor claimed within three years after the filing of the return required by section 304. (Feb. 26, 1926, c. 27, § 301 (b), 44 Stat. 70.)

See note at beginning of Part I of this chapter.

"This section," herein referred to, is set out in §§ 1092 and 1093 of this supplemental title. Section 304, mentioned in the text, is set out in § 1096 of this supplemental title.

1094. Gross estate; value of.—The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated—

(a) To the extent of the interest therein of the decedent at the time of his death;

(b) To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy;

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Where within two years prior to his death but after the enactment of this Act and without such a consideration the decedent has made a transfer or transfers, by trust or otherwise, of any of his property, or an interest therein, not admitted or shown to have been made in contemplation of or intended to take effect in possession or enjoyment at or after his death, and the value or aggregate value, at the time of such death, of the property or interest so transferred to any one person is in excess of $5,000, then, to the extent of such excess, such transfer or transfers shall be deemed and held to have been made in contemplation of death within the meaning of this title. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death but prior to the enactment of this Act, without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

(d) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death but after the enactment of this Act without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall be deemed and held to have been made in contemplation of death within the meaning of this title;

(e) To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants;

(f) To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of, or intended to take effect in possession or enjoyment at or after, his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and

(g) To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life; and to the extent of the excess over $40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

(h) Except as otherwise specifically provided therein subdivisions (b), (c), (d), (e), (f), and (g) of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after the enactment of this Act.

(i) If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subdivisions (c), (d), and (f) of this section is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent. (Feb. 26, 1926, c. 27, § 320, 44 Stat. 70.)

See note at beginning of Part I of this chapter.

"This title," herein referred to, constitutes c. 20 of this supplemental title.

1095. Net estate; how determined.—For the purpose of the tax the value of the net estate shall be determined—

(a) *Residents; deductions; exemption.*—In the case of a resident, by deducting from the value of the gross estate—

(1) Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages upon, or any indebtedness in respect to, property (except, in the case of a resident decedent, where such property is not situated in the United States), to the extent that such claims, mortgages, or indebtedness were incurred or contracted bona fide and for an adequate and full consideration in money or money's worth, losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated for by insurance or otherwise, and such amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent, as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or any estate, succession, legacy, or inheritance taxes;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1924, or an estate tax imposed under this or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate and not deducted under paragraph (1) or (3) of this subdivision;

(3) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate; and

(4) An exemption of $100,000.

(b) *Nonresidents.*—In the case of a nonresident, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated, but in no case shall the amount so deducted exceed 10 per centum of the value of that part of his gross estate which at the time of his death is situated in the United States.

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under the Revenue Act of 1924, or an estate tax imposed under this or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States and not deducted under paragraph (1) or (3) of this subdivision; and

(3) The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(c) No deduction shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 304 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

(d) For the purpose of this title, stock in a domestic corporation owned and held by a nonresident decedent shall be deemed property within the United States, and any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of subdivision (c) or (d) of section 302, shall be deemed to be situated in the United States, if so situated either at the time of the transfer, or at the time of the decedent's death.

(e) The amount receivable as insurance upon the life of a nonresident decedent, and any moneys deposited with any person carrying on the banking business, by or for a nonresident decedent who was not engaged in business in the United States at the time of his death, shall not, for the purpose of this title, be deemed property within the United States.

(c) *Missionaries dying in foreign service.*—(f) Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be resi-

dents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service. (Feb. 26, 1926, c. 27, § 303, 44 Stat. 72.)

See note at beginning of Part I of this chapter.

The Revenue Act of 1924, herein referred to, is set out in Title 26, INTERNAL REVENUE. "This title," herein referred to, constitutes c. 20 of this supplemental title. Sections 302 and 304, mentioned in the text, are set out in §§ 1094 and 1096 of this supplemental title.

Section 303 of the Revenue Act of 1924 (§ 1095 of Title 26, INTERNAL REVENUE) was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, as of the date thereof. A portion of said section was retroactively repealed as of June 2, 1924, by § 323 of the said Act of 1926, as follows:

"(a) So much of paragraph (3) of subdivision (a) and of paragraph (3) of subdivision (b) of section 303 of the Revenue Act of 1924 as reads as follows: 'If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes' is repealed.

"(b) Subdivision (a) of this section shall take effect as of June 2, 1924." (Feb. 26, 1926, c. 27, § 323, 44 Stat. 86.)

Section 301, referred to in this repealing provision, is set out in §§ 1092 and 1093 of Title 26, INTERNAL REVENUE.

1096. Executors; notice of appointment; returns; time for filing; contents.—(a) The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector. The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident, of that part of his gross estate situated in the United States; (2) the deductions allowed under section 303; (3) the value of the net estate of the decedent as defined in section 303; and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $100,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate. (Feb. 26, 1926, c. 27, § 304, 44 Stat. 74.)

See note at beginning of Part I of this chapter.

Section 303, mentioned in the text, is set out in § 1095 of this supplemental title.

1096a. Notice of administrative or fiduciary capacity; effect; notice of deficiency in absence of above.—(a) Upon notice to the commissioner that any person is acting as executor, such person shall assume the powers, rights, duties, and privileges of an executor in respect of a tax imposed by this title or by any prior estate tax Act, until notice is given that such person is no longer acting as executor.

(b) Upon notice to the commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 316, the fiduciary shall assume on behalf of such person the powers, rights, duties, and privileges of such person under such section (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

(c) Notice under subdivision (a) or (b) shall be given in accordance with regulations prescribed by the commissioner with the approval of the Secretary.

(d) In the absence of any notice of the commissioner under subdivision (a) or (b), notice under this title of a deficiency or other liability, if addressed in the name of the decedent or other person subject to liability and mailed to his last known address, shall be sufficient for the purposes of this title. (Feb. 26, 1926, c. 27, § 317, 44 Stat. 81.)

New section. "This title," herein referred to, constitutes c. 20 of this supplemental title. Section 316, mentioned in the tax, is set out in § 1119 of this supplemental title.

1097. Time for payment of tax; to whom payable; extension of time; interest.—(a) The tax imposed by this title shall be due and payable one year after the decedent's death, and shall be paid by the executor to the collector.

(b) Where the commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the commissioner may extend the time for payment of any such part not to exceed five years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(c) If the time for the payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the expiration of six months after the due date of the tax to the expiration of the period of the extension. (Feb. 26, 1926, c. 27, § 305 (a), (b), (c), 44 Stat. 74.)

See note at beginning of Part I of this chapter.

"This title," herein referred to, constitutes c. 20 of this supplemental title.

1098. Same; tax imposed by former law; extension of time for payment.—The time for which the commissioner may extend the time for payment of the estate tax imposed by Title IV of the Revenue Act of 1921 shall be five years. (Feb. 26, 1926, c. 27, § 305 (d), 44 Stat. 74.)

See note at beginning of Part I of this chapter.

1099. Examination of return and determination of amount of tax.—As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax. (Feb. 26, 1926, c. 27, § 306, 44 Stat. 74.)

See note at beginning of Part I of this chapter.

1100. Deficiency; what constitutes.—As used in this title in respect of a tax imposed by this title the term "deficiency" means—

(1) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the executor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax. (Feb. 26, 1926, c. 27, § 307, 44 Stat. 74.)

See note at beginning of Part I of this chapter.

"This title," herein referred to, constitutes c. 20 of this supplemental title.

1101. Same; notice of; appeal by executor [limitations on assessment and collection of deficiency].—If the commissioner determines that there is a deficiency in respect of the tax imposed by this title, the commissioner is authorized to send notice of such deficiency to the executor by registered mail. Within 60 days after such notice is mailed (not counting Sunday as the sixtieth day), the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. Except as otherwise provided in subdivision (d) or (f) of this section or in section 312 or 1001, no assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the executor, nor until the expiration of such 60-day period, nor, if a petition has been filed with the board, until the decision of the board has become final. Notwithstanding the provisions of section 3224 of the Revised Statutes the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court. (Feb. 26, 1926, c. 27, § 308 (a), 44 Stat. 75.)

See note at beginning of Part I of this chapter.

"This title," herein referred to, constitutes c. 20 of this supplemental title. Subdivisions (d) and (f), mentioned in the text, are set out in §§ 1101a and 1101b, respectively, of this supplemental title. Section 312, mentioned in the text, is set out in §§ 1104, 1105, and 1137 of this supplemental title. Section 1001, similarly mentioned, is set out in § 1224 of this supplemental title, and § 3224 of the Revised Statutes, similarly mentioned, is set out in § 154 of Title 26, INTERNAL REVENUE.

1101a. Same; waiver of restrictions; on assessment and collection.—The executor shall at any time have the right, by a signed notice in writing filed with the commissioner, to waive the restrictions provided in subdivision (a) of this section on the assessment and collection of the whole or any part of the deficiency. (Feb. 26, 1926, c. 27, § 308 (d), 44 Stat. 75.)

New section.

Subdivision (a), mentioned in the text, is set out in § 1101 of this supplemental title.

1101b. Same; additional deficiency; mathematical error.—If after the enactment of this Act the commissioner has mailed to the executor notice of a deficiency as provided in subdivision (a), and the executor files a petition with the board within the time prescribed in such subdivision, the commissioner shall have no right to determine any additional deficiency, except in the case of fraud, and except as provided in subdivision (e) of this section or in subdivision (c) of section 312. If the executor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered, for the purposes of this subdivision or of subdivision (a) of this section, or of section 319, as a notice of a deficiency, and the executor shall have no right to file a petition with the Board of Tax Appeals based on such notice, nor shall such assessment or collection be prohibited by the provisions of subdivision (a) of this section. (Feb. 26, 1926, c. 27, § 308 (f), 44 Stat. 75.)

New section.

Subdivisions (a) and (e), mentioned in the text, are set out in §§ 1101 and 1102a, respectively, of this supplemental title. Subdivision (c) of § 312, similarly mentioned, is set out in § 1104 of said title, and § 319, also mentioned, is set out in § 1120 of said title.

1102. Same; determination by board; assessment and payment of; collection of deficiency disallowed.—If the executor files a petition with the board, the entire amount redetermined as the deficiency by the decision of the board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the commissioner but disallowed as such by the decision of the board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment. (Feb. 26, 1926, c. 27, § 308 (b), 44 Stat. 75.)

See note at beginning of Part I of this chapter.

1102a. Same; redetermination by board.—The board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the executor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the commissioner at or before the hearing or a rehearing. (Feb. 26, 1926, c. 27, § 308 (e), 44 Stat. 75.)

New section.

1102b. Same; when decision of board becomes final.—For the purposes of this title the date on which a decision of the board becomes final shall be determined according to the provisions of section 1005. (Feb. 26, 1926, c. 27, § 308 (g), 44 Stat. 75.)

New section. "This title," herein referred to, constitutes c. 20 of this supplemental title. Section 1005, mentioned in the text, is set out in § 1228 of said title.

1103. Same; failure to file appeal; assessment and payment of deficiency.—If the executor does not file a petition with the board within the time prescribed in subdivision (a) of this section, the deficiency, notice of which has been mailed to the executor, shall be assessed, and shall be paid upon notice and demand from the collector. (Feb. 26, 1926, c. 27, § 308 (c), 44 Stat. 75.)

See note at beginning of Part I of this chapter.

Subdivision (a), mentioned in the text, is set out in § 1101 of this supplemental title.

1104. Same; assessment and collection of deficiency where delay would be dangerous.—(a) If the commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

(b) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under subdivision (a) of section 308, then the commissioner shall mail a notice under such subdivision within 60 days after the making of the assessment.

(c) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the executor, despite the provisions of subdivision (f) of section 308 and whether or not the executor has theretofore filed a petition with the Board of Tax Appeals. The commissioner shall notify the board of the amount of such assessment, if the petition is filed with the board before the making of the assessment or is subsequently filed, and the board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) If the jeopardy assessment is made after the decision of the board is rendered such assessment may be made only in respect of the deficiency determined by the board in its decision.

(e) A jeopardy assessment may not be made after the decision of the board has become final or after the executor has filed a petition for review of the decision of the board.

(f) When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay

of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the board which has become final, together with interest thereon as provided in subdivision (j) of this section.

(g) If the bond is given before the executor has filed his petition with the board under subdivision (a) of section 308, the bond shall contain a further condition that if a petition is not filed within the period provided in such subdivision, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subdivision.

(h) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The executor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the executor, be proportionately reduced. If the board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the board is rendered the bond shall, at the request of the executor, be proportionately reduced.

(i) When the petition has been filed with the board and when the amount which should have been assessed has been determined by a decision of the board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

(j) In the case of the amount collected under subdivision (i) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under subdivision (i) of this section, or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in subdivision (h) of section 308. If the amount included in the notice and demand from the collector under subdivision (i) of this section is not paid in full within 30 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid. (Feb. 26, 1926, c. 27, § 312 (a–j), 44 Stat. 77.)

See note at beginning of Part I of this chapter.

Subdivisions (a), (f), and (h) of § 308, mentioned in the text, are set out in §§ 1101, 1101b, 1106 of this supplemental title.

1105. Claim in abatement.—No claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any estate tax. (Feb. 26, 1926, c. 27, § 312 (k), 44 Stat. 77.)

See note at beginning of Part I of this chapter.

1106. Deficiency; interest on.—Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed, or, in the case of a waiver under subdivision (d) of this section, to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier. (Feb. 26, 1826, c. 27, § 308 (h), 44 Stat. 75.)

See note at beginning of Part I of this chapter.

Subdivision (d), mentioned in the text, is set out in § 1101a of this supplemental title.

1107. Same; extension of time for payment of.—Where it is shown to the satisfaction of the commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the commissioner with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax) may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of two years. If an extension is granted, the commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period. (Feb. 26, 1926, c. 27, § 308 (i), 44 Stat. 75.)

See note at beginning of Part I of this chapter.

1108. Additional tax for failure to file return assessed, etc., as deficiency.—The 50 per centum addition to the tax provided by section 3176 of the Revised Statutes, as amended, shall, when assessed after the enactment of this Act in connection with an estate tax, be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of subdivision (h) of this section shall not be applicable. (Feb. 26, 1926, c. 27, § 308 (j), 44 Stat. 75.)

See note at beginning of Part I of this chapter.

Subdivision (h), mentioned in the text, is set out in § 1106 of this supplemental title. Section 3176 of the Revised Statutes, similarly mentioned, is set out in §§ 97 and 98 of Title 26, INTERNAL REVENUE.

1109. Interest on unpaid taxes.—(a) (1) Where the amount determined by the executor as the tax imposed by this title, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the due date until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the executor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under subdivision (c) of section 305, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) Where a deficiency, or any interest assessed in connection therewith under subdivision (h) of section 308, or any addition to the tax provided for in section 3176 of the Revised Statutes, as amended, is not paid in full within 30 days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

(c) If a bond is filed, as provided in section 312, the provisions of subdivision (b) of this section shall not apply to the amount covered by the bond. (Feb. 26, 1926, c. 27, § 309, 44 Stat. 76.)

See note at beginning of Part I of this chapter.

"This title," herein referred to, constitutes c. 20 of this supplemental title. Subdivisions (c) of § 305, and (h) of § 308, mentioned in the text, are set out in §§ 1097 and 1106 of this supplemental title. Section 312, similarly mentioned, is set out in §§ 1104, 1105, and 1137 of said title. Section 3176 of the Revised Statutes, similarly mentioned, is set out in §§ 97 and 98 of Title 26, INTERNAL REVENUE.

1110. Time for assessment and collection of tax.—(a) Except as provided in section 311, the amount of the estate taxes imposed by this title shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed.

(b) The running of the statute of limitations provided in this section or in section 311 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under subdivision (a) of section 308) be suspended for the period during which the commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court, and for 60 days thereafter. (Feb. 26, 1926, c. 27, § 310, 44 Stat. 77.)

See note at beginning of Part I of this chapter.

This title herein referred to, constitutes c. 20 of this supplemental title. Subdivision (a) of § 308, mentioned in the text, is set out in § 1101 of this supplemental title and § 311, similarly mentioned, is set out in § 1111 of said title.

1111. Same; false or fraudulent returns; time for collection by distraint or court proceeding.—(a) In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(b) Where the assessment of any tax imposed by this title or of any estate or gift tax imposed by prior Act of Congress has been made (whether before or after the enactment of this Act) within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court (begun before or after the enactment of this Act), but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the commissioner and the executor.

(c) This section shall not bar a distraint or proceeding in court begun before the enactment of the Revenue Act of 1924; nor shall it authorize the assessment of a tax or the collection thereof by distraint or by proceeding in court (1) if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the statutory period of limitation properly applicable thereto, unless prior to the enactment of this Act the commissioner and the executor agreed in writing thereto, or (2) contrary to the provisions of subdivision (a) of section 308, of this Act. (Feb. 26, 1926, c. 27, § 311, 44 Stat. 77.)

See note at beginning of Part I of this chapter.

This title, herein referred to, constitutes c. 20 of this supplemental title. The Revenue Act of 1924, mentioned in the text, is set out in Title 26, INTERNAL REVENUE. Subdivision (a) of § 308, mentioned in the text, is set out in § 1101 of this supplemental title.

1112. Duplicate tax receipts; discharge of executor from personal liability.—(a) The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

(b) If the executor makes written application to the commissioner for determination of the amount of the tax and discharge from personal liability therefor, the commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 310) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge. (Feb. 26, 1926, c. 27, § 313 (a) (b), 44 Stat. 79.)

See note at beginning of Part I of this chapter.

Section 310, mentioned in the text, is set out in § 1110 of this supplemental title.

1113. Lien for deficiency; liability of bona fide purchaser.—The provisions of subdivision (b) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless the title to such part of the gross estate has passed to a bona fide purchaser for value, in which case such part shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser by the heirs, legatees, devisees, or distributees. (Feb. 26, 1926, c. 27, § 313 (c), 44 Stat. 79.)

See note at beginning of Part I of this chapter.

Subdivision (b), mentioned in the text, is set out in § 1112 of this supplemental title.

1114. Collection of tax; reimbursement of person paying tax; liability of insurance beneficiaries.—(a) If the tax herein imposed is not paid on or before the due date thereof the collector shall, upon instruction from the commissioner, proceed to collect the tax under the provisions of general law, or commence appropriate proceedings in any court of the United States having jurisdiction, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto. This subdivision in so far as it applies to the collection of a deficiency shall be subject to the provisions of section 308.

(b) If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this title that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution. If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of $40,000, of such policies bear to the net

estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio. (Feb. 26, 1926, c. 27, § 314, 44 Stat. 79.)

See note at beginning of Part I of this chapter.

This title, herein referred to, constitutes c. 20 of this supplemental title. Section 308, mentioned in the text, is set out in §§ 1101 to 1103, inclusive, and §§ 1106 to 1108, inclusive.

1115. Lien of tax; liability of transferee or trustee of decedent; bona fide purchasers.—(a) Unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

(b) If (1) the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death (except in the case of a bona fide sale for an adequate and full consideration in money or money's worth) or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth. (Feb. 26, 1926, c. 27, § 315, 44 Stat. 80.)

See note at beginning of Part I of this chapter.

1116. False statements; penalty; failure to make return or disclose information; penalty.—(a) Whoever knowingly makes any false statement in any notice or return required to be filed under this title shall be liable to a penalty of not exceeding $5,000, or imprisonment not exceeding one year, or both.

(b) Whoever fails to comply with any duty imposed upon him by section 304, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the commissioner or any collector or law officer of the United States or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under this title, shall be liable to a penaly of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States. (Feb. 26, 1926, c. 27, § 320, 44 Stat. 85.)

See note at beginning of Part I of this chapter.

This title, herein referred to, constitutes c. 20 of this supplemental title. Section 304, mentioned in the text, is set out in § 1096 of this supplemental title.

1117. Estates in China; payment of tax to clerk of United States Court for China.—(a) The term "resident" as used in this title includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China. Where no part of the gross estate of such decedent is situated in the United States at the time of his death, the total amount of tax due under this title shall be paid to or collected by the clerk of such court, but where any part of the gross estate of such decedent is situated in the United States at the time of his death, the tax due under this title shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the commissioner.

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States. (Feb. 26, 1926, c. 27, § 321, 44 Stat. 85.)

See note at beginning of Part I of this chapter.

"This title," herein referred to, constitutes c. 20 of this supplemental title.

1118. Assessment and collection of tax under prior laws.—(a) If after the enactment of this Act the commissioner determines that any assessment should be made in respect of any estate or gift tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or the Revenue Act of 1924, or by any such Act as amended, the commissioner is authorized to send by registered mail to the person liable for such tax notice of the amount proposed to be assessed, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such determination the amount which should be assessed (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand and the provisions prohibiting claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except that in the case of an estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310.

(b) If before the enactment of this Act any person has appealed to the Board of Tax Appeals under subdivision (a) of section 308 of the Revenue Act of 1924 (if such appeal relates to a tax imposed by Title III of such Act or to so much of an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and the appeal is pending before the board at the time of the enactment of this Act, the board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the commissioner and of the person who has brought the appeal, and the jurisdiction of the board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section, except as provided in subdivision (h) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 319.

(c) If before the enactment of this Act the commissioner has mailed to any person a notice under subdivision (a) of section 308 of the Revenue Act of 1924 (whether in respect of a tax imposed by Title III of such Act or in respect of so much of an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section as was not assessed before June 3, 1924), and if the sixty-day period referred to in such subdivision has not expired before the enactment of this Act and no appeal has been filed before the enactment of this Act, such person may file a petition with the board in the same manner

as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the sixty-day period referred to in subdivision (a) of section 308 of this Act shall begin on the date of the enactment of this Act, and the powers, duties, rights, and privileges of the commissioner and of the person entitled to file the petition, and the jurisdiction of the board and of the courts, shall, whether or not the petition is filed, be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (a) of this section.

(d) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the commissioner, after the enactment of this Act, finally determines the amount of the deficiency, he is authorized to send by registered mail to the person liable for such tax notice of such deficiency, which notice shall, for the purposes of this Act, be considered a notice under subdivision (a) of section 308 of this Act. In the case of any such final determination the amount of the tax (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in cases of delinquency in payment after notice and demand, and the provisions relating to claims and suits for refund) as in the case of a deficiency in the tax imposed by this title, except as otherwise provided in subdivision (g) of this section, and except that the period of limitation prescribed in section 1109 of this Act shall be applied in lieu of the period prescribed in subdivision (a) of section 310.

(e) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before that date, and if the commissioner after June 2, 1924, but before the enactment of this Act, finally determined the amount of the deficiency, and if the person liable for such tax appealed before the enactment of this Act to the Board of Tax Appeals and the appeal is pending before the board at the time of the enactment of this Act, the board shall have jurisdiction of the appeal. In all such cases the powers, duties, rights, and privileges of the commissioner and of the person who has brought the appeal, and the jurisdiction of the board and of the courts, shall be determined, and the computation of the tax shall be made, in the same manner as provided in subdivision (d) of this section, except as provided in subdivision (h) of this section and except that the person liable for the tax shall not be subject to the provisions of subdivision (a) of section 319.

(f) If any deficiency in any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, was assessed before June 3, 1924, but was not paid in full before the date of the enactment of this Act, and if the commissioner after June 2, 1924, finally determined the amount of the deficiency, and notified the person liable for such tax to that effect less than sixty days prior to the enactment of this Act and no appeal has been filed before the enactment of this Act, the person so notified may file a petition with the board in the same manner as if a notice of deficiency had been mailed after the enactment of this Act in respect of a deficiency in a tax imposed by this title. In such cases the sixty-day period referred to in subdivision (a) of section 308 of this Act shall begin on the date of the enactment of this Act, and, whether or not the petition is filed, the powers, duties, rights, and privileges of the commissioner and of the person who is so notified, and the jurisdiction of the board and of the courts, shall be determined, and the computation of the tax be made, in the same manner as provided in subdivision (d) of this section.

(g) In cases within the scope of subdivision (d), (e), or (f), if the commissioner believes that the collection of the deficiency will be jeopardized by delay, he may, despite the provisions of subdivision (a) of section 308 of this Act, instruct the collector to proceed to enforce the payment of the unpaid portion of the deficiency, and notice and demand shall be made by the collector for the payment thereof. Within thirty days after such jeopardy notice and demand the person liable for the tax may obtain a stay of collection of the whole or any part of the amount included in the notice and demand by filing with the collector a bond in like manner, under the same conditions, and with the same effect, as in the case of a bond to stay the collection of a jeopardy assessment under section 312 of this Act.

(h) In cases within the scope of subdivision (b) or (e) of this section where any hearing before the board has been held before the enactment of this Act and the decision is rendered after the enactment of this Act, such decision shall, for the purposes of this title, be considered to have become final upon the date when it is rendered and neither party shall have any right to petition for a review of the decision. The commissioner may, within one year from the time the decision is rendered, begin a proceeding in court for the collection of any part of the amount disallowed by the board, unless the statutory period of limitations properly applicable thereto has expired before the appeal was taken to the board. The court shall include in its judgment interest upon the amount thereof in the same cases, at the same rate, and for the same period, as if such amount were collected otherwise than by proceeding in court. In any such proceeding by the commissioner or in any suit by the taxpayer for a refund, the findings of the board shall be prima facie evidence of the facts therein stated.

(i) Where before the enactment of this Act a jeopardy assessment has been made under subdivision (d) of section 308 of the Revenue Act of 1924 (whether of a deficiency in the tax imposed by Title III of such Act or of a deficiency in an estate tax imposed by any of the prior Acts enumerated in subdivision (a) of this section) all proceedings after the enactment of this Act shall be the same as under the Revenue Act of 1924 as amended by this Act, except that—

(1) A decision of the board rendered after the enactment of this Act where no hearing has been held by the board before the enactment of this Act may be reviewed in the same manner as provided in this Act in the case of a tax imposed by this title.

(2) Where no hearing has been held by the board before the enactment of this Act, the commissioner shall have no right to begin a proceeding in court for the collection of any part of the deficiency disallowed by the board; and

(3) In the consideration of the case the jurisdiction and powers of the board shall be the same as provided in this Act in the case of a tax imposed by this title.

(j) In the case of any estate or gift tax imposed by prior Act of Congress in computing the period of limitations provided in section 310 or 311 of this Act on the making of assessments and the beginning of distraint or a proceeding in court, the running of the statute of limitations shall be considered to have been suspended (in addition to the period of suspension provided for in subdivision (b) of section 310) for any period prior to the enactment of this Act during which the commissioner was prohibited from making the assessment or beginning distraint or proceeding in court. (Feb. 26, 1926, c. 27, § 318, 44 Stat. 81.)

See note at beginning of Part I of this chapter.

The Revenue Act of 1924, mentioned in the text, is set out in Title 26, INTERNAL REVENUE. Title III of the Revenue Act of 1924, similarly mentioned, constitutes c. 20 of Title 26, INTERNAL REVENUE. Subdivisions (a) and (d) of § 308 of said Revenue Act,

mentioned in the text, are set out in §§ 1101 and 1104, respectively, of Title 26, INTERNAL REVENUE. "This title," herein referred to, constitutes c. 20 of this supplemental title. "This Act," herein referred to, constitutes this supplemental title. Subdivision (a) of § 308, mentioned in the text, is set out in § 1101 of this supplemental title. Sections 310, 311, and 319, mentioned in the text, are set out in §§ 1110, 1111, and 1120, respectively, of this supplemental title. Section 312, similarly mentioned, is set out in §§ 1104, 1105, and 1137 of this supplemental title. Section 1109, similarly mentioned, is set out in §§ 105 and 108 of this supplemental title.

1119. Liability of transferee or fiduciary; assessment and collection; limitations.—(a) The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this title (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) The liability, at law or in equity, of a transferee of property of a decedent or donor, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this title or by any prior estate tax Act or by any gift tax Act.

(2) The liability of a fiduciary under section 3467 of the Revised Statutes in respect of the payment of any such tax from the estate of the decedent or donor.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

(b) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the executor or donor; or

(2) If the period of limitation for assessment against the executor expired before the enactment of this Act but assessment against the executor was made within such period, then within six years after the making of such assessment against the executor, but in no case later than one year after the enactment of this Act.

(3) If a court proceeding against the executor or donor for the collection of the tax has been begun within either of the above periods, then within one year after return of execution in such proceeding.

(c) The running of the period of limitation upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under subdivision (a) of section 308 to the transferee or fiduciary, be suspended for the period during which the commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary, and for sixty days thereafter.

(d) This section shall not apply to any suit or other proceeding for the enforcement of the liability of a transferee or fiduciary pending at the time of the enactment of this Act.

(e) As used in this section, the term "transferee" includes heir, legatee, devisee, and distributee. (Feb. 26, 1926, c. 27, § 316, 44 Stat. 80.)

New section.

"This title," herein referred to, constitutes c. 20 of this supplemental title. Subdivision (a) of § 308, mentioned in the text, is set out in § 1101 of this supplemental title. Section 3467 of the Revised Statutes, similarly mentioned, is set out in § 192 of Title 31, MONEY AND FINANCE.

1120. Refund or suit for recovery of tax; restrictions on; limitations.—(a) If the commissioner has mailed to the executor a notice of deficiency under subdivision (a) of section 308 and if the executor after the enactment of this Act files a petition with the Board of Tax Appeals within the time prescribed in such subdivision, no refund in respect of the tax shall be allowed or made and no suit for the recovery for any part of such tax shall be instituted in any court, except—

(1) As provided in subdivision (c) of this section or in subdivision (i) of section 312 or in subdivision (b), (e), or (g) of section 318 or in subdivision (d) of section 1001; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the board which has become final; and

(3) As to any amount collected after the statutory period of limitations upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for refund or in any such suit for refund the decision of the board which has become final, as to whether such period had expired before the notice of deficiency was mailed, shall be conclusive.

(b) All claims for the refunding of the tax imposed by this title alleged to have been erroneously or illegally assessed or collected must be presented to the commissioner within three years next after the payment of such tax.

(c) If the board finds that there is no deficiency and further finds that the executor has made an overpayment of tax, the board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the board has become final, be credited or refunded to the executor as provided in section 3220 of the Revised Statutes, as amended. Such refund shall be made either (1) if claim therefor was filed within the period of limitation provided for by law, or (2) if the petition was filed with the board within four years after the tax was paid, or, in the case of a tax imposed by this title, within three years after the tax was paid. (Feb. 26, 1926, c. 27, § 319, 44 Stat. 84.)

New section.

"This title," herein referred to, constitutes c. 20 of this supplemental title. Section 3220 of the Revised Statutes, mentioned in the text, is set out in § 149 of Title 26, INTERNAL REVENUE. Subdivision (a) of § 308 and subdivision (i) of § 312, mentioned in the text, are set out in §§ 1101 and 1104, respectively, of this supplemental title. Sections 318 and 1001, also mentioned, are set out in §§ 1118 and 1224, respectively, of said title.

1121. Refunds; interest.—Any tax that has been paid under the provisions of Title III of the Revenue Act of 1924 prior to the enactment of this Act in excess of the tax imposed by such title as amended by this Act shall be refunded without interest. (Feb. 26, 1926, c. 27, § 325, 44 Stat. 87.)

New section.

Title III of the Revenue Act of 1924, mentioned in the text, constitutes c. 20 of Title 26, INTERNAL REVENUE.

PART II.—GIFT TAX [REPEALED]

The statutes constituting §§ 1131 to 1136 of Title 26 of the Code were repealed by the Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, as of January 1, 1926. Section 324 of the said act retroactively amends § 319 of the Revenue Act of 1924, which constitutes § 1131 of said title, as follows:

"For the calendar year 1924 and the calendar year 1925, a tax equal to the sum of the following is hereby imposed upon the transfer by a resident by gift during such calendar year of any property wherever situated, whether made directly or indirectly, and upon the transfer by a nonresident by gift during such calendar year of any property situated within the United States, whether made directly or indirectly:

"1 per centum of the amount of the taxable gifts not in excess of $50,000;

"2 per centum of the amount by which the taxable gifts exceed $50,000 and do not exceed $150,000;

"3 per centum of the amount by which the taxable gifts exceed $150,000 and do not exceed $250,000;

"4 per centum of the amount by which the taxable gifts exceed $250,000 and do not exceed $450,000;

"6 per centum of the amount by which the taxable gifts exceed $450,000 and do not exceed $750,000;

"8 per centum of the amount by which the taxable gifts exceed $750,000 and do not exceed $1,000,000;

"10 per centum of the amount by which the taxable gifts exceed $1,000,000 and do not exceed $1,500,000;

"12 per centum of the amount by which the taxable gifts exceed $1,500,000 and do not exceed $2,000,000;
"14 per centum of the amount by which the taxable gifts exceed $2,000,000 and do not exceed $3,000,000;
"16 per centum of the amount by which the taxable gifts exceed $3,000,000 and do not exceed $4,000,000;
"18 per centum of the amount by which the taxable gifts exceed $4,000,000 and do not exceed $5,000,000;
"20 per centum of the amount by which the taxable gifts exceed $5,000,000 and do not exceed $8,000,000;
"22 per centum of the amount by which the taxable gifts exceed $8,000,000 and do not exceed $10,000,000; and
"25 per centum of the amount by which the taxable gifts exceed $10,000,000."

(b) Subdivision (a) of this section shall take effect as of June 2, 1924. (June 2, 1924, 4.01 p. m., c. 234, § 319, 43 Stat. 313; Feb. 26, 1926, c. 27, § 324, 44 Stat. 86.)

1137. Claim in abatement.—(k) No claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any estate or gift tax. (Feb. 26, 1926, c. 27, § 312, 44 Stat, 77.)

New section.

Chapter 21.—PROVISIONS COMMON TO SEVERAL OBJECTS OF TAXATION.

Sec.
1177. Restamping when stamp lost or destroyed.
1187. False statements as to tax in connection with sales or leases; penalty.

1177. Restamping when stamp lost or destroyed.

The statute (§ 1027 of the Revenue Act of 1924) constituting § 1177 of Title 26 of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was reenacted without change in § 1124 of said Act of 1926 (44 Stat. 122) to take effect as of the said date.

1187. False statements as to tax in connection with sales or leases; penalty.—Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both. (Feb. 26, 1926, c. 27, § 1123, 44 Stat. 121.)

The statute constituting § 1187 of Title 26, INTERNAL REVENUE, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of said date. The subject matter of the repealed statute was carried into § 1123 of said Act and is herein set out.

Chapter 22.—BOARD OF TAX APPEALS.

Sec.
1211. Board of Tax Appeals; [continuance]; number of members.
1212. Same; an independent agency.
1213. Same; appointment of members; terms of office; vacancies; removal; salaries.
1214. Same; practice before board; by removed member.
1215. Same; chairman; seal.
1216. Same; hearing and determination of appeals; quorum; effect of vacancy.
1217. Same; divisions; hearing and determination of appeals; decisions.
1218. Same; findings of board prima facie evidence of facts.
1219. Same; notice and opportunity to be heard; procedure; reports; office of board; times and places of meeting; [quarters outside District.]
1220. Same; oaths; witnesses and depositions.
1222. Same; traveling and other expenses; employees; expenditures.
1223. Award of damages in case of frivolous appeal to board. [New.]
1224. Review of board's decision; rules; operation of review as stay of assessment, and so forth; disallowance of deficiency; effect. [New.]
1225. Review; venue. [New.]
1226. Courts vested with jurisdiction; review; powers of reviewing court. [New.]
1227. Damages where petition is filed for delay; fees. [New.]
1228. When board's decision becomes final. [New.]

Title IX of Revenue Act of 1924 amended.—Title IX of the Revenue Act of 1924 which is herein amended by § 1000 of Title X of the Act of Feb. 26, 1926, c. 27, constitutes c. 22 of Title 26 of the Code containing §§ 1211 to 1222, inclusive, of said Title 26 to which, in the main, the sections similarly numbered herein correspond.

1211. Board of Tax Appeals; [continuance]; number of members.—The Board of Tax Appeals (hereinafter referred to as the "board") is hereby continued as an independent agency in the executive branch of the Government. The board shall be composed of 16 members; except that such limitation shall not be held applicable to any member holding office under an appointment made before the enactment of the Revenue Act of 1926, in accordance with the law in force prior to the enactment of such Act. (June 2, 1924, 4.01 p. m., c. 234, § 900 (a), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of chapter.
In the amending statute this provision is denoted as "Sec. 900."

1212. Same; an independent agency.

See § 1211 of this supplemental title.

1213. Same; appointment of members; terms of office; vacancies; removal; salaries.—(a) Members of the board shall be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. Members of the board may be removed by the President, after notice and opportunity for public hearing, for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. Each member shall receive salary at the rate of $10,000 per annum.

(b) The terms of office of all members who are to compose the board prior to June 2, 1926, shall expire at the close of business on June 1, 1926. The terms of office of the sixteen members first taking office after such date shall expire, as designated by the President at the time of nomination, four at the end of the sixth year, four at the end of the eighth year, four at the end of the tenth year, and four at the end of the twelfth year, after June 2, 1926. The terms of office of all successors shall expire twelve years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. (June 2, 1924, 4.01 p. m., c. 234, § 900 (b), 43 Stat. 336; Feb. 26, 1926, c. 27 § 1000, 44 Stat. 105.)

See note at beginning of this chapter.
In the amending statute this section is denoted as "Sec. 901."

1214. Same; practice before board; by removed member.—A member of the board removed from office in accordance with subdivision (a) of section 901[54] shall not be permitted at any time to practice before the board. (June 2, 1924, 4.01 p. m., c. 234, § 900 (c), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of chapter.

1215. Same; chairman; seal.—The board shall at least biennially designate a member to act as chairman. The board shall have a seal which shall be judicially noticed. (June 2, 1924, 4.01 p. m., c. 234, § 900 (d), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.
In the amending statute this section is denoted as "Sec. 902."

[54] Section 901, mentioned in the text, constitutes § 1213 of this supplemental title. In the amending statute this section is denoted as "Sec. 902."

1216. Same; hearing and determination of appeals; quorum; effect of vacancy.—The board and its divisions shall have such jurisdiction as is conferred on them by Title II[55] and Title III[55] of the Revenue Act of 1926 or by subsequent laws. The board is authorized to impose a fee in an amount not in excess of $10 to be fixed by the board for the filing of any petition for the redetermination of a deficiency after the enactment of the Revenue Act of 1926 and for the hearing of any proceeding pending at the time of such enactment. A majority of the members of the board or of any division thereof shall constitute a quorum for the transaction of the business of the board or of the division, respectively. A vacancy in the board or in any division thereof shall not impair the powers nor affect the duties of the board or division nor of the remaining members of the board or division respectively. (June 2, 1924, 4.01 p. m., c. 234, § 900(e), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.

1217. Same; divisions; hearing and determination of appeals; decisions.—(a) The chairman may from time to time divide the board into divisions of one or more members, assign the members of the board thereto, and in case of a division of more than one member, designate the chief thereof. If a division, as a result of a vacancy or the absence or inability of a member assigned thereto to serve thereon, is composed of less than the number of members designated for the division, the chairman may assign other members to the division or direct the division to proceed with the transaction of business without awaiting any additional assignment of members thereto. A division shall hear and decide any proceeding instituted before the board and any motion thereon assigned to such division by the chairman.

(b) In case of a decision by a division, the decision and the findings of fact made in connection therewith shall become the decision and the findings of the board within 30 days after such decision by the division, unless within such period the chairman has directed that such decision shall be reviewed by the board.

(c) If a petition for a redetermination of a deficiency has been filed by the taxpayer, a decision of the board dismissing the proceeding shall, for the purposes of this title[56] and of the Revenue Act of 1926,[57] be considered as its decision that the deficiency is the amount determined by the commissioner. An order specifying such amount shall be entered in the records of the board unless the board can not determine such amount from the pleadings.

(d) A decision of the board shall be held to be rendered upon the date that an order specifying the amount of the deficiency is entered in the records of the board. If the board dismisses a proceeding and is unable from the pleadings to determine the amount of the deficiency determined by the commissioner, an order to that effect shall be entered in the records of the board, and the decision of the board shall be held to be rendered upon the date of such entry.

(e) If the assessment or collection of any tax is barred by any statute of limitations, the decision of the board to that effect shall, for the purposes of this title[56] and of the Revenue Act of 1926,[57] be considered as its decision that there is no deficiency in respect of such tax. (June 2, 1924, 4.01 p. m. c. 234, § 900 (f), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.

[55] Title II and Title III constitute chs. 19 and 20, respectively, of this supplemental title. In the amending statute this section was composed of two provisions denoted as "Sec. 904" and "Sec. 905."

[56] "This title," constitutes c. 22 of this supplemental title.

[57] The Revenue Act of 1926 constitutes this supplemental title. In the amending statute this section was denoted as "Sec. 906," subdivisions (a), (b), (c), (d), and (e).

1218. Same; findings of board prima facie evidence of facts.—The findings of the board made in any decision prior to the enactment of the Revenue Act of 1926 shall, notwithstanding the enactment of such Act,[58] continue to be prima facie evidence of the facts therein stated. (June 2, 1924, 4.01 p. m., c. 234, § 900(g), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.

In the amending statute this section was denoted as subdivision (f) of "Sec. 906."

1219. Same; notice and opportunity to be heard; procedure; reports; office of board; times and places of meeting; [quarters outside District].—(a) Notice and an opportunity to be heard shall be given to the taxpayer and the commissioner and a decision shall be made as quickly as practicable. Hearings before the board and its divisions shall be open to the public and shall be stenographically reported. The board is authorized to contract for the reporting of such hearing, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the board and to other persons and agencies. The proceedings of the board and its divisions shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the board may prescribe and in accordance with the rules of evidence applicable in courts of equity of the District of Columbia. The mailing by registered mail of any pleading, order, notice, or process in respect of proceedings before the board shall be held sufficient service of such pleading, order, notice, or process.

(b) It shall be the duty of the board and of each division to make findings of fact and a decision in each case before it, and report thereon in writing; except that the findings of fact and report thereon may be omitted in case of a decision dismissing any proceeding upon motion either of the taxpayer, the commissioner, or the board. Whenever the board deems it advisable, the report shall contain an opinion in writing in addition to the findings of fact and decision.

(c) All reports of the board and all evidence received by the board and its divisions, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the board in any proceeding has become final the board may, upon motion of the taxpayer or the commissioner, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the board or any division; or the board may, on its own motion, make such other disposition thereof as it deems advisable.

(d) The board shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the board therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(e) The principal office of the board shall be in the District of Columbia, but the board or any of its divisions may sit at any place within the United States. The times and places of the meetings of the board and of its divisions shall be prescribed by the chairman with a view to securing reasonable opportunity to taxpayers to appear before the board or any of its divisions, with as little inconvenience and expense to taxpayers as is practicable.

(f) The Secretary of the Treasury shall provide the board with suitable rooms in courthouses or other buildings when

[58] The Act of 1926 constitutes this supplemental title.

necessary for hearings by the board, or any division thereof, outside the District of Columbia. (June 2, 1924, 4.01 p. m., c. 234, § 900(h), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.
In the amending statute this section was denoted as "Sec. 907."

1220. Same; oaths; witnesses and depositions.—For the efficient administration of the functions vested in the board or any division thereof, any member of the board, or any employee of the board designated in writing for the purpose by the chairman, may administer oaths, and any member of the board may examine witnesses and require, by subpoena ordered by the board or any division thereof and signed by the member, (1) the attendance and testimony of witnesses, and the production of all necessary returns, books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or (2) the taking of a deposition before any designated individual competent to administer oaths under this act.[59] In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(a) Any witness summoned or whose deposition is taken under section 908[60] shall receive the same fees and mileage as witnesses in courts of the United States. Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(1) In the case of witnesses for the commissioner, such payments shall be made by the Secretary out of any moneys appropriated for the collection of internal-revenue taxes, and may be made in advance.

(2) In the case of any other witnesses, such payments shall be made subject to rules prescribed by the board, by the party at whose instance the witness appears or the deposition is taken.

(b) This section shall take effect as of June 2, 1924, in the case of fees, mileage, or expenses accrued prior to, but remaining unpaid at the time of, the enactment of the Revenue Act of 1926. (June 2, 1924, 4.01 p. m., c. 234, § 900 (i), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.
In the amending statute this section was composed of two sections denoted "Sec. 908" and "Sec. 909."

1222. Same; traveling and other expenses; employees; expenditures.—The members of the board shall receive necessary traveling expenses, and expenses actually incurred for subsistence while traveling on duty and away from their designated stations, subject to the same limitations in amount as are now or may hereafter be applicable to the Board of General Appraisers. The employees of the board shall receive their necessary traveling expenses, and expenses actually incurred for subsistence while traveling on duty and away from their designated stations, in an amount not to exceed $5 per day. The board is authorized in accordance with the Civil Service Laws to appoint, and in accordance with the Classification Act of 1923[61] to fix the compensation of, such employees, and to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary efficiently to execute the functions vested in the board. All expenditures of the board shall be allowed and paid, out of any moneys appropriated for the purposes of the board, upon presentation of itemized vouchers therefor signed by the chairman. All fees received by the board shall be covered into the Treasury as miscellaneous receipts. Section 3709[62] of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the board when the aggregate amount involved does not exceed the sum of $25. (June 2, 1924, 4.01 p. m., c. 234, § 900 (k), 43 Stat. 336; Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

See note at beginning of this chapter.
In the amending statute this section was denoted "Sec. 910."

1223. Award of damages in case of frivolous appeal to board.—Whenever it appears to the board that proceedings before it have been instituted by the taxpayer merely for delay, damages in an amount not in excess of $500 shall be awarded to the United States by the board in its decision. Damages so awarded shall be assessed at the same time as the deficiency and shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax. (Feb. 26, 1926, c. 27, § 1000, 44 Stat. 105.)

New section. See note at beginning of chapter.
In the amending statute this section was denoted "Sec. 911."

1224. Review of board's decision; rules; operation of review as stay of assessment, and so forth; disallowance of deficiency; effect.—(a) The decision of the board rendered after the enactment of this Act (except as provided in subdivision (j) of section 283[63] and in subdivision (h) of section 318)[63] may be reviewed by a Circuit Court of Appeals, or the Court of Appeals of the District of Columbia, as hereinafter provided, if a petition for such review is filed by either the commissioner or the taxpayer within six months after the decision is rendered.

(b) Such courts are authorized to adopt rules for the filing of such petition, the preparation of the record for review, and the conduct of proceedings upon such review and, until the adoption of such rules, the rules of such courts relating to appellate proceedings upon a writ of error, so far as applicable, shall govern.

(c) Despite the provisions of sections 274[64] and 308,[65] such review shall not operate as a stay of assessment or collection of any portion of the amount of the deficiency determined by the board unless a petition for review in respect of such portion is filed by the taxpayer, and then only if the taxpayer (1) on or before the time his petition for review is filed (and in any event before the expiration of six months after the decision of the board is rendered) has filed with the board a bond in a sum fixed by the board not exceeding double the amount of the portion of the deficiency in respect of which the petition for review is filed, and with surety approved by the board, conditioned upon the payment of the deficiency as finally determined, together with any interest, additional amounts, or additions to the tax provided for by law, or (2) has filed a jeopardy bond under Title II[66] or Title III[66] of the Revenue Act of 1924 or of this Act. If as a result of a waiver under subdivision (d)[67] of section 274 or subdivision (d)[68] of section 308 any part of the amount determined by the board is paid after the filing of the review bond such bond shall, at the request of the taxpayer, be proportionately reduced.

(d) In cases where assessment or collection has not been stayed by the filing of a bond, then if the amount of the defi-

[59] "This Act" constitutes this supplemental title.

[60] Section 908 constitutes the first paragraph of § 1220 of this supplemental title.

[61] The Classification Act of 1923 is set out in §§ 661 to 674, inclusive, of Title 5, EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES.

[62] Section 3709 of the Revised Statutes is set out in § 5 of Title 41, PUBLIC CONTRACTS.

[63] Sections 283 and 318 are set out in §§ 1064 and 1118, respectively, of said title.

[64] Section 274 is set out in §§ 1048 to 1050, inclusive, and 1052 to 1054, inclusive, of this supplemental title.

[65] Section 308 is set out in §§ 1101 to 1103, inclusive, and 1106 to 1108, inclusive, of this supplemental title.

[66] Titles II and III of the Revenue Act of 1924 constitute chs. 19 and 20, respectively, of Title 26 of the Code and Titles II and III of this Act, constitute chs. 19 and 20, respectively, of this supplemental title.

[67] Subdivision (d) of § 274, is set out in § 1048a of said title.

[68] Subdivision (d) of § 308 is set out in § 1101 of said title.

ciency determined by the board is disallowed in whole or in part by the court, the amount so disallowed shall be credited or refunded to the taxpayer, or, if collection has not been made, shall be abated.

(e) Nothing in subdivision (c) shall be construed as relieving the petitioner from making or filing such undertakings as the court may require as a condition of or in connection with the review. (Feb. 26, 1926, c. 27, § 1001, 44 Stat. 109.)

New section. See note at beginning of chapter.

1225. Review; venue.—Such decision may be reviewed—

(a) In the case of an individual, by the Circuit Court of Appeals for the circuit whereof he is an inhabitant, or if not an inhabitant of any circuit, then by the Court of Appeals of the District of Columbia.

(b) In the case of a person (other than an individual), except as provided in subdivision (c), by the Circuit Court of Appeals for the circuit in which is located the office of the collector to whom such person made the return, or in case such person made no return, then by the Court of Appeals of the District of Columbia.

(c) In the case of a corporation which had no principal place of business or principal office or agency in the United States, then by the Court of Appeals of the District of Columbia.

(d) In the case of an agreement between the commissioner and the taxpayer, then by the Circuit Court of Appeals for the circuit, or the Court of Appeals of the District of Columbia, as stipulated in such agreement. (Feb. 26, 1926, c. 27, § 1002, 44 Stat. 110.)

New section. See note at beginning of chapter.

1226. Courts vested with jurisdiction; review; powers of reviewing court.—(a) The Circuit Courts of Appeals and the Court of Appeals of the District of Columbia shall have exclusive jurisdiction to review the decisions of the board (except as provided in section [69] 239 of the Judicial Code, as amended); and the judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari, in the manner provided in section [69] 240 of the Judicial Code, as amended.

(b) Upon such review, such courts shall have power to affirm or, if the decision of the board is not in accordance with law, to modify or reverse the decision of the board, with or without remanding the case for a rehearing, as justice may require. (Feb. 26, 1926, c. 27, § 1003, 44 Stat. 110.)

New section. See note at beginning of chapter.

1227. Damages where petition is filed for delay; fees.—(a) The Circuit Courts of Appeals, the Court of Appeals of the District of Columbia, and the Supreme Court shall have power to impose damages in any case where the decision of the board is affirmed and it appears that the petition was filed merely for delay.

(b) The board is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record. (Feb. 26, 1926, c. 27, § 1004, 44 Stat. 110.)

New section. See note at beginning of chapter.

1228. When board's decision becomes final.—(a) The decision of the board shall become final—

(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the decision of the board has been affirmed or the petition for review dismissed by the circuit court of appeals and no petition for certiorari has been duly filed; or

(3) Upon the denial of a petition for certiorari, if the decision of the board has been affirmed or the petition for review dismissed by the circuit court of appeals; or

(4) Upon the expiration of thirty days from the date of issuance of the mandate of the Supreme Court, if such court directs that the decision of the board be affirmed or the petition for review dismissed.

(b) If the Supreme Court directs that the decision of the board be modified or reversed, the decision of the board rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of thirty days from the time it was rendered, unless within such thirty days either the commissioner or the taxpayer has instituted proceedings to have such decision corrected to accord with the mandate, in which event the decision of the board shall become final when so corrected.

(c) If the decision of the board is modified or reversed by the circuit court of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the decision of the board rendered in accordance with the mandate of the circuit court of appeals shall become final on the expiration of thirty days from the time such decision of the board was rendered, unless within such thirty days either the commissioner or the taxpayer has instituted proceedings to have such decision corrected so that it will accord with the mandate, in which event the decision of the board shall become final when so corrected.

(d) If the Supreme Court orders a rehearing; or if the case is remanded by the circuit court of appeals to the board for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the decision of the board rendered upon such rehearing shall become final in the same manner as though no prior decision of the board had been rendered.

(e) As used in this section—

(1) The term "circuit court of appeals" includes the Court of Appeals of the District of Columbia;

(2) The term "mandate," in case a mandate has been recalled prior to the expiration of thirty days from the date of issuance thereof, means the final mandate. (Feb. 26, 1926, c. 27, § 1005, 44 Stat. 110.)

New section. See note at beginning of chapter.

Chapter 23.—ADMINISTRATIVE AND GENERAL PROVISIONS.

Sec.

1244. General laws made applicable.
1245. Rules and regulations.
1247. Examination of books, papers, and records; taking testimony.
1248. Same; number of inspections of taxpayer's accounts allowable; exceptions.
1249. [Bar of limitations; effect]; conclusiveness of assessment; determination of tax, and acceptance of abatement, credit, or refund.
1250. Conclusiveness of findings and decisions by Commissioner of Internal Revenue.
1251. Retroactive effect of regulations or Treasury decisions.
1253. Other methods of collecting taxes; administrative and penalty provisions applicable.
1254. Records, statements and returns; acknowledgment to certain returns; returns and statements on notice from commissioner.
1256. Overpayments and overcollections of tax; credit and refund.
1257. Jurisdiction of district courts; remedies not exclusive.
1258. Same; compelling attendance of witnesses or production of books or papers.

[69] Sections 239 and 240 of the Judicial Code constitute §§ 346 and 347, respectively, of Title 28, JUDICIAL CODE AND JUDICIARY.

Sec.
1260. Prior revenue law in force for assessment and collection of taxes and for imposition and collection of penalties thereunder.
1262. Definitions.
1263. Taxes on articles sold or leased for export.
1265. Failure to pay certain other taxes or to make returns and so forth; penalty.
1266. Failure to collect, account for, or pay over certain taxes.
1267. Aiding or assisting in false or fraudulent returns; penalty.
1268. Additional penalty for evading or failing to collect, and so forth, certain taxes.
1268a. Liability in case of failure to surrender property on which levy has been made. [New.]
1269. Definition; person.
1271. Partial invalidity of title.
1272. Citation.
1273. Repeal of prior provisions. [New.]
1274. Joint congressional committee on internal revenue taxation; members; vacancies; duties; organization; powers; expenses. [New.]
1275. Computation of invested capital. [New.]
1276. Effective date of Act. [New.]

1244. General laws made applicable.—All administrative, special, or stamp provisions of law, including the law relating to the assesment of taxes, so far as applicable, are hereby extended to and made a part of this Act.[70] (Feb. 26, 1926, c. 27, § 1100, 44 Stat. 111.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1244 thereof.

1245. Rules and regulations.—The commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this Act.[70] (Feb. 26, 1926, c. 27, § 1101, 44 Stat. 111.)

A similar provision with respect to Title 26, of the Code, will be found in § 1245 thereof.

1247. Examination of books, papers, and records; taking testimony.—The commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any revenue agent or inspector designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons. (Feb. 26, 1926, c. 27, § 1104, 44 Stat. 113.)

Section 1004, of the Act of June 2, 1924, c. 234, constituting § 1247 of Title 26, of the Code, was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was carried into § 1104 of the latter Act and is herein set out.

1248. Same; number of inspections of taxpayer's accounts allowable; exceptions.—No taxpayer shall be subjected to unnecessary examinations or investigations, and only one inspection of a taxpayer's books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless the commissioner, after investigation, notifies the taxpayer in writing that an additional inspection is necessary. (Feb. 26, 1926, c. 27, § 1105, 44 Stat. 113.)

The statute constituting § 1248 of Title 26 of the Code was repealed by Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was carried into § 1105 of said Act and is herein set out.

1249. [Bar of limitations; effect;] conclusiveness of assessment; determination of tax, and acceptance of abatement, credit or refund.—(a) The bar of the statute of limitations against the United States in respect of any internal-revenue tax shall not only operate to bar the remedy but shall extinguish the liability; but no credit or refund in respect of such tax shall be allowed unless the taxpayer has overpaid the tax. The bar of the statute of limitations against the taxpayer in respect of any internal-revenue tax shall not only operate to bar the remedy but shall extinguish the liability; but no collection in respect of such tax shall be made unless the taxpayer has underpaid the tax.

(b) If after a determination and assessment in any case the taxpayer has paid in whole any tax or penalty, or accepted any abatement, credit, or refund based on such determination and assessment, and an agreement is made in writing between the taxpayer and the commissioner, with the approval of the Secretary, that such determination and assessment shall be final and conclusive, then (except upon a showing of fraud or malfeasance or misrepresentation of fact materially affecting the determination or assessment thus made) (1) the case shall not be reopened or the determination and assessment modified by any officer, employee, or agent of the United States, and (2) no suit, action, or proceeding to annul, modify, or set aside such determination or assessment shall be entertained by any court of the United States. (Feb. 26, 1926, c. 27, § 1106, 44 Stat. 113.)

The statute constituting § 1249 of Title 26 of the Code was repealed by the Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute is carried into § 1106 of that Act and is herein set out.

1250. Conclusiveness of findings and decisions by Commissioner of Internal Revenue.—In the absence of fraud or mistake in mathematical calculation, the findings of facts in and the decision of the commissioner upon (or in case the Secretary is authorized to approve the same, then after such approval) the merits of any claim presented under or authorized by the internal-revenue laws shall not, except as provided in Title IX of the Revenue Act of 1924[71] as amended, be subject to review by any other administrative or accounting officer, employee, or agent of the United States. (Feb. 26, 1926, c. 27, § 1107, 44 Stat. 113.)

The statute constituting § 1250 of Title 26 of the Code was repealed by the Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was carried into § 1107 of said Act and is herein set out.

1251. Retroactive effect of regulations or Treasury decisions.—(a) In case a regulation or Treasury decision relating to the internal-revenue laws, made by the commissioner or the Secretary, or by the commissioner with the approval of the Secretary, is reversed by a subsequent regulation or Treasury decision, and such reversal is not immediately occasioned or required by a decision of a court of competent jurisdiction, such subsequent regulation or Treasury decision may, in the discretion of the commissioner, with the approval of the Secretary, be applied without retroactive effect.

(b) No tax shall be levied, assessed, or collected under the provisions of Title VI of this Act[72] on any article sold or leased by the manufacturer, producer, or importer, if at the time of the sale or lease there was an existing ruling, regulation, or Treasury decision holding that the sale or lease of such article was not taxable, and the manufacturer, producer, or importer parted with possession or ownership of such article, relying upon the ruling, regulation, or Treasury decision. (Feb. 26, 1926, c. 27, § 1108, 44 Stat. 114.)

The statute constituting subdivision (a) of § 1251 of Title 26 of the Code was repealed by the Act of Feb. 26, 1926, c. 27, § 1200, 44 Stat. 125, to take effect as of that date. The subject matter of the repealed statute was carried into subdivision (a) of § 1108 of that Act and is herein set out. A provision similar to subdivision (b) of said § 1251 is contained in subdivision (b) of said § 1108 and is herein set out as subdivision (b).

[70] "This Act" constitutes this title of the appendix.

[71] Title IX of the Revenue Act of 1924 constitutes c. 22 of Title 26 of the Code.

[72] "Title VI of this Act" constitutes c. 17 of this title of the appendix.

1253. Other methods of collecting taxes; administrative and penalty provisions applicable.—Whether or not the method of collecting any tax imposed by Titles IV, V, VI, or VII [73] is specifically provided therein, any such tax may, under regulations prescribed by the commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of Title VIII,[74] in so far as applicable, shall apply to the collection of any tax which the commissioner determines or prescribes shall be collected in such manner. (Feb. 26, 1926, c. 27, § 1119, 44 Stat. 120.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1253 thereof.

1254. Records, statements and returns; acknowledgment to certain returns; returns and statements on notice from commissioner.—(a) Every person liable to any tax imposed by this Act,[75] or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the commissioner deems sufficient to show whether or not such person is liable to tax.

(c) The commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

(d) Any oath or affirmation required by the provisions of this Act or regulations made under authority thereof may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States. (Feb. 26, 1926, c. 27, § 1102, 44 Stat. 112.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1254 thereof.

1256. Overpayments and overcollections of tax; credit and refund.—In the case of any overpayment or overcollection of any tax imposed by Title V or VI,[76] the person making such overpayment or overcollection may take credit therefor against taxes due upon any monthly return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto. (Feb. 26, 1926, c. 27, § 1121, 44 Stat. 121.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1256 thereof.

1257. Jurisdiction of district courts; remedies not exclusive.—The district courts of the United States at the instance of the United States are hereby invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this Act.[75] The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such provisions. (Feb. 26, 1926, c. 27, § 1122 (b), 44 Stat. 121.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1257 thereof.

1258. Same; compelling attendance of witnesses or production of books or papers.—If any person is summoned under this Act [75] to appear, to testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data. (Feb. 26, 1926, c. 27, § 1122 (a), 44 Stat. 121.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1258 of said title.

1260. Prior revenue law in force for assessment and collection of taxes and for imposition and collection of penalties thereunder.—The parts of the Revenue Act of 1924 [77] which are repealed by this Act [78] shall (except as provided in sections 283 and 318 [79] and except as otherwise specifically provided in this Act) [78] remain in force for the assessment and collection of all taxes imposed by such Act,[78] and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes, and for the assessment and collection, to the extent provided in the Revenue Act of 1924,[77] of all taxes imposed by prior income, war-profits, or excess-profits tax acts, and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes.[77] In the case of any tax imposed by any part of the Revenue Act of 1924 repealed by this Act,[78] if there is a tax imposed by this Act in lieu thereof, the provision imposing such tax shall remain in force until the corresponding tax under this Act [78] takes effect under the provisions of this Act.[78] (Feb. 26, 1926, c. 27, § 1200 (b), 44 Stat. 125.)

A somewhat similar provision will be found in § 1260 of Title 26, INTERNAL REVENUE.

1262. Definitions.—(a) When used in this Act [80]—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

(3) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(4) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(5) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(6) The term "Secretary" means the Secretary of the Treasury.

(7) The term "Commissioner" means the Commissioner of Internal Revenue.

(8) The term "collector" means collector of internal revenue.

(9) The term "taxpayer" means any person subject to a tax imposed by this Act.

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[73] Title IV constitutes chs. 14 and 15 of this title. Titles V and VI are set out in chs. 16 and 17, respectively, of this title. Title VII is set out in chs. 4 and 11 of this title.

[74] Title VIII is set out in c. 18 of this title.

[75] "This Act" constitutes this title.

[76] Title V and VI are set out in chs. 16 and 17, respectively, of this title.

[77] The Revenue Act of 1924, mentioned in the text, is set out in Title 26 of the Code.

[78] "Act" constitutes this title.

[79] Sections 283 and 318, also mentioned, are set out in §§ 1064 and 1118, respectively, of this title.

[80] "This Act," herein referred to, constitutes this title.

(10) The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female.

(b) The terms "includes" and "including" when used in a definition contained in this Act[80] shall not be deemed to exclude other things otherwise within the meaning of the term defined. (Feb. 26, 1926, c. 27, § 2, 44 Stat. 9.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1262 thereof.

1263. Taxes on articles sold or leased for export.—Under such rules and regulations as the commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Title IV or VI[81] or of section 903[82] shall not apply in respect of articles sold or leased for export or for shipment to a possession of the United States and in due course so exported or shipped. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect of such articles so exported or shipped may be refunded to the exporter or shipper of the articles, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded. (Feb. 26, 1926, c. 27, § 1121, 44 Stat. 121.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1263 thereof.

1265. Failure to pay certain other taxes or to make returns and so forth; penalty.—Any person required under this Act[83] to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this Act,[83] who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution. (Feb. 26, 1926, c. 27, § 1114 (a), 44 Stat. 116.)

A similar provision with respect to Title 26, INTERNAL REVENUE, is set out in § 1265 thereof.

1266. Failure to collect, account for, or pay over certain taxes.—Any person required under this Act[83] to collect, account for and pay over any tax imposed by this Act,[83] who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this Act[83] or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution. (Feb. 26, 1926, c. 27, § 1114 (b), 44 Stat. 116.)

A similar provision with respect to Title 26, INTERNAL REVENUE, is set out in § 1266 thereof.

1267. Aiding or assisting in false or fraudulent returns; penalty.—Any person who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation under, or in connection with any matter arising under, the internal-revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution. (Feb. 26, 1926, c. 27, § 1114 (c), 44 Stat. 116.)

A similar provision will be found in § 1267 of Title 26, INTERNAL REVENUE.

1268. Additional penalty for evading or failing to collect, and so forth, certain taxes.—Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by Titles IV, V, VI, VII, VIII, and IX,[84] or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of section 3176 of the Revised Statutes,[85] as amended, or for any offense for which a penalty has been recovered under section 3256 of the Revised Statutes.[86] (Feb. 26, 1926, c. 27, § 1114 (d), 44 Stat. 116.)

A similar provision with respect to Title 26, INTERNAL REVENUE, is set out in § 1268 thereof.

1268a. Liability in case of failure to surrender property on which levy has been made.—Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process. Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy. (Feb. 26, 1926, c. 27, § 1114 (e), 44 Stat. 116.)

New section.

1269. Definition; person.—The term "person" as used in this section[87] includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs. (Feb. 26, 1926, c. 27, § 1114 (f), 44 Stat. 116.)

A similar provision with respect to Title 26, INTERNAL REVENUE, is set out in § 1269 thereof.

1271. Partial invalidity of title.—If any provision of this Act,[88] or the application thereof to any person or circumstances, is held invalid, the remainder of the Act,[88] and the application of such provision to other persons or circumstances, shall not be affected thereby. (Feb. 26, 1926, c. 27, § 1213, 44 Stat. 130.)

A similar provision with respect to Title 26, INTERNAL REVENUE, will be found in § 1271 thereof.

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[80] "This Act," herein referred to, constitutes this title.

[81] Title IV constitutes chs. 14 and 15 of this title and Title VI is set out in c. 17 of this title.

[82] Section 903, also mentioned, is set out in § 506 of this title.

[83] This Act constitutes this title.

[84] Title IV, mentioned in the text, is set out in chs. 14 and 15 of this supplemental title. Titles V and VI, similarly mentioned, are set out in chs. 16 and 17, respectively, of this supplemental title. Title VII, similarly mentioned, is set out in chs. 4 and 11 of this supplemental title. Title VIII, also mentioned, is set out in c. 18 of this supplemental title, and Title IX, likewise mentioned, is set out in chs. 5 and 6 of this supplemental title.

[85] Section 3176 of the Revised Statutes is set out in §§ 97 and 98 of Title 26 of the Code.

[86] Section 3258 of the Revised Statutes is set out in § 260 of Title 26 of the Code.

[87] "This section," mentioned in the text, is set out in §§ 1265 to 1269, inclusive, of this title of the appendix.

[88] "This Act," mentioned in the text, constitutes this title of the appendix.

1272. Citation.—This Act[89] may be cited as the "Revenue Act of 1926." (Feb. 26, 1926, c. 27, § 1, 44 Stat. 9.)

A similar provision with respect to the "Revenue Act of 1924" is set out in § 1272 of Title 26, INTERNAL REVENUE.

1273. Repeal of prior provisions.—The following parts of the Revenue Act of 1924 are repealed, to take effect (except as otherwise provided in this Act) upon the enactment of this Act subject to the limitations provided in subdivision (b):

Title II (called "income tax") as of January 1, 1925, except section 257 and sections 271 to 282, inclusive;

Section 257 and sections 271 to 282, inclusive (being certain administrative provisions of the income tax);

Part I of Title III (called "estate tax");

Part II of Title III (called "gift tax") as of January 1, 1926;

Title IV (called "tax on cigars, tobacco, and manufactures thereof") except section 400;

Section 400 (being the tax on cigars and cigarettes) effective on the expiration of 30 days after the enactment of this Act;

Title V (called "tax on admissions and dues"), effective on the expiration of thirty days after the enactment of this Act;

Title VI (called "excise taxes") except subdivision (2) of section 600;

Subdivision (2) of section 600 (being the tax on certain automobiles) effective on the expiration of 30 days after the enactment of this Act;

Title VII (called "special taxes"), effective on June 30, 1926;

Title VIII (called "stamp taxes"), effective on the expiration of thirty days after the enactment of this Act;

Sections 1004, 1005, 1006, and 1007, subdivision (a) of section 1008, sections 1009, 1010, 1011, 1012, 1014, 1018, 1019, and 1020, subdivisions (a) and (b) of section 1021, subdivision (c) of section 1025, and sections 1026, 1027, 1028, 1029, 1030, and 1031 (being certain administrative provisions). (Feb. 26, 1926, c. 27, § 1200 (a), 44 Stat. 125.)

New section.

The Revenue Act of 1924, mentioned in the text is set out in Title 26, INTERNAL REVENUE and "this Act," similarly mentioned, constitutes this supplemental title. Subdivision (6) of this section herein referred to, constitutes § 1260 of said title. Title II of said Act of 1924, mentioned in the text, constitutes c. 19 of said Title 26 excepting §§ 983, 1025, 1067 and 1068. Section 267 is set out in § 1024 of said Title 26. Sections 271 to 282, inclusive, also mentioned, are set out in §§ 1045 to 1066, inclusive, of said Title 26. Parts I and II of Title III, mentioned in the text constitute Parts I and II, respectively, of c. 20, of said Title 26. Title IV, mentioned in the text is set out in §§ 761, 769, 770, 783, 792 to 797, inclusive, 828, 829, 831 to 834, inclusive, and 845 of said Title 26, INTERNAL REVENUE. Section 400, also mentioned, is set out in §§ 828, 829, 831 to 833, inclusive, and 845 of said Title 26. Titles V and VI mentioned in the text constitute chs. 16 and 17, respectively, of said Title 26. Subdivision (2) of § 600 is set out in § 881 of Title 26. Title VII mentioned in the text is set out in §§ 192, 206, 211 to 220, inclusive, 223, 224, 691 to 695, inclusive, 702, 704, and 708 of said Title 26. Title VIII, also mentioned, is set out in §§ 901 to 909, inclusive, of said Title 26. Sections 1004, 1005, 1006, 1007, and 1008 herein referred to, are set out in §§ 1247, 1248, 1249, 1250, and 1251, respectively, of Title 26, INTERNAL REVENUE. Section 1009, also mentioned, is set out in §§ 105 to 108, inclusive, of said Title 26; § 1010 is set out in §§ 585 and 586 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE, Sections 1011, 1012, and 1014 are set out in §§ 149, 157, and 156, respectively, of Title 26, INTERNAL REVENUE. Section 1018 is set out in § 216 of Title 18, CRIMINAL CODE AND CRIMINAL PROCEDURE and in §§ 26, 58, 62, 91, 93, 94, and 1025 of Title 26, INTERNAL REVENUE. Sections 1019 and 1020 are set out in §§ 153 of said Title 26 and 284 of Title 28, JUDICIAL CODE AND JUDICIARY, respectively. Subdivisions (a) and (b) of § 1021, mentioned in the text, are set out in §§ 110 and 113, respectively, of said Title 26, Subdivision (c) of § 1025 is set out in paragraph 20 of § 41 of Title 28, JUDICIAL CODE AND JUDICIARY. Sections 1026 and 1027 are set out in §§ 1187 and 1177, respectively, of Title 26, INTERNAL REVENUE. Section 1028 and 1029 are set out in §§ 748 of Title 31, MONEY AND FINANCE, and 15 of Title 6, OFFICIAL AND PENAL BONDS, respectively. Sections 1030 and 1031 are set out, the former in § 136 and the latter in §§ 124 and 140 of Title 26, INTERNAL REVENUE.

1274. Joint congressional committee on internal revenue taxation; members; vacancies; duties; organization; powers; expenses.—(a) There is hereby established a joint congressional committee to be known as the Joint Committee on Internal Revenue Taxation (hereinafter in this section referred to as the "Joint Committee"), and to be composed of ten member as follows:

(1) Five members who are members of the Committee on Finance of the Senate, three from the majority and two from the minority party, to be chosen by such committee; and

(2) Five members who are members of the Committee on Ways and Means of the House of Representatives, three from the majority and two from the minority party, to be chosen by such committee.

(b) No person shall continue to serve as a member of the Joint Committee after he has ceased to be a member of the committee by which he was chosen, except that the members chosen by the Committee on Ways and Means who have been re-elected to the House of Representatives may continue to serve as members of the Joint Committee notwithstanding the expiration of the Congress. A vacancy in the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as the original selection, except that (1) in case of a vacancy during an adjournment or recess of Congress for a period of more than two weeks, the members of the Joint Committee who are members of the committee entitled to fill such vacancy may designate a member of such committee to serve until his successor is chosen by such committee, and (2) in the case of a vacancy after the expiration of a Congress which would be filled by the Committee on Ways and Means, the members of such committee who are continuing to serve as members of the Joint Committee may designate a person who, immediately prior to such expiration, was a member of such committee and who is re-elected to the House of Representatives, to serve until his successor is chosen by such committee.

(c) It shall be the duty of the Joint Committee—

(1) To investigate the operation and effect of the Federal system of internal-revenue taxes;

(2) To investigate the administration of such taxes by the Bureau of Internal Revenue or any executive department, establishment, or agency, charged with their administration;

(3) To make such other investigations in respect of such system of taxes as the Joint Committee may deem necessary;

(4) To investigate measures and methods for the simplification of such taxes, particularly the income tax;

(5) To publish, from time to time, for public examination and analysis, proposed measures and methods for the simplification of such taxes, and to make to the Senate and the House of Representatives, not later than December 31, 1927, a definite report thereon, together with such recommendations as it may deem advisable; and

(6) To report, from time to time, to the Committee on Finance and the Committee on Ways and Means and, in its discretion, to the Senate or the House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

(d) The Joint Committee shall have the same right to obtain data and to inspect returns as the Committee on Ways and

[89] "This Act," herein referred to, constitutes this title of the appendix.

Means or the Committee on Finance, and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

(e) The Joint Committee shall meet and organize as soon as practicable after at least a majority of the members have been chosen, and shall elect a chairman and vice chairman from among its members and shall have power to appoint and fix the compensation of a clerk and such experts and clerical, stenographic, and other assistants, as it deems advisable.

(f) The Joint Committee, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. Subpoenas for witnesses shall be issued under the signature of the chairman or vice chairman.

(g) The members shall serve without compensation in addition to that received for their services as members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Joint Committee other than expenses in connection with meetings of the Joint Committee in the District of Columbia during such times as the Congress is in session.

(h) The expenses of the Joint Committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman or vice chairman. (Feb. 26, 1926, c. 27, § 1203, 44 Stat. 127.)

New section.

1275. Computation of invested capital.—The computation of invested capital for any taxable year under the Revenue Act of 1917, the Revenue Act of 1918, and the Revenue Act of 1921, shall be considered as having been correctly made, so far as relating to the inclusion in invested capital for such year of income, war-profits, or excess-profits taxes for the preceding year, if made in accordance with the regulations in force in respect of such taxable year applicable to the relationship between invested capital of one year and taxes for the preceding year. (Feb. 26, 1926, c. 27, § 1207, 44 Stat. 129.)

New section.

1276. Effective date of Act.—Except as otherwise provided, this Act[90] shall take effect upon its enactment. (Feb. 26, 1926, c. 27, § 1214, 44 Stat. 131.)

New section.

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[90] "This Act," herein referred to, constitutes this title of the appendix.

TITLE 28.—JUDICIAL CODE AND JUDICIARY

Part I.—Judicial Code

Chapter 1.—DISTRICT COURTS—ORGANIZATION.

4a. District judges for districts of Georgia.—The President is authorized to appoint, by and with advice and consent of the Senate, for the United States District Court for the middle district of Georgia, a district judge who shall reside in such district. (May 28, 1926, c. 414, § 2 (b), 44 Stat. 672.)

New section.

Section 2 (a) of Act of May 28, 1926, c. 414, 44 Stat. 670, provides that "the district judges for the northern and southern districts of Georgia in office immediately prior to passage of this Act shall be the district judges for such districts as constituted by this Act."

Section 1 of Act above cited, constituting § 150 of Title 28 of the appendix, created a new judicial district in Georgia called the "middle district."

Chapter 2.—DISTRICT COURTS; JURISDICTION.

Sec.

41. Original jurisdiction.
    Par. (20). Suits against United States.
    (26). Original jurisdiction of bills of interpleader by [casualty, surety, or] insurance companies, [fraternal or beneficial societies]; hearing; injunction; orders and decrees.

41. (Judicial Code, section 24 amended.) Original jurisdiction.

(20) *Suits against United States.*

Part of section 41 (20) of Title 28 reenacted.—Section 1025 (c) of the Act of June 2, 1924, c. 234, 43 Stat. 348, constituting a part of § 41(20) of Title 28 of the Code from the semicolon in the fourteenth line to the period following, was reenacted without change by Act of Feb. 26, 1926, c. 27, § 1122 (c), 44 Stat. 121.

(26) *Original jurisdiction of bills of interpleader by [casualty, surety, or] insurance companies [fraternal or beneficial societies] hearings; injunction; orders and decrees.*—That the district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader duly verified, filed by any casualty company, surety company, insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has in its custody or possession money or property of the value of $500 or more, or has issued a bond or a policy of insurance or certificate of membership providing for the payment of $500 or more to the obligee or obligees in such bond or as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next of kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such money or property or the penalty of such bond, or to such insurance, indemnity, or benefits; that such company, association, or society has deposited such money or property or has paid the amount of such bond or policy into the registry of the court, there to abide the judgment of the court.

In all such cases if the policy or certificate is drawn payable to the estate of the insured and has not been assigned in accordance with the terms of the policy or certificate the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are claimants of such money or property, or in case there are beneficiaries under any such bond or policy resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a claimant or a deceased claimant or beneficiary resides. Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on account of such money or property or on such bond or on such policy or certificate of membership until the further order of the court; which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found.

Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same. (May 8, 1926, c. 273, §§ 1–3, 44 Stat. 416.)

Section 41 (26) of Title 28 amended.—Acts of Feb. 22, 1917, c. 113, 39 Stat. 929, and Feb. 25, 1925, c. 317, §§ 1–3, 43 Stat. 976, constituting par. (26) of § 41 of Title 28 of the Code, were repealed by Act of May 8, 1926, c. 273 § 4, 44 Stat. 417.

Sections 1 to 3 of said Act of May 8, 1926, c. 273, 44 Stat. 416, contain a substitute for the repealed paragraph and are set out in the text.

The repealing section provides that "Said repeal shall not affect any act done or any right accruing or accrued in any suit or proceeding had or commenced under said acts hereby repealed, prior to the passage of this act, but all such acts or rights, suits, or proceedings shall continue and be valid and may be prosecuted and enforced in the same manner as if said acts had not been repealed hereby."

The Act is entitled "An Act authorizing casualty companies, surety companies, insurance companies or associations, or fraternal or beneficial societies to file bills if interpleader."

Chapter 5.—DISTRICT COURTS, DISTRICTS, AND PROVISIONS APPLICABLE TO PARTICULAR STATES.

Sec.

144. Arkansas.
150. Georgia.
150a. Same; office of clerk. [New.]
167. Massachusetts.
169. Minnesota.
172. Montana.
175. New Hampshire.
176. New Jersey.
179. North Carolina.
180. North Dakota.
182. Oklahoma.
184. Pennsylvania.
186. South Carolina.
186a. Districts of South Carolina divided into divisions; terms; venue of criminal cases.
188. Tennessee.

144. (Judicial Code, section 71, amended.) Arkansas.—(a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include

the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November for the El Dorado division at El Dorado on the fourth Mondays in January and June for the Fort Smith division at Fort Smith on the second Mondays in January and June and for the Harrison division at Harrison on the second Mondays in April and October.

(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Fulton, Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Randolph, and Lawrence; and the western division, which shall include the territory embraced on such date in the counties of Arkansas, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October.

(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena, Batesville, Jonesboro, and Little Rock. Such offices shall be kept open at all times for the transaction of the business of the court. (R. S. § 553; Mar. 3, 1911, c. 231, § 71, 36 Stat. 1106; Apr. 12, 1924, c. 87, § 1, 43 Stat. 90; Feb. 17, 1925, c. 252, 43 Stat. 948; Apr. 16, 1926, c. 147, § 1, 44 Stat. 296; Apr. 21, 1926, c. 268, 44 Stat. 304.)

Section 144 of Title 28 amended.—Judicial Code, § 71, constituting § 144 of Title 28 of the Code, has been amended by Act of Apr. 16, 1926, c. 147 § 1, 44 Stat. 296, and Act of Apr. 21, 1926, c. 268, 44 Stat. 304, to read as above.

The Act of Apr. 21, 1926, c. 168, 44 Stat. 304, provides as follows: "That Fulton County, of the Jonesboro division of the eastern district of the State of Arkansas, be, and the same is hereby, detached from the Jonesboro division and attached to and made a part of the Batesville division of the eastern district of said state: *Provided*, That this shall not affect suits now pending."

Repeal of prior Acts.—Section 2 of Act of Apr. 16, 1926 c. 147, 44 Stat. 296, provides as follows; "The following Acts are hereby repealed:

"(a) The Act entitled 'An Act to fix the time for the holding the term of the district court in the Jonesboro division of the eastern district of Arkansas,' approved September 8, 1914; and

"(b) The Act entitled 'An Act to transfer certain counties in the several judicial districts in the State of Arkansas,' approved March 4, 1915."

150. (Judicial Code, section 77, amended.) Georgia.—(a) The State of Georgia is divided in three judicial districts, to be known as the northern, middle, and southern districts of Georgia.

(b) The northern district shall include three divisions, constituted as follows: The Gainesville division, which shall include the territory embraced on January 1, 1925, in the counties of Banks, Barrow, Dawson, Forsyth, Habersham, Hall, Jackson, Lumpkin, Rabun, Stephens, Towns, Union, and White; the Atlanta division, which shall include the territory embraced on such date in the counties of Campbell, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fannin, Fayette, Fulton, Gilmer, Gwinnett, Heard, Henry, Milton, Newton, Pickens, Rockdale, Spalding, and Troup; and the Rome division, which shall include the territory embraced on such date in the counties of Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield.

(c) Terms of the district court for the Gainesville division shall be held at Gainesville on the fourth Mondays in April and November; for the Atlanta division at Atlanta on the second Monday in March and the first Monday in October; and for the Rome division at Rome on the third Mondays in May and November.

(d) The middle district shall include six divisions, constituted as follows: The Athens division, which shall include the territory, embraced on January 1, 1925, in the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton; the Macon division, which shall include the territory embraced on such date in the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pike, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson; the Columbus division, which shall include the territory embraced on such date in the counties of Chattahoochee, Clay, Harris, Marion, Meriwether, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor; the Americus division, which shall include the territory embraced on such date in the counties of Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox; the Albany division, which shall include the territory embraced on such date in the counties of Baker, Calhoun, Decatur, Dougherty, Early, Grady, Miller, Mitchell, Seminole, Turner, and Worth; and the Valdosta division, which shall include the territory embraced on such date in the counties of Berrien, Brooks, Colquitt, Cook, Echols, Irwin, Lanier, Lowndes, Thomas, and Tift.

(e) The terms of the district court for the Athens division shall be held at Athens on the first Mondays in June and December; for the Macon division at Macon on the first Mondays in May and November; for the Columbus division at Columbus on the first Mondays in March and September; for the Americus division at Americus on the second Mondays in February and June: *Provided*, That suitable rooms and accommodations are furnished for holding court at Americus free of cost to the Government until a public building shall have been erected or put into proper condition for such purpose in said city; for the Albany division at Albany on the first Mondays in April and October; and for the Valdosta division at Valdosta on the third Mondays in March and September.

(f) The southern district shall include four divisions, to be constituted as follows: The Augusta division, which shall include the territory embraced on January 1, 1925, in the counties of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren, and Wilkes; the Dublin division,

which shall include the territory embraced on such date in the counties of Dodge, Emanuel, Jeff Davis, Johnson, Laurens, Montgomery, Telfair, Toombs, Treutlen, and Wheeler; the Savannah division, which shall include the territory embraced on such date in the counties of Bryan, Bulloch, Candler, Chatham, Effingham, Evans, Jenkins, Liberty, Long, McIntosh, Screven, and Tattnall; and the Waycross division, which shall include the territory embraced on such date in the counties of Appling, Atkinson, Bacon, Ben Hill, Brantley, Camden, Charlton, Clinch, Coffee, Glynn, Pierce, Ware, and Wayne.

(g) The terms of the district court for the Augusta division shall be held at Augusta on the first Monday in April and the third Monday in November; for the Dublin division at Dublin on the third Mondays in January and June: *Provided*, That suitable rooms and accommodations are furnished for holding court at Dublin, free of cost to the Government, until public building shall have been erected or put into proper condition for such purpose in said city; for the Savannah division at Savannah on the second Tuesdays in February, May, August, and November; and for the Waycross division at Waycross on the second Mondays in June and December: *Provided*, That suitable rooms and accommodations are furnished for holding court at Waycross, free of cost to the Government, until public building shall have been erected or put into proper condition for such purpose in said city. (R. S. § 535; Mar. 3, 1911, c. 231, § 77, 36 Stat. 1108; Mar. 4, 1913, c. 167, 37 Stat. 1017; Mar. 3, 1915, c. 98, 99, §§ 1, 2, 38 Stat. 960; May 28, 1926, c. 414, § 1, 44 Stat. 670.)

Section 150 of Title 28 amended.—Judicial Code, § 77, constituting § 150 of Title 28 of the Code, has been amended by Act of May 28, 1926, c. 414, § 1, 44 Stat. 670, to read as above.

Section 2 (b) of the Act of May 28, 1926, provided for an additional district judge and the section constitutes § 4a of this title in the appendix.

Repeal of prior Acts.—Section 3 of Act of May 28, 1926, c. 414, 44 Stat. 670, provides as follows:

"The following Acts are repealed:

"1. The Act entitled 'An Act to amend section 77 of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911,' approved March 4, 1913;

"2. The Act entitled 'An Act to place Barrow County, Georgia, in the eastern division of the northern district of Georgia,' approved March 3, 1915; and

"3. The Act entitled 'An Act to place Candler, Jenkins, and Evans Counties, Georgia, in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Georgia, in the southwestern division of the southern district of Georgia,' approved March 3, 1915."

150a. Same; office of clerk.—The clerk of the court for each of said districts shall maintain an office, in charge of himself or a deputy, in the respective divisions of the district, and the offices for such court shall be kept open at all times for transaction of business of the court. (May 28, 1926, c. 414, § 2 (c), 44 Stat. 670.)

New section.

167. (Judicial Code, section 87, amended.) Massachusetts.—The State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield on the second Tuesday in May and December; at New Bedford on the first Tuesday in August; and at Worcester on the first Tuesday in March and the third Tuesday in September: *Provided*, That suitable rooms and accommodations for holding court at Springfield, New Bedford, and Worcester shall be furnished free of expense to the United States: *And provided further*, That all writs, precepts, and processes shall be returnable to the terms at Boston, and all court papers shall be kept in the clerk's office at Boston, unless otherwise specially ordered by the court, and the terms at Boston shall not be terminated or affected by the terms at Springfield, New Bedford, or Worcester.

The marshal and the clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place. (R. S. § 531; Mar. 3, 1911, c. 231, § 87, 36 Stat. 1114; May 1, 1922, c. 173, 42 Stat. 503; May 17, 1926, c. 306, 44 Stat. 559.)

Section 167 of Title 28 amended.—Judicial Code, § 87, constituting § 167 of Title 28 of the Code, has been amended by Act of May 17, 1926, c. 306, 44 Stat. 559, to read as above.

169. (Judicial Code, section 89, amended.) Minnesota.—The State of Minnesota shall constitute one judicial district, to be known as the district of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Winona, Wabasha, Olmsted, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Le Sueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, St. Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Big Stone, Traverse, Grant, Douglas, Todd, Otter Tail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater, Mahnomen, and Hubbard. Terms of the district court for the first division shall be held at Winona on the fourth Tuesday in January and the third Tuesday in June; for the second division, at Mankato on the third Tuesday in January, and the second Tuesday in June; for the third division, at Saint Paul on the first Tuesday in April and the first Tuesday in November; for the fourth division, at Minneapolis on the first Tuesday in March and the fourth Tuesday in September; for the fifth division, at Duluth on the first Tuesday in May and the first Tuesday in December; and for the sixth division, at Fergus Falls on the first Tuesday in January and the fourth Tuesday in May. The clerk of the district court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court. (R. S. § 531; Mar. 3, 1911, c. 231, § 89, 36 Stat. 1115; Apr. 10, 1926, c. 113, 44 Stat. 238.)

Section 169 of Title 28 amended.—Judicial Code, § 87, constituting § 169 of Title 28 of the Code, has been amended by Act of Apr. 10, 1926, c. 113, 44 Stat. 238, to read as above.

172. (Judicial Code, section 92, amended.) Montana.—That the State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena, Butte, Great Falls, Lewistown, Billings, Missoula, Glasgow and Havre at such times as may be fixed by rule of such court: *Provided*, That suitable rooms and accommodations for holding court at Glasgow, Lewistown and Havre are furnished free of all expense to the United States. Causes, civil and criminal, may be transferred by the court or a

judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place. (Feb. 22, 1889, c. 180, § 21, 25 Stat. 682; Mar. 3, 1911, c. 231, § 92, 36 Stat. 1118; July 3, 1926, c. 748, 44 Stat. 825.)

Section 172 of Title 28 amended.—Judicial Code, § 92, constituting § 172 of Title 28 of the Code, has been amended by Act of July 3, 1926, c. 748, 44 Stat. 825, to read as above.

175. (Judicial Code, section 95, amended.) New Hampshire.—The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Concord on the last Tuesday in April, the first Tuesday in September, and the second Tuesday in December; and at Littleton on the second Tuesday in October. (R. S. § 531; Mar. 3, 1911, c. 231, § 95, 36 Stat. 1119; Aug. 23, 1912, c. 344, 37 Stat. 357; Feb. 20, 1926, c. 23, 44 Stat. 8.)

Section 175 of Title 28 amended.—Judicial Code, § 95, constituting § 175 of Title 28 of the Code, has been amended by Act of Feb. 20, 1926, c. 23, 44 Stat. 8, to read as above.

176. (Judicial Code, section 96, amended.) New Jersey.—The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the first Tuesday in April and the first Tuesday in November, at Trenton on the third Tuesday in January and the second Tuesday in September, of each year, and at Camden on the first Tuesday in December. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall maintain an office at Camden, in charge of himself or a deputy, which office shall be kept open for the transaction of the business of the court for such times as the court may, by rule, direct, and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall also maintain an office, in charge of himself or a deputy, at Camden, for such times as the court may, by rule, direct. (R. S. § 531; Mar. 3, 1911, c. 231, § 96, 36 Stat. 1119; Aug. 9, 1912, c. 277, 37 Stat. 265; Feb. 14, 1913, c. 53, 37 Stat. 674; May 17, 1926, c. 311, 44 Stat. 561.)

Section 176 of Title 28 amended.—Judicial Code, § 176, constituting § 176 of Title 28 of the Code, has been amended by Act of May 17, 1926, c. 311, 44 Stat. 561.

179. (Judicial Code, section 98, amended.) North Carolina.—The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Fayetteville on the Monday before the last Mondays in March and September; at Wilson on the second Monday in April and the first Monday in October; at Elizabeth City on the first Monday in April and the second Monday in October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October; and in addition for the trial of civil cases a two weeks' term beginning on the first Monday in September: *Provided*, That the city of Fayetteville and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Fayetteville and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.

Terms of the District Court of the United States for the Western District of North Carolina shall be held in each and every year in the town of Shelby, North Carolina: *Provided*, That suitable accommodations for holding court at Shelby are furnished free of expense to the United States.

That terms of the district court of the United States for the western district of North Carolina shall be held in Winston-Salem on the fourth Monday in June and December: *Provided*, That suitable accommodations for holding court at Winston-Salem are furnished free of expense to the United States. (R. S. § 543; Mar. 3, 1911, c. 231, § 98, 36 Stat. 1120; Oct. 7, 1914, c. 318, 38 Stat. 728; Mar. 17, 1920, c. 101, § 1, 41 Stat. 531; June 7, 1924, c. 359, § 1, 43 Stat. 661; Dec. 24, 1924, c. 18, 43 Stat. 721; June 12, 1926, c. 566, 44 Stat. 734; June 22, 1926, c. 645, 44 Stat. 758; June 22, 1926, c. 646, 44 Stat. 758.)

Section 179 of Title 28 amended.—Judicial Code, § 98, constituting § 179 of Title 28 of the Code, has been amended by Act of June 12, 1926, c. 566, 44 Stat. 734; Act of June 22, 1926, c. 645, 44 Stat. 758; and Act of June 22, 1926, c. 646, 44 Stat. 758, to read as above.

The amending Act of June 12, 1926, c. 566, added the closing paragraph of this section. The Act of June 22, 1926, ch. 646, provided "that the words 'and in addition for the trial of civil cases on the first Mondays in March and September' be stricken out and the following inserted in lieu thereof; 'and in addition for the trial of civil cases a two weeks' term beginning on the first Monday in September,'" and the Act of June 22, 1926, c. 645, contained the following provision: "That hereafter terms of the district court for the eastern district of North Carolina shall be held at Elizabeth City on the first Monday in April and the second Monday in October and at Wilson on the second Monday in April and the first Monday in October in lieu of the dates now fixed for the holding of such terms." These changes have been incorporated in the text of this section.

180. (Judicial Code, section 99, amended.) North Dakota.—That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The

territory embraced on the 1st day of January, 1916, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, Golden Valley, Slope, Sioux, Oliver, Mercer, and Billings shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Divide, Mountrail, Burke, Renville, and McKenzie shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, La Moure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks, on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district: *Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room: *Provided further*, That until such time as a public building with court room and offices for court officials be erected at the city of Jamestown, all cases now pending in said central division, or hereafter brought there, be tried at Bismarck. (Apr. 26, 1890, c. 161, 26 Stat. 67; Feb. 4, 1895, c. 55, 28 Stat. 642; Mar. 3, 1911, c. 231, § 99, 36 Stat. 1121; Feb. 5, 1912, c. 28, 37 Stat. 60; July 17, 1916, c. 248, 39 Stat. 386; Apr. 10, 1926, c. 112, 44 Stat. 237.)

Section 180 of Title 28 amended.—Judicial Code, § 99, constituting § 180 of Title 28 of the Code, has been amended by Act of Apr. 10, 1926, c. 112, 44 Stat. 237, to read as above.

182. (Judicial Code, section 101, amended.) Oklahoma.—The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Okfuskee, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, and Pauls Valley are furnished free of expense to the United States.

The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday of March, at Guthrie on the first Monday of May, at Mangum on the first Monday of September, at Lawton on the first Monday of October, and at Woodward on the first Monday of November: *Provided*, That suitable rooms and accommodations for holding court at Mangum are furnished free of expense to the United States: *And provided further*, That the district judge of said district, or in his absence a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City. (June 16, 1906, c. 3335, §§ 13, 14, 34 Stat. 275; June 25, 1910, c. 394, 36 Stat. 825; Mar. 3, 1911; c. 231, § 101, 36 Stat. 1122; Feb. 20, 1917, c. 102, 39 Stat. 927; June 13, 1918, c. 98, 40 Stat. 604; Feb. 26, 1919, c. 54, 40 Stat. 1184; June 5, 1924, c. 259, 43 Stat. 387; Jan. 10, 1925, c. 68, § 69, 43 Stat. 730, 731; Feb. 16, 1925, c. 233, § 1, 43 Stat. 945; May 7, 1926, c. 255, 44 Stat. 408.)

Section 182 of Title 28 amended.—Judicial Code, § 101, constituting § 182 of Title 28 of the Code, has been amended by Act of May 7, 1926, c. 255, 44 Stat. 408, to read as above.

184. (Judicial Code, section 103, amended.) Pennsylvania.—The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third

Monday in October; at Harrisburg on the first Mondays in May and December; at Lewisburg on the third Monday in January; and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Lewisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday of May and the second Monday of November, and terms of the court shall be held at Erie on the third Monday of March and the third Monday of September. The clerk and marshal of said district shall have their principal offices at Pittsburgh, and shall maintain, by themselves or by their deputies, offices at Erie.

The clerk shall place all cases in which the defendants reside in the counties of said district nearest Erie upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh. (R. S. § 545; Mar. 3, 1911, c. 231, § 103, 36 Stat. 1123; Mar. 3, 1913, c. 113, 37 Stat. 730; June 6, 1914, c. 104, 38 Stat. 385; Sept. 9, 1914, c. 296, 38 Stat. 713; Apr. 26, 1926, c. 185, 44 Stat. 324.)

Section 184 of Title 28 amended.—Judicial Code, § 103, constituting § 184 of Title 28 of the Code, has been amended by Act of Apr. 26, 1926, c. 185, 44 Stat. 324, to read as above. The amendment related to the fifth and sixth sentences.

186. (Judicial Code, section 105, amended.) South Carolina.

Section 186 of Title 28 amended.—The statutory provisions constituting § 186 of Title 28 of the Code have been impliedly amended by Act of June 26, 1926, c. 696, 44 Stat. 773, constituting § 186a, which follows:

186a. District of South Carolina divided into divisions; terms; venue of criminal cases.—The eastern district of South Carolina is divided into four divisions, to be known as the Aiken, Charleston, Columbia, and Florence divisions. The Aiken division shall include the territory embraced in the counties of Aiken, Allendale, Bamberg, Barnwell, and Hampton. The Charleston division shall include the territory embraced in the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, and Jasper. The Columbia division shall include the territory embraced in the counties of Calhoun, Kershaw, Lee, Lexington, Orangeburg, Richland, and Sumter. The Florence division shall include the territory embraced in the counties of Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, and Williamsburg. The terms of the district court for the Aiken division shall be held at Aiken, for the Charleston division at Charleston, for the Columbia division at Columbia, and for the Florence division at Florence.

The western district of South Carolina is divided into five divisions, to be known as the Anderson, Greenville, Greenwood, Rock Hill, and Spartanburg divisions. The Anderson division shall include the territory embraced in the counties of Anderson, Oconee, and Pickens. The Greenville division shall include the territory embraced in the counties of Greenville and Laurens. The Greenwood division shall include the territory embraced in the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda. The Rock Hill division shall include the territory embraced in the counties of Chester, Fairfield, Lancaster, and York. The Spartanburg division shall include the territory embraced in the counties of Cherokee, Spartanburg, and Union. The terms of the district court for the Anderson division shall be held at Anderson, for the Greenville division at Greenville, for the Greenwood division at Greenwood, for the Rock Hill division at Rock Hill, and for the Spartanburg division at Spartanburg.

All criminal cases shall be tried in the division in which the offense was committed, unless upon proper showing the venue would be changed by the judge from one division to another, and this change be made only upon affidavits and motion made in open court after four days' notice to the adverse party. (June 26, 1926, c. 696, §§ 1–3, 44 Stat. 773.)

New section.

The Act constituting the text and cited thereto was entitled "An Act to divide the eastern district of South Carolina into four divisions and the western district into five divisions."

188. (Judicial Code, section 107, amended.) Tennessee.—The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern division at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Coffee, and Moore, which shall constitute the Winchester division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Lincoln, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester on the first Monday in April and the third Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gib-

son, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tennessee, where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court. (R. S. § 547; Mar. 3, 1911, c. 231, § 107, 36 Stat. 1124; Aug. 20, 1912, c. 306, 37 Stat. 314; June 22, 1916, c. 161, 39 Stat. 232; Mar. 4, 1923, c. 289, 42 Stat. 1520; May 17, 1926, c. 310, 44 Stat. 561.)

Section 188 of Title 28 amended.—Judicial Code, § 107, constituting § 188 of Title 28 of the Code, has been impliedly amended by Act of May 17, 1926, c. 310, 44 Stat. 561, which provides as follows: "That Hickman County, of the Nashville division of the middle district of the State of Tennessee, be, and the same is hereby, detached from the Nashville division and attached to and made a part of the Columbia division of the middle district of said State: *Provided*, That witnesses attending court at Columbia shall be paid mileage for the shortest and most direct route from the home of the witness." This change is incorporated in the text.

Chapter 6.—CIRCUIT COURTS OF APPEALS.

Sec.
223. Terms.
225. Appellate jurisdiction.
227. Appeals in proceedings for injunctions and receivers.

223. Judicial Code, section 126.) Terms.—A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston and, when in its judgment the public interests require, shall hold a sitting at San Juan, Porto Rico; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, N. C.; in the fifth circuit, in New Orleans, Atlanta, Fort Worth, and Montgomery; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in Oklahoma City, Saint Louis, Denver, or Cheyenne, and Saint Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; and in each of the above circuits, terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate: *Provided*, That terms shall be held in Atlanta on the first Monday in October, in Fort Worth on the first Monday in November, in Montgomery on the third Monday in October, in Denver or in Cheyenne on the first Monday in September, and in Saint Paul on the first Monday in May. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the State of Georgia, in the State of Texas, and in the State of Alabama, to the circuit court of appeals for the fifth judicial circuit shall be heard and disposed of, respectively, by said court at the terms held in Atlanta, in Fort Worth, and in Montgomery, except that appeals or writs of error in cases of injunctions and in all other cases which, under the statutes and rules, or in the opinion of the court, are entitled to be brought to a speedy hearing may be heard and disposed of wherever said court may be sitting. All appeals, writs of errors, and other appellate proceedings which may be taken or prosecuted from the district court of the United States at Beaumont, Texas, to the circuit court of appeals for the fifth circuit, shall be heard and disposed of by the said circuit court of appeals at the terms of court held at New Orleans: *Provided*, That nothing herein shall prevent the court from hearing appeals or writs of error wherever the said courts shall sit, in cases of injunctions and in all other cases which, under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing. All appeals, writs of error, and other appellate proceedings which may be taken or prosecuted from the district courts of the United States in the States of Colorado, Utah, and Wyoming, and the supreme court of the Territory of New Mexico to the circuit court of appeals for the eighth judicial circuit, shall be heard and disposed of by said court at the terms held either in Denver or in Cheyenne, except that any case arising in any of said States or Territory may, by consent of all the parties, be heard and disposed of at a term of said court other than the one held in Denver or Cheyenne. (Mar. 3, 1891, c. 517, § 3, 26 Stat. 827; June 9, 1902, c. 1071, 32 Stat. 329; June 30, 1902, c. 1333, 32 Stat. 548; Dec. 18, 1902, c. 4, 32 Stat. 756; Jan. 30, 1903, c. 335, 32 Stat. 784; Mar. 4, 1904, c. 395, 33 Stat. 59; Apr. 22, 1904, c. 1420, 33 Stat. 249; Mar. 3, 1911, c. 231, § 126, 36 Stat. 1132; July 17, 1916, c. 246, 39 Stat. 385; Jan. 8, 1925, c. 57, 43 Stat. 729; July 3, 1926, c. 735, 44 Stat. 809.)

Section 223 of Title 28 amended.—Judicial Code, § 126, constituting § 223 of Title 28 of the Code, has been impliedly amended by Act of July 3, 1926, c. 735, 44 Stat. 809, which provides as follows: "That a term shall be held annually by the United States Circuit Court of Appeals for the Eighth Circuit at Oklahoma City, Oklahoma, at such times as may be fixed by such court: *Provided*, That suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States." The amendment relates to the eighth circuit and is incorporated in the text.

225. (Judicial Code, section 128, amended.) Appellate jurisdiction—

(a) *Review of final decisions.*—The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decisions—

First. In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 345 of this title.

Second. In the United States district courts for Hawaii and for Porto Rico in all cases.

Third. In the district courts for Alaska or any division thereof, and for the Virgin Islands, in all cases, civil and criminal, wherein the constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $1,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings; and in the district court for the Canal Zone in the cases and mode prescribed in sections 1307, 1324, 1336, and 1341 to 1357 of Title 48.

Fourth. In the Supreme Courts of the Territory of Hawaii and of Porto Rico, in all civil cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of inter-

est and costs, exceeds $5,000, and in all habeas corpus proceedings.

Fifth. In the United States Court for China, in all cases.

(b) *Review of interlocutory orders or decrees of district courts.*—The circuit court of appeals shall also have appellate jurisdiction—

First. To review the interlocutory orders or decrees of the district courts which are specified in section 227 of this title.

Second. To review decisions of the district courts, under section 9[1] of the Railway Labor Act.

(c) *Appellate and supervisory jurisdiction in bankruptcy proceedings.*—The circuit courts of appeals shall also have an appellate and supervisory jurisdiction under sections 47 and 48 of Title 11, over all proceedings, controversies, and cases had or brought in the district courts under Title 11, relating to bankruptcy, or any of its amendments, and shall exercise the same in the manner prescribed in those sections; and the jurisdiction of the Circuit Court of Appeals for the Ninth Circuit in this regard shall cover the courts of bankruptcy in Alaska and Hawaii, and that of the Circuit Court of Appeals for the First Circuit shall cover the court of bankruptcy in Porto Rico.

(d) *Circuits in which reviews shall be had.*—The review under this section shall be in the following circuit courts of appeals: The decisions of a district court of the United States within a State in the circuit court of appeals for the circuit embracing such State; those of the District Court of Alaska or any division thereof, the United States district court, and the Supreme Court of Hawaii, and the United States Court for China, in the Circuit Court of Appeals for the Ninth Circuit; those of the United States district court and the Supreme Court of Porto Rico in the Circuit Court of Appeals for the First Circuit; those of the District Court of the Virgin Islands in the Circuit Court of Appeals for the Third Circuit; and those of the District Court of the Canal Zone in the Circuit Court of Appeals for the Fifth Circuit.

(e) *Jurisdiction over Federal Trade Commission, Interstate Commerce Commission, and Federal Reserve Board.*—The circuit courts of appeal are further empowered to enforce, set aside, or modify orders of the Federal Trade Commission, as provided in section 45 of Title 15; and orders of the Interstate Commerce Commission, the Federal Reserve Board, and the Federal Trade Commission, as provided in section 21 of Title 15. (Mar. 3, 1891, c. 517, § 6, 26 Stat. 828; Mar. 3, 1911, c. 231, § 128, 36 Stat. 1133; Jan. 28, 1915, c. 22, § 2, 38 Stat. 803; Feb. 7, 1925, c. 150, 43 Stat. 813; Feb. 13, 1925, c. 229, § 1, 43 Stat. 936; May 20, 1926, c. 347, § 13 (a), 44 Stat. 587.)

Section 225 of Title 28 amended.—Judicial Code, § 128, constituting § 225 of Title 28 of the Code, has been amended by § 13 (a) of Act of May 20, 1926, c. 347, 44 Stat. 587, to read as above. Amendment relates to paragraph "Second" of subdivision (b), and the amending Act was the Railway Labor Act of May 20, 1926, entitled "An Act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes."

227. (Judicial Code, section 129, amended.) Appeals in proceedings for injunctions and receivers.—Where, upon a hearing in a district court, or by a judge thereof in vacation, an injunction is granted, continued, modified, refused, or dissolved by an interlocutory order or decree, or an application to dissolve or modify an injunction is refused, or an interlocutory order or decree is made appointing a receiver, or refusing an order to wind up a pending receivership or to take the appropriate steps to accomplish the purposes thereof, such as directing a sale or other disposal of property held thereunder, an appeal may be taken from such interlocutory order or decree to the circuit court of appeals; and sections 346 and 347 of this title shall apply to such cases in the circuit courts of appeals as to other cases therein. The appeal to the circuit court of appeals must be applied for within thirty days from the entry of such order or decree, and shall take precedence in the appellate court; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal unless otherwise ordered by the court, or the appellate court, or a judge thereof. The district court, may, in its discretion, require an additional bond as a condition of the appeal. In all cases where an appeal from a final decree in admiralty to the circuit court of appeals is allowed an appeal may also be taken to said court from an interlocutory decree in admiralty determining the rights and liabilities of the parties: *Provided*, That the same is taken within fifteen days after the entry of the decree: *And provided further*, That within twenty days after such entry the appellant shall give notice of the appeal to the appellee or appellees; but the taking of such appeal shall not stay proceedings under the interlocutory decree unless otherwise ordered by the district court upon such terms as shall seem just. (Mar. 3, 1891, c. 517, § 7, 26 Stat. 828; Feb. 18, 1895, c. 96, 28 Stat. 666; June 6, 1900, c. 803, 31 Stat. 660; Apr. 14, 1906, c. 1627, 34 Stat. 116; Mar. 3, 1911, c. 231, § 129, 36 Stat. 1134; Feb. 13, 1925, c. 229, § 1, 43 Stat. 937; Apr. 3, 1926, c. 102, 44 Stat. 233.)

Section 227 of Title 28 amended.—Judicial Code, § 129, constituting § 227 of Title 28 of the Code, has been amended by Act of Apr. 3, 1926, c. 102, 44 Stat. 233, to read as above. The amendment added the last clause containing two provisos.

[1] "Section 9 of the Railway Labor Act" should be translated "Section 159 of Title 45 in this appendix."

Chapter 7.—THE COURT OF CLAIMS.

Sec.

259. Claims growing out of treaties.
284. No interest on claims; exceptions.

259. (Judicial Code, section 153.) Claims growing out of treaties.

The Court of Claims was vested with jurisdiction, with right of appeal to the Supreme Court of the United States, to hear and determine claims under Act of June 14, 1889, c. 24, 25 Stat. 642, or subsequent Acts relating to Indian affairs, of Chippewa Indians of Minnesota against the United States, not previously determined by Act May 14, 1926, c. 300, 44 Stat. 555.

Resolution May 19, 1926, c. 341, 44 Stat. 568, authorizes the Cherokee Indians, Seminole Indians, Creek Indians, and Choctaw and Chickasaw Indians to prosecute their claims in single suit or to bring separate suits on one or more claims, as they may elect and permits the Choctaw and Chickasaw Nations or Tribes to jointly or severally prosecute their claims, jurisdiction over the several claims having been conferred on the Court of Claims by Act Mar. 19, 1924, c. 70, 43 Stat. 27; Act May 20, 1924, c. 162, 43 Stat. 133; Act May 24, 1924, c. 181, 43 Stat. 139; and Act June 7, 1924, c. 300, 43 Stat. 537.

The Court of Claims was vested with jurisdiction to hear, examine, and adjudicate and render judgment in all claims which the Citizens Bank of Pottawatomie Indians of Oklahoma may have against the United States arising or growing out of the treaty of Feb. 27, 1867 (15 Stat. 531), or any subsequent Act of Congress, by Act July 2, 1926, c. 724, 44 Stat. 801.

It was also vested with jurisdiction to hear and determine claims of the Crow Indian Nation or any branch thereof, against the United States, by Act July 3, 1926, c. 734, 44 Stat. 807.

284. (Judicial Code, section 177, amended.) No interest on claims; exceptions.—(a) No interest shall be allowed on any claim up to the time of the rendition of judgment by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest, except as provided in subdivision (b).

(b) In any judgment of any court rendered after the enactment of the Revenue Act of 1926 (whether against the United States, a collector or deputy collector of internal revenue, a former collector or deputy collector, or the personal representative in case of death) for any internal-revenue tax erroneously or illegally assessed or collected, or for any penalty collected without authority or for any sum which was excessive or in any manner wrongfully collected, under the internal-revenue laws, interest shall be allowed at the rate of 6 per centum per

annum upon the amount of such tax, penalty, or sum, from the date of the payment or collection thereof to the date of entry of such judgment or, if such judgment is reviewed by an appellate court, to the date of entry of final judgment. (R. S. § 1091. Mar. 3, 1911, c. 231, § 177, 36 Stat. 1141; Nov. 23, 1921, c. 136, § 1324 (b), 42 Stat. 316; June 2, 1924, 4.01 p. m., c. 234, § 1020, 43 Stat. 346; Feb. 26, 1926, c. 27, § 1117, 44 Stat. 119.)

Section 284 of Title 28 amended.—Section 177 of the Judicial Code as amended, constituting § 284 of Title 28 of the Code, was amended by § 1117 of Title XI of the Revenue Act of 1926, cited above.

Chapter 9.—THE SUPREME COURT.

Sec.

333. Reporter; salary and allowances.
334. Printing, binding, and distribution of reports and digests.
335. Number of bound volumes and advance pamphlets to be printed; sale; price; reprints.
336. Appropriation for printing, binding, etc., of reports authorized.
348. Certification of questions to Supreme Court by circuit courts of appeals, and certiorari thereto, and appeal or writ of error to Supreme Court from circuit courts of appeals in certain other cases.
354. Printing for Supreme Court.

333. (Judicial Code, section 226, amended.) Reporter; salary and allowances.—The salary of the reporter shall be $8,000 per annum, payable out of the Treasury in monthly installments, which shall be in full compensation for the services required by law. He shall also be allowed stationery, supplies, equipment, office rent, and necessary professional and clerical assistance, in the discretion of the court or the Chief Justice. The expenses in connection with the maintenance of his office shall be paid from the appropriations of the Supreme Court of the United States. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 254; Mar. 3, 1911, c. 231, § 226, 36 Stat. 1153; July 1, 1922, c. 267, § 2, 42 Stat. 816; May 29, 1926, c. 425, § 1, 44 Stat. 677.)

Section 333 of Title 28 amended.—Judicial Code, § 226, constituting § 333 of Title 28 of the Code, has been amended by Act of May 29, 1926, c. 425, § 1, 44 Stat. 677, effective as of July 1, 1926, to read as above.

Additional assistant to the reporter.—A provision in Act of Apr. 29, 1926, c. 195, Title II, 44 Stat. 344, provides for "an additional assistant to the reporter of the court, if the court deems one necessary, to enable the reporter to expedite the publication of its reports."

334. (Judicial Code, section 227, amended.) Printing, binding, and distribution of reports and digests.—The reports provided for in section 332 of this title[2] shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the Circuit Courts of Appeal, the judges of the district courts, the judges of the Court of Claims, and judges of the Court of Appeals, and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the United States Court for China, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the office of the Legislative Counsel, Senate branch, the office of the Legislative Counsel, House branch, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the Solicitor of the General Accounting Office, each of the chiefs of divisions in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General of the Army; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Federal Trade Commisison, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia, the chairman, United States Shipping Board; the Naval Academy at Annapolis, Maryland; the Military Academy at West Point, New York; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; to the Interstate Commerce Commission, sixteen copies; to the law library of the Supreme Court, twenty-five copies; to the law library of the Department of the Interior, two copies; to the law library of the Department of Justice, five copies; to the law library of the Judge Advocate General of the Army, two copies; to the Secretary of the Senate for the use of committees of the Senate, thirty copies; to the Clerk of the House of Representatives for the use of the committees of the House, thirty-five copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justices thereof in the conference room, robing room, and courtroom, six copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, seven copies; to the Secretary of War for military headquarters which now exercise or may hereafter exercise general court-martial jurisdiction, such number, not to exceed in time of peace twenty-five copies, as the Secretary of War may from time to time specify; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, one copy.

The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them: *Provided*, That this Act[2a] shall not be construed so as to require that reports and digests printed prior to the date of approval of this Act[2a] shall be furnished to the Secretary of War for military headquarters.

No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall re-

[2] "332 of this title" has been substituted for "225" appearing in the amendatory Act of 1926. "225" referred to that section of the Judicial Code which in this Code is 332 of Title 28.

[2a] "This Act" should be translated "this section."

main the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder. (R. S., § 683; Feb. 12, 1889, c. 135, 25 Stat. 661; July 1, 1902, c. 1355, 32 Stat. 630; Mar. 3, 1911, c. 231, § 227, 36 Stat. 1154; Mar. 4, 1911, c. 285, § 1, 36 Stat. 1419; July 1, 1922, c. 267, § 3, 42 Stat. 816; June 12, 1926, c. 568, 44 Stat. 736.)

Section 334 of Title 28 amended.—Judicial Code, § 227, constituting § 334 of Title 28 of the Code, has been amended by Act of June 12, 1926, c. 568, 44 Stat. 736, to read as above.

335. (Judicial Code, section 228, amended.) Number of bound volumes and advance pamphlets to be printed; sale; price; reprints.—The cost of furnishing the bound volumes and pamphlets under the requisition provided for in section 332[3] of this title, and required for official distribution under section 334,[3] shall be charged to the proper appropriation of the Department of Justice. The Public Printer shall print such additional bound volumes and pamphlet copies of the United States Supreme Court reports as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per centum, without limit as to the use, number of copies to any one applicant, or resale at a reasonable profit. (Feb. 12, 1889, c. 135, 25 Stat. 661; July 1, 1902, c. 1355, 32 Stat. 630; Mar. 3, 1911, c. 231, § 228, 36 Stat. 1155; July 1, 1922, c. 267, § 4, 42 Stat. 818; May 29, 1926, c. 425, § 2, 44 Stat. 677.)

Section 335 of Title 28 amended.—Judicial Code, § 228, constituting § 335 of Title 28 of the Code, has been amended by Act of May 29, 1926, c. 425, § 2, 44 Stat. 677, effective as of July 1, 1926, to read as above.

336. Appropriation for printing, binding, etc., of reports authorized.

Section 336 of Title 28 repealed.—The statutory provision constituting § 336 of Title 28, was repeated as part of § 3 of Act May 29, 1926, c. 425, 44 Stat. 678, entitled "An Act to amend sections 226 and 228 of the Judicial Code, and for other purposes." Sections 1 and 2 of Act May 29, 1926, constitute §§ 333, 335 of this title in the appendix.

348. Certification of questions to Supreme Court by circuit courts of appeals, and certiorari thereto, and appeal or writ of error to Supreme Court from circuit courts of appeals in certain other cases.—Cases in a circuit court of appeals under section 9[4] of the Railway Labor Act; under section 5[5] of "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; and under section 11[6] of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, are included among the cases to which sections 239[7] and 240[8] of the Judicial Code shall apply. (Feb. 13, 1925, c. 229, § 2, 43 Stat. 939, May 20, 1926, c. 347, § 13 (b), 44 Stat. 587.)

Section 348 of Title 28 amended.—Act of Feb. 13, 1925, c. 229, § 2, 43 Stat. 939, constituting § 348 of Title 28 of the Code, was amended by § 13 (b) of the Railway Labor Act of May 20, 1926, c. 347, 44 Stat. 587, to read as above.

The Railway Labor Act is entitled "An Act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes" and constitutes, with the exception of § 13, chapter 9 of Title 45 in the appendix.

[3] "332" and "334" have been substituted for "225" and "227" appearing in the amending Act of 1926 as "225" and "227" of the Judicial Code, referred to in that Act, constitute "332" and "334," respectively, of this title of the Code.

[4] 150 of Title 45 in this appendix.

[5] 45 of Title 15 of the Code.

[6] 21 of Title 15 of the Code.

[7] 346 of this title of the Code.

[8] 347 of this title of the Code.

354. Printing for Supreme Court.

Section 354 of Title 28 repealed.—The statutory provision constituting § 354 of Title 28 of the Code was repeated by Act Apr. 29, 1926, c. 195, Title II, 44 Stat. 344.

Chapter 15.—DISTRICT ATTORNEYS, MARSHALS, CLERKS, AND OTHER COURT OFFICERS, AND COMMISSIONERS.

Sec.
481a. District attorney for middle district of Georgia. [New.]
490a. Marshal for middle district of Georgia. [New.]
530. Law books for judges transmitted to successors.

481a. District attorney for middle district of Georgia.—The President is authorized to appoint by and with advice and consent of the Senate, for the United States District Court for the Middle District of Georgia, a district attorney. (May 28, 1926, c. 414, § 2 (b), 44 Stat. 670.)

New section.

Section 2 (a) of Act of May 28, 1926, c. 414, 44 Stat. 670, provides that the district attorneys for the northern and southern districts of Georgia in office just immediately prior to the passage of this Act shall be during the remainder of their present terms of office the district attorneys for such districts as constituted by this Act.

Section 1 of Act above cited, constituting § 150 of Title 28 of the Code, created a new judicial district in Georgia called the middle district.

490a. Marshal for middle district of Georgia.—The President is authorized to appoint, by and with advice and consent of the Senate, for the United States District Court for the Middle District of Georgia, a marshal. (May 28, 1926, c. 414, § 2 (b), 44 Stat. 670.)

New section.

Section 2 (a) of Act of May 28, 1926, c. 414, 44 Stat. 670, provides that the marshals for the northern and southern districts of Georgia in office just immediately prior to the passage of this Act shall be during the remainder of their present terms of office the marshals for such districts as constituted by this Act.

Section 1 of Act above cited, constituting § 150 of Title 28 of the Code, created a new judicial district in Georgia called the middle district.

530. Law books for judges transmitted to successors.

Section 530 of Title 28 repealed.—The statutory provision constituting § 530 of Title 28 was repeated in Act Apr. 29, 1926, c. 195, Title II, 44 Stat. 347.

Chapter 16.—FEES AND COMPENSATIONS AND ACCOUNTS OF OFFICERS.

CLERKS' FEES, SALARIES, EXPENSES, AND ACCOUNTS

Sec.
561. Same; per diem in lieu of subsistence.

SALARIES, EXPENSES, AND ACCOUNTS OF DISTRICT ATTORNEYS AND MARSHALS

581. District attorneys and assistants; per diem in lieu of subsistence.
585. Same; per diem.

COMPENSATION OF CRIERS AND BAILIFFS

596. Per diem of bailiffs and criers.

FEES OF JURORS AND WITNESSES

600a. Per diem; mileage.
600b. Amount of per diem and mileage for jurors.
600c. Amount of per diem and mileage for witnesses; subsistence.
600d. Fees and mileage in certain States.

CLERKS' FEES, SALARIES, EXPENSES, AND ACCOUNTS

561. Same; per diem in lieu of subsistence.

Section 561 of Title 28 affected.—Section 1 of Act of Nov. 4, 1919, c. 93, 41 Stat. 338, constituting § 561 of Title 28 of the Code has been affected by Act of Apr. 29, 1926, c. 195, 44 Stat. 346, reading as follows: "That per diem in lieu of subsistence not to exceed $4 may be granted to deputy clerks and clerical assistants to clerks of United States district courts, instead of but under conditions applicable to the allowance for actual expenses of subsistence, as provided in" the Act of February 26, 1919, c. 49, 40 Stat. 1182.

SALARIES, EXPENSES, AND ACCOUNTS OF DISTRICT ATTORNEYS AND MARSHALS

581. District attorneys and assistants; per diem in lieu of subsistence.

Section 581 of Title 28 repeated.—The statutory provision constituting § 581 of Title 28 of the Code was repeated in Act of Apr. 29, 1926, c. 195, 44 Stat. 346.

585. Same; per diem.

Section 585 of Title 28 repeated.—The provision of Act of Feb. 27, 1925, c. 364, 43 Stat. 1029, constituting § 585 of Title 28 of the Code was repeated in Act of Apr. 29, 1926, c. 195, 44 Stat. 346.

COMPENSATION OF CRIERS AND BAILIFFS

596. Per diem of bailiffs and criers.

Section 596 of Title 28 repeated.—The provision of Act of Feb. 27, 1925, c. 364, 43 Stat. 1030, constituting § 596 of Title 28 of the Code was repeated in Act of Apr. 29, 1926, c. 195, 44 Stat. 347.

FEES OF JURORS AND WITNESSES[9]

600a. Per diem; mileage.—That jurors and witnesses (other than witnesses who are salaried employees of the Government, and detained witnesses) in the United States courts, including the district court of Hawaii, the district court of Porto Rico, and the Supreme Court of the District of Columbia, who attend, including those attending before United States commissioners, shall be entitled to a per diem for each day of actual attendance and for each day necessarily occupied in traveling to attend court, or upon the commissioner, and return home, and, in addition, mileage as hereinafter provided. (Apr. 26 1926, c. 183, § 1, 44 Stat. 323.)

New section.

This section and §§ 600b, 600c, and 600d, which follow, constitute Act of Apr. 26, 1926, c. 183, 44 Stat. 323, entitled "An Act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia."

Section 5 of the above Act provided as follows: "All laws or parts of laws in so far as they are in conflict with the provisions of this Act are hereby repealed. This Act to be effective thirty days after its approval."

600b. Amount of per diem and mileage for jurors.—Jurors attending in such courts, or before such United States commissioners, shall receive for each day's attendance and for the time necessarily occupied in going to and returning from the same $4, and 5 cents per mile for going from his or her place of residence to the place of trial or hearing, and 5 cents per mile for returning. (Apr. 26, 1926, c. 183, § 2, 44 Stat. 323.)

New section. See note to § 600a.

600c. Amount of per diem and mileage for witnesses; subsistence.—Witnesses attending in such courts, or before such commissioners, shall receive for each day's attendance and for the time necessarily occupied in going to and returning from the same $2, and 5 cents per mile for going from his or her place of residence to the place of trial or hearing and 5 cents per mile for returning: *And provided further*, That witnesses (other than witnesses who are salaried employees of the Government and detained witnesses) in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia, who attend court or attend before United States commissioners, at points so far removed from their respective residences as to prohibit return thereto from day to day, shall, when this fact is certified to in the order of the court or the commissioner for payment, be entitled, in addition to the compensation provided by existing law, as modified by this Act,[9a] to a per diem of $3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home. (Apr. 26, 1926, c. 183 § 3, 44 Stat. 323.)

New section. See note to § 600a.

600d. Fees and mileage in certain States.—Jurors and witnesses in the United States courts, or before a United States commissioner, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall receive for each day's attendance and for mileage the same fees as jurors and witnesses as herein provided. (Apr. 26, 1926, c. 183, § 4, 44 Stat. 323.)

New section. See note to § 600a.

Chapter 18.—PROCEDURE.

JUDGMENTS, COSTS, EXECUTIONS, AND MONEYS PAID INTO COURT

816. Costs of keeping vessels or other property attached or libeled in admiralty.

Section 816 of Title 28 repeated.—The statutory provision constituting § 816 of Title 28 of the Code was repeated in Act Apr. 29, 1926, c. 195, Title II, 44 Stat. 345.

Chapter 17.—EVIDENCE.

TESTIMONY OF WITNESS IN FOREIGN COUNTRIES; CONTEMPTS. [New][10]

Sec.

711. Letters rogatory to take testimony of witness, addressed to court of foreign country; failure of witness to appear; subpœna.
712. Trial of criminal actions; witness beyond jurisdiction of United States; issue of subpœna addressed to consul in foreign country.
713. Service of subpœna on witness in foreign country.
714. Failure of witness to obey subpœna; order to show cause in contempt proceedings.
715. Direction in order to show cause for seizure of property of witness in contempt.
716. Service of order to show cause.
717. Hearing on order to show cause; judgment; satisfaction.
718. Opening judgment when rendered upon service by publication.

TESTIMONY OF WITNESS IN FOREIGN COUNTRIES; CONTEMPTS

711. Letters rogatory to take testimony of witness, addressed to court of foreign country; failure of witness to appear; subpœna.—Whenever letters rogatory shall issue out of any court of the United States, either with or without interrogatories addressed to any court of any foreign country, to take the testimony of any witness, being a citizen of the United States or domiciled therein, and such witness, having been personally notified by it according to the practice of such court, to appear and testify pursuant to such letters rogatory and such witness shall neglect to appear, or having appeared shall decline, refuse, or neglect to answer to any question which may be propounded to him by or under the authority of such court, to which he would be required to make answer were he being examined before the court issuing such letters, the court out of which said letters issued may upon proper showing order that a subpœna issue addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated. (July 3, 1926, c. 762, § 1, 44 Stat. 835.)

New section. See footnote to this subdivision.

712. Trial of criminal actions; witness beyond jurisdiction of United States; issue of subpœna addressed to consul in foreign country.—Whenever the attendance at the trial of any criminal action of a witness, being a citizen of the United States or domiciled therein, who is beyond the jurisdiction of

[9] This subdivision has been in part superseded by §§ 600a to 600d set out in the text.

[9a] "This Act" should be translated "sections 600a to 600d of this title of the appendix."

[10] New subdivision. This subdivision constitutes Act of July 3, 1926, c. 762, 44 Stat. 835, entitled "An Act relating to contempt."

the United States, is desired by the Attorney General or any assistant or district attorney acting under him, the judge of the court before which such action is pending, or who is to sit in the trial of the same, may, upon proper showing, order that a subpœna issue, addressed to any consul of the United States within any country in which such witness may be, commanding such witness to appear before the said court at a time and place therein designated. (July 3, 1926, c. 762, § 2, 44 Stat. 835.)

New section. See footnote to this subdivision.

713. Service of subpœna on witness in foreign country.—It shall be the duty of any consul of the United States within any country in which such witness may be at the request of the clerk of the court issuing any subpœna under this Act[10a] or at the request of the officer causing such subpœna to be issued, to serve the same personally upon such witness and also to serve any orders to show cause, rules, judgments, or decrees when requested by the court or United States marshal, and to make a return thereof to the court out of which the same issued, first tendering to the witness the amount of his necessary expenses in traveling to and from the place at which the court sits and his attendance thereon, which amount shall be determined by the judge on issuing the order for the subpœna and supplied to the consul making the service. (July 3, 1926, c. 762, § 3, 44 Stat. 835.)

New section. See footnote to this subdivision.

714. Failure of witness to obey subpœna; order to show cause in contempt proceedings.—If the witness so served shall neglect or refuse to appear as in such subpœna directed, the court out of which it was issued shall, upon proof being made of the service and default, issue an order directing the witness to appear before the court at a time in such order designated to show cause why he should not be adjudged guilty of contempt and be punished accordingly. (July 3, 1926, c. 762, § 4, 44 Stat. 836.)

New section. See footnote to this subdivision.

715. Direction in order to show cause for seizure of property of witness in contempt.—Upon issuing such order the court may, upon the giving of security for any damages which the recusing witness may have suffered, should the charge be dismissed (except that no security shall be required of the United States), direct as a part of such order that the property of the recusing witness, at any place within the United States, or so much thereof in value as the court may direct, shall be levied upon and seized by the marshal of said court in the manner provided by law or the rule of the court for a levy or seizure under execution, to be held to satisfy any judgment that may be rendered against such witness in the proceeding so instituted. (July 3, 1926, c. 762, § 5, 44 Stat. 836.)

New section. See footnote to this subdivision.

716. Service of order to show cause.—The marshal, having made such levy, shall thereupon forward to the consul of any country where the recusing witness may be a copy of the order to show cause why such witness should not be adjudged guilty of contempt with the request that said consul make service of the same personally upon the recusing witness, and shall cause to be published such order to show cause and for the sequestration of the property of such witness, in some newspaper of general circulation in the district within which the court issuing such order sits, once each week for six consecutive weeks. (July 3, 1926, c. 762, § 6, 44 Stat. 836.)

New section. See footnote to this subdivision.

717. Hearing on order to show cause; judgment; satisfaction.—On the return day of such order or any later day to which the hearing may by the court be continued, proof shall be taken; and if the charge of recusancy against the witness shall be sustained, the court shall adjudge him guilty of contempt and, notwithstanding any limitation upon the power of the court generally to punish for contempt, impose upon him a fine not exceeding $100,000 and direct that the amount thereof, with the costs of the proceeding, be satisfied, unless paid by a sale of the property of the witness so seized or levied upon, such sale to be conducted upon the notice required and in the manner provided for sales upon execution. (July 3, 1926, c. 762, § 7, 44 Stat. 836.)

New section. See footnote to this subdivision.

718. Opening judgment when rendered upon service by publication.—Any judgment rendered pursuant to this Act[10a] upon service by publication only may be opened for answer within the time and in the manner provided in section 57[11] of the Judicial Code. (July 3, 1926, c. 762, § 8, 44 Stat. 836.)

New section. See footnote to this subdivision.

[10a] "This Act" should be translated "sections 711 to 718 of this title of the appendix."

[11] Section 57 of the Judicial Code should be translated "section 118 of this title of the Code."

TITLE 30.—MINERAL LANDS AND MINING

Chapter 1.—THE BUREAU OF MINES.

Sec.
1. Bureau of Mines; establishment; director; experts and other employees.
4a. Investigation of potash deposits; appropriation. [New.]
4b. Cooperation with individuals, municipalities, etc.; contracts with owners; agreements as to prices. [New.]
11. Purchase of supplies or procurement of services for Bureau of Mines.

1. Bureau of Mines; establishment; director; experts and other employees.

Transfer of Bureau of Mines to Department of Commerce by Executive order.—The Bureau of Mines and the employees thereof, except those employees engaged on oil-leasing and mine-leasing work, were transferred from the Department of the Interior to the Department of Commerce by an Executive order signed by the President on June 4, 1925, effective from and including July 1, 1925, as authorized by Act Feb. 14, 1903 (32 Stat. 826).

4a. Investigation of potash deposits; appropriation.—There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000 for the fiscal year ending June 30, 1927, and a similar amount for each succeeding fiscal year for four years, to be expended as may be mutually agreed upon by the Secretary of the Interior and the Secretary of Commerce for the purpose of determining the location, extent, and mode of occurrence of potash deposits in the United States and conducting the necessary laboratory tests incident thereto. (June 25, 1926, c. 674, § 1, 44 Stat. 768.)

New section. This section and the section next following are an Act entitled "An Act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States and to conduct laboratory tests," cited to text.

4b. Cooperation with individuals, municipalities, etc.; contracts with owners; agreements as to prices.—The Secretary of the Interior and the Secretary of Commerce jointly are hereby authorized, within their discretion, to cooperate under formal agreement with individuals, associations, corporations, States, municipalities, educational institutions, or other bodies, for the purposes of this Act:[1] *Provided*, That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior and the Secretary of Commerce jointly, shall enter into a contract or contracts with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, among other things, that not more than the actual cost of the exploration shall constitute a preferred claim in favor of the United States and its cooperators against any minerals developed; and the aforesaid contract or contracts shall provide that the owners or lessees, or both, of said lands and/or mineral rights within the radius hereinafter mentioned, shall pay to the Government and its cooperators an amount equal to the actual costs of said explorations, said payments to be made at such time or times, in such manner, and in such proportions as said Secretaries may, in their discretion, determine to be equitable: *Provided further*, That such contract shall not restrict the Secretary of the Interior and the Secretary of Commerce jointly in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and such contract shall provide that the United States and its cooperators shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work: *Provided further*, That before such drilling be commenced the Secretary of the Interior and the Secretary of Commerce jointly shall require the owners of land and/or mineral rights therein lying within a radius of not less than one mile of any proposed well, in consideration of the probable increase in value to such lands and/or mineral rights therein incident to any discovery of potash and in order to prevent profiteering, to enter into an agreement whereby the Secretary of the Interior and the Secretary of Commerce, jointly, are empowered to act as referees in determining the maximum price at which the potash rights in such lands can be sold, which covenant shall run with the lands and/or mineral rights therein: *And provided further*, That the owners of such potash rights, in consideration of the advantage accruing from an equitable price for such potash rights as effected by said Secretary of the Interior and Secretary of Commerce, may be required to enter into an agreement whereby the potash produced from said lands shall be marketed at a price not in excess of a maximum determined by the Secretary of the Interior and the Secretary of Commerce jointly as equitable. (June 25, 1926, c. 674, § 2, 44 Stat. 768.)

New section. See note to § 4a.

11. Purchase of supplies or procurement of services for Bureau of Mines.—The purchase of supplies and equipment or the procurement of services for the Bureau of Mines, at the seat of government, as well as in the field outside of the District of Columbia, may be made in open market without compliance with section 3709[2] of the Revised Statutes of the United States, in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $100 in any instance. (Apr. 29, 1926, c. 195, 44 Stat. 369.)

Act of July 1, 1918, c. 113, § 1, 40 Stat. 672, constituting § 11 of Title 30 of the Code, was superseded by this section.

Chapter 3.—LANDS CONTAINING COAL, PHOSPHATES, PETROLEUM, OIL, OIL SHALE, GAS, SODIUM, POTASSIUM, ETC., AND BUILDING STONE.

LEASES AND PROSPECTING PERMITS

1. General Provisions

Sec.
181. Lands subject to disposition; right to extract helium; persons not entitled to benefits.
183. Cancellation of prospecting permits.
184. Limitation on number of leases to one person; combinations or unlawful trusts.
185. Rights of way for pipe lines.
186. Reservation of easements or rights of way for working purposes; reservation of right to sell or lease surface of lands.
187. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases as to operation of mines, wells, etc.
188. Forfeiture or cancellation of leases.
189. Rules and regulations; rights of States not affected.
190. Oaths required, when.
191. Disposition of moneys received.
192. Payment of royalties in oil or gas; sale of such oil or gas.
193. Disposition of deposits of coal, etc., in Wyoming.

4. Oil and Gas

222a. Extension of oil or gas prospecting permit authorized. [New.]
222b. Extension of permits already expired. [New.]

8. Sulphur. [New]

271. Prospecting permits; lands included.
272. Leases to permittees; privileges extended to oil and gas permittees.
273. Lease of lands not covered by permits or leases; rental.
274. Lands containing coal or other minerals.
275. Laws applicable.
276. Act applicable to Louisiana only.

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[1] "This Act" should be translated "§§ 4a and 4b."

[2] R. S. § 3709, mentioned in the text, constitutes § 5 of Title 41 of the Code.

LEASES AND PROSPECTING PERMITS

1. GENERAL PROVISIONS

181. Lands subject to disposition; right to extract helium; persons not entitled to benefits.

This section (Act Feb. 25, 1920, c. 85, § 1, 41 Stat. 437) was amended to include deposits of sulphur by Act Apr. 17, 1926, c. 158, § 5, 44 Stat. 302, the last part of § 5 reading as follows: "the first and thirty-seventh sections thereof being amended to include deposits of sulphur, and section 27 being amended so as to prohibit any person, association, or corporation from taking or holding more than three sulphur permits or leases in any one State during the life of such permits or leases."

183. Cancellation of prospecting permits.

The general provisions of this section and §§ 185–192 (Act Feb. 25, 1920, c. 85, § 26, 41 Stat. 448) are made applicable to sulphur permits and leases by Act Apr. 17, 1926, c. 158, § 5, 44 Stat. 302, constituting § 275 of Title 30 of this appendix.

184. Limitation on number of leases to one person; combinations or unlawful trusts.—No person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage two thousand five hundred and sixty acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate seven thousand six hundred and eighty acres granted hereunder in any one State, and not more than two thousand five hundred and sixty acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this Act,[7] or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this Act.[7] Any interests held in violation of this Act[7] shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act[7] which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18,[3] 18a, 19,[4] and 22[5] or to prevent any number of lessees under the provisions of this Act[7] from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act,[7] or the transportation of coal or to increase the acreage which may be acquired or held under section 17[6] of this Act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act[7] shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act,[7] the lease thereof shall be forfeited by appropriate court proceedings. (Feb. 25, 1920, c. 85, § 27, 41 Stat. 448; Apr. 30, 1926, c. 197, 44 Stat. 373.)

Section 184 of Title 30 amended.—The statutory provision constituting § 184 of Title 30 of the Code, was amended by Act Apr. 30, 1926, c. 197, cited to text, to read as set forth above.

It was also amended by Act Apr. 17, 1926, c. 158, so as to prohibit the holding by any one person of more than three sulphur permits or leases in any one State. See note to § 181.

Section 18a of the Act of Feb. 25, 1920, c. 85, 41 Stat. 444, mentioned in the text, was omitted from the Code as being temporary. It reads as follows:

"Whenever the validity of any gas or petroleum placer claim under pre-existing law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation."

Act Sept. 15, 1922, c. 314, 42 Stat. 844, entitled "An Act to extend the provisions of section 18a of an Act approved Feb. 25, 1920 (Forty-first Statutes, page 437), to certain lands in Utah," reads as follows:

"That for the period of twelve months from and after the approval of this Act the provisions of section 18a of an Act entitled 'An Act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain,' approved February 25, 1920 (Forty-first Statutes, page 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: *Provided*, That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the Act approved February 25, 1920 (Forty-first Statutes, page 437)."

185. Rights of way for pipe lines.

See note to § 183.

186. Reservation of easements or rights of way for working purposes; reservation of right to sell or lease surface of lands.

See note to § 183.

187. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases as to operation of mines, wells, etc.

See note to § 183.

188. Forfeiture or cancellation of leases.

See note to § 183.

189. Rules and regulations; rights of States not affected.

See note to § 183.

190. Oaths required, when.

See note to § 183.

191. Disposition of moneys received.

See note to § 183.

[3] Section 18 of the Act Feb. 25, 1920, 41 Stat. 443, mentioned in text, constitutes § 227 of Title 30 of the Code.

[4] Section 19 of the same Act, mentioned in the text, constitutes § 228 of Title 30 of the Code.

[5] Section 22 of the same Act, mentioned in the text, constitutes § 251 of Title 30 of the Code.

[6] Section 17 of the same Act, mentioned in the text, constitutes § 226 of Title 30 of the Code.

[7] "This Act" should be translated "this section."

[7] "This Act" should be translated "this section."

192. Payment of royalties in oil or gas; sale of such oil or gas.

See note to § 183.

193. Disposition of deposits of coal, etc., in Wyoming.

Section 193 of Title 30 amended.—Act of Feb. 25, 1920, c. 85, § 37, 41 Stat. 451, constituting § 103 of Title 30 of the Code, has been amended to include deposits of sulphur, by Act Apr. 17, 1926, c. 158, § 5, 44 Stat. 302. See note to § 181.

4. OIL AND GAS

222a. Extension of oil or gas prospecting permit authorized.—Any oil or gas prospecting permit issued under the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, or extended under the Act entitled "An Act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes," approved January 11, 1922, may be extended by the Secretary of the Interior for an additional period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration. (Apr. 5, 1926, c. 107, § 1, 44 Stat. 236.)

New section. This section and the section next following are an Act entitled "An Act to grant extensions of time under oil and gas permits," cited to text. For applicable provisions of Act Feb. 25, 1920, and Act Jan. 11, 1922, mentioned in this section, see §§ 221 and 222 of Title 30 of the Code.

222b. Extension of permits already expired.—Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this Act,[6a] any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from the date of the passage of this Act. (Apr. 5, 1926, c. 107, § 2, 44 Stat. 236.)

New section. See note to § 222a.

8. SULPHUR.[7] [New]

271. Prospecting permits; lands included.—The Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for sulphur in lands belonging to the United States located in the State of Louisiana for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall be not exceeding six hundred and forty acres of land in reasonably compact form. (Apr. 17, 1926, c. 158, § 1, 44 Stat. 301.)

272. Leases to permittees; privileges extended to oil and gas permittees.—Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of sulphur have been discovered by the permittee within the area covered by his permit, and that the land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of 5 per centum of the quantity or gross value of the output of sulphur at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public-land surveys; or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior: *Provided*, That where any person having been granted an oil and gas permit makes a discovery of sulphur in lands covered by said permit, he shall have the same privilege of leasing not to exceed six hundred and forty acres of said land under the same terms and conditions as are given a sulphur permittee under the provisions of this section. (Apr. 17, 1926, c. 158, § 2, 44 Stat. 301.)

See note to § 271.

273. Lease of lands not covered by permits or leases; rental.—Lands known to contain valuable deposits of sulphur and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding six hundred and forty acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease and the payment in advance of a rental of 50 cents per acre per annum, the rental paid for any one year to be credited against the royalties accruing for that year. (Apr. 17, 1926, c. 158, § 3, 44 Stat. 301.)

See note to § 271.

274. Lands containing coal or other minerals.—Prospecting permits or leases may be issued in the discretion of the Secretary of the Interior under the provisions of this Act[6b] for deposits of sulphur in public lands also containing coal or other minerals on condition that such other deposits be reserved to the United States for disposal under applicable laws. (Apr. 17, 1926, c. 158, § 4, 44 Stat. 302.)

See note to § 271.

275. Laws applicable.—The general provisions of section 1 and sections 26 to 38,[8] inclusive, of the Act of February 25, 1920, entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are made applicable to permits and leases under this Act. (Apr. 17, 1926, c. 158, § 5, 44 Stat. 302.)

See note to § 271.

276. Act applicable to Louisiana only.—That the provisions of this Act[6b] shall apply only to the State of Louisiana. (Apr. 17, 1926, c. 158, § 6, 44 Stat. 302.)

See note to § 271.

Chapter 4.[9]—LEASE OF GOLD, SILVER, OR QUICKSILVER DEPOSITS WHEN TITLE CONFIRMED BY COURT OF PRIVATE LAND CLAIMS. [New.]

Sec.

291. Lease of gold, silver, or quicksilver deposits on land title to which confirmed by Court of Private Land Claims.
292. Royalties and rentals; disposition.
293. Duties of Secretary of Interior.

291. Lease of gold, silver, or quicksilver deposits on lands title to which confirmed by Court of Private Land Claims.—Hereafter all gold, silver, or quicksilver deposits, or mines or minerals of the same on lands embraced within any land claim confirmed or hereafter confirmed by decree of the Court of Private Land Claims, and which did not convey the mineral rights to the grantee by the terms of the grant, and to which such grantee has not become otherwise entitled in law or in equity, may be leased by the Secretary of the Interior to the grantee, or to those claiming through or under him, for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at

[6a] "Section 1 of this Act" should be translated "section 222a of this title of the appendix."

[7] New subdivision. The sections under this subdivision are an Act entitled "An Act to promote production of sulphur upon the public domain within the State of Louisiana," cited to text.

[6b] "This Act" should be translated "sections 271–276 of this title of the appendix."

[8] Sections 1 and 26–38 of Act of Feb. 25, 1920, mentioned in text, constitutes § 181 and §§ 185–192, respectively, of Title 30 of the Code.

[9] New subdivision. The sections under this subdivision are an Act entitled "An Act relating to patents issued pursuant to decrees of the Court of Private Land Claims," cited to text.

the time of the expiration of such periods. (June 8, 1926, c. 503, § 1, 44 Stat. 710.)

292. Royalties and rentals; disposition.—That for the privilege of mining or extracting the gold, silver, or quicksilver deposits in the land covered by such lease, the lessee shall pay to the United States a royalty, which shall not be less than 5 per centum nor more than 12½ per centum of the net value of the output of the gold, silver, or quicksilver at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine. All moneys received from royalties and rentals under the provisions of this Act shall be deposited in the Treasury of the United States, and disposed of in the same manner as rentals and royalties under the provisions of the Act of February 25, 1920 (Forty-first Statutes, page 437).[10] (June 8, 1926, c. 503, § 2, 44 Stat. 710.)

See note to § 291.

293. Duties of Secretary of Interior.—That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying this Act[11] into full force and effect. (June 8, 1926, c. 503, § 3, 44 Stat. 710.)

See note to § 291.

[10] The provisions of Act Feb. 25, 1920, mentioned in the text, constitute § 191 of Title 30 of the Code.

[11] "This Act" should be translated "sections 291–293 of this title of the appendix."

TITLE 31.—MONEY AND FINANCE

Chapter 2.—AUDIT AND SETTLEMENT OF ACCOUNTS.

Sec.
103a. Disbursing officers of Army, Navy, and Marine Corps; designation of deputies. [New.]
121. Destruction of paid United States checks and warrants. [New.]
122. Claims on paid checks and warrants; statute of limitations. [New.]

103a. Disbursing officers of Army, Navy, and Marine Corps; designation of deputies.—When, in the opinion of the Secretary of War or the Secretary of the Navy, the exigencies of the service so require, disbursing officers of the Army, Navy, and Marine Corps may, with the approval of the head of their executive department and the consent of their surety or sureties, if any, designate deputies for the purpose of having them make disbursements as their agents, sign checks drawn against their disbursing accounts with the Treasurer of the United States, and discharge all other duties required according to law or regulation to be performed by such disbursing officers, and the agent officer shall be subject, for his official misconduct, to all liabilities and penalties prescribed by law in like cases for the officer for whom he acts as deputy: *Provided*, That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned. (July 3, 1926, c. 775, 44 Stat. 888.)

New section. This section constitutes an Act entitled "An Act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies," cited to text.

121. Destruction of paid United States checks and warrants.—The Secretary of the Treasury and the Comptroller General of the United States, respectively, are hereby authorized and directed to cause to be destroyed all United States Government checks and warrants issued by the Secretary of the Treasury, the Postmaster General, the Treasurer and Assistant Treasurers of the United States, or by disbursing officers and agents of the United States, eight full fiscal years prior to the date of destruction, which checks and warrants have been paid and form the paid check files of the Treasury Department and of the General Accounting Office wherever stored under their respective control, after all unpaid checks and warrants have been listed as outstanding as now required by law: *Provided*, That such checks and warrants as, in their discretion, respectively, may be deemed necessary in the public interests or the legality of the negotiation of which has been questioned in any material respect by any party in interest may be preserved: *Provided further*, That such checks as may be of historic or sentimental interest may also be preserved. (June 22, 1926, c. 650, § 1, 44 Stat. 761.)

New section. This section and the section next following constitute an Act entitled "An Act to authorize the destruction of paid United States checks," cited to text.

122. Claims on paid checks and warrants; statute of limitations.—All claims on account of any check, checks, warrant, or warrants appearing to have been paid shall be barred if not presented to the General Accounting Office within six years after the date of issuance of the check, checks, warrant, or warrants involved. (June 22, 1926, c. 650, § 2, 44 Stat. 761.)

New section. See note to section 121.

Chapter 3.—THE TREASURER.

143a. Deputy Assistant Treasurer designated Assistant Treasurer.—The title Deputy Assistant Treasurer of the United States as designated by the Act approved March 3, 1901, as amended by the Act approved July 16, 1914, be, and the same is hereby, changed and shall hereafter be designated as Assistant Treasurer of the United States. (Apr. 9, 1926, c. 110, 44 Stat. 237.)

The Act cited to the text was entitled "An Act to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States."

Acts March 3, 1901, and July 16, 1914, mentioned in this section are the legislative, executive, and judicial appropriation acts for the years 1902 and 1915, respectively, which provided for Deputy Assistant Treasurer at $3,200.

Chapter 6.—DEBTS DUE BY, OR TO, THE UNITED STATES.

Sec.
223. Settlement of claims for loss or damage to private property from operation, etc., of Army.
224. Settlement of claims for damages from operation of aircraft.
236. Settlement of indebtedness of Belgium to United States. [New.]
237. Settlement of indebtedness of Czechoslovak Republic to United States. [New.]
238. Settlement of indebtedness of Esthonia to United States. [New.]
239. Settlement of indebtedness of Italy to United States. [New.]
240. Settlement of indebtedness of Latvia to United States. [New.]
241. Settlement of indebtedness of Rumania to United States. [New.]

223. Settlement of claims for loss or damage to private property from operation, etc., of Army.

Section 223 of Title 31 repealed.—The statutory provision constituting § 224 of Title 31 of the Code was repealed in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 259.

224. Settlement of claims for damages from operation of aircraft.

Section 224 of Title 31 repealed.—The statutory provision constituting § 224 of Title 31 of the Code was repealed in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 269.

236. Settlement of indebtedness of Belgium to United States.—The settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 4, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The indebtedness to be funded has been divided into two classes, that incurred prior to November 11, 1918, called the prearmistice indebtedness, and that incurred subsequent to November 11, 1918, called the postarmistice indebtedness.

The amount of the prearmistice indebtedness to be funded is $171,780,000, which is the principal amount of the obligations of Belgium received by the United States for cash advances made prior to November 11, 1918. The prearmistice indebtedness is payable in annual installments without interest over a period of sixty-two years, the first payment falling due June 15, 1926. Belgium is to pay the following amounts on the dates specified: June 15, 1926, $1,000,000; June 15, 1927, $1,000,000; June 15, 1928, $1,250,000; June 15, 1929, $1,750,000; June 15, 1930, $2,250,000; June 15, 1931, $2,750,000; June 15, 1932, to June 15, 1986, inclusive, $2,900,000 per annum; June 15, 1987, $2,280,000.

The amount of the postarmistice indebtedness to be funded after allowing for certain cash payments is $246,000,000, which has been computed as follows:

Principal of obligations for cash advanced	$175,430,808.68	
Accrued and unpaid interest at 4¼ per centum per annum to December 15, 1922	26,314,491.66	
		$201,745,300.34

Principal of obligations for war material sold on credit	$29,818,933.39	
Accrued and unpaid interest at 4¼ per centum per annum to December 15, 1922	491,359.24	
		$30,310,292.63
Total indebtedness as of December 15, 1922		232,055,592.97
Accrued interest thereon at 3 per centum per annum from December 15, 1922, to June 15, 1925		17,404,169.47
Total indebtedness as of June 15, 1925		249,459,762.44
Deduct:		
Payments on account of interest received between December 15, 1922, and June 15, 1925, on obligations for war material	$3,442,346.20	
Principal payment of $172.01 made August 7, 1923, together with interest thereon at 3 per centum per annum to June 15, 1925	181.58	
		3,442,527.78
Net indebtedness as of June 15, 1925		246,017,234.66
To be paid in cash upon execution of agreement		17,234.66
Total indebtedness to be funded into bonds		246,000,000.00

The principal of the bonds issued for the postarmistice indebtedness shall be paid in annual installments on June 15, of each year up to and including June 15, 1987, on a fixed schedule subject to the right of the Government of the Kingdom of Belgium after June 15, 1935, to make such payments in three-year periods. The amount of the first principal installment shall be $1,100,000, the annual principal installments to increase until in the sixty-second year the amount of the final principal installment shall be $9,600,000, the aggregate principal installments being equal to the total principal of the postarmistice indebtedness to be funded into bonds.

The Government of the Kingdom of Belgium shall have the right to pay off additional amounts of the bonds on June 15 or December 15 of any year upon not less than ninety days' advance notice.

The bonds issued for the postarmistice indebtedness shall bear interest from June 15, 1925, in the amounts and on the dates set forth in the following schedule: December 15, 1925, $870,000; June 15, 1926, $870,000; December 15, 1926, $1,000,000; June 15, 1927, $1,000,000; December 15, 1927, $1,125,000; June 15, 1928, $1,125,000; December 15, 1928, $1,250,000; June 15, 1929, $1,250,000; December 15, 1929, $1,375,000; June 15, 1930, $1,375,000; December 15, 1930, $1,625,000; June 15, 1931, $1,625,000; December 15, 1931, $1,875,000; June 15, 1932, $1,875,000; December 15, 1932, $2,125,000; June 15, 1933, $2,125,000; December 15, 1933, $2,375,000; June 15, 1934, $2,375,000; December 15, 1934, $2,625,000; June 15, 1935, $2,625,000 until and including June 15, 1935, and thereafter at the rate of 3½ per centum per annum, payable semiannually on June 15 and December 15 of each year, until the principal of said bonds shall have been paid.

Any payment of interest or principal may be made at the option of the Government of the Kingdom of Belgium in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest. (Apr. 30, 1926, c. 199, 44 Stat. 376.)

New section. This section is an Act entitled "An Act to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America," cited to text.

237. Settlement of indebtedness of Czechoslovak Republic to United States.—The settlement of the indebtedness of the Czechoslovak Republic to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 6, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The net amount of the indebtedness in settlement of the financial differences between the two Governments and/or their agencies, both principal and interest, is fixed as of June 15, 1925, at $115,000,000.

The principal amount of the bonds to be delivered to the United States is $185,071,023.07, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first eighteen years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining forty-four years, compounded annually, at the rates of 3 per centum per annum up to and including the tenth year and 3½ per centum per annum from the eleventh to the eighteenth year, both inclusive. The principal of the bonds shall be paid in semiannual installments on June 15 and December 15 of each year up to and including June 15, 1943, and thereafter in annual installments, subject to the right of the Czechoslovak Republic, after June 15, 1943, to make such payments in three-year periods. The first thirty-six semiannual installments are to be $1,500,000 each, and are to be paid without interest on June 15 and December 15 of each year. The remaining forty-four installments are to be paid annually on June 15 of each year, with interest at the rate of 3½ per centum per annum from June 15, 1943, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the nineteenth year is $1,296,023.07, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $5,685,000, the aggregate installments being equal to the total face amount of bonds to be delivered, namely, $185,071,023.07.

The Czechoslovak Republic shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than ninety days' advance notice.

Any payments of interest or principal may be made at the option of the Czechoslovak Republic in any United States obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest. (May 3, 1926, c. 224, 44 Stat. 386.)

New section. This section is an Act entitled "An Act to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America," cited to text.

238. Settlement of indebtedness of Esthonia to United States.—The settlement of the indebtedness of the Republic of Esthonia to the United States of America, made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 7, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payment made by Esthonia, and the credit set out below, is $13,830,000, which has been computed as follows:

Principal amount of obligations to be funded	$13,999,145.60	
Credit allowed for total loss of cargo on sinking of steamship John Russ sunk by a mine in Baltic Sea	1,932,923.45	
		12,066,222.15
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per centum a year		1,765,219.73
Total principal and interest accrued and unpaid as of December 15, 1922		13,831,441.88
To be paid in cash by Esthonia upon execution of agreement		1,441.88
Total indebtedness to be funded into bonds		13,830,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Republic of Esthonia to make such payments in three-year periods. The amount of the first year's installment shall be

$69,000, the annual installments to increase until the sixty-second year. The amount of the final installment will be $530,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Republic of Esthonia shall have the right to pay off additional amounts of the principal of the bonds on any interest date, upon ninety days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per centum per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per centum per annum until final payment.

The Republic of Esthonia shall have the option with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified: June 15, 1926, $50,000; December 15, 1926, $50,000; June 15, 1927, $75,000; December 15, 1927, $75,000; June 15, 1928, $100,000; December 15, 1928, $100,000; June 15, 1929, $125,000; December 15, 1929, $125,000; June 15, 1930, $150,000; December 15, 1930, $150,000; total, $1,000,000; and to pay the balance, including interest on all overdue payments, at the rate of 3 per centum per annum, in bonds of Esthonia, dated December 15, 1930, bearing interest at the rate of 3 per centum per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per centum per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Esthonia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Republic of Esthonia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest. (Apr. 30, 1926, c. 200, 44 Stat. 377.)

New section. This section is an Act entitled "An Act to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America," cited to text.

239. Settlement of indebtedness of Italy to United States.—The settlement of the indebtedness of the Kingdom of Italy to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 3, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for certain cash payments made by Italy, is $2,042,000,000, which has been computed as follows:

Obligations taken for cash advanced by Treasury	$1,648,034,050.90	
Accrued and unpaid interest at 4¼ per centum per annum to December 15, 1922	251,846,654.79	$1,899,880,705.69
Accrued interest at 3 per centum per annum from December 15, 1922, to June 15, 1925		142,491,052.93
		$2,042,371,758.62
Deduct payments made on account of principal since December 15, 1922	$164,852.94	
Interest on principal payments at 3 per centum per annum to June 15, 1925	7,439.34	172,292.28
Total net indebtedness as of June 15, 1925		$2,042,199,466.34
To be paid in cash upon execution of agreement		199,466.34
Total indebtedness to be funded into bonds		$2,042,000,000.00

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule, subject to the right of the Kingdom of Italy to postpone such payments falling due after June 15, 1930, for two years, such postponed payment to bear interest at the rate of 4¼ per centum per annum. The amount of the annual principal installment during the first five years shall be $5,000,000. The amount of the principal installment due the sixth year shall be $12,100,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installment shall be $79,400,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

The Kingdom of Italy shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 of any year upon ninety days' advance notice.

The bonds to be issued shall bear no interest until June 15, 1930, and thereafter shall bear interest at the rate of one-eighth of 1 per centum per annum from June 15, 1930, to June 15, 1940; at the rate of one-fourth of 1 per centum per annum from June 15, 1940, to June 15, 1950; at the rate of one-half of 1 per centum per annum from June 15, 1950, to June 15, 1960; at the rate of three-fourths of 1 per centum per annum from June 15, 1960, to June 15, 1970; at the rate of 1 per centum per annum from June 15, 1970, to June 15, 1980; and at the rate of 2 per centum per annum after June 15, 1980, all payable semiannually on June 15 and December 15 of each year.

Any payment of interest or principal may be made at the option of the Kingdom of Italy in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest. (Apr. 28, 1926, c. 194, 44 Stat. 329.)

New section. This section is an Act entitled "An Act to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America," cited to text.

240. Settlement of indebtedness of Latvia to United States.—The settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 8, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by Latvia, is $5,775,000, which has been computed as follows:

Principal amount of obligations to be funded	$5,132,287.14
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per centum per annum	647,275.62
Total principal and interest accrued and unpaid as of December 15, 1922	5,779,562.76
To be paid in cash by Latvia upon execution of agreement	4,562.76
Total indebtedness to be funded into bonds	5,775,000.00

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to right of the Government of the Republic of Latvia to make such payments in three-year periods. The amount of the first year's installment shall be $28,000, the annual installments to increase until the sixty-second year, the amount of the final installment will be $228,000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds.

The Government of the Republic of Latvia shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon ninety days' advance notice.

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per centum per annum from December 15, 1922, to December 15, 1932, there-

after at the rate of 3½ per centum per annum until final payment.

The Government of the Republic of Latvia shall have the option, with reference to payments on account of principal and/or interest falling due on or before December 15, 1930, under the terms of the agreement, to make the following payments on the dates specified: June 15, 1926, $30,000; December 15, 1926, $30,000; June 15, 1927, $35,000; December 15, 1927, $35,000; June 15, 1928, $40,000; December 15, 1928, $40,000; June 15, 1929, $45,000; December 15, 1929, $45,000; June 15, 1930, $50,000; December 15, 1930, $50,000; total $400,000, and to pay the balance, including interest on all overdue payments at the rate of 3 per centum per annum in bonds of Latvia, dated December 15, 1930, bearing interest at the rate of 3 per centum per annum from December 15, 1930, to December 15, 1932, and thereafter at the rate of 3½ per centum per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Latvia received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made at the option of the Republic of Latvia, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest. (Apr. 30, 1926, c. 201, 44 Stat. 378.)

New section. This section is an Act entitled "An Act to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America," cited to text.

241. Settlement of indebtedness of Rumania to United States.—The settlement of the indebtedness of the Kingdom of Rumania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 5, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for the cash payments made by the Kingdom of Rumania and the credits set out below, is $44,590,000, which has been computed as follows:

Principal amount of indebtedness to be funded	$36,128,494.94
Interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per centum a year	5,365,806.08
Total indebtedness as of December 15, 1922	41,494,301.02
Interest accrued and unpaid thereon to June 15, 1925, at the rate of 3 per centum a year	3,112,072.59
	44,606,373.61
Credits allowed by War Department on material together with interest thereon	11,922.07
Total net indebtedness as of June 15, 1925	44,594,451.54
To be paid in cash upon execution of agreement	4,451.54
Total indebtedness to be funded into bonds	44,590,000.00

The principal amount of the bonds to be delivered to the United States is $66,560,560.43, the increase over the funded indebtedness as of June 15, 1925, being due to the smaller payments during the first fourteen years than would have been payable upon the basis of the British-American settlement, this difference being funded over the remaining forty-eight years, compounded annually, at the rates of 3 per centum per annum up to and including the tenth year and 3½ per centum per annum from the eleventh to the fourteenth year, both inclusive. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, subject to the right of the Kingdom of Rumania, after June 15, 1939, to make such payments in three-year periods. The first fourteen annual installments are to be paid without interest on the date specified and in the following amounts: June 15, 1926, $200,000; June 15, 1927, $300,000; June 15, 1928, $400,000; June 15, 1929; $500,000; June 15, 1930, $600,000; June 15, 1931, $700,000; June 15, 1932, $800,000; June 15, 1933, $1,000,000; June 15, 1934, $1,200,000; June 15, 1935, $1,400,000; June 15, 1936, $1,600,000; June 15, 1937, $1,800,000; June 15, 1938, $2,000,000; June 15, 1939, $2,200,000. The remaining forty-eight installments are to be paid annually on June 15 of each year, with interest at the rate of 3½ per centum per annum from June 15, 1939, payable semiannually on June 15 and December 15 of each year. The amount of the installment due in the fifteenth year is $430,560.43, the annual installments to increase thereafter until in the sixty-second year the amount of the final installment will be $2,172,000, the aggregate installments being equal to the total face amount of bonds to be delivered, namely, $66,560,560.43.

The Kingdom of Rumania shall have the right to pay off additional amounts of the principal of the bonds on June 15 or December 15 of any year upon not less than ninety days' advance notice.

Any payment of interest or of principal may be made at the option of the Kingdom of Rumania in any obligations of the United States issued after April 6, 1917, such obligations to be taken at par and accrued interest. (May 3, 1926, c. 223, 44 Stat. 385.)

New section. This section is an Act entitled "An Act to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America," cited to text.

Chapter 11.—APPROPRIATIONS.

Sec.

640a. Clothing and small-stores fund credited with proceeds of sales. [New.]
667. Contracts for fuel for public buildings in advance of appropriations.
686a. Materials or service ordered from Navy; payment. [New.]

640a. Clothing and small-stores fund credited with proceeds of sales.—The clothing and small-stores fund shall be credited with the net proceeds of all sales (including sales of surplus materials) of clothing and small stores. (May 21, 1926, c. 355, 44 Stat. 605.)

New section. This section is from the Navy Department and Naval Service Appropriation Act of 1927, cited to the text.

667. Contracts for fuel for public buildings in advance of appropriations.

Section 667 of Title 31 repealed.—The statutory provision constituting § 667 of Title 31 of the Code was repealed in Act Mar. 2, 1926, c. 43, § 1, 44 Stat. 154.

686a. Materials or services ordered from Navy; payment.—Hereafter any executive department or independent establishment of the Government ordering materials or services from the Navy shall pay promptly by check upon written request from the Paymaster General of the Navy, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivery of work paid for in advance shall be made. (May 21, 1926, c. 355, 44 Stat. 605.)

New section. This section is from the Navy Department and Naval Service Appropriation Act of 1927, cited to the text.

Chapter 12.—THE PUBLIC DEBT.

Sec.

748. Additional Liberty bond tax exemptions. [Repealed.]
748a. Consolidation of Liberty bond tax exemptions.

748. Additional Liberty bond tax exemptions. [Repealed.]

Section 1028 of Act June 2, 1924, 43 Stat. 349, constituting § 748 of Title 31 of the Code, was repealed by § 1200 of the Act Feb. 26, 1926, constituting § 1273 of Title 26, Internal Revenue, of this appendix.

748a. Consolidation of Liberty bond tax exemptions.—The various Acts authorizing the issues of Liberty bonds are amended and supplemented as follows:

(a) On and after January 1, 1921, 4 per centum and 4¼ per centum Liberty bonds shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, corporations, or associations, in respect to the interest on aggregate principal amounts thereof as follows:

Until the expiration of two years after the date of the termination of the war between the United States and the German Government, as fixed by proclamation of the President, on $125,000 aggregate principal amount; and for three years more on $50,000 aggregate principal amount.

(b) The exemptions provided in subdivision (a) shall be in addition to the exemptions provided in section 7 of the Second Liberty Bond Act,[1] and in addition to the exemption provided in subdivision (3) of section 1 of the Supplement to the Second Liberty Bond Act in respect to bonds issued upon conversion of 3½ per centum bonds, but shall be in lieu of the exemptions provided and free from the conditions and limitations imposed in subdivisions (1) and (2) of section 1 of the Supplement to the Second Liberty Bond Act and in section 2 of the Victory Liberty Loan Act.[2] (Feb. 26, 1926, c. 27, § 1125, 44 Stat. 122.)

This section is § 1125 of the Revenue Act of 1926.

[1] Section 7 of the Second Liberty Bond Act referred to in the text constitutes § 747 of this title of the Code.

[2] Section 2 of the Victory Liberty Loan Act mentioned in the text constitutes § 749 of this title of the Code.

TITLE 32.—NATIONAL GUARD

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES.

Sec.
42. Care of animals; armament, etc.
44. Issue of clothing, equipment, etc.

42. Care of animals; armament, etc.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be so compensated shall not exceed five for each organization, except heavier-than-air squadrons, for each of which a maximum of ten to be so compensated is hereby authorized, and shall, save as otherwise provided in the next succeeding proviso, be duly enlisted therein and detailed by the organization commander, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia: *Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant, and that in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the material, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ one civilian caretaker therefor who shall be entitled to such compensations as may be fixed by the Secretary of War: *Provided further*, That nothing in this section shall be held to increase the number of commissioned officers authorized by law. (June 3, 1916, c. 134, § 90, 39 Stat. 205, amended, June 4, 1920, c. 227; subchapter I, § 46, 41 Stat. 783, March 1, 1922, c. 90, 42 Stat. 401, June 6, 1924, c. 275, § 5, 43 Stat. 471, and May 28, 1926, c. 417, § 1, 44 Stat. 673.)

Section 42 of Title 32 amended.—Section 90 of the National Defense Act of 1916, as amended, constituting § 42 of Title 32 of the Code, has been amended by Act of May 28, 1926, c. 417, § 1, 44 Stat. 673, to read as above.

44. Issue of clothing, equipment, etc.

Section 44 of Title 32 repealed.—The statutory provision constituting § 44 of Title 32 of the Code has been repealed in the War Department Appropriation Act for 1927, Act Apr. 15, 1926, c. 146, Title I, 44 Stat. 282.

Chapter 4.—INSTRUCTION, TRAINING, AND DISCIPLINE.

Sec.
64. Camps for instruction of officers and enlisted men.
65. Officers or enlisted men selected to attend service schools or to receive routine instruction during field exercises.

64. Camps for instruction of officers and enlisted men.—Under such regulations as the President may prescribe the Secretary of War may provide for assemblages of officers, warrant officers, and enlisted men of the National Guard for the purpose of attending schools to be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose or for the purpose of participating in small arms competitions. Such assemblages may be held either within or without the State, Territory, or District of Columbia, to which the members of the National Guard designated to attend them shall belong. (June 3, 1916, c. 134, § 97, 39 Stat. 207, amended, May 28, 1926, c. 417, § 2, 44 Stat. 674.)

Section 64 of Title 32 amended.—The provisions of Act of June 3, 1916, c. 134, § 97, 39 Stat. 207, constituting § 64 of Title 32 of the Code, have been amended by Act of May 28, 1926, c. 417, § 2, 44 Stat. 674, to read as above.

A further provision of the same act as to pay and allowance appears as § 145 of this title of the appendix.

65. Officers or enlisted men selected to attend service schools or to receive practical routine instruction during field exercises.—National Guard officers, warrant officers, and enlisted men at service schools, and so forth.—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory, or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers, warrant officers, or enlisted men of the National Guard to attend and pursue a regular course of study at any military-service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises. (June 3, 1916, c. 134, § 99, 39 Stat. 207; Sept. 22, 1922, c. 423, § 5, 42 Stat. 1035; May 28, 1926, c. 417, § 3, 44 Stat. 674.)

Section 65 of Title 32 amended.—The provisions of Act of June 3, 1916, c. 134, § 99, 39 Stat. 207, as amended, constituting § 65 of Title 32 of the Code, have been further amended by Act of May 28, 1926, c. 417, § 3, 44 Stat. 674, to read as above.

For further provisions of that Act as to pay and allowances, see § 146 of this title in the appendix.

Chapter 10.—PAY AND ALLOWANCES.

Sec.
143a. Armory drill pay; basis of computation. [New.]
145. Pay and allowances for attending construction camps.
146. Pay and allowances for attendance at service schools.
159. Payment of arrears.

143a. Armory drill pay; basis of computation.—Hereafter armory drill pay shall be computed upon a fiscal year basis instead of calendar year. (Apr. 15, 1926, c. 146, Title I, 44 Stat. 282.)

New section.

145. Pay and allowances for attending instruction camps.

Section 145 of Title 32 repealed.—The statutory provision constituting § 145 of Title 32 of the Code has been repealed. Act of May 28, 1926, c. 417, § 2, 44 Stat. 674, in connection with an amendment of the portion of the same Act constituting section 64 of this title in the Code.

146. Pay and allowances for attendance at service schools.—Any such officer, or warrant officer,[1] shall receive, out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in the Pay Readjustment Act of June 10, 1922, for officers and warrant officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 12 thereof,[2] and any such enlisted man shall receive therefrom, except as otherwise provided in section 14 of the Pay Readjustment Act of

[1] The text is the latter portion of section 3 of the Act of May 28, 1926, the preceding words appearing as section 64 of this title in the appendix.

[2] Section 20 of Title 37, PAY AND ALLOWANCES, in the Code.

June 10, 1922,[3] the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period of travel from and to his home station: *Provided*, That all pay and allowances accruing to any officer, warrant officer, or enlisted man, including that for the period of travel to home stations, may be paid prior to departure from the post or other place at which such service is performed: *Provided further*, That an officer, warrant officer, or enlisted man who becomes sick in line of duty while undergoing the training provided for by this section[1] or the training provided for by section 94 or section 97 of this Act[4] shall, while he is so sick during the period he is authorized to engage in such training, be entitled to pay and allowances the same as if he were actually participating in such training. (June 3, 1916, c. 134, § 99, 39 Stat. 207; Sept. 22, 1922, c. 423, § 5, 42 Stat. 1035, and May 28, 1926, c. 417, § 3, 44 Stat. 674.)

Section 146 of Title 32 amended.—Act of June 3, 1916, § 99, 39 Stat. 207, as amended by Act Sept. 22, c. 423, § 5, 42 Stat. 1035, constituting § 146 of Title 32 of the Code, has been amended by Act of May 28, 1926, c. 417, § 3, 44 Stat. 674, to read as above.

[1] The text is the latter portion of section 3 of the Act of May 28, 1926, the preceding words appearing as section 64 of this title in the appendix.

[3] Section 23 of Title 37, PAY AND ALLOWANCES, in the Code.

[4] Sections 63 and 64 of this title in the Code, and see section 64 of this title in the appendix.

159. Payment of arrears.—Hereafter members of the National Guard, the Officers' Reserve Corps, and the Enlisted Reserve Corps who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period, and the thirty-first day of a calendar month shall not be excluded from the computation.

Such payments may include the entire amount lawfully accruing to such officers as pay, allowances and mileage, on account of such service and including pay and mileage for their return home, may be paid to the officers during said period and prior to their departure from the camp or other place at which such service was performed. (June 30, 1922, c. 253, Title I, 42 Stat. 749; Sept. 14, 1922, c. 307, § 3, 42 Stat. 841; Mar. 4, 1923, c. 281, § 3, 42 Stat. 1508; May 11, 1926, c. 288, 44 Stat. 531.)

Section 159 of Title 32 amended.—The provision of the Act of Sept. 14, 1922, c. 307, § 3, 42 Stat. 841, constituting the first sentence of § 159 of Title 32 in the Code was amended by Act of May 11, 1926, c. 288, 44 Stat. 531, to read as above. The second sentence of the section as it appears in the Code being derived from the Act of Mar. 4, 1923, is unaffected by the amendment.

Chapter 13.—MISCELLANEOUS PROVISIONS.

194. Decorations.

For provisions as to the soldiers' medal and the distinguished flying cross, to which members of the National Guard are eligible, see §§ 1428–1430 of Title 10, ARMY, in the appendix.

TITLE 33.—NAVIGATION AND NAVIGABLE WATERS

Chapter 1.—NAVIGABLE WATERS GENERALLY.

47. Eagle Lake, Louisiana–Mississippi.—Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, be and the same is hereby declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. (June 2, 1926, c. 445, § 1, 44 Stat. 681.)

New section. This section is § 1 of an Act entitled "An Act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream," cited to text, section 2 of the Act.

Provided, " the right to alter, amend, or repeal this Act is hereby expressly reserved."

Chapter 16.—BUREAU OF LIGHTHOUSES AND LIGHTHOUSE SERVICE.

Sec.

740a. Post lantern lights on Allegheny and Rock Rivers. [New.]
747a. Benefits of Public Health Service to officers and employees of Lighthouse Service; medical services for crews of vessels. [New.]
752a. Sale of equipment; disposition of receipts. [New.]
754a. Purchase of commissary and quartermaster supplies. [New.]
763a. Retirement of officers and employees. [New.]

740a. Post lantern lights on Allegheny and Rock Rivers.—Hereafter post lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations to be made for the Lighthouse Service, on the Allegheny River, in the State of Pennsylvania, and on the Rock River, in the State of Illinois. (May 22, 1926, c. 371, § 6, 44 Stat. 626.)

New section. This section is section 6 of an Act entitled "An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," cited to text.

Sections 1 and 2 of said Act authorize the Secretary of Commerce to sell and convey certain enumerated surplus lighthouse reservations, and are omitted as being temporary and local; section 3 is set forth post as § 747a; section 4 is set forth post as § 754a; section 5 is set forth post as § 752a; and section 7 is set forth post as § 763a.

747a. Benefits of Public Health Service to officers and employees of Lighthouse Service; medical services for crews of vessels.—Hereafter officers and employees of the Lighthouse Service entitled to the benefits of the Public Health Service shall also be entitled to such benefits, without charge, at other than hospitals or stations of the Public Health Service, under regulations promulgated by the Secretary of the Treasury and the Secretary of Commerce.

(b) The Public Health Service is authorized, in the discretion of the Secretary of the Treasury, to provide medical, surgical, and hospital services and supplies for the officers and crews of vessels of the Lighthouse Service, including when practicable the detail of medical officers on such vessels. (May 22, 1926, c. 371, § 3, 44 Stat. 626.)

New section. See note to § 740a.

752a. Sale of equipment; disposition of receipts.—Hereafter the Commissioner of Lighthouses is authorized, under regulations approved by the Secretary of Commerce, to sell apparatus or equipment manufactured by or in use in the Lighthouse Service, which is not readily procurable in the open market. The money received from any such sale shall be deposited in the Treasury to the credit of the current appropriation for general expenses, Lighthouse Service. (May 22, 1926, c. 371, § 5, 44 Stat. 626.)

New section. See note to § 740a.

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754a. Purchase of commissary and quartermaster supplies.—Hereafter officers and crews of vessels of the Lighthouse Service and light keepers and depot keepers of the Lighthouse Service shall be permitted to purchase commissary and quartermaster supplies from the Army, Navy, or Marine Corps at the price charged officers and enlisted men of the Army, Navy, or Marine Corps. (May 22, 1926, c. 371, § 4, 44 Stat. 626.)

New section. See note to § 740a.

763a. Retirement of officers and employees.—Hereafter the provisions of section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918,[1] as amended, shall apply to the Commissioner of Lighthouses, the Deputy Commissioner of Lighthouses, the Chief Constructing Engineer, and the Superintendent of Naval Construction of the Lighthouse Service. (May 22, 1926, c. 371, § 7, 44 Stat. 626.)

New section. See note to § 740a.

Chapter 17.—COAST AND GEODETIC SURVEY.

GENERAL PROVISIONS

Sec.

851. Commissioned personnel; relative rank with Navy; retired officers; assistant director.
861. Expenses when traveling on Government-owned vessels.
864a. Retired pay. [New.]
865. Computation of length of service; service at Naval or Military Academy.

GENERAL PROVISIONS

851. Commissioned personnel; relative rank with Navy; retired officers; assistant director.

Proviso of § 851 of Title 33 repeated.—The proviso of the statutory provision constituting § 851 of Title 33 of the Code was repeated in Act April 29, 1926, c. 195, Title III, 44 Stat. 362.

861. Expenses when traveling on Government-owned vessels.

Section 861 of Title 33 repeated.—The statutory provision constituting § 861 of Title 33 of the Code was repeated in State, etc., Appropriation Act for 1927. (Apr. 29, 1926, c. 195, Title III, 44 Stat. 362.)

864a. Retired pay.—Hereafter the retired pay of the officers and warrant officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided,* That nothing in this Act shall operate to reduce the pay of any officer or warrant officer now on the retired list. (May 8, 1926, c. 274, § 1, 44 Stat. 417.)

New section. This section is section 1 of an Act entitled "An Act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited to text.

Section 2 of this Act repeals all inconsistent Acts and parts of Acts.

865. Computation of length of service; service at Naval or Military Academy.—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 21, 1926, c. 355, 44 Stat. 604.)

Section 865 of Title 33 superseded.—Act May 28, 1924, c. 203, 43 Stat. 194, constituting § 865 of Title 33 of the Code, was superseded by this section.

[1] Act of June 20, 1918, as amended, mentioned in the text, constitutes § 763 of Title 33 of the Code.

TITLE 34.—NAVY

Chapter 1.—ORGANIZATION GENERALLY.

CORPS OF CHAPLAINS

Sec.
92. Appointment of acting chaplain.
93. Revocation of appointment of acting chaplain.
94. Commissioning acting chaplains as chaplains.

COMMISSIONED WARRANT AND WARRANT OFFICERS

124. Machinists; number.

CORPS OF CHAPLAINS

92. Appointment of acting chaplain.

Section 92 of Title 34 affected.—For legislation apparently affecting this section, see § 348r of this title in the appendix.

93. Revocation of appointment of acting chaplain.

Section 93 of Title 34 affected.—For legislation apparently affecting this section, see § 348r of this title in the appendix.

94. Commissioning acting chaplains as chaplains.

Section 94 of Title 34 affected.—For legislation affecting this section, see § 348r of this title in the appendix.

COMMISSIONED WARRANT AND WARRANT OFFICERS

124. Machinists; number.

Section 124 of Title 34 repealed.—The statutory provision constituting § 124 of Title 34 of the Code has been repealed in the Navy Department Appropriation Act for 1927, Act of May 21, 1926, c. 355, 44 Stat. 603.

Chapter 2.—ENLISTED PERSONNEL.

TERM OF ENLISTMENTS

183. Term as affected by absence from duty on account of sickness resulting from misconduct.

Section 183 of Title 34 repealed.—The statutory provision constituting § 183 of Title 34 of the Code was repealed by Act of Apr. 17, 1926, c. 302, § 5, 44 Stat. 558. See §§ 882a, 882b, 882c, and 882d of this title in the appendix for legislation replacing it.

Chapter 3.—GENERAL PROVISIONS RELATING TO OFFICERS.

230. Computation of length of service; time spent at Naval or Military Academy excluded.

Section 230 of Title 34 repealed.—The statutory provision constituting § 230 of Title 34 of the Code has been repealed in the Navy Department Appropriation Act for 1927, Act May 21, 1926, c. 355, 44 Stat. 604.

Chapter 4.—RANK AND PRECEDENCE.

257. Rank of chaplains and acting chaplains.

Section 257 of Title 34 affected.—For legislation apparently affecting this section, see § 348r of this title in the appendix.

Chapter 5.—PROMOTION AND ADVANCEMENT.

GENERAL PROVISIONS

Sec.
285a. Promotion not delayed though grade or rank is full. [New.]

SERVICE AND AGE REQUIREMENTS

311a. Section 311 of Code temporarily affected. [New.]

EQUALIZATION OF PROMOTION OF STAFF CORPS AND LINE OFFICERS. [New.]

348. Staff Corps; advancement of officers.
348a. Selection boards; creation and composition.
348b. Selection boards; oath of office; recommendations and report; pay and allowances; examination.
348c. Precedence of officers; running mates.
348d. "Passed over" defined.
348e. Assignment of running mates to staff officers.
348f. Running mates for newly commissioned or transferred officers.
348g. Assignment of new running mate.
348h. New running mate on advancement of staff officer.
348i. New running mate on promotion of old.
348j. New running mate for officer losing numbers.
348k. New running mate where old is advanced for heroism or distinguished conduct.
348l. New running mate for officer advanced for heroism or distinguished conduct.
348m. Eligibility of staff officer for consideration by selection board.
348n. Advancement of staff officers to rank of rear admiral, captain, and commander.
348o. Succeeding selection boards; duties and procedure.
348p. Computing number to be furnished selection board.
348q. Pay and allowances of staff officer of rank of rear admiral.
348r. Chaplains; commissions and advancement.
348s. Retirement for age or length of service; previous act restricted.
348t. Effect on existing law.
348u. Effect on existing pay and allowances of officers.

GENERAL PROVISIONS

285a. Promotion not delayed though grade or rank is full.—Hereafter the promotion of an officer of the Navy or Marine Corps shall not be delayed or barred because of a resulting temporary excess in the grade or rank to which promotion is due, caused by the delay for any reason of the promotion of an officer in that grade or rank to fill an existing vacancy in a higher grade or rank. (July 3, 1926, c. 774, 44 Stat. 888.)

New section. Act of July 3, 1926, c. 774, 44 Stat. 888, cited to the text, was entitled "An Act to prevent delay in the promotion of officers of the Navy and Marine Corps."

SERVICE AND AGE REQUIREMENTS

311a. Section 311 of Code temporarily affected.—Until March 5, 1929, the provisions contained in the Act approved August 29, 1916[1] (Thirty-ninth Statutes at Large, page 579), which provide for the retirement of captains, commanders, and lieutenant commanders of the line of the Navy who are more than fifty-six, fifty, and forty-five years of age, respectively, and who have become ineligible for promotion on account of such age, be, and the same are hereby, modified to the extent that captains, commanders, and lieutenant commanders shall not become ineligible for promotion and shall not be retired until they have completed thirty-five, twenty-eight, and twenty-one years, respectively, of commissioned service in the Navy, and upon the completion of such service, if not recommended for promotion, they shall be retired without regard to age under the conditions specified in said Act: *Provided*, That the commissioned service of Naval Academy graduates, for the purpose of this Act[1a] only shall be computed from June 30 of the calendar year in which the class with which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years. (June 22, 1926, c. 649, 44 Stat. 761.)

New section.

EQUALIZATION OF PROMOTION OF STAFF CORPS AND LINE OFFICERS. [New.]

348. Staff Corps; advancement of officers.—For all purposes of this Act[2] the words "staff officer" or "staff officers" as hereinafter used shall be construed to include officers of the Medical, Supply, Chaplain, Construction, Civil Engineer, and Dental Corps of the Navy only.

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[1] "Act approved Aug. 29, 1916," should be translated "section 311 of this title."

[1a] "Act" should be translated "section."

[2] "This Act" should be translated "sections 348 to 348u of this title in the appendix."

Hereafter all advancements to the ranks of rear admiral, captain, and commander in each of the staff corps above mentioned, including the advancement of staff officers who are or may be carried on the Navy list as additional to the numbers of such ranks, shall be by selection only from staff officers of the next lower respective rank in the corps concerned upon the recommendation of a board of naval officers as hereinafter provided: *Provided*, That nothing in this Act[2] shall be construed as authorizing or permitting the advancement of any officer of the Chaplain Corps or Dental Corps to a higher rank than that of captain, and the ranks of commander and captain are hereby established in the grade of dental surgeon: *Provided further*, That the advancements of staff officers herein authorized to the ranks of rear admiral, captain, and commander shall be made regardless of numbers or percentages established by any prior Acts for the distribution of staff officers in the ranks or grades of such corps, and such prior Acts in so far as they establish numbers or percentages of staff officers in the various ranks or grades are hereby repealed: *Provided further*, That nothing in this Act[2] shall be construed as authorizing or permitting in the permanent rank of rear admiral, exclusive of additional numbers, more than four officers of the Medical Corps, three officers of the Supply Corps, one officer of the Construction Corps, and one officer of the Civil Engineer Corps: *Provided further*, That when a staff officer is advanced by selection in accordance with this Act[2] to a rank which does not now exist in the grade held by him at the time of such advancement he shall be promoted to the next higher grade in his corps at the same time he is so advanced in rank: *Provided further*, That no staff officer shall be advanced to the rank of rear admiral, captain, or commander except in accordance with the provisions of this Act[2] and by and with the advice and consent of the Senate, but this shall not operate to repeal sections 1506 and 1507 of the Revised Statutes.[3] (June 10, 1926, c. 529, § 1, 44 Stat. 717.)

New section. Act of June 10, 1926, c. 529, 44 Stat. 717, cited to the text, was entitled "An Act to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line."

348a. Selection boards; creation and composition.—Boards for the selection of staff officers for recommendation for advancement to the rank of rear admiral shall be composed of not less than three nor more than nine officers of the rank of rear admiral or commodore on the active or retired list of the staff corps concerned. Boards for the selection of staff officers for recommendation for advancement to the ranks of captain and commander shall be composed of not less than six nor more than nine officers not below the rank of captain on the active or retired list of the staff corps concerned: *Provided*, That in case there be not a sufficient number of staff officers of the corps concerned legally or physically capacitated to serve on a selection board of such corps as herein provided, officers of the line on the active list of the rank of rear admiral may be detailed to duty on such board to constitute the required minimum membership: *Provided further*, That no officer shall be recommended for advancement unless he shall have received the recommendation of not less than two-thirds of the members of the board. (June 10, 1926, c. 529, § 2, 44 Stat. 717.)

New section. See note to § 348 of this title of the appendix.

348b. Selection boards; oath of office; recommendations and report; pay and allowances; examination.—Each member of the selection board herein provided for shall swear, or affirm, that he will, without prejudice or partiality and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him as herein provided.

Each said selection board shall be furnished by the Secretary of the Navy with the number of officers to be recommended for advancement by said board and with the names of all officers who are eligible for consideration for selection by said board as herein authorized, together with the record of each such officer. If a selection board does not recommend a number of officers for advancement to any rank equal to the number furnished to that board for that rank by the Secretary of the Navy as provided in this section, the difference between the number actually recommended by the board and the number furnished the board by the Secretary of the Navy may be added by the Secretary of the Navy to the number furnished by him to the next succeeding board as prescribed by this section. Any officer eligible for consideration for selection as herein authorized shall have the right to forward through official channels at any time not later than ten days after the convening of a selection board for his rank and corps a written communication inviting attention to any matter of record in the Navy Department concerning himself which he deems important in the consideration of his case: *Provided*, That such communication shall not contain any reflection upon the character, conduct, or motives of, or criticism of, any officer.

The report of each board shall be in writing, signed by all of the members, and shall certify that the board has carefully considered the case of every officer eligible for consideration by said board under the provisions of this Act,[2] and that in the opinion of not less than two-thirds of the members of the board the officers therein recommended are the best fitted of all those under consideration to assume the duties of the next higher rank. The report of the board shall be submitted to the President for approval or disapproval. In case any officer recommended by the board be not acceptable to the President, the board shall be informed of the name of such officer and may recommend another officer, provided that there be another officer eligible for consideration by said board, and if necessary the board shall be reconvened for this purpose.

When the report of the board shall have been approved by the President the officers recommended therein shall be deemed eligible for selection and shall in accordance with the provisions of this Act[2] be advanced to and commissioned in the rank for which recommended, and when so commissioned each such officer shall be given in his new commission the same date of rank which has been, or in due course will be, stated in the commission in such rank of his running mate assigned him in accordance with this Act[2]: *Provided*, That a staff officer who is recommended for advancement by the report of a selection board approved by the President shall be eligible for advancement to a higher rank in his corps under the provisions of this Act[2] if and when his running mate or an officer junior to such running mate has been promoted to that higher rank in the line of the Navy or when a vacancy in that rank exists in the line of the Navy which will in due course be filled by the promotion of his running mate or an officer junior to his running mate: *Provided further*, That a staff officer selected and advanced in accordance with the provisions of this Act[2] shall be entitled to the pay and allowances of the rank to which so advanced from the date stated in his commission, but should such date stated in his commission be prior to the date of this Act[2] he shall be entitled to the pay and allowances of the rank to which so advanced from the date of this Act[2]: *Provided further*, That any officer so selected for advancement shall prior to advancement be subject in all respects to the examinations prescribed by law for officers advanced by seniority, and in case of failure to pass the required professional examination such officer shall there-

[2] "This Act" should be translated "sections 348 to 348u of this title of the appendix."

[3] "Sections 1506 and 1507 of the Revised Statutes" should be translated "sections 341 and 342 of this title."

[2] "This Act" should be translated "sections 348 to 348u of this title of the appendix."

after be ineligible for selection and advancement. Should any such officer fail to pass the required physical examination, he shall not be considered, in the event of retirement, entitled to the next higher rank. (June 10, 1926, c. 529, § 3, 44 Stat. 717.)

New section. See note to § 348 of this title of the appendix.

348c. Precedence of officers; running mates.—Hereafter all staff officers in the Navy commissioned prior to March 4, 1913, when of the same rank as their running mates or of the rank for which their running mates have been selected, shall take precedence with all other line and staff officers of the same rank from the dates stated in the commissions or which in due course will be stated in the commissions of their running mates in said rank. Such staff officers of a higher rank than the rank held by their running mates until their running mates have been selected for such higher rank shall take precedence with all line and staff officers of the rank then held by them in accordance with the date stated in the commission of the junior line officer in such higher rank; staff officers of a lower rank than the rank held by their running mates shall take precedence with all line and staff officers of the same rank in accordance with the dates stated in the commissions that had been held by their running mates in such lower rank: *Provided*, That officers having the same rank and the same date of precedence in that rank shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) officers of the supply corps, (d) chaplains, (e) naval constructors, (f) civil engineers, (g) dental officers: *Provided further*, That staff officers assigned running mates in accordance with this Act,[2] if thereafter assigned new running mates, shall have with respect to other staff officers who also have as their running mates the new running mates so assigned, the precedence held by them prior to the assignment of such new running mates. (June 10, 1926, c. 529, § 4, 44 Stat. 719.)

New Section. See note to § 348 of this title of the appendix.

348d. "Passed over" defined.—For the purposes of this Act[2] the term "passed over," when applied to an officer, shall be construed to mean that such officer when eligible for consideration for selection for permanent advancement has failed to be so selected and an officer junior to him in the same rank and branch of the Navy has been selected and permanently advanced: *Provided*, That no staff officer shall be regarded as having been passed over by reason of the advancement to the rank of rear admiral, prior to July 1, 1918, of an officer junior to him in his corps nor by reason of the advancement in rank since that date and prior to the date of this Act[2] of any officer of his corps not now on the active list of the Navy. (June 10, 1926, c. 529, § 5, 44 Stat. 719.)

New section. See note to § 348 of this title of the appendix.

348e. Assignment of running mates to staff officers.—Each staff officer commissioned in his corps prior to March 4, 1913, who has served continuously on the active list of said corps since that date, and who has not lost numbers for any cause since January 1, 1914, or who has not been passed over, shall be assigned as his running mate the junior line officer who appeared above him on the precedence list of the Navy as published in the Navy Register of January 1, 1914; each staff officer commissioned on or after March 4, 1913, now on the active list, who has not lost numbers for any cause or who has not been passed over, shall be assigned as his running mate that line officer with or next after whom he took precedence when commissioned originally in his corps, and with whom he has taken precedence for promotion purposes in accordance with the Act of August 29, 1916:[4] *Provided*, That if the running mate who would be assigned in accordance with the foregoing clauses of this section to any staff officer appointed in his corps prior to March 4, 1913, is junior to the running mate of any staff officer appointed in the same corps, on or after said date, the staff officer first mentioned shall then be assigned as his running mate the running mate of the senior staff officer of the same corps now on the active list who was appointed on or after March 4, 1913: *Provided further*, That if the line officer assigned as a running mate to a staff officer, in accordance with this section, has become separated from the active list, has been passed over, or has for any cause lost numbers, a running mate shall be assigned such staff officer who shall be the line officer on the active list who, on the date of this Act,[2] occupies the position on the active list of the Navy next senior to that which would have been occupied by the line officer first mentioned had he not become separated from the active list, been passed over, or lost numbers: *Provided further*, That each staff officer now on the active list who has been passed over or who has lost numbers for any cause since January 1, 1914, and each staff officer appointed on or after March 4, 1913, and who has lost numbers between that date and January 1, 1914, shall be assigned as his running mate the running mate of the next senior staff officer now on the active list of the same corps, but should such running mate be senior to the running mate who would otherwise under this section have been assigned the staff officer who has been passed over, or lost numbers, as aforesaid, such staff officer shall be assigned as his running mate the line officer who would have been his running mate under this section had he not been passed over or lost numbers: *And provided further*, That any officer of a staff corps of the Navy advanced to the rank of rear admiral prior to July 1, 1918, shall have as his running mate that line officer who shall be the running mate of the officer in his own corps next junior to such staff officer on the date of this Act[2] or thereafter until such time as the line officer who would otherwise be assigned as the running mate of such staff officer in accordance with this Act[2] becomes his running mate. (June 10, 1926, c. 529, § 6, 44 Stat. 719.)

New section. See note to § 348 of this title of the appendix.

348f. Running mates for newly commissioned or transferred officers.—Hereafter each staff officer, when first commissioned in the Navy, shall have assigned as his running mate that line officer who at the time is the junior officer of the rank in which the staff officer is commissioned: *Provided*, That a line officer hereafter transferred to a staff corps shall retain the rank and date of commission in such rank held by him at the time of such transfer and shall have assigned as his running mate that line officer immediately above him in the Navy at the time of such transfer. (June 10, 1926, c. 529, § 7, 44 Stat. 720.)

New section. See note to § 348 of this title of the appendix.

348g. Assignment of new running mate.—Should the running mate assigned a staff officer be separated from the active list, or for any cause lose numbers, a new running mate shall be assigned such staff officer who shall be the line officer next senior to such former running mate, or the line officer next junior if such former running mate was the senior officer in the rank concerned. (June 10, 1926, c. 529, § 8, 44 Stat. 720.)

New section. See note to § 348 of this title of the appendix.

348h. New running mate on advancement of staff officer.—When a staff officer is advanced whose running mate has not been selected such staff officer shall have assigned as a new running mate the line officer who is selected and promoted next senior to his former running mate: *Provided*, That should his running mate be the senior officer in the rank from which said staff officer is advanced, such staff officer shall have as-

[2] "This Act" should be translated "sections 348 to 348u of this title of the appendix."

[4] "Act of August 29, 1916," should be translated "sections 3 to 10 of this title."

[2] "This Act" should be translated "sections 348 to 348u of this title of the appendix."

signed as his new running mate the senior line officer recommended for selection by the immediately preceding line selection board as approved by the President. (June 10, 1926, c. 529, § 9, 44 Stat. 720.)

New section. See note to § 348 of this title of the appendix.

348i. New running mate on promotion of old.—If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fail to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced shall have assigned as a new running mate the senior line officer in the rank to which advanced who was promoted to that rank upon recommendation of the line selection board immediately succeeding the last staff selection board which considered such staff officer but did not recommend him for advancement in its report as approved by the President: *Provided further*, That the foregoing provisions of this section shall not apply to officers of the staff corps of the rank of captain who, when eligible for promotion to the rank of rear admiral, are not passed over; such officers shall retain their running mates, and if subsequently promoted to the rank of rear admiral shall continue to retain the running mates they had while in the rank of captain. (June 10, 1926, c. 529, § 10, 44 Stat. 720.)

New section. See note to § 348 of this title of the appendix.

348j. New running mate for officer losing numbers.—If a staff officer shall lose numbers for any cause he shall have assigned as his new running mate the line officer who is the running mate of the junior of those officers in his corps who becomes or will become senior to him as the result of such loss of numbers. (June 10, 1926, c. 529, § 11, 44 Stat. 721.)

New section. See note to § 348 of this title of the appendix.

348k. New running mate where old is advanced for heroism or distinguished conduct.—If the running mate of a staff officer shall be advanced in accordance with section 1506 or section 1508 of the Revised Statutes,[5] such staff officer shall have assigned as his new running mate the line officer not advanced who was next senior to his former running mate in the rank in which the staff officer remains, or if there remain in that rank no line officer who was senior to such former running mate in the rank concerned, such staff officer shall then have assigned as his new running mate the senior line officer in the rank in which such staff officer remains. (June 10, 1926, c. 529, § 12, 44 Stat. 721.)

New section. See note to § 348 of this title of the appendix.

348l. New running mate for officer advanced for heroism or distinguished conduct.—If a staff officer shall be advanced in accordance with section 1506 of the Revised Statutes,[6] he shall have assigned as his new running mate the line officer who is the running mate of the officer in his corps immediately senior to such staff officer in the position to which he is so advanced.

New section. See note to § 348 of this title of the appendix.

348m. Eligibility of staff officer for consideration by selection board.—Hereafter a staff officer shall become eligible for consideration by a selection board for recommendation for advancement to the next higher rank when the President approves the report of a line selection board in which the running mate of such staff officer or a line officer junior to such running mate is recommended for promotion to the next higher rank above that held by such staff officer: *Provided*, That on the date of this Act[7] a staff officer shall immediately become eligible for consideration by a selection board for recommendation for advancement to the next higher rank if his running mate or a line officer junior to such running mate has heretofore been permanently promoted to a rank above that now held by such staff officer or if his running mate or a line officer junior to such running mate has been recommended for such permanent promotion by the report of a selection board which has heretofore been approved by the President. (June 10, 1926, c. 529, § 14, 44 Stat. 721.)

New section. See note to § 348 of this title of the appendix.

348n. Advancement of staff officers to rank of rear admiral, captain, and commander.—As soon as practicable after the date of this Act,[7] boards for the selection of staff officers for advancement to the ranks of rear admiral, captain, and commander shall be appointed by the Secretary of the Navy in accordance with section 2 of this Act.[7]

Each such board appointed to recommend staff officers for advancement to the rank of rear admiral shall recommend for advancement to such rank in the corps for which it was appointed, from such staff officers of the next lower rank in said corps who are eligible for consideration by such board in accordance with this Act,[7] such officers, not to exceed the number furnished it by the Secretary of the Navy, as according to its judgment, its oath, and the terms of the certificate herein required should be advanced to the next higher rank. The number so computed and furnished such board by the Secretary of the Navy shall be that number of officers which if advanced to the rank of rear admiral in the corps concerned will make the total number of staff officers on the active list of said corps in the rank of rear admiral, exclusive of additional numbers in said rank, 61 per centum of the total number of officers on the active list of said corps of the ranks of rear admiral and captain, exclusive of additional numbers in said ranks, whose running mates or line officers junior to such running mates have been promoted to the rank of rear admiral or have been recommended for such promotion by the report of a selection board which has heretofore been approved by the President: *Provided*, That the number to be furnished such board by the Secretary of the Navy shall not exceed that number of officers which if advanced to the rank of rear admiral in the corps concerned would make the total number of officers on the active list in that rank and corps more than the maximum number prescribed for said rank and corps by section 1 of this Act.[8]

Each such board appointed to recommend staff officers for advancement to the rank of captain shall recommend for advancement to such rank in the corps for which it was appointed, from such staff officers of the next lower rank in said corps who are eligible for consideration in accordance with section 14 of this Act,[9] such officers not to exceed the number furnished it by the Secretary of the Navy, as according to its judgment, its oath, and the terms of the certificate herein required, should be advanced to the next higher rank. The number so computed and furnished such board by the Secretary of the Navy shall be that number of officers which, if advanced to the rank

[5] "Sections 1506 or section 1508 of the Revised Statutes" should be translated "sections 341 and 345 of this title."

[6] "Section 1506 of the Revised Statutes" should be translated "section 341 of this title."

[7] "This Act" should be translated "sections 348–348u of this title of the appendix."

[7] "Section 2 of this Act" should be translated "section 348a of this title of the appendix."

[8] "Section 1 of this Act" should be translated "section 248 of this title of the appendix."

[9] "Section 14 of this Act" should be translated "section 348m of this title of the appendix."

of captain in the corps concerned, will make the total number of staff officers on the active list in the rank of captain of said corps, exclusive of additional numbers in said rank, 91 per centum of the total number of officers on the active list of said corps of the ranks of captain and commander whose running mates or line officers junior to such running mates are captains, excluding additional numbers in said ranks and excluding such officers of the rank of captain, in each corps whose running mates or juniors thereto have been recommended for promotion to the rank of rear admiral by the report of a selection board which has heretofore been approved by the President.

Each such board appointed to recommend staff officers for advancement to the rank of commander shall recommend for advancement to such rank in the corps for which it was appointed, from such staff officers of the next lower rank in said corps who are eligible for consideration in accordance with section 14 of this Act,[9] such officers not to exceed the number furnished it by the Secretary of the Navy, as according to its judgment, its oath, and the terms of the certificate herein required, should be advanced to the next higher rank. The number so computed and furnished such board by the Secretary of the Navy shall be that number of officers which, if advanced to the rank of commander in the corps concerned, will make the total number of staff officers on the active list in the rank of commander of said corps, exclusive of additional numbers in said rank, 91 per centum of the total number of officers on the active list of said corps of the ranks of commander and lieutenant commander whose running mates or line officers junior to such running mates are commanders, excluding additional numbers in said ranks and excluding such officers of the rank of commander in each corps whose running mates or juniors thereto have been recommended for promotion to the rank of captain by the report of a selection board which has heretofore been approved by the President. (June 10, 1926, c. 529, § 15, 44 Stat. 721.)

New section. See note to § 348 of this title of the appendix.

348. Succeeding selection boards; duties and procedure.—After the President has approved the report of the selection boards, provided for in section 15 of this Act,[10] succeeding boards to recommend staff officers for advancement to the ranks of rear admiral, captain and commander, respectively, shall be appointed by the Secretary of the Navy in accordance with section 2 of this Act[7] as soon as practicable after the President has approved the report of each line selection board hereafter submitted to him.

Each such board appointed to recommend staff officers for advancement to the rank of rear admiral, and each such board appointed to recommend staff officers for advancement to the ranks of captain and commander, shall recommend for advancement in the corps for which it is appointed, from such staff officers in the next lower rank in said corps who are eligible for consideration by said board in accordance with this Act,[2] such officers as according to its judgment, its oath, and the terms of the certificate herein required, should be advanced to the next higher rank not to exceed the number furnished it by the Secretary of the Navy. The number so furnished each board shall be computed in the following manner: The number for each rank in each corps shall be determined as of the date of the approval by the President of the last preceding line selection board and shall be a fraction of the number of officers in the next lower rank in said corps eligible for consideration by a selection board as provided in this Act,[2] exclusive of additional numbers and inclusive of those officers who would otherwise have been eligible for consideration by the board concerned but who have been retired from said rank upon their own application after thirty years' service if such application was submitted within one year prior to the date that they would have become eligible for consideration by a selection board: *Provided*, That the number to be furnished such board by the Secretary of the Navy shall not exceed that number of officers which, if advanced to the rank of rear admiral in the corps concerned, would make the total number of officers on the active list in that rank and corps more than the maximum number prescribed for said rank and corps by section 1 of this Act.[8]

In determining the number of staff officers to which such fraction shall be applied, no staff officer shall be counted who was included in any preceding computation for the same rank or who was eligible for consideration for the same rank on the date of this Act.[2] The numerator of the fraction for each rank shall be a number equal to the total number of line officers recommended for promotion to that rank by the report of the preceding four line-selection boards as approved by the President. The denominator of the fraction for each rank shall be a number equal to the total number of line officers whose names have appeared upon the active list of the next lower rank, from and excluding the junior line officer in that rank recommended for promotion by the report of the fifth preceding line-selection board approved by the President, to and including the junior line officer in that rank recommended for promotion by the report of the last preceding line-selection board as approved by the President, exclusive of those officers who have become separated from the active list for reasons other than retirement because of ineligibility for promotion or upon their own application after thirty years' service if such application was submitted within one year prior to the date that they would have become ineligible for promotion by reason of age or length of service. (June 10, 1926, c. 529, § 16, 44 Stat. 723.)

New section. See note to § 348 of this title of the appendix.

348p. Computing number to be furnished selection board.—In computing the number to be furnished each selection board by the Secretary of the Navy as provided in the preceding section, if the result of such computation for any rank in any corps shall be a mixed number, the fraction, if less than one-half, shall be eliminated and the whole number shall be furnished the board, but such fraction shall be carried forward and added to the number obtained as the result of the computation for the next succeeding selection board appointed for the same rank and corps in order to determine the number to be furnished by the Secretary of the Navy to such succeeding selection board.

In computing the number to be furnished each selection board by the Secretary of the Navy as provided in the preceding section, if the result of such computation for any rank in any corps shall be a mixed number in which the fraction shall be one-half or greater, the whole number next above shall be furnished the board, but the difference between such fraction and one shall be subtracted from the number obtained as the result of the computation for the next succeeding selection board appointed for the same rank and corps in order to determine the number to be furnished by the Secretary of the Navy to such succeeding selection board. (June 10, 1926, c. 529, § 17, 44 Stat. 724.)

New section. See note to § 348 of this title of the appendix.

[2] "This Act" should be translated "sections 348 to 348u of this title of the appendix."

[7] "Section 2 of this Act" should be translated "section 348a of this title of the appendix."

[8] "Section 1 of this Act" should be translated "section 348 of this title of the appendix."

[9] "Section 14 of this Act" should be translated "section 348m of this title of the appendix."

[10] "Section 15 of this Act" should be translated "section 348n of this title of the appendix."

348q. Pay and allowances of staff officer of rank of rear admiral.—All staff officers of the rank of rear admiral now on the active list who are not now receiving the pay and allowances of the upper half of such rank, and all staff officers who may hereafter be advanced to the rank of rear admiral on the active list, shall receive the pay and allowances prescribed by law for rear admirals of the upper half from the date on which their respective running mates became entitled or shall hereafter become entitled to such pay and allowances: *Provided*, That no staff officer shall become by virtue of this Act[2] entitled to any increased pay or allowances prior to the date of this Act.[2] (June 10, 1926, c. 529, § 18, 44 Stat. 724.)

New section. See note to § 348 of this title of the appendix.

348r. Chaplains; commissions and advancement.—The provisions of existing law which require acting chaplains to serve for a period of three years on board ship in order to become eligible for commissions as chaplains, and which restrict the number of acting chaplains who may be commissioned as chaplains each year,[11] are hereby repealed, and hereafter all acting chaplains shall be commissioned as chaplains when advanced in accordance with the provisions contained in this Act to the rank of lieutenant.

That all other officers now on the active list in the Corps of Chaplains and all officers who may hereafter be appointed thereto shall be advanced in rank, up to and including the rank of lieutenant commander, with the officer of the line with whom or next after whom they take precedence, provided they are found qualified in accordance with law for such advancement. (June 10, 1926, c. 529, § 19, 44 Stat. 724.)

New section. See note to § 348 of this title of the appendix.

348s. Retirement for age or length of service; previous act restricted.—Hereafter section 1481, Revised Statutes[12] of the United States, as amended, shall apply only to officers of the Corps of Professors of Mathematics. (June 10, 1926, c. 529, § 20, 44 Stat. 724.)

New section. See note to § 348 of this title of the appendix.

348t. Effect on existing law.—Nothing contained in this Act[2] shall operate to change the provisions of existing law as to the authorized number, eligibility of officers, date of commission, or pay for permanent rank of rear admiral in those staff corps where but one officer of such permanent rank is authorized. (June 10, 1926, c. 529, § 21, 44 Stat. 724.)

New section. See note to § 348 of this title of the appendix.

348u. Effect on existing pay and allowances of officers.—Nothing contained in this Act[2] shall operate to reduce the pay and allowances of any officer below the pay and allowances to which he is entitled by reason of his rank and length of service on the date of the approval of this Act.[2] (June 10, 1926, c. 529, § 22, 44 Stat. 724.)

New section. See note to § 348 of this title of the appendix.

Chapter 6.—GRATUITIES, MEDALS, AND OTHER INSIGNIA OF HONOR; MEDAL OF HONOR ROLL; BADGES.

GRATUITIES, MEDALS, ETC.

Sec.
356a. Distinguished flying cross. [New.]
357. Additional pay to persons awarded medals or crosses.
357a. Additional pay to persons awarded distinguished flying cross. [New.]
358. Bars or other insignia for additional acts of valor.

[2] "This Act" should be translated "sections 348 to 348u of this title of the appendix."

[11] See sections 92, 93, and 94 of this title in the Code.

[12] "Section 1481, Revised Statutes," should be translated "section 395 of this title of the Code."

GRATUITIES, MEDALS, ETC.

356a. Distinguished flying cross.—Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this Act,[13] the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, since the 6th day of April, 1917, has distinguished or who, after the approval of this Act, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have heretofore been recommended for but have not received the congressional medal of honor, the distinguished service cross, or the distinguished service medal and except those officers or enlisted men who displayed heroism while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable. (July 2, 1926, c. 721, § 12, 44 Stat. 789.)

New section.

357. Additional pay to persons awarded medals or crosses.

See § 357a of this title in the appendix.

357a. Additional pay to person awarded distinguished flying cross.—Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as hereinbefore provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the act of heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (July 2, 1926, c. 721, § 13, 44 Stat. 789.)

New section.

358. Bars or other insignia for additional acts of valor.

See § 356a of this title in the appendix.

Chapter 7.—RETIREMENT.

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

Sec.
395. Officers of Medical and Supply Corps, chaplains, professors of mathematics, and constructors.

[13] The text is derived from § 12 of an Act relating in the main to the Army Air Corps, and to be found in c. 18 of Title 10, ARMY, in the appendix. Section 14 of that Act provides that the Act shall not be retroactive except as therein provided.

RETIREMENT OF NURSES. [New.]

Sec.
436. Retirement authorized.
437. Pay of retired nurse.
438. Service considered in computation.
439. Title; uniform; use in emergency.

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

395. Officers of Medical and Supply Corps, chaplains, professors of mathematics, and constructors.

Section 395 of Title 34 restricted.—For legislation restricting this section to professors of mathematics, see § 348s of this title in the appendix.

RETIREMENT OF NURSES. [New.]

436. Retirement authorized.—When a member of the Army Nurse Corps or the Navy Nurse Corps shall have served thirty years, or shall have reached the age of fifty years, having served twenty years, she may, in the discretion of the Secretary of War or the Secretary of the Navy, respectively, be retired from active service and placed on a list, hereby created in each of the aforementioned services and designated the "Nurse Corps Retired List," in the grade to which she belonged at the time of her retirement. (May 13, 1926, c. 289, § 1, 44 Stat. 531.)

New section. Act of May 13, 1926, c. 289, § 1, 44 Stat. 531, cited to the text, was entitled "An Act to provide retirement for the Nurse Corps of the Army and Navy."

437. Pay of retired nurse.—The annual pay of a retired member of the Army Nurse Corps or the Navy Nurse Corps shall be 3 per centum of the annual active base pay which she is receiving at the time of retirement multiplied by the number of complete years of service rendered prior to retirement, but not exceeding 75 per centum of such annual active base pay; and, in addition, supplemental annual retired pay for each complete year of active service rendered prior to retirement in each of the grades hereafter named, as follows: Chief nurse, $18; assistant superintendent, $45; director, $45; assistant director, $45; superintendent, $75: *Provided*, That in computing the period of service in any grade for such supplemental retired pay any period less than a year served in any higher grade may be included. (May 13, 1926, c. 289, § 2, 44 Stat. 532.)

New section. See note to § 436 of this title of the appendix.

438. Service considered in computation.—For the purpose of computing eligibility for retirement and retired pay, there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as contract nurse prior to February 2, 1901, and service as a reserve nurse on active duty since February 2, 1901. (May 13, 1926, c. 289, § 3, 44 Stat. 532.)

New section. See note to § 436 of this title of the appendix.

439. Title; uniform; use in emergency.—Retired nurses shall be authorized to bear the title and may, under such regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, wear the uniform of the grade held at the time of retirement, and, in time of war or national emergency, may be employed on active duty, in the discretion of the Secretary of War or the Secretary of the Navy, and when so employed shall receive the full active pay and allowances of their respective grades. (May 13, 1926, c. 289, § 4, 44 Stat. 532.)

New section. See note to § 436 of this title of the appendix.

Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN.

Sec.
441a. Detail of officers and enlisted men to assist foreign governments. [New.]
448a. Detail of enlisted men to Bureau of Navigation. [New.]

441a. Detail of officers and enlisted men to assist foreign governments.—That the President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States. (May 19, 1926, c. 334, 44 Stat. 565.)

New section. Act of May 19, 1926, c. 334, 44 Stat. 565, cited to the text, was entitled: "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters."

448a. Detail of enlisted men to Bureau of Navigation.—There may be detailed to the Bureau of Navigation not to exceed at any one time twenty-four enlisted men of the Navy. (May 21, 1926, c. 355, 44 Stat. 613.)

New section.

Chapter 10.—NAVY YARDS AND NAVAL STATIONS.

515. Building of aircraft, spare parts, or equipment at navy yard.

See par. 3 of § 749a of this title in the appendix.

Chapter 11.—NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS.

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

551a. Transfer of surplus books to Interior Department.—That the Secretary of the Navy is hereby authorized to transfer such books as may not be required for the uses of the Navy Department to the Interior Department as the Secretary of the Interior may consider useful for educational purposes at the Indian school at Santa Fe, New Mexico, and other Indian schools throughout the United States. (July 3, 1926, c. 763, 44 Stat. 836.)

New section.

Chapter 13.—THE MARINE CORPS.

ORGANIZATION GENERALLY

Sec.
640. Warrant grades of marine gunner and quartermaster clerk.
641. Pay clerks.
642. Pay clerk; chief marine gunner; chief quartermaster clerk; chief pay clerk. [New.]

RANK; BREVETS; COMPUTATION OF LENGTH OF SERVICE; CREDIT FOR VOLUNTEER SERVICE

654. Time spent in Naval Academy. [New.]

PROMOTIONS AND ADVANCEMENTS

671a. Promotion not delayed though grade or rank is full. [New.]

MARINE BAND

701a. Pay and allowances of retired and transferred members. [New.]

ORGANIZATION GENERALLY

640. Warrant grades of marine gunner and quartermaster clerk.

Section 640 of Title 34 affected.—See § 642 of this title in the appendix for legislation affecting this section.

641. Pay clerks.

Section 641 of Title 34 affected.—See § 642 of this title in the appendix for legislation affecting this section.

642. Pay clerk; chief marine gunner; chief quartermaster clerk; chief pay clerk.—The warrant grade of pay clerk in the United States Marine Corps is hereby established, appointments thereto to be made in accordance with regulations prescribed by the Secretary of the Navy. Officers in said grade shall have the same rank, pay, allowances, and other benefits as now are or may hereafter be allowed other warrant officers in the Marine Corps. All pay clerks hereafter appointed shall be warrant officers. Pay clerks now in the Marine Corps shall be warranted as pay clerks under the provisions of this Act and shall take rank in accordance with their present dates of precedence.

The commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the Marine Corps are hereby established, and that marine gunners, quartermaster clerks, and pay clerks shall after six years from the date of warrant be commissioned chief marine gunners, chief quartermaster clerks, and chief pay clerks, respectively, after passing satisfactorily such examinations as the Secretary of the Navy may prescribe, and when so commissioned they shall have the same rank, pay, allowances, and other benefits as now are or may hereafter be allowed commissioned warrant officers of the Navy: *Provided*, That for the purpose of computing the six-year period of service required for promotion from warrant to chief warrant rank, all service as pay clerk, warrant officer, and commissioned officer in the Marine Corps and all active service for purposes other than training rendered during the period from April 6, 1917, to December 31, 1921, under a temporary appointment as a pay clerk, warrant or commissioned officer in the United States Marine Corps, or as a pay clerk, warrant or commissioned officer in the United States Marine Corps Reserve, shall be counted: *Provided, further*, That nothing contained herein shall be construed so as to reduce the pay, allowances, emoluments, or other benefits that any person now in the service would have received but for the passage of this Act:[14] *And provided further*, That the total number of warrant officers and commissioned warrant officers shall not exceed the total number of warrant officers and pay clerks now authorized by law. (June 10, 1926, c. 530, 44 Stat. 725.)

New section.

RANK; BREVETS; COMPUTATION OF LENGTH OF SERVICE; CREDIT FOR VOLUNTEER SERVICE

654. Time spent in Naval Academy.

See § 230 of this title in the Code and in the appendix.

PROMOTIONS AND ADVANCEMENTS

671a. Promotion not delayed though grade or rank is full.—Hereafter the promotion of an officer of the Navy or Marine Corps shall not be delayed or barred because of a resulting temporary excess in the grade or rank to which promotion is due, caused by the delay for any reason of the promotion of an officer in that grade or rank to fill an existing vacancy in a higher grade or rank. (July 3, 1926, c. 774, 44 Stat 888.)

New section.

MARINE BAND

701a. Pay and allowances of retired and transferred members.—The provisions of section 11, of the Act of March 4, 1925,[15] an Act providing for sundry matters affecting the naval service, establishing the pay and allowances authorized for the second leader and the musicians of the band of the United States Marine Corps, shall apply in computing the pay of all former members of the band now on the retired list, including those former members transferred to the Fleet Marine Corps Reserve and who are now on the active and retired list of the Fleet Marine Corps Reserve. (May 19, 1926, c. 335, 44 Stat. 565.)

New section.

[14] "Act" should be translated "section."

[15] "Act of March 4, 1925," should be translated "section 701 of this title of the Code."

Chapter 14.—NAVAL AVIATION.

GENERAL PROVISIONS

Sec.
735. Personnel; definitions. [New.]

CONSTRUCTION OF AIRCRAFT AND ENCOURAGEMENT OF AVIATION. [New]

749. Construction program.
749a. Construction of rigid airships, building of airships at navy yard.
750. Encouragement of aviation.

GENERAL PROVISIONS

735. Personnel; definitions.—PAR. 1. "*Naval aviator*" *defined.*—That hereafter when the term "naval aviator" is used in this Act[16] or any other Act it shall mean any commissioned officer or warrant line officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority for naval aviators and who has been or may hereafter be designated or appointed a naval aviator by competent authority and who has flown alone in a heavier-than-air craft not less than seventy-five hours and who has flown in heavier-than-air craft a total of not less than two hundred hours or who has been in the air under training, in rigid airships not less than one hundred and fifty hours and successfully completed the course prescribed by competent authority.

PAR. 2. "*Aviation pilot*" *defined.*—That hereafter when the term "aviation pilot" is used in this Act[16] or any other Act it shall mean any enlisted man in the Navy or Marine Corps who has successfully completed the course prescribed for aviation pilots and who has been or may hereafter be designated or appointed an aviation pilot by competent authority and who has flown alone in a heavier-than-air craft not less than seventy-five hours and who has flown in heavier-than-air craft a total of not less than two hundred hours.

The term "pilot" shall be construed to mean a naval aviator or an aviation pilot.

PAR. 3. "*Naval aviation observer*" *defined.*—That hereafter when the term "naval aviation observer" is used in this Act[16] or any other Act it shall mean any commissioned or warrant officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority as a naval aviation observer and who has been in the air not less than one hundred hours and who has been or may hereafter be designated or appointed as a naval aviation observer by competent authority in the Navy.

PAR. 4. *Line officers of Navy detailed to aviation schools, stations and units—qualifications.*—That hereafter when a line officer of the Navy is to be detailed to the command of a Navy aviation school or of a Navy air station or of a Navy air unit organized for flight tactical purposes he shall be a naval aviator.

PAR. 5. *Line officers of Navy detailed to aircraft carriers and tenders—qualifications.*—Line officers detailed to command of aircraft carriers or aircraft tenders shall be naval aviators or naval aviation observers who are otherwise qualified.

PAR. 6. *Promotion of officers specializing in aviation.*—That any officer of the Navy, line, or staff of the permanent rank or grade of commander or lieutenant commander, at the time of the passage of this Act who has specialized in aviation for such

[16] The text is derived from § 2 of the Act of June 24, 1926. Section 1 of that Act is § 749 of this title in the appendix, § 3 is § 735 of this title in the appendix, and § 4 appears in c. 7 of Title 5, EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES, in the appendix.

a period of time as to jeopardize his selection for promotion or advancement to the next higher grade or rank under existing provisions of law and whose service in aviation has been in the public interest shall be so notified by the Secretary of the Navy and at his own request be designated as an officer who will be carried as an additional number in the next higher grade or rank not above the grade of captain if and when promoted or advanced thereto: *Provided*, That selection boards in cases of such officers shall confine their consideration to the fitness alone of such officers for promotion, not to the comparative fitness of such officers.

PAR. 7. *Line officers of Marine Corps detailed to aviation service—qualifications.*—That hereafter when a line officer of the Marine Corps is to be detailed to the command of a Marine Corps aviation school or of a Marine Corps air station or of a Marine Corps air unit organized for flight tactical purposes he shall be a Marine Corps aviator.

PAR. 8. *Number of enlisted pilots.*—On and after July 1, 1928, the number of enlisted pilots in the Navy shall not be less than 30 per centum of the total number of pilots employed in the Navy on aviation duty. (June 24, 1926, c. 668, § 3, 44 Stat. 766.)

New section.

CONSTRUCTION OF AIRCRAFT AND ENCOURAGEMENT OF AVIATION. [New]

749. Construction program.—For the purpose of further developing and further increasing aeronautics in the Navy, the President of the United States is hereby authorized to undertake the construction and procurement of aircraft, spare parts, and equipment for the Navy as enumerated below:

PARAGRAPH 1. During the fiscal year ending June 30, 1927, not to exceed two hundred and thirty-five airplanes with spare parts and equipment, to cost not to exceed $12,285,000: *Provided*, That the number of airplanes and the limit of cost herein specified for the fiscal year ending June 30, 1927, shall be in addition to the seventy-eight airplanes with spare parts and equipment for which the sum of $3,300,000 is included under the appropriation increase of the Navy in the Navy Department and Naval Establishment Appropriation Act for the fiscal year ending June 30, 1927.

PAR. 2. During the fiscal year ending June 30, 1928, not to exceed three hundred and thirteen airplanes with spare parts and equipment, to cost not to exceed $16,223,750.

PAR. 3. During the fiscal year ending June 30, 1929, not to exceed three hundred and thirty-five airplanes with spare parts and equipment, to cost not to exceed $17,582,500.

PAR. 4. During the fiscal year ending June 30, 1930, not to exceed three hundred and fifty-seven airplanes with spare parts and equipment, to cost not to exceed $18,941,250.

PAR. 5. During the fiscal year ending June 30, 1931, not to exceed three hundred and seventy-four airplanes with spare parts and equipment, to cost not to exceed $20,046,250; in all, during the five-year period beginning July 1, 1926, and ending June 30, 1931, one thousand six hundred and fourteen airplanes, with spare parts and equipment, to cost not to exceed $85,078,750.

PAR. 6. During the fiscal year ending June 30, 1932, and during each fiscal year thereafter, not to exceed three hundred and thirty-three airplanes with spare parts and equipment, to cost not to exceed $17,476,250.

PAR. 7. The number of airplanes, spare parts, and equipment thus authorized to be constructed or procured during the five fiscal years beginning July 1, 1926, and ending June 30, 1931, and the number authorized to be constructed or procured during the fiscal year ending June 30, 1932, and during each fiscal year thereafter is the number which it has been estimated will be required to increase, during a five-year period beginning July 1, 1926, the useful airplanes on hand or otherwise provided for on June 30, 1926, to one thousand and to maintain the number of useful airplanes at not less than this number which is hereby established as the authorized number of useful airplanes to be employed in the Navy: *Provided*, That, in the event satisfactory arrangements for the procurement of the authorized number of airplanes are not made in any fiscal year, such deficiency may be made up in the next ensuing year or years: *Provided further*, That "useful airplanes," as used in this Act,[14] shall be those airplanes on the Navy list which are, or which after reasonable repairs can be made, in all respects safe to fly and fitted to take part in active military operations in time of war, and shall be exclusive of those airplanes classified as experimental or, with the approval of the Secretary of the Navy, declared obsolete: *Provided further*, That nothing herein shall be construed as more than an authorization for the procurement of aircraft within the limits enumerated in this Act,[14a] nor in any way to abridge the right of Congress to determine what numbers of aircraft may be appropriated for in any fiscal year within the limits so authorized. (June 24, 1926, c. 668, § 1, 44 Stat. 764.)

New section. The Act of June 24, 1926, was in four sections. Section 2 is § 749a of this title in the appendix, § 3 is § 735 of this title in the appendix, and § 4, authorizing another Assistant Secretary of the Navy appears in c. 7 of Title 5, EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES, in the appendix.

749a. Construction of rigid airships; building of airships at navy yard.—PARAGRAPH 1. Two rigid airships of a type suitable for use as adjuncts to the fleet and of approximately six million cubic feet volume each at a total cost not to exceed $8,000,000 for both ships, construction of one to be undertaken as soon as practicable and prior to July 1, 1928: *Provided*, That the two airships herein authorized shall be constructed in the United States: *Provided further*, That one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy, or by the Navy Department, as the Secretary of the Navy may deem to be in the best interests of the Government.

PAR. 2. One experimental metalclad airship of approximately two hundred thousand cubic feet volume, at a cost not to exceed $300,000, chargeable to the appropriation provided in the Navy Department and Naval Establishment Appropriation Act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft: *Provided*, That the metalclad airship herein authorized shall be procured under contract, only on such terms and subject to such restrictions as the Secretary of the Navy may deem proper: *Provided further*, That to expedite construction of the experimental metalclad airship, $300,000 of the sum of $1,928,000 included in the Navy Department and Naval Establishment Appropriation Act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft may be made immediately available.

PAR. 3. The Secretary of the Navy is authorized to build at any navy yard or naval factory any of the aircraft, spare parts, or equipment herein authorized should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said aircraft, spare parts, or equipment have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said aircraft, spare parts, or equipment, or should it reasonably appear that any persons, firm, or corporation, or the agents thereof, being solely or peculiarly in position to manufacture or furnish the particular type or design of aircraft, spare parts, or equipment

[14] "Act" should be translated "section."

[14a] "This Act" should be translated "sections 749 and 749a of this title of the appendix."

required by the Navy, in bidding on such aircraft, spare parts, or equipment, have named a price in excess of cost of production plus a reasonable profit.

To provide for the construction of the heavier-than-air craft and the lighter-than-air craft herein enumerated and described, except that experimental metalclad airship, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, including, for the fiscal year ending June 30, 1927, toward the construction of the heavier-than-air craft program, the sum of not to exceed $12,285,000 and toward the construction of the two rigid airships, to be available until expended, $1,100,000, of which sum $100,000 may be made immediately available. (June 24, 1926, c. 668, § 2, 44 Stat. 765.)

New section.

750. Encouragement of aviation.—(a) *Aeronautic matériel; advertisement for bids for designs for aircrafts and accessories.*—That in order to encourage the development of aviation and improve the efficiency of the Army and Navy aeronautical matériel the Secretary of War or the Secretary of the Navy, prior to the procurement of new designs of aircraft or aircraft parts or aeronautical accessories, shall, by advertisement for a period of thirty days in at least three of the leading aeronautical journals and in such other manner as he may deem advisable, invite the submission in competition, by sealed communications, of such designs of aircraft, aircraft parts, and aeronautical accessories, together with a statement of the price for which such designs in whole or in part will be sold to the Government.

(b) *Contents of advertisement; submission of bids to board; report of winner.*—The aforesaid advertisement shall specify a sufficient time, not less than sixty days from the expiration of the advertising period, within which all such communications containing designs and prices therefor must be submitted, and all such communications received shall be carefully kept sealed in the War Department or the Navy Department, as the case may be, until the expiration of said specified time, and no designs mailed after that time shall be received or considered. Said advertisement shall state in general terms the kind of aircraft, parts, or accessories to be developed and the approximate number or quantity required, and the department concerned shall furnish to each applicant identical specific detailed information as to the conditions and requirements of the competition and as to the various features and characteristics to be developed, listing specifically the respective measures of merit, expressed in rates per centum, that shall be applied in determining the merits of the designs, and said measures of merit shall be adhered to throughout such competition. All designs received up to the time specified for submitting them shall then be referred to a board appointed for that purpose by the Secretary of the department concerned and shall be appraised by it as soon as practicable and report made to the Secretary as to the winner or winners of such competition. When said Secretary shall have approved the report of said board, he shall then fix a time and place for a public announcement of the results and notify each competitor thereof; but if said report shall be disapproved by said Secretary, the papers shall be returned to the board for revision or the competition be decided by the Secretary, in his discretion, and in any case the decision of the Secretary shall be final and conclusive. Such announcement shall include the percentages awarded to each of the several features or characteristics of the designs submitted by each competitor and the prices named by the competitors for their designs and the several features thereof if separable.

(c) *Contract with winners.* Thereupon the said Secretary is authorized to contract with the winner or winners in such competition on such terms and conditions as he may deem most advantageous to the Government for furnishing or constructing all of each of the items, or all of any one or more of the several items of the aircraft, or parts, or accessories indicated in the advertisement, as the said Secretary shall find that in his judgment a winner is, or can within a reasonable time become, able and equipped to furnish or construct satisfactorily all or part, provided said Secretary and the winner shall be able to agree on a reasonable price. If the Secretary shall decide that a winner cannot reasonably carry out and perform a contract for all or part of such aircraft, parts, or accessories, as above provided, then he is authorized to purchase the winning designs or any separable parts thereof if a fair and reasonable price can be agreed on with the winner, but not in excess of the price submitted with the designs.

(d) *Construction according to winning designs; application for patent by winner.*—After contract is made, as authorized by any provision of this section, with a winner in such design competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories in accordance with his designs and payment is completed under said contract, and after the purchase of and payment for the designs or separable parts thereof of a winner, as authorized herein, with whom a contract shall not have been made for furnishing or constructing aircraft, aircraft parts or aeronautical accessories in accordance with his designs, then in either case any department of the Government shall have the right without further compensation to the winner to construct or have constructed according to said designs and use any number of aircraft or parts or accessories, and sell said aircraft or parts or accessories according to law as condemned material: *Provided*, That such winner shall, nevertheless, be at liberty to apply for a patent on any features originated by him, and shall be entitled to enjoy the exclusive rights under such patent as he may obtain as against all other persons except the United States Government or its assignee as aforesaid.

(e) *Submission by competitors of graduated scale of prices.*—The competitors in design competition mentioned in this section shall submit with their designs a graduated scale of prices for which they are willing to construct any or all or each of the aircraft, aircraft parts, and aeronautical accessories for which designs are submitted and such stated prices shall not be exceeded in the awarding of contracts contemplated by this section.

(f) *Rejection of designs; division of contracts among competitors.*—If the Secretary of War or the Secretary of the Navy shall find that in his judgment none of the designs submitted in said competition is of sufficient merit to justify the procurement of aircraft, aircraft parts, or aeronautical accessories in accordance therewith, then he shall not be obligated to accept any of such designs or to make any payment on account of any of them. If the Secretary of the department concerned shall decide that the designs submitted by two or more competitors possess equal merit, or that certain features embodied in the designs of any competitor are superior to corresponding features embodied in the designs of any other competitor and such features of one design may be substituted in another design, the said Secretary shall in his discretion divide the contracts for furnishing and manufacturing the aircraft, parts, or accessories required, equitably among those competitors that have submitted designs of equal merit, or he may select and combine features of superior excellence in different designs in such manner as may in his judgment best serve the Government's interests and make payment accordingly to the several competitors concerned at fair and reasonable prices, awarding the contract for furnishing or constructing the aircraft, parts, or accessories to the competitor or competitors concerned that have the highest figures of merit in said competition.

(g) *Inability to contract with winner; contract with lowest responsible bidder.*—In case the Secretary of War or the Secretary of the Navy shall be unable to make contract as above authorized with a winner in said competition for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories covered by the whole or part of the designs of such winner, or shall be unable to agree with a winner in the competition on a reasonable purchase price for the design of such winner with whom a contract may not be made, as aforesaid, he may retain such designs and shall advertise according to law for proposals for furnishing or constructing aircraft, or parts or accessories, in accordance with such designs or combinations thereof as aforesaid and, after all proposals are submitted, make contract on such terms and conditions as he may consider the best in the Government's interests, with the bidder that he shall find to be the lowest responsible bidder for furnishing or constructing the aircraft, parts, or accessories required, but the said Secretary shall have the right to reject all bids and to advertise for other bids with such other and different specifications as he may deem proper.

(h) *Claim of error in determining merits of designs; reference to board of arbitration; composition of board.*—If, within ten days after the announcement of the results of said competition, any participant in the competition shall make to the Secretary of War or the Secretary of the Navy a reasonable showing in writing that error was made in determining the merits of designs submitted whereby such claimant was unjustly deprived of an award, the matter shall at once be referred by the Secretary of the department concerned to a board of arbitration for determination and the finding of such board shall, with the approval of the said Secretary, be conclusive on both parties. Such board of arbitration shall be composed of three skilled aeronautical engineers, one selected by the said Secretary, one by the claimant, and the third by those two, no one of whom shall have been a member of the board of appraisal in that competition.

(i) *Suit by design owner for recovery of compensation for use.*—Any person, firm, or corporation that shall complain that his, their, or its designs hereafter developed relating to aircraft or any components thereof are used or manufactured by or for any department of the Government without just compensation from either the Government or any other source, may within four years from the date of such use file suit in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture after the date of this Act.

(j) *Who eligible to be awarded contract.*—Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be elegible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned.

(k) *Purchase without competition of designs, aircrafts, etc., for experimental purposes.*—The Secretary of War or the Secretary of the Navy may at his discretion purchase abroad or in the United States with or without competition, by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement, new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (j) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

(l) *Plant and books of contractor subject to inspection and audit.*—The manufacturing plant, and books, of any contractor for furnishing or constructing aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department, or such part of any manufacturing plant as may be so engaged, shall at all times be subject to inspection and audit by any person designated by the head of any executive department of the Government.

(m) *Preservation of audits and inspections of plants and books of contractor; annual report to Congress.*—All audits and reports of inspection, made under the provisions of this section, shall be preserved by the Secretary of War or the Secretary of the Navy, as the case may be, for a period of ten years, and shall be subject to inspection by any committee of Congress, and the said Secretaries shall annually make a detailed and itemized report to Congress of all the departments' operations under this section, the names and addresses of all competitors, and of all persons having been awarded contracts and the prices paid for aircraft purchased and the grounds and reasons for having awarded such contracts to the particular persons, firms, or corporations, and all such reports shall be printed and held subject to public distribution.

(n) *Release by vendors and contractors.*—Every vendor of designs to the War Department or the Navy Department under the provisions of this section, and every contractor for furnishing or constructing for the War Department or the Navy Department, or both, aircraft or aircraft parts or aeronautical accessories, shall deliver to the Secretary of War or Secretary of the Navy, or both, when required by either or both, a release in such form and containing such terms and conditions as may be prescribed by the Secretary of War, the Secretary of the Navy, or both, of claims on the part of such vendor or contractor against the United States arising out of such sale or contract, or both.

(o) *Appropriations; available for purchasing designs and costs of arbitration.*—All or any appropriations available for the procurement of aircraft, aircraft parts, or aeronautical accessories, for the War Department or the Navy Department shall also be available for payment of the purchase price of designs and the costs of arbitration as authorized by this section.

(p) *Collusion, etc., to prevent free competition, or audit of contractors' books; penalty.*—Any collusion, understanding, or arrangement to deprive the United States Government of the benefit of full and free competition in any competition authorized by this section, or to deprive the United States Government of the benefit of a full and free audit of the books of any person, firm, or corporation engaged in carrying out any contract authorized by this section, so far as may be necessary to disclose the exact cost of executing such contract, shall be unlawful, and any person, firm, or corporation that shall, upon indictment and trial, be found guilty of violating any of the provisions of this section shall be sentenced to pay a fine of not exceeding $20,000, or to be imprisoned not exceeding five years, or both, at the discretion of the court.

(q) *Contracts for aircrafts, etc., constructed according to designs already reduced to practice.*—In the procurement of aircraft constructed according to designs presented by any individual, firm, or corporation prior to the passage of this Act, which designs have been reduced to practice and found to be suitable for the purpose intended or according to such designs with minor modifications thereof, the Secretary of War or the Secretary of the Navy, when in his opinion the interests of the United States will be best served thereby, may contract with said individual, firm, or corporation, at reasonable prices for such quantities of said aircraft, aircraft parts, or aeronautical accessories as he may deem necessary: *Provided*, That the action of the Secretary of War or the Secretary of the Navy, in each such case shall be final and conclusive.

(r) *Patents and design board, establishment; composition; submission of design to; purchase of right to use designs.*—A board to be known as the patents and design board is hereby created, the three members of which shall be an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce. To this board any individual, firm, or corporation may submit a design for aircraft, aircraft parts, or aeronautical accessories, and whether patented or unpatentable, the said board upon the recommendation of the National Advisory Committee for Aeronautics shall determine whether the use of such designs by the Government is desirable or necessary, and evaluate the designs so submitted and fix the worth to the United States of said design, not to exceed $75,000. The said designer, individual, firm, or corporation, may then be offered the sum fixed by the board for the ownership or a nonexclusive right of the United States to the use of the design in aircraft, aircraft parts, or aeronautical accessories and upon the acceptance thereof shall execute complete assignment or nonexclusive license to the United States: *Provided*, That no sum in excess of $75,000 shall be paid for any one design.

(s) *"Winner" or "winners" defined.*—The terms "winner" or "winners" as used in this section shall be construed to include not more than three competitors having the highest figures of merit in any one competition.

(t) *Award of contract for aircraft, etc., to lowest responsible bidder; finality of decision.*—Hereafter whenever the Secretary of War, or the Secretary of the Navy, shall enter into a contract for or on behalf of the United States, for aircraft, aircraft parts, or aeronautical accessories, said Secretary is hereby authorized to award such contract to the bidder that said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or the service required to the best advantage of the Government; and the decision of the Secretary of the department concerned as to the award of such contract, the interpretation of the provisions of the contract, and the application and administration of the contract shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts. (July 2, 1926, c. 721, § 10, 44 Stat. 784.)

New section. The text is § 10 of an Act relating to air defense. The first nine sections relate entirely to the Air Corps of the Army and appear in Title 10, c. 18 in the appendix.

Chapter 16.—PAY, EMOLUMENTS, AND ALLOWANCES OF PERSONNEL OF NAVY AND MARINE CORPS

GENERAL PROVISIONS AS TO OFFICERS AND ENLISTED MEN

Sec.
873. Pay and allowances of acting chaplain.
879a. Computation in case of delayed appointment. [New.]
882. Pay as affected by absence of duty on account of sickness resulting from misconduct.
882a. Forfeiture of pay during absence resulting from use of liquor or drugs. [New.]
882b. Forfeiture of pay during absence on account of venereal disease. [New.]
882c. Determination of period and cause of absence. [New.]
882d. Allowance for personal expenses. [New.]
885. Pay and allowances of staff officers. [New.]
886. Pay and allowances of men detailed to assist foreign governments. [New.]

MILEAGE AND TRAVEL ALLOWANCE

897. Travel on Government-owned vessel. [New.]

RETIRED PAY

991a. Equalization of pay of officers retired prior to July 1, 1922. [New.]

GENERAL PROVISIONS AS TO OFFICERS AND ENLISTED MEN

873. Pay and allowances of acting chaplain.

Section 873 of Title 34 affected.—See § 348r of this title in the appendix for legislation possibly affecting this section.

879a. Computation in case of delayed appointment.—All officers of the regular Navy appointed subsequent to June 30, 1922, in accordance with the provisions of the Act of Congress approved June 4, 1920 (Forty-first Statutes at Large, pages 834 and 835),[17] who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own, shall be entitled to count, from and after date of appointment, in the computation of their pay, all service which would have been credited to them had they been so appointed on or before June 30, 1922. (May 19, 1926, c. 332, 44 Stat. 564.)

New section.

882. Pay as affected by absence from duty on account of sickness resulting from misconduct.

Section 882 of Title 34 repealed.—The statutory provision constituting § 882 of Title 34 of the Code, has been repealed by Act of April 17, 1926, c. 302, § 5, 44 Stat. 558. See sections 882a, 882b, 882c, and 882d of this title in the appendix for legislation replacing it.

882. Forfeiture of pay during absence resulting from use of liquor or drugs.—Hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the effects of a disease, as distinguished from injury, which is directly attributable to and immediately follows his own intemperate use of alcoholic liquor or habit-forming drugs, shall, except as hereinafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence. (May 17, 1926, c. 302, § 1, 44 Stat. 557.)

New section.

882b. Forfeiture of pay during absence on account of venereal disease.—Hereafter no person in active service in the military or naval service who shall be absent from his regular duties for more than one day at any one time on account of the direct effects of a venereal disease due to his own misconduct, shall, except as hereafter provided, be entitled to any pay, as distinguished from allowances, for the period of such absence: *Provided*, That such absence is within a period of one year following the appearance of the initial symptoms of such venereal disease and regardless of whether the appearance of the initial symptoms occurs prior or subsequent to the date of entry into the service. (May 17, 1926, c. 302, § 2, 44 Stat. 557.)

New section.

882c. Determination of period and cause of absence.—For all purposes within the scope of this Act,[18] the period of absence

[17] Provisions relating to the Naval Reserve Force, practically all of which were repealed by Act Feb. 28, 1925, c. 374, 43 Stat. 1080, which Act now appears in chapter 15 of this title, the only portions thereof now in force being found in sections 432 and 879 of this title.

[18] "This Act" should be translated "sections 882a, 882b, 882c, and 882d of this title of the appendix."

and the cause thereof shall be determined under such procedure and regulations as may be prescribed by the Secretary of War or the Secretary of the Navy, and such determination shall be final and conclusive for all purposes. (May 17, 1926, c. 302, § 3, 44 Stat. 557.)

New section.

882d. Allowance for personal expenses.—Each person whose pay, as distinguished from allowance, is forfeited for a period in excess of one month at any one time pursuant to the provisions of this Act[19] shall be paid for necessary personal expenses the sum of $5 for each full month during which his pay is so forfeited. (May 17, 1926, c. 302, § 4, 44 Stat. 558.)

New section.

885. Pay and allowances of staff officers.

Effect of Act of 1926 equalizing promotion of staff and line officers, see sections 348 to 348u, inclusive, of this title in the appendix.

886. Pay and allowances of officers and men detailed to assist foreign governments.

See section 441a of this title in the appendix.

MILEAGE AND TRAVEL ALLOWANCE

897. Travel on Government-owned vessel.—Hereafter officers [of the Navy and Naval Reserve and Marine Corps] performing travel by Government-owned vessels for which no transportation fare is charged, shall only be entitled to reimbursement of actual and necessary expenses incurred. (May 21, 1926, c. 355, 44 Stat. 611.)

New section.

RETIRED PAY

991a. Equalization of pay of officers retired prior to July 1, 1922.

See section 26a of Title 37, Pay and Allowances, in the appendix.

Chapter 18.—NAVAL ACADEMY.

1032a. Number of midshipmen increased.—The number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy,[20] are each hereby increased by forty from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States who were killed in action or died prior to July 2, 1921, of wounds or injuries received, or disease contracted in line of duty during the World War: *Provided*, That one-half shall be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps. (June 8, 1926, c. 492, 44 Stat. 704.)

New section.

[19] "This Act" should be translated "sections 882a, 882b, and 882c of this title in the appendix."

[20] See section 1032 of this section in the Code.

TITLE 35.—PATENTS

1. Establishment.

Transfer of Patent Office to Department of Commerce by Executive order.—The United States Patent Office was transferred from the Department of the Interior to the Department of Commerce, by an Executive order signed by the President on Mar. 17, 1925, effective from and including Apr. 1, 1925, as authorized by the Act of Feb. 14, 1903 (32 Stat. 826).

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TITLE 36.—PATRIOTIC SOCIETIES AND OBSERVANCES

Chapter 3.—THE AMERICAN LEGION.

Protection from sale of land on military reservation occupied by American Legion. See section 1594 of Title 10 in the appendix.

Chapter 8.—AMERICAN BATTLE MONUMENTS COMMISSION.

Sec.

122. Expenses of Army officers serving on commission.
122a. Power as to obligations and contracts; limitation as to amount. [New.]
122b. Contracts for work in Europe; services of architects. [New.]
133. Disbursing agent for disbursement of expenditures outside of United States.

122. Expenses of Army officers serving on commission.

Section 122 of Title 36 repeated.—The statutory provision constituting § 122 of Title 36 of the Code was repeated in Act Apr. 22, 1926, c. 171, 44 Stat. 307, with the omission of the words "with the commission."

122a. Power as to obligations and contracts; limitation as to amount.—The commission may incur obligations and enter into contracts for building materials and supplies and for construction work, which, inclusive of the amounts herein made available, shall not exceed a total of $3,000,000. (Apr. 22, 1926, c. 171, 44 Stat. 307.)

New section. This and the following section are from the Executive, etc., Appropriation Act for 1927, Apr. 22, 1926, c. 171, 44 Stat. 307, cited to the text.

122b. Contracts for work in Europe; services of architects.—Notwithstanding the requirements of existing laws or regulations and under such terms and conditions as the commission may in its discretion deem necessary and proper, the commission may contract for work in Europe, and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel. (Apr. 22, 1926, c. 171, 44 Stat. 307.)

New section. See note to § 122a.

133. Disbursing agent for disbursement of expenditures outside of United States.

Section 133 of Title 36 repeated.—The statutory provision constituting § 133 of Title 36 of the Code was repeated in Act Apr. 22, 1926, c. 171, 44 Stat. 307.

TITLE 37.—PAY AND ALLOWANCES (ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE)

Sec.
19a. Allowances for quarters and subsistence during sickness or absence. [New.]
20. Mileage allowance to officers; travel expenses.
21. Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel.
26a. Equalization of pay of retired officers and warrant officers. [New.]
29. Increase of pay of officers, warrant officers, and enlisted men detailed to duty involving flying; number detailed.

19a. Allowances for quarters and subsistence during sickness or absence.—Hereafter enlisted men, including the members of the United States Army Band, entitled to receive allowances for quarters and subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided further*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense. (Apr. 15, 1926, c. 146, Title I, 44 Stat. 257.)

New section.

20. Mileage allowance to officers; travel expenses.—Officers of any of the services mentioned in the title of this Act,[1] when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this Act,[1] but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders in Alaska and outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this Act[1] shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty.

"In lieu of the transportation in kind authorized by section 12 of an Act entitled 'An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved May 18, 1920,[2] to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent children shall be such as are defined in section 4 of this Act."[3] (June 10, 1922, c. 212, § 12, 42 Stat. 631; June 1, 1926, c. 436, 44 Stat. 680.)

Section 20 of Title 37 amended.—Section 12 of Act of June 10, 1922, c. 212, 42 Stat. 631, constituting § 20 of Title 37 of the Code, has been amended by Act of June 1, 1926, c. 436, 44 Stat. 680, to read as above.

21. Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel.

Section 21 of Title 37 repealed.—The statutory provisions constituting § 21 of Title 37 of the Code have been repealed by Act of June 1, 1926, c. 436, 44 Stat. 680. It is to be noted that the Act referred to in the text of this section of the Code is applicable to officers and enlisted men of all the services enumerated in the heading of this title.

26a. Equalization of pay of retired officers and warrant officers.—Hereafter the retired pay of the officers and warrant officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this Act shall operate to reduce the pay of any officer or warrant officer now on the retired list. (May 8, 1926, c. 274, § 1, 44 Stat. 417.)

New section.

29. Increase of pay of officers, warrant officers, and enlisted men detailed to duty involving flying; number detailed.—All officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President, shall receive the same increase of their pay and the same allowance for traveling expenses as are authorized for the performance of like duties in the Army. Exclusive of the Army Air Corps, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this Act who may be required by competent authority to participate regularly and frequently in aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President shall not at any one time exceed 1 per centum of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 92, 94, 97, and 99[4] of the National Defense Act, as amended, and of the Reserves of the services mentioned in the title of this Act called to active duty shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive

[1] "Title of this Act" should be translated "Heading of this title" in the Code.

[2] Section 756 of Title 10, ARMY, in the Code; section 896 of Title 34, NAVY, in the Code; section 64 of Title 42, THE PUBLIC HEALTH.

[3] Section 8 of this title in the Code.

[4] "Sections 92, 94, 97, and 99" should be translated "sections 62 to 65 of Title 32, National Guard."

orders as have heretofore been, or may hereafter be, promulgated by the President and when such flying involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army: *Provided*, That when officers, warrant officers, and enlisted men of the National Guard are entitled to armory drill pay, the increase of 50 per centum thereof herein provided shall be based on the entire amount of such armory drill pay to which they shall be entitled for a calendar month or fractional part thereof, and the required aerial flights may be made at ordered drills of an Air Service organization, or at other times when so authorized by the President. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned. (June 10, 1922, c. 212, § 20, 42 Stat. 632; May 31, 1924, c. 224, § 4, 43 Stat. 251, and July 2, 1926, c. 721, § 6, 44 Stat. 782.)

Section 29 of Title 37 amended.—Section 20 of Act of June 10, 1922, c. 212, 42 Stat. 632, as amended, constituting § 29 of Title 37 of the Code, has been amended by Act of July 2, 1926, c. 721, § 6, 44 Stat. 782, by striking out the same and inserting the text in lieu thereof.

TITLE 38.—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter 2.—GENERAL PROVISIONS GOVERNING RIGHT TO PENSION.

MISCELLANEOUS PROVISIONS

33. Increase; loss of hand, foot, arm, leg, or eyes.—From and after the approval of this Act[1] all persons now on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who in like manner shall have lost an arm at or at any point above the elbow, or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of $75 per month; that all persons who in like manner shall have lost one hand or one foot and in addition thereto shall have lost a portion of the other hand or foot, shall receive a pension at the rate of $85 a month; that all persons who in like manner shall have lost one hand and one foot or shall have been totally disabled in the same, shall receive a pension at the rate of $100 per month; and that all persons who in like manner shall have lost both arms or both legs, or have been totally disabled in the same, or shall have lost the sight of both eyes, shall receive a pension at the rate of $125 per month. (May 5, 1926, c. 238, 44 Stat. 396.)

New section.

Chapter 6.—CIVIL WAR, WAR WITH MEXICO, AND REVOLUTIONARY WAR—SERVICE AND DISABILITY PENSIONS OF VETERANS; WIDOWS, CHILDREN, DEPENDENT RELATIVES; PENSION TO ARMY NURSES.

VETERANS

Sec.

273. Civil War or War with Mexico; pension from and after August 4, 1926. [New.]

WIDOWS, CHILDREN, AND DEPENDENT RELATIVES

291. Widows and remarried widows of Civil War veterans; pension from and after August 4, 1926. [New.]
292. Widows of veterans of War of 1812 or war with Mexico; pension from and after August 4, 1926. [New.]

ARMY NURSES AND DEPENDENT PARENTS OF CIVIL WAR VETERANS

313. Army nurses of Civil War; pension from and after August 4, 1926. [New.]

MISCELLANEOUS PROVISIONS, COMMENCEMENT OF PENSION

321a. Time of commencement of increase of 1926; inmate of Soldiers' Home not entitled. [New.]
330. Fees of attorneys for prosecuting claims under Act of 1926; penalty. [New.]
331. Extent of modification by Act of 1926 of earlier Acts. [New.]

VETERANS

273. Civil War or war with Mexico; pension from and after August 4, 1926.—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, and every person who served sixty days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of or entitled to receive, under existing law, a pension of less than $72 per month, shall be entitled to and shall be paid a pension at the rate of $65 per month; that in case such person is now, or hereafter may become totally helpless or blind shall be entitled to and shall be paid a pension at the rate of $90 per month. (July 3, 1926, c. 733, § 1, 44 Stat. 806.)

New section.

[1] "Act" should be translated "section."

WIDOWS, CHILDREN, AND DEPENDENT RELATIVES

291. Widows and remarried widows of Civil War veterans; pension from and after August 4, 1926.—The widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for ninety days or more and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow or remarried widow having been the wife of such soldier, sailor, or marine during the period of his service in said war, she shall be paid $50 a month. (July 3, 1926, c. 733, § 2, 44 Stat. 806.)

New section.

292. Widows of veterans of War of 1812 or war with Mexico; pension from and after August 4, 1926.—The rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for sixty days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, shall be $50 per month. (July 3, 1926, c. 733, § 3, 44 Stat. 806.)

New section.

ARMY NURSES AND DEPENDENT PARENTS OF CIVIL WAR VETERANS

313. Army nurses of Civil War; pension from and after August 4, 1926.—All Army nurses of the Civil War whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $50 per month. (July 3, 1926, c. 733, § 4, 44 Stat. 806.)

New section.

MISCELLANEOUS PROVISIONS; COMMENCEMENT OF PENSION

321a. Time of commencement of increase of 1926; inmate of Soldiers' Home not entitled.—The pension or increase in the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval[2] of this Act[3]; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this Act,[3] such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this Act[3] in such form as may be prescribed by the Secretary of the Interior: *Provided*, That no one while an inmate of the United States Soldiers' Home, or of any National or State soldiers' home shall be entitled to, or be paid the increased rates provided in this Act;[3] and the issue of a check in payment of a pension for which the execution and submission of a voucher was not

[2] The Act from which this section was derived was approved July 3, 1926.

[3] "This Act" should be translated "sections 273, 291, 292, 313, 322, 330, and 331 of this title in the appendix."

required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner. (July 3, 1926, c. 733, § 5, 44 Stat. 807.)

New section.

330. Fees of attorneys for prosecuting claims under Act of 1926; penalty.—No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this Act;[2] and no more than the sum of $10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this Act,[3] or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this Act[3] shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (July 3, 1926, c. 733, § 6, 44 Stat. 807.)

New section.

331. Extent of modification by Act of 1926 of earlier acts.—All Acts and parts of Acts in conflict with or inconsistent with the provisions of this Act[3] are hereby modified and amended only so far and to the extent as herein specifically provided and stated: *Provided*, That the provisions of this Act[3] shall in no way, manner, or substance modify, limit, or impair the soldier, sailor, or marine's right and title to the rate of $72 provided in the second section of the Act of May 1, 1920.[4] (July 3, 1926, c. 733, § 7, 44 Stat. 807.)

New section.

Chapter 7.—WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE BOXER REBELLION; VETERANS, WOMEN NURSES, AND DEPENDENTS.

Sec.

364. Veterans; nurses; pension from and after June 4, 1926. [New.]
364a. Widows and children; pension from and after June 4, 1926. [New.]
364b. Total disability; inmate of Soldiers' Home. [New.]
364c. Time of commencement under Act of 1926; check to pensioner dying on or before last day of period. [New.]
364d. Army and Navy Medal of Honor Roll not affected. [New.]
364e. Fees of attorneys for prosecuting claims under Act of 1926; penalty. [New.]
364f. Acts affected. [New.]

364. Veterans; nurses; pension from and after June 4, 1926.—All persons who served ninety days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than ninety days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding $50 a month and not less than $20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated: *Provided*, That any such person who has reached the age of sixty-two years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $20 a month; in case such person has reached the age of sixty-eight years, $30 a month; in case such person has reached the age of seventy-two years, $40 a month; and in case such person has reached the age of seventy-five years, $50 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for ninety days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of ninety days because of disability contracted by her while in the service in line of duty. (May 1, 1926, c. 209, § 1, 44 Stat. 382.)

New section.

364a. Widows and children; pension from and after June 4, 1926.—The widow of any officer or enlisted man who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and that all leaves of absence and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service in line of duty, such widow having married such soldier, sailor, or marine prior to September 1, 1922, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll at the rate of $30 a month during her widowhood. And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described and who was honorably discharged, or died in service due to disability or disease incurred in the service in line of duty, such widow having remarried either once or more after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved either by the death of the husband or husbands or by divorce on any ground except adultery on the part of the wife and any such former widow shall be entitled to and be paid a pension at the rate of $30 a month, and any widow or former widow mentioned in this section shall also be paid $6 a month for each child under sixteen years of age of such officer or enlisted man, and in case there be no widow or one not entitled to pension under any law granting additional pension to minor children the minor children under sixteen years of age of such officer or enlisted man shall be entitled to the pension herein provided for the widow and in the event of the death or remarriage of the widow or forfeiture of the widow's title to pension the pension shall continue from the date of such death, remarriage, or forfeiture to such child or children of such officer or enlisted man until the age of sixteen years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall

[3] "This Act" should be translated "sections 273, 291, 292, 313, 322, 330, and 331 of this title in the appendix."

[4] The Act of May 1, 1920, section 2, referred to in the text, constitutes section 271 of this title in the Code.

apply to all pensions heretofore granted or hereafter granted under this or any former statute: *Provided further*, That when a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of sixteen years, a widow or former widow shall not be entitled to a pension under this Act[7] until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow payment of pension to such child or children shall cease, and this proviso shall apply to all claims arising under this or any other law. (May 1, 1926, c. 209, § 2, 44 Stat. 382.)

New section.

364b. Total disability; inmate of Soldiers' Home.—Any soldier, sailor, or marine or nurse now on the pension roll or who may be hereafter entitled to a pension under the Act of June 5, 1920, or under that Act as amended by the Act of September 1, 1922,[6] or under this Act[7] on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $72 a month, provided such disabilities are not the result of his or her own vicious habits: *And provided further*, That no one while an inmate of the United States Soldiers' Home or of any national or State soldiers' home shall be paid more than $50 per month under this Act.[7] (May 1, 1926, c. 209, § 3, 44 Stat. 383.)

New section.

364c. Time of commencement under Act of 1926; check to pensioner dying on or before last day of period.—That the pension or increase at the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this Act;[7] except where otherwise herein provided; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this Act,[7] such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this Act[7] in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner. (May 1, 1926, c. 209, § 4, 44 Stat. 383.)

New section.

364d. Army and Navy Medal of Honor Roll not affected.—Nothing contained in this Act[7] shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided by the Act of April 27, 1916,[8] but any pension or increase of pension herein provided for shall be in addition thereto, and no pension heretofore granted under any Act, public or private, shall be reduced by anything contained in this Act.[7] (May 1, 1926, c. 209, §5, 44 Stat. 384.)

New section.

[6] The Acts of June 5, 1920, and Sept. 21, 1922, mentioned in the text, are sections 351 et seq. of this title in the Code.

[7] "This Act" should be translated "sections 364 to 364f of this title in the appendix."

[8] For Act of Apr. 27, 1916, referred to in the text, see sections 391 et seq. of this title of the Code.

364e. Fees of attorneys for prosecuting claims under Act of 1926; penalty.—No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting claims for the increase of pension provided for in this Act;[7] and no more than the sum of $10 shall be allowed for such service in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall, directly or indirectly, otherwise contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting any claim under this Act,[7] or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this Act,[7] shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (May 1, 1926, c. 209, § 6, 44 Stat. 384.)

New section.

364f. Acts affected.—That all Acts and parts of Acts in conflict with or inconsistent with the provisions of this Act,[7] are hereby modified and amended only so far and to the extent as herein specifically provided and stated. (May 1, 1926, c. 209, § 7, 44 Stat. 384.)

New section.

Chapter 8.—THE INDIAN WARS.

376. Same; period of service.—The period of service performed by beneficiaries under this Act[9] shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the General Accounting Office showing payment by the United States, where there is no record of regular enlistment, or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the General Accounting Office by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where no record of service has been made in the War Department or General Accounting Office and there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the applicant, or where the same has been destroyed by fire or otherwise lost, or where there are muster rolls or pay rolls on file in the several State or Territorial archives but the applicant's name does not appear thereon, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions: *Provided*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this Act.[9] (Mar. 4, 1917, c. 189, § 2, 39 Stat. 1200; Sept. 1, 1922, c. 302, § 6, 42 Stat. 836; May 21, 1926, c. 356, 44 Stat. 614.

Section 376 of Title 38 amended.—The statutory provision constituting § 376 of Title 38 of the Code has been amended by Act of May 21, 1926, c. 356, 44 Stat. 614, to read as above.

Chapter 10.—WORLD WAR VETERANS' RELIEF.

PART I.—GENERAL

Sec.
422. Purpose; other gratuities or pensions; military or naval retirement laws; compensation to persons receiving active service or retirement pay.
425. United States Veterans' Bureau; establishment; director; appointment; salary; technical and administrative staff.
427. Statement by director to Congress of employees and rates of pay.
434. Hospitalization, medical care, and treatment of beneficiaries; powers of director; hospital facilities; transfer of hospitals from Treasury and Public Health Department.
450. Payments to minors, mental incompetents, or persons under legal disability.

[7] "This Act" should be translated "sections 364 to 364f of this title in the appendix."

[9] "Act" should be translated "section 375 of this title in the Code."

Sec.
451. Payments to personal representatives [or person entitled to decedent's property in case of intestacy; escheat to United States].
453. Payments not to be recovered from beneficiaries, when; [reimbursement of United States Government life insurance fund].
458. Reimbursement of hospitalized beneficiaries for loss of personal effects by fire. [New.]
459. Courses of instruction for professional personnel of bureau. [New.]
460. Transportation allowances to physicians, dentists, and nurses of medical service of bureau. [New.]
461. Pay and allowances of Medical Reserve Corps officers and nurses. [New.]

PART II.—COMPENSATION AND TREATMENT

471. Compensation for death or disability; to whom payable and for what causes payable; presumptions as to soundness of condition and time of acquisition of disabilities.
472. Death resulting from injury; amounts payable; burial allowances; payments to widow or children; veterans of other wars.
473. Disability resulting from injury; total and permanent disability; loss of both eyes; loss of use of both eyes and one or more limbs; tubercular ex-service men.
479. Medical, surgical, and dental treatment in addition to compensation; artificial limbs, trusses, etc.
480. Insane persons maintained in institutions; payment of compensation; additional allowance on recovery of reason.
481. Compensation of veterans in institutions; rate after June 30, 1927.
484. Hospitalization for veterans of other wars; hospitalization in the insular possessions.
492. Examination of applicants for compensation for disability; necessity for; neglect or refusal to submit to.
495. Time of occurrence of death or disability as affecting liability therefor.
498. Time for filing claim for compensation or treatment; extension of time.

PART III.—INSURANCE

511. Persons entitled to; amounts; time for application for; to whom payable; expense of; premium rates.
512. Term insurance; when terminated; conversion to elected policies; payment.
515. Lapsed or canceled insurance; reinstatement; procedure; termination of term insurance unaffected.
516. Same; availability of compensation to revive insurance.
516a. Same; payment within seven days. [New.]
516b. Same; application of uncollected bonus to premiums. [New.]

PART IV.—VOCATIONAL REHABILITATION

537. Same; time after which training and allowance shall not be granted.

PART V.—PENALTIES

557. Applicability of title to Philippine Islands. [New.]

PART I.—GENERAL

422. Purpose; other gratuities or pensions; military or naval retirement laws; compensation to persons receiving active service or retirement pay.—This Act[10] is intended to provide a system for the relief of persons who were disabled, and for the dependents of those who died as a result of disability suffered in the military service of the United States between April 6, 1917, and July 2, 1921. For such disabilities and deaths no other pension laws or laws providing for gratuities or payments in the event of death in the service shall be applicable: *Provided, however,* That the laws relating to the retirement of persons in the regular military or naval service shall not be considered to be laws providing for pensions, gratuities, or payments within the meaning of this section: *And provided further,* That compensation under this title[11] shall not be paid while the person is in receipt of active service or retirement pay, this proviso to be effective as of April 6, 1917. Titles II and IV of this Act[12] shall not be applicable to any disability or resultant death in the service if such disability occurred as a result of service prior to April 6, 1917, or after July 2, 1921: *Provided, however,* That the schedule of ratings provided by section 202 (4) of this statute[13] shall hereafter be applicable to disabilities occurring as a result of service prior to April 6, 1917, or after July 2, 1921, wherever a person has an accrued right to compensation under section 602 of the World War Veterans' Act, 1924.[14] (June 7, 1924, c. 320, § 212, 43 Stat. 623; July 2, 1926, c. 723, § 13, 44 Stat. 798.)

Section 422 of Title 38 amended.—The statutory provision constituting § 422 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 13, 44 Stat. 798, to read as above. The amendment added to the second proviso the words "this proviso to be effective as of April 6, 1917," and also added all of the closing proviso.

425. United States Veterans' Bureau; establishment; director; appointment; salary; technical and administrative staff.—There is established an independent bureau under the President to be known as the United States Veterans' Bureau, the director of which shall be appointed by the President by and with the advice and consent of the Senate. The Director of the United States Veterans' Bureau shall receive a salary of $12,000 per annum, payable monthly.

There shall be included on the technical and administrative staff of the director such staff officers, experts, inspectors, and assistants as the director shall prescribe; and there shall be in the United States Veterans' Bureau such sections and subdivisions thereof as the director shall prescribe. With such exceptions as the President may deem advisable, all employees shall be subject to the civil-service law and regulations made thereunder. (June 7, 1924, c. 320, § 4, 43 Stat. 608; July 2, 1926, c. 723, § 21, 44 Stat. 800.)

Section 425 of Title 38 amended.—The statutory provision constituting § 425 of Title 38 of the Code has been amended by the Act of July 2, 1926, c. 723, § 21, 44 Stat. 800, to read as above. The amendment related to the salary of the Director of the Veterans' Bureau, increasing it from $10,000 to $12,000.

427. Statement by director to Congress of employees and rates of pay.—On the first day of each regular session of Congress the Director of the Veterans' Bureau shall transmit to the President of the Senate and the Speaker of the House of Representatives a statement giving in detail (a) the total number of positions at a rate of $2,000 or more per annum, (b) the rate of salary attached to each position, (c) the number of positions at each rate in the central office and in each regional office or suboffice and hospital, and (d) a brief statement of the duties of each position. (Apr. 22, 1926, c. 171, § 1, 44 Stat. 319.)

New section.

434. Hospitalization, medical care, and treatment of beneficiaries; powers of director; hospital facilities; transfer of hospitals from Treasury and Public Health Department.—The director, subject to the general directions of the President, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care necessary and reasonable aftercare, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this Act,[10] and for that purpose is hereby authorized, at the direction of the President or with the approval of the head of the department concerned, to utilize the now existing or future facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Home for Disabled Volunteer Soldiers, and such other governmental facilities as may

[10] "Act" should be translated "chapter."
[11] "This title" should be translated "Part I of this chapter."
[12] "Titles II and IV of this Act" should be translated "Parts II and IV of this chapter."
[13] "Section 202 (4) of this statute" should be translated "section 477 of this chapter."
[14] "Section 602 of the World War Veterans' Act, 1924," should be translated "section 571 of this chapter."

be made available for the purposes set forth in this Act;[10] and such governmental agencies are hereby authorized to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this Act,[10] in addition to such governmental facilities as are hereby made available.

When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this Act[10] are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of such beneficiaries by other means: *Provided*, That the director is hereby authorized to hospitalize women veterans entitled to hospitalization under the provisions of this Act[10] and amendments thereto, in other than Government hospitals.

In the event that there are not sufficient and satisfactory Government hospital and out-patient dispensary facilities for the proper medical care and treatment of beneficiaries under this Act[10] and the director deems it necessary and advisable to improve existing facilities or to secure additional Government facilities, he may, within the limits of appropriations made for carrying out the provisions of this paragraph, alter, improve, or extend existing governmental facilities, or acquire additional facilities by purchase or otherwise: *Provided, however*, That no alteration, improvement, or extension which will materially increase the bed capacity for patients of any hospital or institution shall be made, nor shall any new facilities be acquired without the approval of the President. Such new property and structures as may be improved, extended, or acquired shall become part of the permanent equipment of the United States Veterans' Bureau or of some one of the now existing agencies of the Government, including the War Department, Navy Department, Interior Department, Treasury Department, the National Home for Disabled Volunteer Soldiers, in such way as will best serve the present emergency, taking into consideration the future services to be rendered the veterans of the World War, including the beneficiaries under this Act.[10]

In the event Government hospital facilities are insufficient or inadequate the director may contract with State, municipal, or, in exceptional cases, with private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding three years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this Act.[10]

There are here permanently transferred to the Veterans' Bureau all hospitals now or formerly under the jurisdiction of the Public Health Service or of the Treasury Department, the operation, management, or control of which have heretofore been transferred by the President to said bureau pursuant to the authority contained in section 9 of the Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and further to amend and modify the War Risk Insurance Act," approved August 9, 1921.[15] (June 7, 1924, c. 320, § 10, 43 Stat. 610; July 2, 1926, c. 723, § 1, 44 Stat. 790.)

Section 434 of Title 38 amended.—The statutory provision constituting § 434 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 1, 44 Stat. 790, to read as above.

450. Payments to minors, mental incompetents, or persons under legal disability.—(1) Where any payment under this Act[10] is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of claimant, or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That as to cases arising in the District of Columbia where in the opinion of the director any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the director is hereby authorized to refuse to make future payments in such number of cases as he may deem proper: *Provided further*, That prior to receipt of notice by the bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That for the purpose of payments of benefits under Title II hereof,[16] where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the director shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(2) Whenever it appears that any guardian, curator, conservator, or other person is not in the opinion of the director properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided*, That the director in his discretion may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment or removal of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate, or in connection with the administration of such estates by such fiduciaries, when such payment is authorized by the director. (June 7, 1924, c. 320, § 21, 43 Stat. 613; July 2, 1926, c. 723, § 2, 44 Stat. 791.)

Section 450 of Title 38 amended.—The statutory provision constituting § 450 of Title 38 of the Code has been amended by the Act of July 2, 1926, c. 723, § 2, 44 Stat. 791.

451. Payments to personal representatives [or person entitled to decedent's property in case of intestacy; escheat to United States].—The amount of the monthly installments of compensation, yearly renewable term insurance, or accrued maintenance and support allowance which has become payable under the provisions of Titles II, III, or IV hereof,[17] but which has not been paid prior to the death of the person entitled to receive the same, may be payable to the personal representatives of such person, or in the absence of a duly appointed legal representative where the combined amounts payable are $1,000 or less, the director shall allow and pay such sum to such person or persons as would under the laws of the State of residence of the decedent be entitled to his personal property in case of intestacy: *Provided*, That in cases where the estate of the decedent would escheat under the laws of the

[10] "Act" should be translated "chapter."
[15] An Act (42 Stat. 147) replaced by this chapter.
[16] "Title II hereof" should be translated "Part II of this chapter."
[17] "Titles, II, III, or IV hereof" should be translated "Parts II, III, or IV of this chapter."

place of residence, such installments shall not be paid to the estate of the decedent but shall escheat to the United States and shall be credited to the appropriation from which the original award was made. (June 7, 1924, c. 320, § 26, 43 Stat. 614; July 2, 1926, c. 723, § 3, 44 Stat. 792.)

Section 451 of Title 38 amended.—The statutory provision constituting § 451 of Title 38 of the Code has been amended by the Act of July 2, 1926, c. 723, § 3, 44 Stat. 792, to read as above. The amendment inserted the clause beginning "or in the absence," immediately preceding the proviso.

453. Payments not to be recovered from beneficiaries, when [reimbursement of United States Government life insurance fund].—There shall be no recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

When under the provisions of this section the recovery of a payment made from the United States Government life insurance fund is waived, the United States Government life insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance. (June 7, 1924, c. 320, § 28, 43 Stat. 615; July 2, 1926, c. 723, § 4, 44 Stat. 792.)

Section 453 of Title 38 amended.—The statutory provision constituting § 453 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 4, 44 Stat. 792, to read as above. The amendment added the second paragraph.

458. Reimbursement of hospitalized beneficiaries for loss of personal effects by fire.—The Veterans' Bureau shall, under regulations to be prescribed by the director, reimburse beneficiaries hospitalized or who have been hospitalized in Veterans' Bureau hospitals for any loss of personal effects heretofore or hereafter sustained by fire while such effects are or were stored in designated locations in Veterans' Bureau hospitals. (July 2, 1926, c. 723, § 5, 44 Stat. 792.)

New section.

459. Courses of instruction for professional personnel of bureau.—The director, in his discretion, may provide courses of instruction for the professional personnel of the bureau and may detail employees to attend the same, and may detail not more than 2 per centum of such professional personnel to attend professional courses conducted by other than bureau agencies, and such employees in addition to their salaries shall be entitled to the payment of expenses incident to such detail, including transportation: *Provided, however*, That travel or instruction outside the continental limits of the United States shall not be authorized under this section. (July 2, 1926, c. 723, § 6, 44 Stat. 793.)

New section.

460. Transportation allowances to physicians, dentists, and nurses of medical service of bureau.—Physicians, dentists, and nurses of the medical service of the United States Veterans' Bureau, in addition to their compensation, when transferred from one official station to another for permanent duty, may be allowed, within the discretion and under written order of the director, the expenses incurred for packing, crating, drayage, and transportation of their household effects and other personal property not exceeding in all five thousand pounds. (Apr. 22, 1926, c. 171, § 1, 44 Stat. 319.)

New section.

461. Pay and allowances of Medical Reserve Corps officers and nurses.—The pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Bureau treated in Army hospitals may be paid from the funds allotted to the War Department by that bureau under existing law. (Apr. 15, 1926, c. 146, Title 1, 44 Stat. 283.)

New section.

PART II.—COMPENSATION AND TREATMENT

471. Compensation for death or disability; to whom payable and for what causes payable; presumptions as to soundness of condition and time of acquisition of disabilities.—For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided*, That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be denied compensation by reason of willful misconduct. That for the purposes of this Act[17] every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was dicharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if diseased, to have had, prior to January 1, 1925, neuropsychiatric disease and spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per centum degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this Act,[18] shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than

[17] "Act" should be translated "section."

[18] "Subdivision (4) of section 202 of this Act" should be translated "section 474 of this title."

10 per centum degree (in accordance with the provisions of subdivision (4) of section 202 of this Act[18]) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim. (June 7, 1924, c. 320, § 200, 43 Stat. 615; Mar. 4, 1925, c. 553, § 6, 43 Stat. 1304; July 2, 1926, c. 723, § 7, 44 Stat. 793.)

Section 471 of Title 38 amended.—The statutory provision constituting § 471 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 7, 44 Stat. 793, to read as above.

472. Death resulting from injury; amounts payable; burial allowances; payments to widow or children; veterans of other wars.—If death results from injury—

If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

(a) If there is a widow but no child, $30.

(b) If there is a widow and one child, $40, with $6 for each additional child.

(c) If there is no widow, but one child, $20.

(d) If there is no widow, but two children, $30.

(e) If there is no widow, but three children, $40, with $5 for each additional child.

(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body (the decision of the director to be binding for all purposes), the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $7; also, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided*, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable in all cases: *Provided further*, That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *And provided further*, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed.

[18] "Subdivision (4) of section 202 of this Act" should be translated "section 474 of this title."

(2) The payment of compensation to a widow shall continue until her death or remarriage, and the payment of compensation to a parent shall continue to the death of such parent.

(3) The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity.

(4) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

(5) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

(6) The term "widow," as used in this section, shall not include one who shall have married the deceased later than ten years after July 2, 1921, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

(7) That this section shall be deemed to be in effect as of April 6, 1917: *Provided, however*, That the receipt of a gratuity, pension, or compensation, including adjusted compensation, by widow, child, or parent, on account of the death, disability, or service of any person shall not bar the payment of compensation on account of the death or disability of any other person: *Provided*, That before compensation under this section shall be paid the claimant shall first surrender all claim to any gratuity or pension payable under any other law on account of the death of the same person: *Provided further*, That no changes in rates or compensation made by this Act[19] shall be retroactive in effect. (June 7, 1924, c. 320, § 201, 43 Stat. 616; Mar. 4, 1925, c. 553, § 7, 43 Stat. 1305; July 2, 1926, c. 723, § 8, 44 Stat. 794.)

Section 472 of Title 38 amended.—The statutory provision constituting § 472 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 8, 44 Stat. 794, to read as above. The amendment relates to paragraph (1).

473. Disability resulting from injury; total and permanent disability; loss of both eyes; loss of use of both eyes and one or more limbs; tubercular ex-service men.—If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however*, That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total, permanent disability: *Provided further*, That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensaiton for the loss of the use of both eyes and one or more limbs shall be $200 per month: *Provided further*, That for double total, permanent disability the rate of compensation shall be $200 per month.

That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: *Provided, however*, That nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory

[19] "This Act" should be translated "the provisions of this chapter."

evidence, to be adjudged to be permanently and totally disabled. (June 7, 1924, c. 320, § 202, 43 Stat. 618; July 2, 1926, c. 723, § 9, 44 Stat. 794.)

Section 473 of Title 38 amended.—The statutory provision constituting § 473 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 9, 44 Stat. 794, to read as above.

479. Medical, surgical, and dental treatment in addition to compensation; artificial limbs, trusses, etc.—*In addition to* the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: *Provided*, That nothing in this Act[19] shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service: *Provided further*, That where any person entitled to the benefits of this paragraph[20] has heretofore been hospitalized in a State institution, the United States Veterans' Bureau is hereby authorized to reimburse such person, or his estate, where payment has been made to the State out of the funds of such person, or to reimburse the State or any subdivision thereof where no payment has been made for the reasonable cost of such services from the date of admission. (June 7, 1924, c. 320, § 202, 43 Stat. 618; July 2, 1926, c. 723, § 9, 44 Stat. 794.)

Section 479 of Title 38 amended.—The statutory provision constituting § 479 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 9, 44 Stat. 794, to read as above. The provisions as to "dental" treatment in the section as appearing in the Code were eliminated.

480. Insane persons maintained in institutions; payment of compensation; additional allowance on recovery of reason.—Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however*, That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subdivision.[21]

All or any part of the compensation, of any mentally incompetent inmate of an institution, may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may, in the discretion of the director, be apportioned to wife, child, or children, or dependent parents, in accordance with regulations.

That any ex-service person shown to have had a tuberculous disease of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however*, That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further*, That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this Act[22] or the date the disease reaches a condition of arrest, whichever be the later date. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307; July 2, 1926, c. 723, § 9, 44 Stat. 794.)

Section 480 of Title 38 amended.—The statutory provision constituting § 480 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 9, 44 Stat. 797, to read as above.

See § 476 of this title for a similar provision to that of the closing paragraph of this section.

481. Compensation of veterans in institutions; rate after June 30, 1927.

Section 481 of Title 38 repeated.—The statutory provision constituting § 481 of Title 38 of the Code was repeated in Act of July 2, 1926, c. 723, § 9, 44 Stat. 794.

484. Hospitalization for veterans of other wars; hospitalization in the insular possessions.—That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amœbic dysentery, or the loss of sight of both eyes, regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this Act.[10] The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That any and all laws applicable to women who belonged to the Nurse Corps of the Army after February 2, 1901, shall apply equally to members of the Army Nurse Corps who served under contract between April 21, 1898, and February 2, 1901, including all women who served honorably as nurses, chief nurses, or superintendent of said corps in said period: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses: *Provided further*, That where a veteran hospitalized under the authority of this subdivision is financially unable to supply himself with clothing, he shall also be furnished with such clothing as the director may deem necessary: *Provided further*, That where a veteran entitled to hospitalization under this subdivision is suffering with a disease or injury necessitating the wearing of a prosthetic appliance and is financially unable to supply himself with same, upon an affidavit to that effect the director is hereby authorized to furnish such appliance and to effect necessary repairs to the same without cost to the veteran: *And provided further*, That the pension of a veteran entitled to hospitalization under this subdivision shall not be subject to deduction, while such veteran is hospitalized in any

[19] "Act" should be translated "chapter."
[20] "Paragraph" should be translated "section."
[21] "Subdivision" should be translated "section."
[22] "The date of the passage of this Act" should be translated "July 2, 1926."

Government hospital, for board, maintenance, or any other purpose incident to hospitalization: *Provided further*, That the Act of May 4, 1898, entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes," the Act of February 28, 1861, as amended by the Act of February 2, 1909, relative to the Government hospital for the insane in the District of Columbia, or any other Act, in so far as they are inconsistent with the provisions of this section be, and they are, hereby modified accordingly.

In the insular possessions or Territories of the United States the director is further authorized to furnish hospitalization in other than Government hospitals. (June 7, 1924, c. 320, § 202, 43 Stat. 618; Mar. 4, 1925, c. 553, § 9, 43 Stat. 1307; July 2, 1926, c. 723, § 9, 44 Stat. 794.)

Section 484 of Title 38 amended.—The statutory provision constituting § 484 of Title 38 of this Code has been amended by Act of July 2, 1926, c. 723, § 9, 44 Stat. 794, to read as above.

For Act of May 4, 1898, mentioned in the text, see § 6 of Title 24 of this Code.

For Act of Feb. 2, 1909, amending Act of Feb. 28, 1861, mentioned in the text, see § 165 of Title 24 of this Code.

492. Examination of applicants for compensation for disability; necessity for; neglect or refusal to submit to.—That every person applying for or in receipt of compensation for disability under the provisions of this title and every person applying for treatment under the provisions of subdivisions (9) or (10) of section 202 hereof,[22] shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also a per diem allowance of $2.65 per day for the period of travel and observation. If he shall neglect or refuse to submit to such examination, or shall in any way obstruct the same, his right to claim compensation under this title[23] shall be suspended until such neglect, refusal, or obstruction ceases. No compensation shall be payable while such neglect, refusal, or obstruction continues, and no compensation shall be payable for the intervening period. (June 7, 1924, c. 320, § 203, 43 Stat. 622; July 2, 1926, c. 723, § 10, 44 Stat. 797.)

Section 492 of Title 38 amended.—The statutory provision constituting § 492 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 10, 44 Stat. 797, to read as above. The amendment related to the per diem allowance.

495. Time of occurrence of death or disability as affecting liability therefor.—That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this Act,[24] and except where there is an official record of the injury during service or at the time of separation from active service, or where within three years from the approval of this Act,[25] satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title,[23] for death or disability whenever occurring, proximately resulting from such injury. (June 7, 1924, c. 320, § 206, 43 Stat. 622; July 2, 1926, c. 723, § 11, 44 Stat. 797.)

Section 495 of Title 38 amended.—The statutory provision constituting § 495 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 11, 44 Stat. 797, to read as above.

498. Time for filing claim for compensation or treatment; extension of time.—No compensation shall be payable and that (except as provided by subdivision (10) of section 202 hereof)[26] no treatment shall be furnished unless a claim therefor be filed in case of disability within five years after discharge or resignation from the service, or in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however*, That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed five years for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases. (June 7, 1924, c. 320, § 209, 43 Stat. 623; July 2, 1926, c. 723, § 12, 44 Stat. 797.)

Section 498 of Title 38 amended.—The statutory provision constituting § 498 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 12, 44 Stat. 797, to read as above. The amendment relates to extension of time from "two years" to "five years" in second paragraph.

PART III.—INSURANCE

511. Persons entitled to; amounts; time for application for; to whom payable; expense of; premium rates.—In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves, and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation: *Provided*, That any member of the reserve forces whose application was accepted at a time when he was in attendance at a military or naval training camp or station, and from whom premiums were collected, and who becomes or has become totally or permanently disabled, or dies or has died, shall be deemed to have made valid application therefor. This proviso shall not authorize the granting of more than $10,000 insurance to any one person: *Provided further*, That each officer and enlisted man of the Coast Guard who is serving on active duty at the time of the passage of this amendatory Act[27] or who subsequent thereto enters the Coast Guard Service, shall be granted insurance in accordance with the terms of this section upon application within one hundred and twenty days of the passage of this amendatory Act,[28] or date of enlistment or entry into the Coast Guard, whichever is the later date, and before retirement, discharge, or resignation.

The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-

[22] "Subdivisions (9) or (10) of section 202 hereof" should be translated "sections 483 and 484 of this title."

[23] "This title" should be translated "Part II of this chapter."

[24] "Section 200 of this Act" should be translated "section 471 of this title."

[25] "The approval of this Act" should be translated "July 2, 1926."

[26] "Subdivision (10) of section 202 hereof" should be translated "section 484 of this title."

[27] "At the time of the passage of this amendatory Act" should be translated "July 2, 1926."

[28] "The passage of this amendatory Act" should be translated "July 2, 1926."

in-law, or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

Where a beneficiary at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per centum per annum. This section shall be deemed to be in effect as of June 7, 1924. (June 7, 1924, c. 320, § 300, 43 Stat. 624; Mar. 4, 1925, c. 553, § 12, 43 Stat. 1308; July 2, 1926, c. 723, § 14, 44 Stat. 798.)

Section 511 of Title 38 amended.—The statutory provision constituting § 511 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 14, 44 Stat. 798, to read as above. The amendment added the two provisos at the close of first paragraph.

512. Term insurance; when terminated; conversion to elected policies; payment.—Except as provided in the second paragraph of this section, not later than July 2, 1927, all term yearly renewable insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

All yearly renewable term insurance shall cease on July 2, 1927, except when death or total permanent disability shall have occurred before July 2, 1927: *Provided, however*, That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1927, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided*, That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

The insurance except as provided herein shall be payable in two hundred and forty equal monthly installments: *Provided*, That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the War Risk Insurance Act, or Title III of this Act,[29] either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided*, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924. (June 7, 1924, c. 320, § 301, 43 Stat. 624; Mar. 4, 1925, c. 553, § 13, 43 Stat. 1309; June 2, 1926; c. 449, 44 Stat. 686.)

Section 512 of Title 38 amended.—The statutory provision constituting § 512 of Title 38 of the Code has been amended by Act of June 2, 1926, c. 449, 44 Stat. 686.

515. Lapsed or canceled insurance; reinstatement; procedure; termination of term insurance unaffected.—In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this amendatory Act[28] or within two years after the date of lapse or cancellation: *Provided*, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service dur-

[28] "The passage of this amendatory Act" should be translated "July 2, 1926."

[29] "Article IV of the War Risk Insurance Act" refers to Act of Oct. 6, 1917, c. 105, 40 Stat. 409, 410, and "Title III of this Act" should be translated "Part III of this chapter."

ing the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of the United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per centum per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy: *Provided further*, That where within one year of this amendatory Act[30] all of the requirements for reinstatement of yearly renewable term insurance under this section are complied with, except the payment of unpaid premiums with interest, and proof satisfactory to the director is furnished showing the applicant is unable to pay such premiums with interest or some part thereof, the application may be approved, and the amount of unpaid premiums with interest as provided in this section shall be placed as an interest-bearing indebtedness against the insurance, such indebtedness to bear interest at the rate of 5 per centum per annum, compounded annually, to be deducted in any settlement thereunder: *And provided further*, That no yearly renewable term insurance shall be reinstated after July 2, 1927. (June 7, 1924, c. 320, § 304, 43 Stat. 625; Mar. 4, 1925, c. 553, § 15, 43 Stat. 1310; July 2, 1926, c. 723, § 15, 44 Stat. 799.)

Section 515 of Title 38 amended.—The statutory provision constituting § 515 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 15, 44 Stat. 799.

516. Same; availability of compensation to revive insurance.—Where any person has heretofore[31] allowed his insurance to lapse, or has canceled or reduced all or any part of such insurance, while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the War Risk Insurance Act as amended December 24, 1919,[32] would purchase if applied as premiums when due, shall not be considered as lapsed, canceled or reduced; and the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier, or his beneficiaries, as the case may be, the amount of said insurance less the unpaid premiums and interest thereon at 5 per centum per annum compounded annually in installments as provided by law: *Provided*, That insurance hereafter revived under this section and section 309[33] by reason of permanent and total disability or by death of the insured, shall be paid only to the insured, his widow, child or children, dependent mother or father, and in the order named unless otherwise designated by the insured during his lifetime or by last will and testament. (June 7, 1924, c. 320, § 305, 43 Stat. 626; July 2, 1926, c. 723, § 16, 44 Stat. 799.)

Section 516 of Title 38 amended.—The statutory provision constituting § 516 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 16, 44 Stat. 799, to read as above.

516a. Same; payment within seven days.—Wherever yearly renewable term insurance or United States Government life (converted) insurance has heretofore lapsed for the nonpayment of premiums, and the insured has forwarded to the United States Veterans' Bureau, not later than the seventh day of the month following the month for which the unpaid premium was due, an amount sufficient to reinstate the insurance under bureau regulations heretofore or hereafter issued, the director of the bureau is hereby authorized and directed to reinstate such insurance whenever it is shown to his satisfaction that the insured was at the time of the making of the remittance in the state of health required by bureau regulations. (July 2, 1926, c. 723, § 17, 44 Stat. 800.)

New section. The statutory provision constituting § 519 of Title 38 in the appendix was added as § 308 to Act of June 7, 1924, c. 320, by Act of July 2, 1926, c. 723, § 17, 44 Stat. 800.

516b. Same; application of uncollected bonus to premiums.—Where any person allowed his insurance to lapse and died after February 24, 1919, and prior to collecting the $60 bonus provided by the Act of February 24, 1919 (Fortieth Statutes at Large, page 1151), then and in that event his insurance shall not be considered as lapsed during such period as said uncollected bonus would, if applied to the payment of premiums when due, equal or exceed the same, and the United States Veterans' Bureau is hereby authorized and directed to pay to his beneficiaries under said policy the amount of said insurance, less the premiums and interest thereon at 5 per centum per annum, compounded annually, in installments, as provided by law. (July 2, 1926, c. 723, § 18, 44 Stat. 800.)

New section. The statutory provision constituting § 520 of Title 38 of the appendix was added as § 309 to Act of June 7, 1924, c. 320, by Act of July 2, 1926, c. 723, § 184, 44 Stat. 800.

PART IV.—VOCATIONAL REHABILITATION

537. Same; time after which training and allowance shall not be granted.—No vocational training shall be granted after June 30, 1926, and except as provided by section 404 hereof,[34] no training allowance shall thereafter be paid to any person: *Provided*, That any person who is receiving placement training on June 30, 1926, may be continued in such training to January 1, 1927, and any person receiving educational training in schools or institutions on June 30, 1926, may be continued in training for not more than two years after the passage of this amendatory Act,[28] and may be paid the maintenance and support allowance provided by sections 401 and 404 hereof.[35] For the purposes of this section the unexpended balance of the appropriation for vocational rehabilitation for the fiscal year, 1926, shall be available. (June 7, 1924, c. 320, § 406, 43 Stat. 628; July 2, 1926, c. 723, § 19, 44 Stat. 800.)

Section 537 of Title 38 amended.—The statutory provision constituting § 537 of Title 38 of the Code has been amended by Act of July 2, 1926, c. 723, § 19, 44 Stat. 800, to read as above. Section matter is substantially new.

PART V.—PENALTIES

557. Applicability of title to Philippine Islands.—The provisions of this title shall be applicable to the administration of this Act in the Philippine Islands. (July 2, 1926, c. 723, § 20, 44 Stat. 800.)

New section. "Act" should be translated "chapter." The statutory provision constituting § 557 of Title 38 of the appendix was added as § 506 to Act of June 7, 1924, c. 320, by Act of July 2, 1926, c. 723, § 20, 44 Stat. 800.

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[30] "This amendatory Act" should be translated "July 2, 1926."

[31] "Heretofore" should be translated "prior to July 2, 1926."

[32] "Chapter 16, Forty-first Statutes, page 371," no longer in force.

[33] "Section 309" should be translated "section 520 of this title."

[28] "The passage of this amendatory Act" should be translated "July 2, 1926."

[34] "Section 404 hereof" should be translated "section 535 of this chapter."

[35] "Sections 401 and 404 hereof" should be translated "sections 532 and 535 of this chapter."

Chapter 11.—WORLD WAR VETERANS' ADJUSTED COMPENSATION.

PART III.—GENERAL PROVISIONS

Sec.
612. Application for benefits; time for making; by whom made [death of veteran after application is made]; regulations as to.
613. Transmittal of application to Director of United States Veterans' Bureau; certificate accompanying.
618. Benefits exempt from seizure under process and taxation [no deductions for indebtedness to United States].
618a. Definitions; "original credit" and "new credit" defined. [New.]
618b. Benefits extended to excess of new credit over original credit when veteran alive. [New.]
618c. Payment of remainder of original credit and excess of new credit over original credit where veteran died before making application. [New.]
618d. Method of payment where veteran died after making application. [New.]
618e. Payment without administration of decedent's estate. [New.]
619. Unlawful fees for services rendered; punishment.
620. Finality of decisions. [New.]

PART V.—ADJUSTED SERVICE CERTIFICATES

643. Prohibited negotiations or assignments of certificates.
648. Forging, counterfeiting, altering, etc., of adjusted service certificates; detection and arrest of violators. [New.]
649. Destruction or loss of certificate; issuance of duplicate; surrender of original; bond. [New.]

PART VI.—PAYMENTS TO VETERAN'S DEPENDENTS

661. Enumeration of preference of dependents.
662. Dependent defined.
665. Same; certificates accompanying transmittal; contents.
667. "Dependent," "child," "father," "mother," and "widow" defined.
668. Payment of lump sum to dependent where adjusted service credit certified to director. [New.]
669. Effect of amendatory Act; payment to dependent, preference. [New.]

PART III.—GENERAL PROVISIONS

612. Application for benefits; time for making; by whom made [death of veteran after application is made]; regulations as to.—(a) A veteran may receive the benefits to which he is entitled by application claiming the benefits of this Act,[10] filed with the Secretary of War, if he is serving in, or his last service was with, the military forces; or filed with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made and filed on or before January 1, 1928, (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making or filing of a personal application, then by such representative of the veteran and in such manner as may be by regulations prescribed. An application made by a person other than the representative authorized by any such regulation, or not filed on or before January 1, 1928, shall be held void. If the veteran dies after the application is made and before it is filed it may be filed by any person: *Provided, however,* That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran.

(c) If the veteran dies after the application is made, it shall be valid if the Secretary of War or the Secretary of the Navy, as the case may be, finds that it bears the bona fide signature of the applicant, discloses an intention to claim the benefits of this Act[10] on behalf of the veteran, and is filed on or before January 1, 1928, whether or not the veteran is alive at the time it is filed. If the veteran dies and payments are made to his dependents under Title VI,[36] and thereafter a valid application is filed under this section, then if the adjusted service credit of the veteran is more than $50, payment shall be made in accordance with Title V,[37] less any amounts already paid under Title VI.[36]

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section. (May 19, 1924, c. 157, § 302, 43 Stat. 123; July 3, 1926, c. 751, § 1, 44 Stat. 826.)

Section 612 of Title 38 amended.—The statutory provision constituting § 612 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 1, 44 Stat. 826. Paragraphs (b) and (c) are substantially new matter.

613. Transmittal of application to Director of United States Veterans' Bureau; certificate accompanying.—(a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Director of the United States Veterans' Bureau (hereinafter in this Act[10] referred to as the director) the application and a certificate setting forth—

(1) That a valid application has been received;
(2) That the applicant is a veteran;
(3) His name and address;
(4) The date and place of his birth; and
(5) The amount of his adjusted service credit.

(b) Upon receipt of such certificate the director shall proceed to extend to the veteran the benefits provided for in Title IV or V.[38] (May 19, 1924, c. 157, § 303, 43 Stat. 124; July 3, 1926, c. 751, § 2, 44 Stat. 827.)

Section 613 of Title 38 amended.—The statutory provision constituting § 613 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 2, 44 Stat. 827, to read as above.

618. Benefits exempt from seizure under process and taxation; [no deductions for indebtedness to United States].—No sum payable under this Act[10] to a veteran or his dependents, or to his estate, or to any beneficiary named under Title V,[37] no adjusted service certificate, and no proceeds of any loan made on such certificate shall be subject to attachment, levy, or seizure under any legal or equitable process, or to national or State taxation, and no deductions on account of any indebtedness of the veteran to the United States shall be made from the adjusted service credit or from any amounts due under this Act.[10] (May 19, 1924, c. 157, § 308, 43 Stat. 125; July 3, 1926, c. 751, § 3 (a), 44 Stat. 827.)

Section 618 of Title 38 amended.—The statutory provision constituting § 618 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 3 (a), 44 Stat. 827, to read as above.

618a. Definitions; "original credit" and "new credit" defined.—As used in this section[40] the term "original credit" means the amount of the adjusted service credit computed under the World War Adjusted Compensation Act[41] before its amendment by this Act,[10] less amounts deducted on account of any indebtedness of the veteran to the United States; and the term "new credit" means the amount of the adjusted service credit computed under such Act as amended by this Act,[10] without such deduction. (July 3, 1926, c. 751, § 3 (b), 44 Stat. 827.)

New section.

618b. Benefits extended to excess of new credit over original credit when veteran alive.—If the veteran is alive at the time of the enactment of this Act[10] and the benefits of the World War Adjusted Compensation Act[41] have been extended to him, then any excess of the new credit over the original credit shall

[10] "Act" should be translated "chapter."
[36] "Title VI" should be translated "Part VI of this chapter."
[37] "Title V" should be translated "Part V of this chapter."
[38] "Title IV or V" should be translated "Part IV or V of this chapter."
[40] "This section" should be translated "sections 618 to 618e of this title in the appendix."
[41] Should be translated "chapter 11 of this title in the Code."

be considered as if it were a separate adjusted service credit and the benefits of such Act shall be extended in respect thereof according to the terms of such Act as amended by this Act.[10] (July 3, 1926, c. 751, § 3 (c), 44 Stat. 827.)

New section.

618c. Payment of remainder of original credit and excess of new credit over original credit where veteran died before making application.—If the veteran has died before the enactment of this Act[42] and before making application under section 302 of the World War Adjusted Compensation Act,[43] then if any part of the original credit has been paid to the dependents of the veteran, any remaining part shall be paid as provided in Title VI[44] of such Act as amended by this Act,[10] and any excess of the new credit over the original credit shall be paid in cash in a lump sum to the dependents as provided in Title VI[44] of such Act as amended by this Act.[10] (July 3, 1926, c. 751, § 3 (d), 44 Stat. 827.)

New section.

618d. Method of payment where veteran died after making application.—If the veteran has died before the enactment of this Act[42] after having made application, then—

(1) If the original credit was not over $50 and the new credit is not over $50 payment shall be made as provided in subdivision (d).

(2) If the original credit was not over $50 and the new credit is over $50 then the face value of an adjusted service certificate computed on the basis of the new credit shall be paid to the beneficiary named, or, if the beneficiary died before the veteran and no new beneficiary was named or if no beneficiary was named in the application, then to the estate of the veteran. If in any such case any payments have already been made to the veteran or his dependents, the amount of such payments shall be deducted from the face value of the adjusted service certificate.

(3) If the original credit was over $50 then the face value of an adjusted service certificate computed on the basis of the excess of the new credit over the original credit shall be paid as provided in paragraph (2) of this subdivision.[21] (July 3, 1926, c. 751, § 3 (e), 44 Stat. 827.)

New section.

618e. Payment without administration of decedent's estate.—Wherever under this Act[10] or the World War Adjusted Compensation Act[41] it is provided that payment shall be made by the Director of the United States Veterans' Bureau to the estate of any decedent, such payment, if not over $500, may, under regulations prescribed by the director, be made to the persons found by him to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of such estate. (July 3, 1926, c. 751, § 3 (f), 44 Stat. 828.)

New section.

619. Unlawful fees for services rendered; punishment.—Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran, his dependents or other beneficiary under this Act,[10] in obtaining any of the benefits, privileges or loans to which he is entitled under the provisions of this Act,[10] shall, upon conviction thereof, be subject to a fine of not more than $500, or imprisonment for not more than one year, or both. (May 19, 1924, c. 157, § 309, 43 Stat. 125; July 3, 1926, c. 751, § 4 (a), 44 Stat. 828.)

Section 619 of Title 38 amended.—The statutory provision constituting § 619 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 4 (a), 44 Stat. 828, to read as above.

[10] "Act" should be translated "chapter."
[21] "Subdivision" should be translated "section."
[41] Should be translated "chapter 11 of this title in the Code."
[42] July 3, 1926.
[43] Should be translated "section 612 of this title in the Code."
[44] Should be translated "Part VI of this title in the Code."

620. Finality of decisions.—The decisions of the Secretary of War, the Secretary of the Navy, and the director, on all matters within their respective jurisdictions under the provisions of this Act[10] (except the duties vested in them by Title VII[45]) shall be final and conclusive. (July 3, 1926, c. 751, § 4 (b), 44 Stat. 828.)

New section.

PART V.—ADJUSTED SERVICE CERTIFICATES

643. Prohibited negotiations or assignments of certificates [punishment].—No certificate issued or right conferred under the provisions of this title[46] shall, except as provided in section 502,[47] be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void. If any person is named as beneficiary by the veteran as a consideration for the making of a loan to the veteran by such person or any other person, such naming shall be void. Any person who accepts an assignment of a certificate or receives a certificate as security for a loan contrary to the provisions of this title, or who makes a loan to a veteran in consideration of the naming by the veteran of such person or any other person as beneficiary, shall be guilty of a misdemeanor and shall upon conviction thereof be fined not more than $500 or imprisoned not more than one year, or both. (May 19, 1924, c. 157, § 503, 43 Stat. 128; July 3, 1926, c. 751, § 5, 44 Stat. 828.)

Section 643 of Title 38 amended.—The statutory provision constituting § 643 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 5, 44 Stat. 828, to read as above. The amendment added the last two sentences.

648. Forging, counterfeiting, uttering, etc., of adjusted service certificates; punishment; detection and arrest of violators.—Whoever falsely makes, forges, counterfeits, or alters, or causes or procures to be made, forged, counterfeited, or altered, or willingly aids or assists in falsely making, forging, counterfeiting, or altering an adjusted service certificate issued under authority of this Act,[10] or whoever passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, any such false, forged, counterfeited, or altered certificate, with intent to defraud the United States or any person, or whoever has in possession any such falsely made, forged, counterfeited, or altered certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than $5,000 and imprisonment not more than fifteen years. The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction any person or persons violating any of the provisions of this section. (July 3, 1926, c. 751, § 12, 44 Stat. 830.)

New section.

The statutory provision constituting § 648 of Title 38 of the appendix was added as § 704 to Act of May 19, 1924, c. 157, by Act of July 3, 1926, c. 751, § 12, 44 Stat. 830.

649. Destruction or loss of certificate; issuance of duplicate; surrender of original; bond.—Whenever it appears to the director, by evidence clear and satisfactory to him, that any adjusted service certificate has, without bad faith upon the part of the person entitled to payment thereon, been lost, destroyed, wholly or in part, or so defaced as to impair its value to the rightful holder, and such adjusted service certificate is identified by number and description, the director shall under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof of like value in all respects to the original certificate and so marked as to show the original number of the certificate lost, destroyed, or defaced, and the date

[10] "Act" should be translated "chapter."
[45] "Title VII" should be translated "Part VII of this chapter."
[46] "Title" should be translated "part."
[47] "Section 502" should be translated "section 642 of this title."

thereof. The lawful holder of such certificate who makes application for a duplicate shall surrender the original, if existing, or so much thereof as may remain and shall file in the United States Veterans' Bureau a bond in a penal sum of the face value of such lost, destroyed, or defaced certificate, with two good and sufficient securities, residents of the United States, to be approved by the director, with condition to indemnify and save harmless the United States from any claim upon such lost, destroyed, or defaced certificate. (July 3, 1926, c. 751, § 13, 44 Stat. 830.)

New section.

The statutory provision constituting § 649 of Title 38 of the appendix was added as § 705 to Act of May 19, 1924, c. 157, by Act of July 3, 1926, c. 751, § 13, 44 Stat. 830.

PART VI.—PAYMENTS TO VETERANS' DEPENDENTS

661. Enumeration of preference of dependents.—If the veteran has died before making application under section 302,[48] or, if entitled to receive adjusted service pay, has died after making application but before he has received payment under Title IV,[49] then the amount of his adjusted service credit shall (as soon as practicable after receipt of an application in accordance with the provisions of section 604,[50] but not before March 1, 1925) be paid to his dependents, in the following order of preference:

(1) To the widow;

(2) If no widow entitled to payment, then to the children, share and share alike;

(3) If no widow or children entitled to payment, then to the mother;

(4) If no widow, children, or mother, entitled to payment, then to the father. (May 19, 1924, c. 157, § 601, 43 Stat. 128; July 3, 1926, c. 751, § 6, 44 Stat. 828.)

Section 661 of Title 38 amended.—The statutory provision constituting § 661 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 6, 44 Stat. 828, to read as above.

662. Dependent defined.—(a) No payment under section 601[51] shall be made to a widow if she has remarried before making application, or if at the time of the death of the veteran was living apart from him by reason of her own willful act; nor unless dependent at the time of the death of the veteran or at any time thereafter and before January 2, 1928. The widow shall be presumed to have been dependent at the time of the death of the veteran upon a showing of the martial[52] cohabitation.

(b) Payment under section 601[51] shall be made to a child if (1) under 18 years of age at the time of the death of the veteran, or (2) at any time thereafter and before January 2, 1928, incapable of self-support by reason of mental or physical defect.

(c) No payment under section 601[51] shall be made to a mother or father unless dependent at the time of the death of the veteran or at any time thereafter and before January 2, 1928. If at the time of the death of the veteran or at any time thereafter and before January 2, 1928, the mother is unmarried or over 60 years of age, or the father is over 60 years of age, such mother or father, respectively, shall be presumed to be dependent. (May 19, 1924, c. 157, § 602, 43 Stat. 129; July 3, 1926, c. 751, § 7, 44 Stat. 829.)

Section 662 of Title 38 amended.—The statutory provision constituting § 662 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 7, 44 Stat. 829, to read as above.

665. Same; certificates accompanying transmittal; contents.—(a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the director the application and a certificate setting forth—

(1) That a valid application has been received;

(2) The name and address of the applicant;

(3) That the individual upon whom the applicant bases his claim to payment was a veteran;

(4) The name of such veteran and the date and place of his birth; and

(5) The amount of the adjusted service credit of the veteran.

(b) Upon receipt of such certificate the director shall proceed to extend to the applicant the benefits provided in this title if the director finds that the applicant is the dependent entitled thereto. (May 19, 1924, c. 157, § 605, 43 Stat. 130; July 3, 1926, c. 751, § 8, 44 Stat. 829.)

Section 665 of Title 38 amended.—The statutory provision constituting § 665 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 8, 44 Stat. 829, to read as above.

667. "Dependent," "child," "father," "mother," and "widow" defined.—As used in this Act[10]—

(a) The term "dependent" means a widow, widower, child, father, or mother;

(b) The term "child" includes (1) a legitimate child; (2) a child legally adopted; (3) a stepchild, if a member of the veteran's household; (4) an illegitimate child, but, as to the father only, if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child;

(c) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have, for a period of not less than one year, stood in loco parentis to the veteran at any time prior to the beginning of his service;

(d) The term "widow" includes widower. (May 19, 1924, c. 157, § 607, 43 Stat. 130; July 3, 1926, c. 751, § 9, 44 Stat. 829.)

Section 667 of Title 38 amended.—The statutory provision constituting § 667 of Title 38 of the Code has been amended by Act of July 3, 1926, c. 751, § 9, 44 Stat. 829, to read as above. The amendment added subdivision (d).

668. Payment of lump sum to dependent where adjusted service credit certified to Director.—If the veteran died while in the service and before July 1, 1919, and if an adjusted service credit has been or is, after this section takes effect, certified to the director, then the sum of $60 shall be paid in a lump sum to the dependents of such veteran in the same manner as is provided in sections 601 and 602 of this Act.[53] (July 3, 1926, c. 751, § 10, 44 Stat. 829.)

New section.

669. Effect of amendatory act; payment to dependent; preference.—This Act[54] shall not invalidate any payments made or applications received under the World War Adjusted Compensation Act[55] before the enactment of this Act.[54] Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the director a priority of preference under such Act.[55] as amended by this Act.[54] Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under Title VI of such Act[56] (except section 608[57]) exceed the adjusted service credit of the veteran. (July 3, 1926, c. 751, § 11, 44 Stat. 829.)

New section.

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[48] "Section 302" should be translated "section 612 of this title."

[49] "Title IV" should be translated "Part IV of this chapter."

[50] "Section 604" should be translated "section 664 of this title."

[51] "Section 601" should be translated "section 661 of this title in the appendix."

[52] "Martial" should read "marital."

[10] "Act" should be translated "chapter."

[53] "Sections 601 and 602 of this Act" should be translated "sections 661 and 662 of this title."

[54] "This Act" should be translated "this chapter."

[55] "The World War Adjusted Compensation Act" should be translated "this chapter."

[56] "Title VI of such Act" should be translated "Part VI of this chapter."

[57] "608" should be translated "668 of this title of the appendix."

TITLE 39.—THE POSTAL SERVICE

Chapter 1.—POST OFFICES.

Sec.
9. Rewards for detection of post-office burglars.
14. Rental of quarters without formal contract. [New.]

9. Rewards for detection of post-office burglars.

Section 9 of Title 39 repeated.—The statutory provision constituting § 9 of Title 39 of this Code was repeated in Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 156.

14. Rental of quarters without formal contract.—Hereafter the Postmaster General in his discretion may rent quarters for postal purposes without entering into a formal written contract in any case where the amount of the rental does not exceed $1,000 per annum. (June 3, 1926, c. 455, 44 Stat. 688.)

New section. The Act of June 3, 1926, constituting this section of Title 39 of the appendix was enacted as a new proviso to be added to § 3709 of the Revised Statutes as amended, which appears as § 35 of Title 41, PUBLIC CONTRACTS, of the Code.

Chapter 2.—POSTMASTERS.

Sec.
49. Adjustment of claims of postmasters and Navy mail clerks for losses by burglary and fire.
57. Compensation of postmasters of fourth class.
57a. Postmaster of fourth class; apportionment of compensation on change during fiscal year. [New.]
59. Assignment of fourth-class offices to proper class on increase of receipts.
60. Advancement of fourth-class offices to appropriate class under unusual conditions; reduction to appropriate class.
67. Postmasters as disbursing officers in Alaska. [New.]

49. Adjustment of claims of postmasters and Navy mail clerks for losses by burglary and fire.

Section 49 of Title 39 amended.—The provisions of Act of Mar. 17, 1882, c. 41, § 1, 22 Stat. 29, as amended, constituting § 49 of the Code, have been further amended by Act of July 3, 1926, c. 799, 44 Stat. 903, as follows: "That the Act entitled 'An Act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,' approved March 17, 1882, as amended, is amended so as to include losses of customs charges collected on dutiable mail articles, but such Act shall apply only to such losses occurring after April 1, 1924."

57. Compensation of postmasters of fourth class.—The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, postal cards, stamps on registry matter, including stamps to cover return receipts, insured and collect-on-delivery matter, canceled, on matter actually mailed at their offices, except the stamps affixed to pay the fees for special delivery service and special handling service, and on that part of the value of the stamps on the mail for transportation by air mail, canceled at their offices, equal to the postage which would be required on such mail at the regular domestic rates, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed under the provisions of the Act of April 28, 1904,[1] without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of the Act of April 24, 1920,[2] without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first $75 or less per quarter the postmaster shall be allowed 160 per centum on the amount; on the next $100 or less per quarter, 85 per centum; and on all the balance, 75 per centum, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That in adjusting the quarterly compensation of postmasters of the fourth class the General Accounting Office shall allow such compensation as may be shown by the quarterly returns to be due, not exceeding $275 for the quarter ending September 30, not exceeding $550 for the two quarters ending December 31, not exceeding $825 for the three quarters ending March 31, and not exceeding $1,100 for the whole fiscal year, exclusive of 3 cents commission on each money-order issued. (Mar. 3, 1883, c. 142, § 2, 22 Stat. 602; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1054; June 4, 1926, c. 476, 44 Stat. 695.)

Section 57 of Title 39 amended.—The provision of Act of Feb. 28, 1925, c. 368, § 1, 43 Stat. 1054, constituting § 57 of Title 39 of the Code, has been amended by Act of June 4, 1926, c. 476, 44 Stat. 695, entitled "An Act to amend the Act of February 28, 1925, fixing the compensation of fourth-class postmasters," to read as above.

57a. Postmaster of fourth class; apportionment of compensation on change during fiscal year.—Whenever during the fiscal year there occurs or is created a change in the postmastership of an office of the fourth class, by death or otherwise, the outgoing postmaster shall receive in the final settlement of his account all his earned compensation for that part of the fiscal year which he has served, but in no case shall such compensation amount to more than such a sum as is determined by taking such a fractional part of $1,100 as the time he has served in that fiscal year is to the whole fiscal year. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055, June 4, 1926, c. 476, 44 Stat. 696.)

New section.

59. Assignment of fourth-class offices to proper class on increase of receipts.—When the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to $1,100, exclusive of 3 cents commission on each money-order issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be assigned to its proper class on July 1 following and the salary of the postmaster fixed according to the receipts. (May 18, 1916, c. 126, § 16, 39 Stat. 163; July 28, 1916, c. 261, § 1, 39 Stat. 418; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055; June 4, 1926, c. 476, 44 Stat. 696.)

Section 59 of Title 39 amended.—The provision of Act of Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055, constituting § 59 of Title 39 of the Code, has been amended by Act of June 4, 1926, c. 476, 44 Stat. 696, entitled "An Act to amend the Act of February 28, 1925, fixing the compensation of fourth-class postmasters," to read as above.

60. Advancement of fourth-class offices to appropriate class under unusual conditions; reduction to appropriate class.—Whenever unusual conditions prevail, the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the proviso which requires the compensation of fourth-class postmasters to reach $1,100 for the calendar year, exclusive of commission on each money order issued, and that the receipts of such post office for the same period shall aggregate as much as $1,500 before such advancement is made: *And provided further*, That when the Postmaster General has exercised the authority herein granted he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class

[1] "Act of April 28, 1904," should be translated "section 295 of this title."

[2] "Act of April 24, 1920," should be translated "section 273 of this title."

indicated by its receipts for the last preceding quarter. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055; June 4, 1926, c. 476, 44 Stat. 696.)

Section 60 of Title 39 amended.—The provision of Act of Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055, constituting § 60 of Title 39 of the Code, has been amended by Act of June 4, 1926, c. 476, 44 Stat. 696, entitled, "An Act to amend the Act of February 28, 1925, fixing the compensation of fourth-class postmasters," to read as above.

67. Postmasters as disbursing officers in Alaska.—Postmasters may be designated by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska. (Apr. 23, 1926, c. 174, 44 Stat. 321.)

New section.

Chapter 7.—POSTAGE.

Sec.
301. Special joint congressional committee to investigate postal rates.
302. Postage on hotel and steamship room keys. [New.]

301. Special joint congressional committee to investigate postal rates.

Section 301 of Title 39 amended.—The provision of Act of Feb. 28, 1925, c. 368, Title II, § 217, 43 Stat. 1070, constituting § 301 of Title 39 of the Code, has been amended by resolution of Dec. 17, 1925, c. 2, 44 Stat. 1, as follows: "That section 217 of the Act[8] reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (Public, Numbered 506, Sixty-eighth Congress), approved February 28, 1925, is hereby extended and continued in full force and effect until not later than the end of the second week of the second regular session of the Sixty-ninth Congress."

302. Postage on hotel and steamship room keys.—On hotel and steamship room keys with metal or fiber tags securely attached thereto, there being indelibly stamped upon such tags explicit post-office address and instructions directing that key and tag be returned to the hotel or steamship of their origin, postage shall be charged at the rate of 5 cents for each two ounces or fraction thereof if postage be collected on delivery. (July 3, 1926, c. 778, 44 Stat. 890.)

New section. The title of the Act constituting the section is "An Act fixing postage rates on hotel and steamship room keys and tags."

Chapter 12.—CONTRACTS FOR CARRYING THE MAILS.

443. Fining contractors.—The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. He may deduct the price of the trip in all cases where the trip is not performed and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier. (R. S. § 3962; May 11, 1926, c. 284, 44 Stat. 499.)

Section 443 of Title 39 amended.—The provision of R. S. § 3962, constituting § 443 of Title 39 of the Code, has been amended by Act of May 11, 1926, c. 284, 44 Stat. 499, entitled "An Act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service," to read as above.

The amendment affected the first sentence by inserting, after the word "delinquencies," the words "which deductions or fines may be changed or remitted, in his discretion."

R. S. § 3962, here amended, was derived from the Act of June 8, 1872, c. 335, 17 Stat. 315.

Chapter 13.—AIR MAIL.

464. Same; contracts for transportation of air mail.—The Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate, and to further contract for the transportation by aircraft of first-class mail other than air mail at fixed rates per pound, including equipment, under such rates, rules, and regulations as he may prescribe, not exceeding $3 per pound for air mail for the first one thousand miles and not to exceed 30 cents per pound additional for each additional one hundred miles or fractional part thereof for routes in excess of one thousand miles in length, and not exceeding 60 cents per pound for first-class mail other than air mail for the first one thousand miles, and not to exceed 6 cents per pound additional for each additional one hundred miles or fractional part thereof for routes in excess of one thousand miles in length. Existing contracts may be amended by the written consent of the contractor and the Postmaster General to provide for a fixed rate per pound, including equipment, said rate to be determined by multiplying the rate hereinabove provided by a fraction, the numerator of which is the per centum of revenues derived from air mail to which the contractor was previously entitled under the contract, and the denominator of which is eighty. (Mar. 1, 1921, c. 88, § 1, 41 Stat. 1152; Feb. 2, 1925, c. 128, § 4, 43 Stat. 805; June 3, 1926, c. 460, 44 Stat. 692.)

Section 464 of Title 39 amended.—The provisions of Act of Feb. 2, 1925, c. 128, § 4, 43 Stat. 805, constituting § 464 of Title 39 of the Code, has been amended by Act of June 3, 1926, c. 460, 44 Stat. 692, entitled "An Act to amend section 4 of the Air Mail Act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound," to read as above.

Chapter 15.—RAILWAY SERVICE.

577. Lease of terminal railway post offices.—The Postmaster General may apply a part of the appropriation for rental of space for terminal railway post offices for the distribution of the mails when the furnishing of space for such distribution can not properly be required of railroad companies without additional compensation, to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental, to be paid monthly, for a term not exceeding twenty years. (Mar. 9, 1914, c. 33, 38 Stat. 301; Apr. 24, 1920, c. 161, § 1, 41 Stat. 580; June 3, 1926, c. 456, 44 Stat. 688.)

Section 577 of Title 39 amended.—The provision of Act of Apr. 24, 1920, c. 161, § 1, 41 Stat. 580, constituting § 577 of Title 39 of the Code, has been amended by Act of June 3, 1926, c. 456, 44 Stat. 688, entitled "An Act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease," providing as follows: "That the proviso attached to the appropriation available for rental of space for terminal railway post offices in the Post Office Appropriation Act, approved April 24, 1920 (Forty-first Statutes, page 580), is amended by striking out the word 'quarterly' and inserting in lieu thereof the word 'monthly,' so that said proviso will read as follows:"

The change has been incorporated in the text.

Chapter 17.—FOREIGN MAIL SERVICE.

654. Pay for transporting.—(a) Except as provided in subdivision (b), for transportation of the mails, (1) between the United States or its Territories or possessions and any foreign country, (2) between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces and any other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of the amount of the postage collected on the mail transported on such vessel, and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention.

[8] "Section 217 of the Act" should be translated "section 301 of this title."

(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 4007 of the Revised Statutes[4] or section 24 of the Merchant Marine Act, 1920.[5]

(c) In the case of mails transported between the United States or its Territories or possessions and any foreign country and in the case of mails transported between the United States and its possessions or its naval or military force abroad, or between any such possession or naval or military force and any other such possession or naval or military forces, payment for such transportation shall be made out of the appropriation for the transportation of foreign mails. (R. S. § 4009; July 3, 1926, c. 793, 44 Stat. 900.)

Section 654 of Title 39 amended.—The provision of R. S. § 4009, constituting § 654 of Title 39 of the Code, has been amended by Act of July 3, 1926, c. 793, 44 Stat. 900, to read as above.

Chapter 18.—POST-OFFICE INSPECTORS.

692. Post-office inspectors; appointment.

Section 692 of Title 39 repeated in part.—The statutory provision constituting § 692 of Title 39 has been repeated in part by Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 156. The repeated part of the provision begins after the semicolon.

[4] "Section 4007 of the Revised Statutes" should be translated "section 652 of this title."

[5] "Section 24 of the Merchant Marine Act, 1920" should be translated "section 880 of Title 46, Shipping."

Chapter 22.—MISCELLANEOUS PROVISIONS RELATING TO THE POSTAL SERVICE.

813a. Reward for invention or suggestion increasing efficiency authorized; limitation; execution of release.—The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of $2,500 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this Act[6] shall be in addition to their usual compensation: *Provided further*, That the total amount paid under the provisions of this Act[6] shall not exceed $1,000 in any month or for any one invention or suggestion: *Provided further*, That no employee shall be paid a reward under this Act[6] until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns: *Provided further*, That this appropriation shall be available for no other purpose. (Mar. 2, 1926, c. 43, 44 Stat. 156.)

New section. This section is from the Treasury and Post Office Departments Appropriation Act of Mar. 2, 1926, c. 43, 44 Stat. 156, and constitutes § 813a of this title of the appendix.

[6] "Act" should be translated "section."

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Chapter 1.—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA.

Sec.

1. Public Buildings Commission; members; powers and duties.
25. Rentals for gas governors.
26. Inspection of gas and electric meters.
71. Park and playground system; National Capital Park and Planning Commission.
115. Disposition of proceeds of sale of fuel.
117. Appropriations for fuel yard and garage; use of.
120a. Use and supervision of motor and horse-drawn vehicles; purchase or exchange.

1. Public Buildings Commission; members; powers and duties.

See § 346 of this title in the appendix for legislation affecting this section.

25. Rentals for gas governors.

Section 25 of Title 40 repeated.—The statutory provision constituting § 25 of Title 40 of the Code was repeated in the Treasury, etc., Appropriation Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 154.

26. Inspection of gas and electric meters.

Section 26 of Title 40 repeated.—The statutory provision constituting § 26 of Title 40 of the Code was repeated in the Legislative Appropriation Act of May 13, 1926, c. 294, § 1, 44 Stat. 546.

71. Park and playground system; National Capital Park and Planning Commission.—(a) To develop a comprehensive, consistent, and coordinated plan for the National Capital and its environs in the States of Maryland and Virginia, to preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive, systematic, and continuous development of park, parkway, and playground systems of the National Capital and its environs there is hereby constituted a commission to be known as the National Capital Park and Planning Commission, composed of the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the Director of Public Buildings and Public Parks of the National Capital, the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives, and four eminent citizens well qualified and experienced in city planning, one of whom shall be a bona fide resident of the District of Columbia, to be appointed for the term of six years by the President of the United States: *Provided*, That the first members appointed under this Act shall continue in office for terms of three, four, five, and six years, respectively, from the date of the passage of this Act, the terms of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All members of the said commission shall serve without compensation therefor, but each shall be paid actual expenses of subsistence not in excess of $10 per day and of travel when attending meetings of said commission or engaged in investigations pertaining to its activities. At the close of each Congress the presiding officer of the Senate and the Speaker of the House of Representatives shall appoint, respectively, a Senator and a Representative elect to the succeeding Congress to serve as members of this commission until the chairmen of the committees of the succeeding Congress shall be chosen. The Director of Public Buildings and Public Parks of the National Capital shall be executive and disbursing officer of said commission.

(b) *Duties; employment of personal services and experts.*—That the said commission is hereby charged with the duty of preparing, developing, and maintaining a comprehensive, consistent, and coordinated plan for the National Capital and its environs, which plan shall include recommendations to the proper executive authorities as to traffic and transportation; plats and subdivisions; highways, parks, and parkways; school and library sites; playgrounds; drainage, sewerage, and water supply; housing, building, and zoning regulations; public and private buildings; bridges and water fronts; commerce and industry; and other proper elements of city and regional planning. It is the purpose of this Act to obtain the maximum amount of cooperation and correlation of effort between the departments, bureaus, and commissions of the Federal and District Governments. To this end plans and records, or copies thereof, shall be made available to the National Capital Park and Planning Commission, when requested. The commission may, as to the environs of the District of Columbia, act in conjunction and cooperation with such representatives of the States of Maryland and Virginia as may be designated by such States for this purpose. The said commission is hereby authorized to employ the necessary personal services, including the personal services of a director of planning and other expert city planners, such as engineers, architects, and landscape architects. Such technical experts may be employed at per diem rates not in excess of those paid for similar services elsewhere and as may be fixed by the said commission without regard to the provisions of the Act of Congress entitled "An Act for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923,[1] and amendments thereto, or any rule or regulation made in pursuance thereof.

(c) *Highway Commission abolished; powers and duties transferred.*—The commission established by section 2 of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities" (Twenty-seventh Statutes at Large, pages 532 and 533), known as the Highway Commission, is hereby abolished, and all the functions, powers, and duties conferred and imposed upon said Highway Commission by law are hereby transferred to and conferred and imposed upon the National Capital Park and Planning Commission hereby constituted, and all records of said Highway Commission are hereby transferred to said National Capital Park and Planning Commission.

(d) *Authorities and duties of National Capital Park Commission transferred.*—All authority, powers, and duties conferred and imposed by law on the National Capital Park Commission shall hereafter be held, exercised, and performed by the National Capital Park and Planning Commission hereby constituted. All appropriations heretofore made for expenditure by the National Capital Park Commission are hereby made available for the use of the commission hereby constituted. (June 6, 1924, c. 270, § 1, 43 Stat. 463; April 30, 1926, c. 198, 44 Stat. 374.)

Section 71 of Title 40 of Code amended.—The Act of June 6, 1924, c. 270, § 1, 43 Stat. 463, constituting § 71 of Title 40 of the Code, was amended by Act of Apr. 30, 1926, cited to the text, to read as set out above.

115. Disposition of proceeds of sale of fuel.

Section 115 of Title 40 repeated.—The statutory provision constituting § 115 of Title 40 of the Code was repeated in the State, etc., Appropriation Act of Apr. 29, 1926, c. 195, Title III, 44 Stat. 368.

[1] For Act of Mar. 4, 1923, see c. 13 of Title 5 of the Code.

117. Appropriations for fuel yard and garage; use of.

The "First Deficiency Act, fiscal year 1926," Act Mar. 3, 1926, c. 44, § 1, 44 Stat. 173, contains the following provisions:

"So much of the Interior Department Appropriation Act for the fiscal year 1924 as requires the garage therein authorized to be constructed to be used jointly by the Government fuel yards and the Department of the Interior, and as requires that the Department of the Interior shall from applicable appropriations reimburse the appropriations for the fuel yards for its proportionate share of the expense of maintaining and operating the garage mentioned, is hereby repealed.

"* * * The Secretary of the Interior is authorized to reimburse therefrom the Government fuel yards the amount expended from its appropriation for rental of garage for use of the Interior Department during said period, or any part thereof."

120a. Use and supervision of motor and horse-drawn vehicles; purchase or exchange.—All of said motor vehicles and all other motor vehicles provided for in this Act[2] and all horse-drawn carriages and buggies owned by the District of Columbia shall be used only for purposes directly pertaining to the public services of said District, and shall be under the direction and control of the commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act: *Provided*, That with the exception of motor vehicles for the police and fire departments, no automobile shall be acquired under any provision of this Act, by purchase or exchange at a cost, including the value of a vehicle exchanged, exceeding $650, except as may be herein specifically authorized. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia. (May 10, 1926, c. 276, § 1, 44 Stat. 422.)

New section.

Chapter 2.—CAPITOL BUILDING AND GROUNDS.

Sec.

217a. Purchases for Botanic Garden; limitation on single purchases. [New.]
222. Purchases and services for Architect of Capitol. [New.]

217a. Purchases for Botanic Garden; limitation on single purchases.—The sum of $150 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 3709[3] of the Revised Statutes of the United States. (May 13, 1926, c. 294, 44 Stat. 548.)

New section. This is from the Legislative Appropriation Act for the year 1927, cited to the text.

222. Purchases and services for Architect of Capitol.—Hereafter the purchase of supplies and equipment and the procurement of services for all branches under the Architect of the Capitol may be made in the open market without compliance with sections 3709[3] and 3744[4] of the Revised Statutes of the United States in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $200 in any instance. (May 13, 1926, c. 294, § 1, 44 Stat. 547.)

New section. This section is from the Legislative Appropriation Act for the year 1927, cited to text.

Chapter 3.—PUBLIC BUILDINGS AND GROUNDS GENERALLY.

Sec.

271. Relief of certain contractors and subcontractors for losses due to increased costs.
284. Old furniture to be used.

[2] This section was a part of the District of Columbia Appropriations Act for 1927.

[3] R. S. § 3709, mentioned in the text, constitutes § 5 of Title 41, PUBLIC CONTRACTS, of the Code.

[4] R. S. § 3744, mentioned in the text, constitutes § 16 of Title 41, PUBLIC CONTRACTS, of the Code.

271. Relief of certain contractors and subcontractors for losses due to increased costs.

Act of Aug. 25, 1919, and the amending Act of Mar. 6, 1920, constituting § 272 of this title, were amended by Act of Feb. 27, 1926, reading as follows: "The Act of Congress entitled "An Act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by Act of March 6, 1920, be, and the same is hereby, amended so that said Act shall include the contractor for the steerage barracks for the United States quarantine station, erected at House Island, Portland Harbor, Maine, and, as to said contractor, claims for reimbursement as provided by said Act of August 25, 1919, as amended by Act of March 6, 1920, may be filed within three months after the passage of this Act." (Feb. 27, 1926, c. 38, 44 Stat. 134.)

284. Old furniture to be used.

Section 284 of Title 40 repeated.—The statutory provision constituting § 284 of Title 40 of the Code was repeated in the Act of Mar. 2, 1926, c. 43 § 1, 44 Stat. 153, with the exception of the substitution of the words "now owned" for the words "owned on February 17, 1922."

Chapter 4.—THE PUBLIC PROPERTY.

Sec.

312. Disposition of typewriters and computing machines transferred to General Supply Committee.
313. Repairs to typewriter machines in District of Columbia.

312. Disposition of typewriters and computing machines transferred to General Supply Committee.

Section 312 of Title 40 repeated.—The statutory provision constituting § 312 of Title 40 of the Code was repeated by Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 139.

313. Repairs to typewriting machines in District of Columbia.

Section 313 of Title 40 repeated.—The statutory provision constituting § 313 of Title 40 of the Code was repeated in the Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 139.

Chapter 6.—ACQUISITION OF SITES FOR AND CONSTRUCTION OF PUBLIC BUILDINGS.

Sec.

341. Secretary of Treasury authorized to acquire sites for and construct public buildings. [New.]
342. Duties of Office of the Supervising Architect; employment of assistance; compensation; expenses. [New.]
343. Acquisition of sites and construction of public buildings in numerous cities. [New.]
344. Submission of estimates to Bureau of Budget; basis of allocation; availability of moneys essential to letting contracts; report to Congress. [New.]
345. Appropriations and expenditures; method of acquisition and disposition of sites and buildings. [New.]
346. Public Buildings Commission; jurisdiction and powers. [New.]
347. Survey of public-building conditions. [New.]
348. Acquisition of quarantine site at New Orleans. [New.]

341. Secretary of Treasury authorized to acquire sites for and construct public buildings.—To enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the executive departments, and independent establishments of the Government not under any executive department, and for courthouses, postoffices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired, and to enlarge, remodel, and ex-

tend existing public buildings under the control of the Treasury Department, and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this Act[5] together with the sites thereof, and to remodel, enlarge, or extend such buildings and provide proper approaches and other necessary improvements to the sites thereof. When a building is about to be constructed on a site heretofore acquired and such site is found by the Secretary of the Treasury to be unsuitable for its intended purpose, he is hereby further authorized and empowered to acquire a new site in lieu thereof by purchase, condemnation, exchange, or otherwise, and except in case of exchange to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance: *Provided, however*, That the Secretary of the Treasury is also authorized to acquire a site for a building for the Supreme Court of the United States: *Provided further*, That aside from land that may be acquired for a site for a building for the Supreme Court of the United States, and for enlarging the site of the Government Printing Office, or erecting a storage warehouse or warehouses, the sum of $50,000,000, hereinafter authorized for projects in the District of Columbia, shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, south of Pennsylvania Avenue and west of Maryland Avenue, projected in a straight line to Twining Lake, such sites or additions to sites as the Secretary of the Treasury may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of constructing adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings as nearly in harmony with the plan of Peter Charles L'Enfant as may be practicable. Said buildings shall be so constructed as to combine high standards of architectural beauty and practical utility: *Provided*, That in carrying into effect the provisions of this Act,[5] in so far as relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury, under regulations to be prescribed by him, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein: *Provided further*, That all sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the heads of the executive departments which are to be located in such building.

The Secretary of the Treasury is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

In all cases where the construction of buildings in the District of Columbia, under the provisions of this Act,[5] requires the utilization, in the opinion of the Secretary of the Treasury, of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites. (May 25, 1926, c. 380, § 1, 44 Stat. 630.)

New section.

342. Duties of Office of Supervising Architect; employment of assistance; compensation; expenses.—(a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this Act,[5] shall be performed by the Office of the Supervising Architect, Treasury Department, under the direction of the Secretary of the Treasury, except as otherwise provided in this Act.[5]

(b) When deemed by him advantageous the Secretary of the Treasury is authorized, in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features, and (2) to employ, to the extent deemed necessary by him in connection with the construction of buildings for the Departments of Commerce and Labor, the architects who were successful in competition heretofore held for a building for the then Department of Commerce and Labor, and to pay reasonable compensation for such services.

(c) The Secretary of the Treasury is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect, both in the District of Columbia and in the field, as he deems necessary, and to fix such rates of compensation therefor as he deems proper, not, however, in excess of the maximum rates paid for the same or similar service in other departments, such employment to be made in accordance with the civil service laws, rules, and regulations, and to submit to Congress through customary channels, estimates for appropriations for compensation for such personal services, and for travel, subsistence, and other expenses involved in making any investigation or survey of building conditions or in the examination of sites which he may find to be necessary. (May 25, 1926, c. 280, § 2, 44 Stat. 631.)

New section.

343. Acquisition of sites and construction of public buildings in numerous cities.—The Secretary of the Treasury is hereby authorized to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings thereon in the following cities: Juneau, Alaska; Globe, Arizona; Prescott, Arkansas; Red Bluff and San Pedro, California; Durango, Colorado; Branford and Putnam, Connecticut; Marianna, Florida; West Point, Georgia; Coeur d'Alene and Sandpoint, Idaho; Batavia, Metropolis, Mount Carmel, and Paxton, Illinois; Des Moines, Iowa; Shelbyville, Kentucky; Caribou and Fort Fairfield, Maine; Leominster, Malden, Newburyport, Southbridge, Waltham, and Winchester, Massachusetts; Wyandotte, Michigan; Montevideo, Minnesota; Central City, Nebraska; Fallon and Goldfield, Nevada; Bayonne, East Orange, Millville, and Montclair, New Jersey; East Las Vegas, New Mexico; Fort Plain, Long Island City, Syracuse, and Yonkers, New York; Wilson, North Carolina; Jamestown, North Dakota; Akron, Fremont, and Wilmington, Ohio; Donora, Lewistown, McKees Rocks, Olyphant, Sayre, Tamaqua, Tarentum, and Waynesburg, Pennsylvania; Lancaster, South Carolina; Chamberlain, South Dakota; Athens, Tennessee; Seattle, Washington; Williamson, West Virginia; Madison and Tomah, Wisconsin; Buffalo and Cody, Wyoming; Saint Louis, Missouri; Newark, New Jersey; Utica, New York; Missoula, Montana; additional building for the marine hospital at Chicago, Illinois; medical officers' quarters at the Marine hospital at Savannah, Georgia; construction of marine hospital facilities at Detroit, Michigan. The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each of said projects, to purchase additional land for enlargement of sites, and for such purposes to expend in addition to the amounts heretofore appropriated such additional sums of money for each of said projects as he shall deem advisable, not exceeding in the aggregate $15,000,000:

[5] "This Act" should be translated "sections 341 to 348 of this title in the appendix."

[5] "This Act" should be translated "sections 341 to 348 of this title in the appendix."

Provided, That in constructing the buildings embraced herein the Secretary of the Treasury is authorized, in his discretion, to provide space in such buildings for other activities or branches of the public service not specifically enumerated in the Act or Acts authorizing the acquisition of the sites, or the construction of the buildings, or both: *Provided further*, That in carrying into effect the provisions of this section, the Secretary of the Treasury is authorized and empowered to enter into contracts for all or so many of said buildings as may be possible within the total additional limit of $15,000,000 hereinbefore authorized. (May 25, 1926, c. 380, § 3, 44 Stat. 632.)

New section.

344. Submission of estimates to Bureau of Budget; basis of allocation; availability of moneys essential to letting contracts; report to Congress.—The Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921,[6] showing in complete detail the various amounts it is proposed to expend under the authority of this Act[5] during the fiscal year for which said estimates are submitted, which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That unless specifically provided for in the Act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this Act[5] shall be entered into until monies in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said Act making appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the Act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury hereinafter provided for: *Provided further*, That the Secretary of the Treasury shall also, in addition to submitting estimates to the Bureau of the Budget as herein provided, make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this Act[5] together with a limit of cost for the same: *Provided further*, That the foregoing provisos shall not apply to buildings or their modification heretofore provided for by Act of Congress: *Provided further*, That at least two buildings shall be estimated for during the period covered by this Act[5] in each State for post offices with receipts of more than $10,000 during the last preceding year, for which post offices no public buildings have been provided. (May 25, 1926, c. 380, § 4, 44 Stat. 632.)

New section.

345. Appropriations and expenditures; method of acquisition and disposition of sites and buildings.—For the purpose of carrying out the provisions of this Act[5] the sum of $150,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization, and from appropriations (exclusive of appropriations made for "remodeling and enlarging public buildings"), heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of the Treasury Department, not more than $25,000,000, in the aggregate shall be expended annually: *Provided*, That such amount as is necessary, not to exceed $50,000,000 of the total amount authorized to be expended under the provisions of this Act[5] shall be available for projects in the District of Columbia, and not more than $10,000,000 thereof shall be expended annually: *Provided*, That at least one-third of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized and at least one-third of the expenditures for the fiscal year 1928, and at least one-third of the expenditures for the fiscal year 1929, shall be for a like purpose unless a less amount shall be necessary to complete all of such buildings: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of $5,000,000 annually in any one of the States, Territories, or possessions of the United States.

In each of the cities in which a site is to be acquired under the provisions of this Act,[5] the Secretary of the Treasury shall solicit proposals by public advertisement. Such advertisement shall be published for a period of twenty days in one of the newspapers in said city having the largest circulation, for the sale of lands suitable for the purpose. The Secretary of the Treasury shall cause the sites offered, and such others as may be found to be suitable or desirable for the purpose, to be examined in person by an agent employed or detailed for the purpose, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

That in case a site or additions to a site acquired under the provisions of this Act[5] contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located where the buildings are reserved by the vendors, at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually.

That, so far as practicable, all buildings constructed, enlarged, or extended under the provisions of this Act[5] shall be unexposed to danger of fire from adjacent buildings by an open space of at least forty feet on each side, including streets and alleys: *Provided*, That the Secretary of the Treasury may, in his discretion, acquire sites on which an open space of the extent hereinbefore specified can not be reserved, and he is likewise authorized, whenever in his judgment such action is necessary and warranted, to reduce the open space about any Federal building heretofore constructed and under the custody and control of said department.

In carrying into effect the provisions of this Act,[5] if the Secretary of the Treasury deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, he is hereby authorized to cause the present buildings to be demolished, in order that the sites may be utilized in whole or in part for such buildings, or where in his judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell

[5] "This Act" should be translated "sections 341 to 348 of this title in the appendix."

[6] The Budget and Accounting Act of June 10, 1921, constitutes chs. 1 and 2 of Title 31 of the Code.

[5] "This Act" should be translated "sections 341 to 348 of this title in the appendix."

any such building or buildings and the site or sites thereof, at such time and on such terms as he deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts, and to charge against the total sum of $150,000,000 hereinbefore authorized only the respective net excess cost, if any, over and above the proceeds of such sales, of providing such new sites and buildings. (May 25, 1926, c. 380, § 5, 44 Stat. 633.)

New section.

346. Public Buildings Commission; jurisdiction and powers.—The provisions of section 10 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ended June 30, 1920, approved March 1, 1919,[7] relating to the assignment of space in public buildings in the District of Columbia, shall apply to all buildings constructed, extended, or enlarged under the provisions of this Act[5] in the District of Columbia, and no land for sites or enlargement of sites therefor shall be acquired or land belonging to the United States be taken for sites or enlargement of sites therefor, without prior approval of the commission created by said Act of March 1, 1919; no contract shall be let for any building or the enlargement or extension of any building in the District of Columbia, under the provisions of this Act[5] without the approval of said commission as to the assignment and general arrangement of space therein; and said commission shall determine the order in which buildings or enlargement of buildings in the District of Columbia, under the provisions of this Act[5] shall be constructed. (May 25, 1926, c. 380, § 6, 44 Stat. 634.)

New section.

347. Survey of public-building conditions.—The Secretary of the Treasury is hereby further authorized and empowered to cause such survey and investigations of public building conditions to be made, and such data obtained as he deems necessary properly to carry into effect the provisions of this Act.[5] (May 25, 1926, c. 380, § 7, 44 Stat. 435.)

New section.

348. Acquisition of quarantine site at New Orleans.—In the event local interests in the city of New Orleans, Louisiana, shall offer to advance funds for the acquisition of a site for a quarantine station in or near said city, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site, and the Secretary of the Treasury is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amounts so advanced or expended. (May 25, 1926, c. 380, §8, 44 Stat. 635.)

New section.

[5] "This Act" should be translated "sections 341 to 348 of this title in the appendix."

[7] "Section 10 of the Act March 1, 1919," mentioned in the text, should be translated "section 1 of this title in the Code."

[5] "This Act" should be translated "sections 341 to 348 of this title in the appendix."

TITLE 42.—THE PUBLIC HEALTH

Chapter 1.—THE PUBLIC HEALTH SERVICE.

Sec.
16. Same; for work with Bureau of Mines.

PAY

61. Travel expenses for travel on Government-owned vessels.
63. Computation of length of service of officers of Public Health Service.
66. Retired pay of officers and warrant officers retired on or before June 30, 1922. [New.]

16. Same; for work with Bureau of Mines.

Section 16 of Title 42 repeated.—The statutory provision constituting § 16 of Title 42 of the Code is repeated in the Departments of State and Justice, the Judiciary, and Departments of Commerce and Labor Appropriation Act of Apr. 29, 1926, c. 195, Title III, 44 Stat. 368.

PAY

61. Travel expenses for travel on Government-owned vessels.

Section 61 of Title 42 repeated.—The statutory provision constituting § 61 of Title 42 of the Code is repeated in the Treasury and Post Office Departments Appropriation Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 147.

63. Computation of length of service of officers of Public Health Service.

Section 63 of Title 42 repeated.—The statutory provision constituting § 63 of Title 42 of the Code is repeated in the Navy Department and Naval Service Appropriation Act of May 21, 1926, c. 355, 44 Stat. 604.

66. Retired pay of officers and warrant officers retired on or before June 30, 1922.—Hereafter the retired pay of the officers and warrant officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, who were retired on or before June 30, 1922, shall not be less than that provided for the officers and warrant officers of these services of equal rank and length of service retired subsequent to that date: *Provided*, That nothing in this Act shall operate to reduce the pay of any officer or warrant officer now on the retired list. (May 8, 1926, c. 274, § 1, 44 Stat. 417.)

New section. This section is § 1 of an Act entitled "An Act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above. Section 2 of this Act repeals all inconsistent Acts and parts of Acts. "This Act," mentioned in the text, consists of this section and the repealing section mentioned in this note.

TITLE 43.—PUBLIC LANDS

Chapter 1.—GENERAL LAND OFFICE.

Sec.
10. Depositary acting for commissioner as receiver of public moneys.
24. Travel by automobile. [New.]
25. Records of land office; transfer on closing of last office in State. [New.]
25a. Field notes and maps; transfer to State on closing of last land office in State. [New.]
25b. Provision by State for preservation and access. [New.]

10. Depositary acting for commissioner as receiver of public moneys.

Section 10 of Title 43 repeated.—The legislation constituting § 10 of Title 43 of the Code was repeated in the Act of May 10, 1926, c. 277, § 11, 44 Stat. 456.

24. Travel by automobile.—Whenever the Commissioner of the General Land Office shall find that the expense of travel can be reduced thereby, he may, in lieu of actual operating expenses, under such regulations as he may prescribe, authorize the payment of not to exceed 7 cents per mile for an automobile used on official business. (May 10, 1926, c. 277, § 1, 44 Stat. 456.)

New section.

25. Records of land office; transfer on closing of last office in State.—Whenever the last United States land office in any State has been or hereafter may be abolished the Secretary of the Interior be, and he is hereby, authorized to transfer to the State within which such United States land office was or is situated such transcripts, documents, and records of the office aforesaid as may not be required for use of the United States and which the State may desire to preserve. (May 28, 1926, c. 415, § 1, 44 Stat. 672.)

New section.

25a. Field notes and maps; tranfer to State on closing of last land office in State.—That when the public surveys in any State have been so far completed that in the opinion of the Secretary of the Interior it is no longer necessary to maintain a public survey office in said State, he may turn over to the State the field notes, maps, plats, records, and all other papers appertaining to land titles in such public survey office that may not be needed by the United States and which the State may elect to receive. (May 28, 1926, c. 415, § 2, 44 Stat. 673.)

New section.

25b. Provision by State for preservation and access.—The transcripts, documents, records, field notes, maps, plats, and other papers mentioned in sections 1 and 2 of this Act[1] shall in no case be turned over to the authorities in any State until such State has provided by law for the reception and safekeeping of same as public records, and for the allowance of free access to the same by the authorities of the United States. (May 28, 1926, c. 415, § 3, 44 Stat. 673.)

New section.

Chapter 2.—GEOLOGICAL SURVEY.

Sec.
46. Exchange of old freight-carrying vehicles as part payment for new.
47. Expenditures for benefit of Indians; report; reimbursement. [New.]
48. Disposition of amounts received from State, Territory, etc. [New.]

46. Exchange of old freight-carrying vehicles as part payment for new.

Section 46 of Title 43 repeated.—The legislation constituting § 46 of Title 43 of the Code was repeated by the Act of May 10, 1926, c. 277, § 1, 44 Stat. 486.

47. Expenditures for benefit of Indians; report; reimbursement.—Hereafter, at the close of each fiscal year, the Director of the Geological Survey shall submit to the Secretary of the Interior a statement of all expenditures from this appropriation during the previous year for the benefit of any Indian tribe or allottee, in connection with the administration of the laws relating to the operation of oil, oil shale, and gas leases and to the mining of minerals other than oil, oil shale, and gas on Indian lands, and the Secretary of the Interior shall transmit the same annually to Congress on the first Monday in December with a report as to whether or not there are any funds available belonging to any beneficiary from which the Treasury might be reimbursed therefor. (May 10, 1926, c. 277, 44 Stat. 487.)

New section.

48. Disposition of amounts received from State, Territory, etc.—In carrying on work involving cooperation with any State, Territory, or political subdivision thereof, the amounts received by the Geological Survey from any State, Territory, or political subdivision thereof shall be used to reimburse the appropriation from which the expense of such work is paid. (May 10, 1926, c. 277, 44 Stat. 487.)

New section.

Chapter 4.—REGISTERS.

Sec.
75. Oaths administered by.
90. Expenses incurred; authorization. [New.]
108. Abolition of office. [New.]

75. Oaths administered by.—That a qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the provisions of the Act of October 28, 1921, "An Act for the consolidation of the offices of register and receiver in certain cases and for other purposes" (Forty-second Statutes at Large, page 208),[2] may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath. (R. S. 2246; Mar. 3, 1925, c. 462, 43 Stat. 1145; May 17, 1926, c. 303, 44 Stat. 558.)

Section 75 of Title 43 amended.—The statutory provision constituting § 75 of Title 43 of the Code has been amended by Act of May 17, 1926, c. 303, 44 Stat. 558, to read as above.

90. Expenses incurred.

The statutory provision constituting § 90 of Title 43 of the Code has been repeated in Act of May 10, 1926, c. 277, 44 Stat. 457.

108. Abolition of office.

As to transfer of records, etc., on abolition of last office in a State, see §§ 25 to 25b of this title in the appendix.

Chapter 7.—HOMESTEADS.

177. Patents for lands in New Mexico held under color of title.—Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, not known to be mineral, in the State of New Mexico, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may,

[1] "Sections 1 and 2 of this Act" should be translated "sections 25 and 25a of this title in the appendix."

[2] The Act of Oct. 28, 1921, referred to in the text, constitutes § 73 of this title in the Code.

in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That where the area or areas so held by any such citizen is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres in the aggregate, to any such citizen may be patented hereunder: *Provided further*, That the term "citizen" as used herein [3] shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof. (June 8, 1926, c. 501, 44 Stat. 709.)

New section.

Chapter 12.—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT.

Sec.

GENERAL PROVISIONS

373a. Commissioner of Reclamation; appointment; salary. [New.]

INSTITUTION AND CONSTRUCTION OF PROJECTS

411a. Construction of dams; employment of consulting engineers. [New.]

ADMINISTRATION OF EXISTING PROJECTS. [New.]

423. Permanently unproductive lands; exclusion from project; disposition of water right.

423a. Construction charges already paid; disposition of.

423b. Temporarily unproductive lands; suspension of payment of construction charges.

423c. Exchange of unpatented entries; entries, farms, or private lands eliminated from project; rights not assignable; rights of lien holders; preference to ex-service men.

423d. Amendment of existing water-right contracts by Secretary of Interior; conclusiveness of Secretary's decision.

423e. Completion of new projects or new division; execution of contract with district as condition precedent to delivery of water; contents of contract; cooperation of States with United States; limitations on sale of lands.

423f. Purpose of Act.

423g. Delivery of water during 1926 irrigation season notwithstanding delinquency in payment of water-right charges.

423h. Adjustment of water-right charges as final adjudication on projects and divisions named.

CONSTRUCTION CHARGES

463. Notices as to construction charges. [Repealed.]

467. Adjustment of water charges; items included in adjustment. [Repealed.]

473. Installments on contracts made after December 5, 1924. [Repealed.]

479. Shutting off water for nonpayment of construction charge.

482. Unproductive lands; adjustment of charges on exclusion from or suspension of project. [New.]

MAINTENANCE AND OPERATION OF WORKS GENERALLY

495. Shutting off water for nonpayment of operation charge.

GENERAL PROVISIONS

373a. Commissioner of Reclamation; appointment; salary.—Under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the Act of June 17, 1902, and Acts amendatory thereof [4] and supplementary thereto, shall be administered by a Commissioner of Reclamation, who shall receive a salary of $10,000 per annum, and who shall be appointed by the President. (May 26, 1926, c. 401, 44 Stat. 657.)

New section.

INSTITUTION AND CONSTRUCTION OF PROJECTS

411a. Construction of dams; employment of consulting engineers.—That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Department of the Interior, the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $6 in lieu of subsistence for each engineer respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work: *Provided*, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this Act.[5] (June 28, 1926, c. 704, 44 Stat. 776.)

New section.

ADMINISTRATION OF EXISTING PROJECTS

423. Permanently unproductive lands; exclusion from project; disposition of water right.—All lands found by the classification to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior. (May 25, 1926, c. 383, § 41, 44 Stat. 647.)

New section.

423a. Construction charges already paid; disposition of.—The construction charges heretofore paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 44 of this Act.[6] If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in section 44 hereof,[6] the total construction charges heretofore paid, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released. (May 25, 1926, c. 383, § 42, 44 Stat. 647.)

New section.

423b. Temporarily unproductive lands; suspension of payment of construction charges.—The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin as the case may be. While said lands are so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be

[3] "Herein" should be translated "in this section."

[4] The provisions of the Act of June 17, 1902, referred to in the text, are found in a number of sections throughout chapter 12 of this title in the Code.

[5] "Act" should be translated "section."

[6] "Section 44" should be translated "section 423c of this title in the appendix."

permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in this Act.[7] (May 25, 1926, c. 383, § 43, 44 Stat. 647.)

New section.

423c. Exchange of unpatented entries; entries, farms or private lands eliminated from project; rights not assignable; rights of lienholders; preference to ex-service men.—Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the homestead laws for residence, improvement, and cultivation made or performed by them upon their original entries and with credit upon the new entry for any construction charges paid upon or in connection with the original entry: *Provided*, That when satisfactory final proof has been made on the original entry it shall not be necessary to submit final proof upon the lieu entry. Any entryman whose entry or farm unit is reduced by the elimination of permanently unproductive land shall be entitled to enter an equal amount of available public land on the same project contiguous to or in the vicinity of the farm unit reduced by elimination, with all credits in this section hereinbefore specified in lieu of the lands eliminated. Owners of private lands so eliminated from the project may, subject to the approval of the Secretary of the Interior, and free from all encumbrances, relinquish and convey to the United States lands so owned and held by them, not exceeding an area of one hundred and sixty acres, and select an equal area of vacant public land within the irrigable area of the same or any other Federal reclamation project, with credit upon the construction costs of the lands selected to the extent and in the amount paid upon or in connection with their relinquished lands, and the Secretary of the Interior is hereby authorized to revise and consolidate farm units, so far as this may be made necessary or advisable, with a view to carrying out the provisions of this section: *Provided further*, That the rights extended under this section shall not be assignable: *And provided further*, That in administering the provisions of this section and section 42,[8] the Secretary of the Interior shall take into consideration the rights and interests of lien holders, as to him may seem just and equitable: *Provided further*, That where two entrymen apply for the same farm unit under the exchange provisions of this section, only one[9] whom is an ex-service man, as defined by the joint resolution of January 21, 1922 (Forty-second Statutes, page 358),[10] the ex-service man shall have a preference in making such exchange. (May 25, 1926, c. 383, § 44, 44 Stat. 648.)

New section.

423d. Amendment of existing water-right contracts by Secretary of Interior; conclusiveness of Secretary's decision.—The Secretary of the Interior is hereby authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of this Act,[7] upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by this Act.[7]

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not then accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than forty years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance or water rental charges due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per centum per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per centum per annum until paid.

The Secretary is further authorized, in his discretion, to grant the relief provided for in section 4, Act of December 5, 1924 (Forty-third Statutes at Large, page 701), to any of the projects mentioned in this Act,[7] without requiring such project to take over the care, operation, and maintenance of the projects works.

The decision of the Secretary as to the necessity for amending any such contract shall be conclusive: *Provided*, That nothing in this Act[7] shall prevent the execution of any contract heretofore negotiated or in connection with which negotiations have been heretofore opened in good faith or which may be hereafter opened in good faith under the Act approved December 5, 1924 (Forty-third Statutes at Large, page 701),[11] and which shall be executed on or before January 1, 1927, unless the water users affected elect to have the contract governed by this section: *Provided further*, That in the execution of any contract provided for in the last proviso, the Secretary of the Interior shall have authority to arrange for payment of construction charges by any project or division for the calendar years 1926, 1927, and 1928 in proportion to the state of development of the project in those years: *Provided further*, That the Secretary of the Interior is authorized to complete and execute the supplemental contract, now being negotiated and which has been approved as to form by the Secretary, between the United States and the Belle Fourche Irrigation District and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said District in accordance with the terms of said supplemental contract. (May 25, 1926, c. 383, § 45, 44 Stat. 648.)

New section.

423e. Completion of new projects or new division; execution of contract with district as condition precedent to delivery of water; contents of contract; cooperation of States with United States; limitations on sale of land.—No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the

[7] "This act" should be translated "sections 423 to 423h of this title in the appendix."

[8] "Section 42" should be translated "section 423a of this chapter."

[9] "One whom" should read "one of whom."

[10] "The joint resolution of Jan. 21, 1922 (Forty-second Statutes, page 358)," should be translated "section 438 of this title."

[7] "This Act" should be translated "sections 423 to 423h of this title in the appendix.

[11] Section 4 of Act of Dec. 5, 1924, referred to in this section, constitutes various sections of this title in the Code, beginning with § 371 and following, though not consecutively, to the end of the chapter.

Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment. (May 25, 1926, c. 383, § 46, 44 Stat. 649.)

New section.

423f. Purpose of Act.—The purpose of this Act[7] is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer this Act[7] to those ends. (May 25, 1926, c. 383, § 48, 44 Stat. 650.)

New section.

423g. Delivery of water during 1926 irrigation season notwithstanding delinquency in payment of water-right charges.—Pending the execution of any contract under this Act,[4] or the Interior Department Appropriation Act for the fiscal year 1927, or the said Act of December 5, 1924,[12] the Secretary is authorized, in his discretion and when convinced that action looking to execution of contract is being expedited in good faith, to deliver water during the irrigation season of 1926 to the irrigation district, water users' association, or water-right applicant affected, notwithstanding delinquency in the payment of water-right charges which under the law applicable would render such irrigation district, water users' association, or water-right applicant ineligible to receive water. (May 25, 1926, c. 383, § 49, 44 Stat. 650.)

New section.

[4] The provisions of the Act of June 17, 1902, referred to in the text, are found in a number of sections throughout chapter 12 of this title in the Code.

[7] "This Act" should be translated "sections 423 to 423h of this title in the appendix."

[12] The Act of Dec. 5, 1924, referred to in the text, is section 371 of this title in the Code and some subsequent sections, not consecutive.

423h. Adjustment of water-right charges as final adjudication on projects and divisions named.—The adjustments under sections 1 to 40, inclusive, of this Act[13] are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in subsection K, section 4, of the Act approved December 5, 1924 (Forty-third Statutes, page 701),[14] and shall not hereafter be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not now required by law to be credited to such "reclamation fund." (May 25, 1926, c. 383, § 50, 44 Stat. 650.)

New section.

CONSTRUCTION CHARGES

463. Notices as to construction charges. [Repealed.]

Section repealed.—Subsection E of § 4 of Act of Dec. 5, 1924, c. 4, 43 Stat. 701, constituting § 463 of Title 43 of the Code, was repealed by Act of May 25, 1926, c. 383, § 47, 44 Stat. 650, "except as herein otherwise provided," in §§ 423 to 423h of this title in the appendix.

467. Adjustment of water charges; items included in adjustment. [Repealed.]

Section repealed.—Subsection L of § 4 of Act of Dec. 5, 1924, c. 4, 43 Stat. 701, constituting § 467 of Title 43 of the Code, was repealed by Act of May 25, 1926, c. 383, § 47, 44 Stat. 650, "except as herein otherwise provided," in §§ 423 to 423h of this title in the appendix.

473. Installments on contracts made after December 5, 1924. [Repealed.]

Section repealed.—Subsection F of § 4 of Act of Dec. 5, 1924, c. 4, 43 Stat. 701, constituting § 473 of Title 43 of the Code, was repealed by Act of May 25, 1926, c. 383, § 47, 44 Stat. 650, "except as herein otherwise provided," in §§ 423 to 423h of this title in the appendix.

479. Shutting off water for nonpayment of construction charge.

See § 423g of this title in the appendix for legislation affecting this section. The following act also apparently affects this section: The Secretary of the Interior is also authorized, in his discretion, until June 30, 1927, to contract with any irrigation district or water-users' association for the payment of the construction charges then remaining unpaid within such term of years, as the Secretary may find to be necessary. The construction charges due and unpaid when such contract is executed shall bear interest payable annually at the rate of 6 per centum per annum until paid. (May 10, 1926, c. 277, § 1, 44 Stat. 479.)

482. Unproductive lands; adjustment of charges on exclusion from or suspension of project.

See §§ 423 to 423h of this title in the appendix.

MAINTENANCE AND OPERATION OF WORKS GENERALLY

495. Shutting off water for nonpayment of operation charge.

See § 423g of this title in the appendix for legislation affecting this section.

The following Act also affects this section: The Secretary of the Interior is hereby authorized, in his discretion, until June 30, 1927, to extend the time for payment of operation and maintenance or water-rental charges due and unpaid for such period as in his judgment may be necessary, not exceeding five years. The charges so extended shall bear interest, payable annually, at the rate of 6 per centum per annum until paid. (May 10, 1926, c. 277, § 1, 44 Stat. 479.)

Chapter 16.—SALE AND DISPOSAL OF THE PUBLIC LANDS.

697. Error in entry, selections or location by mistake of numbers; [procedure where final entries have been canceled].—In all cases where an entry, selection, or location has been or shall

[13] Sections 1 to 40, mentioned in the text, are local and are not carried into the appendix.

[14] Subsection K, referred to in the text, constitutes § 466 of this chapter.

be made of a tract of land not intended to be entered, the entryman, selector, or locator, or, in case of his death, his legal representatives, or, when the claim is by law transferable, his or their transferees, may, in any case coming within the provisions of this section, file his or their affidavit, with such additional evidence as can be procured showing the mistake as to the numbers of the tract intended to be entered and that every reasonable precaution and exertion was used to avoid the error, with the register of the land district in which such tract of land is situate, who shall transmit the evidence submitted to them, in each case, together with his written opinion both as to the existence of the mistake and the credibility of every person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied that the mistake has been made and that every reasonable precaution and exertion has been made to avoid it, is authorized to change the entry and transfer the payment from the tract erroneously entered to that intended to be entered, if the same has not been disposed of and is subject to entry, or, if not subject to entry, then to any other tract liable to such entry, selection, or location; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize such change of entry, nor shall anything herein contained affect the right of third persons. (R. S. § 2372; Feb. 24, 1909, c. 181, 35 Stat. 645; Mar. 3, 1925, c. 462, 43 Stat. 1145; May 21, 1926, c. 353, 44 Stat. 591.)

Section 697 of Title 43 repealed in part.—The provision of the Act of Jan. 27, 1922, c. 33, 42 Stat. 359, constituting the second paragraph of § 697 of Title 43 of the Code, was repealed by Act of May 21, 1926, c. 353, 44 Stat. 591, which also provided as follows: "The Act of Congress approved January 27, 1922, entitled 'An Act to amend section 2372 of the Revised Statutes,' be and the same is hereby repealed: *Provided*, That any applications heretofore filed under the provisions of this Act, or any claim of which notice is filed within sixty days from the approval of this Act, upon which applications are presented within one year from the date of approval of this Act, may be perfected and patents issued therefor the same as if this Act had not been passed: *Provided further*, That when the selection in exchange fails for no fault on the part of the selector another selection in exchange may be made if filed within one year from notice to the selector of the rejection of the selection."

Chapter 20.—RESERVATIONS AND GRANTS TO STATES FOR PUBLIC PURPOSES.

869. Patent to States, counties, or municipalities of withheld unreserved nonmineral public lands for park or recreational purposes in exchange for other lands; reservation of mineral deposits.—That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to withhold from all forms of appropriation unreserved nonmineral public lands, which have been classified by him as chiefly valuable for recreational purposes and are not desired for Federal administration, but only after a petition requesting such withdrawal has been signed and filed by the duly constituted authorities of the States or of the county or counties within which the lands are located, and to accept title on behalf of the United States from any States in and to lands granted by Congress to such State, and in exchange therefor to patent to such State an equal quantity or value of surveyed land so withheld and classified, any patent so issued to contain a reservation to the United States of all mineral deposits in the land conveyed and of the right to mine and remove same, under regulations to be established by the Secretary, and a provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of five consecutive years such land has not been used by the State for park or recreational purposes, or that such land or any part thereof is being devoted to other use: *Provided*, That lands so withheld and classified may, in the discretion of the Secretary of the Interior, be also held subject to purchase and may be purchased by the State or county in which the lands are situated, or by an adjacent municipality in the same State, at a price to be fixed by the Secretary of the Interior, through appraisal or otherwise, subject to the same reservation of mineral deposits and the same provision for reversion of title as are prescribed for conveyances to the States in consummation of exchanges hereby authorized, or be held subject to lease and may be leased to such States, counties, or municipalities for recretational[15] use at a reasonable annual rental for a period of twenty years, with privilege of renewal for a like period. And the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the purpose of carrying the provisions of this Act[5] into effect: *Provided further*, That the Secretary of the Interior shall for each year make a report to Congress giving in detail a list of lands exchanged under the provisions of this Act.[5] (June 14, 1926, c. 578, 44 Stat. 741.)

New section.

Chapter 22.—RIGHTS OF WAY AND OTHER EASEMENTS IN PUBLIC LANDS.

946. Right of way to canal and ditch companies for irrigation purposes.—The right of way through the public lands and reservations of the United States is hereby granted to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and fifty feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional right of way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories. (Mar. 3, 1891, c. 561, § 18, 26 Stat. 1101; Mar. 4, 1917, c. 184, § 1, 39 Stat. 1197; May 28, 1926, c. 409, 44 Stat. 668.)

Section 946 of Title 43 amended.—The statutory provision constituting § 946 of Title 43 of the Code has been amended by Act of May 28, 1926, c. 409, 44 Stat. 668, to read as above.

Chapter 28.—MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

SALES OF ISOLATED TRACTS

1171. Sale of lands on former reservation.—The provisions of section 2455, United States Revised Statutes, as amended by the Act of June 27, 1906 (Thirty-fourth Statutes at Large, page 517), and by the Act of March 28, 1912 (Thirty-seventh Statutes at Large, page 77),[16] are made applicable to the ceded lands on the former Fort Hall Indian Reservation: *Provided*, That no land shall be sold at less than the price fixed by the law opening the lands to homestead entry. (May 19, 1926, c. 337, 44 Stat. 566.)

New section.

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[5] "Act" should be translated "section."

[15] "Recretational" should read "recreational."

[16] Section 2455 of the Revised Statutes, as amended, referred to in the text, constitutes § 1171 of this title in the Code.

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

Chapter 2.—GOVERNMENT PRINTING OFFICE.

62. Inks, glues, etc., furnished other departments; payment.—That inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available therefor. (May 13, 1926, c. 294, 44 Stat. 551.)

New section. This section is derived from the Legislative, etc., Appropriation Act of May 13, 1926, cited above.

Chapter 3.—SUPERINTENDENT OF DOCUMENTS; DISTRIBUTION OF DOCUMENTS IN GENERAL.

75. Compensation to employees in office of Superintendent of Documents for night, Sunday, holiday, and overtime work.

Section 75 of Title 44 repealed.—The statutory provision constituting § 75 of Title 44 of the Code is repealed in the Legislative, etc., Appropriation Act of May 13, 1926, c. 294, 44 Stat. 552.

Chapter 6.—CONGRESSIONAL RECORD, BILLS, AND LAWS.

194. Distribution of copies of this Code to Senators and Representatives.

Act June 30, 1926, c. 713, 44 Stat. 778, entitled "An Act to provide for the publication of the Act to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, with index, reference tables, appendix, and so forth," provides as follows:

That upon the enactment of H. R. 10000, a bill to consolidate, codify, and set forth the general and permanent laws of the United States in force December 7, 1925, such Act shall be plated from the type in which H. R. 10000 was printed when it passed the House of Representatives, with the amendments made thereto before its enactment, and shall be printed in the same style and form. Such Act shall be entitled and labeled "The Code of the Laws of the United States of America." The general provisions of law for the printing and distribution of laws are hereby modified with respect to such Act as follows:

1. No slip copies need be printed or distributed.

2. In lieu of distributing such Act in pamphlet form the Public Printer is hereby authorized and directed to print a sufficient number of copies without the index, reference tables, and other ancillaries provided for in section 2 hereof, except a table of contents, to supply the requisitions therefor, and to furnish one copy each to Members of the Sixty-ninth Congress and others who are entitled to copies of laws in slip or pamphlet form.

SEC. 2. That the Committee on the Revision of the Laws of the House of Representatives is hereby authorized to have prepared for such Act to be published with it in a single volume and the Public Printer is authorized to print as ancillaries thereto—

1. Preface.
2. Table of contents.
3. Parallel reference tables to the Revised Statutes of the United States.
4. Parallel reference tables to the Statutes at Large of the United States.
5. Parallel reference tables to the United States Compiled Statutes, Annotated.
6. Parallel reference tables to the Federal Statutes, Annotated.
7. The Declaration of Independence.
8. The Articles of Confederation.
9. The Ordinance of 1787.
10. The Constitution of the United States and amendments.
11. Appendix with the general and permanent laws of the first session of the Sixty-ninth Congress, other than such Act.
12. Index.

SEC. 3. That in addition to quotas already provided by law, except as modified by section 1 hereof, there shall be printed, published, and distributed of such Act with the said ancillaries all bound in one volume in law buckram ten copies for each Member of the Senate and House of Representatives of the Sixty-ninth Congress for his use and distribution, and in addition for the Committees on the Revision of the Laws of the Senate and House of Representatives a number of bound copies equal to ten times the number of members of the respective committees.

SEC. 4. That the Committee on the Revision of the Laws of the House of Representatives is hereby authorized to prepare and the Public Printer to print, in slip form, and furnish with each copy a statement inviting scrutiny of the work and encouraging constructive criticism.

SEC. 5. That such Act shall be published as Part 1 of volume 44 of the Statutes at Large and may be printed and distributed before the expiration of the Sixty-ninth Congress.

Chapter 8.—PARTICULAR REPORTS AND DOCUMENTS.

292. Surgeon General of Army; bulletins for instruction of medical officers.

Section 292 of Title 44 repealed.—The statutory provision constituting § 292 of Title 44 of the Code is repealed in the War Department Appropriation Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 255.

TITLE 45.—RAILROADS

Chapter 6.—MEDIATION, CONCILIATION, AND ARBITRATION IN CONTROVERSIES BETWEEN CARRIERS AND EMPLOYEES. [Repealed.]

Chapter 6 of Title 45 repealed.—The Act of July 15, 1913, c. 6, 38 Stat. 103, which constitutes sections 101 to 125, inclusive, of Title 45 of the Code was repealed by Act of May 20, 1926, c. 347, § 14, 44 stat. 587, which Act constitutes chapter 8 of this supplemental title.

Chapter 7.—ADJUSTMENT BOARDS AND LABOR BOARDS. [Repealed.]

Chapter 7 of Title 45 repealed.—Title III of the Transportation Act of 1920, which constitutes chapter 7 of Title 45 of the Code was repealed by Act of May 20, 1926, c. 347, § 14, 44 Stat. 587, which Act constitutes chapter 8 of this supplemental title.

Chapter 8.[1]—RAILWAY LABOR ACT. [New.]

Sec.

151. Definitions; name of Act.
152. General duties:
First. Duty of carriers and employees to settle disputes.
Second. Consideration of disputes by representatives.
Third. Designation of representatives.
Fourth. Conference of representatives; time; place; private agreements.
Fifth. Manner of dealing with certain disputes.
153. Boards of adjustment:
First. Creation of boards of adjustment; agreements and their provisions.
Second. Settlement of disputes by mutual and voluntary agreement.
154. Board of Mediation:
First. Board of Mediation; creation; composition; term of office; quorum; salary of members; qualifications; removal.
Second. Chairman; principal office; delegation of powers; oaths; seal; report.
Third. Appointment of experts and other employees; salaries of employees; expenditures.
155. Functions of Board of Mediation:
First. Disputes within jurisdiction of Board of Mediation.
Second. Interpretation of agreement.
Third. Duties of board with respect to arbitration of disputes; arbitrators; acknowledgment of agreement; notice to arbitrators; reconvening of arbitrators; transfer of records of other boards.
156. Procedure in changing rates of pay, rules, and working conditions.
157. Arbitration:
First. Submission of controversy to arbitration.
Second. Manner of selecting board of arbitration.
Third. Board of arbitration; organization; compensation; procedure.
158. Agreement to arbitrate; form and contents; signatures and acknowledgment; revocation.
159. Award and judgment thereof; effect of Act on individual employee:
First. Filing of award.
Second. Conclusiveness of award; judgment.
Third. Impeachment of award; grounds.
Fourth. Effect of partial invalidity of award.
Fifth. Appeal; record.
Sixth. Finality of decision of circuit court of appeals.
Seventh. Judgment where petitioner's contentions are sustained.
Eighth. Duty of employee to render service without consent; right to quit.
160. Emergency Board.
161. Effect of partial invalidity of Act.
162. Appropriation.
163. Repeal of prior legislation; exception.

151. Definitions; name of Act.—When used in this Act and for the purposes of this Act:

First. The term "carrier" includes any express company, sleeping-car company, and any carrier by railroad, subject to the Interstate Commerce Act, including all floating equipment such as boats, barges, tugs, bridges and ferries; and other transportation facilities used by or operated in connection with any such carrier by railroad, and any receiver or any other individual or body, judicial or otherwise, when in the possession of the business of employers or carriers covered by this Act: *Provided, however*, That the term "carrier" shall not include any street, interurban, or suburban electric railway unless such a railway is operating as a part of a general steam railroad system of transportation, but shall not exclude any part of the general steam railroad system of transportation now or hereafter operated by any other motive power;

Second. The term "Adjustment Board" means one of the boards of adjustment provided for in this Act;

Third. The term "Board of Mediation" means the Board of Mediation created by this Act;

Fourth. The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation.

Fifth. The term "employee" as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in the orders of the Interstate Commerce Commission now in effect, and as the same may be amended or interpreted by orders hereafter entered by the commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders: *Provided, however*, That no occupational classification made by order of the Interstate Commerce Commission shall be construed to define the crafts according to which railway employees may be organized by their voluntary action, nor shall the jurisdiction or powers of such employee organizations be regarded as in any way limited or defined by the provisions of this Act or by the orders of the commission.

Sixth. The term "district court" includes the Supreme Court of the District of Columbia; and the term "circuit court of appeals" includes the Court of Appeals of the District of Columbia.

This Act may be cited as the Railway Labor Act. (May 20, 1926, c. 347, § 1, 44 Stat. 577.)

New section. See footnote to this chapter.

"This Act," mentioned in the text, constitutes this chapter and § 348 and paragraph "second" of subdivision (b) of § 225 of Title 28 of this appendix.

The Interstate Commerce Act, mentioned in the text, constitutes chapter 1 of Title 49 of the Code.

152. General duties.—First. *Duty of carriers and employees to settle disputes.*—It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort

[1] New chapter. The 12 sections in the chapter are §§ 1–12 of an Act entitled "An Act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes," cited above.

Section 13(a) of the said Act amends paragraph "second" of subdivision (b) of § 128 of the Judicial Code, as amended (Title 28, § 225).

Section 13(b) of the said Act amends § 2 of Act Feb. 13, 1925, c. 229, 43 Stat. 939 (Title 28, § 348).

Section 14 of the said Act of 1926, which constitutes § 163 of this supplemental title, repeals Title III of the Transportation Act of 1920 (Title 45, §§ 131–146), and also repealed Act July 15, 1913, c. 6, 38 Stat. 103 (Title 45, §§ 101–125).

to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.

Second. *Consideration of disputes by representatives.*—All disputes between a carrier and its employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carriers and by the employees thereof interested in the dispute.

Third. *Designation of representatives.*—Representatives, for the purposes of this Act, shall be designated by the respective parties in such manner as may be provided in their corporate organization or unincorporated association, or by other means of collective action, without interference, influence, or coercion exercised by either party over the self-organization or designation of representatives by the other.

Fourth. *Conference of representatives; time; place; private agreements.*—In case of a dispute between a carrier and its employees, arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, it shall be the duty of the designated representative or representatives of such carrier and of such employees, within ten days after the receipt of notice of a desire on the part of either party to confer in respect to such dispute, to specify a time and place at which such conference shall be held: *Provided*, (1) That the place so specified shall be situated upon the railroad line of the carrier involved unless otherwise mutually agreed upon; and (2) that the time so specified shall allow the designated conferees reasonable opportunity to reach such place of conference, but shall not exceed twenty days from the receipt of such notice: *And provided further*, That nothing in this paragraph shall be construed to supersede the provisions of any agreement (as to conferences) then in effect between the parties.

Fifth. *Manner of dealing with certain disputes.*—Disputes concerning changes in rates of pay, rules, or working conditions shall be dealt with as provided in section 6[2] and in other provisions of this Act[3] relating thereto. (May 20, 1926, c. 347, § 2, 44 Stat. 577.)

New section. See footnote to this chapter.

153. Boards of adjustment.—First. *Creation of boards of adjustment; agreements and their provisions.*—Boards of adjustment shall be created by agreement between any carrier or group of carriers, or the carriers as a whole, and its or their employees.

The agreement—

(a) Shall be in writing;

(b) Shall state the group or groups of employees covered by such adjustment board;

(c) Shall provide that disputes between an employee or group of employees and a carrier, growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, that the dispute shall be referred to the designated adjustment board by the parties, or by either party, with a full statement of the facts and all supporting data bearing upon the dispute;

(d) Shall provide that the parties may be heard either in person, by counsel, or by other representative, as they may respectively elect, and that adjustment boards shall hear and, if possible, decide promptly all disputes referred to them as provided in paragraph (c). Adjustment boards shall give due notice of all hearings to the employee or employees and the carrier or carriers involved in the dispute;

(e) Shall stipulate that decisions of adjustment boards shall be final and binding on both parties to the dispute; and it shall be the duty of both to abide by such decisions;

(f) Shall state the number of representatives of the employees and the number of representatives of the carrier or carriers on the adjustment board, which number of representatives, respectively, shall be equal;

(g) Shall provide for the method of selecting members and filling vacancies;

(h) Shall provide for the portion of expenses to be assumed by the respective parties;

(i) Shall stipulate that a majority of the adjustment board members shall be competent to make an award, unless otherwise mutually agreed;

(j) Shall stipulate that adjustment boards shall meet regularly at such times and places as designated; and

(k) Shall provide for the method of advising the employees and carrier or carriers of the decisions of the board.

Second. *Settlement of disputes by mutual and voluntary agreement.*—Nothing in this Act[3] shall be construed to prohibit an individual carrier and its employees from agreeing upon the settlement of disputes through such machinery of contract and adjustment as they may mutually establish. (May 20, 1926, c. 347, § 3, 44 Stat. 578.)

New section. See footnote to this chapter.

154. Board of Mediation.—First. *Board of Mediation; creation; composition; term of office; quorum; salary of members; qualifications; removal.*—There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the Board of Mediation and to be composed of five members appointed by the President, by and with the advice and consent of the Senate. The terms of office of the members first taking office shall expire, as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after January 1, 1926. The terms of office of all successors shall expire five years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Vacancies in the board shall not impair the powers nor affect the duties of the board nor of the remaining members of the board. A majority of the members in office shall constitute a quorum for the transaction of the business of the board. Each member of the board shall receive a salary at the rate of $12,000 per annum, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the board on business required by this Act.[3] No person in the employment of or who is pecuniarily or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the board.

A member of the board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

Second. *Chairman; principal office; delegation of powers; oaths; seal; report.*—The board shall annually designate a member to act as chairman. The board shall maintain its principal office in the District of Columbia, but it may meet at

[2] "Section 6" should be translated "section 151."

[3] "Act" should be translated "chapter."

[3] "Act" should be translated "chapter."

any other place whenever it deems it necessary. The board may designate one or more of its members to exercise the functions of the board in mediation proceedings. Each member of the board shall have power to administer oaths and affirmations. The board shall have a seal which shall be judicially noticed. The board shall make an annual report to Congress.

Third. *Appointment of experts and other employees; salaries of employees; expenditures.*—The board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the provisions of the civil service laws, such other officers and employees, and (2) in accordance with the Classification Act of 1923[4] fix the salary of such experts, assistants, officers, and employees, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of boards of arbitration, in accordance with the provisions of section 7)[5] as may be necessary for the execution of the functions vested in the board, or in the boards of arbitration, and as may be provided for by the Congress from time to time. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman. (May 20, 1926, c. 347, § 4, 44 Stat. 579.)

New section. See footnote to this chapter.

155. Functions of Board of Mediation.—First. *Disputes within jurisdiction of Board of Mediation.*—The parties, or either party, to a dispute between an employee or group of employees and a carrier may invoke the services of the Board of Meditation created by this Act,[3] or the Board of Meditation may proffer its services, in any of the following cases:

(a) A dispute arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions not adjusted by the parties in conference and not decided by the appropriate adjustment board;

(b) A dispute which is not settled in conference between the parties, in respect to changes in rates of pay, rules, or working conditions;

(c) Any other dispute not decided in conference between the parties.

In either event the said board shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts, by mediation, to bring them to agreement. If such efforts to bring about an amicable adjustment through mediation shall be unsuccessful, the said board shall at once endeavor as its final required action (except as provided in paragraph third of this section and in section 10 of the Act),[6] to induce the parties to submit their controversy to arbitration in accordance with the provisions of this Act.[3]

Second. *Interpretation of agreement.*—In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this Act,[3] either party to the said agreement, or both, may apply to the Board of Mediation for an interpretation as to the meaning or application of such agreement. The said board shall upon receipt of such request notify the parties to the controversy, and after a hearing of both sides give its interpretation within thirty days.

Third. *Duties of board with respect to arbitration of disputes; arbitrators; acknowledgment of agreement; notice to arbitrators; reconvening of arbitrators; transfer of records of other boards.*—The Board of Mediation shall have the following duties with respect to the arbitration of disputes under section 7[7] of this Act:

(a) On failure of the arbitrators named by the parties to agree on the remaining arbitrator or arbitrators within the time set by section 7[7] of this Act, it shall be the duty of the Board of Mediation to name such remaining arbitrator or arbitrators. It shall be the duty of the board in naming such arbitrator or arbitrators to appoint only those whom the board shall deem wholly disinterested in the controversy to be arbitrated and impartial and without bias as between the parties to such arbitration. Should, however, the board name an arbitrator or arbitrators not so disinterested and impartial, then, upon proper investigation and presentation of the facts, the board shall promptly remove such arbitrator.

If an arbitrator named by the Board of Mediation, in accordance with the provisions of this Act,[3] shall be removed by such board as provided by this Act,[3] or if such an arbitrator refuses or is unable to serve, it shall be the duty of the Board of Mediation, promptly, to select another arbitrator, in the same manner as provided in this Act[3] for an original appointment by the Board of Mediation.

(b) Any member of the Board of Mediation is authorized to take the acknowledgment of an agreement of arbitration under this Act.[3] When so acknowledged, or when acknowledged by the parties before a notary public or the clerk of a district court or a circuit court of appeals of the United States, such agreement to arbitrate shall be delivered to a member of said board, or transmitted to said board, to be filed in its office.

(c) When an agreement to arbitrate has been filed with the Board of Mediation, or with one of its members, as provided by this section, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the parties to the controversy, it shall be the duty of the Board of Mediation to cause a notice in writing to be served upon said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board of arbitration, and advising them of the period within which, as provided by the agreement to arbitrate, they are empowered to name such arbitrator or arbitrators.

(d) Either party to an arbitration desiring the reconvening of a board of arbitration to pass upon any controversy arising over the meaning or application of an award may so notify the Board of Mediation in writing, stating in such notice the question or questions to be submitted to such reconvened board. The Board of Mediation shall thereupon promptly communicate with the members of the board of arbitration, or a subcommittee of such board appointed for such purpose pursuant to a provision in the agreement to arbitrate, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board, or the subcommittee, will meet for hearings upon the matters in controversy to be submitted to it. No evidence other than that contained in the record filed with the original award shall be received or considered by such reconvened board or subcommittee, except such evidence as may be necessary to illustrate the interpretations suggested by the parties. If any member of the original board is unable or unwilling to serve on such reconvened board or subcommittee thereof, another arbitrator shall be named in the same manner and with the same powers and duties as such original arbitrator.

[3] "Act" should be translated "chapter."

[4] The Classification Act of 1923 is set out in §§ 661 to 674, inclusive, of Title 5 of the Code.

[5] "Section 7" should be translated "section 157."

[6] "Section 10 of the Act" should be translated "section 160 of this title."

[3] "Act" should be translated "chapter."

[7] "Section 7 of this Act" should be translated "section 157 of this chapter."

(e) The Interstate Commerce Commission, the Bureau of Labor Statistics, and the custodian of the records, respectively, of the Railroad Labor Board, of the mediators designated in the Act approved June 1, 1898,[8] providing for mediation and arbitration, known as the Erdman Act, and of the Board of Mediation and Conciliation created by the Act approved July 15, 1913,[8] providing for mediation, conciliation, and arbitration, known as the Newlands Act, are hereby authorized and directed to transfer and deliver to the Board of Mediation created by this Act any and all papers and documents heretofore filed with or transferred to them, respectively, bearing upon the settlement, adjustment, or determination of disputes between carriers and their employees or upon mediation or arbitration proceedings held under or pursuant to the provisions of any Act of Congress in respect to such disputes; and the President is authorized to require the transfer and delivery to the Board of Mediation, created by this Act,[3] of any and all such papers and documents filed with or in the possession of any agency of the Government. The President is authorized to designate a custodian of the records and property of the Railroad Labor Board, until the transfer and delivery of such records to the Board of Mediation and the disposition of such property in such manner as the President may direct. (May 20, 1926, c. 347, § 5, 44 Stat. 580.)

New section. See footnote to this chapter.

156. Procedure in changing rates of pay, rules, and working conditions.—Carriers and the representatives of the employees shall give at least thirty days' written notice of an intended change affecting rates of pay, rules, or working conditions, and the time and place for conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice and said time shall be within the thirty days provided in the notice. Should changes be requested from more than one class or associated classes at approximately the same time, this date for the conference shall be understood to apply only to the first conference for each class; it being the intent that subsequent conferences in respect to each request shall be held in the order of its receipt and shall follow each other with reasonable promptness. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Board of Mediation have been requested by either party, or said board has proffered its service, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon, as required by section 5 of this Act,[9] by the Board of Mediation, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Board of Mediation. (May 20, 1926, c. 347, § 6, 44 Stat. 582.)

New section. See footnote to this chapter.

157. Arbitration.—First. *Submission of controversy to arbitration.*—Whenever a controversy shall arise between a carrier or carriers and its or their employees which is not settled either in conference between representatives of the parties or by the appropriate adjustment board or through mediation, in the manner provided in the preceding sections, such controversy may, by agreement of the parties to such controversy, be submitted to the arbitration of a board of three (or, if the parties to the controversy so stipulate, of six) persons: *Provided, however,* That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this Act or otherwise.

Second. *Manner of selecting board of arbitration.*—Such board of arbitration shall be chosen in the following manner:

(a) In the case of a board of three the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; the two arbitrators thus chosen shall select a third arbitrator. If the arbitrators chosen by the parties shall fail to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation.

(b) In the case of a board of six the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators; the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators. If the arbitrators chosen by the parties shall fail to name the two arbitrators within fifteen days after their first meeting, the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation.

Third. *Board of arbitration; organization; compensation; procedure.*—(a) *Notice of selection or failure to select arbitrators.*—When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation; and, in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this Act,[3] they shall, at the expiration of such period, notify the Board of Mediation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

(b) *Organization of board; procedure.*—The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings: *Provided, however,* That the board of arbitration shall be bound to give the parties to the controversy a full and fair hearing, which shall include an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may respectively elect.

(c) *Duty to reconvene; questions considered.*—Upon notice from the Board of Mediation that the parties, or either party, to an arbitration desire the reconvening of the board of arbitration (or a subcommittee of such board of arbitration appointed for such purpose pursuant to the agreement to arbitrate) to pass upon any controversy over the meaning or application of their award, the board, or its subcommittee, shall at once reconvene. No question other than, or in addition to, the questions relating to the meaning or application of the award, submitted by the party or parties in writing, shall be considered by the reconvened board of arbitration or its subcommittee.

Such rulings shall be acknowledged by such board or subcommittee thereof in the same manner, and filed in the same district court clerk's office, as the original award and become a part thereof.

(d) *Competency of arbitrators.*—No arbitrator, except those chosen by the Board of Mediation, shall be incompetent to act as an arbitrator because of his interest in the controversy to be arbitrated, or because of his connection with or partiality to either of the parties to the arbitration.

(e) *Compensation and expenses.*—Each member of any board of arbitration created under the provisions of this Act[3] named by either party to the arbitration shall be compensated by the party naming him. Each arbitrator selected by the arbitrators or named by the Board of Mediation shall receive from the Board of Mediation such compensation as the Board of Mediation may fix, together with his necessary traveling expenses and expenses actually incurred for subsistence, while serving as an arbitrator.

[3] "Act" should be translated "chapter."

[8] The Act of July 15, 1913, here mentioned, is set out in §§ 101 to 125, inclusive, of Title 45 of the Code. The Act of July 15, 1913, repealed the Act of June 1, 1898, also mentioned in the text.

[9] "Section 5 of this Act" should be translated "section 155 of this chapter."

(f) *Award; disposition of original and copies.*—The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the evidence taken at the hearings, certified under the hands of at least a majority of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as hereinafter provided. The said board shall also furnish a certified copy of its award, and the papers and proceedings, including testimony relating thereto, to the Board of Mediation, to be filed in its office; and in addition a certified copy of its award shall be filed in the office of the Interstate Commerce Commission: *Provided, however,* That such award shall not be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission, under the Interstate Commerce Act,[10] as amended.

(g) *Compensation of assistants to board of arbitration; expenses; quarters.*—A board of arbitration may, subject to the approval of the Board of Mediation, employ and fix the compensation of such assistants as it deems necessary in carrying on the arbitration proceedings. The compensation of such employees, together with their necessary traveling expenses and expenses actually incurred for subsistence, while so employed, and the necessary expenses of boards of arbitration, shall be paid by the Board of Mediation.

Whenever practicable, the board shall be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may conduct its proceedings or deliberations.

(h) *Testimony before board; oaths; attendance of witnesses; production of documents; subpœnas; compulsion of witnesses; fees.*—All testimony before said board shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. The board of arbitration, or any member thereof, shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board of arbitration material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein said arbitration is being conducted to issue the necessary subpœnas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpœnas. In the event of the failure of any person to comply with any such subpœna, or in the event of the contumacy of any witness appearing before the board of arbitration, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the Act to regulate commerce[10] approved February 4, 1887, and the amendments thereto.

Any witness appearing before a board of arbitration shall receive the same fees and mileage as witnesses in courts of the United States, to be paid by the party securing the subpœna. (May 20, 1926, c. 347, § 7, 44 Stat. 582.)

New section. See footnote to this chapter.

158. Agreement to arbitrate; form and contents; signatures and acknowledgment; revocation.—The agreement to arbitrate—

(a) Shall be in writing;

(b) Shall stipulate that the arbitration is had under the provisions of this Act;[3]

(c) Shall state whether the board of arbitration is to consist of three or of six members;

(d) Shall be signed by the duly accredited representatives of the carrier or carriers and the employees, parties respectively to the agreement to arbitrate, and shall be acknowledged by said parties before a notary public, the clerk of a district court or circuit court of appeals of the United States, or before a member of the Board of Mediation, and, when so acknowledged, shall be filed in the office of the Board of Mediation;

(e) Shall state specifically the questions to be submitted to the said board for decision; and that, in its award or awards, the said board shall confine itself strictly to decisions as to the questions so specifically submitted to it;

(f) Shall provide that the questions, or any one or more of them, submitted by the parties to the board of arbitration may be withdrawn from arbitration on notice to that effect signed by the duly accredited representatives of all the parties and served on the board of arbitration;

(g) Shall stipulate that the signatures of a majority of said board of arbitration affixed to their award shall be competent to constitute a valid and binding award;

(h) Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board (as provided for in the agreement) within which the said board shall commence its hearings;

(i) Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided,* That the parties may agree at any time upon an extension of this period;

(j) Shall provide for the date from which the award shall become effective and shall fix the period during which the award shall continue in force;

(k) Shall provide that the award of the board of arbitration and the evidence of the proceedings before the board relating thereto, when certified under the hands of at least a majority of the arbitrators, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arose or the arbitration was entered into, which district shall be designated in the agreement; and, when so filed, such award and proceedings shall constitute the full and complete record of the arbitration;

(l) Shall provide that the award, when so filed, shall be final and conclusive upon the parties as to the facts determined by said award and as to the merits of the controversy decided;

(m) Shall provide that any difference arising as to the meaning, or the application of the provisions, of an award made by a board of arbitration shall be referred back for a ruling to the same board, or, by agreement, to a subcommittee of such board; and that such ruling, when acknowledged in the same manner, and filed in the same district court clerk's office, as the original award, shall be a part of and shall have the same force and effect as such original award; and

(n) Shall provide that the respective parties to the award will each faithfully execute the same.

The said agreement to arbitrate, when properly signed and acknowledged as herein provided, shall not be revoked by a party to such agreement: *Provided, however,* That such agreement to arbitrate may at any time be revoked and canceled by the written agreement of both parties, signed by their duly accredited representatives, and (if no board of arbitration has yet been constituted under the agreement) delivered to the Board of Mediation or any member thereof; or, if the board of arbitration has been constituted as provided by this Act,[3] delivered to such board of arbitration. (May 20, 1926, c. 347, § 8, 44 Stat. 584.)

New section. See footnote to this chapter.

[10] The Interstate Commerce Act, which is the Act of Feb. 4, 1887, and its amendments, both of which are mentioned in the text is set out in Chapter I of Title 49 of the Code.

[3] "Act" should be translated "chapter."

[3] "Act" should be translated "chapter."

159. Award and judgment thereon; effect of Act on individual employee.—First. *Filing of award.*—The award of a board of arbitration, having been acknowledged as herein provided, shall be filed in the clerk's office of the district court designated in the agreement to arbitrate.

Second. *Conclusiveness of award; judgment.*—An award acknowledged and filed as herein provided shall be conclusive on the parties as to the merits and facts of the controversy submitted to arbitration, and unless, within ten days after the filing of the award, a petition to impeach the award, on the grounds hereinafter set forth, shall be filed in the clerk's office of the court in which the award has been filed, the court shall enter judgment on the award, which judgment shall be final and conclusive on the parties.

Third. *Impeachment of award; grounds.*—Such petition for the impeachment or contesting of any award so filed shall be entertained by the court only on one or more of the following grounds:

(a) That the award plainly does not conform to the substantive requirements laid down by this Act[3] for such awards, or that the proceedings were not substantially in conformity with this Act;[3]

(b) That the award does not conform, nor confine itself, to the stipulations of the agreement to arbitrate; or

(c) That a member of the board of arbitration rendering the award was guilty of fraud or corruption; or that a party to the arbitration practiced fraud or corruption which fraud or corruption affected the result of the arbitration: *Provided, however,* That no court shall entertain any such petition on the ground that an award is invalid for uncertainty; in such case the proper remedy shall be a submission of such award to a reconvened board, or subcommittee thereof, for interpretation, as provided by this Act:[3] *Provided further,* That an award contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and that no award shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

Fourth. *Effect of partial invalidity of award.*—If the court shall determine that a part of the award is invalid on some ground or grounds designated in this section as a ground of invalidity, but shall determine that a part of the award is valid, the court shall set aside the entire award: *Provided, however,* That, if the parties shall agree thereto, and if such valid and invalid parts are separable, the court shall set aside the invalid part, and order judgment to stand as to the valid part.

Fifth. *Appeal; record.*—At the expiration of ten days from the decision of the district court upon the petition filed as aforesaid, final judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said petition and to be decided.

Sixth. *Finality of decision of circuit court of appeals.*—The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

Seventh. *Judgment where petitioner's contentions are sustained.*—If the petitioner's contentions are finally sustained, judgment shall be entered setting aside the award in whole or, if the parties so agree, in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

[3] "Act" should be translated "chapter."

Eighth. *Duty of employee to render service without consent; right to quit.*—Nothing in this Act[3] shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act[3] be construed to make the quitting of his labor or service by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent. (May 20, 1926, c. 347, § 9, 44 Stat. 585.)

New section. See footnote to this chapter.

160. Emergency Board.—If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this Act[3] and should, in the judgment of the Board of Mediation, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Board of Mediation shall notify the President, who may thereupon, in his discretion, create a board to investigate and report respecting such dispute. Such board shall be composed of such number of persons as to the President may seem desirable: *Provided, however,* That no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within thirty days from the date of its creation.

There is hereby authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

After the creation of such board and for thirty days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose. (May 20, 1926, c. 347, § 10, 44 Stat. 586.)

New section. See footnote to this chapter.

161. Effect of partial invalidity of Act.—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act,[3] and the application of such provision to other persons or circumstances, shall not be affected thereby. (May 20, 1926, c. 347, § 11, 44 Stat. 587.)

New section. See footnote to this chapter for section constituting Act referred to in section.

162. Appropriation.—There is hereby authorized to be appropriated such sums as may be necessary for expenditure by the Board of Mediation in carrying out the provisions of this Act.[3] (May 20, 1926, c. 347, § 12, 44 Stat. 587.)

New section. See footnote to this chapter for sections constituting Act referred to in section.

163. Repeal of prior legislation; exception.—Title III of the Transportation Act, 1920,[11] and the Act approved July 15, 1913,[12] providing for mediation, conciliation, and arbitration, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, except that the members, secretary, officers, employees, and agents of the Railroad Labor Board, in office upon the date of the passage of this Act, shall receive their salaries for a period of 30 days from such date, in the same manner as though this Act[3] had not been passed. (May 20, 1926, c. 347, § 14, 44 Stat. 587.)

New section. See footnote to this chapter.

[3] "Act" should be translated "chapter."

[11] Title III of the Transportation Act of 1920, mentioned in the text, constitutes chapter 7 of Title 45 of the Code.

[12] The Act of July 15, 1913, similarly mentioned, is set out in sections 101 to 125, inclusive, of Title 45 of the Code.

TITLE 46.—SHIPPING

Chapter 12.—REGULATION OF VESSELS IN DOMESTIC COMMERCE.

Sec.
293a. Creation of additional great district. [New.]
293b. Vessels operating in great district created; laws applicable.

293a. Creation of additional great district.—There is hereby created, in addition to the five great districts provided by section 4348 of the Revised Statutes as amended by the Act of May 12, 1906,[1] a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York. (July 3, 1926, c. 757, § 1, 44 Stat. 832.)

New section. This section and the section next following are §§ 1 and 2 of an Act entitled "An Act to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York," cited above.

Section 3 repeals R. S. §§ 3116 and 3117, which constitute §§ 284 and 285 of Title 19 of the Code.

293b. Vessels operating in great district created; laws applicable.—Enrolled and licensed vessels operating in the great district herein created shall be subject to all of the requirements of licensed and enrolled and licensed vessels imposed by sections 4349, 4350, 4351, and 4352 of the Revised Statutes and amendments and laws supplementary thereto:[2] *Provided*, That nothing herein shall affect the rights or privileges reserved to seamen under existing law. (July 3, 1926, c. 757, § 2, 44 Stat. 832.)

See note to § 293a, which precedes this section.

[1] "Section 4348 of the Revised Statutes as amended by the Act of May 12, 1906," should be translated "section 293 of Title 46 of the Code."

[2] "Sections 4349, 4350, 4351, and 4352 of the Revised Statutes and amendments" should be translated "sections 294, 295, 296, and 297, respectively, of Title 46 of the Code."

Chapter 23.—SHIPPING ACT.

Sec.
807. Limitation on salaries.
817a. Preferential rate to alien veterans and families.

807. Limitation on salaries.—No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $10,000 except the following: One at not to exceed $18,000, three at not to exceed $15,000 each, and one at not to exceed $12,000. (Apr. 22, 1926, c. 171, Title I, 44 Stat. 318.)

Section 807 of Title 46 superseded.—The statutory provision constituting § 807 of Title 46 of the Code is superseded by the provision from the Executive, etc., Appropriation Act of Apr. 22, 1926, c. 171, Title I, 44 Stat. 318, cited to the text.

817a. Preferential rate to alien veterans and families.—That the United State Shipping Board be, and it is hereby, authorized to grant a preferential rate for the transportation to the United States upon such vessels subject to the control of the United States Shipping Board at such times and for such voyages as that board may designate, of alien veterans of the World War, their wives and minor children, who are granted visas to enter the United States in excess of quota under the terms of the Act of May 26, 1926:[3] *Provided*, That the preferential rate shall be fixed by the United States Shipping Board, and the extent of the concessions may vary according to the vessel and the class by which the veteran, his wife or minor children, may elect to travel. (July 3, 1926, c. 764, 44 Stat. 837.)

This section is from the Act of July 3, 1926, c. 764, 44 Stat. 837, entitled "An Act authorizing the Shipping Board to give a preference rate to alien veterans and their families," cited to the text.

[3] The Act of May 26, 1926, mentioned in the text, is set out in Title 8 of this appendix.

TITLE 47.—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

Chapter 1.—TELEGRAPHS.

16. Washington-Alaska Military Cable and Telegraph System; money transfers; portion of receipts withheld; bonds.—Hereafter such amount of money as may be authorized by the Secretary of War may be withheld temporarily from the receipts of the Washington-Alaska Military Cable and Telegraph System by the auditor of said system as a working balance from which to make payments of money transfers from and to Alaska and between points within Alaska, to be accounted for accordingly; and the expenses of procuring necessary official bonds, as determined by the Secretary of War, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense. (May 20, 1926, c. 345, 44 Stat. 576.)

New section. This section is from the Act of May 20, 1926, c. 345, 44 Stat. 576, entitled "An Act to authorize payment of expenses of the Washington-Alaska Military Cable and Telegraph System out of receipts of such system as an operating expense."

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TITLE 48.—TERRITORIES AND INSULAR POSSESSIONS

Sec.
39. Reindeer.
48. Same; return to legal residence or friends.
49. Persons admitted to hospitals.
50. Insane persons; disposition of unclaimed funds. [New.]
51. Disposition of funds subject of claim. [New.]

ALASKA FISHERIES

223a. Taking of fish or shellfish for bait purposes. [New.]

RAILROADS, TELEGRAPHS, AND TELEPHONES

301. Railroads; location, construction, and operation.
302. Telegraph and telephone lines.
303. Townsites.
304. Terminals, stations, and rights of way.
305. Patents to contain reserve for right of way.
306. Disposition of proceeds of lease or sale of public lands.
307. Authority of President.
308. Officers, agents, etc., to make annual report to President; transmission to Congress.

PUBLIC LANDS IN ALASKA

GENERAL PROVISIONS

360. Public lands; lease for fur farming; reservations. [New.]
361. Execution of provisions of Act; authority of Secretary of Interior. [New.]
369. Indian or Eskimo lands set aside on survey of town site. [New.]
369a. Extension of street or alley across Indian or Eskimo land. [New.]
369b. Survey of nonmineral public lands into lots and blocks. [New.]
369c. Regulations by Secretary of the Interior. [New.]

HOMESTEADS

379. Homestead claims; rectangular system of surveys; departure on account of local or topographic conditions. [New.]
380. Soldier's additional entry; trade or manufacturing site; application for official survey; deposit. [New.]
381. Disposition of deposit; rules. [New].

39. Reindeer.

Section 39 of Title 48 repeated in part.—The statutory provision constituting § 39 of Title 48 of the Code has been repeated in part in Act of May 10, 1926, c. 277, § 1, 44 Stat. 492, beginning with the words "The Commissioner of Education."

48. Same; return to legal residence or friends.

Section 48 of Title 48 substantially repeated.—The statutory provision of Mar. 3, 1925, c. 462, 43 Stat. 1181, constituting § 48 of Title 48 of the Code, has been substantially repeated in Act of May 10, 1926, c. 277, § 1, 44 Stat. 493.

49. Persons admitted to hospitals.

Section 49 of Title 48 substantially repeated.—The statutory provision constituting § 49 of Title 48 of the Code has been substantially repeated in Act of May 10, 1926, c. 277, § 1, 44 Stat. 492.

50. Insane persons; disposition of unclaimed funds.—That hereafter all moneys belonging to persons legally adjudged insane in the Territory of Alaska and deposited by them with the person, firm, corporation, or institution under contract with the Department of the Interior for the care of the Alaskan insane who have died in such institution, or under the care of such person, firm, or corporation, been discharged therefrom, or who have eloped and whose whereabouts is unknown, shall, if unclaimed by said person or their legal heirs within the period of five years from the time of death of the person or the date of the leaving of the institution, or the care of such person, firm, or corporation, be covered into the Treasury by the Secretary of the Interior: *Provided, however*, That the unclaimed moneys belonging to those who have heretofore died or left the institution, or the care of such person, firm, or corporation, prior to the date of this Act shall, at the end of five years from the passage of this Act,[1] also be deposited in the Treasury, subject, however, to reclamation by such persons or their legal heirs within five years from the date of this Act.[1] (Apr. 24, 1926, c. 177, § 1, 44 Stat. 322.)

New section. Act of Apr. 24, 1926, c. 177, 44 Stat. 322, cited to the text, was entitled "An Act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior."

51. Disposition of funds subject of claim.—The Secretary of the Interior is authorized and directed under such regulations as he may prescribe, to make, or cause diligent inquiry to be made, in every instance after the death, discharge, or elopement of any legally adjudged insane person of Alaska, to ascertain his whereabouts, or that of his or her legal heirs, and thereafter turn over to the proper party any moneys in the hands of the institution, person, firm, or corporation, and so forth, to the credit of such person. Claims may be presented to the Secretary of the Interior hereunder at any time, and when established by competent proof in any case more than five years after the death, discharge, or elopement of such legally adjudged insane person of Alaska, shall be certified to Congress for consideration. (Apr. 24, 1926, c. 177, § 2, 44 Stat. 322.)

New section. See note to § 50 of this title of the appendix.

ALASKA FISHERIES

223a. Taking of fish or shellfish for bait purposes.—The Secretary of Commerce is hereby authorized to permit the taking of fish or shellfish, for bait purposes only, at any or all seasons in any or all Alaskan Territorial waters. (June 18, 1926, c. 621, 44 Stat. 752.)

New section. This section constitutes the proviso of Act of June 18, 1926, c. 621, 44 Stat. 752. The Act amended Act of June 6, 1924, c. 272, § 1, 43 Stat. 464, constituting §§ 221–224 of this title of the Code. The amending Act did not change the language of the Act amended, but only added a proviso thereto, in the language of the text.

RAILROADS, TELEGRAPH, AND TELEPHONES

301. Railroads; location, construction, and operation.

Sections 301 to 308 of Title 48 amended.—The provisions of Act of Mar. 12, 1914, c. 37, 38 Stat. 305, constituting §§ 301–308 of Title 48 of the Code, have been amended by Act of Apr. 10, 1926, c. 114, 44 Stat. 239, entitled "An Act to amend an Act entitled 'An Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes,' approved March 12, 1914," as follows:

"That the Alaskan Railroad Act approved March 12, 1914, is hereby amended so as to permit the issuance of passes to ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, and persons exclusively engaged in charitable and eleemosynary work when engaged in their work in Alaska; to indigent, destitute, and homeless persons, inmates of hospitals and charitable and eleemosynary institutions, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to newsboys on trains, persons injured in wrecks and physicians and nurses attending such persons; the interchange of passes for the officers, agents, and employees of common carriers, and their families; and the carrying of passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation."

302. Telegraph and telephone lines.

Section 302 of Title 48 amended.—See note to § 301 of this title of the appendix.

303. Townsites.

Section 303 of Title 48 amended.—See note to § 301 of this title of the appendix.

304. Terminals, stations, and rights of way.

Section 304 of Title 48 amended.—See note to § 301 of this title of the appendix.

[1] "Act" should be translated "sections 50 and 51 of this title of the appendix."

[1] "Act" should be translated "sections 50 and 51 of this title of the appendix."

305. Patents to contain reserve for right of way.

Section 305 of Title 48 amended.—See note to § 301 of this title of the appendix.

306. Disposition of proceeds of lease or sale of public lands.

Section 306 of Title 48 amended.—See note to § 301 of this title of the appendix.

307. Authority of President.

Section 307 of Title 48 amended.—See note to § 301 of this title of the appendix.

308. Officers, agents, etc., to make annual report to President; transmission to Congress.

Section 308 of Title 48 amended.—See note to § 301 of this title of the appendix.

PUBLIC LANDS IN ALASKA

General Provisions

360. Public lands; lease for fur farming; reservations.—That the Secretary of the Interior, in order to encourage and promote development of production of furs in the Territory of Alaska, is hereby authorized to lease to corporations organized under the laws of the United States, or of any State or Territory thereof, citizens of the United States, or associations of such citizens, public lands of the United States in the Territory of Alaska suitable for fur farming, in areas not exceeding six hundred and forty acres, and for periods not exceeding ten years, upon such terms and conditions as he may by general regulations prescribe: *Provided*, That where leases are given hereunder for islands or lands within the same such lease may, in the discretion of the Secretary of the Interior, be for an area not to exceed thirty square miles: *Provided further*, That nothing herein contained shall prevent the prospecting, locating, development, entering, leasing, or patenting of the mineral resources of any lands so leased under laws applicable thereto: *And provided further*, That this Act[2] shall not be held nor construed to apply to the Pribilof Islands, declared a special reservation by the Act of Congress approved April 21, 1910: *And provided further*, That any permit or lease issued under this Act shall reserve to the Secretary of the Interior the right to permit the use and occupation of parts of said leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by existing laws or laws which may be hereafter enacted. (July 3, 1926, c. 745, § 1, 44 Stat. 821.)

New section. Act of July 3, 1926, c. 745, 44 Stat. 821, cited to the text, was entitled "An Act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes."

361. Execution of provisions of Act; authority of Secretary of Interior.—That the Secretary of the Interior is hereby authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper, for the purpose of carrying the provisions of this Act[2] into effect including provisions for the forfeiture of any lease for failure to stock the same with fur-bearing animals within a period of one year from the date of the lease, or in the event of the devotion of the lease area primarily to any purpose other than the rearing of such fur-bearing animals. (July 3, 1926, c. 745, § 2, 44 Stat. 822.)

New section. See note to § 360 of this title of the appendix.

369. Indian or Eskimo lands set aside on survey of town site.—Where, upon the survey of a town site pursuant to section 11 of the Act of March 3, 1891 (Twenty-sixth Statutes, page 1095),[3] and the regulations of the Department of the Interior under said Act, a tract claimed and occupied by an Indian or Eskimo of full or mixed blood, native of Alaska, has been or may be set apart to such Indian or Eskimo, the town-site trustee is authorized to issue to him a deed therefor which shall provide that the title conveyed is inalienable except upon approval of the Secretary of the Interior: *Provided*, That nothing herein contained shall subject such tract to taxation, to levy and sale in satisfaction of the debts, contracts, or liabilities of the patentee, or to any claims of adverse occupancy or law of prescription: *Provided further*, That the approval by the Secretary of the Interior of the sale by an Indian or Eskimo of a tract deeded to him under this Act[1] shall vest in the purchaser a complete and unrestricted title from the date of such approval. (May 25, 1926, c. 379, § 1, 44 Stat. 629.)

New section.

369a. Extension of street or alley across Indian or Eskimo land.—Whenever the Secretary of the Interior shall determine that it would be to the interest of the Indian or Eskimo occupant of land described in the preceding paragraph,[4] he is authorized to extend the established streets and alleys of the town site upon and across the track, and the deed issued to such occupant under this Act[1] shall reserve to the town site the area covered by such streets and alleys as extended. (May 25, 1926, c. 379, § 2, 44 Stat. 630.)

New section.

369b. Survey of nonmineral public lands into lots and blocks.—Whenever he shall find nonmineral public lands in Alaska to be claimed and occupied by Indians or Eskimos of full or mixed blood, natives of Alaska, as a town or village, the Secretary of the Interior is authorized to have such lands surveyed into lots, blocks, streets, and alleys, and to issue a patent therefor to a trustee who shall convey to the individual Indian or Eskimo the land so claimed and occupied, exclusive of that embraced in streets or alleys: *Provided*, That any patent or deed to be issued under this section shall be subject to all the provisions, limitations, and restrictions of section 1 of this Act[5] with respect to Indian and Eskimo claims to land occupied by them within the limits of town sites established or to be established under said Act of March 3, 1891.[6] (May 25, 1926, c. 379, § 3, 44 Stat. 630.)

New section.

369c. Regulations by Secretary of the Interior.—The Secretary of the Interior is authorized to prescribe appropriate regulations for the administration of this Act.[7] (May 25, 1926, c. 379, § 4, 44 Stat. 630.)

New section.

Homesteads

379. Homestead claims; rectangular system of surveys; departure on account of local or topographic conditions.—That the provisions of the Act of May 14, 1898[8] (Thirtieth Statutes at Large, page 409), extending the homestead laws to Alaska, and the Act of March 3, 1903[8] (Thirty-second Statutes at Large, page 1028), amendatory thereof, in so far as they require that the lands so settled upon, or to be settled upon, if unsurveyed, must be located in rectangular form by north and south lines running according to the true meridian, and marked upon the ground by permanent monuments at each of the four corners; and the provisions of the Act of June 28, 1918[9] (Fortieth Statutes at Large, page 632), in so far as they

[2] "This Act" should be translated "sections 360 and 361 of this title of the appendix."

[3] "Act of March 3, 1891, section 11" should be translated "section 355 of this title in the Code."

[4] "Paragraph" should be translated "section."

[5] Section 369 of this title in the appendix.

[6] Section 355 of this title in the Code.

[7] "This Act" should be translated "sections 369 to 369b of this title in the appendix."

[8] "Act of May 14, 1898" and the "Act of March 3, 1903" amendatory thereof should be translated "section 371 of this title of the Code."

[9] "Act of June 28, 1918" should be translated "section 375 of this title of the Code."

require that surveys executed thereunder, without expense to the claimant, must follow the general system of the public land surveys, shall not apply where, by reason of the local or topographic conditions, it is not feasible or economical to include in a rectangular form with cardinal boundaries the lands desired; but all such claims must be compact and approximately rectangular in form, and marked upon the ground by permanent monuments at each corner, and the entryman or claimant shall conform his boundaries thereto. In all other respects the claims will be in conformity with the provisions of the aforesaid Acts. (Apr. 13, 1926, c. 121, § 1, 44 Stat. 243.)

New section. Act of Apr. 13, 1926, c. 121, 44 Stat. 243, cited to the text, was entitled "An Act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes."

380. Soldier's additional entry; trade or manufacturing site; application for official survey; deposit.—That if the rectangular system of the public lands surveys has not been extended over the lands included in a soldier's additional homestead entry, authorized by the aforesaid Act of May 14, 1898, as amended by the Act of March 3, 1903,[10] or a trade and manufacturing site authorized by section 10 of the first-named Act,[11] the entryman or claimant may, upon the approval of the register and receiver, make application to the public survey office for an official survey of his claim, accompanied by a deposit of the estimated cost of the field and office work incident to the execution of such survey. Upon receipt of the application and its accompanying deposit the public survey office will immediately issue appropriate instructions for the survey of the lands involved, to be executed by the surveying service of the General Land Office not later than the next surveying season under the direction of the supervisor of surveys, unless by reason of the inaccessibility of the locality or other conditions the supervisor of surveys decides that it will result to the advantage of the Government or claimants to have the survey executed by a United States deputy surveyor, in which event the laws and regulations now governing the execution of the surveys by United States deputy surveyors will be observed. (Apr. 13, 1926, c. 121, § 2, 44 Stat. 243.)

New section. See note to § 379 of this title of the appendix.

381. Disposition of deposit; rules.—The sum so deposited shall be held by the public survey office, and may be expended by it in payment of the cost of such survey, including field and office work; and any excess over the cost of the survey shall be repaid to the depositor or his legal representative. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this Act[12] into full force and effect. (Apr. 13, 1926, c. 121, § 3, 44 Stat. 244.)

New section. See note to § 379 of this title of the appendix.

Chapter 3.—HAWAII.

THE LEGISLATURE AND LEGISLATIVE POWER

562. Scope of legislative power.—The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, from time to time, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association. No divorce shall be granted by the legislature, unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending on April 30, 1900; nor shall any lottery or sale of lottery tickets be allowed; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed 1 per centum of the assessed value of the property in the Territory or subdivision, respectively as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond 10 per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond 5 per centum of such assessed value of property in the subdivision, but nothing in this chapter shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any issue of bonds or other instruments of any such indebtedness be made after July 1, 1926, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty years from the date of such issue; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States. The legislature may by general act provide for the condemnation of property for public uses, including the condemnation of rights of way for the transmission of water for irrigation and other purposes. (Apr. 30, 1900, c. 339, § 55, 31 Stat. 150; May 27, 1910, c. 258, § 4, 36 Stat. 444; July 9, 1921, c. 42, § 302, 42 Stat. 116; Nov. 23, 1921, c. 134, § 3, 42 Stat. 223; June 9, 1926, c. 512, §§ 1, 2, 44 Stat. 710.)

Section 562 of Title 48 amended.—The provisions of Act of Apr. 30, 1900, as amended, constituting § 562 of Title 48 of the Code, has been again amended by Act of June 9, 1926, c. 512, §§ 1, 2, 44

[10] "Act of May 14, 1898, as amended by the Act of March 3, 1903," should be translated "section 371 of this title of the Code."

[11] "Section 10 of the first-named Act" should be translated "sections 461–465 of this title of the Code."

[12] "This Act" should be translated "sections 379–381 of this title of the appendix."

Stat. 710, entitled "An Act to amend so much of section 55 of the Hawaiian Organic Act as amended by the Hawaiian Homes Commission Act, approved July 9, 1921," to read as above.

Section 1 of Act of June 9, 1926, c. 512, 44 Stat. 710, cited to the text, provided as follows: "That so much of section 55 of the Hawaiian Organic Act as amended by the Hawaiian Homes Commission Act, approved July 9, 1921, which reads: 'and the total indebtedness of any such subdivision shall not at any time be extended beyond 3 per centum of such assessed value of property in the subdivision,' be amended to read as follows: 'and the total indebtedness of any such subdivision shall not at any time be extended beyond 5 per centum of such assessed value of property in the subdivision.'"

Section 2 of Act of June 9, 1926, c. 512, 44 Stat. 710, cited to the text, provided as follows: "That so much of section 55 of the Hawaiian Organic Act, as amended, as reads 'nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof;' is amended by adding at the end thereof the following: 'nor shall any issue of bonds or other instruments of any such indebtedness be made after July 1, 1926, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty years from the date of such issue.'"

The changes have been incorporated in the text.

Chapter 4.—PORTO RICO.

THE LEGISLATURE

845. Income tax laws; modification or repeal by legislature.

Section 845 of Title 48 reenacted.—The statutory provision constituting § 845 of Title 48 of the Code, has been reenacted without change by Act of Feb. 26, 1926, c 27, § 261, 44 Stat. 52.

Chapter 5.—THE PHILIPPINE ISLANDS.

THE LEGISLATURE

1055. Income tax laws; modification or repeal by legislature.

Section 1055 of Title 48 reenacted.—The statutory provision constituting § 1055 of Title 48 of the Code, has been reenacted without change by Act of Feb. 26, 1926, § 261, 44 Stat. 52.

TITLE 49.—TRANSPORTATION

Chapter 1.—"INTERSTATE COMMERCE ACT."

20. Reports, records, and accounts of carriers; mandamus; liability of initial carrier for loss, etc.

(11) Liability of initial carrier for loss; limitation of liability; notice and filing of claim.

Paragraph (11) of § 20 of Title 49 amended.—The statutory provisions constituting par. (11) of § 20 of Title 49 of the Code has been amended by Act of July 3, 1926, c. 761, 44 Stat. 835, as follows: "That paragraph (11) of section 20 of the Interstate Commerce Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*And provided further,* That the liability imposed by this paragraph shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed, as in this Act provided.'"

The Interstate Commerce Act, and "this Act," mentioned in the text, constitute chapter 1 of Title 49, Transportation.

Chapter 6.—AIR COMMERCE. [New.]

AIR COMMERCE ACT

Sec.
171. Air commerce; definitions.
172. Promotion of air commerce.
173. Regulatory powers:
(a) Registration of aircraft.
(b) Rating of aircraft as to airworthiness; basis; re-rating.
(c) Examination and rating of airmen.
(d) Examination and rating of air navigation facilities.
(e) Air traffic rules.
(f) Issuance, suspension, and revocation of certificates; procedure in case of denial, suspension, or revocation; hearing; effect of decision.
174. Airspace reservations.
175. Aids to air navigation:
(a) Transfer of airways, facilities, etc., by Postmaster General; expenditure of appropriation.
(b) Establishment of civil airways and navigation facilities; publication of maps; no exclusive right to be granted.
(c) Availability of government facilities for public use.
(d) Sale of fuel and supplies; service and shelter; prices; disposition of receipts.
(f) Effect of Act on designation of military airways; designation of military airway as civil airway; effect of such designation.
176. Foreign aircraft:
(a) Sovereignty of airspace declared; navigation of foreign military aircraft.
(b) Navigation of foreign civil aircraft; authorization; applicability of regulations.
(c) Navigation of foreign civil aircraft; condition of authorization; exemption from regulations; engagement in air commerce.
177. Application of existing laws relating to foreign commerce.
(a) Application of navigation and shipping laws to aircraft.
(b) Designation of ports of entry; detail of officers; application of customs and public health laws.
(c) Application of laws relating to entry and clearance of vessels.
(d) Designation of ports of entry for aliens; detail of officers; application of laws relating to immigration.
178. Powers of Secretary of Commerce; regulations; expenditures; publication of bulletin; acquisition and operation of aircraft, etc.
179. Definitions.
180. Navigable airspace.
181. Offenses; penalties:
(a) Infractions in navigation specified.
(b) Further violations of law; penalties imposable; remission or mitigation; lien; collection; libel proceedings.
(c) Seizure under lien; enforcement; release.
(d) Forging or altering certificate; penalty.
(e) Exhibition of or interference with lights or signals; penalties.
(f) Disposition of penalties.
182. Separability.
183. Time of taking effect.
184. Short title.

AIR COMMERCE ACT

171. Air commerce; definitions.—That as used in this Act,[1] the term "air commerce" means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business. As used in this Act,[1] the term "interstate or foreign air commerce" means air commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through the air space over any place outside thereof; or wholly within the air space over any Territory or possession or the District of Columbia. (May 20, 1926, c. 344, § 1, 44 Stat. 568.)

New section.

Act of May 20, 1926, c. 344, 44 Stat. 568, cited to the text, is entitled "An Act to encourage and regulate the use of aircraft in commerce, and for other purposes."

Section 5 (e) of said Act amends Act of Oct. 1, 1890, § 3, 36 Stat. 653, Title 15, § 313, and may be found in Title 15 of this appendix. The first sentence of § 8 will be found in § 592a of Title 5 of this appendix.

172. Promotion of air commerce.—It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this Act,[1] and for such purpose—

(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.

(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation. (May 20, 1926, c. 344, § 2, 44 Stat. 569.)

New section. See note to § 171 of this title of the appendix.

173. Regulatory powers.—The Secretary of Commerce shall by regulation—

(a) *Registration of aircraft.*—Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered

[1] "This Act" should be translated "sections 171 to 184 of this title of the appendix and § 313 of Title 15 of the appendix."

under this subdivision shall be known as aircraft of the United States.

(b) *Rating of aircraft as to airworthiness; basis; re-rating.*—Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating, the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than eight months after the passage of this Act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, re-rate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

(c) *Examination and rating of airmen.*—Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

(d) *Examination and rating of air navigation facilities.*—Provide for the examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

(e) *Air traffic rules.*—Establish air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

(f) *Issuance, suspension and revocation of certificates; procedure in case of denial, suspension or revocation; hearing; effect of decision.*—Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this Act.[2] Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least ten days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than ten days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision. (May 20, 1926, c. 344, § 3, 44 Stat. 569.)

New section. See note to § 171 of this title of the appendix.

174. Airspace reservations.—The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public safety purposes. The several States may set apart and provide for the protection of necessary airspace reservations in addition to and not in conflict either with airspace reservations established by the President under this section or with any civil or military airway designated under the provisions of this Act.[2] (May 20, 1926, c. 344, § 4, 44 Stat. 570.)

New section. See note to § 171 of this title of the appendix.

175. Aids to air navigation.—(a) *Transfer of airways, facilities, etc., by Postmaster General; expenditure of appropriation.*—Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the airways under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air navigation facilities (except airports and terminal landing fields) used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce, and the established airports and terminal landing fields may be transferred to the jurisdiction and control of the municipalities concerned under arrangements subject to approval by the President. All unexpended balances of appropriations which are available for and which have been allotted for expenditure upon such airways, emergency landing fields, and other air navigation facilities, except airports and terminal landing fields, shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made. No part of such unexpended balances of appropriations shall be used for the purchase or establishment of airports or terminal landing fields.

(b) *Establishment of civil airways and navigation facilities; publication of maps; no exclusive right to be granted.*—The Secretary of Commerce is authorized to designate and establish civil airways and, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along such airways all necessary air navigation facilities except airports; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any civil airway, airport, emergency landing field, or other air navigation facility under his jurisdiction.

(c) *Availability of government facilities for public use.*—Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deems advisable and may by regulation prescribe.

(d) *Sale of fuel and supplies; service and shelter; prices; disposition of receipts.*—The head of any Government department or other independent establishment having jurisdiction

[2] "This Act" should be translated "sections 171 to 184 of this title of the appendix."

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over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

(f) *Effect of Act on designation of military airways; designation of military airway as civil airway; effect of such designation.*—Nothing in this Act[2] shall be construed to prevent the Secretary of War from designating routes in the navigable airspace as military airways and prescribing rules and regulations for the use thereof on routes which do not conform to civil airways established hereunder, or to prevent the Secretary of Commerce from designating any military airway as a civil airway, and when so designated it shall thereupon become a civil airway within the meaning of this Act,[2] and the Secretary of War is hereby authorized to continue the operation of air navigation facilities for any military airway so designated as a civil airway until such time as the Secretary of Commerce can provide for the operation of such facilities. (May 20, 1926, c. 344, § 5, 44 Stat. 370.)

New section. See note to § 171 of this title of the appendix.

176. Foreign aircraft.—(a) *Sovereignty of airspace declared; navigation of foreign military aircraft.*—The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the airspace over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

(b) *Navigation of foreign civil aircraft; authorization; applicability of regulations.*—Foreign aircraft not a part of the armed forces of the foreign nation shall be navigated in the United States only if authorized as hereinafter in this section provided; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 3, unless exempt under subdivision (c) of this section.

(c) *Navigation of foreign civil aircraft; condition of authorization; exemption from regulations; engagement in air commerce.*—If a foreign nation grants a similar privilege in respect of aircraft of the United States, and/or airmen serving in connection therewith, the Secretary of Commerce may authorize aircraft registered under the law of the foreign nation and not a part of the armed forces thereof to be navigated in the United States, and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 3, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce. (May 20, 1926, c. 344, § 6, 44 Stat. 572.)

New section. See note to § 171 of this supplemental title.

Section 3, mentioned in the text, is set out in § 173 of this title of the appendix.

177. Application of existing laws relating to foreign commerce.—(a) *Application of navigation and shipping laws to aircraft.*—The navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

(b) *Designation of ports of entry; detail of officers; application of customs and public health laws.*—The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

(c) *Application of laws relating to entry and clearance of vessels.*—The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) *Designation of ports of entry for aliens; detail of officers; application of laws relating to immigration.*—The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary. (May 20, 1926, c. 344, § 7, 44 Stat. 372.)

New section. See note to § 171 of this title of the appendix.

178. Powers of Secretary of Commerce; regulations; expenditures; publication of bulletin; acquisition and operation of aircraft, etc.—Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this Act[2] and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this Act;[2] (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this Act[2] as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities, except airports, as are necessary

[2] "This Act" should be translated "sections 171 to 184 of this title of the appendix."

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for executing the functions vested in the Secretary of Commerce by this Act.[2] (May 20, 1926, c. 344, § 8, 44 Stat. 573.)

New section. See note to § 171 of this title of the appendix. As noted therein, the first sentence of this section, providing for the appointment of an additional Assistant Secretary of Commerce will be found in chapter 10 of Title 5 of this appendix.

179. Definitions.—As used in this Act—

(a) The term "citizen of the United States" means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and two-thirds or more of the board of directors or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per centum of the voting interest is controlled by persons who are citizens of the United States or its possessions.

(b) The term "United States," when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

(c) The term "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(d) The term "public aircraft" means an aircraft used exclusively in the governmental service.

(e) The term "civil aircraft" means any aircraft other than a public aircraft.

(f) The term "aircraft of the United States" means any aircraft registered under this Act.[2]

(g) The term "airport" means any locality, either of water or land, which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

(h) The term "emergency landing field" means any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft and is not used regularly for the receipt or discharge of passengers or cargo by air.

(i) The term "air navigation facility" includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility, used as an aid to air navigation.

(j) The term "civil airway" means a route in the navigable airspace designated by the Secretary of Commerce as a route suitable for interstate or foreign air commerce.

(k) The term "airman" means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft. (May 20, 1926, c. 344, § 9, 44 Stat. 573.)

New section. See note to § 171 of this title of the appendix.

180. Navigable airspace.—As used in this Act, the term "navigable airspace" means airspace above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 3, and such navigable airspace shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this Act.[2] (May 20, 1926, c. 344, § 10, 44 Stat. 574.)

New section. See note to § 171 of this title of the appendix. Section 3, mentioned in the text, is set out in § 173 of this title of the appendix.

181. Offenses; penalties.—(a) *Infractions in navigation specified.*—It shall be unlawful, except to the extent authorized or exempt under section 6—

(1) To navigate any aircraft within any airspace reservation otherwise than in conformity with the Executive orders regulating such reservation.

(2) To navigate any aircraft (other than a foreign aircraft) in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States; or to navigate any foreign aircraft in the United States.

(3) To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate.

(4) To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate.

(5) To navigate any aircraft otherwise than in conformity with the air traffic rules.

(b) *Further violations of law; penalties imposable; remission or mitigation; lien; collection; libel proceedings.*—Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7, or (2) any customs or public health regulation made under such section, or (3) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(c) *Seizure under lien; enforcement; release.*—Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United

[2] "This Act" should be translated "sections 171 to 184 of this title of the appendix."

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States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

(d) *Forging or altering certificate; penalty.*—Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this Act,[2] or knowingly uses or attempts to use any such fraudulent certificate shall be guilty of an offense punishable by a fine not exceeding $1,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment.

(e) *Exhibition of or interference with lights or signals; penalties.*—Any person (1) who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this Act,[2] or for a true light or signal in connection with an airport or other air navigation facility, or (2) who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or (3) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or (4) who without lawful authority knowingly exhibits any such true light or signal, shall be guilty of an offense punishable by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

[2] "This Act" should be translated "sections 171 to 184 of this title of the appendix."

(f) *Disposition of penalties.*—All penalties paid under this Act,[2] shall be covered into the Treasury as miscellaneous receipts. (May 20, 1926, c. 344, § 11, 44 Stat. 574.)

New section. See note to § 171 of this title of the appendix.

Sections 6 and 7, mentioned in the text, are set out in §§ 176 and 177 of this title of the appendix.

182. Separability.—If any provision of this Act[2] is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby. (May 20, 1926, c. 344, § 12, 44 Stat. 575.)

New section. See note to § 171 of this title of the appendix.

183. Time of taking effect.—This Act[2] shall take effect upon its passage; except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter. (May 20, 1926, c. 344, § 13, 44 Stat. 576.)

New section. See note to § 171 of this title of the appendix.

184. Short title.—This Act[2] may be cited as the "Air Commerce Act of 1926." (May 20, 1926, c. 344, § 14, 44 Stat. 576.)

New section. See note to § 171 of this title of the appendix.

SUPPLEMENTAL LEGISLATION

201. Air Corps; detail of officers to promote civil aviation.—That the President of the United States be, and he is hereby, authorized in his discretion to detail officers of the Air Corps of the Army of the United States to duty under the Secretary of Commerce in connection with the work of promoting civil aviation as provided for in the Air Commerce Act of 1926: *Provided*, That such detail shall not be for a period of more than one year. (July 3, 1926, c. 807, 44 Stat. 915.)

New section. This section is derived from a joint resolution entitled "Joint resolution authorizing the detail of officers of the Army Air Corps to duty with the Commerce Department in connection with the development of civil aviation."

The Air Commerce Act of 1926, mentioned in the text, constitutes §§ 171 to 184 of this title of the appendix.

[2] "This Act" should be translated "sections 171 to 184 of this title of the appendix."

TITLE 50.—WAR

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY.

81. Military surveys and maps.

Section 81 of Title 50 repeated.—The statutory provision constituting § 81 of Title 50 of the Code has been repeated in Act of Apr. 15, 1926, c. 146, Title I, 44 Stat. 272.

Chapter 9.—AIRCRAFT.

154. Purchases by and services to National Advisory Committee for Aeronautics; advertising for proposals.—Hereafter section 3709 of the Revised Statutes of the United States[1] shall not be construed to apply to any purchase or service rendered for the National Advisory Committee for Aeronautics when the aggregate amount involved does not exceed the sum of $50. (Apr. 22, 1926, c. 171, 44 Stat. 314.)

New section.

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[1] "Section 3709 of the Revised Statutes of the United States" should be translated "Section 35 of Title 41, PUBLIC CONTRACTS."

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